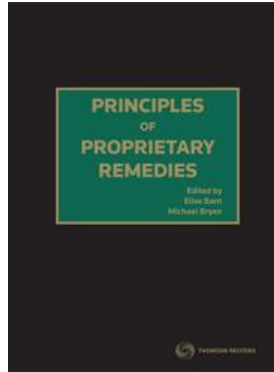




MEMBER OFFER: 15% DISCOUNT



PRINCIPLES OF PROPRIETARY REMEDIES

Elise Bant, Michael Bryan

Recent years have seen many significant cases decided across the common law world in which courts have directly grappled with important and difficult issues concerning proprietary remedies (such as the constructive trust, rescission and liens) awarded in response to common law and equitable wrongdoing, and to events of unjust enrichment. The decisions have often been made virtually contemporaneously, in jurisdictions sharing common legal traditions, and yet have taken significantly divergent positions on core issues of principle.

In that context, this collection represents the timely culmination of a four-year Australian Research Council Discovery project led by the editors to identify and explore the principles that guide the award of proprietary relief. It contains strongly comparative essays by leading Australian judges and scholars that address underlying questions of legal taxonomy and the rationales for proprietary relief, as well as examine the award of proprietary relief in particular categories of cases including claims of breach of fiduciary duty, theft, fraud, accessorial breaches, estoppel and unjust enrichment. The collection also contains a succinct synopsis of the editors' research conclusions arising from the project as a whole, which seeks to provide a coherent model to guide and inform scholarly and judicial reflection on the developing law of proprietary relief both in Australia and internationally.

This work will be of profound interest for all practitioners, barristers, judges and scholars working in this complex and often seemingly incoherent field, and provides an innovative and accessible approach to the area for all students of the law.

Table of Contents

1. Introduction (Elise Bant)
2. Principles of Proprietary Remedies (Michael Bryan and Elise Bant)
3. Rescission and Constructive Trusts (The Hon. Paul Finn)
4. Judicial Discretion and the Constructive Trust in the Context of Accessorial Liability (Pauline Ridge)
5. Restitution of Proprietary Rights (The Hon. Justice James Edelman)
6. Constructive Trusts and Specific Performance (The Hon. Justice Carmel McLure)
7. Constructive Trusts and Equitable Proprietary Relief: Insights from Estoppel (The Hon. Justice Julie Ward)
8. Insights from the Restatement of Unjust Enrichment and Restitution (3rd) on Fusion and Proprietary Relief (The Hon. Keith Mason AC QC)
9. The *Black v Freedman* trust (The Hon. Kenneth Handley AO StJ QC)
10. A Typology of Trusts by Analogy (Dr Darryn Jensen)
11. Constructive Trusts as Vehicles for Distributive Justice (Matthew Harding)
12. Proprietary Restitution in Response to Policy Motivated Unjust Factors (Simone Degeling)
13. Discretionary Factors, Bars and Defences Affecting Proprietary Relief (Michael Bryan and Elise Bant)

ORDERING IS EASY!

1. **Order online.** Simply click the link below and use your promo code **BOOK08** to redeem your discount. <http://ow.ly/oC1B7>
2. **Fill out the order form** overleaf and submit via email, mail or fax.

=====



ORDER FORM

TITLE	CODE	RRP (incl. GST)	DISCOUNT	MEMBER PRICE
Principles of Proprietary Remedies, Hardcover	9780455231815	\$180.00	15%	\$153.00
Principles of Proprietary Remedies, eBook	41519548	\$180.00	15%	\$153.00
Principles of Proprietary Remedies, eBook+Book Bundle	41520731	\$234.00	15%	\$198.90
Total Amount Payable				\$
Media Code (Offer ends 31/1/14)				BOOK08

DELIVERY DETAILS

Name (Mr/Mrs/Ms/Dr/Prof)

Job title Company

Street

State

Postcode

DX Address

Telephone

Fax

Account type (please tick) Personal ☐ Company ☐

Email

Signature

Date / /

Your signature confirms that you have read and accept the Thomson Reuters Conditions of Sale.
For full conditions of sale see www.thomsonreuters.com.au/terms

PAYMENT METHOD

Please bill my Thomson Reuters account number

(To open an account with Thomson Reuters please contact customer service on 1300 304 195)

Account Name/Company

☐ Enclosed is my cheque payable to Thomson Reuters (Professional) Australia Limited for \$Debit my ☐ Visa ☐ Mastercard ☐ American Express*

*Note: All American Express payments are subject to a 2.95% surcharge

Card Number

Expiry Date /

Cardholder's Name

Signature

Date / /

CONTACT US

MAIL LTA Customer Service
Reply Paid 3502
PO Box 3502
Rozelle NSW 2039

PHONE 1300 304 195
EMAIL LTA. Service@thomsonreuters.com
FAX 1300 304 196
WEB www.thomsonreuters.com.au

30-day money back guarantee

All Thomson Reuters products are covered by a 30-day money-back guarantee. If for any reason you're not totally satisfied you can return the product within 30 days for a full refund, including postage.

Prices are subject to change without notice unless specified for a fixed period. All prices are in Australian dollars and include GST. Prices are valid for sales in Australia only. Accounts must be opened for all subscription orders. Subscribers must provide the publisher with written notice of cancellation within thirty days of the date of their subscription invoice or the subscriber will be liable for the invoiced amount. Thomson Reuters' (Thomson Reuters' (Professional) Australia Limited ABN 64 058 914 668) conditions of sale apply. For conditions see www.thomsonreuters.com.au/terms

Thomson Reuters may occasionally contact you for the purpose of direct marketing or market research, and may also disclose information about you to other members of the Thomson Reuters Group for such purposes. Please tick this box ☐ if you do not wish to be contacted by Thomson Reuters for such purposes, or this box ☐ if you do not wish Thomson Reuters to make such disclosures.

For details of Thomson Reuters' privacy policy visit www.thomsonreuters.com.au/privacy or contact the Privacy Officer at TLRAP.Privacy@thomsonreuters.com.