

PUBLIC LAW & GOVERNMENT COMMITTEES CAREERS GUIDE

Foreword
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YOUNG LAWYERS NEW SOUTH WALES
PUBLIC LAW AND GOVERNMENT COMMITTEE
CAREERS GUIDE

FOREWORD

The Hon. Michael Kirby AC CMG*

I commend this guide which explains the range, importance and interest of work in the public sector as an interesting option which young lawyers should consider as they plan their future careers.

Not so long ago, many young lawyers thought that there was only one real path to fulfilment in the law: a short time as a solicitor; a longer time as a barrister; and then (in the immortal words that John Mortimer attributed to Horace Rumpole) 'trotters in the trough,' following a judicial appointment.

In the past thirty years, increasing numbers of young lawyers have come to know of the variety of career opportunities that is presented in the discipline of law. Careers in the public sector today constitute an important segment of these opportunities. In fact, if the ultimate dream of the traditional path was to arrive in the public sector as a judge, in a position that could influence the shape and content of the law, a wise career choice in early years might escalate the process. It could afford the young lawyer a much earlier and larger opportunity to influence the shape and justice of law in our society.

One of the distinct limitations upon ordinary private practice is that it tends to focus on the *micro* and to deprive the lawyer of opportunities to consider the *macro* challenges that arise in the law all the time. The practice of the law in the public sector contains many *micro* tasks. But more often than not, the public law practitioner sees the law from another dimension. In the nature of things, he or she

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may have the opportunity and responsibility to consider the general operation of the law and to influence its long-term shape. Particularly if young lawyers work in the challenging areas close to the political branches of government, an enormous opportunity devolves on them to make recommendations, to shape proposals and to influence developments in the content and direction of the law.

My practice at the Bar developed into the field of industrial relations. Many a brief I had before the Full Bench of the then Australian Conciliation & Arbitration Commission. That body, later replaced by the Australian Industrial Relations Commission, and now by Fair Work Australia, dealt constantly with micro issues in small cases: employment disputes and unfair dismissals. But it also concerned itself with *macro* questions: equal pay principles; removal of employment discrimination against Aboriginals; bereavement leave; maternity and paternity leave; accident pay; overtime rates and other issues of general significance.

In other fields of public sector work which I never myself experienced, lawyers were already playing a leading role in advising Ministers; preparing departmental manuals of practice; influencing governmental or agency policy; and proposing law reforms. I came to know such lawyers in the years in which I worked as the inaugural Chairman of the Australian Law Reform Commission between 1975 and 1984. Between 1976 and 1984, I also served as a member of the Administrative Review Council of the Commonwealth which helped to shape the new federal administrative law. In these two posts, I came to appreciate the excitement, dynamism and energy of the distinguished lawyers working in the public sector, both Commonwealth and State. I worked with them closely in the development of law reform ideas. I came to know their strong personalities, sterling qualities and commitment to good government for the people of Australia and reform of governmental practice to enhance accountability and civic responsibility. Those years, and my later judicial life, greatly enhanced by respect and appreciation for lawyers in the public sector of our country.

Anyone who has doubt about the role that even a new and young lawyer in the field of government service can play in the advance of justice, improvement in public administration and reform of the law should read the writings of one such lawyer,

Ernst Willheim. He took an important role in the development and application of the new federal administrative law. He has described that role in an essay "Recollections of an Attorney-General's Department Lawyer" (2001) 8 *Australian Journal of Administrative Law* 151. His description traces his career from his first day in the federal Attorney-General's Department, through his work as Secretary to the Bland Committee that recommended administrative law reform and in his other interesting and varied work in advisings, in community affairs, in education within the sector and as counsel before the High Court, the Federal Court and other appellate courts in constitutional and administrative law matters.

Today, work in the public sector, can afford a fulfilling and personally satisfying career with opportunities to influence society far beyond those enjoyed by most private practitioners. I therefore commend this publication. It opens up the opportunities that were not so common in earlier decades. Training in the law is a great preparation for life. It provides discipline in analysis, reasoning, justification and fresh thinking. I therefore applaud the public sector and commend to those who are contemplating the future, a new option in public sector employment. To serve a client as a lawyer is a great privilege. To serve the people in the departments and agencies of their government is a special privilege with opportunities for noble service that leaves a true mark on justice in society.

A handwritten signature in black ink, appearing to read 'Ernst Willheim', written in a cursive style.

1 October 2009.