

**Justices in Tribunals** by JRS Forbes, Federation Press, RRP \$99 (hardback)

Given the increasing use of tribunals to determine rights, in a wide variety of situations, an effective and practical understanding of the issues that relate to their operation is an important part of many legal practitioners day to day practice.

The book is comprehensive and detailed in its analysis of a variety of the issues that affect both the manner in which the Courts have historically approached tribunals and the importance of determining the type of

tribunal that you are dealing with when considering appropriate action.

The book is clearly aimed at practitioners and academics who have a reasonable understanding of many of the issues and cases that relate to the areas referred to, particularly in the chapters relating to private tribunals.

This is reflected by the attention paid to the provision of detailed references to case law and relevant journal articles and other source materials.

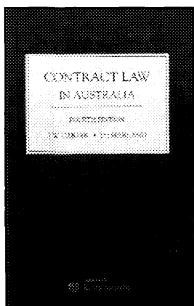
The book is one which I would recommend to practitioners who want a detailed and considered perspective of justice in tribunals and to students who are seriously examining the area.

However, it is not an easy access text and access to some of the source materials will be essential if it is to be properly understood and used.

It is in that sense a classic legal text which contains many of the access related difficulties that can make the law an unnecessarily time consuming subject to study, if a proper understanding of issues is to be gained.

One aspect of the book that I found frustrating, particularly when travelling without access to a legal dictionary, was the lack of a glossary of the law French/Latin terms contained in text, when they go beyond the ordinary. Very few of us have studied Latin to any great extent and many of us including the writer have very limited French language skills.

- Steven Smith, Hunt & Hunt



**Contract Law in Australia (fourth edition)** by Carter and Harland, Butterworths, RRP \$124

This text is written by two professors of the University of Sydney and was, in its first edition in 1986, intended as a university text. However, the quality of the publication has been such that it has gained wide acceptance as a professional publication. Indeed it has been cited with approval by the High Court (see *Astley v Austrust* (1999) 197 CLR 1 at 56; *Breen v Williams* (1995) 186 CLR 71 at 102 et seq).

The 4th edition was published in early 2002 and includes significant developments in contract law up to 2001. Thus it includes:

- the legislative responses to the High Court's decision in *Astley* concerning apportionment of liability for contributory conduct;
- the emerging concept of good faith in contractual dealings (but not going quite so far as to cite Angel J's article, *Some Reflections on*

*Privity, Consideration, Estoppel and Good Faith* (1992) 66 ALJ 484);

- the increasing impact of the *Trade Practices Act 1974*, including the High Court's decision in *Marks v GIO Australia Holdings Ltd* (1998) 196 CLR 494 and the new unconscionable conduct provisions;
- the latest High Court decisions on the role of equity (*Garcia v National Australia Bank Ltd* (1998) 194 CLR 395, *Bridgewater v Leahy* (1998) 194 CLR 457, *Giumelli v Giumelli* (1999) 198 CLR 180); and
- the latest word on economic loss (*Perre v Apand Pty Ltd* (1999) 198 CLR 180).

Northern Territory legislation receives reasonably equitable coverage with other jurisdictions (even if the authors do insist on defying Parliamentary Counsel and including the year after the Act name).

The updating for this edition takes account of the *Law of Property Act 2000*.

Northern Territory cases don't get much of a look in except at High Court level (eg *Gaye (No 1) Pty Ltd v Allan Rowlands Holdings Pty Ltd* (1993) 114 ALR 341).

Overall the text is easy to read and is well indexed, making it a fairly simple task to find the point of law that you need in a short time. One criticism is of the table of cases, which omits citations – this can be a real pain when you are in a rush (such as on your feet in court).

This text sits somewhere between a university student text and a full-blown professional/academic treatise. It would be a useful part of any professional library for a firm or practitioner advising on contract issues.

At a retail price on the Butterworths' website of \$124 in soft cover or \$178 in hard cover, it is also relatively affordable.

Alternatively, the 8th Australian edition of *Cheshire and Fifoot's Law of Contract* by Seddon & Ellinghaus was released late last year at the same price (also by Butterworths) for those who prefer something slightly more recent (although still no citations in the table of cases!).

- Peter Ward, solicitor