BOOK REVIEWS

Divorce Law Reform in England, by B. H. LEE, (Peter Owen Ltd., London, 1974), pp. xvii and 277.

Admirers of the late Sir Alan Herbert will recall his brilliant account of the passage of the English *Matrimonial Causes Act* 1937, "The Ayes Have It". Mr Lee, without Sir Alan's huge advantages of being (a) the Bill's sponsor and (b) a professional humorist, has attempted to do the same for the 1937 Act's successor, the *Divorce Reform Act* 1969.

No doubt to avoid comparison with Sir Alan, Mr Lee, in his preface, disclaims any attempt to be dramatic. He is far too modest. His book is an eminently readable account of the passage of this contentious legislation.

It becomes abundantly clear that this untidy legislation is the result of a classical British compromise. England's most far-reaching social reform of this century was accomplished by a mixture of cunning, compromise, good fortune and apathy.

The story really begins in 1850, with the first Royal Commission into Divorce. Lord Redesdale opposed the majority, arguing that, when once the principle of divorce *a vinculo* was admitted, "it is sure to degenerate into more extended abuse". Judicial divorce came to pass. But history has certainly confirmed Lord Redesdale's fears.

The immediate history of the 1969 Act really began in the early 1960s, when a small group of Anglican churchmen produced a remarkable report, cynically entitled "Putting Asunder". Subsequently, this document has become known in some circles as the "Archbishop of Canterbury's Report". In fact, Mr Lee shows clearly that the Archbishop was much embarrassed by his commissioners! At any rate, the group's view that divorce should be founded on the sole ground of irretrievable breakdown was well received. However, its most visionary recommendation (at least, so the authors supposed) was rejected as being impracticable. This was the proposed requirement of an "inquest" into each marriage.

The thesis that divorce should not be available only to "innocent" spouses was seized on as being an important *volte face* in the established church's attitude. Soon after, the Law Commission independently recommended that Separation should be added to certain fault grounds of divorce. One would have thought that these two recommendations were mutually exclusive and totally irreconcilable. But, in marvellous English fashion, the two groups came together for a few afternoons at the Institute of Advanced Legal Studies, and a compromise was arrived at. Divorce should be based on irretrievable breakdown, but this must be evidenced by proof of a matrimonial offence or five years' separation.

The story thereafter is one of great fascination. How did this messy concept ever reach the statute book? No doubt the climate of British opinion was now strongly in favour of easier divorce. But it was the determination of various shadowy characters—men such as Alastair Service, Leo Abse, Alex Jones, William Wilson—that contrived that the Bill made it in the end.

They were aided by a complaisant government, who made a more than usual amount of time available for a Private Members' Bill. They were also aided by tepid opposition from the noble Lords, many of whom on the day of debate were involved in heavier duties at the Castle of Caernarvon! They were aided by the general indifference of most M.P.s. For on the third reading, out of 625 M.P.s eligible to vote, 457 were absent!

The tale is well told. Despite his disclaimer in the Preface, the author reveals himself as clearly in sympathy with the cause for reform. However, he is fair to his

opponents, and essentially a sympathetic chronicler of human behaviour.

His book is far more intriguing than he himself seems to suppose—and far more entertaining than its prosaic jacket design promises! Readers are well advised, incidentally, not to miss the footnotes. It is an entirely worthy successor to "The Ayes Have It".

Now, who is going to do the same for our *Family Law Act*? No doubt there will have been plenty of drama before that Bill passes into law!

J. NEVILLE TURNER

Assessment of Damages for Personal Injury and Death, by HAROLD LUNTZ, (Butterworths, Sydney, 1974), pp. xxxii and 350, $20.00 (hard-bound).

The author must be complimented not only for his industry and erudition but also his courage in producing such a substantial work on this subject in the face of the recommendations of the Woodhouse Committee (Compensation and Rehabilitation in Australia, 1974) foreshadowed in the book's preface. The fate of those recommendations remains uncertain but whatever future awaits the role of the common law of damages for personal injuries the immediate value of Mr Luntz's book cannot be doubted. It is the first attempt in this country to write a textbook on the subject, an undertaking justified alone by the substantial departure from the views expressed in English Courts on matters of basic principle by the High Court of Australia. The book is divided broadly into a consideration of general principles including a brief but valuable criticism of the "once-and-for-all rule" and a survey of the alternatives; a detailed examination of the principles underlying the computation of damages for both non-pecuniary and pecuniary loss and chapters on wrongful death and losses suffered by third parties.

In the Chapter on General Principles (Chapter 1) there is a section on heads of damage but in particular the risk of overcompensation caused by compensating the same loss under different heads. Mr Luntz laments the frequent occasions on which appellate courts have criticized awards inflated by overlapping but have offered no indication of either where the overlap occurred or how it might be avoided. With the assistance of what limited judicial comment of a more specific kind is available, Mr Luntz makes some eminently sensible suggestions (e.g. §§ 1.1618 and 1.1620). One of the features of the book is the degree to which the author's consistent and clear thinking helps to unravel so many confused areas and presents solutions which make good sense and are easy to grasp. In this most practical of subjects such a characteristic is of lasting credit to Mr Luntz. It is evident once again in the section on problems of causation and remoteness of damage, especially the section on subsequent aggravation of injury (§§ 1.1219 to 1.1229).

Apart from the particular matters referred to in the preceding paragraphs, Chapter 1 contains sections on most matters of relevance to a discussion of general principles including classes of damages other than compensatory (nominal, exemplary and aggravated); burden of proof; plaintiff's duty to mitigate; contributory negligence and contribution. On the subject of contributory negligence there is only the briefest discussion while on contribution there is no more than a cross-reference to standard texts (Glanville Williams, *Joint Torts and Contributory Negligence* and Fleming *The Law of Torts*). Even if, as the reference to them implies, these authors have said all that can be said on contributory negligence and contribution, the summary treatment of these topics by Mr Luntz terminates his chapter unnecessarily abruptly.

Mention is made of the possible effect on damages awarded to an occupant in a motor vehicle who was not wearing a seat belt at the time of the accident. As predicted this has now received some attention. However the judicial response to date can at best be described as tentative. In *Kernaghan* v. *MacGillivray* [1974] Qd.R.

39, Hart, J. refused to hold that a passenger, injured in a car accident in July 1970, was guilty of contributory negligence because

> . . . at the date of the accident the effectiveness of seat belts was still in the realm of speculation and controversy, (at 42).

His Honour went on to say that different considerations would now arise if a plaintiff was not wearing a seat belt since their effectiveness in reducing injury is now established. In England it was suggested that damages might be reduced by up to one third for failure to wear a seat belt (*McGee* v. *Francis Shaw & Co.* [1973] Road Traffic Reports 409) and in another case one fifth of the damages was deducted. (*Parnell* v. *Shields* [1973] Road Traffic Reports 414). However in other English first instance decisions, it has been held that failure to wear a seat belt does not amount to contributory negligence. (e.g. *Challoner* v. *Williams* [1974] Road Traffic Reports 221).

Whether in order to reduce damages the plaintiff's negligence must be a cause of the accident giving rise to his injury, or only a cause of the injury itself, has been a bone of contention in two recent decisions in the Queensland Supreme Court concerning a plaintiff driver whose elbow had been projecting out of the window of his vehicle at the time of the accident (*Mattioli* v. *Parker (No. 2)* [1973] Qd.R. 499; *Hanly* v. *Berlin* [1975] Q.W.N.). It is not of course a criticism of Mr Luntz that he failed to take account of cases not reported when he wrote the book. However it would have been more consistent with the rest of Chapter 1, if his reference to this matter (and others upon which he touches) had been accompanied by some enunciation of general principle, in this instance, the effect on damages of the dual criteria of blameworthiness and what Denning, L.J. described as "causal potency" (*Davies* v. *Swan Motor Co.* [1949] 2 K.B. 291, at 326).

Non-pecuniary damage is a concept which is determined upon the most general considerations. It is not subject to the more complicated mathematics of pecuniary loss. That it should occupy a relatively short chapter (Chapter 2) is therefore not surprising and fully justified. It is nonetheless disappointing that in the references to *Skelton* v. *Collins* ((1966) 115 C.L.R. 94) no attention is given to one important contribution of Kitto, J. in that case. It is in fact misleading to state, as Mr Luntz does (§ 2.306), that the *High Court* upheld the trial judge's award of $2,000 under the head of loss of amenities (or enjoyment of life). It is true that Taylor, J. expressed his conclusion in these terms but Kitto, J. while not disagreeing on the total sum awarded ($3,000) offered no opinion as to how the sum should have been divided between loss of amenities during the plaintiff's period of continuing existence and loss of expectation of life (the same generalization is not repeated in § 2.405). Earlier in his judgment Kitto, J. had suggested that, at least in the case of an unconscious plaintiff, the two heads of damage are indistinguishable, both representing the "loss of the possibility of conscious experience" (115 C.L.R. at 102). His Honour also remarked that both heads (in the case of the conscious plaintiff) have a subjective as well as an objective aspect (at 96)—

> ". . . the plaintiff may not only have sustained the loss itself but may also have to bear a sense of his loss."

While Kitto, J. did not develop this aspect of non-pecuniary loss any further (since the facts did not require it) he said enough to offer a basis for simplifying the heads of damage. All conscious experience of the loss, mental and physical, may be recovered under the head of pain and suffering. The problems of allocating the subjective aspect of loss of expectation of life (referred to in § 2.407) and of finding the elusive line between mental pain and subjective loss of amenities are thereby removed. Apart from pecuniary loss all that is left is the "conventional sum for objective loss", and there are powerful arguments for abandoning that altogether. (§ 2.403; 2.404). The only justifiable objective element is that which tempers "conscious experience" in order to give the plaintiff who loudly bemoans his fate no particular advantage over one who faces his loss with stoicism (§ 2.308).

It would however be a distortion of the priorities quite justifiably established by Mr Luntz himself, to emphasise non-pecuniary loss at the expense of pecuniary loss, to which he devotes seven chapters (if wrongful death is included). With patience and clarity rarely displayed in this area, inside or outside the Courts, Mr Luntz

unravels the mass of principle and mathematical complexities associated with pecuniary loss. This exposition is frequently subjected to the author's own pertinent evaluation. It is in these chapters which constitute the major part of the book that Mr Luntz is at his best. Some minor criticisms can be made. For example, while few would argue that the decision in *Gow* v. *M.V.I.T.* ([1967] W.A.R. 55) is "doubtful" on a number of grounds the reference to the expenses recovered by the parents of the injured plaintiff is somewhat ambiguous (§ 4.503). When they received news of their son's injury the parents travelled from Melbourne to Perth. The expenditure involved was not recovered. Only the cost of travelling from Perth to Albany, where the accident had occurred, and back was allowed, for reasons explained fully later in the book (§ 10.209). Also in Chapter 5, the problem of the unemployed or underemployed is discussed, and in that context the relationship between lost earning capacity and loss of amenities. If a person elects to earn less than he is worth in order to devote his time to more enjoyable but less remunerative pastimes, his incapacity cannot be compensated both by way of his maximum earning capacity and the loss of enjoyment of the life he chose to lead instead of employing that capacity (§ 5.144). Since this involves the risk of overlap of heads of damage it might have been better argued under that topic in Chapter 1, where other problems of overlap are considered (§§ 1.1618 to 1.1620—commented upon earlier in this review). To break these examples up without even a cross-reference is rather fragmentary. Similar comment can be made with regard to the brief discussion of incapacity during leave (§ 5.122).

While the author's grasp of the statistical aspects of economics is enviable, like most of us he is not as good as an economic fortune-teller. It is a brave man who would confidently discount the prospect of a severe economic depression (§ 7.219); on the other hand his choice of a 3% rate of inflation has become almost as far from reality as allowing for no inflation at all. (A last minute recognition of this development appears at the end of the preface). Correspondingly he underestimates investment potential even in the short term (§§ 7.223-4). To be fair however it must be admitted that acceleration in interest rates is offset by capital erosion caused by inflation. If the predicted rate of investment is kept low, (i.e. much lower than real potential) the result is at least some allowance for inflation in the capitalization of the damages award.

Turning to the chapter on Wrongful Death (Chapter 9), the views expressed by Mr Luntz concerning recovery of lost earning capacity in a survival action (§§ 5.406-7 and 9.108-111) have already been vindicated. In *Jackson* v. *Stothard* ([1973] 1 N.S.W.L.R. 292) Sheppard, J. allowed the recovery of loss of future earning capacity in an action by the administratrix of the estate of a person who died of injuries sustained as a result of the defendant's negligent driving. However in accordance with the view expressed by Taylor, J. in *Skelton* v. *Collins* and preferred by Mr Luntz (§ 9.110), he deducted both moneys which the deceased would have spent upon his own maintainance and moneys which would have been spent on any dependants (in this case, the plaintiff/administratrix, his *de facto* wife). In fact, his Honour concluded that, since there would have been nothing left after deducting his personal expenses and what he would have spent on the plaintiff, there was nothing left. He therefore made no award in respect of any sum which would have been earned after the date of death.

The qualities of clarity and thoroughness which distinguish so much of this book are continued in the concluding chapters: Chapter 10 (Losses Suffered by Third Parties) and Chapter 11 (Miscellaneous). The former constitutes a systematic presentation of what can easily be little more than a collection of loose ends. The latter is primarily concerned with more mechanical and procedural problems which may be associated with damages awards.

In his preface, Mr Luntz concedes that the book will not give "a dollars and cents answer to the question of how much an individual injury is worth". The book is not, nor does it purport to be, another Kemp & Kemp (*Quantum of Damages*, 3rd ed. (Vol. I) and 2nd ed. (Vol. II)) or Mynkman (*Damages for Personal Injuries and Death*, 5th ed. 1973), but more fool the practitioner who does not read

it. Quite apart from the unique value of its Australian content, it offers a refreshing insight into matters of principle which can only improve the solution to the individual case. For the reason touched upon in the opening paragraph of this review, Mr Luntz has posed a dilemma. He has written an excellent book which deserves a long and much-used life. But to wish the book its deserved future we are forestalling the introduction of legislation which if introduced will probably render the book redundant. Yet it is legislation which many, including Mr Luntz, believe is overdue, whatever obstacles lie in its path.

C. S. PHEGAN

Industrial Relations and the Contract of Employment, by JOHN LAWRENCE WEBB, (Law Book Co. of Australasia, 1974), pp. xii and 132.

As the author states in his preface, this book is primarily designed for use by corporation executives; and in one hundred pages of text Mr Webb explains Australian industrial relations, and in particular examines the contract of employment. It is pleasing to see that the contract of employment, which often plays second fiddle to the federal award in industrial relations literature, is given a prominent place in this work. The book contains a thorough discussion of the employment contract and more importantly of the problems encountered in its day to day administration. Such knotty industrial relations problems as long service leave and stand downs are adequately discussed.

In writing a small book designed for practical use, one often has to make assertions without the luxury of being able to write a paragraph or two in their defence. On the whole Mr Webb performs this task admirably. However, I must take issue when he asserts at p. 34 that

> "It is unfortunate that the (*Commonwealth Conciliation and Arbitration Act* 1904-1973) does not provide for compulsory voting under the auspices of the Commonwealth Electoral Office. While voting remains a voluntary matter there is always a risk of a small but active minority, which may have radical tendencies and attitudes not in consonance with the majority view, obtaining control of a union committee of management and thereby determining policy for the union at large."

Research in this area shows that compulsory voting could tie union leaders too closely to an ill-informed rank and file which might seriously hamper union management negotiations. (See G. W. Brooks, *The Sources of Vitality in the American Labor Movement* (New York State School of Industrial and Labor Relations, Cornell University, Bulletin 41, 1960).)

It is pleasing to see the author spending a few pages speculating upon the possible effects that the recently resurrected corporations power might have on federal labour relations. Perhaps Mr Webb should have devoted a few paragraphs in exploring the possibility of the Federal Government making greater use of the Trade and Commerce power to simplify labour relations. After all this latter power has been a valuable weapon in the Commonwealth's constitutional armoury.

Despite my paltry criticisms of some isolated passages, this book ought to be prescribed reading for both union officials and middle management in order to disseminate a higher level of understanding of Australian industrial relations.

RONALD C. MCCALLUM

Capital Punishment: The Inevitability of Caprice and Mistake, by CHARLES L. BLACK JR., (W.W. Norton & Co. Inc., New York, 1974), pp. 96. U.S.$5.95 (hard-bound).

Capital punishment, as a sanction on the books but not enforced, lies quiescent but not dead. In Victoria a Liberal Party recommendation that it be abolished has

yet to be implemented.* In Canada, after the expiration, in 1972 of a five year suspension of the death penalty except for the murder of police or prison officers, many had hoped that the case finally would have been made out for the total abolition of the sanction, but to no avail. The best political compromise that could be negotiated was a further five years suspension until the end of 1977. In the United Kingdom, reaction to Irish terrorists bombings, has included demands for the reintroduction of hanging as punishment for homicidal acts of political terrorism. Though such moves were recently defeated in a Parliamentary vote, one cannot be too confident that Great Britain, which once boasted more offences punishable by death than any other western country, has now forever forsworn this sanction.

In June 1972, the United States Supreme Court, by a five to four decision in the case of *Furman* v. *Georgia* moved some considerable way towards upholding the abolitionist cause. The *ratio* of the case which concerned the constitutionality of capital punishment, is difficult to extract because the five justices constituting the majority of the court were not in agreement with each other in relation to the reasons for their decision or, by inference, its scope as a precedent for the future. Two of the five regarded capital punishment as wholly forbidden by the eighth amendment to the United States Constitution as a cruel and unusual punishment. But the other three said only that death sentences as *currently administered* violated the Constitution as being cruel and unusual because of the arbitrary selection, among those sentenced to death, of those actually called upon to suffer the penalty. The three justices comprising the "majority" of the majority noted that while many offenders were convicted of crimes for which death was a potential punishment, only a few were actually sentenced to die and that this selection was not made on any clearly articulated grounds but on the basis of the exercise of a discretion vested in judges or juries. The three justices observed that no standards governed the exercise of the discretion; that standardless sentencing was capricious; and that caprice in dispensing death sentences was unconstitutional cruelty.

No sooner had the Supreme Court spelt out these constitutional objections to the death penalty than many State legislators zealously set to work drafting and passing statutes which it was hoped, would avoid the Supreme Court decision either by making the death penalty "mandatory" for certain offences or by promulgating a set of what purported to be "standards" for guiding those responsible for sentencing (often a jury matter in the U.S.A.) in the fine art of distinguishing those who are to be sentenced to death from those who are to suffer only imprisonment.

As might be expected, new constitutional challenges are being directed against these statutes but Professor Charles Black in this slender volume on capital punishment has taken as his focus the recognition, in *Furman* v. *Georgia,* of the standardlessness and mistake-proneness of the process by which people are chosen to die. Black's thesis, simply stated, is that there is not enough "due process of law" in the United States criminal justice system to make it an acceptable instrument for the deprivation of life and that it is impossible to improve the criminal justice system procedurily or substantively (other than by total repeal of the death penalty) to a degree that would ensure that mistakes and arbitrariness do not operate. Black sets his position out quite bluntly:

> "If we resume use of the death penalty, we will be killing some people by mistake and some without application of comprehensible standards, and we will go on doing these things until we give up the death penalty."

He looks at the discretionary processes operating at each stage of the system—apprehension, charging, plea bargaining, negotiation and post-conviction applications for clemency or commutation—and he demonstrates how the decisions at each point are shot through, with the potential for mistake and arbitrariness.

Even where imposition of the death penalty is mandatory (as in those Australian States which retain it), the remaining discretions (*e.g.* in laying charges, accepting guilty pleas to lesser offences, or in the exercise of executive clemency) allow ample scope for capriciousness. For example: the choice of action taken may be based on mistake of fact; there may either be no legal standards governing the exercise of

* The Abolition Bill was passed in April 1975, but has yet to be proclaimed—*Ed.*

the discretion; or the standards offered by the legal system to guide the exercise of discretion may be so vague, at least in part of their range, as to furnish negligible direction. While the author recognizes that all his criticisms apply equally to the system by which persons are sentenced for punishments less than death, he asserts that the death penalty requires most urgent attention (in the form of abolition) because of the irreversible consequences of mistake.

Even in the absence (as in Australia) of constitutional guarantees of due process and freedom from cruel and unusual punishments, Black's book still sets out compelling grounds for the abolition of capital punishment. Those who remain in doubt would do well to note that, in Victoria since 1950, 88 persons have been convicted of murder and sentenced to hang. Of these, 84 have had their sentences commuted to varying terms of imprisonment. Only four have been executed. Black's book challenges us to consider not by what acts of grace were the 84 spared, but by what State caprice were the four put to death.

RICHARD G. FOX

Law of Banking, 6th edition, by LORD CHORLEY assisted by J. MILNES HOLDEN, (Sweet and Maxwell, London, 1974), pp. xxxiii and 425.

As much as Paget's *Law of Banking* (which is now in its eighth edition) is generally accepted today as the authoritative practitioners' textbook on the subject, Lord Chorley's book is undoubtedly the best student text on banking law. First published in 1938 the book is now in its sixth edition.

The new edition is a vast improvement on the earlier editions and makes the text much more than an "introductory work" on the subject as modestly claimed by its eminent author. Lord Chorley himself states in the Preface that he has given the text "the most thorough overhaul which it has had since the beginning. . ." Apart from bringing the law up-to-date by considering over twenty-five new English statutes affecting bankers and no less than fifty cases on banking law decided between 1964-1974, the new edition contains several other additions and changes as well. There is a new section on Credit Transfer and Giro. Though not common in Australia, Lord Chorley calls this "the outstanding innovation of the century" and has provided a legal analysis of the subject which is invaluable owing to the complete absence of decided cases and little public discussion on it. There is also a new Foreword, admirably written, which will assist any person (most of all those who teach banking law!) to understand and appreciate how the law of banking fits into the general body of law of any country—especially its mercantile law. The Foreword (the type of which is not found in other texts on banking) clearly shows that banking law is not a separate body of law, though like innumerable other activities, it has statutory provisions dealing exclusively with it. Indeed, it is largely due to eminent text writers like Sir James Paget, Dr Heber Hart, Sheldon and Lord Chorley himself, that an area of law has come to be recognized as a separate body entitled "banking law". Lord Chorley may have been prompted to write this new Foreword as a result of the four series of the Gilbart Lectures he gave (in 1964, 1966, 1967 and 1968) where he reviewed the rules of contract law in the light of specific problems which have arisen in banking.

The new edition also breaks up the chapter entitled Other Services Performed by Bankers into two, the first discussing the legal aspects of the essential business of banking and the second dealing with the ancillary services provided by bankers, in which the travellers' cheque—an instrument of considerable importance in the modern world—is discussed in greater detail. The chapter on Accounts of Customers has also been completely re-written. The portion on Special Accounts gives fuller treatment to accounts of local government bodies, registered companies, solicitors clients' accounts and trade union accounts. Companies liquidation and its effect on the banker has also been specially considered.

In recent years one of the practical problems that have confronted the Australian banker is the right to combine a customer's accounts and to set-off a credit balance in one account against a debit balance in another. (See *Inglis* v. *Commonwealth Trading Bank of Australia* (1969) 119 C.L.R. 334.) Chapter 10 of the new edition contains a detailed discussion of *National Westminster Bank Ltd.* v. *Halesowen Presswork and Assemblies Ltd* ((1972) A.C. 785) where the House of Lords provided a valuable clarification of the law on the subject. In Lord Chorley's view this decision is perhaps the most important of all those decided on the subject during the past decade.

The new edition also contains a 61 page revised chapter on Securities for Bankers' Advances written by Dr J. Milnes Holden who has himself made a name as a modern authority on banking law by his recent two volume work on *The Law and Practice of Banking.*

When considering the practical value of Lord Chorley's text (or for that matter any English text on the subject) to the Australian banker and student, one must bear in mind the following points. Although there are close similarities between the two countries (e.g. a branch banking system as opposed to the unit banking system of the United States and the Australian Bills of Exchange Act 1909-1971 being an almost verbatim reproduction of the English Act of 1882) yet there are also important differences.

The definition of a "bank" has confronted the English courts with difficult problems (see *United Dominions Trust Ltd* v. *Kirkwood* (1966) 2 Q.B. 431) while in Australia the issue has been largely resolved by the provisions of the Banking Act of which there is no counterpart in England. There are also appreciable differences as regards the definition and scope of the "business of banking" (see *Commissioners of State Savings Bank of Victoria* v. *Permewan Wright & Co. Ltd* (1915) 19 C.L.R. 457), the administrative and organizational structure of banks and the designation of bank officials etc. The federal system of government in Australia, as opposed to the unitary system in England, requires the Australian banker to be cognisant not only of Federal statutes like the Bills of Exchange Act and Banking Act which apply uniformly, but also of legislation enacted from time to time by the different States in which banks' branches operate.

To mention other instances, *the garnisheeing* of savings and deposit accounts is permitted to a large extent in England by legislation enacted in 1956 but in Australia (except for New South Wales) there is no similar legislation and recent Full Court decisions in Queensland, Victoria and Western Australia have held that such accounts cannot be garnisheed. On the other hand, the New South Wales legislation is far wider than the corresponding English statute. There is also no statutory provision in England relating to stale cheques while the Australian Bills of Exchange Act specifically deals with them. The provisions of the bankruptcy legislation that affect bankers in Australia also differ to some extent from the English provisions. In England, the Finance Acts of 1970 and 1971 have removed the requirement of stamping in the case of the great majority of commercial documents including bills of exchange, cheques and promissory notes and abolished stamp duty on mortgages and charges, while in Australia there has been no such relaxation and stamp duties levied by State legislation are one of the main concerns of the banker here.

Even in the common law field differences exist. For instance, in *London Joint Stock Bank Ltd* v. *Macmillan* (1918) A.C. 777 the House of Lords imposed a very high duty on a customer to exercise care in drawing his cheques so as not to facilitate forgeries. The Australian Courts, on the other hand will be bound by the High Court and Privy Council decision in *Colonial Bank of Australia* v. *Marshall* (1904) 1 C.L.R. 832 and (1906) A.C. 559 which recognized a lesser degree of care on the customer's part thereby impliedly cautioning the banks to watch out for such omissions. See *Varker* v. *Commercial Banking Co. of Sydney* (1972) 2 N.S.W.L.R. 967.

Subject to the above observations, the value of Lord Chorley's text lies in the very clear exposition of the general principles of banking law and his illustration of those principles by a careful selection of relevant case law. In addition, his style of writing,

the choice and precision of language, the method and order and the individual viewpoints he has expressed on doubtful points, coupled with the high esteem in which he is held in the banking world, makes this book an authoritative text on the subject for many years to come. Students and teachers of banking law cannot afford to do without it.

W. S. WEERASOORIA

Copyright and the Arts in Australia, by J. C. LAHORE with P. B. C. GRIFFITH, (Melbourne University Press, 1974), pp. vii and 219, $15.00 (hard-bound).

This book is the first book to be published giving a comprehensive coverage of Australian copyright law. For a long time there has existed a real need for Australian authors and artists to become more aware of their rights and the inadequacies in the current law. This book makes a worthwhile contribution towards this end.

This book is not a legal treatise. It is primarily for those directly involved in the arts. The writers state at the very outset that their purpose was to indicate the problems that are important to people engaged in creative work and to provide a general statement of the law governing the solution of many of those problems. Nevertheless numerous references are made to provisions of the *Copyright Act* 1968 and to relevant cases, and the book provides an excellent starting point for the lawyer not familiar with copyright law. Unfortunately most Australian lawyers are in this position and it is hoped that this book will provide an impetus towards producing a legal profession able to give expert advice on copyright.

In the first few chapters the writers give a general overview of the law. This is the weakest part of the book, particularly Chapter 2 which is mainly a summary of the *Copyright Act* 1968. The writers faced a difficult task—to condense the very complex 105 page Act into one chapter of a book of 219 pages. They achieved this by constant reference to sections of the Act. But the Act is not appended to the book (no doubt for economic reasons) and this manner of referring to it makes it necessary for the reader to have the *Copyright Act* 1968 beside him. Not a great difficulty for most lawyers and law students but one cannot help thinking that the artist or author to whom the book is directed may not have ready access to a copy of the Act. To a certain extent this defect is overcome by the details given of various sections in the later chapters of the book. Another defect of Chapter 2 is the treatment of certain matters. One appreciates the difficulty of explaining in simple language the idea-expression dichotomy and the fine distinction between copyright and other property in an object but these parts of the chapter appear to be directed at the lawyer rather than the layman.

The writers then deal in some detail with each of the various areas of the arts—literary, visual and performing. This manner of treatment results in a certain amount of repetition but this is not sufficient to detract from the book. The approach of the writers to each area is essentially the same. First they set out the law applicable to each area—what is protected, who is protected and what that protection is. These parts provide a readable and comprehensive survey of the law. In particular the very complex provisions relating to musical copyright and the compulsory licensing provisions involving sound recordings are reduced to a manageable size. After stating the law applicable to each area the writers next deal with particular problems associated with each area of the arts. These problems were ascertained after the writers had carried out extensive interviews with authors, artists, publishers and others engaged in creative work. The real worth of the book lies in these parts. For the first time the Australian creators are provided with information about the problems they face in Australia. They need no longer try and apply English and

American writings to their own situations. The coverage of the problems is very comprehensive and gives the creator valuable information and advice. Naturally there is a limitation on the degree of detail the writers can achieve in a book of this nature, and in most cases it is not intended that the book be a substitute for legal advice. The writers bring out clearly the inadequacies of the present law, particularly those attributable to modern developments in the arts and in technology. It should be noted that the Australian Government has now introduced a public lending right for Australian authors.

The photocopying machine and its effect on the author is dealt with in a separate chapter. After setting out the fair dealing and other provisions of the *Copyright Act* which allow some copying of works the writers bring into clear focus the burning issues in this area and make some suggestions for a solution. Since the book went to print the Supreme Court of N.S.W. has held the University of New South Wales would be liable for authorizing certain breaches of copyright which could have taken place in one of its libraries (*Moorhouse and Angus & Robertson (Publishers) Pty Ltd* v. *University of New South Wales* 3 A.L.R. 1). An appeal from this decision has been heard by the High Court of Australia but no decision has yet been given. Also a Committee has been appointed by the Australian Government to examine the question of reprographic reproductions and copyright. This Committee has already received written submissions and heard oral submissions.

The book exposes the relative ignorance of the Australian towards copyright law and the problems facing the Australian creator. A call is made for this to change—in particular for the creators to organize themselves together, and for the emergence of the expert copyright lawyer. It is to be hoped that this call will be answered. Certainly this book has made a move in that direction.

J. M. LUCK

The Law of Theft, by J. C. SMITH, (2nd edition, Butterworths, London, 1972), pp. xxvii and 241.

On October 1, 1974, the Victorian *Crimes (Theft) Act* 1973 came into force. That Act is, with some modifications, based on the English *Theft Act* 1968. These Acts are far-reaching pieces of legislation, replacing entirely the previous law of theft in both jurisdictions. They create new crimes (theft, obtaining property by deception, obtaining a financial advantage by deception etc.) and re-define and simplify existing crimes (robbery, burglary, blackmail, handling stolen goods etc.).

Although the new Victorian Act has already been the subject of some academic writing, for quite some years to come those wishing to understand its provisions will have to rely primarily upon books and articles dealing with the English Act. Of the English books, Cross and Jones, *An Introduction to Criminal Law* (7th ed., 1972) provides perhaps the best introduction to the Act. However, for those who are familiar with the basic framework of the Act, or who seek the answers to more complex problems, Professor Smith's *The Law of Theft* is clearly *the* text. It is an excellent, comprehensive, and detailed exposition of this difficult area of the Criminal Law. Professor Smith brings a wealth of knowledge to his subject; all relevant cases are considered and discussed in an illuminating fashion.

This book must, however, be recommended to the Victorian practitioner with two warnings. First, although the Victorian Act is in substance a reproduction of the English Act, there are a number of differences. The most important of these is contained in section 82 of the Victorian Act, which contains the offence of Obtaining a Financial Advantage by Deception. This section was derived from section 16 of the English Act, with the substitution of the word "financial" for the word "pecuniary". This change would appear to be of no significance. Section 16 of the English Act contains a sub-section (2) defining "pecuniary advantage". This sub-section has in England caused considerable difficulties of interpretation, and it has

been deleted from the Victorian section. One can only guess as to the approach that will be taken by the Victorian courts in defining the expression "financial advantage".

The second warning is that the English cases have often run counter to the expectations of academic commentators, and some of the statements contained in this book must be read in the light of cases decided after the book's publication. For example, one of the key concepts in the Act is that of "dishonesty". It is an element of the offences of theft, obtaining property by deception, obtaining a financial advantage by deception etc. At page 49 Professor Smith suggests that the meaning of this term is to be decided by the judge and not the jury. However, in the case of *R.* v. *Feely* ([1973] 2 W.L.R. 201) the Court of Appeal decided that the question of whether an accused's conduct can be said to be dishonest is one to be determined exclusively by the jury. Delivering the judgment of the Court Lawton L.J. stated (at p. 204)

> "Jurors, when deciding whether an appropriation was dishonest can be reasonably expected to, and should, apply the current standards of ordinary decent people. In their own lives they have to decide what is and what is not dishonest. We can see no reason why, when in a jury box, they should require the help of a judge to tell them what amounts to dishonesty."

With these two warnings, this book is highly recommended for any Victorian practitioner working in the field of Criminal Law.

C. R. WILLIAMS

The Future of Imprisonment, by NORVAL MORRIS, (University of Chicago Press, Chicago, 1974), pp. xiv and 144, U.S.$6.95 (hard-bound).

It is just over three hundred years since George Fox, the founder of the Quaker movement, set fire to the straw which was his jail bed in order to overcome the stench of the excrement which covered the cell floor. But we have come a long way since then. Or have we? The last of the unsewered candlelit cells of Pentridge Prison's C Division were only demolished last year. And despite improvements in prison conditions and the widespread development of parole and aftercare services for discharged prisoners, we remain abysmally ignorant about the effectiveness of the institutional measures we employ. The application of scientific research to the effects of prison extends back less than forty years and the results, so far, remain meagre and inconclusive.

The conventional wisdom of the political right asserts that criminals should be subject to punishment of substantial severity in the form of lengthy prison terms with firm guarantees that these terms will be served. Probation and parole are perceived as undesirable techniques for avoiding or minimizing the impact of prison and defeating the purpose of public protection while "rehabilitation" as a policy objective in prison regarded simply as a weakly disguised method of pampering inmates. The far left, on the other hand contends that the bulk of acts defined as "crime" by the ruling classes simply represent behaviour which threatens the values of their exploitive social system and consequently, those who engage in such acts can in no sense be regarded as "criminal". Persons engaging in conduct which helps to hasten the inevitable collapse of a decadent system should not be restrained as prisoners and the vast bulk of those now incarcerated should be considered as political prisoners unjustly deprived of freedom. Wherein lies the truth? Norval Morris, Australia's best known expatriate criminologist, in his latest book, finds the answer somewhere in between.

Like everyone who has ever looked unblinkingly at the mechanics of prison, he approaches with trepidation the task of spelling out rational principles for the future of prison in the criminal justice system. While recognizing the inertia of futility, brutality and obstructive political forces which oppose even ameliorative change in

prison, he nevertheless persists in his attempt at drafting a scheme offering general principles under which imprisonment can be accepted as a legitimate and workable part of a rational criminal justice system.

His text, reduced to essentials and simplified unfairly is as follows:

1. Sentences of imprisonment as punishment for serious crime is an American invention a little more than 200 years old.
2. Rehabilitation of criminals was one of imprisonment's intended purposes but prisons have so far failed to attain this goal.
3. Despite this failure and widespread criticism of prison, its population remains stable and substantial.
4. Techniques such as use of community based programmes as a means of systematically reducing use of prison still require resolution of the fundamental question: "Who should go to prison?" This question should not be settled on the basis of deciding who should *not* be imprisoned.
5. Principles guiding the decision to imprison can be stated. These are:
   (i) *Parsimony*: the least punitive sanction consistent with achieving defined social purposes should be imposed.
   (ii) *Dangerousness*: prediction of future criminology must be rejected as a basis for imposing a sentence of imprisonment since it presupposes a capacity to predict which is beyond our present technical abilities.
   (iii) *Desert*: as a matter of justice, the maximum punishment imposed should never exceed the punishment which the offender "deserves" having regard to the legislative and popular views of the gravity of his crime.
6. Rehabilitative programmes for those in prison must be improved but programmes such as group therapy or job training should be offered on a voluntary and "facilitative" basis and not as a "coerced cure". Moreover the prisoners release date should not in any way depend on participation or success in a so called treatment or rehabilitation programme.
7. Instead of being subjected to the often arbitrary procedures of parole and the vagaries of indeterminate sentences, a prisoner must be advised as soon as possible after his entry into prison of a firm date of release on which he can rely. That date is to be either the date of the expiration of a fixed prison sentence or a firm parole date.
8. Suitability for release must be determined, not by reference to parole prediction tables, but by graduated testing of the prisoner's actual ability to return to society through increased increments of freedom in the form of short periods of leave, work or study release, and use of half-way houses. Only patent failure to pass these tests would be justification for revoking the release date and extending the period of incarceration.
9. Present sentencing practices are so "arbitrary, discriminatory and unprincipled" as to all but nullify the suggested prison reforms.
10. However, since charge and plea bargaining is the primary sentencing technique, (at least in the United States where only 10% of felony charges go to trial) reform of the plea bargaining system would allow the principles enunciated earlier to operate effectively.

As ever the pragmatist, Morris concludes with a chapter suggesting, in detail, the manner in which some of the principles enunciated could be applied expediently without extensive legislative change. He sketches out an operational plan for the establishment and operation of a special prison for 200 repetitively violent criminals. The benefits which would accrue to the correctional system of planning and operating such an institution are two fold: Firstly, its existence will mean that security measures and internal stresses in other institutions will, be reduced with the removal of the most dangerous class of inmate, and, secondly, the demonstration that the most feared prisoners can be accorded humane and reformative programmes must carry the implication that similar or better programmes have even greater chance of

success in the remainder of the prison system. Inmate selection, intake and release procedures are described, details of staff selection and training and the regular institutional programme are provided and the means are suggested by which staff can establish a milieu conducive to the voluntary acceptance of each of the treatment modalities available (i.e. educative, vocational, clinical and recreational).

Finally Morris spells out the requirement of an evaluative component in the institutional design. The common tradition in our official criminal statistics is to ignore entirely the question of the successfulness or otherwise of our correctional institutions. Morris proposes a permanent built-in programme of evaluation conducted by a team of researchers independent of the institutional administration. The principal purpose of the evaluation design would be to determine whether overall effect of the institution has been to reduce the gravity and frequency of later violence by those selected to be sent there when compared to the behaviour of a control group of inmates of similar ages and records who remain in the general prison population.

Since Victoria is currently in the process of implementing legislative programmes designed to reduce its prison population and has decided upon the establishment of a new maximum security institution for intransigents, near Castlemaine (approximately 75 miles from Melbourne), the appearance of this lucid and penetrating book is most opportune. If the Ministers responsible for formulating this State's penal policies took note of the recommendations contained in it and made a genuine attempt at implementing them instead of hiding the problems in yet another country fortress, Victoria might have half a chance of casting aside its collection of nineteenth century prison edifices and attitudes.

RICHARD G. FOX

Localising Rules in the Conflict of Laws, by D. ST. L. KELLY, (Woodley Press, Adelaide, 1974), pp. xvi and 171.

It would not be difficult to mount an argument that the South Australian Supreme Court is presently the leading Australian court as far as conflict of laws is concerned, at least if the number of decided cases is taken as the relevant criteria. Therefore, it seems only appropriate that an academic work on the subject should emerge from that State. Mr Kelly's recent book joins a growing number of Australian works on conflict of laws and indicates that in regard to learned writings the subject is fast approaching the position it has long enjoyed in civilian countries and indeed in the United States.

It must be said at the outset that Mr Kelly's book is the product of sustained research encompassing all the recent Australian cases in point and with forays into European writings and American decisions. The considerable effort which has obviously been invested is not without result and a number of interesting and thought provoking ideas are put forward. On the whole the book must be considered to possess considerable merit and to constitute a valuable addition to literature on the subject. Its main drawback is its rather confusing and frequently overlapping arrangement of material not only between chapters but within chapters. The only exception is the material contained in chapters IV and VI. In particular the reviewer found it difficult to understand why chapter V was placed after full faith and credit and not before it. The reviewer also found Mr Kelly's style of writing somewhat heavy and this tended to detract from the clarity of the work and inhibit a rapid appreciation of the author's views. In fairness, however, it must be conceded that the subject is one of considerable complexity.

The title of the book indicates that it is a specialized monograph and does not presume to be a treatise on the conflict of laws. It is primarily concerned with choice of law and in particular with the territorial or other limits to the application of laws. The author has previously written extensively on the topic in law reviews

(18 I.C.L.Q. 249; 46 A.L.J. 52; 47 A.L.J. 22) and the present work builds upon those writings, but of course adds to them. As Mr Kelly reminds us in chapter I, the resolution of choice of law questions by examining the territorial (or other) scope of particular laws differs from choice of law rules in an important aspect. General choice of law rules are of a bilateral nature and indicate not only when the forum's law is applicable or inapplicable but also the applicability of foreign law. The determination of the ambit of a particular law, however, only establishes the relevance of that law and none other.

The resolution of choice of law problems not by general choice of law rules but by determining the scope of particular laws is hardly a novel innovation. Indeed it was the original approach to choice of law problems and first developed in the formulative period of the subject in thirteenth century Italy. In many variations it held sway until the eighteenth century. Some statutes expressly state the ambit of their application or, in the phrase favoured by the author, contain an express "localizing rule". In the absence of an express provision a localizing rule may be implied and the Australian High Court has shown an increasing tendency to do so. The difficulty, as Mr Kelly points out, is that the localizing rule may be somewhat different from the criteria employed in the general choice of law rules which are operative in the Anglo-Australian legal system. The result is that a statute may be made applicable in circumstances where the laws of the enacting state do not constitute the *lex causae* under the general choice of law rules. Conversely, a statute may not be applicable in terms to a transaction even though the law of the enacting State is the *lex causae*. In the latter situation a further complication arises from the fact that the localizing rule may not necessarily exclude the statute. This occurs where the rule itself is considered to be directive only and not exclusive (see chapter II). Where a statute purports to apply to a transaction even though the law of the enacting State is not the *lex causae*, it would seem clear that the statute must be applied if it is a domestic statute. However, Mr Kelly concludes that a foreign statute which purports to embrace a transaction will not be relevant unless the law of the State of enactment is the *lex causae* under the general choice of law rules (p. 17). This is a conclusion with which the reviewer cannot disagree, since he himself has written to similar effect (see 46 A.L.J. 629 at p. 638). Of course, within the Australian federation the full faith and credit provisions may alter the situation (see chapter IV).

In the chapter on full faith and credit Mr Kelly suggests that localizing rules would assume considerable importance. One possibility would be to require full faith and credit to the laws of any State which expressly or as a matter of construction purported to apply to the action at hand (Kelly, p. 104). The reviewer has questioned this interpretation as advanced by the late P. D. Phillips Q.C. ("Choice of Law in Federal Jurisdictions" (1961-1962) 3 M.U.L.R. 170, 348) on the ground that Phillips focused primarily on statutory law to the exclusion of common or decisional law (Pryles and Hanks, *Federal Conflict of Laws*, pp. 90-91). But such an approach could be extended to include common law on an equal basis, the localizing rule of the common law being supplied by the common law choice of law rules. Thus if a statute of State A purported to apply to all contracts made in that State while State B, whose laws were stipulated by the parties to be the proper law, had no statute in point there would be two laws which form a unilateral viewpoint extended to the case, viz., the statute of A and the common law operative in B.

What then of the situation where two laws (say, a statute of the forum and a statute of a sister State) contained localizing rules embracing the case before the court? Kelly rightly rejects the solution of requiring the forum to automatically give full faith and credit to the sister State statute since each State, under such an approach, would have to defer to the laws of the other (Kelly, pp. 114-115). But Kelly also rejects the view championed in the United States by the late Brainerd Currie that each State could apply its own law or do whatever it wished as this would deprive full faith and credit of substantive effect or make it merely discretionary (Kelly, p. 115). Kelly concludes:

> The only acceptable solution is to treat the provision for full faith and credit as requiring a search for the constitutionally appropriate limits of state legislation for interstate cases whether the conflict in question arises in the High Court or in a State Supreme Court, and, in the case of the latter, whether federal or State jurisdiction is being exercised. (Kelly, p. 120.)

Unfortunately, Mr Kelly does not tell us what are the appropriate limits of State legislation in interstate cases, or how to go about discovering them. How these limits would affect the application of State legislation in international conflictual situations (if at all) is not discussed either. If there are no limits in international situations an incongruous result could follow of statutory localizing rules being denied effect or circumvented in interstate conflicts but given unrestrained operation as far as international conflicts are concerned.

In chapter III Kelly examines the territorial limits of State legislative competence under the State constitutions and concludes that generally these limits will rarely affect the validity of localizing rules. The second part of the chapter contains an interesting examination of the criteria upon which localizing rules are implied. Unfortunately, this thoughtful comparison of localizing rules is not in itself complete and overlaps with other parts of the book (Kelly, pp. 6-20 and chapter V). This is a pity because the examination of the localizing rules themselves constitutes perhaps the most valuable aspect of the book.

The final chapter (VI) examines venue provisions and localizing rules. The discussion ranges far and wide beyond venue provisions strictly so-called to considerations of forum conveniens (*R.* v. *Langdon*, Kelly, p. 151) to limitation provisions (*Pedersen* v. *Young*, Kelly, p. 153).

The book is produced in a somewhat unusual style for a legal text. The pages are fairly small, undoubtedly because of the modest size of the book, but the overall effect is not unattractive and the type is very legible. There are voluminous footnotes which, in typical review style, sometimes occupy more of a page than the superadjacent text. The reviewer found the footnotes contained much useful information, but felt that some of the material could have been more appropriately incorporated in the body of the work. Alas, Mr Kelly's command of foreign languages is not shared by the reviewer, who would have been grateful for English translations of passages quoted by the author in Italian (Kelly, pp. 21, 63).

MICHAEL PRYLES

OTHER BOOKS RECEIVED

N.B. Books which will be among those reviewed in the next issue of this journal are included in this list.

Commercial Law

A. B. AFTERMAN AND R. BAXT, *Cases and Materials on Corporations and Associations* (2nd edition, Butterworths, Sydney, 1975).

K. E. LINDGREN, H. H. MASON AND B. L. J. GORDON, *The Corporation and Australian Society* (Law Book Co., Sydney, 1974).

Contract

J. G. COLLINGE, *Tutorials in Contract* (2nd edition, Law Book Co., Sydney, 1974).

J. G. STARKE, P. F. P. HIGGINS AND J. P. SWANTON, *Casebook on Contract* (Butterworths, Sydney, 1975).

D. J. HARLAND, *The Law of Minors in Relation to Contracts and Property* (Butterworths, Sydney, 1974).

D. ROEBUCK, *Law of Contract: Text and Materials* (Law Book Co., Sydney, 1974).

Evidence

H. J. GLASBEEK, *Cases and Materials on Evidence* (Butterworths, Sydney, 1974).

J. J. MACKEN, *Australian Industrial Law: The Constitutional Basis* (Law Book Co., Sydney, 1974).

C. P. MILLS AND G. H. SORRELL, *Federal Industrial Law* (5th edition, Butterworths, Sydney, 1975).

International Trade and Investment

D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security: The Legal Problems of Development Financing* (University of Queensland Press, St. Lucia, Qld., 1975).

Legal Aid

F. R. MARKS, R. P. HALLAUER AND R. R. CLIFTON, *The Shreveport Plan: An Experiment in the Delivery of Legal Services* (American Bar Foundation, Chicago, Ill., 1974).

S. J. BRAKEL, *Judicare: Public Funds, Private Lawyers and Poor People* (American Bar Foundation, Chicago, Ill., 1974).

Taxation

1975 Australian Master Tax Guide (CCH Australia Ltd, North Ryde, N.S.W., 1975).

Miscellaneous

A. V. ADAMSON, *The Valuation of Company Shares* (5th edition, Law Book Co., Sydney, 1975).

D. C. PEARCE, *Statutory Interpretation in Australia* (Butterworths, Sydney, 1974).

H. LUNTZ, *Compensation and Rehabilitation* (Butterworths, Sydney, 1975).

A. PODGORECKI, *Law and Society* (Routledge & Kegan Paul, London and Boston, 1974).

P. BISKUP (Ed.), *Australian Law* (McGraw-Hill, Sydney, 1974).

Proposals for National Compensation in Australia (CCH Australia Ltd, North Ryde, N.S.W., 1975).

Correction

An error occurred in the references to a number of books among the Books Received in the first two issues of the Monash University Law Review. The correct entries should read:

K. L. KOH, D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security in Singapore.*

H. TANIKAWA, D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security in Japan.*

Y. C. KWACK, D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security in Korea.*

J. K. LOH, D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security in China.*

S. T. J. DE GUZMAN JR., D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security in the Phillipines.*

C. TINGSABADH, D. E. ALLAN, M. E. HISCOCK AND D. ROEBUCK, *Credit and Security in Thailand.*

(all published by University of Queensland Press, St. Lucia, Qld., 1973-1974.)