
Book review

UNCONSCIONABLE CONDUCT: THE LAWS OF AUSTRALIA

Unconscionable Conduct: The Laws Of Australia by P Vout (ed): 2006, Lawbook Co., Pyrmont.

Save for the Forward by his Honour Justice Michael Kirby and the Preface by the book's editor, Dr Paul Vout, which each combine the virtues of being both truly informative and very readable, all of this book has already been published as Vol 35 of *The Laws of Australia*. While this certainly shows its contents are worth repeating, the very practical reason for the book's publication is that its readers will have ready access to the wealth of learning contained within its covers without having to subscribe to all the volumes of that encyclopaedic service.

This explains the format of the work, which is entirely propositional. It is a superb and, especially given the qualifications of its many original and updating authors, an authoritative reference book. Given its format and its origin, it is no surprise that the book brings to its readers the qualities of brevity, conciseness of thought, and comprehensiveness in respect of the topics it covers. However, the price paid is a paucity of analysis, comment, depth of learning, and prophecy, coupled with the minor irritation of footnoting which is more often than not separated from the page on which the text appears. A more substantial irritation is that the various chapters in the book are stated to be current as at different times during 2005. One would expect that the contents of the book, with very little effort by the updating authors, could have all been made current as at the same time, as is the norm with other legal texts.

One other consequence of this propositional format, which is easily overlooked, is that the footnotes assume great importance and are as much requisite reading as the text. Indeed, the footnotes are excellent, and uniformly warrant the exercise of reading them.

The book's chapters comprise, in the order they appear therein, misrepresentation, the notion of unconscionability, estoppel, duress, undue influence and unconscionable dealing. For practitioners of trade practices law, the most relevant chapter is the last one, particularly as its original author (and one of its current updating authors) is his Honour Justice Kevin Lindgren. Part of the chapter deals incisively with the provisions of Pt IVA of the *Trade Practices Act 1974* (Cth), and is graced by a number of references to articles published in the Journal.

Unconscionable conduct, both at common law and under State and federal statutes, is a complex area of the law which certainly, to quote the opening paragraph of the book's Preface, has "the potential to fundamentally reshape Australian Law". The book, clearly and succinctly, highlights that propensity.

In his masterpiece, *Alice's Adventures in Wonderland*, Lewis Carroll wrote:

"What is the use of a book", thought Alice, "without pictures or conversations"?

This book has neither pictures nor conversations, but it is unquestionably of great use to all those who adjudge, practise, or are learning about, the law.

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