

Pegasus Report

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After more than two years spent in and out of Covid-induced lockdowns, it was a welcome opportunity to spend 8 weeks working in Brisbane, Australia, through the Pegasus Scholarship Scheme run by the Inns of Court.

Making an application for a Pegasus Scholarship had been something I had been interested in since I had joined the profession as a tenant in 2018. At the time of making my application, Covid-19 meant many destinations weren't open for travel. As a result, I decided to arrange my own placement to ensure it was tailored for my interests and expertise. Having previously lived in Australia as a young child and having always wanted to return, it seemed the perfect choice – the prospect of working in the legal profession in a different jurisdiction greatly appealed, as did the possibility of catching up with family and friends Down Under.

In organising the placement, I made enquiries with Fuller & White Solicitors, meeting their principal solicitor Brittany White over Zoom, who confirmed the firm was happy to accommodate me for 8 weeks on placement. I chose Fuller & White Solicitors owing to their primary practice areas of crime and child protection, their ethos, and their location in Brisbane. Following the rigorous interview process with the Pegasus Trust, I was thrilled to be offered a Pegasus Scholarship enabling me to spend two months working in the legal profession in Queensland, Australia. It was a countdown from February 2022 to my departure date on 15 September 2022!

I commenced my placement on 19 September 2022 and was involved in all aspects of life at the firm from the off.

Over the course of my eight weeks spent working at Fuller & White, I was able to observe hearings at all levels within the realms of criminal law and child protection matters. Having commenced my practice at the independent Bar of England and Wales as a common law practitioner, this was immeasurably helpful and made my time in Australia all the more beneficial to my practice at home.

In terms of criminal proceedings, I observed mention hearings and trial reviews, sentencing hearings, and summary and jury trials. Regarding child protection matters, I observed family group meetings (a meeting between client, Child Safety and their lawyer to discuss parenting progress and goals) interim hearings, court ordered conferences (effectively a round table discussion with all parties present which served as final without prejudice mediation before trial) and substantive hearings. Being able to sit in on conferences with clients, as well as speaking with the lawyers involved (including counsel instructed), offered an excellent insight into the approach adopted within the criminal justice and child safety systems of Queensland. Watching trials ensured I was able to watch barristers handle witnesses in chief and in cross-examination. The opportunity to prepare trials as I would at home and then discuss my work with the lawyers involved kept my witness handling skills fresh and offered a new and varied perspective on this aspect of advocacy.

In terms of the jury trials I was fortunate enough to sit in on, it was interesting to see how jury selection operated. Both the Crown and the Defence were able to object to jurors being empanelled (calling out “stand by” and “challenge” respectively) based on their name, occupation and suburb of residence. In contrast to practices in England and Wales, this gave far more scope for the lawyers to influence the make up of those on the jury and the potential outcome of the trial.

One of my main practice areas at home is family law, with a specific focus on public law proceedings. In Queensland, this was termed ‘child protection’ and I was able to gain experience in this area. Although the principles which informed court decision-making in this area were similar to those applied in England and Wales, the length of proceedings and the outcomes available were significantly different from back home. Proceedings are not tied to a 26-week timetable, and there seemed to be a degree of drift in the way proceedings were case managed. Further, the orders available in Queensland differed from those in England and Wales. Whilst care orders in England and Wales are considered final orders once made, in Queensland the most common orders were short-term custody orders (which were for a period of up to 2 years with the primary goal of reunification) and long-term guardianship orders (running until a child reached the age of 18 years). In some respects this more fluid approach in Queensland afforded greater opportunities for parents to make positive changes in respect of their children, increasing their prospects of successful reunification. However, the seeming lack of court oversight meant the Director of Child Protection Litigation was at liberty to take

its time with the proceedings and this created delay in implementing any real change for families. Although not perfect, the system in England and Wales ensures matters are dealt with fairly and in an expeditious manner, which in turn ensures there is as limited delay as possible in resolving matters.

One key difference between Queensland and England and Wales is the role of law clerks, which although sharing a title have very different functions within the structure of chambers or a law firm. Whereas clerking teams in chambers in England and Wales are responsible for sourcing and disseminating work to practitioners, in Queensland law clerks are often law students working alongside their degrees, who are tasked with assisting solicitors with their files and helping with administrative duties at the firm. I couldn't help but be impressed at this excellent opportunity afforded to students wanting to enter the profession – the first hand experience and the skills developed during their time working would no doubt be enormously helpful in both determining, as well as their excelling at, their future career goals. During my placement, I was effectively a law clerk and was able to take on the tasks of the same: including, instructing counsel, updating clients about their matters, and sitting in on conferences.

A further key feature of my placement was assisting solicitors (and barristers who were regularly instructed by the firm) with research tasks and the drafting of documents. I was able to draft grounds of appeal, written submissions, pleadings and advices. This involved researching relevant Queensland Law which was highly interesting and contributed to my learning and knowledge.

I was incredibly fortunate to have the opportunity to go into the Magistrates Court at Beenleigh and Wynnum in the capacity of a law clerk and undertake short mention hearings. Furthermore, I was able to meet with Magistrate Zachary Sarra in his chambers and ask questions about his experience at the bench, and about the Queensland justice system more generally.

It was also interesting to learn how different the legal systems were throughout Australia, with each State having a distinct process. The hierarchy of the judicial system differs from England and Wales in that the Supreme Court is not the highest decision-making court. Instead, each State has its Magistrates Court, District Court and Supreme Court, with appeals going to the Court of Appeal and thereafter the High Court of Australia. A number of different court centres exist to ensure specific issues are dealt with in a streamlined fashion, including: the Industrial

Court, the Planning and Environment Court, the Land Court, the Drug and Alcohol Court, the Coroners Court, the Childrens Court, the Mental Health Court, the Murri Court, and the Queensland Civil Administration Tribunal (QCAT).

This variety of tribunals was reminiscent of the approach adopted in England and Wales, whereby a streamlined process also exists. Whilst this did provide differing recourse for individuals encountering a variety of issues and ensured that on the whole matters were dealt with in a timely manner, there seemed to be one exception to this in the QCAT. As a Court of Protection practitioner, I was surprised that there was no directly comparable court in Queensland. Instead issues of capacity are dealt with in QCAT, which I was advised was notorious for being slow in dealing with matters and commonly encountered a backlog. Comparatively the position in England and Wales is more expeditious and ensures outcomes are reached at the earliest opportunity, whilst involving all necessary persons and professionals.

The Murri Court is another court centre which is specific to Australia. Its intention to ensure equality for Aboriginal and Torres-Strait Islander peoples remains at the forefront of proceedings through involving Elders within the proceedings. There was a clear focus demonstrated by the Queensland justice system on remedying the ongoing effects of colonisation and overrepresentation of Indigenous people in the criminal justice system.

Additionally, my experience highlighted the far more marked delineation between prosecution and defence lawyers, similarly between the State authorities and parent/children representatives within child protection law. Whereas in England and Wales it is more likely that barristers at the self-employed Bar will represent the full spectrum of clients without specialising too heavily in one area (particularly when cultivating a common law practice), in Queensland the opposite appeared to be true. In particular, organisations operating as emanations of the State retained work in-house rather than briefing out to counsel, meaning practitioners at the Bar seemed to fall on one side or the other.

Another difference I observed was the manner in which practitioners qualified as barristers in Queensland. Prior experience as a solicitor is almost a pre-requisite for life at the Queensland Bar. Fewer barristers operate from Chambers, in stark contrast to England and Wales. Many operate independently from the Inns of Court, which inevitably means a barrister has more responsibility to be self-sufficient in obtaining and keeping work.

Being able to work abroad in a different jurisdiction was a hugely fulfilling experience and I learned a great deal through my placement with Fuller & White Solicitors. Being involved in all aspects of the legal process within Queensland ensured my experience was well-rounded, offering considerable insight into the workings of the Queensland justice system.

Aside from the Pegasus placement, I was able to travel around much of Australia, having the “authentic Aussie experience”. Highlights included wandering around Darling Harbour and the Opera House in Sydney; soaking in the culture of Melbourne and marvelling at the Great Ocean Road; spending a magical few days in Uluru Kata-Tjuta National Park; dingoes and crocodiles in Darwin; and becoming a PADI-qualified diver on the Great Barrier Reef in Cairns. I was lucky enough to be there in the Australia summer, so spent many a delightful weekend in Brisbane basking in the sun, sea and laid-back vibes Down Under.

Finally, I would like to extend my warmest thanks and gratitude to all those who made my visit to Australia as fantastic as it was. To those at Fuller & White Solicitors: I’d like to thank Brittany, Sarah, Kate J, Kurt, Kate B, Eve and Amy – you welcomed me into the F&W family and taught me so much, answering all of my questions, no matter how basic! Additionally, to those I met who practise at the independent Queensland Bar, in particular Kate Fuller and Josh Fenton, thank you for providing me with an excellent insight into barrister life in a different jurisdiction. I’d also like to thank Louise for being a great housemate and finally, Lauren and the rest of the Head family for being so generous in welcoming me back to Oz. Without these people (and many more who I encountered along the way), I know my trip would not have been what it was.

Thank you to the Pegasus Trust, and the Honourable Society of the Inner Temple, for this opportunity. I would urge all junior barristers to consider applying – you won’t regret it!