

Margaret Allars

*Chevron in Australia: A Duplicitous Rejection?*

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Abstract by Dipal Shah

In this article, Professor Allars discusses the *Chevron* doctrine's examination by the High Court of Australia in 2000. Allars structures her review through a contextual analysis of *Corp. of the City of Enfield v. Development Assessment Commission*. In that case, the High Court rejected the *Chevron* doctrine as inappropriate in its limit on the scope of judicial review of agency decision-making. Allars argues that the High Court's rejection of *Chevron* in the *Enfield* decision was appropriate and reflects the overarching democratic values supporting the relationship between the judicial and executive branches of government in Australia.

Allars proposes that legality/merits distinction is already well-understood in Australia. Because of the judicial comprehension of the distinction, Allars argues that the criticism that the *Enfield* decision may lead courts to exceed their democratic role through a merit review by courts is weak. Allars concludes that Australia does not need the *Chevron* doctrine, and supports the *Enfield* decision.