

porary writers of authority. His discussion of these writers leads him to confirm the main line of his thesis, which is that contemporary British Government may be described as Prime Ministerial rather than as Cabinet Government. For students of constitutional and administrative law and of political science this volume is almost mandatory reading.

It is interesting for us in New Zealand to take the author's treatment of the British Cabinet and the position of the Prime Minister, and to examine the points of similarity and of difference in New Zealand today. Although it is fallacious to compare a small, isolated and under-populated country, such as New Zealand, with the overpopulated and powerful British Isles, we may nevertheless discern certain trends in this country, which in its political life tends to follow British patterns. It may well be that New Zealand, which unlike the British Isles is without the stabilising influence of a resident constitutional monarch and a second chamber, may arrive at single-party dictatorship through development of the power of the Prime Minister. This type of servitude could be imposed on us through a war scare, a national disaster, economic or financial collapse, or some unpredictable event. For who indeed can foresee the future?

There is also the alarming new power of television that has already destroyed much of the influence which used to be exercised by the Press. The newspapers and popular journals in New Zealand still preserve a considerable degree of freedom of expression and a general standard of excellence, but it is doubtful whether they are doing more than fighting a losing battle against television. Mr Mackintosh has some cogent remarks upon the position of the Press in Great Britain and the influence of television there.

Much in this book immediately rings true and upsets many current assumptions. Many passages are readily quotable and the style is striking. We are indeed impelled furiously to think!

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DERHAM, MAHER AND WALLER, AN INTRODUCTION TO LAW (New Zealand Edition), edited by H. R. Gray, LL.M. Wellington. Sweet & Maxwell (N.Z.) Ltd., 1968. 222 pp. (including index). New Zealand price \$5.25 (paperback).

This is an adaptation for New Zealand readers of the original Australian text first published in 1966. The original was written as a companion volume to the same authors' *Cases and Materials on the Legal Process*. *Cases and Materials* was designed for use as a course book for students taking the introductory law course at an Australian Law School. *Introduction to Law* was written, the authors tell us, both for those contemplating embarking on legal studies and as background reading for law students using their course book. The New Zealand edition of the *Introduction* will equally serve to introduce the tyro to the fundamentals of the legal system, whether he is still at the stage of only contemplating a legal career, or is using the book as background reading while taking the course in *The Legal System* at a New

Zealand University. For the latter purpose especially, the book is sure to be found extremely useful.

The Australian original is already familiar in New Zealand and has been extensively reviewed in 2 N.Z.U.L.R. 370 (1967). The New Zealand revision has been undertaken by a team from the Law Faculty of the University of Canterbury under the editorship of Professor H. R. Gray. It retains the original arrangement intact. Like the original, therefore, it contains four sections, Institutions of the Law, The Law Itself, The Fashioning of Law and a concluding chapter entitled What Then is the Law? Within these four sections the authors deal with the basic framework and methods of the legal system. Part I, Institutions of the Law, contains an introductory chapter dealing with the constitution and legal administration, a chapter on sources of law, and a chapter on the legal profession. Part II, The Law Itself, is concerned mainly with classification—the meanings of “common law”, municipal and international law, public and private law. Part III, The Fashioning of Law, covers precedent, statutory interpretation, and legal reasoning, and also contains an interesting discussion (Chapter X) of the functions of courts in relation to the interaction of fact and law in the legal process. The final section draws attention to some of the problems of jurisprudence—the definition of law, the need for law, its purposes, and the idea of justice. An appendix deals briefly but realistically with the use of the law library.

To adapt the original to New Zealand conditions has required, quantitatively, only comparatively minor changes. Such local phenomena as the Ombudsman and section 5 (j) of the Acts Interpretation Act 1924 are, of course, discussed. The general policy has been, as the editor tells us in his Preface, to alter only when necessary to take account of New Zealand institutions and legal rules. Occasionally, however, the revisers have made changes which go beyond the bare minimum necessary for this purpose, as where a reference to *A. G. for the Gambia v. N'jie* [1961] A.C. 617 is added as an illustration of the so-called Golden Rule of Statutory Interpretation, or where a point not made in the original—that a question of statutory interpretation may arise in an unexpected context—is made and illustrated by *Murdoch v. British Israel World Federation (N.Z.) Inc.* [1942] N.Z.L.R. 600. On the other hand the omission of a reference to Professor Paton's observation that in statutory interpretation “the rules hunt in pairs”, and other minor changes in this section, seem to weaken the force of what is said about the operation of presumptions in interpretation. These changes seem explicable only on the assumption that the reviser of this chapter disagreed with the emphasis of the original but was too polite to say so. Once or twice, too, the revisers, though meticulous, appear to have been a trifle overcautious. For example, the original illustrates the idea of “rules of recognition” by reference to the Australian Constitution. This passage is omitted, without an alternative illustration being given.

Some chapters, of course, have needed almost no adaptation, in others fairly considerable changes were needed. Where extensive revision was required to take account of differing New Zealand law and institutions, or to substitute New Zealand examples for those originally given, the task has been judiciously and neatly performed, though one would take issue on a few points of substance. Although it is certainly current usage in New Zealand to speak, as the revisers do, of the legal

profession as “fused”, this assertion is technically open to query. The careful maintenance by the Law Practitioners Act 1955 of separate rolls of barristers and solicitors, its separate definition, by section 13, of the powers, privileges, duties, and responsibilities of barristers, and the unanswered questions raised by *Robinson and Morgan-Coakle v. Behan* [1964] N.Z.L.R. 650, make such a statement too sweeping. It would be more accurate to say that in New Zealand a practitioner is entitled to practise in the capacity both of a barrister and solicitor, a statement which leaves open such unanswered questions as the liability for negligence or the right to sue for fees of a barrister practising solely as such. One may query, too, the implication of the statement (on page 30) that decisions of the Privy Council are binding in New Zealand when they are decisions “on New Zealand law whenever given”. If this implies, as it appears to, that Privy Council decisions given on appeal from other jurisdictions are not technically binding in New Zealand even if *in pari materia*, this reviewer would disagree: see *Fatuma Binti Mohamed Bin Salim Bakhshuwen v. Mohamed Bin Salim Bakhshuwen* [1952] A.C. 1; *Morris v. E.S. & A. Bank Ltd.* (1957) 97 C.L.R. 624; *Mayer v. Coe* [1968] 2 N.S.W.R. 747. No such limitation of the effect of Privy Council decisions is suggested in the original.

But this is an excellent book. Well written and stimulating, it is bound to engage the interest and imagination of those at whom it is aimed. The editor’s hope “that New Zealand law teachers and students will continue to find in this book the merits of the original” will not be disappointed. The book is likely to be widely used in this country.

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LAW OF TOWN AND COUNTRY PLANNING. Second edition. By K. Robinson, LL.B. Wellington. Butterworths (N.Z.) Ltd. xxxiv and 332 pp. (including index). New Zealand price \$8.00

It is perhaps a measure of the speed at which the law of town and country planning is developing in New Zealand, that it has been necessary for Keith Robinson to publish a second edition of his book within two years of the first edition. The first edition has become considerably out of date in its two years of life, particularly as a result of the important Town and Country Planning Amendment Act 1966 which came into force on 1 January 1967. The second edition will therefore be welcomed by both practitioner and student alike.

However, it seems that the speed of legislative change in this fast-growing field of law is likely to necessitate a third edition of the book within a very few years. Already, no doubt while the present edition was in the press, there have been passed two statutes which have affected planning law. The first of these, the Town and Country Planning Amendment Act 1968, has had some considerable effect on the principal Act of 1953, particularly as regards the interpretation of conditional uses. It is perhaps, fortunate that the author was able to note the bill of this Amendment Act in his preface to the second edition. The other statute has unfortunately not been so noted. This is the Municipal Corporations Amendment Act 1968, which amongst many minor amend-