

Troy. Brisbane was in the middle of a war and he immediately connected Miss Finlay's ancient and mythical war with the war of which he was only too well aware as a child in Brisbane.

Thirty years later he tried to bring the two parts of his experience, the story of Troy read by Miss Finlay and the experience of war as a child, together in a poem 'Episode from an Early War':

Sometimes, looking back, I find myself, a bookish nine — year old, still gazing down through the wartime criss-cross shock — proof glass of my suburban primary school.

Blueflint gravel ripples in my head, the schoolyard throbs. And all the players of rip-short rough-and-tumble wargames stop, look on in stunned surprise:

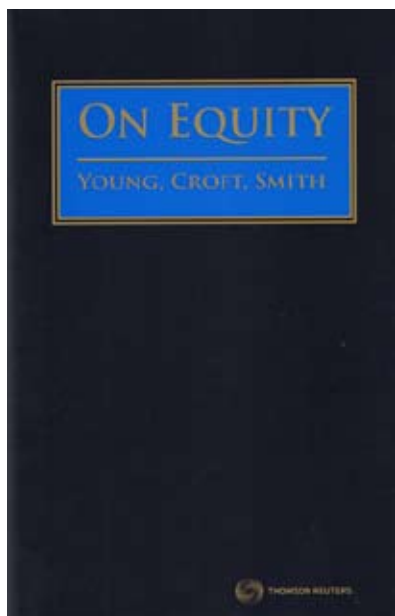
Hector, hero of Troy, raw-bloody-boned is dragged across the scene and pissed on and defiled, while myrmidons of black flies crust his wounds and the angelic blunt-faced ones, the lords of mutilation, haul off and watch.

Malouf returned to the story again another 30 years later in this novel *Ransom*. He takes a few brief episodes from the Iliad and transforms them into a passionate examination of the strength of relationships between men in times of war. While the story is told with a strong narrative drive as a novel, it nevertheless retains the intensity of language and expression usually found in poetry and a structure not unlike that of a sonata in music.

And so, dear reader, as

Charlotte Bronte would say, can I recommend it? It is a short novel but a very intense tale of suffering and redemption. We might all recognise ourselves or people we know: young men who are too impetuous and hot headed; older men who rule and need to learn humility; unlikely alliances formed out of old enmities. In the end however its themes of love, fear and heartbreak are universal. It takes a microscope to a well-known story and reveals all the beauty and ugliness of human beings and their relationships. A wonderful story, told beautifully; but perhaps what I treasure most is that a writer from Brisbane is such an assured citizen of the life and literature of the world.

Reviewed by The Hon Justice Roslyn Atkinson, Supreme Court of Queensland.



## On Equity

By Justice PW Young AO, Clyde Croft QC, Megan Smith

2009, Lawbook Co, \$149.00

ISBN 9780455225081

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Reviewed by The Hon Justice Glenn Martin

in the *Tichborne* case) and as a puisne judge. As Lord Justice Bowen he delivered many judgements of which a number were still being cited a century later. It was said that he was the one who coined the phrase 'the man on the Clapham omnibus' made famous later by Collins MR in *McQuire v Western Morning News*.<sup>1</sup> He is remembered for many things; not least the time when it was suggested on the occasion of an address to

Queen Victoria, to be presented by her judges, that a passage in it, 'conscious as we are of our shortcomings,' suggested too great humility, he proposed the emendation 'conscious as we are of one another's shortcomings'.

When reading the book under review, though, I was reminded of another of Bowen LJ's aphorisms:

When I hear of an "equity"

Charles Synge Christopher Bowen was often envied for his wit. It assisted him through some of the pressures of practice (he appeared against the claimant

in a case like this, I am reminded of a blind man in a dark room — looking for a black hat — which isn't there.' Equity is called in aid on more occasions than can

One of the problems which both students and practitioners can face is that the application of equitable principles can sometimes only be fully appreciated when the history

Equities and Probate and Administration of Estates. Both Part 2 and Part 3 (which deals with Equitable Remedies) generally adopt a sensible and helpful template in which the reader is told why the particular issue is being considered, how it has developed and, then, how it is applied. For example, chapter 15, Pleadings, Parties and Evidence in Equity, deals with the practical issues which can arise in the preparation and presentation of a suit in equity.

*'When I hear of an "equity" in a case like this, I am reminded of a blind man in a dark room — looking for a black hat — which isn't there.'*

be sustained; often because the supplicant has confused the remedies available at law with those in equity.

of the principle is understood. In Part 1 the authors take the reader to some of the origins of the principles.

Justice Peter Young AO has always been adept at extirpating such heresies and his influence as one of the authors of *On Equity* is obvious. He and his co-authors, Clyde Croft SC and Megan Smith, have set out to remind the reader that the touchstone upon which equity acts is 'conscience' and in doing that they have peeled away the layers of judicial application over the last two centuries and exposed the underlying principles.

When I attempted the study of equity my class was warned of the mistakes which can be made if the maxims of equity are used too loosely. One which is sometimes cited by the self-represented (or the desperate advocate) is that 'equity will not suffer a wrong without a remedy'. It is considered, along with many others, in Chapter 3 which should be compulsory reading for those inclined to use these maxims as a crutch rather than an illustration.

*On Equity* was a long time in gestation — ten years according to the Preface — but that decade was clearly well used. It provides an eminently readable history of the topics it covers, it clearly expounds on the application of the doctrines and the proper use of equitable defences, and it encourages the reader to think about and beyond the issues it covers. *On Equity* should find a place on the bookshelf of anyone who wants to be well acquainted with equity in Australia.

This large, door stop of a book is an obvious competitor to another great Australian text — *Equity: Doctrines and Remedies*. Like it, *On Equity* sensibly does not seek to explore in great depth some areas such as trust law — the line had to be drawn somewhere, the book is nearly 1300 pages long. Rather, it concentrates on exposing the basic doctrines upon which equity rests. But, in doing so, the text also works through the way in which the application of those doctrines has been moulded so as to remain relevant to the society in which they are applied.

A very useful exposition of the practical applications of equity is contained in Chapter 4. It is an eclectic collection of matters: from *Macqueen v Frackleton*<sup>2</sup> which dealt with an injunction preventing the irregular suspension of a Presbyterian clergyman to preventing the withdrawal of treatment from a coma patient in *Northridge v Central Sydney Area Health Service*.<sup>3</sup> The chapter demonstrates the extraordinary reach of equity into nearly all areas of human endeavour.

ENDNOTES

1. [1903] 2 KB 100.
2. (1909) 8 CLR 673.
3. (2000) 50 NSWLR 549.

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*On Equity* is divided into three substantial parts: (1) History and Overview, (2) Equitable Doctrines, and (3) Equitable Remedies.

The largest section of the book is Part 2 which deals with equitable doctrines under these topic headings: Fraud, Excursus on Trusts, Fiduciary Relationships, Property in Equity, Mortgages, Equitable Assignments, Contracts, Miscellaneous