

AUSTRALIAN JOURNAL OF ADMINISTRATIVE LAW

Volume 20, Number 2

March 2013

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ARTICLES

Is the giving of reasons for administrative decisions a question of natural justice? – *Justice Chris Maxwell*

Under Australian law, compliance with the rules of natural justice does not oblige an administrative decision-maker to give reasons for decision. The High Court so held in 1986, in *Public Service Board (NSW) v Osmond*, and the position is unchanged today. Appellate courts in the United Kingdom, by contrast, have affirmed that the giving of reasons can be viewed as an aspect of the decision-maker's duty to act fairly and that – depending on the statutory context – procedural fairness may require that reasons be given. This article examines the doctrinal divergence between Australia and the United Kingdom and suggests that, given the continuing importance of the question, it would be timely for the High Court to revisit the decision in *Osmond* and the analysis on which it was founded.

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The meaning of an “alien” in the constitutional universe – *Anthony Gray*

This article challenges the current understanding of “alien” in the context of s 51(xix) of the Constitution, especially the High Court finding that a person born in Australia could meet the definition, and thus be liable to deportation. The article argues it is impermissible to base the meaning of a word in the Constitution that confers power on Parliament on how Parliament has itself defined the word, which is what some members of the court have done. International materials are considered useful in ascribing a contemporary meaning to the word “alien” for constitutional purposes, and in this area, as in many others, Australian law could only be enriched by consideration of how other comparable

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