

# LAWS 3081 ADMINISTRATIVE LAW

## Credit Points 10

**Coordinator** Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

**Description** This subject examines the legal principles regulating the exercise of power by the executive arm of government in its various manifestations; ministers, government departments and officials, regulatory bodies, tribunals, inferior courts and local councils. This is examined in the context of Australian constitutional arrangements and it is taught in the context of constitutional themes and principles that underpin the law in this area. The exercise of power examined includes decision making, the exercise of discretion, delegated legislation and the decision making procedure of the major administrative tribunals. The focus is on the principles of judicial review developed by the courts, standing and remedies. There is also an examination of major non-judicial avenues of review by the major tribunals such as the Commonwealth Administrative Appeals Tribunal, and the Ombudsman. The subject will also examine Freedom of Information legislation. This subject examines a number of key cases relating to Indigenous land and political rights, including the dismissal of indigenous representatives.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

**Student Contribution Band** HECS Band 4 10cp

Check your fees via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 3 subject

**Pre-requisite(s)** LAWS 2008 Government and Public Law OR 200814 Commercial Transactions Law

**Equivalent Subjects** 200013 Administrative Law

## Learning Outcomes

After successful completion of this subject, students will be able to:

1. Identify and evaluate the key concepts and principles of administrative law
2. Interpret and apply relevant law and policy to analyse legal problems and provide advice to resolve them
3. Evaluate the role of administrative law in maintaining a just and civilized society
4. Locate and evaluate relevant case law and legislation using a range of legal research tools
5. Demonstrate effective and appropriate communication skills in a professional context, including accurate citation according to AGLC style

## Subject Content

1. Introduction and Overview of Administrative Law in its constitutional context.
2. Access to Government (Freedom of Information and Reasons for Decisions).
3. Non-judicial Review of Administrative Action
4. Judicial Review, including the grounds of judicial review, primarily ultra vires, natural justice, jurisdictional error.

5. Judicial review of delegated legislation.
6. Standing.
7. Judicial Remedies.
8. Investigating Administrative Activity (Corruption and Ombudsman).
9. Key cases relating to Indigenous land and political rights.

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

| Type              | Length                      | Percent | Threshold | Individual/<br>Group Task |
|-------------------|-----------------------------|---------|-----------|---------------------------|
| Participation     | ongoing throughout semester | 10      | N         | Individual                |
| Professional Task | 3000 words                  | 45      | N         | Individual                |
| Final Exam        | 2 hours- invigilated        | 45      | N         | Individual                |

### Prescribed Texts

- Michael Head, Administrative Law: Context and Critique (Federation Press, 5th ed, 2021).
- Michael Head, et al, Douglas and Jones's Administrative Law (The Federation Press, 9th ed, 2024).

### Teaching Periods

## Spring (2024)

### Campbelltown

#### On-site

**Subject Contact** Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS3081\\_24-SPR\\_CA\\_1#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3081_24-SPR_CA_1#subjects))

#### Online

##### Online

**Subject Contact** Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS3081\\_24-SPR\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3081_24-SPR_ON_2#subjects))

### Parramatta - Victoria Rd

#### On-site

**Subject Contact** Michael Head ([https://directory.westernsydney.edu.au/search/name/Michael Head/](https://directory.westernsydney.edu.au/search/name/Michael%20Head/))

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