



**Law Council**  
OF AUSTRALIA

# President's Dinner 2017: President-elect address

**Speech delivered by Morry Bailes, President-elect, Law Council of Australia at the Law Council's President's Dinner, Canberra.**

**30 November 2017**

Good evening ladies and gentlemen.

I trust that you have all enjoyed your main meals and that Fiona's powerful speech, and the Justice Project film that followed, gave you plenty to discuss as you ate.

The film really sums up what the Justice Project is all about. It highlights in the most poignant way, the very real, and often life-changing ramifications, of not having adequate access to justice. The film you saw was just a preview and a longer version, featuring more real-life stories, will be released when we launch the Justice Project's final report early next year.

It certainly has been a phenomenal year at the Law Council and a phenomenal year by our outgoing President, Fiona McLeod SC, who is definitely outgoing in more ways than one.

From knocking on the doors of just about every MP and Senator's office in Canberra – to discuss all manner of topics from mandatory sentencing to marriage equality – to her ever-present media work, Fiona has been a whirlwind of activity.

She somehow manages to find time for not only the major networks, but student journalists, our friends in the country and community radio – more than 1400 media items referencing the work of the Law Council this year is an astounding achievement.

Every opportunity to tell a story, to speak to the community, is an opportunity to reach the people whose lives will ultimately be helped or hindered by the changes to our legal system.

The laws and what they mean for the citizens of this country can have profound and lasting effects.

The Law Council takes on its role as educator, counsellor, mentor and defender of justice very seriously indeed.

Fiona has undertaken all of this with a spark, energy and enthusiasm which is unrivalled.

There's no question she's a stand-out.

Where to from here?

We must not lose momentum.

The Law Council of Australia is the national peak body representing more than 65,000 Australian lawyers.

As such, the Law Council is acutely aware of the need for the profession to keep-pace with technological transformation and a changing environment for the delivery of professional services.

This against a necessary backdrop of regulatory, ethical and public policy restraints, necessary to ensure the maintenance of the rule of law and the proper administration of justice.

Legal and other technology, has the potential to be a very disruptive influence.

We cannot assume that legal technology will demonstrate fidelity to law, consider important public and legal policy questions or, as a matter of priority, seek to preserve the authority of the courts.

We also cannot assume that emerging legal technology will be designed to accord with existing regulations – like Uber, it may attempt to skirt around regulation.

To meet this challenge, the profession, especially young lawyers, will need to be actively involved in shaping technology as it comes online as the arrival of legal technology also presents a unique, once in generations, opportunity for the legal profession to develop solutions for clients.

It is also an opportunity to focus on how lawyers and machines will complement each other to provide new and better legal services into the future.

Lawyers will have the opportunity to better understand their client's needs and to deliver strategic legal advice that is faster and more comprehensive, but that doesn't cost the earth.

Nowhere will those benefits be felt more profoundly than in rural, regional and remote Australia.

It is no secret that it's tough in the bush. Despite being home to about 30 per cent of Australians, national data on practicing solicitors indicates that only about 10 per cent of practicing solicitors practice in a RRR area.

Turnover rates for legal professionals is high, most state-based funding for incentive programs to attract legal professionals to rural areas has dried up, despite receiving positive evaluations.

Distance and a lack of public transport, as the Justice Project has really demonstrated, are tremendous challenges – for those seeking legal assistance and access to justice in rural, regional and remote Australia.

The future of access to justice in the regions is a significant issue for the legal profession, given the shortage of lawyers in RRR areas and as the number of legal professionals working in country Australia continues to decline.

Drawing on the findings arising from the Justice Project we must highlight this major issue affecting the future of the legal profession and collaborate with universities, courts, constituent bodies and regional law associations to identify practical initiatives for improving access to justice in RRR areas.

We must advance proposals deemed effective in improving retention rates for regional law practices.

And we must develop proposals to address some of the challenges affecting rural and regional practitioners, barristers and smaller practices by integrating technology and innovation into legal practice models, providing better education and training for lawyers of the future and addressing the regulatory reform needed to support new and emerging models of legal practice nationally and internationally.

So, as I make my way to the helm and prepare to steer the ship, Fiona, I thank you for all that you have done for the Law Council, the Australian legal profession and perhaps most importantly the Australian people over the course of the past year in your presidency.

I congratulate you on the many wonderful achievements, some of which we've barely touched on. I assure you we will maintain that momentum and ensure it continues to build. I look forward to undertaking my presidency with as much passion, dedication and vigour as you have shown.

However, none of this happens in isolation as Fiona has already said. I too would like to echo her comments from earlier in the evening and thank the Law Council staff and secretariat, who incredibly hard work means that together we may achieve these outcomes.

I am very much looking forward to working in the Law Council. When we work together as a profession, we can achieve great strides toward realising the Law Council's strategic pillars:

- leading the Australian profession on national and international legal issues;
- promoting and protecting the rule of law;
- promoting and protecting and defending the interests of the legal profession; and
- promoting the development of good law, as well as – of course – influencing the decision makers.

Of those decision makers, I also have the great honour this evening of introducing the Attorney-General, Senator the Honourable George Brandis QC, to the podium.

Senator Brandis has had the formidable task of defending the rule of law at a Federal level.

While there exist challenges in Australia with respect to access to justice, and although there is a long way to go – a point the Justice Project is driving home – I do wish to publicly acknowledge Senator Brandis' role in reversing the cuts to Community Legal Centres in the Federal Budget earlier this year.

Convincing Finance and Treasury to reverse funding decisions is no easy task, yet I am sure he is the first to agree it was worth the effort. Let's see if our advocacy this year, and next, can help him take the next step and convince hard-nosed central agencies to boost funding for legal assistance and courts.

I also wish to acknowledge his passionate defence of the rule of law that Senator Brandis illustrated in his speech to the International Bar Association conference in Sydney last month, where he said:

*...the professional obligation of lawyers involves more than merely providing a service to clients by advising or representing them in legal matters. It goes beyond that. It extends to upholding and defending the principles of the legal system itself, and paramount among them is the rule of law, and the values implicit within it.*

*Upholding the rule of law may involve lawyers in controversy. Often, it may mean standing up to the powerful, or defending the vulnerable, the marginalized or the despised. Lawyers who do so serve the finest traditions of our profession.*

*Powerful and poignant words as we reflect on 2017 and look towards 2018.*

Ladies and gentlemen, please make welcome the Attorney-General, Senator the Honourable George Brandis QC.

Thank you.

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