For example, in *Kay's Leasing Corporation Pty. Ltd.* v. *Fletcher*[6] it is at least possible that the New South Wales Parliament intended s.26 and s.31 of the Hire-purchase Agreements Act, 1941-1957 (N.S.W.) to apply whenever the hirer was a resident of New South Wales. There is general agreement that it is unreasonable to expect Parliament to prescribe in advance how every statute is to apply in conflicts situations. This is one area where a little judicial law-making is essential to the proper administration of justice. But basic philosophies necessarily influence the process of interpretation and it is probable that Currie would have reached a different conclusion from those reached by the Supreme Court of New South Wales or the High Court on the application of the New South Wales statute.

The essays on full faith and credit (Chapters Five and Six) are particularly important to Australia. Although Currie's attitude to full faith and credit reflects his general philosophical position it would be possible to reject the latter and still accept most of the former. Considering both the paucity of Australian authority and the certainty that full faith and credit issues will arise more frequently, and in a more complex form, in Australia in the years to come, it is essential that we glean what we can from the American experience. The position taken by Professor Sykes, of Queensland, would require a New South Wales court to apply the law of another State when that State was the appropriate State to determine the issue according to "the common law of conflicts as it exists in the six States, unaffected by any statute-made conflictual principle created by any one of them which departs from any of it".[7] Pushed to its ultimate, such an argument would severely limit any attempts by the courts, or perhaps even the legislature, of New South Wales, to improve the existing, and often unsatisfactory, rules of conflicts. The American experience at least indicates some ways in which Australia can avoid such an uninspired result.

This is not a book to be read over-night. The essays develop an argument with cumbrous detail and at inordinate length. Currie does not write with the lucid acerbity of Walter Wheeler Cook. But it is always more difficult to be positive and constructive than to be, as Cook undoubtedly was, negative and destructive. This much must be said. Whether or not the arguments advanced in this book provoke a complete and general revision of conflict of laws theory it is clear that the book itself represents the most searching analysis of traditional methodology to be published in the last thirty years.

D. J. MacDOUGALL*

Ombudsmen, by Geoffrey Sawer, Professor of Law, Australian National University, Melbourne, Melbourne University Press, 1964. 42 pp. (5/6 in Australia).

The literature devoted to description and explanation of the functions of the world's various Ombudsmen (so far confined to Scandinavia and New Zealand) is now becoming quite extensive. It is generally accepted in the reports, books and articles on the subject that the size and complexities of government administration are such that the processes of the Parliaments

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[6] (1964) 38 A.L.J.R. 335 (High Court); (1964) 81 W.N. (Part 2) (N.S.W.) 155 (Supreme Court of N.S.W.).

[7] E. I. Sykes, "Full Faith and Credit—Further Reflections" (1954) 6 *Res Judicatae* 353 at 364.

* LL.B. (Melb.), J.D. (Chicago), Senior Lecturer in Law, University of Sydney.

and the courts are no longer adequate to deal with the grievances of citizens against the government. The firm recommendation usually follows that an Ombudsman be appointed to deal with the problem.

Professor Sawer's book is in this pattern. It is obviously inspired by the visit to Australia in 1963 of the New Zealand Ombudsman, Sir Guy Powles.[1] Professor Sawer examines the categories of grievance which do, in fact, arise under our present administrative system, and explains the deficiencies of the judicial and political remedies. Brief but thorough descriptions are given of the powers and functions of the Scandinavian and New Zealand Ombudsmen. One chapter is devoted to exposition of the "gaps, doubts and conflicting decisions"[2] in our system of administrative law. The Professor concludes that reform *is* needed in Australia. He favours introduction of a completely new system of administrative law based on the French Conseil D'Etat type of organization and adoption of the Ombudsman.

It is remarkable how much support there has been for injection of the Ombudsman into the British style governmental structure—and how little opposition. The proof of the pudding can now only be in the eating. The flavour is good in New Zealand. There is no reason why it should not be good here.

H. WHITMORE.*

Constitutional Law, by J. D. B. Mitchell, Professor of Constitutional Law in the University of Edinburgh, Edinburgh. W. Green & Son Ltd., 1964. xxxv and 305 pp. (£4/11/6 in Australia.)

This book is the first of a planned series of about sixteen separate treatises designed to restate Scots Law "applying and adapting traditional principles to the needs of the twentieth century".[1] The series is to be published under the auspices of the Scottish Universities Law Institute. Although the series is to be written primarily for the practitioner and advanced scholar, this particular volume is aimed at both students and practitioners.

In Australia we might be very tempted to assume that little advantage is to be gained from reading a book on the Constitutional Law of Scotland. After all, we have enough to do to keep up with the reading of books on Australian Constitutional Law. This assumption should not be made. As Professor Mitchell points out, the problems of constitutional law are universal;[2] he has embarked on a more thorough examination of these problems than is to be found in most of the standard works on the subject. The chauvinistic Scot might wish, and indeed believe, that Scots law should stand apart from the law of the Sassenach. This can never be so. It may be that preservation of the Court of Session by the Acts of Union also preserved "a separate and distinct jurisdiction and system of law",[3] but the unifying influences of statutes passed by the Parliament of the United Kingdom and the growth and acceptance of the appellate civil jurisdiction of the House of Lords have created a large body of common doctrine. This is more obviously the position in the field of constitutional law and the reader will find that discussion of institutions, statutes and cases is very familiar. There is a

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[1] At 32.
[2] At 13.
* LL.B. (Sydney), LL.M. (Yale).
[1] At vii.
[2] At ix.
[3] At 222.