

**E Dix, M Errington, K Nicholson, & R Powe, *Law for the Medical Profession in Australia* (2nd edition), Butterworth-Heinemann Australia, 1996.**

*Law for the Medical Profession in Australia* (1996) is the second edition of a book designed for medical professionals in Australia. The authors, Andrew Dix, Michael Errington, Kevin Nicholson and Rod Powe, have comprehensively covered the health law field in such a way as to create a valuable reference tool for not only medical practitioners, but medical students, nurses, allied health professionals, the legal profession and law students.

The book is first and foremost a practical guide to the medical profession and addresses the problems health professionals must face when confronted with legal issues in their practice.

The format of the book is similar to a formal legal text with an easily understood layout. The topics covered include a brief introduction to the Australian legal system followed by chapters on: 'Registration, Discipline and Fitness to Practice', and 'Medical Records' by Andrew Dix; 'Commercial Aspects of Conducting a Practice', 'Medico-legal Practice' and part of the chapter on 'Certification' by Michael Errington; 'Confidentiality', 'Patient Consent', 'Public Health' and parts of the chapter on 'Contraceptive Advice and Treatment' by Rod Powe; with Kevin Nicholson writing the chapters on 'Professional Liability and Medical Defence', 'Bioethics' and part of 'Certification and Contraceptive Advice and Treatment'. Richard Otley was responsible for the chapter on 'Health Insurance'. The law as stated is at 30 June 1995.

It is unfortunate that the contents page is stated so briefly. A more detailed breakdown of the subject matter to be addressed would avoid the irritation of a detailed search in the index at the conclusion of the text for general areas of interest such as "family law", or "euthanasia" issues.

With the difficult task of addressing all Australian jurisdictions the authors have approached such issues as complaints and discipline in Chapter 2, entitled 'Professional Regulation, Conduct and Health', with a thoroughness to be applauded. This chapter, juxtaposed at the beginning of the text with a chapter addressing the 'Commercial Aspects of Conducting a Practice', sets the scene for what follows: a methodical breakdown of the legal principles, legislation and case law attaching to issues of confidentiality, patient consent, medical record keeping, public health and so on.

Despite the predictability of the structure of this book the detailed analysis undertaken in, for example, the chapter on 'Professional Liability and Medical Defence' (with references to recent cases discussed in a clear and illustrative manner) is an example of how to appeal to a non-legal audience in both a simple yet authoritative way.

The chapter on 'Public Health' reflects the broad appeal this text will

have to many differing health professionals. In a field of detailed government regulation this chapter offers a guide through each jurisdiction's legislative requirements with respect to HIV/AIDS, other sexually transmitted and infectious diseases, the control of drugs and reporting of child abuse.

Given the nature of the text it is welcoming that the intersection of family law and general medical practice, from the perspective of the medical practitioner and/or allied health professional, has been given specific consideration in the chapter on 'Medico-legal Practice'. A third edition of this text should give consideration to creating a separate chapter on "Family Law and Medical Practice". There are a number of difficult legal issues to be confronted in daily practice ranging from child abuse (as noted) through confidentiality and privacy issues as they arise in the multiplicity of "family" formations that are now possible, and problems in the custody and access cases, (as the text was printed prior to the most recent changes to the *Family Law Act 1975* (Cth) the new terms of "residence, contact and special issues orders" have not been used). As a practical guide to the medical profession this section is brief but concise.

For all health professionals the question of medical negligence, the meaning of patient consent and the controversy over who owns and controls medical records is of topical significance, and it has been addressed in the book in some detail. Unfortunately, the recent High Court of Australia decision in *Breen v Williams* (unreported judgment of the High Court of Australia, 6 September 1996), was undecided at the time the book was printed. A surprising number of health professionals are aware of and interested in the case as it affects their practice and the creation of records, nonetheless, the brief chapter on 'Medical Records' should satisfy the immediate practical needs of most professionals.

The chapter on 'Confidentiality' would probably be better placed with the chapter on 'Medical Records' as a discussion of privacy principles traverses both.

'Patient Consent' is a detailed chapter and provides an extensive analysis of the requirements for consent by the competent and incompetent patient, defences which are available when treatment has been performed without consent and the forms of action which arise for inexcusable treatment without consent.

Given the recent developments in the Northern Territory and in the Federal Parliament concerning the validity of the Northern Territory's voluntary euthanasia legislation, it is unfortunate that this book was printed without the opportunity to discuss the ramifications of such legislation for the medical professional in the light of the existing legislation in a number of jurisdictions which address difficult "end of life" decisions. The discussion in the chapter on 'Bioethics' is informative but from a practical point of view a more detailed analysis of the existing legislation may satisfy a medical practitioner's question of "what does the law require me to do or not do?" when caring for a terminally ill patient.

For a health professional this book is a comprehensive and practical reference which most in the field of health care will find readable and straightforward. The law is stated clearly and the corresponding obligations of a health professional are addressed with the professional specifically in mind.

**Bridget Maxwell**