

BOOK REVIEWS

'Insolvent Trading and Fraudulent Trading in Australia: Regulation and Context'

external administration.

Chapter 11 provides an analysis of the regulation of insolvent trading in overseas jurisdictions, in particular, the 'wrongful trading' provisions in the United Kingdom.

Part 3 is devoted to regulation of fraudulent trading, comprising sections 592(6) and 593(2) *Corporations Act*

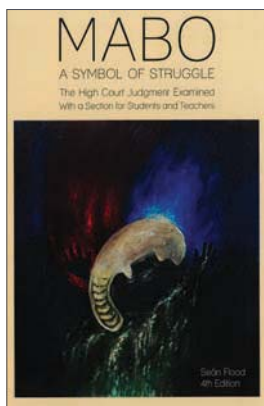
2001 (Cth). Although the regulation of fraudulent trading of companies has enjoyed a much longer legislative history than the regulation of insolvent trading of companies, there is not the range or depth of judicial analysis. This is no doubt due to the requirement to prove dishonest intent resulting in it being a less attractive avenue of recovery. Consequently, the authors' analysis of this claim is limited.

While fraudulent trading regulation is relevant to the questions posed in the book and at the outset of this review, the real value of this publication is in its contextual analysis of insolvent trading. As such, the text will be a welcome and useful addition to the library of any legal practitioner specialising in the area of insolvency.

Reviewed by Jo Shepard

Mabo

Sean Flood | E Fink | 2017



You would be hard pressed finding a person in Australia who hasn't heard of the High Court decision of *Mabo v Queensland [No 2]* (1992) 175 CLR 1 (*Mabo*). You would have an even harder time trying to find a person who understands what *Mabo* actually means or has actually read it.

In the fourth edition of this book, the author celebrates the landmark decision of *Mabo*, 25 years after it was handed down, by educating its readers about what *Mabo* really means for modern day Australia. When the book was first published Mr Flood felt that it was incredibly important to dispel some of the myths that were being whipped up about the potential

impact of *Mabo*. As an Aboriginal lawyer, I hope that this book will continue to be used to educate the community about the true meaning of *Mabo*.

The first half of the book provides an updated discussion on the *Mabo* decision, the *Native Title Act 1993* (Cth) and judicial approaches to native title since 1992. The chapter 'Native title in the courts since *Mabo*', which was written

This is a new edition to the book, which explores the impact of colonisation, equality, self-determination and constitutional recognition.

with assistance from barrister Lee Corbert, is particularly relevant to those who practise in the area of native title. Other sections will also appeal to those who have an interest in historical jurisprudence and thankfully the book is written in a way which is not overdone with legal jargon.

The second half of this book shifts its focus slightly to look more broadly

at the struggle faced by Indigenous Australians today. This is a new edition to the book, which explores the impact of colonisation, equality, self-determination and constitutional recognition. Drawing from his experience working within Aboriginal communities, Mr Flood brings these issues to the surface in a way which will hopefully provoke readers into exploring these issues further.

Readers will also be treated to images of artwork which symbolise the position that many Indigenous people find themselves in. For those studying legal studies, studies of religion and history in their HSC, this edition also includes useful discussion questions which will act as great study tool.

This book provides us all with a useful reminder that *Mabo* 'represented neither the beginning nor the end of [the] struggle' faced by Indigenous Australians and that there is a great deal of this struggle yet to unfold. *Mabo: A Symbol of Struggle* is published independently by E Fink at PO Box 4004, Castlecrag NSW 2068.

Reviewed by Damian Beauflis