

nan J said in *Theophanous*, 'the freedom which flows from the implied limitation on power considered in *Nationwide News* and *Australian Capital Television* is not a personal freedom'.¹⁹ The freedom is necessary, Mason CJ stated in *Australian Capital Television*, to ensure the 'efficacy of representative government'.²⁰

It might be said that we in Australia have little to learn from an understanding of Dworkin's theory of constitutional interpretation. The Australian Constitution does not, after all, contain an entrenched Bill of Rights and hence, even if we accept the legitimacy of his moral reading of the United States Constitution, that reading cannot be transferred to the Australian context. However, when a nation decides to debate fundamental constitutional change it is of utmost importance that its citizens appreciate, first that democracy is not a simple political concept with only one meaning. Secondly, it must be further acknowledged that the approach to democracy favoured by a nation will dictate the type of Constitution it adopts, how power is distributed within the institutions established under that Constitution and, importantly, who is the final arbiter of that Constitution.

One hopes that Dworkin's *Freedom's Law* will not be restricted to reading lists in Constitutional Law and Political Theory. Indeed, it is to be hoped that it enjoys widespread discussion and debate outside academia.

*Dr Max Spry**

Tasmanian Criminal Law: Text and Cases - Volumes I and II

By John Blackwood and Kate Warner

Revised Edition, University of Tasmania Law Press, 1997, 992 pages plus indexes, \$90 (pbk)

Tasmanian Criminal Law: Text and Cases is the latest text published on Tasmanian Criminal Law. Though primarily aimed at students, this text is also a valuable source of reference for Tasmanian legal practitioners, and potentially practitioners in other Code jurisdictions as well. The primary focus of the text is the Tasmanian Criminal

¹⁹ Id at 149.

²⁰ (1992) 177 CLR 106 at 139.

* Parliamentary Information and Research Service, Canberra. The views expressed in this review are those of the author and should not be attributed to the PIRS.

Code,²¹ although it does also cover offences from the *Poisons Act* 1971 (Tas), *Customs Act* 1901 (Cth), *Traffic Act* 1925 (Tas), and areas of the common law relevant to Tasmanian criminal law practice.

In *Tasmanian Criminal Law: Text and Cases*, Blackwood and Warner achieve an appropriate balance between explanation of judicial reasoning and extracts from judicial decisions to ease the reader into many of the complex conceptual arguments that a student or practitioner is required to understand in Tasmanian criminal law. The text is well set out with clear headings and indexes, and, for the most part, contains discrete chapters which limit the amount of cross referencing required.

The authors also provide the reader with useful argued opinion on the applicability of older Tasmanian judgments in the light of movements within the criminal law at both a national and international level, drawing on Queensland, Western Australian, New Zealand and Canadian judicial interpretation of their respective Criminal Codes.

Volume I of *Tasmanian Criminal Law: Text and Cases* contains ten chapters. The introductory chapter covers interpretation of the Code, the relevance of common law principles and defences, and the circumstances in which Code principles of criminal responsibility are applicable to offences in other Acts.

Chapter Two discusses general Code principles of criminal responsibility and criminal responsibility with regard to summary and Commonwealth offences, with respect to both the mental and external elements.

Chapter Three contains a detailed treatment of the meaning of 'act', 'omission' and 'chance event' for the purposes of criminal responsibility under the Code.

Chapters Four through to Eight cover the principal defences to otherwise criminal activities under Tasmanian law. The chapters cover the law relating to automatism, insanity, intoxication, self-defence, compulsion and mistake. Chapters Nine and Ten respectively cover attempts and parties to offences with reference to the requisite elements of each crime.

Volume II of the text, containing Chapters Eleven through to Seventeen, covers crimes under the Code, *Poisons Act*, *Traffic Act* and Commonwealth drug offences.

21 The first schedule to the *Criminal Code Act* 1924 (Tas).

Chapters Eleven to Seventeen respectively deal with the following criminal offences: assault and abortion, manslaughter and murder, sexual offences, drug offences, traffic offences, stealing and deception. Each chapter provides the reader with the meanings of words used in their legal context, defences unique to particular crimes and the specific requisite mental and external elements of each offence.

The book is well researched in that it contains either extracts or discussion of all salient cases in criminal law as are applicable in Tasmania. The text does not cover all crimes in the Code or other legislation applicable in Tasmania, but instead concentrates on the more common and/or complex areas of law. It is clearly written and the balance between outline and detail has been well handled making it user-friendly. As such the book will be a very useful item in the study and practice of criminal law in Tasmania.

*Sam Magee**

Corporations Law: LBC Nutshell Series

By Christopher Bevan

Third Edition, Law Book Company, 1995, pp xi, 123

This publication is a compact book slightly larger than your back pocket, intended, one presumes, as a brief overview of Corporations Law. There are 18 chapters, each dealing with a specific area of the law, ensuring the book touches on most issues expected in a University law course. A pocket-size book of this nature should be concise yet still cover the major issues and cases, be easy to read, and importantly, provide references for further reading.

A typical chapter begins with an immediate point of law, followed by an explanation of the problems particular to the topic at hand. If the reader has some knowledge of Corporations Law it is very easy to follow, but like many 'texts' on this topic, the author assumes the reader has a background in company structure and already understands corporate language.

The case law is not well cited, only providing judgment year and whether it was a British or Australian case. For the law student this is a little annoying. The book relies heavily on British decisions, and has

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