

material that is included, there seems no doubt that there is much which should prove of value to the Australian student as well as to his British counterpart.

Apart from the selection and arrangement of this matter and the generally familiar cases and statutes, the editor's contribution has been mainly confined to short notes on the social and political background to selected extracts. In this task he has been admirably influenced by the undoubted truth that a proper understanding of the significance of many precedents in British constitutional law requires a knowledge of their context which is not always easily available.

There is so much that is meritorious in the editor's compilation and collation of materials that it is a great pity that the reviewer's praise must be further qualified. It is, to put it as mildly as possible, somewhat surprising to find in a book with such a title a mere fifty pages out of six hundred devoted to the courts and the administration. By imposing such a restriction, Mr Wilson has left himself no possibility of dealing adequately with even the main problems of judicial review. It is unfortunate that having stated so boldly his determination to cast aside some of the shackles of Dicey, he has not attempted to break free from the most enduring regrettable influence of that writer's classic treatise. Whatever the position in Dicey's lifetime it is surely clear that one cannot now deal satisfactorily with the problems of administrative law by treating the subject as a mere appendage to the miscellany of topics which that celebrated and influential author brought together.

In his preface Mr Wilson expresses the hope that 'in a future edition it may be possible to do more to rob administrative law of some of its gothick terrors'. One may doubt, with respect, whether much can be accomplished without a considerable increase in the size of the volume. A preferable decision would seem to be to delete the chapter on judicial review entirely. Unless either of these courses is adopted the danger is that although any 'gothick terrors' of the subject may be removed this will be done at the price of introducing a quite misleading appearance of simplicity.

M. C. CULLITY*

Mental Abnormality and Criminal Responsibility—A Plea for Justice (Victorian Branch of the Australian Labor Party, 1965), pp. 5-55. Price 50c.

The Victorian Branch of the Australian Labor Party has published a report recommending reforms of the law relating to the effects of insanity on criminal responsibility. The members of that Committee were Senator S. H. Cohen, Q.C., B.A., LL.M. (Chairman); The Hon. V. J. Doube, Dip.Phys.Ed. (formerly Minister for Health, Victoria); Mr Clyde Holding, LL.B., M.L.A.; Dr H. A. Jenkins, M.Sc., M.B., B.S., M.L.A.; Mr R. E. McGarvie, Q.C., LL.B. (Hons.); Mr I. S. Plotkin, LL.B.

The booklet discusses the law relating to insanity as it exists in Victoria today and then goes on to canvas the ways in which that law should be changed. To any thinking lawyer, the fact that the Committee is violently opposed to the continuance of the M'Naghten rules will come as no surprise. The inadequacies and the unscientific nature of those rules are

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patently obvious. What is of more interest really is the precise reforms which the Committee would seek to have implemented.

The Committee in its consideration of the problem called evidence from a Professor of Law, a Psychiatrist of the Mental Health Authority, a Psychiatrist in private practice, a Senior Lecturer in Criminology, a Crown Prosecutor, and a member of the Victorian Bar experienced in the defence of homicide cases where insanity was in issue. Surprisingly, all these witnesses were in basic agreement as to the defects in the M'Naghten rules of the Law in Victoria.

The booklet is clear and accurate in its statement of the present law, and takes into account matters not normally canvassed (and in fact not really understood) by many people who are concerned with this problem, such as the practice of juries when faced with a defence of insanity and the relevance of an insanity defence where there is no death penalty involved.

The different aspects of the problem which the Committee considered are set out in separate small chapters; and where there is any dissent amongst the experts from whom evidence was called the nature of that dissent and the reasons for it are also stated.

The recommendations of the Committee (pages 52-3) are of the following effect: that the M'Naghten rules be abrogated and that in lieu thereof the jury be asked to decide whether at the time of the act in question the accused was suffering from mental abnormality to such a degree that he ought not be held responsible. The recommendations go on to define mental abnormality, to place the onus of proof on the Crown once the defence of insanity is raised, and to provide for the detention of any person who is found not guilty on the grounds of abnormality.

The booklet is short. It is concise and it contains considered recommendations which must be taken seriously by anyone interested in this problem. Every lawyer, whether practitioner or academic, should read and consider the Committee's recommendations.

G. NASH*

* LL.B. (Melb.), LL.M. (Tas.), Professor of Law in the University of New Guinea.

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