



LAWS837

Advanced Topics in Public Law

S1 Day 2018

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Convenor

Pallavi Sinha

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TBA

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W3A Rm 512

N/A

Credit points

4

Prerequisites

Admission to JD and 24cp in LAW or LAWS units at 800 level

Corequisites

Co-badged status

This unit is co-badged with LAWS504

Unit description

In this unit, students will analyse the nature, exercise, regulation, and limits of governmental authority within the state. The unit considers the legal structure, competencies, and relationship between key institutions - parliaments, executives, administrative bodies, and courts. It will develop student understanding of (individual or group) rights and protections, the rule of law, and governance. Students will become familiar with public law theory as it relates to prominent or contemporary legal issues. Consequently, the unit will (from year to year) have a particular focus on a legal topic: constitutional law, administrative law, human rights, migration law, policy and governance, and jurisprudence. The unit advances on prescribed areas in public law - including LAWS807, LAWS08 and LAWS805 - while encouraging integrated knowledge of these areas.

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:

Develop knowledge of central aspects of administrative law in the migration jurisdiction
Demonstrate problem-solving through isolation of issues in complex migration issues in administrative law

Demonstrate critical analysis of facts, legislation and case law

Cultivate independent research and thinking skills, showing both understanding and creativity in analysis

Communicate clearly with well-cited, logical, grammatically correct, and substantiated arguments and analysis

Advance complex arguments within migration law sensitive to considerations of law, policy, and politics

General Assessment Information

Special Consideration

Unless a Special Consideration request has been submitted and approved:

(a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date; and

(b) no assignment will be accepted more than seven (7) days (including weekends) after the original submission deadline.

(c) No late submissions will be accepted for timed assessments.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Moderation

Marking rubrics will be made available on iLearn. Fail papers are double marked.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Research Essay</u>	40%	No	7 May, 3pm
<u>Take-Home Examination</u>	60%	No	15 June, 3pm

Research Essay

Due: **7 May, 3pm**

Weighting: **40%**

This is an independent research essay. Students will be required to analyse a complex question of administrative law, and show independent research in their response.

Essays must be submitted in double line spaced text, 12 point font. The word limit is **3,000 words**, excluding footnotes. Footnotes should only be used for references, with no further discussion. Content over 3,000 words will not be marked. A bibliography does not have to be provided.

The essay must comply with the *Australian Guide to Legal Citation (3 ed)*. The Guide is available here <<http://mulr.law.unimelb.edu.au/go/AGLC3>>

All work is to be submitted via Turnitin on iLearn.

The essay question and assessment guidance will be released via iLearn.

On successful completion you will be able to:

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Take-Home Examination

Due: **15 June, 3pm**

Weighting: **60%**

This is a take-home examination. The examination can cover any material in the unit. It is designed to test students' knowledge and capacity to apply principles, to analyse, and to advise. Further details on the examination and a marking rubric will be provided on iLearn.

Students will be able to access the examination paper on iLearn from **9am, Friday 15 June** and must submit their answers by **3pm, Friday 15 June**. All work is to be submitted via Turnitin on iLearn.

This is a timed assessment and no late submissions will be accepted.

A bibliography is not required. Footnoting is not required. Rather, a student should provide references for the examination in this manner:

e.g. 'The High Court has held that [proposition] (*Case Name*).'

e.g. 'As Goldsworthy argues, "[Quote]".' OR 'As Goldsworthy argues, [paraphrase].' [Here, there is no need to reference the source.]

The **word limit** for the examination (including both questions) is **3500 words**.

As with all Law units, Laws837 has an exception to the assessment policy allowing a take-home examination during the formal exam period.

On successful completion you will be able to:

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- Advance complex arguments within migration law sensitive to considerations of law, policy, and politics

Delivery and Resources

This unit is co-taught in 2018 with LAWS504 Advanced Administrative Law.

Technology

This Unit uses iLearn; students must read the LAWS504/LAWS837 Unit page, which also has resources such as cases.

Lectures are recorded through iLearn and are available through the iLearn Active Learning Platform. Lectures will either be presented live, or pre-recorded on a weekly basis.

All assessments are to be submitted through Turnitin.

Internal Delivery

Students are expected to attend or listen to the lectures and work their way through the other materials on a weekly basis.

There is a weekly one-hour face to face tutorial from weeks 2-13 for internal students.

External Delivery

External students are expected to listen to the weekly lectures, recorded. Attendance at the On Campus Session (OCS) is compulsory. Students who are unable to attend must apply for a special consideration. If that application is accepted, alternative work will be set in lieu of on-campus attendance.

Resources

The **required texts** are:

- MRL Kelly, *LawBrief: Administrative Law* (Lawbook Co, 2014). This text should be available from the Co-op Bookstore. (Students may already have a copy from studying LAW315).
- R Creyke, J McMillan and M Smyth, *Control of Government Action: Text, Cases and Commentary* (Lexisnexis, 4th ed, 2015)

The following texts may also be of **wider interest or additional texts for reference**, but are not required. Those textbooks with 'UK' after them are primarily related to administrative law in the

United Kingdom.

- Aronson, M, Groves, M, and Weeks, G, *Judicial Review of Administrative Action* (Thomson Reuters, 6th ed, 2017)
- Allars, Margaret, *Butterworths Casebook Series ; Administrative Law - Cases and Commentary* (Butterworths, 1997) [Now a very old book; but with good case summaries of the older cases]
- Cane, P, and McDonald, L, *Principles of Administrative Law: Regulation and Governance* (Oxford University Press, 2008)
- Cane, P, and McDonald, L, *Cases and Materials for Principles of Administrative Law: Legal Regulation of Governance* (Oxford University Press, 2009)
- Clark, David, and McCoy, Gerard, *Habeas Corpus: Australia, New Zealand, The South Pacific* (The Federation Press, Sydney, 2000)
- Craig, PP, *Administrative Law* (5th ed, Sweet & Maxwell, 2003) [UK]
- Creyke, R, and Keyzer, P, *The Brennan Legacy : Blowing the Winds of Legal Orthodoxy* (The Federation Press, Sydney, 2002)
- Creyke, R, and McMillan, J, (eds), *The Kerr Vision of Australian Administrative Law at the Twenty-Five Year Mark* (CIPL, 1998) [excellent reproduction of the original 3 reports leading to the reforms]
- Crock, M and Berg, L, *Immigration, Refugees and Forced Migration Law, Policy and Practice in Australia* (Federation Press, Sydney, 2011)
- Douglas, R (ed.) *Douglas & Jones' Administrative Law* (6th ed, The Federation Press, Sydney, 2009)
- Endicott, Timothy, *Administrative Law*, (OUP, 2009) [UK: excellent, clear introduction to UK administrative law]
- Forsyth, C and Hare, I, (eds), *The Golden Metwand and the Crooked Cord: Administrative Law Essays in Honour of Sir William Wade QC* (Clarendon Press, Oxford, 1998) [UK- very interesting book]
- Forsyth, C, *Judicial Review and the Constitution* (Hart Publishing, London, 2000) [UK]
- Germov, Roz, former Member of the Refugee Review Tribunal and Motta, Francesco, former Adviser to the Minister for Immigration and Member of the Refugee Review Tribunal, *Refugee Law in Australia* (OUP, 2002)
- *LexisNexis Administrative Law Collection*, Legislation, (ADJR, AAT, FOI, Ombudsman), LexisNexis, Sydney, 2004
- Pearce, D C, and Geddes, R S, *Statutory Interpretation in Australia* (7th ed, LexisNexis Butterworths, 2011)
- Sharpe, R J, *The Law of Habeas Corpus* (2nd ed, Clarendon Press, Oxford, 1989)

- Wade, H W R, and Forsyth, C, *Administrative Law* (9th ed, OUP, 2004) [UK]
- Woolf, H, Jowell, J, and Le Sueur, A, (eds) *De Smith, Woolf & Jowell's Principles of Judicial Review* (Sweet & Maxwell, London, 1999) [UK]

Journals

There are five journals specifically devoted to Australian and British administrative law:

- In Australia: *Public Law Review*, *Australian Journal of Administrative Law*, and the *AIAL Forum* (produced by the [Australian Institute of Administrative Law](#));
- In Britain: *Public Law*, and *Public Administration*

The *Federal Law Review* also contains many articles on administrative law. Most other law journals also contain frequent articles on public law.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

Results

Results shown in *iLearn*, 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](#).

Student Support

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

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

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.

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Develop knowledge of central aspects of administrative law in the migration jurisdiction
- Demonstrate problem-solving through isolation of issues in complex migration issues in administrative law

- Demonstrate critical analysis of facts, legislation and case law
- Cultivate independent research and thinking skills, showing both understanding and creativity in analysis
- Advance complex arguments within migration law sensitive to considerations of law, policy, and politics

Assessment tasks

- Research Essay
- Take-Home Examination

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Develop knowledge of central aspects of administrative law in the migration jurisdiction
- Demonstrate problem-solving through isolation of issues in complex migration issues in administrative law
- Demonstrate critical analysis of facts, legislation and case law
- Cultivate independent research and thinking skills, showing both understanding and creativity in analysis
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Assessment tasks

- Research Essay
- Take-Home Examination

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Demonstrate problem-solving through isolation of issues in complex migration issues in administrative law
- Cultivate independent research and thinking skills, showing both understanding and creativity in analysis
- Advance complex arguments within migration law sensitive to considerations of law, policy, and politics

Assessment tasks

- Research Essay
- Take-Home Examination

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Demonstrate problem-solving through isolation of issues in complex migration issues in administrative law
- Demonstrate critical analysis of facts, legislation and case law
- Cultivate independent research and thinking skills, showing both understanding and creativity in analysis
- Communicate clearly with well-cited, logical, grammatically correct, and substantiated arguments and analysis

Assessment tasks

- Research Essay
- Take-Home Examination

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Demonstrate critical analysis of facts, legislation and case law
- Cultivate independent research and thinking skills, showing both understanding and creativity in analysis
- Advance complex arguments within migration law sensitive to considerations of law, policy, and politics

Assessment task

- Research Essay