

Law Briefs: Administrative Law
MRLK Kelly
Thomson Reuters
394 pp \$73.00
Reviewed by Malcolm Caulfield

The Thomson Reuters website says that the 'Law Briefs' series of books is aimed at law students. A manifestation of this is the "mind maps" or flow diagrams and the summaries of key cases in highlighted boxes which appear at various points in the book. This designation is perhaps unfair to the book, as it certainly provides an up to date (current to mid-2014), well-organised and readable account of administrative law which will be of value to many practitioners.

The book's author has extensive experience in the Commonwealth Public Service and has clearly been close to high levels of government in a professional capacity. The book reflects this experience, with interesting insights and comments on the workings of the law-making process.

While the book covers all the usual things one would expect to see in such a text, it also provides an interesting and useful historical background to the development of the common law and statutory remedies in this area.

The opening section of the book also provides a precis of relevant principles of statutory interpretation; as the author points out, interpretation of the relevant written law is a necessary prelude to any administrative law action.

The substantive part of the text is divided into two main parts, being merits review, and judicial review of decisions. The distinction between the two sorts of processes is made clearly. The bulk of the merits review section focuses on the Administrative Appeals Tribunal (and equivalents) and its workings. This is a helpful guide for practitioners appearing in the AAT. The discussion of the way facts and evidence are dealt with in the AAT makes good reading. The part dealing with judicial review is also very helpful in its analysis of the Commonwealth *Administrative Decisions (Judicial Review) Act* and equivalents, and in coverage of the common law basis of judicial review.

One of the really useful aspects of the book is its detailed analysis of recent High Court decisions and their role in clarifying, revising or restating basic administrative law principles. These useful comments are to be found in sections on justiciability, procedural fairness, unreasonableness in decision-making, validity of delegated legislation and the jurisdictional error ground of judicial review. Important recent decisions relating to the effect (or lack of effect) of privative clauses and the seeming demise of "legitimate expectations" are dealt with very well. The author is not, however, uncritical of High Court decisions which trouble her and provides a useful perspective on these.

Unusually for an administrative law text, this book contains a helpful brief description of freedom of information and privacy legislation.

The one shortcoming of the book is that the issue of standing to seek administrative law remedies is not covered as well as it could have been. There have been important recent developments and it would have been helpful to set those out clearly.