

## Employment Law: In Principle

Rohan Price

Lawbook Co, 2002, pp 291, \$60.50

Employment law continues to be ever-evolving and impacts on us all when within the workplace. As such, *Employment Law: In Principle* explores issues that are central to the modern employment relationship in Australia. It introduces the main concepts and issues and provides an overview of the relationships and the institutions that impact on it.

Written by Rohan Price, a lecturer in law, it aims to meet the specific needs of those studying human resources or industrial relations, as well as providing an accompaniment for law students. The textbook is designed to be rigorous enough to please the faculty teaching it by enclosing supporting cases, practice questions and further reading, while at the same time giving a clear introduction to the area of employment, which students engaged in the course may especially appreciate.

The text is divided into four parts, providing an even and complementary approach. Part I of *Employment Law: In Principle* outlines the area of employment law by assessing the importance of the freedom of contract, historical aspects, and how to define such a relationship. It delves into the important recent decisions of *Hollis v Vabu Pty Ltd*<sup>1</sup> and *Vabu v Federal Commissioner of Taxation*,<sup>2</sup> which brings the text right up to date and explores the difficulty in defining the employment relationship. Further, the text gives students an understanding of contractors and casual employees, which are ever-increasing phenomena within this context.

Analyses of the elements of an employment contract are looked at in Part II, with a particular focus on the contract of employment itself. Terms and elements are discussed, and also the duties on both employers and employees that arise. The author has not chosen to compile an exhaustive list of all the duties that apply, but rather, he has suggested the most common duties found within the employment relationship. He has also touched on the duty of mutual trust and confidence that may impact greatly in the future in this area.

Part III, on the impact of legislation, is easy to read and addresses the changes that have occurred within employment law. It looks at federal and some State legislation, as well as looking into the impact of

<sup>1</sup> [2001] HCA 44.

<sup>2</sup> (1996) 33 ATR 537.

awards and federal enterprise agreements within the workplace. The inclusion of the chapter on international standards also makes for an interesting read. Part IV offers a concise review of the relevance of discrimination law within employment. Both direct and indirect discrimination, and discrimination on other grounds, are discussed, with the format of these chapters making this area clear and easy to understand. The inclusion of Parts III and IV extends the book's application beyond the traditional employment thinking into a broader area of labour law.

Each chapter of the text contains readings, aims, principles, summaries of key principles, a guide to problem solving, tutorial questions, essay topics and further reading. This format is used throughout the text and works extremely well. The book has an additional extra available to prescribing lecturers and students, offering 'eQuiz's' and Internet supplements to keep up-to-date.

The book's primary strength is that it is comprehensive and succinct. The text gives the reader an insight into the impact of defining the employment relationship, taking into account its historical background, as well as the legislative approaches and restrictions applying to such a relationship. It provides the student with not only a sound fundamental grounding on the wide spectrum of employment law issues, but also a valuable insight into the application of this phenomenon in today's society. The diagrams and the layout, and the suggestions for practice questions, are particularly useful.

However, it must be remembered that this text is an introduction to the area of employment law, and that while some practical application is provided, it is merely a starting point and detailed analysis is not within the realms or the intention of the text. Further, the text has failed to mention the possible development within the duty of mutual trust and confidence as discussed in the English case of *Malik v Bank of Credit and Commerce*.<sup>3</sup> While this is not binding authority, it is persuasive in demonstrating the possible development in Australia of this new duty and is particularly important in showing a marked shift towards strengthening employees' rights. Notwithstanding this, it is a very readable book with an easy style and quite comprehensive for its size.

*Employment Law: In Principle* offers a comprehensive statement on employment law, setting out the principles clearly and succinctly and illustrating them with relevant case law and examples. This text is

<sup>3</sup> [1998] AC 20.

very useful as an introduction for students without any prior knowledge of this area.

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## **Health Care and the Law**

**Meg Wallace**

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There are few areas of the law where the repercussions of the law itself are more acutely felt than in health care. Opinions regarding the appropriate relationship between health care and the law are vast and varied due to its inherent interrelationship with religious, moral, political and ethical factors. In recent years, increased patient knowledge and expectations regarding health care practice, in combination with major biotechnological advances, have meant an explosion in health care legislation.

Meg Wallace is a registered nurse and senior legal adviser for the Department of Justice and Community Safety in the Australian Capital Territory. This publication is able to mesh both the practical and legal aspects of health care practice in which the author is experienced. This work has been written to cater for all health care practitioners as an introductory guide and to prompt towards other references of interest.

There are many good features of this book. The logical progression from chapter to chapter, checklists and elements summarising relevant points, and regular illustrative case studies make for easy reading. A further reference section is available at the end of each chapter. Flow diagrams simplify many complex areas, such as steps involved in ethical decision making. The only frustrating feature about this book is the lack of a chapter outline at the commencement of each chapter. The appendices are an excellent quick reference guide, along with the 'Basic sources for research' section in assisting health care workers to find legal material.

The first three chapters provide a basic overview of the legal system. An outline of the structure, types of courts, tribunals and commissions involved, and the legal process is given. The next two chapters deal with consent and related issues. Chapter 4 deals with consent to health care by a competent adult. A short summary of the law of consent for the medical practitioner is provided. There are checklists

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