



LAWS12061 *Administrative Law*

Term 3 - 2017

Profile information current as at 22/08/2025 04:12 pm

All details in this unit profile for LAWS12061 have been officially approved by CQU University 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 administrative (executive) power, especially insofar as they affect the rights, interests and legitimate expectations of individuals and the public. It also looks at the legal remedies available against invalid executive action and decision-making. At the end of the unit, you will be able to identify, discuss, and explain the legal rules, principles and procedures applied by the courts and administrative tribunals to review and check the legality of executive action and decision-making and provide legal advice about 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 3 - 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. **Online Quiz(zes)**

Weighting: 10%

2. **Group Work**

Weighting: 30%

3. **Written Assessment**

Weighting: 60%

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 Student evaluation survey

Feedback

Respectful attitude towards the students

Recommendation

A respectful attitude toward the students during the tutorials, and in assessment feedback and emails, should continue to be adopted as they encourage students to engage more fully with the unit.

Feedback from Student evaluation survey

Feedback

Challenging assessment tasks

Recommendation

Students actually favour assessment tasks that challenge them rather than appear to be very easy to do. Challenging tasks are likely to stretch the abilities of students and prepare them well for challenging roles as future lawyers.

Feedback from Student evaluation survey

Feedback

Difficult scenarios in problem-based questions

Recommendation

Some students felt that the use of difficult scenarios in problem-based questions may unnecessarily complicate Administrative Law principles and concepts. There is perhaps merit, on the one hand, about this comment. However, it is equally important that the complicated dimensions of Administrative Law be addressed.

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 the legality of administrative (executive) action and decision-making
3. Provide legal advice about 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



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Online Quiz(zes) - 10%	•			•
2 - Group Work - 30%	•	•	•	•

Assessment Tasks	Learning Outcomes			
	1	2	3	4
3 - Written Assessment - 60%	•	•	•	•

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 - Online Quiz(zes) - 10%	•	•	•	•						
2 - Group Work - 30%	•	•	•			•		•		
3 - Written Assessment - 60%	•		•	•			•	•		

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

m.oyson@cqu.edu.au

Schedule

Week 1 - 06 Nov 2017

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

Week 2 - 13 Nov 2017

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

Week 3 - 20 Nov 2017

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Merits Review and Administrative Tribunals

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

Week 4 - 27 Nov 2017

Module/Topic	Chapter	Events and Submissions/Topic
Foundation Concepts of Judicial Review	Robin Creyke, John McMillan and Mark Smyth, Control of Government Action: Text, Cases and Commentary (LexisNexis, Butterworths, 4th ed, 2015), Ch. 7	

Vacation Week - 04 Dec 2017

Module/Topic	Chapter	Events and Submissions/Topic

Week 5 - 11 Dec 2017

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

Week 6 - 18 Dec 2017

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

Week 7 - 01 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Natural Justice	Robin Creyke, John McMillan and Mark Smyth, Control of Government Action: Text, Cases and Commentary (LexisNexis, Butterworths, 4th ed, 2015), Ch. 10	

Week 8 - 08 Jan 2018

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

Week 9 - 15 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Wednesbury Unreasonableness, Good Administration and the Outer Limits of Legality	Robin Creyke, John McMillan and Mark Smyth, Control of Government Action: Text, Cases and Commentary (LexisNexis, Butterworths, 4th ed, 2015), Ch. 14	Case Notes Development Due: Week 9 Friday (19 Jan 2018) 9:00 pm AEST

Week 10 - 22 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic

Judicial Review Remedies

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

Week 11 - 29 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Access to Information	Robin Creyke, John McMillan and Mark Smyth, Control of Government Action: Text, Cases and Commentary (LexisNexis, Butterworths, 4th ed, 2015), Ch. 19	ONLINE QUIZZES Due: Week 11 Thursday (1 Feb 2018) 5:00 pm AEST

Week 12 - 05 Feb 2018

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

Review/Exam Week - 12 Feb 2018

Module/Topic	Chapter	Events and Submissions/Topic
		Final Examination Due: Exam Week Thursday (15 Feb 2018) 8:00 pm AEST

Exam Week - 12 Feb 2018

Module/Topic	Chapter	Events and Submissions/Topic
		Final Examination Due: Exam Week Thursday (15 Feb 2018) 8:00 pm AEST

Assessment Tasks

1 ONLINE QUIZZES

Assessment Type

Online Quiz(zes)

Task Description

For this assessment task, there will be a weekly online quiz corresponding to the respective topics of weeks 2 to 11. Each weekly quiz involves one multiple-choice question (problem-type or conceptual). Hence, there will be ten weekly online quizzes throughout the term up to the week 11 topic but excluding the week 1 topic.

Each weekly online quiz, which comprises 1% of the final grade, shall be opened and made visible to students at the end of each week (Friday) at about 5 p.m. The first quiz corresponding to the week 2 topic shall be opened and made visible on the Friday of Week 1 (10 November). The second quiz corresponding to the week 3 topic shall then be opened and made visible on the Friday of Week 2 (17 November), et seq.

Students have seven calendar days (or until Thursday at 5 pm, AEST) to answer each weekly online quiz. After the lapse of the seven-day period, students shall lose the opportunity to answer the quiz for that particular week.

The questions and answers shall be discussed at our weekly tutorials after the end of the period during which students are meant to do the quiz.

There will be no online quiz during the mid-term break.

Number of Quizzes

10

Frequency of Quizzes

Weekly

Assessment Due Date

Week 11 Thursday (1 Feb 2018) 5:00 pm AEST

For this assessment task, there will be a weekly online quiz throughout the Term corresponding to the respective topics of weeks 2 to 11. Each weekly quiz involves one multiple-choice question (problem-type or conceptual).

Return Date to Students

Week 11 Thursday (1 Feb 2018)

The questions and answers shall be discussed at our weekly tutorials after the end of the period during which students are meant to do the quiz.

Weighting

10%

Assessment Criteria

Each answer shall be assessed simply according to whether it is correct or incorrect.

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
- 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 Case Notes Development

Assessment Type

Group Work

Task Description

There are two parts to this assessment:

1. Development of three case notes by each student = 25%; and
2. Student presentation (tutorial or video recording) = 5%.

Case Notes (25% of Final Grade). This assessment involves the development of Case Notes pertaining to key cases (judicial decisions) covered in the unit. Its purpose is to enable students to immerse themselves in key cases by writing about them and to develop a collection of Case Notes that students can tap into and make use of in order to enhance their learning. It also involves group work which has been shown to facilitate learning, enhance task and unit completion, and improve student engagement and

experience. The ability to work in a team is also an important graduate attribute that the university wishes to develop and is important in a real workplace setting such as a law firm. However, a student who finds the group work to be impracticable or infeasible shall be given the option to do this assessment individually.

At its core, each student shall be required to write three different Case Notes comprising 500-600 words for each Case Note that must relate to different weekly topics. If a group has two members, such a group shall produce six different Case Notes comprising 500-600 words for each Case Note. If a group has three members, such a group shall produce nine different Case Notes comprising 500-600 words for each Case Note. The maximum number of members in a group shall be three, and there is no word-count allowance below or above the 500-600 word range.

The group compositions shall be finalised after the Census Date. Students are encouraged to form groups of their own prior to or at the start of the Term. A "Group Formation" Forum shall be created in Moodle to facilitate discussions about the formation of groups. Students who are unable to form groups after the Census Date on 28 November can do this assessment on their own or request to be grouped with other students who don't belong to a group.

Further details on how the Case Notes shall be written will be made available at the start of the Term. A list of Key Cases shall also be made available at the start of the Term, including further guidelines on this assessment.

Each set of Case Notes must be submitted as an MS Word file in Moodle and posted in a Closed-Group Facebook Page to be announced later. Students are encouraged to provide feedback and comments to each Case Note, although such feedback and comments will not be marked and are not assessed.

The marks for the Case Notes shall be made as follows: 20% by the Unit Coordinator and 5% by peers.

Peer Marking (5% of Final Grade). The Case Notes shall be subject to peer-review and peer-marking. During the marking period (after the submission deadline), each group of students shall be randomly assigned the task of marking the Case Notes of another group. Such peer-reviewing group will be required to provide marks, according to the Marking Rubric, as well as constructive written feedback on the Case Notes. The peer-review and peer-marking are not assessed nor marked.

Student Presentations (5% of Final Grade). Each group (or student doing this assignment individually) shall be required to do one five-minute presentation of a Case Note related to a weekly tutorial's topic. Time limits will be strictly adhered to. In the event a student presentation at a tutorial becomes impracticable or infeasible, a five-minute video recording shall be an alternative assignment submission. The Marking Rubric and guidelines on the students' presentations, including their content, shall be made available at the start of the Term. Student presentations shall start in Week 5.

Assessment Due Date

Week 9 Friday (19 Jan 2018) 9:00 pm AEST

Each set of Case Notes must be submitted as an MS Word file in Moodle and posted in a Closed-Group Facebook Page to be announced later.

Return Date to Students

Week 11 Friday (2 Feb 2018)

Weighting

30%

Assessment Criteria

The case notes will be assessed according to the following criteria: presentation of facts (20%), discussion of legal issue (10%), discussion of decision or rule (40%), discussion of importance of the case (20%), and language use and observance of proper structure, format and instructions (10%).

The Marking Rubric for this assessment task and further information about the Facebook Page shall be made available in Moodle at the start of the Term.

Referencing Style

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

Submission

Online Group

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 the legality of administrative (executive) action and decision-making
- Provide legal advice about 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 Examination

Assessment Type

Written Assessment

Task Description

The final invigilated examination involves answering four problem-type questions. All of them must be answered.

Assessment Due Date

Exam Week Thursday (15 Feb 2018) 8:00 pm AEST

Please disregard the due date information above. The university will schedule the date for the final examination.

Return Date to Students

Review/Exam Week Friday (16 Feb 2018)

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

Weighting

60%

Assessment Criteria

This assessment will be assessed according to the following criteria: quality of the statement of the legal issue(s) (10%), and rules/legal principles (30%); correct and thorough analysis and application of the rules and legal principles to the legal issue(s) (40%); well thought-out conclusion (10%), and quality of the language usage and observance of proper structure, format, and instructions (10%). Follow the AGLC referencing style. 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 the legality of administrative (executive) action and decision-making
- Provide legal advice about 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