

Course Outline

COURSE: LAWS 4507A Administrative Law and Control

TERM: Winter 2013

PREREQUISITES: As per Calendar.

CLASS: Day & Time: Mondays and Wednesdays, 4:05 to 5:30
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Eric Lay
(CONTRACT)

CONTACT: Office: B442
Office Hrs: By appointment
Telephone: 613-220-8442 (mobile)
Email: eric@ericlaylaw.ca

Please bear in mind that I am a busy professional with a busy family. You should expect a response within 24 hours of an email or voicemail, but not before. I have mastered texting as well, and you should feel free to contact me by text at the number above with brief inquiries.

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.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

Readings will be primarily caselaw. All materials are public domain, and will be made available as downloadable files in folders organized by week and topic on WebCT.

SUPPLEMENTARY TEXTS

See above.

EVALUATION

Midterm Exam: 30%

Attendance/Participation: 15%

**Class Presentation and
Written Assignment: 5%**

Final Exam: 50%

Oral Presentation:

Students will be asked to “brief” one case in detail, and to present that case during class. A rubric is available at WebCT.

Participation:

You will generally be expected to come to class familiar with the assigned reading. At the end of each class you will also be asked, as a class, to come the following week prepared to discuss one or more of the items assigned. See rubric posted on WebCT.

Examinations:

Examinations will be open book, to the extent that you may bring your notes and copies of the readings set out below, and consult these as required. No other administrative law text or excerpt may be brought with you to examinations, however, in any form.

The Final Examination may cover any of the topics and materials dealt with in the course, but will be weighted more toward topics and materials introduced after the Mid-Term Examination.

Examination formats will be a mixture of short-answer and longer essay questions. Samples are available at WebCT, and will be reviewed in class prior to the Mid-Term.

SCHEDULE

January 7	Introductory Class
January 9 and 11	Introduction to Conceptual Basis for Judicial Intervention <i>Roncarelli, Shell Canada, Baker (discretion portion)</i>
January 14	Reading Statutes
January 16	Constitutional Dimensions of Judicial Control Introduction Implied Bill of Rights
January 21	Constitutional Dimensions of Judicial Control Division of Powers Introduction to the Charter
January 23 and 28	Applying the Charter – To whom does it apply?
January 30	Applying the Charter 2 – Who can apply the Charter?
February 4	Interests Protected by the Charter Section 1
February 6	Interests Protected by the Charter Section 7
February 11	Overflow/Review
February 13	In-class Midterm
February 18 and 20	READING WEEK – NO CLASSES
February 25 and 27	Controls and Remedies Substantive Review of Administrative Decisions Remedies
March 4	Controls and Remedies Bias
March 6 and 11	Controls and Remedies Duty of Fairness: Procedures
March 13 and 18	Controls and Remedies Duty of Fairness: Bias and impartiality
March 20 and 25	Private Law Remedies Against the Crown Policy and operations Evolving Principles
April 1 and 3	The Crown as Commercial Actor Procurement remedies Contracting out of Government
April 8	Proposals for Reform: Crown Liability

April 10

Overflow/Review

Exam Period

Final Exam