

LAWS 3081 ADMINISTRATIVE LAW

Credit Points 10

Coordinator Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

Description This subject examines the legal principles regulating the exercise of power by the executive arm of government in its various manifestations; ministers, government departments and officials, regulatory bodies, tribunals, inferior courts and local councils. This is examined in the context of Australian constitutional arrangements and it is taught in the context of constitutional themes and principles that underpin the law in this area. The exercise of power examined includes decision making, the exercise of discretion, delegated legislation and the decision making procedure of the major administrative tribunals. The focus is on the principles of judicial review developed by the courts, standing and remedies. There is also an examination of major non-judicial avenues of review by the major tribunals such as the Commonwealth Administrative Appeals Tribunal, and the Ombudsman. The unit will also examine Freedom of Information legislation.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 2008 Government and Public Law OR 200814 Commercial Transactions Law

Equivalent Subjects 200013 Administrative Law

Learning Outcomes

1. Identify and evaluate the key concepts and principles of administrative law
2. Interpret and apply relevant law and policy to analyse legal problems and provide advice to resolve them
3. Evaluate the role of administrative law in maintaining a just and civilized society
4. Locate and evaluate relevant case law and legislation using a range of legal research tools
5. Demonstrate effective and appropriate writing skills in a professional context, including accurate citation according to AGLC style

Subject Content

1. Introduction and Overview of Administrative Law in its constitutional context.
2. Access to Government (Freedom of Information and Reasons for Decisions).
3. Non-judicial Review of Administrative Action
4. Judicial Review, including the grounds of judicial review, primarily ultra vires, natural justice, jurisdictional error.
5. Judicial review of delegated legislation.
6. Standing.
7. Judicial Remedies.
8. Investigating Administrative Activity (Corruption and Ombudsman).

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/Group Task
Quiz	20 minutes	15	N	Individual
Professional Task	3000 words	40	N	Individual
Final Exam	3 hours	45	N	Individual

Prescribed Texts

- Michael Head, *Administrative Law: Context and Critique* (Federation Press, 5th ed, 2021).
- Roger Douglas, Michael Head, Yee-Fui Ng and Margaret Hyland, *Douglas and Jones's Administrative Law* (Federation Press, 8th ed, 2018)

Teaching Periods

Spring Campbelltown

Day

Subject Contact Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3081_22-SPR_CA_D#subjects)

Evening

Subject Contact Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3081_22-SPR_CA_E#subjects)

Parramatta - Victoria Rd

Day

Subject Contact Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3081_22-SPR_PS_D#subjects)

Evening

Subject Contact Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3081_22-SPR_PS_E#subjects)