Creating Cohesion: Mini-Moots & Administrative Law

Why can Administrative Law be so difficult to learn?

Series: The Great Mysteries of the Universe
I. Jurisdictional Error

The Half-Common Law, Half-Statutory Law Creature from the Abyss!

II. The Difference between Judicial & Merits Review

Ultimate B%, &! Administrative Law

DUMMIES
Memorise 100’s Acts, regulations, policy, procedures, ministerial directions, tribunal cases and judicial decisions overnight!

III. Associated Provincial Picture Houses Ltd v Wednesbury Corporation

How might this be addressed?

Weekly mooting assessments (i.e. ‘mini-moots’), which are designed to encourage clarity & cohesion in Administrative Law and to develop an understanding of its relevance to ‘real world’ practice

How would it work?

Potential challenges?

Complexity of a single scenario
Ability of students to identify issues
Benefit for ‘non-mooting’ students?
Assessment weighting too low?

Assessment
• 25% of overall mark
• Marked on content of argument, written submissions, questions from the bench and speaking ability and delivery

Hypothetical
• Scenario outlines the progression of one matter
• Disability Support Pension application

Procedure
• Teams of two
• Informal
• Seminar leader adjudicates
• Presented in first half of seminar to allow for class feedback
• 10 minutes each speaker, no right of reply
• Written submissions and oral presentations

Structure
• Topics follow structure of subject
1. Obtaining Information: FOI
2. Reviewing Executive Decision-making: Merits Review
3. Judicial Review: Standing
4. Judicial Review: Unauthorised Decision-making & Statutory Purpose
5. Judicial Review: Considering Irrelevant Matters, Failing to Consider Relevant Matters
6. Judicial Review: Unreasonableness & the Rule Against Bias
7. Judicial Review: Right to a hearing

Pilot for 2016
Teacher observation
Student evaluations (questionnaires)