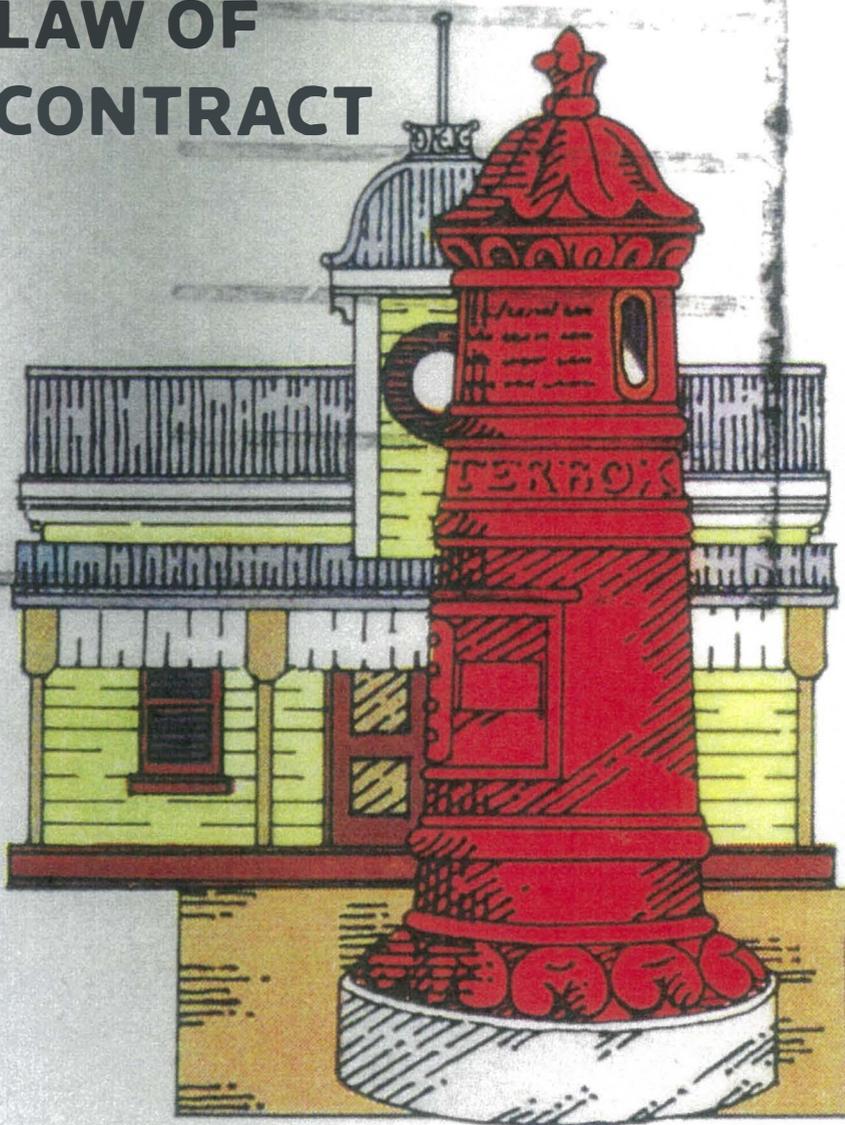


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AN INTRODUCTION
TO THE
**LAW OF
CONTRACT**



STEPHEN GRAW

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An Introduction to the Law of Contract

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NINTH EDITION

LAWBOOK CO. 2017

Thomson Reuters (Professional) Australia Limited
19 Harris Street Pyrmont NSW 2009
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LTA.Service@thomsonreuters.com
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Thomson Reuters
London
United Kingdom

Dale, Genevieve and James

Published in Sydney by

Thomson Reuters (Professional) Australia Limited ABN 64 058 914 668

19 Harris Street, Pyrmont, NSW

First edition 1990

Second edition 1993

Third edition 1998

Fourth edition 2002

Fifth edition 2005

Sixth edition 2008

Seventh edition 2012

Eighth edition 2015

National Library of Australia

Cataloguing-in-Publication entry

Graw, Stephen.

An introduction to the law of contract/Stephen Graw

9th ed.

Includes index.

978 0 455 23989 7.

Contracts—Australia

346.9402

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Product Developer: Lucas Frederick

Publisher: Robert Wilson

Edited and Typeset by Newgen KnowledgeWorks

Printed by Ligare Pty Ltd, Riverwood, NSW



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Preface

As with virtually all areas of the law, the law of contract continually evolves as new cases appear and new or amended legislation is passed. Since the last edition of this book was written in 2014, there have been a number of significant new decisions and they, together with a (lesser) number of statutory changes, have necessitated this new edition to ensure that the book's coverage remains up-to-date.

I have also taken this opportunity to include some additional detail and/or references to the book's existing scope to improve both its present level of explanation and its user-friendliness.

The major new cases that have been added include the High Court's decisions in *Crown Melbourne Ltd v Cosmopolitan Hotel (Vic) Pty Ltd* (promissory estoppel and collateral contracts); *Mount Bruce Mining Pty Limited v Wright Prospecting Pty Limited* (construction of contracts), *Simic v New South Wales Land and Housing Corporation* (rectification), *Gynch v Polish Club Ltd* (illegality) and *Paciocco v ANZ Banking Group Ltd* (penalties and unconscionability).

Other Federal Court and State and Territory Supreme Court decisions include *Mainteck Services Pty Ltd v Stein Heurtey SA*, *Essential Beauty Franchising (WA) Pty Ltd v Pilton Holdings Pty Ltd* and *Technomin Australia Pty Ltd v Xstrata Nickel Australasia Operations Pty Ltd* (ambiguity), *Mushroom Composters Pty Ltd v IS & DE Robertson Pty Ltd* and *Baldwin v Icon Energy Ltd* (good faith), *Sion v NSW Trustee & Guardian*, *Vantage Systems Pty Ltd v Priolo Corporation Pty Ltd*, *Ailakis v Olivero (No 2)* and *Arfaras v Vosnakis* (intention to be bound), *Stevens v Spotless Management Services Pty Ltd* (consideration), *Caringbah Investments Pty Ltd v Caringbah Business and Sports Club Ltd (in liq)* (rectification), *National Australia Bank Limited v Dionys* ('unusual' terms), *Hawcroft v Hawcroft General Trading Co Pty Ltd*, *HWG Holdings Pty Ltd v Fairlie Court Pty Ltd* and *Menegazzo v PricewaterhouseCoopers* (mistake), *Maxcon Constructions Pty Ltd v Vadasz (No 2)* (illegality), *Regional Development Australia Murraylands and Riverland Inc v Smith* (frustration), *Karacominkis v Big Country Developments Pty Ltd* (mitigation of damages) and *Arab Bank Australia Ltd v Sayde Developments Pty Ltd* and *Stoyanova v Equity-One Mortgage Fund Ltd* (penalties).

There have been fewer statutory developments since the last edition but the extension of the Australian Consumer Law's 'unfair contract terms' provisions to unfair terms in 'standard form' small business contracts is a notable change and is covered.

As with previous editions, this edition does not pretend to be a complete statement of the law. It is intended to provide a concise but comprehensible analysis of the relevant legal principles in an easily readable and logical form with the aim of

stimulating readers' interest and encouraging them to delve further into the subject. With that in mind, the book's emphasis continues to be on explaining and illustrating the law as it is applied in practice.

Like its predecessors, this edition owes much to many people. Mr Simon Walker provided invaluable research assistance and my wife Dale has yet again assisted throughout. I would also like to thank the staff at Thomson Reuters, particularly Lucas Frederick, for making the process as seamless as possible. I owe all of them my heartfelt thanks.

The law as stated is as I understand it to be on 1 May 2017. Any errors remain, of course, all my own work.

STEPHEN GRAW

Townsville

May 2017

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