Deregistration & Reinstatement of Companies & Schemes
John Tarrant
LexisNexis Butterworth
282 pp $140
Reviewed by Tim Tierney

Mr Stergiou was dissatisfied with Citibank's explanation for a number of debits on his loan account and ceased payments on his mortgage. Stergiou sued. Generally unrepresented, Mr Stergiou extracted a finding on one of the appeals requiring Citibank to re-start proceedings. Mr Stergiou then unsuccessfully took on the role of Plaintiff with various claims, including assertions of conspiracy and mental anguish, supplemented by actions against various firms of solicitors all the way to the High Court. Citibank then restarted their corrected proceedings with predictable success. After 13 years, Mr Stergiou was described by the judge as "a small tired sick David forced to fight a corporate goliath without any sizzle or stones", except one last "legal missile"; a company search showing the nominated Plaintiff had been de-registered. The proceedings were held to be a nullity.


John Tarrant wrote "De-Registration & Re-Instatement of Companies & Schemes" in response to this judgement intrigued by the challenges of managing the legal fictions that surround corporate legal personality and the extinction and re-creation of corporate existence.

The book is a comprehensive and thorough discussion of this limited topic.

Within the scope of that limited topic, practitioners will find answers to their questions even if sometimes the answer is only that the area is unclear.

The practical nature of the book is well illustrated by the comprehensive table of contents which lays out the topic by topic breakdown of the subject matter:

- A historical review of the nature of registration and re-instatement
- A short overview of the methods of de-registration of companies
- A lengthy chapter on the practical issues of de-registration of companies
- Standing to make a re-instatement application
- An overview of a re-instatement
- Practical issues upon re-instatement

Cross on Evidence, 9th ed
Honourable Justice J D Heydon
LexisNexis
1,477 pp $199 soft, $290 hard
Reviewed by Cameron Scott

Cross on Evidence is arguably one of the leading texts on the law of evidence. Cross, now in its 9th edition, is a compendium of evidence law and by examining both the former common law rules of evidence and the new uniform evidence law, it far exceeds the 'must-have' Uniform Evidence Law by Stephen Ogders.

The book starts with an insightful and interesting recitation of the history of the English and Australian law of evidence from its beginnings in England to the modern era of Uniform Evidence Acts. With a solid intellectual, historical and jurisprudential basis, readers will be delighted by the in-depth case law and statutory analysis. The 21 chapters in Cross are divided according to topics, rather than by listing parts or sections of the Uniform Evidence Acts. Accordingly greater depth and detail is spent analysing case law and discussing the scope and nature of the rules of evidence. For example, whole chapters are dedicated to the course of evidence, estoppels, the burden of proof, evidence of accused persons, privilege and importantly three lengthy chapters are specifically dedicated to hearsay evidence and its exceptions. By drafting the book in this format, His Honour allows the reader to gain a deeper appreciation for both the subtleties and complexities of the law of evidence.

Importantly the latest edition of Cross has updated its cases to include important recent decisions such as Kuhl v Zurich Financial Services Australia Ltd (2011) 243 CLR 361, regarding the rule in Jones v Dunkel. This edition also comprehensively covers changes both in the State and Commonwealth Evidence Acts and other statutes as well as the common law of England.

Whilst 1477 pages in length might be considered a formidable challenge, even for the most seasoned litigators, this is a must have book for every serious criminal or civil litigator. Cross is a book that can greatly assist practitioners to increase their knowledge of the law of evidence, and with its extensive case references, readers can be confident that this book will be an important addition to the personal or professional library.

Justice in Society
Belinda Carpenter & Matthew Ball
The Federation Press
242 pp $59.95
Reviewed by Cameron Scott

Justice in Society is written by Carpenter and Ball of the Queensland University of Technology and is published under the Federation Press label. Arguably this is a work that is underpinned in many ways by the philosophy of Michel Foucault and Jacques Derrida.

The authors of Justice in Society challenge the notion of what it means to have a just society. This is done by examining the assumptions that underpin our current understanding of the sources of injustices with a view to examining the nature of justice and injustice. Refreshingly the authors do not seek to define the utopian concept of justice and challenge the reader to reassess their core assumptions about justice and injustice within society. The thesis of the book is that our traditional sociological, biological, historical, political and philosophical explanations for injustice can limit the achievement of a just society. In attempting to answer the question of why injustice occurs within society, the authors scrutinise the assumptions that are the foundation of traditional explanations for the existence of injustice within Australian society, such as gender, ethnicity and poverty.

Justice in Society is comprised of three parts. Part one examines the ways in which we conceive justice and injustice, arguing that justice and injustice are easily identifiable, that all people, simply by virtue of being human, have an inherent moral worth that must be respected and treating people with equality is the basis for a just society. In part two the authors examine the role that our membership of a given class such as gender, sexual orientation, youth, race and aboriginality plays in affecting our own experience of injustice. In the third part, the authors analyse how our society responds to dealing with injustice by focusing on due process and the criminal law. They argue that equality before the law and due process are not sufficient bulwarks to ensure justice, citing the case of asylum seekers as one example.

Importantly, this book makes excellent use of current statistical data as well as recent sociological studies. It also tackles important, current topical legal issues such as mental health problems and sex trafficking. This book is an interesting read and worthwhile for any practitioner or student interested in questions of justice and injustice.