

Interview with Phoebe Tapley

TRANSCRIPT

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Nadine Davidson-Wall

Hello and welcome. My name is Nadine Davidson-Wall and I'm the Communications and Events Coordinator at the Australian Law Reform Commission. And I'm joined by Phoebe Tapley a Senior Legal Officer here at the ALRC. If you're interested in law reform and how the ALRC operates, we're having a discussion today that will give you a glimpse behind the scenes.

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Nadine Davidson-Wall

I'll be chatting with Phoebe about her career to date before she heads overseas to New York to study her Master of Laws at Columbia University. You may recognise Phoebe, from our recent webinars for the Financial Services Legislation Inquiry. Phoebe has been at the ALRC since 2019, where she started as a Research Associate to the Honourable Justice SC Derrington AM, that was after completing her Bachelor of Art and Laws at Monash University.

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Nadine Davidson-Wall

In 2020 Phoebe was appointed as a Legal Officer and earlier this year, following her significant contributions to the Corporate Criminal Responsibility Inquiry and the Financial Services Legislation Inquiry first Interim Report, Phoebe was promoted to Senior Legal Officer. Phoebe, can you cast your mind back to 2019 before we knew what COVID was? And tell us a little bit about why you applied to first work at the ALRC and has the reality met your expectation?

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Phoebe Tapley

Sure. So I think I knew from my studies that I really enjoyed the legal research and policy analysis side of the law. So I think I knew that I was interested in exploring opportunities beyond the more traditional legal practice pathway. And I also knew that I was really interested in the public interest dimension of the law, or thinking about how the law is often intended to facilitate access to justice, but equally, it can pose a barrier to justice in many circumstances.

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Phoebe Tapley

So I think for me, working at the ALRC represented a really exciting opportunity to be involved in legal research and analysis that has a really practical output. So thinking about how the law operates and how some of the problems in the way that the law is designed can be addressed through reforms. So I think this was a pretty wonderful first step in my legal career in terms of my expectations of what it would be like to work at the ALRC.



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Phoebe Tapley

I think like many law students, I had referred to a number of ALRC reports during my studies, including the Litigation Funding Discussion Paper and the Native Title Act Report. And I think from that experience I had sort of the impression that the ALRC was quite a large organisation, but of course coming to work here, I realised that we are one of a few government agencies that is classed as a micro agency with less than 15 full time staff.

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Phoebe Tapley

So that obviously presents some challenges. But I think it also has meant that everyone in the team has an opportunity to be involved in the range of different aspects of the ALRC's work.

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Nadine Davidson-Wall

So knowing what you do now and from those experiences, what advice would you give to anyone who wants to contribute to law reform in Australia?

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Phoebe Tapley

So I think the good news and perhaps the bad news for those who might be looking for a really clear answer to this question is that there is no single pathway to working for a body like the ALRC. We're really lucky at the ALRC to have people with a really diverse range of backgrounds and who are at very different stages in their career.

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Phoebe Tapley

So at the moment we have people who've practised in family law, in commercial law, those who've worked at NGOs or in different government roles, those who worked overseas, and people with a range of different post-graduate qualifications. And I think that range of perspectives and different experiences really adds to the law reform process. So I think in terms of what the common skillset or the common thread across those different perspectives, is a really strong background in legal research and analysis.

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Phoebe Tapley

So being able to look at a different area of law and understand first what the law is and then thinking about what are the problems with the way that it operates. So drawing on commentary as well as consulting with stakeholders and then being able to step back and think about what are the potential options for reform of that particular area of law.

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Phoebe Tapley

So I think that is quite a unique skill set. But at the same time, it's something that people can draw on their experiences in lots of different settings. So whether it be doing a really substantial research project during your studies or working in policy-oriented roles in other settings or even just as part of practising law.

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Nadine Davidson-Wall

So Phoebe, besides your contributions to background papers, consultation papers and final reports, you've also worked on streamlining the publications process with a comprehensive style guide. You've worked on numerous events and webinars to facilitate program content. You've mapped the disclosure regime under the Corporations Act, which, when you printed it out, covered a whole wall of your office, and you've also had articles published in journals and online.

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Nadine Davidson-Wall

That's just some of the tasks that you've worked on while you've been here. But what are you most proud of achieving in your time at the ALRC?

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Phoebe Tapley

So as part of the Corporate Criminal Responsibility Inquiry, I had the opportunity to lead the development of reform proposals on sentencing and penalties for corporate offenders. And since I was at the ALRC for the full duration of that Inquiry, I had the opportunity to be involved at each stage of the process. So the initial research and problem analysis phase, where looking at what are the issues with the law, and then all the way through to the development of the final reform proposals.

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Phoebe Tapley

So I think when I first started at the ALRC as a Research Associate back in February 2019, I didn't think that was something I would have thought I would be capable of doing within the next year of my time at the ALRC. So I think that's something that I'm quite proud of and I'll certainly be watching with interest to see whether the government takes any action to implement those proposals in the future.

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Nadine Davidson-Wall

So Phoebe, we've talked about a lot of different tasks that you undertake and that looks sounds like a lot of work. But what does a typical day look like?

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Phoebe Tapley

Yes. So I think it really does vary depending on what stage we're at in the inquiry. So in those initial stages, it might involve contacting and setting up consultations with stakeholders for the inquiry and also doing our own primary research into the area of law. So looking at academic commentary on the particular topic, as well as doing our own primary analysis including different kinds of data analysis we've been doing a lot of recently.

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Phoebe Tapley

And then as we sort of move forward with the inquiry, there's more of the meaty consideration of what reform proposals we're going to be making. And that's, as I mentioned, very much an iterative process and involves a lot of workshopping among the team as well as with our advisory committee members and our commissioners. And then as we sort of approach the end of an inquiry or as we lead up to our consultation paper, there is of course, a lot of writing to support our proposals and to provide context for engaging with that content.

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Phoebe Tapley

And before we send that out to the public, we of course have a fairly rigorous proofreading and source checking process which can be quite time consuming, but it's important to ensure the quality of our work. And then once we've released that consultation paper out into the public domain, we then will be receiving submissions from stakeholders, which there's then a process for taking in and digesting that feedback and thinking about how we might refine our proposals based on the feedback that we receive.

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Phoebe Tapley

So I think there's a lot of different tasks involved in daily work at the ALRC so it never gets too old. And of course we're lucky to be able to be looking at lots of different areas of law on a year-to-year basis. So I think it is quite a unique position that we're in in that respect.

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Nadine Davidson-Wall

Phoebe, the ALRC was your first position in the legal profession and the work at the ALRC covers a broad range of topics. Recently we've covered topics such as family law to potential lawful topics, including defamation and freedom of the press. In the Corporate Crime and Financial Services Legislation Inquiries, complexity and the astonishing volume of law have been identified as a key issue.

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Nadine Davidson-Wall

Your in-depth research and analysis that you've undertaken as part of these Inquiries has resulted in you now being considered an expert in financial product disclosure. How have you covered so much material? Can you give us your top tips for researching new topics?

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Phoebe Tapley

Sure. I'm not sure about expert in disclosure, but I think I probably have spent more time reading Part 7.9 of the Corporations Act and associated delegated legislation than most people. But I think at the ALRC, we are really lucky to have quite ready access to the real experts in this area and to be able to consult and collaborate with leading academics, legal practitioners, as well as the people who are directly affected by the laws that we're looking at.

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Phoebe Tapley

So I think when we're starting out with a new inquiry, the initial stage is really about listening and learning from the people who have real expertise and experience in the law. And I think as part of that process, we start to see the areas of consensus and the areas of divergence between different people. So that sort of provides us with a really strong foundation for starting to direct our own research, thinking about what the problems are and how we respond to them.

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Phoebe Tapley

And then we also are lucky to have access to a range of experts who form our advisory committee. So we're able to test our ideas and to draw upon their expertise in terms of where we might have missed a particular issue and how we might best direct our resources.

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Nadine Davidson-Wall

So you've talked about experts. We seem to have a staff full of experts and overachievers at the ALRC, is there anything that you've learned from your colleagues here that you will be taking on board and taking to your next role?

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Phoebe Tapley

Yes, definitely. I think we are very fortunate to have a really excellent team here at the ALRC. I have been very lucky to work with for the past few years and I think what I'll really be taking away from that experience is just the value of collaboration and of having a range of inputs and perspectives in this kind of work.

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Phoebe Tapley

So I think I very regularly test my ideas and my thinking with coworkers and find that a really valuable process in terms of identifying things that I might have missed or finding alternatives to what I might have thought about. So I think even there I mentioned that I might have led the development of some proposals, and we do usually have one or two team members who lead proposals on a particular area.

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Phoebe Tapley

What you see in the final report is really the result of lots of discussions and lots of workshops between the team as well as the external input and I think that makes the reform proposals all the more better. And so I think that's something that I'll really be taking into my next role.

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Nadine Davidson-Wall

Yes, it's something that I enjoy about working here is the collaboration. So we're devastated to see you leave, but we're also very excited about the next stage for you. And you are heading to the Big Apple studying at Columbia. So tell us a little bit about that process. How did you get there and where are you going from there?

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Phoebe Tapley

So the areas of law that I'm really interested in are international law and human rights and Colombia has a really strong reputation in those areas and it also has a lot of opportunities for practical experience through clinics and externships. New York, of course, is home to quite a lot of non-government organisations and institutions like the United Nations. So after graduating, I'm hoping to be able to find work doing policy analysis and research for an institution, an international institution or an NGO involved in human rights advocacy, whether that be in New York or elsewhere.

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Phoebe Tapley

And then in terms of where to next, I'm not too sure, but I certainly wouldn't rule out coming back to the ALRC later on down the track. If the opportunity arises and the stars align. Yes, very excited to see what comes next.

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Nadine Davidson-Wall

I'm very relieved to hear that you might come back. And that's a lovely way to end. Phoebe, thank you so much for sharing your experiences with the ALRC. On behalf of the team, I really want to thank you for everything that you've contributed. We will really miss having you around the office. To our viewers, if you're interested in law reform and perhaps a future role at the ALRC, I invite you to follow us on social media. We're on Twitter and LinkedIn or subscribe to our email, which you can do via our website at alrc.gov.au. Thank you.