

Ian Holloway

*“A Bona Fide Attempt”: Chief Justice Sir Owen Dixon and the Policy Deference to Administrative Expertise in the High Court of Australia*

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Abstract by Dipal Shah

Holloway’s article is a historical and analytical review of the judicial history of Right Honorable Sir Owen Dixon, who served on the High Court of Australia from 1929-1964. Holloway’s analysis of Dixon’s experience on the Court highlights the ambiguities of his term. Through reference of different cases hinged on administrative review, Holloway argues that Dixon may have routinely sabotaged the administrative deference doctrine which he supported time and time again.

Holloway compares Dixon’s term to American judicial history, and contends that complete deference to administrative rulemaking is impossible. By arguing that the common law system fundamentally serves as the underpinning of the judicial branch of both nations, Holloway concludes that certain fundamental rights pre-empt administrative rationality and can not be enshrined in deference to administrative authority.