

R D Lumb and G A Moens, *The Constitution of the Commonwealth of Australia Annotated*, 5th ed, Sydney: Butterworths, 1995.

The latest edition of *The Constitution of the Commonwealth of Australia Annotated* has 676 pages. At just over one kilogram it exhibits a dependable bulk. This title has been a regular offering from the Butterworths stable since 1974 and the fifth edition published this year is likely to continue to perform the function of a useful reference text in Australian law schools and elsewhere. The aim of the authors is disclosed at the beginning of the preface as "to produce a commentary on the constitutional text, with due deference to the demands of space and relevance...[to] elucidate the Constitution section by section". These experienced authors have achieved their aim and readers trained in the law, who seek clarification in matters of interpretation of individual sections of the Commonwealth Constitution, will find sound and practical assistance in this work. However, there are deeper questions to be posed which affect its efficacy.

The first is the timing of the publication. This is a question of judgement for authors and publishers, but the choice of 31 October 1994 as the date on which to state the law seems curiously arbitrary. Sir Gerard Brennan swore the oath of office as Chief Justice of the High Court of Australia on 20 April 1995 and arguably this date would have provided a neater and more appropriate point from which to define the bounds of the new edition. The "Mason High Court" has made a profound impact upon the federal constitutional landscape in a range of significant cases, only some of which have been able to be treated in this book. The flurry of judicial activity which characterised the last few months of Sir Anthony Mason's tenure is only partially reflected in the annotations in the 1995 edition and it is a less useful form of reference in that respect.

The second comment is directed towards the format of the production. In an ideal world where profit margins and market share were not the main criteria invoked in decision making amongst academic publishing houses, an annotated federal constitution would be presented in loose leaf form with the scope for extensive cross referencing, historical exegesis and regular updating. The adoption of such a form of publication would have numerous advantages, not just for students and academics. In particular, it would have the boon of presenting constitutional law and constitutional interpretation as organic and dynamic rather than static. New trends and case law could be incorporated and analysed with more ease. Finally the benefits of past scholarship could be included. In the model annotated constitution, the scholarship of Quick and Garran could be included and supplemented by subsequent efforts. This scheme would avoid the difficulty faced by the authors of this publication about what to do with valuable research on s 92 which no longer reflects the High Court's contemporary interpretation of the section. The solution chosen here was

to include the material in a lengthy appendix which sits clumsily outside the general scheme of the work.

The *Annotated Constitution of the Commonwealth of Australia* is not a work for the uninitiated in constitutional matters and is more suited to browsing than sustained study. My recommendation to students would be to consult it as a reference work and seek guidance elsewhere in respect of a textbook. The fifth edition has retained a comfortable "seventies" feeling of certainty, logic and the importance of the text of the Constitution. This feeling is reinforced by the cover design which features a pale blue ground upon which the Australian flag flaps artistically. I am grateful to have an up-dated edition of this ready reference, but a nagging, perhaps unfair, query remains concerning what form of guidance this type of production can provide in the constitutional challenges which we face now and in the future.

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