

The Change of Position Defence



This book defines and explains the operation of the defense of change of position in Anglo-Australian law. It is a widely accepted view that the defense is a modern development, the first express recognition of which can be traced in England to the seminal decision of the House of Lords in *Lipkin Gorman (a firm) v Karpnale Ltd.* This work takes a different stance, arguing that the modern case law is best understood through an examination of its historical antecedents, placing the defense within its broader historical context and showing how its disputed features might be resolved. Part One of the book considers other, well-established defenses, shedding light on the change of position defense and laying the foundations for the examination of the defense in a manner consistent with the law as a whole, which is the task of Part Two of the book. In Part Two, the features of the defense are identified, examined, and clarified by reference to the change of position defense authorities, considerations of policy and principle and the lessons derived from the doctrines and defenses which were the subject of Part One.

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