The Second Biennial Conference on the Law of Obligations

Principle and Policy in Private Law

This conference will provide a forum for the discussion of current issues and new research in tort, contract, equity and restitution. Sessions will focus on:

- Dimensions of Private Law
- Principles and Concepts in Private Law
- Classification of Obligations
- The Goals of Tort Law
- The Duty of Care
- Issues in Tort Law
- Foundations of Contract
- Good Faith in Contract Law
- Mistake and Contract Law
- Issues in Contract Law
- Issues in the Law of Restitution
- Property and Unjust Enrichment
- Proprietary Estoppel and Constructive Trusts

Faculty of Law
The University of Melbourne
15 & 16 July 2004
Thursday 15 July

8.45am Welcome
Michael Crommelin
Zelman Cowen Professor of Law and Dean of the Faculty of Law
The University of Melbourne

9.00am Session 1
Issues in Tort Law
Peter Cane (ANU), ‘Echo Chambers, Legislatures and Tort Reform in Australia’
Harold Luntz (Melbourne), ‘The use of policy in tort cases in the High Court of Australia’

10.30am Morning Tea

11.00am Session 2
Parallel Panel 2A – Mistake and Contract Law
Catharine MacMillan (Queen Mary, University of London), ‘An uncommon mistake? The development of common mistake in equity and at common law’
David Capper (Queen’s University Belfast), ‘Reconfiguring Mistake in Contract Formation’
Catherine Valcke (Toronto), ‘Objective and Subjective Theory in the French, German and English Law of Mistake’
Parallel Panel 2B – Issues in Tort Law
Kylie Burns (Griffith), ‘The Way the World Is: Social Facts in High Court Tort Cases’
Lara Khoury (McGill), ‘Principle, Policy and Uncertain Causation in Medical Liability’

12.45pm Lunch

1.45pm Session 3
Parallel Panel 3A – Property and Unjust Enrichment
Michael Bryan (Melbourne) and Tony Duggan (Toronto), ‘Proprietary Restitution: Economic Perspectives and Corrective Justice’
John Glover (Monash), ‘Confounding ownership with obligation: proprietary limits to unjust enrichment and restitutionary analysis’
Parallel Panel 3B – Foundations of Contract
Andrew Robertson (Melbourne), ‘Voluntariness and Contractual Obligations’
John Gava (Adelaide), ‘Challenging Instrumentalist Views of Contract’

3.00pm Afternoon Tea

3.30pm Session 4
Parallel Panel 4A – The Goals of Tort Law
Ken Cooper-Stephenson (Saskatchewan), ‘Corrective Justice, Distributive Justice and Unjust Enrichment in the Law of Torts’
David Wood (Melbourne), ‘Retributive and Corrective Justice, Criminal and Private Law’
Parallel Panel 4B – Classification of Obligations
Peter Jaffey (Brunel), ‘Types of Classification’
Darryn Jensen (Queensland), ‘Equity and Taxonomy’

5.00pm Session 5
Dimensions of Private Law
Stephen Waddams (Toronto), ‘Private Right and Public Interest’
Charles Rickett (Queensland) and Allan Beever (Auckland), ‘History and Theory - Comments on Stephen Waddams’ Dimensions of Private Law’

7.30pm Conference Dinner
Friday 16 July

9.00am  Session 6

**Issues in Contract Law**
The Hon Justice PD Finn (Federal Court of Australia), ‘The Duty of Good Faith and Fair Dealing and Boats against the Current’
Michael P Furmston (Bristol), ‘Some thoughts on the real deal’
Sarah Worthington (LSE), ‘Quantification of contract damages: principles and problems’

10.45am  Morning Tea

11.15am  Session 7

**Parallel Panel 7A - Good Faith in Contract Law**
Vanessa Sims (East Anglia), ‘Good Faith in Contract Law: of Triggers and Concentric Circles’
Jeannie Paterson (Monash), ‘Applying Good Faith: Reasonable Expectations or Community Standards’
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**
Thomas Krebs (Brasenose College, Oxford), ‘Eingriffskondiktion and Restitution for Wrongs’
Susan Barkehall Thomas (Monash), ‘Change of position, good faith and unconscionability’
Hang Wu Tang (Singapore), ‘Settlement Contracts and Unjust Enrichment: The Problem of Implied Settlements’

1.00pm  Lunch

2.00pm  Session 8

**Parallel Panel 8A – Proprietary Estoppel and Constructive Trusts**
Lizzie Cooke (Reading), ‘Estoppel, discretion and the nature of the estoppel equity’
Nicholas Hopkins (Southampton), ‘Unconscionability, Constructive Trusts and Proprietary Estoppel’

**Parallel Panel 8B – The Duty of Care**
Christian Witting (Melbourne), ‘On the priority of proximity (over policy)’
David Blaikie (Dalhousie), ‘Nonfeasance and the Duty of Care’

3.15pm  Afternoon Tea

3.45pm  Session 9

**Principles and Concepts in Private Law**
MP Ellinghaus (Melbourne) and EW Wright (Newcastle), ‘The utility of broad principles: an empirical investigation’
Joachim Dietrich (ANU), ‘Giving Content to General Concepts’

5.00pm  Closing Drinks

**Venue:** Melbourne Law School, 185 Pelham Street, Carlton
Accommodation

To assist delegates, we have arranged preferential rates at a small number of accommodation venues listed below. Reservations should be made directly with the accommodation venues. Please quote the conference name to ensure you are charged at the preferential rate as shown. We strongly recommend that you book accommodation as soon as possible. No block bookings have been made so all listings below are subject to availability at the time of booking.

**Rydges Carlton**
701 Swanston Street, Carlton Vic 3053
Tel:  + 61 3 9347 7811
Fax:  + 61 3 9347 8225
Toll Free: 1800 333 001
Email: reservations_carlton@rydges.com
Website: www.rydges.com.au
Rate:  Standard Room $125 AUD per night
Rydges Carlton is a 5 minute walk from the Law School.

**The Apollo Old Melbourne Hotel**
5-17 Flemington Rd, North Melbourne Vic 3051
Tel:  + 61 3 9329 9344
Fax:  + 61 3 9328 4504 (reservations)
Email: reservations@oldmelbourne.com.au
Rate:  Standard Room $115 AUD per night
The Apollo Old Melbourne Hotel is a 5 minute walk from the Law School.

**Carlton Clocktower Apartments**
Shop 27, 255 Drummond Street, Carlton Vic 3053
Tel:  + 61 3 9349 9700
Fax:  + 61 3 9349 2542
Toll Free: 1800 062 966
Email: cca@hyperlink.net.au
Website: www.clocktower.com.au
Rate:  Standard Room $137 AUD per night
The Clocktower is a 10 minute walk from the Law School.

**Sofitel Melbourne**
25 Collins Street, Melbourne Vic 3000
Tel:  + 61 3 9653 0000
Fax:  + 61 3 9650 4261
Toll free: 1300 65 65 65 (within Australia)
Website: www.sofitelmelbourne.com.au
Rate:  Standard Room $169 AUD per night
The Sofitel is a luxury hotel in Melbourne’s central business district. It is a short tram ride away from the Law School.

Travel

Qantas is the official airline for the Conference. As supporters of the Conference, Qantas are offering an exclusive webpage with competitive fares and 24 hour access to flight bookings. To book log on to

www.qantas.com.au/content/dyn/conference/lawJul04

This service is available for domestic travel within Australia. Delegates who would like to book by telephone can call 13 13 13. International delegates can contact their local Qantas office for the best available fare of the day.

Contact Details

**Conference Conveners**
The conference conveners are Andrew Robertson and Michael Bryan.

Enquiries relating to the academic program should be directed to:
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Email:  law-events@unimelb.edu.au

http://www.law.unimelb.edu.au/events/obligations2/