

BOOK REVIEWS

Inside Australia's Anti-Terrorism Laws and Trials (NewSouth, 2015)

Reading this book, and thereby understanding the reach of the federal anti-terrorism laws, is to appreciate that central aspects of it have re-drawn the boundaries of state intrusion into an individual's private life as well as the historically accepted limits of the criminal law.

numerous of the resultant prosecutions, commissioned reviews of the legislation, observations by important stakeholders (including agencies such as state and Federal Police), as well as the content of political debate (or consensus) at the time of enactment, amendment or mooted repeal. Use of these references develops the book's critique of the laws without that critique ever becoming emotive or academic. To take an example, to learn that state police themselves advised a

COAG review that they were unlikely to use the preventative detention powers, one can't help but question whether the continued existence of such powers is necessary.

The authors accept the necessity for a specific legislative response to the terrorist threat but raise (and grapple with) important questions of their reach and, in some aspects, utility. The result is a book that provides not only a timely insight into the laws but also an objective,

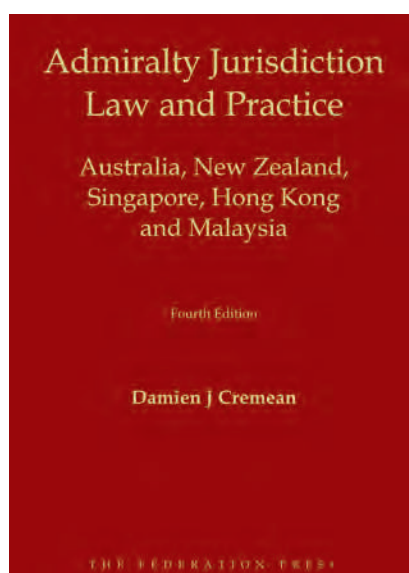
highly informative, and readable one.

It can only be hoped that those who are contemplating entering the ongoing (and recently heated) debate about further reform might take time to read this piece, as a reading will no doubt contribute to how informed that participation is.

Reviewed by Ian Nash

Admiralty Jurisdiction Law and Practice (4th ed)

By Damien Cremean | The Federation Press | 2015



The fourth edition of this work, a necessity for those practising in admiralty and maritime law in Australia, has been long awaited. It deals with all of the essentials of admiralty jurisdiction in Australia and also other common law jurisdictions in the Asia-Pacific (Hong

Kong, Singapore, New Zealand, and for the first time in this edition, Malaysia).

Admiralty Jurisdiction is a true practitioners' text: its author is a leading academic and a practitioner in the field and was involved in the Australian Law Reform Commission reference that produced the legislative basis for admiralty jurisdiction in Australia, the *Admiralty Act 1988* (Cth). Previous editions of the work were regularly cited in argument in the admiralty courts and in the judgments of those courts.

The structure and content of the book are appropriately well-structured and well written – the text follows the principal provisions and concepts of the Admiralty Act as they relate to the characterisation of admiralty jurisdiction, the circumstances in which a right to proceed against a ship *in rem* are engaged, and the practice and procedure of commencing and maintaining claims in admiralty.

The international approach of the book is essential for modern maritime practice.

Deploying this structure in this way is extremely accessible: should one, for example, wish to investigate the treatment of salvage as a head of general maritime jurisdiction, one will find set out together the relevant provision in the Admiralty Act and the cognate provisions in each other jurisdiction (as well as references to similar provisions in other common law jurisdictions), followed by commentary that encompasses the English law history of the law of salvage, the application of international conventions modifying the salvage rules, and analysis of the scope of jurisdiction conferred by the relevant provisions.

Admiralty Jurisdiction Law and Practice (4th ed) (The Federation Press, 2014)

...the book is a detailed and concise reference and provides a base for more detailed research as well as an excellent introduction into this interesting and complex area of law.

The international approach of the book is essential for modern maritime practice. In the words of Chief Justice James Allsop, who wrote the foreword for the fourth edition, '[t]he work reveals the existence of an harmonious and consistent common law maritime security regime in the Asia-Pacific region.' The approach of Australian courts to construction of the jurisdiction provisions in the Admiralty Act typically makes reference to decisions of courts of cognate jurisdiction, in the Asia-Pacific and elsewhere. This text facilitates that approach.

Despite the expanded scope of the jurisdictions covered in the fourth edition, the book remains compact, at less than 300 pages. At times, that comes at the cost of detailed analysis of some areas. Coverage of the case

law of some jurisdictions is not as comprehensive as for others. Some areas of the law in respect of which there have been no decided cases would benefit from analysis based on the author's experience, particularly in relation to the ALRC reference, the report of which (ALRC 33, *Civil Admiralty Jurisdiction*) is a recognised aid to interpretation of the Admiralty Act.

Nonetheless, the book is a detailed and concise reference and provides a base for more detailed research as well as an excellent introduction into this interesting and complex area of law. Like many good practitioners' texts, precedents are included, helpfully cross-referenced to the relevant jurisdictional provisions covered in the text.

Reviewed by Catherine Gleeson

Judicial error, corrected

By Orbiculus

This barrister has no idea!

His words just don't make sense

Perhaps I should provide some help--

My own munificence?

'Forgive me please, young Mr Smith

But could it be you mean

That if one tries it this way round

The answer can be seen?'

'Your Honour is of course correct

That sublime thought's quite right

There's nothing more that I could say

My mouth is now shut tight.'

Well, first impressions can be wrong

I should not judge with speed

This barrister is very wise!

And knows the law indeed.