



# LAWS12061 Administrative Law

## Term 3 - 2022

Profile information current as at 27/09/2024 10:09 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: 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 3 - 2022

- 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. **Group Discussion**

Weighting: 10%

#### 2. **Practical 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 evaluations

**Feedback**

Unit material presented in an engaging and passionate manner: "I really enjoyed the way Jacob stepped through the tutorial questions and explained the concepts. It was the most organised and well-resourced law unit I've done in a while" "I have had many lecturers throughout my study, however, none have been as considerate or as engaging as Dr Deem. His methods were extremely easy to engage with and he would consistently endeavour to ensure everyone understood a topic before progressing"

**Recommendation**

Maintain and extend engagement with students in a manner that allows UC's passion for the subject matter to shine through.

#### Feedback from Student evaluations

**Feedback**

Participation and engagement in tutorials could have been better: "There was a lack of participation in the tutorials. Some kind of incentive to attend would have been good. Despite this Jacob dealt with the challenge exceptionally well though and ran very informative tutorials"

**Recommendation**

As a matter of student equity it is not possible to offer incentives for tutorial attendance or participation. However, additional strategies are being explored to encourage participation in tutorial exercises.

#### Feedback from Student evaluations

**Feedback**

Feedback on assessments was well-received: "Jacob provides some of the best feedback I have ever received on my assessments. I didn't expect to like Admin Law as much as I did!"

**Recommendation**

Live feedback following the advocacy exercise offers an excellent opportunity to provide detailed comments on students' performance in a caring manner that means it can be taken in its context. This practice should continue.

## Unit Learning Outcomes

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

1. Apply and critique the legal rules and procedures applied by the courts and administrative tribunals to review the legality of administrative (executive) action and decision-making.
2. Analyse and apply the range of remedies available against invalid executive action and decision-making.
3. Work individually and in groups in an effective, professional and reflective manner to develop persuasive oral and written arguments.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
1 - Group Discussion - 10%			•
2 - Practical Assessment - 40%	•	•	•
3 - Take Home Exam - 50%	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
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			

## Textbooks and Resources

### Textbooks

LAWS12061

#### Prescribed

#### **Control of Government Action: Text, Cases and Commentary**

6th edition (2022)

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

LexisNexis Butterworths

ISBN: 9780409353150

Binding: Paperback

### 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](mailto:j.deem@cqu.edu.au)

## Schedule

### Week 1 - 07 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Administrative Law: Principles, Theory, History	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 1	

### Week 2 - 14 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Administrative Decisions	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 8 pg 402-424; Chapter 9 pg 496-516; Chapter 3 pg 143-149	Formation of groups for Mid-Term Assessment

**Week 3 - 21 Nov 2022**

Module/Topic	Chapter	Events and Submissions/Topic
Access to Information	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 19; Chapter 21	

**Week 4 - 28 Nov 2022**

Module/Topic	Chapter	Events and Submissions/Topic
Merits Review	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 4	

**Vacation Week - 05 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
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**Week 5 - 12 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
Availability of Judicial Review	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 7; Chapter 8	

**Week 6 - 19 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
Grounds of Review: No evidence	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 13	

**Vacation Week - 26 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
		Written component of Mid-Term Assessment due Friday.

**Week 7 - 02 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Grounds of Review: Unauthorised Decision-Making	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 9	Mid-Term Assessment held this week. See sign-on sheet in Moodle for scheduled dates and times.  <b>Mid-Term Assessment</b> Due: Week 7 Tuesday (3 Jan 2023) 5:00 pm AEST

**Week 8 - 09 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
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Ground of Review: Statutory Purpose;  
Relevant and Irrelevant  
Considerations

Robin Creyke, Matthew Groves,  
John McMillan and Mark Smyth,  
*Control of Government Action:  
Text, Cases & Commentary*  
(LexisNexis Butterworths, 6<sup>th</sup>  
ed. 2022), Chapter 11

### Week 9 - 16 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Ground of Review: Natural Justice	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 10	Group discussion task due  <b>Group Discussion</b> Due: Week 9 Friday (20 Jan 2023) 5:00 pm AEST

### Week 10 - 23 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Ground of Review: Unreasonableness	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 14	

### Week 11 - 30 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Ground of Review: Remedies	Robin Creyke, Matthew Groves, John McMillan and Mark Smyth, <i>Control of Government Action: Text, Cases &amp; Commentary</i> (LexisNexis Butterworths, 6 <sup>th</sup> ed. 2022), Chapter 18	

### Week 12 - 06 Feb 2023

Module/Topic	Chapter	Events and Submissions/Topic
Revision		

### Exam Week - 13 Feb 2023

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

## Assessment Tasks

### 1 Group Discussion

#### Assessment Type

Group Discussion

#### Task Description

- This task is completed in groups of four - you and your team member from the Mid-Term Task, and another pair (groups will be allocated following the Mid-Term task).
- As a group, you will critically reflect on your advocacy task, discussing what you think went well, and where you think you could have improved.
- Each group member should provide at least two comments - one reflecting on their own experiences, and one reflecting on at least one other group member's moot.

### Assessment Due Date

Week 9 Friday (20 Jan 2023) 5:00 pm AEST

### Return Date to Students

Week 11 Friday (3 Feb 2023)

### Weighting

10%

### Assessment Criteria

- This task is designed to be *reflective* and *constructive*. It is important that you engage with your peers in a constructive, professional manner. Great reflections are actionable – pointing out something that worked to continue doing, or something that can be improved next time. An example is provided at this end of this document.
  - Your mark (out of 10) is awarded based on the quality of your reflection, and the constructiveness of your comments towards others. Mere descriptions of what happened or unactionable comments are not rewarded highly.
- A detailed rubric is available on Moodle.

### Referencing Style

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

### Submission

Online

### Learning Outcomes Assessed

- Work individually and in groups in an effective, professional and reflective manner to develop persuasive oral and written arguments.

## 2 Mid-Term Assessment

### Assessment Type

Practical Assessment

### Task Description

- This task requires you to form groups of two. If you need help finding a partner, see the forum post on Moodle.
- As a pair, you will complete a submission to the AAT ('Task 1: Written Component') due Tuesday 3 January 2022 and an oral advocacy task ('Task 2: Advocacy Component') which will take place in Week 7. Compared to other Terms, this timing is an extension to account for the disruptions over Christmas. Make sure you contact your partner early and start this task well before the deadline.
- Record your group membership in the spreadsheet linked under the Assessment tab. This spreadsheet also serves as a timetable for the Advocacy Component.
- Sign-ups to available slots are on a first-come, first-served basis.
- It is not possible to offer time slots outside the times listed in the spreadsheet. This task is given to you with plenty of notice to make arrangements with work, etc so that you can complete this assessment task.
- It is your responsibility to notify the Unit Coordinator of any circumstances that might impact your ability to complete this task as soon as possible. Where appropriate, accommodations may be made but this will be decided on a case-by-case basis and is not guaranteed.
- As this is a group assignment and students are reliant on each other to contribute to the live advocacy exercise via Zoom, extensions are not permitted.
- Make sure you are in a group and are signed up in the spreadsheet by 5pm Friday Week 2.
- On Monday Week 3, I will allocate people to a group and time slot if they are not already in a group. Being allocated to a particular day/time is not grounds to request an accommodation.

Tasks:

Each group must complete the following two tasks in relation to their client:

**Task 1 (Written Component) (10 marks):** Prepare a written submission to the Administrative Appeals Tribunal. This task is completed as a group and is awarded a group mark. Senior Counsel makes 1 submission on behalf of the group on Moodle by Friday, of Vacation Week.

**Task 2 (Advocacy Component) (30 marks):** Participate in an advocacy task in an Administrative Appeals Tribunal setting. This task is completed via a live Zoom session at a date/time in Week 6. Senior and Junior Counsel will each present on an administrative law issue. This component is marked individually.



**Assessment Due Date**

Week 7 Tuesday (3 Jan 2023) 5:00 pm AEST

**Return Date to Students**

Week 9 Monday (16 Jan 2023)

**Weighting**

40%

**Assessment Criteria**

Task 1 (Written Component) - 10 marks

- Identification of issues and relevant rules/principles - 5 marks
- Critical analysis and application - 3 marks
- Communication - 2 marks

*Both group members receive the same mark for Task 1*

Task 2 (Moot Component) - 30 marks

- Identification of issues and relevant rules/principles - 5 marks
- Critical analysis and application - 12 marks
- Communication and persuasion - 8 marks
- Collaboration and teamwork - 5 marks

*Task 2 is marked individually*

See Moodle for full marking rubric

**Referencing Style**

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

**Submission**

Online Group

**Submission Instructions**

Moot component takes place live via Zoom during Week 6

**Learning Outcomes Assessed**

- Apply and critique the legal rules and procedures applied by the courts and administrative tribunals to review the legality of administrative (executive) action and decision-making.
- Analyse and apply the range of remedies available against invalid executive action and decision-making.
- Work individually and in groups in an effective, professional and reflective manner to develop persuasive oral and written arguments.

## 3 Take Home Exam

**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.

Responses to the assessment must be submitted before the deadline. Late submissions will not be accepted and will be automatically awarded a mark of zero. It is not possible to grant extensions for this assessment (Accessibility adjustments still apply). Exam conditions apply to all take home papers.

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

50%

**Assessment Criteria**

Students will be marked based on their individual submission 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

**Learning Outcomes Assessed**

- Apply and critique the legal rules and procedures applied by the courts and administrative tribunals to review the legality of administrative (executive) action and decision-making.
- Analyse and apply the range of remedies available against invalid executive action and decision-making.
- Work individually and in groups in an effective, professional and reflective manner to develop persuasive oral and written arguments.

## 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