

**School of Government**

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

**Trimester 2 / 2012**

**COURSE OUTLINE**

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**Names and Contact Details**

**Course Coordinator & Lecturer:** **Una Jagose**  
Crown Counsel  
Crown Law Office  
Telephone: (04) 494 5580  
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**Administrator:** **Darren Morgan**  
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**School Office Hours:** 8.30am to 5.00pm, Monday to Friday

**Trimester Dates**

From Tuesday 10 July to Wednesday 31 October 2012

**Withdrawal from Course**

Formal notice of withdrawal must be in writing on a Course Add/Drop form (available from either of the Faculty's Student Customer Service Desks) or emailed to the course Administrator. Not paying your fees, ceasing to attend lectures or verbally advising a member of staff will NOT be accepted as a formal notice of withdrawal.

1. Your fees will be refunded if you withdraw from this course on or before **Friday 27 July 2012**.

2. The standard last date for withdrawal from this course is **Friday 5 October 2012**. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an ‘*Application for Associate Dean’s Permission to Withdraw Late*’ including supporting documentation. The application form is available from either of the Faculty’s Student Customer Service Desks.

### **Class and Assessment Times, and Room Numbers**

<b>Module One:</b>	Tuesday 10 July 2012	8.30am – 6.00pm
<b>Online Class Test One:</b>	Monday 16 July 2012	6.00pm – 8.00pm
<b>Module Two:</b>	Tuesday 28 August 2012	8.30am – 6.00pm
<b>Online Class Test Two:</b>	Monday 3 September 2012	6.00pm – 8.00pm
<b>Module Three:</b>	Tuesday 23 October 2012	8.30am – 6.00pm
<b>Research Paper Assignment:</b>	Wednesday 31 October 2012	5.00pm

**Attendance is required at all three modular teaching days**

**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. The timetable is also available to view on the Victoria University website ([www.victoria.ac.nz/timetables/](http://www.victoria.ac.nz/timetables/)).

### **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: Government**

The principles underlying New Zealand’s constitution, and how it operates in practice:

- What is a Constitution, its sources and elements?
- How does New Zealand’s constitution change?
- What is the Separation of Powers?
- What is the structure and composition of Parliament and the Judiciary?
- What is a Government? How are Governments formed and dissolved?
- How does Executive Government operate in practice and principle: ministerial responsibility; collective responsibility; public servants; the wider state sector.

#### **Module Two: Law**

An introduction to the practical operation of law in particular areas important to the operation of government:

- The law of judicial review; what is it, how will the Court scrutinise executive decision making, how do constitutional principles (e.g. parliamentary supremacy, the separation of powers) play out in judicial review?

- The New Zealand Bill of Rights Act 1990; what does a NZBORA claim look like and what impact can it have on executive decision making? How does the Human Rights Review Tribunal operate and how is its power different from that of the Court in judicial review.
- Non-litigation Options: Parliamentary Oversight of executive decision making, the requirements and effects of the Official Information Act 1982 and the role of the Ombudsmen.

### **Module Three: Government and Law**

How law affects government in principle and practice:

- What is law?
- What is the Rule of Law?
- How is law made, applied and interpreted and by whom?
- What is the difference between legal and policy analysis?
- Parliament v the Courts: Who is “Supreme”?
- A case study: Canterbury Earthquakes Recovery Acts.

### **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 day-long lectures (three ‘modules’), with approximately seven weeks between each module. **Attendance is required at all three modular teaching days (8.30am – 6.00pm).**

The teaching style will be a mixture of interactive lecturing and gentle Socratic questioning. Full student participation in class discussion is expected.

## **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 day of the course. Regular learning is necessary between modules.

Preparation and learning **before** each module is essential. Students who leave their preparation to the last moment rarely achieve at a high level. Expressed in input terms, the time commitment required should translate to approximately 150 hours for the course, which *might* be broken down as:

3 x 12 hours preparation for classes	= 36 hours
3 x 8 hours of class time	= 24 hours
2 x 12 hours of test preparation	= 24 hours
2 x 1 hour of test time	= 02 hours
Assignment topic identification	= 08 hours
Assignment research	= 28 hours
Assignment writing	= 28 hours

## **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 text that is closest in approach to the way in which the course is conceived and taught is Geoffrey Palmer and Matthew Palmer, *Bridled Power: New Zealand's Constitution and Government* (4<sup>th</sup> 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* (3<sup>rd</sup> ed., 2007); and John Burrows and Ross Carter, *Statute Law in New Zealand* (4<sup>th</sup> ed., 2009).

## **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-). Attendance at a class will only be excused for exceptional circumstances, and only for one of the three classes.

**25% Class Test 1:** There will be a short answer test on **Monday 16 July 2012** 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 [paula.merwood@crownlaw.govt.nz](mailto:paula.merwood@crownlaw.govt.nz) by 8.00pm. This test should only take an hour.

*25% Class Test 2:* There will be a short answer test on **Monday 3 September 2012** comprised of short answer questions across module 2. The questions will be put up on Blackboard at 6.00pm; answers are to be submitted BY EMAIL to [paula.merwood@crownlaw.govt.nz](mailto:paula.merwood@crownlaw.govt.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 by **5.00pm on Wednesday 31 October 2012**. Please submit your research paper BY EMAIL to [paula.merwood@crownlaw.govt.nz](mailto:paula.merwood@crownlaw.govt.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. Una is available to discuss research topics with students individually.

*For all three pieces of assessment, Paula 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 your email host does not save sent messages, when sending the email to Paula, cc it to yourself.*

Marks for the tests will be available before the next module class is held.

### **Quality Assurance 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 FCom programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

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

### **Class Attendance**

**Attendance is required at all three modular teaching days**

If, before enrolment for a course, you are aware that you will not be able to attend for part of a day, 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 significant part of a day (i.e. more than two hours), you must advise the course coordinator 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.

## **Penalties**

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.

## **Mandatory Course Requirements**

You must submit or participate in all pieces of assessment required for this course.

## **Communication of Additional Information**

This course uses **Blackboard**, Victoria University's online environment that supports teaching and learning by making course information, materials and other learning activities available via the internet through the myVictoria student web portal.

To access the Blackboard site for this course:

1. Open a web browser and go to [www.myvictoria.ac.nz](http://www.myvictoria.ac.nz) .
2. Log into myVictoria using your ITS Username (on your Confirmation of Study) and password (if you've never used the Victoria University computer facilities before, 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 when you log in for the first time).
3. Once you've logged into myVictoria, select Blackboard (from the options along the top of the page) to go to your Blackboard homepage.
4. The "My Courses" section displays the courses you have access to – select the appropriate link to access the course-specific Blackboard site. Please note that only courses that are actually using Blackboard and have been made available to students by their respective course coordinator will be displayed.

**NOTE:** Information emailed to you via Blackboard can only be sent to your @myvuw.ac.nz email address (the free email address created for you when you enrol and accessed via the myVictoria student web portal). If you want to receive these emails at your preferred email address (e.g. your home or work email address), it is **essential** that you activate your @myvuw.ac.nz email address before the start of the course and you modify the settings so all emails sent to it are automatically

forwarded to your preferred email address. Please go to [www.victoria.ac.nz/its/student-services/FAQs.aspx#Email\\_Forward](http://www.victoria.ac.nz/its/student-services/FAQs.aspx#Email_Forward) for more information.

**You are recommended to ensure that your computer access to Victoria University’s computer facilities, such as myVictoria, Blackboard and email, is working BEFORE your course starts.** If you have any problems, you should contact the ITS Helpdesk on (04) 463 5050 or [its-service@vuw.ac.nz](mailto:its-service@vuw.ac.nz) , or visit the Helpdesk on level 2 of the Railway West Wing, Pipitea Campus. See [www.victoria.ac.nz/its/student-services/](http://www.victoria.ac.nz/its/student-services/) for more information.

## **Academic Integrity, Plagiarism, and the Use of Turnitin**

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, you must still acknowledge your sources fully and appropriately. This includes:

- material from books, journals or any other printed source
- the work of other students or staff
- information from the Internet
- software programs and other electronic material
- designs and ideas
- the organisation or structuring of any such material.

Acknowledgement is required for all material in any work submitted for assessment unless it is a ‘fact’ that is well-known in the context (such as “Wellington is the capital of New Zealand”) or your own ideas in your own words. Everything else that derives from one of the sources above and ends up in your work – whether it is directly quoted, paraphrased, or put into a table or figure, needs to be acknowledged with a reference that is sufficient for your reader to locate the original source.

Plagiarism undermines academic integrity simply because it is a form of lying, stealing and mistreating others. Plagiarism involves stealing other people’s intellectual property and lying about whose work it is. This is why plagiarism is prohibited at Victoria.

If you are found guilty of plagiarism, you may be penalised under the Statute on Student Conduct. You should be aware of your obligations under the Statute, which can be downloaded from the policy website ([www.victoria.ac.nz/home/about/policy/students.aspx](http://www.victoria.ac.nz/home/about/policy/students.aspx)). You could fail your course or even be suspended from the University.

Plagiarism is easy to detect. The University has systems in place to identify it.

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine [www.turnitin.com](http://www.turnitin.com) . Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

There is guidance available to students on how to avoid plagiarism by way of sound study skills and the proper and consistent use of a recognised referencing system. This guidance may be found at the following website: [www.victoria.ac.nz/home/study/plagiarism.aspx](http://www.victoria.ac.nz/home/study/plagiarism.aspx) .

If in doubt, seek the advice of your course coordinator.

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

### **For the following important information, follow the links provided**

#### **Academic Integrity and Plagiarism**

[www.victoria.ac.nz/home/study/plagiarism.aspx](http://www.victoria.ac.nz/home/study/plagiarism.aspx)

#### **General University Policies and Statutes**

Find key dates, explanations of grades and other useful information at

[www.victoria.ac.nz/home/study](http://www.victoria.ac.nz/home/study)

Find out about academic progress and restricted enrolment at

[www.victoria.ac.nz/home/study/academic-progress.aspx](http://www.victoria.ac.nz/home/study/academic-progress.aspx)

The University's statutes and policies are available at [www.victoria.ac.nz/home/about/policy](http://www.victoria.ac.nz/home/about/policy) , except qualification statutes, which are available via the Calendar webpage at

[www.victoria.ac.nz/home/study/calendar.aspx](http://www.victoria.ac.nz/home/study/calendar.aspx) (See Section C).

Further information about the University's academic processes can be found on the website of the Assistant Vice-Chancellor (Academic) at

[www.victoria.ac.nz/home/about\\_victoria/avcacademic/default.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/default.aspx)

#### **AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support**

[www.victoria.ac.nz/home/about\\_victoria/avcacademic/Publications.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx)

#### **Faculty of Commerce Office**

[www.victoria.ac.nz/fcom/studenthelp/](http://www.victoria.ac.nz/fcom/studenthelp/)

#### **Te Putahi Atawhai**

#### **Maori and Pacific Mentoring Programme**

[www.victoria.ac.nz/tpa/](http://www.victoria.ac.nz/tpa/)