

# BOOK REVIEWS

## **A BRIEF AND PRACTICAL GUIDE TO EC LAW/ DAVID MEDHURST**

London: Blackwell Scientific Publications, 1994  
\$80 00

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This thin volume is not for those already initiated into the mysteries of European Community law. Nor is it for academic lawyers seeking detailed explanations and theoretical illumination. The author has specifically written for lawyers with no background knowledge of European law. His goals are to provide a simple introduction and practical guidance for those who intend to research and utilise the law in Britain. Whilst this is achieved, the narrowness of the focus decreases its relevance for Australian lawyers who do not intend to practise in the area. Ultimately its value for the antipodean reader is two-fold: an accessible insight into a fast growing area of law that will have more influence in Australia when practitioners here have mastered its complexities, and as a teaser to encourage practitioners to embark on that course.

The book is divided into 16 concise chapters. Four chapters describe the main treaties, institutions and legislation. Eight chapters explain the most important areas of substantive law including environmental law, competition, company law, and the free movement of goods and persons. The remaining chapters are practical guides to research, interpretation, procedure, pleadings and the problems that are encountered when European law is raised before an English court.

The first chapter contains a brief history of the European Community and the foundation treaties on which it is based. The succinct and easy style of writing allows a quick, basic understanding of the sources of European law enabling the reader to move confidently through the chapters that follow. The next chapters examine the nature of the major institutions, including the European

Parliament, the Commission, Council of Ministers and the European Court. Greatest emphasis is on the latter. A complete chapter is devoted to the variety of actions and remedies available. Common lawyers will find this nutshell exposition valuable as the Court is structured along unfamiliar civil lines with some unique features. A separate chapter then details the rules of procedure by which European law may be invoked and considers topics such as costs, legal aid and rights of hearing. It includes the procedural requirements of the Court of First Instance.

Various forms of legislation such as regulations, directives, recommendations, opinions and decisions emanate from the European institutions. A concise chapter details their force and application. Wherever possible recent authorities are used to illustrate explanations, and again, there are tips on how to use the legislation in English courts.

Finding and interpreting European law requires a whole new set of research skills and the acquisition of the continental manner of interpretation. One of the most useful chapters in the book tackles these obstacles. There is a list of foundation texts and computer databases such as EURCOM and CELEX including an address for further information. It is a simple, demystifying coverage of how to find, read, and use case law, identify legislation, and apply foreign principles of interpretation. This advice is particularly important as the European Court does not operate on principles of stare decisis.

In summation, this book is enjoyable and will answer your most simple questions, such as "Where and what is the European Court?", "Where do I find European law?", "How is an action started?", "How is European law useful to British lawyers?". The author has avoided the use of acronyms and explained jargon wherever it

appears resulting in a clear and readable text. It is no piece of legal scholarship but this is obviously not the intent

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**POPULAR AUSTRALIAN AND ENGLISH CASE NAMES / FONG, C. & RODWELL, J.**

Sydney: Australian Law Librarians' Group, New South Wales Branch, 1994. 71p \$15 00.

Available from: Joanna Longley, Australian Law Librarians' Group, PO Box 78, St Pauls, NSW 2031

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In compiling *Popular Australian and English Case Names* Colin Fong and John Rodwell have provided a much needed addition to the small but growing corpus of Australian legal reference tools. A good list of popular Australian case names is long overdue.

What can one say about a list of case names? There are 71 pages. There are 617 entries - 559 Australian case names and 58 English. The compilers state in the preface that some of the sources for names which have been given are included lest readers think that they have resorted to imagination. Far be it for me to cast such aspersions! I do however question the inclusion of such as the "Native Title case" and "Ruxton's case". I, for one, have never heard the High Court's decision referred to as anything but *Mabo* and all the torts students at Monash ask for the decision in *Theophanous*. But this is quibbling - we all know that the names by which lawyers might call any given case are virtually unlimited! What would probably be useful is an index which describes the facts of cases and assists in answering those questions that go, "the case where the guys in the lifeboat ate the cabin boy."

What is particularly useful in this publication is the provision of popular case names for decisions of the High Court in constitutional cases. These cases are never known by their official titles which are usually nothing more than the parties' names, and looking for a particular decision in say, *The Commonwealth of Australia v New South Wales* is rarely a straightforward exercise. Inclusion of the "Payroll Tax case", the "Tasmanian Dam case", the "Crayfish case", the "Seas and Submerged Land case", the "Corporations Act case" and the recent "Political Broadcast cases", to name but a few, make this little book a "must" for any legal reference librarian's shelves.

The compilers indicate in the preface that they intend to publish further, cumulated editions of the list, which is indeed good news. I would like to suggest that the publishers of the various commercial citators, both print and online, be approached with a view perhaps to licensing the right to include the list in their respective publications. This would both facilitate updating and add value to the citators.

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