

Characteristics	Judicial	Administrative
Independence = institutional relations	<p>Institutional autonomy from other branches of government</p> <ul style="list-style-type: none"> ➤ 3 OBJECTIVE structural conditions: security of tenure, financial security, institutional control ➤ freedom from external pressures: litigants, media, organized groups ➤ protection from Executive interference in administration / salaries / judgment 	<p>Less institutional autonomy from the Executive branch</p> <ul style="list-style-type: none"> ➤ appointments & removals ➤ 'at pleasure' appointments ➤ budget and remuneration ➤ policy-making control ➤ appropriate Ministerial involvement and/or undue interference in decision-making ➤ freedom from external pressures: litigants, media, organized groups
Impartiality = state of mind or attitude to issues/parties	<p>Individual autonomy to decide with an 'open mind' and be and/or appear impartial</p> <ul style="list-style-type: none"> ➤ adjudicative independence ➤ freedom from internal pressures: colleagues, staff, higher-ups ➤ reliance on own mind and conscience to hear the matter fully 	<p>Decisions made within a regulatory context and directed by the statute</p> <ul style="list-style-type: none"> ➤ involvement with other tribunal members ➤ norms, values, priorities, policies set by statute and Executive
Bias = individual judgment	<p>Individual prejudgement precluded because of:</p> <ul style="list-style-type: none"> ➤ already decided ('closed mind') ➤ ideological, discriminatory, arbitrary ➤ conflict of interest ➤ pecuniary interest / corrupt ➤ irrelevant considerations 	<p>Practices that promote consistency and efficiency but in tension with the judicial model:</p> <ul style="list-style-type: none"> ➤ expertise, board meetings, membership ➤ individual bias = individual tribunal member ➤ institutional bias = body as a whole
Goals	Secure impartiality and ensure decision-making autonomy	<p>Eliminate or reduce inappropriate interference & influence</p> <p>Incorporate only relevant considerations</p>