

BOOK REVIEW

COMMERCIAL TENANCY LAW IN AUSTRALIA

By A. J. Bradbrook and C. E. Croft

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Preface, 32 pages of Table of Cases, 14 pages of Table of Statutes, 408 pages of text (divided into 26 chapters) and 20 pages of Index. Price from publishers \$75.

Dr Bradbrook is Professor of Law, University of Adelaide and Dr Croft is a barrister and both are Associate members of this Institute.

Until now the standard reference on this subject in Victoria has been the invaluable Brooking & Chernov, "Tenancy Law and Practice, Victoria" 2nd edition, Alex Chernov 1980. In their preface the authors say that their book had its origins in Brooking & Chernov. Elsewhere they acknowledge that parts of it were previously published in the first and second editions of Brooking & Chernov. Brooking & Chernov, with all its many merits, also covered residential tenancies legislation and case law; was predominantly Victorian; and it preceded some significant legislation of the last 10 years.

The work now reviewed focuses specifically on commercial leases and expands the scope to cover all Australian States. The Table of Statutes refers to over 20 Commonwealth and State Acts proclaimed since 1980, including the Uniform Commercial Arbitration Acts; Victoria's Retail Tenancies Act 1986; Queensland's Retail Shop Leases Act 1984; and Western Australia's Commercial Tenancies (Retail Shops) Agreement Act 1985. South Australia's substantive amending Acts of 1985 and 1987 are also covered. The authors say that the book covers the law as it stood on 1st May 1989.

The Table of Cases cites some two hundred or so cases dated later than 1980 so the book is a great current reference for executives and others whose duties involve them in relationships either as a lessor or a lessee of commercial premises. It is a must for professional advisers in this area and for arbitrators called on to resolve disputes between landlords and tenants.

The first twenty-two chapters cover the general law and the last four chapters cover the recent retail tenancies legislation of Victoria, Queensland, Western Australia and South Australia respectively.

The text is comprehensive and it encourages one to read on. The typesetting and printing (Australian) are first class and the book is handsomely bound in red with silver lettering. It will grace any bookshelf, but my copy will not be left there for long as I know that I shall need to refer to it constantly.

Sincerest congratulations to the authors and publishers for a most welcome reference and impressive production, but if the book runs to later editions, as I hope and expect that it ultimately will, the index could be expanded. There are many words significant enough to be in the chapter and paragraph headings that are not listed in the index.

H. C. B.

INTERNATIONAL DISPUTE RESOLUTION CLAUSE

recommended by

The Institute of Arbitrators Australia

and

Australian Centre for International Commercial Arbitration

International Arbitration

“Any dispute or difference whatsoever in connection with this contract shall be, and is hereby, submitted to arbitration in accordance with, and subject to,

.....

(Insert here the Rules which are to govern the arbitration, eg. UNCITRAL Arbitration Rules, the Rules of Conciliation and Arbitration of the International Chamber of Commerce, the London Court of International Arbitration Rules, or other rules as selected by the parties.

If the parties have failed to insert the arbitration rules selected by them UNCITRAL Arbitration Rules shall apply.)

“Subject to any contrary provision in the selected rules, the appointing and administering body shall be Australian Centre for International Commercial Arbitration, Melbourne/Sydney/Darwin (delete one); there shall be one arbitrator; the language of the arbitration shall be; the place of arbitration shall be; and if the parties have failed to insert such language or place of arbitration, they shall be English, and Melbourne, Victoria, respectively (as the case may be).”