



**ATTORNEY-GENERAL  
HON ROBERT McCLELLAND MP**

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**MEDIA RELEASE**

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1 October 2010

**INDIGENOUS LEGAL PROFESSIONAL OF THE YEAR**

Attorney-General, Robert McClelland, today awarded Tony McAvoy the inaugural Indigenous Legal Professional of the Year.

“I am pleased to recognise Tony, who has undertaken many roles including solicitor, policy officer and barrister, to advocate on behalf of Indigenous Australians,” Mr McClelland said.

“This annual award provides an opportunity to highlight the significant contribution made by Indigenous legal professionals to Australia’s justice system.”

Mr McAvoy is a descendant of the Wiri people of central Queensland with 22 years experience in native title law, criminal law, land rights legislation and human rights.

“Mr McAvoy has a significant pro bono practice and in addition, runs a mentoring scheme for Indigenous law students,” Mr McClelland said.

“He has also been tireless in his support for addressing the rights and needs of Indigenous people.”

Mr McClelland presented the award at the 5<sup>th</sup> National Indigenous Legal Conference in Canberra.

The Government established the award to recognise outstanding Indigenous lawyers who have made a special contribution to the rights of Indigenous people or who have an exceptional commitment to providing legal representation, advice or assistance.

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HON ROBERT McCLELLAND MP**

**2010 NATIONAL INDIGENOUS LEGAL  
CONFERENCE**

**MANNING CLARK LECTURE THEATRE  
ANU**

**FRIDAY, 1 OCTOBER 2010**

First, may I acknowledge the traditional owners of the land we meet on – and pay my respects to their elders, both past and present.

Professor Michael Coper, Dean, ANU College of Law

The Hon Justice Layton, Supreme Court of South Australia

Dr Kerry Arabena, Co-Chair, National Congress of Australia's First Peoples

Ms Megan Davis, and

Mr Russell Taylor.

I am pleased to be here today to open the 5th annual Indigenous Legal Conference and, for the first time, announce the winner of the Indigenous Legal Professional of the Year. The theme of your conference is Legal Education: The Way Forward - and it is clear from your agenda that you have brought together a range of experts committed to addressing legal issues affecting Indigenous people.

It is also pleasing to see that the agenda not only includes a focus on international and domestic developments but also a focus on options for careers in a range of fields that will promote the interests and rights of Indigenous people.

This reflects the role that education can play in promoting a way forward that not only contributes to outcomes for individuals but also broader systemic and structural changes to improve outcomes for Indigenous Australians, especially those impacted by the justice system.

Today, as all speakers at the conference will do, I began by acknowledging the traditional owners of this land.

Increasingly this is becoming a regular part of ceremonial proceedings and a range of public meetings.

I was proud earlier this week to be in the House of Representatives when, for the first time, the Speaker did so in the Parliament. And will do so every sitting day.

These are permanent changes that enhance the public recognition of this nation's Indigenous history.

And along with the election of the first Indigenous member to the House of Representatives, Mr Ken Wyatt – who, I hope will be a role model for many young Indigenous Australians – these are positive developments.

We will also benefit from the establishment of the National Congress of Australia's First Peoples which will provide national leadership in advocating for the recognition of the status and rights of Indigenous Australians.

I think that these steps bode well for a referendum to recognise Indigenous people in the Constitution.

As outlined during the election, the Government has indicated that we will pursue bipartisan support for taking the next steps needed to progress the recognition of Indigenous Australians in the Constitution.

This will be an important step in strengthening the relationship between Indigenous and non-Indigenous Australians, and building trust.

As part of this commitment, we also consider that establishing an Expert Panel on Indigenous Constitutional Recognition comprising Indigenous leaders, representatives from across the Federal Parliament, constitutional law experts and members of the broader Australian community, will assist with undertaking the broad consultation required.

These are matters about which the Government will have more to say in the coming months.

### **Closing the Gap**

We are all motivated by the strong desire to close the gap on Indigenous disadvantage and see our reforms deliver lasting changes on the ground.

As you are aware, the Government has ambitious targets against which our efforts will be measured.

We have made significant investments through COAG of over \$4.6 billion aimed squarely at pursuing those targets. For example, we have already delivered:

334 new houses in remote Indigenous communities and another 148 are underway a further 1070 houses have been rebuilt or refurbished, and another 300 are underway. 46 child and maternal health services are in operation. Another eight have been approved for funding.

the Remote Air Services Subsidy Scheme is ensuring access for remote communities to vital services.

That is just a snapshot. Practical services like these have been made across the range of services. Billions are being invested and there is much more to do.

### **Indigenous justice and community safety**

As people involved in the law, we are collectively concerned with Indigenous justice issues.

Your conference will raise discussion about a number of developments at both the international and domestic level. In particular, your focus on violence by intimate partners in Indigenous communities is commendable – that is an important issue to focus on.

We know that safe communities are critical to achieving all other Closing the Gap targets.

We know that there are Indigenous women, children, and also men, in this country who are subject to terrible violence, often by those closest to them.

Many of those victims end up in hospital because of the injuries they suffer. And yet, those victims, for a range of reasons, can be reluctant to go to the police or other services for help.

There are Indigenous children who grow up witnessing this violence. Some are being neglected or abused.

A violent or dysfunctional home environment is severely detrimental to a child's development – their intellect, their behaviour and their relationships.

Sadly, too many Indigenous children start upon their own pattern of offending, often at very young ages.

Half the kids in juvenile detention in this country are Indigenous, as are a third of those being monitored by the justice sector.

Indigenous men are arrested, charged and sentenced to a term of imprisonment at vastly higher rates than other men.

When they are released, they are highly likely to commit another offence. If caught, they go back to prison, and the scenario is likely to repeat itself.

There are a range of factors driving these patterns, and certainly a lot of theory about the causes.

But, the evidence continues to build that alcohol and substance abuse are particularly strong factors. That's why we committed \$20 million to an Indigenous Alcohol National Partnership during the election.

We have also committed \$3.4 million over two years for eight additional sworn community engagement police officers to be stationed in up to eight remote Indigenous communities in the Northern Territory.

These officers will be responsible for developing an innovative approach to policing in remote Indigenous communities.

Of course, statistics only tell part of the story. For victims, for prisoners, for their families and communities the effects can be devastating – something a number can never fully describe.

Exposure to violence and other crime makes it harder for people to do the basic things we all take for granted, like going to school, keeping a job and looking after one's health.

At the same time, we also know, and must not lose sight, of the great work that so many Indigenous families do to provide all the nurturing and support children need.

Every day, Indigenous men demonstrate themselves to be good, decent citizens who care for their wives and partners. They look out for their children and each other.

We need look no further for such people than within the organisations my Department funds. Many are presided over by Indigenous Australians working tirelessly to advance the interests of their people.

But we should not shy away from the challenges we face. We want to understand and be honest about the situation.

There is no more important obligation upon Governments and all citizens than to ensure the safety of children and to provide a nurturing environment in which they may grow and learn.

That is why it is important to work together - Governments can't solve all the problems in this area but we can provide leadership for positive change.

We want to be involved in initiatives that make a difference. In that vein there is an appetite at the Federal level for discussion of how we can support ambitious initiatives like

- justice reinvestment,
- trials of innovative policing models in Indigenous communities,
- arrangements so that 'the first door is the right door' for victims of violence, and
- for alcohol supply reduction strategies.

We want to test whether these things work and promote successful ideas to the States and Territories.

Fundamentally, we need to know more about the issues we are trying to address, and we need to know how best to address them.

That why last year I announced \$2 million to evaluate a number of programs identified as being promising under the National Indigenous Law and Justice Framework.

The first tranche of evaluations will soon take place and will focus on youth and perpetrator programs.

I look forward to hearing the outcomes of your discussions.

### **Role of the legal profession**

At last year's conference I spoke about the importance of recognising the contribution of many in the legal profession to protecting and promoting the rights of Indigenous Australians.

Lawyers, para-legals, court staff, field officers and legal academics all play an important role. Whether they are employed in legal aid commissions, or Aboriginal Legal Services or at the bar, all play an important role.

First and foremost, good representation is critical to the rule of law. Many in the legal sector perform this role in trying circumstances – particularly in remote bush courts. I was proud that in the Government's budget earlier this year, we were able to significantly increase funding for legal assistance services by \$154 million over the next four years.

Of that \$34.9 million has been specifically allocated to meeting the legal aid needs of Aboriginal people and Torres Strait Islanders.

This will bring the total investment in Indigenous legal aid by the Australian Government to \$264 million over the next four years.

I would also like to acknowledge the significant contribution that members of the legal profession make pro bono to achieving justice for Indigenous Australians.

### **Indigenous Legal Professional Of the Year**

As you may recall, earlier this year, Jenny Macklin and I called for nominations for the inaugural Indigenous Legal Professional of the Year.

The award recognises outstanding Indigenous lawyers who have made a special contribution to the rights of Indigenous persons in the legal environment or who have an exceptional commitment to providing legal representation, advice or assistance.

Together with my Department, the Law Council of Australia considered the nominations received and put forward a recommendation which I am pleased to announce today.

The award recipient will receive \$5,000 from the Australian Government to assist them in their professional development.

But before I announce the winner, I would like to thank the Law Council for its assistance in this process.

The nominations that were received demonstrated the significant breadth and expertise that Indigenous legal professionals bring to the legal system.

The high calibre of nominees made this decision challenging.

I want to thank all those who were nominated. Each of you has made an outstanding contribution to Indigenous Australians and the legal profession.

It now gives me great pleasure to announce that the inaugural National Indigenous legal professional of the year for 2010 is Tony McAvoy.

Many of you will know Tony.

Tony helped organise the first National Indigenous Legal Conference in 2006 and continues to be an active campaigner for Indigenous rights.

He has been a solicitor, policy adviser and barrister for 22 years.

He has worked tirelessly in the areas of native title, criminal law, land rights legislation and human rights.

He gives his time freely to support and mentor Indigenous law students and has played a significant role in the development of the NSW Bar Association's Indigenous Barristers' Trust.

He also manages a significant pro bono practice in which he has represented Indigenous communities on a range of issues.

This award recognises Tony's dedication to Indigenous communities. Please join me in congratulating Tony.

Thank you again for the invitation. I wish you well for the rest of today and tomorrow. I am confident that this conference will make an important contribution to the debate and inspire many of you to continue to work in this area.

Thank you.