



UNSW Course Outline

JURD7382 Advanced Administrative Law - 2024

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General Course Information

Course Code : JURD7382

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

The course builds on students' knowledge of administrative law by covering a range of advanced topics relevant to modern government legal practice in Australia. These topics include: how administrative law has responded to changes in the size, structure, functions and decision-

making structures of government; the obligations of administrative decision-makers to comply with human rights; remedies for maladministration; and statutory interpretation. The course considers both doctrinal and policy aspects of these topics, and brings in comparative perspectives.

Main Topics

- an evaluation of different remedies which may be available against government decision-makers, and how they interact
- the centrality of “government” for public law, and the question of whether it remains an organising principle in light of the state’s increasing use of private sector bodies for governmental purposes
- judicial review of private sector bodies and other remedies available against public bodies
- the obligations of government decision-makers to comply with human rights and how these obligations are enforced in Australia
- the role of ‘soft law’ in Australian government decision-making and the accountability challenges it presents

Course Aims

The aims of the course are to ensure that you are able to build upon your familiarity with the central principles of administrative law. Students completing the course will:

- increase their appreciation of the relationship between law and government decision making, including how the law forms a framework that enables and controls government activity;
- study new forms of regulation and government service delivery;
- debate the continued viability of distinctions between public and private law;
- participate in group discussions; and
- develop viable and interesting essay topics.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Core doctrinal understanding: familiarity with the central principles of Administrative Law, at common law and under statute, and with the mechanisms for achieving accountability (PLOs 1 and 3)
CLO2 : Intellectual skills: including an ability to identify Administrative Law issues and to identify the appropriate approaches, and an ability to integrate theoretical approaches with real world dilemmas (PLOs 4, 5, 6 and 8)
CLO3 : Professional skills: including ongoing professional reflective practice, oral skills (making persuasive presentations or contributing to collegial discussions and debates), research and written skills (writing a formal essay) (PLOs 9, 10 and 12).

Course Learning Outcomes	Assessment Item
CLO1 : Core doctrinal understanding: familiarity with the central principles of Administrative Law, at common law and under statute, and with the mechanisms for achieving accountability (PLOs 1 and 3)	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay
CLO2 : Intellectual skills: including an ability to identify Administrative Law issues and to identify the appropriate approaches, and an ability to integrate theoretical approaches with real world dilemmas (PLOs 4, 5, 6 and 8)	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay
CLO3 : Professional skills: including ongoing professional reflective practice, oral skills (making persuasive presentations or contributing to collegial discussions and debates), research and written skills (writing a formal essay) (PLOs 9, 10 and 12).	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System | Zoom

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Research Essay Plan Assessment Format: Individual Short Extension: Yes (2 days)	20%	
Research Essay Assessment Format: Individual Short Extension: Yes (2 days)	60%	

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online

activities.

Course Learning Outcomes

- CLO1 : Core doctrinal understanding: familiarity with the central principles of Administrative Law, at common law and under statute, and with the mechanisms for achieving accountability (PLOs 1 and 3)
- CLO2 : Intellectual skills: including an ability to identify Administrative Law issues and to identify the appropriate approaches, and an ability to integrate theoretical approaches with real world dilemmas (PLOs 4, 5, 6 and 8)
- CLO3 : Professional skills: including ongoing professional reflective practice, oral skills (making persuasive presentations or contributing to collegial discussions and debates), research and written skills (writing a formal essay) (PLOs 9, 10 and 12).

Generative AI Permission Level

Not Applicable

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see [here](#).

Research Essay Plan

Assessment Overview

This assessment requires you to write a plan for a research essay.

Course Learning Outcomes

- CLO1 : Core doctrinal understanding: familiarity with the central principles of Administrative Law, at common law and under statute, and with the mechanisms for achieving accountability (PLOs 1 and 3)
- CLO2 : Intellectual skills: including an ability to identify Administrative Law issues and to identify the appropriate approaches, and an ability to integrate theoretical approaches with real world dilemmas (PLOs 4, 5, 6 and 8)
- CLO3 : Professional skills: including ongoing professional reflective practice, oral skills (making persuasive presentations or contributing to collegial discussions and debates), research and written skills (writing a formal essay) (PLOs 9, 10 and 12).

Detailed Assessment Description

Your essay plan should set out:

- Your chosen topic;
- A one paragraph background explanation of the topic and its importance;
- An overview of the way you will structure your essay and key arguments you will make in each section; and
- A short list of key references (approx 5 key references).

Your plan should be no more than 1 page long.

The objective of this assessment task is to give you feedback and guidance on your topic.

Assessment Length

1 page

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Assistance with Attribution

This assessment requires you to write/create a first iteration of your submission yourself. You are then permitted to use generative AI tools, software or services to improve your submission in the ways set out below.

Any output of generative AI tools, software or services that is used within your assessment must be attributed with full referencing.

If outputs of generative AI tools, software or services form part of your submission and are not appropriately attributed, your Convenor will determine whether the omission is significant. If so, you may be asked to explain your submission. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO1 : Core doctrinal understanding: familiarity with the central principles of Administrative Law, at common law and under statute, and with the mechanisms for achieving accountability (PLOs 1 and 3)
- CLO2 : Intellectual skills: including an ability to identify Administrative Law issues and to identify the appropriate approaches, and an ability to integrate theoretical approaches with real world dilemmas (PLOs 4, 5, 6 and 8)
- CLO3 : Professional skills: including ongoing professional reflective practice, oral skills (making persuasive presentations or contributing to collegial discussions and debates),

research and written skills (writing a formal essay) (PLOs 9, 10 and 12).

Detailed Assessment Description

You can choose any topic you like for your research essay.

Your essay will be assessed on the following criteria:

- Topic definition/argument and structure;
- Critical thinking/analysis;
- Independent research;
- Written expression;
- Presentation and referencing.

Assessment Length

4,000 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

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For more information on Generative AI and permitted use please see [here](#).

General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Grading Basis

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Seminar	1. Introduction and overview
	Seminar	2. The changing relationships between, and functions of, the branches of government
Week 2 : 16 September - 22 September	Seminar	3. Soft Law, Government Policies, Interpretations and Promises
	Seminar	4. Emergency Powers and Accountability
Week 3 : 23 September - 29 September	Seminar	5. Automated decisions and administrative law
	Seminar	6. Tribunals
Week 4 : 30 September - 6 October	Seminar	7. Human Rights controls on government decision-making
	Seminar	8. Outsourcing
Week 5 : 7 October - 13 October	Seminar	9. Reasons and Unreasonableness
	Seminar	10. Deference and expertise
Week 6 : 14 October - 20 October	Other	Reading week - no classes
Week 7 : 21 October - 27 October	Seminar	11. Administrative Law's Impact: Accountability and Transparency
	Seminar	12. Concluding themes and essay discussions

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Janina Bough ey					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law &](#)

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.