

and while this may not be a criticism from a law teacher's point of view, it is relevant as a warning to those conducting post-graduate courses in criminology or forensic psychology who decide to prescribe this admittedly excellent work against expecting it to have too great an impact on their students.

Looking over the work as a whole one cannot help but express one's disappointment that the editors saw fit to present so little of their own views by way of direct comment on the cases and materials presented. No doubt the editors' art is primarily expressed in the selection, editing and ordering of the text, but this reviewer for one would have liked to have had the benefit of a little more of the editors' experiences as teachers of five successive drafts of this book than the few broad questions posed at the beginning of each chapter and part. While this criticism may be met by the answer that to provide more by way of editorial comment would diminish the utility of the work as a teaching tool, it is submitted the work would not suffer if a little more were provided by way of signposting in the poorly charted field covered by this work. As a text *Psychoanalysis, Psychiatry and Law* is certainly of no more than general interest to the practising barrister or solicitor and is most probably too advanced for undergraduate law students in Australian universities. It is, however, a publication whose best use is to be found in interdisciplinary studies at post-graduate levels. It would be invaluable for use in post-graduate courses such as Diploma in Criminology or Diploma in Psychology as offered here at Melbourne University and it could also be considered as a possible text by those law schools in Australia which now allow the degree of LL.M. to be earned by course work instead of thesis.

R. G. Fox*

BRETT AND HOGG, *Cases and Materials on Administrative Law* (Second Edition of Brett's Cases and Materials in Constitutional and Administrative Law).

The first edition of this work entitled *Cases and Materials in Constitutional and Administrative Law*, under the sole authorship of Professor Brett, was published in 1962. The second edition, as the Preface points out, was prepared mainly by Mr. Hogg, Senior Lecturer in Law at Monash, with Professor Brett acting as "consultant and critic".

One major change has been the omission of the chapters on constitutional law and the second edition is accordingly entitled "*Cases and Materials on Administrative Law*".

The authors state that an understanding of basic constitutional concepts such as the Rule of Law, the Separation of Powers, and the Supremacy of Parliament is presupposed and for this reason they have decided not to include extracts on these matters in the present work. This is a decision which is, in some way, relevant to decisions which have to be made by public law teachers in organizing the content of their courses on constitutional and administrative law. Some teachers would consider that the first encounter of a law student with public law should be in terms of the basic constitutional concepts—derived initially from the British legal structure but modified in the light of

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local Australian conditions—and that a detailed examination of the administrative law rules which follows on from a discussion of these basic concepts better enables the student to grasp the meaning and significance of these rules. Of particular importance of course is the concept of the Rule of Law, as it has been developed at conferences of the International Commission of Jurists. On the other hand, there are other teachers who would consider that these basic concepts can be satisfactorily developed in an Introduction to Law Course where they would take their place as part of a constitutional section. A self-contained Administrative law course could then be offered to replace the original amalgam of Constitutional and Administrative Law. While the authors do not commit themselves to either view, the altered structure of the second edition, omitting as it does the constitutional material, would seem to reflect the latter view. I would have preferred to have seen some of the extracts on constitutional law retained. So many of the concepts such as natural justice which recur in administrative law cases are based on the ultimate constitutional concepts of our legal system.

One significant feature of the work is seen in the concise discussions of the law at the beginning and end of the various extracts. This is of great value to the student who knows before he begins to read the particular case or extract the type of problems which he is about to encounter. At the end of the extracts there are further references to cases and texts which qualify or extend some particular point raised by the major extract and the authors also pose certain queries requiring further reflection. There is continuity in this approach and the student is not faced with the task of digesting material without the assistance of guidelines established by the authors.

While the book contains a collection of cases and material, the greater part of it is devoted to the cases and authors' comments. However, Chapter 1B, which deals with the question of remedies outside the courts, contains reference to statutory material on the Ombudsman. In this context, the question may be asked whether sufficient attention is devoted by administrative lawyers to extra-judicial remedies. I have in mind here Parliamentary Questions which are a potent method of ensuring that administrators do not overstep the proper bounds. Parliamentary action of this nature, which of course depends on particular Members being responsive to the needs of their constituents, can of course often bring about a remedy for a citizen's complaint even before any formal processes have been constituted. Perhaps there is further scope for extending the "materials" part of a book of this nature, i.e. the non-judicial area, to open up a wider range of problems for study by law students. Without wishing to explore questions of legal education in this review, I would venture the suggestion that some of the traditional barriers which separate public law from political science and public administration may need to be breached if the law student is to gain an understanding of the total environment in which administrative decisions are made and in which the citizen's reaction to such decisions occur.

The chapter layout of the second edition has been changed in a number of ways. The chapter on remedies now appears at the beginning of the book. The part on Scope of Judicial Review is divided into three main sections under the headings of Fact and Law, Discretion and Procedure. This enables the reader to distinguish questions arising

from the review of the discretion of a subordinate body in terms of *vires* from those which arise when a body in some way or other breaches a procedural requirement. The development of judicial opinion in the last six years in this latter area is reflected in the additional cases which are to be found in the chapter on Procedure, *Ridge v. Baldwin* and *Durayappah v. Fernando* being the most notable.

Other cases (available to the authors in mid-1967) are included to up-date the earlier edition. (The recent decision of the House of Lords in *Conway v. Rimmer* was of course too late for inclusion). An omission which was noticed from the Table of Cases was *Bruce v. Waldron* which appears in the text at p. 589.

It can be predicted that the second edition of this book will continue to be used as a basic casebook in administrative law courses in Australian law schools.

R. D. LUMB*

International Claims: Post-War British Practice, by RICHARD B. LILLICH (Syracuse Univ. Press, 1967), pp. xvi, 1-192.

This is the sixth volume under the general editorship of Professor Lillich in the Procedural Aspects of International Law Series. International law has provided a lush pasture for scholarly endeavours for some years but the area of that law which has not met with just response is procedure. Professor Lillich and his co-authors in this series have been busy plugging some pretty large holes. In doing this they have brought to the mind of the academic, practitioner and student alike, some new horizons. General courses in international law cannot afford to avoid any longer the important procedural issues, and, in particular, more attention, in my view, should be paid to the law of international claims.

Professor Lillich is concerned in this volume with the U.K. Foreign Compensation Commission. The volume discusses British claims practice since World War II, eligibility of claimants before the F.C.C., nationalization claims, creditor claims, war claims, damages, and a final chapter evaluating British claims practice.

From this lengthy research undertaken between 1963 and 1966 in England, Professor Lillich has ferreted out a tremendous amount of material on the F.C.C. The most interesting part of his work, to the reviewer, was the discussion in chapter IV of the creditor claims, relating to contracts or debts. The F.C.C. has paved the way internationally in allowing a wide range of creditor claims, which practice has been followed more recently by the U.S. F.C.S.C. in relation to the Cuban claims. Unfortunately, the liberal tendencies of the F.C.C. on matters of creditor claims were hamstrung from time to time by executive order. It is curious that there should have been differences of approach, for example, between the Polish and Rumanian claims.

Can it be said that the F.C.C. was attempting to go too far too fast? The *Application of Reginald Nigel Bellairs* is a case in point (p. 103). Till now, international law has taken the view generally that a currency devaluation measure does not give rise to a compensable claim and yet, in a difficult case, the F.C.C. was prepared to find in favour of the claimant on what appeared to be currency reform measures. It is one of the least satisfactory aspects of the F.C.C. that the profession has not the benefit of full disclosure of their reasons, and the case

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