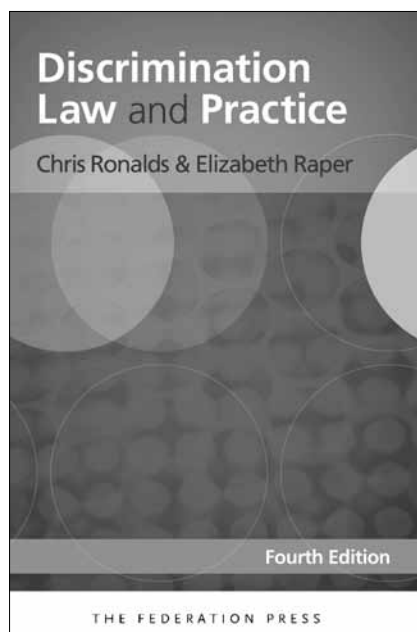


Discrimination Law and Practice (4th ed)

By Chris Ronalds and Elizabeth Raper | Federation Press | 2012



This slim volume provides an excellent overview of the developing field of Australian discrimination law and practice, and would make a valuable addition to any barrister's library. The book is both comprehensive and concise (246 pages). Clearly, it was written for lawyers and non-lawyers alike, and is accessible to all. It is well organised, and easy to read.

The authors are to be congratulated for giving us such an excellent and helpful guide to an important area of law and practice.

This book would be particularly helpful for barristers who do not specialise in discrimination law, but who need a handbook on the area for general reference or because of a specific brief. For barristers who do specialise in discrimination law, the book is likely to be helpful for its coverage of significant recent developments. The fourth edition

incorporates recent judicial decisions of importance, as well as statutory amendments. Notably, it gives specific attention to the impact of the *Fair Work Act 2009* (Cth) and the new Federal Court Rules. It also includes a new chapter on the topical issue of bullying, including cyber-bullying (Chapter 18).

The authors begin with a discussion of the historical background and international context of Australia's discrimination laws (Chapter 1). I found this very helpful in understanding the broad scheme of the legislation, the way in which it has evolved to encompass various types of discrimination and the institutions which handle complaints. Against that background, the authors go on to discuss: grounds or attributes of discrimination (Chapter 2); definitions of discrimination, direct and indirect (Chapter 3); discrimination by area of practice, such as employment and education (chapters 4–8); victimisation and other unlawful acts and offences (Chapter 9); liability, vicarious

liability and defences (Chapter 10); general exemptions (Chapter 11); complaint-handling processes (Chapter 12); conducting a hearing (Chapter 13); remedies (Chapter 14); industrial laws (Chapter 15); and bullying (Chapter 16).

Although the main focus of the

book is on the federal laws, a series of helpful appendices identify equivalent state and territory provisions (after the authors have also explained the general relationship between the federal and state/territory laws in Chapter 1).

In many circumstances there will be both a federal and a state discrimination law in operation, so a person will have to decide which to use before lodging a complaint (with possible detriment to later action), as the authors have noted (p.9). I would have liked them to expand on matters relevant to choice of jurisdiction (and potential detriment). It is such an important issue in practice and one on which legal advice is likely to be sought. There is a helpful discussion of choice of discrimination law or industrial law in Chapter 15 (pp. 233–237). However, any future edition of the book may benefit from greater discussion of choice of jurisdiction as between federal and state discrimination regimes more generally, perhaps in a separate chapter.

The authors are to be congratulated for giving us such an excellent and helpful guide to an important area of law and practice. It will assist practitioners a great deal. One suspects that the book will be popular, as it deserves to be.

Reviewed by Kylie Day