

JOURNAL OF BANKING AND FINANCE LAW AND PRACTICE

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ARTICLES

Theft, fraud and mistaken payments: Personal and proprietary remedies in banking and commercial cases – Dr Vicky Priskich

This article considers the availability of personal and proprietary relief through the operation of resulting and constructive trusts to assets obtained by theft, fraud or mistake. This analysis is triggered by two recent decisions of the New South Wales Supreme Court in *Wambo Coal Pty Ltd v Ariff* (2007) 63 ACSR 429 and *Westpac Banking Corp v Ollis* [2007] NSWSC 956. These cases also raise a wider issue, which is explored in this article, the availability of a personal claim for restitution at common law. Finally, this article considers the possible impact of recent anti-money laundering reform on personal claims in equity. 163

Harmonisation of international payment services law: The UNCITRAL Model Law on International Credit Transfers – Part I – Rhys Bollen

The UNCITRAL Model Law on International Credit Transfers was adopted 16 years ago, and so it seems an appropriate time to look back on its effectiveness and implementation. The article introduces the concept of harmonisation and how it has been applied in international payment system law. It examines some key issues with the Model Law and discusses its implementation to date in the European Union. 186

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