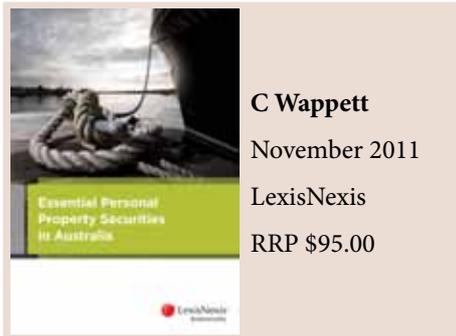


Essential Personal Property Securities Law in Australia



C Wappett

November 2011

LexisNexis

RRP \$95.00

LexisNexis have produced the first consolidated book on the *Personal Properties Securities Act 2009* (PPSA) since its introduction.

The book is divided into four parts, the first part covering the background and overview to the PPSA. The second part of the book is the PPSA itself, and the third section is devoted to the PPS Regulations.

The fourth section is the PPS Explanatory Memoranda covering the Bill's explanatory memorandum and consequential amendment legislation.

Since all the talk of PPS this is the first time that anyone has attempted to put the information together in one book.

It summarises the laws in each of the states, territories and the Commonwealth and compares pre-PPS law, gaps in the legislation and the attempt by the PPSA to remedy them. There is also a brief section on the reforms in the US, Canada, New Zealand and the UK.

The only cases that we can rely on to date are related to Canadian and New Zealand decisions and it is not certain how closely they will be applied once litigation commences in Australia.

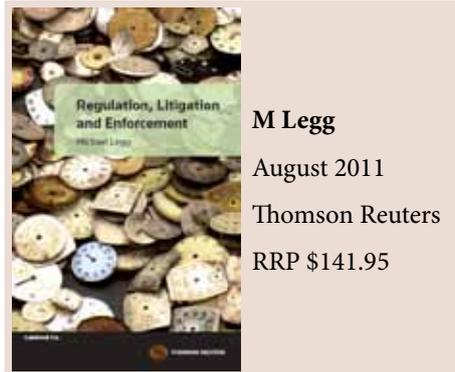
This book is an important first step — for the first time people can access all the sources that currently operate on the PPS regime in one place.

For those involved in drafting clauses relevant to the PPS regime, registering personal property securities or advising clients about it, this book is a valuable tool.

I have no doubt that this is the first of many editions which will be complemented as cases arise and Courts pronounce on the implementation of the Act. I recommend this book to anyone involved in this area of commercial law.

Gerald Santucci, Sneddon Hall & Gallop

Regulation, Litigation & Enforcement



M Legg

August 2011

Thomson Reuters

RRP \$141.95

This text explores the notion of “responsive regulation” and the concept of the “enforcement pyramid” with litigation as the last resort. There is an exploration of the various regulatory approaches and theories. One of the issues explored is “regulatory capture”, which happens when a regulatory agency, formed to act in the public's interest, eventually acts in ways that benefit the industry it is supposed to be regulating, rather than the public.

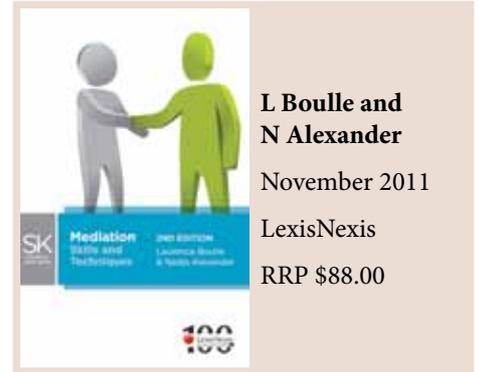
The debate over the use of rules, as opposed to the articulation of principles and the choice between command and control regulation, as opposed to “soft law” techniques such as self-regulation, is considered. Principles-based regulation is advocated as it prevents firms from seeking to take advantage of “loopholes” and discourages “checkbox” type approaches to compliance. The concerns associated with principles-based regulation are the lack of certainty and guidance for a regulated entity.

The book examines the coercive investigatory powers of ASIC, the Australian Competition and Consumer Commission and the Australian Taxation Office, and the limits on those investigatory powers that are imposed by legal professional privilege, the privilege against self-incrimination and penalty privilege. There is a chapter on whistleblowers' immunity, pleading and the criminalisation of cartel conduct.

This is a well-written and useful book which sets out the key debates in the area. It provides insights into the crucial challenges faced by regulators from both a theoretical and practical perspective.

Jane Grace, Australian Communications and Media Authority

Mediation — Skills & Techniques



L Boule and
N Alexander

November 2011

LexisNexis

RRP \$88.00

It seems far cheaper and less risky to solve disputes by non-coercive means, providing the possibility of an outcome designed by the participants rather than imposed on them by a court.

Mediation — Skills and Techniques is a resource for those wishing to practice in the area of ADR. The authors usefully set out in the first chapter the book's approach to mediation skills and techniques.

The book is intended an elemental rather than an advanced text, and the content is designed around a theory that “superior practitioners ... develop the capacity to break down their experience into multiple components and work on each of those separately.”

Therein lies the major problem with this book — on the one hand the target audience is the relatively new practitioner while on the other hand the philosophy underpinning the organisation of content is based on developing a “superior practitioner”. These are not incompatible goals but they are difficult to achieve simultaneously.

Ultimately, the book does not manage to achieve its goals in a particularly elegant or effective manner. There is a lot of material there which a practitioner would find useful and helpful. Unfortunately, the “micro skills” approach adopted makes it difficult to make much sense of the content in terms of an end to end mediation process. Once a practitioner gains the self awareness to know where the gaps are in his or her knowledge, then I suspect the book would become more valuable, although there is a risk that the content would then be a little bland.

While a useful addition to the library of the ADR practitioner, I would recommend it as an adjunct rather than a core text.

Bede Webster, Lawyer