



## **“The law and lawyers: their limits?”**

### ***An Ethics Hypothetical—the gap between what the community expects and what the law and its personnel and institutions can deliver***

**Tuesday 4 April 2017 5.30–7pm**

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**Where?** Ceremonial Court of the Federal Court of Australia, Level 21, Law Courts Building, Queen’s Square, Sydney

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The Australian Academy of Law extends a warm invitation to all to attend this, the first in a series of three ethics-themed events that it is holding in Sydney this year. The theme of the events is based on these objects of the Academy—to promote the highest standards of ethical conduct and professional responsibility, to enhance understanding and observance of the rule of law, and to provide a forum for debate and the interchange of views.

The first in the series will be a “hypothetical” which will pose questions concerning the limits of law and lawyering. Are laws always an answer? Do our processes deliver what is claimed for them?

Moderated by **John Sheahan QC** of the Sydney Bar, the panel will comprise:

- **The Hon Ray Finkelstein AO QC**, formerly a Judge of the Federal Court of Australia
- **Professor Bryan Horrigan**, Dean, Faculty of Law, Monash University
- **Dr Ruth Higgins**, Barrister, Sydney
- **Professor Peter Cashman**, Barrister, Sydney; Professor of Law, University of Sydney
- **Cathie Armour**, Commissioner, Australian Securities and Investments Commission
- **Professor Uwe Dulleck**, Business School, Queensland University of Technology
- **The Hon Michael Lavarch AO**, Commissioner of the Australian Skills Quality Authority; Attorney-General of the Commonwealth 1993-1996

There will be no charge for admission. Attendance may count towards satisfaction of the MCLE requirements. RSVP by Friday 31 March to: [Admin@academyoflaw.org.au](mailto:Admin@academyoflaw.org.au).

## **SPEAKERS:**



### **The Hon Ray Finkelstein AO QC**

Ray Finkelstein graduated in law in 1970 and was admitted to practice in 1971. Between 1971 and 1975 he worked in Melbourne as a solicitor and also as a tutor at Monash University. He was called to the Bar in 1975, specialising in equity, commercial and corporate law. He was appointed Queen's Counsel in 1986. Thereafter he concentrated on appellate work often acting for State and Federal Governments and their instrumentalities. He was acting Solicitor-General for the State of Victoria during 1992. He was appointed a judge of the Federal Court in 1997 and held additional appointments as Deputy

President of the Australian Competition Tribunal and the Copyright Tribunal of Australia. In December 2008 he was appointed President of the Australian Competition Tribunal. He retired as a judge of the Federal Court and President of the Competition Tribunal on 30 June 2011 and has returned to private practice at the Victorian Bar. In 2011 he was appointed Adjunct Professor in the Law Faculty at Monash University. During 2011/2012 at the appointment of the Commonwealth Government he was Chair of the Independent Inquiry into Aspects of the Media. In 2012 he was appointed to the Governance Advisory Panel, Chartered Secretaries Australia Limited.



### **Professor Bryan Horrigan**

Professor Bryan Horrigan is one of Australia's leading legal minds. Over a distinguished career he's advised commercial lawyers and their clients on everything from corporate responsibility and unconscionable business conduct, to the rights-based scrutiny of legislation. And, as a Government advisor, he

has been instrumental in reforming national economic regulation. A former Director of the National Centre for Corporate Law and Policy Research, and a regular speaker at some of the world's most prestigious universities, Professor Horrigan has been Dean of Monash Law since 2013.



### **Dr Ruth Higgins**

Ruth is a commercial barrister practising in Sydney. She is a Fellow of the Australian Academy of Law, an Assistant General Editor of the Australian Law Journal and a director of the Bar Association of NSW. Ruth obtained her DPhil from Balliol College Oxford, taught at Corpus Christi, Oxford and has since been a Visiting Scholar at Columbia University and Visiting Fellow of New College, Oxford.



### **Professor Peter Cashman**

Dr Peter Cashman is a barrister at 9 Wentworth Chambers in Sydney and Professor of Law (Social Justice) at the University of Sydney. He was formerly: Commissioner in charge of the civil justice review with the Victorian Law Reform Commission; Commissioner jointly in charge (with Justice John Basten) of the reference on class actions with the Australian Law Reform Commission; founding Director of the Public Interest Advocacy Centre; founder and senior partner of the firm Cashman & Partners which merged with the Melbourne firm Maurice Blackburn & Co to form the national firm Maurice Blackburn Cashman (now Maurice Blackburn Pty Ltd); Governor of the American Trial Lawyers' Association (now the American Association for Justice) and National President of the Australian Plaintiff Lawyers' Association (now the Australian Lawyers Alliance). He holds a degree in law and a diploma in criminology from the University of Melbourne and a Master of Laws degree and a PhD from the University of London. He has practised law in the United Kingdom, the United States and Australia and is the author of numerous publications, including *Class Action Law and Practice*, The Federation Press, 2007.



### **Cathie Armour**

Cathie Armour is one of 5 Commissioners of the Australian Securities and Investments Commission ("ASIC"). The Commission is responsible for ASIC's performance as Australia's integrated corporate, markets, financial services and consumer credit regulator. Cathie is the chair

of ASIC's Enforcement Committee. In

her executive role at ASIC, Cathie works most closely with ASIC's Market Integrity Group, that is, the teams responsible for regulating market infrastructure, market surveillance and enforcement of laws relating to market integrity. Cathie's experience before ASIC was in legal counsel leadership roles in international financial institutions. Most recently, she was General Counsel for Macquarie Capital and an Executive Director of Macquarie Group. She began her career in private legal practice and has worked for law firms in Sydney and New York. Cathie is a Graduate of the Australian Institute of Company Directors. She is also a member of Chief Executive Women.



### **Professor Uwe Dulleck**

Uwe Dulleck is Professor of Economics at QUT and Honorary Professor of Behavioural Economics at ANU's Crawford School of Public Policy. Uwe's work on the Economics and Behavioural Economics of Expert Services has been published in the leading journals of Economics and

covered in *The Economist*, among others. Uwe worked with several Commonwealth government departments and agencies, including ASIC, the Australian Taxation Office, the Commonwealth Department of Education, on applications of behavioural economics to regulatory and policy questions. He collaborates frequently with the Behavioural Economics Team of Advisors (BETA) in the Office of Prime Minister and Cabinet.



## **The Hon Michael Lavarch AO**

Professor Michael Lavarch is the Commissioner for Risk Analysis and Regulatory Support at the Australian Quality Skills Authority (ASQA), the National regulator of the vocational education system. Professor Lavarch has had an extensive history in Australian public life, having served in local government before being a member of the House of Representatives from 1987 to 1996. Professor Lavarch was the Attorney-General in the Keating Government during which he pursued an active law reform program including the establishment of the National Native Title Tribunal, the commissioning of the 'Bringing them Home' report into the forced removal of

aboriginal children (the stolen generation), and strengthening of anti-discrimination laws including the insertion of sections 18C and 18D into the Racial Discrimination Act.

Michael is a former Secretary-General of the Law Council of Australia and from 2004 and 2012, Executive Dean of the Law Faculty of the Queensland University of Technology where he remains an Emeritus Professor. In 2012 he was made an Officer in the Order of Australia for his contribution to the law, education and human rights.