

THE LAW OF LIFE ASSURANCE IN AUSTRALIA, 3rd Ed. By P. C. Wickens, M.A., LL.B., F.I.A. [Sydney: The Law Book Co. of Australia Pty. Ltd. 1963. xvi + 294 pp. £A2 18s. 0d.]

Mr. Wickens's book covers, though briefly, all the different aspects of life insurance in Australia. It is meant for the benefit of a wide range of readers, *i.e.* all those actively engaged in life assurance as well as practitioners. The book is intended to be complete by itself and not complementary to any English work on life assurance. The author has succeeded in achieving these purposes.

For the benefit of non lawyers the learned author has included a chapter on the sources of law in Australia. The second chapter is, too, introductory. In it the different types of policies are, however, very clearly defined (especially at pp. 12-14). The third chapter on "Formation of the Contract", after a very brief but accurate definition of contracts generally, includes a clear discussion of the offer and acceptance aspects of life insurance.

The fourth chapter discusses insurable interest. It covers the subject but, on the whole includes very few authorities. Only two Australian (at pp. 21 and 27) and one New Zealand (at p. 27) case are included. Although the statements in the back are accurate, one cannot but wonder if there are no more Australian cases on insurable interest for inclusion.

The next two chapters, *i.e.* "Policies for Particular Purposes" and "Family Insurance Policies" are well written. So is cap. VII on "Mistake Misstatement and Non Disclosure." There is, however, in this chapter no discussion of ambiguous questions, answers and waiver. At p. 59 the learned author states that, when a forfeiture clause is inserted in the policy, premium is forfeited only when the company brings an action to set aside a policy and not when the insured's fraud or concealment is raised as a defence. The author does not quote any authority for this proposition. He refers to *Joel v. Law Union and Crown Insurance Co.* by way of analogy. The case does not, however, support the author's argument. In fact, in view of the scarcity of authorities on this question it might be suggested that the point is still open.

The next three chapters of the book discuss the terms of the policy and its interpretation. The 11th chapter discusses assignment. These, as well as the following chapters which discuss Mortgages, Paid up Policies and other matters which, although outside the scope of the policy itself are closely connected with it, are short yet well written. The book includes also chapters on the taxation aspects of insurance (cap. XXII *et. seq.*) People actively engaged in life assurance will find these of greatest value.

On the whole Mr. Wickens has produced a good book. Its greatest merit is its not being crowded by English authorities. It apparently deals with these only in the absence of authorities in Australia. The author has thus avoided treading the usual paths which, in life assurance, have been covered in quite a few books. Since the book is, however, on Australian law, one cannot but wonder if the inclusion of all Australian cases on life assurance should not be recommended.

This, however, is not a major shortcoming. The book compares very favourably with *Housemen's Law of Life Assurance* and in Australia is fully suited to take its place.

E. P. ELLINGER.