
Book reviews

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JUDICIAL REVIEW: THE LAWS OF AUSTRALIA

Judicial Review: The Laws of Australia, by Mark Robinson SC (ed), Thomson Reuters, 2014, 854 pages + clxxvi tables: ISBN 9780455234113. Softcover \$149.95.

This text contains five sub-titles of Title 2 of *The Laws of Australia* encyclopaedia in the form of a stand-alone book. As such, it is different from any other administrative law book on the Australian market. It has been written and updated by Mark Robinson, the book's editor, and a small team of others: Joanna Davidson, Dr Juliet R Lucy, Sarah-Jane Morris, Corrina Novak and Brenda Jo Tronson. Having the book written and updated by practising barristers at the NSW Bar and, in one case, by a solicitor in the NSW Crown Solicitor's Office, rather than full-time academics has resulted in an encyclopaedic approach to judicial review that is likely to be of genuine benefit to those engaged in legal practice generally.

Some of the sub-titles are longer than others, which is normal for an encyclopaedia. The sub-title on delegated legislation, for example, is written in a brief, introductory style and sets out in fewer than 30 pages the relevant principles about how delegated legislation is made and may be reviewed, but refers the reader hungry for greater detail to the leading work dedicated to the subject (Pearce D and Argument S, *Delegated Legislation in Australia* (4th ed, LexisNexis Butterworths, Sydney, 2012)). By contrast, the sub-titles on decisions which are judicially reviewable, procedural fairness and judicial review's remedies are substantial in both length and coverage. They systematically go through issues including the application and functions of the *Administrative Decisions (Judicial Review) Act 1977* (Cth), decisions which challenge the public/private divide or occur at the boundary of the law/fact distinction, the grounds of judicial review which lead to jurisdictional error, and the hearing and bias rules of procedural fairness and when they apply.

The material on remedies in judicial review is particularly impressive and is no doubt highly relevant to the primary audience of this book. Material on standing, the appropriate test for which remains linked to the remedy sought, and justiciability is usefully included within this sub-title. In addition to a thorough treatment of the major remedies and their statutory equivalents, this sub-title also examines judicial discretion to withhold those remedies, the various types of privative clauses that may prevent a court from considering a matter or granting a remedy and, in a couple of short but important passages, why no administrative law damages remedy exists either at common law or under statute. The book finishes with a brief but extremely useful section on the consequences of invalidity, a notoriously difficult subject to which the updating author has brought clarity without oversimplification.

The book's bibliography demonstrates the impressive breadth of material from which the authors have drawn. While a book of over 1,000 pages must obviously have some substance of its own – and this book certainly does – it fulfils the most essential task of an encyclopaedia, which is to distill a great deal of information into short paragraphs which are easy to search. Each paragraph contains enough material to satisfy the reader who desires only a quick answer on a point of law or practice but is also amply footnoted, providing the reader who wants to obtain a more detailed understanding valuable guidance as to where to turn next.

Administrative law, by its nature, intersects with many areas of law with which it may look at first to share little common ground. Those looking at matters which are primarily concerned with issues in equity, contract, tort or criminal law, to name but a few, will find this book an invaluable first port of call to see whether and how administrative law may be relevant to them. Every practitioner will be better off for having access to this excellent new version of the judicial review material in *The Laws of Australia* legal encyclopaedia.

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