



LAWS8080

Administrative Law

Session 2, Special circumstance 2020

Macquarie Law School

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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

doron.goldbarsht@mq.edu.au

Tutor

Jemimah Roberts

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Credit points

10

Prerequisites

LAWS807 or LAWS8070

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:

ULO1: Demonstrate and 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 and improve the skill of statutory interpretation

ULO3: Apply the skills of legal problem solving to the analysis of administrative law

problems.

ULO4: Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current, and conduct comparative studies between jurisdictions and within the global sphere.

ULO5: Critically analyse and apply administrative law in the context of government policy and constitutional law frameworks.

Assessment Tasks

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

Participation in-class (via Zoom)

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 or intensive discussions, role plays, debates and other in class or online activities.

On successful completion you will be able to:

- Demonstrate and apply 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 statutory interpretation
- Apply the skills of legal problem solving to the analysis of administrative law problems.
- Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current, and conduct comparative studies between jurisdictions and within the global sphere.

- Critically analyse and apply administrative law in the context of government policy and constitutional law 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:

- Demonstrate and apply 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 statutory interpretation
- Apply the skills of legal problem solving to the analysis of administrative law problems.
- Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current, and conduct comparative studies between jurisdictions and within the global sphere.
- Critically analyse and apply administrative law in the context of government policy and constitutional law frameworks.

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:

- Demonstrate and 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, and conduct comparative studies between jurisdictions and within the global sphere.
- Critically analyse and apply administrative law in the context of government policy and constitutional law 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:

- Demonstrate and apply 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 statutory interpretation
- Apply the skills of legal problem solving to the analysis of administrative law problems.

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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](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 \(https://students.mq.edu.au/support/study/student-policy-gateway\)](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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p)

[olicy-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.