About the Obligations Group

The Obligations Group at Melbourne Law School supports research and scholarly discourse on the law of obligations, which includes the law of contract, tort, unjust enrichment and restitution, equity and trusts, property, remedies and private law theory. The group provides a forum for academic discussion of these topics and facilitates interaction between academics and practitioners on issues of current interest.

People

Professors Elise Bant and Andrew Robertson were joint convenors of the Obligations Group in 2018. The members of the Obligations Group in 2018 were:

- Professor Graeme Austin
- Associate Professor Katy Barnett
- Mr Matthew Bell
- Dr Alysia Blackham
- Emeritus Professor Michael Bryan
- Professor Eric Descheemaeker
- Mr Arlen Duke
- Associate Professor Andrew Godwin
- Dr Linda Haller
- Professor Matthew Harding
- Ms Robyn Honey
- Dr Rosemary Langford
- Dr Ying Liew
- Professor Ian Malkin
- Dr Wendy Ng
- Associate Professor Jeannie Paterson
- Professor Ian Ramsay
- Ms Lisa Sarmas
- Dr Julian Sempill
- Associate Professor Jason Varuhas

Graduate Research Students

MLS Research Higher Degree students affiliated with the Obligations Group in 2018 included Tobias Barkley, Robyn Honey, Nicola Howell and Vivi Tan.

Visitors

In 2018 the Obligations Group hosted a number of international scholars working in the field including:

- **Professor Andrew Gold** of De Paul College of Law, Chicago in February
- **Professor Donal Nolan** of University of Oxford in March
- **Professor Simone Degeling** of University of New South Wales in March
- **Dr Wayne Courtney** of National University of Singapore in May
- **Mr John Eldridge** of University of Sydney in August
- **Professor Gregory Alexander**, Robert Noll Professor of Law, of Cornell University in August
- **Ms Siyi Lin** of Chinese University of Hong Kong in December

Research and Teaching

Obligations Group members teach in the areas of Consumer Law, Contract Law, Equity and Trusts, Private Law Theory, Property, Remedies, Tort and Unjust Enrichment and Restitution.

Members produce a substantial number and range of publications each year in these fields. Members also draw on their research to contribute to public debate on topical issues. Below is an indicative list of publications produced by members of the Obligations Group over 2018. This is a short, representative...
selected only, included in order to illustrate the range and quality of members’ publications and presentations. For a full statement of research and publication activities, please refer to their individual research profiles.

Selected peer-reviewed articles


Selected book chapters and other publications

- Elise D Bant and Jeannie Paterson, ‘Statutory interpretation and the critical role of soft law guidelines in developing a coherent law of remedies in Australia’ in R Levy et al (eds), New Directions for Law in Australia: Essays in Contemporary Law Reform (ANU express 2017) 301-310
- Andrew Godwin, 2017, A Brief Introduction to the Chinese Judicial System and Court Hierarchy
- Matthew Harding, ‘Recent Reforms to Australian Charity Law’ in Ron Levy et al (eds), New Directions for Law in Australia: Essays in Contemporary Law Reform (ANU Press, Canberra, 2017) 283-290
Selected conference presentations


- **Elise D Bant** and **Jeannie Paterson**, ‘Misleading Conduct before the Federal Court of Australia: Achievements and Challenges’ presented at the 40th Anniversary Conference of the Federal Court of Australia, Sydney on 9 September 2017

- **Matthew Harding**, ‘Equity and the Value of Certainty in Commercial Life’ presented by invitation at the Impact of Equity and Restitution in Commerce Conference, University of Auckland, September 2017

- **Michael Bryan**, ‘The Sociology of the Express Trust’ presented at the Trusts and Legal Theory Conference, University of Kent on October 20-21st

- **Katy Barnett**, ‘Give an inch, take a mile” – Lord Cairns’ Act and statutory gap-filling’ presented at Statutory Interpretation and Private Law Conference, University of New South Wales, 28 October 2017

- **Jeannie Paterson** and **Elise Bant**, ‘Intuitive Synthesis and Fidelity to Purpose?: Judicial Interpretation of the Discretionary Power to award Civil Penalties under the Australian Consumer Law’, presented at Statistical Interpretation in Private Law Conference, University of New South Wales, Australia, 27 October 2017

- **Katy Barnett**, ‘Causation, remoteness, and calculation of damages awards for financial mis-selling’ presented at Symposium: Banks, Mis-selling and the Retail Investor at the Centre for Banking and Finance Law, National University of Singapore, 14 December 2017;

- **Jeannie Paterson**, ‘From Disclosure to Design and Back Again: The Australian Regulatory Response to Mis-selling by Financial Services Providers in the Retail market’ presented at Protecting Consumer Investors in Australia Conference, National University of Singapore, December 2017


- **Matthew Harding**, Co-organiser (with Professor Simone Degeling of UNSW, Professor Andrew Gold of DePaul University and Professor Paul Miller of Notre Dame University) of ‘Fiduciaries Colloquium’, University of New South Wales, December 2017
# Engagement Activities and Events

The events calendar of the Obligations Group has been expanding each year. Lunchtime and evening seminars and workshops have continued to provide a regular focal point for Group members and colleagues. Below is an indicative list of events and activities hosted by the Obligations Group in 2018:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Type</th>
<th>Event Title</th>
<th>Presenter/Institution</th>
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</thead>
<tbody>
<tr>
<td>9 Feb</td>
<td>Lunchtime Seminar</td>
<td>The State as a Wrongful Fiduciary</td>
<td>Professor Andrew Gold (De Paul College of Law, Chicago)</td>
</tr>
<tr>
<td>15 Mar</td>
<td>Evening Lecture</td>
<td>Damage in the Law of Negligence</td>
<td>Professor Donal Nolan (University of Oxford)</td>
</tr>
<tr>
<td>22 Mar</td>
<td>Book Launch</td>
<td>Obligations Group Book Launch: Rationalising Constructive Trusts</td>
<td>Dr Ying Liew, launched by Professor Emeritus Michael Bryan (Melbourne Law School)</td>
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<tr>
<td>27 Mar</td>
<td>Lunchtime Seminar</td>
<td>The Varieties of Consent in Equity: Enhancing or Protecting Autonomy?</td>
<td>Professor Simone Degeling (University of New South Wales)</td>
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<tr>
<td>29 May</td>
<td>Evening Lecture</td>
<td>Damages in contract and the injured party’s contribution to its own loss</td>
<td>Dr Wayne Courtney (National University of Singapore)</td>
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<tr>
<td>30 May</td>
<td>Lunchtime Workshop</td>
<td>Blockchain Utopia? A Seminar for Scholars and Researchers</td>
<td>Dr Eliza Mik (Singapore Management University) and Dr Alex Sims (University of Auckland) and chaired by Associate Professor Jeannie Paterson (Melbourne Law School)</td>
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<tr>
<td>16 Jul</td>
<td>Evening Lecture</td>
<td>To Think Against Oneself: A Stranger’s Journey Through the Common Law</td>
<td>Professor Eric Descheemaeker (Melbourne Law School)</td>
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<tr>
<td>1 Aug</td>
<td>Lunchtime Seminar</td>
<td>The New Law of Penalties: Mapping the Terrain</td>
<td>Mr John Eldridge (University of Sydney)</td>
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<tr>
<td>8 Aug</td>
<td>Lunchtime Seminar</td>
<td>Property and Human Flourishing</td>
<td>Professor Gregory Alexander, Robert Noll Professor of Law (Cornell University)</td>
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<tr>
<td>30 Aug</td>
<td>Evening Seminar</td>
<td>Unravelling the Law’s Regulation of Misleading Conduct</td>
<td>Professor Elise Bant and Associate Professor Jeannie Paterson (Melbourne Law School)</td>
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<tr>
<td>7 Sep</td>
<td>Lunchtime Workshop</td>
<td>What are the Normative Foundations of Trust Law?</td>
<td>held in partnership with the Legal Theory Workshop and presented by Dr Mark Bennett (Victoria University of Wellington) with commentary by Professor Matthew Harding (Melbourne Law School)</td>
</tr>
<tr>
<td>6-7 Dec</td>
<td>Annual Conference</td>
<td>Annual Obligations Group Conference</td>
<td>The 2018 theme was Torts and the conference involved 28 speakers and over 50 registered attendees from across Australia, New Zealand, Hong Kong and Singapore.</td>
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