

Most infringements refer to the three areas discussed in the preceding segment on delegation of powers but often arise from provisions of the Act itself. Nettheim identifies eleven articles of the Universal Declaration which are apparently infringed. These include Articles dealing with arbitrary arrest, free movement, rights to property, democratic government and working conditions.

In addition there are several very useful Appendices extending over thirty pages, including some material on past administrative realities. The final two Appendices tabulate the Acts' deviations from the Commonwealth-State agreement as well as apparent infringements of the Universal Declaration of Human Rights. Unfortunately there is neither bibliography nor index, although the latter absence is partly compensated for in a special column of the Tables. One can only hope that this study of the 1971 Acts becomes redundant as quickly as possible.

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Federal Conflict of Laws, by MICHAEL PRYLES and PETER HANKS, both of the Faculty of Law, Monash University. (Butterworths Pty Ltd, 1974), pp. i-xxviii, 1-212. Paperback \$10.00. (ISBN 0 409 43795 6); Cloth \$16.00. (ISBN 0 409 43794 8.)

This book is to be welcomed for a number of reasons, not least of which is that it indicates that legal publishing in Australia is moving into what may be called a second generation. Both academics and practitioners in this country now have locally written books, or Australian adaptations of English books, in virtually all the major areas of the law. The development from this, which is epitomized by the work under review, is the appearance of smaller monographs which explore in greater detail specific topics within the major areas of the law. A further reason for welcoming this book is that it deals with a topic which does not fall neatly within any of the accepted areas of study or practice. As the authors point out in their preface, federal conflict of laws is a subject that relates both to Private International Law and to a study of the Australian Constitution. But it is commonly regarded as but an adjunct to either of these areas of study, and so has not received the attention given to the major principles of Private International Law or of the Constitution.

The matters dealt with in this work are all those in which the normal rules of the Conflict of Laws are affected by the fact that Australia is a federation; that is, jurisdiction and enforcement of judgments under the Service and Execution of Process Act; full faith and credit; jurisdiction and choice of law in federal diversity suits; and the problems of

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jurisdiction and choice of law which arise when the Commonwealth is a litigant. Since these matters are covered in a monograph containing 207 pages of text, the authors have had considerably more scope to deal at length with these problems than has, for instance, Professor Nygh in *Conflict of Laws in Australia*. The authors have made good use of this in pointing up the difficulties of interpretation and application of the law, and there is a wealth of material on the American experience in these fields, and on the history behind the Australian Constitutional and legislative provisions. This reviewer feels, however, that too often the authors have stated the problem but have not offered any solution to it. Because of the very scope referred to above, a monograph should surely not merely expound the law, it should also provide arguments for its improvement.

One may cite two examples of the authors' failure to provide more than a descriptive account of the law. In Chapter 1, at pages 13-16, there is a discussion of the meaning of section 11(1)(a) of the Service and Execution of Process Act. On page 16 in particular it is pointed out that different courts have reached conclusions which are hard to reconcile with one another, but this part of the text concludes with the statement: "But the decisions stand, and the extent of provisions such as s. 11(1)(a)(3) must be regarded as open to argument". Again, in Chapter 3 which deals with the "full faith and credit" provisions, section 3.5 is concerned with the effect of those provisions on otherwise applicable choice of law rules. The first part of this section discusses the Australian authorities, and concludes that "it cannot be said that the full faith and credit provisions have a substantive operation in relation to laws and public Acts so as to regulate choice of law".¹ The second part of the section summarizes the academic views which have been put forward both here and in the United States, and points to flaws in each of them, but does not go further than that. The reader is not given the benefit of the author's own view, and is not presented with any new and positive statement of the effect of full faith and credit.

The authors state in their preface that they have worked independently of one another in the preparation of this work. Mr Hanks takes the responsibility for the first and last chapters, which deal respectively with jurisdiction and service of process under the Service and Execution of Process Act, and with the jurisdictional and choice of law issues which may arise when the Commonwealth is a litigant. Dr Pryles is solely responsible for the other chapters. Despite being forewarned in the preface, this reviewer could find little difference in style, approach or breadth of coverage in chapters prepared by the different authors. There has obviously been some collaboration in the final preparation for the press, as there are a number of cross-references from one author's work to the other's. In fact, the only lack of collaboration which was noticed was that in Chapter 5 Dr Pryles deals at some

¹ Reviewed (1973) 5 F.L.Rev. 316.

length with *Gleeson v. Williamson*² (pages 179-180) and then in Chapter 6 at page 195, Mr Hanks discusses the same case in similar terms, but without any reference to the earlier chapter.

This book is, throughout, clearly written and easy to read: the publishers are also to be congratulated on the attractive presentation. The only matter of style which this reviewer found confusing was the habit of citing some cases in the text and others in footnotes. For example, a passage on page 90 is set out as follows:

Thus hire-purchase statutes have been restricted to agreements entered into within the enacting State.¹¹⁰ Likewise workers' compensation statutes have been confined to "employments" within the enacting State: *Mynott v. Barnard* (1939) 62 C.L.R. 68 at 91.

Footnote 110 refers to *Kay's Leasing Corporation Pty Ltd v. Fletcher*.³

This book is commended to all those interested in the Conflict of Laws or in Australian Constitutional law. It provides a clear, concise and accurate account of the way in which federation has impinged upon the general rules of Private International Law applicable within Australia, but all too often it does not provide solutions for the problems raised, or the authors' own views on the direction which the law might take.

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The Constitution of the Commonwealth of Australia Annotated by R. D. LUMB, LL.B., LL.M. (Melb.), D.Phil. (Oxon.); Reader in Law, University of Queensland and K. W. RYAN, B.A., LL.B. (Qld), Ph.D. (Cantab.); Professor of Law, University of Queensland. (Butterworths, 1973), pp. i-xxxii, 1-400. \$21.00. (ISBN 0 409 37880 1).

As little as a decade ago, the range of texts available to those interested in the study of Constitutional Law was sparse indeed. Since that time, the position has improved considerably with major texts in the field by Sawyer, Howard, Lane, Fajgenbaum and Hanks, and a number of excellent more specialized writings from other authors: Whilst it is far from true that there is an embarrassment of riches in this area, the entry into the field by Dr Lumb and Professor Ryan with their text *The Constitution of the Commonwealth of Australia Annotated* prompts the question whether their exposition of Australian Constitutional Law adds usefully to the material now available, or whether it merely duplicates material otherwise available. The short answer in the reviewer's opinion is that, within the limits the authors have set themselves, this book should prove a serviceable addition to the literature.

² (1972) 46 A.L.J.R. 677.

³ (1964) 116 C.L.R. 124.

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