Australian Torts Law, 3rd Edition

A Stickley
November 2012
LexisNexis
RRP $97

Australian Torts Law provides an engaging discussion of the key principles and recent developments in Australian tort law. This third edition is fully revised and updated. Key statutory provisions are identified across all jurisdictions, with a range of recent decisions arising from the legislation forming the basis of discussion and critical analysis.

Written in an accessible style with numerous extracts and examples, the text identifies and explains concepts in tort law in a manner which reflects a high level of scholarship, but doesn't lose sight of the fact that the reader may be new to the topic. It is written with the student in mind, but practitioners looking for a handy summary or quick refresher will be well served by it.

Case law is vital to grasp the main principles which apply, and the author recognises this with a sound, easy to follow analysis of pivotal cases.

With legislation now being a key component of tort law, the reader is assisted with helpful analysis across all Australian jurisdictions and the author has done an admirable job consolidating the multi-jurisdictional nature of the topic.

It covers the vital areas of Trespass, Negligence, Standard of care, Defences, Vicarious Liability, Remedies, to name just a few. It also has a chapter on Defamation, which many concise books don’t deal with. Recent cases include Strong v Woolworths Ltd (2012) and Miller v Miller (2011).

This book is sure to become a favourite with those working or studying in this area and will prove an interesting and useful resource for students and practitioners. Its comprehensive but concise format will make it a valuable companion to some of the major Torts texts which are in use in universities and a helpful standard for exam and essay preparation.

John Alati, Australian Medical Association

Annotated Criminal Legislation New South Wales 2012 – 2013

RN Howie and PA Johnson
December 2012
LexisNexis
RRP $99

This is an indispensable resource for practitioners who practice in criminal law in NSW. Any practitioners who appear in NSW Courts should have a copy at hand.

The book extensively reproduces the central pieces of criminal legislation. Each section is annotated with comprehensive and detailed commentary by former NSW Supreme Court Judge Roderick Howie QC and current NSW Supreme Court Judge Peter Johnson.

The 2012-13 edition includes a Quick Reference Directory along with shaded tabs which makes it quick and easy to navigate. Introductory chapters provide a 'workthrough' guide to proceedings before Magistrates in the Local Court. The body of the text is helpfully divided into key areas of legislation, including: criminal procedure, sentencing, trial procedure, crimes, bail, drugs, summary offences and investigation.

Each section of legislation is followed by concise, practical and authoritative commentary and a helpful discussion on how each section is applied in practice. The commentaries invariably include references to leading authorities, making the book an excellent tool for preparation of cases. The index, cross-referencing and table of cases make it easy to find relevant material. The book also includes proof material, that is, the proper form of indictment and the elements of each offence under the Crimes Act 1900, Drug Misuse and Traffic Act 1985 and the Summary Offences Act 1988.

The legislation within the book is current to October 2012, so care does need to be taken to ensure reference is made to current versions of each Act, particularly the Bail Act which has recently undergone wholesale changes. One area beyond the scope of the book is traffic law. Otherwise this text is a comprehensive and practical guide to the practice of criminal law in NSW.

James Maher, Kamy Saeedi Lawyers

Understanding Taxation Law 2013

F Gilders;
J Taylor;
M Walpole;
M Burton and
T Ciro
December 2012
LexisNexis
RRP $149

Understanding Australian Taxation Law 2013 is a practical and thorough exposition of the current Australian tax regime. The text is ideal for both students and practitioners, providing a sufficient level of introductory and technical material for both classes of reader.

The text aims to provide a solid grounding in the Australian tax system, offering legal, economic and accounting perspectives on the most critical areas of the tax system. It differs in this way from many other taxation law texts, which typically focus heavily on either a legal or accounting treatment of the tax system. The authors have crafted a much richer text, which identifies the economic policy and legal issues of each practice area before giving more specific accountancy treatment to discrete tax events.

The text is broadly divided into two areas. The first sections introduce the Australian tax system and the foundational concepts of ordinary and statutory income and deductions.

The text then considers more discrete areas of practice in increasing detail. This structure makes the text accessible to those without a background in tax practice, whilst providing sufficient detail to be a reference for experienced practitioners.

While the text offers a detailed reference for the most commonly practiced areas of Australian tax, its treatment of international taxation and anti-avoidance measures is more confined. These subjects will be of growing importance to those currently studying and future editions would benefit from more detailed analysis of these areas.

For those studying or practicing in general income tax law or accounting, the text is excellent reference and guide.

Lachlan Peattie, McSpaddenHarvey