

COMMERCIAL LAW IN PRINCIPLE, by Helen Ryan, Andy Gibson, Sophie Rigby and Gary Tamsitt, Sydney, Law Book Company, 2001. New Zealand price \$60.75 plus gst.

This is the first edition of a most welcome study companion to accompany Clive Turner's *Australian Commercial Law* (hereinafter referred to as the "Turner Text"). Although directly modelled on the Turner Text, this book has sufficient flexibility to enable it to be used with any textbook on commercial law. While the student seeking to excel in the area of Australian law on commercial matters may feel engulfed by the Turner Text, the companion serves as a lifeline. It provides a useful framework for methodically following through the detailed contents of the Turner Text. The companion serves as a sieve enabling the reader to glean the nuggets within each chapter with a view to mastering their application by having to answer practice questions. The singular objective of the companion is to facilitate the learning of commercial law by practically applying its principles. The companion distils the points which students need to focus on, in order to follow and competently deal with commercial law principles.

It is worth noting that the Turner Text, now in its 23rd edition, has for the first time had a companion published. This is indicative of the increasingly significant role of commercial activity and efforts at its regulation. It is also recognition of the growing complexity of the subject matter and the need therefore to assist students seeking to gain mastery of its principles and rules.

This book is a vivid reminder of law as a discipline and an area of study. In order fully to appreciate its operation, its various principles need to be applied to varying fact situations. In this vein, the book serves as an excellent tool for revising for examinations. Thus, at the end of each of the chapters, is a set of practical questions under the title, "Practice Questions", which are designed to facilitate learning by doing or application. The set of "Practice Questions" is then followed by "Answers to Practice Questions" so that each practice question asked is then answered. It is this feature of providing answers to accompany the questions that considerably enhances the value of the book to the student. It provides the student with a degree of choice when assessing his or her level of understanding. Instead of answering all the "Practice Questions" in each set, the student is able to choose particular questions which can be attempted. The responses can then be checked against the answers provided and thus serve as a useful means of self-evaluation.

The book is also useful as an aid in preparing students for lectures and tutorials. For lectures, students are assisted by the summaries at the beginning of each chapter which provide a template for lecture material to follow. Besides the "Practice Questions" and answers provided as helpful aids for tutorial preparation, there is a list of "Tutorial Questions" accompanying most of the chapters. The "Tutorial Questions" are divided between "Discussion Questions" and "Problem Questions". The "Discussion Questions" seek to focus students' attention on the sub-topics raised for discussion. Having captured the students' attention on the subject matter, the book provides "Problem Questions" which directly test their skill and aptitude in answering more engaging questions.

Another distinct strength of the book is its deliberate focus on examination technique. The all-important warning is clearly conveyed that first and foremost students must carefully read the question and understand what is being asked. Having followed this preliminary warning, the student is then introduced to a template for formulating a coherent answer by identifying the relevant facts, law and legal principles, briefly stating the law, applying the law to the facts, and coming to a conclusion. There is also a reminder of the nature of closed-book and open book exams. The skill of answering questions is conveyed within the context of timeliness. The pitfalls of open-book exams are consequently highlighted with the warning to treat them as closed-book exams, using material taken into the exam only to check a candidate's answers after having written answers to the exam questions. This provides help particularly to the distance learner who does not have access to lectures, tutorials or other forms of close interaction with the lecturer, tutor or other students.

Each chapter begins with a list of sub-topics to be discussed, accompanied by the appropriate page reference within the chapter at which they are to be found. This is followed by reference to appropriate reading material which invariably is the correlative chapter in the Turner Text. This direct linkage helps the student in identifying parts of the Turner Text that relate to appropriate portions in the Companion. The appropriate reading reference is then followed by a list of aims for each chapter. This is useful in breaking down material in a chapter into its component parts, thus enabling the reader to focus on smaller and particular aspects of each chapter. This makes the overall understanding of the whole chapter a much more manageable and indeed rewarding task. Each chapter also has a "Guide to Problem Solving" ('the Guide') which comes immediately after the contents of each chapter and immediately before the list of "Practice Questions". The Guide neatly encapsulates the chapter and highlights various aspects of its contents with which the student reader needs to become particularly familiar. So, for

example, in regard to chapter 1, the reader is informed of the constitutional and legal system in Australia. Accordingly, the Guide alerts the reader that questions based on the first chapter in the Turner Text will typically be based on issues such as jurisdiction to legislate, statutory interpretation, case law and dispute resolution.

A distinctive feature of the Guides is the very helpful manner in which they crystallise a large and rather complex body of law in an area by providing a number of salient points. The Guide in Chapter 2 is a prime example. It alerts the reader to the five main types of questions likely to be raised in dealing with any aspect of contract law. These questions provide mental hooks on which the voluminous detail of contract law can be methodically hung. The questions cover whether the plaintiff and the defendant are in a contractual relationship, whether the plaintiff can get damages for breach of contract, whether the plaintiff can "get out" of the contract, whether the plaintiff can end the contract, and whether there are alternative remedies that the plaintiff may pursue. These five points serve as an attempt to encapsulate the law of contract contained in just over a third of the Turner Text. The five points also illustrate the flexibility of the book as a tool for getting a grasp of contract law in other jurisdictions. Contract law generally is laden with its particular concentration of case law, and this five-point construct helps pigeonhole what can otherwise appear as an unwieldy body of case law.

Chapter 2 contains a commendable list of 24 terms or phrases that the reader is most likely to encounter in studying contract law. This is an invaluable feature, especially when the Turner Text proceeds on the premise that a good understanding of commercial law principles demands as a prerequisite a sound grasp of contract law. The use of "terminology sections" is however very rare throughout the book, and is contained in only four other chapters.

The 32 chapters are followed by a table of cases with references to paragraph numbers within the text where they are discussed or referred to. This is followed by a Table of Statutes which outlines relevant Commonwealth and State Statutes. There is also listed the United Kingdom Contracts (Rights of Third Parties) Act 1999. The book concludes with an index containing references made to paragraph numbers rather than to page numbers within the text. The system of page numbering throughout the whole book is in terms of page numbers referable to the number of a particular chapter. Thus, for example, Chapter 25 on 'Insurance' begins on page 25-1 and ends on page 25-3.

Another important aid employed in presenting the contents of the book and indirectly the details of the Turner Text is the liberal use of diagrams, flow charts and tables. For example, the introductory chapter provides diagrams on the areas of legislative jurisdiction reposed in the Commonwealth and State Parliaments, the approach to statutory interpretation under the Acts Interpretation Acts., the Australian court hierarchy, and the nature of civil legal proceedings and alternative dispute resolution mechanisms. The immense value in using diagrammatic illustrations or tabulated forms for conveying legal concepts is portrayed by the "Guide to Problem Solving" section in Chapter 7. The Companion does not have any tables or diagrammatic illustrations for Chapter 13 on Restitution, Chapter 26 on Partnership and Chapter 32 on Work Place Relations. Despite this, one is left with the distinct impression that effective use of the Turner Text and Companion, in tandem, leaves little room for any lingering doubts about the contents of any chapter.

The tables and figures serve as ideal resource material for lecturers in contract or commercial law classes. The tables and figures used certainly make this book an attractive teaching aid as well. It is also worth mentioning that additional teaching aids that are available are PowerPoint slides for lectures and a Teachers' Manual that includes answers to problems, supplementary questions and lecture outlines.

The book provides several learning options. Those that find that a mere reading of the Turner Text is sufficient before attempting to answer questions on the particular chapter in this companion can do so. Others who prefer to read relevant chapters in this book, including the visual aids in each chapter in addition to the Turner Text, are also catered for. Still others may, on reading the Turner Text, only wish to examine the diagrams and illustrations in this book as a means of consolidating what they have read.

This book lends itself to the student reader in another most useful way. The Turner Text is voluminous and this companion acutely recognises this by the elaborate degree to which it makes cross-references to the Text. The cross-referencing is manifest on at least three levels. First, there is referencing in various chapters of this book to their counterparts in the Turner Text. Secondly, there is referencing in this book to other chapters within the Turner Text. Finally, there is referencing in chapters in one Part of the Turner Text to another Part of the Text. It is this final type of cross-referencing that closely knits the five Parts into a complete whole considering the voluminous nature of the work. One other welcome form of cross referencing is the mentioning of a case citation in this book and then a reference to the exact page in the Turner Text where it is discussed and on

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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