

HSF Pro Bono Secondment to the Indigenous Law Centre

Emma Maple-Brown is a Senior Associate in the Pro Bono & Citizenship practice group at Herbert Smith Freehills. Earlier this year, she began working on secondment with Professor Megan Davis and her team at the Indigenous Law Centre at the University of New South Wales. We sat down with Emma and asked her some questions about her experience.



Emma (Centre) with Brooke Massender, Global Head of Pro Bono & Citizenship at Herbert Smith Freehills (L) and Jo Renkin, Partner, Lander & Rogers (R) - part of the group who worked to coordinate law firm support for the Uluru Statement from the Heart

Where were you on secondment?

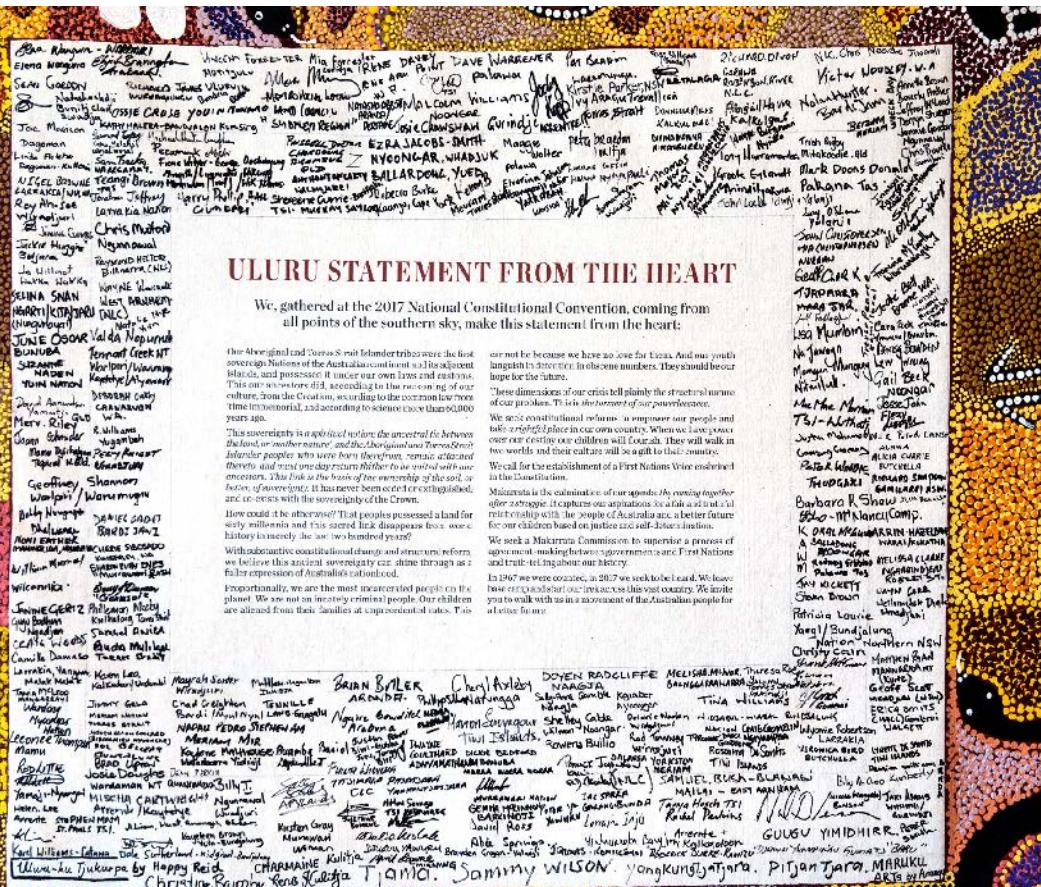
I was working with Professor Megan Davis and her team at the Indigenous Law Centre (ILC) at the University of New South Wales. My role was to provide any support required in the work Professor Davis does in relation to constitutional reform and the Uluru Statement from the Heart.

What were you doing/what was the scope of the work?

My role involved working closely with Professor Megan Davis and Professor Gabrielle Appleby and their teams on all aspects of the Uluru Dialogue. The Uluru Dialogue is the term used to describe the work being done by key Indigenous elders and their teams towards achieving a referendum on constitutional reform. Following the declaration of the Uluru Statement from the Heart in May 2017, academics such as Professor Megan Davis and Professor Gabrielle Appleby and key Indigenous leaders such as Noel Pearson and Pat Anderson AO have been working to consider how best to develop a Voice to Parliament so that Indigenous voices can be heard in relation to legislation and policies made at a government level which affect them. My work has been very varied - on any one day, I can be researching and putting together the reading list for an academic workshop on constitutional reform, liaising with Indigenous suppliers to design t-shirts, posters and stickers for the Uluru dialogue, speaking with Professor Megan Davis's team about recording support for the Uluru Dialogue and liaising with corporates to help them work out how best to support the work of the ILC.

Why is this an issue that is important to lawyers / why are lawyers important in this dialogue?

I would be bold enough to say that the issue is important to all Australians who care about the future of our country. The declaration of the Uluru Statement from the Heart was a watershed moment. It was the culmination of an intensive 6 month process of First Nations Regional Dialogues around the country and called for a constitutionally enshrined Voice to Parliament and for a referendum as a national priority. In the Uluru Statement, First Nations people came together and invited all Australian people to walk together towards a better future. Lawyers play a key role in this because the first step along the path towards a better future is constitutional reform. Lawyers are best placed to explain how a Voice to Parliament can and should be enshrined in our Constitution. Our role is therefore important.



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What were the greatest learnings from your secondment?

I have learnt so much while on secondment and have been required to be very nimble in my thought processes! The Indigenous people I worked with are highly intelligent, driven and passionate about their country and the work they are doing. They live and breathe the need for constitutional reform and they will never give up trying to achieve a better future for Indigenous people in Australia. However, they cannot do it alone and so much needs to be done to build trust between First Nations people and those who are not Indigenous but are equally passionate about the need for constitutional reform. I hope that I have been able to build up the trust with the people I have been working with at the ILC so that I can be a safe link to others who can provide much needed support on what will be a long road towards a better future.

In providing that link, I became very aware during my secondment how much interest and support there is for the Uluru Statement from the Heart amongst corporate and philanthropic Australia. While I was based at the ILC, I played a role in working with other law firms to publish a response to the Uluru Statement in the Australian Financial Review. The response, now endorsed by 21 (at the date of publication) of the nation's leading law firms, declares support for the Uluru Statement and its call for the establishment of a First Nations Voice enshrined in the Constitution. Following the law firm response, the wording and sentiments were picked up by the finance sector and Elevate RAP organisations who published their own responses. These responses are

testament to how strongly these ideas resonate as an issue of broad national interest. I observed first-hand how much this support buoys Professor Davis and her team and can assist them in the work they are doing. And so I hope that the momentum in support of constitutional change will continue and other organisations and individuals will also respond and show their support.

What has surprised you?

I didn't think many people could work much harder than people I have worked with when I worked, many years ago, in Mergers & Acquisitions at Herbert Smith Freehills. However, I think I found them at the ILC! The people I worked with there literally work day and night on the most complex and difficult legal problems, in between sitting on Boards, delivering public addresses, mentoring and supporting young Indigenous students and lobbying politicians. It is exciting and exhausting on any given day and they have been doing this for years and years. It has been more than impressive and a privilege to be a very small part of this team.

From a non-Indigenous perspective, how did you approach handling matters of such Indigenous significance and working with the people directly affected by it?

I was very conscious before I began my secondment that Professor Megan Davis and her team are highly accomplished, experienced and knowledgeable and that any assistance that I could give needed very much to be led by them. I did as much reading as I could about the Uluru Statement, its history and the work the ILC had done over many years to address Indigenous disadvantage and inequality in Australia.

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Representatives from supporting law firms with Professor Megan Davis and Gemma McKinnon of the UNSW Indigenous Law Centre



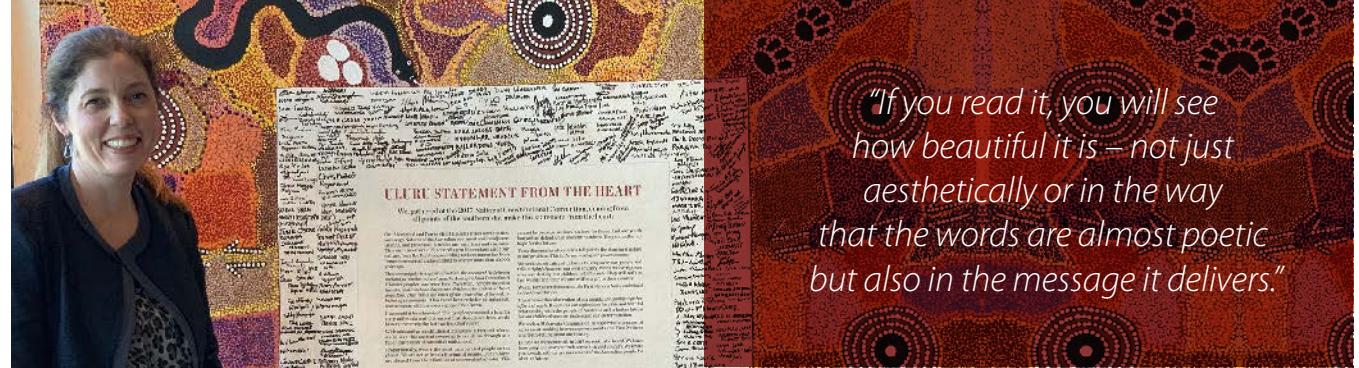
Then when I started working at UNSW, I made sure to do as much listening as I could. I sometimes tell my own children “You were born with two ears and one mouth. Use them in that proportion” and I remember consciously thinking about that on my first day working with Professor Davis. My observation is that there is not enough listening generally in our world – particularly in discussions with minority groups. Nowhere is this more obvious than in the history of the treatment of First Nations people in our country.

As my secondment progressed, and after much listening, I began to see areas where I could support Professor Davis and her team and so focussed on those. I could see that the First Nations people working towards constitutional reform are more than capable and certainly didn’t need a white woman from a corporate law firm telling them what to do. However, I could also identify areas where the analytical and organisational skills I have built up first as a Disputes lawyer and then as a Pro Bono lawyer could be used to assist the team. I helped to organise and find articles for an academic conference, set up media alerts for the team, drafted educational FAQ’s in relation to the Uluru Statement, helped to organise merchandise, worked on communications for the 1Voice Uluru website, liaised with potential funders and everything in between!

What tips do you have for staff going on secondment?

My secondment came along at a time when I was feeling ready for a new challenge – and it certainly gave me that! It also opened up my eyes to the way I can use my skills to support and assist in an area I feel passionate about. There will always be a steep learning curve in a secondment – very quickly you need to become familiar with the work being done, the people who do it, new systems and processes. And, more often than not, you are being sent on secondment to support people who are so busy that you can’t expect to have your “hand held”.

However, it is important to remember that a law firm will only send a secondee to a pro bono client to add value. So, if you are chosen to be a secondee, your firm has faith that you have the



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right skills and expertise to do the work required. I tried to remember this when I felt overwhelmed and out of my depth and sometimes had to “take a deep breath” and just begin. Happily, the sky didn’t fall in and I did some good work which I hope has been and will continue to be helpful for the ILC. It is amazing what you can do when you have to step out of your comfort zone!

What message would you take back to non-Indigenous people regarding the Uluru Statement from the Heart?

My first message would be to read the statement. It sounds obvious but I keep coming across so many people with views on a Voice to Parliament who haven’t actually sat down and read the statement itself. If you read it, you will see how beautiful it is – not just aesthetically or in the way that the words are almost poetic but also in the message it delivers. It is not threatening or self-serving in any way – it is simply an invitation, an invitation to “walk with us in a movement of the Australian people for a better future”. It seeks a way for First Nations children to “walk in two worlds” with their culture becoming “a gift to their country” and aspires for a “fair and truthful relationship with the people of Australia”. As such, the Statement is extraordinarily generous and a way forward for all Australian people to move together towards a better future.

My second message comes back to the point I made above about listening. So many attempts to assist First Nations people in the past have been made by people who haven’t listened to those very people they are trying to support. The Uluru Statement tells Australians, very clearly, what First Nations

believe might help to address the problems their people face. Through an unprecedented process of 13 regional dialogues (in which Professor Megan Davis and her colleagues did a lot of listening), First Nations people managed to overcome their own concerns and differences and come up with a unified expression of a way forward. And the ask is very simple – First Nations people think that a constitutionally enshrined First Nations Voice to Parliament will enable them to be heard and consulted whenever laws are made which will affect them. If there is a chance that a Voice to Parliament and the following establishment of a Makarrata Commission might actually eliminate the comparative disadvantage of Indigenous Australians and give them much needed respect and recognition, it is beholden on the rest of the population, I believe, to do whatever we can to carefully consider and support this concept.

What now?

I am now back working in Herbert Smith Freehills’ Pro Bono team again. However, although I am based in the Sydney CBD, a significant proportion of my days are spent continuing the work I was doing at the ILC at UNSW. I am fortunate to work for a firm that is committed to do what it can to address Indigenous disadvantage and inequality. To this end, it is committed to helping Professor Megan Davis to continue the impactful work she is doing to progress the requests made in the Uluru Statement from the Heart. The benefit for me is that I can continue the work I began on my secondment and which I hope will continue to provide much needed support for the ILC. ■