

CURRENT LEGAL ISSUES

SEMINAR SERIES 2012



BAR ASSOCIATION
OF QUEENSLAND



THE UNIVERSITY
OF QUEENSLAND
AUSTRALIA

TC Beirne School of Law



Queensland University of Technology
Faculty of Law

CURRENT LEGAL ISSUES

SEMINAR SERIES 2012

We are pleased to announce the fourth annual Current Legal Issues Seminar Series for 2012.

The series seeks to bring together leading scholars, practitioners and members of the Judiciary in Queensland and from abroad to discuss key issues of contemporary legal significance.

Session 1 An action for (serious) invasions of privacy	
Date:	Thursday 7 June 2012
Venue:	Banco Court, Supreme Court of Queensland, George Street, Brisbane
Speaker:	Professor Barbara McDonald, University of Sydney
Commentators:	Bruce McClintock S.C., Barrister-at-Law Patrick McCafferty, Barrister-at-Law
Chair:	The Hon Justice Applegarth, Supreme Court of Queensland
Overview:	Prompted by scandals more from abroad than at home, Australia may be on the cusp of adopting a statutory action for invasions of privacy. Many questions arise, with such an action having potentially wide-ranging ramifications, some beneficial, some not so, for the media and for individual citizens. Can these ramifications be confined by the drafting process? What advantages, other than speed, would a statutory action have over the incremental development of the common law? Can a statutory action more easily resolve the difficult balancing process that must always arise between rights to privacy and the public interest in freedom of speech, both in interlocutory relief and final orders? How does protection of privacy as an interest or right compare with the protection our law provides in other contexts, such as freedom from personal injury or damage to reputation? Depending on the progress of statutory reform at the time, this paper will consider the state of actual and proposed protection from invasions of privacy in Australia, with reference to typical situations, and include comparative perspectives from other jurisdictions grappling with similar issues.

Session 2 Pure economic loss: the problem of timing	
Date:	Thursday 13 September 2012
Venue:	Banco Court, New Supreme and District Courthouse, George Street, Brisbane
Speaker:	Lord Walker of Gestingthorpe
Commentator:	The Hon Chief Justice Keane, Federal Court of Australia
Chair:	The Hon Justice Chris Maxwell, Supreme Court of Victoria
Overview:	The session will deal with the difficulty of deciding when the cause of action arises in claims for pure economic loss, including claims against solicitors, accountants, valuers and professional advisers. This is a topic which has arisen in Australia (notably the Wardley case in the High Court in 1992) and New Zealand, as well as in the UK. It is challenging and goes to the heart of what it means to suffer a pure financial loss. This seminar is generously sponsored by The University of Queensland (McPherson Lecture Series) and the Bar Association of Queensland.

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Session 3 New directions in how legislators, courts and legal practitioners approach unconscionable conduct and good faith	
Date:	Thursday 18 October 2012
Venue:	Banco Court, New Supreme and District Courthouse, George Street, Brisbane
Speaker:	Professor Bryan Horrigan, Monash University
Commentator:	John McKenna S.C., Barrister-at-Law
Chair:	The Hon Chief Justice Paul de Jersey AC, Chief Justice of Queensland
Overview:	The law's treatment of unconscionable business conduct and good faith in commercial contexts remains a controversial topic. Recent legislative reform initiatives, test case litigation, and other regulatory developments with practical implications for advice and transactions in both consumer and business dealings have occupied the attention of federal and state legislatures, courts at all levels throughout Australia, barristers' chambers and law firm offices, and various business and industry sectors. Current debates often generate more heat than light about topics such as differentiating unconscionable conduct's different meanings under statutory and non-statutory law, legislatively defining 'unconscionable conduct' and 'good faith', introducing legislative principles or examples of unconscionable conduct, universalising good faith in the franchising industry and other business sectors, accommodating good faith through appropriate drafting techniques, and even regulating unconscionable conduct and bad faith under a national contract law regime. All of these major controversies will be addressed in this presentation by UQ alumnus, Professor Bryan Horrigan. Professor Horrigan has researched and published on these topics, and also advised clients and lawyers on them in his long-standing consultancy role with Allens Arthur Robinson.

Format:

Each seminar will comprise a chair, speaker, and commentator. The chair will introduce the speaker and commentator. A paper will then be presented by a leading practising or academic lawyer, and will be subject to a brief, expert commentary. Subsequent debate and contributions from the floor will be facilitated by the chair. Seminar papers will be available in advance at www.law.uq.edu.au/current-legal-issues-series, a website hosted by The University of Queensland.

Time:

5.00pm - 6.30pm

Followed by refreshments

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CPD:

The series has been accredited for CPD purposes by the Bar Association of Queensland. Reciprocal recognition arrangements exist between the Bar Associations of Queensland, New South Wales and Victoria. Participants will accrue 1.5 CPD points per seminar in the unallocated strand.

Participants:

The 2012 series is a collaboration between the TC Beirne School of Law at The University of Queensland, the Queensland University of Technology Faculty of Law and the Bar Association of Queensland. Attendance is on a RSVP basis and restricted to numbers appropriate to a seminar style format. There is no charge for attendance.

Teleconference:

Regional attendees can access the seminar series by pre-arranged teleconference.

Papers for the sessions will appear at: www.law.uq.edu.au/current-legal-issues-series

REGISTRATION FORM

CURRENT LEGAL ISSUES SEMINAR SERIES 2012

Surname: _____ Given Name: _____

Email: _____ Organisation: _____

Please tick the session/s you will attend.

- | | | |
|--|---|--|
| <input type="checkbox"/> Session 1:
Invasions of privacy
7 June 2012 | <input type="checkbox"/> Session 2:
Economic loss
13 September 2012 | <input type="checkbox"/> Session 3:
Unconscionable conduct
18 October 2012 |
| <input type="checkbox"/> I will also attend the
post seminar function | <input type="checkbox"/> I will also attend the
post seminar function | <input type="checkbox"/> I will also attend the
post seminar function |

I will attend via regional teleconference. Phone number: _____

Please advise if you do not want your details circulated for promotional materials.

Registration for any seminar should be in writing by post or email to:

Ms Celeste Baker, Legal Education, Bar Association of Queensland,
Ground Floor, Inns of Court, 107 North Quay, Brisbane Qld 4000

Email: cpd@qldbar.asn.au Phone: 07 3238 5109 Fax: 07 3236 1180

Please identify the seminar(s) you wish to attend, together with your full name,
email address, position and professional contact details.