

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

Professor Elise Bant and Associate Professor Matthew Harding were joint convenors of the Obligations Group in 2014.

In 2014, the Group's internal membership was as follows:

Dr Katy Barnett	Dr Linda Haller
Emeritus Professor Michael Bryan	Professor Ian Malkin
Mr Arlen Duke	Dr Jeannie Paterson
Mr Matthew Bell	Professor Andrew Robertson
Mr Andrew Godwin	

Visiting academics researching or teaching in the Obligations field are welcome to be associated with the Group and participate in its range of activities. Guests in 2014 included Professor François du Toit of University of the Western Cape, South Africa; Professor William Swadling of the University of Oxford; and Professor Graham Virgo of the University of Cambridge, who visited Melbourne Law School as part of the Miegunyah Distinguished Fellows Program.

Research and teaching

The Obligations Group members produce a substantial number and range of publications each year. Members draw on their research also to contribute to public debate on topical issues arising in this field. Group member Katy Barnett, for example, is an editor of the 'Opinions on High' Blog and she, Elise Bant, Matthew Harding, Matthew Bell, Wayne Jovic and Jeannie Paterson have all contributed posts to date.

Areas of teaching and research include:

Consumer Law
Contract Law
Equity and Trusts
Private Law Theory

Property
Remedies
Tort
Unjust Enrichment and Restitution

Below is an indicative list of publications and activities of members of the Obligations Group over 2014:

Selected books

Katy Barnett and Sirko Harder, *Remedies in Australian Private Law* (Cambridge: Cambridge University Press, 2014).

Andrew Godwin, *China Lexicon – Translating and Defining Legal Terms* (China: Asia Vantage (China) Limited, 2014).

Rosemary Teele Langford, *Directors' Duties: Principles and Applications* (Federation Press, 2014).

Selected peer-reviewed articles

Elise Bant, 'Constructive trusts, Unconscionability and the Necessity for Working Criteria' (2014) 3 *Journal of Equity*, 259-282.

Elise Bant, 'Change of Position in the High Court' (2014) *Journal of Banking and Finance Law and Practice*, 118-124.

Katy Barnett, 'Equitable Compensation and Remoteness: Not So Remote from the Common Law After All' (2014) 38 *The University of Western Australia Law Review*, 48-79.

Wayne Jovic and **Matthew Bell**, 'Endeavouring to Solve a Contracting Puzzle' (2014) 157 *Australian Construction Law Newsletter*, 18-22.

Matthew Bell, John Sharkey and **Wayne Jovic**, 'Standard Forms of Contract in the Australian Construction Industry: How Are They Being Used?' (2014) 30 *Building and Construction Law Journal*, 302-306.

Matthew Bell, 'Beyond the nutcracker suite: International harmonisation of construction industry payment legislation' (2014) 188 *Society of Construction Law Papers*, 1-20.

Helen Anderson and **Linda Haller**, 'Phoenix Activity and the Liability of the Advisor' (2014) 36 *Sydney Law Review*, 471-500.

Linda Haller, 'Playing Fair: When Advocates' Immunity is Out of Court' (2014) 3 *Journal of Civil Litigation and Practice*, 60-67.

Matthew Harding and Robin Hickey, 'Equity and the Value of Gifts' (2014) 8 *Journal of Equity*, 1-27.

Matthew Harding, 'Religion and the Law of Charity: A Liberal Perspective' (2014) 29 *Journal of Law and Religion*, 236-258.

Rosemary Teele Langford and Ian M Ramsay, 'Conflicted Directors: What Is Required to Avoid a Breach of Duty?' (2014) 8 *Journal of Equity* 108-127.

Rosemary Teele Langford, 'Directors' Fiduciary Duties in the West Australian Supreme Court – Again' (2014) 32 *Company & Securities Law Journal* 362-372.

Rosemary Teele Langford, 'Stakeholder Interests – Balancing or Considering?' (2014) 36 *Company & Securities Law Review* 64-68.

Jeannie Paterson, 'Good Faith Duties in Contract Performance' (2014) 14 *Oxford Commonwealth Law Journal*, 283-309.

Selected book chapters

Andrew Godwin and P Rogerson, 'Clear, Concise and Effective: The Evolution of Product Disclosure Documents' in Shelley Griffiths, Sheelagh McCracken and Ann Wardrop (eds.) *Exploring Tensions in Finance Law; Trans-Tasman Insights* (Thomson Reuters, 2014).

Conference presentations

Linda Haller, 'Advocates' Immunity in Australia', paper presented at the Civil Justice Research Conference, Hobart 17-18 February 2014.

Elise Bant, 'Change of Position in the High Court', paper presented at the University of Western Australia Law Summer School, Perth, 21 February 2014.

Elise Bant, 'The Gravitational Force of Statutes on Private Law Reasoning', paper presented at the 'Judicial Discretion in Private Law' Conference jointly hosted by

the Judicial College of Victoria and Melbourne Law School, Melbourne Law School, 14 March 2014.

Matthew Harding, 'Equity, Property and the Rule of Law' paper presented to the Modern Studies in Property Law Conference, University of Liverpool, April 2014 (with Dr Robin Hickey of Queen's University, Belfast).

Matthew Harding, 'Discretion and Taxonomy in Private Law' paper presented by invitation to the Judicial College of Victoria Annual Conference on Discretion in Private Law, University of Melbourne, March 2014.

Jeannie Paterson, 'Regulating Unfair Terms in South East Asia', paper presented at the Asia Desk Conference, University of Victoria, Vancouver Island, British Columbia, Canada, April 2014.

Linda Haller, 'Life without Advocates' Immunity', paper presented at the Civil Procedure Discussion Group, University of Oxford, 14 May 2014.

Linda Haller, 'Abolition of Advocates' Immunity in the UK in 2000 and Effects on Legal Practice', paper presented at the Conference of the International Institute for the Sociology of Law, Oñati, Spain, 21-23 May 2014.

Matthew Harding, 'Comments on Allan Beever's *Forgotten Justice*', paper presented by invitation to the Australian Society of Legal Philosophy Conference, Murdoch University, June 2014.

Matthew Bell and John Sharkey, 'Standard forms of contract in the Australian construction industry', paper presented at Building Dispute Practitioners Society, Melbourne, 11 June 2014.

Linda Haller, 'Lawyers and Advocates' Immunity', paper presented at the International Working Group of the Legal Professions, Germany, 6-9 July 2014.

Linda Haller, 'Lawyer Regulation in Australia', paper presented at the International Legal Ethics Conference, London 10-12 July 2014.

Elise Bant, 'Statute and Common Law: Interaction and Influence in Light of the Principle of Coherence', paper presented at Obligations VII Conference, Hong Kong, 16-18 July 2014.

Tobias Barkley, 'Strains in the Relationship between Trust Law and Fiduciary Obligations', paper presented at Obligations VII Conference, Hong Kong, 16-18 July 2014.

Robyn Honey, 'Divergence in the Law of Undue Influence: Vacillation or Variance?', paper presented at Obligations VII Conference, Hong Kong, 16-18 July 2014.

Ian Malkin, 'The Regrettable Way in which "Personal Responsibility" has been Employed as an Underlying Criterion to Determine Australian Negligence Law Claims', paper presented at Obligations VII Conference, Hong Kong, 16-18 July 2014.

Jeannie Paterson, 'Five Standards of Good Faith and Loyalty to the Contract', paper presented by invitation at Obligations VII Conference, Hong Kong, 16-18 July 2014.

Andrew Robertson, 'Proximity: Divergence and Unity', paper presented at Obligations VII Conference, Hong Kong, 16-18 July 2014.

Elise Bant, 'Constructive Trusts', paper presented at the 'Trusts and Trustees' Conference jointly hosted by the *Journal of Equity* and Commercial Law Association (NSW), Sydney, 29 August 2014.

Matthew Bell, 'Beyond the nutcracker suite: International harmonisation of construction industry payment legislation', paper presented at the International Construction Law Conference, Kuala Lumpur, September 2014.

Elise Bant, 'Estoppel in Commercial Law: Risk, Reliance and Reward', paper presented at 'Current Issues in Commercial Law', Supreme Court of Victoria Commercial Law Conference, 9 October 2014.

Rosemary Langford, 'Coherence between General Law and Statute in the Field of Corporations Law', paper presented at panel discussion 'The Role of Statute in Commercial Law' co-hosted by the Obligations Group and the Centre for Corporate Law and Securities Regulation, Melbourne Law School, 23 October 2014.

Jeannie Paterson, 'The 'New' Law on Unconscionable Conduct under Statute', paper presented at panel discussion 'The Role of Statute in Commercial Law' co-hosted by the Obligations Group and the Centre for Corporate Law and Securities Regulation, Melbourne Law School, 23 October 2014.

Elise Bant, 'Mistaken Payments and the 'Change of Position' Defence', paper presented at the Leo Cussen Centre Commercial Law Conference, 28 November 2014.

Jeannie Paterson, 'Remedies under the New Consumer Guarantee Provisions in the ACL', paper presented at the Australia-New Zealand Consumer Law Round Table, Queensland University of Technology, December 2014.

Jeannie Paterson, 'Misleading or Deceptive Conduct: Lessons from Hedley Byrne', invited speaker University of Queensland Centre for Private Law Conference, University of Queensland, 2 December 2014.

Elise Bant, 'Integrating Statute into Compulsory Subjects', paper presented as part of a panel discussion at the Obligations Group Conference on 'Civil Liability', Melbourne Law School, 4-5 December 2014.

Elise Bant and **Jeannie Paterson**, 'Limitations on Defendant Liability for Misleading or Deceptive Conduct: Under Statute: Some Insights from Negligent Misstatement', paper presented at the Obligations Group Conference on 'Civil Liability', Melbourne Law School, 4-5 December 2014.

Engagement activities and events

The Obligations Group members organise a range of activities and events and also contribute to a variety of bodies, committees and associations in Australia and abroad concerned with the advancement of private law. Many events are intended for a wide audience, including practitioners, academics, and graduate students interested in these topics. Over the course of 2014, the events calendar included a series of lunchtime seminars for members and friend of the Group, evening lectures, workshops and the annual conference in December.

March 12	Lunchtime seminar	Professor François du Toit of University of the Western Cape, South Africa, led a seminar on 'The Trust in South Africa: Reception, Development and Challenges'.
April 2	Lunchtime seminar	Donal Nolan from the University of Oxford led a seminar on 'Preventive Damages'.
April 22	Lunchtime seminar	Dr Eric Descheemaeker of the University of Edinburgh led a seminar on 'Challenging Heterodoxy: Defences in the Law of Tort'.
June 5	Workshop	Preparation and feedback workshop for colleagues who were presenting papers at Obligations VII, University of Hong Kong.
June 5	Public seminar	Seminar led by Professors Bant and Harding on 'Unconscionability, Unjust Enrichment & Estoppel in the High Court of Australia'.
June 26	Workshop	Preparation and feedback workshop for colleagues who were presenting papers at a symposium on the law of misstatements at the University of Queensland.
August 5	Book launch	An evening event to launch and celebrate the book of Dr Katy Barnett and Dr Sirko Harder on 'Remedies in Australian Private Law'.
August 6	Public Lecture	William Swadling, University of Oxford, delivered his annual lecture on the topic of 'Rights, Value, and Trusts'.
September	Miegunyah Fellow visit	Professor Graham Virgo, University of Cambridge, delivered the Miegunyah Public Lecture at Melbourne Law

		School on the topic of 'Recent Developments in the Anglo-Australian Law of Restitution'. During his stay, the Obligations Group arranged an event for Professor Virgo to meet with students to discuss Remedies. He also led a lunchtime seminar for Obligations colleagues on the topic of unjust enrichment and restitution law.
September 11	Lunchtime seminar	Professor Ben McFarlane of University College London presented on 'The Importance of Looking Back: Duties, Liabilities and the Owl of Minerva'.
September 25	Lunchtime seminar	Professor Robert Stevens of the University of Oxford led a seminar on 'Causation and Contribution'.
October 23	Panel Discussion	An event co-hosted by CCLSR; the panel discussed the role of statute in commercial law and included Professor Elise Bant, Associate Professor Jeannie Paterson and Dr Rosemary Langford.
November 5	Book launch	This event was to launch Dr Rosemary Langford, <i>Directors' Duties: Principles and Application</i> (co-hosted with the CCLSR).
December 4 -5	Annual Conference	The theme of the Obligations Group annual conference in 2014 was 'Civil Wrongs'. The conference included papers on equitable wrongs, breaches of statutory duty, and on the interplay between these areas. The on-going aim of our conferences is to provide academics from the Asia-Pacific region with the opportunity to present work in progress and to discuss issues relating to research, publication and teaching in the Obligations field in a collegial and supportive environment.

Report finalised October 2015



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