

Spare Lawyers for Refugees:

An interview with Julian Burnside QC



By Katrina Brigham, Solicitor, Corrs Chambers Westgarth

Spare Lawyers for Refugees is a non-profit support and advocacy network for people being held in Australian immigration detention centres. The network began in early 2002 after the founder, Julian Burnside QC, a Melbourne barrister, became inundated with requests for help from people seeking asylum.

Burnside completed his articles of clerkship at Lander & Rogers and joined the bar shortly after in 1976. As a barrister he practised in commercial law "with some boutique information technology law on the side". After becoming a QC in 1989, Burnside tried to diversify his practice, taking on work such as Alan Bond's fraud trial, the MUA waterfront dispute against Patrick Stevedores and the Broadcasting Authority "Cash for Comment" inquiry.

When asked about the diversity of his current practice, Burnside says: "An advocate's job is advocacy. A silk who is briefed with a junior experienced in the relevant area of law should be able to take a case in any area of substantive law".

In 2001, Burnside was asked by friend John Manetta to act for Liberty Victoria in the *Tampa* case, without any prior experience in refugee law. His involvement in the case introduced him to an issue which he considers a disgrace to Australia. He began receiving a substantial volume of pro bono refugee work. As it mounted he decided to seek the assistance of other lawyers. "It was just a nightmare and I didn't know what to do with it all."

Burnside was surprised and delighted at the large number of responses he received from lawyers in the community and says that it restored his faith in the legal profession.

"The response to Spare Lawyers has been fantastic. I had become a little bit disillusioned by the legal profession generally... but within a couple of weeks of putting out the word that we wanted lawyers to do volunteer work, I had 250 people offering help; they just came from everywhere. A lot came from junior solicitors in big firms," he recalls.

Spare Lawyers now has over 300 lawyers in its support network, offering their assistance on a pro bono basis. This network includes barristers, solicitors and law students from around Australia. The website of the initiative, www.sparelawyers.com, was officially launched by Dr Carmen

Lawrence MP on 11 February 2004 at SPAN Galleries in Flinders Lane.

Spare Lawyers always needs people to volunteer to help them in their cause. Lawyers can volunteer to become a member of the support network by registering their details on the website. Registration does not oblige anyone to take on a particular case. Practitioners will receive regular email updates. These emails contain information on individuals currently seeking legal assistance and volunteers can offer their help in a particular case if they are available.

"Lawyers can volunteer to become a member of the support network"

The type of work involved includes preparing appeals, running appeals, helping with applications for discretionary visas, and undertaking legal research.

Burnside says that the bulk of the work over the next 12 months is probably going to be in two areas: "One is applications under s417 for discretionary visas... the second will be helping Afghans who are now coming round to the renewal of their temporary

protection visas".

Lawyers do not need any experience to get involved. Spare Lawyers conducts workshops and training sessions for lawyers wanting to update their knowledge in a specific area or who require further advocacy training for conducting appeals at the Magistrates' Court or Federal Court. It will provide practical assistance and advice to volunteer lawyers where possible.

Since the *Tampa* case, Burnside has done more pro bono work than in the rest of his career put together. He says that he has never enjoyed work so much and "it's been hugely rewarding". Burnside says that participating in human rights law alongside your full-time employment actually helps keep you interested in the law.

"It reminds you how important the rule of law is. We take it for granted every day. Then you do this sort of work, and all of a sudden the rule of law takes on a completely new complexion. It enables you to know that the work you are doing is really worthwhile to someone... In this area you can know you've saved someone's life. To be able to use your legal training for that end is really great... I know that in one refugee case at least, I saved the person's life. Anything more I can do in my career is a bonus."

If you would like any further information on Spare Lawyers for Refugees please visit www.sparelawyers.com or telephone (03) 9225 7488. ■

