

Concise Legal Research

by Robert Waff; The Federation Press, 1993; \$25.00.

This book is valuable as a resource and guide for law students and lawyers alike. It compiles, in an ordered way, the sort of information and skills that good researchers need.

Although the book is entitled 'Concise' Legal Research it is quite a dense text – not the sort of book you would sit down and read from cover to cover – but rather a book you would refer to when developing what the author terms a 'search pattern'.

The author's use of search flow charts and encouragement of this as a guide to effective research is also endorsed. Students appreciate flow charts and librarians appreciate it if students and lawyers know what they are doing! Basic legal research skills can be learned quickly with the aid of flow charts.

Having said that, although an efficient researcher would ordinarily adopt a systematic 'patterned' approach to research, an imaginative researcher would never neglect browsing as a method (?) of unearthing useful materials. Browsing also increases familiarity with the library and the way it works. More than this, browsing may also encourage interest in research which, sadly, is considered to be a real bore by many students and practitioners.

A few things which could have been

omitted/included in the book were:

The 'Common Case Names' Appendix – would have been better left out. The author admits that 'deciding what to place in such a list as this is most difficult' (p.231) and I agree. Although the author's marked preference for examples from Australian Constitutional law suited me quite well the list might not be very useful for many others. I think the author *has* identified the need for a longer, more comprehensive, specialist reference along these lines, and I am sure that a book or CD-Rom service of that type would be welcomed by librarians.

Multidisciplinary databases – a short note on the utility of multidisciplinary databases, especially social services databases such as APAIS, would have been appropriate. APAIS is clearly relevant to researchers working in the law/policy area.

Ethics – a brief note on research ethics may have been considered in a longer work, and certainly would have been instructive for many student users of the book.

The book is highly informative and I would recommend it to any law student, lawyer or researcher.

PATRICK KEYZER

Patrick Keyzer is a legal researcher working at Gilbert and Tobin and the University of Sydney.

Native Title

Attorney-General's Department; AGPS, Canberra, 1994; \$24.95, paperback.

Few legislative proposals in recent years have excited as much public interest as the *Native Title Bill* 1993. One of the grounds given by the Federal Opposition for objecting to the Bill was that it was so complex that no-one but a Philadelphia lawyer could hope to understand it. It is pleasing then that the Australian Government Publishing Service and the Attorney-General's Department have been quick to publish the legislation with commentary and at a reasonable price.

Native Title includes the full text of all the relevant legislation, including subordinate legislation, as at January 1994. This comprises the *Native Title Act* 1993, the *National Native Title Tribunal Regulations* 1993 and the *Native Title (Notices) Determination* No

1 of 1993. It also provides a topical index to the legislation and the text of the Minister's Second Reading Speech delivered to the House of Representatives on 16 November 1993.

Particularly interesting is the 22-page Commentary on the Act prepared by the Attorney-General's Legal Practice. The Commentary begins by analysing the High Court's decision in *Mabo v Queensland* (No. 2) (1992) 175 CLR 1, to explain why the Government saw a need to legislate to implement the decision and resolve the areas of uncertainty. The legislative history of the Act is tracked from the forming of legislative policy to the giving of Royal Assent on Christmas Eve, 1993.

Of great assistance to those of us who are *not* 'Philadelphia lawyers' is the Commentary's overview of the Act's major features. Based on the Explanatory Memorandum with the Bill, this section has been updated to include the amendments made during the Bill's stormy passage through Parliament. The conciseness and clarity of the text is enhanced by three flow diagrams illustrating some of the more complex aspects of the Act's operation.

As one would expect in a government document, the Commentary is explanatory rather than evaluative. It seeks to show that the Act implements the Government's stated policy. As set out in the Foreword by the Attorney-General, Michael Lavarch, that policy is to accept and confirm the High Court's recognition of native title, and to establish a legal regime which respects those rights. Whether the Act does indeed implement the stated policy is for others to evaluate.

Native Title is the first joint publishing initiative between AGPS and the Attorney-General's Legal Practice, in that a complete legislation package is offered including commentary, index and relevant background materials. If commercially successful, it is likely other legislation will also be published in this enhanced form. The package provides a timely and valuable research aid for students, legal advisers and journalists, among others.

PAMELA O'CONNOR

Pamela O'Connor teaches law at Monash University.

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