

JUDICIAL REVIEW

Overview

- A judicial review is where a judge is asked to review an action or a decision that has been made under a legal power.
- The judge looks at whether the **way** the decision was made was in accordance with the law. The judge won't usually decide whether the decision was the 'right' decision.
- Judicial reviews are important in New Zealand law to make sure that Government and government agencies act within the law, fairly and reasonably.
- Judicial reviews are always heard in the High Court. About 180 judicial reviews are heard every year.
- Only a person affected by a decision can apply for a judicial review. The respondent (the other side) is the person or government agency that made the decision which is being challenged.
- For a judicial review to be successful for the applicant, the Court will need to be persuaded on the evidence that the decision-maker did not lawfully follow the proper decision-making process.

The process

- Judicial reviews are run in accordance with the Judicial Review Procedure Act 2016 and the High Court Rules 2016. They are civil cases.
- A judge might hold one or more meetings with the parties or their lawyers before the actual hearing to clarify what the issues are and make other administrative arrangements. These are called "case management conferences". Case management conferences are heard 'in chambers'. In chambers means the public aren't allowed to attend. The media are normally allowed to attend but not report what is said unless permitted by the Judge.
- The actual hearing of the judicial review is held in open court.
- The Court can:
 - Dismiss the review
 - Cancel or reverse the decision
 - Order the decision-maker to reconsider the issue and make a fresh decision
 - Make a declaration about what the applicant's legal rights are.
- The person who applied for the review, or the decision-maker, can appeal the High Court's decision. The first appeal court is the Court of Appeal.