

## Book reviews

### **Remedies in Equity - The Laws of Australia**

Wright and Hepburn (eds)

Thomson Reuters

By Alison Gurr (Mallesons)

**R**emedies are what plaintiffs seek, and what defendants seek to avoid having awarded against them. While common law damages are generally considered the most important legal remedy, equitable remedies also play an important role in Australian law.

*Remedies in Equity - The Laws of Australia* provides a useful overview of the law of equitable remedies. The text adopts the standard 'Laws of Australia' style - each paragraph commences with a legal principle which is then expanded upon in the remainder of the paragraph. Detailed footnotes at the end of each paragraph provide readers with useful and readily accessible case references.

While, as the title suggests, *Remedies in Equity - The Laws of Australia* examines the law of equitable remedies in Australia, the authors often refer to overseas cases. While this generally adds to the text, in some cases this reviewer felt too much emphasis was given to the law in other jurisdictions. For example, the text suggests that exemplary damages may be awarded in equity, citing Canadian and New Zealand cases in support of this principle. It is only in the footnote that the reader's attention is brought to the NSW Court of Appeal case, *Harris v Digital Pulse Pty Ltd* (2003) 56 NSWLR 298. This case has been applied by a number of Australian courts in support of the principle that exemplary damages are not generally awarded in equity. While *Harris* is arguably not authority for the principle that exemplary damages can never be awarded in equity, it carries more weight than the Canadian and New Zealand cases cited and this should be given greater consideration in the discussion of this issue.

*Remedies in Equity - The Laws of Australia* is a well written and structured text, which will be a useful resource for practitioners and law students seeking to increase their knowledge of equitable remedies.