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Managerialist influences on granting patents in Australia – Charles Lawson

This article examines important influences other than the Patents Act 1990 (Cth) on the Commissioner of Patents decision-making to grant or refuse to grant patents. The influences considered are the recent public administration reforms on budget, financial management, people management and reporting arrangements. The analysis shows that there is considerable potential to influence the Commissioner's decision-making. Most importantly, the article identifies a range of policy and guidance materials that contribute to the environment (a matrix of legalities) in which decisions are made. Unfortunately, key instruments are not presently publicly disclosed, challenging the rhetoric of accountability and transparency in the recent public administration reforms, and leaving open questions about managerialist influences on granting patents in Australia. 70

The expanding role of process in judicial review – Greg Weeks

This article examines the state of the law of procedural fairness and procedural error, demonstrating that inadequacy of process is now central to findings that decisions of the Executive are so lacking in quality as to manifest an error of law. The article argues that fairness of outcome and legitimacy of review need not be defined only in relation to the faultlessness of process. 100

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