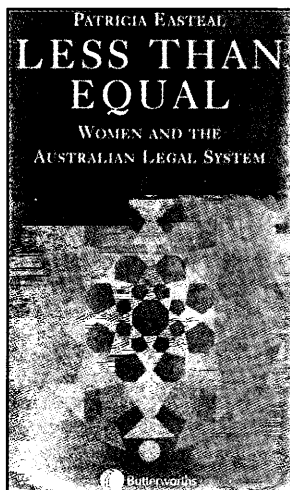


Reviews

***Less than Equal: Women and the Australian Legal System* by Patricia Easteal, Butterworths, 2001; pp254; \$49.00.**



Less than Equal discusses Australian women's experiences with the law as victims of crime, defendants, parents, workers and members of the legal profession. Easteal takes a sociological rather than strictly legal approach to the topic, focusing on the cultural perspectives, language and power relationships that operate within Australian society

throughout the different areas discussed in the text. Easteal aims to identify the cultural context of law, challenging its basis in European, middle class, male experiences. Topics covered include the treatment of women who kill violent partners, single parent payment fraud, sexual assault law reform and the effectiveness of anti-discrimination legislation.

As this is a lot of ground to cover, the chapters are reasonably brief, serving to highlight key issues, and with a strong emphasis on documenting case studies and individual stories. Easteal has written extensively in the area of rape law reform and this chapter is particularly strong. Her inclusion of a chapter on single parent fraud is timely and interesting and an area of women's interaction with the law that is sometimes overlooked in a publication of this sort.

Easteal's final chapter outlines many of the steps needed to change women's less than equal experience of the law. These include:

- challenging so-called 'objective' legal tests, such as the 'reasonable person';
- educating jurors, judges and practitioners so that they are better able to place themselves in the 'multi-faceted shoes of the accused';
- reforming legal processes to allow for easier arrangements to obtain domestic violence orders and greater access to interpreters; and
- placing domestic violence within a criminal law, rather than private, context.

The book is intended not only for students and academics but also for the general public. However, Easteal's cultural studies vocabulary may limit the book's accessibility, for example, her use of terminology such as the 'dominocentric kaleidoscope'. On the other hand, the use of diagrams and breakout boxes greatly enhances the text's readability.

Less than Equal succeeds in identifying how gender and cultural stereotypes interact with the Australian legal system and impact on women's experience as defendant, victim or practitioner. In doing so, it also provides a thorough and up-to-date overview of case law, legislation and personal experiences across all the areas it discusses. The exercises contained at the end of each chapter are thought provoking and useful. *Less than Equal* would be an excellent resource for students and academics, as well as being of interest to practitioners and general readers.

– Kate Connors

***Cannabis & Cancer: Arthur's Story* by Pauline Reilly, Scribe Publications, 2001; pp110; \$19.95.**



While the subtitle of this book is 'Arthur's Story' it is also the story of his wife Pauline Reilly and her quest to relieve his pain and suffering in the final stages of prostate cancer. This quest led the Reillys to cultivate marijuana plants in their garden and make cannabis biscuits, even though they knew it was

illegal. The book operates at two levels – on one level it is Arthur's story of his illness and rejuvenation once the effects of the biscuits took hold. On another level it describes the Reillys' campaign to have cannabis decriminalised for medical purposes, particularly for pain relief. Following Arthur's death in November 2000, Pauline continued with her research and lobbying for decriminalisation.

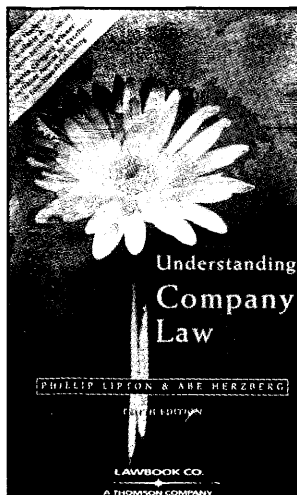
The book is extremely easy to read and not very long at 110 pages. Each chapter contains boxed information about various aspects of cannabis use and control, such as the historical use of cannabis as a pain reliever, types of cannabis, the movement to reform the law regarding cannabis use and the opinions of various experts. There is also a list of references at the end of the book.

I would recommend this book to anyone interested in the decriminalisation of marijuana and health law and policy.

Postscript: In February 2002, the United Kingdom government announced it was studying the use of cannabis as a painkiller and had set up trials to assess the use of cannabis in people with multiple sclerosis and post-operative pain.

– Toula Louvaris

***Understanding Company Law* (10th edition) by Phillip Lipton & Abe Herzberg, Lawbook Co. 2001; pp778; \$94.60.**



This is one of the new breed of law textbooks, and a vast improvement on those I encountered at law school in the mid 1990s. The textbook is published in conjunction with a website resource at <www.lipton-herzberg.com.au>, which in itself is very valuable for anyone studying or researching company law.

The book's structure is familiar and logical, shadowing the structure of the legislation to a large extent. Its real strength is in the way information and exercises are presented. Each chapter begins with a short list of 'Key points' – perfect for starting one's exam revision notes – and topics are divided into succinct and logical subheadings. These are indeed so succinct that paragraph numbers are not necessary and are not used.

The writing style is clear and uncluttered, outlining the salient points and the context in which they take place. The integration between text and website allows the text itself to provide a very readable overview of the law and cases, while the website links scattered through the text provide layers of information and analysis for those wanting to take a topic further.

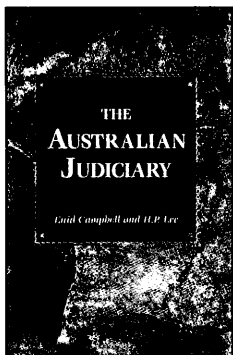
The other major use of the website is to facilitate students' practical engagement with the requirements of corporations law. Students are asked to answer questions on practical issues such as registration requirements, or on topical questions such as developments in views of directors' duty of care, and encounter links that direct them to appropriate pages within websites.

It might be argued that this approach is akin to 'spoon-feeding' students, and I confess to feeling some twinges of envy as I looked through these materials. It certainly represents a great deal of work by the

authors in the interests of making things easier for students. But I wholeheartedly approve. This book and the associated website provide an accessible and well thought out introduction to a difficult and very important topic, and at the same time to the increasingly large and complex world of internet research. Anyone using these materials will emerge with an understanding of the elements of company law and something of its practical effects, and an awareness of the range of useful information on the internet and how to find it. That has to be a good thing.

– Helen Dakin

***The Australian Judiciary* by
E Campbell and H P Lee,
Cambridge University Press,
Victoria, 2001; xxii +
298pp; \$75.00**



A drafter of the United States Constitution, Alexander Hamilton, once described the judiciary as the weakest of the three branches of government – one in continual jeopardy of being overpowered by the executive and the legislature. Yet, despite its proclaimed weakness, the courts have long formed an elemental

part of our system of government. Their capacity to invalidate both legislative and executive action, when measured against the yardstick of the Constitution, ensures their continued importance, as well as the inevitability of controversy.

Despite the patent institutional importance of the courts, there has been surprisingly little academic writing in Australia until recently about the way in which courts discharge their functions. This dearth is particularly apparent when viewed against the stream of literature emanating from the United States investigating every facet of judicial life.

Australian judges have, of course, been frequent contributors to law journals on particular aspects of the judicial function, especially the importance of judicial independence. Moreover, a number of institutions (such as the Australian Institute of Judicial Administration) have begun in recent years to explore practical

aspects of the administration of justice. Yet, until the publication of *The Australian Judiciary*, little had been published by way of comprehensive study. This study, by two eminent constitutional lawyers, provides a well-crafted, interesting analysis of the judicial branch from a uniquely Australian perspective.

The book is wide-ranging in scope. Its core chapters examine the role of judicial independence in maintaining public confidence in the judiciary; the manner in which judges are selected and appointed; the way in which they may be disciplined or removed from office; the contribution of judges to the community through non-judicial professional work; the web of laws designed to protect judicial institutions; and the ways in which judges are accountable for their conduct.

This book has been published at a time of changing public attitudes toward the courts and judges – attitudes that are more questioning and less respectful than in times past. In the introduction to the book, the Australian Bar Association is quoted as saying: ‘The institutions of a democratic society require careful guardianship. Even Australia, with its rich democratic tradition, cannot assume that the foundations of its liberty are impregnable.’

Current events continue to demonstrate the veracity of this assessment. In March 2002, Australians witnessed an extraordinary attack by a Senator on the integrity of a Justice of the High Court. The accusations, made under the cloak of parliamentary privilege, were soon proved false and elicited an outpouring of public support for the judge in question. The incident may have done more harm to the institutions of Parliament than to those of the judiciary, but there is danger nonetheless in the gradual leaching of public support for key institutions. Campbell and Lee prophetically identify the nub of the matter in saying that any erosion of judicial independence must be viewed with great concern because the judiciary is pivotal to the functioning of the Australian democracy.

The authors of this book modestly state that their principal aim is to contribute to a better understanding of the Australian judiciary. This they certainly achieve. Their excellent book deserves wide readership within, but most especially beyond, the Australian legal profession.

– Brian Opeskin