

lawfulness of the use of tasers by police against children. Marks wrote that Woodroffe ‘stopped well short of advocating a taser ban against children’. This description surprised me, as I have worked with Woodroffe and always known him to be a staunch advocate for his people. I went to find the original *Law Report* interview in order to understand this criticism. In the interview, there were no direct questions from the interviewer to Woodroffe about policy change or bans, but instead its focus was on summarising the decision and its legal implications. Perhaps Marks could have included the full context of the comments made by Woodroffe for the reader to decide whether more should have been said. This aspect of the book could have been strengthened by seeking interviews or comments from those he criticised, or by providing more context for some of the criticisms he made.

Overall, the book is a sobering and solemn read. Anyone with an interest in criminal justice will take important lessons from the book and should then use them to advocate for change. It is to Marks’ credit that he does not claim to hold the answers about how to solve these issues but instead, by drawing together the past and present, his intent is to show that the system needs to change fundamentally. Tinkering at the edges is insufficient because, as Marks writes, given the history of the system ‘the status quo offers no solution’. With most politicians in the daily news cycle continuing to advocate ‘tough on crime’ approaches, Marks’ book is a powerful reminder that the wheels of justice continue to spin in the same way they have for more than 200 years. The book’s lessons are important for those in power to consider and are a reminder that we should learn from the past, and start completely afresh, rather than repeating the same mistakes.

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DYNAMIC AND PRINCIPLED: The influence of Sir Anthony Mason

Barbara McDonald, Ben Chen and Jeffrey Gordon (eds); Federation Press, 2022; 464 pages; \$180 (hardback)

It is now 50 years since the appointment of Sir Anthony Mason as a justice of the High Court of Australia. The object of this new collection of essays from Federation Press is to mark the occasion, and to consider the significant impact of Sir Anthony upon the development of Australian law – from his time as a judge of the New South Court of Appeal through to the conclusion of his tenure as Chief Justice.

Sir Anthony Mason presided over the High Court of Australia from 1987 to 1995, a period which the editors of this volume describe as what is ‘perhaps ... [the High Court’s] most momentous period’. Given the landmark – and paradigm shifting – cases decided during this period, it is difficult to disagree: consider, for example, *Mabo v Queensland (No 2)*; *Cole v Whitfield*; and, the *ACTV Case*, to name only a small sample.

The context within which Sir Anthony’s jurisprudence developed is explored by Justice Stephen Gageler (who was an associate to Sir Anthony), in the first chapter in the collection, entitled ‘The Coming of Age of Australian Law’. His Honour observes that one ‘must take account of the spirit of the times’ – with the Mason era largely coinciding with the reforming drive of the Hawke-Keating governments. Justice Gageler identifies six main factors that drove the ‘coming of age of Australian law during the Mason era’: the abolition of appeals to the Privy Council; structural change within the Australian court system; legislative innovations; Australian legal publishing; the justices of the High Court; and, the High Court building.

Justice Gageler’s contribution is a particularly enjoyable read among the number of essays contributed by former associates of Sir Anthony. Other such contributors include: Chief Justice Andrew Bell (on Sir Anthony and the conflict of laws); Justice Mark Leeming (on the modern approach to statutory construction); Justice Stephen McLeish (on Sir Anthony’s time on the New South Wales Court of Appeal); and, Justice Kristen Walker (on, significantly, the implied freedom of political communication).

Indeed, the editors are to be commended on the range of topics addressed in the collection, with each chapter itself a significant reflection upon, and contribution to, its subject. Along with chapters on more ‘macro’ issues (such as those by Justice Gummow and Justice Leeming), the essays comprising the collection span both public and private law. In the public law section of the book, Professor Anne Twomey’s chapter on the reach of nationhood power and *Victoria v The Commonwealth and Hayden* (more commonly known as the AAP case) is a particular highlight. Similarly, in the private law section, Professor Matthew Conaglen’s examination of Sir Anthony’s substantial contribution to fiduciary law is a pellucid reflection upon an area of law in which Mason’s jurisprudence remains central. In addition, no work on Sir Anthony’s legacy would be complete without a discussion of *Codelfa* (and the so-called true rule as to the admissibility of surrounding circumstances to assist in the construction of a contract’s terms) – which is addressed adeptly by Professor John Carter, John Eldridge and Justice Elisabeth Peden.

That being said, while it can be appreciated (as the editors acknowledge) that it is impossible to cover all aspects of Sir Anthony’s immense legacy in a single volume, a chapter on Mason’s criminal jurisprudence would have been welcome – given cases such as *Veen [No 1]* and *[No 2]* (on the cardinal role of the principle of proportionality in criminal sentencing); *Barton* (on the amenability of the power to present an *ex officio* indictment to judicial review); *Dietrich* (on the power to stay a prosecution where the fact an accused is unrepresented will result in an unfair trial); and, *Chamberlain* and *Shepherd* (on proof of a circumstantial case), among others, decided during Sir Anthony’s tenure on the High Court.

At his swearing in as Chief Justice in 1987, Sir Anthony observed that ‘[o]ur courts have an obligation to shape principles of law that are suited to the conditions and circumstances of Australian society and lead to decisions that are just and fair’. This volume is a fitting and engaging

tribute to Sir Anthony's lifelong contribution to shaping such principles of law.

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HAROLD HOLT: Always one step further
Ross Walker; La Trobe University Press,
2022; 324 pages; \$34.99 (paperback)
\$16.99 (ebook)

Ross Walker's biography, *Harold Holt: Always One Step Further*, is an insightful narration of the life of a man best known for his death. Walker, a specialist in Australian and American politics of the 1960s, details the era in a stylistic 'midway point between biography and narrative-nonfiction'. While those seeking an account of Holt's life laden with facts and figures should perhaps look elsewhere, those drawn to 'history told as a story' will find Walker's book rewarding.

Walker depicts Holt, in some sense, as Australia's first modern prime minister. The genial, athletic Holt is contrasted with his quaint predecessor, Sir Robert Menzies, whose 'name ... seemed almost synonymous with "prime minister"' at the time of Holt's ascendancy. While Holt reflected the sporting identity of modern Australia, with his cartoon caricatures often seen completing push-ups or accounted in a wetsuit, Menzies was the 'immovable mountain' who had proclaimed in his typical Churchillian-fashion, 'If I ever feel the urge to take exercise, I lie down until the feeling passes'. Walker employs an appropriate sporting analogy, stating that 'Menzies had been the benign dictator, but Holt was going to be the captain of the team'.

Holt's modernity is further accentuated by Walker's emphasis on his pivot away from Menzies' beloved Empire and Europe towards Asia and America as the focal point of Australia's external affairs. Not long after taking office, Holt notably travelled to South-East Asia for his first overseas trip. Next, Holt famously, but perhaps regrettably, ventured to the White House to declare that he was 'all the way with LBJ'. In describing these events and those surrounding, in particular Holt's camaraderie with President Johnson and the challenges of the Vietnam War, Walker offers a fascinating portrayal of Holt as the helmsman steering Australia through the geopolitics of the Swinging Sixties.

Throughout the book, Walker also emphasises aspects of Holt's life, accompanied by anecdotes that likely seemed innocuous at the time, which impress a strong sense of fate. An element of inevitability seems to infuse both Holt's prime ministerial prospects and his interrupted university romance with Zara Dickens that is rekindled in marriage a decade later. Walker recasts Holt's life as a classical tragedy, not only in its unfortunate ending but also in its persistent foreshadowing, such as an excerpt included from *Smith's Weekly* which declared in 1941 that a newly appointed cabinet minister 'swims in unknown waters, this Mr Holt from Victoria'.

Walker depicts Holt as a compelling politician. Early in the book, Walker recounts Holt's reputation as an

industrial peacemaker as Minister for Labour, respected by men across the political divide such as Brian Fitzpatrick, communism's 'fellow traveller' (according to Menzies), and 'Big Jim' Healy, general secretary of the wharfies' union. Holt was far from an ideologue. Instead, he admired shrewd statesmen like US Democrats, Adlai Stevenson and Lyndon Johnson. Minds may differ on the merits of Australia's involvement in Vietnam; however, Walker portrays Holt not as a crazed crusader against communism committed to conscription, but instead as a forgivable pragmatist devoted to defending the region and supporting Australia's allies.

Any review of a Harold Holt biography would be remiss to omit appraisal of its retelling of the incident at Cheviot Beach. The book enumerates the countless warnings given to Holt not to swim that day – the nearby beach closures, the blockade by the quarantine station cadet and various weather warnings – culminating in a perceptibly described scene in which panic ensues as the prime minister fails to re-emerge from the waves. Walker's literary style certainly favours a retelling these events with the necessary poignance. However, with the account of Holt's last day on land through to the conclusion of the book occupying just over 20 pages, the eulogistic chapters do feel somewhat overly brief. Perhaps this simply reflects the speed with which the country overcame its grief.

Overall, Walker's biography is an excellent narration of the life of Harold Holt. The story of his formative years, his underdiscussed prime ministership, and the aftermath of his tragic disappearance, will be intriguing for anyone with an interest in Australian politics or history. Walker offers great insight into the interior world of public affairs, not only regarding the central figure of the book, but also other titans of the era, such as Sir Robert Menzies, Arthur Calwell, Gough Whitlam, and Lyndon Johnson. While 'Harold Holt, always one step further' may not satisfy those seeking rigorous political analysis of Holt's prime ministership or policies, it does offer a unique perspective on the personal life and story of a famous Australian.

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GLOBAL PERSPECTIVES ON VIOLENCE
AGAINST WOMEN AND GIRLS

Tamsin Bradley; Zed Books, 2020; 254 pp;
\$117.00 (hardback), \$53.99 (paperback)

Ending all forms of violence against women and girls has been a global goal, however reducing its prevalence has been slow. Bradley's book is an illuminating exposition that presents 'detailed insights' into differing contexts in which such violence takes place, then examines why it continues, and considers existing interventions to eliminate violence against women and girls.

Bradley's central argument emphasises that an entry point in designing any interventions and policies – the aim of which is to eliminate violence against women and girls – is 'understanding the complex and diverse contexts' in which