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South Pacific Property Law by Sue Farran and Don Paterson, Cavendish Publishing Limited, 2004, 300 pp

Michael Weir

Bond University, mweir@bond.edu.au

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Abstract

The authors in this textbook have set out 'to provide for the reader a description of, and a commentary upon, the law of property as it exists in the South Pacific Region'. The emphasis is placed on twelve countries in that region including PNG, Fiji, Nauru, Somoa and the Solomon Islands.

SOUTH PACIFIC PROPERTY LAW

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The authors in this textbook have set out 'to provide for the reader a description of, and a commentary upon, the law of property as it exists in the South Pacific Region'. The emphasis is placed on twelve countries in that region including PNG, Fiji, Nauru, Somoa and the Solomon Islands. The introduction to the text state the term 'property' is sometimes viewed as referring to land only while it may also be interpreted to include movable property only. In this text property is conceived of in its widest sense to include both real and personal property.

The book is divided into eleven chapters. A number of chapters are familiar to the common lawyer such as:

What is property law? – Chapter 1
Ownership – Chapter 2
Possession and Occupation – Chapter 3
Acquisition of Property – Chapter 7
Alienation of Property – Chapter 8

A South Pacific flavour is reflected in the sub-topics on burial rights; ritual or symbolic rights and taboos (Chapter 4 - Special Interests in Property); Usufructuary Rights (in Chapter 6 - Use and Enjoyment) and Traditional Processes (Chapter 10 - Resolving Claims to Property). The important interests in land such as leases, mortgages and easements are dealt with in the chapter on Special Interests in Property.

The text is written in an informal and easy to read style. This is not a text that is intended to plumb the depths of intellectual debate on many issues. Rather the text is a survey of the most important principles that arise across the subject jurisdictions. No doubt for those who are concerned with the principles of law relevant to their specific jurisdiction this text will provide a useful commentary in a number of areas.

The writers should be congratulated for attempting the difficult task of dealing with such a large topic across a large number of jurisdictions. This of course is the source of one criticism one could make of the text. The topics dealt with are not dealt with in any great detail. As a property lawyer who specialises in land law (my bias) a reader may look for more detail in matters such as leases, mortgages, easements and torrens title. These topics are dealt with but the discussion is

limited to a few pages. This probably reflects the size of the scope of the book; the size of the book and the number of jurisdictions covered. The publisher and authors are the ones best placed to consider whether the market for the book is well served by that coverage. If a solution is needed it may be to produce a bigger book or to limit the book to personal property. I detect that personal property may be the preference of the authors.

Associate Professor Michael Weir
Deputy Dean
Faculty of Law
Bond University