



THE UNIVERSITY OF
SYDNEY

Colloquium: Intersections in Private Law



16-17 August 2019

Sydney Law School

New Law School Building F10, Level 4

Eastern Avenue, Camperdown

The University of Sydney, Camperdown

Colloquium Location

Law Building, Level 4

Common Room - Level 4, New Law School Building

Dinner – see map back of program

Friday 16 August, 6.30pm

Graduate House Refectory, St Paul's College, University of Sydney

The event is hosted by the Ross Parsons Centre for Commercial, Corporate and Taxation Law at Sydney Law School



Colloquium: Intersections in Private Law

There is much to be explored and discussed in how different fields of private law interact with each other – contract law with tort or equitable principles, tort with unjust enrichment, - and with other fields of law, such as public law, property law, the law of succession, company law or regulation.

Within just one field of private law, there are still overlaps and distinctions to be drawn (or, more controversially, eradicated)- for example, in tort law, trespass and nuisance, intentional wrongdoing and negligence, defamation and negligence, non-delegable duties and vicarious liability; non-delegable duties and strict liability; liability for physical damage compared with pure economic loss. In looking at a broader interaction of remedies and obligations, how do causation and remoteness principles operate in different fields? How does vicarious liability interact with corporate law structures and principles? What is the role of private law in an age of increasing public regulation? How do emerging technologies challenge the application of legal concepts in these fields?

The aim of this second biennial colloquium is to explore the boundaries, overlaps and complementary operation of fields of private law, both with each other and externally.

WiFi Instructions

Step 1: Enable wireless on your device and select the network UniSydney-Guest

Step 2: Open your browser. You will be automatically directed to a login page

Step 3: Enter the username **LawConference** and password **LawConference5**



8.30 – 9.00am	Registration
9.00 – 9.15am	WELCOME PROFESSOR BARBARA MCDONALD and DEAN AND HEAD OF SYDNEY LAW SCHOOL, PROFESSOR SIMON BRONITT
9.15 – 10.45am	SESSION ONE CHAIR: Professor Prue Vines, University of New South Wales 1. Jason Varuhas, Melbourne University Law School: <i>The socialisation of private law: third party and public interests in private law</i> 2. Andrew Fell, University of Queensland: <i>The Concept of Coherence in Australian Private Law</i> 3. Luke Rostill, University of Oxford: <i>The Intersection of Property and Tort: Possession, Relative Title and Remedies in Conversion</i> Q & A
10.45 – 11.15am	Morning tea
11.15am – 1.15pm	SESSION TWO CHAIR: Professor Matthew Conaglen, University of Sydney Law School 1. Elise Bant and Jeannie Paterson, Melbourne University Law School: <i>Developing a Rational Law of Misleading Conduct</i> 2. Jodi Gardner (and on behalf of John Murphy), University of Cambridge: <i>Concurrent Liability in Contract and Tort: A Separation Thesis.</i> 3. Ben Chen, Sydney University Law School: <i>Mental Capacity to Contract: The Intersection of Parens Patriae, Equity and Probate</i> 4. Luke Nottage, University of Sydney Law School: <i>Product Liability “vs” Public Safety Regulation Across Asia</i> Q & A
1.15 – 2.00pm	Lunch
2.00 – 3.45pm	SESSION THREE CHAIR: Associate Professor Jamie Glister, University of Sydney Law School 1. Sarah E Hamill, Trinity College Dublin: <i>Public Rights of Way Over Private Land: Aberration, Interruption, or Correction?</i> 2. Lee Aitken, University of Queensland: <i>The intrinsic nature and limits of the easement: the intersection of contract and property law</i> 3. Cathy Sherry, University of New South Wales: <i>The New Feudalism: Why freedom of contract is not the right answer in land law</i> 4. Fiona Burns, University of Sydney Law School: <i>Aspects of the interaction between Tort, Contract and Succession</i> Q & A



3.45 – 4.00pm	Afternoon tea
4.00 – 5.45pm	SESSION FOUR CHAIR: Dr Penelope Crossley, University of Sydney Law School 1. David Rolph, Sydney University Law School: Defamation: a tort like any other 2. Nicole Moreham, Victoria University, Wellington, New Zealand: Reputation in Privacy and Defamation: why the cause of action matters 3. Iain Field, University of Queensland: Partial Defences in Trespass 4. Haim Abraham, University of Toronto: Tort Liability for Belligerent Wrongs Q & A
5.45 – 6.30pm	Drinks
6.30pm	COLLOQUIUM DINNER Graduate House Refectory, St Paul's College, University of Sydney



9.15 – 10.45am	SESSION FIVE CHAIR: The Hon Justice Mark Leeming 1. Barbara McDonald, University of Sydney Law School: <i>The Boundaries of Negligence</i> 2. James Goudkamp, University of Oxford: <i>Fault Liability and Strict Liability in Tort: An Exaggerated Dichotomy</i> 3. Gemma Turton and on behalf of Martin George, University of Sydney Law School: <i>The Boundaries of Trespass and Nuisance</i> Q & A
10.45 – 11.15am	Morning tea
11.15am – 1.00pm	SESSION SIX CHAIR: Professor Mark Lunney, University of New England 1. Jason Harris, University of Sydney Law School: <i>Corporate Constitutions and Contract Law</i> 2. Natalie Silver, University of Sydney Law School: <i>Public interest, Private Intent: How contract law is shaping the Legal Framework for Charitable Giving.</i> 3. Tim Pilkington (and on behalf of John Eldridge), University of Sydney Law School: <i>Outside the Boundaries of Contract: Quantum Meruit</i> Q & A
1.00 – 1.45pm	Lunch
1.45 – 3.00pm	SESSION SEVEN CHAIR: David Winterton, University of Sydney 1. Joachim Dietrich, Bond University, and Iain Field, University of Queensland: <i>Statute and Theories of Vicarious Liability</i> 2. Adam Fuglinszky, ELTE University, Budapest: <i>The Impacts of the Liberalisation of the Railways Sector in Europe on the Contractual and Extracontractual Liability of Railway Companies</i> Q & A
3.10 – 4.30pm	Roundtable Discussion: teaching and curricula in private law (with afternoon tea) CHAIR: Dr Allison Silink, University of Technology Law School
4.30pm	Finish