

Australian Private International Law, 2nd ed. by Edward I. Sykes and Michael C. Pryles, Sydney, Law Book Company Ltd., 1987. lxxxix + 772 pp. \$95 (hard cover), \$69.50 (limp).

The Australian common law in the fields of torts, contract and property is rich with the decisions of Australian intermediate appellate courts and the High Court of Australia. The same cannot be said of the field of private international law where the Australian practitioner and student must, of necessity, turn wistfully for guidance on many points to Anglo-American case law.

There is nothing peculiarly Australian in the paucity of local appellate case law except, perhaps, that Australia has not traditionally been a centre for international commercial litigation. Rather, the paucity of local appellate case law simply reflects the fact that private international law in the common law world, as distinct from countries with a civil law tradition, remains in what the late Geoffrey Cheshire described many years ago as its "formative period". A further challenge for the would be exponent of private international law from the Australian perspective is the existence of the federal system with its potential for intra-Australian questions of choice of law, jurisdiction and recognition of judgments.

The first edition of the book under review was published in 1979 and established itself in a short time as a standard work for the practitioner and student. The eight years between 1979 and publication of the second edition has been a period of industry on the part of parliaments, Commonwealth and State, the courts and academic writers. As well, this period has witnessed serious interest on the part of Australia in the activities of the Hague Conference on Private International Law: see, for example, the legislative implementation in the Marriage Amendment Act 1985 (Cth.) of the Hague Convention on Celebration and Recognition of the Validity of Marriages (1978); the entry into force for Australia on 23 November 1985 of the Hague Convention on the Recognition of Divorces and Legal Separations (1970) which was facilitated by amendments to section 104 of the Family Law Act 1975 (Cth.) in 1983; and the entry into force for Australia on 1 January 1987 of the Hague Convention in the Civil Aspects of International Child Abduction (1980) which has been given legislative effect by section 111B of the Family Law Act 1975 (Cth.), inserted in 1983, and the Family Law (Child Abduction Convention) Regulations.

Developments in private international law since 1979 have been meticulously noted with style in the second edition which contains a text expanded by over 250 pages. As the authors' preface notes, there are, among other changes, a new chapter on arbitration, an expanded chapter on jurisdiction dealing particularly with the bold initiatives of the House of Lords in the areas of forum non conveniens and restraint of foreign proceedings and substantially re-written chapters on torts and contracts.

As in any work the length of this book Homer has nodded once or twice: see, for example, the extract on page 436 of section 104(4) of the Family Law Act 1975 (Cth.) which does not reflect the changes made to

that sub-section by the Family Law Amendment Act 1983. Apart from this and a few other trivial blemishes the overwhelming impression of the second edition is of a work of outstanding scholarship and erudition which deserves a place in the front rank of Australian legal writing.

In conclusion, this reviewer wishes to make a modest and unoriginal plea namely, that the authors and their publisher give consideration to keeping this work up to date by regular supplements. Already the text requires re-writing to take account of the important decisions of the House of Lords in *Spiliada Maritime Corporation v. Cansulex Ltd.* [1987] A.C. 460 (forum non conveniens) and the Privy Council in *Société Nationale Industrielle Aerospatiale v. Lee Kiu Jak* [1987] A.C. 871 (restraint of foreign proceedings).

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