

Australasian Mooting Manual



**J Butler and
T Gygar**

May 2012

LexisNexis

RRP \$56

This is an excellent first introduction or later-year companion to the art of mooting for law students and young practitioners. Easy to comprehend and not too intimidating for the novice mooter, but still packed with useful tips for those with more experience, this volume is sure to be useful to undergrads and lawyers alike.

The Manual is laid out in the stages of a tournament, with a brief history of moots before diving into the details of what do leading up to and during a moot. Here, all bases are covered, from what to do with team planning time to how to deliver an excellent submission and even better rebuttal. Best of all, the Manual takes the time to go in depth, covering tricks for memorisation, the principle of precedent, cost, expense and resources and personal presentation.

There is also ample information to satisfy judges and coaches of mooting teams. The problems of how much help to give and what to do with problem team members are laid out for the prospective coach, while judges could benefit from a short but essential chapter which outlines how to prepare for a moot as a new judge, what to do on the bench, and how best to approach assessment and feedback.

Finally, the comprehensive index of competitions at the back of the book will prove invaluable for those organising mooting competitions on behalf of a university, law society or firm.

Overall, the Australasian Mooting Manual is an excellent guide for beginners at mooting, coaching, judging and organizing moots, while still having something less basic for those who are slightly more senior in their respective roles. There is definitively something for everyone in this indispensable guide!

Kelly Kristofferson, ANU Law Students Society

Work Health and Safety Law and Policy



**R Johnstone,
L Bluff and
A Clayton**

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Thomson Reuters

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Practitioners of work health and safety (WHS) law will be only too aware that this area of law is clouded with uncertainty following the implementation, in a number of jurisdictions, of the Model Work Health and Safety Acts and Regulations. The authors of this text gamely attempt to predict how the harmonised regime will operate, but theirs is necessarily a somewhat speculative exercise.

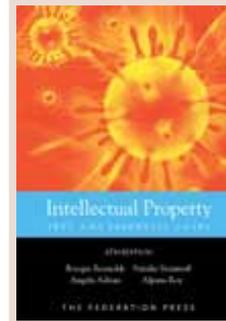
The book examines the model WHS legislation and discusses court decisions that may influence its interpretation. The authors also frequently reference recommendations contained in the Reports arising out of the National Review into Model Occupational Health and Safety Laws, including some which were not ultimately adopted — such as the recommendation that the model WHS Act require persons conducting a business or undertaking to employ or engage a suitably qualified person to provide advice on WHS matters. There are useful discussions of key concepts such as “worker”, “reasonably practicable” and “officer”.

While the focus of the book is on the model WHS legislation, the authors place this new regime in a broader context. There are chapters devoted to the historical development of the law relating to work related injury, disease and death, to the employee’s common law action in negligence against the employer, and to the myriad of workers’ compensation systems operating in Australia.

This book is intended primarily as a resource for university students, but will be of value to practitioners in this area as well. It is to be hoped that a revised edition will issue once the process of harmonisation has progressed further and there is some case law to bridge the gap between the old OHS world and the new, WHS regime.

Clare Besemeres, CEA Technologies

Intellectual Property: Text and Essential Cases



**R Reynolds,
N Stoianoff,
A Adrian & A Roy**

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Federation Press

RRP \$95

The first edition of this text was given considerable extol by The Honourable Justice WMC Gummow AC. I would adopt that praise in describing this most recent edition, hastening to add it has also increased the breadth of legal principles discussed.

This fourth edition incorporates recent common law developments, which is important in a field of law that is continually evolving as new technologies emerge. Attention is also given to recent statutory intervention with the authors providing an interesting analysis of the impact of the *Competition and Consumer Act 2010* (Cth) has had with respect to passing off. The amendments introduced by the *Intellectual Property Laws Amendment (Raising the Car) Act 2012* (Cth) have also been outlined and comprehensively explained.

Each chapter opens with the authors examining the key principles underpinning the focus topic. Supplementing that, at the end of the chapter, are extracts from leading authorities. In adopting such an approach, this book succeeds where many other texts have failed. The reproduction of the cases enhances and supplements the discussion of the underlying principles and is not simply a substitute of the authors’ own analysis. This fusion of material ensured a deeper level of knowledge is imparted.

Notwithstanding the scope of the material covered, the text is easy to follow with the topics flowing sequentially. It also includes tables providing a quick reference to the defences available for alleged breaches (see pg 164) and the duration of copyright (see pg 74) which are particularly useful.

Overall this is a well referenced, eloquently written and up to date authoritative text that is sure to service the needs of anyone dealing with this area of law.

Brendan Jones, Moray & Agnew