CHAIR



Prof. Peter Watts QC, University of Auckland, Auckland

Peter Watts QC has taught the law of restitution across nearly three decades. He is the New Zealand contributing editor of the *Restitution Law Review* (UK). Peter is the General Editor of *Bowstead & Reynolds on Agency*, and author of books on company law. He is a door tenant at Bankside Chambers in Auckland, and Fountain Court, The Temple, London.

SPEAKERS



Andrew Barker, Barrister, Auckland

Andrew is a barrister in practice at Shortland Chambers. He has a broad practice in most areas of commercial litigation. Andrew was formerly a lecturer at the Faculty of Law, University of Otago.



Dr. Petra Butler, Victoria University of Wellington, Wellington

Dr Petra Butler is a German and New Zealand qualified lawyer and an Associate Professor at Victoria University. Besides her interest in domestic and international human rights law she teaches and researches selected civil law issues. Dr Butler has published extensively and regularly advises the Government and private clients in her areas of interest.



Rohan Havelock, Barrister, Auckland

Rohan Havelock is a barrister practising in civil and commercial litigation, and a Senior Lecturer at the Faculty of Law, University of Auckland. He holds the degree of Master of Laws (First Class Honours) from the University of Cambridge. Rohan's practice areas and research interests include equity, restitution, insurance law, and construction law.



Bob Hollyman, Barrister, Auckland

Bob practises as a barrister primarily in relation to commercial litigation. He was admitted in 1995 and has been a member of Shortland Chambers since 2006. Bob teaches Advanced Torts at Auckland University.

SPEAKERS



Tim Mullins, LeeSalmonLong, Auckland

Tim practises primarily in commercial litigation, regulatory/competition law matters and intellectual property. He has advised on and conducted proceedings concerning various claims with restitutionary dimensions, including misappropriated money, quantum meruit and constructive trusts. Tim has also taught as an adjunct Lecturer at the University of Auckland, Faculty of Law.



Jonathan Orpin, Barrister, Wellington

Jonathan is a barrister in practice at Stout Street Chambers in Wellington. He practices primarily in commercial litigation and has recent experience advising on restitutionary claims, including for knowing receipt following breach of trust and tracing claims.



Jessica Palmer, University of Otago, Dunedin

Jessica is a senior lecturer at Otago University and teaches courses in contract, equity and commercial law. She has published articles and essays on issues of equity and restitution and is an author of *Equity and Trusts in New Zealand* (Butler (ed), 2nd ed, Thomson Brookers, 2009). Jessica is a graduate of Auckland and Cambridge Universities and has worked at a large national law firm and as a judges' clerk.



Andrew Skelton, Barrister, Wellington

Andrew is a barrister at Capital Chambers, Wellington. He was previously a partner at Kensington Swan from 1999 - 2012. Andrew specialises in civil litigation and arbitration, particularly in the areas of contract and joint venture disputes, construction, property, leases, procurement and disciplinary proceedings. He has degrees in law from Canterbury University, University College London and Oxford University.



Justin Smith QC, Barrister, Wellington

Justin handles general commercial litigation. He is a former Crown Prosecutor (1982 - 1986), was a partner at Kensington Swan (Wn & Ak) (1988 - 1994) and a partner at Russell McVeagh (Wn) (1994 - 2007). Justin went to the independent bar in 2007. He has represented numerous clients, from individuals to the largest national and international corporates, at all levels.



Benedict Tompkins, Gilbert Walker, Auckland

Benedict is a commercial litigator, with particular interests in restitution, agency, commercial equity, professional negligence and arbitration. He appears regularly in the High Court, tutors torts at the University of Auckland, and is a contributing author of *Cross on Evidence*. Benedict was previously a Crown Prosecutor, and has published (with Professor Peter Watts QC) on the intersection of unjust enrichment and the criminal law.

CONTENTS

In session order

Foreword
Prof Peter Watts QC
Summary of Jurisdiction
Summary of Jurisdiction
Enrichment
Standard Fact Patterns
Mistaken Transfer and Failure of Conditions61 Benedict Tompkins
On the Receiving End: defences to a claim of unjust enrichment
Restitution for Wrongs

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Barker	Andrew	What Goes on at the Receiving End: defences to unjust enrichment claims	83
Butler	Dr. Petra	Summary of Jurisdiction	7
Havelock	Rohan	The Enrichment Requirement	37
Hollyman	Bob	What Goes on at the Receiving End: defences to unjust enrichment claims	83
Mullins	Tim	Restitution for Wrongs	93
Orpin	Jonathan	Standard Fact Patterns: background and introduction	49
Palmer	Jessica	Unjust Enrichment: what is it all about?	21
Skelton	Andrew	Restitution for Wrongs	93
Smith QC	Justin	Standard Fact Patterns: background and introduction	49
Tompkins	Benedict	Mistaken Transfer and Failure of Conditions	61
Watts QC	Prof Peter	Foreword	1