

## **Please note the following points**

- **Contacts – see page 6.**

The dedicated faculty contact person, Samantha Howlett, should be the first point of contact for administrative enquiries – particularly enrolment problems. She will be able to forward your queries to the appropriate person to avoid delays.

Drs Herr and Patmore have mobile contact numbers and are also available during business hours to address queries.

- **Enrolments.**

Enrolment forms are attached to this document and should be completed and returned as soon as possible. This should ensure that you are formally enrolled by the time you arrive. Any delays will mean you will not be able to access the university sites, although if you have not completed enrolment forms this can be done during the course. Please ensure you provide correct email and contact addresses to your supervising clerks as you may need to be contacted if there are queries on your enrolment forms.

- **New Zealand enrolments.**

For our New Zealand colleagues it is important to ensure that you have New Zealand citizenship. Residency permits are insufficient to keep the ‘friendly’ fees and enrolment sections of the university happy.

- **Dates.**

The course runs from Thursday 29<sup>th</sup> June to Tuesday 4<sup>th</sup> July. For those able to arrive in time on Wednesday welcome drinks will be held at the Law Faculty staff room from 6-7:30 PM.

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Unit Outline

Last updated April 2017

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## Intensive Course Timetable (Winter 2017)

### **WEDNESDAY**

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**6PM welcome drinks at the Law Faculty, University of Tasmania**

### **THURSDAY (DAY 1 LAW FACULTY UNIVERSITY OF TASMANIA)**

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#### **Module 1 – Constitutional foundations and framework**

9:10 – 10:00 Welcome to 2016 candidates, IT, library/Mylo introduction and training

10 - 10:30 Morning tea

10:30 – 11 20 **Module 1 - lecture 1 Richard Herr**

Historical development of Westminster government

- Origins of parliament
- Responsible government and the ascendancy of commons
- Democracy and the modern party system

11:30 – 12:00 **discussion**

12:00 – 12:50 **Module 1 - lecture 2 Richard Herr & Peter Patmore**

- Federalism

1:00 – 2:00 Lunch University Club (Speaker to be announced)

2:00 – 2:50 **Module 1 - lecture 3 Peter Patmore**

Nature and content of Constitutions in Australia

- Adoption/adaptation of these principles in Australia
- Sources – British, local legislation and common law

3:00 – 3:50 **Module 1 - lecture 4 Peter Patmore**

- Parliament – structures and powers

4:00 – 5:00 **Tutorial 1** [orientation meeting]

## **FRIDAY (DAY 2 PARLIAMENT HOUSE)**

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### **Module 1 continued**

9:00 – 9:50 **Module 1 - lecture 5 Peter Patmore**

- The executive, including the public service and statutory authorities and their relationship with parliament.
- Judicial review, the judiciary and its relationship with parliament
- The role of the Attorney-General and Solicitor General

10:00 – 11:00 **Module 3 - lecture/workshop 2 – Tom Duncan/Andrew Young**

Parliamentary law, practice and procedure

- Sources of parliamentary law
- Common law, including law and custom of parliament
- Constitution
- Legislation
- Standing rules and orders
- Practice
- Rulings by the chair
- Dissent to rulings

11:00 – 11:15 morning tea

### **Module 3 –Powers and privileges**

11:15 – 12:00 - **Module 3 - lecture/workshop 3 – Tom Duncan/Andrew Young**

- Roles of speaker and clerk
- Limits on resolutions
- Organizing parliamentary business

12:00 – 1:00 **Module 4 - lecture 1 – Tom Duncan/Andrew Young**

- Royal assent and commencement
- Preparation of Bills
- Passage through the parliament
- The role of the upper house in bicameral systems
- The Attorney-General's certificate
- Royal assent and commencement
- Delay of royal assent
- Scrutiny of subordinate legislation
- Special procedures
- Money bills

1:00 –2:00 Lunch

2:00 – 3:30. **Tom Duncan/Andrew Young – Workshop**

**3:30 – 4:45 Clerk's panel**

**7:00 ANZACATT DINNER (venue to be confirmed)**

## ***SATURDAY (DAY 3 PARLIAMENT HOUSE)***

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10:30 – 11:30 **Module 1 - lecture 6 Richard Herr**

The role of the Upper House

11:30 – 11:45 Break.

11:45 – 12:30 **Module 2 Lecture 1 Brendan Gogarty and Richard Pye**

Powers and privileges of parliament

- Introduction, historical origins
- Factual illustrations
- Outline of powers and privileges

12:30 – 2:30 **Lunch [includes Salamanca Market excursion]**

2:30 – 3:20 **Module 2 - lecture 2 Brendan Gogarty and Richard Pye**

- Control exercised by Houses of Parliament
- Power to punish contempt

3:20 – 3:30 break

3:30 – 4:20 **Module 2 - lecture 3 Brendan Gogarty and Richard Pye**

- Freedom of speech
- Statutory abrogation of parliamentary privilege
- Other matters

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## ***SUNDAY (FREE DAY)***

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## ***Monday (Day 4 Law Faculty)***

9:00 – 9:50 **Module 3 - lecture 1 Richard Herr**

Elections and membership of parliament

- Members' roles as representatives
- Electoral law – constitutional basis and parliamentary control
- Elections and election timetable
- Membership qualifications – disputed returns

9:50 – 10:00 Break

10:00 – 10:50 **Module 5 - lecture 1 Richard Herr and Peter Patmore**

- Ministerial responsibility

10:50 – 11:10 Break

11:10 – 12:00 **Module 5 - lecture 2 Richard Herr**

- The role of the opposition – question time, motions of no confidence, urgency motions etc
- The role of the Governor General / Governor

12:10 – 1:00 **Tutorial 2** [Westminster Conventions / Bicameralism, unicameralism and relations between the Houses.]

1:00 – 2:00 lunch

2:00 – 3:30 **Module 5 - lecture 3: Peter Patmore**

4.1 Control of revenue and spending

- Money bills and the role of the upper and lower houses
- Budget process, cycle and documentation
- Revenue measures and committees of Ways and Means
- Appropriation bills and estimates committees

3:30 – 3:45 Break

**3:45 – 4:30 Tutorial 3** [Ministerial Responsibility/Vice Regal Roles]

## **TUESDAY (DAY 5 LAW FACULTY)**

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### **Module 5 part 2**

#### **10:00 – 10:50 Module 5 - lecture 4 Brendan Gogarty**

Scrutiny of the executive and other government agencies

- *Committees and investigations, their structure, procedures and functions*
- *Ombudsmen*
- *Auditor-General*

#### **11:20 – 12:20 Module 5 - lecture 5 Brendan Gogarty**

- *Open government and freedom of information.*
- *Commissions of Inquiry*

**12:20 – 1:00 Tutorial 4** [Electoral Issues / Parliamentary law / Legislative processes and procedures

1:00 – 2:00 lunch

**2:00 – 3:30 Concluding Workshop**

Major report discussion and advice + clear for unfinished business.

## Contacts

### Directors

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#### **Dr Peter Patmore AM (Course Director)**

Email: [ppatmore@utas.edu.au](mailto:ppatmore@utas.edu.au)

Phone: (03) 6226 2066

Mobile: 0407 043 006

Fax: 03 6226 7623

Post: Locked Bag 89, Hobart, Tas, 7001

#### **Dr Richard Herr OAM (Academic Director)**

Email: [R.A.Herr@utas.edu.au](mailto:R.A.Herr@utas.edu.au)

Phone: (03) 6229 3432

Mobile: 0467 666 996

Fax: 03 6226 7623

Post: Locked Bag 89, Hobart, Tas, 7001

### Administration

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#### **Samantha Howlett (Liason Officer)**

Email: [enquiries.law@utas.edu.au](mailto:enquiries.law@utas.edu.au)

Phone: 03 6226 2066

Post: Locked Bag 89, Tas, 7001

#### **Law Library**

Email: [Law.Reference@utas.edu.au](mailto:Law.Reference@utas.edu.au)

Phone: (03) 6226 2063

#### **Enrolments**

Assistance with enrolments or student administration can be obtained at:

- Email: [Student.Centre@utas.edu.au](mailto:Student.Centre@utas.edu.au)
- Phone: 1300 361 928
- <http://www.studentcentre.utas.edu.au/enrolments/index.html>

#### **UTAS Service Desk**

**Assistance with IT, MyLO:**

\* Email: [servicedesk@utas.edu.au](mailto:servicedesk@utas.edu.au)

\* Phone: (03) 6226 1818 or 1300 304 903 (in Tasmania, mobiles excepted)



## Location and Venue

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The winter course is taught at the Sandy Bay Campus of the University of Tasmania. Most lectures (including initial lectures) will be held at the Faculty of Law.

The Law School is at the Sandy Bay Campus, on the corner of Alexander St and Grosvenor Crescent. The School is approximately 10 minutes taxi ride from the city and 30 minutes from Hobart Airport.

Off-site teaching will also occur at Tasmanian Parliament House, Hobart. Parliament House is on the Hobart waterfront, next to Salamanca Place.

## Unit Description

### UNIT DESCRIPTION

This is a postgraduate, 25 point, course designed to provide candidates with an in-depth knowledge of the Australian and New Zealand system of national law and government.

The course is divided up into five parts in the intensive, on-site section followed by off-campus study and assessment:

- **Module 1:** Constitutional Foundations and Framework
- **Module 2:** Powers & Privileges
- **Module 3:** Law, Customs and Procedures
- **Module 4:** Legislation
- **Module 5:** Control, oversight and Scrutiny.

### Aims

The aim of this subject is to provide candidates with a knowledge of, and familiarity with, the fundamentals of parliamentary law and practice in Australia and New Zealand. Candidates will acquire both a theoretical and practical knowledge of the basis and nature of their parliamentary system.

### OBJECTIVES

Candidates who have successfully completed this subject should understand the:

- Constitutional foundations and framework of government;
- The adaptation of federalism principles to Australia;
- The influence of the executive and its role in relation to the public service and judiciary
- The roles of the houses of parliament in both bicameral and unicameral systems;
- The practical aspects of the law, customs and procedures regulating parliamentary business;
- The practical aspects of the legislative process;

- The powers and privileges of parliament;
- Control and oversight mechanisms of parliament.

## **GENERIC GRADUATE ATTRIBUTES**

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This unit will assist you in developing your knowledge of principles of government that relate to your role as a parliamentary clerk.

### **LEARNING EXPECTATIONS AND STRATEGIES**

You are expected to participate actively and positively in the teaching/learning environment. In order to get the most out of this course, you should prepare for lectures and for seminars by having previously read the material provided. You will be expected to contribute to discussions in the lectures and in the tutorials.

It is important to be actively engaged and organised in this subject, completing the prescribed readings, thinking, raising issues, following up points of contention and interest, as well as making an effort to peruse media sources to keep in touch with law and public policy issues which relate to government, but particularly where they relate to the parliament in which you work.

You must strive to maintain steady progress within the unit framework, comply with workload expectations, and submit required work on time. If you have any problems doing this, or need assistance preparing for study, please arrange a meeting with your academic supervisor as soon as possible. Don't leave it too late!

For additional information and assistance in studying for a degree refer to the Learning Development web-site: <http://www.utas.edu.au/learndev/>

### **STUDENT FEEDBACK**

We encourage you to provide feedback on this unit.

## Lectures, Tutorials & Assessment

The principles discussed in this course affect almost all the areas of the professional life of a clerk. The Course will provide an overview of the basic principles that support our system of parliamentary democracy in Australia and New Zealand. It will include both the practical, such as the law, customs and procedures within parliaments, the powers and privileges of parliament to the academic aspects of federalism and the historical development of our responsible government.

You should by the end of this course, have a well-grounded, practical understanding of the principles which govern parliamentary law and practice and an enhancement of your skills to deal with practical problems that arise in a Westminster system parliament.

We therefore encourage and expect candidates to attend all lectures, take their own notes, ask questions and follow up with the relevant readings.

The unit is presented as an intensive course, over a week, at the University of Tasmania, Faculty of Law, and the Parliament of Tasmania.

### Lectures

Lectures will be delivered as part of an intensive course during student's residential stay. They will be taught in fifty minute units in morning (9AM-1:00 PM) and afternoon sessions (2:00 PM-5PM). Lectures will be delivered by lecturers with specific expertise and practical experience in the subjects. An outline of modules and lecture topics is provided below.

### Tutorials and Assessment

The proposed assessment regime for the course is premised upon the following considerations:

- Course workload and assessment will build towards a final written paper, whilst ensuring you connect with the lectures and materials taught as part of the intensive course.
- Apart from the intensive course, we understand that the majority of your studies will be undertaken off-campus in a part-time capacity. We feel it is important to maintain regular contact with you and monitor your progress to ensure you maintain a consistent study pattern.
- As candidates you will have ongoing access to support, feedback and review from lecturers building towards your final assessment.

The assessment regime for this course will therefore utilise an, 'integrated assessment regime'. This combination of tutorials and assessments integrates face-to-face deliberation about hypothetical problems with continued online discussion.

Further details are set out below.

## Tutorials

A number of tutorials and workshops will be run as part of the Intensive Course. Academic staff and parliamentary officers will oversee these tutorials.

The first tutorial will involve general discussion and familiarisation with the tutorial process. The following tutorials will centre upon a hypothetical problem-solving questions relating to issues discussed throughout lectures.

The purpose of the tutorials is to provide a practical insight into the law and theory discussed in lectures. These tutorials are not assessed although you will be expected to attend as part of your residential stay in Hobart.

## Bulletin Board Postings

Some tutorial questions will be posted to an online bulletin board. You will be required to post a short (1-2 paragraph) answer addressing one issue from each tutorial question. You must also post a short response to another student's posting stating whether you agree or disagree or think the situation may be different in your own jurisdiction.

The purpose of these postings is three fold:

- 1) To ensure that candidates retain a connection with the subject matter taught as part of the intensive course;
- 2) To encourage candidates to build upon what they have discussed in tutorials and also to allow them to consider and discuss how those scenarios might differ in their own jurisdictions;
- 3) To keep candidates in contact with each other and with academic coordinators. Candidates have the potential to become isolated from a distance course where there is little or no interaction with other candidates or lecturers and this can become more pronounced over time. Maintaining online discussion about course topics will help engage candidates and ensure they progress towards a final goal.

NB – While the postings do not carry a points contribution to the final assessment, they are a formal requirement of the course and must be submitted to complete the course.

### **Short Assignment**

After the completion of the last of the bulletin-board postings, you will be required to submit a short literature review, not exceeding 2,500 words, to an academic supervisor who has been allocated to you for your major assignment.

The purpose of the short assignment is to provide you with the opportunity to complete a formal piece of independent writing in preparation for your research paper and receive feedback from an academic supervisor.

- The feedback will directly relate to your capacity to complete an academic research paper.
- The assignment may be used to solidify discussion and study during tutorials and bulletin board postings or to explore a concept, theme or issue relevant to your major assignment.
- The word length will ensure the task is not excessively arduous and candidates will be able to draw upon class discussion on bulletin boards dedicated to the topic, as well as notes from the intensive course.
  - The short assignment will be worth 30%.

## Research Paper

The main assessment for this course is a research paper between 5,000 - 8,000 words. Papers outside of the minimum or maximum will not be accepted.

The discussion, reflection and research required as part of the minor assessments will provide you with an insight into issues that might form the topic of a research paper.

- Candidates will be encouraged to discuss possible topics with others and their academic supervisor and then submit a short topic outline and research plan (A4 page) for review and comment.

You must submit the final research paper after submission of the topic outline.

- An academic will mark the paper and effectively referee the paper for academic publication.
- The final paper will be worth 70%

## COURSE ASSESSMENT SUMMARY

Short assignment/literature review – 30%

Internet postings – prerequisite to course completion

Major assignment – 70%

PLAGIARISM (We are required by University By-Laws to provide this section to you).

Plagiarism will not be tolerated in this course. As a matter of policy, any activity which appears to constitute plagiarism will be immediately reported to the Head of School and/or the relevant Faculty Committee for investigation.

You should also consult the university's web page on plagiarism at: <http://www.utas.edu.au/plagiarism/>

## Course Weighting

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Course participants will be fully registered UTas students and will receive an academic transcript of their results, which they may use as credit towards other postgraduate degrees.

- The unit will officially count as 25% towards a Graduate Certificate in Parliamentary Law and Practice.
- The unit may be credited at 25% towards a Masters of Public Administration in the School of Government.
- If you wish to have these weightings transferred to another degree or another university, the Law Faculty will supply documentation in support of credit applications. Please contact Kira White (see inset) for more information.

## Facilities

Candidates will be provided with all facilities available to UTas post-graduate students including:

- Internet (wired on Parliament site / wireless + wired on Campus)
- Full access to University Libraries and electronic databases online teaching facilities and website
- On campus printing
- Access to student services and support
- Student representation by the Tasmanian University Law Society (TULS)



## Course Timetable

(see p 1 for Intensive Course Calendar)

| Week                                 | Task                   | Comment                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Week 1                               | Intensive Course       | One week intensive course (Intensive 5 day delivery 1 free/study day) <ol style="list-style-type: none"> <li>1. Wednesday, arrive PM to Accommodation – Drinks with Lecturers / Clerks</li> <li>2. Thursday– Friday Course</li> <li>3. Saturday Course</li> <li>4. Sunday -free day.</li> <li>5. Monday – Tuesday Intensive Course</li> </ol> |
| Weeks 2 -5                           | Pre-requisite postings | Tutorial topics due on weekly basis.<br>One paragraph comment + one paragraph response to another candidates comment on Course bulletin boards                                                                                                                                                                                                |
| Week 2. 10-16 July                   |                        |                                                                                                                                                                                                                                                                                                                                               |
| Week 3. 17-23 July                   |                        |                                                                                                                                                                                                                                                                                                                                               |
| Week 4. 24 – 30 July                 |                        |                                                                                                                                                                                                                                                                                                                                               |
| Week 5. 31 July - 6 August           |                        |                                                                                                                                                                                                                                                                                                                                               |
| August 7 -13<br>Due Friday 25 August |                        | Candidates negotiate topic for first short assignment to be no more than 2,500 words.<br><br>Short assignment due.                                                                                                                                                                                                                            |

|                        |                                                |                                                                                            |
|------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------|
| 4 - 8 September        | Feedback on Assignment                         | Candidates provided mark and critical feedback on short assignment by academic supervisor. |
| Friday 22 September    | Submission of research paper topic and outline |                                                                                            |
| Friday 12 January 2018 | Research paper due                             | Paper of a potentially publishable quality (preferably in a peer reviewed journal) due.    |
| Early March 2018       |                                                | Participants and ANZACATT notified of final results                                        |

NOTE. With the agreement of ANZACATT extensions may be granted by the University of Tasmania Academic Director (Prof. Richard Herr) up to and including Tuesday 31 January 2017, but no later. It is stressed that application must be made by the course participant and include the support of their Clerk, **but the final decision for the extension rests with the Academic Director.** Extensions cannot be granted by a participant's Clerk