

Export Best Practice: Commercial and Legal Aspects by Simon Fisher and Damian Fisher (The Federation Press, Sydney, 1998) 316 pp. Price \$75. ISBN 1 86287 292 9.

IAN F TURLEY*

This book is not, as its title may suggest, merely concerned with individual contracts for the international sale of goods, either alone or as part of longer term arrangements. It is concerned with the wider issue of profiting from short and long-term arrangements which directly or indirectly involve Australian enterprises in the sale of goods in overseas markets. Thus it concerns sales in overseas markets, whether direct, through agents, to distributors, via partnerships, to or via joint ventures, via licensing or technology transfer agreements or otherwise. Notably, it examines at length effectively establishing, maintaining and terminating those underlying arrangements.

The authors actively promote and make use of a viewpoint with which this reviewer is in complete agreement, that is that the legal and commercial aspects of international commercial transactions and arrangements are intermeshed. Better understanding of one enhances understanding of both together and of the other in isolation.

It is trite that business operates subject to law, but it is not so widely acknowledged that the quality of business decisions will improve dramatically where decision-makers have advance knowledge of their legal options and the constraints within which they must be exercised. This will also expedite the evaluation and implementation of legal advice, often received under commercial pressure.

Similarly, not all lawyers recognise sufficiently that the value of their advice and other services for business will improve dramatically where they have constant, informed awareness of the strategies, tactics, demands and constraints that affect their clients. As an experienced international business lawyer and consultant, Simon and Damian Fisher are well placed to write this book on that premise, and have done so in a stimulating and informative way.

Using case studies, practical appendices, tables, diagrams, flow-charts and lists of contacts to supplement the theory, the book represents an insightful framework from which a great deal of down-to-earth advice has been suspended.

Inevitably, there are some weaknesses. For example:

- 'Collections' are defined in the Glossary without distinguishing clean from documentary collections.

* Senior Lecturer, School of Law, Deakin University.

- 'Public international law' is defined in the Glossary by reference only to choice of law, without reference to choice of jurisdiction or issues of enforcement.
- A few of the tables and diagrams require a magnifying glass.
- Occasional obscurities, inelegancies and typographical errors appear. For example, 'a set criteria' at page xxi, and a duplicated 'bullet point' at pages 118 – 9.
- Some theory includes lengthy methodological justification which is out of place in a handbook such as this.

However, these are minor, especially in a first edition. They scarcely detract from a book which, overall, is helpful, perceptive, accurate, illuminating and instructive, both globally and in detail. At the risk of failing to do them justice due to time constraints, some examples may be given:

- Shrewd advice on the desirability and requirements of applying due diligence procedures in the selection and cultivation of international business associations.
- Insightful analysis of international market penetration in terms of today's increasing synergy and globalisation.
- Salutary warnings to Australian businesses of the folly of failing to export their activities or, equally, doing so half-heartedly or precipitately, without allocating sufficient management and financial resources or utilising appropriate planning, investigation, time and advice.

Any lawyer or business executive, whether or not currently involved in international commerce, should benefit from reading this book and keeping it handy. Students in relevant disciplines should also be able to make good use of this welcome addition to the literature on international commercial law.