

BOOK REVIEWS

Lumb, Moens & Trone The Constitution of the Commonwealth of Australia Annotated 9th ed (LexisNexis Butterworths, 2016)

decisions. In *Australian Communications and Media Authority v Today FM (Sydney) Pty Ltd* (2015) 317 ALR 279 the court held that the broadcasting authority (ACMA) did not violate the separation of judicial power doctrine when it determined that a Sydney radio station had engaged in criminal conduct. Readers may remember that this case involved radio hosts prank calling a nurse who tragically committed suicide a few days later.

In *Plaintiff M68/2015 v Minister for Immigration and Border Protection* (2016) 327 ALR 369 the court held

that Commonwealth participation in the detention of asylum seekers (at the Nauru Regional Processing Centre) did not infringe Chapter III.

The decision in *Kuczborski v Queensland* (2014) 254 CLR 51 examined the Constitutional validity of Queensland's 'anti-bikie' laws. Further, the book also discusses the decision in *Condon v Pompano Pty Ltd* (2013) 252 CLR 38 where the court upheld a Queensland state law which empowered the Supreme Court to declare that an organisation was criminal organisation based on confidential criminal intelligence.

Conclusion

A small and handy annotator that can be surprisingly detailed in parts.

A very useful first port of call for a student or non-specialist practitioner needing a succinct explanation of a particular provision of the Commonwealth Constitution.

It may also serve well for the more experienced advocate or a diligent junior as a starting point in a long and winding enquiry into the depths of Constitutional law.

Reviewed by Ali Cheema

The Law of Tribunals: Annotated Civil and Administrative Tribunal Act 2013 (NSW)

By John Levingston | The Federation Press | 2016

Tribunals are playing an increasingly visible role in the legal system in Australia. Since the NSW Civil and Administrative Tribunal (NCAT) commenced operations in January 2014, there has been a considerable development of case law on tribunal operations, especially the biggest division in NCAT; the Consumer and Commercial Division. The tribunals operating in other states and at federal level are likewise featuring more frequently in the online law reports.

Moreover, there has been, anecdotally, an increasing awareness within the broader community, at least in NSW, of NCAT and its role within the legal system.

In NSW, NCAT administers the dispute and application processes arising under an increasing amount of legislation. It is far more visible than any of its many predecessors.

This book is an invaluable guide for the busy practitioner. While its emphasis is obviously the NSW legislation, it has a

handy overall cover of the other states and the federal tribunals.

The key to any well-written practice, is a good index, a clear paragraphing system, and a coverage of the major issues likely to confront both the experienced lawyer and the novice. The use of relevant case law, both to refine the nuances of the legislation and to set out clearly its full effect, is also vital. I think this book will be of great assistance to the practitioner.

The index is comprehensive, there is a table of cases, a table of statutes, a comparable table of legislation between the state and the Federal AAT. The Introduction covers a wide range of matters of general principle in tribunals and I personally prefer footnotes at the foot of the page, rather than at the end of the chapter or the end of the book.

While its other features are formidable, the book's real strength is the annotated Civil and Administrative Act NSW. The practitioner should find the treatment

of the Act is comprehensive, the relevant provisions are easy to find and the integration of both the legal principles and case-law are helpful.

Whether the questions asked relate to costs or the procedure between the different divisions, the appellate process or the consequences of a settlement which require orders *ultra vires* the tribunal's powers, the answer is easily found.

The development of case law from the Appeal Panel for NCAT is both dynamic and comprehensive. I expect that in a relatively short time, there will be a need for a second edition of this very handy practice. In the meantime, it should be of great assistance to the practitioners who are required to provide advice to clients on the tribunal, its powers and its processes. It would be a valuable resource in any law library.

Reviewed by Frank Holles