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Judicial Review of the Fast-track Asylum Seeker Assessment Process – *Tim Peyton*

Under the fast-track scheme, the Immigration Assessment Authority (IAA) conducts an expedited merits review of protection visa refusals pertaining to a cohort of asylum seekers. Asylum seekers subject to the fast-track scheme are not entitled to certain procedural protections they would ordinarily enjoy under the common law hearing rule. This article analyses judicial review of fast-track decisions. It determines the impact of these judgments on the fast-track scheme, whether they have affected fast-track applicants' procedural rights, and what implications these judgments have for the legislature's capacity to codify procedural fairness. Judicial review of the fast-track scheme has divided opinions in the Federal Court regarding whether the courts can use the common law to confer procedural entitlements on applicants. While the fast-track scheme has been effective in precluding judicial review on hearing rule grounds, the Federal Court has created some limited procedural safeguards through the ground of legal unreasonableness. 20

A(nother) New Unreasonableness Framework for Canadian Administrative Law –
Janina Boughey

In 1979, the Supreme Court of Canada adopted an approach to judicial review of administrative action which diverged from that taken in the United Kingdom, Australia and New Zealand. The approach centres on the application of different "standards" of review and has often been described as a more "functional" method for determining whether courts or administrative bodies should have decisional authority over a given question. The Court has changed and refined its approach to the standards of review several times since 1979 – sometimes quite radically. In December 2019, the Court again revised Canada's "standards of review" framework, in response to difficulties and inconsistencies that had arisen in its application. The new framework has been criticised for returning Canada to the pre-1979, "formalist", "Diceyan" approach, on which Australian administrative law still rests. This article examines the recent Canadian developments from an Australian perspective. 43

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