

Aboriginal Women's Legal Education Trust – Launch

Chief Justice Robert French AC

15 December 2011, Supreme Court of Western Australia,

Chief Justice, Ms Thompson, Dr Gordon, Ms Hensler, ladies and gentlemen, it is my pleasure to launch the Aboriginal Women's Legal Education Trust this evening. I congratulate Clare Thompson for her generosity and initiative in bringing about the Trust and the Women Lawyers of Western Australia for joining with her in support of its goals. The Trust, as you have heard, has been established with funds from the estate of Clare's late father, Industrial Relations Court Judge, Garth Thompson.

The stated primary goal of the proposed scholarship is "to strengthen Indigenous communities through educational opportunities." The Trust will seek applicants who are not only academically able, but also committed to contributing to their communities. That objective does not require any narrow view of the parts to be played by Indigenous women in the law. It can encompass diversity in their careers and in the nature of their contributions. It is important to recognise diversity because there is a risk that visions of the role of Indigenous women in the legal profession may be too narrowly framed by the well established and well-founded discourses of injustice suffered by Indigenous people under the Australian legal system. A focus on such concerns is not surprising. This year is the 20th anniversary of the Report of the Royal Commission into Aboriginal Deaths in Custody and, as recent events and the persistent and seemingly intractable rates of incarceration of Aboriginal people illustrates the concerns which gave rise to the establishment of that Royal Commission have not dissipated. Nor should our vision of the role of Indigenous women in the law be too narrowly framed by reference to the issues of cultural heritage and traditional Aboriginal ownership of land and waters although again, as we stand on the eve of the 20th anniversary of the High Court's decision in *Mabo v The State of Queensland*, it is hardly surprising that these

things may be seen as an important focus of discourse about Indigenous people and the law.

In addition to the pursuit of justice in those areas, there is a multiplicity of ways, some of them subtle and perhaps even unexpected, in which Indigenous women law graduates can contribute to their communities and to wider Australian society. Not least is the way in which the example of who they are, and what they can do, can help to dissolve stereotypical expectations about Indigenous people and Indigenous women.

In an article written in *The Indigenous Law Bulletin* in 2004, "How mainstream law makes Aboriginal women disappear", Jennifer Neilson, a lecturer at the School of Law and Justice at Southern Cross University, opened with the useful reminder that:

Being a woman is not a universal experience and women are not all the same. This understanding has been at the heart of criticisms made by Aboriginal women and women of colour about white feminist theories, highlighting that what shapes a particular woman's experience does not depend solely on her gender, nor is it shaped solely by her race. Instead, a woman's experience is shaped by her gender and her race and all of the facets that intersect and are woven together. How she is treated by others also depends on the way these intersecting characteristics are valued by a society at particular times and places.

That was a statement of considerable generality but can inform acceptance of the proposition that the creation of life-changing opportunities by scholarships such as that set up under the Aboriginal Women's Legal Education Trust, may lead to what is expected and hoped for, but also to unexpected and unimagined outcomes.

In this context, I should mention that the Mabo Oration for 2011 was delivered by an Indigenous woman lawyer, a Torres Strait Islander from North Queensland, Terri Janke who practices in the field of indigenous intellectual property, cultural heritage, media and business law. She is an accredited mediator and a graduate of the Company Director's course conducted by the Australian Institute of Company Directors and is currently undertaking a PhD at the Australian National University. In 1995, she was the recipient of the inaugural John Koowarta

Reconciliation Law Scholarship. Her Mabo address dealt with questions of existing Indigenous cultural and intellectual property rights and the need for reform. She also described her involvement in the development of protocols for contemporary artistic creations which draw upon traditional dance, visual arts and other forms of cultural expression.

Indigenous lawyers are a tiny percentage of the legal profession in Australia – apparently less than 1 per cent. The profession nationally has given its support to lifting that percentage. In February 2010 the Law Council of Australia launched its Policy Statement on Indigenous Australians and the Legal Profession. In that Policy the Council made a commitment to promoting the greater participation of Indigenous Australians in the study and practice of the law. The President of the Law Council said:

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 practice.

In so saying, the President acknowledged the work which is already undertaken by the profession in this regard, and the investment by many law firms in Australia in programs to encourage and assist Indigenous law students into practice. Law graduate assistance programs in each jurisdiction are also being developed, administered by Law Societies and Bar Associations.

The Trust and the Women Lawyers of Western Australia have indicated that the support provided to scholarship recipients will extend beyond the purely financial. The Women Lawyers of Western Australia will provide each scholarship holder with a mentor or buddy who will be responsible for ensuring that the scholarship holder is able to participate in events held by the Women Lawyers of Western Australia in each year, including educational seminars, networking events and the Annual Honours Dinner. Assistance will also be provided with coaching and networking and informal support. The Trust is reaching out to employers in the legal profession to create opportunities for vacation clerkships for scholarship holders at the appropriate stage of their studies. Already a number of commitments

have been secured in this respect. This objective of non-financial support is, in my opinion, critical to the success of the scholarship process.

I am honoured to have been asked to be the Patron of the Trust. By establishing this scholarship and the mechanisms to ensure that its recipients derive maximum benefit from the opportunities which it creates, Clare Thompson and her colleagues and supporters and the Women Lawyers of Western Australia have put in place a lasting tribute to her father's memory. I am pleased to officially declare the Trust launched.