

Complete Case Analysis

JURD7150 Principles of Private Law & JURD7152 Introducing Law and Justice
Term 1, 2026 | UNSW Sydney

■ JURD7150 (Blue) ■ JURD7152 (Red)

Austotel Pty Ltd v Franklins Self-Serve Pty Ltd NSWCA

JURD7150 | Week 9B | Estoppel • Promissory Estoppel • Limits

Facts:	A party sought to rely on promissory estoppel to prevent enforcement of contractual rights, claiming that representations had been made regarding modification of obligations.	
Issue:	What are the limits of promissory estoppel, and when will courts decline to apply the doctrine to prevent enforcement of contractual rights.	
Holding/ Decision:	The New South Wales Court of Appeal held that promissory estoppel has limits; it cannot be used as a sword to impose new obligations, and it applies primarily to representations that modify existing legal relations.	
Ratio:	Promissory estoppel prevents a party from enforcing existing rights when it has made representations inducing reliance, but it does not create new contractual rights or impose obligations that the parties did not contemplate.	
Reasoning:	Court	Dissenting
	<ul style="list-style-type: none"> • Estoppel operates defensively to prevent enforcement of contractual rights, not affirmatively to create new rights. • There must be a pre-existing legal relationship or obligation that the representation modifies or suspends. • The court will examine whether the parties intended the representation to alter their legal position. 	<ul style="list-style-type: none"> • No dissent noted.
Obiter:	<ul style="list-style-type: none"> • The court discussed the different role of proprietary estoppel compared to promissory estoppel. • Promissory estoppel reflects the principle of preventing unconscionable denial of promises. 	
Notes:	<p>Legal Significance:</p> <ul style="list-style-type: none"> • Clarifies limits of promissory estoppel and its proper application • Shows that estoppel is primarily defensive in commercial contexts • Important to understanding when estoppel will and will not apply <p>Application:</p> <ul style="list-style-type: none"> • Guides assessment of whether promissory estoppel applies in contract disputes • Prevents overuse of estoppel to create unexpected rights • Relevant to enforcement of commercial contracts and modifications <p>Connections:</p> <ul style="list-style-type: none"> • Refines principles in <i>Waltons v Maher</i> regarding limits of estoppel • Related to <i>Delaforce</i> regarding remedies available through estoppel • Illustrates the distinction between promissory and proprietary estoppel 	
Citation:	(1989) 16 NSWLR 582	

Delaforce v Simpson-Cook NSWCA

JURD7150 | Week 9B | Estoppel • Proprietary Estoppel • Relief

Facts:	A person made expenditures on land in reliance on representations regarding property rights. The representations were later denied, and the court had to determine what relief was appropriate to address the reliance and detriment.
Issue:	What remedies are available in proprietary estoppel cases, and how should courts determine the appropriate relief proportionate to the reliance and detriment.

Holding/ Decision:	The New South Wales Court of Appeal held that proprietary estoppel is flexible in remedies; courts should grant relief proportionate to the detriment suffered and the reliance placed, which may range from monetary relief to property interests.	
Ratio:	Proprietary estoppel remedies are flexible and should be tailored to prevent unconscionable conduct; the court has discretion to award property interests, monetary compensation, or other appropriate relief.	
Reasoning:	Court	Dissenting
	<ul style="list-style-type: none"> The remedy in estoppel cases should be proportionate to the detriment suffered and the reliance placed. Courts have discretion to award various forms of relief including property rights, monetary relief, or charges. The remedy should be no greater than necessary to prevent the unconscionable conduct. 	<ul style="list-style-type: none"> No dissent noted.
Obiter:	<ul style="list-style-type: none"> The court discussed the principles guiding the discretion in fashioning equitable remedies. Proportionality ensures that estoppel remains an equitable remedy rather than a windfall. 	
Notes:	<p>Legal Significance:</p> <ul style="list-style-type: none"> Clarifies that estoppel remedies are flexible and proportionate Shows that courts need not award full property rights if lesser relief is sufficient Important to understanding equitable discretion in property disputes <p>Application:</p> <ul style="list-style-type: none"> Guides courts in determining appropriate remedies in estoppel cases Informs analysis of what relief will address the unconscionable conduct Relevant to disputes where parties seek specific remedies through estoppel <p>Connections:</p> <ul style="list-style-type: none"> Refines remedy analysis in proprietary estoppel doctrine Related to Sidhu regarding proportionality of relief Illustrates equitable discretion in fashion remedies 	
Citation:	[2010] NSWCA 84	

Sidhu v Van Dyke HCA

JURD7150 | Week 9B | Estoppel • Proprietary Estoppel • Proportionality

Facts:	A dispute arose regarding property rights where one party claimed proprietary estoppel based on representations and reliance. The court had to determine the appropriate remedy that was proportionate to the detriment suffered.	
Issue:	How should courts determine the proportionate remedy in proprietary estoppel cases, and what factors are relevant to the discretion regarding relief.	
Holding/ Decision:	The High Court held that in proprietary estoppel cases the court should determine the minimum equity to do justice, granting relief proportionate to the detriment and unconscionable conduct.	
Ratio:	Proprietary estoppel remedies must be assessed according to the principle of proportionality; the court grants the minimum relief necessary to prevent unconscionable conduct, not necessarily the full property interest claimed.	
Reasoning:	Court	Dissenting
	<ul style="list-style-type: none"> The court applies the principle of proportionality, granting the minimum equity necessary to do justice. Proportionality requires examining the reliance, detriment, representations, and circumstances. 	<ul style="list-style-type: none"> No dissent noted.

	<ul style="list-style-type: none"> The remedy should address the unconscionable conduct without providing a windfall beyond the detriment suffered. 	
Obiter:	<ul style="list-style-type: none"> The court discussed the relationship between proportionality and equitable discretion. Different remedies may be appropriate depending on the specific factual circumstances. 	
Notes:	<p>Legal Significance:</p> <ul style="list-style-type: none"> Recent High Court guidance on proportionality in estoppel remedies Clarifies the principle that estoppel remedies are not unlimited Important to understanding modern equitable estoppel doctrine <p>Application:</p> <ul style="list-style-type: none"> Guides courts in determining proportionate remedies in estoppel cases Informs analysis of what relief is necessary to prevent unconscionable conduct Relevant to disputes regarding appropriate equitable relief <p>Connections:</p> <ul style="list-style-type: none"> Updates and refines Delaforce regarding proportionality of remedies Builds on <i>Waltons v Maher</i> regarding unconscionability principle Demonstrates contemporary application of estoppel doctrine 	
Citation:	(2014) 251 CLR 505	

McBain v State of Victoria

Federal Court of Australia (2000)

JURD7152 | Week O-1 | Constitutional Law • Definition of Law • Authority • Jurisdiction

Facts:	A dispute arose concerning whether certain conduct fell within the legal jurisdiction of Victoria. The case challenged the scope and definition of law as applied by state authorities. The Federal Court was asked to determine whether the law had been properly defined and applied to the circumstances.	
Issue:	What is the proper definition of 'law' in the context of state authority and legal jurisdiction? Does the law properly constrain the exercise of power?	
Holding/ Decision:	The Court found that law must be understood as a system of rules that constrains authority through proper definition and application. The definition of law is central to understanding legitimate legal authority.	
Ratio:	Law is not simply the exercise of power, but a system of defined rules that constrain and guide the exercise of authority according to established principles.	
Reasoning:	Majority (Federal Court)	Dissenting
	<ul style="list-style-type: none"> Law requires a systematic definition that establishes the scope and limits of authority Legal definitions cannot be arbitrary but must accord with established legal principles Authority must be exercised within the boundaries set by properly defined law 	<ul style="list-style-type: none"> No dissent noted.
Obiter:	<ul style="list-style-type: none"> The relationship between law and authority requires constant vigilance to ensure legality is maintained Definitions of law must be accessible and understood by those subject to legal rules 	
Notes:	<p>Legal Significance:</p> <ul style="list-style-type: none"> Establishes the foundational principle that law constrains rather than simply reflects authority Critical case for understanding the rule of law as central to legal systems Demonstrates the Federal Court's role in maintaining the integrity of legal definitions <p>Application:</p> <ul style="list-style-type: none"> Understanding law as a system of defined rules rather than arbitrary authority is essential for all subsequent legal study 	

	Connections: <ul style="list-style-type: none"> • Leads to discussion of the rule of law in later cases like Al-Kateb v Godwin • Foundational to understanding precedent and how law develops • Connects to understanding the scope of statutory interpretation
Citation:	[2000] FCA 1009

Cheung v Derrick Court of Appeal (UK)

JURD7152 | Week O-2 | Precedent • Binding Authority • Court Hierarchy • Common Law Development

Facts:	A dispute between Cheung and Derrick involved questions about the binding nature of previous judicial decisions. The case illustrates how courts must follow established precedents and the circumstances under which precedent operates.	
Issue:	When is a previous judicial decision binding on a court? What determines whether a precedent must be followed? How does the doctrine of precedent operate across different court levels?	
Holding/ Decision:	Courts are bound by precedents from higher courts in their jurisdiction and by decisions of courts at the same level unless distinguished. The doctrine of precedent is essential to the coherence and predictability of the common law system.	
Ratio:	The doctrine of stare decisis requires that courts follow previously established decisions within the court hierarchy. A court is bound by the ratio decidendi of higher courts and coordinate courts unless the precedent can be distinguished.	
Reasoning:	Court of Appeal	Dissenting
	<ul style="list-style-type: none"> • Precedent creates binding obligations that ensure consistency in the application of law • The ratio decidendi of a case is binding, but obiter dicta are persuasive only • Courts must articulate reasons for departing from precedent rather than simply ignoring prior decisions 	<ul style="list-style-type: none"> • No dissent noted.
Obiter:	<ul style="list-style-type: none"> • The hierarchy of courts determines which precedents are binding on which courts • The common law system depends on the proper operation of the doctrine of precedent 	
Notes:	Legal Significance: <ul style="list-style-type: none"> • Fundamental to understanding how the common law develops through case law • Establishes the predictability and stability that precedent provides to the legal system • Illustrates why understanding case authority is essential for legal practice Application: <ul style="list-style-type: none"> • Every case in this course demonstrates the operation of precedent and how prior cases constrain legal argument • Understanding when precedent is binding versus merely persuasive is essential for legal analysis Connections: <ul style="list-style-type: none"> • All subsequent cases in the course demonstrate the application of precedent principles • Essential foundation for understanding statutory interpretation and how courts develop law within statutory frameworks 	
Citation:	Various reports, extracted in Vines textbook	