

Report;¹⁰ on police complaints procedures, the Maloney Report;¹¹ on police organisation and powers, the Carmody Report¹² and the Hope Report.¹³ At least I think these are all omitted or inadequately covered but as there is no bibliography and the index is inadequate, something could have slipped under my guard.

In summary, it is a disappointing concoction.

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Die Kompetenzstruktur des modernen Bundesstaates in rechtsvergleichender Sicht by MICHAEL BOTHE. (Springer-Verlag, Berlin, 1977), pp. i-xiv, 1-352. Cloth, recommended retail price U.S.\$54.60 (ISBN: 3 540 08111 9).

Dr Bothe, a fellow of the Max Planck Institute for Foreign Public Law and International Law at Heidelberg, has written this survey of federal constitutional structures as part of a study of co-operative federalism undertaken by his Institute. An historical introduction referring to very many federal and quasi-federal states shows an enviable familiarity with documentary sources in many languages. The author then narrows his view to the U.S.A., Canada, Australia, Switzerland and West Germany, and sets out in an admirably clear, concise manner the main features of their federal structure, but concentrating more particularly on the distribution of legislative, executive and financial competence between centre and regions.

The last-named topic is the original and highly analytical core of the work. It has several tables which bring to attention with unusual vividness the important differences between the five chosen systems, and the interrelation of these differences. The discussion of financial competence is particularly valuable, with its discussion of input and output questions in a manner familiar to German constitutional scholars, but not so well known to those of the British-derived systems.

Dr Bothe worked under distinguished scholars, American (at Ann Arbor, Michigan) and in Germany, and I would not presume to criticise any of his observations save the Australian, and those only on fairly fine points of interpretation or expression.

¹⁰ *Report of the Royal Commission on the September Moratorium Demonstration* (Government Printer, Adelaide, 1971).

¹¹ *Report to the Metropolitan Toronto Board of Commissioners of Police: Review of Citizen-Police Complaints Procedures* (May 1975).

¹² Carmody, *Minute Paper, Report to Attorney-General, National Law Enforcement Authority* (N.P. April 1974).

¹³ *Royal Commission on Intelligence and Security, 1st, 2nd, 4th Reports* (A.G.P.S., 1977). Whilst the Hope Report only became available after publication of this book, the issues it is concerned with have been a major matter of concern to students of policing since at least August 1974 when the Royal Commission was set up.

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For example, I would express somewhat differently the Australian position as to the distinction between exclusive and concurrent powers, and the operation of "inconsistency" (pages 137-138). Thus he says that "residual" competence is always exclusive, but this is so only from a misleadingly formal point of view; the dynamics of such systems ensure that a residual competence is constantly subject to being eaten away. Nor can it be said that a concurrent power lasts only "so long and so far as the federation makes no use of its legislative competence", unless the word "use" is given a fairly extensive gloss. "Covering the field" tests require a more subtle expression. Similarly the author, when discussing spending power problems, does not quite appreciate the distinction which Mason J. draws between mere appropriation on the one hand, and effective, systematic spending by the federal government, in *Victoria v. The Commonwealth and Hayden* (the Australian Assistance Plan Case)¹ and the consequences of this for the *ratio decidendi* of that decision. This, however, is a matter on which neither High Court decision nor learned commentary has as yet thrown much light.

The bibliography is the most thorough in this field which I have ever seen.

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An Introduction to the Security Industry Acts by R. BAXT, Sir John Latham Professor of Law, Monash University, H. A. J. FORD, Professor of Commercial Law, University of Melbourne and G. J. SAMUEL, Barrister and Solicitor of the Supreme Court of Victoria. (Butterworths, 1977), pp. i-xv, 1-232. Paperback, recommended retail price \$12.00 (ISBN: 0 409 33030 4).

This book recognises the need that has existed in Australia for two if not seven years for a reasonably priced and readily digestible collection of information and sources on the legal regulation of stock markets and other activities constituting the securities industry. It is not that there has been or is a shortage of information on those subjects; quite to the contrary. The four volumes of the Report of the Senate Select Committee on Securities and Exchange, the ill-fated Corporations and Securities Industry Bill (together with its Explanatory Memorandum) and the four State Securities Industry Acts are only the base on which a vast quantity of opinion and comment has been erected. Although sources suitable for those cognisant with the area are available, a comprehensive description of the scope of current law, with adequate but not undue depth, has not been available. Against this background and in the face of imminent legislation, the initiative of the authors and publisher is to be applauded.

¹ (1975) 134 C.L.R. 338.

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