

RECENT PUBLICATIONS

(Contributed by Mr D Ananian-Cooper of Counsel)

The following books were recently published by The Federation Press which continues its impressive program of publishing works of the highest quality which advance and stimulate legal thought.

Migrant Labour Law: Unfolding Justice at Work in Free Markets by Giovanni Di Lieto

This impressive work was one of the two winners of the 2015 Chris Holt Publishing Prize offered by the Federation Press. It concerns the issues surrounding labour policies and institutional safeguards in a world of an increasingly mobile society and economy. In particular, the work seeks to explore solutions to the fact that those policies and safeguards have failed to maintain pace with the changing world. As the author says in the preface, “The analysis aims at making the theoretical leap from a citizenship and border-based framework of industrial relations to a more holistic concept of borderless labour mobility that prioritises global interests.” Naturally, such a discussion necessitates a consideration of the labour markets, their accessibility and cross-border labour rights. The work contains many important predictions as to the future movement of labour forces and markets and how governments might deal with such issues. It can be ordered for the very reasonable price of \$99.00 from The Federation Press website which can be accessed by [clicking here](#).

Australian Violence; Crime Criminal Justice and Beyond; Julie Stubbs and Stephen Tomsen (eds)

This work is a compilation of related contributions from criminologists and sociologists on the topic of violence in Australian society. Whilst it is noted that many in Australian society do not expect to encounter violence in their own personal lives, that is far from true for others. Moreover, as the authors note, violence in Australian society appears in many different forms and, particularly, in what is viewed via the media. That is especially so in the forms of football which are viewed by many in our society. Of greater significance is the existence of domestic violence, especially as against women in both the domestic situation and in the wider society. Of particular interest in this work is the consideration of State induced violence; being where the actions of the State in the purported protection of the body politic entrenches violent attitudes. The counter-intuitive notion of State sponsored violence generating greater societal violence is not new. It has been recognised in the United States for over half a century in various studies concerning the death penalty. However, this work seems to be the first where consideration of this topic is given to the Australian situation. The book also considers the responses to violence in Australia. In this respect, Professor Raewyn Connell opines in her Foreword:

“Finally, Australian Violence considers from several angles the responses to violence, and the official policies and practices aimed at reducing violence. The record is a very mixed one. Australian government had a world-leading triumph in reducing access to guns after the Port Arthur massacre. Yet a gun lobby emerged which has gained traction in its lunatic campaign to increase gun availability. No Australian government in recent times has faced up to the role of prisons, or the policing of poor communities, or the ‘War on Drugs’ in generating and reproducing violence. Nor is there enough public debate about the role of violent sport in legitimating force and aggression.”

This work is confronting and important. The views expressed in it are, at times, controversial yet they ought to be considered in the important context in which they are provided. The book requires careful consideration by anyone involved in dealing with the consequences of violence in our society. It can be ordered via The Federation Press website which can be accessed by [clicking here](#).

Cowen and Zine’s Federal Jurisdiction in Australia G Lindell (The Federation Press, 4th ed 2016)

Since the last edition of this classic text, published in 2002, there has been a resurgence of interest in issues related to federal jurisdiction. That seems to be the result of a number of important decisions of the High Court which preceded the last edition, the full consequences of which have played out only in the fourteen years since. These include most significantly, but by no means exclusively, its decisions in *Kable v Director of Public Prosecutions (NSW)* (1996) 189 CLR 51 and in *Re Wakim; ex parte McNally* (1999) 198 CLR 511.

The fourth edition of this text heralds a successful transition from its previous authors, both eminent and venerated scholars, to the next generation. The widely respected Professor Lindell has produced a fourth edition which Sir Anthony Mason describes in his forward as “a mine of information, accompanied by sophisticated and elaborate analysis” which “not only builds on the work of the author’s distinguished predecessors but surpasses it”.

In addition to comprehensively updating the earlier editions with the last fourteen years of the High Court’s jurisprudence, which has seen significant developments on the subject of federal jurisdiction, the text now contains several new chapters. Chapter 7 contains a much expanded and separate discussion of the principle in the *Kable* and *Kirk* line of cases; Ch 8 analyses the law to be applied by courts exercising federal jurisdiction, in particular ss 79 and 80 of the *Judiciary Act* 1903 (Cth); Ch 9 contains an analysis of the appellate jurisdiction of the High Court; and Ch 10 contains the author’s closing reflections on the present state of the law relating to federal jurisdiction.

In his closing reflections, Professor Lindell identifies “by far the most difficult practical shortcoming” of Australia’s dual system of federal and State courts as being the inevitable additional costs and delays which can be experienced by litigants forced to navigate it. While lamenting particularly the effect of the High Court’s decision in *Re Wakim* in this regard, he observes that “[t]here seems little likelihood of the High Court being persuaded to change its mind on this issue at least in the short term”, and that there is no appetite in government to pursue constitutional change.

Although this text no longer stands alone in addressing the complex and multifaceted topic of federal jurisdiction, having been recently joined by excellent works by the Honourable Mark Leeming and Professor James Stellios, it continues to stand apart as a seminal and thought provoking reference text useful to practitioner and student alike. It can be ordered via The Federation Press website which can be accessed by [clicking here](#).