

Course Outline

COURSE: Administrative Law and Control (LAWS 4507-A); Law of Public Authorities II (PADM 5414-W)

TERM: Winter 2011-12

PREREQUISITES: LAWS 2005 [1.0] (no longer offered) or LAWS 2501 and LAWS 2502 or LAWS 3005 or LAWS 3506 or PADM 5414.

CLASS: **Day & Time:** Mondays and Wednesdays: 2:35 – 3:55 p.m.
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: K. Scott McLean
(CONTRACT)

CONTACT: **Office:**
 Office Hrs:
 Telephone: 613-783-9665 (office direct); cell: 613-286-1413; home: 1-613-498-4809
 Email: Scott.McLean@FMC-law.com

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 7, 2012 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

This course is designed to acquaint you with key principles, problems and possibilities of judicial control of administrative action. It examines major Canadian control decisions, systems outside Canada, and proposals for reform. By the end, you will have gained knowledge of these issues, a mastery of administrative case law analysis, and familiarity with a vital aspect of modern government. You will also have had an opportunity to debate and present on these issues.

REQUIRED TEXTS

D.W. Elliott, *Judicial Control of Administrative Action: Sourcebook*, 5th ed. (North York, Ont.: Captus Press, 2005) (available in University Bookstore), and as assigned

SUPPLEMENTARY TEXTS

Optional: as indicated in University Bookstore. **Read all material before the relevant class.** See also **Readings** at back of *Judicial Control* Sourcebook, and Library LAWS 4057 / PADM 5414 reserved readings

PROGRAM

This is a combined seminar/lecture program. Students must keep up with the reading including at a minimum the full case reports for each of the authorities extracted in the *Sourcebook*. Each student will be responsible to present and then to lead class discussion on one of the authorities or statutes referred to in the *Sourcebook*. With the exception of Wednesday, January 4, 2012, lectures will occur on the Monday and presentations and general discussion on the Wednesday of each class week.

EVALUATION

(for numerical / letter grade equivalents: see the Undergraduate calendar)

(All components must be completed in order to get a passing grade)

<i>Participation</i> (including in class participation, presentation and readings) .	25%
<i>Midterm</i>	15%
<i>Course Paper</i>	30%
<i>Final Examination</i> (two-hour, in-class).....	30%

COURSE PAPER: You can choose a course paper that will enable you to conduct empirical, textual and/or case analysis and propose possible reforms. Topics and instructions provided in the first two weeks. For general requirements, see Department of Laws **Policy and Procedure Statement**.

SCHEDULE

Sourcebook Chapter

Jan. 4	Introduction	1
Jan. 9, 11	General Principles	2
Jan. 16, 18	Procedural Fairness: Fair Opportunity to be Heard	3
Jan. 23, 25	Procedural Fairness: Bias and Other Issues	4
Jan. 30, Feb. 1	Substantive Review: Decline of Classical Review	5
Feb. 6, 8	Substantive Review: Rise of Contextualism [Midterm]	6
Feb. 13, 15	Substantive Review: Contextualism, Discretion, Other Issues	7
Feb. 20	Reading Week	
Feb. 27, 29	Constitutional Control I	8
Mar. 5, 7	Constitutional Control II [Early Paper Deadline].....	9
Mar. 12, 14	Legislative Reforms: Ontario, Federal and B.C. [Paper Deadline]	10
Mar. 19, 21	Other Statutory Review and Reforms	11
Mar. 26, 28	Tort Liability.....	12
Apr. 2	General Thoughts – Review	13 - 14
Apr. 4	In-Class Examination.....	