

Torts: Cases and Commentary (5th edition) by Harold Luntz & David Hambly Butterworths

I cannot remember if my first exposure to law was a contracts lecture by Professor Don Greig or a torts lecture by Henry Burmester. Whatever it was, both did not make a lot of sense to me especially torts. I do have a memory of the cases and materials books that were prescribed in that first year at ANU (1982). For contracts, a largely purple copy of Pannan & Hocker's (I think) text and for torts, I believe, the 3rd edition of Luntz & Hambly's text on torts now in its 5th edition. I was at ANU and at that time, I believe Professor Hambly was in a research school of the university. Henry Burmester was a tall bespectacled man with a bird's nest beard. I see now that he holds a senior position in the Federal Attorney-General's Department working on constitutional matters. Whatever the state of my memory, the tan, yes, tan coloured cover of the 3rd edition of Luntz & Hambly's book was, at least my memory says it was, more fat than this 5th edition and the text a lot denser - the smallest print I had ever seen. I do not remember much of torts after those early lectures in 1982.

It must have been the print size that turned me from the civil law and to administrative, constitutional and international law at university, the criminal law was also as jelly to my mind until later.

I did not come to civil law and indeed the law of civil wrongs until I joined Ward Keller in 1996, I period of 14 years. Have the years improved? The latest edition of Luntz & Hambly's tome is a little less dense (certainly in text size) and is more usefully set out with clearer headings. The authors have

picked up the recent discussion about public liability litigation without belabouring the issues the so called 'crisis' has entailed. I particularly liked the 'Detailed Contents' pages which I found more useful than the Index.

Unfortunately, this current edition was printed before the significant changes in NSW, Queensland and soon to be changes to personal injury litigation in the rest of the country and the NT.

Depending on what happens, I suspect that the next edition of this hardy and useful perennial will revert to the tan cover and, for the sake of economy, reduce its text size to accommodate either the mass of new legislation on the cards and the horrendous numbers of cases that will be needed to interpret the changes to what was a very simple, at least procedurally, system of fault and compensation.

The decision of *Perre v Apand* could have received a little more attention in Chapter 2 as could have the recent decision in *Ghantous*. *Ghantous* is not just a particular incidence of negligence but has relevance to the High Court's approach to this law particularly public liability cases.

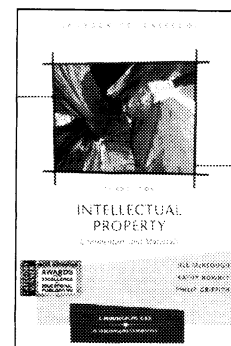
Unfortunately this edition was too late for the High Court's decisions in *Tame* (on psychiatric injury) and *Lepore* (non delegable duty and vicarious liability). As long as you bear those recent developments in mind, this is certainly the book on torts to get.

I thought that the issue of causation particularly in 'loss of chance' cases and medical cases could have been given a more detailed treatment.

These are trivial criticisms. Along with Luntz' work on damages and a decent pleading text, you could not do much better than discard all your volumes of authorities, save space and substitute this text. It goes a long way to making sense of the volumes produced by the High Court on these issues.

The colour of the cover has changed - it is now a grey with a blue header with what looks like an airbrushed rendition of chopped mushrooms. Let it be so.

- Michael Grove, partner, Ward Keller



Intellectual Property - Commentary and Materials (3rd edition) by Jill McKeough, Kathy Bowrey & Philip Griffith Lawbook Company

This edition has taken 10 years to appear, and has been significantly revised, particularly on matters arising from the Copyright Law Review Committee and the new Trade Marks Act.

The book is aimed at the law student rather than the practitioner, however it provides a good overview of intellectual property issues. The intent of the authors is to provide a set of materials covering the essential aspects of intellectual property, and to prepare students for advanced study in any of the topics covered.

The book does not deal in any detail with remedies, international trade or information technology law issues, and people looking for this sort of information are better off with another publication.

More than half of the book is devoted to copyright, with the balance of the book dealing with other areas, such as patents, designs, confidential information, protection of business reputation and trade marks.

The authors have elected not to reproduce extracts of the legislation in the book, which in my view, actually makes it more readable, provided you have ready access to the Copyright Act.

In summary, the book provides a good general overview of intellectual property law in Australia, with an emphasis on copyright law. Students of intellectual property law will find the book very useful, practitioners may be left wanting more detail.

- Duncan Maclean, partner, Cridlands