

The Australian Women's Register

Entry type: Person
Entry ID: AWE5437

Auty, Kate

Occupation Academic, Barrister, Commissioner, Lawyer, Magistrate, Public servant, Tribunal Member

Summary

Born in Brisbane, Kate Auty was educated, and has worked, all over Australia. The former Victorian Commissioner for Environmental Sustainability, she is now an academic who continues to work as a barrister.

Auty was the inaugural Koori Court magistrate (Victoria) and Aboriginal sentencing court magistrate in the goldfields and western desert (WA). She has been a Mining Warden (WA). She was also a senior solicitor for the Royal Commission into Aboriginal Deaths in Custody (Vic, Tas., WA).

Other diverse roles have involved developing justice e-technology in remote and regional settings, and chairing the Ministerial Council on Climate Change Adaptation (Victoria). Auty's board memberships extend to having chaired the National Rural Law and Justice Alliance. She presently chairs the Boards of NeCTAR, the Melbourne Sustainable Society Institute at the University of Melbourne and a La Trobe Research Focus Area. She is a member of the advisory boards of the Murray-Darling Basin Authority Advisory Committee on Social, Economic and Environmental Sciences, the University of Melbourne Community and Industry Board for the Office of Environmental Programs and the Australian Urban Research Infrastructure Network.

Go to 'Details' below to read a reflective essay written by Kate Auty for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Kate Auty and is reproduced with permission in its entirety.

Kate Auty is a Queenslander by birth but has lived and worked all over Australia. Her parents moved around Australia as her father worked in veterinary and agricultural contexts and Kate has continued to explore the country both in employment settings and leisure activities with her partner Charlie Brydon.

Kate's first schooling was received at the Ord River Research Station where she was exposed to Aboriginal culture through other students and the grand and profound Indigenous art and iconography of the region. From the Ord River, schools as diverse as Surfers Paradise (Qld) and Parap (NT) Primary Schools and the Darwin and Balwyn (Vic) High Schools provided a sound public school education, notwithstanding state and territory vagaries.

The benefits of a well-travelled education and a family interested in reading and contemporary issues played out in awards of a Commonwealth Secondary Scholarship in Darwin and a Commonwealth Tertiary Scholarship in Victoria.

Interest in Australia, as a cultural geography and a landscape, were instilled in Kate (and her three siblings) as a function of the family's highly mobile lifestyle, travel for pleasure, and working on a cattle station south of Darwin on weekends and during school holidays (1967-1970). When the family left the Northern Territory to relocate to Melbourne, Kate's older brother Peter (who had just completed his matriculation with distinction) set out to ride the family's stock horses to Melbourne. He did this, for the most part, by himself, occasionally picking up with droving teams, until Kate joined him at Bourke (NSW) from where together they continued overland to Melbourne (1971-72 Christmas school holidays).

Kate's tertiary education commenced with the study of arts (history) and law as a dual degree at the University of Melbourne.

During her time at university Kate was an active member of the Feminist Lawyers group at Melbourne and through this group she formed enduring friendships with women who were studying at Monash. Kate was also a member of the Folk Music Club at the university.

It was at Melbourne that Kate renewed her interest in Aboriginal issues, meeting Sandra Bailey (the first Yorta Yorta woman to gain law degree) and Rochelle Patten (a senior Yorta Yorta woman who has been instrumental in the genesis of the Yorta Yorta Climate Change Group and the Shepparton Koori Court). These two women have remained significant others in Kate's life since 1980. Both of these great women have been pivotal in informing Kate's views about Indigenous exposure to the Australian colonial and post-colonial legal systems.

Upon graduation Kate worked for a small criminal law firm in the western suburbs of Melbourne and it was there that she became more exposed to the iniquities of the legal system as it played out in the lives of the working poor of a large metropolis. Lessons from that time, about access to justice, continue to provoke Kate in her work.

Kate now (2015) holds the following qualifications:

- 2012 Graduate/Member, Australian Institute of Company Directors.
- 2006 Graduate Diploma International Environmental Law, UNITAR.
- 2000 Doctor of Philosophy, La Trobe University, shortlisted Margaret Medcalfe awards for research excellence (WA).
- 1999 Certificate of Refugee Interview Training.
- 1994 Masters of Environmental Science, Monash University.
- 1979 Bachelor of Arts (honours)/Bachelor of Laws, University of Melbourne.

Kate's Masters in Environmental Science has promoted significant career shifts into roles in academia and as the Victorian Commissioner for Environmental Sustainability (2009-2014). Her interest in taking up this study was prompted by a discussion with another important woman in her life – Louise Kyle, who was also a public school scholarship law student and feminist law student at the University of Melbourne.

Kate's doctorate arose out of her Arts (honours) thesis which explored the 1927 Royal Commission into the Killing and Burning of Aboriginal People in the Forrest River District of the Kimberley in 1926. It also built upon some research undertaken when appointed as to advise Commissioner Patrick Dodson in the RCIADIC in WA. Kate was encouraged to undertake this study by another important woman in her life, Professor Sandy Toussaint, anthropologist. In each of these post graduate endeavours Kate had the support of her mother Jean (an interlocutor, typist and proof reader) and of family members who took a keen interest in the research she did.

As you might expect Kate's employment history has been varied. From 1980-1999 she held the following positions:

Solicitor Victorian Aboriginal Legal Service (1980-1983) – here she worked as a solicitor-advocate across the whole state and was involved in the early efforts to attain the repatriation of cultural material and skeletal remains and early land rights discussions. She remains a close friend of the first ALS CEO Jim Berg – himself a pathfinder and mentor.

Solicitor VLA (Superior Courts) (1983).

Self-employed principal in legal firm Auty and Popovic – Kate and Jelena Popovic established a welfare law practice in inner Melbourne which represented many women's refuge clients and Aboriginal people.

Senior Solicitor RCIADIC Victoria, Tasmania and Western Australia (1988-1991) – this role saw Kate work all over Victoria, Tasmania, into New South Wales and across Western Australia where she was involved in re-examining specific cases, establishing community conferencing models for discussion of justice issues, and liaising with multiple government departments and agencies and organizing commission hearings and witnesses as with any case preparation. Once her role in the eastern states concluded Kate was invited to join the staff of Commissioner Patrick Dodson to develop the Western Australian RCIADIC community conferencing model and draft report content for the Commissioner. Lecturer and cross-cultural course-developer of the Graduate Diploma/Certificate in Environmental Heritage and Interpretation (Deakin University 1992-1994).

Barrister (1992-ongoing, currently Academic List) – a practice in criminal law and administrative law.

After the death of her mother in 1999 Kate was appointed a magistrate in Victoria. Initially she worked in Melbourne where she was delegated to the role of the magistrate involved in the development of the Aboriginal Justice Agreement (whilst continuing to work in the ordinary jurisdictions of the court). In 2001 Kate assumed the role of senior coordinating magistrate in the north east, based in Shepparton. It was there that the first Koori Court was ultimately established, in collaboration with the Yorta Yorta people with whom Kate had continued long friendships from her time at the University of Melbourne. This work also drew upon her involvement in community consultation and built upon models derived from the RCIADIC work of the previous decade.

The north east Magistrates Court region comprises nine courts – Corryong, Wodonga, Cobram, Mansfield, Myrtleford, Wangaratta, Benalla, Shepparton, Seymour – and whilst acting as the regional Co-ordinating Magistrate and building the Koori Court work Kate worked in all the jurisdictions of the region including as:

Magistrate – criminal, civil and family matters.

Inaugural Koori Court Magistrate.

Coroner.

Children's Court Magistrate – criminal and family matters.

Member, Victorian Civil and Administrative Tribunal.

In this role Kate contributed to the ordinary and extraneous work of the court in the following manner:

Coordinating Magistrate – establishment of significant community consultation processes and the Koori Court (Shepparton) and the Aboriginal Bail Justices program and Aboriginal Liaison Officer position (Melbourne), setting up the protocols and providing guidance about the creation of the position of Aboriginal Justice Worker attached to Koori Courts.

Preparing Senate Select Committee oral and written submissions on justice and regional contexts.

Contributing to discussions, papers and seminars on law reform initiatives in sentencing diversion, family group conferencing, the adult corrections cautioning program,

mental health court trials, and the disability court pilot program.

Production of materials for cross cultural awareness and professional development for Magistrates and County Court Judges.

Engagement with diverse community projects involving the Royal Children's Hospital Intellectual Disability Project, Goulburn Valley Community Health Service, Rumbalara Aboriginal Co-operative, Wangaratta Family Violence Integration Project, and the Human Rights Commission.

Kate resigned from her Victorian position once the Koori Court was well bedded down and went to work in the Western Australian Magistracy and as a WA Mining Warden where she remained until 2009. Her interest in doing this arose out of the RCIADIC work and her research interests. It also simply looked interesting. Kate and her partner Charlie Brydon both moved to Kalgoorlie, with Charlie taking up positions with the Goldfields Land and Sea Council as a lawyer and the WA WorkCover Directorate as an arbitrator.

The region where Kate worked in WA also comprised nine courts – Kalgoorlie, Coolgardie, Norseman, Esperance, Laverton,

Leonora, Warburton, Warrakurna, Kiwikurra). Her formal appointments included:

Magistrate.
Aboriginal Sentencing Court Magistrate.
Industrial Magistrate.
Coroner.
Mining Warden.
Children's Court Magistrate.

In this role Kate contributed to the ordinary and extraneous work of the court in the following manner:

Community conferencing to establish the Aboriginal Community Courts in Norseman and Kalgoorlie.
Development of cross cultural training for court staff.
Development of sentencing training materials for and delivery of the information to senior Aboriginal people involved in the Aboriginal Community Courts.
Development of WA Aboriginal Bench Book.
Commentary on reports by the Auditor General, Equal Opportunity Commission; and the reference on 'Aboriginal Customary Law ' by WA Law Reform Commission.
Presentation to the Commonwealth Bail Act Reform Initiative, Steering Committee of Attorneys General

Boards and other memberships in WA during her time as a magistrate/mining warden :

Member, Under Secretary of Treasury Policy Round Table.
Member, Chief Justice's Cultural Awareness Committee.
Member National Judicial Council Australia, Aboriginal cultural awareness committee.
Chair, Kalgoorlie Courts redevelopment committee collaborating with University of Melbourne, Hassell Architects, WA Department of Justice, regional Aboriginal court user organizations.
Chair, DotAG Aboriginal Justice Committee – establishment of Aboriginal sentencing courts.
Member, DOIR Mining Act (WA) review committee.
Member, Australian Institute of Judicial Administration – Aboriginal cultural awareness committee and steering committee Aboriginal Sentencing Courts conference (Mildura 2007) and steering committee Aboriginal Cultural Awareness conference (Qld 2009).
Member, Australian Research Council Linkage Projects: Universities Canberra and Melbourne – Information Technology and Remote Western Australian Courts and Designing Safe Courts (architecture, sociology and justice).
Member, COAG Tri-state Justice (WA, SA, NT) Project – developing inter jurisdictional legislative and procedural programs in remote courts in collaboration with contiguous jurisdictions and judicial officers
Member, WA Magistrates Courts modernization of courts' technology committee.

Returning from WA and in the period 2008-2009 in Victoria Kate was appointed as:

Inaugural Charles La Trobe Fellow, La Trobe University – examining cross cultural community development, courts, and Indigenous women's participation in processes.
Chair, Ministerial Reference Council on Climate Change Adaptation.
Member, Premier's Climate Change Adaptation Advisory Committee.
Member, Department of Treasury and Finance Green Procurement Task Force.

Currently Kate is appointed to the following positions:

2014-2017 – University of Melbourne Vice Chancellor's Fellow.
2010-ongoing – Adjunct Professor, Faculty of Law and Business, La Trobe University.
2014 – ongoing – Member of the Victorian Bar, Academic.

From the period 2009 Kate has been or continues as a member of the following boards/committees:

2009 – ongoing

Member, Murray Darling Basin Authority Advisory Committee on Social, Economic and Environmental Sciences.

Chair, National eResearch Collaborative Tools and Research Board (Commonwealth Super Science initiative – University of Melbourne host organisation).

Chair, Humanities Research Focus Advisory Board, La Trobe University.

Chair, Melbourne Sustainable Societies Institute Advisory Board, University of Melbourne.

Member Australian Urban Research Infrastructure Network Board (Commonwealth Super Science initiative – University of Melbourne host organisation).

Member University of Melbourne Office of Environmental Programs Community and Industry Advisory Board.

Member, Sustainability Research Focus Advisory Board, La Trobe University.

Member, Faculty of Law and Business Advisory Council, La Trobe University.

Member, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).

Retired positions 2009-2014:

Member, Education for Sustainability Advisory Committee, Monash University (retired 2014).

Member, La Trobe University Institute for Social and Environmental Sustainability External Industry and Community Advisory Board and Internal Advisory Board (retired 2012 when the Institute ceased due to a university restructure).

Member, RMIT-UN Global Compact, Cities Program.

Member, Environment Institute of Australia and New Zealand.

Inaugural Chairperson, National Rural Law and Justice Alliance (2012-2014).

Kate continues to engage in pro bono public speaking on issues of Aboriginal justice and environment. This takes her all over the state and she is fortunate to have the Vice Chancellor's Fellow appointment as a backstop for this work.

On a community level Kate is a member of the group Strathbogie Voices in the north east of Victoria where she currently lives and she also enjoys membership of the Euroa Environment Group and Euroa Arboretum. In her community she is actively working with other volunteers promoting a discussion about environment and climate change (see www.strathbogievoices.com.au). In 2015 this community development work has produced the Euroa Environment Series and, from 2014 into the future her energies (when not being expended in board and other appointments) will be directed to the encouragement of participation in all our democratic processes.

Published resources

Resource Section

Kate Auty, 2015,

<http://heresheis.org.au/environment-sustainability/2013/02/professor-kate-auty/>

Resource

Trove, National Library of Australia, 2009

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,

<http://www.womenaustralia.info/lawyers>

Author Details

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Digital resources



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