

Course Outline

COURSES : Administrative Law and Control (LAWS 4507) & Law of Public Authorities II (PADM 5414W)
TERM: Winter 2009
PREREQUISITES: For LAWS 4507: LAWS 2005, 3005, 3056, or PADM 5313
 For PADM 5414: PADM 5313
CLASS 415 SA (Southam Hall); Wednesdays, 8:35 a.m. to 11:25 a.m.
INSTRUCTOR: D.W. Elliott, Room D585 Loeb Bldg. Office hours: Fridays, 9:35 am to 11.05 am
 E-mail: delliott@ccs.carleton.ca (please use email for all messages)
PHONE: 520-2600 ext. 7492 - (during office hours only)

"Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by November 7, 2008 for December exams and by March 6, 2009 for April exams." Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html. For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity.

OBJECT AND SCOPE: This class 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 a knowledge of these issues, a mastery of administrative case law analysis, and familiarity with a vital aspect of modern government.

FORMAT: Lectures and seminar discussion

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

Participation (including attendance and readings). 15%
Midterm. 15%
Course Paper. 35%
Final Examination..(two-hour; in-class).. 35%

(A pass grade requires satisfactory participation and complete term work. See the undergraduate or graduate calendar for regulations regarding deferred final examinations, etc.)

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 Law's **Policy and Procedure Statement**.

SCHEDULE:Sourcebook chapter

Jan.07	Introduction.	1
Jan.14	General Principles.	2
Jan.21	Procedural Fairness: Fair Opportunity to be Heard.	3
Jan.28	Procedural Fairness: Bias and Other Issues.	4
Feb.04	Substantive Review: Decline of Classical Review.	5
Feb.11	Substantive Review: Rise of Contextualism. [Midterm].	6
Feb.25	Substantive Review: Contextualism, Discretion, Other Issues.	7
Mar.04	Constitutional Control I.	8
Mar.11	Constitutional Control II . . [Early Paper Deadline].	9
Mar.18	Legislative Reforms: Ontario, Federal, and B.C...[Paper Deadline].	10
Mar.25	Other Statutory Review and Reforms.	11
Apr. 01	In-Class Examination.	1 to 11

READINGS: Required: D.W. Elliott, *Judicial Control of Administrative Action: Sourcebook*, 4th ed. (North York, Ont.: Captus Press, 2005) (available in University Bookstore), and as assigned.

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.