MLP424 Administrative Law

A Comprehensive Exam Study Guide

MLP424

2026 Edition

Table of Contents

Introduction to Administrative Law

1. Overview

Administrative law is the body of law that regulates the exercise of power by the executive branch of government and the mechanisms through which that power is held to account.[1] It encompasses judicial review, merits review, and non-judicial oversight mechanisms such as ombudsmen and freedom of information regimes. A central concern of administrative law is ensuring that executive action remains within the bounds of authority conferred by Parliament and that individuals affected by government decisions have access to effective remedies. This topic introduces the foundational concepts, values, and institutional framework of Australian administrative law at the Commonwealth level.

2. Key Definitions

TERM	DEFINITION	AUTHORITY
Administrative law	The body of law governing the exercise of executive power and the mechanisms for holding the executive to account	General; *Church of Scientology v Woodward* (1982) 154 CLR 25
The Executive	The branch of government responsible for implementing and administering the law, comprising the Crown, Ministers, departments, statutory authorities, and government business enterprises	*Australian Constitution* ch II
Judicial review	Review by a court of the *legality* of an administrative decision (as opposed to its merits)	*Australian Constitution* s 75(v); *AD(JR) Act* s 5
Merits review	Review of a decision on its substantive merits by a tribunal, which may substitute its own decision. **Note:** The *Administrative Appeals Tribunal Act 1975* (Cth) was replaced by the *Administrative Review Tribunal Act 2024* (Cth) with effect from 14 October 2024; the Administrative Review Tribunal ('ART') now performs this function at the Commonwealth level.	*Administrative Review Tribunal Act 2024* (Cth); formerly *Administrative Appeals Tribunal Act 1975* (Cth)
Rule of law	The principle that all persons, including the government, are subject to and accountable under the law	A V Dicey, *Introduction to the Study of the Law of the Constitution* (Macmillan, 8th ed, 1915)
Separation of powers	The constitutional doctrine distributing governmental functions among the legislature, executive, and judiciary to prevent the concentration of power	*Australian Constitution* chs I–III
Accountability	The obligation of government to answer for its actions through legal, administrative, political, and public mechanisms	General

3. Legislative Framework

Primary Legislation

ACT/INSTRUMENT	KEY PROVISIONS	PURPOSE
Australian Constitution	ss 7, 24	Establish democratic election of the Senate and House of Representatives
Australian Constitution	s 75(iii)	Original jurisdiction of the High Court in matters in which the Commonwealth is a party
Australian Constitution	s 75(v)	Original jurisdiction of the High Court in matters where mandamus, prohibition, or injunction is sought against an officer of the Commonwealth — the *constitutional guarantee of judicial review*
Administrative Decisions (Judicial Review) Act 1977 (Cth) ('AD(JR) Act')	ss 5, 6, 7	Provides statutory grounds for judicial review of Commonwealth administrative decisions; codifies grounds of review; confers standing and remedies
Judiciary Act 1903 (Cth)	s 39B	Confers original jurisdiction on the Federal Court in matters arising under Commonwealth legislation and in relation to officers of the Commonwealth
Freedom of Information Act 1982 (Cth) ('FOI Act')	pt II	Creates a right of access to government documents — reverses the common law presumption of executive secrecy
Ombudsman Act 1976 (Cth)	pt II	Establishes the Commonwealth Ombudsman with power to investigate complaints about administrative action by Commonwealth agencies
Administrative Appeals Tribunal Act 1975 (Cth) ('AAT Act')	pt IV	Established the Administrative Appeals Tribunal for independent merits review of Commonwealth administrative decisions. **Note:** The *AAT Act 1975* was replaced by the *Administrative Review Tribunal Act 2024* (Cth) ('ART Act') with effect from 14 October 2024. The Administrative Review Tribunal ('ART') now performs the merits review function at the Commonwealth level.

Relevant Provisions in Full

> **Australian Constitution s 75(v)** In all matters in which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth, the High Court shall have original jurisdiction.

> **Australian Constitution s 7 (extract)** The Senate shall be composed of senators for each State, directly chosen by the people of the State...

> **Australian Constitution s 24 (extract)** The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth...

4. Key Cases

CASE	CITATION	PRINCIPLE	APPLICATION
Plaintiff M68/2015 v Minister for Immigration and Border Protection	(2016) 257 CLR 42	Outsourcing of executive functions to foreign states and private entities may shield conduct from judicial review where the Commonwealth did not *authorise or control* the action	Limits of administrative law when executive functions are outsourced
NEAT Domestic Trading Pty Ltd v AWB Ltd	(2003) 216 CLR 277	A private body exercising functions under statute is not amenable to judicial review unless the statute imposes public law obligations; the private character of the entity and its pursuit of private interests are relevant	Defining the boundary of judicial review — the *Datafin* principle has limited application in Australia
R v Panel on Take-overs and Mergers; Ex parte Datafin plc	[1987] QB 815	(UK) A body exercising public functions may be subject to judicial review regardless of its legal form if it exercises a *public function*	Contrast with Australian approach in *NEAT v AWB*
Church of Scientology v Woodward	(1982) 154 CLR 25	Administrative law is concerned with the control of governmental power	Foundation for defining the scope of administrative law
Kable v Director of Public Prosecutions (NSW)	(1996) 189 CLR 51	State legislatures cannot confer functions on state courts that are incompatible with the exercise of federal judicial power under Ch III of the *Constitution*	Separation of powers extends to protect state courts as repositories of federal jurisdiction

Case Summaries

Church of Scientology v Woodward[17]

Facts: The Church of Scientology sought access to security intelligence reports compiled by the Australian Security Intelligence Organisation (ASIO) that related to the Church and its members. The Church argued that it was entitled to discovery of these documents in the course of litigation.

Issue: Whether the activities of ASIO, as an agency of the executive, were amenable to judicial scrutiny and what the scope of administrative law encompasses.

Held: The High Court confirmed that administrative law is concerned with the control of governmental power. Mason J (as he then was) stated that administrative law defines 'the extent of the powers and duties of those who exercise the authority of the executive government' and provides remedies where those powers are exceeded or duties are not performed. The Court recognised that certain executive activities (such as national security intelligence) may attract a public interest immunity from disclosure, but this does not place them beyond the reach of the law entirely.

Exam Application: Use as the foundational authority for defining the scope of administrative law. Demonstrates that even sensitive executive functions are subject to the supervisory jurisdiction of the courts, though the manner of review may be adapted to protect legitimate public interests.

Kable v Director of Public Prosecutions (NSW)[18]

Facts: The *Community Protection Act 1994* (NSW) was enacted to authorise the Supreme Court of New South Wales to make detention orders against a specific individual, Mr Kable, on the basis that he was considered likely to commit serious acts of violence. The Act singled out Mr Kable by name and conferred a function on the Supreme Court that was non-judicial in character.

Issue: Whether a State legislature could confer functions on a State court that were incompatible with the institutional integrity of that court as a repository of federal judicial power under Chapter III of the *Australian Constitution*.

Held: The High Court (Toohey, Gaudron, McHugh and Gummow JJ; Dawson and Brennan JJ dissenting) held the *Community Protection Act 1994* (NSW) invalid. The majority held that because State courts are invested with federal jurisdiction under Chapter III, State legislatures cannot confer functions upon them that are repugnant to or incompatible with their exercise of federal judicial power. The Act required the Supreme Court to participate in executive detention of a named individual, which was fundamentally incompatible with judicial independence and the institutional integrity required by Chapter III.

Exam Application: Use to demonstrate that the separation of powers doctrine extends beyond the Commonwealth level. The *Kable* principle protects State courts as repositories of federal jurisdiction and prevents State legislatures from undermining judicial independence. Relevant when discussing the structural foundations of judicial review and the constitutional limits on legislative power.

Plaintiff M68/2015 v Minister for Immigration and Border Protection[2]

Facts: The plaintiff, an asylum seeker, was detained in the Regional Processing Centre in Nauru operated under arrangements between the Commonwealth and the Republic of Nauru. The Commonwealth had outsourced detention operations to Nauru and contracted private entities to run the facility.

Issue: Whether the Commonwealth's involvement in the plaintiff's detention in Nauru rendered that detention unlawful and subject to Australian administrative law.

Held: The majority (French CJ, Kiefel and Nettle JJ) held that the plaintiff was detained under the laws of Nauru, not the Commonwealth. Although the Commonwealth's involvement was 'materially

supportive, if not a necessary condition' of Nauru's capacity to detain the plaintiff, the Commonwealth had not 'authorised or controlled' the detention. Gordon J dissented, pointing to the Commonwealth's extensive role including: making decisions under *Migration Act 1958* (Cth) s 198AD(5); signing the MOU with Nauru; providing security infrastructure; and exercising significant governance responsibilities at the facility.

Exam Application: Use to illustrate the limits of administrative law where executive functions are outsourced to foreign jurisdictions or private entities. Discuss whether the functional approach should extend to such arrangements and the policy implications of outsourcing as an accountability gap.

> ***NEAT Domestic Trading Pty Ltd v AWB Ltd***[3]

Facts: NEAT challenged a decision of AWB International Ltd (a private company) refusing consent to the export of wheat. Under *Wheat Marketing Act 1989* (Cth) s 57, the consent of AWB International was required before the Wheat Export Authority could issue an export consent.

Issue: Whether AWB International, a private company exercising a statutory veto, was subject to judicial review.

Held: The High Court held that AWB International was not amenable to judicial review. McHugh, Hayne and Callinan JJ identified three reasons: (1) the statutory structure gave AWB International a private role distinct from the public regulator; (2) the private character of AWBI as a company pursuing its own commercial objectives; (3) it was not possible to impose public law obligations on AWBI while permitting pursuit of its private interests.

Exam Application: Use to contrast with the UK *Datafin* approach. Demonstrates that in Australia, the private/public distinction remains critical to determining amenability to judicial review. Discuss whether the *NEAT* approach creates accountability gaps in outsourced regulatory functions.

5. Substantive Content

5.1 What is Administrative Law?

Administrative law is the branch of public law concerned with the regulation and accountability of the executive branch of government.[4] Its central question is: *what can the executive do, and what happens when it exceeds those bounds?*

Administrative law serves two fundamental purposes:

1. **Controlling power** — ensuring the executive acts within the authority conferred upon it by Parliament
2. **Providing accountability** — establishing mechanisms through which individuals and institutions can challenge, scrutinise, and obtain redress for unlawful or improper executive action

5.2 Who is the Executive?

The executive arm of government encompasses a broad and expanding range of actors:

CATEGORY	EXAMPLES	AMENABILITY TO REVIEW
The Crown	Queen/King, Governor-General, State Governors	Limited — prerogative powers may be reviewable (*ADJR Act* generally excludes)
Ministers	Prime Minister, Cabinet Ministers	Yes — statutory and prerogative decisions
Ministerial staff	Political advisers, ministerial offices	Uncertain — depends on nature of function
Departments and public service	Commonwealth departments, APS officers	Yes — primary targets of administrative law
Statutory authorities	ASIC, ACCC, AAT, tribunals	Yes — created by statute, exercise statutory power
Government business enterprises	Australia Post, NBN Co	Potentially — depends on the function being exercised
Outsourced/privatised entities	Private contractors performing government functions	Generally *not* reviewable — *NEAT v AWB*; contrast *Datafin* (UK)

The outsourcing problem: Where government functions are contracted out to private entities or foreign governments, the reach of administrative law may be limited. *Plaintiff M68/2015* demonstrates this at the international level, and *NEAT v AWB* at the domestic level.[5]

The *Datafin* approach (UK): The English Court of Appeal in *R v Panel on Take-overs and Mergers; Ex parte Datafin plc* held that a body may be subject to judicial review if it performs a *public function*, regardless of its formal legal status.[6] In Australia, the High Court in *NEAT v AWB* declined to adopt this functional approach, focusing instead on the statutory framework and the private character of the entity.[7]

5.3 Types of Accountability

Administrative law operates within a broader framework of accountability mechanisms:

TYPE	MECHANISM	KEY FEATURE
Legal accountability	Courts and tribunals	Enforceable through binding decisions; judicial review and merits review
Administrative accountability	Internal review, ministerial directions, departmental hierarchy	Accountability to superiors within the executive
Political accountability	Parliamentary scrutiny, question time, Senate estimates, responsible government	Accountability to Parliament
Public accountability	Elections, media scrutiny, freedom of information	Accountability to the people

5.4 Core Administrative Law Values

Administrative law is underpinned by four major values that shape its doctrines and institutions:

5.4.1 Democracy

Administrative law strengthens the democratic process by:[8]

- Enabling scrutiny and investigation of government action
- Publicising government action (transparency)
- Requiring decision-makers to give reasons for decisions
- Compelling disclosure of information (FOI legislation)
- Ensuring the executive remains within the limits of laws made by democratically elected representatives

Key point: At common law, there is *no general obligation* to provide reasons for administrative decisions. The default position is that the executive operates in secrecy. The 'new administrative law' reforms of the 1970s (the Kerr Reforms) introduced *statutory* requirements to provide reasons, and the *Freedom of Information Act 1982* (Cth) created a presumption that government information is accessible.[9]

Constitutional foundation:

- *Australian Constitution* s 7: Senators are 'directly chosen by the people of the State'
- *Australian Constitution* s 24: Members of the House of Representatives are 'directly chosen by the people of the Commonwealth'

5.4.2 Rule of Law

The rule of law, as articulated by Dicey, comprises three elements:[10]

1. **Non-arbitrariness:** No person can be punished or made to suffer except for a distinct breach of the law established in the ordinary legal manner before the ordinary courts
2. **Equality:** All persons are subject to the ordinary laws administered by the ordinary courts — no person is above the law
3. **Judge-made rights:** The rights of individuals under the constitution are the result of judicial decisions, not abstract constitutional principles

Thin (Formal) Rule of Law:

- Non-arbitrariness and equality *exhaust* the definition
- Simply requires that government acts in accordance with pre-existing, publicly known rules

Thick (Substantive) Rule of Law:

- Non-arbitrariness and equality are *necessary but insufficient*
- Also requires protection of individual rights, substantive justice, and fundamental freedoms

5.4.3 Separation of Powers

The separation of powers doctrine distributes governmental functions among the three arms of government to prevent the concentration of power and protect individual liberty:[11]

ARM	FUNCTION	CONSTITUTIONAL SOURCE
Legislature	Making law	*Australian Constitution* ch I
Executive	Implementing and administering law	*Australian Constitution* ch II
Judiciary	Interpreting and applying law; resolving disputes	*Australian Constitution* ch III

Key features of the Australian separation of powers:

1. **Strict separation of judicial power** — Ch III of the *Constitution* requires that federal judicial power be vested only in courts constituted in accordance with Ch III[12]
2. **Extension to States via *Kable*** — State legislatures cannot confer functions on state courts incompatible with the exercise of federal judicial power[13]
3. **Necessary for federalism** — An independent judiciary is essential to resolve disputes between the Commonwealth and the States
4. **Holds the executive to account** — An independent judiciary is the essential mechanism for ensuring executive compliance with the law

5.4.4 Individual Rights

Administrative law protects individuals against the abuse of government power:[14]

- Liberalism and commitment to the liberty of the individual underpin the right to challenge executive action
- The courts are best placed to protect the individual against majoritarian oppression
- The focus is on *individual redress* through individual complaints (cf systemic review by ombudsmen)
- **Key limitation:** The individual rights approach to administrative law in Australia is *hampered by the absence of a national bill of rights* (cf *Charter of Human Rights and Responsibilities Act 2006* (Vic))

5.5 Minor Administrative Law Values

VALUE	MEANING
Legality	Executive action must always be lawful — within the bounds of statutory authority
Fairness	Government must be impartial and must not treat one set of citizens differently from another without justification
Rationality	Government must not act in an arbitrary manner or without a rational basis
Integrity	Government is responsible for carrying out the functions entrusted to it faithfully
Efficiency/Effectiveness	Government must function properly and administer the law effectively

5.6 Conflicts Between Values

These values can conflict in practice, producing real consequences for institutional design and judicial reasoning:[15]

- **Statutory interpretation** is crucial to administrative law — courts must determine the scope and limits of executive power by interpreting the statute that confers it
- **Fairness vs efficiency:** Ex parte hearings may be permitted where fairness to the individual is outweighed by public interest (e.g. criminal investigations)
- **Individual rights vs efficiency:** Streamlined processing may sacrifice individual consideration for administrative convenience
- **Democracy vs individual rights:** Arguments against a Bill of Rights contend that rights should be determined by Parliament rather than unelected judges

5.7 Hypothetical: Applying the *NEAT v AWB* Test

Consider the following scenario:

> The Commonwealth establishes a statutory scheme for regulating road safety inspections. Under the *Road Safety Inspection Act 2025* (hypothetical), private companies ('Approved Inspection Providers') are licensed to conduct roadworthiness inspections. Section 31 provides that a vehicle cannot be registered unless an Approved Inspection Provider issues a Certificate of Compliance. GreenCheck Pty Ltd, a licensed provider, refuses to issue a certificate for a truck owned by Haulage Co, citing a failed emissions test. No internal review mechanism is provided by the Act.

Apply the *NEAT v AWB* three-factor test:

1. **Statutory structure and roles:** Examine whether the Act imposes public law obligations on GreenCheck or merely confers a private licensing role. Does the refusal operate as a statutory veto analogous to the wheat export consent in *NEAT*?

2. **Private character of the entity:** GreenCheck is a private company pursuing commercial objectives. It is not a statutory regulator, despite exercising gatekeeping functions.
3. **Compatibility of public law obligations with private interests:** Could GreenCheck comply with public law duties (such as procedural fairness and giving reasons) while simultaneously pursuing its commercial interests?

Likely analysis: Following *NEAT v AWB*, GreenCheck is unlikely to be amenable to judicial review. However, the accountability gap is significant — Haulage Co has no recourse against a potentially incorrect or arbitrary refusal. Discuss whether the *Datafin* functional approach would produce a different result and the policy implications of the gap.

6. Mechanisms for Achieving Accountability

6.1 Overview of Mechanisms

MECHANISM	TYPE	KEY FEATURE	MLP424 TOPIC
Judicial review	External, legal	Court reviews *legality* of decision	Topics 2–7
Merits review	External, administrative	Tribunal (ART, formerly AAT) reviews decision *on the merits* and may substitute its own decision	Topic 12
Ombudsman	External, administrative	Investigates complaints; makes recommendations (non-binding)	Topic 13
Freedom of Information	External, legal/administrative	Right of access to government documents	Topic 13
Internal review	Internal, administrative	Review by a more senior officer within the same agency	General
Parliamentary scrutiny	Political	Senate estimates, question time, committee inquiries	Background

6.2 Judicial Review vs Merits Review

FEATURE	JUDICIAL REVIEW	MERITS REVIEW
Decision-maker	Court (Federal Court, High Court)	Tribunal (ART, formerly AAT)
Question	Was the decision *lawful*?	Was the decision *correct or preferable*?
Outcome	Decision set aside; remitted to original decision-maker	Tribunal may substitute its own decision
Basis	Constitutional (s 75(v)); statutory (*AD(JR) Act*; *Judiciary Act 1903* s 39B)	Statutory (*ART Act 2024*; formerly *AAT Act 1975*)
Scope	Narrow — legality only	Broad — full reconsideration on the merits

6.3 The Kerr Reforms (1970s)

> The 'new administrative law' package of the 1970s, known as the **Kerr Reforms**, fundamentally reshaped Commonwealth administrative law:[16]

1. **Administrative Decisions (Judicial Review) Act 1977** (Cth) — codified and simplified the grounds of judicial review of Commonwealth administrative decisions
2. **Administrative Appeals Tribunal** (est. 1975) — provided an external, independent merits review body for Commonwealth decisions
3. **Commonwealth Ombudsman** (est. 1976) — created an independent complaints investigation body with power to investigate maladministration
4. **Freedom of Information Act 1982** (Cth) — established a statutory right of access to government documents, reversing the common law presumption of secrecy

These reforms collectively represent the transition from a system in which executive accountability was primarily political to one underpinned by legal and institutional mechanisms.

7. Common Exam Questions

Question Type 1: Define and Explain Administrative Law

> **Approach:**

1. Define administrative law as the regulation of executive power and mechanisms for accountability
2. Identify the scope of the executive (including outsourcing issues)

3. Set out the core values (democracy, rule of law, separation of powers, individual rights)
4. Explain the mechanisms for accountability (judicial review, merits review, ombudsman, FOI)

Key Points to Include:

- The distinction between judicial review (legality) and merits review (correctness/preferability)
- The Kerr Reforms as the foundation of the 'new administrative law'
- The constitutional guarantee of judicial review under s 75(v)

Question Type 2: Problem Question on Outsourcing and the Reach of Administrative Law

> **Approach:**

1. Identify the decision-maker and whether it is an 'officer of the Commonwealth' or a private entity
2. Apply *NEAT v AWB* — consider the statutory structure, private character, and whether public law obligations are compatible with private interests
3. Consider *Plaintiff M68/2015* if there is a foreign government element
4. Contrast with the *Datafin* approach (UK) and discuss whether Australia should adopt a functional test
5. Assess alternative accountability mechanisms (political, administrative) if judicial review is unavailable

Key Points to Include:

- The three-factor test from *NEAT v AWB*
- The accountability gap created by outsourcing
- Gordon J's dissent in *Plaintiff M68/2015* as a counter-argument

Question Type 3: Essay on Administrative Law Values

> **Approach:**

1. Identify and explain the four major values (democracy, rule of law, separation of powers, individual rights)
2. Identify the minor values (legality, fairness, rationality, integrity, efficiency)
3. Discuss tensions and conflicts between values (with examples)
4. Link values to specific legal mechanisms and doctrines

8. Exam Tips & Traps

✓ Do:

- Always distinguish between judicial review (legality) and merits review (correctness)
- Refer to the *Australian Constitution* s 75(v) as the *constitutional guarantee* of judicial review
- Use the correct terminology: 'the executive' not 'the government' when referring specifically to the executive branch
- Frame answers around the core values and link them to specific doctrines
- Know the Kerr Reforms and the four key instruments they produced

✗ Don't:

- Confuse judicial review with an appeal — judicial review does not involve the court substituting its own decision
- Assume that all exercises of public power are amenable to judicial review — *NEAT v AWB* limits the reach
- Treat the *Datafin* functional approach as Australian law — it has been rejected by the High Court
- Ignore the outsourcing and privatisation dimension when discussing the scope of executive power

⚠ Watch Out For:

- Questions that ask about the 'scope' of administrative law — these require discussion of who constitutes the executive and the outsourcing problem
- The distinction between thin/formal and thick/substantive conceptions of the rule of law
- The tension between efficiency and individual rights — examiners frequently test this
- The absence of a national bill of rights as a limitation on individual rights protection in administrative law

9. Connections to Other Topics

RELATED TOPIC	CONNECTION	CROSS-REFERENCE
Topics 4/5 — Scope of Power / Improper Exercise	The AD(JR) Act grounds expand on the constitutional foundation introduced here	*AD(JR) Act* ss 5–6
Topic 6 — Procedural Fairness	Fairness as a core value is operationalised through the rules of natural justice	Common law; *Kioa v West*
Topic 12 — Merits Review	The ART (formerly AAT), introduced as part of the Kerr Reforms, provides the merits review mechanism	*ART Act 2024*; formerly *AAT Act 1975* pt IV
Topic 13 — Ombudsman and Information Disclosure	The Ombudsman and FOI regime provide non-judicial accountability	*Ombudsman Act 1976* (Cth); *FOI Act 1982* (Cth)
Constitutional Law	Separation of powers (Ch III), s 75(v), and the *Kable* doctrine are constitutional foundations of administrative law	*Australian Constitution* chs I–III

10. Quick Reference Card

Key Tests

TEST NAME	ELEMENTS	AUTHORITY
Amenability to judicial review (private body)	(1) Statutory structure and roles; (2) Private character of entity; (3) Compatibility of public law obligations with private interests	*NEAT Domestic Trading Pty Ltd v AWB Ltd* (2003) 216 CLR 277
Rule of law (Dicey)	(1) Non-arbitrariness; (2) Equality before the law; (3) Rights as the result of judicial decisions	Dicey, *Introduction to the Study of the Law of the Constitution*

Key Dates

EVENT	DATE	SIGNIFICANCE
Kerr Committee Report	1971	Recommended the 'new administrative law' package
Administrative Appeals Tribunal Act 1975 (Cth)	1975	Established the AAT for merits review
Ombudsman Act 1976 (Cth)	1976	Established the Commonwealth Ombudsman
Administrative Decisions (Judicial Review) Act 1977 (Cth)	1977	Codified grounds of judicial review for Commonwealth decisions
Freedom of Information Act 1982 (Cth)	1982	Established statutory right of access to government documents

11. References

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Australian Constitution.

Charter of Human Rights and Responsibilities Act 2006 (Vic).

Freedom of Information Act 1982 (Cth) (Compilation No 74, registered 1 July 2024).

Judiciary Act 1903 (Cth) (Compilation No 48, registered 18 September 2024).

Migration Act 1958 (Cth).

Ombudsman Act 1976 (Cth) (Compilation No 43, registered 1 July 2024).

Wheat Marketing Act 1989 (Cth).

Cases

Church of Scientology v Woodward (1982) 154 CLR 25.

Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51.

NEAT Domestic Trading Pty Ltd v AWB Ltd (2003) 216 CLR 277.

Plaintiff M68/2015 v Minister for Immigration and Border Protection (2016) 257 CLR 42.

R v Panel on Take-overs and Mergers; Ex parte Datafin plc [1987] QB 815.

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Footnotes

[^1]: *Church of Scientology v Woodward* (1982) 154 CLR 25.

[^2]: *Plaintiff M68/2015 v Minister for Immigration and Border Protection* (2016) 257 CLR 42.

[^3]: *NEAT Domestic Trading Pty Ltd v AWB Ltd* (2003) 216 CLR 277.

[^4]: *Church of Scientology v Woodward* (1982) 154 CLR 25.

[^5]: *Plaintiff M68/2015 v Minister for Immigration and Border Protection* (2016) 257 CLR 42; *NEAT Domestic Trading Pty Ltd v AWB Ltd* (2003) 216 CLR 277.

[^6]: *R v Panel on Take-overs and Mergers; Ex parte Datafin plc* [1987] QB 815.

[^7]: *NEAT Domestic Trading Pty Ltd v AWB Ltd* (2003) 216 CLR 277.

[^8]: *Australian Constitution* ss 7, 24.

[^9]: *Freedom of Information Act 1982* (Cth) pt II.

[^10]: Dicey, A V, *Introduction to the Study of the Law of the Constitution* (Macmillan, 8th ed, 1915).

[^11]: *Australian Constitution* chs I–III.

[^12]: *Australian Constitution* ch III.

[^13]: *Kable v Director of Public Prosecutions (NSW)* (1996) 189 CLR 51.

[^14]: *Australian Constitution* s 75(v).

[^15]: Aronson, Groves and Weeks, *Judicial Review of Administrative Action and Government Liability* (Thomson Reuters, 7th ed, 2021).

[^17]: *Church of Scientology v Woodward* (1982) 154 CLR 25.

[^18]: *Kable v Director of Public Prosecutions (NSW)* (1996) 189 CLR 51.

[^16]: *Administrative Decisions (Judicial Review) Act 1977* (Cth); *Administrative Appeals Tribunal Act 1975* (Cth); *Ombudsman Act 1976* (Cth); *Freedom of Information Act 1982* (Cth).

Sample Preview

This is a preview of the complete study guide.

The full edition contains all **13 topics** across **~220 pages**.

TOPICS INCLUDED IN THE FULL EDITION:

1. Introduction to Administrative Law - MLP424 Exam Notes
2. Jurisdiction and Justiciability - MLP424 Exam Notes
3. Standing - MLP424 Exam Notes
4. Determining the Scope of the Power — MLP424 Exam Notes
5. Improper Exercise of Power - MLP424 Exam Notes
6. Procedural Fairness — MLP424 Exam Notes
7. Jurisdictional Error - MLP424 Exam Notes
8. Consequences of Unlawful Action and Remedies - MLP424 Exam Notes
9. Judicial Review at State Level - MLP424 Exam Notes
10. Collateral Challenge - MLP424 Exam Notes
11. Privative Clauses — MLP424 Exam Notes
12. Merits Review - MLP424 Exam Notes
13. Ombudsman and Information Disclosure — MLP424 Exam Notes