

6 January 2015



Ms Vikki Darrough
Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
PO Box 6021
Parliament House
CANBERRA ACT 2600

By email: jscfadt@aph.gov.au

Dear Ms Darrough,

Australia's Advocacy for the Abolition of the Death Penalty

1. The Law Council of Australia attended a hearing of the Joint Standing Committee on Foreign Affairs, Defence and Trade's (the Committee) inquiry into *Australia's Advocacy for the Abolition of the Death Penalty* on 17 November 2015.
2. In response to a question from Mrs Jane Prentice MP at the hearing, the Law Council has prepared this supplementary submission to further inform the Committee's consideration of this issue.
3. Mrs Prentice has requested additional information on the work of the Law Council's activities and the potential to leverage its regional associations in support of Australia's advocacy for the abolition of the death penalty.

Legal association networks

4. The Law Council represents the legal profession at the national level, speaks on behalf of the state and territory law societies and bar associations on national issues, and promotes the administration of justice, access to justice and general improvement of the law. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world at the international, regional and bilateral level.
5. For example, the Law Council has close working relationships with international peak bodies, including the International Bar Association, LAWASIA, the Commonwealth Lawyers Association, the Presidents of Law Associations in Asia, the South Pacific Lawyers Association and bilaterally with several counterpart peak bodies in the region and more broadly, including in China, India, Japan, Malaysia, Singapore and the United States of America.
6. These strong ongoing partnerships can form a broad base for advocacy for the abolition of the death penalty. There is the potential to reach out to these organisations to form alliances on the issue collectively at an international level and bilaterally with like-minded counterparts.

7. Generally, the Law Council has found that, among the legal profession, evidence-based and international law messaging while remaining sensitive to a particular country's political, social and economic circumstances, is most likely to generate momentum. The Law Council's partnerships also provide an opportunity to gain a better understanding of advocacy strategies that may resonate with the legal profession across the region, noting that this will vary from country to country.
8. The Law Council can also support the judiciary domestically and overseas in promoting alternative sentencing options other than capital punishment.
9. Further, message delivery is an important consideration. One-on-one lobbying visits, meetings, legal association conferences and workshops are some of the different formats that may be utilised by the Law Council for delivering a message on global abolition of the death penalty.

Death penalty symposium

10. The Law Council proposes to host a symposium on the abolition of the death penalty in the first half of 2016.
11. The goal of the symposium will be to identify measures by which Australia can contribute effectively to the abolition of the death penalty internationally.
12. The Law Council intends to invite a cross-section of representatives from parliament, the legal profession, civil society, government representatives, academia, business and faith based organisations.
13. The symposium will include key note speeches, panels and open discussion, with the aim of developing a joint communiqué from participants.
14. The Law Council looks forward to continuing to work with the Committee and the Australian Government on achieving global abolition of the death penalty.
15. Thank you for the opportunity to provide these observations.

Yours sincerely,

S. Stuart Clark AM
President
president@lawcouncil.asn.au

Attachment A: Profile of the Law Council of Australia

The Law Council of Australia exists to represent the legal profession at the national level, to speak on behalf of its Constituent Bodies on national issues, and to promote the administration of justice, access to justice and general improvement of the law.

The Law Council advises governments, courts and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world.

The Law Council was established in 1933, and represents 16 Australian State and Territory law societies and bar associations and the Law Firms Australia, which are known collectively as the Council's Constituent Bodies. The Law Council's Constituent Bodies are:

- Australian Capital Territory Bar Association
- Australian Capital Territory Law Society
- Bar Association of Queensland Inc
- Law Institute of Victoria
- Law Society of New South Wales
- Law Society of South Australia
- Law Society of Tasmania
- Law Society Northern Territory
- Law Society of Western Australia
- New South Wales Bar Association
- Northern Territory Bar Association
- Queensland Law Society
- South Australian Bar Association
- Tasmanian Bar
- Law Firms Australia
- The Victorian Bar Inc
- Western Australian Bar Association

Through this representation, the Law Council effectively acts on behalf of more than 60,000 lawyers across Australia.

The Law Council is governed by a board of 23 Directors – one from each of the constituent bodies and six elected Executive members. The Directors meet quarterly to set objectives, policy and priorities for the Law Council. Between the meetings of Directors, policies and governance responsibility for the Law Council is exercised by the elected Executive members, led by the President who normally serves a 12 month term. The Council's six Executive members are nominated and elected by the board of Directors.

Members of the 2016 Executive as at 1 January 2016 are:

- Mr S. Stuart Clark AM, President
- Ms Fiona McLeod SC, President-Elect
- Mr Morry Bailes, Treasurer
- Mr Arthur Moses SC, Executive Member
- Mr Konrad de Kerloy, Executive Member
- Mr Michael Fitzgerald, Executive Member

The Secretariat serves the Law Council nationally and is based in Canberra.