

LAWS70037 Royal Commissions and Public Inquiries

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.
Contact:	Lecturers <u>Ms Melinda Richards SC</u> (http://www.law.unimelb.edu.au/staff/Melinda%20Richards) (Coordinator) Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	Royal Commissions and other forms of public inquiries are used by all governments. Inquiries such as the 2009 Victorian Bushfires Royal Commission and the Royal Commission into Institutional Responses to Child Sex Abuse are a frequent response by government to a major issue or event. Most Australian governments also have standing bodies with inquisitorial powers. The Federal Government has a variety of standing commissions, such as the Australian Crime Commission and the Australian Securities and Investments Commission (ASIC). Nearly every state now has a corruption commission, and several have crime commissions and police integrity bodies, all with coercive investigative powers. Coronial inquests occur in every state and territory. Lawyers advising clients affected by these inquiries require a detailed knowledge

	<p>of their procedural rules, administrative and constitutional law, procedural fairness, common law privileges and other rights.</p> <p>This subject will be taught with the assistance of others with experience in public inquiries.</p> <p>This subject is designed to equip students to deal with such inquiries, at any level, whether in government departments, the private bars, working as solicitors, or in corporate law offices or as legal advisers to corporations</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Introduction to public inquiries # Appointment and composition # Supply of information # Power to compel # Limits on the power to compel, including public interest immunity, privilege against self-incrimination and privileges of parliament # Application of administrative law, including procedural fairness and judicial review # The role of counsel assisting # Legal representation and assistance # Contempt # Reopening of completed inquiries # Reform.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have a grasp of the laws that govern the establishment and conduct of all forms of public inquiries, in particular royal commissions # Understand the role played by the main forms of public inquiries in the Australian system of government and administration # Understand the difference between the adversarial and inquisitorial methods of inquiry # Understand the relevance of administrative and constitutional law in relation to the conduct of public inquiries, including the advantages and disadvantages of judicial review in safeguarding the rights of individuals # Understand the case for reform of the law governing public inquiries # Be aware of, and able to assess, the relevance of the experience of the law of public inquiries in other comparable countries.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (20-23 January 2017) or 10,000 word research paper (100%) (13 February 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70037/2016</p>
Related Course(s):	<p>Graduate Diploma in Government Law Graduate Diploma in Legal Studies Master of Laws Master of Public and International Law</p>