

Jacobs' is an impressive compilation and is obviously a prime work of reference for anybody concerned with trusts. No book is beyond possibility of improvement and the following suggestions are offered for consideration in relation to future editions. Should not unit trusts be described? *Re Tyrie (No. 1)*¹³ merits inclusion in the treatment of lapse of gifts to charitable institutions. Is it the law in all States that a corporation can hold property in joint tenancy with individuals (compare p. 259 with p. 288)? In the case where a trustee has a right of indemnity against a beneficiary personally can a creditor of the trustee be subrogated to the trustee? In the bankruptcy of a trustee can a beneficiary who provides funds by way of indemnity insist on the funds being paid to a particular creditor? Can there be added to the treatment of bankruptcy of an individual trustee some discussion of what should happen when a corporate trustee goes into liquidation? The utility of the book would be further improved by the inclusion of a Table of Statutes. A comparative table for the various Trustee Acts is provided but there is much legislation relevant to trusts outside those Acts.

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Lawyers, by Julian Disney, John Basten, Paul Redmond and Stan Ross, (Law Book Co. Ltd, Sydney, 1977), pp. i-xliii, 1-748, Index 749-58. ISBN 0 455 19501 3.

There have been very few publications that have discussed the structure, composition and operation of the legal profession in Australia. It is, I believe, significant that this book, which attempts to cover this ground, has been published at a time when the legal profession is under considerable scrutiny and attack.

Its main purpose is to assist law students to understand and analyse the structure, composition and operation of the legal profession in Australia. This is, I believe, a commendable aim as in the past, students have not been given the benefit of such an insight, which could be very valuable to them as they pass through law school and subsequently into practice. The secondary purpose of the book is to facilitate and stimulate greater public and professional discussion of the role of the legal profession in a modern society. Again I believe that this is a very commendable and important object.

The book is a much needed one and nothing like it has previously been published in Australia. My experience would show that law students have little or no knowledge of the structure and workings of the profession they will eventually enter and that they are looking for more information and guidance about the profession. It is therefore a book that will no doubt be read and studied by all law students but, just as importantly, should be read by every lawyer, particularly private practitioners.

The authors have assembled considerable valuable resource material on the structure of the profession. There is, in my view, occasional unfair implied criticism arising from their comments. For example, at p. 83, they state '[d]espite the importance of analysis and prediction of supply and demand in relation to legal practitioners, the universities and professional associations have failed to keep adequate statistics and to do the necessary research and collation'. I believe that this is unfair as far as law societies are concerned because, firstly, they are bound to admit graduates to practice, secondly, they do not have the necessary resources to carry out such research and analysis and thirdly, it is very difficult for them to obtain this information.

Another example is at p. 179 where the authors deal with the social background of lawyers and state that no comprehensive statistical analysis has been made 'of the social background of Australian practising lawyers in terms of the socio-economic status of their parents, their religious or political affiliations, their educational back-

¹³ [1972] V.R. 168.

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ground, their nationality and place of origin' and that 'the profession appears to be antipathetic to this type of research'. This again raises the problem of resources for a professional organization to carry out such research and analysis. Further it is not a correct statement of the position in Victoria as the Law Foundation, in 1976, carried out a survey, the report of which should be available in the near future. It will provide this type of information on the legal profession in Victoria which, as the authors indicate, is of great value.

I also believe that some of the assumptions made by the authors can be regarded as only arguable. For example, at p. 181, they state '... it is clear that Catholics are strongly represented in the legal profession'. This comment is made even though they concede that there are no useful statistics on religious affiliations. I understand that the Victoria Law Foundation survey (which was not available to the authors) shows that Catholics comprise about 25% of the profession, which is about equal to their percentage in the community. Again on p. 181, the authors state in relation to political attitudes that '[t]he role of law is to prevent radical change in society, and therefore legal practice attracts conservatives'. I do not know who sees this as a role of the law. It may be an effect of the law as distinct from a perceived role.

On p. 199, there is a factual error as far as Victorian practitioners are concerned. The authors, dealing with lawyers in community activities, state: 'The legal profession's prohibition on advertising by lawyers raises certain difficulties for lawyers who wish to comment publicly on matters of importance or interest to the community.' This is not the position in Victoria as the rules in that State do not prevent this. I think that the comment highlights the problem that the authors faced in generalizing about the legal profession in Australia, when there are clear differences in rules and procedures from State to State. There are a number of other examples which could be mentioned.

There is also some imbalance in the presentation of the material. For example, when dealing with advertising and specialization on p. 264, the authors are critical of the restrictions, but no views are put as to why it may be necessary to have those restrictions; although at p. 277, the authors do mention the danger of misleading the public by spurious claims of special expertise. Another factual error that could be noted is on p. 372, where the authors refer to the E.S. Knight & Co. report and state that it was prepared primarily to enable the Law Institute of Victoria to justify requests for increases in various costs scales. This is not correct. The report was prepared to enable the Law Institute to determine whether cost increases were required or warranted.

However, these are relatively minor matters. There can be no doubt that this is a very valuable source book for students and lawyers. The authors have gathered an immense amount of material and it is extremely helpful to have it so well set out in the one publication. The book covers issues of great importance to the profession and the community, particularly as the profession at the moment is under scrutiny in New South Wales and the United Kingdom. An added incentive for readers of the book is that one of the authors, Julian Disney, is now a Law Reform Commissioner in New South Wales and involved in the enquiry into the legal profession in that State. In fact things have moved so rapidly in the legal profession over the last two years that the book is already slightly out of date, a comment which was confirmed recently by Julian Disney, when addressing a meeting in his capacity as a Law Reform Commissioner.

It may have been helpful if the authors could have commented on the age of the profession. The Victoria Law Foundation survey indicates that more than 50% of private practitioners in Victoria are under the age of 35. It is therefore a young profession, and the energy, imagination and enthusiasm of the young practitioners will be necessary to find solutions to the problems reflected in the authors' comments. This highlights the importance of the youngest of the young, that is the students, being aware of the problems as they will have to help find the answers. In this regard, the book will enable them to be much better prepared for what lies ahead than they otherwise might have been.

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The Australian Law of Theft, by M. S. Weinberg and C. R. Williams, (The Law Book Company Limited, Australia, 1977), pp. i-xxxiv, 1-374 (inclusive of Preface, Table of Contents, Table of Cases, Table of Statutes, Introduction, Appendices and Index). ISBN 0 455 19586 2.

This book fills a gap for students, academics, legal administrators and, most particularly, practitioners active in the sphere of criminal law. It is the first textbook, which includes the Crimes (Theft) Act 1973, written specifically on the law of theft in Australia. The book gives a detailed and authoritative analysis of the way in which these provisions (substantially based on the Theft Act 1968 (U.K.) and themselves incorporated as provisions in the Crimes Act 1958-73 ss. 71-96 inclusive) have replaced and broadened the purview of the hitherto prevailing common law and statute offences relating to dishonesty. Further it has brought, as it were, legislative order into disparate legal chaos.

The title, itself, is perhaps a misnomer, since 'theft' in the technical sense forms only a portion of the areas discussed and it would be more appropriate to say this book covers the area of dishonesty offences in Australia. Indeed, the authors themselves tell us, on p. 1:

In the six Australian states, there are to be found three quite different sets of legal rules concerning crimes of dishonesty.

It is the area of criminal dishonesty which is covered in this book over an Australia-wide spectrum. The range is over theft, deception, conversion, robbery, burglary and associated offences, blackmail and dealing with unlawfully obtained goods in each of the three systems of legal rules: the common law states (New South Wales and South Australia); the various Code States (Queensland, Western Australia and Tasmania); and, of course, the Theft Act of Victoria.

The authors state also at p. 1, that the book has two aims:

The primary aim of this book is to present a reasonably concise but detailed exposition of the law as it exists in each of the Australian jurisdictions. A secondary aim is to make a call for reform of the law.

Readers will find, that even if they do not agree with each recommendation made in pursuance of the secondary aim, the criticisms levelled and the problems discussed are thought-provoking and concrete. They will certainly find the primary aim successfully achieved. This book provides a high degree of precision and detail in the collection of authorities, original legislation and case law, satisfactory compilation of relevant statutes, a broad and flexible statement of principles, and, as well, two useful Appendices, one a Table of Concordance between Victoria and English Theft Act provisions, the other, the actual Victorian provisions. The latter incidentally, is a useful piece of thoughtful detail, all too often overlooked by text book writers, who discuss interpretation of legislation without concise reference to the actual legislation, except in broken-down form. This table is, perhaps, typical of the care and attention paid by the authors to make this a 'handbook' type of text. For the Victorian reader the mere fact that this book is a 'first', as far as the Victorian law of dishonesty is concerned, makes it a useful addition to a legal library.

As indicated earlier, the book covers the range of dishonesty offences in all Australian jurisdictions in a particularly appealing and clear layout. The authors have set out, under the three appropriate jurisdictional headings, the essential elements and ingredients of each of the theft, theft-related and dishonesty offences. They use one chapter, sub-divided into the said jurisdictional headings, to deal with each such class of offence. The chapters are further sub-divided into each integral element. The legislation is included, where appropriate, discussion of case law is suitably incorporated, as are defences applicable (such as, *e.g.*, relating to theft: '*simpliciter*', the defence of 'claim of right', its limitations and application on p. 49 *et seq.*). Moreover, it appears that the authors have successfully avoided the all too prevalent pitfall of textual analysis on a comparison basis — the detailed and over pedantic discussion of