



LAWS12061 Administrative Law

Term 2 - 2021

Profile information current as at 17/04/2024 11:31 am

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

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: 24 credit points of law

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 - 2021

- Online

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. **Written Assessment**

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

Feedback

Weekly quizzes assist students in staying on top of their workloads.

Recommendation

The weekly quizzes should be kept as they have helped students stay on track. They are also important in terms of providing formative feedback about students' level of understanding of key concepts.

Feedback from Student evaluation and emails

Feedback

Engaging tutorials assist in student learning.

Recommendation

The weekly tutorials should continue to be designed to get students to think about and apply the law to case-based scenarios. This approach provides strong opportunities for experiential learning which assists students in learning about the relevance of Administrative Law to many day-to-day executive decisions.

Feedback from Student evaluation

Feedback

A pastoral approach to teaching is valued.

Recommendation

Students value a pastoral approach to teaching which can involve reaching out to students who are not engaging or not engaging enough. Such an approach helps students complete a unit.

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 - Online Quiz(zes) - 10%	•	•	•	•
2 - Written Assessment - 40%	•	•	•	•
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 - Online Quiz(zes) - 10%	•	•	•			•		•		
2 - Written Assessment - 40%	•	•	•	•						
3 - Take Home Exam - 50%	•		•	•			•	•		

Textbooks and Resources

Textbooks

LAWS12061

Prescribed

Control of Government Action: Text, Cases and Commentary

5th edition (2019)

Authors: Robin Creyke, Matthew Groves, John McMillan and Mark Smyth

LexisNexis Butterworths

Chatswood, NSW, Australia

ISBN: ISBN: 9780409348170

Binding: Paperback

Additional Textbook Information

If you prefer to study with a paper text, you can purchase one at the CQUni Bookshop here:

<http://bookshop.cqu.edu.au> (search on the Unit code).

[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, 4th ed](#)
For further information, see the Assessment Tasks.

Teaching Contacts

Jacob Deem Unit Coordinator

j.deem@cqu.edu.au

Schedule

Week 1 - 12 Jul 2021

Module/Topic	Chapter	Events and Submissions/Topic
Administrative Law - Theory, History and Context	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019) Ch 1	

Week 2 - 19 Jul 2021

Module/Topic	Chapter	Events and Submissions/Topic
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Access to Information	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 19, Ch 20	Weekly Quiz
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Week 3 - 26 Jul 2021

Module/Topic	Chapter	Events and Submissions/Topic
Merits Review and Administrative Tribunals	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 3	Weekly Quiz

Week 4 - 02 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Framework for Judicial Review; Administrative Decisions (Judicial Review) Act 1977	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 2	Weekly Quiz

Week 5 - 09 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Written Assessment Task	None. Tutorial this week will discuss written assessment task.	Weekly Quiz

Vacation Week - 16 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 - 23 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Foundational Concepts of Judicial Review; Law, Fact and Evidence	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 7; Ch 13	Written Assessment Due: Week 6 Monday (23 August 2021) 5:00 pm AEST Written Assessment Due: Week 6 Monday (23 Aug 2021) 5:00 pm AEST

Week 7 - 30 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Unauthorised Decision-making	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 8	Weekly Quiz

Week 8 - 06 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
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Statutory Purpose and Relevant Considerations	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 9	Weekly Quiz
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Week 9 - 13 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
Natural Justice	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 11	Weekly Quiz

Week 10 - 20 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
Wednesbury Unreasonableness and the Outer Limits of Legality	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 15	Weekly Quiz

Week 11 - 27 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
Judicial Review Remedies	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases & Commentary</i> (LexisNexis Butterworths, 5th ed. 2019), Ch 17	Weekly Quiz

Week 12 - 04 Oct 2021

Module/Topic	Chapter	Events and Submissions/Topic
Revision		Weekly Quiz

Review/Exam Week - 11 Oct 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Take home assessment

Exam Week - 18 Oct 2021

Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Weekly Online Quiz

Assessment Type

Online Quiz(zes)

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 1 to 11 (excluding week 5), comprising a total of ten (10) weekly quizzes. Each weekly quiz involves one multiple-choice question (case-type or conceptual).

Students are given two attempts to arrive at the correct answer.

Each weekly online quiz, which comprises 1% of the final grade, shall be opened and made visible to students on Monday of each week at about 11 a.m. (Qld time). The first quiz corresponding to the week 1 topic shall be opened and made visible on the Monday of week 2 (19 July). The second quiz corresponding to the week 2 topic shall then be opened and made visible on the Monday of week 3 (26 July), 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.

Number of Quizzes

10

Frequency of Quizzes

Weekly

Assessment Due Date**Return Date to Students****Weighting**

10%

Assessment Criteria

Each answer shall be assessed as to whether it is correct or incorrect according to: the correct identification of the legal issues and rules/legal principles, correct analysis and application of the rules and legal principles to the legal issues and the facts, and the conclusion.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Complete each quiz via Moodle

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.

Graduate Attributes

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

2 Written Assessment

Assessment Type

Written Assessment

Task Description

This individual written assessment involves answering questions based on a hypothetical scenario that will cover any of the topics up to week 4. The questions will be released on Friday 6 August (week 4)

and answers are due on Monday 23 August (week 6) at 5.00pm (Qld time). The total word count for all the answers, including footnotes, should not exceed 1,500 words (-/+ 10%). The part of an answer exceeding the word limit will not be marked.

Assessment Due Date

Week 6 Monday (23 Aug 2021) 5:00 pm AEST

Return Date to Students

Week 8 Monday (6 Sept 2021)

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) and the facts (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, 4th ed](#)

Submission

Online

Submission Instructions

Submit online via Moodle

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.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

3 Take Home Assessment

Assessment Type

Take Home Exam

Task Description

This individual written assessment involves answering questions on a hypothetical scenario, covering any of the topics raised in this unit. Students have a limited timeframe to submit their answers on Moodle. Students will be advised of the exact time for the assessment via Moodle once the examination timetable has been finalised.

Assessment Due Date**Return Date to Students****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) and the facts (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, 4th ed](#)

Submission

Online

Submission Instructions

Submit online via Moodle

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.

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