

UQ Law's Australian Centre for Private Law presents
**CONSUMERS, CREDIT AND
THE LAW SYMPOSIUM**

MONDAY 8 JULY 2013
THE QUEEN ADELAIDE ROOM, MARRIOTT HOTEL, BRISBANE



**THE UNIVERSITY
OF QUEENSLAND**
AUSTRALIA

TC Beirne School of Law

WELCOME

The Global Financial Crisis has led to large scale reforms in the regulation of financial services across the world.

In the United States, the subprime mortgage crisis in particular was cited by many as evidence of the market's inability to act responsibly in the consumer credit space.

Australia, the United Kingdom, the Member States of the European Union, the United States, New Zealand, and South Africa have all introduced responsible lending provisions and other regulatory mechanisms directed towards the protection of consumers of credit.

Bringing together international consumer credit experts, the symposium will explore the reasons for these reforms, compare the different approaches taken in different jurisdictions, examine the early indications of their effectiveness and make predictions for the future.

This discussion will be of interest to those working in the banking and finance industry, their legal advisers, government regulators, consumer advocates and academics. Members of the legal profession may also claim CPD points for attending on a full-day basis.

We look forward to welcoming you to this event.



Ms Karen Fairweather
The University of Queensland
TC Beirne School of Law



Dr Paul O'Shea
The University of Queensland
TC Beirne School of Law

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PROGRAM

Monday, 8 July 2013

The Queen Adelaide Room, Brisbane Marriott Hotel, 515 Queen St, Brisbane

8:30 - 9:00	Registration
9:00 - 9:10	Head of School Welcome
9:10 - 10:15	Session 1: Judge's Introduction and Conference Opening Chair His Honour Judge Kiernan Dorney QC District Court of Queensland Speakers <i>"Unfair Terms, Suretyships and EU Harmonisation: A Crucible of Europeanised Private Law?"</i> Professor James Devenney Head of School, Professor of Commercial Law, University of Exeter, UK
10:15 - 10:45	Morning tea
10:45 - 12:30	Session Two: Chair Mr Ian Lockhart Chair of the Queensland Law Society Banking and Finance Committee, Partner, Minter Ellison Speakers <i>"It's for Your Own Good: Paternalism and Consumer Credit Laws"</i> Ms Kate Tokeley Senior Lecturer, Faculty of Law, Victoria University of Wellington, NZ <i>"New Developments in Regulating Small Amount Loans in Australia"</i> Ms Nicola Howell Lecturer, Faculty of Law, Queensland University of Technology <i>"The Impact of Current Credit Regulation on Addressing Financial Exclusion"</i> Dr Therese Wilson Senior Lecturer, Griffith Law School, Griffith University
12:30 - 13:30	Lunch



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13:30 - 15:00

Session Three:

Chair Mr Peter White
President of the Finance Brokers Association of Australia

Speakers *"Apples and Oranges: Responsible Lending in the UK and Australia"*
Ms Karen Fairweather
Associate Lecturer, TC Beirne School of Law, The University of Queensland

"Timing is Everything: The Effect of Early Disclosure on Consumer Comprehension and Confidence"

Dr Paul O'Shea
Senior Lecturer, TC Beirne School of Law, The University of Queensland

"Responsible Lending, UK and EU: Consumer Protection or Financial Regulation?"

Dr Onyeka Osuji
Senior Lecturer, University of Exeter

15:00 - 15:15

Afternoon Tea

15:15 - 16:30

Session Four:

Chair Mr Tom Sullivan SC
Barrister-at-Law, Bar Association of Queensland

Speakers *"The Fragility of Unfair Terms' Law in the Context of Bank Charges: Towards a Complex Re-Litigation in the UK?"*

Professor Mel Kenny
Chair of Consumer and Commercial Law, Leicester De Montfort Law School, UK

"Credit: Suitable for One or Safe for Everyone"

Professor Gail Pearson
The University of Sydney Business School

16:30

Closing address

Note: This information is correct as at 17 June 2013 but may be subject to change.

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GENERAL INFORMATION

CPD accreditation

Finance Brokers Association of Australia

The symposium is accredited with 1 CPD hour per hour of seminar attendance, not including meal breaks. Code UQ/CCLS:08072013.

Bar Association of Queensland

The symposium is accredited with 1 CPD point per hour of attendance in the non allocated strand. Code UQCCS13.

Queensland Law Society

Queensland CPD points may be claimed for attendance at this symposium, based upon practitioner self-assessment. 1 CPD point can be claimed per hour of attendance (not including breaks/social activities).

The venue

The Consumers, Credit and the Law Symposium will be held at the Brisbane Marriott Hotel, Queen Adelaide Room, 515 Queen Street, Brisbane, Australia.

Registration entitlements

Symposium Registration

The symposium fee includes attendance for the full day program, arrival tea and coffee, morning tea, lunch and afternoon tea.

Close of registration

Close of earlybird registration (with accompanying payment) is 7 June 2013. The closing date for standard and student registration (with accompanying payment) is 28 June 2013.

Cancellation policy and transfers

Cancellations or transfers must be in writing. Refunds will not be issued for cancellations made after 28 June 2013.

Name badges

Your name badge is your passport and access to all sessions, refreshments and lunch. Please ensure your badge is visible at all times.

Dietary or access requirements

Please indicate any special requirements on the registration form.

Disclaimer

The organisers of this symposium reserve the right to substitute the program sessions and/or speakers. All details are correct as at 20 May 2013 .

Privacy

The University of Queensland is collecting your personal information in order to provide this service to you in accordance with the Information Privacy Act 2009 (Qld). If you wish to receive correspondence for upcoming UQ Law School events, please tick the box on the registration form.



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CONFERENCE SPEAKERS

Professor James Devenney

Head of School, Professor of Commercial Law, University of Exeter

Professor Devenney joined Exeter Law School in October 2011 from Durham University, where he was Deputy Head of Durham Law School and Director of the Durham University Institute of Commercial and Corporate Law. He previously held posts at Cardiff Law School and the Bristol Law School, and has recently spent time at Adelaide Law School and the ESRC Centre for Business Relationships, Accountability, Sustainability and Society at Cardiff University.

The Professor's work has been cited by the High Court of Singapore (see *Chwee Kin Keong v. Digilandmall.com* [2004] SGHC 71), the High Court of England and Wales (see *Parabola Investments Ltd v. Browallia Cal Ltd* [2009] EWHC 901 (Comm) at [130]) and the English Law Commission (see Law Commission of England and Wales: Ninth Programme of Reform (Law Com No 293), para 4.18). He has provided assistance to the Law Commission on consumer law, misrepresentation and unfair commercial practices; and was recently invited to discuss the proposal for the codification of Australian Contract Law with the Australian Attorney-General's Department.

Professor Devenney teaches commercial, corporate and property law; and was shortlisted for the prestigious Oxford University Press Law Teacher of the Year award in 2011.

Karen Fairweather

Associate Lecturer, TC Beirne School of Law, The University of Queensland

Karen Fairweather joined the TC Beirne School of Law in January 2012. She was previously a Graduate Teaching Assistant (2008 - 10) and Lecturer (2010 - 11) at the University of Durham, United Kingdom. Karen was a Prince of Wales Scholar of Grays Inn and was called to the Bar in 2007. Her research interests are in the fields of contract law, comparative law, legal history and consumer credit law. Her PhD thesis, supervised by Professor James Devenney, examines the historical development of the protection of borrowers in the context of personal credit transactions.



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CONFERENCE SPEAKERS CONT...

Nicola Howell

Lecturer, Faculty of Law, Queensland University of Technology

Nicola Howell is a lecturer in law at the Queensland University of Technology (QUT), Brisbane, where she teaches contract, consumer, commercial and insolvency law. Her research interests include consumer policy, consumer credit law, self-regulation and bankruptcy. Prior to her appointment at QUT, Nicola was the inaugural Director of the Centre for Credit and Consumer Law, an academic centre based at Griffith University. Nicola is also a member of the Executive Committee of the Consumers' Federation of Australia, and was the Consumer & Small Business Representative on the Banking Code's Code Compliance Monitoring Committee (2009 - 12).



Professor Mel Kenny

Chair of Consumer and Commercial Law, Leicester De Montfort Law School

Professor Kenny's work focuses on the intersection of private law, EU law, consumer law and commercial law from both a comparative and private international perspective. His research concerns competition issues and in particular the application of competition to the State and public undertakings.

In recent years Professor Kenny's publications have explored four highly charged legal topics: the 'Europeanisation' of national private law and the associated calls for consolidation and codification; the comparative assessment of the treatment of surety agreements across Europe; the general issue of ensuring consumer protection and the private international implications of proposals for a Common European Sales Law.



Dr Paul O'Shea

Senior Lecturer, TC Beirne School of Law, The University of Queensland

Dr O'Shea teaches and researches in commercial law, consumer law and financial services regulation at the TC Beirne School of Law. Paul, a UQ Law graduate, has been a commercial litigation solicitor for 23 years, a member of the Queensland Law Society (QLS) Banking and Finance Committee for 18 years, and is a member of the Investment Panel of the Financial Ombudsman's Service. His publications include *The Legal Environment of Business* (Thomson Law Book Co), plus book chapters and numerous journal articles on consumer law. He has also presented at national conferences and for the QLS' CPD program. His research has been cited in judgements of several State Supreme Courts, in Commonwealth government policy documents and in Hansard.





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Dr Onyeka Osuji

Senior Lecturer in Law, University of Exeter

Dr Onyeka Osuji joined the University of Exeter in September 2007. He has a PhD in law from the University of Manchester (as a School of Law Scholar); a BCL (Law) from the University of Oxford (as a Shell Centenary/FCO Chevening Scholar) and an LLB from the University of Nigeria. He is a Fellow of the Higher Education Academy, UK.

Dr Osuji's research interests include consumer protection, corporate social responsibility, corporate governance, non-financial reporting, globalization, multinational enterprises and regulation. He practised corporate and commercial law and litigation in Nigeria with the firm of G. Elias and Co, before proceeding to the United Kingdom for postgraduate and professional law studies. Dr Osuji is qualified as a barrister and solicitor of Nigeria and a (non-practising) solicitor of England and Wales. He has advised individuals, corporations, and national and international governmental and non-governmental organizations.

Dr Osuji teaches the law of contract, commercial law, corporate social responsibility, company law and corporate governance and mooting and advocacy skills.



Professor Gail Pearson

The University of Sydney Business School

Gail Pearson is Professor of Business Law at the University of Sydney. With Richard Batten she is the author of *Understanding Consumer Credit* (2010). Other works are on Commercial Law, Financial Services and Consumer Protection. These include *Financial Services Law and Compliance* (Cambridge University Press 2009) *Commercial Law Commentary and Materials ed 3* (2010) (with Fisher, Peden and Tolhurst).

She is Vice President of the International Association of Consumer Law, a member of the International Law Association's committee for the international protection of consumers and is a Member of the Code Compliance Committee for the Mutuals Banking Code of Practice.



Kate Tokeley

Senior Lecturer, Faculty of Law, Victoria University of Wellington

Kate specialises in consumer law and policy and is an academic at the Law School at Victoria University of Wellington, New Zealand. Her research interests are in the areas of consumer law, legal paternalism, internet law, contract law and access to justice. Kate's work in the area of consumer law examines the various ways in which the law is justified in intervening in the market place to protect consumers. She has researched and published on topics such as online auctions, unfair terms, vendor bidding, class actions, tobacco regulation and the place of paternalism in consumer law. In addition to publishing numerous articles, Kate has authored a text book on Consumer Law in New Zealand.

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CONFERENCE SPEAKERS CONT...

Dr Therese Wilson

Senior Lecturer, Griffith Law School, Griffith University

Dr Wilson is a Senior Lecturer in Law at Griffith University and is admitted as a solicitor of the Supreme Court of Queensland. She teaches corporate law, banking and finance law and international commercial arbitration; and recently completed her PhD thesis on "Regulating to Facilitate Access to Safe and Affordable Credit for Low Income Australians."

Therese chairs the Australian Financial Inclusion Network and the Board of Foresters Community Finance Ltd and is a member of the Board of Social Investments Australia Ltd. She serves on the Queensland Law Society Banking and Finance Committee and is a member of Zonta International and Amnesty International.