



behavioural sciences.

The book successfully brings life to the “main event” of the (criminal) trial. It does so by critically engaging with the foundation principles which inform the rules governing the process. The authors operate with the appreciation that “[o]ne cannot understand evidence law without understanding the philosophical drivers of the common law trial”. In addition, the discussion of each of the selected key areas is interspersed with and driven by interesting factual scenarios derived from reported (but not necessarily leading) cases, extracts of cross-examination and chapters such as “The Accused in Court”. This all makes for compelling reading.

*The Trial* is loosely arranged around the tripartite themes of before, during and after the trial. It deals with pre-trial issues and the evidentiary rules which govern the trial itself and also includes a substantial chapter on judicial directions and sections on areas for reform. Particularly because of the application of its underpinning philosophy to the study of evidence, this text will be a useful companion to a drier, yet perhaps more comprehensive evidence law text. *The Trial* will also no doubt be a particularly useful text for students critically approaching evidence law.

Adam V Chernok, barrister

## Intentional Tort Litigation in Australia

Corrie Goodhand and Peter O'Brien, *Intentional Tort Litigation in Australia: Assault, False Imprisonment, Malicious Prosecution and Related Claims*, The Federation Press, 2015, pb \$99

This book on intentional tort litigation collects legal materials that are relevant to practitioners conducting tort litigation in Australia. The authors are a barrister and a



solicitor practising in Sydney, but the book concisely covers all Australian jurisdictions.

The focus of this book is claims for the torts of assault, battery, false imprisonment and malicious prosecution, with particular attention to claims against the state and claims by criminal offenders in custody.

The first substantive chapter briefly discusses these causes of action and analyses their elements. The next chapter discusses the identification of the correct defendants to such claims. The following chapter gives an overview of the defence of justification and the impact of tort law reform on intentional torts. Then there is a chapter on the applicable limitation periods in each jurisdiction for the most frequent intentional torts. The next chapter explains the principles underlying the award of damages and the award of legal costs in the context of intentional torts, and includes a table outlining the damages awarded in 47 intentional tort cases. The final chapter contains advice on how to obtain documents and the various potential sources of documents needed for intentional tort claims.

As the authors observe, the consistent legislative scheme proposed by the Review of the Law of Negligence presented in 2002, known as the Ipp Report, was to apply to negligence and not intentional torts. However, the legislation subsequently enacted was different in each jurisdiction. In some jurisdictions but not others, statutory provisions limiting liability and damages apply to a claim for an intentional tort where the claim is also brought in negligence. In addition, statutory provisions limiting liability and damages apply to intentional torts in some jurisdictions if the claim is for personal injuries. The authors have included a series of diagrams to illustrate the different ways in which statutory reform affects intentional torts in each jurisdiction.

*Intentional Tort Litigation in Australia* will be useful to practitioners conducting this type of litigation because it identifies and responds to many of the legal and practical issues they will need to confront.

Andrew Westcott, senior lawyer, Ashurst

## The Trial: Principles, Process and Evidence

Jill Hunter, Terese Henning et al, *The Trial: Principles, Process and Evidence*, The Federation Press, 2015, pb \$125

While the publisher touts this text as “[challenging] mainstream approaches to teaching evidence law”, it does increasingly seem that this has become a homogenous selling point for many evidence law texts used in Australian law schools. All the same, *The Trial* does stand apart from other similar books because of its interdisciplinary approach to the analysis of the trial and associated processes. Notably, the authors are drawn from both academia and professional practice and the book’s analysis is very much coloured by theory developed in the social and