

# Trusts and trustees

Journal of Equity and Commercial Law Association Conference



9.00am to 4.30pm, Friday, 29 August 2014. Dixon Room, Mitchell Wing, NSW State Library

CLA members: \$595; non-members \$795. Five MCLE points

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## Program

9.00am Registration

9.30am Welcome and Introduction

The Hon Justice Arthur Emmett, NSW Court of Appeal

9.45am **Session One**

Chair: Professor Matthew Conaglen, University of Sydney

### **Fiduciaries**

Professor James Penner, National University of Singapore

10.45am Morning tea

11.00am **Session Two**

Chair: Professor Simone Degeling, University of NSW

### **Consequential equitable compensation for breach of trust**

Jamie Glister, University of Sydney

12.00pm **Constructive trusts**

Professor Elise Bant, University of Melbourne

1.00pm Lunch

2.00pm **Session Three**

Chair: The Hon Justice Francois Kunc, Supreme Court of NSW

### **The 'proper' approach to a trustee's right to indemnity out of trust assets**

Dr Scott Donald, University of New South Wales

3.00pm Afternoon tea

3.15pm **Session Four**

Chair: The Hon Justice Julie Ward, NSW Court of Appeal

### **The trust as a surrogate company: from conscience to commerce and the challenge of insolvency**

Dr Nuncio D'Angelo, Partner, Norton Rose Fulbright Australia

4.15pm Closing comments

4.30pm Close



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# Our expert speakers are ...

## **Professor James Penner, National University of Singapore**

James Penner (BSc., UWO 1985; LLB., Toronto, 1988; D.Phil., Oxon, 1992) is Professor of Law, Faculty of Law at the National University of Singapore, and barrister of Lincoln's Inn. He has formerly taught at Brunel University, the London School of Economics, King's College London, and University College London. He has written extensively on the law of trusts and private law more generally and on the philosophy of law, with special interests in property theory. He is the author of *The Idea of Property in Law* (OUP 1997) and *The Law of Trusts* (OUP, 2014, 9th Ed).

## **Jamie Glistler, University of Sydney Law School**

Jamie Glistler is a senior lecturer in law at the University of Sydney, where he teaches equity and trusts at the undergraduate and post-graduate levels. Jamie is particularly interested in the areas of equitable compensation, resulting trusts, and the role of trusts as security devices. He has published in these areas in the *Sydney Law Review*, the *UNSW Law Journal*, the *Cambridge Law Journal*, the *Modern Law Review*, *Lloyd's Maritime and Commercial Law Quarterly*, and the *Journal of Equity*. Jamie has degrees in law from Cambridge and Durham Universities, and before coming to Sydney he held lectureships at Durham and King's College London. He is the co-editor of *Fault Lines in Equity* (2012, with Pauline Ridge), and of the 20th edition of Hanbury & Martin's *Modern Equity* (forthcoming 2015, with James Lee).

## **Professor Elise Bant, University of Melbourne**

Dr Bant is a Professor of Law at Melbourne Law School and former Associate Dean of the Melbourne JD. She is also Co-convenor of its Obligations Group, which brings together MLS scholars with particular interest and expertise in private law doctrine and theory, and promotes research events for broader scholarly and professional involvement. Professor Bant holds joint Bachelor of Arts and Bachelor of Laws (Hons) degrees from The University of Western Australia, as well as the degrees of Bachelor of Civil Law (Dist) and Doctor of Philosophy (Law) from The University of Oxford. Her publications in her particular fields of unjust enrichment and restitution law, trusts, property and private law remedies include over 30 journal articles, chapters and scholarly notes, as well as two edited collections and two substantial books, *Unjust Enrichment in Australia* (co-authored with Justice Edelman, 2nd edition forthcoming in 2014 with Hart Publishing) and *The Change of Position Defence* (Hart Publishing, 2009). Professor Bant currently teaches Remedies (JD), Unjust Enrichment and Restitution Law (JD) and Equity and Commerce (Melbourne Law Masters) at Melbourne Law School.

## **Dr Scott Donald, University of New South Wales**

Scott Donald is Deputy Director of the Centre for Law Markets and Regulation. He teaches corporate and trusts law at the University of New South Wales Law Faculty and researches extensively in the area of investment and superannuation trusts. He is also External Consultant to Herbert Smith Freehills. Earlier in his career Scott worked in a variety of senior roles for Russell Investment Group (1994-2005, 2006-2009), including Director of Research, Director of Product Development (EMEA) and, most recently, Director of Fiduciary Research. He has a BEc and LLB from University of Sydney, LLM from University College, London and PhD from UNSW Australia.

## **Dr Nuncio D'Angelo, Partner Norton Rose Fulbright Australia; Adjunct Professor, University of Sydney**

Nuncio is a Banking and Finance Partner based in Sydney. With over 20 years of experience, Nuncio has deep expertise in the full range of corporate, property and structured finance. He has also acted on corporate rescue and insolvency work-outs (in each case, acting for both financiers and corporates), and distressed debt trading. Within that broad discipline, he has developed an interest and expertise in trusts/managed investment schemes and insolvency. Innovative onshore and offshore structuring solutions also form part of Nuncio's extensive experience. As an accomplished academic, Nuncio has taught and published in the field of Banking and Finance law during his entire professional career, across all types of corporate funding arrangements.

# SEMINAR REGISTRATION/TAX INVOICE

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Friday, 29 August, 2014 from 9.00am to 4.30pm

Trusts and Trustees

Dixson Room, Mitchell Wing, NSW State Library, Macquarie Street, Sydney

CLA members \$595; non-members \$795 (GST & refreshments inc). Seminar = five MCLE points

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