
Book reviews

Editor: Angelina Gomez

THE LAW OF SUCCESSION IN NEW SOUTH WALES (4th ed)

The Law of Succession in New South Wales (4th ed), by G L Certoma, Lawbook Co, Sydney, 2010, 324 pages + xlviii tables: ISBN 9780455227207. Softcover \$119.00.

The first edition was reviewed by David Maclean (see “Briefer notices” (1988) 62 ALJ 1060), but it does not appear to have been reviewed since then.

David Maclean noted that it was an “interesting and worthwhile book which will be of most assistance to students”. I would agree, but the use of the book in 2011 is of far greater significance as succession has largely been discarded from the academic menus of many law schools and the only way that a firm of solicitors can ensure that its new recruit has a basic knowledge of the subject is to get him or her to read, mark and inwardly digest this book. There is little else that would serve the same role. Whilst this book is purely focused on NSW law, the law of other States is now fairly uniform so that it would be appropriate reading outside New South Wales.

Succession or probate law is one of the mainstays of the average solicitor’s practice as all must die. Accordingly, it is basic for a solicitor to know what is necessary for the formal validity of a will, the approach of courts to construction of wills (so as to know the pitfalls) and the laws of intestacy.

All these matters are concisely yet comprehensively dealt with in this book.

The book is split into six parts. It commences (Pt I) with a brief history of succession to deceased estates. It contains some interesting historical facts (though of no present practical use) such as a person who died intestate was once considered to be an unrepentant sinner. Part II deals with conflict of law problems, Pt III with intestate succession and Pt VI with administration. However, the bulk of the work is in Pts IV and V. Part IV, which occupies 160 pages, that is about half the book is on, testate succession. It has eight chapters, dealing with both the mental and formal elements in creating a will, matters of form regarding alterations and revocation including two chapters dealing with will construction. Part V is a good basic treatment in 42 pages of what used to be called testator’s family maintenance or family provision, but which is now part of the *Succession Act 2006* (NSW).

Whilst this work will not delve into the intricate detail that counsel may need when presenting a case to the court, it provides a good basic and comprehensive treatment of the subject and would even give such counsel a good starting point for their research.

Mr Justice P W Young

REMEDIES

Remedies, by David Wright, Federation Press, Sydney, 2010, 306 pages + xxx tables: ISBN 9781862877726. Softcover \$85.00.

This work was written by a senior lecturer at the University of Adelaide and is clearly a book for law students. It seeks to cover the whole of the situations where a person can obtain a remedy from a court for breach of a common law obligation, an equitable obligation or a statutory obligation.

It differs from a practitioners’ book on specific remedies such as *McGregor on Damages* in that it spends time on philosophical matters connected with the grant of remedies such as whether it is valid to separate the remedy as a “secondary right” flowing out of the “primary right”, namely, the cause of action.

The author does not hesitate to prefer a dissenting judgment to the majority when stating the law nor does he hesitate to say directly that Lord Browne-Wilkinson in the famous *Target Holdings Ltd v Redferns* [1996] 1 AC 421 was simply wrong.

I did not find the book easy to read. The account of damages for breach of contract properly commences with the quote from Baron Parke in *Robinson v Harman* (1848) 1 Ex 850 at 855; 154 ER