

the effectiveness of exclusion clauses under the *Trade Practices Act*. Readers are directed to further reading material and advice in the form of reports and journal articles and alerted to forthcoming changes to the legislation such as the Commonwealth's proposed changes to chattel securities. The extensive footnoting, indexing of topics, cases and legislation is helpful and the language used is straightforward so that any reader can appreciate the advice.

A practical reference for any commercial practitioner or for an astute purchaser seeking an overview of the legal aspects of buying a business.

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On Equity

Justice PW Young AO, Clyde Croft SC and Megan Louise Smith, *On Equity*, 2009, Thomson Reuters (Professional), pb \$149.

The authors started the text 10 years ago with the concept that equity had, by the end of the 18th century, developed into a clear set of principles which had by the 19th century become hidden and obscured. All that was needed was a clean up of the principles from the "excrescences" that had accumulated such that "purity of doctrine" was returned. In this regard the authors admit defeat.

The text deals with the development of equity from the substantial failures of the common law to provide justice because of its limited scope to provide remedies, its limited procedures and its insistence on certainty which sometimes led to injustice.

The issue of the desirability of certainty of the common law is contrasted with the apparently subjective nature of equity because of equity's origins as a court of conscience. How is there to be certainty in the law if there are subjective views of what is meant by conscience?

An understanding of the origin of equity is essential for its appropriate application today, especially considering the fusion of the common law and equity courts such that there is now no distinction between the remedies and procedures that a court can offer, whether the remedies and procedures originated from the common law or equity.

The text examines whether equity even now exists as a separate body of law and firmly takes the view that while there has been a fusion of the administration of equity and common law, there is no fusion of the law itself and there are still two separate and distinct bodies of law.

The great virtue of this text is to remind us that equity is not a mere sub-branch or part of the common law but a separate and distinct

body of law that must be considered in its historical context and which still has a vital role to play in our legal system.

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Managers and the Law (3rd edn)

Lynden Griggs, Eugene Clark and Ian Iredale, *Managers and the Law: A guide for business decision makers (3rd edn)*, 2009, Thomson Reuters (Professional), pb \$119.95.

This is the third edition of a textbook first published 10 years ago to address the need for business managers to be conversant with the law and manage legal risks.

In the text's introduction, the authors refer to the "modern focus on corporate governance" and rightly observe that "the manager in the contemporary business world would need no introduction as to why a third edition of this text is necessary".

Certainly, the need for managers to understand the legal framework and their place within it grows by the year, never diminishes, as more regulation is spread down by our legislators at all levels.

The text is designed for use in tertiary courses such as MBAs, rather than an overview, as the "Questions for Discussion" sections at the end of each chapter suggest.

It covers a diverse range of topics including business structures, consumer law, taxation, dispute resolution and ethics.

The width of the topic areas is a reminder of the expectations placed on business managers in the modern context and the need for them to seek outside professional assistance. Nobody can be expected to keep abreast of everything, and yet if something goes wrong it is the manager who will likely face the responsibility.

The text has been prepared by a group of senior academics, but the structure and style are readily accessible.

There are extensive bibliographies provided in each part, as well as handy case studies and sufficient tables and diagrams to illustrate particular areas.

For a legal practitioner, a particular chapter may seem superficial, but covering as many areas of business law as the text traverses inside 660 pages is no mean effort.

It provides a good balance between an overview for a non-lawyer and a reasonable starting point for a lawyer.

Accordingly, this is a useful text for a commercial lawyer to have close at hand as an overview of what managers of commercial clients encounter, on what the text describes as "the endless road to achieving legal compliance". ●

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The *Australian Law Dictionary* is the best reference for those who want familiarity with, and knowledge of, Australian legal terms. Designed in response to research, the *ALD* is structured to ensure comprehensive coverage of core legal content.

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