



the Australia and New Zealand

School of Government

GOVERNING BY THE RULES

Subject Outline

Overview of the Subject

Governing by the Rules aims to develop the capacity of public managers to operate effectively and appropriately within a democracy governed by the rule of law. Public servants work within a web of 'rules', stretching from ethics to the constitution. This course explores that web. Although the concepts are crucial, the course is also grounded and practical, making full use of case studies and examples. This is about constitutional democracy as it *should* apply, as it *does* apply - and sometimes as it does *not* apply - in administrative decision-making and management.

Knowledge and understanding of the applicable elements of law, convention, practice and ethics is integral to the development and implementation of public policy. It is axiomatic that government programs must have a sound legal basis. On the other hand, statutory initiatives that are intrinsically reasonable can fail in operation if they are *impractical*. Public sector managers need to know how to read the law, how it works and fails, conditions for reasonable performance in operation, and how to successfully navigate through the complexities of the legal system. In short, managers need to know how to govern by the rules.

Course objectives

The aim of this course is to examine the relationship of law, regulation, and rules to the public service, both conceptually and practically. Particular attention is given to the constitutional and cabinet context within which the public service must operate, and to the legal and practical differences between public and private sector management. Case examples will form an important part of the course.

By the end of this course, participants should *better*:

- understand the main features of Cabinet and parliamentary government in Australia and New Zealand;
- understand the interrelationship of legal rules, political structures, Cabinet and other administrative processes, and policy outcomes;
- analyse problems and seek solutions in a setting governed by public law and other rules of public administration;
- evaluate how 'regulation' can, should, does and does not work to solve problems;
- interact with each other, particularly in using the resources of the group for developing arguments about particular issues or problems.