Government Liability: Principles and Remedies
Janina Boughey • Ellen Rock • Greg Weeks

Given the degree of power wielded by Australian government officials and entities, it is unsurprising that government decisions and conduct frequently have an impact on individuals — ranging from minor inconveniences to more significant financial, physical and mental losses and intrusions. A wronged individual looking for a remedy will quickly come to realise that 'government liability' is a deceptively simple label that wraps up a complex range of rules and remedies.

The means by which government decisions and conduct can be challenged derive from a number of sources, including the Constitution, statute, common law and administrative regimes. In order to make choices about the most appropriate way to resolve a particular case, practitioners must be able to work across the traditional legal 'silos', drawing on public and private law principles as well as appreciating the important, and often under-valued, roles played by non-legal accountability mechanisms.

Written by experts in the field, this book is the first in Australia to draw together the principal means of challenging and remedying harm caused by government decisions and conduct. It includes chapters designed to familiarise readers with some of the complexities underpinning this area, as well as dedicated coverage of public law remedies (judicial review), private law remedies (tort, contract, equity and restitution), and statutory remedies (merits review, human rights legislation, ombudsmen, investigative agencies and discretionary compensation regimes).

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Related LexisNexis Titles

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• Creyke et al, Control of Government Action: Texts, Cases and Commentary, 5th edition, 2018

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ISBN 978-0-409-34865-1