



LAW 315

Administrative Law

S2 Day 2017

Dept of Law

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Disclaimer

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General Information

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Tutor

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W3A-341

Thursdays, 10-11am

Pallavi Sinha

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Credit points

3

Prerequisites

LAW314

Corequisites

Co-badged status

Unit description

This unit provides a basic introduction to administrative law. It covers access to information (including the provision of reasons for decisions, freedom of information, and privacy), merits review, and judicial review, as well as considering varying theories, overarching concepts and doctrines, and statutory interpretation.

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 knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).

Demonstrate and improve the skill of interpretation of statutes.

Demonstrate legal problem-solving.

Understand and apply case analysis.

Critical analysis of facts and the law.

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

Produce clear and grammatical writing and analysis.

Communicate clearly and thoughtfully

General Assessment Information

Assessments

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 are to be submitted electronically. Plagiarism detection software is used in this unit.

Moderation

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|---|-----------|--------|-----------------------------|
| Early Quiz | 0% | No | 3 pm 21 August 2017 |
| Essay | 40% | No | 3 pm, Monday 2 October 2017 |
| Sit down closed book exam | 60% | No | Exam period |

Early Quiz

Due: **3 pm 21 August 2017**

Weighting: **0%**

This multiple-choice quiz of 10 questions is designed to test early material and basic knowledge within the unit. It will be released in Week 1 and must be completed by 3 pm, 21 August 2017 (beginning Week 4).

On successful completion you will be able to:

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate and improve the skill of interpretation of statutes.
- Contextualise administrative law within the government, legal, constitutional and social contexts

Essay

Due: **3 pm, Monday 2 October 2017**

Weighting: **40%**

Further details on the question and a detailed marking rubric will be available on iLearn.

Word limit: 1500 words.

On successful completion you will be able to:

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate and improve the skill of interpretation of statutes.
- Understand and apply case analysis.
- Critical analysis of facts and the law.
- Contextualise administrative law within the government, legal, constitutional and social contexts

- Produce clear and grammatical writing and analysis.
- Communicate clearly and thoughtfully

Sit down closed book exam

Due: **Exam period**

Weighting: **60%**

This is a sit-down closed book examination, lasting two hours.

There will be one essay question (20%) and one problem question (40%). Students may take two A4 pages of notes into the examination room.

The sit-down examination is designed to test students' knowledge and capacity to apply principles and to analyse, and to advise, under pressure (as occurs in real-life).

Further details on the examination will be provided on iLearn.

On successful completion you will be able to:

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate and improve the skill of interpretation of statutes.
- Demonstrate legal problem-solving.
- Understand and apply case analysis.
- Critical analysis of facts and the law.
- Contextualise administrative law within the government, legal, constitutional and social contexts
- Produce clear and grammatical writing and analysis.
- Communicate clearly and thoughtfully

Delivery and Resources

Technology: This Unit uses iLearn; students must read the LAW315 Unit page. Lectures are recorded through iLearn and are available through the iLearn Active Learning Platform.

Internal Delivery: 1x2 hour lecture, and 1x1 hour tutorial per week.

External Delivery: online listening to lectures, and OCS session. For external students, the on-campus session is compulsory. Students who are unable to attend must apply for a disruption to studies. If that application is accepted, alternative work will be set in lieu of on-campus attendance.

Resources: The required text is text is: **MRLL Kelly, *LawBrief: Administrative Law* (Lawbook Co, 2014)**

The following two texts are also recommended:

- R Creyke, J McMillan and M Smyth, *Control of Government Action: Text, Cases and Commentary* (Lexisnexis, 4th ed, 2015)
- M Aronson, M Groves and G Weeks *Judicial Review of Administrative Action* (Thomson Reuters, 6th ed., 2017)

Unit Schedule

This schedule is current as of June 2017, but may change due to developments.

| | |
|-----------------|---|
| Week 1 (31/7) | Introduction |
| Week 2 (7/8) | Underlying doctrines; Statutory Interpretation and the Principle of Legality |
| Week 3 (14/8) | Basic Concepts: Jurisdiction & Standing |
| Week 4 (21/8) | Decisions and Merits Review |
| Week 5 (28/8) | Facts and Evidence; Reasons for Decisions |
| Week 6 (4/9) | Introduction to Judicial Review |
| Week 7 (11/9) | Grounds for Judicial Review; Natural Justice: The Hearing Rule |
| Week 8 (2/10) | Natural Justice: Hearing Rule (cont); and Rule Against Bias |
| Week 9 (9/10) | Natural Justice: Rule Against Bias (cont); other errors of law; Jurisdictional errors (I) |
| Week 10 (16/10) | Jurisdictional Errors (II): 'Jurisdictional Fact' |
| Week 11 (23/10) | Jurisdictional Errors (II): 'Jurisdictional Fact' (cont) |
| Week 12 (30/10) | Habeas Corpus, Privative and non-invalidity clauses |
| Week 13 (6/11) | FOI and Privacy; Revision |

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

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy_2016.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 (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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.

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

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be

imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Demonstrate legal problem-solving.
- Critical analysis of facts and the law.
- Contextualise administrative law within the government, legal, constitutional and social contexts

Assessment tasks

- Early Quiz
- Essay
- Sit down closed book exam

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate and improve the skill of interpretation of statutes.
- Demonstrate legal problem-solving.
- Understand and apply case analysis.
- Critical analysis of facts and the law.
- Contextualise administrative law within the government, legal, constitutional and social contexts
- Produce clear and grammatical writing and analysis.
- Communicate clearly and thoughtfully

Assessment tasks

- Early Quiz
- Essay
- Sit down closed book exam

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate and improve the skill of interpretation of statutes.
- Demonstrate legal problem-solving.
- Understand and apply case analysis.
- Critical analysis of facts and the law.
- Contextualise administrative law within the government, legal, constitutional and social contexts
- Produce clear and grammatical writing and analysis.
- Communicate clearly and thoughtfully

Assessment tasks

- Early Quiz
- Essay
- Sit down closed book exam

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Demonstrate legal problem-solving.
- Understand and apply case analysis.
- Critical analysis of facts and the law.

- Contextualise administrative law within the government, legal, constitutional and social contexts
- Produce clear and grammatical writing and analysis.
- Communicate clearly and thoughtfully

Assessment tasks

- Early Quiz
- Essay
- Sit down closed book exam

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate and improve the skill of interpretation of statutes.
- Demonstrate legal problem-solving.
- Understand and apply case analysis.
- Critical analysis of facts and the law.
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Assessment tasks

- Early Quiz
- Essay
- Sit down closed book exam

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess,

write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Demonstrate legal problem-solving.
- Understand and apply case analysis.
- Critical analysis of facts and the law.
- Produce clear and grammatical writing and analysis.
- Communicate clearly and thoughtfully

Assessment tasks

- Essay
- Sit down closed book exam

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Acquire knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Critical analysis of facts and the law.
- Contextualise administrative law within the government, legal, constitutional and social contexts

Assessment tasks

- Early Quiz
- Essay
- Sit down closed book exam

Changes from Previous Offering

The programme of Lectures and tutorials for 2017 has been changed slightly from that given in 2016, and may be subject to further change due to developments.

Changes since First Published

| Date | Description |
|------------|--|
| 20/07/2017 | Holly, updated along the lines discussed. Thanks, Dan |
| 12/07/2017 | Updated due dates for assessments (some said 2015) Updated contact details |