



Law Council  
OF AUSTRALIA

# Address at Opening of Hong Kong Legal Year

**Speech delivered by Pauline Wright, President, Law Council of  
Australia at Opening of Hong Kong Legal Year, Hong Kong**

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Thank you for the opportunity to speak today and thank you to Ms Slazak and Ms Anand for their presentations.

I am Pauline Wright, and I'm the new President of the Law Council of Australia.

The discussion of effective stakeholder engagement is critical for the Law Council of Australia. Without strong stakeholder engagement, we cannot expect to effect change or influence the development of the law or have any role to play in upholding justice and the rule of law, which is our mandate.

Stakeholders can of course be both internal and external. The Law Council's internal stakeholders are our constituent bodies: the law societies and bar associations of the Australian states and territories and the large law firms, and our external stakeholders include the general public, government and parliament, the judiciary, the Attorney-General's Department and international groups such as LAWASIA and the CLA and SPLA.

### **Internal Stakeholders – a quick brief**

Engaging with our internal stakeholders is about connecting with the grassroots of the legal profession. The Law Council is the representative body of more than 65,000 lawyers through our 17 constituent bodies, from barristers advocating appeals in the High Court of Australia, to large law firms working on international commercial transactions through to suburban and regional solicitors helping ordinary Australians with their very real legal problems.

As a partner in a small practice on the Central Coast of Australia, I know first-hand the expectations the community has of lawyers – and am conscious of the way we must engage with and support that community to meet those expectations. A necessary part of that involves a willingness to undertake a high level of pro bono work. And from my own practice in environmental and criminal law, I well understand how important it is that as lawyers we stand up for individual rights and liberties and the rule of law.

By providing our members and the profession the opportunity to contribute to the work of the Law Council, we ensure that our policy positions are authentic, reflecting the direct experience of legal practitioners. While not all their opinions will be accepted (after all, we have been elected to lead the profession), the Law Council's advice and recommendations to both the community and other external stakeholders will be guided by the views of its membership.

This approach means that the positions adopted by the Law Council have behind them the weight of the broader Australian legal community, communicated through the representative Directors of the Law Council's constituent bodies and the expertise of practitioners from its five Sections and specialist committees. The support and engagement of our constituent bodies and 65,000 members provides us with real strength when we seek to engage with external stakeholders.

### **External stakeholders – managing competing interests**

In engaging with external stakeholders, we must always strive to balance competing priorities. On one hand, drawing public attention to the Law Council's priority issues for the Law Council is generally desirable and in some cases, vital. This involves working with the media and collaborating with other interest groups to build momentum towards our policy positions, while also engaging with government to offer practical and informed advice.

For example, the Law Council has been effective in building the case for a Modern Slavery Act in Australia, working with stakeholders and interested parties to gather

momentum. With the accession of the government, we now have an ongoing role in supporting the implementation of the Act.

On the other hand, however, we also need to be able to work with government, regardless of its political persuasion, if we want to influence policy and legislation. We must maintain a positive relationship with decision-makers if our policy positions are going to have any traction. This means we must take our role responsibly and be able to effectively engage with the government on a range of issues.

To be an effective and responsible policy influencer, we must also be able to criticise government when it is necessary and stand up for the rule of law. We are not a government body - and we must be able to speak out when required. Our goal is to do so in a way that plays to our strengths, putting together logical and well-reasoned, informed arguments to press our case with the ultimate aim of providing better legislation, or positions, that benefit the whole of our community and the international world, particularly in our region.

Our key strength is the experience and expertise of our members and the staff in our secretariat. It means our legal policy output is highly regarded by parliamentarians, the business community and media. Consistently, we hear from parliamentarians that they use our policy positions and submissions when they want to understand the impact of new legislation. Similarly, the media come to us when they want informed comment as opposed to seeking a 'quick fix' with talking heads.

Taking a measured approach also grants us the weight to effectively stand up for more disadvantaged people in the community. For example, the Law Council recently developed the Justice Project, a major piece of research which shows the level of detail and nuance we can put into policy development to support one of our key agenda items.

This research included case histories and experiences from a range of Australians: older people, younger people, people from rural and regional areas and people with disabilities. In preparing the Justice Project and the necessary research, our considered approach meant we were also able to engage with peak bodies for other interest groups, such as older Australians and for new migrants. Recently, we have collaborated with the Australian Medical Association on raising the minimum age of criminal responsibility.

I'm looking forward to maintaining this measured approach as President, while drawing attention to issues of importance to me within the profession. From my own background, I place particular importance on the experiences of Australians living in regional areas engaging with the justice system. Given the current bushfire crisis gripping great swathes of Australia and the severe and lengthy drought we have been experiencing, fighting for our regional and rural Australians is especially important at the moment.

For these Australians, access to justice is not an esoteric concept. It is visceral. Hands on help is required. Their legal position needs to be understood, their insurance claims made, their debts renegotiated, their businesses re-established and their homes rebuilt. However, we know that in some parts of regional Australia, there simply are no lawyers, and that the barriers to access to justice, such as technology and distance, are formidable.

We have a responsibility to tell this story. But we need to do so in a way where we can communicate with many groups – not just the government or media, but also with those who are directly affected by these issues. It means we can be of real value to rural and regional Australians, which in return gives us greater weight in engaging with other stakeholders, media and government.

Our responsibility as a peak body also extends to finding commonality in unexpected interests. One of my other key concerns this year is about rule of law in the South Pacific. Our region has numerous states whose governments have various levels of development, from the nascent Bougainville recently autonomous from New Guinea, through to the relatively strong governance established in Fiji. Strong rule of law throughout the South Pacific is also of interest to Australian policymakers, given our role as a regional power. By emphasising our support and engagement on this issue, the Law Council can also find an alternate way to engage with policymakers.

A holistic consideration of issues and interests is crucial. Working with one group or to one interest at the exclusion of others can weaken our position; for example, trying to engage parliamentarians without considering the interests of their constituencies will be far less likely to garner positive outcomes.

In taking on the presidency this year, I plan on working with this holistic approach to ensure that all of our stakeholders, whether in government, the judiciary, the media or the community, are evenly engaged to further the positions of the Law Council. This will provide the best opportunity to make progress with our agenda and achieve a successful 2020.

Thank you.

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