

NUTSHELL: BUSINESS LAW

Nutshell: Business Law, by Andrew Gibson and Douglas Fraser: 3rd ed, Thomson Reuters, Sydney, 2011 ISBN 9780455228471.

Nutshell: Business Law is a 330-page, notebook-sized paperback yet covers the essentials of business law. Specifically designed for students, it is intended for use as a revision tool or as an introduction for those studying this area of law for the first time. The authors acknowledge that the text is an overview and no substitute for a textbook. The text would also be useful for those who are outside the legal profession yet eager to know basic business law principles and also for those who like to have an easy to read reference tool at their fingertips.

The text is divided into eight parts such as “Part V Business Organisations” and “Part VII Property” which are then divided into chapters, 23 in total. Key areas are covered such as contracts, consumer law, torts and financial transactions. The chapters are suitably named, eg “Insurance” and “Debt Recovery and Bankruptcy”, so one can peruse the table of contents to find the relevant chapter and therefore the relevant legal principles with ease.

Chapter 1 is properly titled “Introduction to the Australian Legal System”. It includes definitions of key terms and an outline of the legal system including sources of law, precedent and the court system. While on the face of it, the content is somewhat basic, it is suitable for an introductory chapter to an introductory text and invaluable for those new to the law.

Chapter 2 is “Ethics”. Ethics is without a doubt an important component of legal practice but consistent with the aim of the text, the chapter is tailored to business with a focus on basic business ethics such as good faith in contract law and conflicts rather than professional legal ethics.

Contracts are covered in four chapters. These chapters address the basic principles of the formation of a contract and set out the legal principles with an easy to understand explanation. With subheadings in bold and paragraphs breaking up the page into sections, the page is appealing to the eye and easy to navigate. One may say that paragraph numbers may help but they could also disrupt the flow of the book. Chapter 3, “Intention to Create Legal Relations” contains an introductory paragraph explaining the key points and law. The chapter then addresses specific situations, eg social and domestic agreements, voluntary agreements and business or commercial agreements. The key points are sometimes set out in bullet points so they are clear and concise.

The third edition of this text, its publication is timely as it updates the previous edition (2006) and takes into account the recent 1 January 2011 changes to Australian consumer law.

Chapter 7 “Sale of Goods” discusses the new consumer legislation *Competition and Consumer Act 2010* (Cth) (the new name of the familiar *Trade Practices Act 1974* (Cth)) and the establishment of the Australian Consumer Law, a single national consumer law set out in Sch 2 of the new Act. The chapter looks at the effects of those changes including the new statutory consumer guarantees and the elimination of the distinction between conditions and warranties. It will equip those unaware or unfamiliar with the changes in a straightforward manner as well as providing an outline of current consumer law for those new to this area.

Chapter 8 “Consumer Protection Law” sets out the essential legislative provisions and also relevant explanations. It covers a range of topics such as product liability, product safety and lay-by sales, providing an overview of this area of law. Of particular help is the reference to the former sections of the *Trade Practices Act 1974* (Cth), in brackets next to the new sections of the *Competition and Consumer Act 2010* (Cth). This is helpful to those familiar with the old scheme and also for cross reference purposes with texts still to be updated to reflect the name change.

To further enhance the use of the text as a useful reference tool, there is a comprehensive index. Notably there is no list of authorities and cases are not mentioned in the index, however this text does not attest to be a text of case summaries, rather a text of legal principles and the citation of cases is to reference those principles.

The text sets out some complex legal principles in easy to understand language and a well structured format and is a useful introductory text and reference tool.

Emma Forbes

REMEDIES IN EQUITY – THE LAWS OF AUSTRALIA

Remedies in Equity – The Laws of Australia by David Wright Samantha Hepburn: Thomson Reuters, 2009, ISBN9780455228136, Pages: 426.

Remedies in Equity is part of *The Laws of Australia* encyclopaedic series with the Hon Michael Kirby AC CMG as editor-in-chief. This series, which now encompasses all Australian jurisdictions and more than 320 topics of Australian law, provides both students and practitioners alike with a broad-based, easy to use reference tool. The *Remedies in Equity* subset of *The Laws of Australia* series is edited by David Wright of the University of Adelaide and Samantha Hepburn of Deakin University.

As identified by the Hon Justice Clyde Croft of the Victorian Supreme Court in the text's foreword, "the starting point of any legal action should lie with its remedy ... a remedy is what the litigant seeks". With equitable remedies being far more numerous than common law remedies, this text's in-depth examination of particular equitable remedies provides the reader with an excellent starting point for litigation.

The text is divided into eight subtitles: declarations, specific performance, rescission, injunctions, compensation and damages, tracing, taking accounts, and delivery up cancellation and rectification. Each subtitle begins with a clear and concise definition of the remedy, followed by a brief look at the history of its development as well as examining the basis of the court's jurisdiction and discretion to grant each remedy, and how this jurisdiction can be enacted.

Throughout the text, each paragraph begins with a bolded summary statement, which makes it easy for the reader to quickly locate relevant information. The legal principles throughout the book are identified with reference to both legislation and case law in each Commonwealth, State and Territory jurisdiction. There is also extensive cross-referencing to further relevant information within the *Remedies in Equity* text, as well as to the broader *Laws of Australia* series.

Upon an initial perusal of the content in this text, one can be led to believe it is a largely superficial source of information, with little depth of content. Upon further examination it can be found that while the base text itself is quite a broad brushed approach to equitable remedies, the extensive footnoting and cross-referencing provides the reader with access to a wealth of information. Consistent with the encyclopaedic approach of *The Laws of Australia*, *Remedies in Equity* provides both students and practitioners with an invaluable base research tool, which can be expanded upon with ease by consulting further the relevant referenced materials where necessary.

Bonnie O'Brien