

Brendan Pentoney, Stephen Graw, Jann Lennard and David Parker, *Understanding Business Law*, Sydney: Butterworths, 1995.

Paul Latimer, *Australian Business Law*, 14th edition, Sydney: CCH, 1995.

Clive Turner, *Yorston, Fortescue and Turner, Australian Commercial Law*, 20th edition (revised), Sydney: Law Book Company Limited, 1995.

Understanding Business Law

The authors of *Understanding Business Law* have in mind that many Australians are confronted daily with issues which require an understanding of business law. While suggesting their work should be no substitute for professional advice, the authors, Brendan Pentoney, Stephen Graw, Jann Lennard and David Parker, seek to "give an idea of the big picture", to show how some legal matters are related and to alert readers to when they might have a problem which requires legal advice.

The authors have achieved their aim of writing an accessible text. Its setting out, including the liberal use of headings, dot points, case examples in boxes, legislation in shaded text and the use of summaries and key terms, all contribute to producing a work which the lay-reader could use. Nevertheless, students are likely to be the main users of the work. That the work is accompanied by a tutorial disk written by Professor Alan Tyree reinforces its use as a student text.

Students in law schools will find the text too simplistic and the sweep too broad. But students in business schools looking for basic principles, key cases and an introduction to principal legislation will find the work of considerable value. Selection of topics is appropriate, if predictable, in a work of this nature. A sizeable proportion of the book's 547 pages is devoted to contracts and consumer transactions but there is also an introduction to topics such as banking and insurance law, torts, intellectual property, bankruptcy and debt recovery and forms of business arrangement.

The book adopts a practical approach, integrating, where appropriate, procedural issues with the substantive law. The chapters on Bankruptcy and Debt Recovery provide many examples of this approach reproducing court forms and even sample letters of demand. In the chapter dealing with the Australian Legal System, coverage is given to various forms of alternative dispute resolution including bodies such as the Banking Ombudsman and the General Insurance Claims Review Panel.

The authors have adopted a sound practical approach to their treatment of common law areas by putting statutory modifications in context. Thus in the chapter dealing with contract formation, the defendant's argument in *Carlill v Carbolic Smokeball Company* (1883) 1 QB 256 that the advertisement was a mere puff, is integrated with a discussion of the effect of s 52 of the *Trade Practices Act 1974* (Cth). This is appropriate in a work aimed at students who will not study many law subjects. The traditional Law School approach to subjects such that contracts and commercial law are covered in separate subjects is not always appropriate for business students.

There are places where the wish to paint the big picture has been at the expense of detail where some detail may have assisted students' understanding. Examples are found in the part dealing with implied terms in contract where those sections covering terms implied to give business efficacy and terms implied by statute lack sufficient explanation. The problem might have been solved by some appropriate cross-referencing. Terms implied by statute are covered in a later chapter. Cross-referencing generally could have been improved. *Commercial Bank of Australia v Amadio* (1983) 57 ALJR 358 is given as an example of "equity in action" in Chapter One and it is also covered in a later chapter as an example of unconscionable conduct in contracts, however there is no cross-reference and indeed the facts are repeated. This may be the product of having several authors. Any later editions might benefit from editing in this area.

However, overall the work achieves its aims of providing an accessible and very readable text to a wide-range of readers.

Australian Business Law

That Paul Latimer's work, *Australian Business Law*, CCH, Sydney, 1995 is in its 14th edition suggests it has a ready market. The preface suggests this market includes not only lawyers and law students but also business practitioners and business students. Its value as a reference work comes from the breadth of material included. But this breadth means the work is not likely to be used as a text by law students. Business students studying a broad commercial law subject will find the text useful, but specialised subjects such as Company Law, are likely to call for more detailed texts.

Part of the value of the work comes from its constant updating. Its preface suggests minor amendments have been made to almost every page together with substantial revisions to several chapters. One of its strengths is in the use of footnotes directing the reader not only to principal cases and legislation but also to relevant articles.

The physical weight of the work together with the visual impression that it is crammed with detail work against its use as a student text. However, as a volume for reference on a wide range of commercial law topics,

Paul Latimer's work will find a ready market. The fact that it deals with contemporary topics such as electronic banking and credit cards enhances its use by practitioners as well as students. Indeed accountants, bankers and small business advisors needing information on the legal regime in which they operate will find the book very useful.

Yorston, Fortescue and Turner Australian Commercial Law

The final work in this trilogy of recently-issued commercial law texts is Clive Turner's *Yorston, Fortescue and Turner Australian Commercial Law* now in its 20th edition and published by the Law Book Company. This is the most scholarly of the trio. Although a new edition was not due until 1996, the author has revised the 20th edition to take account of changes in industrial law arising from the passage of the *Industrial Relations Reform Act 1993* (Cth) and to include an outline of the *Consumer Credit (Queensland) Act 1984* intended to be the forerunner of and template for a new national scheme. The latter is included in a new final chapter, "Supplementary Chapter Principal Developments During 1994". With delays in the introduction of the *Consumer Credit Code*, some of the revisions themselves are now out of date.

As with the above two works, *Yorston, Fortescue and Turner Australian Commercial Law*, is a useful text for business students studying a small number of business law subjects. However, while it does not have the depth required by law students in a subject such as Contract Law, its coverage of commercial transactions, supplemented by the reading of cases, may be sufficient for law students in commercial law subjects. This is particularly so because there are few works which cover the broad field of commercial transactions other than those specialist texts on topics such as consumer law or negotiable instruments.

Liberal use of headings and point form ensure the work's readability and make it suitable both as a student text and as a reference work for legal practitioners and those who need to keep up to date with commercial law including accountants and corporate advisors.

Anne Finlay