# AUSTRALIAN JOURNAL OF ADMINISTRATIVE LAW

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| INTRODUCTION   |
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| Justice Graham Hill and Alan Robertson SC7   |
| THE LAST 10 YEARS' DEVELOPMENT OF ENGLISH PUBLIC LAW   |
| Rt Hon Lord Justice Stephen Sedley   |
| In a paper prepared for the Australian Federal judiciary, the author surveys some of the last decade's principal developments in the public law of England and Wales. In the new era created for public authorities by the <i>Human Rights Act 1998</i> , he takes the House of Lords' decision in <i>Daly</i> as a conscious turning point in the common law, moving the courts from the defensive <i>Wednesbury</i> standard of review towards a rights-oriented test of proportionality. He considers some of the concomitant changes in modern judicial review |
| DEVELOPMENT OF JUDICIAL REVIEW OVER THE LAST 10 YEARS: THE GROWTH OF CONSTITUTIONAL WRITS  |
| D F Jackson QC   |
| This article considers the constitutional writs of mandamus and prohibition. The increasing legislative restriction on administrative law remedies has seen a growing reliance on the original jurisdiction of the High Court to grant constitutional writs. This article discusses the body of principles emerging from this plethora of litigation22   |
| COMMENTARY ON "THE GROWTH OF CONSTITUTIONAL WRITS"   |
| Professor George Williams  |
| This commentary addresses what it means to take seriously the <i>constitutional</i> aspect of the constitutional writs of listed in s 75(v) of the <i>Constitution</i> . It explores interpretative issues including the effect of text and context and the relationship between the <i>Constitution</i> and the common law  |

#### DECLARATIONS AND OTHER REMEDIES IN ADMINISTRATIVE LAW

#### Neil J Young QC

## THE NEGATIVE DECLARATION IN AUSTRALIAN AND UNITED STATES FEDERAL COURTS

#### **Mark Leeming**

#### THE ENTRENCHED MINIMUM PROVISION OF JUDICIAL REVIEW

#### Jeremy Kirk

The High Court's decision in *Plaintiff S157* referred to a constitutionally entrenched minimum provision of judicial review. This article explores what that minimum provision might be. First, the Hickman principle is rejected as an organising principle. The article then examines the possibility of drawing limits based on common law principles, on implied limits in Ch II of the *Constitution*, or based on the separation of judicial power. It concludes that it is the rule of law as given effect by s 75(v) of the *Constitution*, and specifically the principle of legality, which offers the surest foundation for the task.......64

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Is the ADJR Act hampering the development of Australian administrative law? – *Professor Mark Aronson* 

Commentary on Professor Aronson's article "Is the ADJR Act hampering the development of Australian administrative law?" – John Griffiths SC

Procedural fairness: Its development and continuing role of legitimate expectation – Hon Sir Anthony

Mason AC KBE

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