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EDITORIAL – *Editors: Professor Matthew Groves and Professor Greg Weeks*

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Is There Too Much Access to Administrative Justice: A Project for the Revived Administrative Review Council? – *Acting Justice John Griffiths*

The commencement of the *Administrative Review Tribunal Act 2024* (Cth) provides the occasion for the rebirth of the Administrative Review Council. The composition and agenda of the Council remains unclear at the time this paper was presented. The paper considers a novel issue for the Council, namely whether our administrative law framework should be adjusted to deal with that small number of people whose conduct can amount to an abuse of process. The focus of administrative justice has traditionally been on the expansion and preservation of rights. This article considers whether some level of systemic adjustment is warranted in order to prevent the detrimental impact of the conduct of the small but continued number of applicants whose persistent and unreasonable conduct requires an institutional response. 173

The Decisions Most in Need of Review: Brian Lawlor, XJLR, and Effective Means of Redress – *Joel Townsend*

From the time AAT was established, a key issue in modern Australian merits review has been the question of how to deal with invalid decisions: can these be reviewed by a merits review tribunal? With a view to the importance of ensuring access to administrative review, in the case of *Collector of Customs (NSW) v Brian Lawlor Automotive Pty Ltd* the Federal Court articulated the principle that, in the absence of contrary indication, a merits review tribunal is able to undertake a review of a decision even where that decision is invalid. That principle has been robust, being consistently applied in a variety of contexts. Its limits were tested in the case of *XJLR v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs*, in the distinctive context of visa “character cancellation”, but it remains an important principle in Australian administrative law, relevant to the work of the recently established Administrative Review Tribunal. 186

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