

integrity of the family, protecting private property, or repressing women's autonomous sexuality? *In Pursuit of Justice* does not provide sustained analysis of theory to lend support to any of these hypotheses taken separately, though all are implied in different contributions. What we are given is a huge range of partly processed raw material.

For lawyers and social researchers accustomed to regarding law reports and legislative debates as the very stuff of history, the great merit of this book is to show how historians deal with the evidence available. Lawyers can learn from it to mistrust the glib generalisation, and to think of law in social terms. If as I have suggested there are varying, often conceptually quite opposed, analyses of how law functions, this should quicken the pulse of interest. Feminist historiography (and now jurisprudence?) is demonstrating its range and grasp.

HELEN MILLS\*

*Legal Research: Materials and Methods* by ENID CAMPBELL, The Sir Isaac Isaacs Professor of Law, Monash University, E. J. GLASSON, Law Librarian, Monash University and ANN LAHORE, Senior Lecturer in Law, Monash University. (The Law Book Company, 1979, 2nd Edition), pp. i-x, 1-276. Cloth, recommended retail price \$18.50 (ISBN: 0 455 19853 5); Paperback, recommended retail price \$12.50 (ISBN: 0 455 19918 3).

At last a new edition! This book was first published in 1967 by Professor Enid Campbell and Professor Donald MacDougall and has since become a standard reference for all those concerned with Australian law. In the twelve years since the publication of the first edition, there have been many changes in the Australian legal system, and the production of a new edition after such a long period must have been a major task. It is to be hoped that the third edition will be published within a more realistic time, say, three to five years. Twelve years between editions is too long.

Included among the three authors is a law librarian, Ted Glasson of Monash University. There is ample evidence in the new edition of his experience in dealing with law materials, and the book is much improved as a result. One of his co-authors is also new, as Ann Lahore has replaced Donald MacDougall.

#### *The structure of the book*

The second edition is longer than the first (36 pages longer) and is in substantially the same form, although two chapters have been omitted. The material from one, on how to use statute books, has been incorporated in the new Chapters 8 and 9. The material from the other, on legal writing, has completely disappeared. This is a shame as it was a good chapter which concisely stated the basic principles of good legal writing.

After a general introduction to law libraries and primary and secondary

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\* B.A. (Hons), LL.B. (Adel.); Legal Officer and Researcher.

sources (Chapter 1), the book deals with case law in England, Australia, other common law jurisdictions, and with the use of case law digests (Chapters 2-6); with statute law in the United Kingdom and Australia (including the Territories), and delegated legislation (Chapters 7-11); with secondary sources, covering encyclopaedias, treatises, dictionaries, periodicals and loose-leaf services (Chapters 12-15); with government and parliamentary publications and public archives (Chapters 16, 17 and Appendix A); with non-legal materials (Chapter 18); and with legal research and citation (Chapters 19 and 20). There is also in Appendix B a Glossary of Latin and Foreign Words and Phrases.

Almost every part of the book has been expanded, even the number of Latin and Foreign Words and Phrases in Appendix B. (Note, however, that the phrase *in pari materia*, used at page 128 is not included in the Glossary.)

### *Case law (Chapter 2)*

Chapter 2, which is an introduction to case law in Australia has been expanded from 2 pages plus 2 tables, to 11 pages plus 3 tables. This expansion has been necessary in order to attempt an explanation of the confused situation in Australia of appeals to the Privy Council and to the High Court and to describe the system of Federal courts which has been created in Australia since the last edition. In relation to Privy Council and High Court appeals, the chapter comes to the conclusion (at page 12) that the problem is "apparently intractable". Although few would disagree with this statement, perhaps the nature of the problems involved could have been stated more concisely.

The chapter provides a guide to the weight to be given to the decisions of different courts, while warning that there are no "clear cut and absolute answers" (page 12). (Note that on page 14, the last sentence appears to be misplaced.) Also in the chapter are three very useful tables of court hierarchies: of England, Victoria, and Australian Federal courts. Each table has detailed notes which explain the hierarchy further. The table for Victoria explains the variations in other States.

### *Law reports and digests (Chapters 3-6)*

Chapters 3, 4 and 5 are annotated bibliographies of law reports. The Australian chapter (Chapter 4) is particularly useful and includes reports omitted from the original edition, as well as 17 series which have started since then. A sensible addition to the chapter is a table of abbreviations of Australian law reports.

For those wishing to subscribe to reports, the inclusion of publishers would have been helpful. Two obvious errors: in Chapter 4 the *State Reports*, *New South Wales* have been left out and the *Papua and New Guinea Law Reports*, now of course excluded from the Australian chapter, have been left out of the book altogether.

Chapter 6 on digests has been carefully revised, with many examples now incorporated into the text.

### *Statute law (Chapters 7-11)*

The general chapter (Chapter 7) is substantially the same. The summary on page 76 of how to determine whether a British statute

applies in Australia is a useful addition, as is the Additional Reading. Chapters 8 and 9 are full of good advice on finding and updating statutes. Chapter 10 on delegated legislation has been rewritten and greatly expanded. Although full of useful information, it is more discursive and delves more deeply into the law than the rest of the book. To some extent it is out of place in a book which is more concerned with finding than interpreting material. The section on the A.C.T. and Northern Territory is repeated, albeit slightly differently, in Chapter 11. Chapter 11 is more up to date as it mentions the reprinting of A.C.T. Ordinances.

### *Secondary sources (Chapters 12-15)*

A notable addition is the detailed guide, on pages 163-166, to the use of *Halsbury's Laws of England*. Chapter 13 is expanded by the references to the considerable number of bibliographic aids and other secondary sources which have been produced since 1967. It is hard to know whether to be pleased or appalled by the ever-increasing number of sources which really *should* be searched before pen is put to paper.

Although out of date already, Chapters 14 and 15 on legal periodicals and loose-leaf services provide convenient lists of Australian publications. Three omissions can be mentioned. On page 183 the paragraph on the *Legal Resources Book* (Vic.) does not mention the *Legal Resources Book* (NSW) published in 1978 by the Redfern Legal Centre. There is also now an *ACT Supplement* to the N.S.W. edition, published in 1979 by the Law Faculty, The Australian National University.

Another surprising omission under the heading of Local Government on page 185 is the loose-leaf service which has been published for a number of years by Penryn Printing Service in Victoria. Penryn publishes the Local Government Act 1958, with an accompanying index in loose-leaf form. It also publishes a number of other Acts relating to local government in Victoria.

### *Government and parliamentary publications, non-legal materials, public archives (Chapters 16, 17, 18, Appendix 1)*

Again a thorough and useful treatment of complex subjects.

### *Legal research and citation (Chapters 19 and 20)*

The chapter on legal research is a general treatment of a subject which is difficult to describe and which can really only be learnt by practice.

Chapter 20 on citation although admirable, is deficient in one or two areas. The most notable deficiency is in the material dealing with citation of legislation. Nowhere is there an actual example of legislation being cited (e.g. "Dog Act 1958 (Vic.), s. 101(1)(a)(iii)") or of delegated legislation being cited. It is the experience of the authors that students find this omission very frustrating. The material on page 244 on citation repeats, although with variations, material on page 148 on citation of delegated legislation. This appears to be unnecessary duplication.

It is heartening to read (on page 245) the view that *full* citations of books and articles should *always* be given, not just "Smith, *Sociology of*

*Law* (1913)" or "*Jones on Contracts* (4th ed.)" but "John E. Smith *Sociology of Law*, New York, Judgmental Books, 1913". Much valuable time is wasted in searching for references when inadequate citations have been given. The authors have in all cases in the book given full citations. Unfortunately, however, they have not been consistent in the format they adopt. Although it is stated on pages 244-245 that "It is usual to write everything but the author's name, title, volume, and page number in parentheses", this is not done throughout the whole book. It is done, for example, on pages 155, 247, but is not done in the references at the end of the chapters, nor in most footnotes (e.g. pages 222-223). While both forms of citation are acceptable, either one form or the other should have been used.

Two other points. The *Style Manual* (3rd ed.) revised by John Pitson, Canberra, AGPS, 1978, should have been mentioned on page 237 as it is a useful reference. Another relates to the use of *ibid.* and *id.* The use of these terms as explained on page 246 does not appear to be that most commonly adopted.<sup>1</sup> Perhaps the other uses of *ibid.* and *id.* should be mentioned. Full marks to the authors, however, for their disapproval of Latin abbreviations (page 247). Perhaps one day, a simple citation system will be used by lawyers, and the mystique of *ibid.*, *id.*, *op. cit.* and *loc. cit.*, which has needlessly confused so many, will be dispelled forever.

### Conclusion

This book has the distinction of being one of the few truly indispensable books for those involved in legal research. It is a security blanket for all those searching the daunting literature of law.

The book is already out of date. Some examples are: for Victorian legislation relating to Imperial legislation see now Imperial Acts Application Act 1980 No. 9426, Imperial Law Re-enactment Act 1980 No. 9407 (pages 75-76); the A.C.T. has no Law Reform Commission (page 93); Tasmania has produced a Hansard since 1979 (pages 198-206); the A.C.T. no longer has a Legislative Assembly, but a House of Assembly (page 203). These random examples make the point most strongly that the third edition should not be twelve years coming.

By the next edition a section on computer applications to legal data will be essential. There is a 5-line mention of computers on page 229 (which is not in the index under computers!) and another reference on page 215 to computer-based information retrieval systems. Admittedly, developments in the field of legal data have been few, but they do exist (for example, a considerable amount of work has been carried out both in the Law Faculty at the Australian National University and in the Commonwealth Attorney-General's Department). Readers should at least have been warned of the potential of computer technology to revolutionise legal research.

The book shows signs of being written by a syndicate. The style varies throughout the book and there is some duplication. This has

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<sup>1</sup> See e.g. Pitson, *Style Manual* (3rd ed. 1978) 94.

affected the quality of the book. If, for example, the repetition had been eliminated, the chapter on legal writing could have remained.

One fundamental question in relation to the book remains unanswered: what is its purpose? Is it a reference book or a teaching book? If it is intended as a teaching book, it does not succeed, as the reviewers have found that students find it difficult to follow.<sup>2</sup> Nevertheless, the rather discursive style of the book appears to have a teaching purpose. If it is intended as a reference book, then a more concise style would be appropriate. In many cases, a checklist of searching aids would be sufficient. On pages 108-109, for example, instead of discussing the searching aids in sentence form, which tends to be rather confusing, a list of aids, accompanied by critical comments as to the advantages and disadvantages of each would be more helpful. Many other examples could be given. It is suggested that the twin matters of purpose and style be considered carefully by the authors before the next edition of the book is published.

GWEN MORRIS\* and MARGARET MCALEESE\*\*

*The Australian Federal System* by P. H. LANE, B.A., LL.M., LL.D. (Syd.), S.J.D. (Harvard), Barrister-at-Law; Professor in Constitutional Law, University of Sydney. (The Law Book Company, 1979, 2nd Edition), pp. i-xxxv, 1-1297. Cloth, recommended retail price \$69.50 (ISBN: 0 455 19860 8).

The second edition of Professor Lane's comprehensive and stimulating text on the Australian federal Constitution (first edition, 1972) is likely to replace all earlier texts for professional purposes and for general reference. Its size, cost and arrangement may make it less suitable in the minds of many teachers as a class text, but a student who has any intention of specialising in public law will find Lane indispensable. It is the only work which can claim to have taken into account not only every decision but every important *dictum*, a product of the most prodigious and sustained scholarship.

The new edition covers cases reported to the end of 1978. It is two hundred pages longer than the first, not because of any substantial change in arrangement or format but because of the additional material accumulated in seven years, and notwithstanding the omission of the "United States Analogues" and the appended material on the U.S.

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<sup>2</sup> The book was used as a set text for first year at A.N.U. in 1980 in the unit Legal Writing and Research. In an evaluation completed at the end of the course, of 179 students, 13.7% found the book indispensable; 34% found it very useful; 29.5% found it sometimes useful; 14.7% found it of limited use and 2.1% found it of no use at all.

\* B.A., LL.B. (Syd.), LL.M. (Melb.); Lecturer, Faculty of Law, Australian National University.

\*\* B.A. (Monash), LL.B. (A.N.U.), Dip.Lib. (N.S.W.); Law Librarian, University of Sydney.