

Investigating corruption and misconduct in public office: Commissions of inquiry – powers and procedures

By Peter M Hall QC
Lawbook Company, 2004



For anybody appearing in commissions of inquiry this book is essential.

Peter Hall QC was recently counsel assisting the inquiry into the Waterfall train accident. In this book the author has followed a far wider brief. As he writes in the preface he has set out to consider 'the functions, powers and procedures of standing commissions of inquiry and of federal and state royal commissions'. He also turns his attention 'upon the investigation of corruption and other forms of illegal or improper conduct in public office'.

The result is an exhaustive analysis of those subjects.

The first few chapters deal with corruption and bribery in a more general sense. There is an historic treatment of the concept of public trust and a detailed treatment of bribery and corruption offences. A number of chapters deal with the history, practice and powers of specialist commissions of inquiry in New South Wales, Queensland and Western Australia.

The permanent commissions of inquiry dealt with in detail in this state are the Independent Commission Against Corruption and the Police Integrity Commission. The author's thorough treatment of both bodies is compulsory reading for any practitioner appearing there.

The book also includes a wealth of information relating to search warrant powers, listening device and telephone intercept legislation and controlled operations powers and techniques.

The final chapters have been given over to an examination of procedure and practice in royal commissions and the like and judicial review of commissions on inquiry. They are indispensable reading for any practitioner in this field.

There are many intriguing details in the text. For example it seems that it is largely agreed that the Doomsday Book ordered to be compiled by the Norman Conqueror, William I is the first recorded royal commission in England.

This is a significant publication and Peter Hall can take pride in producing such a valuable reference work.

Reviewed by Keith Chapple SC

Judicial review of administrative action

By Mark Aronson, Bruce Dyer and Matthew Groves
Lawbook Company, 2004



Although nominally the third edition, this book has its provenance in Whitmore and Aronson's *Review of administrative action* (1978) and in Aronson and Franklin's 1987 work of the same name. The first two editions of the present title were by Aronson and Dyer, published in 1996 and 2000.

These earlier works have been cited regularly in the High Court and in state and federal courts of first instance and of appeal over the last 25 years. Over the same period they have been text books of first resort for practising administrative lawyers.

The present title has a sharper focus on judicial review itself. There is here no treatment of merits appeals, freedom of information or the ombudsman. In this edition there is necessarily much more on s75(v) of the Constitution given the continuing invocation of the High Court's refugee jurisdiction and the impact of the section on attempts by the Commonwealth Parliament to limit judicial review, as explained in *Plaintiff S157/2002 v Commonwealth of Australia* (2003) 211 CLR 476.

The treatment of judicial review is comprehensive, covering with critical commentary a vast number of reported and unreported decisions. There are 868 pages of text. The chapters are logically organised, beginning with 'Judicial power to engage in judicial review', traveling through 'The scope and nature of judicial review', 'Errors of law and fact' (much rewritten from the second edition), 'Irrationality', 'Illegal outcomes and acting without power', procedural fairness (250 pages), the results of establishing a ground of judicial review, standing to sue, remedies (140 pages) and 'Statutory restriction of review'.

Bruce Dyer has retained primary responsibility for 'Procedural fairness: the scope of the duty'. Matthew Groves, who has joined as an author for the third edition, has taken over primary responsibility for 'The hearing rule' 'The rule against bias' and 'Habeas corpus' while Mark Aronson wrote the remainder.

The book remains lucidly written. It tackles the difficult issues, such as the consequences of a decision infected by