

## JUDICIAL REVIEW OF ADMINISTRATIVE ACTION, 5TH EDITION

### REVIEWED BY MATT GAROZZO

*Judicial Review of Administrative Action*, 5th ed by Mark Aronson and Matthew Groves: Lawbook Co, ISBN: 978-0-455-230719.

Judicial Review of Administrative Action is Australia's most highly regarded and complete work on the area of law described in its title. The text is often cited with authority in judgments of the High Court of Australia regarding administrative law. Kirby J once explained that "when a case on administrative law arrives (in the High Court), I always reach for the provocative, stimulating, insulting, upsetting, insightful opinions of Mark Aronson".<sup>1</sup>

This voluminous edition is the fifth in a series of texts by Mark Aronson, Emeritus Professor of Law at the University of New South Wales. Professor Aronson's co-author is Matthew Groves, Associate Professor of Law at Monash University. The intervening four years between this edition and the previous one have held significant developments in administrative law, particularly in relation to the validity of privative clauses, the reach of judicial review, the application of procedural fairness and the status of jurisdictional facts. This text builds on its previous editions, providing cutting edge analyses of new developments in the context of judicial review of administrative action as a body of law.

At the outset, there are two things which should be made known to prospective readers of this text. First, the authors rarely provide a concise, definitive answer on the scope or content of judicial review. The fact that this is not that type of textbook is a reflection of the current state of administrative law in Australia, which seems to be midway through an incremental evolution, where brevity and certainty of legal principles can be elusive.

Secondly, the actual content of the text may be hard-going for those not familiar with this area of law. Aronson and Groves' analyses of the various components of judicial review are masterful, but they are often complex and require thorough comprehension of intricate legal concepts. Often, attempting to ascertain even a dimly lit line through the authors' exposition of the common law might be enough to send law students over the edge. This is especially so given that recently, for various reasons, the bulk of federal judicial review matters have been dealt with pursuant to these common law principles, as opposed to under the *Administrative Decisions (Judicial Review) Act 1977* (Cth), with its objects of clarity and simplicity.

Having provided those two disclaimers, this text is a wonder, and well deserving of its high reputation. Throughout its 17 chapters and thousand-odd pages, the authors track the history of, and compile the relevant current authorities for the principles that comprise judicial review of administrative action in Australia. They draw comparative examples from other jurisdictions like the United States and the United Kingdom to fully illustrate this body of administrative law which has evolved in a uniquely Australian political, legal and constitutional context.

Perhaps the most valuable feature of the book for administrative lawyers is the confident and authoritative commentary regarding ambiguities in judicial review jurisprudence, and the clarity provided by the authors' own opinions. For example, the discussion about the current status of illogicality and irrationality as grounds for judicial review will be illuminating for those confounded

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<sup>1</sup> Kirby M, the Hon Justice, "Professor Mark Aronson – Doyen of Australian Administrative Law" (Speech delivered at the University of New South Wales Faculty of Law's celebration of the work of Professor Mark Aronson, Sydney, 25 May 2006).

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by the High Court's differing judgments in *Minister for Immigration and Citizenship v SZMDS* (2010) 240 CLR 611. Unfortunately though, we may have to wait for the sixth edition for some clarification of even more recent developments, such as the significance of the decision in *Minister for Immigration and Citizenship v Li* [2013] HCA 18 for the unreasonableness ground of judicial review.

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