

to regard these court-based approaches as variations of the normal court process but not as alternatives.

A considerable re-education of Australian society is needed to encourage disputants to regard mutual settlement as preferable to having their day in court. There is clearly a need for the legal profession to change its traditional approach and here, as noted, Western Australia lags far behind the Eastern States. This book devotes Chapter 9 to lawyers, but omits any reference to their innate suspicion of a system which does not produce a definitive and binding judgment in favour of one party or the other. Perhaps the closer our ties become with our Asian neighbours, the more we shall find it necessary to use negotiation rather than the adversarial process to resolve commercial disputes.

This book is to be recommended in that it sets out in detail how the alternative methods of dispute resolution operate, thus removing much of the ignorance about them. However I have two main criticisms of the book. One is the academic style in which it is written, which makes it hard to read. Secondly, there is an admission in the Preface (page XXV) that the book is not comprehensive, though the title might well lead a prospective purchaser or reader to the opposite conclusion. Though we still await a comprehensive and definitive textbook on ADR, this book nevertheless provides an excellent and much needed source of information.

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Review of D A Butler and W D Duncan, *Maritime Law in Australia*, Sydney: Legal Books, 1991. HC \$85

Until recently there was no Australian text book on maritime law although *Halsbury's Laws of England* had an Australian supplement which was useful. This meant that students and practitioners had to make do with English text books and other works and had to find the applicable statutes and case law in Australia as best they could. An instance of this dearth of readily available material was that the liability of a ship to arrest depended on the provisions of English statutes of 1840 and 1861, both of which were long out of date and out of print.

That a distinctively Australian text book on maritime law was needed was quite obvious. Happily there are now several. Recent works include *Annotated Admiralty Legislation* by S Hetherington (Sydney: Law Book Company, 1989), *Shipping Law* by A Dickey & M Davies (Sydney: Law Book Company, 1990), and *Australian Maritime Law* (Sydney: Federation Press, 1991; M White (ed)). To these can now be added *Maritime Law in Australia* by D A Butler and W D Duncan. The authors are both academics based at the Queensland Institute of Technology, who are well known for their publications in maritime law and associated areas.

This new book discusses Australian admiralty jurisdiction and then deals with ships themselves before going on to cover carriage of goods by sea, charter parties, collisions, salvage, limitation of liability and general average and marine insurance. A welcome innovation in the book is the inclusion of a chapter dealing with marine pollution. This is an important and developing area of maritime law. It encompasses a large number of international conventions and a great deal of Commonwealth and State legislation, which had previously been neglected in academic writings.

Maritime Law in Australia, as with the other Australian works, does not deal with any aspect of *criminal* law; it does, however, attempt to cover almost all of the very wide *civil* field in maritime law. This field is divided into 11 separate chapters, each of which deals with a discrete topic. The material is presented in a way which makes it readily accessible to both students and practitioners. One criticism is that some sections of the book are devoted exclusively to the leading cases. This suits the student rather than the practitioner, as the highlighting of only one case in a series is often unhelpful to the busy practitioner. Further, from time to time, the impression is given that the authors have not read the cases thoroughly as the authority given for a particular proposition is occasionally not directly on point.

Despite these shortcomings, this is a timely and well written book. It makes a useful contribution to the Australian literature on maritime law and will be welcomed by practitioners and students alike.

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BOOKS RECEIVED BUT NOT REVIEWED

E J Edwards, R W Harding & I G Campbell *The Criminal Codes: Commentary and Materials* 4th edn (Sydney: Law Book Company, 1992).

P Redmond *Companies and Securities Law: Commentary and Materials* 2nd edn (Sydney: Law Book Company, 1992).

F Brennan *Sharing the Country: The Case for an Agreement Between Black and White Australians* (Melbourne: Penguin Books, 1992).

F Brennan *Land Rights Queensland Style: The Struggle for Aboriginal Self-Management* (St Lucia: University of Queensland Press, 1992).

R Ingleby *Solicitors and Divorce* (Oxford: Clarendon Press, 1992).

J Phillips & J O'Donovan *The Modern Contract of Guarantee* 2nd edn (Sydney: Law Book Company, 1992).