



Indigenous Lawyers Association of Queensland

Friday 2 March 2012, 9am

Gadens Lawyers

Opening Remarks

The Hon Paul de Jersey AC Chief Justice

I am very pleased to be here today to open this conference, which seeks to address what is but one aspect of a very important issue, not just within the legal community, but more broadly; and that is the advancement of indigenous peoples across our State and the nation.

On this occasion particularly, it is appropriate to acknowledge the traditional indigenous custodians of this land the Yaggera and Turrbal peoples.

One of the factors at the heart of our difficulties in furthering indigenous advancement is that for so very long indigenous Australians have been told they will not be successful; that they will not be able to break new ground; that they will not be able to excel. The adverse effects of constant negativity on individuals is something one also sees in tragic circumstances in court. Take the distressing situation where a woman, subject to an abusive relationship for an extended period of time, finds herself unable to leave the relationship. After being so consistently told that she is inferior and inadequate, she comes to believe it. With respect to both indigenous Australians and to abused partners, it saddens me greatly to see such loss of self-worth.

This is why it is particularly important to celebrate the successes when they come along. Of particular interest are the successes of indigenous Australians in the legal sphere, practitioners like Lloyd McDermott and other "locals" whom I should not particularly identify.

In addition to being good lawyers in the narrow sense – as in dispensing legal advice, these people are also good lawyers in another sense. As I often remind newly admitted legal practitioners, the role of a lawyer is much more than simply the provision of some ‘commodity’ (legal knowledge) to another person. It is a role which encompasses much more. In particular, we expect lawyers to be exemplars and role models for broader society.

These members of the profession are role models – not only are they generally good role models in the ‘fit and proper person’ sense required for admission to the profession, but they present as beacons to their indigenous fellow Australians. As I earlier suggested, ‘success stories’ are particularly important to communities subject to long-term pessimism. While I acknowledge that opportunities for indigenous people can still be quite limited, by increasing the number of indigenous legal practitioners, indigenous communities will become aware of more of the opportunities which are available. We should constantly be seeking new ways of exposing indigenous Australians to new opportunities. One hopes not only that these practitioners will serve as role models to indigenous Australians interested in legal careers, but also to the wider indigenous population.

Unfortunately, there are very few indigenous Australians practising law in Queensland. In 2011, there were only 28 currently practising solicitors (or 0.3% of Queensland’s pool of solicitors) and only 4 members of the private bar who identified themselves as indigenous. As Joshua Creamer noted in comments reported in the Courier Mail last year, “You don’t even consider becoming something like a lawyer when you’re not exposed to the idea”. I am optimistic that the current trail-blazers will expose indigenous youth to the idea of becoming a lawyer and that this will lead to the admission of more indigenous lawyers.

Last year the Bar Association started a mentoring scheme for indigenous law students, placing 12 young people with practitioners and judges. I was privileged to mentor a student. This year, the Association is extending the scheme beyond Brisbane to Rockhampton, Townsville and Cairns. The Bar is

to commended for this initiative, as with the Mullenjaiwakka Trust, for the advancement of indigenous barristers

Another role lawyers often tend to play is that of instigator of change. Whether this is by skilful advocacy inside or outside the court room, or whether by some quirk of fate, lawyers are often at the heart of societal changes. In addition to the benefits for indigenous participation just discussed, a larger pool of indigenous lawyers would be well placed to broker great positive change for our disadvantaged indigenous communities.

Aside from the direct benefits to indigenous communities themselves, there is another particular benefit in increasing the participation of indigenous Australians in our legal profession. It rests in increasing the diversity of life experiences and perspectives of those participating in the legal system.

An area where diversity in experience is particularly important is within the judiciary. In addition to the roles filled by lawyers I have already discussed, there is another key role that lawyers, and particularly barristers, play, and that is forming the pool from which our judiciary is drawn.

The Queensland judiciary is already quite diverse: 35% of the Supreme Court are women; our judges have come from various fields of legal practice, and have studied and lived in a number of countries. The judiciary currently counts among its number former military officers, school teachers and musicians. However, we do not count among our number anyone of indigenous heritage. I hope that, one day, indigenous Queenslanders will be present at all levels of our judiciary.

All lawyers play an important role in the community. They assist in ensuring justice is administered equally. However, they also have a habit of being the instigators of change, and are regarded by the community as role models. A diversity of experience and perspective among those comprising our profession is of great value.

Increasing the number of indigenous lawyers is particularly important. They would not just be general role models, but role models to an underrepresented part of Australia's population, and eventually provide a perspective from the bench which has thus far been absent.

I look forward very much to seeing the successes of your efforts over the years to come, and in opening the conference, wish you all a productive day.