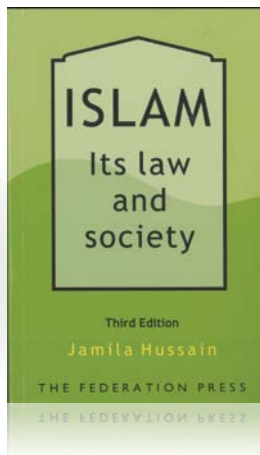


# INPRINT

This month's reviews cover Islamic law, partnership law, a classic Australian commercial law text and equity and trusts.

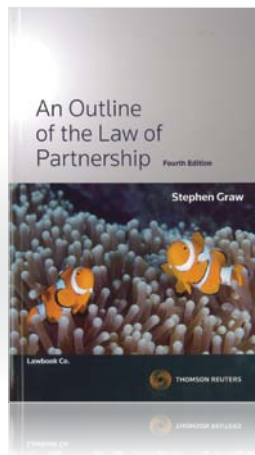


## Islam: Its law and society (3rd edn)

Jamila Hussain, *Islam: Its law and society* (3rd edn), 2011, The Federation Press, pb \$49.95.

As the population of Australian Muslims increases, an understanding of Islam and Islamic law has become more pertinent among legal professionals. This book provides a basic understanding of Islamic law, including laws regulating women, marriage, wills, crime, commerce, banking and insurance. It contextualises Islamic law for the reader to equip them with a knowledge of Islamic history and philosophy on which Islamic law is based.

The book explains that while Islamic law is not recognised under Australian law, many Muslims abide by various interpretations of Islamic law in their personal lives. A family lawyer, for example, would be interested in reading the chapters on “Women in Islamic law”, “Marriage in Islamic law”, “Islamic family life” and “Divorce according to Islamic law”. In the family law jurisdiction, legal practitioners would find it helpful to gain an understanding of the different forms of divorce under Islamic law, which has been raised in the Family Court in cases such as *Taffa v Taffa* [2009] FamCA 85, and the “mahr” bridal gift, which is provided by the bridegroom to the bride on the marriage day. The book also contains a well-researched chapter on wills and covers Islamic banking and finance law, which is becoming a



growing area of interest for many commercial firms interested in tapping into the Middle Eastern market.

While this book does not delve into Australian cases where Islamic law has been raised or provide a thorough analytical study of Islamic law, it does give a concise explanation of the different forms and interpretations of Islamic law in practice today. It also provides an understanding of Islamic sociology, history and philosophy.

The author is an experienced academic and is able to successfully address the misconceptions that many may have about the Muslim community by portraying a progressive interpretation of Islamic law as well as a traditional one. This book successfully achieves its purpose of providing a guide to Islamic law for Australian legal practitioners as well as the general community.

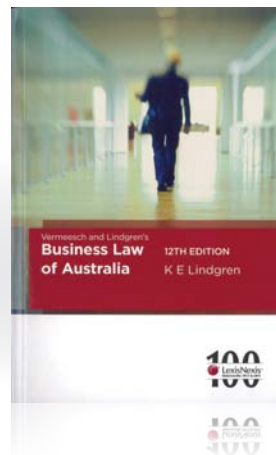
I highly recommend this book to legal practitioners and other professionals interested in understanding their Muslim clientele and the application of Islamic legal theory in Australian society today.

MARIA BHATTI  
PEARSONS LAWYERS

## An Outline of the Law of Partnership (4th edn)

Stephen Graw, *An Outline of the Law of Partnership* (4th edn), 2011, Thomson Reuters (Professional), pb \$69.

Partnership is a business structure with which most lawyers are familiar and within



which many lawyers exist. It grew up through common law and equitable rules as a means of sharing profits between persons operating a business. Partnership remains an area of law with mercifully brief Acts which do not purport to codify the area of law, and indeed specify that the rules of common law and equity continue to apply where they are not inconsistent with the Act (for example, s4 in Victoria).

This is the 4th edition of what has become one of the staple texts on the law of partnership since it was first published in the mid-1990s. In the preface, the author states that the book has been written principally for students studying partnership law. However, this description undersells its value to legal practitioners. What makes it readily accessible to students learning about partnerships continues to make it useful to practitioners seeking a ready overview of a particular area of partnership law.

The text starts by defining what is a partnership, by reference to both the legislative definitions and the detailed common law on the subject. The common law defines by exclusion as much as inclusion, in determining whether a partnership exists in a particular factual scenario. There is a useful section setting out the five major exceptions to the “sharing of profits rule” which is one of the usual characteristics of a partnership.

The next few chapters deal with defining the partners – who can form a partnership and the extent to which partners can represent and bind the remaining partners. It then examines the relationship between partners

and generally reviews the treatment at law of property belonging to a partnership.

There is a lengthy chapter on the application of statute to what is otherwise a creature of common law creation, before several chapters dealing with the issues surrounding the ending of a partnership – termination, dissolution, winding-up and departure of partners. Technically, each time a partner leaves a partnership is reconstituted, even though the business it operates continues. There are final chapters dealing with limited partnerships and incorporated limited partnerships.

This succinct book is not only a valuable resource for students, but serves a purpose as a ready introductory reference with sufficient detail to be highly useful to the more seasoned legal mind.

MARK WORSNOP  
KAHN'S LAWYERS

## Vermeesch and Lindgren's Business Law of Australia (12th edn)

KE Lindgren, *Vermeesch and Lindgren's Business Law of Australia* (12th edn), 2011, LexisNexis Butterworths, pb \$155.

The arrival of a new edition of this enduringly popular and comprehensive text on Australian commercial law is most welcome, given the significant legislative and judicial developments in Australian commercial law since the previous edition in 2005.

The 31 chapters cover the many important and various areas relevant to commercial law. Twenty-one chapters are solely or jointly authored by former Federal Court of Australia judge, Dr Kevin Lindgren QC; the remaining chapters are authored by prominent academics and legal practitioners.

Australia's sources of law, constitutional framework and system of government, court and commercial arbitration are considered in the first three chapters. Chapters 4 to 13 deal with the law of contract. Commercial torts and crimes are addressed in chapters 14 to 15, and an examination of commercial remedies is provided in chapter 16. Chapters 17 to 30 discuss fundamental proprietary, relational and regulatory aspects of commercial law: property and intellectual property; agency; partnership; companies; goods and services (also with comparative legislative tables); bailment; credit and securities; competition law; banking and guarantees; insurance; succession and trusts; and bankruptcy. The concluding chapter provides a discussion of jurisprudence and legal theory considerations.

Significant legislative developments since the previous edition are included within the relevant chapters: the *Personal Property Securities Act 2009* (Cth); *National Consumer*

*Protection Act 2009* (Cth) and associated *National Credit Code*; *Competition and Consumer Act 2010* (Cth) and associated *Australian Consumer Law*; and new state and territory *Commercial Arbitration Acts* and amendments to the *International Arbitration Act 1974* (Cth) reflecting the current *UNCITRAL Model Law on International Arbitration*. Another feature is the "Further Reading" section at the end of every chapter.

Online teaching and learning support materials are available with this text. Further, academics, students and legal practitioners may find the e-Book version of this text functional and useful.

CHARLES GIACCO  
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## Equity and Trusts: Commentary and materials (5th edn)

GE Dal Pont, *Equity and Trusts: Commentary and materials* (5th edn), 2011, Thomson Reuters (Professional), pb \$148.

The casebooks commonly seen in lawyers' offices are battered, remotely shelved and obsolete, but a reminder of carefree youth, of whether Dudley and Stephens were guilty, of slogging through *Suisse Atlantique*, and of how miraculously you passed. However, this book is a reminder that a good modern casebook has a place in the office.

First, although to cover the minutiae of both equity and trusts is difficult, the book's comprehensiveness is demonstrated by divisions into: equitable interests (three chapters); relationships of trust (three chapters); unconscionable conduct (five chapters); unfair outcomes (four chapters); trusts (14 chapters); equitable defences (one chapter); and equitable remedies (nine chapters). The cases are spread between Australia, England, Canada and New Zealand, are current, and the net cast wide (for example, an unreported 2004 Victorian case illustrates part performance).

Second, this book will materially assist you because, being primarily pitched at students, a casebook is often the best introduction to an unfamiliar area. This assistance is enhanced by a comprehensive table of contents at the start of each chapter, and the aim "to preface any extract, whether case or legislative, with a statement of principle, and then develop some of the matters raised in the extract (as well as other pertinent or parallel matters) through further commentary and questions".

The discussion of topics as diverse and difficult as equitable charges and liens, *Kennon v Spry*, the Quistclose trust and trusts for commercial purposes and investment is good. ●

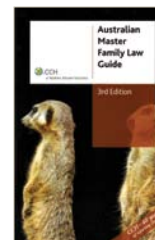
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## FAMILY LAW FOCUS

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CCH. e4. 2012. S/C.  
**\$136**

The Australian Master Family Law Guide provides the reader with an invaluable reference guide to all aspects of family law in Australia. It contains concise and practical information on the family law system, children,

property, child support, court processes, evidence and costs.

### Family Law Principles



Harland, Cooper, et al. 2011. S/C. **\$90**

The author team brings a unique blend of practice experience and academic expertise, to ensure this text will have a broad appeal to all readers. Students, academics,

new practitioners, and also more experienced practitioners looking for a refresher, will all find *Family Law Principles* a useful resource.

### Australian Family Provision Law



Leonie Englefield. 2011. S/C. **\$170**

*Australian Family Provision Law* is a useful and convenient volume for succession law practitioners, family provision mediators and financial and estate planners as

well as trustees and other advisors who find themselves involved in family provision matters. This book provides both a practical and comprehensive coverage of the relevant law.

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