



LAWS3300

Administrative Law

Session 2, Online-scheduled-weekday 2023

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor, Lecturer, Tutor

Catherine Greentree

catherine.greentree@mq.edu.au

Contact via iLearn

6 First Walk, room 434

Tuesdays, 3-4pm

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

Professional Skills Task

Assessment Type: Research Task

Indicative Time on Task: 30 hours

Due: 8.9.2023, 11:55pm

Weighting: 40% of total mark for unit

Students will research and prepare a policy brief on an aspect of the course. The policy brief 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
- Develop your skills to prepare comprehensive and relevant advice for a specific audience

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

Hypothetical Task

Assessment Type: Hypothetical

Indicative Time on Task: 30 hours

Due: 5.11.2023, 11:55pm

Weighting: 40% of total mark for unit

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 of in-class time

Due: Ongoing (assessed across all tutorial weeks)

Weighting: 20% of total mark for unit

This individual component is worth 20% of students' overall grade. Students will be assessed on their informed participation in weekly discussions, role plays, debates, breakout group work, and other in-class activities. Note that mere attendance at tutorials does not equate with participation.

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

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 grace period is provided to students who are able to demonstrate that they experienced a technical issue in the upload of their assessment.

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 |
|---------------------------------|-----------|--------|-----------|
| <u>Professional Skills Task</u> | 40% | No | 8/9/2023 |
| <u>Participation</u> | 20% | No | Ongoing |
| <u>Hypothetical Task</u> | 40% | No | 5/11/2023 |

Professional Skills Task

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 30 hours

Due: **8/9/2023**

Weighting: **40%**

This task will focus on a particular professional skill relevant to administrative law. Students will research and produce a piece of writing typical of the legal profession such as a judgment, submissions or law reform analysis.

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

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Ongoing**

Weighting: **20%**

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

Hypothetical Task

Assessment Type ¹: Essay

Indicative Time on Task ²: 35 hours

Due: **5/11/2023**

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

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

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 Leganto, iLearn, or linked to a publicly available source.

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

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.

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 is no tutorial in Week 1.**

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](#)
- [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) (<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> 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

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.