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Towards a Progressive Future: The Advent of the Administrative Review Tribunal and Its Transformative Impact on Administrative Law – *Dr Jason Donnelly*

This article scrutinises the substantial reformation in Australian administrative justice following the projected establishment of the Administrative Review Tribunal (ART), supplanting the Administrative Appeals Tribunal (AAT). It critically assesses two principal recommendations for the ART: the establishment of fundamental statutory objectives and a discourse against the obligation for applicants to substantiate their grounds prior to accessing the ART's jurisdiction. The article foregrounds the imperative of deriving insights from the AAT's jurisprudence and legislative intent to shape the ART's objectives. It engages with the complexities of harmonising principles of fairness, justice, economy, informality, and expediency in tribunal processes. The article posits that the *Administrative Review Tribunal Bill 2023* (Cth) (ART Bill) marks a notable progression in administrative law, focusing on fairness, justice, efficiency, and responsiveness. It recognises the challenges inherent in implementing these goals, especially in maintaining a balance between efficiency and thoroughness and in ensuring widespread accessibility and public trust. 234

Inconsistency and Unlawfulness of Soft Law: Recent Developments in Australian Law and Possible Future Directions – *Noah Berry*

Executive governments often use policies, guidelines, instructions, and other soft law instruments to carry out their functions. Past court decisions show that some of those soft law instruments contain procedures inconsistent with the law. However, Australian case law on that topic is somewhat undeveloped, particularly compared to the United Kingdom. For example, there is no clear authority on how policies should be interpreted or the degree to which they may inspire conduct inconsistent with statute. This article analyses the most recent Australian case on the topic, *Davis v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (Davis). It is argued that Davis highlights conflicting Australian authorities on the interpretation of soft law and the absence of a settled method of assessing inconsistency. Drawing on United Kingdom jurisprudence, I argue that those potential shortcomings can be addressed by adopting two standards currently applied in the United Kingdom. 249

Article X: Global Administrative Law’s Perception of Procedural Fairness in the WTO – Ren Jay Liew

Global Administrative Law (GAL) is a relatively recent addition to the longstanding and settled theory of administrative law. It attempts to account for a newfound emergence of administrative law principles in international, inter-governmental and trans-governmental organisations. The World Trade Organization (WTO) is one of many organisations GAL purports to have now incorporated and codified administrative law principles. Procedural fairness in Art X (Publication and Administration of Trade Regulations) is claimed by GAL to be a significant advancement in the adoption of administrative law principles within international law. However, this is not the whole picture. The article explores how Art X’s history and application have moulded and defined its operation, incorporating a particular conception of procedural fairness. In so doing, the article problematises GAL commentary on Art X, ultimately assessing whether the jurisprudential expectations GAL discourse places on Art X can truly be attributed to it as a provision that embodies “procedural fairness”. 261

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