LAWS3300

Administrative Law

Session 2, Special circumstance 2020

Macquarie Law School

Contents

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Notice

As part of Phase 3 of our return to campus plan, most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to timetable viewer. To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff
Convenor and Lecturer
Doron Goldbarsht
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Tutor
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Credit points
10

Prerequisites
LAW314 or LAWS3000

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:

ULO1: Apply knowledge of the basic mechanisms and principles of administrative law

(merits review, judicial review, Freedom of Information, natural justice, errors of law).

ULO2: Demonstrate competence in the skill of statutory interpretation

ULO3: Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current.

ULO4: Contextualise administrative law within the government, legal and constitutional frameworks

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Essay	30%	No	11.9.2020, 5pm
Hypothetical Problems	40%	No	6.11.2020, 5pm
Participation in-class	15%	No	Ongoing
Participation on-line	15%	No	6.11.2020, 5pm

Research Essay

Assessment Type [1]: Essay
Indicative Time on Task [2]: 25 hours
Due: **11.9.2020, 5pm**
Weighting: **30%**

Students will prepare a research report on an aspect of the course. The essay question and assessment guidance will be released via iLearn.

On successful completion you will be able to:
- Apply knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current.
- Contextualise administrative law within the government, legal and constitutional frameworks

Hypothetical Problems

Assessment Type [1]: Essay
Indicative Time on Task [2]: 30 hours

Due: **6.11.2020, 5pm**
Weighting: **40%**

Students will advise a client based on the facts of the situation and the law learned in the course. The essay question and assessment guidance will be released via iLearn.

On successful completion you will be able to:
- Apply knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate competence in the skill of statutory interpretation
- Contextualise administrative law within the government, legal and constitutional frameworks

Participation in-class

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 12 hours
Due: **Ongoing**
Weighting: **15%**

This individual component is worth 15% of students grade. Students will be assessed on their informed participation in weekly discussions, role plays, debates and other in class (via Zoom) activities.

On successful completion you will be able to:
- Apply knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Demonstrate competence in the skill of statutory interpretation
- Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current.
- Contextualise administrative law within the government, legal and constitutional frameworks

Participation on-line

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 3 hours

Due: **6.11.2020, 5pm**
Weighting: **15%**

Students will post 3 times in total during the semester: Questions that have occurred as a result of listening to the weekly lectures, or from the material covered in tutorials; an answer to the question, based on research into the weekly readings/resources and a justification for the answer.

On successful completion you will be able to:

- Apply knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
- Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current.
- Contextualise administrative law within the government, legal and constitutional frameworks

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[1] If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the Writing Centre for academic skills support.

[2] Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Each week, one lecture or set of lectures will be pre-recorded and available to students on iLearn. A second on-site lecture will then be given on Monday, 10:00-11:00. These will take place **Week 1 to Week 12**. The schedule of topics to be covered in the lectures, and notes on required readings, will be available in detail on iLearn. A list of covered topics is provided below in the Unit Schedule.

Weekly one hour tutorials begin in **Week 2 and finish in Week 13**. Discussion questions for each tutorial will be available on the iLearn page for the unit.

External students have a compulsory two day on-campus session and the dates are available via timetables.

The required text is: Robin Creyke, John McMillan, Mark Smyth, *Control of Government Action: Text, Cases and Commentary* (LexisNexis Butterworths, 2018). It is available from the Macquarie University Co-op Bookshop. Additional readings will be available via iLearn or else

they will be linked to a publicly available source.

Students require access to a computer and a secure and reliable internet provider.

Unit Schedule

WEEK	DATES: WEEKS STARTING	LECTURE [Tutorial content will cover the topics from the previous week's lectures].
WEEK 1	27 JUL	- INTRODUCTION TO THE UNIT - ADMIN LAW - THEORY, HISTORY AND CONTEXT - THE FRAMEWORK FOR JUDICIAL REVIEW
WEEK 2	3 AUG	- MERITS REVIEW AND ADMINISTRATIVE TRIBUNALS
WEEK 3	10 AUG	- OTHER METHODS OF ADMINISTRATIVE LAW REVIEW - CONSTITUTIONAL CONSIDERATIONS
WEEK 4	17 AUG	- RULE-MAKING AND CONTROL OF SUBORDINATE LEGISLATION - FOUNDATION CONCEPTS OF JUDICIAL REVIEW
WEEK 5	24 AUG	- UNAUTHORISED DECISION-MAKING
WEEK 6	31 AUG	- STATUTORY PURPOSE AND RELEVANT CONSIDERATION - NATURAL JUSTICE
WEEK 7	7 SEP	- EXECUTIVE POLICIES, DIRECTIONS AND REPRESENTATIONS - LAW, FACT AND EVIDENCE
Recess	14 and 21 SEP	
WEEK 8	28SEP	**-** FAILURE TO PERFORM A STATUTORY DUTY - *WEDNESBURY* UNREASONABLENESS, GOOD ADMINISTRATION AND THE OUTER LIMITS OF LEGALITY
WEEK 9	5 OCT	- EXECUTIVE POWER AND DECISION-MAKING - THE CONSEQUENCES OF UNLAWFUL DECISION-MAKING
WEEK 10	12 OCT	- JUDICIAL REVIEW REMEDIES - STANDING

WEEK 11	19 OCT	- ACCESS TO INFORMATION - PRIVACY
WEEK 12	26 OCT	- OBTAINING REASONS FOR GOVERNMENT DECISIONS - PROBLEM SOLVING
WEEK 13	21 NOV	NO LECTURE

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Students seeking more policy resources can visit the Student Policy Gateway (https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@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 help you improve your marks and take control of your study.

- Getting help with your assignment
- Workshops
- StudyWise
- Academic Integrity Module

The Library provides online and face to face support to help you find and use relevant information resources.

- Subject and Research Guides
- Ask a Librarian

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

If you are a Global MBA student contact globalmba.support@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.