



The Law
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Book Review

Resolving Conflicts of Laws

Mark Leeming

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Reviewed by Gregory Geason

The Federation Press maintains its position as a preeminent publisher of texts which strikes just the right balance between depth of analysis and usefulness in practice. That balance is important if the reason for doing something is to be as well understood as what it is we do. The credit belongs of course to the various authors, the publisher having the wit to know a good text when it sees one.

I confess that when I picked this book up I was thinking in terms of conflict of laws, sometimes called private international law. The author prefaces his work by correcting this impression, assuaging the self-doubt of the reader who has mistaken the subject matter. He describes it as a book that deals with the situation "where there is a possibility one or other system of law will apply to the facts of a case", invoking analysis of constitutions and matters of statutory interpretation.

Leeming brings his considerable expertise in the area to this book, delivering a depth of analysis that is thorough, with cross-references and comparisons which are broad. Take as an example the analysis of "repugnancy". The author provides more than a mere analysis of the law in Australia. He traces the concept from the North American colonies, the United States, the Australian colonial constitutions, through to a detailed discussion of the High Court's approach. The subject matter is set out in logical order, and suitable for reading through or merely dipping into. The excellent indexing, and the detailed outline appearing at the commencement of each chapter help the latter approach.

Chapters include "Resolving conflicts between laws having the same source", "Inconsistent Commonwealth and State laws", "Conflicts between State laws", and of course an introduction to "Fundamental concepts".

Where useful to explain a principle, examples are provided. Thus in the excellent chapter on conflicts between state laws, the principles are supported by a series of examples. The headings will make the point well: "Gaming contract in State A, exercise of state jurisdiction by courts of States A or B"; "Gaming contract in State A, exercise of federal jurisdiction by courts of States A and B"; "what if a court of State C determines the matter".

The book is comprehensively footnoted. It is a highly recommended and scholarly work.