



UNIVERSITY of
TASMANIA

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Challenging government decisions – do our review laws work?

The Tasmania Law Reform Institute (TLRI) is reviewing the law dealing with how Tasmanians can challenge the lawfulness of government decisions.

The TLRI is seeking community input in its analysis of the State's current laws governing the review of administrative decisions.

The Institute today released its latest Issues Paper, "*Review of the Judicial Review Act 2000 (Tas)*".

The Act covers the laws relating to when individual citizens may challenge the lawfulness of government action.

The Issues Paper is the first comprehensive review of the Act since it was introduced 18 years ago.

Paper author Michael Stokes said there are concerns that the Act does not achieve its intended purpose of providing the public with a clear and simple means of seeking a review of government decisions.

"Commonwealth legislation codifying judicial review was heralded as one of the most important legal reforms of the twentieth century," Mr Stokes said.

"However, it is arguably the case that the Tasmanian legislation does not adequately manage the process or scope of review".

"The Institute's evaluation of the law provides a unique opportunity to address these inadequacies and potentially ensure that this vital process is best serving Tasmanians."

The TLRI review of the Act will address a wide range of key topics, including the form that procedures for challenging government decisions should take, the jurisdiction of the courts, the types of decisions that should be reviewable, and the scope of that review.

It will examine the transfer of government power to private and not-for-profit organisations, as it pertains to the making of legally binding administrative decisions.

The review was initially requested by Ben Bartl of the Tenant's' Union of Tasmania in 2016, a request echoed by Community Legal Centres Tasmania and the Law Society of Tasmania, in response to the increasing devolution of governmental power to non-government organisations, which currently takes decisions outside the scope of judicial review.

The Institute welcomes community input to the paper by **15 October 2018**.

The Issues Paper and a submission template can be found here:

<http://www.utas.edu.au/law-reform/publications/ongoing-law-reform-projects2>

For media interviews contact: Mr Michael Stokes on 0438 978 747 (between 10am and 12 noon only) on Fri 7 Sep, or Mr Dylan Richards on 0457 133 524.

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