

## IN\_PRINT

This month's books cover prosecuting, workplace health and safety, takeovers law and crime fiction.



## Prosecuting

Raymond Gibson KC, (2nd edn), Thomson Reuters (Professional) Australia Limited, 2022, pb \$120

This unique and important resource is authored by Raymond Gibson KC, senior crown prosecutor for the state of Victoria. The book is applicable to all Australian jurisdictions but, given the author's background, relies heavily on Victorian jurisprudence. As it is focused on the core work of a prosecutor, it is structured around hearing and trial work. The chapters range from drafting charges, witness conferences, trial openings and closings, through to prosecutorial ethics. This latest edition includes updates relating to witness intermediaries, tendency and coincidence evidence, post offence conduct (or incriminating conduct evidence) and a handy table of essential cases for prosecutors. This edition also has a new section with information about prosecuting for a career. Pertinently, this section carefully examines issues of empathy, wellbeing and vicarious trauma relevant to prosecutors. This is a practical handbook for any prosecutor and provides a learned and experienced view on how best to navigate and solve key issues that every prosecutor will likely face. It is also complementary to textbooks on criminal law and procedure, although it is not one itself. As the foreword from the first edition notes, historically, there has been (and in my opinion still is) little guidance in the form of publicly available prosecuting handbooks and textbooks. This book, therefore, fills a gap that exists in the market and does so with remarkable precision while being both readable and accessible. For those interested in or currently prosecuting, it would be an extremely worthwhile investment.

Liam McAuliffe, barrister, Victorian Bar



## Work Health and Safety Regulation in Australia

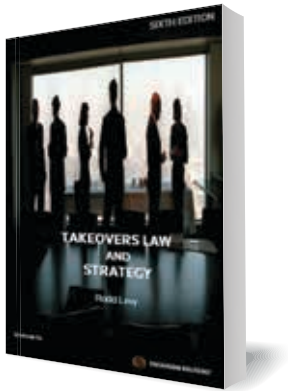
Richard Johnstone and Michael Tooma, The Federation Press, 2022, pb \$145

Over the past decade or so, labour lawyers have increasingly been giving more space in their practice to workplace health and safety, with work health and safety developing as its own specialist practice area for many practitioners. The development of this discrete area of workplace law coincided with the major reform introduced by the *Model Work Health and Safety Act 2010* and its subsequent adoption by most Australian states (Victoria being the current sole exception).

The principal purpose of this text is to explain how work health and safety laws operate in all Australian jurisdictions, a job it does very well. Written by both an academic and a leading practitioner, it provides a seamless blend of the theoretical and the practical. It achieves this by placing work health and safety regulation in its historical and policy context before considering its practical application in light of judicial interpretation and several state and federal reviews, most particularly the Boland review. To this extent the text will be invaluable to legal and human resources practitioners in advising their clients of their risks and obligations across all Australian jurisdictions.

More broadly, the authors understand that the new harmonised work health and safety legislation is "part of an evolution". As such, they have given themselves licence to make observations on needed areas of reform and to make honest and detailed critiques of the current system's failings, most comprehensively in relation to the work health and safety enforcement regime. This is where the text no doubt serves its greatest purpose, as an informed and ongoing discussion into the continuing way that this evolving area of law can be improved and enhanced, with the aim of providing better and healthier workplaces for all.

Joseph Kelly, Kelly Workplace Lawyers



## Takeovers Law and Strategy

Rodd Levy, (6th edn), Thomson Reuters, 2023, pb \$240

An update from the fifth edition published in 2017, this text provides a comprehensive analysis of the law associated with takeovers generally including a discussion of both ASIC and the Takeovers Panel and how the latter's role has evolved.

As stated in the preface by the author, Treasury is currently in the process of a consultation in relation to control transactions in Australia and in particular the role the Takeovers Panel will have in the future.

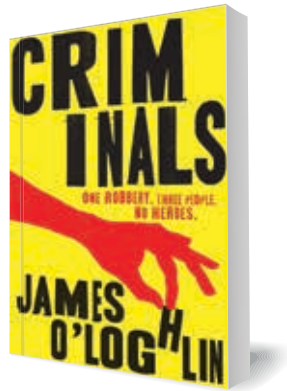
As indicated by its title, though, the book has a primary focus on the practical issues to be addressed by practitioners when acting for either bidders or a target entity.

Practical matters that are given particular attention include strategic planning and structural considerations; pre-bid activity together with offer terms, bidder's statements, procedures and strategies during the offer period, a target's defensive strategies and responses to bids, and conflicts of interest.

The Table of cases has been updated to include the significant number of decisions of courts and Takeovers Panel that have occurred in this area since the fifth edition. A text discussion of the more significant of these cases is instructive as to how the procedural steps in the takeover process are viewed.

The format and structure of the book provide a valuable guide for practitioners in what is a potentially complex area of law and where significant stakes for all participants are in play.

Peter Flanagan, lawyer, Melbourne



## Criminals: One robbery. Three people. No heroes

James O'Loughlin, Echo Publishing, 2022, pb \$30

The setting is NRL-mad Blacktown, New South Wales. This is a story of a robbery gone wrong from the viewpoints of three of the parties. A football hero, a cop on leave and an English teacher are the principals and they navigate loss, grief and ethical dilemmas and attempt to resist a spiral into crime.

"I wanted to commit another crime, a bigger one. So far I relied on stealth and trickery, but those who inspired me, the robbers at the club, had no use for subtlety. I had barged in, gun swinging, threatening violence, creating fear, covering us into submission."

We know James O'Loughlin as a comedian and presenter on ABC's *The New Inventors* but here he draws on his professional experience as a commercial and criminal lawyer in the early 1990s.

Back then Australia was headed into a recession and very high jeans with mullets were fashionable. Ah, those were the days. O'Loughlin crafts a compelling tale of the three main characters and also a supporting cast of interesting and relatable people – a dad, a mum, a daughter studying at Oxford and a son.

This is at times a tender portrayal of the lives of ordinary people who come into contact with the crime and the criminal law and learn to appreciate what they have. "It's not what we've lost, It's what we have left."

It will appeal to criminals and the lawful alike. ■

Tasman Ash Fleming, barrister and mediator



## LAW BOOKS

### The Law Handbook 2023



Fitzroy Legal Service  
Member: **\$144**  
Non-member: **\$160**

Updated annually by more than 80 legal specialists and covering more than 90 common law topics, *The Law Handbook* is the leading guide to Victorian law.

[www.liv.asn.au/LawHandbook23](http://www.liv.asn.au/LawHandbook23)

### Corporations Legislation 2023



Jason Harris, Karen Petch, Kerry Abadee and Alexandra Pieniasek  
Member: **\$107.10**  
Non-member: **\$119**

Thanks to its reputation for accuracy, dependability and reliability, this is the go-to resource on corporate law for legal students and practitioners.

[www.liv.asn.au/CorporationsLegislation](http://www.liv.asn.au/CorporationsLegislation)

### Modern Statutory Interpretation: Framework, Principles and Practice



Jeffrey Barnes, Jacinta Dharmananda and Eamonn Moran  
Member: **\$134.95**  
Non-member: **\$149.95**

This work provides in-depth coverage of statutory interpretation law and related topics such as legislative drafting, the parliamentary process, sources of doubt and more.

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