

**FACULTY OF LAW, UNIVERSITY OF VICTORIA**  
**2022-2023 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)<sup>1</sup>**

<b>COURSE</b>	LAW 301I 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>	Spring 2023
<b>CLASS TIMES</b>	See Schedule
<b>PREREQUISITES/COREQUISITE</b>	LAW 301I is a required course for the JD/JID Degree.

### **COURSE DESCRIPTION**

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 impact assessment processes.

The doctrines of administrative law address the relationships between the different branches of (state) government, and particularly the role of the courts in reviewing decisions delegated to the executive branch of government called judicial review. The principles of administrative law address relationship as well as 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 principles include the constitutional obligation of the executive branch to consult and accommodate Indigenous peoples in relation to their rights in the exercise their delegated authorities. Further, in addition to courts, administrative decision makers (also called tribunals) may be called upon to interpret constitutional rights and other aspects of the constitutional law. The course canvasses all of these areas of judicial review.

As a transsystemic course, it will also incorporate materials and topics beyond judicial review. It will include consider Indigenous and western systems of government, and 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 analyze and consider aspects of institutional design of Indigenous or joint Indigenous-state decision-making or other executive or governance bodies.

### **TEACHING METHODOLOGY**

The course will involve a mix of lectures and class exercises and discussions. Student engagement and involvement in class will be encouraged.

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

Students will be evaluated through three components: participation assignments (generally pass/fail), a written assignment/report focusing on the institutional design of a particular governance body, and 2-3 take home assignments/exams (TBC). The weighting of the components is TBD. The take home assignments/exams together will be worth at least half of the course grade.

June 2022

---

<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)).