This month’s reviews cover Australian immigration law and practice, the workplace relations system under the Fair Work Act, health law and not-for-profit associations law.

Immigration, Refugees and Forced Migration

Early on in this text the authors note the paradox of Australia as an immigration nation but with high, even excessive, community expectations about the level of immigration control that is necessary and/or desirable. This inherent tension forms the sub-text to this work and to Australia’s immigration policy as a whole.

The book is a structured and comprehensive commentary on all aspects of immigration and asylum law and practice in Australia, from spouse visas to work visas, from refugee visas to the treatment of unauthorised arrivals.

The law and regulations are set out in detail against a background of policy and jurisprudence, but also against the sympathetically retold stories of individuals who become the unwitting subjects of some of our most important societal debates.

Egon Kisch, the Eastern European polyglot confronted with the racist dictatorship test in the 1930s beautifully illustrates the politics of exclusion, while the detention of Cornelia Rau highlights the arbitrary treatment of those with mental health issues in a more recent context. The incarceration, vilification and subsequent release of Dr Haneef demonstrates the lurking danger of populist rhetoric displacing a careful and considered assessment of the facts. Examples abound.

Of particular interest is the thorough analysis of some of the grey areas of immigration law, such as the legal basis of the detention regime, offshore processing of asylum seekers and the deportation of permanent residents with criminal records. Detailed consideration of the Tampa litigation and more recent landmark High Court rulings such as Plimpton v Minister for Immigration and Multicultural and Indigenous Affairs (2009) 239 ALR 381, challenging the justiciability of decisions made by immigration officials under “offshore processing” regimes, explore attempts to minimise judicial oversight of decisions made outside mainland Australia.

The retelling of an exchange between the then deputy Secretary of the Immigration Department and Democrat Senator Bartlett in a Joint Standing Committee on Immigration hearing in 2000 is the tale of two perspectives. In response to a question about efforts to limit judicial review, the Immigration Secretary queries: “I suppose what you are asking is, have we identified the last loophole?”. Senator Bartlett replies: “I could be asking whether we are going in the right direction”. As that direction seems to be increasingly pointing to waters north of Australia, the question is worth posing again.

Navigating the Fair Work Laws

The new workplace relations system under the Fair Work Act 2009 has been in operation for more than 18 months. Navigating the Fair Work Laws is one of a number of books published recently that are designed to help practitioners, academics and students understand how the system has changed under the “fair work” laws. Written by lawyers who practise in the area, this book is practical and easy to read, but does not sacrifice thorough treatment of the new laws in the process.

The legislation in the area — principally the Fair Work Act 2009 (Cth) and the Building and Construction Industry Improvement Act 2005 (Cth) — is extensive, but this book manages to deal with the legislation comprehensively and in a way that makes the sometimes excessively-detailed provisions readily accessible.

All the major areas of the “fair work system” are addressed, including the National Employment Standards and modern awards, enterprise bargaining, industrial action and the protection by the Fair Work Act of individual rights and remedies, such as unfair dismissal, discrimination and freedom of association.

The sections on transfer of business and workplace restructuring, employees’ entitlements on company insolvency and executive remuneration are very welcome in a concise book like this, as these important areas are too often glossed over in other publications.

The authors draw on the emerging case law to illuminate key legislative areas such as the good faith bargaining provisions, employee