

School of Government

**MMPM 502 / MAPP 531
LAW IN THE PUBLIC SECTOR
(15 Points)**

Trimester 2 / 2009

COURSE OUTLINE

Names and Contact Details

Course Coordinator: **Dr Matthew Palmer**
Deputy Solicitor-General (Public Law)
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And **Jessie Williams**
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Administrator: **Darren Morgan**
Room RH 821, Level 8, Rutherford House, Pipitea Campus
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Email: darren.morgan@vuw.ac.nz

Office Hours: 8.30am to 5.00pm, Monday to Friday

Trimester Dates

Trimester Dates: Monday 13 July to Saturday 14 November 2009

Teaching Period: Monday 6 July to Saturday 24 October 2009

Class Times and Room Numbers

Module One:	Tuesday 7 July 2009	8.30am – 6.00pm
Module Two:	Tuesday 1 September 2009	8.30am – 6.00pm
Module Three:	Tuesday 20 October 2009	8.30am – 6.00pm

Locations:

Classes will be held on the Pipitea Campus of Victoria University in Wellington and you will be advised of your classroom one week prior to each module by email.

Withdrawal Dates

Students giving notice of withdrawal from this course after **Monday 20 July 2009** will NOT receive a refund of fees.

Students giving notice of withdrawal from this course after **Monday 12 October 2009** are regarded as having failed the course, unless the Associate Dean subsequently gives approval to withdraw.

Notice of withdrawal must be in writing / emailed to the Masters Administrator. Ceasing to attend or verbally advising a member of staff will NOT be accepted as a notice of withdrawal.

Course Content

The course is divided into three sections, each taught over a full day. **Students are expected to have read in advance, and will be questioned on, all the readings for each module.**

Module One: New Zealand's Constitution and Government will focus on the principles underlying New Zealand's constitution, and how it operates in practice. It will cover:

- What is a constitution, its sources and elements? How does New Zealand's constitution change?
- The structure and composition of Parliament and the judiciary;
- What is a government? The Sovereign, elections, formation and dissolution of government;
- The operation of executive government in practice and principle: ministerial responsibility; collective responsibility; public servants; the wider state sector; local government.

Module Two: Law will focus on what law is and how it is made and interpreted. It will cover:

- What is law? What is the rule of law?
- How are each of the following forms of law made and interpreted and what checks are there on its power? - Regulations, common law, legislation.
- A case study: the legal status of the Treaty of Waitangi;
- Parliament v the courts: who is supreme?

Module Three: Government and Law will look at the practical operation of law in particular areas that are important to the operation of government and to public servants. It will cover:

- The law of judicial review;
- Employment law;
- The New Zealand Bill of Rights Act 1990;
- International law;
- Law and policy

Course Learning Objectives

This course examines key working concepts of ‘public law’ relevant to the public service.

The goal is that course participants better develop:

- understanding of the principles underlying New Zealand’s constitution;
- understanding of the practice of the operation of government within the law;
- 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;
- understanding of the main areas of law relevant to state sector administration;
- ability to analyse problems and seek solutions in a setting governed by public law and other rules of public administration;
- interaction with fellow participants, including listening and learning from the examples they bring to the course;
- research, writing, and ‘question-answering’ skills through the assessment process.

Course Delivery

This course is delivered in a modular format, which includes a minimum of 24 hours contact. The 24 hours are broken up into three separate days of eight hours each (a ‘module’). There are three modules in the course with approximately five to six weeks between each module. Attendance is required at all three modular teaching days (8.30am – 6.00pm).

Expected Workload

The learning objectives set for each course are demanding and, to achieve them, candidates must make a significant commitment in time and effort to reading, studying, thinking, and completion of assessment items outside of contact time. Courses vary in design but all require preparation and learning before the first module. Regular learning is necessary between modules (students who leave everything to the last moment rarely achieve at a high level). Expressed in input terms, the time commitment required usually translates to 65-95 hours (excluding class contact time) per course.

Group Work

No group work is required outside of class meetings, and there is no assessment associated with in-class group work.

Readings

You are provided with course materials which are the essential readings for this course. The readings for the first module comprise the first book; the rest of the readings will follow.

The text that is closest in approach to the way in which the course is conceived and taught is, unsurprisingly, Geoffrey Palmer and Matthew Palmer, *Bridled Power: New Zealand's Constitution and Government* (4th ed., OUP, 2004). It is not required, but is recommended.

Other valuable (and expensive) legal texts are: Philip Joseph, *Constitutional and Administrative Law in New Zealand* (3rd ed., 2007); and John Burrows and Ross Carter, *Statute Law in New Zealand* (4th ed., 2009).

Materials and Equipment

This course uses **Blackboard**, Victoria University's online environment that supports teaching and learning by making course information, materials and learning activities available online via the Internet.

To access the Blackboard site for this course:

1. Go to the Victoria University website at www.victoria.ac.nz and select "myVictoria" (in the blue box on the right hand side of the page) to go to the myVictoria student web portal.
2. Log in to MyVictoria using your SCS Username (on your Confirmation of Study) and your password (if you've never used the Victoria University computer facilities, your initial password is your student ID number, on your Confirmation of Study, Fees Assessment or student ID card - you may be asked to change it once you've logged in for the first time).
3. Once you have logged in, select "Blackboard" (from the options along the top of the page) to go to the main Blackboard page.
4. The "My Courses" section displays what courses you have access to (only courses that are actually using Blackboard will be displayed), so select "09.2.MMPM502-MAPP531: Law in the Public Sector" for the Blackboard site for this course.
5. If you have any problems, you should contact the SCS Helpdesk on (04) 463 5050.

You are recommended to ensure that your computer access to Blackboard is working before the course starts.

Assessment Requirements

Attendance and reasonable participation at each class is a requirement. It is not graded, but appreciably good or poor participation will be taken into account in the event that the overall mark for the course (e.g. 74%) is on the cusp between two grades (e.g. B+/A-).

25% Class Test: There will be a short answer test on **Monday 13 July 2009** comprised of short answer questions across module 1. The questions will be put up on Blackboard at 6.00pm; answers are to be submitted BY EMAIL to jessie.williams@vuw.ac.nz by 8.00pm. This test should only take an hour.

25% Class Test: There will be a short answer test on **Tuesday 27 October 2009** comprised of short answer questions across all modules. The questions will be put up on Blackboard at 6.00pm; answers are to be submitted BY EMAIL to jessie.williams@vuw.ac.nz by 8.00pm. This test should only take an hour.

50% Research Paper: A 4,000 word research paper on a topic of the student's choice relating to the course content due on **Thursday 29 October 2009 by 5.30pm**. Please submit research papers BY EMAIL to jessie.williams@vuw.ac.nz. Marks will be awarded for: originality and quality of analysis; demonstrated awareness of the interaction of law and government; and structure and writing style. Matthew will discuss research question with students individually.

For all three pieces of assessment, Jessie will notify you only if she does NOT receive your assignment. Make sure you save a copy of your work, and that you retain a copy of the email containing the test/research assignment. If you're email host does not save sent messages, when sending the email to Jessie, cc it to yourself.

Note: Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Mandatory Course Requirements

Submit or participate in all pieces of assessment required for this course.

Class Attendance

The School expects you to attend all three modules for the course. If, before enrolment for a course, you are aware that you will not be able to attend a module, you must notify the Director of Master's Programmes when you enrol explaining why you will not be able to attend. The Director of Master's Programmes will consult with the relevant course coordinator. In such circumstances, you may be declined entry into a course.

If you become aware after a course starts that you will be unable to attend a module or a significant part of a module (i.e. more than two hours in any given day), you must advise the course coordinator before the module explaining why you will be unable to attend. The course coordinator may excuse you from attendance and may also require you to complete compensatory work relating to the course content covered during your absence.

Deadlines and Failure to Meet Due Dates

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 assignments by the due date. Marks will be deducted at the rate of five per cent for every day by which the assignment is late and no assignments will be accepted after five working days beyond the date they are due. For example, if you get 65% for an assignment, but you handed it in on Monday when it was due the previous Friday, you will get a mark of 50%.

If ill-health, family bereavement or other personal circumstances beyond your control 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 circumstances permit) if you are seeking an extension. Where an extension is sought, evidence, by way of a medical certificate or similar, may be required by the course coordinator.

Communication of Additional Information

Additional information may be provided in class, by email, or on Blackboard. Please make sure that both Jessie and the administrator (Darren Morgan) are made aware of any new email addresses.

Blackboard will be used both as an archive of course related information and announcements, but also as a discussion forum. This will greatly assist in your learning. Please be aware, that like the class environment, this will be governed by Chatham House rule (comments on it may not be attributed to any individual).

Other Information

For the following important information follow the links provided:

Academic Integrity and Plagiarism

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

General University Policies and Statutes

<http://www.victoria.ac.nz/home/about/policy/academic.aspx>

Faculty of Commerce and Administration Offices

<http://www.victoria.ac.nz/fca/studenthelp/Contactus.aspx>

Manaaki Pihipihinga Programme

http://www.victoria.ac.nz/st_services/mentoring/