



# I was one of the women who called out racism in Legal Aid NSW. What happened next means I have to speak up again

[Guest Author](#) - August 30, 2022



## OPINION

I appeared on Hagar Cohen's ABC 7:30 Report story on June 7, 2022, calling out racism in Legal Aid NSW, alongside Sarah Ibrahim, Tendayi Chivunga and Professor Chelsea Watego.

A couple of months on, a number of Aboriginal identified and targeted positions have been advertised and assurances given by executive staff that 'they are listening'.

Most of Legal Aid NSW has remained comfortable in the chosen narrative that they surely are not part of the problem after all, they've only just donated blood to "be brave and make change" for Reconciliation Week and "got up, shown up and stood up"... for a NAIDOC morning tea.

Somehow, it is always those who insist an organisation just embody the values it lays claim to, who are perceived to be the problem.

The final straw was on June 28, 2021, when I found out about an incident of systemic racism within Legal Aid NSW.

I remember having an intuitive feeling in my tummy at the time that what I was about to hear was going to be an example of racism.

That feeling is a reference point in my body, like a muscle that has been trained, an inbuilt safety-navigation system, that comes from the experience of having grown up in Australian society and fine-tuned as an adult having worked in Legal Aid NSW over the last decade.

The incident involved a local Aboriginal person who applied for a job and who was turned down because they "weren't the right fit" while the two people who gained employment out of that recruitment process were white, without parallel industry experience to the Aboriginal candidate and with one of them having a parent in a management position.

I was told that the merit selected Aboriginal person, "wouldn't even need much training" but their "politically correct submission got signed off on," which would allow the Aboriginal candidate to be left to languish in a talent pool.

To provide context, Legal Aid NSW's policy at the time was to give preference to an Aboriginal person, with merit, unless a submission was made stating, why they wouldn't be appropriate for a particular position.

I was told that the basis for seeking this rubber-stamped submission was because the Aboriginal candidate "spoke with a twang" and "their skin colour was their whole identity."

Fancy that, their mere being black would be upsetting to the all-white team dynamics.

During a subsequent investigation the comments made to me were denied.

The recruitment decision was simply justified as being "concerned with personality fit and office dynamics." In all the circumstances, Legal Aid NSW fell short of treating the situation for what it was, in my view racism.

After a whitewashed informal cultural review and a 7.5-month formal investigation where I told my story, at least five times internally, continuing to articulate the lack of anti-racist and trauma-informed organisational response throughout, it was substantiated that one of the persons involved in the recruitment process had failed to follow Aboriginal employment guidelines.

But that person would be allowed to return to their position while undergoing 'specific recruitment training' (not anti-racism training) and manage the very person who was "not the right fit", while they would both work alongside me, who was expected to stay silent about the processes that had allowed this latest colonial-coverup.

I first formally called out white hiring managers 'getting around' Legal Aid's Aboriginal Employment Policy in 2018, but it was not until I called it out again in 2021 (for someone else's benefit) that it was eventually "deemed deficient".

I am a current employee of Legal Aid NSW and I do not occupy an Aboriginal identified position within the organisation, however I am known within the organisation as being a Dharug woman and I 'bat Black 24/7', even though I know that it's not always safe to do so.

Colonial workplace discrimination, just like attempted genocide, is never an isolated incident to just "move on" from, it is always systemically enabled and it is those systems that must be disrupted and dismantled before any "moving" can be credibly done.

Management approaches and HR processes consistently provide inadequate responses to racism.

How do we deal with racism, when those who've intergenerationally experienced it, are gaslit and told by those who've never experienced racism that we simply, 'misperceive' racism?

The very racism our bodies have become barometers at detecting and navigating.

Colonial discrimination, and our resistance to it, has changed forms in some cases, but never stopped.

I have been pushing back on racially unconscious paradigms for years, waiting for the white-majority to meaningfully begin their decolonisation 'learning journeys', but this time I decided to keep calling the racism out... all the way to the top, in all the things that they well-meaningly do.

The racial discrimination we experience is an all-too-common yarn had among mob. Generations of my family have experienced systemic racism; my Mother working in the public service, going back to the early days of this ongoing colonial era, when my apical ancestor was enslaved while still a minor after having been institutionalised in the first of the Native Institutes.

Later her white husband sought positions in the public service, making handwritten requests that, his bid for employment not be hindered by, "his handicap wife"; her only "handicap" was her visible blackness.

My ancestors, both black and white, knew well that racial discrimination was foundational in public institutions, something that just had to be navigated and plead with I had accepted this too, until now.

We're in 2022, why with all that we know about racism is it not responded to as an act of discrimination when we name it?

Why are we still having to name it, in our day-to-day experiences?

Over my years at Legal Aid NSW, I have reviewed the work of my darker skin Aboriginal colleagues so that our correspondences are identical, but only theirs repeatedly get red-penned while they are ridiculed.

I've seen darker skin Aboriginal colleague's breakdown due to white managers springing spontaneous 'knowledge tests' on them, some managers going to the extent of gaslighting mob saying their answers are wrong, but then repeating their answers back to them in some perverse power-play.

Aboriginal staff have been denied contracts despite having merit, due to operational requirements or management just having already ticked their boxes to fill the quotas they need.

I've been asked if I occupy an identified position prefaced with "no offence, but".

We've had papers requested by white managers in inappropriate ways, when there has never been policy requiring it; just another mission-managing tactic to let us know whose perception really defines our reality.

These behaviours are not okay by me.

Out of everyone in Legal Aid NSW taking racism very seriously, who is seriously listening?

In the aftermath of the 7:30 Report, Legal Aid couldn't have made its racial ignorance more offensively blatant.

Perhaps the only reason Legal Aid NSW was able to proudly cite having only received "10 complaints involving racism or discrimination in the past five years", speaks to the lack of protection we are afforded when we do speak up.

Legal Aid NSW focuses on the percentage of staff that 'don't see racism', without qualifying what the demographic background of the majority ever is.

Legal Aid NSW failed to own and atone for the data collected by the Public Service Commission which says that Indigenous employees anonymously disclosed 24% of us had experienced discrimination and 26% of us had experienced racism, and of all

staff 81 incidences of discrimination and 51 incidences of racism were anonymously disclosed " all in the previous 12-month period.

Has anybody thought about what the human experiences of these statistics look like? If these statistics are within acceptable ranges, then why is that okay? These standards and statistics are not okay by me.

I don't speak for all, but I know I am not alone.

From where I stand, I see the psyche of Legal Aid NSW enmeshed with the majority-white, elite, denialists at the helm; trapped in their own echo chamber and invested in a 'narrative' to appease funding bodies.

Legal Aid NSW should always have been a fertile ground for decolonising critical thinkers, capable of truth-telling and anti-racist coexistence with colleagues and clients of colour and Indigeneity, and it must earn its way, on our terms, to this promised land, instead of merely claiming the glory.

An [open letter](#) calling for demands in response to racism within Legal Aid NSW and the legal profession is now in circulation for signatures. [Click here to sign](#).

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