

Course Title: **Judicial Review of Administrative Action**

Course Code: **LAWS702**

Descriptor Start Date: **01/01/2021**

POINTS: **15.00**

LEVEL: **7**

PREREQUISITE/S: **75 points from Part II**

COREQUISITE/S: **None**

RESTRICTION/S: **416205, LAWS625**

LEARNING HOURS

Hours may include lectures, tutorials, online forums, laboratories. Refer to your timetable and course information in Canvas for detailed information.

Total learning hours: 150

PRESCRIPTOR

An examination of the key principles of judicial review of administrative action and legal controls on delegated legislative power, including substantive and procedural restraints on the exercise of public power and the regulation of relations between the citizen/corporate entities and the state.

Disclaimer: Course descriptors may be amended between teaching periods/semesters

LEARNING OUTCOMES

1. Recognise the key elements of judicial review and critically evaluate its relevance, constitutional/theoretical basis and practical application in a range of situations in the New Zealand context.
2. Critically evaluate the leading UK, commonwealth and New Zealand cases and academic commentary on judicial review which apply today.
3. Recognise, distinguish, and be able to apply the established legal grounds for judicial review.
4. Identify and critically evaluate leading theories of legitimacy concerning key elements and principles of judicial review in New Zealand.
5. Evaluate the relevance of the Treaty of Waitangi and Bill of Rights Act 1990 to judicial review in New Zealand, and be able to apply those sources of law to practical examples.
6. Distinguish the legal remedies for judicial review, recognise the advantages and limitations of available options to real-life examples, and be able to design an effective strategy for challenge or defence of particular instances of administrative action through the application of the course content
7. Credibly predict likely future developments in jurisprudential approaches to key judicial review concepts and principles in New Zealand.
8. Demonstrate through written and oral argument, capacity for legal analysis and problem solving, using the principles of judicial review learned during the course.

CONTENT

Background & evolution of judicial review in New Zealand, including its constitutional basis and development from United Kingdom law;
Basic concepts and language of judicial review;
Concepts of judicial deference/activism ;
Scope of judicial review and principles of justiciability;
Recognised grounds for judicial review:
Illegality;
Procedural impropriety;
Unreasonableness/irrationality;
Substantive unfairness, legitimate expectations and proportionality.
Modern approach to judicial review in New Zealand: varying levels of intensity of review;
The role of the Treaty of Waitangi and Bill of Rights Act 1990 in judicial review in New Zealand;
Judicial review remedies;
Future directions for judicial review in New Zealand.

LEARNING & TEACHING STRATEGIES

An appropriate range of strategies that may include lectures, workshops & online learning.

ASSESSMENT PLAN

Assessment Event	Weighting %	Learning Outcomes
Examination	60.00	-
Coursework	40.00	-

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Grade Map**MAP1**

A+ A A- Pass with Distinction

B+ B B- Pass with Merit

C+ C C- Pass

D Fail

Overall requirement/s to pass the course:**LEARNING RESOURCES**

Details of all learning resources (including journals, databases, websites etc) are available on Canvas. Required Text(s): If there is a required text, details are available by searching the University Bookshop's website: www.ubs.co.nz

For further information, contact: Te Ara Pakihi, Te Ohanga Me Te Ture - Faculty of Business, Economics and Law

Principal Programme: AK1008, Bachelor of Laws

Related Programme/s: AK1009 LLB(Hons), AK2601 CertLegalSt

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