

THE FEDERATION PRESS

UPCOMING RELEASE INFORMATION

THE LAW OF CIVIL PENALTIES Deniz Kayis, Eloise Gluer and Samuel Walpole (eds)

This collection of essays considers the purpose of civil penalties, the principles underpinning their imposition, and their deployment in different areas of the law as important tools of regulation and enforcement. The collection features a variety of different perspectives - judges, barristers, solicitors, academics, regulators, policy-makers and NGOs - from which it examines the doctrine of the law of civil reflects penalties and upon potential further development in this critical area of regulatory law and practice.

CONTENTS

Foreword - The Hon Robert French AC Introduction - Deniz Kayis, Eloise Gluer and Samuel Walpole

Part 1 – Purpose, Methodology and Principles 1. The Purpose of Civil Penalties (Or, "The Road to Deterrence") *Tim Begbie KC*

2. What's in the Box? Instinctive Synthesis in the Determination of Civil Penalties *Justice Robert Bromwich and Anna Holtby*

3. Proportionality by Another Name in the Imposition of Civil Penalties *Tim Game SC and Surya Palaniappan*

4. Agreed Penalties and the Court's Discretion *Justice Michael O'Bryan and Alice Lloyd*

5. Course of Conduct and Totality in Civil Penalties *Justin Gleeson SC and Kunal Sharma*

6. Regulators' Enforcement Discretions and Civil Penalties *Professor Pamela Hanrahan*

7. What Must an Accessory Know? Determining the Limits of Accessorial Liability under Civil Penalty Regimes *Sarida Derrington*

Part 2 - Civil Penalties in Different Spheres of Regulation 8. Civil Penalties, Company Directors and the Penalty Privilege *Dr Vicky Comino*

9. Pecuniary Penalties under the Privacy Act: Damage and Deterrence *Dr Katharine Kemp and Melissa Camp*

10. Deterring Homo Economicus: Civil Penalties in Competition Law *Dr Ruth C A Higgins SC*

11. Civil Penalties and Other Civil Remedies in the Consumer Law Context *Deb Mayall*

12. Civil Penalties in the Financial Services Sector Nicholas Simoes da Silva and Matt Corrigan

13. Civil Penalties in Federal Environmental Regulation Anna Reynolds, Thomas Webb, Oscar Luke and Matt Floro

14. Civil Penalties in Industrial Law *Philip Boncardo and Ben Bromberg*

Part 3 – The Future of Civil Penalties 15. The Next Chapter: Civil Penalties as a Tool to Improve Political Conduct in Australia *Glenn Owbridge PSM and Nicholas Felstead*

THE LAW OF CIVIL PENALTIES

Editors Deniz Kayis Eloise Gluer Samuel Walpole

THE FEDERATION PRESS

ISBN 9781760024611 Format Hardback Page extent 352pp Publishing August 2023 RRP A\$180

SPECIAL OFFER

Special offer for members of the Obligations Discussion Group – RRP A\$180 save 15% **now A\$153**

Order online and quote promotional code EP1806 at checkout. A \$25 shipping fee applies to international orders.

- www.federationpress.com.au
- j.xenos@federationpress.com.au
- 02 9552 2200