The Remaking of the Courts: Less-Adversarial Practice and the Constitutional Role of the Judiciary in Australia by Sarah Murray, The Federation Press, 2014, 319 pages, including indices, ISBN 978 18627 940 9 (hbk), RRP $99.

This is a useful book for all lawyers, not the least because in the context of considering judicial initiatives towards less-adversarial processes the author clearly and comprehensively examines the Federal and State constitutional precepts affecting the courts. The reality of practice is one in which there are increasing demands for a wider range of judicial methods and procedures, alternate dispute resolution and other means of solving legal problems.

The author advocates the abandonment of the second limb of the doctrine in *R v Kirby; Exparte Boilermakers' Society of Australia* (1956) 94 CLR 254; (1956) ALR 163; 29 ALJR 658; BC5600120 (*Boilermakers' Case*) in favour of an 'incompatibility' inquiry, to allow the flexibility for courts to have a mix of judicial and non-judicial functions, responsibilities and roles. In lieu of the rule that Chapter III of the Constitution precludes giving a court any power other than one which is incidental or ancillary to the execution of its judicial powers, Dr Murray suggests a multifactorial test of four questions to assess whether innovations or changes to the particular court's functions, responsibilities or roles are incompatible with its Constitutional role, essential character as a court or exercise of judicial powers. Dr Murray's incompatibility test is an extension of the principle in *Kable v Director of Public Prosecutions (NSW)* (1996) 189 CLR 51; 138 ALR 577; 70 ALJR 814; BC9604181 and the stream of cases following it, in which the High Court has emphasised the institutional integrity of a court and commented upon a court's defining characteristics.

Whether, ultimately, it is any easier to decide what is incompatible with a court's judicial functions and purposes than it is to determine what is a judicial or non-judicial power for the purposes of the second limb of the *Boilermakers*' doctrine, is likely to be a matter of continuing academic argument. However, the clarity given to abstract constitutional principles by their application to real or proposed examples of less-adversarial curial reforms makes this book a valuable resource for practitioners, as well as academics, more so as it is current as at 13 June 2013.

There will, no doubt, be continuing argument also about the desirability and efficacy of transforming the judicial role. The author has achieved her aim of stimulating discussion and explores whether, and to what extent, there is room in the Constitution for judicial and curial change to accommodate a less-adversarial approach.

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