

# ADMINISTRATIVE LAW

By David J. Mullan

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283 pp. \$12.25

CAMERON HARVEY\*

This is the latest version of the title on Administrative Law in *The Canadian Encyclopedic Digest* (Ontario).<sup>1</sup> Until 1973 the *Digest* did not have a title on Administrative Law; rather the subject was canvassed in a number of titles, which were continued in the 1973 edition of the *Digest* and on which the title Administrative Law was superimposed. Professor Mullan prepared the 1973 title on Administrative Law and this is a revision of it, which has been distributed to all subscribers of the *Digest*. As with the 1973 version, Carswell has published an offprint of the 1979 version for those who do not subscribe to the *Digest*.

Professor Mullan is one of the outstanding administrative law academics in Canada today. The excellence of his effort in the title or book under review may be measured by the fact that there is a market for it as an off-print from the *Digest*. Administrative law is such a major area of the law that all law firms ought to have a copy of two Canadian texts in their library, namely Reid and David's *Administrative Law and Practice*<sup>2</sup> and this book or title of Professor Mullan. I strongly recommend the purchase of the latter by my students; the price of the former is beyond the pocket book of most students.

What has Professor Mullan done in revising this work on administrative law? The format in this second edition is generally the same as in the first edition. Much of the text is the same too, although there are some substantial and significant changes, for example in the early paragraphs in the segment on Natural Justice. Along with changes in and additions to the text a few new headings appear. As well a number of headings have been changed, but these changes are more cosmetic than substantial.

The table of cases has swelled tremendously and, thus, similarly the footnotes. Whereas the table of cases in the first edition contained approximately 1050 cases, that of the second edition contains roughly 1860. Professor Mullan in the Preface attributes the increase in the number of case references to "the plethora of judicial review decisions that have filled the law reports in the last six years". It is a hobby-horse of some administrative law academics to decry the emphasis given in law school curricula to the judicial review aspect of administrative law. Although I agree that more emphasis ought to be given to other aspects of administrative law, the volume of reported judicial review cases indicate that the improvement in law school and Bar Admission treatment of administrative law should not be accomplished at the expense of judicial review coverage.

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1. 3rd ed. 1973.  
2. 2nd ed., 1978.

An excellent feature of the 1973 version which has been continued is the selected bibliography of texts, reports, and articles which appears at the beginning. It too has been enlarged and not entirely with post 1973 publications. A selected bibliography chosen by someone else is always going to be less than perfect. Suffice it to say that I find it curious that the author did not include his own fine piece on the emerging procedural fairness doctrine.<sup>3</sup> As well, the single reference to the writings of D.M. Gordon, who died recently, indicates the passing of an era.

The rate at which new editions of texts appear on the market leads skeptics like myself to suspect that often the book companies are simply trying to finagle more money out of the profession. In the case of the text in question the new edition is definitely legitimate. The first edition, which was a laudable pioneering effort for the *Digest*, has been considerably improved and besides, as Professor Mullan indicates, a lot of writing on administrative law in the form of judgments, statutes, reports, texts, and articles has occurred since the first edition. In the last few years Canadian administrative law literature has come of age. Again I say Professor Mullan's text is one of the key components.

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3. (1975) 25 U.T.L.J. 281.