consumer with spurious market information he can artificially reduce the elasticity of demand for his own product and thereby gain an unfair advantage over his rivals. Consumer protection law, by prohibiting deceptive marketing methods and other unfair practices, seeks to ensure that goods and services compete on their true merits of price and quality. The goal of consumer protection, therefore, is to make competition work as effectively at the consumer level as elsewhere in the economy.

G. de Q. WALKER*

Evidence: *Cases and Materials,* by J. D. Heydon, Sydney, Butterworths Pty. Ltd., 1975, 451 pp. $24.00 (hard cover), $14.00 (limp).

In 1973, during a seminar on five currently-used American casebooks on torts, one of the participants related an alleged conversation "reportedly held at the West Publishing Company the last time [one of the five books] was about to go to press. One of the young business types at West said to one of the more senior ones, 'Can the tort field economically support another casebook?' The older and wiser businessman said with summary business acumen, 'It will withstand this one if we can just persuade the authors to adopt it!' "[1] Professor Heydon's casebook on evidence is (as regards its Australian market) in a similar milieu. The Australian law student interested in evidence has plenty of books to choose from: Heydon, *Evidence*: *Cases and Materials*; Glasbeek, *Cases and Materials on Evidence*; *Cross on Evidence* (Aust. edition by Gobbo); Bates, *Principles of Evidence*; and *Litigation* (by the reviewer, Reaburn and Weinberg).

Heydon's book deserves a goodly slice of this Australian market although it is primarily intended to be used by English students. It is a book of cases and materials dealing with some of the major problems in the English law of evidence. The standard of scholarship is excellent. The cases and articles which are extracted are well selected, and Professor Heydon's textual commentaries on these extracts are first-rate — they represent a mine of background information, further references, and critical assessments of the present law. For example, the reader should find chapters 7, 8 and 9 ("The Right to Silence", "Confessions" and "Improperly Obtained Evidence" respectively) more informative and provocative than the corresponding sections in *Cross*. And of the books listed above, Heydon has the best references to and summaries of the American law.

A person seriously interested in evidence must, therefore, acquire

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1 H. Kalven, "Torts Casebooks on Parade" (1973) 25 *Journal of Legal Education* 15 at 21.

Heydon's book. But this is not to say that the book is without limitations.

The first is that it is not ideally suited for use as a teaching tool in class. The textual commentaries are so good and so exhaustive, that it is not difficult to imagine a student uncritically accepting the author's views. But if the book is to be a good teaching tool, it must prompt the reader to make insights of his own (even if some of them eventually accord with those of the author). In the words of one American academic, a text can either "serve the student intellectual cocktails, or it can hand him the ingredients and let him mix his own".[2]

The book's second limitation is, for Australian students, more important than the first. Although the book makes frequent references to Australian law, the mere fact that it is primarily concerned with expounding English law is a drawback for Australians. To take the most obvious example (and this only concerns readers from N.S.W.), Chapter 11 (32 pages) on cross-examination of the accused is now of mainly historical interest in N.S.W. Similarly, the English *Civil Evidence Act* 1968 has absolved Professor Heydon of the need to discuss several common law problems which are still with us in N.S.W.

But perhaps the book's biggest limitation is its scope. The areas covered extensively by Professor Heydon are dealt with very well. But there are some areas which are either ignored or treated too briefly. The rules governing courtroom procedure are all but ignored. Thus the reader will not get much assistance from this book on problems relating to leading questions, cross-examination as to credit, examination and cross-examination on documents, the power to call for documents in court, subpoenae, notices to produce, witness expenses, and so on. And the pre-trial problems associated with getting a case together are similarly ignored. Professor Heydon has himself anticipated this criticism in his preface. He justifies these omissions by arguing that some topics are too dull for students, others are not "truly" part of "evidence", others are headed for the legislative chopping block, and still others are best learnt by a process of osmosis in court. Although there is some truth in these arguments, it is submitted that they have been taken too far. In particular, it is important that students learn something about the rules regulating courtroom procedure *before* they go into court. Indeed, the inclusion of these topics in an evidence course is arguably just what is needed in order to enliven the course generally — it puts the other rules in context, and makes the whole more interesting and intelligible.

However, the reviewer is well aware that no book is perfect, and these criticisms are offered at a high level. Professor Heydon has made an extremely valuable contribution to literature on evidence.

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[2] K. C. Davis, "The Text-Problem Form of the Case Method as a Means of Mind Training for Advanced Law Students" (1960) 12 *Journal of Legal Education* 543 at 545.

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Introduction to Criminal Law in New South Wales, by R. P. Roulston, Sydney, Butterworths Pty. Ltd., 1975, 225 pp. and index. $10.00 (paperback).

Professor Roulston, who is Director of the Institute of Criminology, Faculty of Law, University of Sydney, and who is responsible for the teaching of Criminal Law in that Faculty, has written this book as initial guidance to those confronted with the study of his subject. He had in mind also the needs, not only of incipient lawyers, but others involved in our system of Criminal Justice, like police, probation and parole officers, prison and court officials. It seems clear also that he intended it to be used by those, not being lawyers, who present themselves as candidates for the Institute of Criminology's Diploma of Criminology. For these folk the course in Criminal Law and Criminal Justice in the Diploma must have presented considerable difficulty. This subject being concerned with what one might term the philosophy or jurisprudence of the Criminal Law necessarily assumes some acquaintance with the content of that law. A glance at the table of contents gives firm assurance that those innocent of learning in the Criminal Law will be much comforted and rewarded in the study of the book.

It is worthwhile to note the chapter headings: General Characteristics of Criminal Law, Criminal Liability, Exemptions from Criminal Liability, Murder, Manslaughter, Assault and Affray, Sexual Offences, General Property Offences involving Dishonesty, Housebreaking and crimes against property involving violence or threats, Attempt, Conspiracy and Parties to a Crime and Complicity. In the ordering of these matters the arrangement of the Crimes Act, 1900-1974 (N.S.W.) is approximately followed, which is convenient. The order is not, however, the order of incidence of the commission of the various offences, for happily, offences against property greatly outnumber all others except crimes connected with the use of motor vehicles.

So far as is reasonably possible Roulston has made his work up-to-date to November, 1974. It thus appears to the reviewer to be the only text presently existing which covers the wide changes in the law brought about by the Crimes and Other Acts (Amendment) Act, No. 50 of 1974 which came into effect on 2nd August in that year. Curiously, it is in the vicinity of his notice of that Act that he fell into the only error I noticed, although there may well be differences of opinion on matters of emphasis elsewhere.

At p. 8 it is said, "The *Justices Act* s. 80 provides that if upon the close of the case for the prosecution 'it appears to the justice or justices that the offence ought to be dealt with by indictment, he or they shall abstain from adjudication thereon and shall deal with the case for the purpose of committal for trial only' ". That part of the Justices Act quoted is the proviso to s. 80 and it was repealed by s. 14(b) of the Crimes and Other Acts (Amendment) Act. The proviso was lifted from