

AN INTRODUCTION TO PROPERTY LAW IN AUSTRALIA

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An Introduction to Property Law in Australia by Professor Robert Chambers: Thomson Reuters, 2013, ISBN 9780455230542, 656pp.

The Third Edition of Professor Robert Chambers' *An Introduction to Property Law in Australia* is a comprehensive update, with a revision of previous editions, and the introduction of a new chapter on the *Personal Property Securities Act 2009* (Cth).

An Introduction to Property Law in Australia has been designed by Professor Chambers to serve as a explanatory source to assist the reader in understanding the fundamental tenets of property law. Professor Chambers, a Professor of Property Law at the University College of London, and a former senior lecturer at the University of Melbourne, remarks in his preface that property law is an area of law where “it is easy to lose sight of the forest for the trees”, and that the first edition of *An Introduction to Property Law in Australia* was initially conceived to address that problem.

Divided into six “parts”, Part 1 explains what constitutes property, and what property is (and is not) encumbered with property rights. The following chapters of Part 1 address the distribution of the property in modern society, and the competing theories and justifications for the existence of private and public property rights. The final chapter of Part 1 discusses the organisation of property law, highlighting the importance of the classification of rights that attach themselves to different types of property.

Part 2 addresses the concept of possession, which is described in the first line of the chapter as the “cornerstone of the law of property”. The concept of possession is discussed in the context of Professor Chambers’ examples and existing case law, which is then developed in the following chapters which address both competing claims to possession, by way of an interference or breach of a right of possession, and the progression from mere possession to ownership.

Part 3, Professor Chambers says, is to act as a “spotters guide” to the myriad of property rights that exist in Australia. It addresses the most prominent rights to property in the order of the “strength” of their respective claims to the property in question. This is again helpfully discussed in the context of examples.

Part 4 focuses, by building upon the knowledge of the existence of property rights as espoused in Parts 1 to 3, on the various manners in which those specific rights arise. Within the seven chapters comprising Part 4, the nature of right creation by virtue of intentional transfer, succession, detrimental reliance, unjust enrichment, wrongdoings, and physical change to property are thoroughly explored.

Conversely, Part 5 discusses how legal and equitable rights are prioritised, depending on the competing rights of claimants to a particular property right. In his introduction to Part 5, Professor Chambers notes the contrast between Parts 4 and 5, where the former is based on the creation of rights, the latter on the “destruction” of those rights. This is examined in the context of the priority of legal rights in the first chapter, and the priority of equitable rights in the second chapter of Part 5.

Finally, Part 6 provides an introduction to the various systems of registration for both personal property and property rights to land, and an analysis of the effects of registration. This is done in the context of the creation of rights and competing claims, as discussed in previous parts of the text. In respect of rights to land, both the Torrens system of registration, as well as deeds registration are explored in separate chapters. The registration of personal property is dealt with through an introduction and brief overview to the *Personal Property Securities Act 2009*. The application and procedural aspects of the Act are discussed at some length, and the chapter provides a helpful introduction to the operation of the relatively new Act.

In conclusion, the third edition of *An Introduction to Property Law in Australia* succulently summarises complex legal theory and prominent case law in “plain language”, allowing even the most intricate theories to be addressed in a manner that is easily understood.

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