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# Master of Philosophy (MPhil) ABSTRACT

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## **Restitution for Unjust Enrichment in Australian Courts**

The decision of the HCA in *Lumbers v W Cook Builders Pty Ltd* marks the beginning of a 'post free acceptance era' in the law of unjust enrichment in Australia. The intent of the majority judges in *Lumbers* to confine unjust enrichment to the limiting claims of quantum meruit and quantum valebat, dependent upon the existence of a 'request', may come to create more gaps in this area of the law than the High Court had set out to fill.

In this paper, I intend to examine the meaning of the nebulous concept of 'request'; explore the consequences of the High Court's singular focus on quantum meruit in the realm of unjust enrichment; consider the past and future application of 'unjust enrichment reasoning' in inferior courts and tribunals; and assess whether the complaints of both judges and academics with respect to 'top down reasoning' in unjust enrichment are in any way addressed by the reasoning applied in *Lumbers v Cook*.