



LAWS12061 Administrative Law

Term 2 - 2018

Profile information current as at 27/09/2024 10:12 am

All details in this unit profile for LAWS12061 have been officially approved by CQUniversity 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

LAWS12061 Administrative Law 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 constitutional, statutory, common law and equitable remedies available against invalid executive action and decision-making. Topics you will study in this unit include: the organisation and structure of the administration; administrative law theory; common law and statutory avenues of judicial review at Commonwealth and State level; grounds of judicial review; remedies; crown immunity; the Administrative Appeals Tribunal; statutory review; and Freedom of Information. This unit meets the LPAB requirements for administrative law.

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 - 2018

- 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. **Group Work**

Weighting: 10%

2. **Presentation**

Weighting: 40%

3. **Take Home Exam**

Weighting: 50%

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. Critically evaluate and explain the available constitutional, 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



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Presentation - 40%	•	•	•	•
2 - Group Work - 10%	•	•	•	•
3 - Take Home Exam - 50%	•	•	•	•

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 - Presentation - 40%	•	•	•	•						
2 - Group Work - 10%	•	•	•			•		•		
3 - Take Home Exam - 50%	•		•	•			•	•		

Textbooks and Resources

Textbooks

LAWS12061

Prescribed

Control of Government Action – Text, Cases & Commentary

Edition: 4th (2015)

Authors: Creyke, R.; McMillan, J.; and Smyth, M.

LexisNexis Australia

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 - 09 Jul 2018

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

Week 2 - 16 Jul 2018

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

Week 3 - 23 Jul 2018

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 Action: Text, Cases and Commentary* (LexisNexis, Butterworths, 4th ed, 2015), Ch. 3

Week 4 - 30 Jul 2018

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

Week 5 - 06 Aug 2018

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

Vacation Week - 13 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 - 20 Aug 2018

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

Week 7 - 27 Aug 2018

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

Week 8 - 03 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Law, Fact and Evidence	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases and Commentary</i> (LexisNexis, Butterworths, 4th ed, 2015), Ch. 12	Case-type assessment Due: Week 8 Wednesday (5 Sept 2018) 6:00 pm AEST

Week 9 - 10 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
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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

Week 10 - 17 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Judicial Review Remedies	Robin Creyke, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases and Commentary</i> (LexisNexis, Butterworths, 4th ed, 2015), Ch. 17	

Week 11 - 24 Sep 2018

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

Week 12 - 01 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
Review/Revision		Quizzes Due: Week 12 Monday (1 Oct 2018) 11:45 pm AEST

Review/Exam Week - 08 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
		ONLINE ASSESSMENT Due: Review/Exam Week Tuesday (9 Oct 2018) 6:00 pm AEST

Exam Week - 15 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Quizzes

Assessment Type

Group Work

Task Description

For this individual assessment, there will be a weekly online multiple-choice quiz throughout the Term corresponding to the respective topics of weeks 2 to 11, comprising a total of ten (10) weekly quizzes. Each weekly quiz involves one multiple-choice question (case-type or conceptual).

Each weekly online quiz, which comprises 1% of the final grade, shall be opened and made visible to students at the start of each week (Monday) at about 11 a.m. The first quiz corresponding to the week 2 topic shall be opened and made visible in week 2 or particularly on 16 July (Monday). The second quiz corresponding to the week 3 topic shall then be opened and made visible on 23 July (Monday), et seq.

Students have seven calendar days (or until Monday at 11 am, QLD time) 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. Given that each quiz only comprises one percent of the grade and that students have one week to do a quiz, there will be no extension whatsoever to do a quiz nor can a special quiz be arranged under any circumstance. The answer to a quiz shall be made visible immediately at the end of the seven-day period to do a quiz. There will be no online quiz during the

mid-term break.

In order to assist students in preparing for the quiz, there will be a group work at the weekly tutorial that addresses the key concept(s) assessed in the quiz.

Assessment Due Date

Week 12 Monday (1 Oct 2018) 11:45 pm AEST

Students have seven calendar days (or until Monday at 11 am, QLD time of each week) to answer each weekly online quiz.

Return Date to Students

Review/Exam Week Monday (8 Oct 2018)

The answer to a quiz shall be made visible immediately at the end of the seven-day period to do a 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

Graduate Attributes

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

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
- Critically evaluate and explain the available constitutional, 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.

2 Case-type assessment

Assessment Type

Presentation

Task Description

This individual assessment involves answering three case-type questions that will cover any of the topics up to week 6. The questions will be released on 29 August (Wednesday) at 6 pm and are due one week after on 5 September (Wednesday) at 6 pm. The total word count for the answers, including footnotes, should not exceed 2,000 words.

Assessment Due Date

Week 8 Wednesday (5 Sept 2018) 6:00 pm AEST

Return Date to Students

Week 10 Wednesday (19 Sept 2018)

Weighting

40%

Assessment Criteria

This assessment will be assessed according to the following criteria: correct and thorough identification 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%). A detailed marking rubric is available on the Moodle site.

Referencing Style

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

Submission

Online

Submission Instructions

The answers must be saved in MS Word (not as a PDF) in the following format: LastName_FirstName.docx.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

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
- Critically evaluate and explain the available constitutional, 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.

3 ONLINE ASSESSMENT

Assessment Type

Take Home Exam

Task Description

This final online take home examination involves answering four case-type questions. Students are given a non-extendible period of 30 hours within which to submit their answers to the questions. The total word count for the answers, including footnotes, should not exceed 2,500 words.

The examination questions will be released and made available in Moodle on 8 October (Monday) at 12 noon (Qld time) and the answers must be submitted on 9 October (Tuesday) at 6 pm (Qld time). The answers must be saved in MS Word (not as a PDF) in the following format: LastName_FirstName.docx.

No late submission is permitted. Following university policy, in the absence of an approved extension at the sole 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.

Assessment Due Date

Review/Exam Week Tuesday (9 Oct 2018) 6:00 pm AEST

Return Date to Students

Exam Week Monday (15 Oct 2018)

Per university policy, the marked assessment will be returned to students after the Certification of Grades as stated in the university academic calendar.

Weighting

50%

Assessment Criteria

This assessment will be assessed according to the following criteria: correct and thorough identification 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%). A detailed marking rubric is available on the Moodle site.

Referencing Style

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

Submission

Online

Submission Instructions

The answers must be saved in MS Word (not as a PDF) in the following format: LastName_FirstName.docx.

Graduate Attributes

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

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
- Critically evaluate and explain the available constitutional, 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.

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