



LAWS12061 *Administrative Law*

Term 2 - 2017

Profile information current as at 25/04/2024 10:04 pm

All details in this unit profile for LAWS12061 have been officially approved by CQUUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

This unit examines the legal rules, principles and procedures applied by the courts and administrative tribunals to review and check the exercise of executive power and the legality of administrative (executive) action and decision-making, especially insofar as they affect the rights, interests and legitimate expectations of individuals and the public. It also looks at the statutory, common law and equitable remedies available against invalid executive action and decision-making.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Prerequisites: LAWS11057 and LAWS11059

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 2 - 2017

- Distance

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Written Assessment**

Weighting: 20%

2. **Presentation and Written Assessment**

Weighting: 40%

3. **Written Assessment**

Weighting: 40%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Have your say.

Feedback

Some students desired more opportunities for interaction with peers.

Recommendation

Students might be offered the opportunity to host workshops. In addition, asynchronous discussion could be provided by an app such as Perusall that would allow students to interact in their own time.

Feedback from Discussion with students.

Feedback

Many students had not studied the first year subject Constitutional Law beforehand and lacked understanding of key political structures and ideas (eg the doctrine of separation of powers)

Recommendation

Some consideration should be given as to where key concepts (such as 'separation of powers') are first developed in the law degree and where they might be accessed by students who are studying out of sequence. It is recommended that the law school implement a transition/foundation knowledge project to examine where key areas of knowledge are embedded.

Feedback from Have your say.

Feedback

Some students did not like having to make a choice of assignment topic.

Recommendation

Generally students prefer choice, so these comments may well have been in the minority. Example scenarios were provided for students in the study guides, but more time could be spent on these in the relevant workshop and some students may prefer a more closely pre-defined topic option. Many students successfully consulted with the coordinator in academic office hours to develop their projects. Those who do not utilise contact periods may need more encouragement to take advantage of this opportunity.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Identify, discuss, and explain the legal rules, principles and procedures applied by the courts and administrative tribunals to review and check the exercise of executive power and the legality of administrative (executive) action and decision-making
2. Review and critique administrative (executive) action and decision-making, and evaluate, discuss, and explain their legality or illegality
3. Identify, discuss, and explain the available statutory, common law and equitable remedies available against invalid executive action and decision-making
4. Research appropriate legal principles, statutes, and case law, and cite and apply those to the analysis of administrative law disputes.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

— N/A Level ● Introductory Level ● Intermediate Level ● Graduate Level ○ Professional Level ○ Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 20%	•	•	•	•
2 - Presentation and Written Assessment - 40%	•	•	•	•
3 - Written Assessment - 40%	•	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•	•	•
2 - Problem Solving	•	•	•	•
3 - Critical Thinking	•	•	•	•
4 - Information Literacy	•		•	•
5 - Team Work		•		•
6 - Information Technology Competence		•		
7 - Cross Cultural Competence				
8 - Ethical practice				
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 20%	•	•	•	•						
2 - Presentation and Written Assessment - 40%	•	•	•			•		•		
3 - Written Assessment - 40%	•		•	•			•	•		

Textbooks and Resources

Textbooks

LAWS12061

Prescribed

Control of Government Action: Text, Cases & Commentary

Edition: 4th (2015)

Authors: Robin Creyke, John McMillan and Mark Smyth

LexisNexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409339352

Binding: Paperback

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Manjo Oyson Unit Coordinator

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Schedule

Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Administrative Law -- Theory, History and Context	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 1.	

Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
The Framework for Judicial Review	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 2.	

Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Merits Review and Administrative Tribunals

Robin Creyke, John McMillan and Mark Smyth, *Control of Government Act: Text, Cases and Commentary* (LexisNexis Butterworths, 4th ed, 2015), Ch. 3.

Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Foundation Concepts of Judicial Review	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 7.	Individual Research Essay Due: Week 4 Friday (4 Aug 2017) 9:00 pm AEST

Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Unauthorised Decision-Making	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4 th ed, 2015), Ch. 8.	

Vacation Week - 14 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Vacation Week		

Week 6 - 21 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Statutory Purpose and Relevant Considerations	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 9.	

Week 7 - 28 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Natural Justice	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 10.	Presentation and Written Assessment Due: Week 7 Friday (1 Sept 2017) 9:00 pm AEST

Week 8 - 04 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Law, Fact and Evidence	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 12.	

Week 9 - 11 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Wednesbury Unreasonableness, Good Administration and the Outer Limits of Legality	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 14.	

Week 10 - 18 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic

Judicial Review Remedies
Robin Creyke, John McMillan and Mark Smyth, *Control of Government Act: Text, Cases and Commentary* (LexisNexis Butterworths, 4th ed, 2015), Ch. 17.

Week 11 - 25 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Access to Information	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Act: Text, Cases and Commentary</i> (LexisNexis Butterworths, 4th ed, 2015), Ch. 19.	

Week 12 - 02 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
Review/Revision		

Review/Exam Week - 09 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
		Final Take Home Written Assessment Due: Review/Exam Week Monday (9 Oct 2017) 9:00 pm AEST

Exam Week - 16 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Individual Research Essay

Assessment Type

Written Assessment

Task Description

This assessment involves writing an individual research essay consisting of 1000-1100 words (excluding footnotes) on one of four topics identified by the Course Coordinator. The topics shall be announced at the start of the term. No bibliography is required. The word count must be indicated at the end of the submitted document, which must be in MS Word (and not in PDF). There is no allowance for a word count below or above the designated word count range of 1000-1100 words.

Assessment Due Date

Week 4 Friday (4 Aug 2017) 9:00 pm AEST

Return Date to Students

Vacation Week Friday (18 Aug 2017)

Weighting

20%

Assessment Criteria

The individual research essay will be assessed according to the following criteria:

- Quality of introduction (10%)
- Quality of discussion of issue(s) (40%)
- Quality of argument (20%)
- Quality of conclusion (10%)
- Quality of research (10%)
- Quality of language use and format (10%)

A detailed marking rubric is available in Moodle.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

The individual research essay must be saved and submitted as an MS Word file according to the following format: LastName_FirstName_Essay.docx.

Learning Outcomes Assessed

- Identify, discuss, and explain the legal rules, principles and procedures applied by the courts and administrative tribunals to review and check the exercise of executive power and the legality of administrative (executive) action and decision-making
- Review and critique administrative (executive) action and decision-making, and evaluate, discuss, and explain their legality or illegality
- Identify, discuss, and explain the available statutory, common law and equitable remedies available against invalid executive action and decision-making
- Research appropriate legal principles, statutes, and case law, and cite and apply those to the analysis of administrative law disputes.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

2 Presentation and Written Assessment

Assessment Type

Presentation and Written Assessment

Task Description

Assessment Two requires the online submission of answers to four problem-type questions.

Each answer must consist of 500-550 words (excluding footnotes). Hence, the total word count for the four answers is 2,000-2200 words (excluding footnotes).

Appropriate legal principles and case law must be cited. No bibliography is required. The word count must be indicated at the end of the submitted document, which must be in MS Word (and not in PDF). There is no allowance for a word count below or above the designated word count range of 500-550 words for each answer.

Aim to be concise and direct to the point. Follow the IRAC/CIRAC format that is the common approach to answering Law problem-type questions. In your submission, please provide only your answers and do not include or repeat the questions.

The assessment covers the topics up to and including week 6 on "Statutory Purpose and Relevant Considerations".

Assessment Due Date

Week 7 Friday (1 Sept 2017) 9:00 pm AEST

Return Date to Students

Week 9 Friday (15 Sept 2017)

Weighting

40%

Assessment Criteria

This assessment will be assessed according to the following criteria: correct and thorough identification and description of the issues (20%) and rules/legal principles (20%), correct and thorough analysis of the issues with exceptional critical insight (40%), well thought-out conclusion (10%), and exemplary language use and observance of proper structure and format (10%).

A detailed marking rubric is available on the Moodle site.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

The MS Word file containing the individual answers must be saved and submitted in the following format: LastName_FirstName_Answers.docx.

Learning Outcomes Assessed

- Identify, discuss, and explain the legal rules, principles and procedures applied by the courts and administrative tribunals to review and check the exercise of executive power and the legality of administrative (executive) action and decision-making
- Review and critique administrative (executive) action and decision-making, and evaluate, discuss, and explain their legality or illegality
- Identify, discuss, and explain the available statutory, common law and equitable remedies available against invalid executive action and decision-making
- Research appropriate legal principles, statutes, and case law, and cite and apply those to the analysis of administrative law disputes.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Technology Competence
- Ethical practice

3 Final Take Home Written Assessment

Assessment Type

Written Assessment

Task Description

This final written (individual take-home) assessment involves the online submission of answers to problem-type questions. Students are given a non-extendible period of 48 hours within which to submit their answers to the questions, which will be made available on 7 October (Saturday) at 9:00 p.m. (AEST). The answers must be saved in MS Word (not as a PDF) and submitted on **9 October (Monday)** at 9 p.m. (AEST).

The MS Word file must be saved in the following format: LastName_FirstName_Final_Assessment.docx.

Assessment Due Date

Review/Exam Week Monday (9 Oct 2017) 9:00 pm AEST

No late submission is permitted. In the absence of an approved extension at the discretion of the Deputy Dean (Learning and Teaching), there will be no opportunity to complete the task after this date, nor will there be an opportunity to apply any late penalty.

Return Date to Students

Exam Week Friday (20 Oct 2017)

As per university policy, the marked assessment will be returned to students after the Certification of Grades.

Weighting

40%

Assessment Criteria

This assessment will be assessed according to the following criteria: quality of the statement of the problem, event or issue (10%); correct and thorough identification and description of the issues (10%) and rules/legal principles (20%), correct and thorough analysis and application of the rules and legal principles to the problem, event or issue (40%), well thought-out conclusion (10%), and quality of the language usage and observance of proper structure and format (10%). A detailed marking rubric is available on the Moodle site.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Learning Outcomes Assessed

- Identify, discuss, and explain the legal rules, principles and procedures applied by the courts and administrative tribunals to review and check the exercise of executive power and the legality of administrative (executive) action and decision-making
- Review and critique administrative (executive) action and decision-making, and evaluate, discuss, and explain their legality or illegality
- Identify, discuss, and explain the available statutory, common law and equitable remedies available against invalid executive action and decision-making
- Research appropriate legal principles, statutes, and case law, and cite and apply those to the analysis of

administrative law disputes.

Graduate Attributes

- Communication
- Critical Thinking
- Information Literacy
- Cross Cultural Competence
- Ethical practice

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem