



# LAWS3300

## Administrative Law

Session 2, Infrequent attendance, North Ryde 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **Session 2 Learning and Teaching Update**

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

Convenor

Catherine Greentree

[catherine.greentree@mq.edu.au](mailto:catherine.greentree@mq.edu.au)

Contact via Message via iLearn.

By appointment.

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

## 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

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**

Name	Weighting	Hurdle	Due
<a href="#">Research Essay</a>	30%	No	13/9/2021, 5pm
<a href="#">Hypothetical Problems</a>	40%	No	4/11/2021, 5pm
<a href="#">Participation</a>	30%	No	Ongoing

### **Research Essay**

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 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

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 <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 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 <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 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

<sup>1</sup> 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.

<sup>2</sup> 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

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



## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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](https://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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.