

## Carleton University Course Outline

Department of Law

**COURSE:** LAWS 2005 C - Public Law

**TERM:** Fall + Winter 2009-10

**PREREQUISITES:** LAWS 1000 [1.0] or PSCI 1000 [1.0]; or the combination of PSCI 1001 and PSCI 1002, or second-year status or higher in the Bachelor of Public Affairs and Policy Management Program.

**CLASS:**           **Day & Time:** Thursday, 18:05-20:55  
                          **Room:** **Please check with Carleton Central for current room location**

**INSTRUCTOR:**           Dr. Benjamin Shaer  
**(CONTRACT)**

**CONTACT:**               **Office:** C476 LA (Loeb)  
                          **Office Hrs:** By appointment  
                          **Email:** [bshaer@connect.carleton.ca](mailto:bshaer@connect.carleton.ca)

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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### **COURSE DESCRIPTION**

LAWS 2005-C introduces students to Canadian public law and in particular to the role of the courts in public law. Our basic goal will be to investigate what public law is, how it works, and how it changes or can be changed. An important part of this examination will be reading and critically assessing some of the key court decisions that have shaped public law and some of the secondary literature on public law.

The first term considers law and the role of the state, exploring the Canadian constitution and focussing on the federal system in Canada. The second term considers theories of the state, the administrative process and administrative law, the Charter and basic rights, and public international law.

### **REQUIRED TEXTS (earlier editions are out of date)**

First term: D.W. Elliott, ed., *Introduction to Public Law: Sourcebook*, 7th ed. (Concord, ON: Captus Press, 2007) ["DWE1"].

Second term: D.W. Elliott, ed., *Introduction to Public Law: Readings on the State, the Administrative Process, and Basic Values*, 6th ed. (Concord, ON: Captus Press, 2007) ["DWE2"].

### **SUPPLEMENTARY TEXTS**

In LAWS 2005 Reserved Readings, main library; the bibliography of the *Sourcebook*; the footnote and endnote readings given in both textbooks; and as recommended.

**EVALUATION**

- 10%     **Quiz 1 (22 October 2009, (1 hour)**  
- further details to be announced in class
- 10%     **Comment on Readings (due in class 19 November 2009)**  
- further details to be announced in class
- 25%     **Mid-Term Examination (December 2009 examination period)**  
- 3 hours, covering first term's material; further details to be announced in class
- 10%     **Quiz 2 (11 February 2010, 1 hour)**  
- further details to be announced in class
- 20%     **Article Review (due in class 25 March 2010)**  
- further details to be announced in class
- 25%     **Final Examination (April 2010 examination period)**  
- 3 hours, emphasizing second term's material; further details to be announced in class

For quiz and examination purposes, you are responsible for what is contained in the "required" readings and for substantive matters presented or discussed in class.

**PLEASE NOTE:**

Assignments must be handed in on time and at the location specified by the instructor. For assignments to be handed in during class, any assignment handed in after the end of the lecture will be treated as LATE. An **extension without penalty** can be obtained only in extreme cases (e.g. death in the family, illness) and with appropriate supporting documentation (e.g. doctor's note, coroner's certificate).

**LATE ASSIGNMENTS** will be penalized by the **deduction of four (4) per cent for each day or part-day they are late** up to a maximum of seven (7) days. **Any assignment submitted after seven (7) days without a valid excuse will automatically be failed.**

**To be eligible to pass this course, students must complete all components of the evaluation scheme given above.**

**DEPARTMENTAL POLICIES AND PROCEDURES**

For further instructions regarding prerequisites, evaluation, grading, etc., please consult the Department of Law's *Policy and Procedure Statement* and the relevant pages of the *Undergraduate Calendar*.

**SCHEDULE (TENTATIVE)****FIRST TERM: 2009    REQUIRED READING**

- |                 |   |                  |
|-----------------|---|------------------|
| 1. .... 10 Sept | Introduction: Law and Public Law .....                              | (no reading)     |
| 2. 17 Sept      | The State and the Constitution .....                                | DWE1, Chs. 1, 2  |
| 3. 24 Sept      | <i>Constitution Act, 1867</i> .....                                 | DWE1, Ch. 3      |
| 4. 1 Oct        | The Judiciary .....   | DWE1, Ch. 4      |
| 5. 8 Oct        | The JCPC and Early Federalism .....                                 | DWE1, Ch. 5      |
| 6. 15 Oct       | The SCC: POGG, T&C, and Criminal Law .....                          | DWE1, Ch. 6      |
| 7. 22 Oct       | Overlap and Cooperative Federalism.....                             | DWE1, Ch. 7      |
|                 | <i>QUIZ 1</i>   |                  |
| 8. 29 Oct       | The Legislative and Executive Branches .....                        | DWE1, Ch. 8      |
| 9. 5 Nov        | <i>Constitution Act, 1982: Prologue &amp; General Aspects</i> ..... | DWE1, Ch. 9      |
| 10. 12 Nov      | <i>The Constitution Act, 1982; Specific Aspects</i> .....           | DWE1, Ch. 10     |
| 11. 19 Nov      | Formal and Informal Constitutional Changes .....                    | DWE1, Ch. 11     |
|                 | <i>COMMENT ON READINGS DUE IN CLASS</i>                             |                  |
| 12. 26 Nov      | Secession, Unity, and the Future.....                               | DWE1, Ch. 12     |
| 13. 3 Dec       | Review .....  | (no new reading) |

**SECOND TERM: 2010    REQUIRED READING**

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|---|--|--------------|
| 1. 7 Jan  | Law, State, and Social Goals and Techniques.....   | DWE2, Ch. 1  |
| 2. 14 Jan   | Administrative Law Structure and Action.....       | DWE2, Ch. 2  |
| 3. 21 Jan   | Non-Judicial and Judicial Control .....            | DWE2, Ch. 3  |
| 4. 28 Jan   | Judicial Review and Procedural Control .....       | DWE2, Ch. 4  |
| 5. 4 Feb  | Substantive Review .....                           | DWE2, Ch. 5  |
| 6. 11 Feb   | Theory, Problems, and Reform .....                 | DWE2, Ch. 6  |
|   | <i>QUIZ 2</i>                                      |              |
| <i>15-19 February: Winter Term Break - No Classes</i> |  |              |
| 7. 25 Feb   | Basic Values and Their Protection .....            | DWE2, Ch. 7  |
| 8. 4 March  | Scope and Interpretation of the Charter .....      | DWE2, Ch. 8  |
| 9. 11 March   | Fundamental Freedoms and Fundamental Justice ..... | DWE2, Ch. 9  |
| 10. 18 March  | Equality .....                                     | DWE2, Ch. 10 |
| 11. 25 March  | Group Rights: Aboriginal Rights .....              | DWE2, Ch. 11 |
|   | <i>ARTICLE REVIEW DUE IN CLASS</i>                 |              |
| 12. 1 April   | Public International Law/Review .....              | DWE2, Ch. 12 |