



19 February 2020

Mr Gerry McInally
Committee Secretary
Rural and Regional Affairs and Transport
Legislation Committee
By email: rrat.sen@aph.gov.au

**Inquiry into the performance of the Australian Maritime Safety Authority:
Submission in response to assertions in the submission by Pacific Maritime
Lawyers and Consultants**

Dear Mr McInally

In their submission to the Committee's inquiry into the performance of the Australian Maritime Safety Authority, Pacific Maritime Lawyers and Consultants (PML) asserted, among other things, that:

In the case of AMSA, we have had the General Counsel inform us of his view that decisions, having been made by an AMSA officer, could not be reversed, and that there was no point whatsoever even discussing it. This was, of course, wrong in law ..."

PML's assertions are apt to mislead in the absence of the context provided by the correspondence in the matter to which they refer. The assertions also manifest a misunderstanding of the differing roles and decision-making authorities that exist in relationships between lawyers and the people who instruct them.

PML's second assertion - that a set of circumstances is "of course, wrong in law" - is a lawyer's opinion. Judges, not lawyers, decide what is wrong in law.

I would be grateful if the Committee's deliberations could include consideration of my concerns about the context and content of PML's submission to the Inquiry.

Yours sincerely

Clinton McKenzie
General Counsel