LAWS8080

Administrative Law

Session 2, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Convenor
Jemimah Roberts
Contact via via iLearn
Thursdays 12-1pm during semester (by appointment)

Lecturer
Dr Catherine Greentree

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.

ULO6: Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.

ULO7: Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

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
Class Participation	20%	No	Ongoing
Practice-Based Task	40%	No	8 September 2024 at 11:55pm
Exam	40%	No	University Exam Period

Class Participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **Ongoing**
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:
- 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.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

Practice-Based Task

Assessment Type [1]: Practice-based task
Indicative Time on Task [2]: 13 hours
Due: **8 September 2024 at 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:
- 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.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

Exam

Assessment Type [1]: Examination
Indicative Time on Task [2]: 17 hours
Due: **University Exam Period**
Weighting: **40%**

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

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.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

[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.

Weekly one hour tutorials for our **face-to-face cohort** 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.**

For our **online cohort,** please see timetables and iLearn for your **fortnightly tutorial schedule (Thursdays 7-9pm via zoom)**

This unit is worth 10 credit points, which equates to 150 hours of work. 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.

Resources

There is one required text for this unit:

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

There is also one recommended complementary text for this unit:

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 textbook directly from the LexisNexis Store, you can use the code **Academics15** to receive a 15% discount on any purchase of LexisNexis academic texts.

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

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.

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

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Unit information based on version 2024.04 of the Handbook