

thoroughness on a section by section basis. Such works, while invaluable for the practitioner or the student in need of a comprehensive and detailed reference, are by their very nature unsuitable for a logical presentation of the principles underlying the law. Yorston and Brown purport to do this as it is described on the title page as 'a concise manual of the principles and practice of company law'. Unfortunately the authors have spent a great deal of available space in reproducing sections of the Act, and indeed, the main reason for the slight increase in the size of this third edition is simply the inclusion of more information on relatively unimportant variations between the States and the detailing of the 1966 amendments dealing with official management in New South Wales and Victoria although the old section from the previous edition is still retained as being applicable in Queensland.

If the reader wishes to find the precise wording of the Act in his particular State, surely the Act itself is the most satisfactory source. If, on the other hand, he is interested in the differences between the various State Acts, then nothing short of a comprehensive coverage such as that provided in *Australian Company Law and Practice* (1965) by Wallace and Young would be adequate for his purpose. However, in the volume under review it is very difficult to see any justification for the frequent quotations and the many pages which have been taken almost verbatim from the Act. It is most irritating when one looks to this book for assistance in understanding the wording or implications of a particular section only to find that the sole reference to that section is nothing more than a reproduction of what one has just read in the Act.

In spite of this criticism, it remains to the authors' credit that they have prepared a comparatively short work on company law in Australia. The book provides a certain amount of background to company legislation and some useful summaries and comparisons are presented. Case law is, for the most part, quite well integrated with the discussion of the appropriate part of the statute (although it is rarely presented provocatively), and the inclusion of sample documents and notices provides the student with a few links between the legislation and some of its practical applications. For the most part the arrangement of topics follows the sequence in the Act, and where this is not so the rearrangement is easily justified.

The mere existence of this book fills a gap in company law literature and for this we should be grateful, but it seems unfortunate that by the third edition the authors have not extended their discussion of fundamental principles and reduced (or preferably eliminated) most of the rather useless repetition of material to be found in the Acts themselves.

CHRISTOPHER J. WARRELL*

Cases and Materials on Labour Law, edited by K. W. WEDDERBURN, Cassell Professor of Commercial Law in the University of London (London School of Economics), of the Middle Temple, Barrister-at-Law. (Cambridge University Press, Cambridge, 1967), pp. i-xxvii, 1-784. United Kingdom price: £4 4s.

Professor Wedderburn has produced a carefully compiled case-book which must be invaluable to students of labour law in the United Kingdom. Its value in Australia is reduced but, because of the absence of any comparable local publication, still considerable.

Some sections of the book are directly relevant to the Australian scene and others are of considerable interest for purposes of comparison.

The editor, in his introductory note, makes three good points when he says that—

- (a) the realities of labour relations are to be found in collective bargaining arrangements and in statutory provisions;
- (b) the fundamental legal institution of labour law is still the individual relationship of master and servant; and
- (c) this is tending to become more a status relationship than a truly contractual relationship.

If we substitute 'arbitral awards and formal industrial agreements' for 'collective bargaining arrangements' these statements are all true of Australia today. I think

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the third point is the most interesting. In the case of the vast majority of workers there are virtually no express terms in their contracts of employment. The relationship is governed by countless rules arising from statutes such as the Victorian Labour and Industry Act and Workers Compensation Act and the Commonwealth Conciliation and Arbitration Act and the various Public Service Acts. There will also be, in almost all cases, an award or formally registered agreement having the force of an award, which will determine minimum rates of pay and allowances and many conditions of employment concerning, for example, various types of leave, hours of work, amenities and equipment. In addition there will probably be an agreement between the union and the employer for the payment of a wage higher than the prescribed minimum.

It is true that many of these provisions could be said to be incorporated in the contract of employment by implication but this is unimportant. All the incidents of employment which really matter to these workers derive from their status as employees of a particular employer, not from the contract they have with him.

Nevertheless the contractual relationship can still be very important to more highly paid employees such as managers and to workers in areas not much covered by industrial laws—*e.g.* domestic servants.

The cases extracted to answer the difficult question as to who is an employee at common law, or for the purposes of particular Acts, are well chosen. Those dealing with the incidents of the relationship once established are necessarily selective, but give a good range. Restrictive covenants are well covered.

Some of the earlier cases read rather strangely today. Employers receiving substantial damages for comparatively minor industrial disturbances and employees suing (albeit unsuccessfully) because they receive pay but no work, are not common today.

Just as some areas of law, such as the right of an employer to obtain indemnity from a negligent employee, are now of little more than academic interest, so others are developing fast. That relating to trade secrets is a good example and well covered here.

The chapter on termination of employment is comprehensive and the sections dealing with qualification for unemployment benefits and redundancy payments are interesting although largely irrelevant to the Australian scene. The same is true of the chapter on collective bargaining and even the chapters dealing with industrial conflict and strikes have an air of unreality for the Australian reader—although some parts of them are relevant at least in theory.

The section of the book dealing with trade unions is again of little value here because of the detailed code which we have built up in the Commonwealth Conciliation and Arbitration Act and similar State Acts.

The final chapter, on injury at work, again returns to an area where we have much in common with British law—although statutory provisions do create some variations.

Throughout the book the Professor shows an excellent ability to summarize facts and to condense judgments wisely. His short introductions to cases are models of their kind, and extracts are of no greater length than is necessary. An Australian edition would be very welcome.

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Annual Survey of Commonwealth Law 1966, edited by H. W. R. WADE, M.A., LL.D., D.C.L. of Lincoln's Inn, Barrister-at-Law and Honorary Bencher; Professor of English Law in the University of Oxford; assisted by BARBARA LILLYWHITE, M.A., of Gray's Inn, Barrister-at-Law; Fellow of St Anne's College, Oxford (until September 1966) and HAROLD L. CRYER, M.V.O., B.A., of the Middle Temple, Barrister-at-Law; Captain Royal Navy (Retired); formerly Chief Naval Judge-Advocate. (Butterworths Ltd, London, 1967), pp. i-xxvii, 1-872. Australian price: \$23.50.

There is more than a touch of irony in the establishment, so late in the twentieth century, of this important series of annual surveys on Commonwealth law. Whilst

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