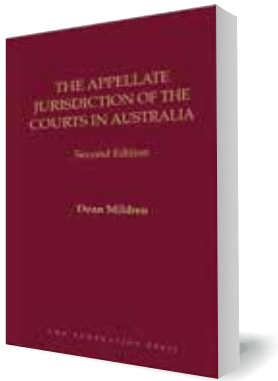


IN_PRINT

This month's books cover appellate courts in Australia, fiction and law of executors and administrators.



The Appellate Jurisdiction of the Courts in Australia

Dean Mildren, (2nd edn), The Federation Press, 2023, hb \$180

This is a monograph of 266 pages by Dean Mildren, a former judge of the Supreme Court of the Northern Territory (1991-2013), written across Australia's nine Commonwealth, state and territory jurisdictions. The smaller jurisdictions are not overlooked. The book appears only eight years after the first edition, and includes updates on, for example, the Federal Circuit and Family Court in a new chapter. As the book makes clear, there is a lot to appeals beyond lodging an appeal.

The book is made up of 15 chapters starting with the right to appeal; types of appeal (including *de novo* and rehearing); alternatives to appeals, referrals, case stated, declarations and judicial review; common requirements for lodging an appeal and responding to an appeal. There are useful tips in some of the chapters such as the chapter on preparing the written submissions with advice to "you" and "you should".

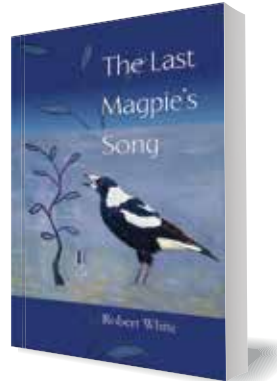
The book covers applications for leave, appeals against convictions in criminal proceedings, appeals by the Crown against acquittals, orders and rulings, sentencing appeals, appeals in civil cases and leave applications. There are separate chapters on appeals and removal to the High Court and federal courts (Federal Circuit and Family Court of Australia; Federal Court of Australia) and military tribunals.

The final chapter of seven pages comprises practical lessons on arguing an appeal addressed to "you" with only three citations. The author starts with "your appearance" and "a glass of water will often help" at the oral hearing. His words of wisdom in this chapter could stand alone as a teaching resource in law school courses.

The book is heavy with case citations and includes very detailed pinpoint page references sometimes running to six lines. There is a comprehensive index of 11 pages. There is little academic literature and few references to any lessons which may be learned from comparative jurisdictions.

In short, this book provides a detailed description of the appellate jurisdiction of the courts in Australia.

Paul Latimer, adjunct professor, Swinburne Law School



The Last Magpie's Song

Robert White, robertwhitebooks.com, 2022, pb \$22

This book opens with a quote from William Shakespeare.

The author Robert White is a lawyer and has practised for a number of years in Melbourne. There are certainly parallels with the author's life in the main character Bernard's life.

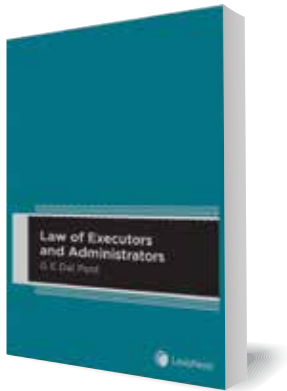
The story is told in two parts, the first set in early 1960s suburbia. Jordaville of 1961 was one of returned soldiers and latchkey children having adventures. This has a stand by me feel and very nostalgic take on the era although there are references to the prejudices and intolerances of the time.

The second part is set in pre-COVID Melbourne and is far more hard boiled – there is a mystery and threats and a "dame". It follows the grown up Bernard as he navigates his failed career, relationships and marriage between lunches at the Australian Club. Bernard is living in his Richmond investment property and is trying to get back into the Balwyn family home.

There is genuine mystery here and enough plot twists and local references to make a Melbourne reader interested. Threading through this is the mystery of what happened to the late uncle who was a POW and died in Sandakan, Borneo.

The Last Magpie's Song has broad appeal to those who are interested in militaria, or mystery paperbacks, or those who live in the south eastern suburbs.

Tasman Ash Fleming, barrister and accredited mediator (NMAS)



Law of Executors and Administrators

GE Dal Pont, LexisNexis, 2022, pb \$300

In the prologue, the author sets out his justification for a new Australian text dedicated to the topic of executors and administrators. The justification arises from a mix of the circumstances comprising an ageing population, an increase in the size of asset pools the subject of devolution on death, and the critical role in this context of personal representatives.

The book is divided into five parts addressing:

- the office of personal representatives
- grants of probate and administration
- the duties of representatives
- their powers and entitlements
- the allocation and distribution of estates.

The analysis of the above topics is undertaken in a clear and well formatted style.

Of particular interest to both personal representatives and those advising them are the sections in the book in Part III dealing with the practicalities of administering an estate and what constitutes a breach of duty in that context.

Part IV sets out, in an informed and practical way, the details of the personal representative's powers both to sell and postpone sales, to appropriate, to carry on business and to compromise.

As well as estates today comprising more substantial asset pools, those asset pools are increasingly more complex in their component parts. In addition, will instruments themselves are required to deal with a more nuanced set of family mosaics.

The potential consequence of the above is that there are traps not limited simply to new players but rather for all those engaged in this area of law.

This text will stand as a valuable and important new Australian resource in estate administration generally. ■

Peter Flanagan, lawyer, Melbourne



LAW BOOKS

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Belinda Bennett and
Ian Freckelton
Member: \$144
Non-member: \$160

Written by leading scholars, this collection explores the historical, constitutional and global foundations of public health law and analyses the role of law in community wellbeing.

www.liv.asn.au/AustralianPublicHealth

Parker and Evans's Inside Lawyers' Ethics e4



Vivien Holmes and
Francesca Bartlett
Member: \$94.45
Non-member: \$104.95

This practical publication examines ethical decision-making in legal practice using four theoretical concepts: adversarial advocacy, responsible lawyering, moral activism and ethics of care.

www.liv.asn.au/InsideLawyersEthics

Wellness for Law: Making wellness core business



Adiva Sifris and Judith
Marychurch
Member: \$85.50
Non-member: \$95

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Level 13, 140 William Street, Melbourne
lawbooks@liv.asn.au