

## BOOK REVIEWS

*Introduction to the Australian Trade Practices Act*, by J. E. RICHARDSON, Robert Garran Professor of Law, Dean, Faculty of Law, School of General Studies, Australian National University. (Hicks Smith and Sons Pty Ltd, 1967), pp. 1-232. \$3.00.

*The Trade Practices Act Its Constitutional Operation*, by P. H. LANE, B.A., LL.M. (Syd.), S.J.D. (Harvard), Barrister-at-Law, Associate Professor in Constitutional Law and Trade Practices Law, University of Sydney. (The Law Book Company Limited, 1966), pp. i-xii, 1-161. \$7.50.

The Trade Practices Act in its substantive aspects is to come into operation by proclamation in 1967. Some of its provisions came into operation at the date of its first enactment in December 1965, and the President and Deputy Presidents of the Trade Practices Tribunal and the Commissioner of Trade Practices have been appointed.

Professor Richardson is already well known as a specialist in this field. This short book is based on lectures given at the invitation of the Council for Continuing Legal Studies of the New South Wales Bar Association and is intended to serve as an introductory exposition of the Act and its background. It contains a brief legislative history of the measures proposed successively by Sir Garfield Barwick and Mr Snedden and an account of the earlier Commonwealth legislation, the Australian Industries Preservation Act and its infrequent judicial interpretations. This is followed by a summary examination of Australian State restrictive practices laws. Then follows a useful exposition and examination of the antitrust laws of the United States and of the control of monopolies, mergers and restrictive practices in United Kingdom law.

For the rest, the book provides a statement of and a brief commentary on the provisions of the Trade Practices Act 1965-1966 (Cth). It is clear and concise and does very well what it is intended to do: to afford a general conspectus and understanding of the terms and operation of the Act. Professor Richardson tells us that this text is to be followed by a more detailed manual which he and Mr D. J. Rose of the Faculty of Law of the Australian National University will publish after the Act gets under way.

Professor Lane's book is described as a study of the constitutional operation of the Act and at first blush looks like a substantial hard-cover book. On closer examination by far the greater part is given over to extracts from the parliamentary proceedings, a general exposition of the Act, a detailed index to the Act, and prints of the Trade Practices Acts of 1965 and 1966, the Companies Ordinance 1962 (A.C.T.) and the Australian Industries Preservation Act 1906-1950 (Cth). The examination

of the constitutional operation extends over only eighty pages or so, so that this is in effect a fairly lengthy essay on these aspects of the Act. Even so, it is out of the normal line of such studies, for Professor Lane tells us quite clearly that his purpose is to support the national control of restrictive practices which he regards as socially and economically desirable. This being so, he looks for legal interpretations which 'with integrity and without distortion' will support the Act and allow the economist rather than the legal technician to get on with the job.

Accordingly he examines the various provisions of the Act in light of the various constitutional supports upon which they may rest: among them section 51 (1.) the trade and commerce power, section 51 (xx.) the corporations power, section 98 which provides that the power of the parliament to make laws with respect to trade and commerce extends to navigation and shipping, and section 122, the power to legislate for Commonwealth territories. Not surprisingly, some of his readings of the scope of these powers are open to question, but on his own statement he is an advocate, concerned to provide constitutional underpinnings for desirable legislation, and not to promote 'mischievous doubts' or to write a more usual 'legalist' essay which explores the arguments in a very different way. Since this is the object of the exercise there is little point in embarking on an extended discussion of the merits of his interpretations. The same applies to his consideration of the operation of section 92 and of Chapter III of the Constitution (the Judicature Chapter) on the relevant provisions of the Act.

Professor Lane is a very hard-working and learned lawyer. Whether he best serves the ends of scholarship by writing like this, I am inclined to doubt, but he is certainly frank in stating his purpose. I am more troubled that the book has been blown up into more than 250 pages, when the constitutional operation of the Act is reviewed in only one third of that space.

ZELMAN COWEN\*

*Parliamentary Privilege in Australia*, by ENID CAMPBELL, Professor in Law, Monash University. (Melbourne University Press, 1966), pp. i-vii, 1-218. \$6.00.

It is unfortunate that the particular quality of this book and its comprehensive treatment of a relatively complex subject will probably limit its reading to those who are interested in Parliament or have occasion to refer from time to time to Parliament's laws and practices in their application to parliamentary privilege. A wider reading public would do much to dispel a popular misconception that privilege is synonymous with perquisites and make it clear that the privileges of Parliament

\* M.A., B.C.L. (Oxon.), B.A., LL.M. (Melb.), Vice-Chancellor, University of New England.