

Course Outline

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

TERM: Winter 2010-11

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: Wednesdays, 6:05pm – 8:55pm
Room: (Please check with Carleton Central for current room location)

INSTRUCTOR: K. Scott McLean
(CONTRACT)

CONTACT: Office: C476 LA (Loeb)
Office Hrs: TBA
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"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 **November 15, 2010 for Fall exams and March 12, 2011 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

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

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

Participation (<i>including in class participation and readings</i>)	20%
Midterm	15%
Course Paper	30%
Final Examination (<i>two-hour, in-class</i>).....	35%

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

<u>Date</u>		<u>Sourcebook Chapter</u>
Jan..05	Introduction	1
Jan. 12	General Principles.....	2
Jan. 19	Procedural Fairness: Fair Opportunity to be Heard.....	3
Jan. 26	Procedural Fairness: Bias and Other Issues	4
Feb. 2	Substantive Review: Decline of Classical Review	5
Feb. 9	Substantive Review: Rise of Contextualism [Midterm]	6
Feb. 16	Substantive Review: Contextualism, Discretion, Other Issues	7
Feb. 23	Reading Week – No Classes	
Mar. 2	Constitutional Control I.....	8
Mar. 9	Constitutional Control II [Early Paper Deadline]	9
Mar. 16	Legislative Reforms: Ontario, Federal and B.C. [<i>Paper Deadline</i>].....	10
Mar. 23	Other Statutory Review and Reforms	11
Mar. 30	In-Class Examination	1 - 11