



THE FEDERATION PRESS



BOOKS WITH IDEAS

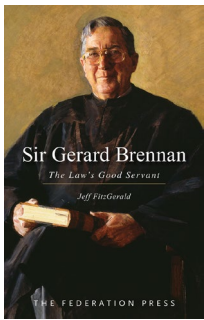
NEW + RECENT RELEASES + A SPOTLIGHT ON BIOGRAPHIES

We are very pleased to bring you our latest selection of books. Hot off the presses this month is a major new biography – *Sir Gerard Brennan: The Law's Good Servant*, written by Jeff FitzGerald.

To celebrate the publication of this important work we are offering a 25% discount, for orders placed before March 31, on a range of our other biographies and works on legal history. Although we mainly focus on publishing topical legal texts and monographs, The Federation Press is proud of its long-held tradition of publishing original scholarship dealing with important aspects of Australia's rich and unique legal history.

Given Brennan's role in the *Mabo* decision, it seems apt that we are also publishing this month a significant new work dealing with sovereignty of sea country in the Northern Territory.

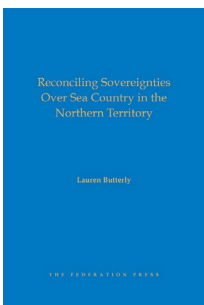
Finally, we are offering **free shipping on all Australian orders placed by March 31** – use the code **EP1821** at checkout.



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.

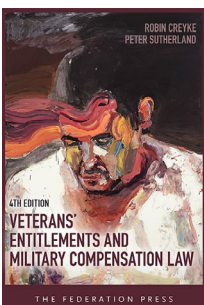
March 2024 • HB • 528pp • 9781760024789 • eBook 9781760024796 • RRP \$79.95



RECONCILING SOVEREIGNTIES OVER SEA COUNTRY IN THE NORTHERN TERRITORY Lauren Butterly

The *Blue Mud Bay Case*, handed down by the High Court in 2008, was a historic decision that granted the strongest Aboriginal rights over sea country in Australia. Following that decision, the NT Government and Traditional Owners agreed that the best way to move forward was to negotiate how the relevant sea country would be governed. The pre-history and aftermath of the *Blue Mud Bay Case* reveals a series of evolving interactions between Indigenous and settler-state assertions of sovereignty in sea country. This book analyses five historical and contemporary episodes and demonstrates that the protracted nature of the *Blue Mud Bay* negotiations has been caused by the underlying struggle of the settler-state to acknowledge the challenge to the settler-state's assertions of authority over sea country.

March 2024 • HC • 240pp • 9781760024314 • eBook 9781760024321 • RRP \$145

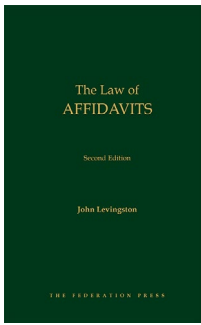


VETERANS' ENTITLEMENTS AND MILITARY COMPENSATION LAW, 4th ed Robin Creyke, Peter Sutherland

This is the only book devoted to the law on veterans' entitlements and military compensation in Australia. The book comprehensively annotates the unified military compensation scheme introduced by the *Military Rehabilitation and Compensation Act 2004* and its predecessor veterans' entitlements scheme under the *Veterans' Entitlements Act 1986*. The 4th edition covers all of the recent major reports into the veterans' law and military compensation system and includes annotations of all relevant High Court, Federal Court and Administrative Appeals Tribunal decisions on the two Acts. The book is an important reference for all those assisting veterans to obtain their entitlements to the pensions and benefits available to those who have served their country, be they ex-service organisations, Tribunal members, legal practitioners or Departmental officials.

March 2024 • PB • c460pp • 9781760024949 • eBook 9781760024956 • RRP \$160

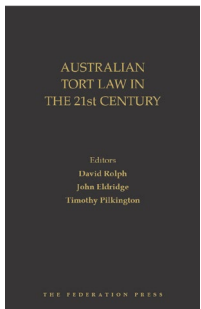
FORTHCOMING AND RECENT RELEASES



THE LAW OF AFFIDAVITS, 2nd ed John Levingston

The second edition of this work, which covers the law and practice in relation to the use of affidavits, has been thoroughly updated and expanded, and now covers Singapore as well as Australia and New Zealand. Affidavits are used in Courts and Tribunals including arbitrations, to provide the evidence-in-chief of witnesses. Non-compliance with the rules that apply to affidavits can result in the evidence being excluded, the case being lost, or proceedings adjourned with adverse costs orders against the party, or against the lawyer who prepared the affidavit. *The Law of Affidavits* provides a ready reference of evidentiary, formal and procedural rules together with precedents. As such, it is an essential book for all lawyers involved in preparing affidavits.

April 2024 • HB • c380pp • 9781760024987 • eBook 9781760024994 • RRP \$180

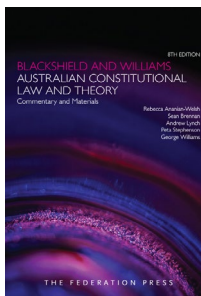


AUSTRALIAN TORT LAW IN THE 21st CENTURY

David Rolph, John Eldridge, Timothy Pilkington (eds)

Recent decades have seen the Australian law of torts undergo a significant transformation. The statutory regimes enacted in the wake of the *Ipp Report* have given rise to a considerable volume of case law. At the same time, the changing economic and social landscape has thrown up fresh challenges for the law to deal with. This volume – which is a companion to the well-received *Australian Contract Law in the 21st Century* – brings sustained attention to a number of subjects in this sphere which merit examination. It includes chapters from leading commentators on the law of torts, and will be essential reading for academics, judges, and all practitioners involved in litigation or providing advice with respect to tort liability.

February 2024 • HB • 304pp • 9781760024871 • eBook 9781760024888 • RRP \$180

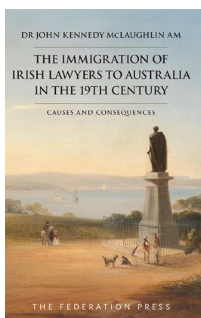


BLACKSHIELD AND WILLIAMS AUSTRALIAN CONSTITUTIONAL LAW AND THEORY: Commentary and Materials, 8th ed

Rebecca Ananian-Welsh, Sean Brennan, Andrew Lynch, Peta Stephenson, George Williams

An expanded author team brings fresh perspectives to this new edition of Australia's leading and most comprehensive treatment of constitutional law. The 8th edition has been thoroughly updated and redesigned to improve navigability and includes: new material on the Voice to Parliament and the outcome of the 2023 referendum; an up-to-date consideration of major High Court cases in areas including the executive, separation of judicial power, inconsistency, aliens power and implied freedom of political communication; improved coverage in the areas of executive power and the judiciary; and a new executive summary at the start of each chapter.

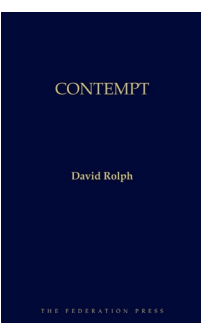
January 2024 • PB • 1576pp • 9781760024819 • eBook 9781760024826 • RRP \$185



THE IMMIGRATION OF IRISH LAWYERS TO AUSTRALIA IN THE NINETEENTH CENTURY: Causes and Consequences John Kennedy McLaughlin

The book explains how it was that so many young Irish immigrants chose the Australian Colonies for themselves, to make careers in the law. The book backgrounds how the divisions in Ireland – by class and religion – and a lack of opportunity led them to look elsewhere; the choices before them; and how they managed to infiltrate an already well established, English trained, colonial legal profession. The author's fine appreciation of these immigrant lawyers' Irishness, humour and feistiness is woven throughout his engaging narrative. The author addresses a range of subjects including: whether the Irish lawyers brought with them the sectarianism prevalent in their homeland; the nature of the interactions between Irish lawyers and the Indigenous populations; and the significant impacts Irish lawyers had on the development of the colonies.

Read the Foreword by Stefan Petrow and the Note about the Author by the Hon Michael Kirby, AC CMG. December 2023 • HB • 320pp • 9781760024536 • eBook 9781760024543 • RRP \$79.95



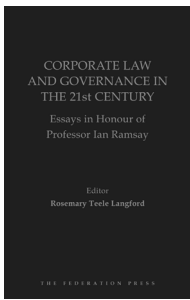
CONTEMPT David Rolph

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 examines the distinction between civil and criminal contempt and also analyses the procedure and penalties for contempt of court. Essential reading for everyone involved in litigation.

Read the Launch Speech by the Hon Chief Justice Andrew Bell

October 2023 • HB • 960pp • 9781760024659 • eBook 9781760024666 • RRP \$265

RECENT RELEASES

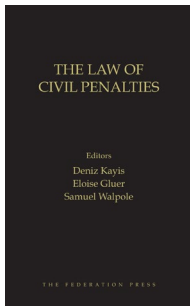


CORPORATE LAW AND GOVERNANCE IN THE 21st CENTURY: Essays in Honour of Professor Ian Ramsay Rosemary Langford (ed)

This innovative collection features chapters by noted authors on important current issues in corporate law and governance in honour of Professor Ian Ramsay. Authors include former judges, the chair of ASIC, and prominent academics. Themes include: the impact of ESG issues on financial regulation, corporate governance and shareholders; emerging issues for 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, the consumer credit sector and ASIC's regulatory strategies.

Read the **Foreword** by the Hon Ken Hayne AC KC

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

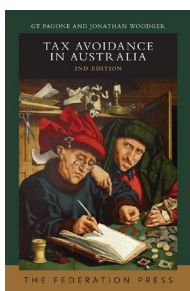


THE LAW OF CIVIL PENALTIES Deniz Kayis, Eloise Gluer, Samuel Walpole (eds)

Civil penalties play a central role in regulation in Australia. There has been an ever-developing corpus of cases – including three landmark decisions by the High Court – alongside the increasing enactment and use of civil penalty provisions. This book considers the purpose of civil penalties, the principles underpinning their imposition, and their deployment in different areas of the law as tools of regulation and enforcement. It features a variety of perspectives – judges, barristers, solicitors, academics, regulators, and NGOs – from which it examines the law of civil penalties and reflects upon potential further developments.

Read the **Foreword** by the Hon Robert French AC

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

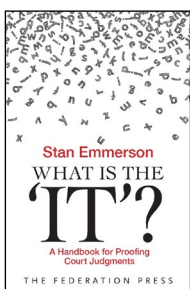


TAX AVOIDANCE IN AUSTRALIA, 2nd ed GT Pagone, Jonathan Woodger

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 new edition also addresses the obligations on advisers and the potential liability they face when advising taxpayers, and has been thoroughly revised and updated.

Read the **Foreword** by AJ Myers AC KC

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

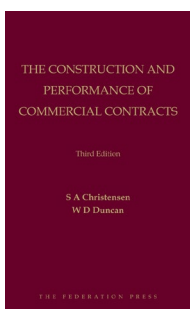


WHAT IS THE 'IT?': A Handbook for Proofing Court Judgments Stan Emmerson

The proofing of judgments is one of the most important, and most difficult, jobs a judge's associate will be asked to do. 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. 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.

Read the **Foreword** by The Hon Susan Kiefel AC

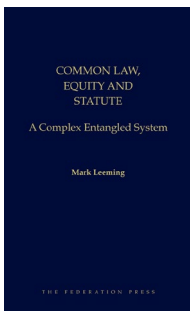
August 2023 • PB • 164pp • 9781760024765 • eBook 9781760024772 • RRP \$69.95



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 have been added to this edition to illustrate points of construction.

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

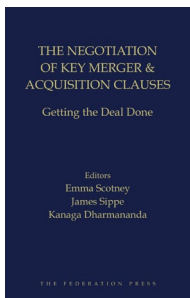


COMMON LAW, EQUITY AND STATUTE: A Complex Entangled System

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, 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

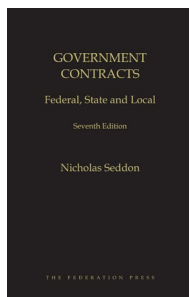


THE NEGOTIATION OF KEY MERGER & ACQUISITION CLAUSES: Getting the Deal Done

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.

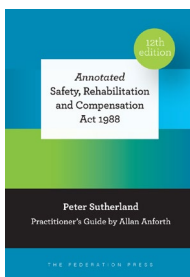
Read the **Preface** to *The Negotiation of Key Merger & Acquisition Clauses*
June 2023 • HB • 9781760024352 • eBook 9781760024369 • RRP \$180



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 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 the **full review** of the 7th edition of *Government Contracts* from *Ch III Newsletter of the Federal Dispute Resolution Section of the Law Council of Australia*.
May 2023 • HB • 603pp • 9781760024444 • eBook 9781760024451 • RRP \$195

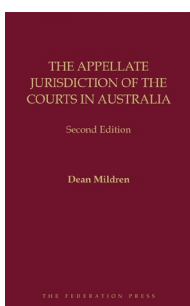


ANNOTATED SAFETY, REHABILITATION AND COMPENSATION ACT 1988, 12th ed

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

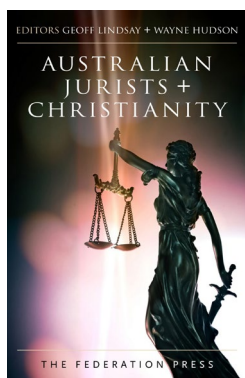


THE APPELLATE JURISDICTION OF THE COURTS IN AUSTRALIA, 2nd ed

Dean Mildren

This book 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 • 315pp • 9781760024291 • eBook 9781760024307 • RRP \$180



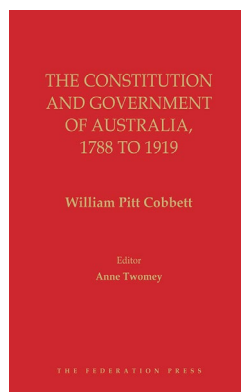
AUSTRALIAN JURISTS + CHRISTIANITY

**Geoff Lindsay AM,
Wayne Hudson (eds)**

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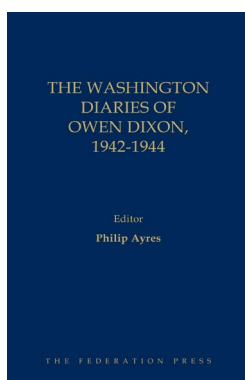


THE CONSTITUTION AND GOVERNMENT OF AUSTRALIA, 1788 TO 1919 BY WILLIAM PITT COBBETT Anne Twomey (ed)

This important historical work provides a detailed perspective of how the Constitution operated in the first two decades after federation.

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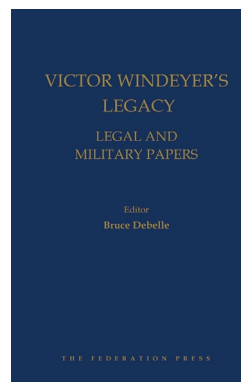


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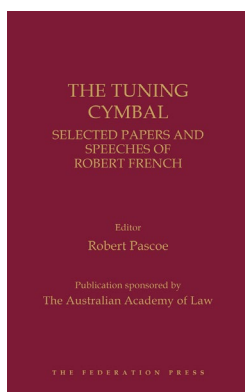


VICTOR WINDEYER'S LEGACY: LEGAL AND MILITARY PAPERS Bruce DeBelle (ed)

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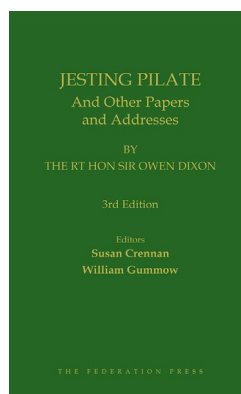


THE TUNING CYMBAL: SELECTED PAPERS AND SPEECHES OF THE HON ROBERT FRENCH AC Robert Pascoe (ed)

Published in association with the Australian Academy of Law, this collection draws on the career of one of Australia's leading jurists, the Hon Robert French AC.

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The publication of this new expanded edition of Jesting Pilate sheds new light on Sir Owen Dixon who remains the towering figure in Australian jurisprudence.

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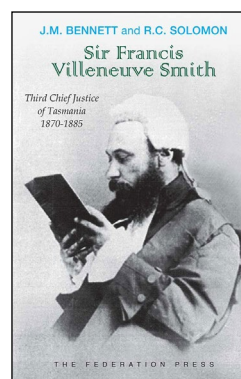


SIR FREDERICK JORDAN: FIRE UNDER THE FROST Keith Mason

This is the first biography of the pre-eminent New South Wales jurist of the twentieth century.

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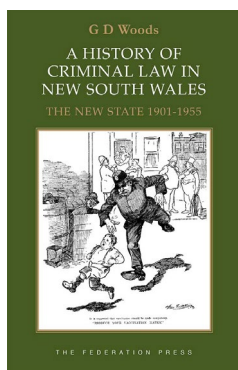


SIR FRANCIS VILLENEUVE SMITH: THIRD CHIEF JUSTICE OF TASMANIA 1870-1885 J M Bennett, R C Solomon

Sir Francis Villeneuve Smith was the offspring of an English merchant and a Haitian woman and went on to be Tasmania's fourth Premier as well as Chief Justice.

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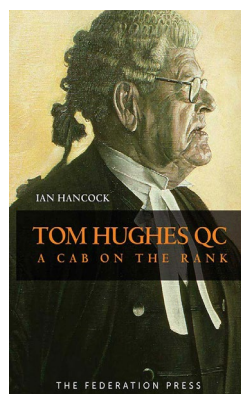
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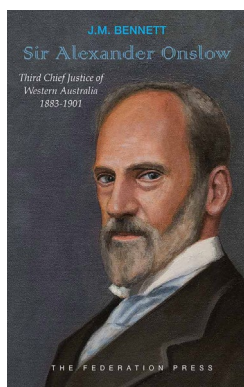
TOM HUGHES QC: A CAB ON THE RANK

Ian Hancock

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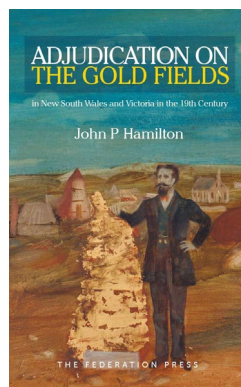
SIR ALEXANDER ONSLOW: THIRD CHIEF JUSTICE OF WESTERN AUSTRALIA 1883-1901

J M Bennett

This biography offers a new and measured assessment of his character, work and legacies of one of the most prominent, yet least understood, of WA's leading citizens of the latter 19th century.

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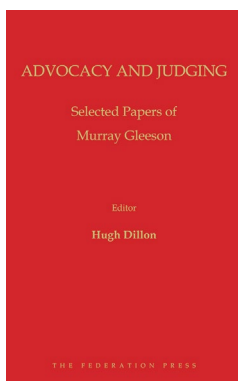
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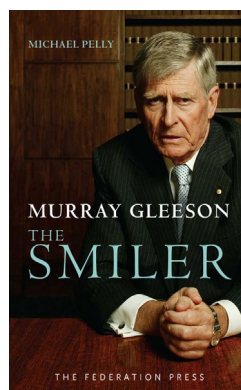
ADVOCACY AND JUDGING: SELECTED PAPERS OF MURRAY GLEESON

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This volume is, as James Spigelman has put it in his foreword, 'a testament to judicial leadership'.

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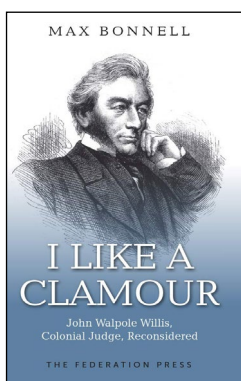
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Michael Pelly

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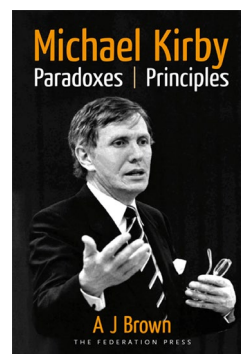
I LIKE A CLAMOUR: JOHN WALPOLE WILLIS, COLONIAL JUDGE, RECONSIDERED

Max Bonnell

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