
Book reviews

Editor: Angelina Gomez

LAND TITLING LAW AND PRACTICE IN NSW

Land Titling Law and Practice in NSW, by Greg Stilianou, Lawbook Co, Sydney, 2013, 547 pages + xxxi tables: ISBN 9780455229751. Softcover \$159.00.

The title is unusual. The author defines “Land Titling” as the requirements or considerations necessary to achieve registration of a land dealing with the Registrar General under the Torrens system.

Whilst basically it is a handbook as to what has to be done to register a dealing with land under the Torrens system in New South Wales, it goes further than giving mere practical advice and deals quite extensively with the principles behind the requirements of the registry.

The author is a lawyer working at a senior level in the Torrens registry in New South Wales. The book is written primarily for the guidance of junior solicitors in New South Wales or solicitors whose practices do not regularly deal with land transactions. However, interstate lawyers would receive some value from the considerations in the book of the underlying law.

The author says at the end of Ch 1:

The objective of this text is to provide practical information, advice and guidance, by illustrating the practical application of Land Titling law in New South Wales. It deals with legal issues that practitioners are likely to encounter and provides useful legal commentary and solutions, with an appreciation of what history and theory has left for us to explore in the real world.

Although this is a coloured statement which has its dangers in assuming that legal principles are not cool in the “real world” (whatever that is) the author obviously believes it and his book carries out his objectives.

The book has 12 chapters, four dealing with general matters and the remainder dealing with particular problems such as dealings by a mortgagee, caveats, trusts, bankruptcy and writs.

The book is a detailed treatment of the practice of the New South Wales Torrens registry and should be helpful to young lawyers moving from the theory of land law to practice in New South Wales and for those who from time to time deal with the more awkward areas of land law requiring registration of a dealing.

Acting Justice Peter W Young

LONG TERM CONTRACTS

Long Term Contracts, by Kanaga Dharmananda and Leon Firios (eds), Federation Press, NSW, 2013, 419 pages +xxviii tables: ISBN 978186287157. Hardcover \$225.00.

This book is based on the papers read at a conference in Perth in May 2012.

It is freely admitted by all lawyers dealing with contractual regimes which are likely to last for a long time that in theory there is no difference between a long term contract and one that it likely to be fulfilled in a much shorter time.

However, there are many matters which may well arise in the carrying out of a long term contract which drafters need to bear in mind.

In particular, circumstances, especially economic factors, may change several times during the period of the contract yet there is no inherent right to revisit the terms of the contract and it continues in its original form at least until circumstances cause its frustration or the parties agree on variations.

What is a long term contract? Justice McLure says in the book, that one cannot define the term, but you know one when you see one!

The book contains eight chapters plus an introduction and conclusion (this latter by Chief Justice Wayne Martin) and 445 pages of sample clauses. Most chapters contain more than one essay.