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Legality and merits in administrative law: An historical perspective – *PA Keane*

As the trifurcation of governmental power began to formalise, the judiciary announced itself as the branch of government charged to enforce standards of integrity in public decision-making in terms of honesty, fairness and reasonableness of decisions made in the name of the sovereign. The legitimacy of administrative decision-making rests upon the decision of the sovereign to vest decision-making power in a functionary which is not a court, and which is expected to develop and bring to bear special expertise or knowledge in the exercise of its powers. The role of the judiciary in upholding values of fairness and rationality in the name of legality in administrative decision-making has not extended to the court's making its own evaluation of the correctness of administrative decisions as if it was acting as a court of appeal from the administrator. An appreciation of these enduring themes in the historical development of judicial review may usefully inform an understanding of the direction of the jurisprudence in areas of current interest. 117

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