BOOK REVIEWS

LAW AND THE CULTURAL HERITAGE: VOLUME ONE. DISCOVERY AND EXCAVATION by P J O'Keefe and L V Prott. London, Professional Books, 1984. 434 pp UK price £23.00.

All those concerned at official or individual level to preserve and interpret the collective cultural heritage owe a deep debt of gratitude to Patrick O'Keefe and Lyndel Prott.

(Henry Cleere, Director, Council for British Archaeology in the foreword to the text.)

Indeed, in analysing and comparing the laws for four hundred jurisdictions, the authors have produced a text of landmark quality in terms of moving towards an integrated world policy for cultural heritage law.

The text highlights the inherent difficulties in making effective legislation for historic site and relic preservation and shows how by good legislative techniques the law can both define and protect the component parts of the cultural heritage.

Eventually Volume One will be part of a five volume series covering all aspects of the legal protection of the cultural heritage. Topics to be covered will include the creation and preservation of cultural objects (including an analysis of the law relating to fraud, forgery and counterfeiting); the movement of cultural objects (including the legal control of the trade in cultural objects); and the laws on control of export and related questions of restitution. One volume will survey the laws relating to the immovable cultural heritage and another will assess the changes being wrought in the law by the development of specialist regulations to protect the cultural heritage.

A pertinent theme which will run through the whole series is the question of the effectiveness of legal enforcement in this rapidly changing area of law. The authors look at the problems inherent in the creation of the art works themselves as well as those arising from their destruction. The term "cultural heritage" is given a broad meaning — it will include archaeological sites as it will paintings.

Volume One deals exclusively with the questions of discovery, excavation and legal protection of relics. By outlining the increase in the need for protection by both domestic legislation and international law,

the authors then examine the various questions arising from the legislative response — the question of jurisdiction, the relationship of legislation to commercial laws (particularly salvage), and land use laws, defining the content of the archaeological heritage in such laws and the means of control used.

The authors have wisely stressed the bi-disciplinary nature of the work. For the legislator it will highlight the various approaches by other jurisdictions to a suitable legislative definition of cultural heritage. To the field anthropologist, however, it will explain the nature and origin of the legal regulation concerned. A clear distinction is made between the differing rights and obligations under a national law and those under international law.

If a state incorporates a convention or treaty into its domestic law then such instrument can be upheld in the domestic Courts. The authors refer to the case *Commonwealth* v *Tasmania* (1983) 46 ALR 625 (HC) where federal legislative action to prohibit the construction of a hydro-electric dam in a park containing unique wilderness areas and sacred aboriginal sites was upheld in the High Court of Australia.

In Chapter 1 the authors assess the various groups whose interest in the cultural heritage must be incorporated into any statutory provision. Such interests could include dealers, tourists and exponents of a living culture.

Claims to cultural property by indigenous inhabitants will need to be recognised. This is mentioned in the text, and the authors discuss the American Anthropological Association Code of Ethics and the protection of American Indian sites and relics. Often conflict will arise between members of a living culture who continue to use certain relics and objects, and those who endeavour to study them or sell them. The tourist also can adversely affect the cultural heritage by influencing both moveable property (artefacts) and sites. When artefacts are removed from a particular jurisdiction a net cultural loss is the result, as well as the encouragement of a black market in cultural property. To control such developments the legislature will have to intervene.

In New Zealand the control of artefacts is dealt with by the provisions of the Antiquities Act 1901. In a recent New Zealand Privy Council case, however, it was seen that the courts may ascertain a different statutory intention than that inferred by Parliament. In *Attorney-General of New Zealand* v *Ortiz* [1982] 3 WLR 170, the Court dealt with the question of ownership of a sacred Maori carving more on the basis of strict statutory interpretation than from any strong concern for the best interests of the Maori people in recovering a carving with strong traditional significance. The Court held that as the carving had not been seized by the Crown, there had been no effective forfeiture and thus the Crown had no title to the carving. Similarly, in a United States decision, *USA* v *Diaz* (US Court of Appeal 9th Circuit 1984), the word 'antiquity' in a statute was held to have violated the due process clause in the Constitution, in that penal statutes must be specific in all respects of the offences they create.

The relics or cultural objects are to the culture concerned an embodiment of ancestral ties and essential to the personal identities of that culture. The authors could perhaps have given more coverage to the needs and wishes of these cultural groups — an analysis of what the indigenous people themselves would like to see in any legislation to protect their cultural heritage.

In the section of the text dealing with an analysis of the various jurisdictions' cultural heritage legislation, New Zealand's statutory enactments are outlined. The authors comment that "New Zealand was relatively late in the field in the protection of the cultural heritage" (p 68). Only in 1953 were the first steps taken to promote, supervise and authorise proper excavation of relics and sites. Here, with widespread horticultural developments destroying archaeological sites, combined with the accelerated planning provisions for large-scale energy projects under the National Development Act, one must realise that New Zealand needs wider-reaching legislative protection than exists at present.

This text would be an invaluable tool for those who decide to implement those laws, with the guidance it provides as to what the law should contain and how it should be integrated into the connected areas of planning and development law.

International lawyers will find Chapter 3 of the text of some interest — notably the authors' informative analysis of 'active' and 'passive' personality and its relation to territorial jurisdiction. Post World War II developments in the Law of the Sea are given extensive coverage, including the continental shelf, the deep sea bed regime, the development of exclusive economic zones and cultural protection zones, and the important UNESCO conventions. Mention is also made of the Council of Europe's draft "Convention on Offences against Cultural Property". If this were adopted by a majority of European member states it could form the basis for an international custom.

The United Nations Convention on the Law of the Sea is analysed — mainly on questions of interpretation. Under the Convention, protection is given to objects of historical origin. Article 302 in the General Provisions section of the Convention provides that "states have the duty to protect archaeological objects and objects of historical origin found at sea".

Given difficulties in implementation and application of international law principles, the authors contend that the impetus to protect the underwater cultural heritage may have to come from domestic law. The authors comment: "A state's jurisdiction over its own territory would justify state action on items brought into the territory, even if the site itself is established outside territorial waters" (p 988). In their text the authors give an excellent summary of jurisdictional rules relevant to land and water locations of areas of cultural heritage.

Once it has been established which legal system has jurisdiction in any particular context, the next stage is to apply the relevant part of the

domestic law. Law in the areas of property, planning and environment may be pertinent as well as specific relics legislation.

However, as the authors note, the effectiveness of such legislation will depend to a very large extent on how the law is enforced by the administration concerned. If the administration sees the law as unworkable, exceedingly complex or expensive to enforce, it may well exercise a discretion not to enforce it or not to prosecute those infringing the law.

This may well result from the conflicting interests the law itself tries to resolve. In their discussion on the law of salvage, the authors highlight this point particularly well: "Now that the value of the underwater relics is known and they are relatively easily available, the effect of presuming that these cultural heritage laws are automatically applicable to the underwater cultural heritage has suddenly become very significant" (p 420).

A fundamental conflict may arise between the rights of the salvor under salvage law and the wider notion of protection of historic sites. A crucial concept of salvage is possession — upon which is grounded the right of a salvor to exclusive operation of the site. It also allows the salvor to take action against the property recovered to secure payment of the salvage award.

Case law from various jurisdictions is discussed in the text, highlighting the fact that the law may lead to the destruction of the very items the cultural heritage laws seek to preserve. The archaeologists's interest in regard to underwater site objects is to gain the maximum amount of information from the objects in their contextual position in a site — directly contradicting the salvor's concept of economic value. The authors note that any requirement to apply archaeological principles to salvage goes beyond imposed standards for salvage in most jurisdictions.

The conflict between salvor and those advocating the preservation of the cultural heritage can be seen in the recent New Zealand High Court (Tauranga Registry) decision, *Dury* v *Police* (M 235/83) involving an appeal against conviction and sentence by an appellant (a salvage operator) for wilful modification of an archeological site under s54 of the Historic Places Act 1980. The appeal was allowed and conviction quashed on the basis that the prosecution had failed to prove the requisite mens rea beyond reasonable doubt when the salvor carried out the actus reus — the modification of the wreck of the S.S. Taupo. The vessel had sunk off Waihi Beach in 1881, but was only discovered in 1979 by locals, who were negotiating with the Department of Transport to have the wreck declared an underwater reserve suitable for "no-touch diving". His Honour Mr Justice Barker made the following comments:

> Clearly the legislature intended the Courts to punish with financial severity those who wilfully destroy our national heritage for commercial gain; however this particular wreck is hardly in the class of say the Waitangi Treaty House as a local historical place.

> In this test case the appellant had visited on him an excessive penalty for a less serious offence of its kind.

This comment certainly confirms the views of the authors that most jurisdictions, including New Zealand, urgently need legislation to protect the underwater cultural heritage, by expressly excluding the application of salvage laws to such historic wrecks.

The authors cover well the relationship of parks and reserves legislation, planning and environmental law to cultural protection. Planning can contribute to the effective protection of relics and archaeological sites by requiring planning schemes to include known archaeological sites and ensure their protection if they are of significance.

The authors continually reiterate the view that it is better to plan by forward-thinking cultural heritage legislation so as to avoid damage to sites and relics, rather than to investigate them only under threat of destruction. This latter position is the current situation in New Zealand — fifteen hundred recorded sites in Tauranga and Waihi were destroyed by horticultural development in 1981–82. This was caused by land use allocation conflicts; farming is the principal cause of destruction yet such activity is often financed by Government subsidies.

Whilst under the provision of the Historic Places Trust Act 1980 the costs of exploration and survey can be recovered from the developer, the process is time-consuming and does not apply to farming or horticulture. The current legislation places the onus on the developer or mineral prospector to approach the Trust and to discover whether his plans will affect recorded sites.

Such problems can only be resolved, as the authors recognise, with effective environmental planning; that is, "effective protection of the archaeological aspects of the cultural heritage and the co-ordination of relevant laws — this would require such sites and relics being taken into account as an aspect of the environment" (p 153).

A full chapter is devoted to the way in which legislatures define the content of the archaeological heritage. Deciding what exactly needs to be protected is a matter which can only be determined by active co-operation with archaeologists and is not made any easier by the current anthropological debate over what criteria decide cultural significance. Indeed, the authors give the example of a 1920 New Jersey Hotel rubbish tip as being seen as culturally significant by anthropologists. The lawyer may well view this as rubbish!

The authors state that "it is for the cultural heritage professionals to propose what needs protection . . . the recommendations may not be accepted but those who decide on legislation must be presented with material for an informed decision" (p 156). Control of the cultural heritage will mean questions of ownership. Chapter 6 includes a survey of the role of ownership by the state. It is interesting to note that under the New Zealand Antiquities Act, every artefact found anywhere in New Zealand or within the territories of New Zealand is declared to be prima facie the property of the Crown.

Where relics on sites are part of private ownership, various special provisions may apply. This includes an assessment of reward and penalty provisions concerning the finding of sites and antiquities. Chapters 7, 8 and 9 of the text provide excellent coverage of archaeological law for those involved at a practical level. Initial planning work on the site and obligations as to reporting finds and recording sites are comprehensively dealt with in the text.

Supervision and control by the host country may be a delicate matter and suggestions made by the authors regarding conduct and legal obligations are helpful. Chapter 10 looks at the general law on finds (both under common and civil law) and examines the rights of claimants who discover relics. This includes an interesting analysis of the historical development of treasure trove law — as Lord Denning put it, "treasures from the earth belong to the king", in *Attorney-General of the Duchy of Lancaster* v *G E Overton (Farms) Ltd* [1982] 2 WLR 397.

The final chapter will be of great assistance to the lawyer and academic interested in the problems arising from a newly developing area actively giving rise to legal control. Some time is spent on the question of class actions and the requirements relating to standing. The case of *Onus* v *Alcoa* 36 ALR 425 is discussed — where Aboriginals claiming ownership of customary land were given standing to institute the provisions of the Victorian Relics legislation in their role as guardians of relics on the land destined for an aluminium smelter. Rules as to the admissibility of evidence, especially hearsay, and evidence of anthropological experts is discussed.

The superb bibliography and appendix of legislation relating to the law of cultural heritage will give all those concerned with site and relic perservation an opportunity to find further information of a more specialist nature for nearly all jurisdictions.

In conclusion, this text is a breakthrough in a multi-disciplinary approach to questions relating to the legal protection of the cultural heritage. Whilst it can be viewed as a jurisprudential work (dealing with the law in regulating conduct) it also examines the relationship of international law to domestic law, and questions of ownership and enforcement. It is a focus for lawyers, archaeologists and administrators working within this rapidly changing legal regime. The authors, by compiling the various legislative responses to essentially the same legal problems, have succeeded in presenting for the first time the response of domestic and international law to the cultural heritage. The publication of this text marks a definitive formulation of what constitutes the cultural heritage and how it may be afforded the maximum legal protection.

— *Philip Wright.*

FAMILY LAW 1984 STYLE by Professor P. R. H. Webb and J. G. Adams Legal Research Foundation Inc, Auckland, 1984. 182 pp and PRACTICE AND PROCEDURE IN THE FAMILY LAW COURTS by His Honour Judge B. D. Inglis QC Legal Research Foundation Inc, Auckland, 1984 22 pp Price $20.00 (Students $12.00).

Family Law 1984 Style is the result of a seminar in May 1984, and is an update of the second edition of *Family Law 1981*. It includes papers by Professor Webb formerly published by the Foundation under the title "Further Aspects of Maintenance Law".

The authors provide a commentary on the Family Laws and Courts as they affect separation, dissolution, maintenance, guardianship, custody and access, and paternity so that the practitioner or student is given a broad statement of the principles and philosophy of the Family Law Acts together with helpful illustrative examples from judicial decisions.

Since the second edition was published there has been a great wealth of judicial classification of the new legislation allowing some sections to be shortened while others have been greatly lengthened as the complexity of some parts of the legislation has become apparent.

Those who have relied on the second edition will be heartened that the Foundation have in this edition published the footnotes at the end of each chapter rather than having them rather exasperatingly at the end of the book. The footnotes give generous examples and comment from recent New Zealand cases and legal writing.

This is, as are the earlier editions, an extremely useful contribution to the field of Family Law. The authors are to be congratulated for their relaxed narrative style. This work is essential reading for all students of Family Law and a valuable guide for practitioners in the field as well as the many other professionals now involved in the Family Law area.

"Practice and Procedure in the Family Law Courts" is the title given the second paper presented at the Family Law seminar. His Honour Judge B D Inglis QC begins the paper with a "raft of disclaimers" to the effect that the views presented are entirely his own, recognising that his view differs from others in the field and that there are different views in different parts of the country.

The paper provides a valuable insight into the way that this distinguished academic and judge views the law from the bench. It is also stimulating in that many of the views of His Honour will cause examination of some of the more contentious issues involved in the practice and procedure of Family Law.

In particular the Domestic Protection Act and the use of ex parte provisions where violence has occurred are discussed at length. The view of His Honour is likely to disquiet those who promoted this reform. In discussing an application for an order from the respondent's point of view he states:

> There are some, too, who will behave so tactlessly and with such lack of consideration

> as to almost invite the violence of which they complain

and as to the duty of the applicant's legal adviser:

> "How many have asked *why* the violence occurred? While the analysis of the use of ex parte orders is beneficial the writer with respect questions whether perpetuating the myth of blaming the victim for the violence is conversant with the spirit of the Act and the Family Law package.

Some of the traps involved in dissolution proceedings especially of joint "do-it-yourself" application and the very real need for technical caution are stressed. Paternity applications are discussed and similar words of caution addressed to the need for formal proof and corroboration which is, in His Honour's view, essential. Guardianship, custody and access are carefully analysed and the use of detailed affidavits is advocated so that all the parties including the counsel for the child have "all their cards on the table" in advance of the hearing.

His Honour calls for legislative reform of the appeal procedure in the Guardianship Act with a de novo appeal right from the Family Court to the High Court which "tempts parties into using the Family Court hearings as a dry run".

His Honour concludes with discussion of the Family Court with advice to counsel on opening and closing submissions, estimation of hearing time, a note of caution on the utility of extensive counselling and mediation in the intractable custody and access case, and a call for rationalisation of the intitulation of documents.

A thought-provoking address which should give valuable insight to those who appear in the Family Court and those who intend in the future to practice in the area of Family Law.

— *Pamela Farr*

MATRIMONIAL PROPERTY by R. L. Fisher. Wellington, Butterworths, 1984 xciv and 726 pp Hard Covers Price $75.00.

The first edition of Fisher's *Matrimonial Property* has been an invaluable guide for students and practitioners alike being published so soon after the Matrimonial Property Act 1976 revolutionised the determination of property rights between husband and wife in New Zealand. It is, however, simply an analysis of the Act though Mr Fisher's predictive ability was and still is awesome. The second edition is a much more comprehensive volume and the author says in his preface that:

> this seems justified by the enroachment of Matrimonial Property Law into Land Law, personal property, gifts, conveyancing, revenue, estate-planning, torts, trusts, contract, conflicts, crime, creditors and commerce as well as the more familiar property disputes on breakdown of marriage.

The author has "tried to provide a framework of general principle which will not date too quickly and will complement the services already

reporting matrimonial decisions". To this end it succeeds admirably and it would seem this edition will be an essential part of any practitioner's library and invaluable to students of Family Law.

The work is divided into three parts: property rights without invoking the statutory matrimonial property regime, property rights determined from the statutory matrimonial property regime, and invoking the statutory matrimonial property regime.

In Part I there are more chapters on: the nature of matrimonial property, engagements and de facto marriages, gifts, trusts, agreements, variation of agreements and trusts on dissolution of marriage, the Joint Family Home Act, revenue and estate-planning and protecting the non-owner spouse. All are dealt with with Mr Fisher's customary meticulous analysis. In particular the timely inclusion of the chapters on de facto marriages and on trusts as they relate both to the codified matrimonial property and to de facto "matrimonial property" will be of immense assistance to those facing problems in this area.

For reasons of space, maintenance and property rights following the death of a spouse are discussed only to the extent necessary to place inter vivos property rights in context.

The rights of partners, whether actual or intended spouses, to make agreements as to their property rights are analysed both at Common Law and under the Act and Mr Fisher has helpfully provided a number of skillfully drafted contractual precedents.

There is a most helpful discussion of revenue and estate planning with clear principles which provide a useful guide.

Part II consists of chapters 10 to 16 and gives a detailed analysis of the consequences and implications of the Matrimonial Property Act as it affects the spouses and third parties. The analysis is logical, lucid and easy to follow with detailed cross referencing both to the Act (thoughtfully reproduced in its amended form in the first appendix) and to other relevant sections of the text. The meaning of property, ownership of property and valuation are followed by a penetrating analysis of particular forms of property which often cause specific problems including Goodwill, Businesses and Professional Practices, Farms, Partnership, Companies and Superannuation.

Chapter 11 deals with classification of property into Domestic Property, Balance Matrimonial Property and Separate Property with explanation as to its significance, the rationale behind it and the time the classification attaches. Individual classifications are comprehensively discussed including co-ownership, requisitions in contemplation of marriage, acquisitions after marriage, acquisitions from pre-marriage assets for common use and benefit, income, gains, proceeds and increase from matrimonial property, life assurance policies, superannuation rights, residual separate property, acquisitions and proceeds from separate property, increases, income and gains from separate property, property acquired while not living together, property acquired after Court order, separate property used to augment

matrimonial property, gratuitous property from third parties and interspousal gifts.

Domestic property is analysed and defined including the special problems of homesteads, marriages of short duration, the meaning of extraordinary circumstances and the situation where there are two homes at date of marriage.

Chapter 13 discusses the meaning of and the division of Balance Matrimonial Property with detailed analysis of the problems of ascertaining and quantifying the spousal contributions and is followed in Chapter 14 by an analysis of Separate Property.

The legal relationship between a spouse and his or her third party creditors are discussed in the chapter on Debts as well as interspousal debts and the satisfaction of personal debts from matrimonial property. Here Mr Fisher very clearly explains the very difficult s20 of the Act.

The final chapter in this section entitled "Changes in Assets and Liabilities after Separation" explores the general principles behind those provisions which allow for adjustment of the sometimes lengthy period between separation and the determination of property rights between the parties and to consequent changes in the assets and debts involved.

As already indicated the Appendix contains the amended Matrimonial Property Act 1976, and also Part II of the Domestic Actions Act 1975, and the Estate and Gift Duties Amendment Act 1983. In addition there are contractual precedents and Court Form precedents. The Table of Cases is extensive indicating sadly how often in this field litigation follows matrimonial breakdown. The text is admirably supported by an excellent index and by extensive case referencing throughout.

Mr Fisher is to be heartily congratulated for his impeccable logic and trenchant presentation of the law. His work is a definitive exposition of the law as stated at 1 May 1984 and will be extremely valuable for years to come to all those involved in Family Law as well as many other practitioners. For the practitioner it will be imperative to consult this work while the student of Matrimonial Property Law omits reference to it at his or her peril.

The publishers are to be congratulated for the extremely attractive presentation and for the very high standard of typesetting and printing.

— *Pamela Farr*

DISMISSAL AND REDUNDANCY PROCEDURES by Alexander Szakats and Margaret A Mulgan. Wellington, Butterworths, 1985. xi and 275 pp Paperback price $47.00

Statistics from the New Zealand Year Book 1975 show that between 1970 and 1975 the average monthly unemployment total never rose above 4166. In that balmy climate, not many redundancy agreements were negotiated. Personnel managers and union advocates who turned

their minds to such things tended to be thought of as having their gaze fixed unrealistically on a far-distant future. The few agreements entered into then were the last examples of a now extinct species — truly "free" collective bargaining. There were few models and no legislative floors or ceilings.

As the labour market turned, all that changed. Vigorous recruitment of overseas labour ceased. The word "overstayers" passed into everyday language. Redundancy agreements began to appear, sometimes as "tack-ons" to the annual wage round.

Settlement of the main collective agreement for an enterprise would include an agreement in principle to negotiate a redundancy agreement during the year. The redundancy agreement would later be annexed to the main agreement, or could be registered in its own right.

The market tightened further and the Government, following a promise to legislate comprehensively on redundancy, created another "tack-on" — an amendment to the Wage Adjustment Regulations 1974 which did no more than put an upper limit on redundancy payments. Mulgan notes in the book (at 167) that this "was orginally inserted as a temporary measure but since 1978 has contained no expiry date."

As unemployment climbed, the trade union movement became less willing to enter into new redundancy agreements. Nevertheless, certain patterns of settlements had emerged, instanced by the so-called "six and two" formula — six weeks' pay as redundancy compensation for the first year of employment and two weeks' pay for each subsequent year. In the meantime, unions had begun to attack redundancy issues in more sophisticated ways, some political, some legal. One device was to invoke the personal grievance provisions. In single dismissals this provided a forum in which to question whether the particular case was truly a redundancy or whether there was a disciplinary element which might give rise to a challenge that the dismissal was unjustified.

In the absence of comprehensive legislation, that process is still going on today. It has given rise to a lot of law. Alexander Szakats and Margaret Mulgan have put together an excellent book on the subject, assembling in one place the previously scattered sources of redundancy law in New Zealand.

The book is divided into six parts containing a total of twenty-nine chapters. The authors take joint responsibility for it but divided the work of writing: Szakats wrote Parts I–IV dealing with the employment relationship, the common law, the Industrial Relations Act and dismissals in specific industries or under special statutes. Mulgan wrote Parts V–VI which deal with redundancy dismissals and dismissals in the state services. The book is well organised, with the subject developed in a logical, orderly way. The numbered paragraphs take neat, bite-sized pieces of the subject and present them in digestible form. Both authors display a clear, direct style of writing.

Szakats gets the introduction out of the way in five pages and goes on to deal fairly shortly with the common law. The shortness is under-

standable: the common law provides few remedies in this area. The next part, containing eleven chapters, covers dismissal and remedies under the Industrial Relations Act, a much more fruitful source of remedies. The chapters analyse dismissal as a grievance, the procedural steps, whether a dismissal or a voluntary termination has occurred, procedural fairness, justification, the burden of proof, victimisation and appeals against judgments.

In the next part, Szakats deals with dismissal in specific industries — the meat industry, the waterfront, farm labour and aircrews. He then examines the effect of specific statutes which may apply to any industry — the Human Rights Commission Act 1977, Race Relations Act 1971, and Maternity Leave and Employment Protection Act 1980.

Mulgan's chapters examine the concept of redundancy, its definitions and the sources of redundancy law in New Zealand. Her chapters 21 and 22 contain a particularly useful assembly of the issues which arise when a redundancy actually occurs.

The final part of the book fills a real gap in the market. It provides a concise summary of the law relating to dismissal in the state services generally, and in selected quangos. As the authors note in the preface:

> This is a more complex area of law, regulated by various statutes and delegated legislation, as the rights and proceedings are different not only from those in the private sector but also between classes of state employees. Until now the position of state servants has been looked at as purely administrative law. Now it should be regarded as a distinct branch, a mixed one: state employment law.

While the quality of the content is excellent, technical production of the book is mediocre. The paperback version which I received is guillotined and glued on the spine, instead of having the signatures sewn together. This results in a book which does not fall open naturally and which is usually much less durable than one produced by the other method. But there are some good features: the size and boldness of typeface for paragraph headings is just right. The typeface for the main copy is of reasonable size but the print on the page looks a little pale and washed out. Quotes are clearly identified by a smaller typeface, by indenting and spacing around. But there is no white space between the paragraphs in the main copy of the book. A line of spacing is especially helpful in finding your place if using the book to assist in oral argument.

Overall, though, the book stands well on its merits. It has filled a conspicuous gap in writings on industrial law in New Zealand. It has a detailed table of contents and a good index. Students of industrial law may find it too detailed as an introductory text but union advocates and personnel managers with a good grasp of employment law will be able to digest it, albeit slowly and practitioners in this field will find it an essential addition to their libraries.

— *Brian Stephenson*

BOOKS RECEIVED

ADAMS S. *Roche versus Adams* London; Jonathan Cape; 1984. xii and 236 pp. Paper.

ALSTON A. *Garrow & Alston: Law of Wills and Administration* (5th ed) Wellington; Butterworths; 1984. ixx and 709 pp. Hard covers. $75.00.

BATES and others *The Australian Social Worker and the Law* (2nd ed) Sydney; The Law Book Company; 1985. xiv and 280 pp. Paper. Australian price A$19.50.

BATES F. and TURNER J. N. *The Family Law Casebook* Sydney; The Law Book Company; 1985. xxxvii and 132 pp. Paper. Australian price A$19.50.

BAXT R. *An Introduction to Company Law* (3rd ed) Sydney; The Law Book Company; 1985. xx and 271 pp. Paper. Australian price A$17.50.

BAXT R. and KERLIHY G. (eds) *Annual Survey of Australian Law* Sydney; The Law Book Company; 1984. xix and 439 pp. Hard covers.

BAYNE P. J. *Freedom of Information* Sydney; The Law Book Company; 1984. xxix and 347 pp. Paper. Australian price A$29.50.

BRADBROOK A. J. *Solar Energy and the Law* Sydney; The Law Book Company; 1984. xxxiii and 324 pp. Paper. Australian price $45.00.

BYRT W. J. *The Framework of Consensus: Government, Business and Trade Unions* Sydney; The Law Book Company; 1985. xxix and 347 pp. Paper. Australian price A$17.50.

CARTER J. W. *Breach of Contract* Sydney; The Law Book Company; 1984. xivi and 551 pp. Paper. Australian price A$56.00.

CERTOMA G. L. *Cases and Materials on Real Property* (2nd ed) Sydney; The Law Book Company; 1985, xiii and 582 pp. Paper. Australian price A$45.00.

COLLINS M. *Marxism and Law* Oxford, New York; Oxford University Press; 1984. viii and 159 pp. Paper. $9.50.

CREIGHTON, FORD and MITCHELL *Labour Law: Materials and Commentary* Sydney; The Law Book Company; 1983. ii and 944 pp. Paper. Australian price A$53.50.

DUNCAN W. D. *Real Estate Agency Law in Queensland* Sydney; The Law Book Company; 1985. xxiv and 273 pp. Paper. Australian price A$29.50.

EDWARDS and HARDING *Cases on the Criminal Code* (3rd ed) Sydney; The Law Book Company; 1981. xxiii and 794 pp. Paper. Australian price A$38.00.

FARRAR B., RUSSELL M. and HAMPTON F. *Company Law and Securities Regulation in New Zealand* Wellington; Butterworths; 1985. ix and 493 pp. Paper. $59.00.

FLICK G. A. *Federal Administrative Law* (2nd ed) Sydney; The Law Book Company; 1984. Looseleaf volume. Australian price A$38.00.

GERKENS and GERKENS *Food Law in Australia* Sydney; The Law Book Company; 1985. xiii and 236 pp Paper. Australian price A$29.50.

GIFFORD and GIFFORD *Our Legal System* (2nd ed) Sydney; The Law Book Company; 1983. xvii and 293 pp. Paper. Australian price A$15.00.

GUNNINGHAM N. *Safeguarding the Worker, Job Hazards and the Role of the Law* Sydney; The Law Book Company; 1984. xxiv and 426 pp. Paper. Australian price A$42.00.

HARDINGHAM and NEAVE *Australian Family Property Law* Sydney; The Law Book Company; 1984. liii and 647 pp. Paper. Australian price A$54.00.

HOCKER, DUFFY and HEFFEY *Cases and Materials on Contract* (5th ed) Sydney; The Law Book Company; 1985. xli and 983 pp. Paper. Australian price A$45.00.

HODGE W.C. *Doyle's Criminal Procedure in New Zealand* (2nd ed) Sydney; The Law Book Company; 1984.

HOTOP S. D. *Principles of Australian Administrative Law* (6th ed.) Sydney; The Law Book Company; 1985. xxxv and 516 pp. Paper. Australian price A$36.00.

HUTLEY, WOODMAN AND WOOD *Cases and Materials on Succession* (3rd ed) Sydney; The Law Book Company; 1984. xxxix and 794 pp. Paper. Australian price A$49.50.

KIMBALL P. T. *The File* London; George Allen and Unwin; 1984. xii and 356 pp. Hard covers.

LANE P. H. *A Manual of Australian Constitutional Law* (3rd ed) Sydney; The Law Book Company; 1984. xx and 544 pp. Paper. Australian price A$39.50.

LANG A. G. *Estate Agency Law and Practice in New South Wales* Sydney; The Law Book Company; 1985. xxix and 481 pp. Paper. Australian price A$30.00.

LBC NUTSHELL SERIES General Editor P. W. Young.
Evidence by Phillip Hallen ix and 78 pp.
Federal Constitutional Law by J. Oxley x and 86 pp.
Criminal Law by R. B. Wilson and B. Donavan xiii and 98 pp.
Contracts by G. C. Ludsey x and 133 pp.
Torts by M. Boulton xii and 108 pp.
Sydney; The Law Book Company; 1984. Australian price A$5.95 each.

LIPTON and HERZBURG *Understanding Company Law* Sydney; The Law Book Company; 1984. xxxi and 400 pp. Paper. Australian price A$28.50.

McGECHAN R. A. *Garrow & McGechan: Principles of the Law of Evidence* (7th ed) Wellington; Butterworths; 1984. xxxviii and 445 pp. Hard covers $59.00.

MAHER, WALLER and DENHAM *Cases and Materials on the Legal Process* (4th ed) Melbourne; The Law Book Company; 1971. xxiii and 293 pp. Paper. Australian price A$29.50.

MAXTON H. *Nevill's Trusts Wills and Administration in New Zealand* (8th ed) Wellington; Butterworths; 1985. lxi and 583 pp. Paper $48.00.

MILLER R. V. *Annotated Trade Practices Act* (5th ed) Sydney; The Law Book Company; 1985. 370 pp. Paper. Australian price A$25.00.

MULGAN R. *Democracy and Power in New Zealand: A Study of New Zealand Politics* Auckland; Oxford University Press; 1984. 171 pp. Paper $14.95.

NORTHEY J. F. *Cheshire & Fifoot: Law of Contract* (6th ed) Wellington; Butterworths; 1984. lxi and 583 pp. Paper. $48.00.

PALMER K. A. *Planning & Development Law in New Zealand* Sydney; The Law Book Company; Vol I 1984 lviii, 554D and [21] pp. Paper. Australian price A$65.00. Vol II 1984 liv, 555–1023 and [16] pp. Paper. Australian price A$56.00.

ROSE D. J. *Lewis: Australian Bankruptcy Law* (8th ed) Sydney; The Law Book Company; 1984. xxiii and 293 pp. Paper.

RYAN and O'GRADY *Manual of the Law of Income Tax in Australia* (6th ed) Sydney; The Law Book Company; 1985. xxvi and 360 pp. Paper. Australian price A$24.00.

SHARPE R. J. *Instructions and Specific Performance* Toronto; Canada Law Book Company; 1983. lxxiv and 450 pp. Hard Covers.

SHTEIN and LINDREN *An Introduction to Business Law* (4th ed) Sydney; The Law Book Company; 1984. xi and 262 pp. Paper. Australian price A$12.50.

WAIGHT and WILLIAMS *Cases and Materials on Evidence* (2nd ed) Sydney; The Law Book Company; 1985. lxi and 884 pp. Paper. Australian price A$52.00.

WATSON *New Zealand Company Law Casebook* Wellington; Butterworth; 1984. xxv and 189 pp. Paper. $34.00.

WHIPPLE *Accounting for Property Development* Sydney; The Law Book Company; 1985. xv and 185 pp. Paper. Australian price A$24.50.