



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**)
2. Michael Crawford (University of Sydney), 'The Riddle of the Good Faith Purchaser: Transfers, Theft and Social Cost' (**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

1. Jessica Viven-Wilksch (University of Adelaide), 'Is Australian contract law Facing a Looming Identity Crisis?' (**In Person**)

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: Marco Rizzi, University of Western Australia

1. Simon Connell, 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) (1.15 Hours)

Chair: Clare McKay, Quayside Chambers

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)

4.30pm (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. Moshhood 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**)
2. Lucas Clover Alcolea & Jan Mihal, (University of Otago), 'The Tiptoe to Crypto: An Analysis and Account of Property Rights in Cryptocurrency' (**In Person**)

CPD Point: 1 Point (Substantive Law)

5.45pm (AWST) Conference Close