

SUTTON ON INSURANCE LAW

REVIEW BY PATRICK H NEVARD

Sutton on Insurance Law, 4th edition by WIB Enright and RM Merkin: Thomson Reuters (Professional) Australia, 2015, ISBN 978045521964.

The fourth edition of *Sutton on Insurance Law* is the first new edition since 1999. It is also the first new edition since the untimely passing of the original author, Professor Kenneth Sutton, in 2004.

Fortunately, the work undertaken by the late Professor Sutton in amending the third edition of *Sutton on Insurance Law* was available to the present authors in the course of updating the text.

As is so often the case, with new authors come new beginnings. Indeed the present authors of *Sutton on Insurance Law*, Ian Enright LL.M and Professor Robert Merkin LL.D, have substantially revised Sutton's seminal text in this latest edition.

Since the preceding iteration, substantial legislative changes have come to pass and several high-profile decisions of the higher courts have been handed down resulting in significant modifications to the law, and consequently the book.

Comprising two detailed volumes, *Sutton on Insurance Law* is, as intended, a very comprehensive guide on the law in this practice area.

The book starts out in general terms, giving an overview of both the text itself and insurance law more generally (Ch 1), before briefly traversing the various types of insurance and the nature thereof (Ch 2).

Prior to descending into the intricate detail of the relevant substantive law, the authors, at Ch 3, set out some of the fundamental concepts and principles of insurance law and provide detailed definitions for terms commonly encountered in this practice area. This chapter is a must-read for inexperienced practitioners before proceeding through the remainder of the publication.

The book covers in detail the duty of utmost good faith, including the significant amendments flowing from the *Insurance Contracts Amendment Act 2013*, in two chapters (6 and 7). Chapter 6 sets out the principles of the duty itself in reliance on a swathe of higher court authority including the landmark decision of the High Court of Australia in *CGU Insurance Ltd v AMP Financial Planning Ltd* [2007] HCA 36. Chapter 7 deals more specifically with the application of the duty to disclosure requirements and instances of misrepresentation.

A particularly impressive feature of the text is inclusion of specific chapters, at the end of volume 2, on the most commonly encountered types of insurance contracts, including property (Ch 20), life (Ch 21), marine (Ch 22) and liability insurance (Ch 23), each of which have been added in this most recent edition.

Whilst an understanding of the fundamental principles of contract law is a must, the book does not assume an extensive prior knowledge of insurance law. This reviewer opines however that those practitioners with some grounding in insurance law practice will obtain a greater benefit from the text than those who have very little or no experience.

This long overdue update to *Sutton on Insurance Law* ensures that it is once again a highly reliable and comprehensive resource for those who practice in this field. The detailed nature of the text and the inclusion of the specific contract chapters guarantee that it will be a highly-recommended, if not must-have, text for insurance law practitioners in all Australian jurisdictions.

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