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## Book review

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### ROAD SAFETY LAW VICTORIA

*Road Safety Law Victoria* by Greg Connellan, Kerryn Cockcroft and Kyle McDonald (Thomson Reuters, 2015) 1628 pages

It is no exaggeration to state that, since the *Road Safety Act 1986* (Vic) was enacted, prosecutions of offences contrary to that Act (and not only “drink-drive” offences) have been vigorously defended by the most determined and capable of lawyers.

As can be readily observed by even the most casual reader of the law reports, some of those prosecutions result in seemingly numerous appeals on questions of law to the Supreme Court (and, on occasion, to the Court of Appeal) where the protagonists (those barristers at either end of the bar table) are not only most learned in the law, but prepared to rely on sophisticated arguments based on the principles of statutory construction, criminal law, criminal procedure and the laws of evidence.

The result is that a large amount of case law has been created, many of those cases involving complex questions of statutory construction or being decided on the basis of subtleties in the facts.

Of relevance for present purposes, the end result is that every practitioner who becomes involved in this area of practice (whether as counsel or solicitor, prosecutor or defence advocate), needs to have to hand – by reference to each statutory provision – a simple, concise, comprehensible and comprehensive summary of the related propositions of law, together with the citations of the relevant authorities.

That is precisely what *Road Safety Law Victoria* both promises and achieves. Set out as an annotated *Road Safety Act 1986* and *Road Safety Road Rules 2009* (Vic), together with a set of the Regulations made under the Act, this volume enables any and every practitioner (at whatever level of experience) to prepare a case effectively and efficiently; and, when “caught on the hop” by reason of the unexpected in the running of a case, to readily determine what evidence should be adduced, and what submission needs to be made.

With respect to any legal text, I hold the view that there are two tests of its value: namely, whether the footnotes contain an up-to-date (and complete) list of all the cases (with complete and accurate citations) on each subject-area; and whether one sees smart lawyers using the text – not only in their preparation, but also in the courtroom.

In short, this text satisfies both tests.

Having myself appeared in a number of the appeals from the summary “drink-drive jurisdiction”, upon my checking of the text, each of those appeals is either summarised in the annotations or cited in the footnotes, together with the subsequently decided cases that apply or distinguish the holdings in those appeals.

The opening paragraph of the Preface states that the text is principally intended for police prosecutors and legal practitioners involved in road safety and traffic law in Victoria. The intention of the authors has been achieved because, as one looks at the bar tables in courtrooms in the Magistrates’ Court and the County Court in Victoria, one sees many dog-eared copies (with protruding yellow tags) to hand.

Finally, one can only hope that the obsessive and conscientious efforts of the authors will be regularly repeated because, in the next year or two there will be many statutory amendments to the relevant legislation and many further cases will have been decided which will guide and determine the outcome of many of the prosecutions conducted – the entirety of which will need to be placed within the hands of the practitioners engaged in this “game of cat and mouse”.

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