

Consistency in Tribunal Decision-Making

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Why Consistency?

Consistency exists where like facts produce like results. In adjudicative decision-making, consistency is a precondition of equality before the law and a prerequisite to the Rule of Law. But the goal of consistency must be balanced against other prerequisites to the Rule of Law the ideas that decisions be made on their own facts and be made by those who hear the dispute. Such balancing lies at the heart of administrative tribunal decision-making. This paper discusses means by which tribunals can achieve and enhance consistency while remaining responsive to the facts of individual cases, i.e. “consistency but not rigidity”....

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