

You are warmly invited to a seminar presented by the **UTS Private Law Discussion Group**.

Guest speaker: Prof. Barbara McDonald, University of Sydney Law School

Topic: Law reform: the case for legislation in fields of common law principles

In this age of statutes, it is often assumed that legislation is a solution for resolving uncertainties or difficulties or for filling gaps in the common law. This paper will consider the arguments for legislating law reform rather than allowing the common law to develop on a case by case basis, drawing on the experience of the speaker in a recent ALRC inquiry into reform of the law of privacy in Australia. Sometimes, legislation does no more than restate common law principles. The paper will also evaluate the rationale, benefits and disadvantages of legislative restatements of the common law, and consider whether they may add more complexities than they solve. The particular focus of the paper will be aspects of private law, such as tort and contract law, but some consideration will also be given to examples from other fields of law.

Date: Friday 29 May 2015

Time: 3pm registration and coffee. Presentation 3:30-5:00pm followed by refreshments

Venue: CB05B.03.18 Level 3 of the Law Faculty, Block B Cnr Quay St & Ultimo Rd Haymarket

Register [here](#) by 5pm Friday 22 May

About the guest speaker:

Barbara McDonald is a Professor at the Faculty of Law at the University of Sydney where she teaches in the areas of Torts, Torts and Contracts, Advanced Obligations and Remedies. She is the convenor of the Faculty's obligations and commercial law cluster. She has been a Visiting Professor at the University of Texas at Austin and is currently a Visiting Professor to the New College of Humanities, London. She is a consultant to Herbert Smith Freehills, having worked as a litigation solicitor with Freehills (many years ago) before joining the faculty at the University of Sydney.

During 2013-2014, Barbara was a Commissioner of the Australian Law Reform Commission, heading the inquiry into Serious Invasions of Privacy in the Digital Era, with the Report tabled in Federal Parliament in September 2014. She has a long standing interest in the impact of legislative tort reform and the interaction of common law and equitable obligations and remedies.

To **subscribe** to future UTS Private Law Discussion Group notifications or to make an enquiry please contact [Dr Philippa Ryan](#), 02 9514 3694.