



Law Council
OF AUSTRALIA

Law Council Gala Dinner 2018: Opening Address

Speech delivered by Morry Bailes, President, Law Council of Australia at the Law Council Gala Dinner, National Gallery of Australia, Canberra.

29 November 2018

Distinguished guests, it is a pleasure to address you tonight to talk about the work of the Law Council of Australia since our last Gala Dinner in 2017.

A few days from now, we will celebrate the 70th Anniversary of the Universal Declaration of Human Rights – a document that represents what international cooperation can achieve.

It also contains the principles of what we as a legal profession believe in: dignity, liberty and equality.

These principles are evident in the work conducted by the Law Council every day, and I, as President, have been privileged to see this extraordinary effort first hand.

For example, this year has seen a spate of national security bills before our Federal Parliament.

And again, in this final sitting fortnight of the year, Parliament has national security at the heart of its deliberations.

The Law Council of Australia has, on behalf of the legal profession and the whole of Australia, worked extremely hard to ensure the making of good law that protects our existing rights, our freedoms and our entitlements.

National security is vitally important – but so too are our hard-won individual rights and freedoms.

Striking a reasonable and proportionate balance between these often-competing priorities is a debate that never ends.

And it is a debate the Law Council must always be involved in.

Indeed, our role in frankly and fearlessly challenging the Australian Parliament to pass good law represents – I believe – the most Australian thing to do.

In any discussion of ‘Australian values’ there must surely always be a place for our willingness to engage in robust and honest debate, about what is right, and what is just.

And these crucial debates – about laws that arguably challenge Australia’s own accepted rights and freedoms – ought not to be rushed.

They ought to be subject to thoughtful consultation and proper consideration.

I want to keep tonight’s speech light, so I will leave you all with this thought.

Rushed law can ultimately make poor law.

And sometimes, you cannot unscramble the egg.

All the more incentive to get it right in the first place.

Australia’s strength, is having strong laws, moulded by considered debate and expert opinion, in the absence of which we can all suffer.

There are a range of Parliamentarians in the room tonight.

Firstly, I want to thank each and every one of you for attending the Law Council's Gala Dinner, but more importantly for your continued interest in our impartial views about what makes good law.

Attorney-General, evidenced by some of my comments just now, the Government and the Law Council don't agree on everything.

But I wish to thank you for our access and discussions since you have become Attorney-General just under twelve months ago.

And what a twelve months it has been.

Sure, it is our disagreements that are of most interest to the media, but if you can excuse me for evoking the well-used iceberg analogy, that's just the tip that you see, not the bulk of our productive relationship which lies underneath.

May I congratulate by the way on the passage of the Modern Slavery Act through Parliament.

Shadow Attorney-General, I wish to thank you for your accessibility, your understanding and your approach this year. It is the challenge process that yields the best outcome and you have certainly not been afraid to do just that.

Although there are a number of other Parliamentarian's in the room. I wish to thank you for your willingness to engage with, and listen to, the Law Council.

On Parliament more broadly, I'm pleased to say our engagement and influence is as great as it has ever been.

I want to expressly thank our Director of Policy, Natasha Molt and our Director of Public Affairs and Communications, Patrick Pantano for their extraordinary and effective efforts to positively influence the making of laws in this country.

This year we finalised and launched the findings of our landmark Justice Project.

The progress report was launched at the Press Club and televised nationally.

The Justice Project addresses one of our most important challenges in Australia, access to justice for Australians.

It also cemented the Law Council's position as the nation's legal voice advocating better justice outcomes for all.

We encourage the Attorney-General, the Government, indeed all Parliamentarians, to closely examine and adopt its recommendations.

I wish to thank Leonie Campbell our Deputy Director of Policy and those who worked with her on the Justice Project. I also wish to thank the Honourable Robert French AC and all members of the Steering Committee along with our 2017 President Fiona McLeod SC, for their extraordinary efforts in driving this remarkable and influential piece of work.

The Law Council not only represents the Australian legal profession nationally – it is also the voice of the Australian legal profession internationally.

Our international engagement is important all over the world.

I have been privileged to represent this country's great legal profession on many stages, with the International Bar Association, LAWASIA and particularly to host the conference of Presidents of Law Associations in Asia, right here in Canberra.

Be in no doubt that the values which we hold dear are much respected around the world – and especially here in the Asia-Pacific region, where our influence is undimmed.

So, I thank our Deputy CEO and Director of International, Margery Nicoll for being an integral part of that outcome.

This year I have been struck by the remarkable voluntary effort that contributes to the work of the Law Council.

It is extraordinary, and it defines our profession.

So I want to thank each and every member of every Law Council and Section committee, for their tireless work in the production of parliamentary submissions and their appearances before parliamentary committees.

Of our Section Executives, every chair and every member deserve our thanks.

I want to acknowledge the able leadership of our Chief Executive Officer, Jonathan Smithers, Chief Operating Officer, Frances Lomas and Chief Financial Officer, John Cattle.

I thank Jonathan for his counsel, support, and very hard work in discharging his duties as CEO so very well.

We are a better organisation for Jonathan being with us.

Tonight, I am approaching the end of a journey for me, but it is a continuing one for you.

May I compliment you on your growth within the role. I say all these notwithstanding your misguided views about Australian wine.

As a managing partner and member of a firm, no president can do this job without their firm's support.

I wish to thank the partners of Tindall Gask Bentley, some of whom are here tonight, together with our CEO, for your abiding, understanding and support.

You have not only enabled me to discharge this office, but you have allowed me to uphold and defend the rule of law in this country.

My wife Melanie is here tonight. My sons Hugo, who is 12, and Charlie, who is 9, are not.

If they were, they would probably be bored witless by now.

I wish to publicly acknowledge their understanding and support.

I have not seen near enough of them, nor they of me, but when I am asked what I'm going to do next year, I only have one answer: spend time with those very precious people.

I think any Law Council President – at least those that are being truly honest with themselves – will acknowledge they are entirely reliant on a Secretariat and a supportive Executive.

As to the Secretariat I thank Dan Sybaczynskyj who has been, as many will attest, nothing short of brilliant, as has my own EA Amanda Dowdy.

I also wish to thank Stephen Hodder, CEO of the Law Society of South Australia, without whose support I would not stand here today.

As to my Executive of Arthur Moses SC, Konrad de Kerloy, Tass Liveris, Pauline Wright and Geoff Bowyer, we have made at times difficult decisions in difficult circumstances.

But I thank you on behalf of the Law Council for your untiring efforts and tremendous backing during the year.

There have been a couple of firsts during the course of this year, one was the inaugural past presidents' dinner only a few weeks ago.

I don't wish to be presumptuous in speaking on behalf of past presidents, but Arthur – I do implore you to keep this excellent new tradition going.

It's a wonderful way to maintain continuity of purpose.

It is also a valuable forum for the airing – and live fact-checking – of heroic war stories.

But can I once again say thank you to all the amazing people who drive this important organisation forward.

In 2015, the Law Council defined a five-year strategic plan that contained four central pillars:

- To lead the Australian legal profession on national and international legal issues;
- To promote, protect and defend the rule of law, and individual rights and freedoms;
- To promote, protect and defend the interests of the members of the Australian legal profession;
- And to, promote the development of good laws, appropriate law reform and the administration of justice.

I am very proud of the way the Law Council of Australia has strengthened and built upon each of these strategic pillars in 2018.

However different each of us as lawyers may be – and notwithstanding the particular interests we may have – we share a universal concern to uphold all of those principles set out in the "Universal Declaration of Human Rights", in defending the rule of law in Australia, and in caring for the plight of Aboriginal and Torres Strait Islander people in this country.

These are values held by the legal profession at large, and in a pluralistic and diverse society such as ours, it is now more than ever, critical to emphasise what binds us together, as a people and as a nation, and to recognise the essential importance of law which underpins our fairness and our economic success.

We are all "members of the human family..... who are born free and equal in dignity and rights".

And with that it is my great pleasure to introduce our special guest speaker tonight, the Attorney-General of Australia, the Honourable Christian Porter MP.

Attorney-General, I am extremely grateful for you taking the time to be with us here this evening.

And as I alluded to earlier, I am also grateful that during the course of the year, when we have had much to discuss, we have been able to have frank exchanges.

A most important relationship for the Law Council of Australia is that with the Attorney-General of the day, and I thank you for allowing that relationship to grow during the course of 2018.

I am sure I speak on behalf of all assembled when I say I am greatly looking forward to hearing from you this evening.

Ladies and gentlemen, our first law officer, the Attorney-General of Australia.

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