

Book Review

Australian Banking and Finance Law Bulletin

November/December 2010

Commercial Law, Commentary and Materials, 3rd Edn, 2010, Pearson, Fisher, Peden, Tolhurst, Thomson Reuters, ISBN 9780455226286

This extensive work covering over 1,200 pages has been authored by leading academics with the interests of students in mind. The work also provides a useful reference source for practitioners.

“Commercial Law” is a misnomer. It is descriptive of a number of disparate areas of law which govern or impact upon business relations. It is more eloquently described by the authors as “...*that collection of statutes and cases which responds to the needs of business and community expectations of business.*” This is evident from the vast array of topics covered by the work.

The book commences with a general examination of the nature of personal property and how personal property is transferred. It then considers the law of agency and delves more deeply into the transfer of property in goods including the vexed question of reservation of title. No examination of commercial law would be complete without a consideration of misleading and unconscionable dealing and liability for the provision of goods and services. The work concludes with an examination of security interests over personal property, consumer credit and negotiable instruments.

The beauty of the work is that it states relevant principles clearly and concisely and provides the reader with references to and excerpts from the leading cases and any applicable statutes. This accounts for the work's length. For the avid student, each section of the book poses questions for review purposes.

Anthony Lo Surdo | Barrister

Book Reviews not yet published
Received from Anthony Surdo 5/11/10

To be published Dec or Jan 11

Remedies in Australia, The Laws of Australia, Wright & Hepburn (Eds), 2010, Thomson Reuters, ISBN 9780455228136

Remedies are synonymous with civil law. Every case involves a remedy and no understanding of the law can be complete without a thorough understanding of the remedies which lie for the transgression of a legal right.

Remedies can be both legal and equitable in nature. Of course, there are only limited common law remedies, so the vast majority of remedies are equitable in nature.

This book brings together the collective works of a number of pre-eminent academics and practitioners. It provides the busy and time-poor practitioner with a ready reference to the armoury of remedies which may be available to a prospective litigant. I have found the work invaluable in this regard in my own commercial practice.

The work examines declaratory relief, specific performance, rescission, injunctions, compensation and damages, tracing, the taking of accounts and delivery up, cancellation and rectification of contracts. In the case of each remedy, the authors examine the nature of the remedy, the availability of the remedy and the elements of the remedy. This last mentioned feature is particularly important when considering and advising upon the evidence that must be marshalled in support of any cause of action.

This is really a must have addition to a practitioner's library."

Regards

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