

Book Review

Australian Insurance Law

(A.A. Tarr, Law Book Company — 368 pp. \$49.50)

Dr. Tarr says in the preface to this work that it is designed primarily for law students and those taking examinations for insurance qualifications, though he expresses the hope that the commentary on the new insurance legislation and reference to recent decisions will be useful to legal practitioners and people working in the insurance field. It is difficult not to conclude that Dr. Tarr has strained to achieve that which he has set out to do. The book is certainly a useful first port of call for practitioners, giving, as the author has intended, some analysis of recent legislation and detailed footnotes to many recent decisions. However, it is not a substitute for a comprehensive Australian text on insurance law as one is led to believe on occasions by the extent of the footnoting. To be fair it does not set out to be one.

As a student's text the book covers major areas of concern, often in considerable detail and, usefully for students, by means of discussion of leading cases. One criticism which can be made is that the frequently quite detailed treatment of areas covered has not left room for often ignored areas in insurance books such as private international law, the obligation of good faith upon the insurer, reinsurance and rectification. Of these topics the last is treated very briefly and the remainder are substantially untouched. Given that a significant portion of Australian insurance and reinsurance is placed in

London and given that the book is aimed (at least in part) at those hoping to qualify for practice in the industry, these omissions seem regrettable.

The index is somewhat brief and sketchy and contains at least one serious omission: such discussion of rectification as appears at pp. 291-3 is not referred to in the index. Another disappointment was the lack of discussion of the recent English Court of Appeal decision in *CTI v. Oceanus* [1984] 1 Lloyd's Rep 476 in the discussion on the notion of materiality. While in New South Wales the Court of Appeal in *Barclay Holdings Pty. Limited v. British National Insurance Co.* [1987] 4 A.N.Z. Ins. Cas. 60-770 has decided not to follow *CTI* the debate concerning the notion of materiality is important and is not entirely irrelevant to the inquiry under s. 21 of the Insurance Contracts Act.

On the whole, however, the book fulfils a useful role for the practitioner as a convenient, clearly laid out first reference work with many topics of some difficulty briefly and succinctly discussed, e.g. the payment of premium and the recent cases on the principle of indemnity and illegality (though the discussion of illegality must now be read in the light of the following of Parker J in *Bedford Insurance* by the Court of Appeal in *Phoenix General Insurance Co. of Greece Sa* (1986) 2 Lloyd's LR 552.) □

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