LAWS8080

Administrative Law

Session 2, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

Contents

Disclaimer

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General Information

Unit convenor and teaching staff Doron Goldbarsht doron.goldbarsht@mq.edu.au
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.

General Assessment Information

Late Assessment Submission Penalty

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 11.55 pm. A 1-hour grace period is provided to students who experience a technical issue.*

This late penalty will apply to non-timed sensitive assessments (incl 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.**

We stress that you review

- the complete assessment schedule for each unit you are enrolled in and plan accordingly.
- the Special Consideration procedure, eligibility criteria and application process if you encounter short disruptions to your studies.
- the Student Wellbeing support services are available to you if you have ongoing personal circumstances which impact your studies and are not eligible for Special Consideration.

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Essay	30%	No	8/9/2023 23:55
Hypothetical Problems	40%	No	5/11/2023 23:55
Participation	30%	No	on going

Research Essay

Assessment Type [1]: Essay
Indicative Time on Task [2]: 25 hours
Due: **8/9/2023 23:55**
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: **5/11/2023 23:55**
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.

Participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 12 hours
Due: **on going**
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:

- 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.

[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. These will take place from **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.

Infrequent students have compulsory sessions and the dates are available via timetables.

There are two required texts for this unit:

- Doron Goldbarsht and Nathan Johnston, *Fundamentals of Australian Administrative Law Questions and Answers* (LexisNexis Butterworths, 2022); and
- Robin Creyke, John McMillan, Mark Smyth, *Control of Government Action: Text,*

Cases and Commentary (LexisNexis Butterworths, 2022, 6th ed).

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.

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 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.