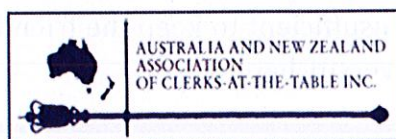


Parliamentary Law, Practice and Procedure (LAW702)



In-residence Course Programme 2019

UTAS Faculty of Law, Locked Bag 89, Hobart TAS 7001



UNIVERSITY of
TASMANIA
AUSTRALIA

Welcome to the Law Faculty at the University of Tasmania and to the 2019 ANZACATT Parliamentary Law, Practice and Procedure Course

The following information is offered to facilitate your enrolment and enhance your participation in ANZACATT's 2019 Parliamentary Law, Practice and Procedure Course.

- **Contacts**

The Faculty Officer, Luke Ronan, should be your first point of call for any enrolment enquiries. Please address other course enquiries to the Course Director, Dr Phillipa McCormack.

Faculty Officer: **Luke Ronan**
Email: Law.Enquiries@utas.edu.au
Phone: +61 3 6226 2066

Course Director: **Dr Phillipa McCormack** (Monday-Thursday)
Email: phillipa.mccormack@utas.edu.au
Phone: +61 3 6226 6306

Other enquiries, particularly about assessments and other academic issues, can be directed to the Academic Director and Unit Coordinator, Prof Richard Herr.

Academic Director: **Professor Richard Herr**
Email: r.a.herr@utas.edu.au
Phone: +614 6766 6996

- **Enrolments**

After you receive an enrolment form, please complete and return it as soon as possible. This should ensure that you are formally enrolled by the time the pre-course programme begins. Any delays will mean you will not be able to access University of Tasmania resources, including the MyLO website on which you will access pre-course materials and activities.

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 staff in the fees and enrolment sections of the university happy.

- **Dates**

The in-residence component of the course runs from Thursday 27 June through Tuesday 2 July 2019.

For those able to arrive in time on Wednesday 26 June, welcome drinks will be held at the Law Faculty staff room from 6-7:00 pm.

- **Location and Venue**

The in-residence component of the course is taught at the Sandy Bay Campus of the University of Tasmania. Welcome drinks will be held in the Law School. Most lectures will be held in the Harvard Lecture Theatres in the Centenary Building. The formal lunch will be held in the University Club.

The University of Tasmania's Sandy Bay Campus is approximately 10 minutes taxi ride from the city and 30 minutes from Hobart Airport (<https://goo.gl/maps/e5PsUm66oZ72>). The Law School is located on the corner of Alexander St and Grosvenor Crescent (if your taxi driver cannot find Grosvenor Crescent tell them Grosvenor Street).

A map of the campus showing the location of the Law School, Harvard Lecture theatres, University Club and other key locations, is attached at the end of this programme. You can also access an electronic version of the campus map by following [this link:](http://www.utas.edu.au/data/assets/pdf_file/0011/84287/Sandy-Bay-A3-Campus-Map-WebPrint-JULY-18.pdf) http://www.utas.edu.au/data/assets/pdf_file/0011/84287/Sandy-Bay-A3-Campus-Map-WebPrint-JULY-18.pdf. You may also wish to try the 'beta' version of the UTAS campus 'mobile map' app (<http://www.utas.edu.au/campuses/campus-maps/mobile-maps>).

Please note: off-site teaching will also occur at Tasmanian Parliament House, Hobart. Parliament House is on the Hobart waterfront, next to Salamanca Place (<https://goo.gl/maps/DLctpoj86pr>).

- **More information about the unit**

The Unit Outline provides important information about the way that this unit is taught and what is expected of you. Information in the Unit Outline includes anticipated student learning outcomes, supervisors' expectations, assessment tasks, deadlines, and information and assistance with research resources and online learning tools.

You should read the Unit Outline carefully. Please contact the Course Director or Academic Director (using the details above) if you have any questions.

PRE-RESIDENCE PROGRAMME

ONLINE (19 MAY – 22 JUNE)

Residential participants are required to participate in five mini-modules online. These mini-modules will serve as an introduction to each of the five modules to be undertaken in the residential component of the course.

Each mini-module will consist of a:

1. A short video introducing the topic.
2. Up to three required readings.
3. A series of specific questions to guide a discussion with your sponsoring Clerk or delegate about the topic and readings.
4. A multiple-choice (online) quiz on the topic, drawing on the video and readings. Each quiz must be completed before moving on to the next mini-module.

Assessment: 10% (2% for each quiz)

Module 1: Westminster parliamentary history (19–25 May)

Module 2: Law and Structure of Parliament (26 May – 1 June)

Module 3: Parliamentary practice and procedure (2 – 8 June)

Module 4: Parliamentary privilege (9 – 15 June)

Module 5: Parliamentary committees (16 – 22 June)

IN-RESIDENCE PROGRAMME HOBART (26 JUNE – 2 JULY)

WEDNESDAY 26 JUNE: LAW SCHOOL STAFF ROOM

6:00 pm – Welcome drinks with PLPP staff

THURSDAY (27 JUNE) LAW SCHOOL MOOT COURT

9:00 – Welcome to 2019 candidates

9:15 – Introduction to the UTAS campus including law library and ICT services.

10 - 10:30 Morning tea

Module 1 – Westminster Model and its Development

10:30 – 11 20 **Lecture 1** “Origins and Evolution of the Westminster Model” (RAH)
A review of the historical development of Westminster parliamentary democracy including:

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

11:20 – 12:00 **discussion**

12:00 – 12:50 **Lecture 2** – “Basis of Parliamentary Authority” (BG & PRA)

A review of the key legal bases of parliament’s authority including:

- the rule of law and the legal sources of parliamentary authority,
- separation of powers,
- representative and responsible government,
- parliamentary sovereignty and manner and form requirements

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

Module 2 – Law and Structure of Parliament

2:00 – 2:50 **lecture 1** “Constitutions, law and the structure of Parliament” (BG & PJP)

Nature and content of Constitutional authority in Australia and New Zealand

- Adoption/adaptation of principles of rule of law, separation of powers, representative and responsible government and parliamentary sovereignty in Australia and NZ
- Sources – British, local legislation and common law
- Parliament – structures and powers

3:00 – 3:50 **lecture 2** “Federalism, Unicameralism and Parliament” (PJP & RAH)

Constitutional and structural apportioning parliamentary power

- Federalism and its effects.
- Bicameralism and unicameralism

4:00 – 5:00 **Tutorial 1** [Research Topics and Assignment Requirements.]

FRIDAY (28 JUNE) PARLIAMENT HOUSE

Module 3 – Powers and Procedures

9:30 – 11:00 **lecture 1** – “Introduction to Parliamentary law and practice”. [Neil Laurie Clerk of the Parliament (QLD) and Claressa Surtees, Deputy Clerk of the House, House of Representatives]

Introduction to parliamentary law and practice

- 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

11:15 – 12:00 – **lecture 2** – [Neil Laurie Clerk of the Parliament (QLD) and Claressa Surtees, Deputy Clerk of the House, House of Representatives]

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

12:00 – 1:00 **lecture 3** – [Neil Laurie, Clerk of the Parliament (QLD) and Claressa Surtees, Deputy Clerk of the House, House of Representatives]

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** (includes tour of Tasmanian Parliament)

2:00 – 3:30 – **Workshop: Providing Procedural advice to members** - [Neil Laurie, Clerk of the Parliament (QLD) and Claressa Surtees, Deputy Clerk of the House, House of Representatives].

3:30 – 4:45 **Clerk’s panel**

- Andrew Young, Acting Clerk of the Parliament and Clerk of the Legislative Council (VIC)

- Kirsten Robinson, Clerk of the Legislative Assembly (WA)
- David Wilson, Clerk of the House of Representatives, (NZ) TBC

7:00 ANZACATT DINNER (venue to be confirmed)

SATURDAY (29 JUNE) PARLIAMENT HOUSE

Module 2 – Law and Structure of Parliament *cont'd*

9:30 – 10:30 lecture 3 - “Ministerial responsibility” (PJP)

- Conventions of Ministerial responsibility
- Contemporary meaning and usage

10:30 – 10:45 Break.

Module 4 – Parliamentary Committees

10:45 – 11:45 lecture 1 – “Parliamentary Committees: Types and powers” (PRA)

- the types, role and function of parliamentary committees
- powers to send for persons and papers; self-initiated inquiries; etc.
- primary legal sources of committees
- the use of committee powers
- Executive interference and disputes between committees and Houses.

11:45 – 12:45 workshop on “Parliamentary Committees: Types and powers” [Neil Laurie, Clerk of the Parliament (QLD) and Claressa Surtees, Deputy Clerk of the House, House of Representatives]

12:45 – 2:00 Lunch [includes Salamanca Market excursion]

2:00 – 3:00 Lecture 2 “Committee Procedure and Evidence gathering” (BG/GA)

- the principles of evidence gathering standards of proof, procedural fairness and related legal rules of evidence
- differences between the use of evidence in parliamentary committees and legal rules of evidence,

3:00 – 3:50 workshop on “Parliamentary Committees: Committee Procedure and Evidence gathering” [Neil Laurie, Clerk of the Parliament (QLD) and Claressa Surtees, Deputy Clerk of the House, House of Representatives]

SUNDAY (30 JUNE – FREE DAY)

MONDAY (1 JULY) UTAS HARVARD LECTURE THEATRE

Module 5: Parliament, the Executive and privilege

9:00 – 10:00 lecture 1 – “Introduction to Parliamentary Privilege” (BG & GA)

- Origins and contemporary constitutional context
- Control exercised by Houses of Parliament

- The concepts of exclusive cognisance and reasonable necessity

10:00 – 10:50 workshop on “Parliamentary Privilege: Case Studies” David Blunt, Clerk of the Legislative Council (NSW)

10:50 – 11:10 Tea Break

11:10 – 12:00 lecture 2 – “Applied Parliamentary Privilege” (BG & GA)

- Power to punish contempt
- Freedom of speech
- Statutory abrogation of parliamentary privilege
- Other matters

12:00 – 12:50 workshop - “Application of Parliamentary Privilege and Powers of Contempt” David Blunt, Clerk of the Legislative Council (NSW)

1:00 – 2:00 – LUNCH Break

2:00 – 2:50 lecture 3 - “Elections and membership of parliament” (RAH)

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

2:50 – 3:10 TEA BREAK

3:10 – 4:00 lecture 4 - “Parliament and Public Transparency” (UTAS, tbc)

- Open government and freedom of information.
- Commissions of Inquiry
- Ombudsmen
- Auditor-General
- Whistleblowing

4:00 – 5:00 Tutorial/Workshop - [Discussion of day’s topics and help with research topics]

TUESDAY (2 JULY) UTAS HARVARD LECTURE THEATRE

Module 5

9.30 – 10:20 lecture 5 –Opposition and Crown (RAH)

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

10:20 – 10:40 Break

10:40 – 11:30 **lecture 6** – “Parliamentary Outreach and engagement” (**RAH & PRA**)

- Parliament’s engagement with the citizenry
- Citizen engagement in the Parliamentary process

11:30 – 12:30 **Tutorial / Workshop** - [Discussion of day’s topics]

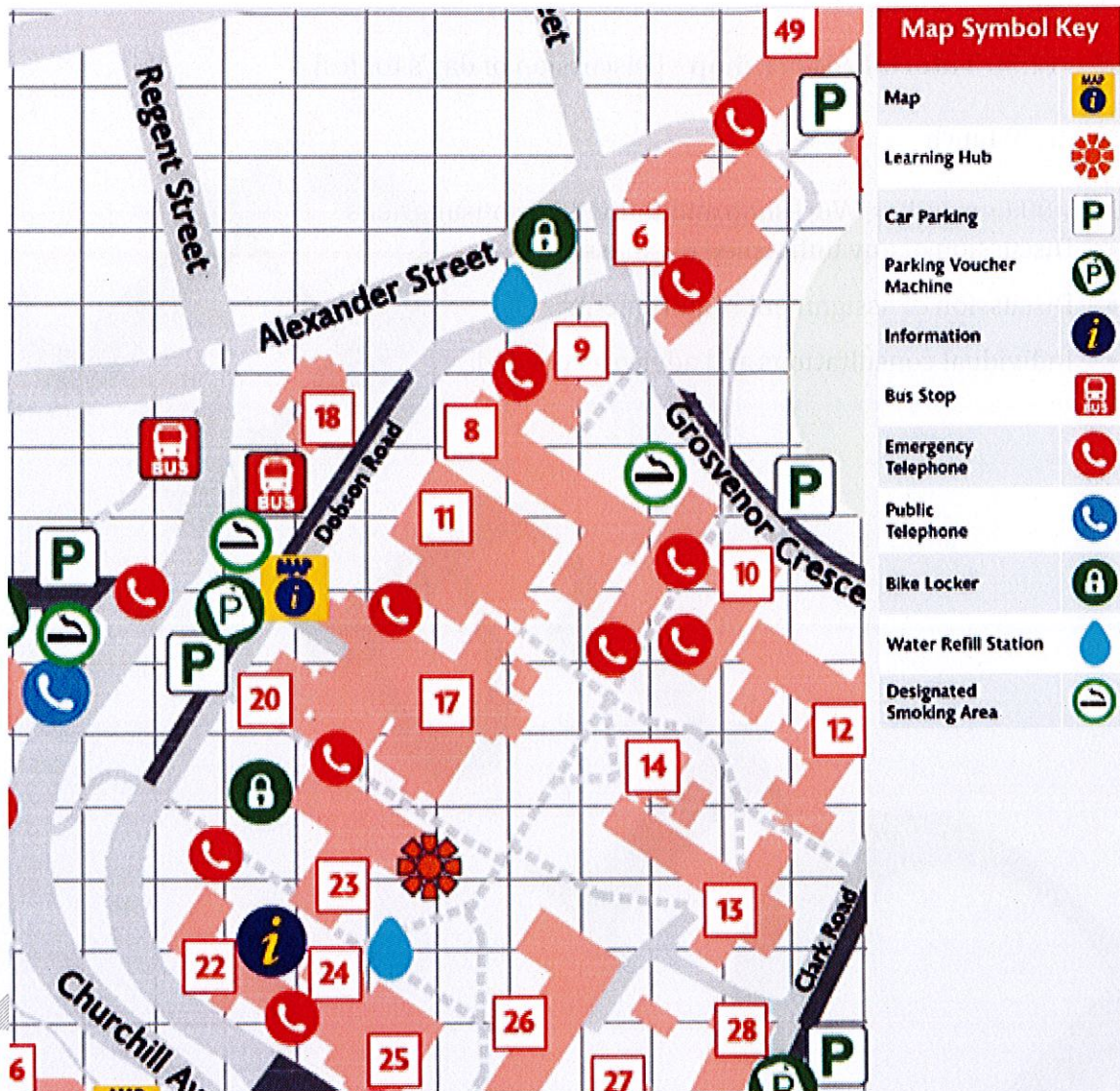
12:30 – 1:30 lunch

1:30 – 3:00 Concluding Workshop and Individual consultations

- Discussion of any unfinished business.
- Discussion of assignment requirements
- Individual consultations and advice as needed.

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LOCATION AND VENUES: UNIVERSITY OF TASMANIA, SANDY BAY CAMPUS (EXTRACT)



Venue	Map #
Law school Incl. law staff room (<i>'welcome drinks' venue</i>); law reception; law library	6
University Club (<i>lunch venue</i>)	18
Centenary building Incl. Harvard Lecture Theatre; café (<i>"Trade Table"</i>)	10
Lazenby's café	25
Morris Miller (General) Library	23