



# 2010

## AGS Legal training program

### ADMINISTRATIVE LAW INTRODUCTORY MODULE

#### Administrative Law

##### Target group

Middle and senior level managers and decision-makers in government departments, authorities and business enterprises.

##### Course outline

Since the 1970s there has been a phenomenal growth in the amount and complexity of legislation regulating the way government interacts with its citizens. This legislation has significant implications for the way government agencies make decisions, keep records, and disclose or protect information. This legislation, which affects every Australian every day, is known as administrative law. It has been widely described as the law of the 21st century.

For decision-makers in Australian government, including statutory authorities, this legislation has had a significant impact on day-to-day operations. It is essential that all senior and middle level managers and other public sector employees have a sound understanding of the principles of decision-making, administrative law and the legislation which makes up the Commonwealth's administrative law package.

Government departments and other agencies can no longer make decisions and give out information on an absolute discretion, 'grace and favour' or 'need to know' basis. Their actions are controlled by the courts, particularly through legislation which gives citizens legally enforceable rights to obtain reasons for decisions and access to information.

In this course, the Commonwealth's administrative law package of legislation will be discussed, with particular reference to how it:

- allows a person to seek external review of agency decisions (*Administrative Appeals Tribunal Act 1975, Ombudsman Act 1975*)
- controls the way records are kept and information is used and disclosed (*Archives Act 1983, Privacy Act 1988, Freedom of Information Act 1982*)
- makes decision-makers accountable for decisions made by them (*Administrative Decisions (Judicial Review) Act 1977, Freedom of Information Act 1982*).

We will discuss the principles which must be followed in order to make legally defensible decisions, including procedural fairness. A decision-maker who follows the tenets of administrative law can be confident that the decision that is made is unlikely to be successfully challenged in the courts. We will also explore the means by which those aggrieved by agency decisions may seek to challenge those decisions. The question of who has standing to seek these remedies will be canvassed and the common grounds for relief explained.

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We will also canvass generally the role of employees as public servants, the role of the Ombudsman, and the application of Commonwealth freedom of information and privacy legislation.

We believe that people learn best by doing, and a number of different methods will be used to ensure that participants are stimulated and learn easily. Many practical examples will be given to aid memory, and at times we will work in small groups through syndicate exercises. The presenter will guide group discussion and assist by drawing attention to relevant sections of legislation and decisions of courts and tribunals in particular instances. Other methods such as role play and 'hypotheticals' may also be used to sustain interest and enhance the interactive style of presentation. A manual written in clear non-legal language will be given to each participant for use as future reference material.

#### Presenters

Our presenters are AGS lawyers who have a great depth of knowledge of the government environment, and who practise extensively in the areas of information access and administrative law.

#### Duration

The course runs for two consecutive full days – 9 am to 4.30 pm each day. Morning tea, lunch and afternoon tea will be provided on both days.

#### Cost

Standard fee – \$1,420.00 (inclusive of GST) per person.

If three or more people from one agency attend the same course on the same day **or** if one person attends three or more courses in the same week of training – \$1,278.00 (inclusive of GST) per person.

No more than 20 people will be accepted on each course, and courses will only be conducted if we receive sufficient nominations.

For further information on our calendar training, in-house or customised courses, please contact **Di Harvey on T 02 6253 7126** or **Kirstin Hewitt on T 02 6253 7436**, or email **cbtraining@ags.gov.au**.

#### Website

For a full review of AGS services, visit [www.ags.gov.au](http://www.ags.gov.au)