

occasion at some length. Due to the size of the Text, these examples of detailed cross-referencing enhances, in considerable measure, the value of the Text and this companion to the reader.

This book is invaluable as a self-study guide for students seeking to excel in the area of commercial law. Quite detailed subject matter is made manageable, and the focus is one of helping the student to master technique rather than content. This is undoubtedly the singular strength of the book and will be useful to student, lecturer and academic alike.

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A GUIDE TO BUSINESS LAW 2001 (Fourteenth Edition) by Warwick Dowler and Christine Miles, Sydney, Law Book Company, 624 pp. New Zealand price \$89.50 plus gst.

The book's title should serve as a salutary reminder to the serious law student or practitioner that this is not a specialised text book on any of the range of business law topics it seeks to address. The book seems to be aimed primarily at students reading towards a Diploma or Certificate in Business Studies or a Diploma in Accounting that requires a degree of familiarisation with business law concepts and principles. Indeed the Preface states that this is a useful book for business law subjects in courses such as management, advertising, retailing and other business courses. The book is limited in scope in that its discussion of the law is primarily that of the Commonwealth of Australia and the State of New South Wales.

Despite these caveats on its contents, there is much that the book can be commended for, particularly as a guide for first year law students and for the reader with a general interest in law. There are lessons for the academic in the legal aspects covered, and also tips on how to present legal educational material so as to maximise learning and understanding.

There are seven pages devoted to the contents' section of the book which consists of 25 chapters. Each chapter, as listed in the contents, has a main heading which in turn is helpfully broken down into logical sub-headings which serve as valuable signposts to the reader of what may initially be quite unfamiliar subject matter. Consistent with the book's primary focus of aiding students to master exam technique is a nine-page section which follows the contents pages entitled, "Answering legal questions". This section is invaluable for first year law degree students on the types of questions in law exams and how each type should be answered.

Following this preliminary section on exam technique are the 25 chapters of the book. To assist the reader, the text of each chapter begins by re-listing the sub-topics to be discussed and page references within the chapter where the commentary begins. This is followed by a list of learning outcomes listed in bullet point form providing the reader with a sense of focus on what to expect from each chapter. Each chapter concludes with revision questions and model answers, enabling the book to be used as a self-study manual.

After the contents of the last chapter, there is an 11-page glossary of various legal words and phrases which serves as a helpful aid to the student seeking to understand the basics of business law. The glossary is followed by a list of useful contacts and web sites, a table of cases, a table of statutes, and finally the index which has references to appropriate paragraph numbers in the text rather than to respective pages.

Chapter one provides a snapshot of the Australian legal system, discussing its history and continuing evolution. Sources of law are discussed, namely, statute law and judge-made law and the relationship between the two. Also discussed are the principles of statutory interpretation, the doctrine of separation of powers, and international law and the impetus it provided for the landmark decision in *Mabo*. The classification of law into public and private law is discussed and helpfully illustrated by a diagram.

Chapter two continues the introductory theme with the focus being Australia's legal institutions. The reader is introduced to the adversarial nature of court proceedings, the New South Wales justice system and the federal legal system. The doctrine of precedent, the jury system and the legal profession are additional topics introduced to the reader, as well as coverage albeit briefly of the Court system in States and Territories outside New South Wales.

Chapter three contains subject matter much closer to the theme of business law, as it outlines the various types of entities through which trading activities can be conducted. The chapter is an outline of these legal entities and distinguishes between them on the basis of the non-corporate and corporate divide. There is a useful diagram highlighting the non-corporate entities namely sole trader, partnership, trust and unincorporated association.

Chapter four serves as a significant introduction to a core component of the book which is the law of contracts. It provides an overview of the law in this area, aspects of which form the subject matter of subsequent chapters. For the newcomer, the elements required for a valid contract are listed and well

explained. Matters regarding enforceability and validity, discharge of contract, rescission and remedies for breach are usefully commented on.

The six essential elements of contract formation outlined in chapter four, each forms the subject matter of the following chapters. The chapters in fact follow in the order in which the six essential elements have been stipulated and so provide a distinctive thread which links the chapters for the reader. Hence the student reader should not be surprised to discover that chapter five deals with intention, and chapter six with offer and acceptance or agreement to contract. A particular highlight of chapter six at p 118 is the only illustration in it, which is a copy of the actual advertisement which appeared in the London newspaper that ultimately led to the events in the celebrated decision on unilateral contracts in *Carlill v Carbolic Smoke Ball Company* [1893] 1 QB 256.

Consideration is the subject of chapter seven, and capacity to contract is dealt with at the end of chapter eight. Chapter eight mainly deals with the issue of privity of contract and the assignment of contractual rights and liabilities. Real or genuine consent is the subject matter of chapter ten, which deals with matters such as contractual mistakes, misrepresentation, the effects of duress, undue influence and unconscionable conduct. Of considerable use is the diagram on p 199 dealing with the categories of false statement and the consequences which flow from each.

The sixth essential ingredient of legality of purpose is the subject of chapter eleven. Chapters twelve and thirteen conclude the coverage of contractual law matters by discussing the topics of discharge of contract and remedies for breach respectively.

Chapter fourteen introduces the student to the law of torts with coverage of the elements of a tort, intentional torts, the tort of negligence and defences to an action in tort. Defamation is also helpfully discussed towards the end of the chapter. Chapter fifteen introduces the reader to a range of speciality contracts. These include leases, residential tenancies and franchise agreements.

The important business law topic of insurance is dealt with in chapter sixteen which clearly outlines the special features of insurance law. The reader's attention is then drawn to the wide ranging reforms that have been made to insurance practices in Australia as a direct consequence of recommendations made by Australia's Law Reform Commission. There is also commentary on the bodies with oversight of the insurance industry in

Australia. The classification of insurance contracts into indemnity and contingency insurance is brought to the reader's attention.

The law of cheques is the subject of chapter seventeen and the law on sale of goods covered in chapter eighteen. Chapter twenty outlines the law on restrictive trade practices. Important concepts in this area namely those of the market, competition, contracts, arrangements or understandings affecting competition and the misuse of market power, receive fairly good coverage and indeed provide a helpful insight into Australian competition law.

Chapter twenty-one on bankruptcy provides a good discussion of what property comes within the bankrupt's estate, a question which logically must be determined prior to the commencement of its distribution to the pool of creditors. The chapter certainly lends prominence to the whole aspect of bankruptcy and its impact on business law.

Chapter twenty two introduces the reader to the law of agency and deals with the rights and duties of an agent, the liability of agents to third parties and various types of specific agents like mercantile agents.

Chapter twenty three is in essence specific commentary on partnerships. At p 500 is a vivid illustration of a map of Australia divided into Australia's six States and two Territories with their respective Partnership Acts. Unfortunately the map needs updating so as to accurately reflect the fact that since 1997, the Northern Territory has had its own Partnership Act of 1997 and has not been subject to the law of its former administrator, South Australia for almost four years.

The penultimate chapter is a twenty three page discussion of some of the significant intellectual property issues most likely to arise in business transactions. The reader is introduced to the concepts of copyright, designs, patents, trademarks and confidential information with the chapter's emphasis on designs, copyright and confidential information.

The final chapter of the book discusses the importance of the relationship in the workplace between employer and employee as well as important statutory modifications of the relationship. There is coverage of anti-discrimination legislation as well as informative commentary on the industrial system in New South Wales.

The book, as its title suggests, is a guide to the complex and detailed subject matter of business law. It certainly provides a fleeting familiarisation tour through a wide range of topics, shorn of much of the detailed discussion

which a textbook on the area would have contained. Its contents are especially well presented with illustrations designed to capture and retain the reader's interest and attention. The book is accompanied by a Study Guide which students will find invaluable for revision purposes. The book could also serve as a ready reference point on the bookshelves of academics. Those reading the book and desiring a fuller treatment of the subject matter will find the twenty third edition of Clive Turner's book, *Australian Commercial Law*, its ideal companion.

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