

# AUSTRALIAN JOURNAL OF ADMINISTRATIVE LAW

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### **Procedural fairness and the AAT's review of visa cancellation decisions on character grounds** – *Chantal Bostock*

The Administrative Appeals Tribunal has the power to review decisions to cancel visas on the basis of character grounds under s 501 of the Migration Act 1958 (Cth). The author explores the manner in which decisions are made and argues that applicants are unable to effectively participate in the review process, given the power imbalance, the adversarial nature of the process, the lack of representation and the complexity of the law. Furthermore, the procedures codified in the Act, specifically designed to expedite the review process, place serious restrictions on applicants. The author concludes that procedural fairness is jeopardised and argues that publicly-funded representation and greater Tribunal discretion in which to vary procedures should be provided, particularly given the effect of the decision to cancel on applicants and their families. ....

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### **Impact of migration law on the development of Australian administrative law** – *Stephen Gageler*

The constitutionalisation of federal administrative law and the resurrection of “jurisdictional error” as its unifying principle in the last 12 to 15 years track a significant and important doctrinal development. Legislative changes to the structure of the migration law in the same period have had an appreciable influence upon that development. This article chronicles and explains the episodes of structural change by the legislature and the High Court's on-going responses to the shifts in the statutory framework. ....

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