

ADMINISTRATIVE JUSTICE IN AUSTRALIAN ADMINISTRATIVE LAW

*Matthew Groves**

Administrative justice was the theme of the 1999 AIAL annual conference. The speakers at that conference adopted a novel approach to the different possible definitions or conceptions of administrative justice. They side stepped them. No speaker offered a detailed or perhaps even working definition of administrative justice.¹ With that in mind, this paper begins by providing a brief history of administrative justice in Australian administrative law. The paper also considers the values of administrative law with particular reference to judicial review and attempts to explain some of the difficulties that Australian administrative law faces in any attempt to foster normative values. It will be argued that constitutional considerations appear to deny a role for normative and other concepts such as administrative justice in judicial review but a closer inspection reveals that judges tacitly support some concepts that shed light on how they conceive administrative justice.

Early writings on administrative justice

The precise meaning or content of administrative justice are arguably not yet settled. This may be partly because the normative and other values which must surely lie at the heart of any form of justice will inevitably be contested to some extent. If so, these may never be a well settled or widely agreed definition of administrative justice, but the uncertainty is also due to the evolution of the concept. The early conceptions of administrative justice can be conveniently divided into two camps – the practical and the theoretical.

The most influential Australian expression of the practical approach to administrative justice was the Kerr Committee, whose report led to the establishment of much of the current federal administrative law system and which also exerted great influence on the reforms to State and Territory administrative law which followed reforms at the federal level. The Kerr Committee explained that its recommendations to reform federal administrative law were intended to ensure the establishment and encouragement of modern administrative institutions able to reconcile the requirements of efficiency and administration and justice to the citizen.² This explanation of the ultimate rationale of the Kerr reforms edged towards a notion of administrative justice but, notably, did not either use that specific term or explain a conception of justice more generally.³ The Kerr Committee similarly avoided any explanation of how issues of administrative efficiency and administrative justice might be balanced, even though it clearly identified a tension between the two through its suggestion that the two should be reconciled. Ceyke has noted that this apparent tension has remained unresolved and suggested most scholars of Australian administrative law adhere to one of the two approaches to administrative justice favoured by the Kerr Committee, namely a focus on balancing the distributive justice focus of public administration against individual interests⁴ or a focus on delivering a form of justice to individuals (and also, presumably, wider society) who are affected by the administrative process.⁵

* Matthew Groves is Associate Professor, Faculty of Law, Monash University; Member, Administrative Review Council. The views expressed are those of the author only. This paper was presented at the 2010 Australian Institute of Administrative Law Forum, Sydney, 22 July 2010.

Administrative Law The Problem Of Justice

Michael Harris, Martin Partington



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Administrative Law Aldo Piras,1991 Administrative Law Aldo Piras,1991 **Judicial Review and Compliance with Administrative Law** Simon Halliday,2004-05 This book combines empirical and legal analysis to examine the influence of judicial review on government agencies Administrative Law Velandai Gopalayyar Ramachandran,1969 Administrative Law and Procedure Under the NIRA Paul C. Aiken,1936 *Complete Public Law* Lisa Webley,Harriet Samuels,2021 *Complete Public Law* combines extracts from key primary and secondary materials with jargon free text to provide a resource for the student new to the study of constitutional and administrative law *Top Ten Global Justice Law Review Articles 2007* Amos N Guiora,2008-08-19 *Top Ten Global Justice Law Review Articles 2007* is a thorough and accessible review of the most salient the most controversial and the most illuminating essays on security law in the previous calendar year In this edition Professor Amos Guiora presents the ten most vital and pertinent law review articles from 2007 written by both scholars who have already gained international prominence as experts in security law as well as emerging voices in the security law debate These articles deal with issues of terrorism security law and the preservation of civil liberties in the post 9 11 world The chosen selections derive not just from the high quality and expertise of the articles authors but equally from the wide diversity of legal issues addressed by those authors Guiora combines the expertise of scholars from such accredited institutions as Harvard Stanford the U S Military Academy and the U S Department of Defense to provide a valuable resource for scholars and experts researching this important subject area This annual review provides researchers with more than just an authoritative discussion on the most prominent security debates of the day it also educates researchers on new issues that have received far too little attention in the press and in academia These expert scholars and leaders tackle and give voice to these issues that range from cyberterror to detention of suspected terrorists to France s tightening of its civil liberties policy to new restrictions on religious philanthropy and beyond Together the vast knowledge and independent viewpoints represented by these ten authors make this volume of what will be an annual review within the Terrorism 2nd Series a valuable resource for individuals new to the realm of security law and for advanced researchers with a sophisticated understanding of the field *Top Ten Global Justice Law Review Articles 2007* serves as a one stop guidebook on how both the U S and the world generally are currently waging the war on terror **Beatson, Matthews and Elliott's Administrative Law Text and Materials** Mark Elliott,Jack Beatson,Martin Matthews,2011-01-27 Beatson Matthews Elliot s Administrative Law combines extracts from key cases articles and other sources with detailed commentary Aimed at undergraduates studying administrative law it provides comprehensive coverage of the subject *The Oxford Handbook of Administrative Justice* Marc Hertogh,Richard Kirkham,Robert Thomas,Joe Tomlinson,2022 The core animating feature of administrative justice scholarship is the desire to understand how justice is achieved through the delivery of public services and the actions inactions and decision making of administrative bodies The study of administrative justice also encompasses the redress

systems by which people can challenge administrative bodies to seek the correction of injustices For a long time now scholars have been interested in administrative justice but without necessarily framing their work as such Rather than existing under the rubric of administrative justice much of the research undertaken has existed within sub categories of disciplines such as law sociology public policy politics and public administration Consequently although aspects of the topic have attracted rich contributions across such disciplines administrative justice has rarely been studied or taught in a manner that integrates these areas of research more systematically This Handbook signals a major change of approach Drawing together a group of world leading scholars of administrative justice from a range of disciplines The Oxford Handbook of Administrative Justice shows how administrative justice is a vibrant complex and contested field that is best understood as an area of inquiry in its own right rather than through traditional disciplinary silos

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Expanding Edges of Today's Administrative Law Jeton Shasivari, Balázs Hohmann, 2021-08-20 This volume contains the scientific papers presented at the 4th International Conference Contemporary Challenges in Administrative Law from an Interdisciplinary Perspective that was held on 21 May 2021 online on Zoom The conference is organized every year by the Society of Juridical and Administrative Sciences together with the Faculty of Law

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Department of Labor-Federal Security Agency Appropriation Bill for 1941 United States. Congress. House. Committee on Appropriations,1940

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Law and Administration Carol Harlow,Richard Rawlings,2006

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