

*Administrative Law in Australia*

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Reviewer: Libby Carroll, Blake Dawson

This text offers a concise treatment of administrative law in Australia, covering all jurisdictions with an emphasis on Commonwealth law. The authors adopt a theme of “challenge and change” and examine developments in response to emerging issues for administrative law.

The text devotes attention to elements of administrative law in a manner which reflects their importance in practice. The first chapter provides an outline of theory and current issues for administrative law in Australia. The second chapter contains an overview of judicial review, including common law and constitutional writs, as well as statutory judicial review. The chapters which follow address each of merits review, freedom of information and the ombudsman. Notably, privacy law is not covered except so far as it interacts with freedom of information legislation.

The authors state that “one of the goals of this book is to cross traditional discipline boundaries, by placing the technical details of contemporary administrative law into their broader social and governmental context.” Consistent with this aim, the book provides insights into the development of administrative law in response to issues such as outsourcing, human rights and terrorism. Occasionally, the book adopts a traditional approach. The authors analyse the ombudsman’s role based on separation of powers, by assessing whether the ombudsman acts as an agent of parliament, represents the executive or has judicial characteristics. A contextual approach, examining selected reports issued by the ombudsman and their effect on administration, may have assisted in explaining the ombudsman's role in practice

The text is written in a clear and readable style. For example, the Administrative Appeals Tribunal is described as the “original ‘Model-T Ford’” of merits review and the proliferation of various types of industry-specific ombudsman is referred to as “ombudsmania.” The book would be a useful resource for undergraduates, non-lawyers interested in understanding the area and lawyers commencing practice in administrative law.