

# LAWS70201 Current Issues in Administrative Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	<p>2012, Parkville</p> <p>This subject commences in the following study period/s: November, Parkville - Taught on campus.</p>
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	A general understanding of administrative law, on which this subject will build
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Prof Cheryl Saunders
<b>Contact:</b>	<p>For more information, contact the Melbourne Law Masters office.</p> <p>Email <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> (<a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a>) or phone +61 3 8344 6190.</p> <p>Alternatively, visit our website:</p> <p><a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> (<a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a>)</p>
<b>Subject Overview:</b>	<p>This could not be a more interesting and important time to engage with some of the most challenging issues in administrative law. Australian administrative law has undergone rapid change in recent years. In significant respects, it has diverged from the rest of the common law world, under the influence of the Australian Constitution. Some of the resulting doctrines are not yet in a settled state. At the same time, however, administrative law continues to play the critical role in mediating relations between people and the institutions of government that in Australia's case is heightened by the absence of systemic arrangements for the legal protection of individual rights. The two lecturers in the subject bring a combination of practical and scholarly perspectives to bear on the selected topics, all of which are chosen for their contemporary relevance.</p> <p>Principal topics will include:</p>

	<ul style="list-style-type: none"> <li># The scope of judicial review, including the public-private distinction</li> <li># The rise of jurisdictional error; the related notion of invalidity</li> <li># Meaning and operation of the constitutional writs</li> <li># Statutory techniques for restricting judicial review (including privative clauses)</li> <li># Human rights and administrative law</li> <li># Judicial review of non-statutory action</li> <li># Administrative law and public safety</li> <li># Administrative law and framework legislation</li> <li># Rationalisation of review procedures</li> <li># Constitutionalisation of administrative law.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the role of administrative law in the Australian governmental setting</li> <li># Understand the ways in which different approaches to law and government affect administrative law</li> <li># Be familiar with the latest developments in administrative law in Australia, at both Commonwealth and State levels</li> <li># Understand key areas of doctrinal uncertainty in administrative law and the ways in which they might be resolved</li> <li># Be aware of current controversies in Australian administrative law and be able to engage with them.</li> <li># Understand how and why Australian administrative law has diverged from other common law systems</li> <li># Be able to analyse and resolve problems of administrative law at an advanced level.</li> </ul>
<b>Assessment:</b>	<p>Take-home examination (100%) (12 pm 11 January to 5 pm 14 January 2013) or 10,000 word research paper (100%) (18 February 2013) on a topic approved by the subject coordinator</p>
<b>Prescribed Texts:</b>	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5167">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5167</a></p>