Private and Commercial Law Annual Conference
Thursday 14 – Friday 15 December 2023
UWA Law School, University of Western Australia
Convenors: Nicholas Tiverios and Felicity Maher

DAY ONE
THURSDAY 14 DECEMBER 2023
VENUE: Boolong Room, School of Indigenous Studies, UWA
35 Stirling Highway, Crawley, Perth, WA 6009

9.15am (AWST) Welcome & Introduction (15 minutes)
Welcome & conference opening.

9.30am (AWST) Morning Session (i) (1 hour)
Chair: Felicity Maher, University of Western Australia
1. Lionel Smith (University of Cambridge), ‘Black Magic Trusts’ (In Person)

CPD Points: 1 Point (Substantive Law)

10.30am (AWST) Morning Tea (30 minutes)

11am (AWST) Morning Session (ii) (1 hour)
Chair: Michael Crawford, University of Sydney
2. **Nicholas Tiverios** (University of Western Australia), ‘Implication in Fact, Contractual Interpretation, and the Continuum Fallacy’ *(In Person)*

CPD Points: 1 Point (Substantive Law)

12noon (AWST) Short Break (15 minutes)

12.15pm (AWST) Midday Session (i) (1 hour)

Chair: **David Newnes**, Former Justice, Court of Appeal of the Supreme Court of Western Australia

1. **Simon Connel**, University of Otago, ‘The enigma of the “outward expression of accord” for rectification for common mistake’ *(Remote)*

2. **John Yap** (English Bar), **Alexander Yean** (English Bar) and **Valerie Kwok** (Hong Kong Bar), ‘The Curious Case of Halley v Law Society: Proprietary Consequences of Payment Pursuant to a Contract Void as an Instrument of Fraud’ *(Remote)*

CPD Points: 1 Point (Substantive Law)

1.15pm (AWST) Lunch (45 minutes)

2pm (AWST) Midday Session (ii) (1 hour)

Chair: **Nicholas Tiverios**, University of Western Australia

1. **Andrew Fell** (University of Queensland), ‘Trusts for Persons and Purposes: A False Dichotomy’ *(Remote)*

2. **David Winterton** (University of Sydney), ‘Waiver, Election and Breach of Contract’ *(Remote)*

CPD Points: 1 Point (Substantive Law)

3 pm (AWST) Short Break (15 minutes)
3.15pm (AWST) Afternoon Session (i) (1 hour 15 minutes)
Chair: Andrew Beech, Former Justice, Court of Appeal of the Supreme Court of Western Australia
1. Chathuni Jayathilaka (University of Bristol), ‘Fault and Frustration of Contract’ (In Person)
2. Katarzyna Kryla-Cudna (University of Bristol), ‘On the Lost Volume Seller’ (In Person)
3. Alec Morris (University of Buckingham), ‘Understanding Unincorporated Associations’ (Remote)

CPD Points: 1 Point (Substantive Law)

4.20pm (AWST) End of Day 1

7pm: (AWST) Conference Dinner at St George’s College, University of Western Australia ($70 per person. If you wish to attend, please email: pclconference2023@uwa.edu.au).

DAY TWO
FRIDAY 15 DECEMBER 2023
VENUE: Boolong Room, School of Indigenous Studies, UWA
35 Stirling Highway, Crawley, Perth, WA 6009

9.30am (AWST) Morning Session (i) (1 hour)
Chair: Felicity Maher, University of Western Australia
1. Matthew P. Harrington (University of Montreal), ‘The Allocation of Risk and Unjust Enrichment in Contract’ (Remote)
2. Stéphane Sérafin, (University of Ottawa), ‘The Contractual Basis of the Assignment of Contractual Rights’ (Remote)

CPD Points: 1 Point (Substantive Law)

10.30am (AWST) Morning Tea (30 minutes)
11am (AWST) Morning Session (ii) (1 hour)

Chair: Natalie Skead, University of Western Australia

1. Jamie Glister (University of Sydney) and Pauline Ridge (Australian National University), ‘The Liabilities of Dishonest Fiduciaries and Their Knowing Assistants’ (In Person)

2. Peter Devonshire (University of Auckland), ‘Leaving Can Be So Hard: The Liability of a Fiduciary Employee for Breach of Confidence on Termination of the Employment Relationship’ (In Person)

CPD Point: 1 Point (Substantive Law)

12noon (AWST) Short Break (15 minutes)

12.15pm (AWST) Midday Session (i) (1 hour)

Chair: Jamie Glister, University of Sydney

1. Elise Bant (University of Western Australia), ‘Corporate Mistake’ (In Person)

2. Eliezer Sanchez-Lasaballett, University of Newcastle, ‘Defence of illegality and defence of limitation vs public policy and freedom of contract’ (In Person)

CPD Point: 1 Point (Substantive Law)

1.15pm (AWST) Lunch (45 minutes)

2pm (AWST) Midday Session (ii) (1 hour)

Chair: Robyn Carroll, University of Western Australia

1. Jodi Gardner (University of Auckland) and Simone Degeling (University of New South Wales), ‘Developing a Reparations Scheme for Defective Buildings: Philosophical Justifications and Practical Approaches’ (In Person)

2. Ben Chen (University of Sydney), ‘Anticipatory Adjudication as Information Design’ (In Person)

CPD Point: 1 Point (Substantive Law)

3pm (AWST) Short Break (15 minutes)
3.15pm (AWST) Afternoon Session (i) (1 hour)
Chair: Elise Bant, University of Western Australia

1. Moshood Abdussalam (University of Otago), ‘A Case for Reinstating ‘Just Compensation’ As the Touchstone for the Validity of (Monetary) Remedial Clauses’ (Remote)

2. Irina Sakharova (University of Durham), ‘Contracts and Gratuitous Voluntary Obligations: Two Systems, One Approach’ (Remote)

CPD Point: 1 Point (Substantive Law)

4.15pm Afternoon Tea (30 minutes)

4.45pm (AWST) Afternoon Session (ii) (1 hour)
Chair: Nicholas Tiverios, University of Western Australia

1. James Penner, (National University of Singapore), ‘Agents, Trustees, Ratification and Adoption’ (In Person)


CPD Point: 1 Point (Substantive Law)

5.45pm (AWST) Conference Close