

ability. The extensive coverage of both Australian and overseas case law (especially US cases) is a real strength of this book. The professional rules are also examined; however, the abundance of case law has resulted in a limited discussion of the rules in some chapters. Ross's style and use of interesting examples, such as films, makes this an easily understood text that will be useful to any student seeking to comprehend legal ethics.

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Media Law: Commentary and Materials

Sally Walker

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With 'media law' being, in fact, a disparate set of principles encompassing various aspects of civil law, criminal law and legislative prescription, Walker's *Media Law: Commentary and Materials* makes no attempt to homogenise these disparate elements into a cohesive body, preferring to spread them across the seven sections of the book.

Part one is essentially an overview, dealing with 'The Media and Free Speech', and serving as a means of linking the subsequent portions. Through comparison between various international positions, and the Australian position – particularly regarding the 1992 High Court 'free speech cases' and their subsequent application, dissection and retraction – Walker has an opportunity to disseminate a more personalised argument than appears throughout this text. As the judicial pronouncements on this issue of free speech are sparse, apart from the string of High Court decisions from the 1990s, which Walker extracts, current debate seems to have been bypassed in favour of a list of further readings, giving the reader an impression of finality that is perhaps not the case.

Part two focuses on defamation and injury of reputation, trade or business. Positively, Walker explains defamation action arising both under the common law and as available under statute in some Australian States; this legislative position is often passed over even by tort law texts. While the majority of cases extracted and discussed obviously involve the media, no attempt is made to constrict artificially the discussion and explanation by examining defamation solely in reference to the media. Walker's explanations and extractions are thoughtful and appropriate, although it is suggested that the inclusion

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of several more Australian cases – high profile decisions such as *Theophanous v Herald and Weekly Times Ltd* (1994) 182 CLR 104 are practically ignored, in favour of a large body of British material – may have been more appropriate.

The subsequent chapter on defences to the tort is highly detailed, seeming to explain well the myriad of defences to the action. Remedies and criminal defamation are also accorded adequate coverage. The final chapter of this part groups together subjects on the periphery of this topic: misleading and deceptive material, fair trading and consumer protection legislation and the like. Whilst no doubt the subject of more intense study in more related texts, Walker manages to detail soundly the impact and ramifications of these areas of the law for the media.

Parts three and four focus on court and parliamentary reporting respectively. Wading through the principles and laws relating to ‘open justice’, court proceedings and documents, suppression orders, parliamentary proceedings, election and political material, sensitive information and contempt of court or parliament, Walker again fails to feel constrained to focus solely on topics directly related to media. This is evidenced by the thorough chapters on contempt of court and contempt of Parliament, where the author also details contempt relating to improper behaviour, failure to attend court hearings and parliamentary misconduct, in addition to the obvious exploration of contempt arising from media reporting. By developing discussion beyond what would constitute media-related law, the author is able to explain fully the source of and rationale for such areas, saving the need for oblique references or explanations.

Sensibly, part five – offensive material – is short, outlining classification standards and various defined benchmarks of ‘offensiveness’ without commencing the arduous and subjective task of fully realising these categories. By excising this more sociological component – what is offensive and *why* – Walker may be seen to have neglected the area somewhat; but it is suggested that such a task would not fit within the confines or nature of the text; perhaps the list of suggested readings could have been expanded to compensate adequately.

Part six examines the impact of both privacy law and of intellectual property law on the media, the section on privacy seeming somewhat limited, largely referencing legislative requirements regarding surveillance and providing a brief outline of trespass and nuisance laws. The intellectual property chapter naturally explores copyright laws, reading at times like little more than an annotation to the *Copyright Act 1968* (Cth). Case extracts are sadly missing from this chapter, re-

signed to footnotes in explaining the contours of the legislation. This is unfortunate as, unlike other chapters, there is an inadequate context for comprehending Walker's explanations of the law. The small addendum on the tort of passing-off and confidential information is similarly spartan and decontextualised.

Part seven, labelled "'Special' Rules' is essentially a walk-through of broadcasting regulation and licensing and the operation and position of the Australian Press Council. While the text navigates through this area well, it hardly stands as riveting or insightful reading.

Overall, Walker navigates the variety of areas commendably. Judicial, legislative and occasional academic extracts are generally well chosen and of assistance, while the author is keen to provide questions at various stages throughout the text, ensuring not only that the reader is acquiring the knowledge intended by the materials, but also that further comment, debate and discussion of possible reforms are available. Even for its size, *Media Law: Commentary and Materials* cannot cover all these angles, and the suggestions for further reading and questions on material ensure the reader is aware of this.

Conversely, with media control, expansion and power being often-debated issues, this text is already showing the effects of the passage of time. Recent defamation and privacy cases are naturally absent, and mooted changes to media ownership and pay television, as well as likely developments with digital television, mean that this text may soon seem archaic in places, despite its current relevance. But developments subsequent to publication should not detract from what has been included. The author's ability to explain issues in a comprehensible manner has resulted in a text that is of valuable assistance in understanding this area of the law.

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