

BETWEEN:

FRIENDS OF THE NORTH WEST INC

Applicant

MINISTER FOR THE ENVIRONMENT, HERITAGE AND WATER

Respondent

RESPONDENT'S OUTLINE OF SUBMISSIONS
(Junior Counsel)

1 Statement of facts

2 Submission 1: The Minister did not make the Decision according to a rule or policy without regard to the merits of the particular case.

1. A lawful policy is normally a relevant consideration which a decision-maker is bound to take into account.
2. In Drake, the Court said:

The propriety of paying regard to general policy considerations is most evident in a case such as the present where there are no specified statutory criteria for the exercise of the discretionary power and where the power is entrusted to a Minister of the Crown responsible to Parliament.

3 Submission 2: The Minister's refusal to delay the decision was reasonable in the circumstances.

1. Wednesbury unreasonableness