

Book Review
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Book reviewed by John Alati

Unfair Contract Terms In Australia

Paterson, Jeannie
Lawbook Co, 2012

Freedom of contract is an important concept in Australia. However, at times things can get a little too free. One-sided contracts are out there, waiting to catch consumers in their vice-like grip. Some regulation has been needed for a long time.

The *Unfair Contract Terms Law* (UCTL) is contained in Parts 2 –3 of the *Australian Consumer Law* and applies to standard form contracts entered into on or after 1 July 2010.

The new consumer laws, based largely on similar UK and Victorian laws, are admirable, if at times rather complex, and that's where this great new book will be invaluable - as a guide through the complexities.

Dr Paterson is a well-known and respected author of several works on contract law. Here style is very approachable. Unadorned paragraphs speak volumes.

The work includes a background on why it was necessary to legislate in this area with some detail on how the legislative scheme works. Importantly, it outlines which contracts and terms are covered by the ACL, with cross-reference to areas which may provide coverage where the ACL will not. It explains clearly the pillars of an unfair term.

There is a section on remedies and the reach of the ACL in relation to consumer guarantees. Much of the work is anticipatory. Although there is a lot of caselaw included, the author notes that the book considers the 'likely effect of the UCTL...'. Hopefully there will be follow up in the coming years.

A cohesive guide like this is highly recommended. It would be a valuable companion text, or a stand-alone guide in its own right. I'm sure it will find favour with lawyers, teachers, students and those in government dealing with compliance issues. It would also be great if businesses would heed the call and seek guidance as to what is fair and what isn't, before they make it to the ACCC's website.