

Administrative Law – Exam Notes

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1. Introduction to Administrative Law

Overview

This Topic provides an overview of the nature of administrative law.

In exploring this topic, we will look at:

- What is administrative law
- What are the sources of administrative law
- The development of administrative law
- Who has administrative power
- Administrative law values

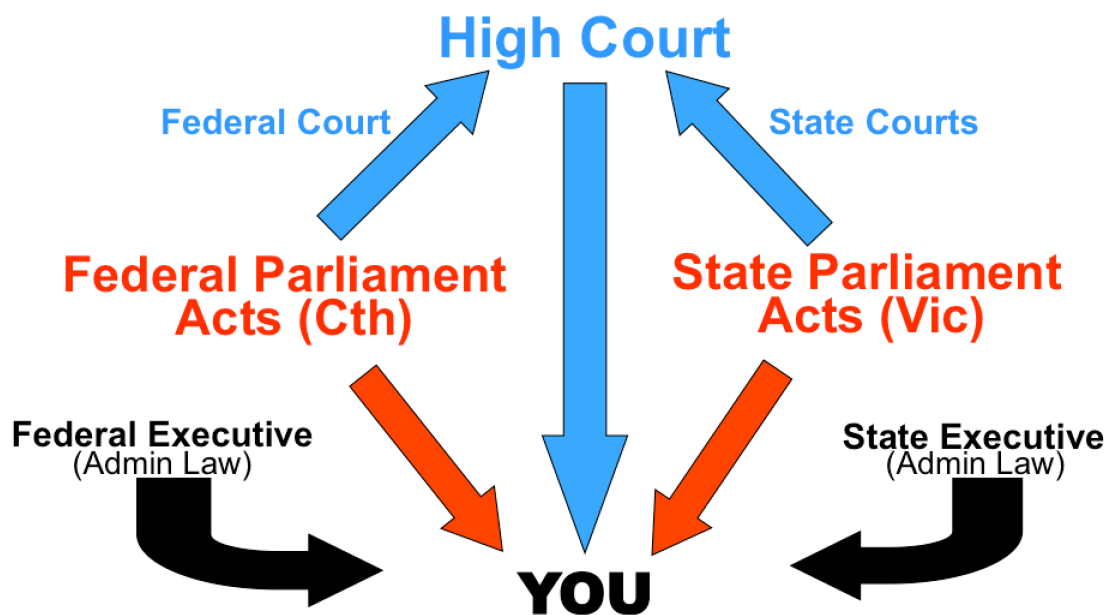
We also have a brief look at the constitutional framework and consider why this is important in a discussion of administrative law.

What is Administrative Law?

- Essentially administrative law is a body of law that regulates executive power and the relationship between citizens and government.
- Administrative law is about understanding the nature and extent of government power and how that power may be challenged or controlled by people (like you and me).

- It is a branch of public law – it deals with disputes and accountability in the public realm between individuals and government.
- It controls and regulates the exercise of administrative power
 - o Review rights
 - o FOI
- It provides the legal mechanisms which individuals can use:
 - o To challenge such decisions or conduct; or
 - o To hold parties to account for such decisions or conduct
- A large part of administrative law involves the regulation of government decision-making.
- Everyday government decision makers make decisions that affect individuals in many aspects of their lives. E.g.
 - o Applying for a licence
 - o Driving
 - o Fishing
 - o Obtaining a permit
 - o Building
 - o Planning
 - o Obtaining a passport – visa
 - o Registering births, deaths, marriages,
 - o Registering a business
 - o Applying for government assistance
 - o Unemployment
 - o Child support
- <https://www.vcat.vic.gov.au/case-types/review-and-regulation/application-for-review-of-a-decision>

Administrative Law is about POWER...



Sources of Administrative Law