

Victoria University of Wellington



## MASTER OF PUBLIC MANAGEMENT PROGRAMME

**MMPM 502**

### LAW IN THE PUBLIC SECTOR

(Second Trimester Course – 15 points)

#### 2005 COURSE OUTLINE

#### Co-ordinators:

##### **Dr Andrew Ladley**

Room RLWY 309, Railway Station, Pipitea Campus

Phone: (04) 463 - 6834

Fax: (04) 463 - 7413

Email: [Andrew.ladley@vuw.ac.nz](mailto:Andrew.ladley@vuw.ac.nz)

##### **Nicola White**

Room RLWY 307, Railway Station, Pipitea Campus

Phone: (04) 463 - 7481

Fax: (04) 463 - 7413

Email: [nicola.white@vuw.ac.nz](mailto:nicola.white@vuw.ac.nz)

#### Administrator:

##### **Darren Morgan**

Room RH 802, Rutherford House, Pipitea Campus

Phone: (04) 463 - 5458

Fax: (04) 463 - 5454

Email: [darren.morgan@vuw.ac.nz](mailto:darren.morgan@vuw.ac.nz)

#### Module Dates, Times and Locations

Module Four:	Wednesday 24 August 2005	8.30am – 6.00pm
Module Five:	Wednesday 12 October 2005	8.30am – 6.00pm
Module Six:	Wednesday 16 November 2005	8.30am – 6.00pm

#### Locations:

Pipitea Campus.

Rooms will be advised prior to each module.

## Course Objectives

The aim of this course is to examine key working concepts of law relevant to the public service. Particular attention is given to the legal and constitutional context. Case examples form an important part of the course.

The goal is that students better develop:

- understanding of the main features of Cabinet and parliamentary government;
- understanding of the relationships between legal rules, political structures, Cabinet and other administrative decision making processes, and policy outcomes;
- ability to analyse problems and seek solutions in a setting governed by public law and other rules of public administration;
- capacity to explain and evaluate central governmental policy and decision making systems;
- knowledge of the subjects selected for individual research.

## Readings

Core readings will be distributed. These are minimum readings. They should be supplemented by a range of material available in libraries and on the internet, as relevant to particular topics of interest. An extended list of possible readings and other references is also provided to assist students wishing to read more widely.

## Course Content

The course is divided into three sections, each taught over a full day.

**Day One** will focus on the legal context for public service management. It will cover:

- The roles of the three branches of government and the relationship between them;
- The operation of the executive branch of government
- The sources of law and forms of accountability relevant to public service activity;
- The concept of the rule of law;
- The role and legal effect of the Treaty of Waitangi;
- The role of international law.

**Day Two** will provide an overview of the main legal concepts with which public service managers should be familiar. It will introduce:

- The main tools of legal reasoning, including statutory interpretation and the role of the common law;
- Some fundamental concepts in the New Zealand legal system;
- The main statutes that govern public sector activity, including the State Sector Act, Public Finance Act, Ombudsmen Act, Official Information Act, Regulations (Disallowance) Act and New Zealand Bill of Rights Act;
- The main concepts of administrative law, including judicial review processes and the concept of ultra vires activity.

**Day Three** will look at law in practice for the public service, through a series of case studies. The case studies are chosen to draw out the interplay between legal and other rules operating in the public sector, and the effect of various rules on the management of public policy issues.

## **Assessment**

The assessment entails:

1. attendance at all lectures (unless excused for good cause), and
2. a research essay.

Grading for the first component is pass/fail.

The grade for the research essay will provide 100% of the grade for this course.

If you have difficulties meeting the course requirements because of personal problems you should see Andrew or Nicola as soon as possible.

## **Research Essay Aim**

The aim of the research essay is to produce an articulate discussion of a defined problem or area, which displays understanding and application of the core concepts covered in the course, original thinking, and a high level of research and writing skills.

Students should also refer to the description of the assessment criteria below.

Please note that plagiarism is unacceptable (see the University's general rules, which include comments on this topic).

## Research Essay Topics

You are asked to research and present a research essay on an agreed topic examining relevant issues relating to the operation of legal and other rules in the public sector. These can be focused case studies or larger topics on selected subject areas (e.g. key issues in health reforms). You should produce ideas, discuss topics and finalise proposals in consultation with a course supervisor.

- You are required to present a **short written outline** of your proposed essay topic by Wednesday 31 August (1 week after the teaching session on Wednesday 24 August);
- A **draft** of the research essay is due on Monday 17 October;
- The **final** essay is due on Monday 28 November.

The essays should not be longer than 6,000 words, including footnotes. Please refer to relevant *Writing Guides* for help with planning and acknowledging sources.

You should of course discuss your topic – this can be done by email discussion, on the telephone, or in person. Please contact Barbara Gillespie at the Institute of Policy Studies to make an appointment: [barbara.gillespie@vuw.ac.nz](mailto:barbara.gillespie@vuw.ac.nz) or (04) 463 5307.

It is particularly in your interests to comply with the requirement to submit a draft.

*Please note that you are not permitted to interview politicians or any other for formal research purposes without first obtaining permission from a Course Coordinator – and it may be necessary to get permission from the University Ethics Committee. Thus, if you plan to interview, you must discuss this with Andrew or Nicola as soon as possible.*

## Workload

The University norm for a 15-point, 500-level, one-trimester course is about 6-8 hours per week.

## Assessment Criteria

To assist students, the following is a broad description of the grading system used in this course:

**A range:** displaying very good levels of technical scholarship (writing, research, accurate referencing and analysis), originality (i.e. interesting thoughts and ideas advanced which are the candidate's, well-argued and positioned relative to the literature and issues) and coverage of the chosen topic in a "coherently integrated" paper (meaning it has clear - but not obsessive - linkages between title, objectives, coverage and conclusion).

**B range:** displaying good levels of technical scholarship and solid understanding of the chosen topic and materials, and is well-located in the literature, but with a number of the higher range measures not sufficiently met.

**C range:** adequate technical scholarship (e.g. no major defects or gaps in expression, research, etc); reasonable understanding of materials; not much fresh thinking brought to the paper or area.

**D and below:** insufficient attention to technical scholarship (e.g. poor expression, many spelling mistakes, poor referencing to literature, major gaps in what was read); poor understanding of materials or issues; no real attempt made to produce an “integrated” paper.

From these broad descriptions, it should be clear that the course expects and rewards good expression, as well as good understanding of the issues.

**Please send / hand-in all assignments to:**

Francine McGee,  
School of Government,  
Victoria University of Wellington,  
Level 8 Reception,  
Rutherford House,  
23 Lambton Quay,  
P.O. Box 600,  
Wellington.

**Students should keep a copy of all submitted work.**

## **Deadlines**

The ability to plan for and meet deadlines is a core competency of both advanced study and public management. Failure to meet deadlines disrupts course planning and is unfair on students who do submit their work on time. It is expected therefore that you will complete and hand in the outlines, draft and the final essay by the due date. Marks will be deducted at the rate of five for every working day by which the final essay is late (weekends and public holidays excluded) and no assignments will be accepted after five working days beyond the date they are due. For out of town students, two calendar days' grace is given to allow for time in the post.

If ill-health, family bereavement or other personal emergencies prevent you from meeting the deadline for submitting a piece of written work or from attending class to make a presentation, you can apply for and may be granted an extension to the due date. You should let your course coordinator know as soon as possible in advance of the deadline if you are seeking an extension.

## **Penalties**

Material must be submitted on or before the due dates. Extensions will only be granted to those who meet the University's aegrotat rules, viz. a medical certificate, or personal bereavement, or critical personal circumstances involving the health of a close relative, or exceptional circumstances beyond your control. Late essays must be handed to Andrew Ladley or to the Programme Administrator who will record the date and time it was received. Essays not handed in by the due date or by the date of the extension will have their mark out of 100 reduced by 5% for each day the essay was late. These rules ensure that students who submit their work on time are not disadvantaged.

## **Faculty of Commerce and Administration Offices**

### Railway West Wing (RWW) - FCA Student Administration Office

The Student Administration Office is located on the ground and first floors of the Railway West Wing. The ground floor counter is the first point of contact for general enquiries and FCA forms. Student Administration Advisers are available to discuss course status and give further advice about FCA qualifications.

### Easterfield (EA) - FCA/Law Kelburn Office

The Kelburn Campus Office for the Faculties of Commerce & Administration and Law is situated in the Easterfield Building - it includes the ground floor reception desk (EA 005) and offices 125a to 131 (Level 1). The office, will be open from 9:00am to 5:00pm during Trimester 2, offers the following:

- Duty tutors for student contact and advice.
- Information concerning administrative and academic matters.
- FCA Student Administration forms (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

Please note:

There will be a Student Administration Adviser, from the RWW office, based in EA 005 from Monday 27 June to Friday 1 July (9:00am to 5:00pm) and from Monday 4 July to Friday 22 July (11:00am to 1:00pm).

## General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly those regarding assessment and course of study requirements, and formal academic grievance procedures.

### Student Conduct and Staff Conduct

The Statute on Student Conduct together with the Policy on Staff Conduct ensure that members of the University community are able to work, learn, study and participate in the academic and social aspects of the University's life in an atmosphere of safety and respect. The Statute on Student Conduct contains information on what conduct is prohibited and what steps can be taken if there is a complaint. For queries about complaint procedures under the Statute on Student Conduct, contact the Facilitator and Disputes Advisor. This Statute is available in the Faculty Student Administration Office or on the website at [www.vuw.ac.nz/policy/StudentConduct](http://www.vuw.ac.nz/policy/StudentConduct). The policy on Staff Conduct can be found on the VUW website at [www.vuw.ac.nz/policy/StaffConduct](http://www.vuw.ac.nz/policy/StaffConduct).

### Academic Grievances

If you have any academic problems with your course you should talk to the tutor or lecturer concerned or, if you are not satisfied with the result of that meeting, see the Head of School or the Associate Dean (Students) of your Faculty. Class representatives are available to assist you with this process. If, after trying the above channels, you are still unsatisfied, formal grievance procedures can be invoked. These are set out in the Academic Grievances Policy which is published on the VUW website at [www.vuw.ac.nz/policy/AcademicGrievances](http://www.vuw.ac.nz/policy/AcademicGrievances).

### Academic Integrity and Plagiarism

Academic integrity is about honesty – put simply it means **no cheating**. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. Plagiarism is **prohibited** at Victoria.

The University defines plagiarism as follows:

Plagiarism is presenting someone else's work as if it were your own, whether you mean to or not.

*'Someone else's work' means anything that is not your own idea, even if it is presented in your own style. It includes material from books, journals or any other printed source, the work of other students or staff, information from the Internet, software programmes and other electronic material, designs and ideas. It also includes the organization or structuring of any such material.*

### ***Plagiarism is not worth the risk.***

Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct ([www.vuw.ac.nz/policy/studentconduct](http://www.vuw.ac.nz/policy/studentconduct)) and may be penalized severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning
- suspension from class or university
- cancellation of your mark for an assessment or a fail grade for the course.

*Find out more about plagiarism and how to avoid it, on the University's website at [www.vuw.ac.nz/home/studying/plagiarism.html](http://www.vuw.ac.nz/home/studying/plagiarism.html).*

### **Students with Disabilities**

The University has a policy of reasonable accommodation of the needs of students with disabilities. The policy aims to give students with disabilities an equal opportunity with all other students to demonstrate their abilities. If you have a disability, impairment or chronic medical condition (temporary, permanent or recurring) that may impact on your ability to participate, learn and/or achieve in lectures and tutorials or in meeting the course requirements, then please contact the Course Coordinator as early in the course as possible. Alternatively you may wish to approach a Student Adviser from Disability Support Services to confidentially discuss your individual needs and the options and support that are available. Disability Support Services are located on Level 1, Robert Stout Building, telephone 463-6070 or email [disability@vuw.ac.nz](mailto:disability@vuw.ac.nz). The name of your School's Disability Liaison Person can be obtained from the Administrative Assistant or the School Prospectus.

### **Student Support**

Staff at Victoria want students' learning experiences at the University to be positive. If your academic progress is causing you concern, please contact the relevant Course Co-ordinator, or Associate Dean who will either help you directly or put you in contact with someone who can.

The Student Services Group is also available to provide a variety of support and services. Find out more at [www.vuw.ac.nz/st\\_services/](http://www.vuw.ac.nz/st_services/) or email [student-services@vuw.ac.nz](mailto:student-services@vuw.ac.nz).

VUWSA employs two Education Coordinators who deal with academic problems and provide support, advice and advocacy services, as well as organising class representatives and faculty delegates. The Education Office is located on the ground floor, Student Union Building, telephone (04) 463 - 6983 or (04) 463 – 6984 or email [education@vuwsa.org.nz](mailto:education@vuwsa.org.nz).



## **Maori and Pacific Mentoring programme (Manaaki Pihipihinga)**

This is a free programme of mentoring for Maori and Pacific students doing first year courses within the Faculty of Commerce and Administration. Weekly one hour mentoring sessions: drafting and editing assignments/discussing any questions that you might have from tutorials or lectures and going over every aspect of essay writing, either in small group sessions or on a one-to-one basis.

This includes:

- A computer suite hooked up to cyber commons for students to use to produce their assignments.
- Regular skill-based workshops with a learning adviser from Student Learning Support Services.
- Networking with other Maori and Pacific support groups throughout the university.

For more information please contact:

Melissa Dunlop, Programme Coordinator

Telephone (04) 463 - 6015 or email [Maori-Pacific-Mentoring@vuw.ac.nz](mailto:Maori-Pacific-Mentoring@vuw.ac.nz)