

Increasing Indigenous representation in Australia's legal profession

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While the number of women in law has substantially increased in the last decade, the proportion of Aboriginal and Torres Strait Islander lawyers has remained stagnant.

As reported last week, [women now make up the majority of solicitors](#) in every state and territory in Australia. While there are, of course, [still a bounty of gender issues for the profession to resolve](#) before parity can be achieved, there are reasons for optimism on this front.

However, while Australia's legal profession has never been bigger and women have never made up such a large percentage of that profession, the proportion of Aboriginal and Torres Strait Islander lawyers has not increased. Indeed, the share of Indigenous solicitors hasn't changed since 2014 – it remains at 0.8 of a percentage point.

In 2016, there was a slight increase in the proportion of Indigenous solicitors (rising to 1.2 per cent), before slumping to 0.7 of a percentage point in 2018 and then stabilising at 0.8 of a percentage point this past year.

Just over half (55 per cent) of those identifying as such are female, while the balance are male. The Northern Territory and New South Wales have the greatest share of Indigenous solicitors (2 per cent and 1.1 per cent, respectively), while just 0.3 of a percentage point Victoria's profession, at the other end of the spectrum, is Indigenous.

The Australian Institute of Health and Welfare notes that 3.3 per cent of the Australian population identifies as Aboriginal and/or Torres Strait Islander, meaning that our legal profession is not representative of our national population – or is, at least, not as representative as it could be.

It's an issue that Law Society of NSW CEO and Yuin woman Sonja Stewart (pictured, far left) said we need to "think deeply and carefully about".

Practical steps to address low representation

Ms Stewart continued: "It's important that the make-up of our profession reflects the diverse nature of the communities that we serve. This is particularly important in relation to Indigenous communities, and the impact that access to justice issues have and continue to have on Indigenous people, their families and communities."

LOD head of marketing and communications (Asia Pacific) and Kaurareg woman Anita Thompson (pictured, far right) notes that this might be easier said than done: "For many Aboriginal and Torres Strait Islanders, working in the legal profession just seems like an unattainable goal. The profession needs to help make it attainable."

A starting point for this, said AMK founder and principal Matthew Karakoulakis (pictured, second from right), a Narungga man who also boasts Greek heritage, is addressing the myriad "disadvantages that Indigenous peoples suffer from within the community".

For Leah Cameron (pictured, second from left) – a Trawlwoolway (Palawa) woman who is the founder and principal of Indigenous-owned law firm Marrawah Law, which has a staff that is almost all

Indigenous women – the low representation of Aboriginal and Torres Strait Islander persons in law is “significant”, particularly given the complexity and frequency in which Indigenous people are seeking commercial legal assistance through the realisation of business opportunities with large corporates.

According to Ms Cameron, access to justice comes not only from clear communication, but also from [having a proper appreciation for a client's circumstances and experiences](#).

“The fundamental dynamic in the lawyer-client relationship is that the client is in charge. All clients – government, corporate and Indigenous – need to feel confident that their lawyers are listening to them and ensure the decisions are made with their full client input and agreement,” she said.

“With the spotlight very firmly on the way Indigenous ‘issues’ are managed, this is more important than ever. I believe this spotlight should focus us all and ensure we are looking at real change.”

The Australian legal profession, Mr Karakoulakis said, also needs to improve beyond the current levels of awareness and justice for the treatment and functions of Indigenous Australians’ rights.

“Self-determination needs to be a paramount consideration and the vitality of our legal system must recognise the important role before the proportion of Indigenous peoples practising law can be increased from a holistic position,” he said.

“Cultural awareness including in relation to deaths in custody, disposition of property and disadvantages caused by loss of family rights, traditions discrimination and widespread cultural racism should be better understood within law firms and the legal profession to shift the workplace dynamic for a better experience in the legal profession by Indigenous lawyers.”

Creating greater awareness and subsequent change with regard to deaths in custody is an issue that Mr Karakoulakis [has already spoken about, saying last year](#) that more must be done to address the devastating rates of Indigenous Australians dying while in custody.

Ms Thompson, who spoke to Lawyers Weekly during 2020 NAIDOC Week about [challenges facing Indigenous persons during the age of the coronavirus](#), said that another step is to increase the number of Indigenous students who complete their secondary education, giving them the tools, support and resources they need.

“This is where the Australian Indigenous Education Foundation (AIEF) is doing some great work. At the tertiary level, many are the first in their immediate family to attend university (like I was) and don’t necessarily have the mentors or support to call upon when studying law, so again, we need more support for those studying law across Australia,” she said.

At the corporate level, Ms Thompson added, the profession needs to increase the number of law firms and in-house legal departments offering Indigenous internships.

“Setting some clear goals and expectations about what Indigenous representation in their organisation should look like and why. Not tick-box exercises or grand gestures, but real programs that can make a difference. Many students come from areas where they may not have exposure to a commercial law firm or legal department,” she advised.

“Internships are a way to allow students to make an informed decision as to whether to venture down the lawyer career path and allow them to see that a career in law is attainable. We need to create (or maintain) workplace cultures and environments that feel safe and welcoming to Aboriginal and Torres Strait Islanders.”

Education is an area that Ms Stewart is particularly interested in collaborating on with her counterparts in other legal member associations across the country.

“That could involve looking at ways to show that a career in the law, practising law, can be a very rewarding career. I would also say that in relation to access to education, particularly higher education, law degrees are accessible to Indigenous people,” she said.

“But the reality is that while Indigenous people might be finishing with a law degree, they may not be actually entering the profession – but they’re still using their law degrees, back in their communities or for

other organisations, because it's such a highly transferable degree that they have. That's certainly a discussion that I have already been having with the deans of the law schools in NSW."

Further, Ms Stewart said that she is aware that firms are actively looking at how they attract, retain and grow talent in the Indigenous workforce.

"There's also the work of the Legal Profession Reconciliation Network", she continued, "which is a large network of mostly large and middle-tier law firms, who are also working to address the issue of increasing the number of Indigenous lawyers in the profession".

These issues, Ms Cameron pondered, are not necessarily new – particularly against the backdrop of the aforementioned national research findings. What should occur, she submitted, is the profession must take the opportunity to learn, listen and enact change.

"As legal professionals, it is important to support others, particularly emerging practitioners; role model the work you do and share your experiences. As 2021 progresses, I think one of the biggest opportunities for all of us, including Indigenous women in law, is the chance to adapt to a new pace and a new style of working," she suggested.

"The ability to meet virtually has provided considerable opportunities for growth and, while we will always work with our clients 'on country', I am excited that we have been able to adapt. It is possible also that this will facilitate more diversity as clients and legal practitioners can take the opportunity to increase their work/life balance through the new and accepted technological meeting options."

This is something that she – as the winner of the Indigenous Lawyer of the Year and the Excellence Award at the 2020 Women in Law Awards – plans to do, utilising her platform as a leader to show other Indigenous professionals, especially women, what is possible. She has already [spoken on The Boutique Lawyer Show](#) about the importance of not only diversifying the business of law but [seeing such diversity as a strength](#).

Why more Indigenous Australians should be lawyers

Our legal profession, Ms Thompson argued, needs to represent all Australians and the diversity across our society.

“Aboriginal and Torres Strait Islander people have so much to contribute, not only a huge amount of knowledge and experience but the resilience and strength which has led to the survival of the world’s oldest civilisation,” she posited.

“They take that into everything they do. They have a spirit like no other where connection is paramount. Frankly, this is everything that the profession needs.”

While there has been an increase in diversity in the past decade, Ms Cameron mused, when she was studying and then entered the workforce, there were very few Aboriginal lawyers who shared her experiences and the experiences of the communities they were going to work for.

“It was my experience that the specific needs and expectations of Indigenous clients were not always met by their representatives. In establishing a smaller boutique practice, initially focused on native title and commercial law to support Indigenous business and traditional owners, my priority was to ensure that there would be Aboriginal and Torres Strait Islander lawyers bringing their unique perspectives to the table,” she said.

“As Marrawah Law has grown and diversified, I am proud that our corporate and government clients also understand the critical importance of Aboriginal and Torres Strait Islander people having the right advice and the space and support to make informed decisions.”

As Mr Karakoulakis identified, a vocational journey in law is one way in which Indigenous professionals can assist in overcoming the various types of challenges and injustices experienced.

“The legal profession can be a very rewarding professional environment and mechanism for the accomplishment of self-determination, community empowerment, avenues for reconciliation and self-preservation,” he said.

“Indigenous lawyers can have an impact for our present and future generations, while remembering the lessons from the past.”

Moreover, Ms Cameron pointed out in support of Ms Stewart’s above observations, it is essential to appreciate the impact that issues of access to justice continue to have on Indigenous persons.

“The recent focus on Indigenous interests, stemming from the continued interest in the 2020 Juukan Gorge disaster and the likely changes to the management of cultural heritage across Australia and the Black Lives Matter movement, are a real opportunity for Indigenous professionals to raise their profiles and really look to deliver true benefit for Indigenous communities,” she said.

Acknowledging broader progress

This all said, and while low representation of Indigenous persons in law remains concerning, it is “pleasing” to see the increasing numbers of women in law across the country, Ms Cameron noted.

“Diversity comes in many forms, and it’s critically important that we be reminded that we definitely still have work to do. Increased representation of First Nations lawyers will take time, but the signs are positive and the legal sector is to be congratulated on its efforts,” she reflected.