

MEDIA STATEMENT



NEW SOUTH WALES
BAR ASSOCIATION®



THE LAW SOCIETY
OF NEW SOUTH WALES

LEGAL REPRESENTATION MUST BE AVAILABLE TO ALL, NOT A SELECT FEW

28 August 2017

The President of the New South Wales Bar Association Arthur Moses SC and the President of The Law Society of NSW Pauline Wright have expressed their concern at comments by Federal Minister for Immigration and Border Protection, the Hon Peter Dutton MP this morning regarding the legal rights of refugees in legal proceedings.

The apparent agreement by Minister Dutton with a statement that lawyers acting for refugees are “un-Australian” was inappropriate and should not have been made, particularly when lawyers who may be the subject of that statement are acting on a pro bono basis in matters in which the minister is the respondent.

It is imperative to our system of justice and peaceful society that all those who are elected to parliament understand and accept that the privileges of legal representation should not only be available to the powerful or the popular.

It is also important to understand that solicitors and barristers defend the rights of all. If that were not so, unpopular people or persons associated with unpopular causes would be left without representation in Courts. Justice would not be done. Far less would it be seen to be done.

It was also not appropriate for the Minister to question the motives of law firms that undertake significant legal assistance work not only for refugees but also for the general community.

Minister Dutton’s statement conflicts with comments made by Federal Attorney-General, Senator the Hon George Brandis QC applauding lawyers for undertaking pro bono work.

The pro bono work of lawyers is undertaken in circumstances where the Commonwealth has significantly reduced funding for legal aid to the point where it is virtually non-existent in relation to matters that do not involve crime.

MEDIA RELEASE

Mr Brandis said at the National Association of Community Legal Centres Conference 2017, Canberra on 11 August 2017:

[T]he community service you perform for distressed people, the most vulnerable people in our community, is of particular importance. It is of unique social importance. The Government, governments of both persuasions and at all levels, support you where we can. We will continue to support you and in supporting you, we pay tribute to and respect to the work that you do.

Law firms, like all solicitors and barristers who do pro bono work, should be recognised for providing their assistance which helps the Court in determining matters, rather than criticised.

MEDIA CONTACTS:

Alastair McConnachie (New South Wales Bar Association): 0420314462

Marianna Papadakis (Law Society of NSW): 0413 440 699