

ADMINISTRATIVE LAW PRACTICE PRACTICAL GUIDE



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Sample

1. HOW TO USE THIS PRACTICAL GUIDE

This practical guide has been developed for your assistance in the College of Law elective unit Administrative Law Practice. Typically, a client in an administrative law matter may provide instructions at the initial client interview. This guide is structured in a way that aims to equip you with the problem solving skills to discern the legal issues from these instructions, and go on to provide practical legal advice to the client and represent them in administrative law matters as instructed.

The types of assessment in this College of Law elective unit currently include participation in on-site workshops, the preparation of a file note of advice following a client interview and a role play of the conduct of a court appearance. This practical guide is structured in a way that simulates these types of assessment in two parts:

1. Part 1 presents a file note of interview, research and further advice together with a letter of advice about reviewing a freedom of information application;
2. Part 2 presents a statement of facts and a witness statement from which an example of a Hearing transcript about an application for review of an administrative decision and role play advocacy assessment tips are presented.

Lawskool Pty Ltd recommends that you follow this practical guide in the order as it appears, and work through the fact scenarios to each practical task in a way that ensures you understand the steps taken along the way.

Throughout your studies, you may adopt an engaged learning style which enables you to actively explore ideas and issues about a topic, and connect with your peers and mentors about real life situations and how they apply to the topic. Lawskool Pty Ltd hopes that you may use this practical guide as a tool in your engagement about Administrative Law Practice in the College of Law.

PART 1: FREEDOM OF INFORMATION

- Part of your assessment in this College of Law unit is to interview a fictitious client (which is not in itself assessed) and then prepare a file note of interview, research and advice (which is assessed).
- The following file note and letter of advice are designed to present you with a fact scenario from which you are to research the legal issues and advise the client on freedom of information matters.

2. FILE NOTE OF INTERVIEW, RESEARCH AND FURTHER ADVICE

Names: Adam Johnson attendance with Ann Smith

Date: 26 April 2015

Time Spent: 10 units (60 minutes)

Client Details: Ann Julie Smith

Name of Matter: Ann Smith – Freedom of Information Application – advice for review of decision

Instructions from client:

1. Ann Smith of 358 Clayton Road, Clayton, in the State of Victoria is a Student. She is also a member and the respectivelyconvenor of *Keep Minerals in the Ground Action Group* (“KEMINGAG”).
2. On 7 January 2015, together with other KEMINGAG members she attended a protest staged by KEMINGAG at the offices of Southern Mining. About 50 Victoria Police officers, some with riot shields and others mounted on horses were guarding the offices of Southern Mining. These police officers were waiting at the offices prior to KEMINGAG’s arrival and a riot broke out between KEMINGAG and the police.
3. On 15 February 2015, Ann attended a protest staged by KEMINGAG at the offices of Eastern Mining. Victoria Police were waiting at the offices prior to KEMINGAG’s arrival and another riot ensued.
4. On 27 March 2015, Ann attended a protest staged by KEMINGAG at the offices of Oceanic Mining. Victoria Police were waiting at the offices prior to KEMINGAG’s arrival. KEMINGAG aborted the protest, which ended peacefully. Members of KEMINGAG fed carrots to the police horses and gave muesli to the members of the police riot squad.
5. Ann told you as her solicitor that at all times at meetings and on other occasions it was expressly stated amongst all KEMINGAG members that the intention of KEMINGAG was to conduct peaceful protests.
6. All protest activities of KEMINGAG were planned at Ann’s house at 358 Clayton Road, Clayton. The meetings always took place in secret.
7. Ann informed you that all KEMINGAG members are sworn to treat information relating to KEMINGAG’s protests as secret.
8. After the protest at Oceanic Mining was aborted on 27 March 2015, Ann’s brother, Bardy Smith, conducted a search of Ann’s house and found three listening devices in Ann’s lounge room. Ann was present when this occurred.
9. Ann believes that the listening devices found in her house were placed there by Victoria Police.

10. Prior to coming to you, Ann had made a Freedom of Information Application to Victoria Police seeking the following information for the period from 1 December 2014 to 1 April 2015:
- a. all documents filed in the Supreme Court of Victoria to obtain an order to install a listening device for the interception of any conversation including any affidavit, application and order;
 - b. a list of persons authorised to listen to conversations, tape or other recordings of conversations;
 - c. addresses of premises on which a listening device was placed;
 - d. dates of interceptions of conversations;
 - e. recordings of conversations.
11. In a letter dated 20 April 2015, Senior Sergeant V E Hugo of Victoria Police denied Ann's request for the information. In his letter, Senior Sergeant Hugo invoked section 27(2)(b) of the *Freedom of Information Act 1982* (Cth) and declined to state whether or not the documents Ann sought existed.

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