

International Commercial Law for Business

by Bruno Zeller; *The Federation Press, Sydney, 1999; 238 pp. plus appendixes; \$35.00 softcover.*

Bruno Zeller's work is prefaced with an important qualification: 'The law of international trade is an enormous area'. Zeller has attempted to set out the main legal aspects of international trade in an accessible and readable format, and in my opinion has largely succeeded in his task. The book is aimed at TAFE students, exporters/importers and university students for whom English is a second language, but it is useful for anyone wanting a basic introduction to commercial law in an international business context.

One slight reservation I have relates to the title 'International Commercial Law for Business' which is perhaps a bit misleading since there is no single international commercial law system, as Zeller acknowledges in his introduction. The book is written in a basic textbook style with learning outcomes at the beginning of each chapter and tutorial questions, extended activities and references at the end. Examples are highlighted by being placed in boxes and distributed at relevant points throughout each chapter. Zeller makes use of two fictional characters, Angus Fraser (an Australian businessman) and Sudiman Sukarno (his Indonesian counterpart) to illustrate various points and provide examples of the law in action.

Chapters 1, 2 and 3 of the book deal with some of the basic legal principles relevant to international business, namely, the law relating to business enterprises (chapter 1), the law of agency (chapter 2) and the law relating to the sale of goods within Australia (chapter 3). These chapters are quite readable and easy to follow.

Chapters 4-9 deal with those matters relevant to importers and exporters, namely, the Vienna Convention on the International Sale of Goods (chapter 4), transport and customs laws (chapters 5-8) and issues relating to representatives overseas (chapter 9). I had some difficulty with separation of the choice of law discussion from the Vienna Convention and generally found chapter 4 more difficult to follow. The section on Incoterms however was very useful. The book does not

discuss GATT or the WTO although the author acknowledges they play an important role. Some brief commentary in this respect would probably strengthen the work.

With only two chapters of the book left, it is clear at this point that Zeller has chosen to limit himself primarily to a consideration of the law relevant to import/export and not other forms of international business such as licensing or foreign direct investment (although licensing is touched on in the last chapter). This is probably a wise move, given the aims of the book and its target audience. One significant gap however, is the lack of any consideration of international financing arrangements. Chapter 10 deals with the resolution of disputes and international arbitration (the latter of which accounts for about 80% of the chapter). Chapter 11 concerns intellectual property law.

The layout of the book is very good as is the referencing and indexing. Headings throughout the text improve readability and the boxed examples and associated questions give readers an opportunity to assimilate the information provided as they read through the book (although some boxed examples assume knowledge which has not been provided). The tutorial questions are generally very good. In my opinion however, some of the questions contain some out-dated and dare I say, sexist stereotypes. I think fitness for purpose in the international context for example, could be better illustrated than through a tutorial question about a woman's dress not matching her handbag. We are also informed, in the same question, that her boss is wearing the same dress - shock! horror! My only consolation is that at least it wasn't her boss' wife!

Overall I found the book to be very readable and accessible, bar those parts (like the arbitration chapter) which have lengthy excerpts of legislation and rules. While the examples provided and the questions posed throughout the book are very useful, perhaps in a future edition, a section could be provided at the end with suggested

answers so that readers could periodically check their progress.

This book fills a gap - an Australian version of a relatively simple, easy to follow text on the legal aspects of trading across borders. It is a useful and practical reference.

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Unions in a Contrary World: The Future of the Australian Trade Union Movement

by David Peetz; *Cambridge University Press, 1998; 243 pp; \$34.95 softcover.*

Australia's distinctive government involvement in the regulation of unions, wages and employment has undergone major changes since 1980. The increased influence of economic rationalism from the 1980s has had a profound effect on the Unionisation of Australia. From the 1989 introduction of Voluntary Employment Agreements in Queensland to the tabling of the Commonwealth *Workplace Relations Bill* in 1996, structural changes in the employer/employee relationship have altered the balance of power in industrial relations.

David Peetz's *Unions in a Contrary World* investigates various factors that have influenced the rise and fall of union membership. Using data obtained from numerous Australian surveys Peetz analyses the relationships between employees, employers, unions and a market society. Within this analysis, the structural change of the labour market, changes caused by the Accord, and the future of Australian Unions are considered.

If you are looking for a book that will simply describe the general complexities of union membership in Australia this may not be the book you need. Alternately, if you need a comprehensive and complex statistical analysis of the union movement in Australia in the past two decades read on.

Using a change response model of union membership Peetz dissects the factors that influence union membership in Australia. The change response model relates to the changes in union membership that depend on the responses made to both micro and macro influences by the unions and other parties.

Peetz includes an informative and almost exhaustive background study of Australian unionism and related trends and issues. He identifies the relative stability of union membership and density in Australia before the 1990s and then the sharp decline during the later years of the Accord. Comparisons are also drawn internationally unravelling the myth that the government influence on wages policy is largely to blame for the decline in union membership. This was not apparent in the evidence presented from other countries.

The amalgamation of unions as a response to the inability of unions to operate effectively in the new economically rationalist environment is identified by Peetz. He is cautious in passing judgment on the amalgamation of unions but notes that very few of the aims of union amalgamation have been met. Peetz does not relate the failure of union amalgamation directly to the decline of unionism. He does, however, suggest that the interaction between management and unions is the primary indicator of either the increase or decrease in union activities in the workplace.

Structural changes in the workplace — casualisation of labour, the shrinking of the public sector and the increase in small business — have made it difficult for unions to maintain a high profile in workplace relations. More importantly the changes in employment strategies including the decline of compulsory unionism and the delegitimisation of unions by the government are blamed for the decline in union density in Australia.

Peetz has identified the Accord and ultimately the award system of regulating the labour market as both the weakness and strength of the Australian union movement: weakness because of the lack of need for strong union representation in the workplace due to institutional organisation; and a strength because the Accord gave government legitimacy to the unions. The effect of the Accord on the decline in union membership seems minimal according

to Peetz compared to the 'the employer and state offensive against unions' (p.173) contained in the *Workplace Relations Act*.

'Enterprise bargaining', as supported by the *Workplace Relations Act*, emerges as the crippling impetus behind the collapse of the unions. It is identified as the force that highlighted the vulnerabilities of unions which had been complacent for far too long. He identifies this paradigmatic shift from union-based workplace bargaining to individual agreements as 'the most testing period' for the unions in many decades.

Peetz relates the decline in Australian Unionism to three main factors: structural change in the labor market, changes in attitudes to compulsory unionism and the failure of unions' recruitment practices and associated policies to match these and other changes. He ultimately declares that the unions have to re-examine their responses to influences and change their attitudes toward union members.

Unions in a Contrary World is a wake up call to Australian unions and Peetz ultimately places the responsibility of the future of the union movement squarely with the unions themselves. He suggests that the unions must be more responsive and attentive to their members in order to maintain the viability of union involvement in Australian industrial relations.

While this is a good book that should be read by anyone who has an interest in maintaining and strengthening the union movement, it is not a book for the uninitiated. With a verbose writing style, Peetz will have difficulty in maintaining the interest of the general reader, which is unfortunate because this book has a lot to contribute to the understanding of the Australian union movement. In eight chapters Peetz discusses the Australian union movement from as many perspectives as possible but ultimately he concludes that union membership, strength, density, sympathy and instrumentality is strongly conditional on political, economic, legal and social circumstances and the unions must determine how to respond to those circumstances.

This conclusion is hardly startling news for any observer of Australian industrial relations in the past 20 years. It will however make some union officials very uncomfortable.

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The Parental Obligation: A Study of Parenthood Across Households

Mavis Maclean and John Eekelaar, Hart Publishing, Oxford, 1997; 170 pp incl. index and tables; \$75 hardcover, \$35 softcover. Australian distributor: Federation Press.

The Parental Obligation: A Study of Parenthood Across Households will interest those engaged in research which reflects on the 'new wave' family law reforms that have sought to redefine the parent-child relationship, most notably, in the UK and Australia. Family law reforms in the last decade have evolved from policy developments which have been propelled largely by idealistic assumptions about what the parent-child relationship ought to be. Evaluative reports on the impact of the new ideologies incorporated into UK family law reforms have been thin on the ground. This book is a valuable contribution. It is a quantitative study investigating the perceptions and discharge of parental obligations in a variety of family configurations in which a child lives with only one biological parent. The study identifies clear differences between the study groups that have implications for policy issues which extend beyond the UK.

The authors' main objective is to ascertain whether the assumption inherent in legal policy making of the existence of social rules of parenting is legitimately founded on social practices. In addition, the authors test the hypothesis that the obligations of parenthood are becoming an increasingly significant focus for legal policy in regard to familial ties, in light of the 'legal emptiness of marriage' and the increasingly apparent inadequacy of marriage as the dominant framework for social and economic policies affecting children.

Chapter 2 lays the socio-historical foundations for the study with a discussion of changes in household arrangements during the course of the 20th century and also of the changes that might occur over the course of an individual's lifetime. The purpose of this chapter is to demonstrate the fluidity of living arrangements, with the suggestion that social and legal policy may be based on a static view of household