

BOOK REVIEWS.

LAW DICTIONARY.

Concise Law Dictionary: OSBORN. Second Edition. The Law Book Co. of Australasia, pp. 358. 15/-.

To confine a law dictionary within three hundred and sixty pages is a difficult undertaking, but from such sampling as the reviewer has done, the work is accurate and concise. The most that can be expected from such a work is that it should put the reader on the right track. In these days, when many an "educated" man cannot translate simple Latin, the explanation of Latin maxims is perhaps more necessary than it was in the past. Abactor, aiel, allonge, arretted, alnager, birretum, corsned, tontine, tret: these are some of the more unusual terms defined. A great deal is packed into small space—for example in dealing with tort, the definitions of Fraser, Pollock and Salmond are given. Contango, bears and bulls come from the stock exchange: the kangaroo is not a representative of our local fauna but refers to the powers of the Chairman of a Committee of the whole House of Commons. There will be few who cannot learn something from this work.

Glimpses of a sense of humour are seen. *Boni judicis est ampliari jurisdictionem* is translated with the comment: "not to be taken too literally." The Preface cites Dr. Johnson: "In this work when it shall be found that much is omitted, let it not be forgotten that much likewise is performed." Problems of selection are not easy in a work of this type, but a reasonable choice seems to have been made.

Two useful features are included in appendices. Firstly there is an alphabetical index to the English, Irish, Australian and Canadian reports arranged in a single list which is much more useful than an index under the head of each country. Secondly a table of regnal years with the day and month of the beginning and end of each reign. The work is well printed and bound and the proof reading seems to have been very carefully done.

—G. W. P.

INDUSTRIAL RELATIONS IN AUSTRALIA.

Solving Labour Problems in Australia, by ORWELL DE R. FOENANDER, LL.M. (Melbourne); Harbison-Higinbotham Research Scholar (University of Melbourne) 1938. Introduction by Professor Copland, pp. xxxii, 163, Index 164-168, 1941. Melbourne University Press. 15/-.

As the author describes it, this book is a companion volume to *Towards Industrial Peace in Australia*. It is singularly opportune that a detailed and non-partisan survey of labour problems and the institutional machinery existing for their solution should leave the press at the moment when this community, of necessity, must harness the whole industrial system to

the war effort. Further, such a transition will inevitably lead to a delicate labour situation. Mr. Foenander's latest work sets out in logical pattern a wealth of detailed information concerning the labour and industrial structure. To the sociologist, a series of legal decisions would be quite meaningless without clear knowledge of the particular organism to which they relate. Thus, it has been said that compulsory arbitration as such is an instrument more appropriate to the Totalitarian state than to the Capitalist state. Mr. Foenander leaves the reader in no doubt that the principles of compulsory arbitration are as consistent with the ideals of democracy as is any other limitation upon freedom that is based on social consent.

The central theme is the role of the Arbitration Court as the instrument charged with preserving harmony between capital and labour. The lawyer will be impressed by the completeness of case references. Mr. Foenander examines the Court's wage fixation policy, with particular reference to the pastoral and coal mining industries. This survey shows not only the unique functions exercised by the Court as an arbitrator of labour disputes but, indirectly as an important instrument of economic control.

In discussing the problem of sweating in industry, Mr. Foenander points out that, if the Court possessed an unqualified power to demand preference for trade union members, the pressure or inducement which could be exerted on workers to identify themselves with such an organisation would go far towards mitigating the adverse consequences of the High Court's decision in *Whybrow's* case, 1910. In this regard, the decision in the *Metal Trades Employers'* case (54 C.L.R., p. 387) is of great importance; for, by recognizing the principle that, in the interest of employees directly parties to the Award, there may be imposed on the employer obligations in relation to employees who are not members of the relevant organisation, the Court is able to exercise an indirect control over non-unionists.

Although primarily a factual survey, Mr. Foenander never hesitates to suggest ways and means of improving existing industrial machinery. Thus, in the appendix, he advocates the institution of conciliation committees along the lines of the N.S.W. Industrial Commission. He points out that the decision of the High Court in *Australian Railway Union v. The Victorian Railways Commissioners and Others* was technical in nature, and, while invalidating the legislative effort of 1930 does not preclude the Commonwealth setting up authorities, purely lay in character, to wield all or any of the powers that are at present vested in the Court.

Finally, the addenda, which contain a summary of the latest developments, give some idea of how swiftly the industrial machinery is changing under the exigencies of a Nation at war. Thus, the appointment of Conciliation Commissioners with no arbitral powers is a major step along the lines advocated by Mr. Foenander. He summarizes the effect of recent National Security Regulations and the judgment in the *Basic Wage Enquiry* case, 1940.

The book could only be written by a person combining the training of economist and lawyer—for that reason it will be of great value to both.

—H. POULTON.