



Private and Commercial Law Annual Conference

Civil Remedies

Thursday 8 - Friday 9 December 2022

UWA Law School, University of Western Australia

Convenors: Felicity Maher and Nicholas Tiverios

DAY ONE

THURSDAY 8 DECEMBER 2022

VENUE: Boolong Room, School of Indigenous Studies, UWA

35 Stirling Highway, Crawley, Perth, WA 6009

9am (AWST) Welcome & Introduction (15 minutes)

Welcome & conference opened by Professor Natalie Skead, Dean of Law, UWA

9.15am (AWST) Morning Session (i) (1 hour)

Chair: Nicholas Tiverios, University of Western Australia

1. Jason Neyers, Western University, 'The Modern Law of Vicarious Liability' **(In Person)**
2. Lachlan Deyong (Caunt), University of Montreal, 'Consider Apportionment Before Worrying about Indeterminate Liability: The Case of *Smith v Fonterra* & Material Contribution to Risk' **(Remote)**
3. Jason Varuhas, University of Melbourne, 'Two Concepts of Directness' **(In Person)**

CPD Points: 1 Point (Substantive Law)

10.15am (AWST) Short Break (15 minutes)

10.30 (AWST) Morning Session (ii) (45 minutes)

Chair: Peter Handford, University of Western Australia

1. Michael Douglas, University of Western Australia, 'Compelling Production of a Defamatory Draft' **(In Person)**
2. David Rolph, University of Sydney, 'Causation and Remoteness of Damage in Defamation' **(In Person)**

CPD Points: 0.5 Point (Substantive Law)

11.15am (AWST) Morning Tea (30 minutes)

11.45am (AWST) Midday Session (i) (1 hour)

Chair: Felicity Maher, University of Western Australia

1. Carrie Chunyan Ding, City University of Hong Kong, 'A Forbidden Remedy? Comparative Study of Punitive Damages for Breach of Contract' **(Remote)**
2. Amelia Ikin, Associate at the Supreme Court of Western Australia, 'If it's broke, does the claimant need to fix it? An examination into cost of cure damages for breach of contract in Australia' **(In Person)**
3. Nicholas Tiverios, University of Western Australia & David Winterton, University of Sydney, '"Negotiation damages" for Breach of Contract as a Substitute for Performance' **(In Person)**

CPD Points: 1 Point (Substantive Law)

12.45pm (AWST) Lunch (45 minutes)

1.30pm (AWST) Midday Session (ii) (45 minutes)

Chair: Elise Bant, University of Western Australia

1. Sharon Erbacher, Deakin University, 'Trespass Torts, Damages and Legal Coherence' **(In Person)**

2. James Ernest Penner, National University of Singapore, 'The Continuity Thesis' **(In Person)**

CPD Points: 0.5 Point (Substantive Law)

2.15pm (AWST) Short Break (15 minutes)

2.30pm (AWST) Afternoon Session (i) (45 minutes)

Chair: Rebecca Faugno, University of Western Australia

1. Alvin W-L See, Singapore Management University, 'Landlord's Right of Re-entry Following Tenant's Repudiatory Breach' **(In Person)**
2. Felicity Maher, University of Western Australia "Does the Criminal Punishment of the Defendant Bar Exemplary Damages? Questions Answered and Unanswered: *Gray v Motor Accident Commission*" **(In Person)**

CPD Points: 0.5 Point (Substantive Law)

3.15pm Afternoon Tea (30 minutes)

3.45pm (AWST) Afternoon Session (i) (45 minutes)

Chair: Barbara McDonald, University of Sydney

1. Katie McCay, University of Bristol, 'The Private Law Response to the Interference with Cryptoassets: the Evolving Picture in England and Wales' **(Remote)**
2. Haim Abraham, University College London, 'A Corrective Justice Understanding of Deterrence' **(Remote)**

CPD Points: 0.5 Point (Substantive Law)

4.30pm (AWST) End of Day 1

7pm: (AWST) Conference Dinner at St George's College, University of Western Australia (\$65 per person. If you wish to attend please email: pclconference2022@uwa.edu.au).

DAY TWO

FRIDAY 9 DECEMBER 2022

VENUE: Boolong Room, School of Indigenous Studies, UWA
35 Stirling Highway, Crawley, Perth, WA 6009

9.15am (AWST) Morning Session (i) (1 hour)

Chair: Anna Bunn, Curtin University

1. Samuel Beswick, University of British Columbia, 'The New Equitable Remedies' (**Remote**)
2. Stéphane Sérafin, University of Ottawa, 'Remedial Specification and the Contractual Right to Performance' (**Remote**)
3. Amitpal Singh, University of Toronto, 'Declaring Rights: The Law of Equity's Modus Operandi' (**Remote**)

CPD Points: 1 Points (Substantive Law)

10.15am (AWST) Short Break (15 minutes)

10.30am (AWST) Morning Session (ii) (45 minutes)

Chair: Michael Crawford, University of Sydney

1. Ben Chen, University of Sydney and Jose A. Rodrigues-Neto, Australian National University, 'The Interplay of Judicial Hindsight Bias and Remedies for Trustee Misconduct' (**In Person**)
2. Eu-Jin Teo, University of Melbourne and Kwan Ho Lau, Singapore Management University, 'Going out on an Amerind? Trading Trust Creditor Remedies in Australia, the UK and Singapore Compared' (**In Person**)

CPD Points: 0.5 Point (Substantive Law)

11.15am (AWST) Morning Tea (30 minutes)

11.45am (AWST) Midday Session (i) (45 minutes)

Private and Commercial Law Research Cluster

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CRICOS Provider Code 00126G

Chair: Marco Rizzi, University of Western Australia

1. Adam Waldman, University of Sydney, 'The Relationship between Equity and Statute' **(In Person)**
2. Jani Mcutcheon, University of Western Australia, 'When Remedies Harm Art and Artists' **(In Person)**

CPD Points: 0.5 Point (Substantive Law)

12.30pm (AWST) Lunch (45 minutes)

1.15pm (AWST) Midday Session (ii) (1 hour)

Chair: Natalie Skead, University of Western Australia

1. Peter Devonshire, University of Auckland, 'Account of Profits and the Fiduciary Principle' **(In Person)**
2. Weiming Tan, National University of Singapore, 'Account of Profits Against Dishonest or Knowing Assistants' **(Remote)**
3. Jamie Glister and Calida Tang, University of Sydney, 'Alter Ego Companies and Equitable Liability' **(In Person)**

CPD Points: 1 Point (Substantive Law)

2.15pm (AWST) Short Break (15 minutes)

2.30pm (AWST) Afternoon Session (i) (45 minutes)

Chair: Felicity Maher, University of Western Australia

1. Bogna Kaczorowska, University of Wrocław, 'Contract Law Remedies and Privately Ordered Enforcement' **(Remote)**
2. Sagi Peari, University of Western Australia, 'Restitution: Remedy or Cause of Action?' **(In Person)**

CPD Points: 0.5 Point (Substantive Law)

3.15pm Afternoon Tea (30 minutes)

3.45pm (AWST) Afternoon Session (ii) (45 minutes)

Chair: Nicholas Tiverios, University of Western Australia

1. Peter Jaffey, University of Leicester, 'Remedial Consistency in Private Law' (**Remote**)
2. Julius Gower, University of Oxford, 'The Overlap of Equity and Contract' (**Remote**)

CPD Points: 0.5 Point (Substantive Law)

4.30pm (AWST) Conference Close