LAW311 Administrative and Government Law Residential School

Practice Short Answer Exam Questions

Task: Undertake the practice short answers in exam conditions. Ensure you will not be disrupted for 1.15 hours and that your connectivity will not be distracted.

Employ IRAC structure to each question.

Your time should be allocated as follows:

- 10 minutes reading
- 1 hour writing
- 5 minutes uploading the assessment/sending by email.

Answers to be submitted in the body of an email and sent to vvazquez@csu.edu.au. General Feedback will be provided in our next Tutorial.

Instructions

This is an open book exam. The use of any materials is permitted including the use of any dictionary (of credible academic quality).

Legal citations may be abbreviated. For example, *Western Australia v Ward* [2002] HCA 28; 213 CLR 1 may be cited as *WA v Ward*. The first time a piece of legislation is cited in your answer paper it should appear for example as: Section 45 of the *Real Property Act 1900* (NSW) (‘RPA’) and thereafter s 45 of the RPA (NSW).
PART A: Short Answer Questions (10 Questions, 20 marks. 2 marks per question. Answer in 2-4 sentences at most).


2. How does administrative law ensure that the Executive is held accountable? In your answer, refer to the doctrine of the separation of powers, relevant authorities and provide an example.

3. Explain the function of tribunals, including how they are created and give an example of one of the remedies available.

4. Explain the role of the Australian Information Commissioner, the scope of its power and how it attends to its function, referencing the relevant authorities.

5. The Ombudsman does not have the authority to change an administrative decision, however it affects change in other ways. Give an example of where the Ombudsman has changed the course of administrative procedures or law.

6. What essential principles does the *Privacy Act 1988* (Cth) prescribe and how do they apply?

7. Explain the differences in the evidentiary burden for courts and tribunals and reference relevant authorities.

8. Many types of Executive activity are shielded from judicial review. Give two examples of where an executive decision would be non-justiciable.

9. State where is judicial power conferred in the High Court and define judicial review in the context of administrative law by reference to relevant authorities.

10. In *Hot Holdings v Creasy* (2002) 210 CLR 438 at [464] Kirby J stated, “all public officials who wield power on behalf of the people must ultimately be accountable”. Identify the doctrine for which the rule against bias and the furtherance of self-interest is based upon and provide an example.