



# THE FEDERATION PRESS

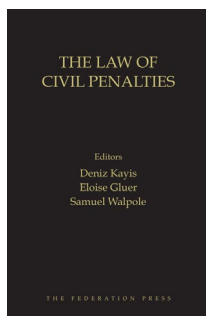


BOOKS WITH IDEAS

## NEW RELEASES FOR SPRING 2023

We are very pleased to bring you our latest selection of books. Highlights include major new collections on civil penalties and corporations law. We are also pleased to be publishing a new edition of the leading work on tax avoidance, the first comprehensive treatise on the law of contempt in Australia, and the first major biography of former High Court Chief Justice, Sir Gerard Brennan. To make this catalogue more informative for readers we have inserted a number of links to PDF copies of book forewords, sample chapters or reviews.

Use code **EP1808** at checkout to get **FREE SHIPPING** on any Australian order until 30 September.

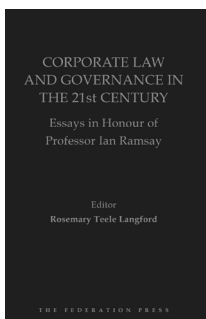


### **THE LAW OF CIVIL PENALTIES** Deniz Kayis, Eloise Gluer, Samuel Walpole (eds)

Civil penalties play a central role in regulation in Australia. There has been an ever-developing corpus of cases relating to the imposition of civil penalties alongside the increasing enactment and use of civil penalty provisions. The past decade has seen three landmark decisions of the High Court of Australia directed at the fundamental principles of the law of civil penalties. This collection of essays considers the purpose of civil penalties, the principles underpinning their imposition, and their deployment in different areas of the law as important tools of regulation and enforcement. It features a variety of different perspectives – judges, barristers, solicitors, academics, regulators, policy-makers and NGOs – from which it examines the doctrine of the law of civil penalties and reflects upon potential further development in this critical area of regulatory law and practice.

Read the [Foreword](#) by the Hon Robert French AC

August 2023 • HB • 352pp • 9781760024611 • eBook 9781760024628 • RRP \$180



### **CORPORATE LAW AND GOVERNANCE IN THE 21st CENTURY: Essays in Honour of Professor Ian Ramsay** Rosemary Teele Langford (ed)

This innovative collection comprises a series of chapters by noted authors on important current issues in corporate law and governance in honour of Emeritus Professor Ian Ramsay AO – Australia's leading corporate law and governance scholar. Authors include former judges of the High Court of Australia and the Supreme Court of NSW, the chair of ASIC, and prominent Australian and international academics. Themes include: the impact of environmental, social and governance issues on financial regulation, corporate governance and shareholders; emerging issues for statutory and general law duties of care and to act in good faith in the interests of the corporation; the complexity and scope of corporate law legislation and governance; and the impact of technology on financial regulation, corporate governance, the consumer credit sector and ASIC's regulatory strategies.

Read the [Foreword](#) by the Hon Ken Hayne AC KC

September 2023 • HB • 288pp • 9781760024598 • eBook 9781760024604 • RRP \$180

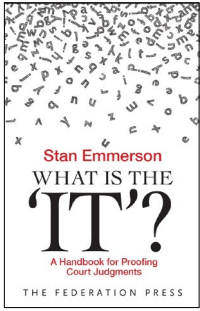


### **TAX AVOIDANCE IN AUSTRALIA, 2nd ed** GT Pagone, Jonathan Woodger

This authoritative work provides a practical explanation of the main general tax avoidance provisions in Australia. The explanation is placed in the context of the perceived deficiencies with the previous provisions and the elusive nature of the distinction between impermissible tax avoidance and permissible tax planning. It explains each of the elements necessary for the application of the anti-avoidance provisions. The book also addresses the obligations on advisers and the potential liability they face when advising taxpayers. It covers all of the significant legal developments since the original book's publication, including the major amendments of Part IVA, the new multinational anti-avoidance and diverted profits tax provisions, and the latest leading decisions on Part IVA and Division 165. Every legal and accounting professional advising on tax and commercial matters will find this book a rich and useful resource.

Read the [Foreword](#) by AJ Myers AC KC

September 2023 • PB • 356pp • 9781760024635 • eBook 9781760024642 • RRP \$145

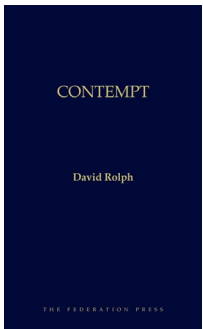


## WHAT IS THE 'IT?': A Handbook for Proofing Court Judgments

**Stan Emmerson**

The proofing of judgments is one of the most important jobs a judge's associate will be asked to do. It is also one of the most difficult. This book highlights techniques for proofing a judgment effectively, things to watch out for, and traps that are easy to fall into. The author is uniquely positioned to write this book, having worked closely with a generation of associates to High Court judges. In a sense, it is a distillation of all of the conversations he has had, and the questions he has most frequently found himself answering, over that time. Although it is primarily addressed to judges' associates, it will also be an invaluable resource for anybody who is involved in legal writing or editing.

**September 2023 • PB • 164pp • 9781760024765 • eBook 9781760024772 • RRP \$69.95**



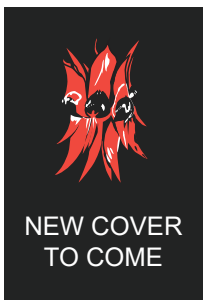
## CONTEMPT

**David Rolph**

This book is the first comprehensive treatment of the Australian law of contempt of court. It provides a rigorous but accessible exposition of the fundamental principles of this somewhat arcane area of law. It considers all forms of contempt, including civil contempt, sub judice contempt, contempt in the face of the court, scandalising the court and interference with the administration of justice as an ongoing process. It also examines the difficult issue of the distinction between civil and criminal contempt. The book also analyses the procedure and penalties for contempt of court.

Read the [Foreword](#) by the Hon Justice Stephen Gageler

**October 2023 • HB • c.800pp • 9781760024659 • eBook 9781760024666 • RRP \$265**



## SIR GERARD BRENNAN: The Law's Good Servant

**Jeff FitzGerald**

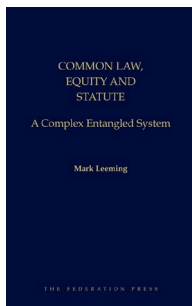
This is the first comprehensive biography of Sir Gerard Brennan, who is best known for his judgment in the *Mabo* case. It highlights the significant role Brennan played in the development of Australian law and in society more broadly. It traces his family background and life, education, and early career in Queensland before turning to the roles for which he is best known - inaugural president of the AAT, judge of the Federal Court and High Court, and finally, Chief Justice of Australia. It provides detailed analysis of Brennan's most significant judgments and compares his reasoning with that of other members of the court. In so doing, it provides valuable insight into his judicial methodology. The book explores how Brennan dealt with the sometimes competing demands of the strict application of legal precedent, and of the need to do justice in a changing social context. It also considers the way he sought to balance the compelling demands of his judicial duties and those he saw inherent in both his family responsibilities and his Catholic faith. The portrait which emerges does justice to Brennan the man, as well as Brennan the judge.

As Registrar at UTS, the author worked closely with Brennan during the period he was Chancellor. He interviewed Brennan extensively, was given access to personal documents, and interviewed more than sixty of Brennan's colleagues, associates, family members and friends. The resulting book is an important historical record of the life and times of a great Australian and will give readers a deeper understanding of the inner dynamics of the Australian court system.

**November 2023 • HB • c.600pp • 9781760024789 • eBook 9781760024796 • RRP \$79.95**

## DO YOU HAVE AN IDEA FOR A BOOK?

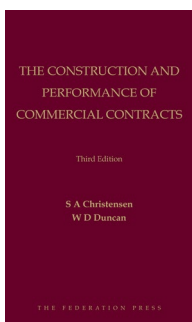
The Federation Press is always interested in commissioning new, high quality, practitioner books. If you have an idea for a book and would like to discuss the possibility of publishing it, please contact our publishers, Trisha Valliappan or Jason Monaghan, by calling 02 9552 2200 or at [publishing@federationpress.com.au](mailto:publishing@federationpress.com.au)



## **COMMON LAW, EQUITY AND STATUTE: A Complex Entangled System** **Mark Leeming**

This strikingly original book analyses what is meant by the 'common law of Australia', what is the relationship between judge-made law and statutes, and how courts resolve novel questions of law. It explains why some questions are best regarded as aspects of the common law, why others are best regarded as questions of statutory construction, why some are difficult to characterise, and why this matters. It also explains why equity continues to be a distinct component of judge-made law, with a different relationship with statute. And it gives a nuanced account of precedent and the role of authority from different jurisdictions.

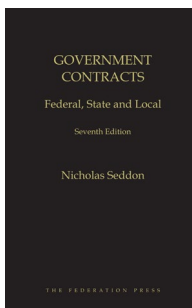
Read the [Opening Dialogue](#) and [Chapter 1 – Introduction](#) from *Common Law, Equity and Statute*  
June 2023 • HB • 352pp • 9781760024574 • eBook 9781760024581 • RRP \$180



## **THE CONSTRUCTION AND PERFORMANCE OF COMMERCIAL CONTRACTS, 3rd ed** **Sharon Christensen, Bill Duncan**

The third edition of this work analyses a number of commonly found boilerplate clauses in commercial contracts and illustrates, through case law, how they have been judicially interpreted. Each chapter concludes with recommendations as to the issues that should be considered when drafting such clauses. The emphasis is upon the application of the principles of contract directly to the construction of contracts and is not merely a recitation of those principles. Recent appellate court decisions (including those of the HCA, NSWCA and VCA) have been added to this edition to illustrate points of construction.

July 2023 • HB • 736pp • 9781760024550 • eBook 9781760024567 • RRP \$195



## **GOVERNMENT CONTRACTS: Federal, State and Local, 7th ed** **Nicholas Seddon**

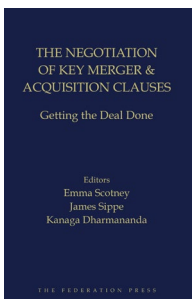
When government entities make contracts, the ordinary law of contract is only a part of the law that is engaged. This thoroughly revised and updated new edition analyses the complex and developing mixture of private and public law that informs government contracting. While the focus is on the legal aspects of governments choosing to use contracts, it does, however, engage with the principal practical issues that need to be considered by government personnel. It is an essential resource for lawyers advising government or a counter-party in a government contract.

Read a [full review](#) of the 7<sup>th</sup> edition of *Government Contracts* from *Ch III Newsletter of the Federal Dispute Resolution Section of the Law Council of Australia*.

May 2023 • HB • 608pp • 9781760024444 • eBook 9781760024451 • RRP \$195

ALSO AVAILABLE **SEDDON ON DEEDS, 2nd ed**

September 2022 • HB • 336pp • 9781760024116 • eBook 9781760024123 • RRP \$165



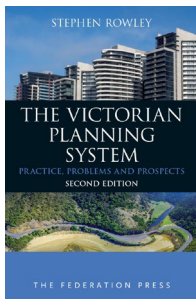
## **THE NEGOTIATION OF KEY MERGER & ACQUISITION CLAUSES:** **Getting the Deal Done** Emma Scotney, James Sippe, **Kanaga Dharmananda (eds)**

Written by an experienced team of practitioners, this book provides an insight into M&A agreements in Australia. It addresses the negotiation of key clauses in M&A transactions from start to completion; detailing the typical underlying commercial considerations and critical issues behind the identified clauses. It then sets out standard approaches to such clauses. The book serves two purposes: a conceptual purpose, to show how a complex legal transaction can be traced to underlying commercial considerations; and a pedagogic purpose, to highlight the underlying structure of the M&A contract. It will be an important resource for company directors, lawyers, bankers and students.

Read the [Preface](#) to *The Negotiation of Key Merger & Acquisition Clauses*

June 2023 • HB • 272pp • 9781760024352 • eBook 9781760024369 • RRP \$180

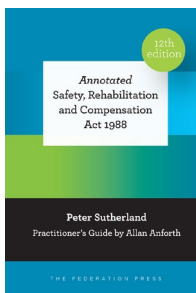
# RECENT RELEASES



## **THE VICTORIAN PLANNING SYSTEM: Practice, Problems and Prospects, 2nd ed** **Stephen Rowley**

Essential reading for all Victorian planning professionals. Rowley's book demystifies the planning system in accessible language and with an engaging narrative. Updates to the second edition include the finalised *Plan Melbourne 2017–2050*, the 'Smart Planning' program, the integrated Planning Policy Framework, revisions to residential development provisions and the *Environment Protection Act*, among others. Other new areas of discussion in this edition include planning in growth areas, biodiversity offsetting for native vegetation removal and Aboriginal heritage.

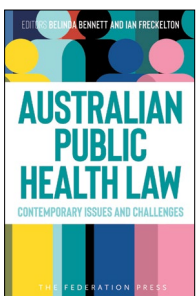
**June 2023 • PB • 396pp • 9781760024338 • eBook 9781760024345 • RRP \$99**



## **ANNOTATED SAFETY, REHABILITATION AND COMPENSATION ACT 1988, 12th ed** **Peter Sutherland**

The 12th edition of this well-known reference book provides the full text of the *Safety, Rehabilitation and Compensation Act 1988* current at 1 February 2023 and annotations of court and tribunal decisions to 1 February 2023. Sutherland discusses the meaning of 'injury' and 'disease' following *MRCC v May* [2016] HCA 19 and *Wuth v Comcare* [2022] FCAFC 42, as well as 'reasonable administrative action taken in a reasonable manner', medical treatment and construction of the approved Guide. Contributor Allan Anforth provides an updated Practitioner's Guide aimed at claimants and their representatives.

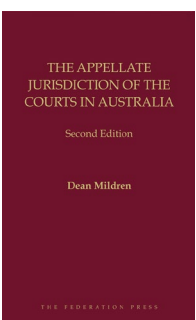
**May 2023 • PB • 1056pp • 9781760024376 • eBook 9781760024383 • RRP \$165**



## **AUSTRALIAN PUBLIC HEALTH LAW: Contemporary Issues and Challenges** **Belinda Bennett, Ian Freckelton (eds)**

This book explores the changing scope of public health law. In 26 chapters, written by leading scholars, this innovative collection analyses the role of law in supporting health and safety for the community. It explores the intersections between public health law and human rights, analysing issues in genomics, access to medicines, mental health law and Indigenous health equity. Other topics addressed include: food, alcohol, tobacco and drug regulation; environmental law; communicable diseases; and workplace health and safety law.

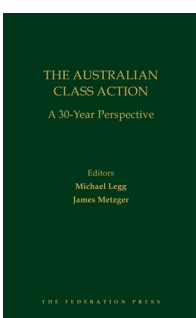
**March 2023 • PB • 704pp • 9781760024178 • eBook 9781760024185 • RRP \$160**



## **THE APPELLATE JURISDICTION OF THE COURTS IN AUSTRALIA, 2nd ed** **Dean Mildren**

The second edition of this well-received work describes and discusses the principles of law and practice which guide Australian appellate courts at all levels. In addition, it deals with the jurisdiction and powers of appellate courts, and what alternative remedies are available if there is no right of appeal. Appellate courts also have original jurisdiction, and this is likewise considered. Civil appeals and criminal appeals are dealt with separately because, although there are commonalities between them, criminal appeals in particular give rise to different considerations. Other chapters cover appeals from military tribunals, the new Federal Circuit and Family Court of Australia, and the Federal Court.

Read the recent [review](#) by J Sargent of Counsel, in the *Queensland Law Reporter*  
**February 2023 • HB • 320pp • 9781760024291 • eBook 9781760024307 • RRP \$180**



## **THE AUSTRALIAN CLASS ACTION: A 30-Year Perspective** **Michael Legg, James Metzger (eds)**

Class actions are an especially controversial form of litigation. They are both loved and loathed. This book, with chapters written by leading Australian jurists and scholars, reflects on the major themes and controversies which have arisen during the 30 years following the enactment of modern class action procedures. Topics examined include the initial objectives, such as access to justice and the efficient resolution of multiple claims, and how the key requirements of procedural fairness, open justice and finality apply in the class action context. It also explores the role of lawyers and litigation funders as well as examining the class action through the lenses of law and economics, comparative law and politics.

**January 2023 • HB • 336pp • 9781760024253 • eBook 9781760024260 • RRP \$180**