

New Rights of Appeal

Terms of Reference

In 1971 the Committee was asked to recommend the principles and procedures which should apply in Western Australia in relation to the review of administrative decisions both by way of appeal and by way of the supervisory jurisdiction of the Supreme Court.

Background of Reference

The conduct of this reference was taken over by the Commission when it was formally established to replace the Committee in January 1973. The reference was divided into parts, described in Project No 26(I) above. Part I dealt with the principles and procedures that should apply in relation to existing administrative appeals and Part II dealt with review by way of the supervisory jurisdiction of the Supreme Court.

In its 1979–1980 annual report, the Commission stated that it did not regard the two parts as covering all the matters raised by the terms of reference, and indicated that it may consider, as a third part of the project, whether or not there were any administrative decisions that were not subject to appeal, but that should be made so. This intention was reiterated in subsequent annual reports but in each case it was indicated that it was not a project to which urgent priority was to be given. In its annual report for 1985–1986 (the year in which the final report for Project 26 (II) was submitted to the Attorney-General), Project 26 (III) was listed as a deferred project.¹

Reference Withdrawn

The reference was withdrawn in 1986.² The Commission had submitted its reports on the other parts of the project and the work that it had planned to do on the criteria governing the creation of new rights of appeal no longer appeared justified.

1 Law Reform Commission of Western Australia, *Annual Report 1985–1986*, app III.

2 Law Reform Commission of Western Australia, *Annual Report 1986–1987*, para 3.7.