

**FACULTY OF LAW, UNIVERSITY OF VICTORIA**  
**2021-22 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)<sup>1</sup>**

<b>COURSE</b>	Law 3011 Transsystemic Administrative Law
<b>UNIT VALUE</b>	2.5 Units (5 hours of instruction per week)
<b>INSTRUCTORS</b>	Janna Promislow
<b>TERM OFFERED</b>	Fall 2021
<b>CLASS TIMES</b>	See Schedule
<b>PREREQUISITES/COREQUISITE</b>	LAW 3011 is a required course for the JD/JID Degree.

## **COURSE DESCRIPTION**

Administrative law addresses the relationships between the different branches of government, and particularly the role of the courts in reviewing decisions delegated to the executive branch of government. It also considers the obligations of the executive branch to act fairly towards (with due process) for those affected by its decisions. With respect to Indigenous peoples specifically, administrative law also includes the constitutional obligation of the executive branch to consult and accommodate Indigenous peoples in relation to their rights in the exercise their delegated authorities. Administrative decision makers (also called tribunals) may also be called upon to interpret constitutional rights and other aspects of the constitutional law. The portion of the course focussed on state administrative law will consider courts judgments on judicial reviews of government decisions and related statutes, in which the principles of administrative law are articulated.

Transsystemic administrative law will incorporate a broader array of materials and topics. It will include consideration of Indigenous and western systems of government, to consider the governance problems and objectives that specialized institutions, expertise and distribution of powers/responsibilities between government institutions have developed to address. It will also consider the concepts of fairness, reasonableness, accountability, justification and transparency in grounded examples, to consider Indigenous law treatments of procedural obligations and other similar and related concepts. Finally, it will involve applying what we learn to consider how joint decision-making or other administrative/delegated bodies may address different regulatory issues.

Administrative law applies across different fields of regulation, affecting government decisions and decision-making in areas such as municipal and First Nations band contexts, environmental and natural resources, social services, health, human rights, freedom of information, privacy, and labour relations. Transsystemic Administrative Law will similarly span a broad range of regulatory contexts, as well as draw examples from more than one Indigenous legal order. Administrative law is a foundational course for all areas of public law and regulation. Transsystemic administrative law is a foundational course for these topics as well, and will emphasize administrative law in Indigenous contexts and mixed-law situations, such as the electoral laws of First Nations bands and environmental review processes. It will also consider Indigenous law in relation to public decision-making and governance institutions.

## **TEACHING METHODOLOGY**

The course will involve a mix of lectures and class exercises and discussions. Student engagement and involvement in class will be encouraged. Friday class time will generally not involve lectures, with more time for tutorial work, exercises and active learning in class.

## **EVALUATION METHODOLOGY (SUBJECT TO CHANGE)**

Students will be evaluated through three components: participation assignments (generally pass/fail), a group project with related (individualized) writing assignments, and a final exam (take home). The weighting of the components is TBD. The final exam will be worth more than half of the course grade.

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<sup>1</sup> The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services ([lawmaass@uvic.ca](mailto:lawmaass@uvic.ca)).