



LAWS3300

Administrative Law

Session 2, Online-scheduled-weekday 2024

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff
Unit Convenor and Lecturer
Catherine Greentree
Contact via iLearn direct message
Office: 17 Wally's Walk room 218
See iLearn

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.
- ULO5:** Communicate, interact and collaborate professionally and effectively in verbal

and non-verbal contexts across diverse settings.

ULO6: Work independently, meet deadlines, take initiative and be adaptable to diverse and changing environments.

General Assessment Information

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
Practice-Based Task	40%	No	8/9/2024, 11:55pm
Class Participation	20%	No	Ongoing (in class)
Exam	40%	No	University Exam Period

Practice-Based Task

Assessment Type ¹: Practice-based task

Indicative Time on Task ²: 30 hours

Due: **8/9/2024, 11:55pm**

Weighting: **40%**

An assessment on professional skills and knowledge relevant to the unit. This could be a legal or policy brief, a report, an essay, a law reform proposal, legal pleadings or other related professional task. This assessment may require students to prepare a response through research and adhere to discipline-specific scholarly conventions.

On successful completion you will be able to:

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- 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.
- Communicate, interact and collaborate professionally and effectively in verbal and non-verbal contexts across diverse settings.
- Work independently, meet deadlines, take initiative and be adaptable to diverse and changing environments.

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Ongoing (in class)**

Weighting: **20%**

An assessment of students' participation in tutorials which may include participation in tutorial discussions and debates, problem-solving, role plays, critical engagement with the unit materials, and other activities. This may require preparation before the tutorial including completing the required readings and considering or preparing responses to the tutorial materials.

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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Exam

Assessment Type ¹: Examination

Indicative Time on Task ²: 35 hours

Due: **University Exam Period**

Weighting: **40%**

An invigilated exam held in the formal examination period. The exam may cover any or all topics and materials covered in the unit.

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.
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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

Delivery

Please note that this unit is worth 10 credit points, which equates to 150 hours of work across the semester. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Lectures

Session 2 commences on Monday 22nd July, 2024 (Week 1 of the teaching calendar).

Commencing in Week 1, there will be a weekly 1hr live lecture and a 1hr prerecorded lecture, both of which will be made available on Echo360 in iLearn. Students are strongly encouraged to attend the live lectures in person in order to keep up with the weekly content, and students will have an opportunity to ask questions. The schedule of topics to be covered in the lectures, and corresponding required readings, will be available in detail on iLearn.

Tutorials

Weekly one hour tutorials begin in **Week 2** (week commencing Monday 29th July), **and finish in Week 13**. Therefore there is a total of 12 weekly tutorials. Discussion questions for each tutorial will be available on the iLearn page the week prior to the tutorial. **There is no tutorial in Week 1.**

Resources

There is one required text and one recommended text for this unit:

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

Recommended text: 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.

If you purchase your textbooks directly from the [LexisNexis Store](#), you can use code **Academics15** to receive a 15% discount on any purchase of LexisNexis academic texts.

Additional readings will be available via Leganto, iLearn, or linked to a publicly available source. Students require access to a computer, internet with decent speed, and a secure and reliable internet provider.

Communication

The Convenor of this unit is Dr Catherine Greentree. Students should direct all queries regarding

the course content and assessment to the Convenor, either via the Discussion Forum or the Private Communication tool on iLearn. Direct emails should not be sent unless the student has lost access to iLearn. Students are not to contact their tutors outside of class under any circumstances, in accordance with Law School policy. Tutors have been instructed not to respond to messages from students.

Unit Schedule

Week 1 - Introduction, Theory, History, and Context; Constitutional Considerations

Week 2 - Executive Power and Administrative Decision-Making; Subordinate Legislation and Delegated Decision-Making

Week 3 - Merits Review - Tribunals; Procedure and Evidence of Tribunals

Week 4 - Merits Review - Other Review Methods and Bodies; Introduction to Judicial Review

Week 5 - Judicial Review - Introduction; Statutory Framework and Common Law Review

Week 6 - Limits on Judicial Review - Justiciability, Standing, Privative Clauses, 'Matter'

Week 7 - Unauthorised Decision-Making

Week 8 - Grounds for Judicial Review; Law, Fact and Evidence

Week 9 - Jurisdictional Error and Jurisdictional Fact; Procedural Fairness

Week 10 - Statutory Purpose and Relevant Considerations; Unreasonableness, Fraud, and Bad Faith

Week 11 - Judicial Review Remedies; Obtaining Reasons for Decisions

Week 12 - Access to Information and Privacy; Recap

Week 13 - No Lectures

Policies and Procedures

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

Changes from Previous Offering

This unit now includes an invigilated exam that will be run centrally by the university and held in the University Exam Period

Unit information based on version 2024.03 of the [Handbook](#)