

it is very well organised. *Banking Law in Australia* is everything one would expect of a text entering its third edition, and should be the student's first choice in this area of law.

*Hamish Millar\**

### **Criminal Procedure: Second Edition**

**By John B. Bishop**

**Butterworths, 1998, pp dclxvii, \$135.00 (pbk)**

Criminal litigation constitutes a central pillar of the legal system upon which citizenship is based. This significance is reflected in the second edition of the authoritative work recently published by John B Bishop entitled, *Criminal Procedure: Second Edition*. The density and complexity of this aspect of the law necessitates a text of this calibre to assist those affected by, or concerned with, the administration of criminal justice. As such, members of the judiciary have eagerly anticipated the publication of the second edition. The revision of this authority has been long overdue, however the standard of the text may well justify the delay.

First published in 1983, the first edition 'dealt with procedure alone and made available in one treatise a comprehensive treatment of the subject' which was to be subsequently reprinted in 1984, 1986, 1988, 1989 and 1991. This fact alone provides a clear demonstration of the popularity and relevance of the text throughout the years. At this point in time, Mr Bishop's work remains the seminal authority on criminal procedure from a national perspective.

By amalgamating jurisdictional patterns, Mr Bishop achieves a depth of insight into the function of criminal procedure hitherto absent. The significance of the text is further highlighted by the fact that 'in the smaller jurisdictions where no practice books are available it will constitute the only source of authority on criminal procedure'.

In his capacity as acting Attorney-General, the Honourable N A Brown QC, MP reiterates his endorsement of the author's work, commending Mr Bishop for the comprehensive nature of the text. By addressing the field of criminal procedure in its totality, the author is able to elucidate those principles and elements of law common to all jurisdictions. This inclusiveness remains the primary virtue of the text.

The author has two central aims, namely,

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‘to describe the [criminal] procedure in comprehensive detail and to set the analysis of the law in its context and provide some guidance and direction to the reader on the movement of reform in the common law world’.

Arguably, Mr Bishop has achieved these objectives admirably.

Written primarily for practitioners, other members of the judiciary and administrators, the text should also ‘prove of considerable assistance to students of criminal law and procedure and those engaged in reform of the criminal justice system’. Practical application by the student, law reformer and practitioner, especially those engaged in multi-jurisdictional matters, has been borne in mind when determining the layout of the work. This is reflected by the format of the text, which features a reversed order of case citations to provide the reader with the most relevant case law in the first instance. The text has proven to be invaluable to the judiciary, practitioners generally and persons concerned with the distinction between individual liberties and the broader public interest.

Mr Bishop recognises the difficulty of the ‘multi-jurisdictional nature’ of this undertaking. The question then arises as to how successfully the author has grappled with the task of extracting common features of law in a field notably devoid of uniformity between the individual jurisdictions. Any multi-jurisdictional work poses problems for an author, and these problems are magnified in the area of criminal procedure because of the many pieces of legislation in each jurisdiction (Mr Bishop cites over 100 individual pieces). It is not unreasonable to suggest that the Federal system makes interaction between jurisdictions problematic, if not impossible, given the complexity of criminal procedure and the frequency of its application. It should be noted that the author could hardly be blamed for failing to address the areas of evidence and sentencing in any great depth given that they are in themselves bodies of law worthy of individual and detailed consideration.

The order of chapters follows the chronological progression through the various stages of criminal procedure:

‘from the first point of contact between a suspect and an investigating police officer up to the final avenue of appeal available in both summary and indictable matters’.

Of particular relevance to students, each chapter begins with an introductory overview of the topic under discussion, followed by the content of the text contained in each section, and ends with an expanded summation of conclusions in contrast to the first edition. The addition of a concluding section for each chapter facilitates a more concise assessment of the content, enabling the extraction of central themes and cogent arguments.

The comparative length of the chapters on bail and appeal processes reflects both the importance and the complexity of these particular topics. The author approached each topic for discussion either as a whole, independently between jurisdictions, or from the position of one jurisdiction in particular 'as a model for what occurs elsewhere'.

The actual body of the text has been substantially updated in relevant sections. One may identify many areas of criminal procedure which have undergone significant reform between editions; for example, the expansion of police powers of interrogation, search and seizure, the McKinney Direction, reform to Commonwealth arrest provisions, Commonwealth and State warrant provisions, etc. Only one area remains, in principle, the same, this being bail.

In general, the entire pre-trial procedure is open to re-examination with a vast body of new case law and statutory reform, at both the Commonwealth and State level, arising from the almost daily occurrence of contentious litigation. The focus on future developments and reform in the field of criminal procedure in Australia is an invaluable attribute of the text, ensuring continuing relevance well into the future. By addressing contentious issues and identifying areas of potential reform, Mr Bishop ensures that the text remains the leading authority on criminal procedure in Australia in terms of national application.

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### **Butterworths' Student Companions: Environmental Law**

**By Chris Diekman**

**First Edition, Butterworths, 1998, pp xcv, \$17.00 (pbk)**

It is arguable that there is no replacement for reading the whole case. However, everyone is aware that when you realise that you know nothing about a most important case, it is the night before the exam and the library shut fifteen minutes ago - reading the entire case is not possible. In such emergency situations never forget that there are those little books in the Butterworths' Student Companions series. These books are all in very much the same vein and the latest in this range (*Butterworths' Student Companions: Environmental Law*) is no different.

The book consists of 109 case summaries. There is a brief summary of the facts of each case followed by the relevant holdings. The citation for

\* Fifth year Arts/Law Student, University of Tasmania. All quotes extracted from preface and foreword of the first and second editions. The author gratefully acknowledges the assistance provided by Mrs Terese Henning in writing this review.