

## IN PRINT

This month's books cover constitutional law, true crime, medical liability and the criminal trial process.



### Australian Constitutional Law and Government

Dr Matt Harvey, Ian Killey PSM, Daniel Goldsworthy, Bill Swannie and David Tan, LexisNexis, 2021, pb \$135

This book enters a crowded field of commentaries on Australian constitutional law. What sets it apart? The authors state that it “aims to be accessible to both students and interested citizens who wish to gain a better understanding of their system of government”. They have, therefore, written a slim volume (less than 400 pages of text) in a style accessible to constitutional newcomers and non-lawyers, and have avoided the formality often found in other constitutional texts.

Accordingly, doctrine and cases are described in highly summarised form, and are often framed in terms of politics and policy. For example, a welcome feature of the book is its frequent commentary on the effect of the current pandemic on public law. The net effect is a lively and readable textbook. This is enhanced by the authors at times giving their plain-language opinions on certain aspects of the existing law. Readers are left in no doubt that constitutional law is a work in progress.

The book focuses on Commonwealth constitutional law, covering themes such as legislative, executive and judicial powers, interpretive techniques, citizens and democracy, Indigenous peoples, rights and liberties, federal relations and constitutional reform. It also summarises the constitutional history and structure of the states.

In sum, the book succeeds in achieving its aim: it is a very readable introduction to Australian constitutional law for non-lawyers and students. Experienced constitutional lawyers may find it useful as an entertaining (and occasionally provocative) refresher.

**Daniel Lovric**, Commonwealth Office of Parliamentary Counsel



## Australian Medical Liability

Bill Madden, Janine McIlwraith, Benjamin Madden, LexisNexis (4th edn), 2021, pb \$220

Medical law is complex and continuously evolves through case law and the court's interpretation of the civil liability legislation that was implemented across the country almost 20 years ago. This book provides a thorough and clear analysis of the current state of medical law in Australia.

Any plaintiff or defendant legal practitioner engaged in medical law practice will gain valuable insight and information from the tables that carefully summarise and compare idiosyncratic laws in each state.

The book constructs itself around the latest very interesting case law throughout Australia while incorporating some international references. Given the substantial number of cases referred to, it is likely that any medical law practitioner could find a case reference similar to one in their current portfolio of cases.

The authors discuss important subjects such as expert evidence and coronial court practice which are skilfully summarised.

Chapter 19 on wrongful birth claims well covers the position on this controversial area of law. Further, it addresses and provides insights on this unsettled law, specifically around the heads of damages that may be able to be claimed in these complex matters.

The book is a very good general overview and thoughtful examination of the current state of medical law. It's relatively concise nature and well-structured analysis makes it an essential text for even the most experienced legal and medical practitioners.

**Kathryn Booth**, principal lawyer, Medical Negligence, Maurice Blackburn Lawyers



## LAW BOOKS

### Financial Agreements under the Family Law Act



Anthony Dickey  
**Member: \$116.10**  
**Non-member: \$129**

This important new work offers in-depth coverage and expert analysis of the complex points of law that must be considered and applied when undertaking family law matters involving financial agreements under the *Family Law Act*.

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