

LAWS 7041 ADMINISTRATIVE LAW

Credit Points 10

Legacy Code 201056

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 subject will also examine Freedom of Information legislation.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Level Postgraduate Coursework Level 7 subject

Pre-requisite(s) LAWS 7057 Government and Public Law

Incompatible Subjects LAWS 3081 Administrative Law

Restrictions

Students must be enrolled in a postgraduate program.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Analyse principles of administrative law, procedure and policy, and their relationship to broader social, economic and political contexts;
2. Provide advice to resolve problems that indicate a deep comprehension of administrative law;
3. Evaluate relevant case law and legislation using a range of legal research tools and methods;
4. Evaluate ethical issues arising in administrative law practice and the professional responsibilities of lawyers in maintaining a just and civilised society.

Subject Content

- Introduction and Overview of administrative Law in its constitutional context
- Access to government (freedom of information and Reasons for decisions)
- Non-Judicial Review of administrative action
- Judicial Review, including The grounds of Judicial Review, primarily ultra vires, natural justice, jurisdictional error
- Judicial Review of delegated Legislation
- Standing
- Judicial Remedies

- Investigating administrative Activity (Corruption and Ombudsman)
- Key cases relating to Indigenous land and political rights.

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.

Type	Length	Percent	Threshold	Individual/Group Task
Case Study	1,000 words	20	N	Individual
Professional Task	3,000 words	35	N	Individual
Exam	2 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 (2022)

Parramatta - Victoria Rd

Day

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS7041_22-SPR_PS_D#subjects)

Spring (2023)

Online

Online

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View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7041_23-SPR_ON_2#subjects)

Parramatta - Victoria Rd

On-site

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