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# Update Summary

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**UPDATE 97**

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**QUEENSLAND ADMINISTRATIVE LAW**

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Updated commentary has been provided by **Bill Lane**:  
**Judicial Review Act 1991**

Updated:

- Complaints lodged under that Act must be in writing and comply with other specified requirements. See *Sandy v Queensland Human Rights Commissioner (No 2)* [2023] QSC 74, at [1.410].
- Statutory provisions which specify how, or in what circumstances a complaint may be dealt are more likely to be amenable to review. See *Toodayan & Anti Discrimination Commissioner of Queensland* [2018] QCA 349, at [1.410].
- A decision does not lose its "administrative character" merely because it has a 'commercial flavour.' See *Aerolineas Argentinas v Federal Airports Corporation* (1995) 63 FCR 100, at [1.460].
- A statute may "impliedly confer" a power to make a decision. See *Minister for Immigration and Ethnic Affairs v Mayer* (1985) 157 CLR 290; 59 ALJR 824; 61 ALR 609; [1985] HCA 70, at [1.590].
- The applicant sought a statutory order of review in respect of a decision made by the Department to remove its product from an approved product list. See *Bituminous Products Pty Ltd v Department of Main Roads* [2005] 2 Qd R 344; [2005] QSC 042, at [1.680].
- Arrangements settled by contract are consensual in nature between the parties. See *Blizzard v O'Sullivan* [1994] 1 Qd R 112, at [1.700].
- The applicant had presented a petition to the Governor seeking a pardon or that his petition be referred to the Court of Appeal. See *Holzinger v Attorney-General (Qld)* [2020] QCA 165, at [1.740].
- A valid exercise of a delegated legislative power is ordinarily conditioned on observance of any relevant common law procedural fairness obligations. See *Disorganized Developments Pty Ltd v South Australia* [2023] HCA 22, at [1.1470].
- The decision clarifies any ambiguity that may have existed as to what EARC referred to. See *Kirk v Industrial Court (NSW)* (2010) 239 CLR 531; 84 ALJR 154; [2010] HCA 1, at [1.2710].
- The enhanced elements of the 'materiality' concept will apply. See *Lesiana v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] HCA 6, at [1.2760].
- Requirements attaching to the type of remedy or order sought may result in a variation of what is required to establish standing. See *Johnston v Carroll* [2024] QSC 6, at [1.2860] and [1.2920].