

BOOK REVIEWS

Dr John Devereux, *Medical Law - Text, Cases and Materials*, Cavendish Publishing, 1997. \$68.00.

Internationally, medical law is an increasingly diverse and growing area of legal study. In Australia it is only in the last two decades that medical law has evolved to become a discipline in its own right. The emergence of medical law as a distinct discipline of legal study at both postgraduate and undergraduate levels in Australian law schools renders a medico-legal text aimed specifically at Australian law students a much needed publication. Dr John Devereux has attempted to fill this need with his text titled "Medical Law: Text, Cases and Materials".

In the preface the text is explained as a "sourcebook of readings, cases and commentary on medical law topics". This is an accurate description of the text as it is not a case book, nor is it a definitive legal guide to Australian medical law. Rather the text has integrated a wide range of valuable original material such as codes, statutes and text extracts together with explanatory commentary. This approach results in a text which is both student-centred and accessible.

The content of the text itself is divided into two main parts. The first part examines both civil and criminal aspects of doctor-patient interactions. This part, contained in Chapters 1 through 5 covers general principles of medical law including: bioethics, non-Western philosophies and the constitutional limitations on health care delivery in Australia (Chapter 1); contract and battery (Chapter 2); negligence (Chapter 3); criminal assault, abortion and euthanasia (Chapter 4) and confidentiality and access to medical records (Chapter 5). The second part of the text examines particular issues in medical law; mental illness, intellectual disability (Chapter 6); AIDS (Chapter 7); transplants (Chapter 8) and complaints (Chapter 9). The text covers all Australian jurisdictions.

The first part of the text is well done. One of its principal strengths is its inclusion of extracts from a diverse selection of source materials (ranging from, for example, the Australian Nursing Code of Ethics to text extracts detailing the Five Commandments of Medical Ethics in Ancient China). At this stage in the development of Australian-specific medical law materials it is still somewhat novel to find a legal text which provides original source extracts in the provision of information. Devereux uses the source material well, interspersing written commentary to summarise and analyse the material. This approach serves to place the publication in a category somewhere between a casebook and a textbook. One minor criticism is that the extracts could have been more clearly differentiated within the text. However, this criticism merely relates to form rather than content.

The text is clearly written. An example of this clarity is seen in the three page comparative table on child protection legislation.¹ In the diverse area of medical law it is a complex and often onerous task to succinctly state the law in all Australian jurisdiction - this table provides one example of how Devereux has attempted to synthesise the jurisdictional differences in Australian medical law.

The second part of the text represents a shift in focus towards particular issues in medical law. Devereux acknowledges in his preface one main criticism that may be made of this part of the text - the difficulty of selecting which topics to cover. Of course any such selection process is particularly difficult given the diversity of subject matter which may be considered to fall within the ambit of medical law. Some readers looking to examine a specific issue such as reproductive technology or cloning may be disappointed to find that such issues are not covered in the text.

The issue raised at the intersection of law and medicine necessarily entail not only medical and legal issues but ethical, moral and economic issues as well. One aspect of this text which should be noted is that its focus is very much black letter law. Readers who come to this text with an expectation of finding either commentary or source material to assist them in issues apart from legal statements may leave somewhat empty-handed. However, the text's aim of providing a 'legal' coverage of the area is not compromised and, naturally, may be supplemented with additional materials to provide some insight into the myriad of issues which surround medical topics such as transplants.

² See pages 96-99.

Overall this text is excellent. It is a useful addition to a medical law student's library. It is accessible and covers a range of some of the more pressing issues in medical law. Its greatest strength is as a sourcebook. In drawing together a large amount of material including original extracts from statutes, textbooks, cases and other relevant materials such as the AMA Code of Ethics the text creates a useful 'one stop shop' for medical law information. It provides a comprehensive yet succinct account of the issues it covers - it is recommended reading for any medical law student or individual with an interest in the area of medical law.

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