

expressed a readiness to look at Committee reports which preceded legislation (though not at the actual recommendations of the Committee) as part of the process of using the legislative history of an Act as a guide to interpretation.

With the continuing growth of statute law the proportion of reported cases which turn upon problems of interpretation has been, as has often been noted, markedly on the increase. In the search for guidance and rational justification of their decisions the courts must continue, whatever changes of approach may come about in the future, to search for and apply intelligible principles of interpretation. This edition of Craies is likely to continue to meet such needs as it has in the past.

P. B. A. Sim

**CASES AND MATERIALS ON AUSTRALIAN FAMILY LAW**, by David Hambly and J. Neville Turner. Law Book Co. Ltd., Australia. 1971. xxiii and 656 pp. (including index). New Zealand price \$13.50.

The important changes wrought in New Zealand family law in the past decade with the passing of the Matrimonial Proceedings Act, 1963 and the Matrimonial Property Act of the same year and the Domestic Proceedings Act 1968 have centred attention on what at times has been an area of law which received scant attention. Although there have been various new editions of the standard New Zealand text books none has gone so far as this volume in its enlightened approach towards the subject and this provides it with an important role in the New Zealand scene although it is fundamentally Australian legislation which is dealt with.

In addition to a full and interesting presentation of the relevant Australian statutes and the cases thereon this book deals with various fundamental issues which have received little attention in the past. This is particularly so in the first chapter dealing with the lawyer, his role and responsibility in matrimonial cases, but it continues throughout the book with discussions of reform, conciliation and other important issues with which the student, practitioner and academic is continually confronted, and yet which are often ignored because of their open ended nature. The increasing respect which is being accorded to Australian decisions and particularly those of the High Court of Australia within this country, means that the cases in the book are of direct relevance within this jurisdiction, and of course many of the classic English decisions upon which we rely, being relevant also within Australia, are set out and commented on in an invaluable way.

As it has become apparent with the passage of time that the recent New Zealand legislation referred to earlier has not necessarily been interpreted by our courts so as to completely fulfil what appeared to be the intention of the legislature, the importance of this work in the comparative field cannot be underestimated. If the general principles of the Matrimonial Property Act 1963 are not to be narrowed away from the interpretation which they were originally considered to have prior to the decision of the New Zealand Court of Appeal in *E. v. E.*

[1971] N.Z.L.R. 859, and if the notion of fault is to completely disappear in proceedings under section 19(1)(a) of the Domestic Proceedings Act 1968, those involved in the family field will undoubtedly require an understanding of how similar problems are dealt with in other jurisdictions, not the least important of these being Australia with which we have a number of close ties in the legal field.

Although it is possibly somewhat insular to suggest so, it is perhaps to be regretted that the learned authors did not in the book consider some comparison with the relevant New Zealand legislation and that more reference was not made to some of the leading New Zealand cases which must clearly have at least a strong persuasive authority within Australia.

Notwithstanding this, the value of this new book to New Zealanders should not be underestimated and in addition to achieving its own basic purpose of providing a general text for Australian students it will be of particular relevance to all those in New Zealand, be they practitioners, students, legislators, public servants or others involved in the day to day contact with individuals experiencing problems in the family field, as this branch of law continues to develop.

With the basic emphasis being placed on the importance of people as individual human entities, this book with the enlightened and challenging approach adopted by the authors, is an important step forward in the literature on this subject in Australasia.

J. B. Robertson

**AN INTRODUCTION TO THE SOVIET LEGAL SYSTEM**, by E. L. Johnson. London. Methuen & Co. Ltd. 1969. xv plus 248 pp. (including index). New Zealand price \$8.25.

The late E. L. Johnson devoted many years of research to Soviet law and was particularly well qualified to write an introduction to the Soviet legal system. The present book is, according to the preface, intended for students of Soviet affairs who are not trained lawyers, but it can be recommended without hesitation for lawyers as well. The book deals at length with the sources of Soviet law, criminal law and procedure, family law, industrial law, economic organization and the legal profession; property, succession, contract and tort are only discussed briefly, because the author felt that they would be of less interest to the layman than to the lawyer.

Many aspects of Soviet law seem strange to Western readers. Indeed, whole areas of Soviet law, such as the rules governing collective farms and State-owned enterprises, have no counterpart in Western systems. But the peculiarities of Soviet law are not necessarily due to Communist influence; for instance, there is strict tortious liability for road accidents and insurance against such liability is impossible, but the purpose of these rules is the very un-ideological one of deterring road accidents. Similarly, the author shows how many apparently Communist features of Soviet law have roots stretching back for centuries into Russian history; rules of law are examined against their historical and ideological background, and an attempt is made to discover how they work in