

The Foundations for Public Law in Australia

Introduction

The Foundations of Law course at Adelaide Law School provides a foundation in a range of legal skills – case analysis and statutory interpretation, introduces legal and professional ethics, and introduces jurisprudence and legal theory.

At the same time, the course is an opportunity to emphasise some key public law themes that are explored in greater depth later in the degree. An important question arises of what foundational understanding of the Australian legal system do students need before learning about public law?



Providing strong foundations ...



.... not shaky, unstable foundations

The Foundations

British colonisation viewed as settlement or invasion

What are these two perspectives?

What are the prospects for questioning the law's interpretation of events both inside and outside of the law?

Examining these questions provides an opportunity for the students to consider:

- the boundaries of law
- role of law in legitimising violence
- role of law in erasing the Indigenous other

From dictatorship to democracy

Students develop an understanding of Australian legal history. In particular, the focus of power in the Governor in early years of colony and the gradual development of democratic principles and practices with the introduction of the colonial parliaments.

The path to independence

Students learn about the emergence of local institutions of government and local law and the path to full independence from British law.

Legal theory

The idea of what is law is, of course, fundamental to an understanding of public law. We introduce students to a number of basic jurisprudential concepts such as the nature of law, the distinction between law and morality, the concept of rights, and critical theories of law, including environmental, socio-political, feminist and post-colonial critiques of law.

Providing a sound base of knowledge and skills from which their studies in public law can develop



Going forward ...

Foundations of Law provides the students with a basic understanding of the development of the law and legal institutions in Australia, which is then developed further in Principles of Public Law in semester 2.

Topics introduced in Foundations and built upon in Principles of Public Law include separation of powers, indigenous recognition and executive accountability.

Are these the foundational public law ideas that law students should be exposed to at the beginning of their law degrees? What is missing?

