

**The Second Biennial Conference on the Law of Obligations
Melbourne Law School
July 15-16, 2004**

CONFERENCE PROGRAM

THURSDAY 15 JULY

8.45-9.00am – Welcome (room G08)

Michael Crommelin, Zelman Cowen Professor of Law and Dean of the Faculty of Law, University of Melbourne

9.00-10.30am – Session 1: ISSUES IN TORT LAW (room G08)

Chair: Prof Michael Bryan (Melbourne)

- Prof Peter Cane (ANU), 'Taking Disagreement Seriously: Courts, Legislatures and the Reform of Tort Law'
- Prof Harold Luntz (Melbourne), 'The use of policy in negligence cases in the High Court of Australia'

10.30-11.00 – Morning tea (level 1)

11.00-12.45pm – Session 2

Parallel panel 2A: MISTAKE AND CONTRACT LAW (room 108)

Chair: Ms Jeannie Paterson (Monash)

- Ms Catharine MacMillan (Queen Mary, University of London), 'An uncommon mistake? The development of common mistake in equity and at common law'
- Mr David Capper (Queen's University Belfast), 'Reconfiguring Mistake in Contract Formation'
- Prof Catherine Valcke (Toronto), 'Objective and Subjective Theory in the French, German and English Law of Mistake'

Parallel panel 2B: PROPERTY AND UNJUST ENRICHMENT (room 109)

Chair: Dr Simone Degeling (UNSW)

- Prof Michael Bryan (Melbourne), 'Proprietary Remedies and Corrective Justice'
- Prof Tony Duggan (Toronto), 'Constructive Trusts'
- Dr John Glover (Monash), 'Confounding ownership with obligation: proprietary limits to unjust enrichment and restitutionary analysis'

12.45-1.45pm – Lunch (level 1)

1.45-3.00pm – Session 3

Parallel panel 3A: ISSUES IN TORT LAW (room 108)

Chair: Assoc Prof Barbara McDonald (Sydney)

- Mrs Kylie Burns (Griffith), ‘The Way the World Is: Social Facts in High Court Tort Cases’
- Prof Lara Khoury (McGill), ‘Principle, Policy and Uncertain Causation in Medical Liability’

Parallel panel 3B: FOUNDATIONS OF CONTRACT (room 109)

Chair: Prof Michael Furmston (Bristol)

- Assoc Prof Andrew Robertson (Melbourne), ‘Voluntariness and Contractual Obligations’
- Mr John Gava (Adelaide), ‘Challenging Instrumentalist Views of Contract’

3.00-3.30pm – Afternoon tea (level 1)

3.30-4.45 – Session 4

Parallel panel 4A: THE GOALS OF TORT LAW (room 108)

Chair: Prof Peter Cane (ANU)

- Prof Ken Cooper-Stephenson (Saskatchewan), ‘Corrective Justice, Distributive Justice and Unjust Enrichment in the Law of Torts’
- Dr David Wood (Melbourne), ‘Private Law and Corrective Justice, Criminal Law and Retributive Justice’

Parallel panel 4B: CLASSIFICATION OF OBLIGATIONS (room 109)

Chair: Dr Joachim Dietrich (ANU)

- Prof Peter Jaffey (Brunel), ‘Types of Legal Classification’
- Dr Darryn Jensen (Queensland), ‘Equity and Taxonomy’

5.00-6.15 – Session 5: DIMENSIONS OF PRIVATE LAW (room G08)

Chair: Prof Sarah Worthington (LSE)

- Prof Stephen Waddams (Toronto), ‘Private Right and Public Interest’
- Prof Charles Rickett (Queensland) and Dr Allan Beever (Auckland), ‘History and Theory - Comments on Stephen Waddams’ Dimensions of Private Law’

6.45 for 7.30pm – Conference dinner (University House)

FRIDAY 16 JULY

9.00-10.45am - Session 6: ISSUES IN CONTRACT LAW (room G08)

Chair: Assoc Prof Andrew Robertson (Melbourne)

- The Hon Justice Paul Finn (Federal Court of Australia), 'The Duty of Good Faith and Fair Dealing and Boats against the Current'
- Prof Michael Furmston (Bristol), 'Some thoughts on the Real Deal'
- Prof Sarah Worthington (LSE), 'Quantification of contract damages: principles and problems'

10.45-11.15 - Morning tea (level 1)

11.15-1.00pm - Session 7

Parallel panel 7A: GOOD FAITH IN CONTRACT LAW (room 108)

Chair: Prof Tony Duggan (Toronto)

- Dr Vanessa Sims (East Anglia), 'Good Faith in Contract Law: of Triggers and Concentric Circles'
- Ms Jeannie Paterson (Monash), 'Applying Good Faith: Reasonable Expectations or Community Standards'
- Mr Bill Dixon (QUT), 'The source of the good faith obligation in the performance and enforcement of commercial contracts'

Parallel panel 7B: ISSUES IN THE LAW OF RESTITUTION (room 109)

Chair: Prof Michael Bryan (Melbourne)

- Dr Thomas Krebs (Brasenose College, Oxford), '*Post hoc ergo propter hoc?* Non-participatory enrichments and restitution for wrongs – some lessons from Germany'
- Ms Susan Barkehall Thomas (Monash), 'Change of position, good faith and unconscionability'
- Mr Hang Wu Tang (Singapore), 'Settlement Contracts and Unjust Enrichment: The Problem of Implied Settlements'

1.00-2.00 Lunch (level 1)

2.00-3.15pm - Session 8

Parallel panel 8A: PROPRIETARY ESTOPPEL AND CONSTRUCTIVE TRUSTS (room 108)

Chair: Mrs Pauline Ridge (ANU)

- Prof Lizzie Cooke (Reading), 'Estoppel, discretion and the nature of the estoppel equity'
- Mr Nicholas Hopkins (Southampton), 'Unconscionability, Constructive Trusts and Proprietary Estoppel'

Parallel panel 8B: ISSUES IN TORT LAW (room 109)

Chair: Prof Harold Luntz (Melbourne)

- Assoc Prof Camille Cameron (Melbourne), 'Tort Liability for Destruction of Evidence'
- Dr Christian Witting (Melbourne), 'On the Priority of Proximity (over Policy)'

3.15-3.45 Afternoon tea (level 1)

3.45-5.00 - Session 9: PRINCIPLES AND CONCEPTS IN PRIVATE LAW (room G08)

Chair: Prof Charles Rickett (Queensland)

- Dr Joachim Dietrich (ANU), 'Giving Content to General Concepts'
- Assoc Prof MP Ellinghaus (Melbourne) and Prof EW Wright (Newcastle), 'The utility of broad principles: an empirical investigation'

5.00-6.00 Closing Drinks (room 920)