

The Australian Women's Register

Entry type: Person
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Le Roy, Katherine Jane (Katy)

Occupation Academic, Consultant, Lawyer, Parliamentary Counsel, Solicitor

Summary

Dr Katy Le Roy is Parliamentary Counsel in the New Zealand Parliamentary Counsel Office. An expert in constitutional law, federalism, governance and Pacific legal systems, she has undertaken a number of consultancies for the United Nations Development Program. Le Roy was formerly Consultant Legal Counsel and Parliamentary Counsel for Nauru.

Katy Le Roy was interviewed by Kim Rubenstein for the Trailblazing Women and the Law Oral History Project. For details of the interview see the National Library of Australia [CATALOGUE RECORD](#).

Details

Dr Katy Le Roy was born in 1974 and spent her early life in Bayside Melbourne. She attended Mt Eliza Primary School before receiving her secondary education at Mt Eliza High School and St Margaret's School, in the south-eastern Melbourne suburb of Berwick.

In 1993 Le Roy enrolled in arts and law degrees at the University of Melbourne. While studying, she worked as a research assistant to Bryan Keon-Cohen QC, compiling and annotating archives of Mabo, the watershed Indigenous land rights case, which were subsequently presented to the National Library of Australia. She was also engaged as an editorial assistant on the Public Law Review and undertook research with the Centre for Comparative Constitutional Studies, working closely with the then Director, Professor Cheryl Saunders AO. Collectively, these experiences fuelled her deepening interest in public law. Enjoying the exposure to student politics that university life offered, she became interested in the Resistance and Labor Parties, and was ultimately elected President of the Law Students' Society.

After graduating with an LLB (Hons) and a BA, she spent a period in Japan, Europe and South Africa before returning to Australia and beginning articles of clerkship at law firm Holding Redlich. She was articled to managing partner Peter Redlich AO, and worked mainly on personal injury claims. While completing her articles of clerkship full-time, Le Roy also did her honours year in Arts, majoring in politics and public policy. During this period she continued to work part time for the Centre for Comparative Constitutional Studies.

In 1999, a few months after her admission as a barrister and solicitor of the Supreme Court of Victoria, Le Roy left Holding Redlich and moved to Germany, where she commenced as legal counsel with Allianz Asset Management. Intent on a career in public law, however, in 2002 she returned to Australia to take up the position of Assistant Director at the University of Melbourne's Institute for Comparative and International Law (now Institute for International Law & the Humanities). In 2003, encouraged by Saunders, Le Roy began a PhD at the University on the topic of public participation in constitution-making in Fiji and the Solomon Islands. She became a Senior Fellow in the Law School's Graduate Program, lecturing in Common Law and Constitution Making.

From 2006 Le Roy's career took her back overseas, her PhD research instrumental in her assuming the role of adviser to Nauru's Standing Committee on Constitutional Review on behalf of the United Nations Development Programme [University of Melbourne]. She also undertook further consultancies on Nauru's Constitutional Review Project, and on Federalism in Sri Lanka. During this time Le Roy met her new partner, a member of the Nauru Parliament and later Minister for Education in the Nauruan Government, Roland Kun, and moved to live in Nauru.

In 2007-2008 Le Roy was retained by the Institute of Federalism at the University of Fribourg (Switzerland) to undertake a project from her new homebase in Nauru, translating a legal treatise from German to English (T Fleiner and L Basta-Fleiner, *A General Theory of State: constitutional democracy in a multicultural and globalised world*, Springer Books 2009). In 2008 Le Roy also worked as Consultant Legal Counsel to the Nauru Government. She provided legal advice to Cabinet and the Minister for Justice on a range of legal issues, including legal policy and legislation. In October 2008 Le Roy took on the full-time role of Parliamentary Counsel: she was head of the Office of Parliamentary Counsel and responsible for legislative drafting; she also provided legal advice to the Speaker, parliamentary committees and government. In a piece published by the University of Melbourne Law School

in their alumni magazine, Le Roy remarked that “the workload is unwieldy but there’s never a dull moment” [University of Melbourne].

In 2010 the people of Nauru held a referendum on some of the proposed amendments arising from the Constitutional Review Project which Le Roy had conducted for the United Nations in 2006. When the referendum failed, Le Roy was philosophical: “In Australia we know it is notoriously difficult to pass a referendum. In Nauru the requirement is the approval of two thirds, which is an even higher bar. But throughout the constitutional review process, ordinary Nauruan citizens have been engaged; they have learned about their existing constitution and thought about new possibilities. Many people now have a much better understanding of responsible government and how their system ought to work. That is a huge gain for Nauru, and that alone might result in improvements in the way politics operates, because politicians are going to have to account to a more informed public. Hopefully it will become a good example of the wonders of education” [University of Melbourne].

The valuable reform work undertaken by Le Roy in Nauru found further expression when she oversaw the Legal Information Access Project from 2010 to 2012. This project aimed to strengthen human rights and good governance in Nauru; to strengthen the capacity of Nauru’s legal and judicial system; and to improve access to Nauruan legal information [OPC Annual Report 2011-12]. It resulted in, among other things, a complete consolidation of the laws of Nauru and a new government website hosting a free online database containing up-to-date, official versions of all laws in force in Nauru. It was towards the end of this project, in 2012, that Le Roy also submitted her PhD thesis.

In 2013 Le Roy’s role as Parliamentary Counsel for Nauru came to an abrupt end a few weeks after the election of the Waqa government. Following the removal of the Secretary for Justice and the Police Commissioner (both Australians), Le Roy too was removed from her position. Several senior public servants in Nauru were effectively forced to resign around the same time.

Later in 2013, Le Roy travelled to Melbourne to do consulting work for Bendigo Bank, and to give birth to her third child. At the very beginning of 2014, while she was in Melbourne with her newborn baby and the rest of her family, Le Roy learned that her Nauruan residence visa had been cancelled. In her absence, the Government of Nauru declared her a prohibited immigrant, thus preventing her return to the country. The Nauruan Government also expelled its Resident Magistrate (an Australian national) and would not permit its Chief Justice (also an Australian) to return [Lee].

Unable to return to Nauru, Le Roy accepted a permanent position as Parliamentary Counsel in Wellington, New Zealand, and moved to live in New Zealand with Kun and their 3 children in May 2014.

A week after arriving in New Zealand Kun, an opposition MP, was suspended from Parliament after criticising the Nauru Government’s removal of judicial officers [Lee]. He and other opposition members remained suspended for more than 2 years of the 3 year parliamentary term they had been elected to serve.

In June 2015, Le Roy’s husband Kun travelled to Nauru for a 4 day visit, primarily to talk to the Speaker of Parliament about the situation of the suspended members. During the visit, the government of Nauru cancelled his Nauruan passport. Kun became stranded on Nauru for more than 12 months, effectively a political prisoner [Taylor].

Legal academics from Australia and New Zealand wrote to their respective countries’ foreign ministers to urge them to intervene to reunite Kun and Le Roy, expressing concern for the infringement of Kun’s international human rights and for the deterioration of the rule of law in Nauru [Lee]. On 10 July 2016, Kun slipped out of Nauru on a New Zealand passport, finally able to join Le Roy and their children back in their Wellington home.

An elected member of the Council of the Commonwealth Association of Legislative Counsel (CALC) since 2011, Le Roy has commended that CALC provides important opportunities for Pacific members to further improve the standard of legislative drafting in the Pacific [OPC]. Le Roy is currently serving a 2 year term as Vice President of CALC, and is chair of its conference program committee.

In 2015, Le Roy co-taught a third year LLB subject on legislation in the Law School at Victoria University of Wellington, and will likely to continue to teach in this program in alternating years.

Le Roy has previously served as chair of the Working Group on The Pacific Islands Legal Information Institute (PacLII) and was a member of the interim board of the PacLII Foundation. She has been a member of the Executive Committee of the Pacific Islands Law Officers’ Network and a member and founding treasurer and legal officer of the Australian Association for the Advancement of Pacific Studies.

Le Roy has made a significant contribution, at an early stage of her career, to the study of comparative public law and systems of governance in the Pacific region. She has demonstrated immense dedication to education and public participation in government reform, transparency and access to government information, and to the rule of law. Her commitment to reforming constitutional systems in the Pacific and holding the Government of Nauru to account to maintain the rule of law has come at a heavy personal cost to her family.

Published resources

Resource

Trove, National Library of Australia, 2009

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Archival resources

National Library of Australia, Oral History and Folklore Collection

Katy Le Roy interviewed by Kim Rubenstein in the Trailblazing women and the law oral history project

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Digital resources



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