

BOOK REVIEWS

Seddon on Deeds (Federation Press, 2015)

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some cases common with contracts, in other cases unique to deeds, sometimes unique to deeds poll. There is a useful discussion of privity in that last context, and of the characterisation of deeds *inter partes* and deeds poll which throws light on the circularity of reasoning between characterisation and outcome. There is a pithy but equally useful discussion of accord and satisfaction within the discussion of deeds of compromise. The rights and burdens of multiple parties are analysed. The need to provide consideration if equitable remedies are to be attracted in aid of common law rights is stressed in the course of indicating where equitable relief is or may be available. Chapter 7 shortly describes the parallels with and distinctions from

contract law in relation to the discharge of deeds.

As the author says in his preface, 'in the main, there is no need to refer to old English cases'. This is a precedent which it would be beneficial to follow in some chapters of Australian legal encyclopaedias which, in distinction to the title of the work in which they appear, sometimes significantly repeat the leading overseas authority rather than display an Australian exposition or application, which may not be as well known but would thereby become so.

The writing is crisp, clear, propositional. The book has, as a consequence, brevity without loss of comprehensiveness and lucidity. The argument is in the text,

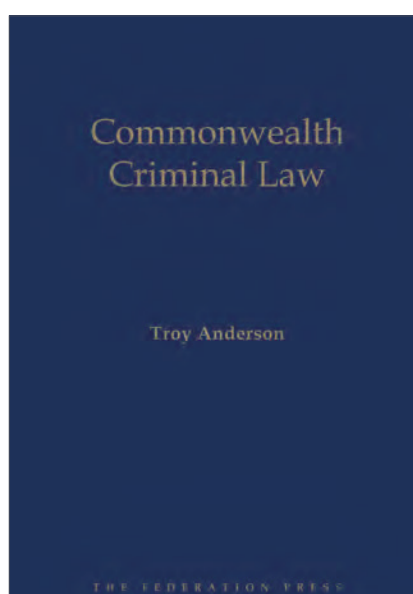
with the footnotes being useful but not intrusive. The index is thoughtfully constructed and also useful. In areas of difficulty or controversy, the competing lines are discussed, authority critiqued and difficulties discussed with respectful rigour, and a reasoned conclusion and preference posited. The quotations at the start of each chapter are apposite and add verve.

It should be clear that I like this book; if I had not been given a review copy I would have gone out and bought it. It will be of interest and use to academic and practitioner. It is overdue. If its theme of law reform is taken up, then any subsequent edition may require a new start and the '1st and only' edition will gain added value from becoming a collectors' item!

Reviewed by Gregory Burton SC FCIArb

Commonwealth Criminal Law

By T Anderson | The Federation Press | 2014



The Australian Federal criminal justice system is a complex meshing of various Federal statutes, the effects of the Australian Constitution, Federal and state investigative bodies, prosecutorial bodies and courts and state prisons. It is not always obvious what law regulates the elements of a criminal offence, its investigation, the right to silence or its abrogation, trial procedure, extradition and so on.

This new text successfully takes on the difficult task of drawing together this lacework of legal threads and presenting them in a studied and practical manner.

The text adopts a structure that is accessible to experienced practitioners and strangers to the Commonwealth criminal law.

Each chapter addresses defined issues in a logical manner and pinpoints key authorities and legislation. The text is very helpful to practitioners wanting to find a succinct discussion of issues and the main cases relating to them.

The first chapter provides an overview of the legislation that applies to the Commonwealth criminal law and how these interact with each other and state laws. This includes an explanation of the

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role of the Commonwealth Criminal Code.

The first chapter also addresses the roles of prominent participants in the Commonwealth criminal system and their empowering statutes, such as the Australian Federal Police, the Commonwealth Director of Public Prosecutions, ASIC and the ACCC.

The second chapter gives an analysis of key concepts of criminal responsibility and defences. It explains how Commonwealth legislation has changed common law concepts. The chapter canvasses issues such as mental and physical elements of offences, corporate criminal responsibility, onus of proof and geographical jurisdiction.

The third to eighth chapters cover various offences arising under Commonwealth criminal laws. The author has adopted the helpful format in each chapter of addressing investigation issues particular to such offences (including proceeds of crime issues), specific charges, case law on the elements of those charges and sentencing issues particular to such offences.

This structure in the third to eighth

chapters is one I haven't seen before in a legal text and I found it very helpful as a practitioner dealing with considering issues of investigation, charge and sentence for an alleged offence without having to search for each issue in unrelated parts of a text or over several texts.

The third to eighth chapters each deal with a category of offences and the various statutes that cover those categories of offences. For example, the third chapter deals with offences relating to dishonestly obtaining benefits from the Commonwealth and then addresses as subsets of that category offences under the Commonwealth criminal code, social security legislation and taxation laws.

In broad terms, the third to eighth chapters cover the broad categories of offences of frauds, Corporations Law offences, money laundering, counter-terrorism, serious drug offences and child exploitation.

The ninth chapter explores issues of sentencing, imprisonment and release from prison.

The last chapter provides an overview of the laws relating to extradition between

states within Australia and international extradition.

The author is a member of the NSW Bar who practises in the Commonwealth criminal field in both prosecution and defence roles. Equally, the text deals with its subject matter in a balanced and factual way.

Overall, the text will provide great assistance to lawyers practising in criminal law. It will also be an excellent resource for those encountering the Commonwealth criminal system for the first time as practitioners or students.

The author has embarked on an ambitious task in writing this text. He has succeeded in producing a text of high quality that I think is a valuable addition to any criminal law practice.

By Tony Di Francesco