

book review...

Remedies, Commentary and Materials (third edition)

M Tilbury, M Noone, B Kercher

LBC Info Services, 2000.

Reviewed by Chris Howse, Executive Officer, NT Aboriginal Justice Advocacy Committee.

"...Never can there come fog too thick, never can there come mire too deep, to assort with the groping and floundering condition which this high court of chancery, most pestilent of hoary sins, hold this day, in the sight of heaven and earth."

So is quoted at page 808 of Remedies, Commentary and Materials (third edition), recently published by LBC, a famous passage from the beginnings of Charles Dickens's "Bleak House". An apt quote it is. This book is about "remedies". It summaries the law on such useful things as balance of convenience and injunctions, equitable damages and the complexities of the personal injuries and trade practices areas.

For the practitioner, especially the young one, that fog is apt to descend all too quickly when it comes to checking up the law, be it statute or case, on the subject of remedies. I remember being before a magistrate one day arguing for damages which it seemed were not able to be awarded as they were not pleased. The answer of course, was to ask for equitable damages. Luckily, a luncheon adjournment intervened and I was able to ask someone who put me onto them. You could get them so long as you had a case, whether they were pleased on the paperwork or not! I recommend therefore PP 279-282. There, you can read all about them.

When the bread and butter work is "breach of agreement", "crash and bash", "work and labour done", "goods sold and delivered", "personal; injuries", "workers compensation" and "negligence", it is handy to be able to put a hand on the law with respect to damages. This text expresses it in a handy way with extracts from judgements. If the fog approaches rather quickly when considering remedies in general, I recommend this little text.

NO WAY TO FORGET; and HARRY'S WAR

No Way To Forget and *Harry's War* are two plays by award winning film-maker and songwriter Richard Frankland which will be performed at Darwin's Brown's Mart in October this year.

Harry's War is about two mates who go off to fight in Papua New Guinea during the Second World War. Harry is a Koori and Mitch a non-Aboriginal Australian. As the play unfolds, Harry grows from a boy in uniform into a man at war.

The story is based on Richard's uncle, Harry Saunders. Harry tells of a mateship that transcends race and social barriers, war and death.

No Way To Forget is a work based on events that occurred while Frankland was a Field Officer/Investigator for the Royal Commission into Aboriginal

Deaths in Custody. A story with no end, it confronts the tragic issue of Aboriginal deaths in custody: people die in jails, why mothers should cry for their children, and why children should cry for their parents.

Both plays are based on award winning short films.

The season in Darwin will be directed by Glenn Shea. The star of television show *Water Rats*, Aaron Pedersen, will perform in the productions.

The plays have been brought to the Territory by Stars (Students That Action Reconciliation Seriously) with sponsorship from the Aboriginal and Torres Strait Islander Arts Board of the Australia Council and the Law Society Public Purposes Trust.

The performances will be held in Brown's Mart from 2 - 14 October 2000.



The Chartered Institute of Arbitrators

[Australian Branch]

ENTRY COURSE – SYDNEY

Sat 18 Nov. – Sun 19 Nov. 2000

The Branch will conduct an Entry Course, leading to Associate Membership (ACI Arb).

The two-day program, at a Sydney CBD venue, consists of lectures and tutorials and concludes with a written examination.

Course fee: \$900 (incl. GST)

SPECIAL MEMBERSHIP COURSE – SYDNEY

Sat 18 Nov. – Mon 20 Nov. 2000

The Branch also proposes to conduct a Special Membership Course for suitably qualified candidates who are lawyers or who otherwise have sufficient experience in arbitration.

The program consists of small discussion groups, in which candidates will be expected to demonstrate knowledge and skill in arbitration, followed by an Award writing exercise.

Attending the Course will qualify candidates for Associate Membership (ACI Arb) and those who pass the Course examination will qualify for Membership (MCI Arb) and be entitled to undertake the steps leading to Fellowship (FCI Arb) and the title Chartered Arbitrator.

Course fee: \$900 (incl. GST)

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