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## ARTICLES

### **One size fits all: The obligation of public authorities to consider human rights under the Victorian Charter** – *Melanie Schleiger*

This article considers the obligation contained in s 38(1) of the Charter of Human Rights and Responsibilities Act 2006 (Vic) to give proper consideration to relevant human rights when making decisions. This provision, like its equivalents in other human rights instruments, notably the Human Rights Act 1998 (UK), is vital for understanding the relationship between human rights law and administrative decision-making behaviour. Its interpretation is therefore fundamental to the way in which the Charter is taken up and applied in practice. This article considers this issue by examining the purpose of the obligation, comparative UK case law, traditional judicial review principles and the recent decision of *Castles v Secretary, Department of Justice* [2010] VSC 310. ....

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### **“According to law, and not humour”: Illogicality and administrative decision-making after SZMDS** – *Martin Smith*

This article examines the history and development of illogicality as a species of jurisdictional error at common law. It commences with a discussion of the merits/legality dichotomy in Australian administrative law and the place that the illogicality grounds of review occupies within this dichotomy. The effects of the High Court’s decision in *Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321, which hampered the development of an illogicality ground of review, are discussed, as is the decision of the High Court in *Minister for Immigration & Citizenship v SZMDS* (2010) 240 CLR 611, where the availability of the illogicality grounds of review was finally confirmed. Ultimately it will be concluded that although the High Court’s decision in *SZMDS* is

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