

BOOK REVIEWS

Local Government in Australia, by D. M. PURDIE, M.A., B.COM.; The Senior Inspector of Municipal Administration, Victoria. (The Law Book Company Limited, Sydney, 1976), pp. i-x, 1-200. Recommended retail price \$12.70. (ISBN 0 455 19424 6).

This is a book for reformers, not for practitioners. It should be required reading for our ministers who have responsibility for local government and the environment. The general theme of the author is a simple one. He believes that local government is essential to the well-being of our community, and that powers of local government authorities should be expanded so that they may deal effectively with planning and protection of the environment and with urban problems, and so that they may become a real "social force". He also believes that throughout Australia the present system of local government is unequal to the task. It is "not a robust and vigorous institution whose bustling enterprise has aroused and held the interest of the average man". On the contrary, it is an inefficient system which is in substance "a 19th century organisation which has not been updated".¹

The author examines the deficiencies of modern local government in detail and puts forward some constructive proposals for reform.

It is often claimed that the so-called third tier of government provides for local democracy. Mr Purdie has considerable doubts about this claim. He points to the fact that in many jurisdictions the right to vote is denied to a large proportion of the electorate. That is not the position in New South Wales but it is noteworthy that even under a compulsory voting system a very substantial number of voters do not vote, or vote informally. Women are very much underrepresented on local government bodies. Although council meetings are held in public the principal business of the council is often considered by committee meetings which are closed to the public. Even the claim that local government institutions are "especially close to the people" is denied: "the writer has failed to detect any significant close relationship between local government and its ratepayers and residents".² The idea that there *should* be a close relationship especially in matters of town planning and social welfare is put forward as a matter of course,³ but the author might have noted that consultation procedures used under the present system almost always degenerate into tokenism.

In examining the organisation of local authorities Mr Purdie has pointed out three major groups of deficiencies: "those which involve municipal boundaries, those relating to internal organisation and administration and those concerned with questions of local autonomy".⁴ On the problem of boundaries, he is quite scathing about the automatic

¹ Purdie, *Local Government in Australia* (1976) ix.

² *Id.*, 34.

³ *Id.*, 3, 111 ff.

⁴ *Id.*, 48.

opposition of councillors to boundary changes designed to produce more workable local government units. The opposition, he asserts, is based on conservatism, fears of loss of status and fears of loss of seats.⁵ He favours complete re-structuring and a process of "systematic and reasonably regular review".⁶ To achieve better administration he favours thoroughgoing professional training of administrators and a movement towards the "managerial" or "chief administrator" system. It is obvious that the present system will never produce the flow of considered and correct decisions which are necessary in the public interest. "Responsibility accounting" is another of the reforms advocated in this area.⁷ In dealing with local autonomy Mr Purdie shows some misunderstanding of the concept of *ultra vires* in controlling the exercise of local government powers. He favours "flexibility to experiment and innovate" free of *ultra vires* control.⁸ Having regard to the behaviour of councils in the past: Heaven Forbid!

Broadly I find myself in agreement with Mr Purdie's central thesis and most of his recommendations. There is a need for extension of local government powers. But this must never happen while the present system is retained. And I do not believe that even the present range of powers under an unreformed system should be tolerated without the closest supervision by departments, courts and tribunals. Whether that supervision may be relaxed in the future to secure greater local autonomy is problematical. I am not very optimistic about the prospects for responsible local government in the foreseeable future.

It is heartening to find someone concerned about a system of government which is so important in our daily lives. And it really is time for the "winds of change".

Harry Whitmore*

The Australian Law of Theft, by M. S. WEINBERG, B.A., LL.B. (HONS.) (MONASH), B.C.L. (OXON.); Barrister of the Supreme Court of N.S.W., Barrister-at-Law (Vic.), Senior Lecturer in Law, University of Melbourne, and C. R. WILLIAMS, B.JURIS. LL.B. (HONS.) (MONASH), B.C.L. (OXON.), Barrister and Solicitor of the Supreme Court of Victoria, Senior Lecturer in Law, Monash University. (The Law Book Company Limited, Sydney, 1977), pp. i-xxxiv, 1-374. Cloth recommended retail price \$29.50, P/B recommended retail price \$23.50. (ISBN 0 455 19586 2, ISBN 0 455 19588 9 P/B).

It is exciting to be able to review a very welcome book on the Australian law of theft. Considering the importance attached to the

⁵ *Id.*, 91.

⁶ *Id.*, 108.

⁷ *Id.*, 139 ff.

⁸ *Id.*, 151.

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