



INVITATION

The School of Business & Law invites you to attend an evening seminar with

Specific Performance In Favour of A Purchaser of Land - The Contemporary Australian Position

By Mr Ken Yin

- and -

Climate Change, Human Mobility, and International Law

By Dr Mostafa Naser

Where: Joondalup Campus, JO31.454 (The Moot Court) – see [campus map](#) (or via Zoom: <https://ecu.zoom.us/j/2282408827>)

When: **Monday 14th December 2020 4.30pm – 6.30pm**

Professional Development

Edith Cowan University is approved to provide continuing professional development for lawyers in Western Australia.

This seminar provides lawyers with two CPD points in *Competency Area 4: Substantive Law*.

Participants will receive a certificate for their records.

Please join us for light refreshments and networking after the seminar.

Mr Ken Yin is a lecturer at the school of business and Law, Edith Cowan University. His research interests are the law of remedies and legal logic, in which he has published extensively in the last five years. His presentation in this seminar is based on his article *Specific performance in favour of a purchaser under a contract for the transfer of land – An analysis of the present Australian position* (2015) 41 Australian Bar Review 79. Read more [here](#).



Dr Mostafa Naser is a lecturer in the School of Business and Law at Edith Cowan University. Dr Naser publishes widely in the domain of international law, environmental law and human rights with a focus on correlation of international and domestic law, and legal and policy responses to climate change and human mobility. Read more [here](#).



Registration: Registration is free, but please register on this link as there are limited spots available: <https://www.trybooking.com/BNFEE>

Abstract

Specific Performance In Favour Of A Purchaser Of Land – The Contemporary Australian Position *by Mr Ken Yin*

It has frequently been said that because damages are not regarded as an adequate substitute for the transfer of land, which is regarded as unique, specific performance would invariably be decreed of such contracts. This assumption has often been attributed to the High Court's judgment in *Pianta v National Finance and Trustees Ltd*.

We argue that the proposition that the balance of authority disavows such a rule; further, that such a rule did not, in fact, ever exist and in fact very likely has its origins in a misreading of *Pianta*. The predisposition in favour of the grant of specific performance regarding contracts for the transfer of land is based upon the historical assumption that land was unique. With the advent of the recognition that land nowadays can be regarded as a mere article of commerce rather than as unique, the strength of this predisposition likewise has diminished.

It is accordingly not the uniqueness of land as such which determines the purchaser's entitlement to specific performance; rather, the question is whether specific performance should be granted because damages would not be adequate compensation for the transfer of the land. Such an enquiry, correctly performed, would simply reflect an application of first principles.

Climate Change, Human Mobility, and International Law *by Dr Mostafa Naser*

Current international framework including refugee law, migration law, international mechanisms for disaster management and climate change is not feasible to provide effective protection to the people displaced because of climate change events. While international law was largely oblivious to this global challenge – displacement stemming from the impacts of climate change - for a long time, the global community including states, the international organisations, UN bodies and civil societies has increasingly been engaged in policymaking, negotiations, dialogues and initiatives in the last decade.

Dr Naser will discuss the accumulating stock of the international policies and initiatives relevant to climate-related mobility, using a framework of six policy areas: human rights; refugees; climate change; disaster risk reduction; migration; and sustainable development, and examines in detail how international and other organisations have developed their approaches to climate-related mobility.