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RECENT PUBLICATIONS

Recent publications by The Federation Press.

The Duty to Account: Development and Principles by Dr J A Watson, with a Foreword by John Sheahan QC

This is another excellent offering from The Federation Press. It is by Dr J A Watson who was a finalist for the 2015 Holt prize (which is a publishing award named after the late co-founder of The Federation Press). The book demonstrates that the remedy of an account is manifestly under-utilised. As John Sheahan QC perceptively observes in his Foreword, there has been a reluctance (bordering on hostility) by the Court to grant relief in the nature of an account in the absence of a breach of intellectual property rights or breach of fiduciary duty. This work examines why that is so and explores the true boundaries of the remedy.

The central theme of this monograph is the appropriate identification of the persons who come under the obligation of the duty to account (which is one of the oldest common law duties; being over 800 years old). The short proposition is that the duty to account arises whenever a person deals with property which, in the relevant legal sense, belongs to another. The expression, “relevant legal sense” is used to connote that the accounting party had come to use the property conditionally. These relatively simple propositions have wide implications as Dr Watson explains in his carefully researched work.

Although eschewing the suggestion that the work is not intended to be a work of “archival legal scholarship”, there can be no doubt as to the extremely high level of learning and scholarship which underlies the discussion of the historical development of the principles in question. In particular, Chapters 2 and 3 provide a fascinating consideration of the origin of the duty to account (taken largely from the great legal historians such as Maitland and Holdsworth) and its acceptance into the Common Law. This history is lucidly presented and, unlike much written legal history, is a pleasure to read. The identification of the modern principles of the duty to account are dealt with in Chapter 5 and the following chapter, although the immediately preceding chapter, Chapter 4, is important to consider as it identifies the contextual and competing influences which moulded the modern view of the doctrine. The duty to account, wherever it arises is discussed by reference to the leading authorities and the differences where those duties arise is clearly elucidated.

This is another exceptional work from The Federation Press which surely must now be considered as Australia’s leading legal publisher. It constantly publishes work of the highest quality and standard which leads and develops the law. This work is no exception. The Duty to Account can be purchased on line for \$90.00 from The Federation Press website which can be accessed by [clicking here](#).