

by confining its revenue per head to the current level.⁶ It burst into world-wide prominence with the success of the Progress Party in the Danish elections of December 1973. This party, under the leadership of a former lecturer in tax law at the University of Copenhagen, Mr Mogens Glistrup, attracted the second-largest number of votes with a platform consisting solely of a pledge to abolish income tax. The elections of February 1977 gave the party further seats in the *Folketing*. In Australia, the tax burden was an issue in the federal elections of 1975 and 1977, and since 1976 there has been a kind of race among the States to abolish death duties. Such a conjunction of signs could not be ignored.

Nevertheless, this is still the best generally available tax casebook for students, and assembling it has been a worthwhile enterprise. Since it will no doubt run into further editions, the authors will have the opportunity to bring the work nearer to the exacting standards which they have set for themselves in the preface.

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A Constitutional History of Australia by W. G. McMINN, Associate Professor of History, University of Newcastle. (Oxford University Press, 1979), pp. i-xiii, 1-213. Cloth, recommended retail price \$18.50 (ISBN: 0 19 550562 x).

Historians tend to be "timorous souls" rather than "bold spirits". By focussing on narrow subjects or periods they can produce conclusions which are, if not incontrovertible, at least unexceptionable. Few have the confidence to paint a broad canvas, to analyse societies of people and institutions in general terms. Such confidence is born of a vision and understanding which eludes most observers.

Yet there is another side to the historian's trade which bridges the gap between the general and the particular. It is the sort of history taught in schools, and presented as context material in other disciplines, like law. It is the history of broad themes based on secondary sources rather than primary materials—essentially, history by synthesis. The defect of such history is that the facts are untested and the interpretations adopted are usually the orthodox ones. The merit lies in the spread of knowledge to non-professionals, in the enlightenment, albeit imperfect, of other areas of scholarship.

A Constitutional History of Australia by W. G. McMinn falls into

⁶ Proposition 4 was passed in November 1979 by 74% in favour to 26% against, surpassing the 64-35% vote by which Californians adopted Proposition 13. The effects of the first 18 months of Proposition 13's operation are discussed in *The Economist*, 5-11 January 1980, 18-23. The article concludes that the effects have been beneficial for California's economy, but that there are a few problem areas. It then examines whether these problems are likely to be short-term or not and inclines to the view that they will be overcome.

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this latter category. The anticipated audience is not only students of history but also “students of law and political science—and . . . those who are simply anxious to understand the workings of the Australian political system”; the object is “to explain the enormous changes which have taken place in Australian governmental institutions since the first necessarily autocratic regime came into existence in January 1788, in the light of the British traditions from which they developed and the peculiar economic and social conditions in which they evolved” (Preface, page v). Limited to less than 200 pages, the author must draw on and fuse diverse strands of research. McMinn moves competently and assuredly between medieval history, studies of British colonial policy, local political histories spanning nearly two centuries, and legal analyses, tracing the evolution of the Australian way of government in a coherent and readable form.

The story does not yield any surprises. McMinn identifies two basic themes of constitutional development in Australia: the changing relationship of authority between Britain and the various Australian polities; and the interplay of domestic events, issues and personalities which determined the particular local shape of the Westminster system of government. Inevitably the latter theme predominates.

McMinn describes in turn the peculiar interests and concerns of the first, penal, colony of New South Wales, namely order, discipline, land and trial by jury; the gradual systematisation by Imperial statute and executive action of the institutions of colonial government; the pre-eminence of financial issues—land and taxation—in the colonies’ campaign to acquire the forms of “responsible government”; the divergence of the colonial pattern of “responsible government” from the British model after the mid-nineteenth century, principal features being the tardy development of political parties and consequently the cabinet system, the enthusiastic adoption of democratic election machinery, and the aggressive stance taken by Upper Houses in the colonial legislatures; the gradual abatement of Imperial control over the colonies, notwithstanding the legal sovereignty enjoyed by Britain; the multi-faceted federation movement, plagued by divisions between the colonies and finally consummated by compromise; the emergence of the Commonwealth government as the dominant element in the federation, wielding formidable legislative powers and the ultimate power of financial domination, sanctioned by the High Court’s interpretation of the Constitution; the decline of Imperial influence, climaxing in the passage of the Statute of Westminster (although McMinn does not discuss the stand taken by the States, resulting in the anomalous Imperial connection with the States, enduring still); the use by State and Commonwealth executive officers of reserve powers to act against the advice of incumbent Ministers, powers possessed, but not exercised, by the British Crown. In his discussion of “the Crisis of 1975” McMinn tends to sidestep the legal issues and emphasise the “political” aspects of the crisis and responses to it, concluding that a constitutional amendment—directed at the Senate’s rather than the Governor-General’s powers—“could well be in the country’s interests” (page 168).

The final chapter is entitled “The Decline of the States”. McMinn is

concerned with a fundamental change in the "working constitution", a process "which has made the States, as individual entities, less important than they were in 1919, when one of the 'Founding Fathers', Sir John Quick, described them as retaining 'the right of controlling . . . the springs of national life, domestic, social, industrial and commercial'" (page 191). Ultimately, however, the discussion is inconclusive. While the chapter begins with the view of S. J. Butlin in 1954 that in most functions of government there is an effective unification within a nominal federalism, and ends with McMinn's view that at least on one definition of federalism Australia has long ceased to be a federation, there is an acknowledgement that the Commonwealth government does not have the plenary authority of the government of a unitary state, and that the activities of Australian State legislatures still impinge on the life of the citizen much more than do those of local government bodies in countries with unitary constitutions.

Specialists will always find fault with synoptic history. The problem is usually one of oversimplification. For example, lawyers will find the discussion of the High Court's interpretation of provisions of the Commonwealth Constitution superficial, even cavalier at times. And they would regard McMinn's counsel to the Bench to use the evidence of the Convention debates in deciding the meaning of particular clauses (pages 124 and 138) as naive, given the range of arguments mounted over judicial resort to extrinsic aids in the course of statutory interpretation. On the other hand the non-lawyer may struggle to understand or appreciate the significance of parts of the discussion which deal with complex legal concepts, like the implied immunity of instrumentalities, implied prohibitions, and absolute freedom of interstate trade and commerce. The dilemma for writers of such histories is probably unavoidable.

In the Preface McMinn indicates that since the book is intended "to introduce readers to specialized monographs and periodical articles" he has substituted for a full apparatus of footnotes and citations a Bibliographical Note. It is doubtful that the abandonment of orthodox practice is justified, particularly as McMinn regularly quotes from other writers. Usually the author is identified, so that the interested reader can find at least the name of the source in the Bibliographical Note. Occasionally, however, quotations remain anonymous, as in the description of James Stephen as the "real founder of Colonial Office methods and traditions" (page 25) and the characterisation of certain constitutional powers of the Commonwealth Parliament as "dormant" and "dubious" (page 122). Readers wishing to follow up the views of Professor Sawyer on the issue of the High Court's interpretation of the Constitution will find in the Bibliographical Note reference to at least seven of his works. This defect is not merely one of form; students of this book are encouraged to reader further, and the absence of conventional citations may in fact hinder that exercise.

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