

The publication of this sort of work is made necessary by the need to protect library materials from overuse by the hordes of law students now attending our universities. However, when one reads through books like this, it is easy to see why in moots, the mooters tend to quote a paragraph from a judgment without any reference to the context or the significance of the whole authority or to compare the paragraph with what the other members of the court have said. This book, in particular encourages this. For instance, we have two paragraphs from *Fencott v Muller* (1983) 152 CLR 570, the first cited being from the plurality (at 601-602) and the second from the Chief Justice (at 589-500). Paragraphs from the *Tasmanian Dam* case are split and can be found under different headings. Small grabs from *Dicey* are spread throughout the early part of the work. A student who had to find his or her way through the original would emerge a better lawyer as it is part of the skill to be able to read hundreds of pages and extract for oneself the small amount of gold needed for the case or project at hand.

The work covers not only Australian constitutional law, a subject in itself, but also a lot of what might be called constitutional law in its broadest sense.

The work covers an extremely large amount of basic material. It is of course selective in the material presented as one would expect, however, both sides of contentious matters are mostly covered though it is usually easy to see where the sympathies of the authors lie.

To summarise, this is an unusual commentary on basic constitutional law and Australian constitutional law fleshed out with copious reference to learned articles and extracts from leading cases. Its use to students will vary depending on the content of the course being taught at their law school, but most will at least find the book very useful as a collection of digested materials.

Mr Justice P W Young

REMEDIES IN EQUITY – THE LAWS OF AUSTRALIA

Remedies in Equity – The Laws of Australia, by David Wright and Samantha Hepburn, Thomson Reuters, Sydney, 2010, 426 pages + lxxxii tables: ISBN 9780455228136. Softcover \$139.00.

This volume is abstracted from *The Laws of Australia* and thus is in paragraphs following the numbering system of that publication.

The work sets out in a fairly practical way the basic learning on the major remedies granted by an equity court.

The headings to the major sections are “Declarations”, “Specific Performance”, “Rescission”, “Injunctions”, “Compensation and Damages”, “Tracing”, “Taking Accounts” and “Delivery Up, Cancellation and Rectification”.

The work is in one sense an overload of material and in another it does not quite cover the field.

It is an overload in that, as one would expect in an encyclopaedic work, there are abundant references to back up virtually every sentence of the text. However, the listing of copious authority although helpful to the researcher, does not distinguish between leading authority and others, and a number of the authorities are secondary material. The reference to secondary material such as textbooks and law reviews is useful research material, but is not that helpful for the opinion writer who just wants quick access to the leading authorities.

The split into eight discrete sections means that some basic matters are not covered. The remedy following a successful suit based on proprietary estoppel may result in a remedy fulfilling the promise or one compensating for the damage. Connected with this is the principle that equity awards the minimum remedy to do equity. Doubtless this is dealt with in *The Laws of Australia* under “Estoppel”, but its remedial side is not to be found in this work.

Again, equity gives that remedy that is meet for a particular situation. Thus, in cases of contribution between insurers or sureties, equity merely orders one party to pay to the other party its proportionate part of the common liability. There are a number of situations where equity gives a remedy which does not fall under the eight headings. Indeed there has had to be a bit of fudging to put Mareva orders in with injunctions.

However, these criticisms are more to do with the structure of the whole encyclopaedia rather than with this spin-off. The spin-off is a handy reference tool which will call to mind the principles and the authorities that support the principles.

Mr Justice P W Young