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EMRYS NEKVAPIL
MALLESONS STEPHEN JAQUES

Commercial and Residential Tenancies

Anthony Moore (ed), *Commercial and Residential Tenancies: The laws of Australia, 2008*, Thomson Reuters, pb, \$139.

The publisher describes this text as a useful reference for all practitioners and students of law. The widespread employment of tenancy laws and the user-friendly format of this work also make it relevant and accessible to any individual seeking to understand how the Australian law regulates the relationship between parties to a lease.

In view of the breadth of the subject matter of the work, it can only be an introduction for lawyers who wish to learn about tenancy law. Despite this, it is a surprisingly comprehensive study of tenancies. For those in need of a general reference work, this text will suffice. However, for practitioners who intend to practise in commercial tenancy law, the text is only an overview of the various retail tenancy statutory regimes in Australia.

The reader is first introduced to the general principles applicable to landlords and tenants, before moving into the specific areas of retail tenancies and residential tenancies (including rooming houses and caravan parks). The text also tackles the increasingly important area of retirement villages (a boom area in view of the impending retirement of so many of the "baby boomer" generation).

In Victoria, lawyers can only appear before the Residential Tenancies List at VCAT in limited circumstances, and most residential tenancy leases are drawn up by agents. Therefore, there is not much scope for lawyers to get involved in assisting clients in residential tenancy matters. However, the text provides some useful general information about the subject matter.

WILLIAM STARK
BARRISTER

My Guantanamo Diary

Mahvish Rukhsana Khan, *My Guantanamo Diary: The detainees and the stories they told me, 2008*, Scribe, pb \$29.95.

Many crimes are committed in the name of religion. *My Guantanamo Diary* tells of crimes committed in the name of the "free world". It is – or should be – a salutary lesson in the way governments ought not to act when confronted by threats to the safety of citizens and the state.

The author, a US lawyer representing Guantanamo inmates, took up the role after studying US federal torture statutes in her international law class at the University of Miami. With the advantage of speaking Pashto through her family's background as Afghani immigrants, she began work with Dechert, a Philadelphia law firm representing 15 Afghan detainees. This took her into Guantanamo.

The stories come from a paediatrician, an "old man", a goatherd, a police chief, a businessman and poets. Khan weaves in too stories of the lawyers who serve their clients' interests, endeavouring to maintain the US legal system as one where procedural and substantive fairness are catchwords. She recounts her trip to Afghanistan, taken despite family concern for her safety and wellbeing. They fear what Afghanistan has become through the successive invasions of Russia and the US and its allies and the repressive regimes, including the Taliban and the Northern Alliance.

The tragedy in this book is not only for those caught in a dragnet through tribal, ethnic, religious and political animosities of neighbours, relatives, enemies and friends, so delivered up to US authorities as "terrorists". It is ours too: the failure of authorities to honour the Geneva Conventions; the Australian government's complicity; and our complicity, through our government and through our citizenship in the world community, for not doing enough to promote justice for people held captive and subjected to military tribunals ruled out of order by the US Supreme Court.

Lawyers and non-lawyers who care about human rights and government responsibility will be enlivened by *My Guantanamo Diary*. This book, and the actions of lawyers dedicating themselves to the preservation of the rule of law despite authoritarianism, highlight the truth that casting the terrorist net wide serves only to play into the hands of those seeking to threaten freedom. Locking people up in defiance of the rule of law ill-serves freedom. ●

JUSTICE JOCELYNNE A SCUTT
HIGH COURT & COURT OF APPEAL OF FIJI

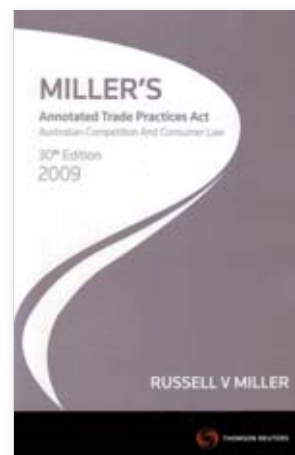
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By Russell V Miller
Hardcover 2009 \$124

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