

Book Review

Reviewed by Melani

Do you know that there are more than 50,000 treaties which have been concluded since the United Nations began and that Australia is a party to over 900 conventions and treaties?

If you did know, then you will be aware just how relevant International Law and Australian Federalism is. If you did not know, then read on.

International Law and Australian Federalism is edited by Brian Opeskin and Donald Rothwell. The cover is designed by Eva Lee, a graphic designer who has just moved to the Northern Territory. Included in the book are essays by renowned academics and lawyers such as Sir Anthony Mason, James Crawford and Hilary Charlesworth.

The distribution of the power within federal systems causes unique issues in international law. This book looks at the Australian federal system, Australian law and legal institutions and their interaction with international law. It includes an extensive bibliography, a list of commonly referred to treaties and other instruments and cases.

"From its earlier perception as an alien and even exotic creature, international law has been increasingly recognised as an important source of Australian law" (IA Shearer, page 61).

A large injection of substantive law and jurisprudential food has made its way into the Australian legal system and

for this reason international law can no longer be seen as an optional area of study.

Sir Anthony Mason has contributed an easily digestible essay on interna-

International Law and Australian Federalism,
edited by Brian Opeskin
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tional law as a source of domestic law. He points out that international law is no longer confined to issues between nation states. Of particular interest in Sir Anthony's essay are the sections where he discusses recent High Court cases where he formed part of the coram.

Concurring on the changing nature of international law is Hilary Charlesworth. She writes, "the traditional concerns of international law... are the relationships between States. Laws governing the drawing of territorial boundaries, the exchange of diplomats and the use of force between States..." (page 280). She contrasts this with the aims of human rights laws which are focused upon individual men and women.

In the introduction, Brian Opeskin states that while federal states have the freedom to negotiate treaties on terms they think appropriate, the obligation to negotiate will arise should a breach occur. This obligation is not being determined by the signatories. This ensures all states are treated equally and in particular ensures that states are not treated more favourably than unitary states in the law of international responsibility.

While it has been cases such as the Tasmanian Dam case which have caused debate upon the Commonwealth's use of the external affairs power, Campbell points out that by far the majority of treaties entered into by Australia "are implemented without controversy and with a good deal of cooperation between the Commonwealth, state and territory governments." (page 132). With 900 conventions and treaties ready to be entered into that is indeed a positive spin on Commonwealth and international relations in this federal state.

International Law and Australian Federalism is a book which covers a wide range of topics - including administrative law, human rights and the implementation of treaties. It is a book which brings us up to date on matters of importance in the development of law in Australia and for that reason is worth attention.

Alternative Law Journal To Close Unless.

The *Alternative Law Journal* (formerly the *Legal Services Bulletin*) is facing the real prospect of ceasing publication. Like many other publications, the *Journal* has experienced financial pressure arising from a subscriptions downturn.

The *Journal* has had a long association with the Northern Territory. In the 1970s it regularly featured case notes on the approach of the Northern Territory Supreme Court to the sentencing of Aboriginal defendants where issues of Aboriginal law were involved. More recently, the Northern Territory Editorial

Board has edited whole issues as part of the regular state and territory rotation of the editing task and highlighted a number of Territory-related legal issues. The last Northern Territory issue (April 1997) is now out of print due to unexpected demand.

The *Journal* is run by a non-profit volunteer co-operative. It began in 1974 as a newsletter at Fitzroy Legal Service in Melbourne, and now incorporates a diverse range of quality writing for an audience of students, academics, lawyers in the private and community sectors, journalists and legal commentators.

The range of contributing authors, law students and academics to solicitors, barristers and judges, is similarly diverse.

Since 1997, the Editorial Board from each state and territory have been implementing a marketing and subscription plan and have had some success in slowing the trend towards closure. However, without more subscriptions or donations or advertising, the *Journal* is facing closure.

If you want to support the Journal contact Martin Flynn at the Faculty of Law, NTU on tel: 8946 6837

