

BOOK REVIEW

CONTROLLING THE ADMINISTRATIVE STATE: ESSAYS IN HONOUR OF MATTHEW GROVES

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Controlling the Administrative State: Essays in Honour of Matthew Groves (Hart Publishing, 2025) (*‘Controlling the Administrative State’*), edited by Mark Aronson and Greg Weeks, is a substantial and intellectually rigorous collection that serves a dual purpose: it is both a fitting tribute to one of Australia’s most influential administrative law scholars¹ and a significant contribution to contemporary global debates on the legitimacy, control, and operation of executive power.²

The volume, comprising a foreword, an introduction, and thirteen chapters by leading public law scholars, engages deeply with the themes that have defined Professor Matthew Groves’ career: theoretical coherence, practical justice, institutional integrity, and comparative understanding. It successfully avoids the potential pitfall of a festschrift becoming merely ceremonial; instead, it channels the honoree’s scholarly ethos into a critical examination of the most pressing issues facing administrative justice systems across the common law world in the mid-2020s.³

The book is expertly framed by opening pieces that establish Groves’ centrality to the field. The foreword by Emeritus Professors Robin Creyke and John McMillan is not merely perfunctory praise. It provides an authoritative and personal account of Groves’ ‘comprehensive and unique contribution’,⁴ highlighting his exceptional productivity, his pivotal role in key texts like *Judicial Review of Administrative*

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1 Robin Creyke and John McMillan, ‘Foreword’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) v, vi.

2 See, eg, Anita Stuhmcke, ‘The Need for a “New” Template for the Creation of Federal Ombudsman Institutions’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 37, 39.

3 See, eg, Dan Meagher, ‘What Is the Legal Status of Statutory Interpretation in Australia and Why Does It Matter Anyway?’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 101, 117.

4 Creyke and McMillan (n 1) v.

Action and Government Liability,⁵ his service on the Administrative Review Council, and, perhaps most tellingly, his generosity as a collaborator and mentor.

They note the aptness of this honour arriving not at career's end, but at a vibrant midpoint, signalling the already profound weight of his impact. Greg Weeks' introduction expands this into a detailed intellectual biography. With a tone that mirrors Groves' own blend of erudition and wit, Weeks maps the 'impressive coverage' of Groves' 'quilt' of publications.⁶

He traces the evolution of Groves' thinking from his doctoral work on prisons through his magisterial treatments of procedural fairness and bias, to his expansive writings on tribunals, ombudsmen, standing, military justice, and statutory interpretation. Weeks astutely identifies the hallmarks of Groves' style: a fascination with doctrine's real-world consequences, a penchant for demystifying legal 'sacred cow[s]',⁷ a commitment to storytelling that humanises the law, and a steadfast dedication to elevating the work of junior colleagues. This introduction does more than catalogue; it convincingly argues that Groves' body of work represents a holistic vision of administrative law as a dynamic system of accountability, one that is essential reading for understanding the Australian landscape and instructive far beyond it.

The substantive chapters that follow are thoughtfully curated to reflect this breadth. They can be seen as engaging with four interconnected, overarching themes that resonate throughout Groves' scholarship: the architecture and reform of administrative justice systems; the design, integrity, and evolving functions of accountability institutions; the value and method of comparative administrative law; and the refinement of specific, often thorny, doctrinal principles. A major strength of the collection is how these themes are explored not in abstract isolation, but through detailed case studies, empirical analysis, and comparative inquiry, reflecting Groves' own methodological preferences.

A primary theme is the continuous evolution and, at times, destabilisation of the architecture of administrative justice. This is powerfully addressed in Chantal Bostock's chapter, 'The Demise of the Administrative Appeals Tribunal: What Lessons Can We Learn for the Future?'. Bostock provides a forensic account of the fall of Australia's premier merits review tribunal, tracing its journey from the 'novel and exciting' reform envisioned by the Kerr Committee to an institution 'marred by controversy' and ultimately abolished.⁸

5 Mark Aronson, Matthew Groves and Greg Weeks, *Judicial Review of Administrative Action and Government Liability* (Thomson Reuters, 7th ed, 2022).

6 Greg Weeks, 'Introduction: Matthew Groves, His Research and Its Impact' in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 1, 2.

7 Ibid 6.

8 Chantal Bostock, 'The Demise of the Administrative Appeals Tribunal: What Lessons Can We Learn for the Future?' in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 57, 57.

Her analysis pinpoints the corrosive effect of political patronage in appointments, which eroded independence, injected incompetence, devastated morale, and created catastrophic delays, particularly in the Migration and Refugee Division. This chapter is a stark case study in how the political dimension of the administrative state can actively subvert its justice-delivery function.

Bostock then appraises the replacement Administrative Review Tribunal (‘ART’), welcoming reforms like merit-based appointment panels but warning of persistent flaws, such as inflexible time limits for migrants and inadequate legal aid.⁹ Her chapter embodies Groves’ focus on the practical intersection of institutional design, individual justice, and vulnerable parties.

Complementing this, Liam Edwards and Sarah Nason’s comparative study, ‘Judicial Review and Administrative Justice within and across the UK Nations: A Tale of Divergence and Convergence’, examines architectural fragmentation and cohesion in a devolved context.¹⁰ Their empirical analysis reveals significant divergence in judicial review rates, legal aid environments, and political cultures between Scotland, Wales, and Northern Ireland, alongside a resilient convergence on core administrative law principles. They explore the impacts of ‘tribunalisation’¹¹ and ‘regionalisation’,¹² questioning whether these processes foster specialised justice or merely create complexity and access barriers. Their conclusion — that multilevel governance allows for experimentation but that fundamental administrative law principles remain a unifying force¹³ — echoes Groves’ interest in how systems adapt and what lessons can be learned across jurisdictions.

A second, closely related theme is the critical role and design of non-judicial accountability institutions, a domain where Groves has been a leading voice. Anita Stuhmcke’s chapter, ‘The Need for a “New” Template for the Creation of Federal Ombudsman Institutions’, offers a provocative critique. She argues that the Commonwealth Ombudsman has strayed from its foundational mission of redressing individual grievances towards a focus on systemic government improvement, a shift that marginalises vulnerable complainants and dilutes perceived independence.¹⁴

Through case studies of the proposed Digital Platform Ombudsman and the new National Student Ombudsman, Stuhmcke demonstrates a pattern of ad hoc, retrofitted institutional creation. Her compelling proposal for adopting the ‘Venice

9 Ibid 72–8.

10 Liam Edwards and Sarah Nason, ‘Judicial Review and Administrative Justice within and across the UK Nations: A Tale of Divergence and Convergence’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 11, 13–17.

11 Ibid 13–16.

12 Ibid 18–19.

13 Ibid 35.

14 Stuhmcke (n 2) 37–9.

Principles’ as a proactive template for designing ombudsman offices underscores the need for principled, rights-focused foundations¹⁵ — a concern central to Groves’ work on the institution.

Further deepening this institutional analysis, Hanna Wilberg, in ‘Judicial Review of the Ombuds Office: Good for Administrative Justice?’, argues for a restrained judicial review jurisdiction over ombudsman decisions. She contends that intensive scrutiny would undermine the distinctive, flexible, and relationship-based value of the ombudsman model.¹⁶

Conversely, Ellen Rock’s ‘Brokering Public Trust and Confidence in Government Integrity’ examines the broader ecosystem of integrity bodies, cautioning that a proliferation of oversight mechanisms can paradoxically distance the public and obscure accountability.¹⁷ Both chapters engage with Groves’ nuanced understanding of how different accountability mechanisms interact and the importance of preserving their unique characteristics.

The third major theme is the value of comparative perspective, a methodological staple in Groves’ scholarship. Several chapters exemplify this. Stephen Thomson’s ‘The Doctrine and Scope of Judicial Review: Comparative Reflections on Three Jurisdictions’ draws insights from Scotland, Hong Kong, and Australia to argue for the benefits of comparativism in understanding the development and application of judicial review doctrine.¹⁸

Cora Hoexter’s ‘Judicial Review and the Rule of Law(fare) in South Africa’ provides a masterful account of the transformation of judicial review in a post-apartheid constitutional democracy, analysing the tensions between its emancipatory potential and accusations of its misuse as ‘lawfare’.¹⁹

Alison Duxbury and Rain Liivoja’s ‘Civilian or Military Justice? Dealing with Criminal Offences of Defence Force Members’ tackles a complex jurisdictional

15 Ibid 46–54, discussing European Commission for Democracy through Law, *Principles on the Protection and Promotion of the Ombudsman Institution*, 118th plen sess, Opinion 896/2017 (3 May 2019) (‘Venice Principles’).

16 Hanna Wilberg, ‘Judicial Review of the Ombuds Office: Good for Administrative Justice?’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 163, 186.

17 Ellen Rock, ‘Brokering Public Trust and Confidence in Government Integrity’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 227, 248–51.

18 Stephen Thomson, ‘The Doctrine and Scope of Judicial Review: Comparative Reflections on Three Jurisdictions’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 125.

19 Cora Hoexter, ‘Judicial Review and the Rule of Law(fare) in South Africa’ in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 253.

quandary with clear comparative dimensions,²⁰ a topic on which Groves has co-edited significant work. These chapters collectively demonstrate that looking beyond one's own jurisdiction is not an academic luxury but a necessity for diagnosing problems, testing solutions, and understanding the varied manifestations of the administrative state.

Finally, the collection delivers incisive contributions to ongoing doctrinal debates. Andrew Edgar's 'Public Interest Groups in Australian Standing Law: Reconsidering the *North Coast Environment Council Case*' directly engages with Groves' body of work on standing. Edgar revisits a key case to argue that Australian law already contains the elements for a coherent doctrine of public interest standing, advocating for its judicial refinement rather than solely legislative reform.²¹

Paul Daly's 'On Time and Space: Proximity in the Law of Bias' tackles a sophisticated and under-explored aspect of a doctrine where Groves is a recognised authority, analysing how temporal and spatial factors influence assessments of apprehended bias.²²

Mark Aronson's 'Negligence Law's Pure Omissions and Statutory Context'²³ and Dan Meagher's 'What Is the Legal Status of Statutory Interpretation in Australia and Why Does it Matter Anyway?'²⁴ delve into the complex interplay between common law principles and statute, another arena of Groves' sustained inquiry. These chapters are characterised by the same deep doctrinal digging and clarity of exposition found in Groves' own writing.

A latent, unifying concern across many chapters is the precarious position of the vulnerable individual within the vast machinery of the state. This concern is explicit in Bostock's analysis of migrants facing an overwhelmed tribunal,²⁵ in Stuhmcke's plea for ombudsmen to re-centre the disadvantaged complainant,²⁶ and in the empirical data on access barriers presented by Edwards and Nason.²⁷ It is

20 Alison Duxbury and Rain Liivoja, 'Civilian or Military Justice? Dealing with Criminal Offences of Defence Force Members' in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 275.

21 Andrew Edgar, 'Public Interest Groups in Australian Standing Law: Reconsidering the North Coast Environment Council Case' in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 81.

22 Paul Daly, 'On Time and Space: Proximity in the Law of Bias' in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 147.

23 Mark Aronson, 'Negligence Law's Pure Omissions and Statutory Context' in Mark Aronson and Greg Weeks (eds), *Controlling the Administrative State: Essays in Honour of Matthew Groves* (Hart Publishing, 2025) 207.

24 Meagher (n 3).

25 Bostock (n 8) 74.

26 Stuhmcke (n 2) 38.

27 Edwards and Nason (n 10) 18–24.

implicit in discussions of fairness, bias, and the purpose of review. This moral thread—a focus on the human experience of administrative power—runs through Groves’ career, from his early work on prisoners to his critiques of systems like Robodebt.²⁸

The book convincingly shows that the ultimate test of any administrative law system, regardless of its doctrinal sophistication or institutional complexity, is how it treats the least powerful.

If the volume has a limitation, it is perhaps the inherent unevenness of any multi-author work, with some chapters leaning more towards doctrinal exposition and others towards policy reform. A concluding chapter synthesising the key tensions and trajectories identified across the contributions might have provided an even stronger capstone. However, this is a minor point, as Weeks’ introduction and the careful thematic organisation provide ample coherence.

In conclusion, *Controlling the Administrative State* is an outstanding scholarly achievement. It succeeds magnificently as a tribute, not through hollow praise, but by embodying the intellectual values Matthew Groves represents: rigour, clarity, practical relevance, and a commitment to making administrative law both a technically sound and a morally purposeful enterprise.

More importantly, it stands on its own as a vital and timely intervention in global public law discourse. At a historical moment when executive power is expanding,²⁹ populist tensions are testing institutional legitimacy, and technological change is presenting new regulatory challenges,³⁰ this book offers indispensable insights. It provides both a sobering audit of vulnerabilities in our accountability systems and a source of principled optimism for their reform.

For practitioners, it offers deep analytical tools; for students, a roadmap to the field’s central debates; and for scholars, a rich agenda for future research. This collection is not merely about controlling the administrative state; it is a testament to the enduring power of scholarly community and critical thought in that never-ending endeavour.

28 Weeks (n 6) 9.

29 See, eg, the case of *TCXM v Minister for Immigration and Citizenship* [2026] HCA 13.

30 Stephen Gageler, ‘From Logos to Likes: Defending Reason in Justice in the Digital Age’ (Speech, Global Summit of Hellenic Lawyers, 8 July 2025).