

# Law Council of Australia launches Policy Statement on Indigenous Australians and the Legal Profession, in Darwin Supreme Court, 15 February 2010



*Ms Gail Williams delivers the Welcome to Country on behalf of the Larrakia Nation*

The Law Society was honoured that the Northern Territory was chosen by the Law Council of Australia for the national launch of its Policy Statement on Indigenous Australians and the Legal Profession.

Held in the foyer of the Supreme Court of the Northern Territory, the launch commenced with a Welcome to Country on behalf of the Larrakia Nation by Ms Gail Williams. The launch was made by President of the Law Council,

Mr Glen Ferguson, followed by President of the Northern Territory Bar Association, Ms Raelene Webb QC, and President of the Law Society, Mr Matthew Storey.



*Ms Raelene Webb QC*



*Mr Matthew Storey*

# Policy Statement launch address by Glenn Ferguson, President of the Law Council of Australia

I would like to acknowledge the traditional owners of this land, the Larrakia people, and pay my respects to their elders, past and present.

Thank you for coming here today to the launch of the Law Council of Australia's Policy Statement on Indigenous Australians and the Legal Profession.

I would like to extend my thanks to the Law Society of the Northern Territory for hosting this event, and I would also like to acknowledge my fellow guest speakers, Mr Matthew Storey, the President of the Law Society of the Northern Territory, and Ms Raelene Webb QC, the President of the Northern Territory Bar Association.

The Law Council is the national representative body for the legal profession in Australia. We comprise all of the law societies and bar associations throughout Australia. We represent around 55,000 Australian lawyers, from small country practices to major city firms and those practising at the Bar. The Law Council is the voice of the legal profession in the protection and promotion of human rights, both within Australia and abroad.



Today, the Law Council launches its first Indigenous Policy Statement, outlining its commitment to promoting Indigenous peoples' rights and the study and practise of the law by Indigenous Australians.

The anniversary of the Prime Minister's national apology to Indigenous Australians and, particularly, the stolen generations, is a timely reminder of the challenges Australia continues to face in settling its account with the nation's first peoples. As one of the world's richest nations, the gulf in average living standards and life expectancy between Indigenous and non-Indigenous Australians is horrifying.

The poor history of Anglo-Australia's relationship with Australia's Indigenous peoples has

left an unfortunate legacy to the generations of Australians living today.

Australia imprisons its Indigenous population at five times the rate of South Africa during apartheid. The 1987 Royal Commission into Aboriginal Deaths in Custody found that high rates of Aboriginal deaths while in police or prison custody correlated directly with the disproportionate rate at which Aboriginal and Torres Strait Islander people are arrested and imprisoned. The Productivity Commission has recently confirmed that, rather than improving, this situation has in fact worsened over the last 23 years.

Aboriginal and Torres Strait Islander peoples fall behind the broader Australian community under virtually every socio-economic indicator.

The Australian legal profession reflects the national picture, with huge under-enrolment and retention of Indigenous students in Australian law schools and even

*"Australia imprisons its Indigenous population at five times the rate of South Africa during apartheid."*



fewer Indigenous lawyers admitted to practise. Unfortunately, accurate statistics in this area are hard to come by. Recent estimates suggest that Indigenous lawyers comprise much less than one per cent of lawyers admitted to practise in this country.

It is important therefore to recognise those within the legal profession who have been trailblazers for Indigenous lawyers in my generation and the next, including former Australian of the Year, Professor Mick Dodson; the first Aboriginal barrister, Mullanjeiwaka, also known as Lloyd McDermott, Australia's first Indigenous rugby international; and the first Aboriginal woman lawyer, Magistrate Patricia O'Shane.

Every Aboriginal or Torres Strait Islander person who completes the challenging journey toward legal practise is an inspiration to their community and their achievements

should be celebrated.

The Law Council's Policy Statement sets out the Law Council's commitment to promoting greater participation of Indigenous Australians in the study and practise of law. In a practical sense, this means working with Indigenous associations, Australian law schools, law practices and the state and territory Law Societies and Bar Associations to develop pathways for Aboriginal and Torres Strait Islander people into legal practise.

There is a lot of good work already undertaken by the profession in this regard. Many law firms in Australia already invest in significant programs to encourage and assist Indigenous law students into practise. There are also several developing law graduate assistance programs in each jurisdiction administered by the law societies and bar associations.

The Law Council itself administers the John Koowarta Reconciliation Law Scholarship, which assists Indigenous law students through to legal admission. This year, two scholarships will be awarded to outstanding Indigenous law students, adding to three current scholars and 10 previous scholarship winners who have gone on to promising careers.

It is my hope that with concerted effort and partnership, the legal profession and Indigenous bodies can dramatically increase the number of practising Indigenous lawyers toward equal representation within a generation.

It is also timely to reflect on the Northern Territory Intervention and, in particular, the impact it has had on the human rights of many Aboriginal people living in this jurisdiction. Terrible living conditions and violence in many Aboriginal communities was brought into the national spotlight by the landmark "Little Children Are Sacred" report, which recommended an urgent national response. The Federal Government's response has been perhaps the most dramatic intervention in Indigenous affairs in this country's history.

It is impossible to disagree with the objective of the intervention, where it seeks to improve the lives of Aboriginal men, women and children living in the Northern Territory and to improve health outcomes and life expectancy.

*"Recent estimates suggest that Indigenous lawyers comprise much less than one per cent of lawyers admitted to practise in this country. .... It is important therefore to recognise those within the legal profession who have been trailblazers for Indigenous lawyers in my generation and the next..."*



However, the means by which the Federal Government attempts to achieve this task is also critically important. The esteemed, outgoing Aboriginal and Torres Strait Islander Social Justice Commissioner has said that “the legislation and the action taken under it must seek to achieve its objectives consistent with fundamental human rights, and in particular the right to racial equality.” The Law Council strongly agrees with this statement and has condemned the decision to suspend the *Racial Discrimination Act* under the Northern Territory Intervention as utterly unacceptable.

A Bill presently before Federal Parliament, if enacted, will lift the suspension of the *Racial Discrimination Act*. However that bill must be amended to expressly apply the *Racial Discrimination Act* to the Northern Territory Intervention, to avoid doubt about the removal of discrimination.

The Indigenous Australians and the Legal Profession Policy Statement has been developed over the last 12 months by the Law Council’s Indigenous Legal Issues Committee, which comprises of senior Indigenous and non-Indigenous practitioners with expertise across a broad range of legal disciplines, including

international human rights law, native title, land rights, criminal law and justice, based in all jurisdictions.

The Law Council conducted a national consultation with over 60 Indigenous and non-Indigenous organisations and individuals and I am pleased to say that all feedback

Statement of its kind for the entire legal profession. It recognises that all Australian lawyers can play a part in addressing Indigenous disadvantage and responding to human rights concerns.

Finally, I am pleased to announce that, over the coming 12-18 months, the Law Council will develop

*“Importantly, this is the first Policy Statement of its kind for the entire legal profession. It recognises that all Australian lawyers can play a part in addressing Indigenous disadvantage and responding to human rights concerns.”*

was constructive and positive, and all suggested changes were incorporated into the final document we are here to launch today.

This is intended to be a living document and the Law Council will welcome further feedback from time to time, which will help to further evolve the important commitments made in this Policy.

Importantly, this is the first Policy

its first Reconciliation Action Plan, outlining further tangible commitments toward reconciliation and partnership with Aboriginal and Torres Strait Islander peoples.

The Law Council is proud to present its Policy Statement on Indigenous Australians and the Legal Profession and I thank you for being here today. }

[www.lawsocietynt.asn.au](http://www.lawsocietynt.asn.au)