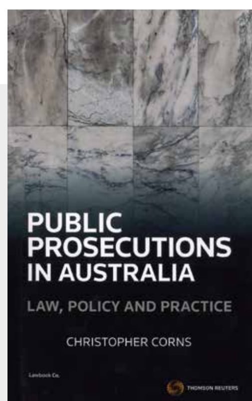

Public Prosecutions in Australia

Christopher Corns, *Public Prosecutions in Australia: Law, Policy and Practice*, 2014, Thomson Reuters, pb $125

Public Prosecutions in Australia is the first book to exclusively review the law and policy relating to the bringing of public prosecutions throughout Australia. It focuses upon the roles, powers and responsibilities of DPPs since the 1980s but also reviews the functioning of other prosecutorial agencies. Corns identifies the historical background of public prosecutions and then reviews the law and practice of prosecution decision-making. No doubt any second edition will grapple with the ramifications of the High Court decision of *Barbaro v The Queen* [2014] HCA 2 in relation to limitations on what can be said by prosecutors in the sentencing process.

A distinctive feature of the book is its analysis of the prosecutorial arrangements existing between entities such as ASIC, Centrelink, the Tax Office and the Commonwealth DPP. There is also useful coverage of the accountability of individual prosecutors and organisations and performance assessment within OPPs, as well as exploration of the sometimes controversial relationship between Attorneys-General and DPPs.

Corns establishes that there are significant differences in law and practice between jurisdictions in relation to the bringing of prosecutions with the development of distinct regional characteristics and idiosyncrasies. However, for the most part there is similarity in prosecution polices, criteria and guidelines although he argues that greater consistency in respect of statutory disclosure obligations would be constructive. Corns notes that DPPs face a common set of challenges, including inadequacies in financial and human resources and identification of pleas of guilty at the earliest possible time. Controversially, he argues for strengthening of avenues of review in respect of DPP decisions, and contends that part of the solution may lie in emulating the UK Crown Prosecution Service Inspectorate and further attention to the complex delineation between investigative and prosecutorial functions within DPPs.

Public Prosecutions in Australia is a fine contribution to criminal law literature in Australia, although its index is indifferent, even lacking any entries under "B". It addresses an important topic in a well organised, systematic way. It is thoroughly researched and referenced and thoughtfully raises ongoing issues that are fundamental to the bringing of public prosecutions. It should find a place on the library shelf of all practitioners who undertake or resist criminal prosecutions.

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the *Copyright Act* 1968 having been amended more than most other Australian legislation (other than tax of course) which can be heavily attributed to the pace of technological change.

The author is at the same time somewhat critical of the Act, described as "large and complex", prone to drafting errors and inconsistencies as well as being subjected to "conflicting currents of judicial interpretation". He goes to the extent of suggesting that some of the most recent decisions reflect a profound lack of understanding of technologies affecting businesses.

What I liked about the book is that Knight introduces debate and questions some of the accepted norms in this area, particularly where decisions are subject to uncertainty and need to be explored more in the future. Specifically, he discusses the decisions of *Burge v Sawbrick* ([2007] 232 CLR 336) in the context of works of artistic craftsmanship and the *Telstra Directories* case ([2010] FCA 44) in the context of copyright in databases.

Known for expressing his opinions unreservedly, the author also deals with certain controversial overlaps and inconsistencies in copyright in this book. For instance, he flags that there is no clear reason why we have "dual protection" because of the overlap between copyright, design and patent.

While in terms of content the book is good, in so far as layout goes, perhaps a way in

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