

This development saw the need for a textbook dealing comprehensively with the administrative law system. Even in the 1950s there was no title of “Administrative law” in the *Australian Digest* and Friedmann’s *Principles of Australian Administrative Law* only went to 118 pages.

The prototype of the present book, then entitled *Review of Administrative Action* by Whitmore and Aronson was published in 1978 and reviewed in (1979) 53 ALJ 159. Ross Sundberg noted in his review that the book’s parentage could be traced back to Friedman’s 1950 work and it could be said to be a split off from part of Benjafield & Whitmore’s *Principles of Australian Administrative Law*, the work was a welcome and distinguished contribution to administrative law.

The book was reworked and next appeared as *Review of Administrative Action* by Aronson and Franklin in 1987, reviewed by Ross Sundberg, in (1989) 63 ALJ 61, who commented that it was “a work of major proportions which will be greatly valued by those who use it”. At that stage it had grown to 720 pages, about two thirds the size of the present edition.

This 4th edition has 17 chapters which deal with the principal issues that arise in administrative law disputes in 21st century Australia.

In one sense, the major problem of capricious administrative action was dealt with by the mere enactment of the administrative law package of legislation in the 1970s. The first five years of adverse decisions against the Commonwealth by the Federal Court and the Administrative Appeals Tribunal changed the culture of Commonwealth bureaucrats. As a silk who unsuccessfully endeavoured to uphold some of these decisions in the late 1970s, the change in culture after that period was quite noticeable. However, there is still plenty of work for lawyers and courts and tribunals in the field as new cases keep coming to the fore in changed circumstances and there is always the bureaucrat who clearly just “ticks the boxes” of procedural requirements before making his or her capricious decision.

The main tension is between administrative efficiency and a fair go for citizens. Traditionally the supervision by the ordinary courts was limited to consideration of jurisdictional issues and questions about fundamental denials of natural justice. The opening up of review on the merits, required new tribunals.

The major chapters of the book deal with the scope and nature of the judicial power to engage in judicial review of administrative decisions, the differences between errors of fact and errors of law, the difference between jurisdiction and power, procedural fairness, hearing all parties and bias. There are then a series of chapters on remedies at common law or equity. The final chapter discusses privative clauses.

This work has now become the standard reference work in Australia on the subject. This 4th edition keeps up the high standard set by earlier editions.

PWY

AVIATION REGULATION AND LICENSING – THE LAWS OF AUSTRALIA

Aviation Regulation and Licensing – The Laws of Australia, by Gary Heilbronn, Lawbook Co, Sydney, 2008, ISBN 9780455225609: 422 pp + 61 pp tables. Softcover \$148.00.

This book originally appeared as part of *The Laws of Australia*.

There are a number of areas of activity where there is little case law and few disputes coming before the courts yet the activity is one where a large number of citizens are affected. Aviation is one such field.

The author in his preface acknowledges that the present work may be regarded as esoteric but rightly says that it will fill a gap in the reference literature available to legal and aviation professionals.

As the Preface says, the book aims to provide assistance to those involved in the many facets of aviation regulation and licensing. It fulfils those aims admirably.

The principal section headings demonstrate the scope of the work. These include, Legal Status and Ownership of Australian Airspace, International Law and Regulation; Technical and Safety Regulation and Regulatory Agencies in Australia, Air Navigation Facilities and Services, Aircraft

Accident Investigation, Aircraft Regulation and Certification, Maintenance Systems, Pilots, Flight Crew and other Personnel, Prohibited Activities on Aircraft, Offences, and Charter Flights.

As one would expect from a work from *The Laws of Australia*, the material is arranged in strangely numbered paragraphs. However, apart from the numbering system, the principles are clearly expressed and each paragraph has copious footnotes mostly noting the applicable regulation or administrative ruling. Although most of the work is concerned with noting regulations, as the seven-page table of cases shows, there are also references to the applicable caselaw.

While this is not the sort of book one would take to bed and read at length, it would be an invaluable handbook for those whose work focuses on aviation.

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