

Zealand Parliament has had plenary power to amend the Constitution. In that year the New Zealand Parliament passed two statutes: the Statute of Westminster Adoption Act whereby New Zealand adopted sections 2-6 of the Statute of Westminster, and the New Zealand Constitution (Request and Consent) Act requesting the United Kingdom Parliament to give it full powers to amend or repeal the Constitution Act. The United Kingdom Parliament, of course, complied. New Zealand adopted the Statute of Westminster five years later than Australia. Both Dominions (to use the antique parlance) at the Imperial Conferences and discussions between 1926 and 1930 had been opposed to the formal legal definition of the Commonwealth relationship; and they secured the inclusion of a provision in the Statute of Westminster that the provisions of sections 2-6 were not to extend to them until adopted by their Parliaments. New Zealand postponed adoption for 16 years and only then took action because the introduction of Mr Holland's Legislative Council Abolition Bill drew attention to the need for Constitutional reform both by way of adopting the Statute of Westminster and by way of securing power to amend the Constitution Act. Apart from the notable step of abolishing the Legislative Council, the amendment power has been little used; indeed the author points to the New Zealand Parliament's reluctance to make Constitutional changes as evidenced by the fact that it has not yet tidied reservation and disallowance out of the Constitution Act.

In the chapter on the Public Service, the author refers to problems of administrative controls; and notes the interest in the Scandinavian ombudsman. Since the book was published, the Parliamentary Commissioner (Ombudsman) Act 1962 has been enacted by the New Zealand Parliament. The powers of the Commissioner are wide, and the working of the Act will be watched with great interest by public lawyers and political scientists.

Professor Scott's book is written clearly and in a straightforward style, and is a useful addition to the library of public lawyers and students of political institutions.

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The Law of Nations, by J. L. BRIERLY, (revised by C. H. M. WALDOCK). (Oxford, at the Clarendon Press, 1963), pp. i-xvi, 1-442. Australian price £1 17s. 6d.

In the first five editions of *The Law of Nations* Professor Brierly modestly pointed out that this work was an introduction to international law for students and laymen. Over the years, following the first edition in 1928, Professor Brierly more than fulfilled this purpose with his succinct, clear exposition of the rapidly developing international legal order. Eschewing tortuous theoretical discussions, he demonstrated the practical reality of international law far more successfully than the authors of many larger, pretentious volumes on this subject. The value of Brierly's contribution to the literature of international law in this work has been marked by the fact that it ran through two editions and five reprintings in the years 1949-1960. In this sixth edition, the first new edition to be published since Brierly's death in 1955, Sir Humphrey Waldock, the

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Chichele Professor of Public International Law at Oxford, has, if anything, enhanced the reputation of this volume in his revision.

On subjects such as the Origins of International Law and Treaties Brierly's treatment remains much as it was in previous editions. But considerable re-writing has been necessary in many chapters to keep pace with the important and far reaching changes that have taken place in international law in the past decade. The section on Maritime Territory, for example, has been completely recast in the light of the Geneva Conventions of 1958.

Most importantly, many of the 100 pages that have been added to the sixth edition are devoted to placing greater emphasis on the operation of the United Nations Charter and the role that is being played by the world organization in developing International Law. This is a most valuable and timely addition to the sketchy references to the United Nations in the 1955 edition. The examination of the workings of the United Nations is not obscured, as it often is in other works, by theoretical legal arguments which fail to reveal the practical reality of United Nations decisions and resolutions. In dealing with the Uniting for Peace Resolution, for example, it is unequivocally recorded that whatever might be the relative merits of legal arguments made on the validity of the resolution it 'has already been acted on several times by the General Assembly and has become, without doubt, an integral part of the constitution of the United Nations'.

As Professor Waldock admits in his Introduction, one serious defect detracts from the value of his discussion on the United Nations. He has not expanded Brierly's analysis of the sources of international law to take into account the effect of decisions and resolutions of international organizations as a source of international law. Without this addition, which is to be made in the next revision of the text, the importance of the United Nations in the international legal order cannot be fully appreciated. It is clear, however, from the examination of the Uniting for Peace Resolutions and other U.N. decisions, that Professor Waldock rightly attaches considerable significance to such resolutions in the development of international law.

Several other less important defects mar the analysis of the United Nations. The capacity of the United Nations to act under international and municipal law is dealt with only cursorily and leaves too many general questions untouched. In dealing with Trusteeship, too, it is disappointing, from an Australian point of view, that no reference is made to *Fishwick v. Cleland*,¹ in which the High Court examined the nature of the Commonwealth's power over the Trust Territory of New Guinea. Professor Waldock does refer in some detail to *Frost v. Stevenson*,² which was decided when New Guinea was a Mandated Territory of the League of Nations, but this case must now be read in the light of the more recent High Court decision.

Such defects, however, do little to impair the over-all value of this volume. 'Brierly' remains, as before, by far the best introduction to International Law.

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¹ (1960) 34 A.L.J.R. 190.

² (1937) 58 C.L.R. 528.

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