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Supreme Court Australia. High Court Samuel Kaihura Murumba*

this book adopts a principled approach to the law applied in the construction of commercial contracts this approach is presented as part of a coherent theory of the law of contract construction which makes a unique contribution to scholarship and understanding of the most important aspect of the practice of commercial lawyers the law is explained by reference to three stages in construction it distinguishes the preliminary stage in which context is established from the meaning and application stages of contract construction the approach provides insights both into the practical problems that lawyers face in particular in relation to admissibility of extrinsic evidence and the theoretical underpinnings of the subject the book also explains the relationship between intention and construction and discusses general and specific rules that determine the results of construction disputes each chapter is introduced by statements of its objectives and the book includes simple definitions of key concepts as well as summaries of the complex principles which comprise the law of construction in illustrating construction principles and their application the exposition of the law draws on the author s knowledge of australian contract law and the influence and role of the unidroit principles csg and the american restatement second contracts

this book examines in detail the principles underpinning professional liability both at common law tort and contract and by reason of statute trade practices act and fair trading acts in the context of property professionals it includes comprehensive coverage of the civil liability acts the early chapters deal with the sources of professional liability they include an analysis of remedies for breach of professional obligations generally and of procedural issues such as limitation of actions expert evidence apportionment and contributory negligence in the setting of professional liability the heart of the book is original and accessible material on the measure of damages as it relates to the liability of the various professionals who become involved in property transactions there are further chapters on the liability of lenders and local authorities as organisations commonly involved it is an essential reference for any

barrister solicitor or other professional directly or indirectly involved in litigation in this area as well as property lawyers with a foreword by the hon justice ian callinan for more detailed information about the book s purpose and structure please read the extract from the preface below

this comprehensive yet accessible research handbook offers an expert guide to the key concepts principles and debates in the modern law of unjust enrichment and restitution

this classic text has provided generations of students with a clear accessible informative exposition of the general principles of business law australian commercial law is still the essential guide to the legal issues surrounding commercial practice this 22nd edition has been updated to reflect all changes to the law major case developments since the last edition major changes include contract consent of parties updated to include *inter alia* the recent important decision of the high court in *garcia v national australia bank ltd* 1998 concerning guarantees by wives of their husband s business debts consumer protection under the trade practices act 1998 discussion of the trade practices amendment fair trading act 1998 which prohibits unconscionable conduct by large corporations in transactions with small business also included is discussion of the trade practices amendment country of origin representations act 1998 concerning the appropriate use of representations such as made in australia or product of australia property now includes a completely new section on native title company law substantially revised to incorporate the important changes made by the company law review act 1998 intellectual property includes significant amendments made by the copyright amendment act no 2 1998 concerning employed journalist s copyright copyright in labelling packaging of imported goods conversion damages the removal of the copyright restrictions on the parallel importation of records this chapter also includes discussion of the franchising code of conduct 1998 bankruptcy incorporates into the text substantial changes made by the bankruptcy legislation amendment act 1996 workplace relations employment industrial relations revised updated to include recent developments including the significant decision of the high court in *patrick stevedores operations no 2 v maritime union australia* 1998

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