

This is a book which, given reflective consideration of the areas of law and the guidelines for educational administration provided by the author, can only serve to enhance legally safe school policies and practices.

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Australian Schools and the Law

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In Australia the growing body of Education Law continues to attract examination and discussion. *Australian Schools and the Law* is a different and useful contribution to that examination and discussion.

The editors - a senior lecturer at the University of Melbourne Law School, a solicitor in private practice in Brisbane, and a senior administrator with the Catholic Schools Office in regional New South Wales, respectively - are lawyers with considerable expertise in the field of Education Law. In the forward to the book, they comment that their intention is to provide those who work in schools with an overview of contemporary and emerging legal issues in education. With this in mind, the editors have compiled a collection of chapters by a number of different authors from Queensland, New South Wales, Victoria and the Australian Capital Territory.

The book is divided into three parts: the rights and responsibilities of teachers and schools, students' rights and responsibilities, and legal regulation of activities in schools.

The first part contains eight chapters. Chapter 1 is a tantalising overview of various issues relevant to the management of legal risks in schools. Some of the later chapters in the book then go on to explore in greater detail some of the matters touched on briefly in chapter 1. Chapter 2 examines the recovery of compensation by teachers for work-related stress. It contains an enlightening discussion of different factors that might contribute to work-related stress in schools; it examines the right of teachers to pursue compensation through workers compensation legislation, and it ends, somewhat abruptly, with a brief reference to compensation under common law principles. Chapter 3 is a well-structured discussion of the teacher as employee. It examines

the question of who is an 'employee', it then explores the different categories of employee within a school setting, and it discusses various other aspects of the employer-teacher relationship according to both common law principles and under industrial and other legislation. A strength of the chapter is its use of case studies to explain concepts and principles explored in the chapter. Chapters 4 and 5 address the issues of discrimination and equal opportunity laws in education. While chapter 4 provides a nicely focused explanation of the different statutes governing discrimination and their application in educational settings, chapter 5 offers a more specific discussion of legal principles and cases involving indirect discrimination with respect to female teachers. Chapter 6 offers the reader a straight-forward explanation of principles of negligence law and an informative discussion of how those principles have been applied by judges in a variety of situations with which some teachers have been confronted. Chapter 7 is a 'state of play' discussion of educational malpractice, summarising the American and English responses to cases alleging educational malpractice and offering a brief exploration of how the issue might be argued in Australia. Chapter 8 discusses the subject matter of termination of employment, explaining the different ways, at common law and under statute, by which a teacher's employment can be brought to an end.

Part 2 of the book contains five chapters. Chapter 9 is a less than dispassionate discussion of the 'rights of the child' movement and the directions that the movement seems to be taking. It is, however, a useful chapter, raising broad issues and offering food for thought. Despite an absence of any real examination of relevant legal issues and principles, chapter 10 offers an informative discussion of bullying in schools and guidance on ways schools might address the matter. Chapter 11 explores the legalities of sport in schools. This is an innovative chapter, with an exploration of how different legal principles might be applied to sport in schools and an examination of different court decisions involving legal liability and sport. Chapter 12 is a valuable chapter. The author demystifies some of the concepts and terminology found in family law and then provides a very readable examination of the application of family law to situations in which teachers sometimes find themselves. A reworking of a paper published elsewhere, chapter 13 is a helpful examination of the legal framework that governs suspension and expulsion of students from both government and non-government schools.

Part 3 of the book contains five chapters. Chapter 14 provides an overview of occupational safety and health laws and their application in school settings. Based upon a previously presented conference paper, chapter 15 looks at the application of freedom of information laws in education. Sitting somewhat uncomfortably in a book of this nature, chapter 16 describes the experience of Victorian government school teachers in their attempts to respond to the changing industrial framework in Victoria. Chapter 17 is a useful contribution to the examination of law in schools. While it assumes some prior knowledge of legal concepts on the part of the reader, it sets out the legal framework within which school boards must operate and it offers some practical advice to members of school boards in the performance of their functions as board members. Chapter 18, the final chapter in the book, offers an informative and well structured discussion of how the Australian Constitution, and the High Court's interpretation of its

various provisions, have allowed the Commonwealth to play an increasingly influential role in education in Australia.

The book also contains a table of cases, a table of statutes, a bibliography and an index. The bibliography is a particularly helpful addition to a book of this nature. However, some of the citations in the bibliography are confusing. For example, some of the citations refer the reader to the 'ANZELA Journal of Education' or the ANZELA Journal of Law and Education'. It would appear that such journals do not exist. These citations are obviously referring to the 'Australia & New Zealand Journal of Law & Education', the official journal of the Australia & New Zealand Education Law Association.

One might be tempted to quibble about the choices the editors have made in allocating certain chapters to a particular part of the book rather than to another. And one might also be tempted to wonder why a couple of chapters in particular were included at all in a book of this nature, when, as the editors indicate, it is directed at folk who have little prior knowledge and understanding of matters legal. However, some chapters address areas of the law not previously dealt with in any Education Law text in Australia. And many of the chapters offer straight-forward explanations of legal principles and practical guidelines for dealing with issues. *Australian Schools and the Law* is an eclectic and useful offering in the field of Education Law.

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