

Judicial Review of Administrative Action

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What is administrative action?

- Those powers that need to be exercised to perform generic role responsibilities
- Exercise of discretion
- No set answer for every situation
- Principles not rules guide the exercise of the power

Principles Guiding the Exercise of Power

- Based on relevant not irrelevant considerations
- For proper purpose
- Not malafide
- Using your own judgement , not acting under dictation
- Discretion must be exercised not fettered

Procedure Informing the Exercise of Power

- The question of bias
- The obligation to providing hearing
- Duty to provide reasons

What is meant by judicial review?

- Distinction between review and appeal?
- Why review?
- Oversight not substitution
- Limitation of judicial review
- Judgement of the person on the spot is critical

Tenets of Constitution as Guidance

- There are the fundamental rights
- And there are the reasonable restrictions
- Whilst the restrictions give you power
- The rights impose limitations