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The principles governing how a merits review tribunal gives consideration to a policy formulated or applied by the agency whose decision is under review are relatively well settled. Whether a review tribunal should develop its own policy in the course of exercising its adjudicative functions is less well explored, and potentially more contentious. This article considers different approaches to policy formulation in administrative review, drawing on examples from environmental and planning, and asylum, decision-making in Australia, the UK and Canada. It addresses issues of the source of the power to develop policy or guidance, types of guidance, adequacy, and the status of tribunal guidance. ................................................................. 16

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APPOINTING THE FIRST AUSTRALIAN-BORN GOVERNOR-GENERAL: LEGAL AND VICE-REGAL OPPOSITION – John Waugh
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