Chapter 18, "Dispute Settlement in the Law of the Sea" recognises that contrary to many other areas of public international law, UNCLOS established a sophisticated, comprehensive and compulsory scheme for dispute resolution, designed to promote stability. This new edition draws upon a number of recent decisions made under this dispute resolution regime – including in *Chagos Marine Protected Arbitration* and *Arctic Sunrise* – and, most significantly, has incorporated three additional subsections, outlining the procedures in Annexures V, VII and VIII within UNCLOS relating to conciliation, arbitration, and special arbitration.

More generally, the second edition of *The International Law of the Sea* has sought to provide updated information on current practice (including changes and developments in the caselaw and regulatory framework) and to reflect upon emerging contemporary issues. These updates focus in particular upon a consideration of: the question of maritime security and state practice with respect to asylum seekers and irregular migrants; the obligations and responsibilities of coastal states with respect to conserving and managing resources within their Exclusive Economic Zone; the operation of the seabed mining regime and the legal responsibilities, obligations, and liabilities of state parties with respect to State sponsored deep seabed mining activities; and the implications of a number of high profile cases, including the *Whaling in Antarctic* (2014), *Arctic Sunrise* (2014), and *Virginia G* (2014).

Overall this book represents a comprehensive and valuable resource for all persons interested in the law of the sea, and in particular for current and future practitioners, academics and students. It provides a scholarly, clear, concise, and comprehensive introduction to the main controversies, challenges, and concepts relating to the management and use of the world's oceans, and will be of significant assistance to those seeking to establish or improve their understanding of this area of the law. It is, if I may say, a worthy reflection of the scholarship of the authors.

Hon James Leslie Bain Allsop AO
Chief Justice, Federal Court of Australia

LOCATING CRIME IN CONTEXT AND PLACE: PERSPECTIVES ON REGIONAL, RURAL AND REMOTE AUSTRALIA

Locating Crime in Context and Place: Perspectives on Regional, Rural and Remote Australia, by Alistair Harkness, Bridget Harris and David Baker (eds), Federation Press, Australia, 2015, 240 pages: ISBN 9781760020477. Softcover $69.99.

This collection of articles on the nexus between place and crime is highly informative and would be of particular use to any criminal justice practitioners whose work encompasses regional, rural and remote (RRR) communities. However the collection has a much wider relevance. With 90% of the population concentrated in just 0.22% of the land area of Australia (to cite just one of the many startling pieces of information in the collection), the implications of this "distinctive Australian socio-spatial context" for the practical attainment of equality before the law are also addressed.

Many eminent academics and practitioners have contributed to this broad ranging collection. It includes analysis and critical commentary on access to justice, crime rates and prevention, policing, the criminalisation of Indigenous Australians, family violence, punishment and rehabilitation programs, farm crime and media reporting from the perspective of RRR Australia. Much of it is salutary. The historical analysis of the development of the criminal justice system in Australia by Jenny Wise and David Andrew Roberts is perhaps indicative of a foundational legal failure to appreciate the significance of place – where the wholesale importation of United Kingdom laws and policing structures limited the effectiveness of these systems on a continent with a very different landscape, colonial population distribution and entrenched and resistant Indigenous nations. Given the penological origins of the colony, the irony of these shortcomings is striking.

The collection also considers the distinction between more abstract notions of the urban and the RRR. As Russell Hogg concludes, this distinction has both physical and psychological characteristics, with the psychological characteristic attributed to the rural often redolent with cultural values. Significantly those values have come to imbue broader cultural meanings of what it is to be Australian: self-reliant, anti-authoritarian and laconic.

Many of the articles explore the importance of these imagined aspects of what "rural" is understood to signify. Their authors observe that perceptions, sometimes false, about RRR communities have very real, and often adverse, consequences. Referencing European cultural theories of *gemeinschaft* and *gesellschaft* tropes, a number of the articles explore the imputed distinctions between urban and RRR environments and how these have come to distort our comprehension of rural living. Urban environments are seen as the modern manifestation of large, transient and disconnected (non-) communities, rife with crime; in contrast to the bucolic, cohesive and relatively crime-free RRR communities, evocative of earlier and better times. The result has not only seen the field of criminology largely fixated upon urban crime, but also the failure to allocate appropriate criminal justice and other resourcing to RRR communities.

As Murray Lee and Garner Clancey emphasise, RRR environments have distinct crime patterns from the rest of Australia, and from other RRR communities, and importantly RRR crime rates have not mirrored the decline elsewhere. Far from the bucolic ideal, levels of crime in RRR communities can be as high as, or higher than, rates in cities. The reasons for this, as with all crime, are complex and multifaceted and the collection includes a variety and breadth of analysis and commentary, but with an overriding emphasis on RRR disadvantage. Significantly however "crime outside the city [in Australia] is not so much spatialised as it is racialised", resulting in both the over policing of Aboriginal people and a limited focus on the gender and class dimensions of rural crime.

The differences between the popular perception and reality of crime in RRR communities is explored in some detail. Various articles emphasise how the internal cohesiveness of such communities can result in particularly punitive responses to, and the scapegoating of, "outsiders": those who are not part of the community or do not fit within dominant cultural norms, and in particular Indigenous people. At the same time, crimes by "insiders" can be met with denial and ambivalence, and with diminished sympathy for victims. Such matters are kept private and managed informally – thereby seriously impeding victims' access to justice, especially in relation to family or sexual violence.

A focus on Indigenous people, place and crime adds another and very significant dimension to this collection. Chris Cunneen observes that the relationship between RRR and urban location and crime is "complex and deeply conditioned by colonial processes". Russell Hogg notes that after enforced removal to missions and reserves, outside of rural town boundaries, and the denial of government services to those living more "traditional" lifestyles in small remote communities, Aboriginal people can have a very different conception of "rural life". Hogg observes that prison in RRR areas is always an option unlike supervised community based penalties. The deficiencies in delivery of contemporary "whitefella" justice are vividly documented in the chapters by Jonathon Hunyor, Jenny Blokland and Rob Hulls.

The inadequate resourcing of criminal justice responses and institutions in RRR communities generally (with the exception of police and prisons) is a recurrent theme. Bridget Harris observes that the physical absence of courthouses and the poor amenity of those that are available create particular hardships for victims of family violence. But as Richard Cloverdale observes, these shortcomings arguably also diminish the significance and relevance of law and legal institutions in the minds of members of rural communities. (Cloverdale cites the reduction in court locations in Victoria, from 235 in 1880 to just 54 magistrates courts by 2015.)

It is difficult to do justice to the breadth of material included in this relatively short volume, but one final point must be mentioned: the importance of dealing with the specifics of different RRR communities. It is just as wrong to impute some kind of bucolic ideal to all rural life, as it is to assume there can be a generalised response to such communities without specific information about their particular dynamics and needs. As demonstrated by the collection, the topic of crime and place is one filled with variation and nuance. Generalised assumptions are inadequate: at times remote rather than local justice can be a good thing; communities with higher Indigenous populations can have fewer risky drinkers; poorer communities can have less alcohol related crime. Each community has its own unique characteristics – failings as well as strengths – which need to be explored if criminal justice responses are to be improved. Community engagement in the formulation of those responses is vital.

Some 60 years ago the "tyranny of distance" was first used to describe the effect of our geographical remoteness from our colonial forebears and the unique development of Australia (Geoffrey Blainey, *The Tyranny of Distance: How Distance Shaped Australia's History* (1966)). Interestingly, this phrase is also indicative of a habit of thinking about place; that is, by reference to somewhere else, rather than the place itself. An overriding message of this collection is that the "tyranny of distance" continues to impose burdens on RRR communities, including the failure to deliver structures and resourcing to ensure equal access to justice for RRR Australia. While we allow "rural communities [to remain] imagined communities", devoid of specific data, community input and control, we will continue to fail to deliver equal justice to the members of those communities. This collection makes an important contribution by replacing imagined rural communities with real information, and identifying the gaps in our knowledge of these communities.

Hon Wayne Martin AC
Chief Justice of Western Australia

WHISPERS FROM THE BUSH

Whispers from the Bush, by Skye Saunders, Federation Press, Sydney, 2015, 240 pages: ISBN 9781760020385. Softcover $59.95.

This book makes two original contributions to an understanding of the factors that contribute to sexual harassment in rural workplaces – first, it presents original data from interviews with rural employees and employers, and secondly, it draws a number of trends from a comparative analysis of workplace sexual harassment cases in rural and urban Australia.

The opening chapters present a brief introduction to the *Sex Discrimination Act 1984* (Cth). The author notes recent developments such as changes to s 28 in 2011 lowering the threshold for sexual harassment to whether a reasonable person would have anticipated the *possibility* that the person harassed might be offended, humiliated or intimidated.

While both the interview and case analysis sample sizes (107 interviewees and 57 urban/ 11 rural sexual harassment cases) are perhaps too small to draw conclusions (as Dr Saunders concedes), the comparative case analysis reveals some interesting trends. A higher proportion of rural workplace sexual harassment cases involve multiple types of alleged harassment and alleged offenders in senior positions. In rural cases, there is a greater tendency for reference to be made to the promptness of reporting on behalf of the complainant, suggesting that immediate disclosure correlates with credibility. Further, a higher proportion of rural employers are found vicariously liable for sexual harassment in the workplace – perhaps attributable to lower standards of policies and procedures among rural employers.

Based on her findings, Dr Saunders questions the reach and effectiveness of laws such as the *Sex Discrimination Act* in rural Australia and recommends that the law be "translated" into plain English to enable rural men to distinguish between acceptable and unacceptable workplace behaviour. One criticism that might be made of the book is that the book itself uses slightly inaccessible terminology ("doubly masculinised", "homosocial interaction", etc). However, it is certainly an interesting read for lawyers practising in employment and discrimination law.

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