

lot with those who would prohibit obscenity because it is grossly offensive. While admitting that if this offence is given in private, no criminal action should lie. Fox argues that citizens have a right to be protected from blatant displays of obscenity in public because of the physical discomfort or mental distress such displays may cause.

An important point, which is not considered in sufficient detail by Fox, is how one distinguishes private from public offence. For instance, are displays of nudity in a theatre or cinema setting to be regarded as matters of private or public concern? Fox acknowledges that in answering a question of this type the nature of the audience must be considered. He also asserts that where different groups clash over an issue of obscenity, the immediate function of the law is to seek a possible compromise in order to keep the peace. 'Too often it is forgotten', he says, 'that the law of obscenity also serves as a social lubricant and buffer to *keep the foundations and framework steady.*' (p. 179).

The trouble with the approach suggested by Fox is that it leads all too easily to community censorship in its worst form. His own analysis of the administration by the courts of Australian obscenity laws shows that the compromise most frequently made favors stability rather than change. Little, if any, lubricant tends to be applied to conservative community and judicial attitudes, and a buffer continues to block the train of liberal thought which has relaxed the administration of obscenity laws in countries like the United Kingdom and New Zealand. In Australia, the regime insures that the philistines almost always win in their battles with the *literati*.

Of course, these criticisms are based, in essence, upon value judgments and it is most unfair to condemn an author simply because he may not make the same judgments as the reviewer of his book. Nonetheless, in such a contentious area as the legal control of obscenity, it is important to test the law against such fundamental concepts as freedom of speech and freedom of the press. Fox has not, in the reviewer's opinion, given sufficient attention to these matters and to this extent his analysis of the legal concept of obscenity is weakened.

Another rather surprising omission from Fox's analysis is a reference to a variety of laws controlling the licensing of theatres and cinemas and public halls. These laws can be used to control the performance of both plays and films which are regarded by the authorities as containing obscene materials. The recent restrictions imposed by the Chief Secretary in New South Wales upon performances of the play 'America Hurrah' illustrates the importance of these particular statutes. Indeed, throughout his book Fox concentrates largely upon obscenity in its written manifestations. In practice, probably the most frequent exercise of powers to control obscenity in Australia occur in relation to film for televisions and cinema screening, but these powers are only mentioned briefly by Fox.

Despite these gaps, all of which can readily be filled by consulting Campbell and Whitmore, *Freedom in Australia* (1966), Fox's book provides a welcome and generally balanced study of a controversial area of law in contemporary Australian society.

DUNCAN CHAPPELL*

Company Law, by R. KEITH YORSTON, C.B.E., B.Com., F.C.A., and S. R. BROWN, LL.B., F.C.A., 3rd Ed. (Law Book Company Ltd, Sydney, 1968), pp. i-xviii, 1-594. Price: \$10.50.

The writers of texts in an area as complex as company law must make a series of decisions about the nature, scope and content of their work. What sequence should be followed in the presentation? Should the content of and variations between the several State Acts be reported in detail? How is case law to be integrated with the discussion of the legislation? To what extent should the historical background and the underlying principles of the law be explored? It would be quite impossible to prepare a volume which would be satisfactory for all purposes, and the author who attempts to cover all aspects of company law is likely to suit none of his readers.

There are available in Australia two tomes which deal with the Act with great

* B.A., LL.B. (Tasmania), Ph.D. (Cambridge); Senior Lecturer in the Faculty of Law in the University of Sydney.

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

* B.Com., Dip.Ed; A.A.S.A.; Lecturer in Accounting in the University of Melbourne.