

is probably as far removed from being a political piece as can be imagined.

Whether or not the reader has an avid interest in the legality of armed conflict, Gardam's work will provide an excellent footing into the world of international armed conflicts and the use of force by States. It is clearly written and highly readable, with the obviously extensive research done by the author providing an entry point into the field for those with a keen interest to delve further into the concepts developed within the text.

*Ronan Fenton**

Work Choices: What the High Court Said

Andrew Stewart and George Williams

The Federation Press, 2007, pp 190, \$29.95

The High Court of Australia handed down its highly anticipated decision in *New South Wales and Others v Commonwealth* [2006] HCA 52 on Tuesday 14 November 2006. Many commentators, including the authors of this book, have claimed that the case, known as the *Work Choices Case*, was the most important judgment delivered by the High Court since the *Tasmanian Dams Case* in 1983. Consequently, legal practitioners, academics, law students, labour relations professionals and anyone involved in the labour market have frantically begun reading the long and complicated judgment to make sense of its significant implications for both labour relations and the balance of power between the Commonwealth and the States.

In order to assist in this convoluted process, Andrew Stewart and George Williams have attempted to provide a relatively concise summary of the major issues discussed by the High Court and commentary on the subsequent implications. Both authors are widely recognised as leading experts in their relevant fields and are able to draw on this expertise to provide valuable insight. Andrew Stewart is the co-author of the popular text *Labour Law* (with Breen Creighton) and has extensive experience in the labour relations field while George Williams co-authors the text *Australian Constitutional Law and Theory* (with Tony Blackshield) used by thousands of constitutional law students and professionals across Australia. In addition Stewart and Williams played significant roles commenting on the *Work Choices Case* in the media both before and

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following the 2006 judgment. This tremendous experience adds significantly to the value of the book and the pair forms a perfect partnership to comment on the case and discuss its impact on both labour relations and constitutional law.

To enable readers with little or no experience in labour relations and constitutional law to understand the complex issues the authors provide background chapters and more interestingly a chapter dedicated to the forces driving John Howard's legislative reforms and what exactly lead the States to collectively challenge the validity of the legislation.

The largest section of the book however, is dedicated to the actual judgment itself. Following the proven formula of including extensive extracts from the judgment supplemented with commentary, the authors are able to break down each complex issue while still allowing the reader to see what each of the High Court Justices actually said. The authors have divided the case into the five major areas discussed by the court; constitutional interpretation, the scope of the Corporations Power, the relationship between the Corporations Power and the Industrial Arbitration Power, the exclusion of State laws and the process and validity of making law through regulations. An additional chapter is devoted to 'other issues' such as discussion of the territories power. Stewart and Williams have carefully selected extracts from both the majority and the dissenting judges but most importantly the arrangement of these extracts into separate chapters for each issue allows the reader not only to clearly identify the issues but to juxtapose the views of the majority with those of Justices Kirby and Callinan in dissent. In addition broader insights not available from reading the case are provided including information relating to the proceedings of the hearing itself and the possible motivation behind each of the judges forming their points of view.

Where the expertise of the authors really shines through is their ability to summarise multiple pages of the complicated judgment into simple one paragraph summaries. This feature will be especially attractive for students and allows the reader to comprehend the major issues of the case far more efficiently than if reading the judgment verbatim or reading more comprehensive commentaries such as Williams' hefty text mentioned above. Another useful tool the authors have adopted to increase readability is the removal of footnotes and full citations for cases. If full case citations are required a table is provided at the beginning of the book in addition to extracts from relevant sections of the Constitution.

For those interested in the balance of power under the Constitution or labour relations in Australia Williams and Stewart each offer a chapter highlighting their views on the impact the case may have on each their respective area of expertise. In keeping with the overall theme of the book the chapters are reasonably brief; however they provide useful analysis in each area. The chapter focusing on the implications for federation is particularly insightful as Williams talks of the potential dangers of the newly expanded Corporations Power being used by the Coalition Government, or indeed future governments, to bring a disturbingly wide range of subject areas under the Commonwealth's legislative power.

While not offering the depth of analysis found in similar publications such as *Work Choices: The High Court Challenge* written by academics from the University of Melbourne, Williams and Stewart's book provides the kind of concise and easy to access analysis that professionals and students will often prefer when time is of the essence. Furthermore, at less than a quarter of the price it presents a far more affordable option. For those seeking to better understand the array of implications of one of the most important cases in Australian history *Work Choices: What the High Court Said* will more than adequately do the job.

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