

LAWS70201 Current Issues in Administrative Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: April, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	A general understanding of administrative law, on which this subject will build at an advanced level.
Corequisites:	None
Recommended Background Knowledge:	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.
Non Allowed Subjects:	None
Core Participation Requirements:	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 and critique 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 to 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 Student Equity and Disability Support.
Coordinator:	Prof Cheryl Saunders
Contact:	Lecturers Laureate Professor Emeritus Cheryl Saunders AO (http://www.law.unimelb.edu.au/staff/Cheryl%20Saunders%20AO) (Coordinator) The Hon. Justice Debbie Mortimer (http://www.law.unimelb.edu.au/staff/Debbie%20Mortimer) Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	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

	<p>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 are likely to include:</p> <ul style="list-style-type: none"> # Jurisdictional error; the related notion of invalidity # Unreasonableness, irrationality and illogicality # Remedies # Statutory techniques for restricting judicial review (including privative clauses) # Appeals on a question of law # Judicial review of non-statutory action # Constitutionalisation of administrative law # Internationalisation of administrative law.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of administrative law in the context of Australian government, including recent developments administrative law and practice # Be able to critically examine, analyse, interpret and assess the effectiveness of laws, institutions and practices in the field of administrative law # Be an engaged participant in debates on administrative law, institutions and practices in the Australian and other common law legal systems # Have a sophisticated appreciation of the factors and processes that drive legislative and doctrinal change in administrative law # Have a sophisticated understanding of the interrelationship between administrative law and human rights protection # Be aware, at an advanced level, of the impacts of constitutionalisation and internationalisation on administrative law # Have the cognitive and technical skills to generate critical and creative ideas relating to administrative law and to critically evaluate existing theories, principles and practices # Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal questions in the field of administrative law # Have the communication skills to clearly articulate and convey complex information regarding administrative law to relevant specialist and non-specialist audiences.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (27 - 30 May) or 10,000 word research paper (100%) (13 July) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70201/2016</p>
Related Course(s):	<p>Graduate Diploma in Government Law Graduate Diploma in Legal Studies Master of Laws Master of Public and International Law</p>