

Graham Hiley (editor), *The Wik Case: Issues and Implications*, Sydney: Butterworths, 1997.

In a monograph arriving so soon after the publication of the High Court of Australia's decision in *Wik*, now reported as *Wik Peoples v Queensland* (1996) 141 ALR 129, it would perhaps be unfair to expect too much in the way of profound analysis or considered criticism. Edited by Graham Hiley QC, *The Wik Case: Issues and Implications* represents an attempt to provide a broader dissemination of the decision itself (than might otherwise have been possible through the normal readership of law reports) and to afford an initial contextualisation of the many and varied issues raised in *Wik*. The bulk of the monograph contains, as indicated by a "Publisher's Note", the text of the decision as it appears in (1996) 141 ALR 129. Page numbers replicate the report. This republication is prefaced by some twelve vignettes on aspects of the decision, including the editor's "Introduction".

The twelve short compositions, which presumably comprise the "Issues and Implications" part of the edition, have a number of common features. The several authors of these small essays are (with one exception) legal practitioners who specialise in Native Title matters. Most were participants in *Wik* in some capacity or other. As such the essays are, to a certain extent anyway, a practitioner's-eye-view of the case. The average length of a piece seems to be about four or five pages and most, somewhat disturbingly, are heavily augmented by great slabs of quotations from the body of the decision which follows. It would be reasonable to say that the essays are basically informative rather than analytical or searching. Nevertheless they outline some of the important features of the judgment, including the possible ramifications for miners, pastoralists and the State of Western Australia. This approach, it would seem, will be of immense interest to readers, whether lawyers or not, who work in the Native Title area.

However the pragmatic viewpoint does not exclusively possess the commentary. Buried among the more practically oriented material is a fascinating essay by an historian, Dr Jonathan Fulcher. Entitled "Sui generis history? The use of history in *Wik*", the piece considers the utilisation of "history" by the High Court in constructing judicial reasoning and is, for this reviewer at least, a very welcome inclusion. The subject is one which demands further and deeper reflection, and Dr Fulcher's contribution neatly marks the threshold of some of the jurisprudential aspects of the High Court's departure from decades of legalism. This historical perspective is nicely complemented by Peter McDermott's "Wik and the Doctrine of Tenures: A Synopsis".

There follows the 167 pages of the decision itself, exactly as reported in (1996) 141 ALR 129.

The production quality is high, and at a mere \$19.95 (softback) *The Wik Case: Issues and Implications*, for what it is, will no doubt be good value for all those interested in the High Court's latest definitive statement on Native Title as a stand-alone volume. Its publishers, Butterworths, are to be commended for keeping the edition within a price range accessible even to students.

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