

Australian Federal Politics and Law 1929-1949, by GEOFFREY SAWER, B.A., LL.M. (Melb.) Professor of Law, Australian National University (Melbourne University Press, Melbourne, 1963), pp. i-x, 1-244. £3.10s.

Seven years ago, *Australian Federal Politics and Law 1901-1929* was published. It was written by the author of the book now reviewed in the course of his work at the Research School of Social Sciences, Australian National University. It described briefly the origins of the Commonwealth and the structure of the new Commonwealth Parliament. It continued by describing the work of the first eleven 'Parliaments'—using the word here in the sense of the session or sessions between successive elections of the House of Representatives.

The present book covers the period from 1929 to 1949 and continues the description to the end of the Eighteenth Parliament. The period begins at the time of the Scullin Government and ends with the defeat

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of the Chifley Government. The description of the work of each Parliament is set out under six heads—Parties and Policies, The Government, Acts and Bills, Budgets, Motions and Constitutional Issues. Under the first head the election results are summarised and the parties and their leadership, membership and policies described. The composition of Ministries is dealt with under the next head. The legislation passed is described in some detail; important Bills that failed to pass are also noted. Finances and Motions are dealt with under their respective heads. Finally, judicial decisions of constitutional importance are analysed.

The book is always interesting and readable; yet it is not easy to see for whom it was written. For the social historian it may provide a useful background. But for the general reader the detail tends to become tedious and the long lists of Acts passed each year are of doubtful value. The space they occupy might have been put to better use by amplifying the summaries of the more important Acts. The law student and the lawyer will, however, find their main interest under the heading 'Constitutional Issues', where the author is on his home ground and at his best. One would have wished for more of his comments. The constitutional development of the period is faithfully, clearly and accurately stated.

The volume for 1901-1929 was badly indexed. Thus *Barger's* case was to be found under 'K'—*King v. Barger*—while *Bernasconi's* case was under 'R'—*R. v. Bernasconi*. It is a pleasure to record that the indexes in the later volume are greatly improved. Wisely, in view of the deficiencies in the earlier indexes, the table of cases and the table of statutes are in consolidated form and cover both volumes. The table of cases is in the form familiar to lawyers and many of the popular names of cases are included, as *Engineers' Case*, *Garnishee Cases*, *Pharmaceutical Benefits Case*.

A work of this nature demands a high standard of accuracy and this has been achieved. Nevertheless, it was not to be expected that such a detailed work would be completely free from error and in several places the facts do seem to have gone astray.

Thus, on page 14, it is stated that the Income Tax (Salaries) Assessment Act 1930 (Cth) and Tax Act 1930 (Cth) for the first time brought parliamentary salaries and the salaries of federal public servants under federal taxation. This was not so. Such salaries were taxed as from the beginning of federal income tax; the function of the Acts of 1930 was to impose an *additional* tax instead of reducing salaries. The matter is correctly stated at page 20.

On page 65, it is said that the literal requirements of section 24 of the Constitution were already infringed by the 20 *per cent.* allowance upwards or downwards from the quota of voters. But there is no such requirement in the section. What it does require is that the number of members chosen in the several States shall be in proportion to the respective numbers of their people; there is no constitutional requirement that electorates shall have equal numbers of voters. In any case, under section 29, there is no obligation on the Commonwealth Parliament to divide a State into electorates at all.

Page 77 refers to the Whaling Act 1935 (Cth). A footnote might have been included referring to the Whaling Industry (Regulation) Act, 1934 (U.K.), one of the few Acts of the United Kingdom Parliament extending the legislative powers of the Commonwealth Parliament. On page 106, there is a reference to the Geneva Convention Act 1938 (Cth), passed pursuant to the Geneva (Red Cross) Convention of 1929. Here again, a reference might have been made to the enabling United Kingdom Act, the Geneva Convention Act, 1937. On more modern views of the extent of the external affairs power, neither United Kingdom Act would be thought to have been necessary.

In the footnote on page 132, it is stated that the adoption of the Statute of Westminster was permanent and not merely for the period of the war. Could it have been adopted for a period only? Consideration of the wording of section 10 of the Statute points strongly to the conclusion that adoption for a period was not contemplated.

On page 187, it is said that (in 1948) the size of the Federal Parliament was doubled, *i.e.*, as from the commencement of the Nineteenth Parliament. In fact its size was increased by two-thirds only—from thirty-six Senators to sixty Senators, with a corresponding increase in the number of Representatives. On page 193, it is said that the Representation Act 1948 increased the number of Senators for a State from five to ten. The increase was, in fact, from six to ten. It is also said that at the first election under the new provisions the number of Senators to be elected for a State would, consequently, be seven. This, however, would not have followed as a consequence if the increase had been from five to ten and not from six to ten. On page 202, there is another incorrect reference to the Senate being doubled in numbers.

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