

FROM THE DIRECTOR'S OFFICE

Welcome to the first NCIS Newsletter for 2011. The year got off to a few days in the office followed by some travelling. I first went to what was

in the study, Australia, New Zealand, Canada and the USA were all represented at the workshop. On the evening of 18 Jan I presented a public lecture at the Luzern Town Hall. My Lecture topic was: *Dream Shields Carpets & Crocodiles – Protecting Indigenous Knowledge and Intellectual Property – the Australian Experience – the Story so Far.*

After Luzern I travelled to Kuala Lumpur to attend a conference hosted by the Law Faculty of the University of Malaya.

The conference was entitled: *'Indigenous Peoples' Land and Resource Rights: Bridging the Implementation Gap'*. The themes of the conference looked at the juridical basis for Indigenous land rights, resource ownership and management, free prior informed consent, dispute resolution mechanisms and establishing land & resource rights claims and challenges in litigation. I presented a

paper entitled: 'But we have stayed strong and true to our culture. The Native Title Experience – an Australian example.' One of our key hosts was Professor Ramy Bulan an Aboriginal (Kelabit) Malaysian from Sarawak who is also an ANU alumnus having completed her LLD with ANU.

Apart from these engagements I have been working with Dr. Cressida Fforde on the NCIS HDR programme and working on a minor restructure of the Centre.

I did manage to enjoy a very pleasant visit a few days ago to the Tregear Presbyterian Pre-School which is very special. It caters for 40 young kids, 20 of whom are Aboriginal and most have learning and other difficulties. It impressed me immensely. Mums and Dads are very actively involved, the teaching is intense with a mix of Aboriginal & non-Aboriginal teachers and those involved rave about its success and how well the kids are doing. A concert from the kids was a delight and Aboriginal dancers were a smash hit. A very interesting school that obviously values Aboriginal culture and the reconciliation dream.



Above: Mick Dodson at Tregear Presbyterian Pre-School

termed an Exploratory Workshop in Luzern in Switzerland hosted by the School of Law University of Luzern. The Conference: *International Trade in Indigenous Cultural Heritage* is part of a 3 year project which encompasses the analysis of legal issues that arise from the trade of cultural heritage of Indigenous peoples. Specifically it investigates the potential socio-economic benefits for Indigenous peoples by the generation of income from this heritage. The project investigates national and international law in the fields of trade, human rights, cultural heritage, intellectual property and cultural property. Four jurisdictions

recent and upcoming events

UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES WORKSHOP

Senator Rachel Siewert will give the keynote speech at a workshop NCIS and the ANU College of Law will jointly run on the implementation of this new **Declaration** in Australia. The Declaration was adopted by the General Assembly in September 2007 after more than two decades of drafting and deliberation by Indigenous peoples and States around the world, a process that

NCIS Director Professor Mick Dodson was involved in.

The Declaration includes a wide variety of rights, ranging from those dealing with life and security, language, cultural and spiritual rights, the right to participation, development and economic and social rights, and the rights to country, resources and knowledge. Australia was initially one of only four countries that voted against the adoption of the Declaration (144 having voted in favour of it), but it reversed this position in 2009 when previous Prime Minister Rudd formally endorsed the Declaration.

Further details about the workshop will be included in our next newsletter.

In this issue

From the Director's Office	1
Furthering the Interests of Indigenous Australians	2
A Referendum to Recognise Indigenous Australians	2
News Briefs	3
NCIS Welcomes	3
NCIS Profile: Kerrie Doyle	4



FURTHERING THE INTERESTS OF INDIGENOUS AUSTRALIANS

NATIVE TITLE AMENDMENT (REFORM) BILL 2011

This draft Bill for native title reform was initiated by Senator Rachel Siewert and circulated for comment. Its many reforms are united by a desire to redress the balance in native title rights which, since the original Native Title Act 1993 (Cth), has been weighted against Indigenous Australians.

NCIS staff Prof. Mick Dodson and Jo-Anne Weinman made a **submission** on the draft Bill which is based on the recommendations of the Australian Human Rights Commission's **Native Title Report 2009** as well as other recommendations made in submissions to Senate inquiries, advocacy from native title representative bodies and

papers from retiring justices.

The Bill is intended to be introduced during the Senate's first sitting in 2011, setting the scene for a longer-term comprehensive approach to more fundamental reforms addressing the failure of native title to deliver on its promises.

A REFERENDUM TO RECOGNISE INDIGENOUS AUSTRALIANS

The Gillard government in December 2010 appointed an Expert Panel of Indigenous people and parliamentarians to explore the level of national support for various forms of recognition of Indigenous peoples in the **Australian Constitution**. The Panel, working with the National Congress of Australia's First Peoples and Reconciliation Australia, will report back on its consultations in December 2011 with the referendum due to take place some time before the next election.

The 2009 national human rights consultation demonstrated that many Australians are mistaken about the protections our Constitution affords us. NCIS' **submission** to the consultation, prepared by Jo-Anne Weinman and Prof. Mick Dodson, was referenced multiple times in the Committee's report to the Attorney-General's Department (see Chapters 2, 6, 7 and 14).

Many would be unaware for instance that the Constitution (in section 25)

permits States to disqualify any group of people from voting on the basis of its race. As currently construed by the High Court, the Constitution also permits adverse discrimination against any group of people on the basis of race (in section 51 subsection 26). Media debate focuses on the appropriateness of including Indigenous peoples in the Constitution's preamble but many people do not realise that the preamble has no legal effect or force.

Indigenous experts and peak organisations are assisting the process by better informing the public in fora such as newspapers, public lectures and online pages. A fair referendum can only result when a voting populace is informed, wary of ideologically-driven rhetoric and curious about facts. For more information please contact NCIS staff Prof. Mick Dodson and Jo-Anne Weinman who are preparing the Centre's submission.

INDIGENOUS AUSTRALIANS & THE LAW

Asmi Wood from the ANU College of Law and NCIS Research Associate, Jo-Anne Weinman are co-convening **Indigenous Australians and the Law** in Semester 2, which will be offered via the ANU College of Law. The course aims to arm students with an understanding of, and a critical approach to, the law as it applies to Aboriginal and Torres Strait Islander peoples. It presents various areas of law in their historical and cultural context, highlighting problems which stem from that context for the definition of 'indigeneity' itself and the impact of this classification on Indigenous identity, access to traditional lands and connection with kin and language groups. The relationship between Indigenous Australians and the State, self-determination and the place of Indigenous Australians in the world community of indigenous peoples are also topics that will be covered in this subject.

NEWS BRIEFS

NATIONAL INDIGENOUS STUDENT OFFICER

NCIS Administrative Assistant, Frank Gafa has recently been elected National Indigenous Officer on the National Union of Students for 2011. In his new role Frank will act as the representative for all Indigenous people enrolled in University education in Australia. Frank was the ANUSA Indigenous Officer from 2008 to 2010 and has worked his way into the national position with the support of many Indigenous students around the country.

The new role gives Frank the opportunity to advocate for more



Indigenous representation on student organisations in the country. Indigenous representation is currently under-represented in many Australian universities. Frank will also advocate for Reconciliation Action Plans and increased support for Indigenous Support Units and will be talking to universities about these issues throughout the year.

He plans to get these messages across by going around the country and visiting universities to talk to the Indigenous student base, as well as student organisations about the issues. Recently he has visited Sydney and Melbourne and has just spent the week

in Perth in order to open dialogue with students on the ground. During his visit to Perth he was able to talk to students and Indigenous Support Unit heads at UWA, Curtin and Murdoch Universities as well as the DVC for Education at Murdoch and Curtin. He hopes that by visiting universities he can get a true picture of the issues faced by Indigenous students in the hope of forming national actions that will benefit Indigenous students across the country.

Plans are underway to hold a National Indigenous Students Conference in Canberra later this year with details being finalised shortly.

If you would like more information please contact Frank on:

M: 0430 391 948

E: indigenous.nus.asn.au

NCIS WELCOMES

NCIS welcomes new PhD student Gary Toone and MPhil student Michelle Broun to its HDR program. We also welcome Dr Cressida Fforde as the NCIS HDR Program Coordinator.

GARY TOONE who is a recipient of an ANU University Research Scholarship, will focus his research on the Australian rural farming landscape. The proposal is to examine the relationships between current and past landholders (farmers) and the remnants of past Aboriginal activity that may have occurred on their properties. Gary is contracted by the South Australian Museum as a Collections Manager (Australian Ethnology and Archaeology) and has been working on the federally funded Return of Indigenous Cultural Property (RICP) program.

MICHELLE BROUN is a Yindjibarndi woman from the Pilbara region of Western Australia and has a Bachelor of Arts in Aboriginal and Intercultural Studies from Edith Cowan University. Michelle has enrolled in the MPhil program at NCIS to consolidate her skills and experiences of the last 20 years as a freelance artist, curator, cultural planner and Indigenous Arts Project Officer at the Department of Culture and the Arts in Western Australia. Her work will look at Indigenous interpretations of several 'Heritage' sites in and around Roebourne, documenting their current relevance to the Ngarluma (traditional owners) and Yindjibarndi peoples and other local groups. The study will demonstrate how Roebourne's colonial, pearling, pastoral and more

recent mining history has influenced contemporary identity through visual arts and other media, native title, songs and dance.

DR CRESSIDA FFORDE joined NCIS in February to manage the HDR student



program. Cressida will be working at the Centre on a part-time basis for the next 3 months while still working at the Australian Institute of Aboriginal and

Torres Strait Islander Studies as the Coordinator of Research Publications and Public Programs. Cressida has a PhD from the Department of Archaeology, Southampton University, UK, on the topic *Controlling the Dead: An analysis of the collecting and repatriation of Aboriginal human remains*.

NCIS PROFILE:



**NCIS PROFILE: PHD STUDENT AUNTY
KERRIE DOYLE**

I am a mission-born Aboriginal woman from the Territory, although, the mission where I was born disbanded almost 40 years ago. Both my parents were Aboriginal, and my father was one of the Stolen Generation. When I was about 8 (although, I have no birth certificate to prove it), there was a lot of trouble on my mission when the Elders found out one of the missionaries had been badly abusing the children. We ran away to Alice, then Darwin, where an Anglican minister paid the airfares for my mum and us 4 kids to come and live with my mum's mother, on the Central Coast of NSW. I didn't see my father again for almost a decade until he was able to join us (you fill in the dots).

I grew up with a houseful of Aboriginal women—my mother, my nanna, and my ninny (my great-grandmother). My nanna was the boss of me, and she would always tell me to go to school, be quiet and try not to smell so no one would complain about me (in those days, Aboriginal kids could be barred from school if a non-Aboriginal parent complained about you). To this day, I

can't go anywhere without perfume/deodorant/air freshener secreted somewhere on my person. It was hard, and we were often hungry, but I know how hard my mother worked to keep us together. These good women have all gone to their reward (which, I hope for my Mum's sake, includes some beer somewhere on the premises).

My nanna took me to the local district hospital when I was 16, and I got accepted to be a nurse. I was so scared. The Matron said I could work there, but I was not to tell anyone I was Aboriginal (I am, as my son calls us, a Stealth Koori—you can't see us coming). I cried if anyone spoke to me for the first two years of my training. I eventually got general, psychiatric, mental retardation and renal nursing certificates. I was off in the world and doing good things for my mob, but I never thought anyone like me could go to university.

Life changed after Gough, when a tertiary education became a real possibility for us, eh. I remember I was invited to have lunch with Mr Whitlam – I started crying on the way there, cried so much my husband had to give my apologies and we left. Gough was great – he was chatting to my Maori husband about his Maori in-laws – I was saying stupid things like 'do you remember my dad – you met him once in Alice – he is an Aboriginal man who is an artist?' Embarrassing, eh.

Oh, I'd better mention my hubby. He is a Maori Kaumatua from Tuhoe. I met him when I was 22, but didn't marry

him until I was about 35. I just went up to him and told him I was his next wife, and he had no chance after that really. Marrying him was the best thing I have ever done— since then, I have graduated from various universities with a BA, a couple of grad dips, 2 masters and a non-research PhD. I am now enrolled in a PhD at NCIS, and I consider myself to be so lucky!

We have 3 sons between us. One is a chef, the other does voice acting, and the third is preparing to defend the world, one video game at a time. We have an emeritus poodle who has travelled all over the country with us – getting away with a seat on the plane by virtue of him being a hearing assistance dog, ie, he barks when someone is at the door (true, he did!)

I have worked as a nurse consultant for WHO in Africa and the Middle East, and was a disaster advisor in the Tsunami there. I have been a Director of a Hospital and had a couple of State and National positions in various capacities. Currently, I am an Assist Prof at the University of Canberra, coordinating the B Public Health and Indigenous Health. I got an Endeavour Indigenous Fellowship for this year (cos I mentioned I was Prof Dodson's student – true story), and hubby and I are off to Waikato to see if NZ ice cream tastes any different to Australian (and some work on my PhD as well).

I like to paint (my family are artists), sing, and laugh. I love my family. I know bad things happen to good people, but it's all part of the journey. Here's what my Nanna told me when I started nursing: people won't remember what you said, or how you said it, but they will remember how you made them feel. I hope I make people feel welcomed and affirmed. Naumai, haeremai!