

Her Excellency the Honourable Margaret Beazley AC QC

Governor of New South Wales

Her Excellency the Honourable Margaret Beazley AC QC is New South Wales' 39th and current Governor. Her Excellency was appointed as a judge of the Federal Court of Australia, the first woman to sit exclusively in that Court. She also was the first woman appointed to the New South Wales Court of Appeal and subsequently, the first woman appointed as President of that Court from 2013 to 2019. Looking back, it is manifestly clear that Her Excellency has paved a way for women in taking leadership positions within the legal profession and beyond. She speaks with **Ashleigh Fehrenbach**, Senior Associate at RPC and co-editor of the Communications Law Bulletin about International Women's Day, the power of communication and what energises her about her work.

ASHLEIGH FEHRENBACH: Governor Beazley, I'm delighted to be speaking with you about International Women's Day. Before we get to that though, can you tell us how your career path led you to where you are today?

GOVERNOR BEAZLEY: You know, my career path has been quite one directional. After a year of articles, I was admitted as a solicitor for six weeks. I then went straight to the Bar, stayed and was fortunate enough to take Silk. About three years later, I was appointed to the Federal Court. Three years later, in 1996, I was offered a position on the New South Wales Court of Appeal. That was quite unusual as Judges don't change between courts very often but when the position was offered to me on the Court of Appeal, in many ways it fulfilled a hope that I had as a Silk where I really wanted to focus on appellate work. In 2013, I was appointed the President of the Court of Appeal. I hope I had been doing a good job as a lawyer but once you take on a very specific leadership position with the institution in which you work, it demands more of you. It also enables you to give more back. I felt very privileged to have been appointed as President. I really do look upon that as a highlight and a very constructive time in my career as a lawyer.

In terms of where I am now, I am the Governor of New South Wales. Interestingly, I am only the second lawyer to have been a Governor. The Honourable Gordon Samuels, 36th Governor of New South Wales, was also a judge of a Court of Appeal. Ironically, he was the very first appellate judge I appeared before as a very young lawyer. I'm quite 'chuffed' to have that connection, although it is somewhat attenuated. But one finds that there are all those little links in the chain that make up your entire career and which add interest, colour and memories.

Having a lawyer as a Governor in NSW is unusual, even though there have been a variety of careers that Governors have had. For the most part – except for three of us – there has been a strong military element in all previous Governors' careers. Gordon Samuels was a judge, Dame Professor Marie Bashir was a psychiatrist and public health official. My immediate predecessor General David Hurley, a general and chief of the Australian Defence Force, continued that strong military lineage. Why was I chosen? One does not know! What I do know about the process is that as a Governor comes up for retirement, there is a lot of consultation by the Premier with others. I gather there is also a degree of lobbying (which I was not part of, I can assure you!). I assume that my role as the President was something that had placed my profile a little more broadly than just within the legal profession. It was the Premier's recommendation to Her Majesty the Queen which was accepted and that led me to the position I am in today.

I wasn't extensively known outside the legal profession. In fact, a couple of people came to me and said "But who are you? We don't know who you are!". In a way, these were significant statements for me. In my first 18 months to two years, I was very conscious that it was important for me to get out into the community as far and as widely and as often as possible to ensure that the role of the Governor was well-known. I also considered it important that the community and particularly the patronage organisations really felt supported by the Governor. That was my philosophy and work ethic at the time and seems to have worked very well. It continues to be my approach to the role today.

ASHLEIGH: What skills have been most important so far throughout your role as Governor?



GOVERNOR BEAZLEY: I think communication has been a defining aspect of my role to date. That is something I consider to be very important in reaching out to the community, especially during times of crises, including during the terrible summer bushfires in 2019-2020 and during COVID. As a lawyer you have to be a communicator and a listener. Aside from my legal skills and legal knowledge, those aspects – communication and listening – have, I believe, placed me in good stead to carry out the role.

I also feel that anything I say, whether to communities in crisis or not, has to have significant thought put into it. I don't like platitudes. Rather, I like to say something that will make people think: "Oh, I hadn't thought that way before"; or "I had never asked that question. In its own way, I would hope that this contributes to the thinking of an intelligent and civil community. I started a speech at the launch of a film "Entanglement" the other day by saying "Women have to stop listening". It can be difficult for a lot of women to hear that because I think that by nature many women are brilliant listeners. It was an interesting way to start the conversation. I waited for the reaction then continued by saying "The more women listen, the less they speak".

That is what I mean by saying something different in order to make people think. To be able to think analytically, to think outside the box and to think laterally, are all skills which seem to fit into the way I see this role and how it works for me.

ASHLEIGH: Let's now turn to International Women's Day. If there is one thing that you would celebrate about that day in the legal profession, what would that be?

GOVERNOR BEAZLEY: There are so many of us. That is something to celebrate but it should also be unremarkable. Underlying that is that women's abilities are no longer questioned. They are now a significant part of the profession and are able to practise without so many of the barriers that were around when I was at the Bar. That is wonderful to see. I think it is exciting to be able to continue to support women so that they really feel comfortable, supported and honoured in the profession. There are still many issues for women. I am not blind to that – but there is a lot to celebrate. In turn, the present generation can and must provide support to new young professionals.

One of the things I have been saying for the last few years is that, on one level, we have heard a lot of stories, but to ensure that change continues, you need data. Without the data, which forms the business case for change in the corporate world, you are just going to be talking about stories. Data has impact. Whilst the use of data shouldn't silence the stories, you do need that hard data to explain why improvements still need to be made and to point out where areas of inequality remain.

ASHLEIGH: Absolutely. What important developments do you see as being on the horizon in the communications and media legal landscape?

GOVERNOR BEAZLEY: My answer to that is more directed to a concern that I have, and that is, although we cannot do without social media, there must be a way in which social media can be controlled much better than it is. The trolling of women in particular, journalists and female sports people is atrocious.

The question which has not been properly asked is: what do we mean by free speech? Free speech is, as I understand it, an ability to express an opinion which is different from somebody else's. I have no sense of free speech which allows an individual to be abusive, so I think there is a lot of work to be done in the communications and media space generally. I think there needs to be a much greater understanding of and much better education on what we actually mean by free speech. I do not believe there ought to be any person who has a public profile who should be fair game – for being told they are going to be assassinated, for being told their children are being watched or being told that they are ugly. The extraordinary abuse which goes online is a concern. The question is – how do you deal with that?

There is discussion around the proposed anti-trolling laws in Australia and whether

or not they really will achieve their aims. Policies may be put in place but that does not stop the trolling itself, leaving the only real option of going to Court. It is a legal minefield which many people may not bother to try to navigate.

ASHLEIGH: Can you share a little bit about what energises you about your work?

GOVERNOR BEAZLEY: I think I am just a fortunate person who has energy – it helps given the heavy workload of judges and lawyers generally. Some work can become routine. However, my view is that every case you work on is important to those involved: the client, the litigant, their families. It is the way you deal with that case, the way you examine it, the way you analyse it, the way you try to do it efficiently. They are the things that should energise you – doing each case or matter well.

In my present role, I get letter after letter, card after card which says thank you – thank you for coming to visit us, thank you for writing on my 100th birthday. I had one beautiful lady who reached 100, who wrote to me and said, "I know you don't know me, but I felt that you were writing to me personally". That type of exchange energises me. The way you do things has an impact, not just the fact that you do them. It makes a person feel valued and there can be nothing more significant in a person's life than to feel valued.

ASHLEIGH: If you could have dinner with any one woman living or passed, real or fictional who would that be?

GOVERNOR BEAZLEY: I would not mind talking to Angela Merkel. I think that would be pretty terrific!

But you know the person who I would really like to have dinner with is an Indigenous elder. The women I meet when I am out in regional areas have a lot of experience. There is a lot of sadness. They have experienced a lot of discrimination and rejection just because they are Indigenous and yet so many of them speak with such wisdom. It is the wisdom they have that I love. It is their stories that we need to listen to.

ASHLEIGH: What advice would you give to the next generation of female leaders coming through the legal profession?

GOVERNOR BEAZLEY: Concerning the present generation, you must put your hand out to support them. There is absolutely no doubt about that. Women sitting on the top really must be prepared to find ways to create systemic change which will allow change downwards right through the profession. In many ways, I think the present generation are doing that very well in ways which we did not. We did not take time off. You were

expected to be at your desk the whole time. At the Bar, you would not take maternity leave because you are self-employed. But now, barristers are taking six months off when their children are born. Young women today are looking at their career with a wider lens.

In terms of advice for their future, as a leader you have to support downwards as well as seek to engineer change upwards. It is important not to forget the battles that you had, but they are not necessarily the battles of the present time. Every generation has their own battles and their own issues. The point I wish to stress is that the battles of today should not be the battles of the succeeding generation because those should have been fixed.

ASHLEIGH: Thank you so much for your time and your insights.

GOVERNOR BEAZLEY: It has been a pleasure.