



LAWS808

Administrative Law

S2 Day 2016

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Lecturer

Margaret Kelly

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Contact via by email

W3A616

Wednesdays 1-3 teaching weeks

Credit points

4

Prerequisites

LAWS807

Corequisites

Co-badged status

Unit description

In this unit students examine the principles of administrative law, that is, the law governing government decision-making within the Commonwealth of Australia. It considers the fundamental principles that underpin good decision-making, such as accountability, integrity and procedural fairness, and explores the various avenues available to challenge the merits and the legality of government decisions. It also considers modern developments, such as the increasing involvement of the private sector in providing goods and services traditionally provided by the public sector, and the impact this is having in the field of administrative law

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Acquire an advanced understanding of key mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).

Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments

Contextualise administrative law within the government, legal, constitutional and social

settings

Demonstrate advanced legal problem-solving skills

Collaborate with peers to develop arguments and optimise learning and reflective practices

Produce clear and grammatical writing and analysis

General Assessment Information

Macquarie Law School Policy on Assessment

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit, other than the sit-down exam, are to be submitted electronically. Plagiarism detection software is used in this unit.

Supplementary examinations

Any students who are unable to sit the final exam due to Disruption to Studies, or who sit the exam but then makes a successful application for Disruption to Studies, will be provided with an alternative but not dissimilar sit-down exam. **Only ONE opportunity to entertain a supplementary examination, in a form not dissimilar to the sit-down examination, is available.**

Requirements for all Written Work in Assignments All written work must be written clearly, with good grammar, correct word usage, correct punctuation, and lack of spelling errors. Poor or bad expression will be penalised, as the study of law is one in which clear expression and the meaning of words are of the highest importance. All written work must be properly referenced and conform to standard stylistic conventions. All cases have to be properly cited. Students must consult *The Australian Guide to Legal Citation* (3rd edn., 2010) which may either be bought from or ordered through the Co-op Bookshop, or accessed for viewing through <http://www.law.unimelb.edu.au/files/dmfile/FinalOnlinePDF-2012Reprint.pdf>.

In addition to clear grammatical sentence structure, students are expected to structure their work logically. Headings may be used to facilitate the progress of your argument in the essay. A very poorly referenced and expressed essay will likely fail. Essays may include a bibliography of all sources consulted (though all bibliographical information of sources quoted or referred to in the essay must be included in footnotes.) A bibliography is not mandatory. Essays are to comply with the word limit. The number of words must be clearly stated on the first page of the essay. The type-face for the body of the essay is to be in Times New Roman (or similar) 12-point font and use 1½ line spacing is to be used. Footnotes are to be in Times New Roman (or similar) 10 point font using single line spacing. Footnotes are only to be used for referencing, not for

argumentation. All four margins of the pages are to be 2.5 cm. Footnotes are not to be counted in the word length.

Please note: students who fail to follow these guidelines on style, length and formatting are liable to be significantly penalised.

Students must keep a printed copy of their paper made at the same time as they submit their work, and identical to the submitted work. Do not just keep a copy on disk.

Be sure to answer the question. To do so, it is necessary to begin by identifying the key points that need to be addressed in your essay, and by defining the key terms. Students, as a result of their analysis, must always come to a conclusion

Assessment Tasks

Name	Weighting	Due
<u>Presentation</u>	10%	Beginning Week 2
<u>Research Essay</u>	30%	Wednesday 5 October 2016
<u>Final Examination</u>	60%	Examination Period

Presentation

Due: **Beginning Week 2**

Weighting: **10%**

Internal students: (attendance at 80% of tutorials is compulsory, and attendance on the designated day for the presentation is compulsory, subject to the Disruption to Studies policy))

Tutorials begin in Week 1. From Week 2, each student will present a 10 minute presentation, followed by questions. Speakers to weeks will be allocated in Week 1.

1. Formulate a question, based on that week's topic, to be discussed and argued before the class. Each student must submit his or her question to the convenor prior to presenting. (The schedule of weekly topics will be available on iLearn).
2. Develop a thesis. Students must present an argument that answers the question they have chosen. This should include: presenting the question and why it is important; addressing counter-argument; reaching well-reasoned conclusions.
3. Deliver the presentation in an articulate, accessible, and engaging manner; and provide a well-researched resource for the class.
4. Be able to answer subsequent questions from the convenor and/or class members

External students: (Attendance at the two-day OCS is compulsory, subject to the Disruption to Studies policy).

An individual presentation of ten minutes, followed by questions, will be required on day two of the first compulsory on campus session (Monday 26 September 2016). Topics will be allocated online prior to the OCS; students should then check their chosen question with the convenor. The requirements are the same as those set out above.

On successful completion you will be able to:

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- Demonstrate advanced legal problem-solving skills
- Collaborate with peers to develop arguments and optimise learning and reflective practices

Research Essay

Due: **Wednesday 5 October 2016**

Weighting: **30%**

Students will develop a 2000 word research essay on a topic that will consolidate their learning in this subject.

Detailed instructions regarding this assessment task will be provided on ilearn and outlined in the Seminars regularly from Week 1.

On successful completion you will be able to:

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- Demonstrate advanced legal problem-solving skills
- Produce clear and grammatical writing and analysis

Final Examination

Due: **Examination Period**

Weighting: **60%**

A sit-down closed book exam; but students may take 2 A4 pages of notes into the exam room.

On successful completion you will be able to:

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- Demonstrate advanced legal problem-solving skills
- Produce clear and grammatical writing and analysis

Delivery and Resources

Weekly lectures in this unit will be pre-recorded and available to students on iLearn. They are delivered by Dr Margaret Kelly and are two hours in duration.

There will also be an additional 30 minutes of supplementary recorded material prepared/curated by Margaret Kelly each week. This will consist of short recorded lectures, videos and other multimedia online content.

The lectures and seminars will commence in Week 1 and go through to Week 13.

The schedule of topics to be covered in the lectures will be available on iLearn.

Margaret Kelly will lead the 1.5 hour weekly seminars on Mondays 2.30-4.00 pm, which begin in week 1 for internals (reading is required for Week 1's seminar).

Attendance at at least 80% of seminars is compulsory. External students will have a compulsory two day on campus session on Sunday 25 and Monday 26 September 2016, with (possibly) an additional optional on campus session on Sunday 23 October 2016.

The required text is: **MRL Kelly, *LawBrief: Administrative Law* (Lawbook Co, 2015)**

The following texts are also recommended:

- R Creyke, J McMillan, and M Smyth, *Control of Government Action: Text, Cases and Commentary* (Lexisnexis, 4th ed, 2015)
- Judith Bannister, Gabrielle Appleby, Anna Olijnyk, Joanna Howe, *Government Accountability: Australian Administrative Law* (Cambridge University Press, 2014)
- M Aronson and M Groves, *Judicial Review of Administrative Action* (Thomson Reuters, 5th ed., 2013).

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au.

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Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Acquire an advanced understanding of key mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments
- Contextualise administrative law within the government, legal, constitutional and social settings
- Demonstrate advanced legal problem-solving skills
- Collaborate with peers to develop arguments and optimise learning and reflective

practices

- Produce clear and grammatical writing and analysis

Assessment tasks

- Presentation
- Research Essay
- Final Examination

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Acquire an advanced understanding of key mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments
- Contextualise administrative law within the government, legal, constitutional and social settings
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- Produce clear and grammatical writing and analysis

Assessment tasks

- Presentation
- Research Essay
- Final Examination

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Acquire an advanced understanding of key mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments
- Contextualise administrative law within the government, legal, constitutional and social settings
- Demonstrate advanced legal problem-solving skills
- Produce clear and grammatical writing and analysis

Assessment tasks

- Presentation
- Research Essay
- Final Examination

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Acquire an advanced understanding of key mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments
- Contextualise administrative law within the government, legal, constitutional and social settings
- Demonstrate advanced legal problem-solving skills
- Collaborate with peers to develop arguments and optimise learning and reflective practices

Assessment tasks

- Presentation
- Research Essay
- Final Examination

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Acquire an advanced understanding of key mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments
- Contextualise administrative law within the government, legal, constitutional and social settings
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- Produce clear and grammatical writing and analysis

Assessment tasks

- Presentation
- Research Essay
- Final Examination

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Identify contemporary administrative law questions and develop, critical, coherent and well-researched arguments
- Contextualise administrative law within the government, legal, constitutional and social settings
- Collaborate with peers to develop arguments and optimise learning and reflective

practices

Assessment tasks

- Presentation
- Research Essay

Changes from Previous Offering

The Convenor has changed.