January 1934

Review of “An Introduction to Some Problems of Australian Federalism,” By Kenneth O. Warner

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Book Reviews


The object of this study is to provide a definitive statement of State-Federal relations in the Commonwealth of Australia. The author declares it to be his hope "that the investigation will clear the ground for an evaluation of judgments by critics of governmental forms who declare Australian "federalism" to be a failure" (v). Accordingly the volume examines the constitutional foundations of the more important phases of state-federal relations, and superimposes upon this framework an analysis of the more dynamic extra-constitutional administrative developments which have given life to as well as tempered the rigidity of the fundamental law. Part One treats of the general relationship between the states and the commonwealth in the following matters: Constituent authority, legislation, and general administration, judicial administration, government railways, education, external affairs, industrial disputes, and trade and commerce. Part Two presents a detailed consideration of financial relations including: financial assistance to states, the Australian Loan Council, Commonwealth and State Banks, Taxation and Tariff.

The lawyer's interest in the volume will center upon the extent to which constitutional considerations have contributed to the problems of Australian federal government. With federal centralization in the United States an accomplished fact, the precise manner in which Australian states have been divested of their powers as revealed in this volume, should be of current interest to American lawyers.

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Not the least difficulty in the effort to follow with any approximation of thoroughness the developments of the "Roosevelt revolution" upon its myriad fronts is that of access to the great amount of data which the many new mills of government activity turn out daily. The staggering volume of new executive orders, regulations, and administrative and judicial decisions incident to the National Industrial Recovery Administration in all of its phases, perhaps the greater proportion of which is available for general distribution only in mimeographed form if at all, demands compilation. Mr. Mayers' Handbook is a creditably organized collection of the more important data upon that which might be termed "the law of N. R. A." The expository heading best indicates the scope of the material included:

"An analysis and compilation of the National Industrial Recovery Act and related statutes, federal and state, and of all executive orders, regulations, agreements, administrative rulings and judicial decisions relative thereto; together with a comparative presentation of typical