

NEW SOUTH WALES BAR ASSOCIATION

RECONCILIATION ACTION PLAN

2013 - 2015

MESSAGE FROM THE PRESIDENT

I am pleased to release the first Reconciliation Action Plan for the NSW Bar Association which commences on 1 January 2013.

For over a decade, the Association has worked to improve the educational path for Aboriginal law students studying at NSW universities and to assist in providing career development opportunities and career prospects for Aboriginal lawyers.

Our primary goal is to increase the number of Aboriginal barristers practising at the NSW Bar.

Through our various initiatives we have endeavoured to build our relationships with Aboriginal communities and professional bodies involved with those communities to increase our knowledge of and respect for all Indigenous Australians.

This Reconciliation Action Plan (RAP) is designed to continue our previous efforts and to provide a structure for our objectives with the overall aim of contributing to reconciliation through the three key areas of relationships, respect and opportunities.

In the process, we have been assisted by the RAP implemented by the Law Council of Australia and the broad framework it has established for the attention of the Australian legal profession.

Phillip Boulten SC
President
NSW Bar Association

18 December 2012

The NSW Bar Association recognises the diverse language groups, kinship structures and customs of the Aboriginal and Torres Strait Islander peoples in Australia. The Association recognises the diversity of Aboriginal and Torres Strait Islander communities, which live both traditionally and non-traditionally in urban, rural and regional locations. In this document, reference is made to Aboriginal, Aboriginal and Torres Strait Islander and Indigenous peoples. When referring specifically to Indigenous peoples in NSW, the term “Aboriginal” is used. However, this is not intended to exclude Torres Strait Islander people from the Association’s RAP initiatives.

OUR BUSINESS

The New South Wales Bar Association is the body which represents the interests of all NSW barristers. It has 2152 practising barrister members and 706 associate members who are judges or magistrates, retired judges and magistrates, retired barristers and academics.

The aims of the New South Wales Bar Association include:

- promoting the administration of justice
- making recommendations with respect to legislation and law reform
- seeking to ensure that the benefits of justice are available to all

OUR VISION

The Bar Association shares the vision of the Law Council:

The Law Council's vision for reconciliation is of a legal profession in which Aboriginal people and Torres Strait Islanders feel valued, respected and encouraged. The Law Council believes in celebrating cultural differences and diversity, the sharing of different perspectives and experiences and the acknowledgement that, through improved relationships, all Australians can move forward together.

(Law Council RAP, page 3)

The Bar Association is deeply concerned about the under-representation of Aborigines practising at the NSW Bar and seeks a legal profession in NSW that demonstrates equality and an absence of any discrimination and reflects the cultural and racial diversity of the general NSW community.

The Association seeks to provide advice and support to its members who provide legal services to Aboriginal clients and organisations to enhance the representation of Aboriginal people in the NSW legal system.

Further, the Association aims to engage in all law reform proposals and issues which directly or indirectly have an impact on Aboriginal people living in NSW.

OUR RECONCILIATION ACTION PLAN

In June 2011, the Law Council's Board of Directors voted unanimously to approve their RAP. One proposal in the Law Council's RAP was to liaise with constituent bodies to develop their RAPs.

The Indigenous Barristers' Strategy Working Party took on the role of developing the draft RAP.

On 22 November 2012, this RAP was unanimously endorsed by the Bar Council.

An annual review report will be presented to Bar Council in December each year which will monitor the implementation of the RAP and address any proposals for changes and developments of this RAP.

Many of the actions and targets proposed in this RAP are ongoing policies and programs which will be assessed to ensure that they are meeting the Association's targets. Revisions and additional actions and targets will be developed if and when required.

NSW BAR ASSOCIATION RECONCILIATION ACTION PLAN

RELATIONSHIPS

Building and maintaining respectful relationships is a central part of the Association's business. Through this RAP, the Bar Association aims to enhance existing relationships with Aboriginal people in NSW and their representatives and establish new relationships to enrich and improve the Bar Association's advocacy of Indigenous legal issues.

Action	Target	Timeline	Responsibility
(a) Consult with Ngalaya Aboriginal Corporation, the Indigenous Lawyers and Law Students Association of NSW (Ngalaya)	Consult with the Board of Ngalaya as and when required on policy issues about Aboriginal lawyers and law students	Ongoing	Bar Association staff Indigenous Barristers' Strategy Working Party
(b) Develop relationships with Aboriginal law students studying at NSW law schools	Identify students and work with them in identifying any needs that require ongoing support and advice	March each year for new students Ongoing	Bar Association staff Indigenous Barristers' Strategy Working Party
(c) Develop a relationship with Law Society of NSW RAP Working Group	Consult with members of the RAP Working Group and Law Society staff to foster co-operation and exchanges of information and sharing of information	Ongoing	Bar Association staff Indigenous Barristers' Strategy Working Party
(d) Liaise with Law Council of Australia	Facilitate discussion, advice and monitoring with Law Council's national liaison working group on RAPs	Ongoing	Bar Association staff Indigenous Barristers' Strategy Working Party
(e) Provide members to the Law Council's Indigenous Legal Issues Committee	There are currently three members from the NSW Bar and they will maintain membership and report to Bar Council and the	Ongoing	Chris Ronalds SC, Sarah Pritchard SC and Tony McAvoy

	President as and when required		
(f) Liaise with the Aboriginal Legal Service (NSW/ACT) Ltd	Facilitate discussion with senior legal staff on relevant policy issues	Ongoing	Bar Association staff Indigenous Barristers' Strategy Working Party
(h) Liaise with the Justice Reinvestment Campaign for Aboriginal young people	Review potential commitment of the Association as a supporter of the Campaign	1 March 2013	Bar Association staff Indigenous Barristers' Strategy Working Party Human Rights Committee
(i) Liaise with the Association's Human Rights Committee and Equal Opportunity Committee to maximise the potential for Aboriginal issues to be promoted as fully as possible	Provide information and receive feedback and assistance as and when required	Ongoing	Bar Association staff Indigenous Barristers' Strategy Working Party

RESPECT

Respect is a fundamental element of reconciliation and contributes to building trust and to the development of effective and positive relationships. Through this RAP, the Association seeks to ensure that its workforce and the profession it represents gain knowledge and respect for Indigenous Australians and their culture.

Action	Target	Timeline	Responsibility
(a) Cultural awareness orientation and training	(i) Provide cultural awareness training opportunities for Association staff every two years. (ii) Provide cultural awareness training opportunities for Bar Councillors every year.	First report by June 2013	Deputy Executive Director

(b) Acknowledgement of Country	Include Acknowledgement of Country on the home page of the Association's website.	March 2013	Deputy Executive Director
(c) Continuing professional development (CPD)	Provide at least one CPD session every two years on issues relating to Indigenous legal rights, policy or practice, possibly in conjunction with Ngalaya and the Law Society of NSW	December 2013	Director, Professional Development

OPPORTUNITIES

Reconciliation offers many opportunities for Indigenous and non-Indigenous Australians. Through this RAP, the Association seeks to create and improve opportunities for Indigenous people in the NSW legal sector and in commercial enterprise, in order to enrich cultural diversity within the legal profession in NSW and to provide barristers with greater opportunity to engage in the reconciliation process.

Action	Target	Timeline	Responsibility
(a) Indigenous Barristers' Trust the Mum Shirl Fund (ABN 53 124 431 831)	(i) Continue to fund raise for the IBT, (ii) publicise and promote the work of the IBT, (iii) Review the trust deed to ensure it meets best current practice (iv) Where appropriate and all necessary criteria are met, make grants to applicants including but not limited to: (a) Aboriginal barristers commencing practice at the NSW Bar and for their first 5 years of practice, including the cost of the Bar Practice Course, the Bar exams, Chambers and professional equipment, (b) Aboriginal law students studying at a	(i) Ongoing (ii) Ongoing (iii) April 2013 (iv) Ongoing	Trustees

	<p>NSW university when faced with unexpected financial challenges as a result of sudden personal illness, family illness or death, accommodation emergency or some other crisis,</p> <p>(c) Aboriginal lawyers and law students for a career development opportunity to attend an international or Australian conference relevant to their professional interests,</p> <p>(d) Aboriginal lawyers to increase their professional skills by attending an advocacy course,</p> <p>(e) for two Aboriginal law students from each NSW university to attend the National Indigenous Legal Conference,</p> <p>(f) for two Aboriginal law students and two Aboriginal lawyers under 5 years to attend the bi-annual World Indigenous Lawyers Conference.</p>		
<p>(b) Indigenous Barristers' Strategy Working Party (IBSWP)</p>	<p>(i) Members appointed by the Association President with relevant skills and interest,</p> <p>(ii) The terms of reference are:</p> <ol style="list-style-type: none"> 1. Further develop & implement the Indigenous Barristers' Strategy approved by the Bar Council. 2. Devise & implement fund raising strategies for the Indigenous Barristers' Trust. 	<p>(i) Ongoing</p> <p>(ii) Ongoing</p> <p>(iii) March 2013</p>	<p>(i) President</p> <p>(ii) President</p> <p>(iii) IBSWP and the President</p>

	<p>3. Liaise with the Equal Opportunity Committee on issues involving Indigenous barristers.</p> <p>4. Create further employment opportunities at the NSW Bar for Indigenous law students.</p> <p>5. Liaise with other agencies to create further employment opportunities for recent Indigenous law graduates to work as solicitors, judges' associates and in other appropriate areas of legal work.</p> <p>(iii) Review the terms of reference.</p>		
(c) Aboriginal law student mentoring scheme	<p>(i) Identify Aboriginal law students at NSW universities interested in participating in the mentoring program,</p> <p>(ii) Identify NSW barristers interested in becoming mentors, including through promotion in In Brief,</p> <p>(iii) link students with appropriate barristers,</p> <p>(iv) provide support and advice to mentors and students, including providing the mentoring guidelines and relevant forms,</p> <p>(v) hold an informal forum for all mentors and students.</p>	<p>(i) & (ii) February-March annually,</p> <p>(iii) & (iv) Ongoing,</p> <p>(v) 2013 and then bi-annually</p>	IBSWP members
(d) Aboriginal law student employment scheme	<p>(i) Identify part-time employment opportunities with a barrister, group of barristers or in Chambers for Aboriginal</p>	Annual and ongoing	IBSWP members

	<p>law students including:</p> <p>(a) for first, second and third year students – doing general administrative work, filing loose leaf services, etc.</p> <p>(b) for fourth year students and beyond – doing research and general administrative work,</p> <p>(ii) link students with appropriate work opportunities,</p> <p>(iii) provide advice and support to barristers and students.</p>		
(e) identify and promote pathways for Aboriginal lawyers to join the NSW Bar, in conjunction with Ngalaya	Facilitate the development of connections for those who want to come to the NSW Bar by identifying relevant opportunities to develop relevant skills and experience and identify potential tutors and Chambers	Ongoing	IBSWP members and Ngalaya members
(f) host a seminar for pre-law students at the University of New South Wales program	Organise and conduct a seminar for Aboriginal pre-law students to explain the work of a barrister and the courts, including visits to Chambers and a court sitting	Annually in December	IBSWP members and barristers who volunteer to host students
(g) National Indigenous Legal Conference (NILC)	Organise the NILC with Ngalaya when appropriate, noting that the Association co-hosted the 2011 NILC in Sydney	Review annually	IBSWP
(h) Australian Indigenous Minority Supplier Council (AIMSC)	(i) Establish contact with AIMSC to explore potential opportunities for the provision of services from AIMSC certified suppliers, (ii) Develop and	(i) March 2013 (ii) April 2013	IBSWP

	broadcast a policy recommending that Chambers explore potential opportunities for the provision of services from AIMSC certified suppliers.		
(i) Liaise with the Public Defenders' Office	The Public Defenders' Office have funds to provide briefing opportunities for new Aboriginal barristers and work opportunities for students	Ongoing	IBSWP

REPORTING PROGRESS AND REVIEWING RAP

Annual reporting:

The IBSWP to report annually to Bar Council and all members and to Reconciliation Australia regarding progress against each target.

Updating RAP:

The IBSWP to refresh RAP annually in November each year to update actions, targets and timelines as required and report to Bar Council in December.

Monitoring progress:

The IBSWP to meet annually to discuss progress against each target.

Please direct any questions about the Association's RAP to:

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