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# PAVING THE WAY: INDIGENOUS LEADERS CREATING CHANGE IN THE LEGAL WORLD

Compiled by Rebecca Gallegos

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**TERRI JANKE**  
**SOLICITOR DIRECTOR,**  
**TERRI JANKE AND COMPANY**

When I was nine years old my family and I moved from Cairns to Canberra. My father, who worked in the Post Office as a Law Clerk while studying communications part-time, worked hard to follow his passion for journalism which is what led us to Canberra. My mother was a nurse before commencing a career in government and my siblings and I were always encouraged by our parents to do well in school. Dad read as much as he possibly could and wrote articles for various publications—we always had books in our home and I knew that eventually I would go to university.

Despite being the only Indigenous kids at the Catholic school we attended, I remember Canberra as being a culturally diverse place with many African and Asian families living in the community. However, there were still times when I was singled out and called derogatory names—one time I even had rocks thrown at me. My older sister Toni dealt with the abuse by standing up for us. She would be the one to run after them or put them in their place. I tended to keep to myself more, trying to fit in but always feeling on the outside.

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**Run your own race. Don't worry about other people trying to pigeon hole you—just be comfortable in your own skin.**

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When I was around 16 and in high school this changed. I thought to myself: I'm very proud of my Indigenous heritage. I wanted to read and follow up on the things I learnt. I was inspired by the people my parents were bringing to the house and wanted get involved

with the work that they were doing in the local Aboriginal and Torres Strait Islander community.

My decision to enrol in an Arts/Law degree at UNSW was heavily influenced by my older sister Toni. We were very close and my parents thought it would be a good idea if I stayed with her in Sydney. My reasons for starting law school were also influenced by a desire to help other Indigenous people and by the romantic idea of "fighting for social justice". But it ended up taking me two attempts, with a four year break in between, to complete my degree. Ironically my sister Toni completed hers first time round but decided not to practice law.

I worked at the Commonwealth Director of Public Prosecutions during my second year summer clerkship and quickly realised that in law, there wasn't always a clear winner or loser and that not everyone had equal access to the legal system. I felt disillusioned which lead to me dropping out. After a couple of months, I had to find work.

I worked in secretarial roles at the Aboriginal Arts Board, within the Australia Council for the Arts before taking up program officer positions. Working for the Council opened up new opportunities for me—I learnt about many exciting Aboriginal and Torres Strait Islander arts and cultural projects, and found there was a need for copyright law and other legal issues that have an impact on Indigenous artists. It was here that I met a very passionate and driven woman, Lesley Fogarty, who was my manager at the time. Lesley taught me that success comes from focus and effort —she was supportive of my ideas and encouraged me to make a decision about whether to finish my law degree or not.

I decided to complete my law degree because I wanted to assist Indigenous artists assert their rights to their work, and their rights to their knowledge. I worked part-time at a law firm and volunteered at a legal centre and with the National Indigenous Arts Advocacy Association ('NIAAA') where I further developed my passion for Indigenous cultural and intellectual property rights.

After graduating I worked as a solicitor at Michael Frankel's boutique law firm, Michael Frankel and Company before making the big decision to start my own practice in 2000. The core values of Terri Janke and Company are that people and processes are just as important as outcomes. Our goal is to build a culture of respect where knowledge and innovation work together. I believe that real opportunities lie in being able to share knowledge and talents with the wider community.

In a way this is also why I write novels, publish articles and speak at public events. I also have two beautiful children and an amazing husband. Although it's a balancing act to fit in family time with running a busy practice in addition to my writing, I think it's important to share your experiences with others, especially young Indigenous people.

I also am a board director and am current on the boards of Tourism Australia, Jawun Indigenous Corporate Partnerships, National Centre for Indigenous Excellence, and National Australia Bank Indigenous Advisory Group. I enjoy this work very much and bring my legal skills, cultural knowledge and networks to the board table.

As I reflect back on my experiences from law school to establishing my own practice, my advice for young Indigenous people considering law is to just run your own race. Don't worry about other people trying to pigeon hole you—just be comfortable in your own skin. If you work hard, believe in yourself and stay true to what you believe is right, the rest will follow.

*An expanded version of Terri's story can be found in the book Sideways to the Top: 10 Stories of Successful Women That Will Change Your Thinking About Careers Forever written by Norah Breckveldt and published by Macfarlan Lane.*



**HIS HONOUR JUDGE  
MATTHEW MYERS AM  
JUDGE OF THE FEDERAL  
CIRCUIT COURT OF  
AUSTRALIA**

I am a proud Gadigal/Wiradjuri man who was born in Sydney and spent the first almost five years of my life growing up in "Lapa" (La Perouse).

When I was about five years my father obtained work for what was the then CBC Bank and moved our family to the Frenchs Forest area where I grew up. My family stayed connected to

the Aboriginal community in Redfern through my father's involvement with Aboriginal Pastor Bill Bird, particularly the Redfern men's shower and breakfast centre, where my father volunteered throughout my childhood and teenage years.

As a result of my family's involvement I attended various meetings in Redfern and personally witnessed what I would describe as over-policing, prejudice and racism directed to the residents of 'The Block'. On one particular occasion when I was in my late teens, I witnessed police engaged in what I would describe as oppressive behaviour towards some residents of Eveleigh Street, Redfern. A lawyer who was present identified herself to the police and spoke to the police in strong but respectful terms. The lawyer's intervention caused the police to then leave. I was significantly impressed with what I saw as the power of the law. It was my experience of that event that directly led to my decision to pursue undertaking a combined Arts/Law Degree at UNSW.

**Aboriginal and Torres Strait Islander lawyers are in a strong position to effect substantial change in society. They should involve themselves in committees, working groups and associations that are able to influence that change.**

I completed my studies at UNSW in 1996 and attended the College of Law undertaking a Graduate Diploma in Legal Practice in 1997. In my last year of university I undertook some part-time work for a law firm in Terrigal on the Central Coast of New South Wales—Strain Kernan Cameron Solicitors. I was admitted to the Supreme Court of New South Wales in October 1997 and the High Court of Australia in November 1997. I then commenced working full-time as a solicitor at Strain Kernan Cameron.

One of the partners of the firm had grown tired of doing family law and handed all the family law files to me within three months of commencement. I left the firm of Strain Kernan Cameron with one of the partners, Malcolm Cameron, after it broke up in 1999. We then went into partnership opening the firm Cameron & Myers Solicitors and Conveyancers. There I continued to undertake family law work and conveyancing in the newly established firm.

In September 2003 I was admitted as a solicitor to the Supreme Court of South Australia as my then partner Malcolm and I were contemplating undertaking property law work in Adelaide. By

2009 the firm's direction had changed in circumstances where the majority of the work being undertaken was family law work. Malcolm and I made a strategic decision to change the name of the firm to Central Coast Family Law and we relocated the firm's premises to Gosford.

During 2008 and 2009 I completed a Master of Applied Law (Family) with the College of Law. Also in 2009 I underwent the process of obtaining Specialist Accreditation through the Law Society of New South Wales as an Accredited Family Law Specialist. I subsequently obtained specialist accreditation in Queensland and Victoria in 2011.

In May 2010 I was appointed by the Supreme Court of New South Wales as a Public Notary, and throughout the same year, I completed a Vocational Graduate Diploma in Family Dispute Resolution with Bond University. In early 2011 I obtained National Accreditation as a mediator through LEADR and registration as a Family Dispute Resolution Practitioner through the office of the Federal Attorney General. Following my registration I commenced undertaking pro-bono work as a mediator providing Family Dispute Resolution with CentaCare. I was then invited to join the Legal Aid Panel of Family Dispute Resolution Practitioners.

Throughout my time as a solicitor I undertook pro-bono work for the Central Coast Aboriginal community, particularly for the clients of the Eleanor Duncan Aboriginal Health Service. In October 2011 I was awarded the NSW Law Society Presidents medal and the following month I became Australia's first Indigenous Commonwealth judicial officer. This was followed by an Order of Australia in the Queen's Birthday Honours list in 2013.

Among my many memberships, I am a member of the CatholicCare Advisory Council (Broken Bay Diocese); a member of the Federal Circuit Court Indigenous Access to Justice Committee; member of the Law Society of NSW Indigenous Issues Committee; and the Co-Chair of the Aboriginal Family Law Pathways Network. It is my belief that Aboriginal and Torres Strait Islander lawyers are in a strong position to effect substantial change in society. It is therefore important that current and future Aboriginal and Torres Strait Islander lawyers involve themselves in committees, working groups and associations that are able to influence that change.

Throughout 2013 and 2014 I have worked with Reconciliation Australia and my court to formulate ways to make family law more accessible to Aboriginal and Torres Strait Islander peoples. That work resulted in the Federal Circuit Court of Australia becoming the first court in Australia to enter into a Reconciliation Action Plan.

I am very proud to be the first Aboriginal lawyer appointed to a federal court. I regularly present papers and deliver talks; and have engaged in several press interviews since my appointment encouraging and promoting Aboriginal and Torres Strait Islander people to undertake further education and the study of law.



**MEGAN DAVIS**  
**PROFESSOR OF LAW;**  
**EXPERT, UNITED NATIONS**  
**PERMANENT FORUM ON**  
**INDIGENOUS ISSUES**

Growing up, my mother placed a great deal of importance on obtaining a strong education because, as we all know, education is empowering—especially for young girls. My experiences so far in Aboriginal affairs and international law at the UN have taught me that education gives you the confidence to offer strong opinions on issues of importance—an ability that is particularly important for women to have. It means you come from a solid base of technical knowledge. Education also gives you the imagination to dream up new ideas and see the world in a different way.

**When you get out into our community, ideas such as Aboriginal rights, treaty and sovereignty are alive and really matter. Your family, your connection to your culture and your country really matters; and so it should.**

While a good education has helped to shape my worldview and career in international law and Indigenous affairs, my passion for books has also had a profound effect on me. I have been a prolific reader since I was a child. My mother's love of second hand book shopping—which at the time we didn't quite appreciate—saw our home filled wall-to-wall with books. Looking back now I understand that she was exposing me and my five siblings to a culture of reading and the discipline of reading. Interestingly, research published in 2010 has shown that the size of a home library has a more significant impact on educational attainment and social mobility than anything else—even more so than the influence of a parent's occupation.<sup>1</sup> This is why I believe it's so important for

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children from low socio-economic homes to have access to books and other reading materials.

Something else I remember my mother doing when we were quite young was buying a subscription to *Time* magazine. That really changed my life because it was here that I first became interested in the UN. It's where I first read about the Middle-East and the role of the UN—in particular the UN Security Council. I ripped out a picture of the General Assembly and put that on my wall in my senior years. Although that sounds very “uncool”— I can tell you that being able to sit in that same assembly room as an expert member of the UN Permanent Forum on Indigenous Issues, many years later, was by far the ‘coolest’ moment of my career. Especially knowing that I had worked hard and studied hard to get there; I was there on merit.

I learnt from my time in Geneva the importance of continuing my education so I enrolled immediately in a Masters of International Law at ANU, followed by the completion of a PhD focusing on the right to self-determination, international law and Aboriginal women. In particular I argued that the way self-determination is configured in international law is limited and unable to facilitate Aboriginal women's capability to freely determine their political status; and freely pursue their economic, social and cultural development. My examiners said it was ‘cutting edge’ and ‘one of the most courageous of the body of scholarship on the rights of indigenous women that has emerged in the legal academy in the past few decades’. Continuing my studies has been critical. And another important component of growth is writing scholarly articles and subjecting oneself to external and critical review of your work by peers. You must always maintain a critical eye. Developing a capacity to critique those things you hold dear is important for reform. Evangelism gets us nowhere.

In addition to my role with the UN I am also passionate about public law and constitutional law. I have always been interested in how our minimalist liberal democracy can better protect Aboriginal and Torres Strait Islander peoples' rights. Recognition of our rights has been piecemeal and ad hoc. In fact with the increased urbanisation of our mob and a burgeoning Indigenous middle class there is a growing disconnection from what some call ‘the movement’. In fact it has become quite normal in some circles to describe advocacy for a treaty or designated parliamentary seats or a non-discrimination provision in the Constitution as ‘radical’. These things aren't radical. They are important. Since 2001 I have been researching, teaching and writing on the Australian Constitution. I studied Law because of my fascination with Law and Order and the Double Dissolution of 1975. This work was recognised in 2011 when I was appointed by the Australian Government to the Prime Minister's Expert Panel on

the recognition of Aboriginal and Torres Strait Islander Australians in the Constitution. We led a wide-ranging public consultation program throughout 2011 and reported on the findings of our community consultations in 2012. I was very fortunate to travel around Queensland where I was born and raised, talking with the local Indigenous community. Consultation on the verandah of the Ration Shed in Cherbourg was something very special. This was where many of my family including my Grandfather Fred lived during the Protection Era. When you get out into our community ideas such as Aboriginal rights, treaty and sovereignty are alive and really matter. Your family, your connection to your culture and your country really matters; and so it should. That is what it means to be Aboriginal. We are a peoples'. A collective. A mob. We are not merely individuals doing our own thing on behalf of or in spite of mob. We are privileged to have the kinds of obligations and responsibilities we have and I take that seriously.

My advice for students thinking about their career or education pathways after high school is that it's important to stay true to who you are. For me, instead of applying for a clerkship I applied for a fellowship with the UN and completed my final year of law in Geneva, Switzerland. I was under pressure from others to complete a clerkship, but I knew it was important for me to find my own path. Don't let other's dreams dictate what your journey will be—it is important to stay true to yourself. Finally, stay connected to community and culture. I am reminded of a quote from the Nigerian-American poet Teju Cole who said “The ones who do not forgive, and do not pose for photographs, interest me too. Interest me more”.

1 Evans et al, ‘Family Scholarly Culture and Educational Success: Books and Schooling in 27 Nations’ (2010) 28(2) *Research in Social Stratification and Mobility* 171-197.



**LOUSIE TAYLOR**  
**DEPUTY CHIEF EXECUTIVE**  
**OFFICER, LEGAL AID ACT**

I'm not quite sure precisely where my interest in law came from (I suspect watching too much *LA Law* if I'm honest)—all I know is that I wanted to be a lawyer for as long as I can remember. Knowledge of the law to me meant the ability to help people in a powerful way and that appealed greatly to my strong interest in social justice. It was a tool that would enable me to contribute to improving the position of marginalised, vulnerable and disadvantaged people—and that

is where I set my sights. In my mind, being a lawyer meant going to court and the obvious area of law to explore, to enable me to do that, was criminal law.

**The responsibility of prosecuting is heavy and representing the interests of the community is a role that must be taken seriously.**

Despite finding university a real challenge, I was lucky enough to get a job immediately upon finishing my study that allowed me to quickly begin a career as an advocate in criminal law. It soon became clear that this was the sort of work which gave me enormous personal and professional fulfilment. I prosecuted for about 12 years or so and for a significant part of that time I was a specialist family violence prosecutor. I found that work incredibly challenging and rewarding. Assisting victims of violence, at what was often the lowest point of their life, was a truly humbling experience. Being at the coalface of the criminal justice system can be frustrating and taxing. Advocacy is a lesson in constant improvement and humility—a thick skin is essential, but not so thick that you're immune to constructive critique. The responsibility of prosecuting is heavy and representing the interests of the community is a role that must be taken seriously. Being a trial advocate is particularly challenging and all consuming. I enjoyed it immensely, though recognised after many years that it was time to do something different.

Since beginning my professional career I have maintained a long-term connection with the community legal sector through my association with the ACT Women's Legal Centre. I have been the Convenor of the Centre for many years and this has allowed me to use my legal knowledge and experience to contribute in a different way. Through the Centre, I have been involved in the establishment of a program specifically designed to promote access to justice for Aboriginal and Torres Strait Islander women in the ACT and this has been a real highlight of my professional life.

Recently I was lucky enough to get the opportunity to move to the other side of the bar table by joining Legal Aid ACT as the Deputy Chief Executive Officer. I am largely responsible for the conduct of the Family and Criminal Law practices of the office which includes continuing to maintain a court practice myself. I am looking forward to this work being equally rewarding and challenging. Legal Aid services are essential for assisting those most vulnerable in our community and least able to advocate for themselves. I am thrilled to have the opportunity to be

able to contribute to the crucial work performed by Legal Aid Commissions across the country.

What is absolutely clear to me from my career thus far in criminal law is that lawyers who prosecute and defend are equally committed and passionate about the work they do. Both play an incredibly important role in making our criminal justice system—with all its imperfections—work as effectively as possible in the pursuit of just outcomes. The community is very well served. This is also the case from my experience of the community legal sector. Generally speaking, these are not careers that people go into for financial remuneration. My experience is that lawyers working in these areas are strongly committed to social justice and positively enhancing the chance of equality before the law for all persons. Incredibly rewarding careers are available if this work appeals to you.

I am lucky enough to have had some fabulous support over the years from some excellent colleagues, my wonderful family and partner, and of course my children who often bear the brunt of my various commitments. The support of my loved ones is what enables me to juggle (often unsuccessfully) the various aspects of my personal and professional life. It also enables me to implement some very helpful advice I was given many years ago which is: "When an opportunity arises, say yes and work out the details later." I've followed that advice and it works. If I were to have any advice for junior lawyers it would be to find work that gets your heart racing and sets your belly on fire—that is the work that will sustain you and keep you learning.



**DAMIEN MILLER**  
**AMBASSADOR TO DENMARK,  
NORWAY AND ICELAND**

I attended UNSW as an Arts/Law student from 1994-98 and despite the program being hard work I really enjoyed it. The mid-1990s were an exciting time to be an

Indigenous university student. It was just after the *Mabo* decision and former Prime Minister Keating's now famous 'Redfern speech'; and just before the creation of Reconciliation Australia. A new generation of young Indigenous men and women were coming through the ranks and achieving great things in the fields of law, engineering and medicine. There was also a great energy and camaraderie amongst the Indigenous students on campus. I have fond memories of my time as a representative of the Indigenous Students' Association on the Student Guild,

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and as a volunteer at the Indigenous Law Centre, including at the *Indigenous Law Bulletin*.

From my second year at UNSW I started working part-time at Department of Foreign Affairs and Trade (‘DFAT’) in Canberra (during my summer holidays) as an Indigenous cadet. I always had a strong interest in international affairs and wanted to work overseas. I first read about DFAT when I was in primary school. All I knew about it was contained in a 1980s style promotional brochure about “winning a place for Australia in the world”. Only after joining the department many years later did I come to understand the breadth of the department’s work in Australia and overseas.

At the end of my studies I earned a place as a DFAT graduate trainee and commenced full-time work in the department in 1999. It was great to be able to apply so many of the skills I’d learnt at UNSW to my work as junior policy officer in DFAT. My first posting was to Malaysia, as Third Secretary, followed by time back in Canberra as a desk officer mainly focused on South-East Asia. I was promoted to Director in 2006 and headed the Corporate Planning Section and then the Afghanistan Section. In 2010 I was posted to Berlin as Deputy Head of Mission and in 2013 I took up my current post as Australia’s Ambassador to Denmark, Norway and Iceland.

**I have the great honour and privilege of being the first Indigenous Australian to serve as head of an Australian overseas mission. I feel a great duty to do the best job I can.**

My job is to lead the Australian Embassy in Copenhagen in advancing Australia’s foreign and trade policy interests in Denmark, Norway and Iceland. We advocate Australian government policy, report on developments in our three countries of accreditation, and promote a positive and accurate image of Australia. We promote two-way trade and investment, and Australia as a destination for tourism and education; and also work to ensure that Australians living and travelling in any of our three countries receive the consular and passport services they need. The job is always exciting and challenging. One day I’m sharing perspectives with the Norwegian foreign ministry on the latest international security challenge, the next I’m addressing a group of Danish companies looking to invest in Australia.

There are many former law students in DFAT, who like me, draw on their legal training every day to address all manner of policy

and administrative challenges. UNSW law school helped me develop my advocacy, critical analysis and reasoning skills, which have served me throughout my DFAT career.

There have been so many highlights throughout my career. I’ve enjoyed all my postings, my varied work in Canberra and overseas and the many fascinating people I’ve met along the way. As Ambassador to Denmark, Norway and Iceland I have the great honour and privilege of being the first Indigenous Australian to serve as head of an Australian overseas mission. I’ve been overwhelmed by the messages of support and goodwill I’ve received since my appointment was announced in April last year. I feel a great duty to do the best job I can. I am also determined to help build awareness overseas of our Australia’s unique Indigenous heritage and the many great achievements of its Indigenous peoples.

I’m a descendant of the Gangalu people of central Queensland, near Rockhampton, but grew up in the suburbs of Brisbane. A great inspiration has been my father, David Miller, who worked incredibly hard to create opportunities for my sister and I. And while I love my career it is difficult at times to be so far away from family and your community.

As well as my father many other people have mentored and inspired me over the years. At UNSW, I greatly valued the support of Anne Martin (former head of the Indigenous Student Centre, now named Nura Gili), who was a great mentor to me and many other students. I know Professor Martin Nakata, the current head of Nura Gili, is playing a similarly inspiring role with a new generation of Indigenous students. In the Law School, I felt the support of people like Emeritus Professor Redmond, Emeritus Professor Garth Nettheim and Adjunct Professor Sarah Pritchard SC. At DFAT, I’ve been inspired by many of my former ambassadors, who in different ways have taught me so much about the craft of diplomacy. I’m also inspired by the 73 Indigenous men and women who have joined DFAT since the 1970s who paved the way for me and my Indigenous colleagues in the department.

Receiving so much support from many different people over the years has made me determined—in my own small way—to give back as best I can, including making myself available to Indigenous people thinking about higher education or a career in DFAT. If I had any advice to graduates from law it would be to always have a clear-eyed vision of what you want to achieve; to be across your brief; to treat your colleagues with respect and work with them collaboratively; and to remain calm under pressure. I don’t always live up to these lofty goals but I believe it’s important to strive for them.



## DR HANNAH McGLADE

Photo by Kerstin Styche

I was born in Perth, the land of the Noongar people, in the late 1960s. My Noongar family is from the south-east of the state in Albany and as far east as Esperance. My great grandmother Ethel Woyung

was born in Jerramungup in the 1890s and worked for the Hassell family. She raised my mother Mingli, who she often called 'possum' due to her habit of climbing trees. Like many Noongar people, my mother Mingli came to Perth for opportunity; in her case it was to pursue the opportunity of an education.

### Early in my legal career, I wondered how it was that race discrimination could thrive while being formally prohibited by legislation.

This was soon to be the era of Aboriginal protest and pride. It was a time when the Noongar people of Perth—people who had come from many Noongar tribes and nations—joined with Aboriginal people across the country in demanding justice and land rights. My mother took us with her as children as we marched for Noongar land rights. Later, as a young person, I helped organise our travel to Sydney to mark the Bicentenary protest of 1988, a 'celebration' that was offensive because there was no real acknowledgement made of the Indigenous peoples and their wrongful dispossession. It was an incredible time in history and I'll never forget the momentous march of thousands of people past Redfern and to the Sydney shores where we rebuked the re-enactment of the First Fleet.

Law was an opportunity to reject this mono-cultural narrative, an attempt to re-cast this country as one based on equality, not race oppression and injustice. Early in my legal career, I wondered how it was that race discrimination could thrive while being formally prohibited by legislation, namely the *Racial Discrimination Act 1975* (Cth).

Working as an academic at a law school, I lodged several 'test cases' with the Human Rights and Equal Opportunity Commission ('HREOC'). I was especially interested in the Federal Government's commitment to prohibit racial vilification, under section 18C of the Act, introduced in 1995—which is now being challenged

by the current Federal Government. In West Australia—my home—racial vilification was sadly a commonplace occurrence, notwithstanding the legal prohibition. Several cases, such as *Wanjurri*<sup>1</sup>, *Corunna*<sup>2</sup> and *McGlade*<sup>3</sup> ultimately set legal precedents that are relevant to vilification laws today, but now also questioned in the name of 'free speech'.<sup>4</sup>

After completing a Masters degree in international human rights law, I began work for the Aboriginal and Torres Strait Islander Commission ('ATSIC') implementing the campaign for a Treaty. This was a challenge as I soon saw that the issues for Aboriginal women and children, in particular, domestic violence and sexual assault, were not being regarded seriously as human rights issues. In fact, there was practically a 'taboo' in place in regards to any real acknowledgement of such human rights violations. As a person who had experienced family, domestic violence and sexual assault growing up, it was not a situation that I was comfortable with. Aboriginal leadership was too often a discriminatory affair, not in accord with the human rights that we claimed for our future.

Becoming a mother was life changing. Apart from experiencing the love of a child, it gave me the opportunity to undertake a PhD that began on the sad topic of Aboriginal family violence and the criminal justice system. My thesis soon concerned child sexual assault, a topic and subject matter that seemed to choose me—as if I could not avoid it. Aboriginal child sexual assault is horrifically commonplace, connected to the history of colonisation and patriarchy, which many would say is ongoing. I explored these issues in my book *Our Greatest Challenge, Aboriginal children and human rights*<sup>5</sup> which received the Stanner award in 2011.

Having taken on the responsibilities of Noongar leadership, I have also worked to establish several Aboriginal organisations in my state such as Noongar radio, Aboriginal Family Law Service, the Sister Kate's Healing Centre and Djinda Family Violence Legal Service. There is nothing that can replace the experience of the 'front-line'.

Some years ago I was appointed as a tribunal member, first to the State Administrative Tribunal (Human Rights) and subsequently to the Migration and Refugee Review Tribunal. It provides insights into many lives and countries, is challenging and is work that I would highly recommend to Aboriginal lawyers interested in people, human rights and administrative law.

The question of who inspires me is an interesting one. I love my family and am inspired by all my ancestors, the Noongar, the Chinese and the early Irish who fled the 'famines' of their countries. The Noongar culture and country is truly alive and inspiring.

- 1 *Mingili Wanjurri v Southern Cross Broadcasting Ltd* [2001] HREOC, 98/69 (Unreported, Commissioner Innes, 7 May 2001).
- 2 *Albert Corunna and others v West Australian Newspaper Ltd* [2001] HREOC, 98/27 (Unreported, Commissioner Innes, 12 April 2001).
- 3 *McGlade v Lightfoot* [2002] FCA 1457.
- 4 Hannah McGlade, 'Race Vilification Before the Human Rights and Equal Opportunity Commission' (2001) 5(7) *Indigenous Law Bulletin* 8.
- 5 Hannah McGlade, *Our Greatest Challenge Aboriginal Children and Human Rights* (Aboriginal Studies Press, 2012).



**DAVID PHEENEY**  
**LAWYER, ABORIGINAL LEGAL**  
**SERVICE, BOURKE**

I'm a proud Wiradjuri man on my mother's side of the family. Her grandmother was a Huckle from the Condobolin area in Western

NSW who married a Scotsman. I was born in Sydney and with a working-class dad who travelled around NSW looking for labouring jobs, my family moved around a lot.

From an early age I always felt a strong attraction towards fighting for the 'under-dog'. As a kid, I was inspired and motivated by the social justice and advocacy work of Charles Perkins. His courage and determination in speaking out about so many Indigenous issues encouraged me to follow my dreams by pursuing a career in law.

I studied law at Southern Cross University as an external studies student. I was blessed to have the guidance of a wonderful lecturer, Dr Jennifer Nielson who encouraged me to keep going and not 'throw in the towel' when the pressure of studying such a complex degree by correspondence almost became too much. I also benefited greatly from the mentoring I received as an undergraduate from the highly talented criminal lawyer, Marcelle Burns, during my time as a volunteer with the Aboriginal Legal Service ('ALS').

The highlight of my career thus far has been working for the ALS (NSW/ACT) and managing the busy legal practice across the area of Western NSW including the towns of Bourke, Brewarrina and Cobar—a position I moved into after just two and a half years. But the most important career highlight for me has been the many professional relationships I have developed with clients and their families; fellow ALS colleagues and other professionals working across the criminal justice system.

As a lawyer in a remote office, I quite often feel like the 'Bear Grylls' of the legal world. You are pretty much on your own with very little resources other than your legal wits, which you develop very quickly as you gain experience in the industry. The pressure of large court lists, together with the expectations of clients and their families, make for a unique set of challenges that are part of being a lawyer in a remote community. Sometimes I am separated from clients by hundreds of kilometres which can make the process of communicating complex issues, such as bail and remand, quite difficult. On a personal level, another challenge you face in working in a remote office is the isolation you experience from your family and social networks.

It's important to know when you begin your journey into a legal career to enjoy the ride as you travel along. Being humble and modest at all times, and sometimes giving yourself a 'reality check' is something you should also apply to yourself as a lawyer. Realising from the outset that you don't know everything and to ask for help when you need is okay—it is not a sign of weakness, but rather a sign of strength and your ability to continually seek to improve yourself.

**The pressure of large court lists, together with the expectations of clients and their families, make for a unique set of challenges that are part of being a lawyer in a remote community.**

A successful, long lasting and productive career in law requires you to also have at the forefront of your mind the realisation that developing and nurturing strong professional relationships is a must. Everything a lawyer does can advance the interests of their clients. For example, you can achieve better results if your professional relationships with stakeholders such as a magistrates or judges; prosecutors; court officers; police officers or fellow practitioners, have been built on trust, respect and integrity.

The opportunities given to me as a lawyer working in a remote area have been many and varied. At the moment I'd like to continue being a lawyer with the ALS with a view to acting for Aboriginal clients in District Court trial matters. Publishing articles and papers about many of the legal situations I have observed as a lawyer from an Indigenous perspective is an area that I would also like to pursue further. In the term long; if the opportunity presented itself to become a Local Court Magistrate, that is certainly something I would consider.





**JASMIN ONUS**  
**SOLICITOR, NORTHERN LAND COUNCIL**

I recently discovered, after being admitted to the Supreme Court of the Northern Territory, that it had been my grandfather Archie Smallwood's dream to be a solicitor.

Not knowing of my grandfather's aspirations, as a primary school student it was always my ambition to one day be a solicitor. I was born and raised in the community of Townsville and descend from two proud Aboriginal families who have long been actively involved in the struggle for Indigenous rights and equality. Almost a decade before I was born, my aunty Sandra Onus had fearlessly fought a multi-national mining company all the way to the High Court of Australia, successfully asserting that our people, the Gunditjmara nation had standing. With these foundations laid by my elders and ancestors before me, this career path seemed only natural.

**Although I have never wanted to be pigeonholed into land rights and native title law merely because of my Aboriginality, I have found advocating and representing my people to be both professionally and personally fulfilling.**

After graduating from high school, I enrolled in a Bachelor of Law and Business at James Cook University in Townsville. Surprisingly, although I commenced my studies just seven years ago, I found that in most classes I was the only Indigenous student enrolled. This aside, I saw it as an opportunity to share an Indigenous perspective with the lecturers and fellow students and to challenge the status quo.

In the latter years of study it was refreshing to see the numbers of Aboriginal and Torres Strait Islander students increase and thrive. The introduction of support systems such as the Indigenous support staff in the law faculty has been vital in achieving this, to attract and retain Indigenous law students.

As many Indigenous students would attest, at times I found it difficult to balance tertiary study and part-time work with family,

community and cultural commitments. However, the multi-faceted nature of the law and the thought provoking and exciting challenges associated was, and still is, extremely appealing.

During my last year of study I had the opportunity to participate in the Aurora Native Title Internship Project and I was placed with the Northern Land Council ('NLC') in Darwin. I thoroughly enjoyed my internship with the NLC, and upon graduating university jumped at the opportunity to work in the legal branch. Although I have never wanted to be pigeonholed into land rights and native title law merely because of my Aboriginality, I have found advocating and representing my people to be both professionally and personally fulfilling.

After six years of study, my admission ceremony at the Supreme Court of the Northern Territory was a proud moment for my family, community—and for myself. I was proud to be the one Indigenous person being admitted, with my family, friends and colleagues attending to support me.

I am fortunate to work as a solicitor in a landscape that provides me with a diverse spectrum of work ranging from land rights, native title, commercial law, economic development, land and sea management, sacred site protection and everything in between. I value that I have the opportunity to travel out on country regularly and liaise directly with our clients, the Traditional Owners.

However, as an Aboriginal woman who is a solicitor, the profession and work involved can be challenging at times. In particular, managing the tensions between Aboriginal culture and lore, whilst working within a Western legal framework, and the evolving political climate, can be quite arduous. As a native title holder myself, I can appreciate and understand the long struggle faced. In my role, I believe that the importance of ensuring that our clients are advised in a manner in which they can provide free, prior and informed consent is key.

The journey of studying law and working as a solicitor can be quite challenging, however it is an extremely rewarding and interesting career path. In contrast to the day and age of my grandfather, where the likelihood of obtaining a tertiary education for an Aboriginal person was slim, the opportunities for Indigenous law students today are abundant. With the increase of entry level university courses, scholarships, university based support systems and internships, the time is ripe. The increasing amount of role models in the profession including Indigenous solicitors, barristers and judges makes the dream of a Murri kid like me, possible.



**KHATIJA THOMAS**  
**SOUTH AUSTRALIAN**  
**COMMISSIONER FOR**  
**ABORIGINAL ENGAGEMENT**

I am a proud Kokatha woman. My family have long established links to the far-north of South Australia ('SA'). My grandparents were hard

workers and enshrined in their children and grandchildren a strong work ethic and a desire to achieve our full potential. It was their strong belief that the key to a better life was education. My parents further enshrined in me the importance and value of education, work ethic and cultural identity.

I completed most of my education in Adelaide—from primary school in 1984, secondary school from 1991 to 1995 and then all the way through to completing my Law Degree at Flinders University in November 2000.

It has not been an easy road though. In primary school, the teachers would keep me behind at most lunch times until I had finished my work because I could not keep up with everyone else. My brother and I also had to deal with the fact that we were the only Aboriginal students at our school. There was a lot of ignorance and racism at every school we attended. When I was in primary school, I was called a 'half caste' and told to go back where I came from—I didn't even know what a half caste was. We also got called the other usual racist names. However, a more ridiculous instance was in secondary school when 'Yothu Yindi' released their song *Treaty* and everywhere I walked at lunch and recess groups of kids would follow me around singing it to me and my brother.

Becoming a lawyer was my life ambition—it had been my dream from a very early age and I never changed my mind about that. So I stayed at school to finish year 12 and applied for law school through the Flinders University Aboriginal Access Scheme.

During my studies I worked for the Aboriginal and Torres Strait Islander Commission ('ATSIC') on a cadetship and I was placed in the national office in the native title and land rights legislation branch. I then moved to Melbourne to participate in what was then a pilot program for Aboriginal graduates to work as associates in the Federal Court. However, I was so home sick that after completing my 12 months in the court I moved home to Port Augusta to work for the Women's Legal Service of South Australia. This is where I gained experience working with Aboriginal women experiencing family and domestic violence.

It is not common for lawyers to practice in the areas of native title and family law; however for me it made perfect sense as an Aboriginal woman to use my skills for the benefit of our people. Family and land are an integral part of our roles in society and so practicing in those areas was a natural reflection of those values.

I returned to Adelaide to work in native title at the South Australian Native Title Service ('SANTS') and during that time I applied for an Ausaid posting in Cambodia to work on a law to recognise the collective land interests of indigenous highlanders in that country. This experience has given me an appreciation of the struggles of Indigenous peoples as part of a global movement for the respect and recognition of our unique place as Indigenous peoples.

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Upon my return to Adelaide I took a break from land justice and returned to working for the Aboriginal Legal Rights Movement ('ALRM') in civil law before an opportunity arose to provide community legal education and representation to women in the Anangu Pitjantjatjara Yankunytjatjara ('APY') Lands.

After my work in the APY Lands was finished I went to Brisbane where I took up a position with the Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service before returning to work for the native title service in Adelaide. I enjoyed the non-legal representation aspects of working for my people so I accepted a position with SANTS working with native title applicants and holders by helping to help strengthen their governance structures and improve the implementation and realisation of native title benefits. However after six months in that role, I received a call from the South Australian Minister for Aboriginal Affairs and Reconciliation to take up the role as Commissioner for Aboriginal Engagement on a part-time basis with Klynton Wanganeen.

I have now been Commissioner for Aboriginal Engagement solo for two years. The role is heavily involved in systems advocacy more than individual cases. I enjoy it immensely and feel as though my career path has led me to be able to do this kind of advocacy. I don't think I would be in a position to advocate at this level if I

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hadn't worked as a solicitor for ten years with individual Aboriginal clients every day. Even though the nature of my employment has changed over the years, my passion for empowering and working for Aboriginal people has never waned.

I have moved around this country and the globe. But I could not have survived my many successes and disappointments without a strong sense of place, cultural identity and the legacy that I have inherited from my family. I have a place that gives me spiritual strength and a home where I know I belong no matter what the world throws at me—my Kokatha ngura, my home.



**JOHN RAWNSLEY**  
**SOLICITOR, LAW AND**  
**JUSTICE PROJECTS, NORTH**  
**AUSTRALIAN ABORIGINAL**  
**JUSTICE AGENCY**

British Playwright Graham Greene once said 'there is always one moment in childhood when the door opens and lets the future in'. Reading this as an adult, I thought of when I was eight years old, living at Kakadu with my parents and younger brother, when my father passed away suddenly in an accident. Dealing with sudden shifts, loss, grief and trauma is common for our mob, and I am constantly inspired by others who achieve more, with less.

After my father passed away our family moved to Darwin, where I mainly grew up. I later enrolled in, and completed, a pre-law program at Charles Darwin University prior to studying a Bachelor of Laws and Bachelor of Aboriginal and Torres Strait Islander Studies.

I see law as a useful platform to develop a range of skills. The many hours of study over the course of a degree, and the work that follows, slowly but surely builds capability and increased confidence and skill. For our young students I encourage studying law as it provides space for the development of useful skills in a range of contexts, all relevant to moving our mob forward.

I'm a practising lawyer now, but this wasn't always the case.

In my early 20s I moved from Darwin to Alice Springs with my young family. I was interested in politics as I could see how this influences change, and so I put my hand up for elections as a Local Government candidate. I served as an Alderman on the Alice Springs Town Council from 2008-12; including at age 28 as Deputy

Mayor of Alice Springs. My background in law certainly helped me, and the profile of this role opened a number of doors where I could contribute and continue to gain valuable experience.

In my late 20s I decided I wanted to practice law. This was a challenge for me because to date I had gained experience in other, non-practicing roles. Making the transition later in life can be difficult. I am grateful to the Central Australian Aboriginal Legal Aid Service ('CAALAS') for supporting me to achieve this goal. Aboriginal organisations and leaders such as Dr Pat Miller of CAALAS provide invaluable support and mentoring for our younger people, and those who demonstrate this support encourage the beneficiaries to extend their own support for future generations. A scholarship from the Australian National University to support my studies of a Graduate Diploma in Legal Practice was also integral to my transition, as was the support of my family.

In Alice Springs I was honoured to have my admission moved by Larrakia lawyer, Nigel Browne, recipient of the National Indigenous Legal Professional 2011, who travelled from Darwin for the occasion. In the Territory we have less people moved at admissions, and so we have more time in court and for our personal stories to be shared. The court was filled with friends and family, some had to sit in the jury box.

A definite highlight of my career was to meet US President Barack Obama when he came to Darwin in 2011. I said 'nice to meet you Mr President' and he said 'nice to meet you too John'. I didn't have much more to say and we looked at each other, he motioned for more photographs, we shook hands again and I was on my way. This occasion was very special, and for me was an example of the unexpected opportunities in life that result partly from personal application, and luck.

Today, I support a program at the North Australian Aboriginal Justice Agency ('NAAJA') which provides a nationally recognised and leading initiative of assisting prisoners to integrate back into the community. The connections between the criminal justice system, our mob and communities are complex. The majority of my work involves negotiating and making submissions for some of the more challenging parole matters. My role helps to keep a large correctional system accountable, is at the front-line and in an area where there is no alternative service. I feel incredibly privileged to work with a smart and dedicated team of lawyers, employees and leaders at NAAJA.

Pursuing law has been a liberating experience for me, and I encourage other young people to travel this path if that's what they choose.