Law Institute Victoria

LIV Policy Statement

Indigenous Australians in the legal profession and justice system

A policy statement developed by the Administrative Law & Human Rights Section of the Law Institute of Victoria

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1 Background

This Policy Statement provides a framework for the Law Institute of Victoria (LIV) to contribute to the sustainable reconciliation between Indigenous (Aboriginal and Torres Strait Islander) Australians and non-Indigenous Australians.

It recognises the particular responsibility of the legal profession to redress disadvantage and inequity experienced by Indigenous Australians in the pursuit of justice.

2 Recognition

The LIV recognises:

(a) Indigenous Australians as the first owners of the land of Australia, and custodians of the land, who have a traditional association with the land in accordance with their laws and customs.

(b) The Wurundjeri people of the Kulin Nations on whose land the LIV is located.

(c) All Australians have the right to substantive equality before the law and the entitlement to equal protection of the law without discrimination or prejudice.

(d) Indigenous Australians as having fundamental human rights, such as the right to self determination.

(e) Indigenous Australians are to be treated with respect when forging the reconciliation process in building new relationships between Indigenous Australians and non-Indigenous Australians.

(f) Indigenous Australians and their culture as dynamically contributing to the Australian community, Australia's heritage and the ongoing development of the legal system.

(g) The under-representation of Indigenous Australians working in the legal profession and that Indigenous Australians, their cultures and experiences, have a place within the legal profession.

(h) Indigenous peoples as peoples for whom the issue of justice had great importance in the past and has continuing importance.

(i) The over-representation of Indigenous Australians within the justice system.

(j) Barriers for Indigenous Australians to access legal assistance in all areas of the law and access to justice.

(k) The high number of Indigenous Australians who have died in custody and the continuing need for the justice system to address the ongoing occurrence of Indigenous deaths in custody.

(l) The need for the Australian legal system to recognise and value Indigenous Australian customary lore and alternative systems to the justice system, such as restorative justice. In particular the success of the Koori Court and Circle of Sentencing is noted.

(m) Historically Indigenous Australians have experienced social, political, economic, education and legal disadvantage as a result of colonisation and dispossession. Even today, Indigenous Australians do not enjoy the same level of civil, social,

economic, political, educational, or legal participation as non-Indigenous Australians.

(n) The ongoing need to ensure that Indigenous Australians are no longer subjected to discriminatory and unfair legislation, policies and practices and systemic and institutional discrimination.

3 Commitment

The LIV is committed to:

(a) Acknowledging the original people of the land on which the LIV is located including in particular LIV ceremonies and promotional material.

(b) Working in partnerships with Indigenous Australian communities and organisations to promote Indigenous Australians' legal rights and interests and respect for Indigenous Australian knowledge, perspectives and practices by, amongst other things, advancing Indigenous Australian participation within the legal profession.

(c) Incorporating Indigenous Australian content and perspectives, as appropriate, into the LIV policies, practices and services.

(d) Pursuing its goals of supporting, educating, training and empowering Indigenous Australians and non-Indigenous Australians in the spirit of reconciliation.

(e) Providing pathways for Indigenous Australian law students and lawyers to access designated: seasonal/article and practical legal training courses; Associate positions; specialist legal education; legal training; mentoring; scholarship/funding and job opportunities.

(f) Encouraging the legal profession to develop strategies towards the recruitment of Indigenous Australian people.

(g) Acknowledging the achievements of Indigenous Australian law students and lawyers.

(h) Promoting activities to increase the awareness of legal professionals and students of the impact of non-Indigenous Australian laws on Indigenous Australian laws and culture.

(i) Countering racism and prejudice by promoting and implementing LIV policies on cultural diversity, racial discrimination and harassment, paying particular attention to the diversity of Indigenous Australians' experiences.

(j) Using this Policy Statement to provide a framework for the LIV's ongoing activities and efforts toward reconciliation.

(k) Reviewing this Policy Statement on an annual basis.