LAWS3300
Administrative Law
Session 2, Weekday attendance, North Ryde 2021

Macquarie Law School

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Disclaimer
Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

Notice
Some on-campus classes have moved online for the first two weeks of Session, before returning to campus in Week 3. If you are studying a unit outside of the primary Session 2 timetable, please contact your teaching staff team for further details.

Some classes/teaching activities cannot be moved online and must be taught on campus. To find out if you are enrolled in one of these classes/teaching activities, you can check to see if your unit is on the list of units with mandatory on-campus classes/teaching activities.

Your Unit Convenor will provide more information via an iLearn announcement when your iLearn unit becomes available.
General Information

Unit convenor and teaching staff
Convenor
Catherine Greentree
catherine.greentree@mq.edu.au
Contact via Message via iLearn.
By appointment.

Credit points
10

Prerequisites
LAW314 or LAWS3000

Co-requisites

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://students.mq.edu.au/important-dates

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

UL01: Apply knowledge of the basic mechanisms and principles of administrative law (merits review, judicial review, Freedom of Information, natural justice, errors of law).
UL02: Demonstrate competence in the skill of statutory interpretation
UL03: Evaluate administrative law principles and doctrines, assessing deficiencies and strengths in Australian administrative law - both historical and current.
UL04: Contextualise administrative law within the government, legal and constitutional frameworks
General Assessment Information

Research Essay
Assessment Type: Essay
Indicative Time on Task: 25 hours
Due: 13.9.2021, 5pm
Weighting: 30% of total mark for unit

Students will prepare a research essay 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

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

Hypothetical Problems
Assessment Type: Essay/Hypothetical
Indicative Time on Task: 30 hours
Due: 4.11.2021, 5pm
Weighting: 40%

Students will advise a client based on the facts of the situation and the law learned in the course. The hypothetical 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
Unit guide LAWS3300 Administrative Law

frameworks

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

**Participation: In-Class**

Assessment Type: Participatory Task

Indicative Time on Task: 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 (either face to face on campus or 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: Online**

Assessment Type: Participatory Task

Indicative Time on Task: 3 hours

Due: Ongoing, final date to post is 5.11.2021, 11:59pm

Weighting: 15%

This individual component is worth 15% of students grade. 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

If you need help with your assessment, please contact:
• the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
• the Learning Skills Unit for academic skills support

LATE ASSESSMENT SUBMISSION POLICY
Unless a Special Consideration request has been submitted and approved:
a) a penalty for lateness will apply - 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date, and
b) no assignment will be accepted seven (7) days after the original submission deadline (including weekends).

Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Essay</td>
<td>30%</td>
<td>No</td>
<td>13/9/2021, 5pm</td>
</tr>
<tr>
<td>Hypothetical Problems</td>
<td>40%</td>
<td>No</td>
<td>4/11/2021, 5pm</td>
</tr>
<tr>
<td>Participation</td>
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<td>No</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

Research Essay
Assessment Type: Essay
Indicative Time on Task: 25 hours
Due: 13/9/2021, 5pm
Weighting: 30%

Students will prepare a research report on an aspect of the course. The essay question and
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: 4/11/2021, 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

Assessment Type 1: Participatory task
Indicative Time on Task 2: 12 hours
Due: Ongoing
Weighting: 30%

Students will be assessed on their informed participation in discussions, role plays, debates and other 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

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 [Learning Skills Unit](#) 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, two lectures will be pre-recorded and available to students on iLearn. There will be no face to face lectures in Session 2, 2021 in line with the University's Covid-19 policy. The lectures 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

<table>
<thead>
<tr>
<th>WEEK</th>
<th>DATES: WEEKS STARTING</th>
<th>LECTURE TOPIC</th>
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https://unitguides.mq.edu.au/unit_offerings/132520/unit_guide/print
<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Topics</th>
</tr>
</thead>
</table>
| 1     | 26 July    | - INTRODUCTION TO THE UNIT  
- ADMIN LAW - THEORY, HISTORY AND CONTEXT  
- THE FRAMEWORK FOR JUDICIAL REVIEW |
| 2     | 2 August   | - MERITS REVIEW AND ADMINISTRATIVE TRIBUNALS                           |
| 3     | 9 August   | - OTHER METHODS OF ADMINISTRATIVE LAW REVIEW  
- CONSTITUTIONAL CONSIDERATIONS       |
| 4     | 16 August  | - RULE-MAKING AND CONTROL OF SUBORDINATE LEGISLATION  
- FOUNDATION CONCEPTS OF JUDICIAL REVIEW |
| 5     | 23 August  | - UNAUTHORISED DECISION-MAKING                                         |
| 6     | 30 August  | - STATUTORY PURPOSE AND RELEVANT CONSIDERATION  
- NATURAL JUSTICE                     |
| 7     | 6 September| - EXECUTIVE POLICIES, DIRECTIONS AND REPRESENTATIONS  
- LAW, FACT AND EVIDENCE               |
| Recess| 13-26 September| NO LECTURES                                                        |
| 8     | 27 September| - FAILURE TO PERFORM A STATUTORY DUTY  
- WEDNESBURY UNREASONABLENESS, GOOD ADMINISTRATION AND THE OUTER LIMITS OF LEGALITY |
| 9     | 4 October  | - EXECUTIVE POWER AND DECISION-MAKING  
- THE CONSEQUENCES OF UNLAWFUL DECISION-MAKING                         |
| 10    | 11 October | - JUDICIAL REVIEW REMEDIES  
- STANDING                                                                  |
| 11    | 18 October | - ACCESS TO INFORMATION  
- PRIVACY                                                                    |
| 12    | 25 October | - OBTAINING REASONS FOR GOVERNMENT DECISIONS  
- PROBLEM SOLVING                                                           |
| 13    | 1 November | NO LECTURES                                                            |

https://unitguides.mq.edu.au/unit_offerings/132520/unit_guide/print
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/admin/other-resources/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.
Student Enquiry Service
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

Equity 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.

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.