LAWS3300

Administrative Law

Session 2, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff Convenor Catherine Greentree catherine.greentree@mq.edu.au Contact via iLearn Private Communication 6 First Walk, room 434 Monday 2-3pm; Wednesday 1-2pm
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: 13.9.2022, 11:55pm

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: 3.11.2022, 11:55pm

Weighting: 40%

Students will complete hypothetical questions based on the law learned throughout 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' overall 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 4.11.2022, 11:55pm

Weighting: 15%

This individual component is worth 15% of students grade. Students will post 3 times in total during the semester. Students will compose their own questions that have occurred to them as a result of listening to the weekly lectures, or from the material covered in tutorials. Students will then provide an answer to the questions, based on research into the weekly readings/resources, and provide justification for the answers by reference to the material covered.

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 Writing Centre (run by the Learning Skills Unit) for academic skills support

LATE ASSESSMENT SUBMISSION POLICY

Unless a Special Consideration request has been submitted and approved, a **5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted.** Submission time for all written assessments is set at 11:55pm. A 1-hour grade period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (including essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special Consideration application. Special Consideration outcome may result in a new question or topic.**

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Essay	30%	No	13/9/2022, 11:55pm
Hypothetical Problems	40%	No	3/11/2022, 11:55pm
Participation	30%	No	Ongoing

Research Essay

Assessment Type [1]: Essay
Indicative Time on Task [2]: 25 hours
Due: **13/9/2022, 11:55pm**

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: **3/11/2022, 11:55pm**
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

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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, there will be one live lecture and one recorded lecture, both of which will be available on Echo. 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.

There are two required texts for this unit:

Robin Creyke, John McMillan, Mark Smyth, *Control of Government Action: Text, Cases and Commentary* (LexisNexis Butterworths, 2022, 6th ed); and

Doron Goldbarsht and Nathan Johnston, *Fundamentals of Australian Administrative Law Questions and Answers* (LexisNexis Butterworths, 2022) - this is a companion to the Creyke et al text, working as a quick search resource with short questions and answers about foundational principles, terms, and legal authorities. It then directs students to where they can find the more detailed explanation in the Creyke et al text.

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 TOPIC
Week 1	25 July	- INTRODUCTION TO THE UNIT - ADMIN LAW - THEORY, HISTORY AND CONTEXT - THE FRAMEWORK FOR JUDICIAL REVIEW
Week 2	1 August	- MERITS REVIEW AND ADMINISTRATIVE TRIBUNALS
Week 3	8 August	- OTHER METHODS OF ADMINISTRATIVE LAW REVIEW - CONSTITUTIONAL CONSIDERATIONS
Week 4	15 August	- RULE-MAKING AND CONTROL OF SUBORDINATE LEGISLATION - FOUNDATION CONCEPTS OF JUDICIAL REVIEW
Week 5	22 August	- UNAUTHORISED DECISION-MAKING
Week 6	29 August	- STATUTORY PURPOSE AND RELEVANT CONSIDERATION - NATURAL JUSTICE
Week 7	5 September	- EXECUTIVE POLICIES, DIRECTIONS AND REPRESENTATIONS - LAW, FACT AND EVIDENCE
Recess	12-25 September	NO LECTURES
Week 8	26 September	- FAILURE TO PERFORM A STATUTORY DUTY - *WEDNESBURY* UNREASONABLENESS, GOOD ADMINISTRATION AND THE OUTER LIMITS OF LEGALITY
Week 9	3 October	- EXECUTIVE POWER AND DECISION-MAKING - THE CONSEQUENCES OF UNLAWFUL DECISION-MAKING
Week 10	10 October	- JUDICIAL REVIEW REMEDIES - STANDING
Week 11	17 October	- ACCESS TO INFORMATION - PRIVACY
Week 12	24 October	- OBTAINING REASONS FOR GOVERNMENT DECISIONS - PROBLEM SOLVING

Week 13	31 October	NO LECTURES

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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
- Assessment Procedure
- Complaints Resolution 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). 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) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the 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

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

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.

Changes since First Published

Date	Description
13/07/2022	There was an error missed in the delivery of unit, relating to the lectures (the previous version erroneously stated that both lectures would be online. However, one lecture will be delivered live).