
Book reviews

Editor: Judge Michael Shanahan

PROFESSIONAL COMMUNICATION: LEGAL & ETHICAL ISSUES

Professional Communication: Legal & Ethical Issues, 2nd edition by Dr Rhonda Breit: LexisNexis Butterworths, 2011, ISBN 978-0-409-32732-8, 504pp, paperback.

Dr Breit is the Deputy Head of the School of Journalism and Communication at the University of Queensland. Having completed an LLB, post-graduate studies in media law and a doctorate in journalism ethics, she is well qualified to traverse the content covered in this book.

Dr Breit acknowledges that her aim of “promoting accountability among journalists and PR [public relations] practitioners” is ambitious, and she notes that the public currently rates as poor the honesty and ethical standards of journalists. In the context of a rapidly changing communication environment and ongoing fallout from high profile events such as the *News of the World* scandal and the WikiLeaks controversy, the need for industry professionals to act both ethically and lawfully to restore integrity in the eyes of the public is arguably of greater importance than ever before.

Given the present emphasis on the use of plain English in legal writing, the author’s choice of language (eg repeated use of “problematizing”) is distracting at times. Semantics aside, Dr Breit’s style is personable and engaging, and frequent reference to contemporary events assists readers to relate theory to practice. The use of figures and tables to summarise and structure key concepts throughout the book promotes readers’ understanding of these ideas.

While the author’s aim of promoting accountability appears simple, the breadth of subject matter covered in this book reveals the complexity of such an aspiration. The book is divided into six parts:

- Part 1 scopes the professional communication environment. The roles of and relationships between journalists, PR practitioners and lawyers, and current challenges to professional legitimacy are examined. The overview of fundamental tenets underpinning the Australian legal system, including sources of law, jurisdiction, the doctrine of precedent and court structure will prove useful for readers who have not undertaken legal study. Freedom of speech and expression are considered, alongside a critique of the efficacy of the current regimes of self-regulation within journalism and PR.
- Part 2 examines ethics and professional communication. Theories of ethics are discussed and a “typology of reflective ethics” is outlined. The concept of privacy is covered in depth, with reference to events such as the *News of the World* phone hacking scandal to illustrate the particular challenges faced by journalists in deciding whether disclosure of private information is “in the public interest”. Statutory and common law frameworks governing matters such as surveillance, interception, duty of confidence, trespass, nuisance and the emerging tort of privacy are outlined, with discussion of relevant case law demonstrating how legal obligations influence day-to-day practice. In light of the events that triggered the current review of privacy law in Australia, and the Leveson Inquiry into media ethics in the United Kingdom, the author’s detailed examination of these areas is clearly warranted.
- Part 3 addresses core issues relating to sourcing and information gathering. Access to information and the concept of the public “right to know” are discussed in light of relevant statutory schemes in Australia, and the delicate balance between open justice and censorship is examined.
- Part 4 examines the rules relating to publication (including laws governing contempt of court and anti-terrorism) and defamation (Chapter 10 covers defences to a defamation action in detail). Reflections on case law and the experience of prominent journalist Chris Masters (who was involved in litigation for over 10 years following his 1987 report *The Moonlight State*) are skilfully used to highlight both the need for practitioners to understand defamation law, and the importance of seeking legal advice prior to publication where appropriate.
- Part 5, titled “Protecting Communication Business”, focuses on intellectual property rights (in particular Australian trademark and copyright law), and examines the role of contract law in defining the rights and responsibilities of communication professionals.

- Finally, Part 6 considers future issues relating to the accountability of PR practitioners and journalists.

Dr Breit argues that, in the digital era, the focus has shifted from “‘information accessibility’ to information quality”. This issue is increasingly important given that many people now obtain news (including reporting of legal matters before the courts) via digital sources, the accuracy and integrity of which may not be easily verified. Access to accurate, balanced coverage of current affairs is vital to maintaining public confidence in our legal system, and it appears self-evident that the use of reflective practice as proposed by the author to improve accountability can assist journalists to enhance this access.

This book is promoted as “an essential guide for both students and practitioners in the communication professions”. Dr Breit seeks to “advance an individual’s knowledge, language and reflective capacity to render account for his or her actions within the changing communication and legal environment”. The author’s open and impartial approach acknowledges the plethora of complex challenges faced by journalists and PR practitioners in negotiating the demands of employers, the public, and the legal framework within which they operate. It is possible that the efforts of a few journalists and PR practitioners to promote accountability are stymied by the demands of an industry hungry for ratings and the next big story. However, students and communication practitioners who are committed to acknowledging and addressing legal and ethical challenges to accountability are likely to find this book to be of great assistance.

Andrea Moffatt

QUEENSLAND EVIDENCE LAW

Queensland Evidence Law, 2nd edition by David Field: LexisNexis Butterworths, 2011, ISBN 9780409329360, 366pp, paperback.

David Field is an Associate Professor of law at Bond University, and this is the second edition of his study of evidence law as it applies in Queensland. The first edition was published in 2007, and it was the text I was prescribed when studying the evidence law subject at university.

Field’s first edition was like gold for a student, being logically structured and written with clarity and concision. These features are significant given that the field of evidence law requires the author to blend vast amounts of old and modern case law, and to relevantly associate historic maxims with the current provisions of the *Evidence Act 1977* (Qld). The book lays complex principles of evidence out in their most simple terms, isolating the intricate details that might otherwise confuse a reader and going through them carefully to properly convey their effect. Where Forbes’ *Evidence Law in Queensland* is for the tradesman, this book is for the apprentice.

The book contains many features which will be heralded by students. To begin with, there is a well set out table of contents, as well as tables of cases and legislation, which make for simple navigation (particularly in the case that a person might not know precisely what they’re looking for). The book also contains relevant extracts of the *Evidence Act* and of case law throughout, and each chapter concludes with factual scenarios in both criminal and civil contexts, and then asks the reader questions which require application of the knowledge they have just acquired. There is also a flow chart of Queensland’s common law rules of evidence entitled “Seeing the Woods for the Trees”. While this may seem like a minor feature, this is such a useful mechanism for a student trying to conceptualise a very large area of law for the first time. Things like this can make a particularly effective difference to the confidence with which a person is able to approach difficult material, and not just “learn” it, but truly absorb and comprehend it.

In the preface, Field gives two reasons for the new edition: first, the inherent suspicion of a university student in being able to properly utilise a text that is more than a few years old, and secondly, that the publisher had almost run out of the first edition. Tongue in cheek or not, these are both good enough reasons for an update. While evidence law in Queensland was left untouched by the Moynihan Review, which occurred in the interim between the two editions, and talk of a uniform

evidence law in Australia has not come to pass, a textbook like this one should be updated as regularly as possible, to allow students access to the most recent case law in a great tutorial format.

Matt Garozzo

LEXISNEXIS CASE SUMMARIES: SPORTS LAW

LexisNexis Case Summaries: Sports Law, 2nd edition by A Veljanovski: LexisNexis, 2011.

With the landscape of Australian sport becoming increasingly commercial and professional; Australian sports law is now well and truly an established player in the commercial legal practice team. This text is the second edition of *Sports Law* in the LexisNexis Case Summaries series and is indispensable for any lawyer, student, or sporting administrator aspiring to further their knowledge in the dynamic field of Australian sports law.

The author of *Sports Law*, Angelo Veljanovski is a Barrister and Solicitor of the Supreme Court of Victoria and is a lecturer at the School of Law, Victoria University with over 25 years experience in teaching law.

As a lecturer at the School of Law, Victoria University the reader can draw confidence that the case extracts reflect current teaching in sports law.

This modest sized text (213mm x137mm x 11mm) focuses on providing a broad overview of the subject areas rather than focusing on the law surrounding a specific sport. It is essentially a quick reference tool which aims to guide the reader through the fundamental case law on broad areas of sports law. The key feature of *Sports Law* is that it succinctly highlights the facts, issues and decision of each of the 232 reported and unreported extracted cases.

As a reader, you appreciate the author's economic writing style as it complements the text's use as quick reference. The text contains a user friendly contents and index listing for easy navigation.

Sports Law is predominately Australian-based citing judgments delivered throughout a large proportion of Australian jurisdictions. It does however refer to other sports law cases from foreign common law jurisdictions. These include judgments from the United Kingdom, Canada and New Zealand.

The text refers to legislation necessary only to explain a particular issue of a case.

Worth mentioning is the author's inclusion of Lord Denning MR's description of summer time village cricket which is a worthy read for any cricket devotee (see *Miller v Jackson* [1977] QB 966). Of interest is the summary of the 2008 New South Wales Supreme Court decision in *Bulldogs Rugby League Club Ltd v Williams* [2008] NSWSC 822 which attracted substantial media attention in Australia and New Zealand. Interestingly the court had to consider,

- a) whether Sonny Bill Williams was in breach of his playing contract;
- b) whether to grant an injunction preventing him from playing for French rugby team Toulonnais SA;
- c) whether the NRL player contract was a reasonable restraint of trade;
- d) issues relating to service of the proceeding; and
- e) issues relating to the New South Wales Supreme Court's jurisdiction.

The book shows that it is not just a useful reference for lawyers, students and sports administrators but a good read for anyone interested in the world of sports.

Jack Gardiner