

## Talking Circles and Coming Full Circle An interview with John Boersig

*John Boersig is the Director of the University of Newcastle Legal Centre, which is well known for its successful lobbying for the reinvestigation of controversial deaths such as the 1989 rape and murder of Newcastle teenager Leigh Leigh and the 1997 fatal police shooting of Roni Levi on Bondi Beach. He has written widely on Indigenous Rights and Children and the Law. He is also the Presiding Member of the NSW Guardianship Tribunal. Claudine Lyons is a final year law student at the University of New South Wales and works part time as a research assistant to the President of the NSW Legislative Council the Hon Dr Meredith Burgmann MLC.*

Studies of American law students have shown that many students commence legal studies with a strong commitment to using their degree to pursue social change and work in the public interest. However this dedication tends to dissolve due to their socialisation and experience in Law School and the allure of corporate practice.<sup>1</sup> The students who were best able to maintain their initial social justice perspective were those who had taken advantage of opportunities to join subcultures with a public interest bent through clinical legal education or student societies.<sup>2</sup> This was partly because they provided students with the assurance that they were not alone in their beliefs but belonged to a broader community of like minded persons and also because they provided students with role models.<sup>3</sup> It was interesting then to find out what had started and sustained Boersig's commitment to working in the public interest. What is apparent is that his perseverance and enthusiasm comes from an intertwining of inspirational people and Boersig's own experience and individual character. He certainly states that he was not brought up in a house with a strong social justice focus.

Boersig names Hal Wootten AC, QC as an inspiration. There are others he admits a lot of unsung heroes who've done a lot of grinding work and continue to do so, but it's Wootten that Boersig becomes animated about. He

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<sup>1</sup> See Erlanger, H, Epp, C, Cahill, M. & Haines, K. 1996, Law student idealism and job choice: Some new data on an old questions 30 *Law & Society Review*, 851-864, or Goldsmith, A 1995, Warning: Law school can endanger your health! 21 *Monash University Law Review*, 272-304, Granfield, R, 1992, *Making Elite Lawyers: Visions of Law at Harvard and Beyond*, Routledge, New York, and Stover, R. 1989, *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*, University of Illinois Press, Urbana.

<sup>2</sup> Stover, R. 1989, *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*, University of Illinois Press, Urbana 103-115

<sup>3</sup> Stover, R 1989, *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*, university of Illinois Press, Urbana 109

was fantastic I mean as a lawyer and a social activist and as a royal commissioner, very inspiring I think. A wonderful wonderful career. It is not surprising that there are parallels between their careers as inspiring people tend to influence the actions of others.

For instance their careers share a focus on social justice for the Indigenous peoples of Australia. Boersig began his career working as a criminal advocate for the New South Wales Aboriginal Legal Service which Wootten helped create<sup>4</sup>. Boersig spent 10 years from 1983 to 1993 travelling the state representing clients in everything from offensive language through to murder. As Boersig says I worked in all the jurisdictions throughout New South Wales I can possibly think of. There weren't many courts that I didn't attend. This experience played a large part in motivating Boersig to continue to work in the public interest. He states that the 2 years he spent living with Aboriginal communities in Walgett as part of his work for Aboriginal Legal Services had a long long influencing legacy.

(In)Famously Wootten presided over the Royal Commission into Aboriginal Deaths in Custody during the 1980s. As Director of the Newcastle Legal Centre Boersig also worked on the Centre's review of the coronial inquiry into the death of Eddie Murray — a young Aboriginal man found hanged in his cell at Wee Waa two hours after being arrested for public drunkenness. The Centre was able to convince the coroner to exhume the body in 1997 and a new autopsy report found that Murray had a fractured sternum.

Both Wootten and Boersig have continued their interest in Indigenous rights in different ways. Wootten was on the National Native Title Tribunal from 1994 to 1997 and has numerous lectures and articles to his credit on issues affecting Indigenous rights and social justice for Indigenous peoples. Currently Boersig is the co-ordinator of the Coalition of Aboriginal Legal Services (COALS). As Boersig explains there are currently 6 separate Aboriginal Legal Services operating throughout New South Wales that are community

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<sup>4</sup> Hal Wootten was a Justice Medallist in 2002 for his role in establishing the Aboriginal Legal Service in New South Wales in 1970 which set a precedent for the many Aboriginal Legal Services operating across Australia

based my job is to co-ordinate their policy work and do research for them on legal issues. And to provide an advocate in a central place for meeting government and other bodies in an endeavour to provide a coherent response for the state.

Before he went to University Boersig had a strong streak of social justice. However when he was in high school he didn't know that he wanted to be a lawyer or even that he wanted to do law. I think when I was in high school I wasn't sure I put down law initially because someone said it was a good idea to do and then I put down Macquarie as my first preference because a fellow a couple of years older than me was going there and a guy I'd know from school and he was telling me what a good place it is to study so I put it down and went there.

Like one of the students in the before mentioned studies, Boersig was able to further this by joining a public interest subculture. Indeed rather than dissipating, according to Boersig his interest in social justice really came to the fore when he went to University. However it would appear from how Boersig remembers his time at University that the whole Law School was a progressive subculture: one of the benefits of going to Macquarie particularly in the 70s was an emphasis on social justice and alternative views of the law

Significantly while at Macquarie he also got involved at the start of the Macquarie Legal Centre and was one of their first volunteer students. Boersig had wanted a particular kind of education because he was always interested in how the law worked in practice and you know if this is a theory then what happens in practice

Coming full circle Boersig helped found the University of Newcastle Legal Centre in 1994 after he left the Aboriginal Legal Services. I had the opportunity, I was given the opportunity to start a University based legal centre which was exciting and wonderful and an opportunity to do a whole broader range of work

The University of Newcastle Legal Centre was established as an initiative of the Law Faculty and provides the centrepiece of the School's professional program. As a teaching facility the Centre provides intensive clinical placement for students and as a community legal centre it provides free legal advice and assistance to members of the community in the Hunter region. In 1996 they were joined by the Civil Section of the Legal Aid Commission and the Northern Aboriginal Legal Centre (now known as the Many Rivers Aboriginal Legal Service).

Boersig believes that this inter-agency co-habitation and co-operation is one of the reasons why the UNLC has been able to withstand government funding cuts. I think that strengthens your ability to survive in these environments. You got to be very careful that the government doesn't rationalise because of your savings that you're making but there are synergies that are developed that are valuable because each of these organisations here specialises generally in certain areas so we can cross refer and that strengthens all of us.

Boersig maintains that social justice and civic duty is integral to what we're all trying to teach students about in terms of services to clients and in terms of legal ethics. The philosophical basis of the UNLC can also be seen in Wootten's sentiments as the Founding Dean of the Law School of the University of New South Wales which are encapsulated in his quote displayed prominently in the School's foyer: We believe that a law school should have and communicate to its students a keen concern for those on whom the law may bear harshly. The poor, the Aborigines, the handicapped, the deviants, all need their champions of the law as elsewhere.

It is as the Director of the UNLC and as one of their clinical educators that Boersig is now creating the kind of supporting progressive sub culture for Newcastle law students that he himself experienced at Macquarie. The UNLC may be a determining factor in the continuing interest of these students in public interest advocacy. Thus as a teacher Boersig is able to perpetuate a sense of social justice and civic duty.

It has been an experience that Boersig clearly relishes. I really enjoy working with my students. They have a freshness an interest and energy which I think gears all of us up to do a better job All of us are getting a legal education. As an academic and a teacher its great experience teaching in that environment and the community gets a service, its win win win and win in that environment.

In recent years Boersig s commitment to educating others has taken him beyond Newcastle University to East Timor. In 2000 Caritas Australia, the Catholic agency for overseas aid and development, arranged for Boersig, amongst others to travel to East Timor as part of the agency's East Timor Evidence Collection Training Program. It was an amazing, amazing experience we were engaged to train non-governmental organisations, student organisations, church affiliated organisations and women s groups on how to collect and store evidence in relation to crimes and war crimes, crimes against humanity. And we developed a training program that included intensive teaching training as well as ongoing mentoring over a 2 year period. In training others to be teachers with social justice inclinations, as well as educating students, the community wins even more with Boersig s commitment to the greater public good.