LOCUS STANDI IN AUSTRALIAN, CANADIAN AND SRI LANKAN ADMINISTRATIVE LAW

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I. INTRODUCTION.

The rules of standing perform a useful filtering function to protect the courts from being overburdened with applications for judicial review. The perspective of the judiciary, of their own role, and of the role of the state, lie at the core of such rules of standing.[1] According to Sir John Laws, good judicial decisions are themselves fuelled by ideals which are not morally neutral, but which represent ethical principles about how the state should be run, and in that sense may be said to be political principles

Referring to the role of the judges, with reference to applications for judicial review, Galligan[2] states:

> "On the one hand they have to maintain a basic distinction between the policy-making functions of Parliament and its delegates, and notion of legality. This necessarily limits the scope of review. On the other hand the pressures to extend review are great. Given the general view that administrative discretion is increasing, and that political and administrative controls are inadequate, it is difficult for the courts to resist intervention on behalf of an aggrieved party. If the scope of standing rules is extended, this temptation becomes stronger. Given also that, in the absence of clear statutory provision, there may be disagreement between courts and administrators as to the implied limitations on discretionary powers, it is not surprising that decisions appear to be somewhat random and without a firm theoretical basis. In such a climate one would expect to find suggestions that judges should abandon their characteristic role

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1 See e.g., Harlow, Carol and Rawlings, Richard. *'Law and Administration'* [London: Weidenfeld and Nicolson, 1984, chapter 1 & 2: Cotterrell, Roger. 'Judicial Review and Legal Theory in *'Administrative Law and Government Action* . eds., Richardson, Genevra and Genn, Hazel [Oxford: Clarendon Press, 1994] pp. 1 34.

2 'Law and Democracy *[1995] P.L. 72*, at p. 74.

3 Galligan, D.J., 'Judicial Review and the Textbook Writers *[1982] O.J.L.S.* 257 at pp. 269 270.