



Mason and Carter's Restitution Law in Australia

Keith Mason, John Carter, Gregory Tolhurst

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Restitution is one of the law's few remaining commons, largely untouched by statute. Fifty years ago restitution was a wilderness, an apparent 'miscellany of disparate categories' through which litigant, judge and student trudged holding a compass marked 'implied contract' at its four points. However, the landscape of the modern Australian law of restitution is complex. The topic of restitution addressed by the authors includes doctrines responding to different and/or additional policies as well as gain-based remedies appurtenant to wrongs with their juridical source outside unjust enrichment, which is only one of the bases for restitution. Several chapters have been extensively rewritten and the third 'Want of Title: Misdirected Funds and Tracing' is new to this edition. This book is essential reading for members of the judiciary, barristers and solicitors Australia wide as well as students of commercial law, equity and remedies.

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