

## Course Outline

COURSE:	LAWS 2005 V – Public Law
TERM:	Summer 2010
PREREQUISITES:	Either 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
RE-BROADCAST:	Day & Time: Monday & Thursday 2:00-4:30 pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (Contract)	Nick E. Milanovic
CONTACT:	Office: C476 LA (Loeb Bldg.) Office Hrs: By appointment Email: Web CT e-mail only

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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 **June 11, 2010 for June exams and July 30, 2010 for August exams**. 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**

Canadian public law, the law pertaining to the state and its relation to society, is an evolving and contested area of law. The focus in public law has increasingly shifted from an emphasis on legislative and executive decision making to the role of the courts in establishing and maintaining our relationship with the state.

This course provides an introduction to Canadian public law, with an emphasis on the questions of reform and the role of the courts. We begin by looking at law and the role of the state, examining the Constitution, with an emphasis on the federal system, its interpretation, change, and reform. Next, the focus of the course will change to consider the theories of the state, administrative law, basic rights including the *Charter of Rights and Freedoms*, and finally the course concludes by examining basic concepts of public international law.

Students will be expected to regularly attend classes and read the assigned materials before watching the relevant re-broadcast.

## **REQUIRED TEXTS**

The required readings are the two Law 2005 sourcebooks. They are available in the Carleton University Bookstore. (Other required readings may be assigned in class.)

- i) Early Summer: David W. Elliott, ed., *Introduction to Public Law: Sourcebook*, 7<sup>th</sup> ed. (North York: Captus Press, 2007) – please note earlier editions are outdated
- ii) Late Summer: David W. Elliott, ed., *Introduction to Public Law: Readings on the State, the Administrative Process, and Basic Values*, 6<sup>th</sup> ed. (North York: Captus Press, 2007) – please note earlier editions are outdated

## **SUPPLEMENTARY TEXTS**

The following are suggested sources of optional readings which might further your understanding of this course. Note none of these books needs to be purchased for this course:

Cairns, A., *Citizens Plus* (Vancouver: UBC Press, 2000)  
 Cheffins, Ronald I. and Patricia A. Johnson, *The Revised Canadian Constitution: Politics as Law* (Toronto: McGraw-Hill Ryerson, 1986)  
 Flanagan, T., *First Nations? Second Thoughts* (Montreal and Kingston: McGill-Queen's University Press, 2000)  
 Gibbins, Roger, *Conflict and Unity*, 3<sup>rd</sup> ed. (Scarborough: Nelson Canada, 1994)  
 Hogg, Peter W., *Constitutional Law of Canada*, Student ed. (Scarborough: Carswell, 2000)  
 Jackson, Robert J. and Doreen Jackson, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, 4<sup>th</sup> ed. (Scarborough: Prentice Hall Allyn and Bacon Canada, 1998)  
 Jones, David Ph. and Anne S. de Villars, *Principles of Administrative Law*, 3rd ed., (Scarborough: Carswell, 1999)  
 Knopff, R. and F.L. Morton, *Charter Politics* (Scarborough: Nelson, 1992)  
 Mandel, Michael, *The Charter of Rights and the Legalization of Politics in Canada*, rev. (2nd) ed., (Toronto: Thompson Educational Publishing, 1994)  
 Morton, F.L. and R. Knopff, *The Charter Revolution and the Court Party* (Peterborough: Broadview Press, 2000)  
 Reesor, Bayard, *The Canadian Constitution in Historical Perspective* (Scarborough: Prentice Hall, 1992)  
 Russell, P.H. et al., *Federalism and the Charter: Leading Constitutional Decisions* (Ottawa: Carleton U.P., 1989, any recent reprints)

## **EVALUATION**

**(All components must be completed in order to get a passing grade)**

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| (a) Midterm Exam ( <b>June 2010</b> formally scheduled, 3 hours in length to be announced in class)   | 30% |
| (b) Major Essay (Analytical Essay, <b>due July 30, 2010</b> ; details to be posted on Web CT)         | 30% |
| (c) Final Exam ( <b>August 2010</b> , formally scheduled, 3 hours in length to be announced in class) | 40% |

The evaluation scheme is designed to provide a balanced assessment based on several different evaluations covering various skills and abilities of each student.

**Please note:** Assignments must be handed in on time and at the location previously specified by the instructor. For assignments due 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 only be obtained in extreme cases (e.g. death in the family, illness or disability etc.) with appropriate supporting documentation (e.g. doctor's note, coroner's certificate, etc.). **LATE ASSIGNMENTS** will be penalized by **deducting four (4) percent for each day or part day it is late up to a maximum of seven (7) days. Any assignment or essay submitted beyond seven (7) days late without a valid excuse will automatically be failed.** To be eligible to pass this course students must complete all components of the evaluation scheme noted above, including assignments or essays that will be marked as a failure because of lateness. For exam purposes, you are responsible for what is contained in the "required" readings and substantive matters discussed in the lectures.

**SCHEDULE**

The topics generally correspond to the headings in the Table of Contents at the beginning of each of the two LAWS 2005 required texts. The assigned readings are to be read before the relevant class. The number at the left side of the outline below indicates the week of the course in the relevant term and “Ch.” indicates the corresponding chapter(s) of the required reading in the relevant (first or second term) required text to be completed prior to the lecture.

**Early Summer 2010**

1.	May 10	Introduction	No Reading
2.	May 13	<u>Law and Public Law</u>	Ch. 1
3.	May 17	<u>The Constitution</u>	Ch. 2 & Ch. 8
4.	May 20	<u>The Constitution Act 1867</u>	Ch. 3
5.	May 27	<u>The Judiciary</u>	Ch. 4
6.	May 31	<u>Early Key Decisions</u>	Ch. 5 & Ch. 6
7.	June 03	<u>POGG, Trade &amp; Commerce, and other Powers: Modern Era</u>	Ch. 7
8.	June 07	<u>Constitution Act, 1982 and After</u>	Ch. 9
9.	June 10	<u>Constitution Act 1982, Specific Aspects</u>	Ch. 10
10.	June 14	<u>Formal &amp; Informal Constitutional Changes</u>	Ch. 11
11.	June 17	<u>Secession, Unity, and the Future</u>	Ch. 12
12.	June 21	Review & Recap	<b><u>Late Summer 2010</u></b>
13.	July 05	<u>Law, State, and Social Goals and Techniques</u>	Ch. 1
14.	July 08	<u>Administrative Law Structure &amp; Action</u>	Ch. 2
15.	July 12	<u>Non-Judicial &amp; Judicial Control</u>	Ch. 3
16.	July 15	<u>Judicial Review and Procedural Control</u>	Ch. 4
17.	July 19	<u>Substantive Review</u>	Ch. 5
18.	July 22	<u>Theory, Problems, and Review</u>	Ch. 6
19.	July 26	<u>Basic Values and Their Protection</u>	Ch. 7
20.	July 29	<u>Scope of the Charter</u>	Ch. 8
Please note: Essay due July 30, 2010			
21.	August 05	<u>Fundamental Freedoms &amp; Fundamental Justice</u>	Ch. 9
22.	August 09	<u>Equality</u>	Ch. 10
23.	August 12	<u>Group Rights</u>	Ch. 11
24.	August 16	<u>Public International Law</u>	Ch. 12

**Departmental Policy and Procedure:**

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