

## Administrative Law Notes

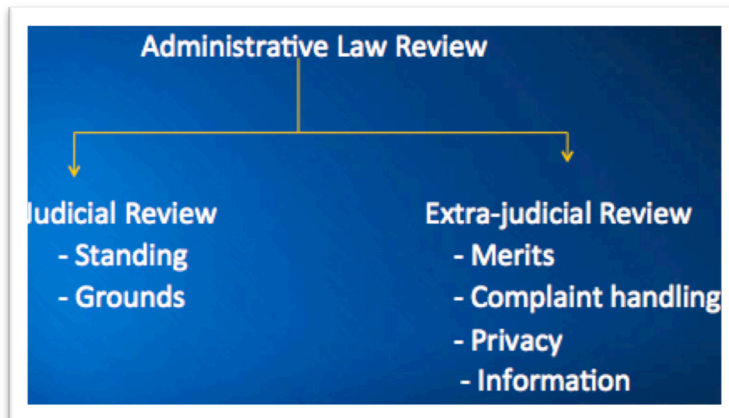
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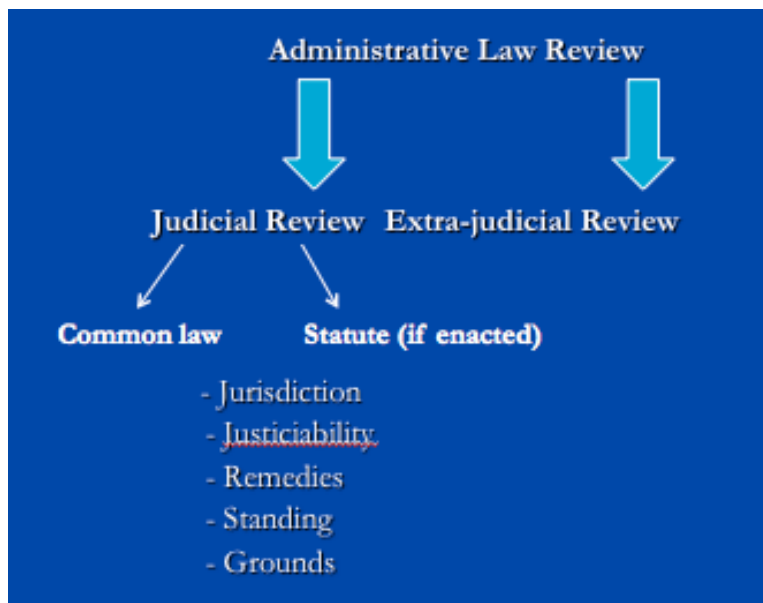
## Topic 1: Nature and Scope of Judicial Review

- Admin law is a branch of public law (cf private law)
- Body of law that regulates the exercise of power and making of decisions by:
  - o Executive arm of government
  - o Administrative arm of government
  - o Non-government bodies
- Branch of public law dealing with:
  - o Actual operations of government and administrative processes and impact on citizens
  - o Making of decisions that affect rights, interests and legitimate expectations of citizens
  - o Carrying out of public works and management and provision of public services, and
  - o Regulating that process
- Development of Administrative Law
- 'Old Administrative Law'
  - o Common law
  - o Entirely concerned with judicial review
- 'New Administrative Law'
  - o Primary concern with administrative review
  - o Provision for statutory form of judicial review
  - o Also concerned with:
    - Human rights
    - Complaint handling
    - Privacy and information
    - Integrity
- Role of Administrative Law
- Constitutional law concerned with validity of laws
- Administrative law concerned with validity of decisions and actions of executive government under valid laws
- Separation of powers - allows judiciary to review:
  - o Validity of laws (Constitutional Law)
  - o Decisions and actions of executive (Administrative Law)

- Content of Administrative Law



- Review of the administrative decision
- Judicial review: to see if it was legally made
- Extra-judicial: broadly to see if the correct and preferable decision was made
- Review is broadly distinguished from the appeal process



- Purpose of Administrative Law
- Balance between:
  - o Accessible and effective justice for aggrieved individuals
  - o Openness and accountability of govt
  - o Quality and consistency of govt decision
- and
  - o Administrative and fiscal efficiency
  - o Cost and complexity in dispute resolution
  - o 'Collective' public interest and individual interest
- Scope of Judicial Review
- Performed by superior courts
- Concerned with the legality of decisions