

National Indigenous Legal Conference

By Tony McAvoy

On 22 September 2006, 180 delegates from across the country attended the first National Indigenous Legal Conference. The conference was held at the New South Wales Bar Association, in Phillip Street, Sydney. The theme for the conference was Indigenous customary law.

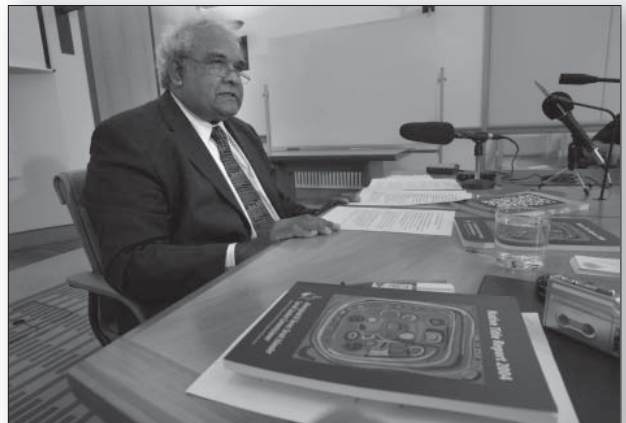
The conference was opened by Mullenjaiwakka (aka Lloyd McDermott) on Friday 22 September 2006, who was still on a high from having received a lifetime achievement award at The Deadly's the night before. Mullenjaiwakka, at veteran of some 30 years practise at the Bar, said in his opening remarks that while he had not been subjected to overt or even covert racism by members of the legal profession, it was painfully obvious to him that very small numbers of Indigenous practitioners painted a stark picture of lack of opportunity. He also commented that contrast between the time when he was last at law school as the only Indigenous law student to now opening the conference at which he was standing before a room full of Indigenous law students and lawyers was a cause for some celebration and much hope for the future.

The sense that an Indigenous legal fraternity had indeed arrived was palpable. This was evident from the first session when a number of Indigenous legal practitioners from around the country told the story of their progression through their legal careers. Norman Laing, of 11 Garfield Barwick, gave a particularly inspirational account of his battles with illness and a variety of obstacles that may have stopped a less determined person.

The second session of the conference was the highlight for many practitioners. It comprised reviews of the 'hybrid' courts¹ operating in NSW, Queensland, Victoria, South Australia and Western Australia. It was readily apparent that the people working within each of the systems had a passionate commitment to justice and a real hunger for the exchange of ideas.

On Saturday, 23 September 2006, an opening address was given by Sir Gerard Brennan AC KBE, patron of the Mum Shirl – Indigenous Barristers Trust, who spoke with genuine fondness of his time working in the Northern Territory on land rights cases and his first hand experiences of customary law at work. His words of encouragement to the Indigenous lawyers and law students present at the conference rang loudly and clearly for the remainder of the day and long after. He informed those present that they had a great opportunity to assist their people but that they must also do what they can to learn and know their customary law.

Tom Calma, Race Discrimination Commissioner, gave the keynote address on the 'Integration of Indigenous Customary Law in to the Australian Legal System'. The address very effectively highlighted the



Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma. Photo: Fairfaxphotos / Penny Bradfield

serious dangers posed by the Commonwealth proposals legislatively to exclude customary law factors in the consideration of sentence in criminal matters.

In addition, papers were presented by Dr Larissa Behrendt, Megan Davis, David Woodroffe and Stewart O'Connell (solicitors from NT), Jacquie Payne SM (Qld), Gerry Moore of the NSW ALS, and Richard Trugden and Maratja Dhamarrandji of the Aboriginal Resource Development Service (NT).

The event was generously supported by the Bar Association with an inestimable number of hours from Travis Drummond, Cindy Penrose and other staff. Particular credit must be given to Chris Ronalds SC for her commitment and drive in coordinating the event.

Thanks must also be given to the Mum Shirl – Indigenous Barristers Trust and the Attorney General's Department (Cth) who sponsored the event. Last but not least, gratitude must be expressed to those members of the Bar Association who sponsored Indigenous law students to attend. The ongoing support from the association and its members is outstanding.

¹ 'Hybrid' courts is a reference to those courts in which Aboriginal people, usually Elders, sit with Magistrates during the sentencing process in criminal matters.

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