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Introduction

- 1 It is a great pleasure to address this plenary session of LAWASIA's 39th Annual Conference which coincides with the 20th biennial Conference of Chief Justices of Asia and the Pacific, a conference which gathers together the judiciaries of more than 2/3rds of the world's population.
- 2 I acknowledge the welcome and generosity of the legal profession and judiciary of the Republic of Korea in hosting these two important conferences. Their importance lies in the fact that our respective professions and judiciaries, despite their differences in historical origin, face so many common contemporary challenges. Notwithstanding that the resolution of some of these challenges will be influenced by local considerations, united by a belief in the rule of law we have so much to learn from each other and it would be both arrogant and introspective to think otherwise.

- 3 The value of such conferences also lies in the opportunity they afford to develop meaningful relationships and connections with those in similar positions in other jurisdictions, whether they be practitioners or judicial officers. That is why I am pleased to see so many in attendance in person at this Conference. Friendships built up and trust established in such environments lay the foundation for future collaboration for great mutual benefit and common good.
- 4 One such friendship I have established during my time in judicial office has been with Chief Justice Menon of Singapore who, with his customary clarity, has painted a picture of a profession in transition, highlighting the transformation of legal work and professional relationships, noting the changing economics and division of legal work in the context of the rise and imperialistic reach of AI. He has addressed the sustainability of the profession and the vital need for preserving the pathways for professional development, noted the need to attract and retain the next generation of lawyers, and suggested approaches towards shaping the transition towards the future. There is much in Chief Justice Menon's conspectus with which I agree and what I propose to say is designed principally to complement his astute opening observations.
- 5 Before embarking on that discussion, one important point should be made from the outset. The life of the law and legal profession is dynamic. It changes and evolves as society changes and new problems emerge. Thus, the law of personal injury and workers compensation emerged with industrialisation. So, too, did the growth of employment law as workforces became unionised in many countries. A new modern-day focus is on what is known as modern slavery. Another example of change relates to the fact that, in many countries, the role of female participation in the workforce including the legal profession has changed radically, so too have social attitudes to marriage and divorce. These developments have resulted in legislative changes and changes to legal practice.
- 6 The criminal law also evolves. Drug trafficking and the law's response to it is a case in point as is the disturbing growth of sexual exploitation of children including in online environments. Many social evils have a transnational

dimension and call for cross border law enforcement and cooperation between lawyers, authorities and ultimately judiciaries.

- 7 Some of the challenges presented are a function of human nature and, in that sense, the more things change, the more they may be seen to remain the same although new technological and social settings offer fresh ways for some familiar human vices to flourish.
- 8 At a more general societal level, the rise and reach of AI which featured so strongly throughout Menon CJ's address appears to be at once inexorable and ubiquitous, and there is room for debate as to whether its emergence represents a "step change" wholly different from other technological developments of earlier times, as Bill Gates has recently suggested.¹ Describing the emergence of AI as an "epochal shift", he has expressed the view that *it is* dimensionally different, is advancing at breakneck speed and is far more alarming in terms of its potential harms than other great technological breakthroughs in our living memory, such as the development of the personal computer, email, the internet and the smart phone and massive electronic legal databases, coinciding with the online publication of judgments, all of which emerged more or less as I was starting my legal career.
- 9 It was in response to such stunning technological developments and the dramatic predictions of Richard Susskind in his 1996 monograph *The Future of Law: Facing the Challenges of Information Technology*² that, almost 30 years ago, in the year 2000, the then recently retired Chief Justice of Australia, Sir Gerard Brennan, identified "creativity", "individuality", "intuition", "common sense", "moral and ethical judgment", "integrity", "knowledge", experience", "familiarity with underlying principles" and "sensitivity to the values which can

¹ Bill Gates, "The turbulent AI era is here. The choices we make now are critical" (Gates Notes, 26 August 2026).

² R Susskind, *The Future of Law: Facing the Challenges of Information Technology* Oxford University Press, 1996).

inform the development of new legal principle” as values that would see human lawyers through the technological revolution that was then occurring.³

- 10 Despite the fact that some judges⁴ and commentators⁵ have questioned not only the nature of the profession’s future in light of the emergence of AI but also, at least in some areas of practice, *whether such a future exists at all*, another group of academics has said that “[c]ataclysmic predictions about legal professionals being rendered obsolete and the law being completely reformed or replaced by technology are so commonplace today that they have a certain white noise quality about them”.⁶
- 11 The key point I think is not to become too absorbed lamenting the “modern world” and what might be perceived to be its moral decline and doomsday scenarios – after all, people have been doing that at least since Cicero famously exclaimed in 63 BCE “*O tempora o mores*”, criticising his political and populist rival Catiline for seeking to raise an insurrection after an adverse result in the election for consul and for corruption.
- 12 Rather, we must engage with the future with clarity and resolve. We must first seek conscientiously to understand the world’s problems (which are complex and by no means confined to AI) and to identify the critical role that the law and

³ Gerard Brennan, “The Bar at the Turn of the Century” (Maurice Byers Lecture, 30 November 2000) at 154-155 in F Brennan SJ, “Gerard Brennan’s Articles and Speeches: Maintaining the Law’s Skeleton of Principle, Volume 1: Justice According to Law” (Conor Court Publishing Pty Ltd, 2025)

⁴ See, eg, S Gageler, “Australia’s Constitutional and Judicial System”, (2026, Supreme Court of Japan): “What is it that a human can bring to the process that artificial intelligence will not be able to bring to the process either now or in two years? I don’t think there’s very much, but I think there is something that is really more important in criminal law than in civil law. My prediction is that civil law practice will probably be overtaken by artificial intelligence very soon.”

⁵ E McGrath-Cohen, “Only one type of lawyer will survive the AI wipeout”, *Australian Financial Review* (20 August 2026), <https://www.afr.com/work-and-careers/workplace/judges-may-be-the-only-survivors-of-law-s-ai-carnage-futurist-20260819-p60pla>. See also A J Hess, “Experts Say 23% of Lawyers’ Work Can be Automated – Law Schools Are Trying to Stay Ahead of the Curve”, *CNBC* (7 February 2020) <https://www.cnn.com/2020/02/06/technology-is-changing-the-legal-profession-and-law-schools.html>; G Robbie, “Legal work could be fully automated within 18 months, Microsoft AI chief predicts” (LawyersWeekly, 25 February 2026, <https://www.lawyersweekly.com.au/sme-law/43859-legal-work-could-be-fully-automated-within-18-months-microsoft-ai-chief-predicts>); E Winick, “Lawyer-Bots Are Shaking Up Jobs”, *MIT Technology Review* (12 December 2017) <<https://www.technologyreview.com/2017/12/12/105002/lawyer-bots-are-shaking-up-jobs/>>.

⁶ M Perry et al, *Legal Issues in Information Technology* (Thomson Reuters, 2022) at 174.

lawyers can and must play in dealing with those problems (as, I should add, they almost always have).

13 Like Chief Justice Brennan almost 30 years ago, I take this opportunity to express a more optimistic view of the future of the profession and, without diminishing the scope for change, I foresee lawyers maintaining a significant role in the administration of justice across the spectrum of the legal landscape.

14 Not only should they maintain that role, they must.

Generative Artificial Intelligence

15 On the specific topic of Gen AI, I wish to supplement Chief Justice Menon's speech with seven observations.

16 **First**, Gen AI, and its intrusion into almost every field of human endeavour, will generate a host of new legal problems and issues for lawyers of today and tomorrow to address. Some have already been identified and are being dealt with by legislatures, courts and academics, including how the use of Gen AI may impinge upon existing data protection,⁷ privacy,⁸ copyright,⁹ intellectual property, negligence,¹⁰ contract (including smart contracts),¹¹ critical infrastructure,¹² antidiscrimination,¹³ competition,¹⁴ defamation and even criminal laws.¹⁵

⁷ H Ruschemeier, 'Generative AI and Data Protection' in Mimi Zou et al, *The Cambridge Handbook of Generative AI and the Law* (Cambridge University Press, 2025) ch 15 at 237-254.

⁸ E Zeide, 'Generative AI and the Fundamental Limitations of US Privacy Law' in M Zou et al (n 7) ch 16 at 255-269.

⁹ B E Boyden, "Generative AI and IP under US Law" in M Zou et al (n 7) ch 17 at 270-299.

¹⁰ A Freiberg, *Regulation in Australia* (Federation Press, 2nd ed, 2025) at 466.

¹¹ Ibid.

¹² Ibid.

¹³ R de Caria, "Generative AI and Non-discrimination Law in the EU" in M Zou et al (n 7) ch 14 at 221-236.

¹⁴ S Papadopoulos, "Redefining Rivalry: Generative AI and the Evolving Landscape of Competition Law" in M Zou et al (n 7) ch 19 at 317-346.

¹⁵ B Panattoni, "Generative AI and Criminal Guilt: When No One Meant to Harm" in M Zou et al (n 7) ch 22 at 392-406.

- 17 The infiltration of AI into the work of corporations and their governance will also present challenging new legal issues. A range of important, currently unanswered questions for lawyers and regulators includes:¹⁶
- What is the scope for delegation of tasks by directors to AI and to what extent must there remain a “human in the loop”?
 - Can AI bots act as directors?
 - Can an incorporated AI provider be accessorially liable for involvement in a contravention of a director’s duty?
 - If an AI program cannot be a director, can it or should it be treated as a shadow director or a de facto director and, if so, who could be liable for its acts or omissions?
 - Could we see the emergence of AI-specific directors’ duties?
- 18 Thus far, at least, the Australian Commonwealth Government has taken a “technology-neutral” approach to the regulation of AI in this sphere and more generally,¹⁷ meaning that liability for the use and misuse of AI will fall to be dealt with under the rubric of existing legal categories and it will be up to lawyers to facilitate that doctrinal extension.
- 19 Notwithstanding this approach, and this is my **second** point, in many areas of human endeavour, there is likely to be increased regulation of AI as its impacts, including negative or socially undesirable impacts, become better understood. This will create a new wave of work for regulatory lawyers, in the areas of policy, enforcement and compliance.
- 20 We have already seen in some countries AI being wound back in various areas; by way of example, Norway recently announced the Government was

¹⁶ A S Bell, “Corporate responsibility and directors’ duties in the era of Artificial Intelligence” (2026 Harold Ford Memorial Lecture, 21 May 2026) at [31].

¹⁷ J Evans, ‘Artificial Intelligence to Be Managed through Existing Laws under National AI Plan’ (Online News Article, ABC News, 2 December 2025), <<https://www.abc.net.au/news/2025-12-02/nationalartificial-intelligence-plan-growth-existing-laws/106086474>>. Late last year, Australia indicated a similar move away from digital engagement by young people, implementing a federal ban on social media for children under the age of 16, with penalties falling upon tech companies rather than users.

proposing legislation to impose a “near ban” on the use of generative AI tools by elementary school pupils in education;¹⁸ China has issued strict regulations banning AI companions for minors and restricting emotional dependence on virtual chatbots for adults,¹⁹ and Meta has recently settled a major claim in the United States for addictive algorithms.²⁰ The Australian Government has proposed greater regulation in this area as well, linking the use of algorithm driven social media with an increase in sexual violence to women.²¹

- 21 Increased regulation of the digital economy, including AI’s role in it, is also, I think, inevitable and such regulation as there is will inevitably lead to new work for lawyers. Regulatory approaches in the area of AI will differ significantly around the globe and it will be up to commercial lawyers to stay abreast of the pace and nature of change and to advise and structure international transactions accordingly.
- 22 One of the largest legal issues likely to be litigated in the next few years will relate to questions of responsibility and liability in relation to harm caused by the use of AI, including pure economic loss. Depending on the rate of legislative intervention, some of these questions will fall to common law courts to decide in the first instance just as the nature of cryptocurrency and whether and for what purposes it constitutes property is currently working its way through common law courts.
- 23 **Third**, as Bill Gates and others have warned, in the hands of bad actors, AI presents new opportunities and considerable scope for fraud, hacking and data system attacks, as discussed more fully below. We are already witnessing large corporations being held to ransom by such actors just as individuals are

¹⁸ Reuters, “Norway imposes near ban on AI in elementary school” (20 June 2026), <https://www.reuters.com/technology/norway-imposes-near-ban-ai-elementary-school-2026-06-19/>

¹⁹ A Hawkins and Y Li, “In China, talking to AI is normal. Now the government fears it might replace human intimacy”, *The Guardian* (26 August 2026), <https://www.theguardian.com/world/2026/aug/26/china-ai-companion-relationships-marriage-birth-rate-concern>.

²⁰ I Rahman-Jones and K Hays, “Meta to pay up to \$18bn to settle claims its platforms harm children”, *BBC* (27 August 2026), <https://www.bbc.com/news/articles/cd68q3wynnqo>.

²¹ C Armstrong, “Algorithms, ‘pervert glasses’ and the scourge governments are struggling to end” *ABC News* (30 August 2026), <https://www.abc.net.au/news/2026-08-30/domestic-family-gendered-violence-plan-faces-changing-problem/107076220>.

increasingly being scammed by multiple means, facilitated by AI, the proliferation of deep fakes and the exploitation of the vulnerable. As a social issue, this is likely to become more and more of a problem for both companies and individuals and will demand new and effective measures of consumer protection and more work for regulatory lawyers.

- 24 **Fourth**, notwithstanding the apparent inexorability of the rise of AI, it would not surprise me if enthusiasm for its adoption at least in some areas, is tempered over time as its potential impact on issues as diverse as sovereignty, military applications, potential for disabling financial and other systems, impact on the environment, employment and social well-being come to be more fully appreciated. Any tempering could also be influenced by or be a consequence of any financial meltdown in global debt and equity markets which, given the extraordinary boom of tech stocks over the last decade, is being predicted by some.
- 25 **Fifth**, the potential impact of AI is likely to be far less in some areas of legal practice than others. Criminal law is one such area notwithstanding some early suggestions that it may be applied in the areas of bail and sentencing. Leaving aside concerns as to the potential for bias creeping into sentencing algorithms in a way that disproportionately affects marginalised groups,²² as the current Chief Justice of Australia, Stephen Gageler, recently suggested, there is something fundamentally important about the coercive deprivation of liberty being supervised and implemented by humans, either juries or judges sitting alone.²³ Beyond the criminal law, equitable doctrines based on notions of unconscionable conduct are also particularly ill-suited to algorithmic or automated decision-making.

²² See, eg, Toohey et al, "Meeting the Access to Civil Justice Challenge: Digital Inclusion, Algorithmic Justice, and Human-Centred Design" (2019) 19 Macquarie Law Journal 133.

²³ See Gageler (n 4): "But I think in criminal law there is something about the vulnerability, the identification, the humanness of the subject matter, or the object or the person who is to be subjected to criminal liability. I can't articulate it particularly well but there's something fundamentally important about the person who is making the decision that somebody else is to be deprived of their liberty for what they have done being a person who could equally be deprived of their liberty if they did the same thing. I think there's something fundamentally important about a human subjecting another human to punishment."

- 26 **Sixth** and related to the previous point, unlike some, I do not envisage that AI will replace human judges other than perhaps for the simplest of disputes. The transition from the “successful” use of AI in online forums such as eBay²⁴ and small claims tribunals²⁵ to many of the disputes dealt with currently by the courts is, in my view, likely to be problematic and by problematic, I am not simply talking about technological issues but issues more fundamental to the administration of justice, the role of an independent judiciary and the rule of law.
- 27 **Finally**, one of my greatest concerns about the rise of AI in the legal profession looking to the future is that it lacks any ethical foundation. Such a foundation is central to our very conception of a legal *profession*. That is why lawyers must undertake ethical training as an element of their professional qualifications and as a condition of their right to practice law. Indeed, in many jurisdictions represented at this Conference, it is an offence to practice law without having been admitted to practice and complied with ethical educational obligations many of which are ongoing. A genie that appears to have escaped from the bottle lies in the fact that many AI platforms being used and promoted by law firms are essentially practicing law without a licence.²⁶ Local regulatory authorities should take account of this reality.

Digital assets and cyber crime

- 28 The emergence of AI tends to swamp discussion of other new technologies which will create novel legal issues although some of these overlap with AI. The explosion of “big data”, distributed ledger technology including blockchain,

²⁴ See Master of the Rolls, Sir Geoffrey Vos, “Artificial Intelligence and the Judiciary” (The Judicial Institute for Scotland, 30 April 2026) at [39].

²⁵ The High Court of Singapore has collaborated with Harvey AI in its Small Claims Tribunal in a system which is “designed to help self-represented litigants understand their rights and tribunal procedures”: M Heaphy, “How Are Courts Adopting AI in the Asia Pacific Region?”, Legal Insight (Blog Post, 17 July 2025), available at <<https://insight.thomsonreuters.com.au/legal/posts/how-are-courtsadopting-ai-in-the-asia-pacific-region.>>.

²⁶ See M Ebers, “LawGPT: LLMs under Legal Services Regulation” in M Zou et al (n 7) ch 24 at 436: “The more sophisticated applications become, the more difficult it is to draw a sharp line between legal information and advice, between standardized and tailored forms of communication, and between products and services. As software companies increasingly offer applications that can be used for legal purposes, it becomes very likely that this will cross into the territory of providing legal advice. Against this background, state bar associations and regulators all over the world have filed actions against legal tech companies for the ‘unauthorised practice of law’”.

cryptocurrencies, and other digital assets have facilitated an unprecedented level of transnational connectivity. That connectivity brings with it a range of cyber risks including hacking, denial-of-service attacks, phishing, infection of IT systems with malware, identity fraud, and ransomware.

- 29 Several high-profile cyber-attacks in Australia have led to personal information belonging to thousands of people being leaked to the “dark web”. Between September and October 2022, Australia’s largest private-health insurer and second largest telecommunications company were each subject to large-scale cyberattacks which each exposed the private data of almost 10 million customers.²⁷ It has been aptly observed that the borderless cyberspace “has...become a playground for enterprising criminals, with the territorial reach of criminal activity only being limited by the extent of internet connectivity”.²⁸
- 30 A playground for criminals means work for lawyers and regulators, and experience has borne that out.²⁹ In November 2023, the Australian Government released the 2023-2030 “Australian Cyber Security Strategy” which coincided with a slew of new laws with the goal of strengthening the country’s cyber security.³⁰ Further, the emergence of advanced cyber security defence tools, such as AI-backed software and quantum technologies, brings with it the likelihood of disputes over intellectual property, data security breaches, and liability for system failures.³¹

²⁷ T Turnbull, “Optus: How a massive data breach has exposed Australia” *BBC* (29 September 2022), <https://www.bbc.com/news/world-australia-63056838>; B Doherty, “Medical data hacked from 10m Australians begins to appear on dark web” *The Guardian* (11 November 2022), <https://www.theguardian.com/world/2022/nov/11/medical-data-hacked-from-10m-australians-begins-to-appear-on-dark-web>.

²⁸ Perry et al (n 6) at 105.

²⁹ A Snowden, “More work for lawyers under new cyber laws as businesses seek to avoid ‘victim shaming’” (*The Australian*, 17 January 2025), at https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fbusiness%2Flegal-affairs%2Fmore-work-for-lawyers-under-new-cyber-laws-as-businesses-seek-to-avoid-victim-shaming%2Fnews-story%2F15a33919d2c7a458636dece2095ebac2&mementype=anonymous&mode=premium&v21=GR OUPA-Segment-1-NOSCORE.

³⁰ *Cyber Security Act 2024; Intelligence Services and Other Legislation Amendment (Cyber Security) Act 2024; Security of Critical Infrastructure and Other Legislation Amendment (Enhanced Response and Prevention) Act 2024*.

³¹ Freshfields, “Arbitration Trends in 2026: Big picture thinking” (Annual Arbitration Trends Report, 2025) at 15.

Climate Change

- 31 A combination of AI dominating public discourse coupled with a shifting or abandonment of political priorities in various countries has meant that the topic of climate change has slipped down the agenda. But the threat of climate change remains real and existential as Mother Nature increasingly makes clear. The unsustainable and unprecedented heatwave in Europe this year including the fires in France and Spain and the devastating flash floods that tore through the Nepal-China border³² last month were a stark reminder of that fact. In that context, I express my deepest sympathies to our colleagues in Nepal, Tibet and China who suffered that devastating natural disaster.
- 32 Global temperatures continue to rise, fires and storms occur with increasing frequency, and once habitable areas are no longer so either due to flooding, drought or food scarcity.³³ Issues will only be exacerbated by the increase in demand for data centres to support AI which consume large amounts of energy, water, drive up greenhouse gas emissions, and have local impacts on communities and wildlife living nearby.³⁴
- 33 All of these developments are and will continue to give rise to what is referred to as “climate change litigation” and such litigation, as well as environmental regulation, will continue to grow as long as countries continue to fail to reach net-zero emissions targets and social dislocation occasioned by global warming and food and water scarcity increases.
- 34 Chief Justice Menon, in a recent speech, aptly identified “the urgent and existential threat of climate change” as one of the “rapid, dramatic and complex

³² L Paddison, A Fritz and I Kottasova, “What caused the Nepal flood wave? Here’s what we know” (CNN Weather, 27 August 2026), <https://edition.cnn.com/2026/08/26/weather/floods-nepal-cause-vis>.

³³ S J Roth, “The Legal Profession and climate change” ch 22 in S L Cummings et al, *Research Handbook on the Sociology of Legal Ethics* (Elgar, 2025) at 390.

³⁴ See P Stock, “The environmental cost of datacentres is rising. Is it time to quit AI?” (The Guardian, 14 March 2026), <https://www.theguardian.com/australia-news/2026/mar/13/ai-datacentres-environmental-impacts>.

challenges” being faced by our generation of lawyers.³⁵ Chief Justice Preston of the Land and Environment Court of New South Wales has observed:³⁶

“Imagination is needed to tackle the climate emergency.... Legal imagination is needed to see, and see beyond, the traditional taxonomies of law and litigation... There is no climate law as such, but rather a collection of laws that regulate these actions and interactions of private and public actors and aspects of the causes and consequences of climate change.

Legal imagination is needed to clarify these intersections, whether bold or faint, between the law and the climate. These intersections provide the inspiration for climate litigation.” (Emphasis added).

- 35 “Climate change litigation” emerged in the 1980s amidst concerns in the international scientific community about climate change and its impacts.³⁷ The evolution of such litigation is often spoken about in three waves³⁸ which have been described as “waves of aspiration and imagination”.³⁹ The “first wave” was concerned with administrative appeals to specific projects under environmental laws,⁴⁰ and the “second wave” involved a “rights turn” characterised by constitutional and human rights claims including various claims to a right to “climate system capable of sustaining human life”.⁴¹
- 36 The most recent, third wave, has seen the extension of climate litigation into the fields of corporate governance, financial law and investment. The “greening” of corporate and financial law “refers to the practice of applying corporate and financial law provisions to sustainability issues, corporate and financial regulators integrating sustainability into their activities, and companies and financial entities seizing the opportunity to make ‘green’ profits”.⁴² Under this wave, Australia has seen the rise of “greenwashing” litigation which seeks to

³⁵ S Menon, “The Future of the Legal Profession: A Shared Vision” (Lecture, 3 September 2025) at [3],

³⁶ B J Preston, “Legal imagination and climate litigation” *Australian Environment Review* (July 2020) at 2.

³⁷ A Tarr et al, *The Global Insurance Market and Change: Emerging Technologies, Risks and Legal Challenges* (Informa Law, 2024) at 448.

³⁸ *Ibid.*

³⁹ Preston (n 36) at 3.

⁴⁰ *Ibid* at 2.

⁴¹ *Ibid* at 3.

⁴² R Markey-Towler, “When Corporate and financial law go green: *Australian Securities and Investments Commission v Mercer Superannuation (Australia Limited)*” in C Cameron, P G Ferreira and R Weyman (eds), *Climate Change Litigation Cases in Context* (Elgar, 2026), ch 11 at 279.

hold actors to account for misleading or deceptive claims that their actions or products will address climate change.⁴³

- 37 It remains to be seen what the next “wave” will be, but experience foretells that the responsibility will lie with the lawyers of the future, alongside regulators and legislators, to facilitate the next creative intersection between the law and the climate.

Conclusion

- 38 The various challenges canvassed in this speech are profound. It is easy to be overwhelmed by them, but they must be tackled, systematically and responsibly. Lawyers will and should be at the forefront of addressing those challenges, as they have so often been in the past.
- 39 Lawyers in the immediate future will need to bring to bear not only knowledge and judgment but innovation and ingenuity, the same skills that Sir Gerard Brennan referred to when he was looking into the future in the year 2000.
- 40 Those attending this Conference are current and future leaders of the legal profession in your respective jurisdictions. There is much to think about and even more to do. I wish you well in the important work that lies ahead of you all.

⁴³ *Australian Securities and Investments Commission v Mercer Superannuation (Australia) Limited* [2024] FCA 850 was the first “greenwashing” case brought by Australia’s corporate regulator in the Federal Court concerning false or misleading statements made by Mercer Superannuation (Australia) Limited about the sustainability of seven of its “Sustainable Plus” investment options.