

wonders whether the rural areas in which there is an 'addiction to belief in colour therapy (for animals as well as for human beings)'¹² are not also areas in which Social Credit is particularly strong.

In his preface Professor Milne pays tribute to the patience and visual acuity of those who typed the manuscript. There are one or two places at the beginning of the book where their visual acuity, or that of the proof-reader, has been less than immaculate; the surname of Professor D. P. Ausubel ('The Fern and the Tiki') appears throughout Chapter 1 as "Asubel"; Professor C. Weststrate has become "Westrate" (p. 10); Graham Wallas (p. 7) becomes 'Gradham Wallas'; but thereafter, except for a reversed quotation mark on p. 126 (line 30), the book appears to be free from such errors. There is a short book list at the end; it does not include by any means all the books and periodical articles referred to in the course of the book—the author's researches have been exceedingly thorough—but the principle on which it has been compiled is not immediately apparent, since, though it includes a number of general works, it does not include all of those which, we are told in footnote 1 on p. 1, could not be dispensed with. One suspects that the book list, like the note on the Social Credit Political League, is an after-thought; and there are suggestions in one or two other places that the book may have been written in some haste, the same topics are dealt with, at times, under different headings, and cross-referencing is not always adequate. But these are relatively small criticisms to make of a book which is informative and stimulating, and which will be of value alike to the general reader and to the serious student of politics.

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PARLIAMENTARY PRIVILEGE IN AUSTRALIA. By Enid Campbell. Melbourne University Press, 1966. Pp. vii, 218. \$6.00.

This is the first comprehensive study of Parliamentary privilege in the Australian legal and political setting. It is obviously the product of many years of painstaking research and the sifting of masses of case material into classifications that provide chapter headings such as 'Privileges of Colonial Legislatures', 'Freedom of Speech and De-

¹² *Id.* at 273.

bate', 'Immunity of Members from Legal Process', 'Control of Internal Proceedings of Parliament', 'Penal Jurisdiction', 'Libels on Parliament', 'Political Malpractices' and 'Parliamentary Investigations'. The book provides a veritable mine of information on these topics, it will long be an important source-book for students of Parliament, and for those who seek the protection of Parliamentary privilege in the future. Unquestionably, it is the best book that we have on Parliamentary privilege in Australia.

But in spite of its value it has some disadvantages that are worthy of mention by a reviewer. In the first place, Professor Campbell has lumped together State and Commonwealth precedents. Possibly this is natural in the light of Australian Parliamentary history, but the growing importance of the Federal Parliament would suggest a high priority for a Commonwealth-oriented study; and if the purpose of a study such as this is to influence some reform in privilege arrangements, then it might have been more profitable to have brought the focus of interest on to one Parliamentary institution or, at least, one at a time. The author, however, has spread her interest in each chapter over seven Parliaments and, as a result, she leaves for the reader the annoying speculation about the relevance of State Parliamentary precedents in privilege cases at the federal Parliamentary level, and vice versa.

The other apparent deficiency is the lack of a concluding chapter in which the various strands of the exposition are knitted together. There are some general conclusions but these are to be found in the 'Introduction'—the final chapter tails off into a discussion of a Statute of 1857 of the United States Congress about the authority of the representative Houses in Washington to summon witnesses, to give evidence or to produce documents.

In many ways the book resembles an Auditor-General's Report. There are pungent comments scattered through its pages but only the diligent reader will find them; few politicians, in whom the power of reform of privilege resides, will ever be stung personally by Professor Campbell's prose; and it is unlikely that many will stumble across the modest sub-headings in one or two chapters—'Proposals for Reform' or 'Blueprint for Reform'.

In one of her introductory comments, Professor Campbell advances the conclusion that a resolution of issues 'according to pre-existing norms is not the sort of business with which Parliaments usually deal'. It is on this ground that, as a lawyer, she finds cause for disquiet—

especially when it is clear that many of the issues of privilege concern the rights and liberties of individuals. She makes the telling point that

in the ordinary course of events decisions will be dictated by the sentiments of the political party which happens to command a majority in the House. Just how far considerations of political advantage will intrude into the resolution of disputes over privilege will depend very largely on the attitude which the party leaders in the House are prepared to adopt.

This is the environment in which privilege cases have been decided and the context in which decisions have been taken to gaoil citizens, expel members, preclude newspaper journalists from the galleries of Parliament, or to demand humbling apologies from individuals or groups for actions taken or views expressed. The author's general and commendable plea is to insulate the process of decision-making in this sphere from party political influence. There is, however, a noticeable lack of specific suggestion, or discussion for or against possible alternatives.

As a result of the Australia-wide coverage of the study there is also a disappointing lack of clarity about the bases of authority for the privileges that are claimed in Australia. At the federal level Professor Campbell asserts that 'little need be said at this stage of the genesis of the privileges of the Houses of the Federal Parliament'. Indeed, nothing is said of the genesis of Section 49 of the Constitution. Perhaps the motives and expectations of the architects of that Section are no longer relevant in judicial interpretation, but a comparison of what the federal fathers saw privilege to be in the 1890's, with what it is today, would have been revealing, and also appropriate. And there is also the obvious question about the freezing of the privileges of the new Federal Parliament so that, until declared, they remain the powers, privileges and immunities of the House of Commons at Westminster as 'at the establishment of the Commonwealth' (i.e. in 1901). If privileges at Westminster were frozen in 1704 (as is widely accepted), and if the function of the House of Commons since then has been to "interpret" privileges and not to "create" them, what was the purpose of the 1901 dateline for Australia? Was it meant that the Federal Parliament should use the interpretations of Westminster up to 1901 until such time as it "declared" privileges for itself. And if this is the case, is it worthy of observation that without such a declaration the Privileges Committee of the House of Representatives in Canberra has freely based some of its findings in

privilege cases on precedents (or interpretations) of the House of Commons made since 1901? Professor Campbell would seem to support the Privileges Committee's interpretations of this situation—she asserts that the privileges of the Federal Parliament are 'precisely the same as those of members of the House of Commons' and that the 'powers, privileges and immunities of the House of Commons have been adopted in toto.' No doubt this accords with the record, but a reconciliation of Section 49 with that fact would have been interesting, and helpful to students.

But these so-called deficiencies are not to detract credit from the value of the book's contribution. It will be helpful to students of politics as well as to students of law in Australia, and Professor Campbell is to be congratulated for her industry and tenacity in completing the research involved, and for writing it up.

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