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CHANGE AND
CONTINUITY

Statute, Equity, and Federalism

William Gummow

Change And Continuity Statute Equity And Federalism

**Matthew Dyson,James Lee,Shona
Wilson Stark**



Change And Continuity Statute Equity And Federalism:

Change and Continuity W. M. C. Gummow, 1999 This volume is based closely on the lectures delivered by The Hon Justice W M C Gummow at Oxford University in 1999 as part of the Clarendon law lectures series sponsored by Oxford University Press These lectures take up themes of continuity and change in the law particularly as they appear in the great common law jurisdictions The tension between continuity and change appears from a consideration of the interaction between statute and the case law which interprets it of the interaction between equity and statute and finally of the operation of that constitutional arrangement known as federalism Statute speaks to the state of affairs at the time of enactment That state of affairs is dynamic the statute at least in form is static Conversely in its development the common law may be informed by changes effected by statute The extent to which the common law may or should respond in this way is a matter of controversy Further the accommodation of an apparently rigid statutory structure to individual circumstances has for centuries been assisted by the leavening effect of equitable doctrines and remedies Finally in federal systems with a division of governmental power and authority by a written supreme law tensions between continuity perceived in terms of original intent and changed circumstances which were unforeseen may become acute Is Britain in the process of becoming a federal state or indeed a component of a European federal state In all these situations the doctrines developed by the courts assist the passage of society from the past through the present and into the future This invites an inquiry considered in these lectures as to the requirements of legal scholarship in a court of ultimate appeal in a common law system

Interpreting Statutes Suzanne Corcoran, Stephen Bottomley, 2005 *Interpreting Statutes* was cited 4 times by the High Court in *Momcilovic v The Queen* 2011 HCA 34 8 September 2011 *Interpreting Statutes* has been written for lawyers and judges who must interpret statutes on a daily basis as well as for students and scholars who have their own responsibility for the future This book takes a new approach to statutory interpretation The authors consider the fundamental importance of context in statutory interpretation across various fields of regulation and explore the problems which arise from the frequent disjunction between regulatory design and subsequent statutory interpretation As a result they bring to the fore fundamental theoretical questions underlying interpretive choice and expand our appreciation of how critical interpretive issues are to the proper functioning of our legal system The book is divided into two parts The first covers several areas dealing with fundamental theoretical issues The second deals with particular areas of the law such as criminal law or corporate law addressing the utility and functionality of the general theories from different legal perspectives and illustrating the fact that different interpretive principles may take precedence in different areas of the law It reveals the complexity of statutory interpretation when applied to actual practice in a particular area of law Despite this complexity and the unique problems of statutory interpretation within each area of law some major themes emerge including the strong influence of constitutional interpretation tension between common law rights and statutory innovation questions about the interaction of domestic law

with international law tension between settled judicial principles of interpretation and principles embedded in legislation issues concerning the interpretation of delegated legislation and questions about gap filling and discretion in the interpretation of statutes and codes *International Trade & Business Law Review* Gabriël Moens, 2005 The *International Trade and Business Law Review* is the official publication of the Australian Institute of Foreign and Comparative Law The Review includes leading articles case notes and comments as well as book reviews and understanding of recent developments in international trade and transnational business The Review contributes in a scholarly way to the discussion of these issues whilst being informative and of practical relevance to business people It also promotes further development of the trading relationship between Australia and its traditional trading partners including the European Community and the APEC countries of leading international trade law practitioners and academics from the European Community the United States Asia and Australia **Economic Torts and Economic Wrongs** John Eldridge, Michael Douglas, Claudia Carr, 2021-09-23 This book explores contemporary issues in respect of causes of action which operate to protect a plaintiff's economic interests It examines the question from across the spectrum of private law Focusing mainly on common law principles it looks in particular at the treatment of such causes of action in the United Kingdom Australia Canada Singapore as well as other common law jurisdictions Addressing both theoretical and doctrinal issues this important book will appeal to both private law scholars and practitioners **Restatement of the Law, Agency** American Law Institute, 2000 Submitted by the Council to the members of the American Law Institute for discussion at the annual meeting **Current Law Index**, 2003 **Fifty Years of the Law Commissions** Matthew Dyson, James Lee, Shona Wilson Stark, 2016-11-03 This book brings together past and present law commissioners judges practitioners academics and law reformers to analyse the past present and future of the Law Commissions in the United Kingdom and beyond Its internationally recognised authors bring a wealth of experience and insight into how and why law reform does and should take place covering statutory and non statutory reform from national and international perspectives The chapters of the book developed from papers given at a conference to mark the fiftieth anniversary of the Law Commissions Act 1965 **The Commonwealth Law Reports** Australia. High Court, 2001 **Unjust Enrichment** James Edelman, Elise Bant, 2016-08-25 Unjust enrichment is one of the least understood of the major branches of private law This book builds on the 2006 work by the same authors which examined the developing law of unjust enrichment in Australia The refinement of the authors' thinking responding to novel issues and circumstances that have arisen in the maturing case law has required many chapters of the book to be completely rewritten The scope of the book is also much broader It concerns the principles of the law of unjust enrichment in Australia New Zealand England and Canada Major decisions of the highest courts of these jurisdictions in the last decade provide a fertile basis for examining the underlying principles and foundations of this subject The book uses the leading cases particularly in England and Australia to distil and explain the fundamental principles of this branch of private law The cases discussed are current as

of 1 May 2016 although the most recent could only be included in footnotes *Marine Insurance: The Law in Transition* Rhidian Thomas, 2020-11-26 The book examines and analyses in depth the specific issues which are currently occupying the marine insurance markets and the law The London market is currently re examining its practices and international competitiveness and the English case law is growing significantly The issues identified in the book are the fundamental issues on which marine insurance law is based and which are in the process of being re examined and developed further to respond to the needs of modern insurance practice They are of wider interest to insurance law in general and the evolution of English law is analysed against the backdrop of legal developments in Europe and Scandinavia *Journal of Contract Law* ,2001 *University of Tasmania Law Review* ,2001 **Federal Law Review** ,2003 **Making the Law Explicit** Matthias Klatt, 2008-08 This book considers Robert Brandom s philosophy and presents an original and exciting analysis of the semantic argument in legal argumentation **Convergence, Divergence, and the Middle Way in Unifying Or Harmonising Private Law** Luke Nottage, 2001 *The University of New South Wales Law Journal* ,2003 *Current Publications in Legal and Related Fields* ,2000 **Justice for All?** Christopher J. F. Boge, 2001 Papers examine discrete and contemporary issues in native title law highlights difficulties in competing Indigenous and non Indigenous interests shortfall in common law solutions papers annotated separately *Bibliographie Mensuelle* United Nations Library (Geneva, Switzerland), 2000 *Oxford University Commonwealth Law Journal* ,2004

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