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Law Council
OF AUSTRALIA

Law Council Gala Dinner 2024 Address

Speech delivered by Mr Greg McIntyre SC, President, Law Council of Australia at the LCA Gala Dinner, Canberra.

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Thank you, James.

It has been my practice since 2019, when UNESCO declared it the Year of Indigenous languages and followed up by declaring this the decade of Indigenous languages, to acknowledge the traditional custodians in the Noongar language, the language of my hometown *Boorloo*, or Perth. These words were taught to me by Professor Len Collard, A Whadjuk Noongar traditional owner:

Kaia

Nyuny Kaditj Ngulluck Nyinniny

Ngunnawal Ngambri Boodja

Nguny burruniny quop kaditj kanya

Nitja baarl birrdiya baarl boodjah

Koora yeye Borrrdahwan

Kaia.

It is a pleasure to be with you this evening and thank you all for joining us for the 2024 Law Council Gala Dinner.

I have had an involvement with the Law Council of Australia extending over two and half decades and have an implacable belief in its value as an institution which has made, and continues to make, well considered contributions to ensuring that Australia is a democracy which understands and values the Rule of Law and respects universal human rights standards.

My term as its President has been a fulfilment of what I have aspired to be as a member of a legal profession.

I have been hugely impressed and constantly reminded of my own limitations by the high quality of intellectual vigour and dedication which has been applied to the work of the Law Council by the LCA Secretariat lead by CEO, Dr James Popple, our policy team, led by Leonie Campbell, our International policy team, led by Charlotte Stubbs and Regulation and Professional Standards, looked after by Murray Hawkins, with the support of administrative staff, including Desarae Wilmshurst who makes sure I get to the right place at the right time.

The Secretariat, with the journalistic crafting of Kristen Connell, have put words in my mouth which I have been proud to utter on behalf of the legal profession.

The year has included some exceptional efforts and input of all our Section and Committee members, with the support of the Secretariat staff:

- The Family Law Section, chaired by Di Simpson, dealing with yet another raft of amendments to Family Law directed at family violence and assisting in advocacy on its impact on access to justice.
- The Federal Litigation and Dispute Resolution Section, chaired by Peter Woulfe, working with Government to craft a new regime for Administrative Review.
- The Business Law Section, chaired by Emerita Professor Pamela Hanrahan, preparing a myriad of submissions, including on pivotal issues, such as client professional privilege in the field of taxation law and regulation of climate change reporting.
- The Legal Practice Section, chaired by Geoff Provis, tackling such topics as green-washing, with consumer law and environmental law elements to it and advocating for effective ‘Nature Positive’ laws.

- The International Law Section, chaired by Dr Wolfgang Babeck, with a strong focus on education and understanding of the role of International Law.

This work has been enhanced by the collaboration and support of every Constituent Body – whom I am pleased to have represented here this evening.

Our experience has been that our advocacy has been welcomed and favourably commented upon by members of Parliament, the Commonwealth Government and federal departments. My most frequent comment at the conclusion of meetings throughout the year has been that we are on the same page.

In 2024 we have tackled some major issues that impact all Australians.

I focus particularly on our Access to Justice Campaign.

Australia's legal assistance sector provides invaluable assistance to disadvantaged Australians. These frontline legal services are for many, the only opportunity to obtain legal advice and representation. The sector has been jointly funded by the Commonwealth and States and Territories through the National Legal Assistance Partnership or NLAP as it is more commonly referred to.

For a number of years, we have expressed concern that the resources provided through NLAP had been allowed to erode and the result was a legal assistance sector that struggled to meet an ever-increasing demand.

While our concern has been long held, it ramped up this year because the NLAP is due to expire in June 2025 and legal assistance services need certainty that their funding will continue and that, in a best-case scenario, it would be substantially increased.

So, we launched our Access to Justice Campaign. Through this campaign, the Law Council and Law Societies and Institutes and Bar Associations across the country picked up the gauntlet and worked together to try to ensure this need was recognised and addressed by our policy makers.

This advocacy included meetings with Ministers across jurisdictions, members of parliament from all parties, as well as government departments. That advocacy was assisted by participation from Mark Woods, Co-Chair, with Dr David Neal SC of the Access to Justice Committee, Mark Fenlon, Chair of the Rural, Regional and Remote Lawyers Committee and Di Simpson, Chair of the Family Law Section.

We wrote an open letter to our governments and raised the issue through the media to help give this issue the urgent attention it deserved. We were guided in our advocacy by the knowledge that we were supporting a cause which was dear to the heart of Attorney-General Dreyfus.

Last week, the Standing Council of Attorneys-General announced they had agreed to the terms of a new National Access to Justice Partnership, including an additional $800 million in funding over five years. We expect the new Partnership Agreement to be published tomorrow. It will come into effect on 1 July 2025.

We welcome this commitment to an injection of funding and an arrangement which guarantees on-going funding, so that the legal assistance sector does not approach a funding cliff every three to five years.

However, we remain concerned that the announced funding falls well short of that recommended by Dr Warren Mundy in his review of the NLAP, which we have used as our guide in our advocacy, and well short of what our legal assistance services need to do their vital work and address unmet need.

The Law Council of Australia notes the passing of the Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2024. It would have preferred more time to ensure the new regime addresses risk without detrimental impact on access to justice. It will now turn its focus to implementation and support for the profession.

We support efforts to disrupt money laundering and the atrocious crimes connected with it Therefore, we were never opposed to the objectives of this Bill."

Our concerns, which have been well ventilated, centre on aspects of the Bill that will damage the trusted relationship lawyers must be able to have with their clients and the substantial regulatory costs these changes will cause.

The Law Council will now work with the Government to ensure the changes wrought by this Bill are implemented as effectively as possible and the cost burden for legal practitioners and clients is minimised.

We will continue to seek to limit the extent to which the new regime interferes with a lawyer's obligation to the court and their client.

And we will support the profession to prepare for and familiarise themselves with the new requirements and update their compliance processes.

Our advocacy work in this area this year has been speared-headed by a Working Group chaired by Julia Warner, picking up on its foundational work throughout last year under the leadership of Luke Murphy.

There are many other important topics that continue to engage the Law Council. These include –

- youth justice, a particular concern of the Indigenous Legal Issues Committee, chaired by Tony McAvoy SC, in which our advocacy has been partnered with that of the Australian Medical Association and the Justice Reform Initiative led by the Hon Robert Tickner AO and Dr Mindy Sotiri;

- migration, which in the light of legislative responses to significant High Court decisions, has engaged our Migration Committee, chaired by Carina Ford, in advocacy before the Legal and Constitutional Affairs Parliamentary Committee;
- human rights, privacy, aged care, online safety and artificial intelligence, which has engaged our Human Rights Committee, chaired by Nic Cowdrey AO KC;
- the Australian Law Reform Commission review of sexual violence laws amendments to Hate Crimes legislation and National Security Laws, which have engaged the Criminal Law Committee co-chaired by Dr David Neal SC and Richard Wilson SC.

Our work has not been limited to our shores and on the international front we have remained heavily engaged, including through our participation in the Australia – United Kingdom Legal Services Regulatory Dialogue.

I am exceptionally grateful for the support and insight I have received from the Executive – Juliana Warner, Tania Wolff, Elizabeth Carroll, Elizabeth Shearer and Lachlan Molesworth– Dan Sybaczynskyj, who keeps all functioning as a corporation and the Law Council Secretariat.

Napolean said to Josephine in a dramatised version of their lives:

“I need you to be my most tender friend in this hour of my destiny”.

My wife, Denise has shown a preparedness to remain my friend and consort throughout this challenging year, which has involved many days and nights away

from home. I thank her for her patience and support. As Napolean said to Josephine:

“I am nothing without you”.

I am soon to be exiled to Elba, for Juliana Warner to take on the conquest.

It has been a privilege to be able to represent the views of the profession and promote and defend the rule of law throughout the year and I leave with confidence knowing the Law Council Executive, ably led by incoming President, Juliana Warner, will continue to do so.

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