MURRAY GLEESON: THE SMILER


The author has produced a very interesting biography of the man who sat as Chief Justice of the High Court for a significant portion of most current practitioners’ careers. As a result, Gleeson’s influence has been felt in many areas of law and policy, including the treatment of asylum seekers.

The book abounds with interesting anecdotes, from recounted childhood memories to incidents while sitting on the High Court. It is clear that the author has interviewed those close to Gleeson extensively and has gleaned a real insight into the life and personality of his subject.

As one would expect, many of the episodes involving Gleeson which have formed part of Australia’s history or become an integral part of Australia’s legal development are covered. These include the “Fine Cotton” horse-racing scandal and the decisions in R v Birks and Egan v Willis, but the book goes well beyond an assessment of the legal analysis contained in such decisions, and incorporates something of the man himself, demonstrating Gleeson to have a strong belief in the separation of powers and the accountability of professionals and politicians.

Gleeson’s opinions, attitudes, and even his sense of humour are explored through the presentation of statements made through the years, and occasionally through the transcript of proceedings (including banter between Gleeson and his fellow members of the High Court). An example is the incident involving a particular gun which had been brought into the court for a demonstration, and Gleeson’s quip directed to David Peek QC, “if you are going to point it at us you would mind pointing it in the direction of Justice Callinan”.

The book’s style is informative, insightful and entertaining. It is difficult to do it justice in a brief review such as this. A great deal of detail is provided in relation to key events, so that readers come away from the book with a sense that they have come to know something substantial of the personality, the humour and the intellect of its subject. In achieving this, Pelly has achieved an excellent legal biography.

DOUGLAS J JAMES
BARRISTER

Appeals and Appellate Courts in Australia and New Zealand


This is an ambitious book. It sets out to cover appellate work in the multitude of Australian and New Zealand courts and tribunals, including those inferior courts and tribunals which have received little attention in a single volume in the past. The eminently learned authors certainly achieve that end. The result is a review of practice and procedure in each jurisdiction, rather than a deeper jurisprudential analysis of any particular court or tribunal. It should not be mistaken for providing the latter. However, the book’s utility is in the breadth of its analysis. The text is divided into three major parts: structure and policy of appeals; practice and methodology of appeals; and appeals from specific courts. Part one provides an interesting analysis of the historical development of appellate courts, structures, and the principles of stare decisis and ratio decidendi. Part two includes helpful precedent grounds of appeal, with a review of leading authorities in support of each ground. The material in this chapter would make an excellent starting point for drawing grounds of appeal. The final part of the book canvasses the bare procedural elements of appeals from each Australian and New Zealand court and tribunal. Each of the parts is accessible, well-cited and provides an authoritative overview of the respective area of inquiry.

Appeals and Appellate Courts will be a valuable text for students and practitioners alike. In particular, the various practical chapters will be of interest to those who are new to appellate practice or to more experienced advocates appearing in unfamiliar jurisdictions. It seems that it might be a book better suited to a small loose-leaf service, rather than a bound volume, given regular reforms to practice and procedure. However, regular updated editions will overcome this and this useful book will no doubt continue to be a primary reference text.

ADAM V CHERNOK
VICTORIAN BAR

Blackshield & Williams
Australian Constitutional Law & Theory


The latest edition of this seminal constitutional law textbook has been updated to include a suite of new High Court constitutional cases. It has also undergone a significant structural reworking with some chapters merged, new chapters added and a division of the chapters into thematic parts.

It remains a great resource for practitioners wanting an authoritative guide to Australian constitutional law or a quick reference if a constitutional issue pops up in your practice. However, Blackshield & Williams also manages to touch on the larger issues surrounding our constitution and Australia’s governmental traditions; our colonial history and the path to independence; the influences of other federations; the status and influence of our Indigenous peoples; the integration of Westminster traditions and unwritten practices; the effect of the makeup of the High Court. It should not be mistaken for providing the latter. However, the book’s utility is in the breadth of its analysis. The text is divided into three major parts: structure and policy of appeals; practice and methodology of appeals; and appeals from specific courts. Part one provides an interesting analysis of the historical development of appellate courts, structures, and the principles of stare decisis and ratio decidendi. Part two includes helpful precedent grounds of appeal, with a review of leading authorities in support of each ground. The material in this chapter would make an excellent starting point for drawing grounds of appeal. The final part of the book canvasses the bare procedural elements of appeals from each Australian and New Zealand court and tribunal. Each of the parts is accessible, well-cited and provides an authoritative overview of the respective area of inquiry.

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ADAM V CHERNOK
VICTORIAN BAR

The division into two volumes is ideal for the busy practitioner who is able to easily take the relevant volume to court, replacing the need to tote a large looseleaf volume.

DAVID C TURNER
OWEN DIXON CHAMBERS WEST

BOOK REVIEWS