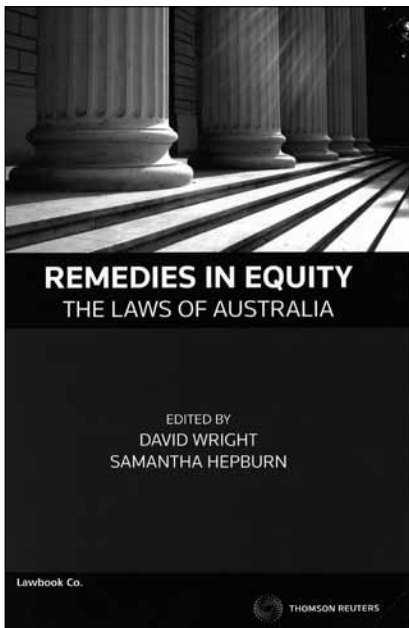


Remedies in Equity: The Laws of Australia

Edited by David Wright and Samantha Hepburn | Thomson Reuters | 2010



This book comprises part of the section on Equity in the legal encyclopaedia, *The Laws of Australia*. The encyclopaedia is now available on the internet; this handy book will appeal to those who still find paper easier to read and to find their way about in than screens.

The Laws of Australia provides a snapshot of the law on any given topic. In its 'Quick Guide' it is said that *The Laws of Australia* uses 'over 38,000 legal statements to summarise virtually all areas of law covering all Australian jurisdictions'.

Remedies in Equity does not depart from this format: it is an up to date survey of each of the remedies it covers. Each paragraph (the numbering of which reflects the larger encyclopaedia) begins with a proposition of law in bold print. The proposition of law is then elaborated on in the balance of the paragraph. There are copious notes, which direct the reader to the main cases and commentary.

As its name suggests, this book deals with Equity's remedies, not its doctrines. Eight remedies, or categories of remedy, are discussed: declarations, specific performance, rescission, injunctions, compensation and damages, tracing, taking accounts and delivery up, cancellation and rectification.

The chapter on declarations considers the balancing exercise that often comes up when a party seeks declaratory relief: on the one hand the Court's power to give such relief is wide and beneficial, on the other there are many circumstances in which a declaration may be refused because it is purely hypothetical or lacks

utility.

The chapter on injunctions is one of the most comprehensive, dealing with perpetual and interlocutory injunctions, and extending to asset preservation orders such as Mareva relief and Anton Piller orders. As practitioners are only too aware, issues involving this kind of remedy can arise in circumstances of great urgency and with minimal time for preparation. It is particularly useful to have a chapter dealing in a clear and concise way with these topics.

This is a practical book. It is not, and is not intended to be, an exhaustive treatment of the remedies it covers – there are other texts for this – but it is a brief and helpful statement of the relevant law with signposts for further research if needed.

Reviewed by Jeremy Stoljar SC