Land Law (6th edn)

Peter Butt, *Land Law* (6th edn), 2010, Thomson Reuters (Professional), pb $149.95.

This is an extensive work of scholarship (1037 pages plus tables) – what other book has a table of cases 100 pages long?

The preface states: "The law is stated as it applies chiefly to New South Wales. Nevertheless, case law from other States and Territories is cited extensively, and the similarity of the property legislation throughout Australia should make the book relevant in all jurisdictions". This quotation is correct, in both a negative and positive sense for the Victorian reader. The negative aspect is there is little explicit reference to Victorian legislation and some portions of the book are solely or largely New South Wales based. Thus the chapters on co-ownership, strata title, Crown lands and leases regulated by statute do not take account of highly relevant Victorian legislation; while the chapter on Torrens title occasionally omits any reference to the Victorian position, for example, on compensation from the assurance fund.

These drawbacks are, however, minor compared with the great usefulness of other parts of the text, underpinned by copious reference to cases (including over 350 Victorian cases dating from the 1850s to 2009, slightly tarnished by occasional misspellings), e.g. on fixtures, the doctrine of estates, leases, easements, covenants, mortgages, adverse possession and native title. The author's gift for simply stating arcane doctrine is conspicuous in the chapter on uses, trusts and equitable interests.

A minor drawback is that some legal or equitable doctrines, although more widely applicable, are located in the text or index under particular land transactions and so require some finding. For instance, *non est factum*, undue influence and unconscionable dealing appear under Clogs on the Equity of Redemption in the chapter on mortgages; and proprietary estoppel, unjust enrichment and the doctrine based on *Muschinski v Dodds* (which could advantageously have been supplemented by discussion of other trusts commonly arising on similar facts, that is, the common intention constructive trust and the resulting trust) is unexpectedly found in the chapter on fixtures and related matters.

An excellent book, of great assistance to the practising lawyer.

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