

considered. A majority also found that the Department should give special weight to Mr Quin's position as a former Magistrate and should notify him of all matters which could be adverse to his application.

The main issue is whether a legitimate expectation giving a procedural right to natural justice in the handling of an application can include a right to favourable consideration.

Motor Vehicle Standards Act 1989

The Motor Vehicle Standards Act 1989 enables the Federal Government to establish and apply nationally uniform standards for motor vehicle safety, gaseous and noise emissions and anti-theft devices. During the Second Reading Speech on 26 May 1989 the Minister for Land Transport and Shipping Support, Mr R Brown, announced the availability of administrative review with regard to the new legislation: 'Consistent with this Government's policies on open government, the Bill provides avenues for access to the normal administrative law arrangements. Anyone who is aggrieved by a decision made under the provision of the Bill will be able to seek redress in the normal way.'

Fitzgerald Report recommendations

Among the broad-ranging recommendations of the Fitzgerald report were several with implications for administrative review. In particular, the Report recommends the establishment of a permanent body, the Electoral and Administrative Review Commission, to provide an enduring process to review and recommend the necessary electoral and administrative laws and guidelines and procedures. The proposed Commission should report directly to a Parliamentary Select Committee on Electoral and Administrative Review as well as to the Premier.

The Report commented on the problems which can arise when Cabinet becomes involved in the detail of administration, when there is no general means for external review of decisions made by the administration, and when the information available to the public on the workings of the administration is limited. It concluded that 'it is imperative in a democracy that decision-making be seen to be impartial and objective'.

The Report also drew attention to some of the competing priorities, including the need to find a workable balance between the free flow of information and the individual's right to privacy, and between law enforcement and civil rights and liberties. It pointed out that 'privacy can in some cases become secrecy, which can allow corruption to flourish. One aspect of such secrecy is self-regulation, which is sought by many institutions, but which is the antithesis of accountability'.

With regard to administrative review, the Report remarked in particular on the lack of freedom of information legislation; the difficulties where a person may be unable to discover 'the basis, the reasons or even the fact of a decision'; and the absence in Queensland of a general mechanism for determinative review of administrative decisions on their merits. It noted