

Board Member Spotlight:

Esther Bogaart

Esther Bogaart – First Assistant Secretary of the First Nations and Justice Policy Division in the Australian Government Attorney General's Department – discusses her 20-year career in the public sector and her passion for developing policies that support vulnerable Australians to access Australia's legal system.



Volunteering for Karinya House.

PAMELA: It's a pleasure to speak with you today, Esther. First of all, could you give us a broad outline of your background in terms of your education and career path?

ESTHER: I did my law degree at the University of Canberra (UC) and my graduate diploma at the Australian National University a few years after that. Eighteen months out from finishing my law degree at UC I got a job in the Commonwealth Attorney General's Department on a three-week temporary contract. The role was as an Executive Assistant in the Legal Assistance Branch, a branch which I now have responsibility for as the Division Head. That was the beginning of my career in the public service.

I've worked in the Attorney-General's Department for nearly 20 years. I started in legal assistance policy and programs and from there I've worked in a number of areas, including those responsible for the international transfer of prisoners, intercountry adoption, marriage law, fraud prevention, and anti-corruption. I also worked at the Department of Prime Minister and Cabinet for a few years, heading up the International and Women's Safety Branch, but I would say that the majority of my career I have spent in legal assistance policy at the Attorney-General's Department with a particular focus on women's safety.

P: Could tell me about your current role as the First Assistant Secretary of the First Nations and Justice Policy Division, and in particular any policy areas you are especially focused on within the Division?

E: The First Nations and Justice Policy division recently turned one. A big focus of the Division is implementing the Government's First Nation's justice commitments, particularly around justice reinvestment, which are based on fairly new policy approaches for the Commonwealth. Those commitments consist of up to 30 initiatives around the country and I see this as a really important body of work, which has enabled

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the Department to work closely and collaboratively in partnership with Aboriginal and Torres Strait Islander organisations under closing the gap initiatives. This has been a really fantastic part of my role. A complementary aspect of my role is to also embed those closing the gap priority reforms within the Attorney-General's Department. So, the work is two-fold – working on external initiatives in partnership with First Nations organisations to improve outcomes for Aboriginal and Torres Strait Islander people and also internally working in the Department to really change the approach and the way we work with Aboriginal and Torres Strait Islander people. A key message that I focus on internally is that partnering with First Nations people and organisations to achieve transformational outcomes is absolutely critical to driving the government's closing the gap agenda. The Division is also responsible for providing the government with legal and legal-policy advice on native title and assisting the Attorney-General to administer the *Native Title Act 1993*.

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In addition to the Division's focus on First Nations and Native Title policy, we are also reforming criminal justice responses to sexual violence as well as managing Commonwealth legal assistance arrangements, including the National Legal Assistance Partnership 2020-2025 currently subject to an independent review by Dr Warren Mundy. So, in summary, there are some big components of policy work focused on supporting access to the justice system for First Nations people and for vulnerable people more broadly across community.

P: You have spoken about how you got your start in the Australian Government in a non-legal role. What led you to building your legal career in the Commonwealth government as opposed to going down the route of practising law at a firm or another legal path?

E: As a kid I remember telling people that I wanted to be a prosecutor, to put bad guys in jail. I don't know why I decided that. But I was always attracted to a career in law and I needed a job while I was at university. I was looking for legal type work to complement my studies, and the assistant role at the Attorney-General's Department came my way. I was also offered a one day a week internship at a private firm but opted for the full-time role in this Department. I haven't looked back.

It is a privilege to work in a role in which I can influence legal policy and legislation and provide advice to government on the best way to address complex legal policy issues, particularly in the social justice and social policy space. I really feel very honoured to be able to give advice to government about changing systems that do actually impact people's lives, particularly really vulnerable people. I think that, for me, is what has kept me here. So, what led me here isn't really the best story – I was just looking for an entry level role in an organisation that did legal work. But what has kept me here - that is really the story.

P: What is your proudest achievement in your career to date?

E: It's really hard to choose. There are the big, high-profile projects - for example, I am proud of the role I played in negotiating a gender equality political declaration at the United Nations. I've enjoyed participating in work that has led to big system changes, for example changes to policies underpinning legal assistance funding and



At Garma festival.

programs, or policies in relation to family safety. I have also been incredibly privileged to attend the Garma Festival in 2022 and 2023 to learn more about First Nations culture and issues.

I think one of my proudest achievements is actually the leadership role I have within the Attorney-General's Department and the teams that I've led. I get a great sense of achievement from seeing colleagues that I have mentored or supported being promoted or reaching their set goals. It is a great thing to see people's careers flourish after investing in their development. And the relationships that I make and maintain across my role probably are the things that bring me the most joy in my day to day working life.

P: Having joined the board of the Australian Pro Bono Centre last year, how are you finding the experience and what are your thoughts on the role that the Centre plays in the pro bono sector?

E: I've had exposure to the Centre for many years and I just think it does such an amazing amount of work with such a small number of people. It's small but it's mighty! And it wasn't until I joined the board that I fully understood the full scope and spread of the work that the Centre does. I think the Centre's reach across the private sector and moving into the corporate sector as well is just phenomenal. There is always more to be done in the pro bono space, but

I think the Centre's commitment and dedication to really change the way that people consider pro bono and doing pro bono work, using carrot and stick type approaches is really excellent. And I just think Gabi is an incredible leader. I have been able to ring her for thoughts and advice on different approaches to pro bono. She is incredibly knowledgeable and generous with her time and thoughts.

P: What advice would you give to government lawyers who are interested in doing pro bono work?

E: My first piece of advice is simple – just do it. I think lawyers tend to think about all the barriers and the risks - I hear people raise the issue of conflicts of interest quite a lot - but I think every problem has a solution. You've got to give it a go to see how you can make things work and if you need to, put parameters in place to make it appropriate and manage risks.

The other thing is that the culture of pro bono legal work has not been embedded within the public service, and the nature of government work means

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lawyers are very busy reactively managing lots of competing priorities. There is a barrier there in terms of people thinking they just couldn't fit anything else into their day. But there is a role in giving back in the legal profession – lawyers have unique professional abilities and skills that not many people have, and they

should use that for good where they can. The reward is how you feel when you give back.

P: Speaking of giving back, can you tell me about your work with Karinya House?

E: I have volunteered with Karinya House since 2018 – not in a pro bono legal capacity but utilising broader skills. Karinya House provides services for women in the region who are pregnant or parenting, offering case management, which may include residential and/or outreach-based support services. As part of the Executive Committee, I assist the organisation in relation to governance and leadership, and provide strategic direction, including managing a recent transition to a new CEO. Basically, I apply the skillset that I use every day in government in a voluntary way to assist an organisation that I feel really strongly about. Giving a few hours free time out of regular work hours gives me a sense of pride and reward especially when you witness what the organisation does for really vulnerable women. ■



Esther Bogaart is the Federal Government representative on the Australian Pro Bono Centre Board. Esther is the First Assistant Secretary of the First Nations and Justice Policy Division in the Australian Government Attorney-General's Department. In this role, Esther is responsible for

delivery of the Government's First Nations justice agenda, reforms to the criminal justice system, including for victims and survivors of sexual assault, native title policy and strategic litigation, legal assistance policy and funding, and the work of the Office of Constitutional Law. In this

role, Esther is also working to embed the Priority Reforms under the National Agreement on Closing the Gap within the Department. Esther has worked in the Attorney-General's Department since 2004 in various legal policy, program, legislative and international roles. She has spent a significant amount of her public service career working with the legal assistance sector, states and territories to ensure that legal services are delivered to the most vulnerable people in Australia. She has been involved in the design of funding arrangements and innovative approaches to delivering legal assistance services, including the growth in wrap-around, holistic service delivery.

Between 2018 and 2020, Esther was the Assistant Secretary, Women's Safety and International Engagement in the Office for Women, in the Department of the Prime Minister and Cabinet. In this role she worked in various international fora, including the United Nations, to negotiate Australia's gender-based interests and drove various whole of government approaches to women's safety.

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