



2021 AUTUMN CPD SEMINAR SERIES

2021 AUTUMN CPD SEMINARS PROGRAMME

Seminar	Date, Time and Venue	Details	CPD Competency Area
1	<p style="color: red;">Thursday, 11 March</p> <p>1:00 pm – 2:00 pm</p> <p style="color: red;">By webinar</p>	<p><i>Recent developments in trust law</i></p> <p>Speakers: Dr Bill Orow Victorian Bar (Owen Dixon Chambers)</p> <p>Chair: Martin Cuerden SC</p>	<p>1 point Substantive Law</p>
2	<p style="color: red;">Tuesday, 16 March</p> <p>5:00 pm – 6:00 pm</p> <p>Conference Suite Level 8, Exchange Tower 2 The Esplanade</p>	<p><i>Latest developments in relief against forfeiture</i></p> <p>This presentation examines the elements that must be satisfied in order to engage the equitable doctrine of relief against forfeiture in light of recent cases. This doctrine is commonly (but misleadingly) described as concerning the long-established rule under which equity will restrain B from losing (or forfeiting) a proprietary or possessory right to A on an event of default, even where the strict legal effect of a transaction between A and B is to produce such a result. The requirement that B loses a proprietary or possessory right in order to enliven the doctrine has been reaffirmed in modern English jurisprudence. Australian courts, by contrast, have adopted an approach that clearly differs from their English counterparts. This is because, in Australia, courts have been willing to apply the equitable doctrine to grant relief against forfeiture in the context of the forfeiture of non-proprietary rights (for example, to the loss of a contractual right). The purpose of this presentation is to assess the implications of these divergences in the law by paying particular attention to the following recent cases:</p> <ul style="list-style-type: none"> • <i>Manchester Ship Canal Company Ltd v Vauxhall Motors Ltd (formerly General Motors UK Ltd)</i> [2019] UKSC 46, [2019] 3 WLR 852. • <i>Kay v Playup Australia Pty Ltd</i> [2020] NSWCA 33; 19 BPR 40037. • <i>Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6)</i> [2015] FCA 825, (2015) 329 ALR 1. <p>Speakers: Dr Nicholas Tiverios Senior Lecturer, UWA Law School</p> <p>Chair: Julie Taylor SC</p>	<p>1 point Substantive Law</p>

The Western Australian Bar acknowledges the traditional custodians of the land from which our members practise and on which we meet, the Wadjuk people, who are part of the great Nyoongar nation of south-western Australia. The WA Bar acknowledges and respects their continuing culture and the contribution they make to the life of this city and region.

Seminar	Date, Time and Venue	Details	CPD Competency Area
3	<p style="text-align: center;">Monday, 22 March</p> <p style="text-align: center;">5:00 pm – 6:00 pm</p> <p style="text-align: center;">Conference Suite Level 8, Exchange Tower 2 The Esplanade</p>	<p><i>Making your retainer letters/costs agreements and accounts less susceptible to attack</i></p> <p>A recent application to the Supreme Court (in which judgment is presently reserved) has raised some important practical issues for barristers in the event that their instructing solicitor (or the client of their instructing solicitor) later seeks to challenge the barrister's invoices. Having appeared in the matter, Steven will identify the issues and provide some practical suggestions as to how to fortify your position in such circumstances.</p> <p>Speaker: Steven Penglis SC Chair: Matthew Curwood SC</p>	1 point Practice Management
4	<p style="text-align: center;">Thursday, 25 March</p> <p style="text-align: center;">5:00 pm – 6:00 pm</p> <p style="text-align: center;">Level 25 Francis Burt Chambers</p>	<p><i>Entry into a contract as loss and damage under the Australian Consumer Law since Harvard Nominees Pty Ltd v Tiller [2020] FCAFC 229</i></p> <p>Speaker: Samantha Nadilo Chair: Martin Cuerden SC</p>	1 point Substantive Law
5	<p style="text-align: center;">Tuesday, 30 March</p> <p style="text-align: center;">1:00 pm – 2:00 pm</p> <p style="text-align: center;">Level 25 Francis Burt Chambers</p>	<p><i>Who, What, Why, Where, When, and How? : Sexual Harassment and Bullying at the Bar</i></p> <p>We do not need to look far for evidence that sexual harassment and bullying is widely prevalent within the legal profession. While awareness of the problem is high, less clarity exists around next steps, including problem resolution.</p> <p>Join us for a frank and practical discussion of the ins and outs of these interpersonal personal conduct issues at the Bar, including exploring the following questions:</p> <ul style="list-style-type: none"> • What constitutes sexual harassment and bullying? • When and where can it happen? • Who experiences it, who does it, and who is responsible for 'fixing it'? • Why do these behaviours occur, and why is it important that we resolve the problem? • How do we best address sexual harassment and bullying, including how do we prevent it, recognise the behaviours if they do occur, and respond appropriately? <p>Speaker: Dr Rebecca Michalak Pyschsafe Chair: Elspeth Hensler</p>	1 point Ethics/ Professional Responsibility

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REGISTRATION PAPER/TAXATION INVOICE

ABN 18 712 427 306

Name						
Chambers						
Registration Fees (GST inclusive)						Option
						Please tick option
Option 1	Attendance at all Seminars					\$400
Option 2	Attendance at individual Seminars					\$100 per seminar
Please tick seminar/s	1	2	3	4	5	
Payment Options						Please tick payment option
Cheque	Please make payable to "Western Australian Bar Association"					
EFT	BANK: ANZ, Level 1, 79 St Georges Terrace, Perth ACCOUNT: WA Bar Association BSN: 016 002 ACCOUNT NO: 421807654 <i>NB: Please ensure you include your name on your EFT payment and that you return your registration paper to the WABA.</i>					
Please return this form to: Western Australian Bar Association GPO Box C122, PERTH WA 6839 Email: kknox@wabar.asn.au						
CPD	The WABA is an accredited QA Provider. Refer to Programme for allocation of competency areas and points.					
Cancellation	Refund of 50% of fee if cancellation notified in writing 72 hours before conference.					
Privacy Statement	The WABA may provide information on attendance to the Legal Practice Board.					

