tended to single out Aborigines as antagonistic to them. In South Australia, on the other hand, police detected no antagonism among Aborigines. But migrants, whether from the United Kingdom or from other parts of Europe, were characterised as antagonistic by a substantial proportion of policemen.

Chappell and Wilson advance sensible, detailed suggestions for decreasing conflict between police and public. What is lacking, however, is discussion of the ways in which changes in the content of the criminal law might reduce antagonism to the police. Among students the chaotic state and repressive character of the law relating to public assemblies aggravates hostility to the police. The prevalence of laws intended to buttress morality rather than to prevent tangible harms — the law against abortion provides a ready example — tends to increase the risk of police corruption. It is notable that 64% of the Australian public considered that the police sometimes accepted bribes. The law of arrest and search and seizure of evidence allows considerable and often arbitrarily exercised discretion to the police. What is required in these and other problem areas is thorough and systematic analysis of the process of law enforcement.

The final chapters present a blueprint for internal reform of the Australasian police forces. The remedies advanced are not new: salary increases, raised educational standards, provision for promotion on grounds of ability rather than seniority and a lessened emphasis on physical requirements for entry to the police force. But the suggestions are detailed and appear feasible.

IAN ELLIOTT*

The Pattern of Law Reform in Australia, by K. C. T. SUTTON, B.A., LL.M. (N.Z.), PH.D. (MELB.), Dean of the Faculty of Law, University of Queensland, (University of Queensland Press, Australia, 1970), pp. i-ii, 3-22 Price 75 cents.

This is Professor Sutton's inaugural lecture as Dean, delivered at the University of Queensland in August 1969, and now published in pamphlet form. It concerns itself with past and extant patterns of law reform both in England and in the various Australian jurisdictions.

Although there are in each Australian state (but not on the federal level) various bodies and institutions specifically concerned with the task of law reform, Professor Sutton is hardly guilty of overstatement in concluding that 'there is no organization which measures up to the standards set by the English Law Commission' (p. 13). He calls accordingly for the establishment of such organizations in each state, as well as of a central 'National Institute of Law Reform' to provide for the necessary process of co-ordination and co-operation at the national level. His insistence that all these bodies should be full-time, adequately staffed and funded, and subject to public scrutiny, can hardly be quarrelled with: 'law reform, if it is to be done properly, is a slow, complex, and time-consuming business, involving major research' (pp. 14-5), and cannot be done on the cheap.

What hope is there of Professor Sutton's advice being heeded in the reasonably near future? Any estimate here depends in the first place, of course, on a just discernment of the causes underlying the present depressing state of affairs. In Professor Sutton's words, 'why is it that in the common law world Australia has such a sorry record in the field of law reform?' (p. 16) — so much so as to be vastly overshadowed even by our equally antipodean neighbour, New Zealand? Right as he is in raising this question, Professor Sutton can however be accused, I think, of pussyfooting a little in his treatment of it. The answer, he says, 'lies in the fact that no one in Australia has been vitally concerned with law reform in the past. . . There has been no tradition of reform, and the public has remained uneducated as to the great need for reform, and therefore inarticulate' (p. 18). But this, so far from being an answer, is just another way of putting the issue.

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It is tempting to formulate the real reasons in predominantly political terms. The hegemony of conservative politics in this country has in the post-war era been almost unrelieved. It is not without significance, I think, that there is no *federal* reform agency at all, nor that the state which alone at present promises to become something of a reformist laboratory should be Mr. Dunstan's South Australia.[1]

No one, moreover, should overlook the part the law schools of this country have played in producing a legal profession which, as Professor Sutton himself does not hesitate to point out, is characterized by over-cautiousness, 'entrenched opposition to radical ideas', and 'haphazard and somewhat unproductive methods of reform' (p. 5). It is still true to say that most courses in Australian law schools are only incidentally or eclectically concerned with the reform of the law. Nor is most Australian academic scholarship concerned with critique on other than merely conceptual or analytic levels.[2] One need only think for a moment of the role played in the United States by the great law schools there, and the literature produced by them, to get a sense of the failure of our own schools in this regard.

The creation of a 'tradition of reform', of an educated profession, and, ultimately, of an articulate public, is at least as much the responsibility of the law schools as that of any other agency or institution. And Professor Sutton, as Dean of one of our larger schools, is ideally placed to do something about it.

M. P. ELLINGHAUS*

Australian Trade Practices: Readings, edited by J. P. NIEUWENHUYSEN, Senior Lecturer in Economics, University of Melbourne, (F. W. Cheshire, Australia 1970), pp. i-xxvi, 1-331. Australian Price $4.25.

Although no cases have yet been decided by the Trade Practices Tribunal and the precise nature and scope of the activities of the Commissioner are shrouded in secrecy (despite the rather tantalizing glimpses given by his three Reports) there has been quite a surprising amount written on the subject of the Trade Practices Act. This present volume is a *pot-pourri* of articles (fifteen in all) by lawyers and economists. Seven of the articles were written specially for the book and the others were published in various journals from 1961 to 1968, four being published in 1965, when the Trade Practices Bill was introduced.

As to be expected in such a book, both the quality, and the relevance of the articles to the situation in 1971, vary considerably. Law and economics are of course inextricably intertwined in a study of trade practices, and one of the potential difficulties in such a collection of writings by economists and lawyers is that the economists are interpreting an Act and lawyers are advancing views on economic theories. In general the contributors display an impressive grasp of each other's fields but occasionally mistakes are made, as when an economist ventures on an analysis of the monopoly provisions.

The majority of the articles deal with the nature and extent of restrictive trade practices in Australia and the deficiencies, or likely deficiencies of the legislation. The authors are in agreement on a surprising number of points. The principal criticisms of the legislation are—

(1) that the criteria for determining public interest set out in section 50 is in such wide and general terms and involves so many conflicting groups of interests that it provides no real guidance to the Tribunal, and amounts to an abrogation by Parliament of its responsibilities.

[1] The A.L.P.'s Federal platform does not either, however, include any proposal for the setting up of a national reform agency, although various specific reforms of the law are adumbrated.

[2] Professor Sutton's own book on the sale of goods is representative. True, this is so not casually, but by virtue of deliberate slant: 'my aim has been primarily to state the law as I conceive it to be rather than to seek its reform', says Professor Sutton prefatorily: Sutton, *The Law of Sale of Goods in Australia and New Zealand* (1967). The question is, why *should* this be so often the 'primary' aim not only of the Australian author-practitioner, in whom such tendencies are perhaps understandable, but also that of the Australian academic writer.

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