



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: **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**)
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