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Administrative Law at an Australian University

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FEAR OF ADMINISTRATIVE LAW? STUDENT EMOTIONS AROUND STUDYING ADMINISTRATIVE LAW AT AN AUSTRALIAN UNIVERSITY

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I INTRODUCTION

Upon its colonisation, Australia inherited a complex common law system from the United Kingdom.¹ At Federation, the Australian Constitution not only set out the separation of the respective powers of Parliament, the Executive and the Judiciary, but provided for mechanisms of judicial review of government action, of which section 75(v) is an example.² Section 75(v) provides that a person may seek certain remedies, including prerogative writs,³ against an officer of the Commonwealth.⁴ When Parliament attempted to restrict judicial review under s 75(v) for migration matters, the High Court upheld the critical importance of the rule of law.⁵ It held that section 75(v) provides ‘an entrenched minimum provision of judicial review’,⁶ thereby ‘assuring to all people affected that officers of the Commonwealth obey the law’.⁷ Judicial review is therefore a key mechanism by which members of the Australian community can

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¹ Judith Bannister, Anna Olijnyk and Stephen McDonald, *Government Accountability: Australian Administrative Law* (Cambridge University Press, 3rd ed, 2023) 3.

² Ibid.

³ Ibid 532-7.

⁴ *Australian Constitution* s 75(v).

⁵ *Plaintiff S157/2002 v the Commonwealth* (2003) 211 CLR 476. See also Stephen Gageler, ‘Impact of Migration Law on the Development of Australian Administrative Law’ (2010) 17(2) *Australian Journal of Administrative Law* 92.

⁶ Ibid [103].

⁷ Ibid [104].

challenge government decision-making in the courts, thereby holding it to account. However, ‘the rise of extensive government regulation of economic and social life and the emergence of the welfare state made it evident that both a distinct body of law and new mechanisms for addressing grievances were needed’.⁸ As Groves and Boughey observe:

The reforms made in Australia during the 1970s and 1980s, resulting in what is widely known as the ‘new administrative law’, developed a modern and ‘comprehensive system of administrative law’ which sought to shift focus from the courts as the central institution responsible for executive accountability, by creating several new systems and agencies of administrative review.⁹

These included the establishment of the federal Administrative Appeals Tribunal,¹⁰ the Commonwealth Ombudsman and the enactment of freedom of information legislation.¹¹ In short, administrative law ‘provides multiple avenues and mechanisms for challenging government administrative action’.¹²

Reilly observes that ‘the purpose of administrative law is deeply political - challenging government power and protecting the procedural rights and liberties of individuals subject to the exercise of that power’.¹³ Its ‘contribution to Australian democracy’¹⁴ has therefore been substantial:

It influences the development of government policy. It guides government action at many levels. It sets the framework for millions of fair and accepted government decisions every year. Administrative law is now permanently entrenched in our system of law and government...¹⁵

Given its expansion and fundamental importance, it is no surprise that administrative law ‘developed in Australian law schools in the

⁸ Michael Head, ‘Deep Learning and Topical Issues in Teaching Administrative Law’ (2007) 17 *Legal Education Review* 159, 162.

⁹ Matthew Groves and Janina Boughey, ‘Administrative Law in the Australian Environment’ in Matthew Groves and Janina Boughey (eds) *Modern Administrative Law in Australia: Concepts and Context* (Cambridge University Press, 2014) 4.

¹⁰ On 16 December 2022, the Commonwealth Attorney General announced the abolition of the AAT and the creation of a new federal administrative review body: Jake Evans, “‘Politicised’ Administrative Appeals Tribunal Abolished, After Attorney-General Declares its Reputation Ruined”, *ABC News* (Web page, 16 December 2022) <<https://www.abc.net.au/news/2022-12-16/administrative-appeals-tribunal-abolished-by-attorney-general/101781300>>. The Administrative Review Tribunal will commence on 14 October 2024: see ‘A New System of Federal Administrative Review’, *Attorney-General’s Department* (Web Page, 13 August 2024) <<https://www.ag.gov.au/legal-system/new-system-federal-administrative-review>>.

¹¹ Groves and Boughey (n 9) 4.

¹² Robin Creyke et al, *Control of Government Action* (Lexis Nexis, 6th ed, 2021) xx.

¹³ Alexander Reilly, ‘Finding an Indigenous Perspective in Administrative Law’ (2009) 19 *Legal Education Review* 271, 278.

¹⁴ Robert Cornall, ‘The Effectiveness and Efficiency of Administrative Law: The Governmental Perspective’ (2008) 58 *AIAL Forum* 56, 66.

¹⁵ *Ibid* 66.

second half of the twentieth century’¹⁶ and became a compulsory course of study in order to practise law.¹⁷

II CHALLENGES OF STUDYING ADMINISTRATIVE LAW

Administrative law is reputed to be difficult, anxiety-provoking and boring. If indeed felt, such emotions would likely hinder student engagement with the subject matter, impede deep learning and worse, perhaps, harm student wellbeing and mental health. In addition, it would constitute an enormous disservice to the value of the subject matter, which essentially involves holding the government to account.

The study of administrative law can be challenging for various reasons. First, the term ‘administrative law’ is not particularly clear. It begs the question: who is administering what and when? The precise nature, meaning and scope of administrative law and its relevance to daily life may seem murky. Nor is it immediately apparent that administrative law falls under the umbrella of public law and is closely related to constitutional law.¹⁸

There are other factors which mean that it is hard for students “to come to grips” with administrative law,¹⁹ and for that matter, law subjects more generally. Head observes that, as a result of ‘gaps or weaknesses in the school curricula’,²⁰ ‘students may have a limited understanding of the existing political order and its constitutional underpinnings, let alone the vast bureaucratic undergrowth at federal, state and local government levels’ and ‘even less knowledge of the historical roots and evolution of the Anglo-Australian polity’.²¹

Additionally, international students and students with non-English speaking backgrounds may find the course particularly challenging, given the different legal and political frameworks.²² For example, the greatest source country of international students for Australian

¹⁶ William Gummow, ‘A Fourth Branch of Government?’ (2012) 70 *ALJ Forum* 19, 20.

¹⁷ Legal Services Council, ‘Prescribed Academic Areas of Knowledge’, *Law Admissions Consultative Committee* (Web page, 5 July 2023) <<https://legalservicescouncil.org.au/about-us/law-admissions-consultative-committee.html>>.

¹⁸ Bannister, Olijnyk and McDonald (n 1) 4: ‘Constitutional law provides the framework in which administrative law operates and is an ongoing influence on the development of administrative law principles. Further, in the last two decades there has been an increasing trend for the High Court to “constitutionalise” certain administrative law principles, such as the right to seek judicial review of administrative decisions and the power of parliament to order the production of government documents. We are seeing reconvergence of the two areas after a period during the twentieth century that saw the development of administrative law as its own distinct discipline. Today, administrative law retains that status but is best understood as a sub-discipline of public law interwoven with and informed by the sub-discipline of constitutional law’. (footnotes omitted)

¹⁹ Head (n 8) 160.

²⁰ Ibid 161.

²¹ Ibid.

²² Ibid 162.

universities from 2020-2022 was the People's Republic of China,²³ a country where the principle of separation of powers is absent.²⁴

Another challenge is its complexity. As noted earlier, there are 'the notorious technicalities of administrative law that derive from [its] tortured history'.²⁵ Furthermore, 'diverse individuals and bodies exercise administrative power, including public servants, Ministers of the Crown, regulatory agencies, commissions, local councils and some non-government organisations'.²⁶ The fact that government services may be outsourced poses further 'challenges for traditional accountability mechanisms'.²⁷ As Bannister et al observe:

If a function that is, in some way, public is outsourced to a private entity that performs the function poorly – or illegally – what can be done? Who can be held responsible? How can an individual seek review of action that affects them? Can the failings of a private entity be exposed to public scrutiny?²⁸

The answer to these questions is not always readily apparent, leading to another challenge again not limited to administrative law, namely the uncertainty relating to the application of the law to the circumstances of the case. As Foley and Tang argue, the 'thinking like a lawyer' approach taught at law school comes 'at the expense of understanding and managing the many unknowns of the law and legal practice'.²⁹ They argue that 'the importance of uncertainty, lack of knowledge and a questioning perspective' is 'a missing piece of the puzzle'.³⁰ For example, statutory interpretation plays a central role in administrative law³¹ and as a consequence, there may be 'no single "right" answer or approach to interpreting a statutory provision'.³² The Voice referendum, for example, highlighted some of the complexities and uncertainties associated with any potential administrative law litigation.³³

²³ 'International Students studying in Australia', *Australian Government Department of Education* (Web page, 22 May 2023) <<https://www.education.gov.au/international-education-data-and-research/resources/international-students-studying-australia-2002-2022>>.

²⁴ Danilo Pappano, 'Administrative Law and the Chinese Legal System: Some Issues on Judicial Review of Administrative Activity' in Giacinto della Cananea and Mauro Bussani (eds) *Judicial Review of Administration in Europe* (OUP, 2021) 329.

²⁵ Head (n 8) 162.

²⁶ *Ibid.*

²⁷ Bannister, Olijnyk and McDonald (n 1) 45.

²⁸ *Ibid.*

²⁹ Tony Foley and Stephen Tang, 'On Being, Not Just Thinking Like a Lawyer: Connections between Uncertainty, Ignorance and Well-being' in Rachel Field, James Duffy and Colin James (eds), *Promoting Law Student and Lawyer Well-being in Australia and Beyond* (Routledge, 2016) 132.

³⁰ *Ibid.*

³¹ Janina Boughey and Lisa Burton Crawford, 'Situating Statutory Interpretation in its Public Law Context' (2019) 29 *Legal Education Review* 1, 5.

³² *Ibid* 13.

³³ See, eg, Elisa Arcioni and Andrew Edgar, 'The Voice and the Executive' *AUSPUBLAW* (Web Page, 31 March 2023) <<https://www.auspublaw.org/nations-voice/the-voice-and-the-executive/>>.

In addition, there are broader factors at play, which may influence student emotions when studying administrative law. As noted in the Australian University Mental Health Framework Report:

...students studying law may have personality attributes that may be linked to increased risk of mental health, such as being motivated by achievement. Additionally, environmental factors in law schools, such as course design, competitive culture, lack of autonomy, financial stress and uncertain job prospects, may put law students at greater risk of mental ill-health.³⁴

Of particular note in this context is ‘heavy workloads’, which may also cause distress for law students.³⁵ In this respect, administrative law requires reading High Court judgments to understand the development of complex, ever evolving legal principles.³⁶

III ROLE AND IMPACT OF EMOTIONS ON LEARNING

The role of emotions in legal education has been the focus of increasing discourse and research in recent years. Much of this research has focused on mental health, showing that law students are at an increased risk of psychological distress and mental ill health.³⁷ This is concerning as we know from broader research on emotions and learning that such experiences are likely to have a negative impact on student learning and engagement - it is widely acknowledged that emotions influence student learning, engagement, achievement and well-being.³⁸

Emotions, which are either implicitly or explicitly encompassed in the concept of student wellbeing and mental health,³⁹ may be defined as ‘a subjectively experienced feeling that is related to affect and mood’.⁴⁰ Historically, emotions have typically been classified into either positive or negative emotion categories.⁴¹ Positive emotions are

³⁴ Orygen, *Australian University Mental Health Framework* (Report, 2020) 12.

³⁵ Wendy Larcombe et al, ‘Does an Improved Experience of Law School Protect Students Against Depression, Anxiety and Stress: An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students’ (2013) 35 *Sydney Law Review* 407, 419.

³⁶ See, eg, the concept of materiality. As Aronson, Groves and Weeks observe: ‘The exact contours of the materiality requirement have yet to be mapped’ in Mark Aronson, Matthew Groves and Greg Weeks, *Judicial Review of Administrative Action and Government Liability* (Lawbook Co, 7th ed, 2022) 152.

³⁷ For a thorough review of the literature, see Ozlem Susler and Alperhan Babacan, ‘Promoting the Mental Wellbeing of Law Students through the Curriculum and Communities of Practice’ in Abraham Francis and Margaret Carter (eds) *Mental Health and Higher Education in Australia* (Springer, 2022) 175.

³⁸ Reinhard Pekrun and Lisa Linnenbrink-Garcia, ‘Academic Emotions and Student Engagement’ in Amy Reschly and Sandra Christenson (eds) *Handbook of Research on Student Engagement* (Springer, 2022) 109, 121.

³⁹ Emma Jones, ‘Transforming Legal Education through Emotions’ (2018) 38 *Legal Studies* 450, 468.

⁴⁰ Emma Jones, *Emotions in the Law School: Transforming Legal Education Through the Passions* (Routledge, 2020) 58, citing Robert Kohn and Martin Keller, ‘Emotions’ in Allan Tasman, Jerald Kay, Jeffrey Lieberman, Michael First and Michelle Riba (eds) *Psychiatry Volumes 1 & 2* (John Wiley & Sons, 4th ed, 2015) 547, 547.

⁴¹ An Sieun et al, ‘Two Sides of Emotion: Exploring Positivity and Negativity in Six Basic Emotions Across Cultures’ (2017) 8 *Frontiers in Psychology*.

pleasurable to experience, eg enjoyment, interest, gratitude while negative emotions are unpleasant, eg anger, sadness and fear. The relationship between positive and negative emotions is complex. For example, they can be experienced simultaneously and there can be both positive and negative outcomes associated with specific emotions. That is, positive emotions can have negative consequences and vice versa, eg positive emotions may contribute to diminished performance.⁴²

More recently, there has been a growing interest in anticipated and anticipatory emotions and how they impact on the experience of university students.⁴³ Anticipatory emotions are those which are experienced in response to ‘the prospect of anticipated desirable or undesirable future events’ while anticipated emotions ‘refer to individuals’ beliefs about how they think they will feel during imagined future events’ (eg anticipating feeling fear presenting in class).⁴⁴ While conceptually and empirically distinct, both types of emotions reveal useful information about how students are likely to respond in learning environments.

Functional approaches to the study of emotions⁴⁵ provide a useful framework for understanding why certain emotions are experienced in particular situations and the roles that they play. Emotions are adaptive in that they motivate behaviours to promote positive outcomes (eg achievement) and avoid negative ones (eg failure), thus serving a range of intra- and inter-personal problem-solving functions.⁴⁶ For example, studies in mathematics show that students with maths anxiety are more likely to avoid taking STEM courses.⁴⁷ This could be to avoid failure or other perceived negative outcomes. By contrast, curiosity motivates exploration and engagement⁴⁸ and therefore students who are curious about a topic would be motivated to study that field.

Recently, there has been a powerful call to recognise the role of emotions in legal education, which has traditionally valued rationality

⁴² Michele M Tugade, Hillary C Devlin and Barbara L Fredrickson, ‘Positive Emotions’, in C R Snyder et al (eds), *The Oxford Handbook of Positive Psychology* (Oxford University Press, 3rd ed, 2021) 18.

⁴³ Wolfgang Hinck and Z Ahmed, ‘The Effect of Anticipatory Emotions on Students’ Performance in Marketing Simulations’ (2015) 17 *Journal of Research in Marketing and Entrepreneurship* 5-22; Katy Tam, Wijnand Van Tilburg and Christian Chan, ‘Whatever Will Bore, Will Bore: The Mere Anticipation of Boredom Exacerbates its Occurrence in Lectures’ (2023) 93(1) *British Journal of Educational Psychology*; Michael Parmentier et al, ‘Anticipatory Emotions at the Prospect of the Transition to Higher Education: A Latent Transition Analysis’ (2021) *Journal of Vocational Behavior* 125.

⁴⁴ Parmentier et al (n 43) 3.

⁴⁵ Pekrun and Linnenbrink-Garcia (n 38) 6; Anna D Rowe, ‘Feelings about Feedback: The Role of Emotions in Assessment for Learning’ in David Carless et al (eds), *Scaling Up Assessment for Learning in Higher Education* (Springer, 2017).

⁴⁶ Rowe (n 45).

⁴⁷ Richard Daker et al, ‘First-year Students’ Math Anxiety Predicts STEM Avoidance and Underperformance Throughout University, Independently of Math Ability’ (2021) 6(1) *npj Science of Learning*.

⁴⁸ Elisabeth Vogl et al, ‘Surprise, Curiosity, and Confusion Promote Knowledge Exploration: Evidence for Robust Effects of Epistemic Emotions’ (2019) 10 *Frontiers in Psychology*.

and reason above all else.⁴⁹ For instance, Jones argues that constructivist learning theories, in which ‘teaching is not a matter of transmitting but of engaging students in active learning, building their knowledge in terms of what they already understand’⁵⁰ can ‘accommodate an inclusion and examination of emotions within the learning process’.⁵¹ In terms of their effect on learning, studies demonstrate that ‘positive emotions in general tend to have a positive impact’⁵² while negative emotions may adversely impact students’ cognitive functioning and behaviour.⁵³ This is because positive emotions generally activate approach behaviours (eg studying, asking questions) and negative emotions activate avoidance behaviours (eg not attending class, ignoring emails). However, negative emotions can also activate approach behaviours in some circumstances, thus promoting positive outcomes; for example, a student who feels guilty may be motivated to invest effort into an assessment task in order to avoid failure. The relationship between emotions and motivation is complex with some emotions associated with both approach and avoidance behaviours (eg shame).⁵⁴ Given shame is thought to serve both protective and restorative functions,⁵⁵ feeling ashamed after getting an answer wrong in class might for example, motivate a student to avoid answering future questions in order to protect themselves, or instead attempt to answer more questions in future to restore their self-image.

There is a large body of evidence that suggests the relationship between emotions, motivation and behaviour is causal, that is, the experience of one of these variables will determine or influence the others. Various theories have been proposed to account for this relationship, including the control-value theory of achievement emotions⁵⁶ which has been validated in diverse learning contexts.⁵⁷ In a nutshell, student appraisals relating to a range of factors - in this particular theory, these are the extent to which students feel control over learning activities and outcomes, and the value they place on such activities and outcomes - will determine the emotions experienced. The emotions experienced, will in turn ‘determine the learning strategies,

⁴⁹ Jones, ‘Transforming Legal Education through Emotions’ (n 39) 450.

⁵⁰ John B Biggs and Catherine Tang, *Teaching for Quality Learning at University* (McGraw-Hill Education, 4th ed, 2011) 22.

⁵¹ Jones, *Emotions in the Law School: Transforming Legal Education Through the Passions* (n 40) 118.

⁵² Liisa Postareff et al, ‘The Complex Relationship between Emotions, Approaches to Learning, Study Success and Study Progress during the Transition to University’ (2017) 73 *Higher Education* 441, 443.

⁵³ Nikki Bromberger, ‘Enhancing Law Student Learning – The Nurturing Teacher’ (2010) 20(1) *Legal Education Review* 45, 48-49.

⁵⁴ Vogl et al (n 48) 3; Ilona E de Hooge, Marcel Zeelenberg and Seger M Breugelmans ‘Restore and Protect Motivations Following Shame’ (2010) 24(1) *Cognition and Emotion* 111.

⁵⁵ De Hooge, Zeelenberg and Breugelmans (n 54).

⁵⁶ Reinhard Pekrun, ‘The Control-Value Theory of Achievement Emotions: Assumptions, Corollaries, and Implications for Educational Research and Practice’ (2006) 18(4) *Educational Psychology Review* 315.

⁵⁷ See Kaiqi Shao et al, ‘Applying Control-value Theory for Examining Multiple Emotions in L2 Classrooms: Validating the Achievement Emotions Questionnaire – Second Language Learning’ (2023) *Language Teaching Research*.

and metacognitive and cognitive resources that students are going to use and, ultimately, will determine their academic performance'.⁵⁸

For educators, understanding the role that emotions play can be helpful for promoting desired emotions in educational settings, and minimising those which impact negatively. Thus, as Bromberger advocates:

Reducing student stress, excessive anxiety, boredom and other strong negative emotions therefore not only enhances student wellbeing for its own sake but it enhances student engagement in the learning process, resulting in more effective learning and potentially higher rates of student retention.⁵⁹

Within learning contexts, a growing body of evidence shows that positive emotions generally enhance academic learning and achievement, particularly in areas of meta-cognition, effort on task, self-regulation, use of learning strategies, and motivation.⁶⁰ Negative emotions, whilst detrimental to motivation, learning and achievement in some ways (eg performance anxiety) can also be beneficial. For example, positive emotions such as the enjoyment experienced whilst learning is thought to promote flexible, holistic learning strategies (such as critical thinking), while negative emotions such as anxiety, can elicit rigid and detail-oriented learning.⁶¹ Both can be useful depending on the context and learning activities/tasks. Understanding students' anticipated (expected) and anticipatory emotions (at the very beginning of a course) is particularly useful as both motivate goal-directed behaviour, although the motivational effects of anticipated emotions are stronger than those of anticipatory emotions.⁶² They have different effects on behaviour, with anticipated emotions impacting on behaviour while anticipatory emotions having less influence on behavioural intentions. Anticipated emotions can also influence future emotional states, for example, anticipated boredom of lectures has been found to exacerbate felt boredom when watching lectures.⁶³

It follows that 'law students' experiences, and therefore their learning, will be shaped by the emotions they feel towards the law, the law school and the subject matter of individual pieces of legislation and cases'.⁶⁴ For that reason, 'the impact of students' emotional well-being

⁵⁸ Elizabeth Acosta-Gonzaga and Aldo Ramirez-Arellano, 'The Influence of Motivation, Emotions, Cognition, and Metacognition on Students' Learning Performance: A Comparative Study in Higher Education in Blended and Traditional Contexts' (2021) 11(2) *Sage Open*.

⁵⁹ Bromberger (n 53) 50.

⁶⁰ Pekrun and Linnenbrink-Garcia (n 38); Reinhard Pekrun and Sandra Stephens, 'Achievement Emotions in Higher Education' in John Smart (ed), *Higher Education: Handbook of Theory and Research* (Springer, 2010) 257.

⁶¹ Pekrun and Linnenbrink-Garcia (n 38); Pekrun and Stephens (n 60).

⁶² Hans Baumgartner, Rik Pieters and Richard Bagozzi, 'Future-oriented Emotions: Conceptualization and Behavioral Effects' (2008) 38 *European Journal of Social Psychology* 685.

⁶³ See Tam, Van Tilburg and Chan (n 43).

⁶⁴ Jones, 'Transforming Legal Education through Emotions' (n 39) 459.

on their engagement and learning means that it is impossible to dismiss this issue as a purely pastoral one'.⁶⁵

IV CURRENT STUDY

This exploratory study, using a voluntary and anonymous online survey administered in Term 3, 2021, set out to determine the emotions students associated with the study of administrative law at an Australian university. Administrative law at the University of New South Wales (UNSW) is generally taught in 3rd year. The course is taught over a 10-week term with two, two-hour, highly interactive seminar-style classes per week. The study used a mixed method design with questions inviting open-ended answers and responses on rating scales for qualitative and quantitative analyses. The survey was deliberately administered at the start of the term prior to any teaching activities given that we were particularly interested in student perceptions of administrative law as a course of study prior to the actual experience of engaging with the course content.

As discussed, in line with the previous research, which has shown anticipated emotions to be a strong influencer of future motivation and behaviour, we were interested in whether students expected to experience negative emotions, such as fear and or anxiety and also positive emotions, such as excitement and interest when studying administrative law. The study also sought to identify emotions experienced at the start of term and explore the reasons for these feelings. Finally, given the proposed relationship between emotions and the perceived value of the content of study as per the control-value theory of emotions,⁶⁶ the study also gathered student perceptions of the importance and utility of administrative law. Specific research questions investigated were therefore as follows:

1. How do students feel about studying administrative law? What emotions do they expect to experience?
2. Why do students experience these emotions?
3. What were the overall perceptions of the course's utility and importance?

V METHOD

A *Participants*

Participants comprised of students enrolled in the Administrative Law course taught at UNSW. A total of 166 students of 326 enrolled students in the course completed an online anonymous survey around their perceptions and emotions associated with studying administrative law. Ethics approval for the study was acquired through the UNSW

⁶⁵ Ibid 472.

⁶⁶ Pekrun (n 56).

Human Research and Ethics Committee (HREC reference number HC210554).

B Measures

An online survey was developed and hosted on the education institution's Qualtrics platform. The anonymous survey collected participants' information, including demographic details, student status (eg undergraduate/postgraduate, international/domestic, full-time/part-time, primary language) and past experience (or lack thereof) with administrative law.

The survey included an open text section where participants could provide written responses to four questions relating to the administrative law unit of study:

1. Please describe your previous experience with administrative law.
2. Please describe your overall feelings/attitudes towards this specific unit.
3. What do you think the Unit Coordinator and/or Teacher could do to make this unit a pleasant one for you?
4. In your opinion, how important do you think administrative law is for the general public/society?

The survey also assessed the perceptions of participants in relation to the administrative law unit (eg self-efficacy in completing the course successfully, usefulness of the course, time commitments associated with the course of study, perceived difficulty of the course, if the course should be removed as a compulsory course) through a series of questions utilising 6-point Likert scales (1 = *Strongly Disagree*; 6 = *Strongly Agree*). As noted earlier, in addition, the survey asked participants to indicate if they believed that the administrative law unit would lead them to feel a series of nine emotions (Optimism, Pride, Enjoyment, Curiosity, Anger/Irritation, Embarrassment/Shame, Boredom, Hopelessness, Anxiety/Uneasiness). These emotions have been found to be important in academic settings, particularly in relation to achievement, learning, and engagement.⁶⁷ For each of these emotions, participants were asked to indicate their agreement as to whether they anticipated feeling these emotions while studying administrative law (i.e., I think that this administrative law unit will lead me to feeling the following emotion...) on a 6-point Likert scale (as above). The aim was to determine how students anticipated they would feel about studying the course; however they were not given a particular time frame for experiencing these emotions (eg in the middle or end of the course), rather just how the course would make them feel. While quantitative questions asked students about anticipated emotions, qualitative questions focused more on anticipatory emotions, with students asked to describe their feelings towards the course at the start of term. The qualitative data was intended to complement and provide insights into quantitative findings.

⁶⁷ Pekrun and Linnenbrink-Garcia (n 38); Pekrun and Stephens (n 60); Rowe (n 45).

C Procedure

Students enrolled in the Administrative Law unit were invited to complete the online survey through the education institution's learning management system, Moodle, by the primary author who was also the Course Convenor. Students were assured that participation in the study was voluntary, and that responses would be anonymous (and thus would not influence their experience with the unit in any detrimental way). They were asked to complete the survey prior to the start of teaching activities in the Administrative Law unit. At the start of the first seminar, students were reminded about the research project and given time at the beginning of the session to complete the survey. The survey was closed afterwards, and data was downloaded for analysis.

D Methods of Analyses

All quantitative analyses were conducted using IBM SPSS version 29.0. Descriptive statistics were calculated, including categorical percentages and cumulative percentages across multiple categories (eg aggregating responses in the *Slightly Agree*, *Agree* and *Strongly Agree* categories) as well as group averages for the variables.

Qualitative analyses were conducted using NVivo version 12. Responses to the four open ended questions were thematically coded.⁶⁸ Student feelings were coded deductively with categories informed by emotion theory and research in higher education.⁶⁹ Specifically, they were initially coded 'positive' or 'negative' (valence) then later grouped into broader discrete emotion categories (eg fear, excitement). For example, 'worry', 'nervous' and 'scared' were coded under a broader category of 'fear'. This approach allows for an exploration of the potential functions such emotions might play. Positive and negative sentiments that were not discrete emotions, were coded under 'positive' and 'negative' emotion categories.

Other information provided by participants, such as contextual factors (eg the course content, workload, hearsay from other students who had previously completed the course), were grouped into themes underpinned by an inductive approach. These broader themes were contextual factors; value of administrative law; previous experience; and teacher improvements. Sub-categories of themes within these were coded hierarchically in accordance with their relationship to the broader 'parent' category.

One member of the research team initially coded the data, with themes subsequently verified by another member of the research team through discussion. This approach was intended to ensure the validity and reliability of the coding framework.

⁶⁸ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3(2) *Qualitative Research in Psychology* 77.

⁶⁹ See, eg, Pekrun (n 56); Anna Rowe, Julie Fitness and Leigh Wood, 'The Role and Functionality of Emotions in Feedback at University: A Qualitative Study' (2014) 41 *The Australian Educational Researcher* 283.

A matrix coding query was generated to identify overlapping areas of coding between emotions and situational factors. This analysis provides insights into the reasons for the types of emotions reported. For example, it showed that fear was reported in relation to workload associated with the course, which we discuss further below.

VI RESULTS

A *Participant Characteristics*

There was a total of 166 participants with participant characteristics presented in Table 1 below.

Table 1
Number and Percentage of Participants for each Participant Characteristic

Participant Characteristics	Number of Participants	Percentage of Participants
Male	57	34.3%
Female	106	63.9%
Non-binary	2	1.2%
Prefer Not to Say	1	0.6%
Full-time	155	93.4%
Part-time	11	6.6%
Postgraduate	88	53.0%
Undergraduate	78	47.0%
Domestic	118	71.1%
International	48	28.9%
English as First Language	110	66.3%
English not First Language	56	33.7%
Prior Administrative Law experience	51	30.7%
No Prior Administrative Law experience	115	69.3%

B *Student Feelings about Administrative Law*

Across the nine emotions presented to participants, the highest average rating was for Curiosity while the lowest average rating was for Embarrassment/Shame. Average ratings for each of the nine emotions were higher than the mid-point of the 6-point scale, indicating that on average the cohort agreed that the Administrative Law unit would lead them to experience each of these emotions. Moreover, more than half of the participants endorsed (i.e., selected *Slightly Agree* to *Strongly Agree*) that the Administrative Law unit would make them feel each of these emotions to a certain degree. Similar to the average ratings, the highest cumulative percentage was for Curiosity (75.9%) and the lowest

was for Embarrassment/Shame (54.1%). Table 2 below provides an overview of the average ratings and accumulated percentages across all nine emotions.

Table 2
Mean Ratings across Emotions and Cumulative Percentages of Participants Endorsing that Study of Administrative Law Unit Will Lead to Each Emotion

Emotion	Average Rating (Standard Deviation)	Percentage Endorsement
Optimism	4.26 (1.32)	71.7%
Pride	4.09 (1.29)	70.3%
Enjoyment	4.14 (1.34)	69.2%
Curiosity	4.46 (1.54)	75.9%
Anger/Irritation	3.94 (1.35)	63.1%
Embarrassment/Shame	3.59 (1.63)	54.1%
Boredom	3.92 (1.42)	66.5%
Hopelessness	3.61 (1.55)	58.0%
Anxiety/Uncasiness	3.82 (1.52)	65.5%

Table Note: Higher number for Average Rating indicates a greater extent that participants as a cohort endorsed that they anticipate feeling that emotion in relation to the study of administrative law. The Percentage Endorsement relates to the proportion of participants who endorsed (Slightly Agree to Strongly Agree) that they would experience the emotion in relation to the study of administrative law.

Responses to open questions supported and complemented quantitative findings with a range of positive and negative emotions reported. Interest and excitement were identified as the most salient positive emotions and boredom and fear as the most salient negative emotions (Table 3). Salience was determined by the frequency with which each emotion was reported (as measured by the number of coding references). Nine participants reported having mixed feelings about the course or were unsure of how they felt; for instance, ‘Mixed feelings, feel it’ll be interesting but not sure at the moment whether content engages me’ and ‘Still too early to tell but it could be interesting’.

Table 3
Emotions Reported by Participants in Open Ended Questions (as Measured by Number of Coding References)

Emotion Categories	Number of Coding References
Negative Emotions	52
Anger	2
Boredom	25
Fear	23
Sadness	3

Positive Emotions	85
Excitement	25
Enjoyment	15
Gratitude	3
Interest	41

Table Note: Small discrepancies between the total and sub-total number of coding references for some categories is due to either multiple coding of emotions in sections of text where more than one emotion was reported by participants, or where positive sentiment was coded but not classified as a discrete emotion.

C Factors Underpinning Student Emotions

The qualitative data provided useful insights into the underlying reasons for emotions reported by students. The matrix coding query revealed that the ‘course content’ and ‘topic’ were the most frequently cited contextual factors associated with feelings about the course (Table 4). A third factor was ‘public law’, a course which was a precursor to administrative law. Students reported varying experiences with public law, with most liking and a small number disliking it, drawing inferences about administrative law from their past experiences of public law. Although the number of coded responses within each theme is small, some patterns can be observed.

Table 4
Matrix Coding Query of Emotions and Contextual Factors (as Measured by Number of Coding References)

Contextual Factors	Emotion Categories									
	Negative emotions (total)	Anger	Boredom	Fear	Sadness	Positive emotions (total)	Enjoyment	Excitement	Gratitude	Interest
Achievement	0	0	0	0	0	2	1	0	0	2
Course content	15	0	7	8	0	13	4	2	0	9
Challenging	0	0	0	0	0	5	3	0	0	3
Complexity	3	0	0	3	0	2	0	0	0	2
Theoretical	3	0	3	0	0	1	1	0	0	0
Uncertainty	3	0	0	3	0	3	0	0	0	3
Motivation to learn	1	0	0	1	0	3	1	2	0	0
Online delivery	2	0	0	2	0	0	0	0	0	0
Participation	0	0	0	0	0	1	1	0	0	0
Perceived importance	4	1	3	0	0	4	0	1	0	2
Relevance to the student	2	0	2	0	0	1	0	0	0	1
Previously studied admin law	3	0	3	0	0	1	0	0	0	0

Contextual Factors	Emotion Categories									
	Negative emotions (total)	Anger	Boredom	Fear	Sadness	Positive emotions (total)	Enjoyment	Excitement	Gratitude	Interest
Public law	4	0	2	1	1	9	6	4	0	4
Starting the course	1	0	1	0	0	2	0	2	0	0
Teacher	0	0	0	0	0	3	0	1	1	1
Topic	7	0	6	2	0	21	1	5	1	13
Word of mouth	4	0	3	0	1	0	0	0	0	0
Workload	4	0	1	3	0	1	0	0	0	1

Table Note: Small discrepancies between the total and sub-total number of coding references for some categories is due to either multiple coding of emotions in sections of text where more than one emotion was reported by participants, or where positive sentiment was coded but not classified as a discrete emotion.

The course content was perceived as interesting and relevant, although some students raised concerns over its highly theoretical nature:

Interesting material and discussion topics (admin law is relevant to real-life policy problems)

It is seen as a dry course but I really enjoy politics and seeing how institutions work so I'm excited!

Not interested, it seems dull and just theoretical.

Fears were reported in relation to the course's complexity, content, and workload:

A little bit anxious as it appears to be quite content heavy.

a little apprehensive at the complexity

I am scared of this course because of the load of prescribed reading

... nervous about the workload!

The topic itself was associated with mostly positive emotions, particularly interest.

I'm interested in this unit because I see it as important as a citizen to understand how I am being governed and how government is/should be being held to account.

Excited about the course, I feel the content is very important to our society and at this point in my studies I get the sense it is undervalued in the legal world.

A small number of students reported boredom and fear:

My initial feelings (without any knowledge) is it was probably going to be boring and the unit I was least interested in in my degree.

I am kind of dreading this topic. It feels + looks pretty overwhelming

Most students who had previously studied public law were looking forward to studying administrative law (eg "I enjoyed the public law course last year, so I'm looking forward to admin law as I believe they are similar") and only a small number of students said the opposite. Others who knew less about the course were still generally positive (eg "Interested but a little ambivalent; not entirely sure what it will entail"). Interestingly, only negative emotions were reported in response to hearsay from peers (eg "I don't have any strong feelings, but I have heard it can be boring").

There were few references made to factors such as teaching manner or quality, as data was deliberately collected at the start of the course to ensure that teaching styles did not influence students' initial perceptions of the course.

D Perceptions of the Utility and Importance of Administrative Law

Generally, students felt administrative law was important with almost all of those who answered the open question relating to the

importance of administrative law to society (there were 141 coding references in total) recognising the value of studying this course. Only two did not, and one was indifferent. Interestingly, one of the two who did not recognise it, still acknowledged some value - “not overly but I see value in it in terms of holding the executive's exercise of power accountable”. Typical comments were as follows:

As administrative law impacts a significant portion of law making it is very important to study it in law school.

Very important - both in terms of the impact on the individual and also for the broader issue of how government decisions and actions reflect values such as integrity, morality, the rule of law.

I think administrative law is the bedrock of society and highly important to ensuring the rights of citizens are upheld.

With regards to quantitative data, the majority of students endorsed (selected *Slightly Agree* to *Strongly Agree*) administrative law as being important (61.6%) for them and useful in their career (73.9%). Out of all the students surveyed, 79.7% indicated that they were confident in handling the demands of the administrative law with 82.1% of students believing that they would be successful in the administrative law unit.

VII DISCUSSION

Following quantitative and qualitative data analysis, we found that students reported a mix of both positive and negative anticipated and anticipatory emotions towards the study of administrative law. Pleasingly, students reported more positive emotions such as curiosity, interest, and excitement than negative emotions such as boredom and fear. A significant finding of the study was that the topic, course content, and previous experience of studying public law played a substantial role in shaping students' anticipatory emotions, which, in the case of the present research, were emotions students felt at the start of the course. On the one hand, students reported feeling interested and excited about the topic and anticipated that the course content would be interesting and relevant while on the other hand, they also reported fear and boredom in relation to matters such as its theoretical basis and the workload. We also found that most students acknowledged the value of administrative law, recognising that it plays an important role in protecting individuals in society, ensuring executive accountability, and shaping societal values.

To recap, anticipated emotions are those students expect to feel about hypothetical future events,⁷⁰ while anticipatory emotions are experienced when there is a perceived possibility that a future event (positive or negative) can occur.⁷¹ Although it is beyond the scope of this article to delve into the underlying cognitive mechanisms of each, and why certain emotions are elicited over others, we can draw some

⁷⁰ Clayton McClure et al, 'Differentiating Anticipated and Anticipatory Emotions and Their Sensitivity to Depressive Symptoms' (2024) *Emotion, Publish Ahead of Print*.

⁷¹ Parmentier et al (n 43).

general inferences about the impact that the experience of emotions reported by students in this study might have. We know from the literature that anticipated emotions in particular can influence motivation and behaviour (to engage, avoid, etc.). Specifically, these emotions can impact on learners' goal setting, investment of effort in tasks, persistence, cognition (memory, attention, etc.), learning strategies, and so on.⁷² It is encouraging that most of the anticipated emotions reported were positive (curiosity, optimism, enjoyment) as these infer positive behavioural outcomes, however attention needs to be given to anxiety and boredom as these could have detrimental outcomes for student motivation, learning and engagement.

The data suggests that many of the anticipatory emotions reported by students in our study can be classified as 'topic', 'epistemic' and 'achievement' emotions as they pertain to the content covered in learning material (topic), knowledge/the generation of knowledge (epistemic), and emotions associated with achievement activities/outcomes including success and failure (achievement).⁷³ Identifying the emotions that students experience about administrative law at the start of term can help inform strategies to promote desired outcomes, such as eliciting positive emotions (interest, excitement and curiosity) and decreasing undesirable ones (boredom, fear). Another category of emotions which commonly occur in learning - 'social emotions' - were generally absent, with the exception of gratitude which was mentioned by a small number of students. This is not surprising, given the research was not focused on relational aspects of learning and teaching, and also that data was collected at the start of term before any relationships between students and teachers or peers had developed.

Epistemic emotions such as interest and curiosity promote exploratory behaviour and positively impact on learning and engagement.⁷⁴ Achievement emotions such as enjoyment and pride generally promote learning, engagement and achievement, while fear and shame can have variable effects – for example, in some instances they have been found to reduce intrinsic motivation, and in others, strengthen extrinsic motivation to invest effort in order to avoid failure.⁷⁵ Boredom is generally considered detrimental to learning and performance.⁷⁶ Less is known about topic emotions than other types of academic emotions although they have been linked to self-efficacy⁷⁷ and are thought to strongly influence students' engagement by affecting their interest and motivation in academic settings.⁷⁸ While our study did not investigate causal relationships between these emotions and student

⁷² Pekrun and Linnenbrink-Garcia (n 38); Tam, Van Tilburg and Chan (n 43); Hinck and Ahmed (n 43).

⁷³ Pekrun and Linnenbrink-Garcia (n 38).

⁷⁴ Tam, Van Tilburg and Chan (n 43).

⁷⁵ Pekrun and Linnenbrink-Garcia (n 38).

⁷⁶ Tam, Van Tilburg and Chan (n 43).

⁷⁷ Suzanne Jones, Brett Campbell and Idalis Villanueva, 'An Investigation of Self-Efficacy and Topic Emotions in Entry-level Engineering Design Learning Activities' (2019) 35 *International Journal of Engineering Education* 15.

⁷⁸ Pekrun and Linnenbrink-Garcia (n 38).

learning outcomes, it is important to consider the impact they are likely to have on learning, achievement, engagement and well-being, based on what is known from previous studies. This is an area which could be explored further in future research. For example, investigating what impact anticipated emotions such as curiosity, enjoyment, boredom and anxiety might have on subsequent student performance, perceptions of learning and so on later in the course.

It is encouraging that the majority of students value the importance of administrative law, despite some reservations about the course content and workload. The high value placed on the course might explain why positive anticipated emotions such as curiosity, enjoyment and pride were more salient than negative ones, and this pattern was also reflected in anticipatory emotions (excitement and enjoyment in particular). If students did not value the course, we might expect emotions such as anxiety and hopelessness to feature more strongly. Further work is needed to investigate this, however previous research and theory suggests that when students appraise activities as being of high value and feel they have a high degree of control over the outcome they are likely to experience positive emotions such as enjoyment. Inversely, perceived low value may contribute to negative sentiments such as anxiety and anger.⁷⁹ Our findings provide a solid foundation from which to build positivity in the manner outlined below about the course for future cohorts, and reduce fear about perceived negative aspects. It is hoped that this in turn will promote engagement in the course and contribute to student wellbeing.

A *Limitations of Current Study*

The research has produced interesting findings, which provide an evidence-based approach to making changes to the curriculum, which we discuss further below. However, we are also cognisant of its limitations. First, we acknowledge that only one cohort studying administrative law at the one institution was surveyed, which may limit the transferability of our findings to other contexts. As such, the generalisability of findings here would need to be interpreted with care, although we note that many of the challenges of studying administrative law identified at the outset are equally applicable to other law subjects. Furthermore, given that there is no specific comparison data from other areas of legal education, it can also be unclear if the comments and sentiments observed relate only to the area of administrative law or apply broadly across the different areas of legal education.

A second limitation of the study is that we did not survey student emotions or learning outcomes at the end of the relevant term. While an additional survey would have provided interesting comparative data, our view was that this further data-gathering was beyond the scope of this exploratory study (the focus of which was anticipated and anticipatory emotions). Data collected throughout and/or at the end of term would provide evidence for understanding the impact of particular

⁷⁹ Pekrun (n 56).

emotions on learning outcomes, engagement and other factors such as wellbeing. Data collected in the current study can only be used to make inferences about the potential motivational and behavioural effects of the emotions reported by students, based on previous research and theory discussed in this paper.

A third limitation, which we acknowledged in the methods section, is that the number of responses for each theme in the qualitative data is small. Therefore, these findings need to be interpreted with care. Nevertheless, matrix coding queries offer a useful ‘bird’s eye view’ of the data, from which patterns can be identified, followed by a more detailed and nuanced analysis of these patterns and themes. Such patterns may reflect experiences which indicate associations or causal links which could be explored in further research.

Finally, another significant limitation of the study is its reliance on self-reporting measures (including only single questions for each emotion). There is substantial literature, which indicates that self-reporting of emotions, particularly negative emotions, may be influenced by cultural and other factors.⁸⁰ While also beyond the scope of the current article, in our view, this so-called ‘limitation’ in fact provides us with the future opportunity in due course to delve into the influence of linguistic and cultural factors on reporting negative emotions.

B *Implications for Future Research*

While acknowledging its limitations, this exploratory study provides a good basis for future research, which would not necessarily be limited to the study of administrative law. Emotion theory has broader application, enabling educators to adapt and refine their learning and teaching practices to improve student learning outcomes and well-being across different disciplines and contexts. As such, future studies could look at the range and types of emotions that students anticipate in the study of various subject matters, within and outside of legal education. Such research can be important in raising educator awareness of student anticipated and anticipatory emotions, and potential effect of these, so that pedagogical approaches could be adjusted to improve learner performance, engagement, sense of belonging and other aspects of academic life.

Other ideas for future studies include comparing student emotions at the commencement, during and the end of a course. Although outside the scope of the current study, it would be useful to examine the actual emotions students experience during their study and the trajectory of changes associated with these emotions. This would provide clearer data for educators to implement different types of supports to encourage helpful learning experiences and/or mitigate unhelpful ones. Also, future studies should systematically examine pedagogical practices that

⁸⁰ Reinhard Pekrun, ‘Using Self-Report to Assess Emotions in Education’ in Michalinos Zembylas and Paul Schutz (eds) *Methodological Advances in Research on Emotion and Education* (Springer, 2016) 43.

are designed to encourage positive emotions and mitigate negative ones. We describe some interventions that were included for administrative law as a result of findings from the current study below. However, the actual and extent of impact of these interventions have yet to be systematically examined. Such research, investigating student emotions through the lifecycle of a course (particularly courses associated with higher levels of anxiety and other negative emotions such as maths, administrative law), could help inform what learning and teaching practices work, providing us with an evidence-based foundation to support new and innovative teaching practices, based on emotion theory. This could include, for example, better identification and support for at-risk students and preparatory strategies to assist learners navigate challenging courses from the outset, with a view to improving retention and the overall student experience.

Although topic, achievement and epistemic emotions were more commonly reported by students in our study at the start of term, investigating these and other types of emotions such as social emotions during the term will provide insights into the prevalence and impact of different emotions at various points in time which can also inform the development of time-appropriate teaching practices and interventions. For example, this might include interventions to target anticipatory emotions at the start of term, and strategies during term, to address emotions experienced when students are actively engaged in learning activities and submitting assessments.

In our opinion, further research is particularly important given the reported increasing levels of psychological distress experienced by not only law students but university students in general.⁸¹ In addition, as noted above, one further, interesting aspect of the current research, which merits further exploration is the impact of linguistic and cultural factors on the self-reporting of emotions. The research team is currently in the process of analysing the data to identify any factors which may explain the variance in emotions reported by students including cultural background. International students have different prior experiences of learning, expectations and understandings of the role of teachers/students which can impact on how they feel about study, with some studies reporting that international students experience more negative emotions in response to matters such as feedback.⁸² International students are also at higher risk of psychological distress⁸³ and therefore research which seeks to understand the impact of positive and negative emotions on their engagement and learning would also contribute to the literature on their learning and wellbeing.

⁸¹ Vivienne Browne and Penny Carlson, 'Developing a University Mental Health Framework in Australia' in Abraham Francis and Margaret Carter (eds) *Mental Health and Higher Education in Australia* (Springer, 2022) 16.

⁸² Tracii Ryan and Michael Henderson, 'Feeling Feedback: Students' Emotional Responses to Educator Feedback' (2018) 43(6) *Assessment and Evaluation in Higher Education* 880, 889.

⁸³ Hyacinth Udah and Abraham Francis, 'COVID-19 and Mental Health and Well-Being of Higher Education International Students' in Abraham Francis and Margaret Carter (eds) *Mental Health and Higher Education in Australia* (Springer, 2022) 305.

VIII CONCLUSION

Our exploratory research has provided us with valuable insight into students' anticipated and anticipatory emotions towards the study of administrative law. While heartening to establish that students feel positive emotions, as expected given the challenges of studying administrative law, they report negative emotions as well. As noted earlier, while certain negative emotions may motivate students, excessive fear and boredom may have a deleterious effect on student learning and wellbeing. The research provides us with valuable insight into the reasons for these mixed feelings, arising principally from the topic, course content and previous experience of administrative law. These significant findings have enabled us to review the administrative law course and begin the process of making changes. We have developed pre-course material which focusses on the subject matter to build upon existing student curiosity, excitement, and interest - and to minimise fear and boredom. For example, we interviewed the current Chief Justice of the Federal Court and the Director/Principal Solicitor of the Refugee Advice and Casework Service, asking them a series of questions such as: (1) what is administrative law?, (2) why is it valuable?, and (3) is it worthwhile, even if not intending to practise administrative law or law generally? By making these changes, we seek to inspire and motivate students in their study of administrative law. What we hope to convey to students is that even if they never go on to practise administrative law, or law more generally, either in Australia or overseas, having the confidence and knowledge to navigate complex bureaucratic mazes and to challenge government decision-making is a vital skill in today's society, where almost every aspect of daily life is regulated.⁸⁴

While we are making changes designed to improve students' experience of the course by capitalising on, and encouraging student curiosity and interest, we may also need to consider more radical change. In this context, it is worth thinking about changing the name 'Administrative Law'. The title is ambiguous and unclear, failing to capture the essence of administrative law, at the heart of which is government accountability. While a matter of speculation, in our view, student anxiety relating to the study of administrative law might be improved if administrative law had a different name. A brief 'Google' search revealed that administrative law or various permutations such as 'Australian Administrative Law' or 'Principles of Australian Administrative Law' were the most common descriptions of the course at Australian universities. Bannister et al call their book 'Government Accountability' while Creyke et al call their book 'Control of Government Action'.⁸⁵ Mark Aronson suggests 'Using Law to

⁸⁴ The 'Robodebt' scheme provides a sobering example of the importance of challenging government decision-making: See *Royal Commission into the Robodebt Scheme* (Final Report, July 2023).

⁸⁵ Bannister, Olijnyk and McDonald (n 1); Creyke et al (n 12).

Challenge Bureaucracy’, which is particularly catchy. These titles might be a less intimidating description of administrative law.

The findings from this exploratory research provide a good foundation for educators to consider the impact of emotions, in particular anticipated and anticipatory emotions, in their pedagogical approaches. Although the research specifically examined such emotions in the context of administrative law, there is likely a similar role of student anticipated and anticipatory emotions, albeit different emotions, in other law or tertiary courses. It is hoped this research encourages educators to find ways of assessing student pre-conceptions and emotions so that teaching content, especially in the early phases of the course, can be designed specifically to target these conceptions and emotions. This way educators take a proactive approach in inspiring, assuring and/or alleviating concerns in order to increase engagement in the course material.

Furthermore, the research suggests that as educators we need to think carefully about the relationship between courses, as clearly the direct and indirect experiences of one relevant course may impact on the experience of another. Emphasising the interconnectedness and importance of courses, and finding ways to inspire students which transcend individual courses, is essential. We believe that interviewing experts in the field is a good starting point but clearly much more can and should be done.

In conclusion, our research has filled a gap in the existing literature and demonstrates that an evidence-based approach can debunk existing myths relating to a particular subject matter. Furthermore, an evidence-based approach can provide a sound foundation to improving student learning and teaching outcomes. By acting upon the findings of this research, we are also able to contribute to a curriculum, ‘which intentionally fosters student engagement...’,⁸⁶ thereby contributing to students’ sense of wellbeing.

⁸⁶ Emma Jones et al, ‘International Guidelines for Wellbeing in Legal Education’ (International Bar Association Professional Wellbeing Commission, December 2023) 11. The Council of Australian Law Deans have endorsed the Guidelines: CALD’s Wellness Guidelines, *Council of Australian Law Deans* (Web Page, 14 August 2024) < <https://cald.asn.au/calds-endorsement-of-the-iba/>>.