

Issue 37: September 2009

Book Review: Administrative Law in Australia



By WB Lane and Simon Young

Published by Thomson Law Book Company¹

Reviewed by Gary Coveney

Those who practice administrative law in Queensland are no strangers to the authors of this book. The authors previously penned “Administrative Law in Queensland” together in 2001. Bill Lane is currently the Clayton Utz Professor of Public Law at Queensland University of Technology.² Simon Young is an associate professor at the University of Western Australia.³

The book is organised into four distinct sections: judicial review; merits review; freedom of information and the Ombudsman.

Each section is well organised and usefully detailed in the table of contents in a manner which lends itself to easy reference. There is logic to the flow of each chapter which facilitates ease of reading.

The book acknowledges the significant changes which have occurred in the area of administrative law in the past 30 years. It highlights the evolution brought about through legislative intervention, privatisation and judicial intervention. One comes to appreciate that this is an area of law which is anything but static.

In Chapter 1, there is an introduction to the nature and function of administrative law in this country. Theories underpinning the basis for administrative law are analysed and compared. Usefully, there is an examination of the relevant factors which must be considered when attempting to identify the appropriate forum for seeking

administrative redress.

Chapter 2 covers (in detail) process, grounds and standing in judicial review. Where necessary, the authors examine specific State legislation (such as the *Judicial Review Act 1991* (Qld)), to highlight the different considerations relevant in different jurisdictions.

Unsurprisingly, the merits review procedures covered in Chapter 3 relate principally to the Administrative Appeals Tribunal. Freedom of information is covered in Chapter 4, with particular attention given to the various exemptions under the legislation.

Finally, “Ombudsmania” is introduced in Chapter 5. This now ubiquitous feature of the Australian administrative landscape finally emerges from the semi-darkness of its informal review and lack of case law. The federal regime is extensively cross-referenced to its State and Territory equivalents.

I found this book logically organised, well referenced and easy to read. It would be a useful edition to any practitioner’s general library. The book is substantial, and is not “bulked up” through the rather tiresome practice of reproducing large amounts of legislation which are invariably out of date by the time the book reaches the shelves.

The recommended retail price is \$119.95.

Gary Coveney

Footnotes

1. The general web site is [here](#). The page relating to Administrative Law in Australia is [here](#).
2. Professor Lane’s university staff profile may be accessed [here](#).
3. The University of Sydney wastes few resources on web site graphics. A very meagre staff profile of Associate Professor Young may be found [here](#).