

# BLAK

AN ANTHOLOGY OF  
FIRST NATIONS  
STUDENTS'  
SCHOLARSHIP

# OUT



**'What was  
before Lord  
Vestey born  
and I born?**

**It was  
Blackfella  
country'**

**Vincent  
Lingiari**



We acknowledge the Gadigal people of the Eora Nation  
as the Traditional Custodians of this land.

We pay respect to Elders, both past and present, and  
extend that respect to all First Nations Peoples.

We acknowledge that the land upon which we meet is  
stolen land, and that sovereignty was never ceded.

**This is, was and always will be  
Aboriginal land.**

**This journal was inspired by the incredible *Knowledge Makers* journal published by Thompson Rivers University in Kamloops, Canada.**

The *Knowledge Makers* program seeks to build the capacity of First Nations early career researchers and students in a collaborative way, and is open to undergraduate and postgraduate students, as well as community Elders. Since 2015, First Nations students from more than 30 different Bands and Nations have published their work in the *Knowledge Makers* journal, and *Knowledge Makers* now has a five-nation international mobility network, with Canada, the United States, Mexico, Aotearoa/New Zealand and Australia all taking part. In 2019, *Knowledge Makers* was awarded Canada's only award for excellence in collaborative teaching in post-secondary education, the Alan Blizzard Award.

It is because of *Knowledge Makers* that this journal, *BlakOut*, was ever thought of. It is a testament to the passion and kindness of the founders and drivers of *Knowledge Makers* that *BlakOut* was made possible. *Knowledge Makers* is an example to us all of what it means to lift up our young people and elevate the voices of First Nations Peoples across the globe, and we are so grateful to everyone at *Knowledge Makers* and Thompson Rivers University for allowing and encouraging us to create a space here at the University of Sydney.

BlakOut: An Anthology of First Nations Students' Scholarship  
Issue 1  
December, 2022

ISSN 2653-6455

SUPRA Aboriginal and Torres Strait Islander Network  
Sydney University Postgraduate Representative Association (SUPRA)  
**Gadigal Country**  
Level 2, Holme Building (A09)  
The University of Sydney  
NSW 2006  
Australia

Articles in this journal are reproduced under licence. Copyright in each work is held by the author. Enquiries can be directed to [admin@supra.usyd.edu.au](mailto:admin@supra.usyd.edu.au)

Contact [indigenous@supra.usyd.edu.au](mailto:indigenous@supra.usyd.edu.au) to submit to future editions of BlakOut.

Cover artwork © Maleke James. Maleke James is a proud palawa man who grew up on Darug Country. His digital artworks can be found on t-shirts, wrestling merchandise, and on Instagram @enixmadesigns

# BlakOut

An Anthology of First Nations Students' Scholarship

**Yadhaigana Country**  
Boston Seinor  
The Eternal Divide

Irene Higgins  
The Illusion of Native Title: Colonial  
Protectionism in the Landmark  
Decisions of *Mabo*, *Griffiths* and *Ward*

**Wiradjuri Country**  
Amy Davidson

'I understand it takes a community to do  
research just like it takes a community to raise  
a child', Aunty Shazza Taylor (Wiradjuri): A  
Narrative Review of First Nations' Community  
Control and Power in Participatory and  
Community-Based Research Practices

**Taungurung Country**  
Jessica Patterson  
My Father's Daughter

**Yugambeh Country**

**Gadigal Country**

**Cammeraygal Country**  
Benjamin McGrory  
The Role of Mining CSR in  
Undermining Indigenous Activism

**Iutruwita**

## Contents

- 7 Forward  
**Lindsay McCabe**  
palawa
- 9 Reviewers Acknowledgement
- 13 The Eternal Divide  
**Boston Seinor**  
Yadhaigana
- 22 The Illusion of Native Title: Colonial Protectionism in the  
Landmark Decisions of *Mabo*, *Griffiths* and *Ward*  
**Irene Higgins**  
Wiradjuri
- 34 'I understand it takes a community to do research just like it takes  
a community to raise a child', Aunty Shazza Taylor (Wiradjuri): A  
Narrative Review of First Nations' Community Control and Power  
in Participatory and Community-Based Research Practices  
**Amy Davidson**  
Wiradjuri
- 58 The Role of Mining CSR in Undermining Indigenous Activism  
**Benjamin McGrory**  
Cammeraygal
- 68 My Father's Daughter  
**Jessica Patterson**  
Taungurung
- 76 Indigenous Research Reclaimed: Principals, Promises and  
Political Will  
**Sandra Bandura**, Thompson Rivers University  
Qayqayt First Nation

ya

pulin

ginda



## Forward

### Lindsay McCabe

#### palawa

ya pulingina

My name is Lindsay, and I am a proud palawa luna, an Aboriginal woman whose family is from southeast lutruwita, but I grew up on Darug Country in Western Sydney. I pay my respects to Darug mob who have cared for this place since the beginning of time, and pay my respects to my ancestors and my Elders. I also pay my respects to the Gadigal people of the Eora Nation, on whose lands the SUPRA offices sit. I extend that respect to you, the reader, and to all of the deadly young people whose work is featured here.

As the SUPRA Aboriginal and Torres Strait Islander Officer, it is my absolute honour to present to you the first edition of BlakOut. This anthology contains the work of five First Nations university students, each of whom is a budding scholar in their own right. These students come from different mobs, different parts of the country, and from different faculties and schools, yet they all share a commitment to honouring First Nations ways of knowing, being and doing.

Each student has started their paper by acknowledging their location. When we locate ourselves as Aboriginal Peoples, we situate ourselves within particular social, geographical, political and linguistic contexts (Absolon and Willett 2005). It is our a way of saying ‘here we are and we are walking into your space, make way and don’t hinder, because we have a story to tell, our story is also your story’ (Geia et al. 2013).

We begin this journal with an article by Boston Seinor, who has interrogated what ‘wellbeing’ means within the context of colonisation. Is it possible, he asks, within a western, colonial society to truly optimise wellbeing for First Nations Peoples? Important here is the intergenerational wealth gap, whereby our

communities are still feeling the impacts of generations of forced labour, stolen wages, and economic discrimination. The recognition of this intergenerational wage gap is crucial to how we shape social policy today – we know all too well that what we do now will impact future generations.

Irene Higgins has also focused on the ways in which policies created via colonial frameworks impact across generations. In her critical analysis of three landmark native title cases – *Mabo*, *Griffiths*, and *Ward* – Irene unpacks the significance of territorial sovereignty, arguing that native title is an illusion, and while it is embedded and informed by colonial interests, its potential to be reimaged is stifled.

Amy Davidson’s comprehensive narrative review uncovers the ways in which community-based and -led research is both challenged and challenging when conducted in colonial institutions. The structural racism that persists in these institutions prevents our communities from holding power and intellectual sovereignty within the research. From this finding, Amy puts forward a series of recommendations, aiming to ensure that the practice of community-based and -led research improves.

Ben McGrory examines the role of Multinational Mining Companies in his article, highlighting that too often their corporate social responsibility frameworks fail to provide meaningful and genuine economic and social justice to Indigenous communities. When the State and corporations have intertwined interests, in the colony of Australia it is mob who lose out.

Last but certainly not least is a moving article by Jessica Patterson. In this personal reflection, Jessica looks to the past, the present, and the future on her journey to better understand not only her roots, but to find her place in the world.

What struck me about all of these articles is the understanding by these young scholars that what has happened before affects us now, and what we do now changes the future for the next generations. Their awareness of the fluidity of space, place, and time for mob is evident in their work, whether they have focused their articles on legal principles, wealth, or identity. It is this awareness and understanding that

has underpinned the creation of this journal. We know that our Old People didn't have opportunities to create things like this, and we do this now to pave the way for the next group of young scholars. By elevating and privileging the voices of First Nations Peoples we resist the oppressive and repressive structures of ongoing colonisation; we give notice to the colony that we are coming through with the



tools of their academies and institutions. More importantly, we are coming through with the strength of our ancestors and our hopes for the next generations - the past, the present, and the future are embodied in these students and in their articles.

I am so proud of what these students have achieved, and I hope you enjoy reading their articles as much as I have.

nayri nina tu

**Lindsay McCabe**

## References

Absolon, K & C Willett 2005, 'Putting ourselves forward: location in Aboriginal research' in L Brown & S Strega (eds), *Research as resistance: Critical, Indigenous, and Anti-oppressive Approaches*, Canadian Scholars' Press, Toronto, pp 97–126.

Geia, LK, B Hayes & K Usher, 2013 'Yarning/ Aboriginal storytelling: towards an understanding of an Indigenous perspective and its implications for research practice', *Contemporary Nurse: Issues in Aboriginal and Torres Strait Islander Health Care* 46(1):13–17.

## Reviewers Acknowledgement

On behalf of the contributors, SUPRA Aboriginal and Torres Strait Islander Network would like to thank those that volunteered their time to peer-review these journal articles. Each reviewer gave their time generously to help the contributors deliver their best work, and each contributor had the opportunity to connect with these deadly academics and professionals.

Without the patience, kindness, generosity, and sharing of knowledge given by these reviewers, this journal may never have been published.

Nathan Allen

Nevan Edge

Associate Professor Christine Evans

Dr Demelza Marlin

Dr Kaye Price AM

Eloise Schnierer

---

*Note that this journal contains images of Aboriginal and Torres Strait Islander people who have died.*



The  
Eternal  
Divide  
Boston  
Seinor

Yaido  
haidio  
aino



## The Eternal Divide

### Boston Seignor Yadhaigana

I will begin this paper with an introduction. My name is Boston Seignor. I am a proud Yadhaigana man from Far North Queensland. I am studying for a Bachelor of Economics and Philosophy at the University of Sydney. First and foremost I would like to take the time to acknowledge and pay my respects to the traditional custodians of the land upon which I learn, the Gadigal People of the Eora Nation. I pay respect to Elders, past, present and emerging who continue to fight in the battle for the respect of First Nation voices. It is my hope that the following paper will aid such efforts. Through my studies I have encountered fascinating concepts that are concurrently confronting and challenging. This paper aims to use the fundamental principles in both economic and philosophical disciplines to discuss the social and economic inequalities that Aboriginal and Torres Strait Islander Peoples are subjected to today through considering the following topics: the notion of wellbeing and hindrances to optimising wellbeing amongst First Nation Peoples in historical and contemporary contexts.

In the western world, wellbeing centers on health and happiness (Cambridge Dictionary 2022). However, what it means to be in a state of happiness is subjective. The notion that increases in happiness for the individual demand the acquisition of material possessions was nurtured by western culture (Belk 1985). In 1990 a study was conducted by the association for consumer research that measured and compared materialism cross-culturally. A sample of 405 respondents was taken from USA, France, Germany, Turkey, and UK residents. Varimax factor analysis was used to clarify the relationship amongst components of materialism, reliability, and validity. The study concluded that a correlation exists between consumption and the desire to belong to social

circles. In other words, the compassion for one's possessions relative to their surroundings determines one's marginal propensity to consume. This has driven a movement toward materialism in the western world (Jhally 2000). In addition, a 2017 study by the National Library of Medicine identified a positive relationship between health and income, meaning that agents with higher incomes tend to have better health outcomes. As such, it may be said that the optimisation of wellbeing according to the western framework is incumbent upon economic variables such as quantities of disposable income and wealth.

On the other hand, First Nations Peoples interpret wellbeing through a holistic scope. According to a traditional framework, wellbeing consists of physical, cultural, and spiritual variables. However, when Aboriginal and Torres Strait Islander Peoples were forced to assimilate into western culture, conformity was necessary to survival. An example of this was the enforcement of the exemption status. Exemption certificates promised First Nations Peoples access to the benefits of Australian citizenship, including access to education, health services, housing, and employment. In exchange, exempted individuals were required to relinquish their language, identity, and ties to kin (AIATSIS 2021). The rationale was that if First Nations Peoples met this idealised standard of what it meant to be a white man, then authorities would grant Aboriginal Peoples more freedom (relative to other Aboriginal Peoples). To be white meant no association with the black man. Freedom for Indigenous persons necessitated the slashing of all ties to their culture and identity. Autonomy demanded loneliness. On the contrary, in First Nations societies, members subscribed to a narrative that had not invented the notion of individuality. An individual self is non-existent in Aboriginal

and Torres Strait Islander cultures. Instead, life is a continuous journey where the physical and spiritual worlds are intertwined. There were no class or social distinctions because everyone was part of the collective. Every act was selfless and performed to advance the wellbeing of the collective (a particular group). In this space, every outcome was always Pareto efficient (relative to the First Nations framework of wellbeing) and optimal wellbeing was always achieved. A Pareto optimum outcome is one in which no individual could be made 'better off'. The degree of 'better off' is dependent upon the utility individuals attach to different outcomes.

For example, person X may place a higher utility upon the acquisition of a new pair of shoes relative to a new book, while person Y places a higher utility on the latter relative to the pair of shoes. Part of the message of this paper is that utility is a subjective concept, utility for First Nations communities differed (and remains different) from settler society. Yet, the forced assimilation into western society meant forfeiting the fundamental tenets of happiness (on which Aboriginal and Torres Strait Islander Peoples place high utility).

I think it will be useful here to clarify just how a change in environment leads to a change in outcome. To do this I will use Abraham Maslow's 'Theory of Human Motivation'. Abraham Maslow discussed the notion of an individual's hierarchy of needs and at the base of this hierarchy lies psychological needs and at the pinnacle sits the longing to be self-actualised (needs in between include safety, love, belonging, and esteem needs). Maslow postulated that to achieve self-actualisation all prerequisite needs must be met. Therefore, if we can prove that other ability to meet one of the prerequisite needs is impeded than we can infer that the likelihood to attain self-realisation is actively reduced. Take the prerequisite need of belonging, as mentioned beforehand, belonging for Aboriginal and Torres Strait Islander Peoples is a weighted and holistic concept that depends heavily on a healthy and active relationship with Country and community. Yet since colonisation roughly 76% of First Nations languages have been lost due to 20th-century government policies that actively ban the speaking of traditional language (Korff 2020). Likewise, the removal from land

and forced confinement to mission reserves stripped Aboriginal and Torres Strait Islander Peoples from the intimate cultural relationship with Country that had existed for thousands of years. The irony present must be considered. A society characterised by cooperation and altruism was deemed inferior to the western framework of materialism. Ultimately, the western interpretation of wellbeing omits any Indigenous interpretation and thereby suppresses one's capacity to realise self-actualisation. The forced retreat away from a traditional existence and toward western culture meant movement away from prosperity and empowerment for Aboriginal and Torres Strait Islander Peoples.

I now turn to the fundamental purpose of this paper, illustrating that First Nations Peoples in Australia encounter more significant obstacles in the pursuit of optimising wellbeing according to the western framework. The enduring effects of racist policies have created deep inequalities across many sectors. However, in the proceeding subsections, I will focus on economic inequality, particularly wealth inequality. I will also discuss the lingering attitudes derived from colonialist society and the passive, implicit, ways First Nations Peoples continue to be repressed in contemporary Australia.

The colonial state governments completely eroded citizenship rights of First Nation Peoples in the 19th century, stripping them of fundamental human rights and facilitating the removal of land and family. In order to 'protect' the wellbeing of the Indigenous population, reserves were manufactured and served as a way of containing and confining the 'native' population. Likewise, the 'doomed race' theory served as underlying 'scientific' evidence that justified the settlers' invasion of First Nations lands and cultures.

The expectation of extinction also significantly influenced how white Australians saw First Nations Peoples. For example, strong belief in the doomed race theory influenced colonists' views of the reserves and missions. Rather than being a horrible place of poverty, disease, and malnourishment, they were regarded (by settlers) as a comfortable place for Aboriginal Peoples to await their pending extinction.

**Land that First Nations Peoples had lived on for tens of thousands of years was violated for the extrapolation of resources that fueled the growth that created wealth discrepancies between First Nations Peoples and the rest of the population.**





Boston Seignor at the Wall of Love, Paris, France

Photo supplied by Boston Seignor

The doomed race theory reinforced the colonialist view that First Nations Peoples were dangerous, primitive people that needed to be constricted, and that they, the colonists, were a superior body of people (Stanner 1962). It also fed the psychological disposition for a need to segregate the population based on colour, which dictated policies regarding interracial marriage. For example, Aboriginal women were required to obtain permission from ministers to marry non-Aboriginal men. Social and economic boundaries remained uncomplicated by insulating the white race from 'contamination' (Ellinghaus 2003). There was a clear legal division as to who could do what, which had momentous effects on resource distribution in Australia.

In Sydney, the mean house price has increased by 520% over the past 50 years, after adjusting for inflation (Datamentary, nd), an extremely profitable investment. In economic terms, a rightward shift in the demand curve for housing assets has pushed up the equilibrium value of housing. The increased demand was derived from an increase in the Australian population as well as substantial increases in income levels throughout the 20th century as commodity prices increased. Moreover, the increased economic and population growth necessitated further resource extraction, which had a significant impact on Country. Land that First Nations Peoples had lived on for tens of thousands of years was violated for the extrapolation of resources that fueled the growth that created wealth discrepancies between First Nations Peoples and the rest of the population. The mining boom, combined with increases in the value of commodity exports, saw Australia's GDP and global purchasing power increase, which attracted increased volumes of foreign investment, effectively increasing employment and income levels amongst the Australian population. Settler society saw substantial increases in personal wealth and quality of life. Over time these discrepancies accumulated; under the oppression of Indigenous Peoples, the Australian economy was built and formed (Dodson and Strelein 2001). Like the notion of compound interest, the larger the initial investment, the larger the future value.

However, for most of the Indigenous population of Australia, state-controlled work camps ensured that First Nations Peoples were not compensated fairly for their labour until reform in 1968, a year after a referendum amended the Constitution to consider Aboriginal and Torres Strait Islander Peoples as part of the Australian population. First Nations Peoples, including children, were subjected to slave labour (Stead and Davies 2021). This point must be taken extremely seriously, considering contemporary society's 'gap' between Indigenous and non-Indigenous peoples.

Aboriginal Peoples were constrained by the authorities on the reserves that they were forcibly held on. After colonisation, workers only received 'pocket money' for nearly a century (Korff 2021). In Western Australia, employers could legally withhold 75% of wages owed to Aboriginal and Torres Strait Islander workers in trust accounts that the Australian government administered (Chapple 2015). Meanwhile, the *Aboriginals Protection and Restriction of the Sale of Opium Act 1987* granted the Queensland government total autonomy over the wages and savings of Aboriginal workers in Queensland.

Likewise, federal law excluded First Nations Peoples from family endowments, impeding the ability to secure long-term financial security. Regarding the economic consequences, the inability to generate significant income or accumulate capital across generations meant that Aboriginal and Torres Strait Islander families lacked access to asset markets. First Nations Peoples were omitted from the list of beneficiaries of Australia's increased economic growth from commodity exports and easing of migration laws which saw the equity in such assets increase exponentially.

Ultimately, First Nations Peoples were effectively forced out of the housing market, suppressing housing prices, which ultimately benefitted the white man. As such, the percentage of homeownership amongst the non-Indigenous population increased, further extending the wealth gap. Lack of significant income also hindered access to quality education, facilitating a perpetual cycle of dependence and poverty. This exclusion from settler society consolidated class and racial

differences, anchored to the underlying false narrative that First Nations Peoples were inferior and unsuited for white society. The persistent enforcement of discriminatory policies towards First Nations Peoples over decades ensured that no solid economic foundation was ever formed amongst the Indigenous population. This impact is of tremendous importance as the ability to accumulate generational wealth was not afforded to the Indigenous population. Hence, absolute wealth inequality increases at the point at which inheritances are received. This is especially true considering the absence of inheritance tax in Australia. This is the gap in terms of wealth inequality. The asset expenditure opportunities First Nations Peoples were not afforded created wealth discrepancies that accumulated over time. To summarise, the lack of laws ensuring fair payment for labour or minimum wage floors for Aboriginal Peoples (for much of the 20th century) made acquiring valuable assets impossible. First Nations Peoples today do not reap the same benefits derived from the accumulation of generational wealth, such as greater social mobility, social security, and access to resources, which hinders the ability to optimise wellbeing under the western framework.

Many measures have been implemented to reduce the social, political, and economic divide between Indigenous and non-Indigenous peoples. Government bodies are beginning to recognise the holistic approach needed to develop policies to improve the wellbeing of Aboriginal and Torres Strait Islander Peoples. This is seen through the federal government's admission that 'effective programs and services need to be designed, developed and implemented in partnership with Aboriginal and Torres Strait Islander people' (Department of the Prime Minister and Cabinet 2018). For instance, increased investment in Indigenous education has seen high school retention rates increase to 62% in 2017, up from 47% in 2008, and there has been an increase in the number of Indigenous students attending tertiary education institutions (ABS 2019). However, despite the illusionary progressiveness, deceptive tactics still linger. For example, in 2002, the Queensland Government paid back \$190 million to Aboriginal and Torres Strait Islander Peoples to apologise and compensate

for stolen wages. Historian Dr. Rosalind Kidd, speculated that the normative amount owed is approximately double that which was paid. The state government remains indebted to First Nations Peoples (von Doussa 2006). It is not the generosity of the government bridging the divide that colonialism fostered. Instead, it is off the back of our ancestor's labour that we stand today.

In closing, the wellbeing of First Nations Australians was purposefully excluded from policy. Although positive steps have been taken since the mid-late 20th century a long term, generational commitment is required to bridge the eternal divide.

## References

- AIHW (Australian Institute of Health and Welfare) 2019, 'Indigenous income and finance', accessed 1 September 2022, [www.aihw.gov.au/reports/australias-welfare/indigenous-income-and-finance](http://www.aihw.gov.au/reports/australias-welfare/indigenous-income-and-finance)
- Andrews, A 2021 (8 July), 'Stolen wages – the multi generational financial abuse of Indigenous Australians', *Verve Super*, accessed 10 July 2022, <https://vervesuper.com.au/change/stolen-wages-the-multi-generational-financial-abuse-of-indigenous-australians>
- Australian Government 2020, *Closing the Gap*, accessed 21 August 2022, [www.closingthegap.gov.au](http://www.closingthegap.gov.au)
- Belk, RW 1985, 'Materialism: trait aspects of living in the material world', *Journal of Consumer Research*, 12(3):265–280.
- Chapple, R 2015, *Hansard*, accessed 29 September 2022, [www.parliament.wa.gov.au/Hansard/hansard.nsf/0/0ee5cd2ac66f99ab48257fcd000c2d7c/2019b](http://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/0ee5cd2ac66f99ab48257fcd000c2d7c/2019b)
- Department of the Prime Minister and Cabinet 2018, *Closing the Gap Prime Minister's report 2018, Commonwealth of Australia, Canberra*, accessed, 21 August 2022, [www.pmc.gov.au/sites/default/files/reports/closing-the-gap-2018/executive-summary.html](http://www.pmc.gov.au/sites/default/files/reports/closing-the-gap-2018/executive-summary.html)

- Dodson, M & L Strelein 2001, 'Australia's nation-building : renegotiating the relationship between Indigenous Peoples and the state', *University of New South Wales Law Journal*, 24(3):826–839.
- Ellinghaus, K 2003, 'Absorbing the "Aboriginal problem": controlling interracial marriage in Australia in the late 19th and early 20th century' *Aboriginal History*, 27:183–207, doi:10.22459/ah.27.2011.13
- Global Financial Distributors 2021 (25 June), 'The Benefits and Drawbacks of Generational Wealth Planning', accessed 6 August 2022, [www.globalfd.com/blog/the-benefits-and-drawbacks-of-generational-wealth-planning](http://www.globalfd.com/blog/the-benefits-and-drawbacks-of-generational-wealth-planning)
- Government of Western Australia 2019, 'Inquiry into Wage Theft in Western Australia', accessed 13 August 2022, [www.commerce.wa.gov.au/labour-relations/inquiry-wage-theft-western-australia](http://www.commerce.wa.gov.au/labour-relations/inquiry-wage-theft-western-australia)
- Hall, A & M Thomas 2019, 'Declining home ownership rates in Australia', in *Parliamentary Library briefing book: key issues for the 46th Parliament*, accessed 20 July 2022, [www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BriefingBook46p/HomeOwnership](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook46p/HomeOwnership)
- Jhally, S 2000, 'Advertising as religion: the dialectic of technology and magic', *Advertising & Society Review*, 1(1). doi:10.1353/asr.2000.0005.
- Kendall, T 2008, 'Within China's orbit? China through the eyes of the Australian Parliament', *Parliament of Australia*, accessed 20 August 2022, [www.aph.gov.au/About\\_Parliament/Parliamentary\\_departments/Parliamentary\\_Library/pubs/APF/monographs/Within\\_Chinas\\_Orbit](http://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/APF/monographs/Within_Chinas_Orbit)
- Korff, J 2020, 'Loss of Aboriginal languages', *Creative Spirits*, accessed 20 August 2022, [www.creativespirits.info/aboriginalculture/language/loss-of-aboriginal-languages](http://www.creativespirits.info/aboriginalculture/language/loss-of-aboriginal-languages)
- Leane, J 2020, 'Australian house prices over the last 50 years: a retrospective', *Datametary*, accessed 20 September 2022, <https://datametary.net/australian-house-prices-over-the-last-50-years-a-retrospective>
- National Museum of Australia 2022, 'End of the White Australia policy', accessed 19 August 2022, [www.nma.gov.au/defining-moments/resources/end-of-white-australia-policy](http://www.nma.gov.au/defining-moments/resources/end-of-white-australia-policy)
- Smith, D 2010, 'An appreciation of difference: W.E.H. Stanner and Aboriginal Australia - edited by Melinda Hinkson & Jeremy Beckett', *Journal of the Royal Anthropological Institute*, 16(3):691–692, doi:10.1111/j.1467-9655.2010.01646\_35.x
- Soutphommasane, T 2017, 'Institutional racism', *Australian Human Rights Commission*, accessed 8 July 2022, <https://humanrights.gov.au/about/news/speeches/institutional-racism>
- Stead, V & L Davies 2021, 'Unfree labour and Australia's obscured Pacific histories: towards a new genealogy of modern slavery', *Journal of Australian Studies*, 45(3):400–416, doi:10.1080/14443058.2021.1956571
- von Doussa, J 2006 (14 September), 'Launch of Trustees on Trial - recovering the stolen wages by Dr Rosalind Kidd', *Australian Human Rights Commission*, accessed 30 September 2022, <https://humanrights.gov.au/about/news/speeches/launch-trustees-trial-recovering-stolen-wages-dr-rosalind-kidd>



# The Illusion of Native Title:

Colonial Protectionism in  
the Landmark Decisions of  
*Mabo, Griffiths and Ward*

Irene  
Higgins

## Acknowledgement of Country

I come from the Wiradjuri people, the people of the three rivers: the Wambool, the Kalari, and the Murrumbidgee. My father grew up on Gubbi Gubbi Dyungungoo, by the Caboolture River. I was fortunate enough to spend most of my childhood growing up on Yugambah Country, the land of the Bullongin people, fishing with my dad along the Coomera River. It is through River Country that my family has maintained our connection to culture. The mismanagement of lands and waters by colonial Australia, especially our rivers, is what has impassioned me to learn more about Aboriginal and Torres Strait Islander land rights. I want to begin by acknowledging my ancestors, proud Wiradjuri people, for their strength, love, and for all that they have endured. We stand on your shoulders. I also wish to acknowledge the Traditional Owners of the lands upon which I study, work, live and write: the Gadigal people of the Eora Nation. I pay my deepest respects to their Elders, both past and present. I also wish to acknowledge the First Nations voices who have influenced my research and sparked my interest in this area of the law. I acknowledge the Aboriginal and Torres Strait Islander people who fought and continue to fight for the recognition of Aboriginal and Torres Strait Islander rights. I thank them for their sacrifices, endurance, and fierce optimism; struggling against a system that refuses to recognise that their sovereignty over this Country was never ceded. Always was, always will be.

## The Illusion of Native Title: Colonial Protectionism in the Landmark Decisions of *Mabo*, *Griffiths* and *Ward*

Irene Higgins  
Wiradjuri

Three decades ago, Australian courts made history in the development of Aboriginal and Torres Strait Islander rights through the recognition that Australia was established upon the fallacy of *terra nullius* ('land belonging to no one') (Moreton-Robinson 2015:16). Native title law recognises Aboriginal and Torres Strait Islander Peoples' rights to land and waters (*Native Title Act* 1993: Preamble); however, these rights are bound by a colonial legal framework (Watson 2007:28), which endeavours to recognise native title rights without disrupting 'settled' property interests (Moreton-Robinson 2015:126). This colonial framework operates to establish and maintain permanent possession of property, including over the stolen lands of Aboriginal and Torres Strait Islander Peoples (Moreton-Robinson 2015:xix). The following essay will demonstrate how Australia's colonial framework undermines Aboriginal and Torres Strait Islander rights to land and waters to protect colonial property interests through native title law by refusing to address the issue of Aboriginal and Torres Strait Islander sovereignty, reducing Aboriginal and Torres Strait Islander entitlements to compensation, and maintaining ultimate dominion over stolen land and waters. A close examination of the 'landmark' cases of *Mabo*, *Griffiths*, and *Ward*, which have been largely celebrated for their advancement of Aboriginal and Torres Strait Islander rights, reveals that the colonial framework of Australia operates to prevent the development of a more meaningful form of native title. Acknowledging the limitations placed upon native title law by the colonial framework, this essay will consider existing First Nations scholarship surrounding how native title law may be reimagined to meaningfully return stolen land and waters to Aboriginal and Torres Strait Islander Peoples.

Colonial Australia's refusal to properly recognise Aboriginal and Torres Strait Islander property rights is embedded in critical race theories of possession and protectionism. As Trawlwoolway and Pinterraier activist and lawyer, Michael Mansell, states, 'enabling any community to exist in a non-dependent way involves having an economic base. Land, or rights over it, is the common foundation' (Mansell 1992:6). Thus, upon invasion, the primary objective of colonialism in Australia was to establish territorial sovereignty: to gain possession, control, and power over Aboriginal and Torres Strait Islander land and waters. Colonial settlers rationalised their right to establish territorial sovereignty in Australia, without the need to negotiate treaties, by painting Aboriginal and Torres Strait Islander societies as 'primitive' (Mansell 1992:6), thereby deeming their property interests to be of lesser value (Moreton-Robinson 2015:xix). This attitude of colonial supremacy in property was substantiated by the unlawful determination that Aboriginal and Torres Strait Islander territories were *terra nullius* upon 'discovery' (Moreton-Robinson 2015:66). While *Mabo v Queensland (No 2)* refuted this legal fiction of *terra nullius* (*Mabo* 1992:17,112), the colonial framework continued to subjugate the rights of Aboriginal and Torres Strait Islander Peoples in order to protect Crown interests in property ownership, by claiming 'radical title' over Aboriginal and Torres Strait Islander land and waters (*Mabo* 1992:128), and asserting that these territories were 'settled' by colonial Australia (*Mabo* 1992:97).

The significance of obtaining territorial sovereignty lies in its ability to legitimate the landholders' exercise of control over that territory. Hence, in order for colonial Australia to maintain complete control over the land and waters they stole from Aboriginal and Torres

Strait Islander Peoples, they must necessarily deny the existence of Aboriginal and Torres Strait Islander sovereignty. Academic and Goenpul woman of the Quandamooka people, Aileen Moreton-Robinson asserts that the ‘logics of white possession and the disavowal of Aboriginal and Torres Strait Islander sovereignty are materially and discursively linked’ (Moreton-Robinson 2015:xiii). The protection of colonial Australia’s territorial sovereignty, at the expense of recognising the existence of Aboriginal and Torres Strait Islander sovereignty, is embedded within the *Mabo* decision itself (*Mabo* 1992:83). Tanganeald, Meintangk and Boandik law professor, Irene Watson, argues that by refusing to acknowledge the issue of sovereignty in *Mabo*, the High Court permitted administrators of the colonial framework to construct an ‘illusion’ of native title, enshrouded in colonial protectionism (Watson 2007:30). An analysis of recent cases of native title law confirms Watson’s (2007) critique that this system of recognising Aboriginal and Torres Strait Islander property rights has been formulated, interpreted, and applied by the courts with the intention of appeasing Aboriginal and Torres Strait Islander Peoples, whilst protecting colonial Australia’s interests in maintaining possession and power over stolen land and waters.

### ***Mabo v Queensland (No 2)***

*Mabo (No 2)* is celebrated for its recognition of Aboriginal and Torres Strait Islander Peoples’ property rights in Australian common law (Moreton-Robinson 2015:67). In 1992, *Mabo* saw the majority of the High Court of Australia recognise a form of native title rights that entitled the Meriam people of the Torres Strait Islands to the ‘possession, occupation, use and enjoyment’ of the Murray Islands, in accordance with their traditional laws and customs (*Mabo* 1992: Orders). However, to quote Mansell’s article on *Mabo*: ‘[t]he Court [gave] an inch, but [took] another mile’ (Mansell 1992:4). Although *Mabo* is regarded as a landmark case in furthering Aboriginal and Torres Strait Islander rights, the High Court’s decision also refused to appropriately address the existence of Aboriginal and Torres Strait Islander sovereignty (Watson 2007:25), and maintained that Australia

held ultimate dominion over all territory under radical title (*Mabo* 1992:55). Therefore, while the *Mabo* decision was widely celebrated for its rejection of *terra nullius* and its recognition of Aboriginal and Torres Strait Islander rights to land and waters, this case failed to address Aboriginal and Torres Strait Islander sovereignty, allowing the Crown to bestow upon itself a radical title that protects colonial Australia’s territorial sovereignty and property interests.

In addressing the issue of sovereignty, *Mabo* considered three methods of acquisition in accordance with international law: conquest, cession, or occupation (*Mabo* 1992:33). Famously, the High Court found that Australian sovereignty was not acquired by occupation, thereby ruling that Australia was not *terra nullius* upon discovery (*Mabo* 1992:46). To protect colonial interests, however, the High Court drew a distinction between sovereignty over land and ownership of land (*Mabo* 1992:45). Thus, the court was able to engage with the issue of native title without addressing sovereignty. As Watson recognises, however, the issues of sovereignty and entitlement to land are ‘inextricably linked’ (Watson 2007:25). That is, for stolen Aboriginal and Torres Strait Islander property to be legitimately returned to their rightful owners, Aboriginal and Torres Strait Islander sovereignty must also be recognised. Despite this, the courts refused to provide recognition for Aboriginal and Torres Strait Islander property rights ‘...if the basic doctrines of the common law are inconsistent with their recognition’ (*Mabo* 1992:46). Thus, the court adopted the position that native title would only be acknowledged if colonial sovereignty remained intact.

In his judgement, Justice Brennan found that to question colonial sovereignty would be to ‘fracture a skeletal principle of our legal system’ (*Mabo* 1992:43). Watson astutely notes how Justice Brennan’s language choices exemplified Australian courts’ continued protection of an unfounded and fragile construction of colonial sovereignty (Watson 2007:25). This culminated in Justice Brennan precluding future Australian courts from challenging the issue of Australia’s acquisition of sovereignty any further (*Mabo* 1992:83). Thus, the *Mabo* judgement expressed concerns that the meaningful recognition of Aboriginal and Torres Strait Islander sovereignty

would undermine the sovereign powers upon which Australian society has been built. In *Love v Commonwealth of Australia* and *Thoms v Commonwealth of Australia*, Chief Justice Kiefel found that Aboriginal and Torres Strait Islander sovereignty was implicitly rejected by *Mabo (No 2)* in order to protect British claims to sovereignty, and to allow for the Crown to ‘extinguish’ native title rights at their discretion (*Love and Thoms* 2020:25). This refusal by the High Court to address the issue of Aboriginal and Torres Strait Islander sovereignty is a protectionist response which prevents Aboriginal and Torres Strait Islander Traditional Owners from meaningfully reclaiming their land and water rights. In order to justify colonial Australia’s entitlement to stolen territories without *terra nullius*, Justice Brennan made a vague finding that sovereignty had been acquired through radical title, and that Australian lands were held by the Crown on ‘a tenure of some kind’ that could not be interfered with (*Mabo* 1992:49), that granted sovereign power over all colonised lands of Australia, regardless of whether sovereignty was established through conquest, cession, or occupation (*Mabo* 1992:71). Therefore, the *Mabo* decision avoided the issue of sovereignty while upholding its ‘fiction of settlement’ through radical title (Watson 2007:29), and undeservedly aggrandised the High Court for its rejection of *terra nullius*.

After the *Mabo* decision, objections from politicians and mining and pastoral industries led to further protection of colonial property interests (Moreton-Robinson 2015:68). Instead of educating the Australian public on native title, the *Mabo* decision was harnessed as a political tool to instil fear in Australians, which resulted in further limitations to native title rights (Moreton-Robinson 2015:68). As it stands, the Australian colonial framework continues to reject Aboriginal and Torres Strait Islander sovereignty and operates to prioritise ‘the needs of the broader Australian community’ at the expense of Aboriginal and Torres Strait Islander Peoples (*Native Title Act* 1993: Preamble). For instance, by using terms such as ‘native’ and ‘traditional’, the colonial framework portrays Aboriginal and Torres Strait Islander existence as primitive and historical, thereby invalidating Aboriginal and Torres Strait Islander entitlements to land

and waters (Moreton-Robinson 2015:xx). The most significant issue within native title, however, remains that it is granted at the discretion of the Australian colonial sovereign (Kelly and Bradfield 2012). As a result of this discretion, native title often recognises limited occupational rights that can be taken away as easily as they are given (Mansell 1992:6). Kelly and Bradfield critique the native title system as being hollow, due to the non-exclusive and fundamentally weaker nature of the land rights granted under native title law. The rights are fragile, as decisions can be set aside easily (Kelly and Bradfield 2012). The consequences of the ‘hollow and fragile’ nature of the native title system are demonstrated in the landmark compensation case of *Northern Territory v Griffiths*.

### ***Northern Territory v Griffiths***

The compensation model for extinguished native title protects colonial interests by imposing colonial standards against which compensation is measured. These colonial interests are centred around the erasure of Aboriginal and Torres Strait Islander Peoples’ native title rights for colonial Australia’s proprietary benefit. According to the *Native Title Act*, compensation for the compulsory acquisition of land and waters may be awarded ‘on just terms’ to native title holders (*Native Title Act* 1993: Preamble, s 51(1)). In the *Griffiths* case, \$2.5 million was awarded to the Ngaliwurru and Nungali peoples for the extinguishment of their native title rights to the Timber Creek and Makalamayi areas of the Northern Territory (*Griffiths* 2019:348), including \$1.3 million in compensation for cultural loss (*Griffiths* 2019:54). Although *Griffiths* was celebrated as being the first compensation case in native title law to be addressed by the High Court, a critical analysis of this case demonstrates how the colonial framework continues to ensure the protection of colonial proprietary interests within the native title system. The Crown’s power to acquire property ‘on just terms’, embedded in the Constitution (*Australian Constitution: s 51(xxxi)*), means that native title rights can be stripped from Aboriginal and Torres Strait Islander communities at the discretion of the colonial sovereign, in exchange for a monetary sum that

# Yug



# ben

My babiin (father), Marc Joseph Higgins, fishing on Yugambah Country

Photo supplied by Irene Higgins

is considered 'just' by colonial standards, rather than by what is considered a 'just' outcome from the perspectives of Aboriginal and Torres Strait Islander Peoples. A close examination of the economic and cultural loss afforded to the Ngaliwurru and Nungali peoples in *Griffiths* demonstrates how the amount of compensation awarded under native title law is not sufficient to counteract the loss suffered by Aboriginal and Torres Strait Islander claimants in the erasure of their native title rights.

Economic loss in native title compensation is significantly affected by the fact that a majority of the native title entitlements granted by the Crown are determined to either be extinguished or merely non-exclusive (Kelly and Bradfield 2012). If native title is extinguished, these rights will be non-compensable (Gibson 2022), whilst compensation for non-exclusive native title rights are found to be worth only a portion of the freehold value of the land (Nicholls and Nolan 2019). In *Griffiths*, the High Court held that the Ngaliwurru and Nungali peoples' native title consisted of a list of non-exclusive rights that were deemed to align with the claimants' traditional laws and customs (*Griffiths* 2019:63), including hunting, gathering, camping and other 'cultural activities' (*Griffiths* 2019:10). By limiting Aboriginal and Torres Strait Islander rights in native title, the colonial framework has ensured that Australia continues to hold ultimate dominion over the territories they have stolen. Some native title cases have recognised the commercial rights of Aboriginal and Torres Strait Islander communities such as in the case of *Akiba v Commonwealth of Australia* (*Akiba* 2013:1). Despite this, a majority of Aboriginal and Torres Strait Islander Peoples who are able to overcome the 'insurmountable' requirements of establishing native title, are limited to exercising rights to land and waters that are consistent with the historical, traditional, and native narrative that has been put forward by colonial Australia to reduce the possessiveness of native title (Watson 2007:30). The *Griffiths* decision reflects the Courts' attempts to maintain colonial exclusivity over rights that are considered valuable, such as the right to economically develop property. Thus, by effectively granting occupancy rights, rather than ownership and full possession, the colonial framework ensures the reduction of Aboriginal

and Torres Strait Islander entitlements under native title.

In *Griffiths*, the High Court significantly reduced native title holders' compensation from the \$3.3 million originally awarded by the Federal Court (*Griffiths* 2019:12), to \$2.5 million (*Griffiths* 2019:238). By first determining that the claimants' native title rights were non-exclusive, the Courts were able to argue that their compensation entitlement would only be worth a fraction of the freehold value of the land (*Griffiths* 2019:63). This reaffirmed Watson's critique that native title has been reduced to 'a vulnerable and lesser form of title to property than the common Australian backyard' (Watson 2007:28). Moreover, the High Court determined that 'non-exclusive title' was worth 65% of the freehold value of the land (*Griffiths* 2019:106), and that any higher proportion, such as the original determination of 80% (*Griffiths* 2016:429), was overly substantive and 'a real impediment to any further grants of interest in the land' (*Griffiths* 2019:64). Thus, the *Griffiths* decision demonstrates how colonial capitalist ideals have warped the valuation of Aboriginal and Torres Strait Islander Peoples' rights to land and waters, explicitly reducing their compensatory value.

The measure of compensation as a proportion of the freehold value of the land for non-exclusive rights under the *Native Title Act* is particularly interesting when compared to the rights granted under the parallel scheme of Aboriginal land rights. Aboriginal land rights legislation awards freehold title over land to successful claimants under state law (e.g. *Aboriginal Land Rights Act 1976* (NT): s 12; *Aboriginal Land Rights Act 1983* (NSW): s 36). The implications of this additional entitlement for Aboriginal and Torres Strait Islander communities are significant; empowering communities to exclude others (though not all) from their land, to protect the land more effectively, and to apply to economically develop the land. This allowance for the economic development of land for the benefit of Aboriginal and Torres Strait Islander communities is embedded within the *Aboriginal Land Rights Acts* (*Aboriginal Land Rights Act 1976* (NT): s 23(1)(ea); *Aboriginal Land Rights Act 1983* (NSW): s 42D). Whilst property rights granted under *Aboriginal Land Rights Acts*

remain under the ultimate dominion of the State, they generally grant more exclusive rights than those afforded to native title holders who are usually prevented from engaging in commercial and economic practices upon the land. Thus, *Griffiths* found that the title awarded to the Ngaliwurru and Nungali peoples, under native title law, necessarily held lesser value than the freehold value afforded to successful claimants under the *Aboriginal Land Rights Acts* (*Griffiths* 2019:74). By comparing native title rights, which are generally non-exclusive, with those granted under the *Aboriginal Land Rights Act*, a mechanism that was established and available two decades before the *Mabo* decision, *Griffiths* sheds light on the extent to which native title, its associated rights, and the compensation it offers, have been overly aggrandised by Australian law. This supports Watson's claim that native title law is enshrouded in colonial protectionism, promoting a system of law that grants as few rights to Aboriginal and Torres Strait Islander peoples as possible (Watson 2007:30).

Lastly, one of the most celebrated aspects of *Griffiths* was its recognition of \$1.3 million compensation for cultural loss (*Griffiths* 2019:54). As Chris Griffiths, the son of the claimant Alan Griffiths stated, 'The compensation will never replace our land... the country's still here, the spirit is still here, our heart is still here' (Dias 2016). It is undeniable that *Griffiths* established a precedent for the recognition of cultural loss in Australian courts, and will provide fiscal empowerment to the Ngaliwurru and Nungali communities and other communities who have had their native title rights extinguished by the Crown. However, it is questionable whether monetary compensation is capable of fully and sufficiently compensating Aboriginal and Torres Strait Islander communities for the collective, intergenerational, and spiritual suffering that comes from dispossession (Nicholls and Nolan 2019). The amount of compensation awarded under native title law may never be sufficient to counteract the loss and spiritual suffering of Aboriginal and Torres Strait Islander claimants in the erasure of their land and water rights. Colonial structures cannot implement their capitalist models to compensate for a loss of ability to care for and maintain a

relationship with Country (Nicholls and Nolan 2019). Thus, the *Griffiths* case raises important questions regarding the effectiveness of the compensatory framework in colonial Australia for adequately recognising the loss and suffering of Aboriginal and Torres Strait Islander Peoples, and highlights major issues of colonial protectionism within the native title system.

### ***Ward, on behalf of the Pila Nature Reserve Traditional Owners v Western Australia***

Legal theorist from Munanjali and Birri Gubba peoples, Nicole Watson states that the three main pillars of Aboriginal and Torres Strait Islander issues are for the realisation of self-determination, the creation of a land base, and the payment of compensation (Watson 2014:58). Although cases such as *Griffiths* and *Ward* address this third issue, the failure of colonial Australia to compensate Aboriginal and Torres Strait Islander communities adequately renders native title a benevolent, 'humane gesture by white authority' that does little to counteract the effects of colonisation upon these communities (Mansell 1992:6). Irene Watson likened the native title system to the paradoxical analogy of a thief who returns something they have stolen, without recognising the victim of the theft as rightful owner, and, most confoundingly, without renouncing control over that which has been stolen (Watson 2007:28–9). Thus, the illusion of native title was formed by *Mabo*'s superficial recognition of Aboriginal and Torres Strait Islander property rights, without any renunciation of sovereign powers, and is perpetuated through an exiguous compensatory scheme.

The recent settlement between the Western Australian Government and the Yarnangu peoples is yet another example of how the illusion of native title ensures that ultimate dominion over Aboriginal and Torres Strait Islander territories remains with the colonial sovereign. The 'Compensation and Lurrtjurrulu Palakitjalu Settlement Agreement,' which was accepted by the Federal Court in June 2022 (*Ward* 2022:55), outlined compensatory amounts to be paid to the Warnpurru Aboriginal Corporation over a 10-year period, with a further \$650,000 to be attributed towards the

funding of cultural matters such as funerals, law, business, and education (Allbrook and Reger 2021). This decision was understandably celebrated for being the first application of s 47C of the *Native Title Act*, and for overturning the previous *Ward* decision that native title over the Pila Nature Reserve had been extinguished (Buti and Whitby 2022). Despite the significance of this case, the \$7.5 million joint management proposal means that the Yarnangu people (Wyatt and Dawson 2020), who relied upon the participation of the colonial settlers to reach an agreement, will also have to rely upon the good will of the state government in perpetuity for funding and support.

The amount of compensation awarded under native title law may never be sufficient to counteract the loss and spiritual suffering of Aboriginal and Torres Strait Islander claimants in the erasure of their land and water rights.

This dependency prevents Aboriginal and Torres Strait Islander communities from achieving self-determination, which Nicole Watson argues requires both compensation and a land base, allowing Aboriginal and Torres Strait Islander People to ‘live free of government intervention’ (Watson 2014:48). This is due to the fact that compensation and a land base equip and empower Aboriginal and Torres Strait Islander communities to function independently, without the input of the Crown (Watson 2014:48). Thus, the State’s continued input in the management of these stolen territories ensures that the self-determination of the Yarnangu peoples will remain out of reach, as colonial interests will continue to be prioritised and protected in

how their land and waters are managed. One such example is in how the agreement seeks to protect public use of the Gary and Gunbarrel Highways (*Ward* 2022:11), which may present issues if, for instance, those highways require additional works or expansion. In discussing another compensation agreement, the Noongar Native Title Settlement, Kelly and Bradfield went as far as to criticise native title compensation agreements for their permanent entrenchment of Aboriginal and Torres Strait Islander Peoples’ dispossession in Australian law (Kelly and Bradfield 2012). Overall, the acting counsel for the Yarnangu people, Malcolm O’Dell, aptly summarised the Pila Nature Reserve case as a bittersweet result for Aboriginal and Torres Strait Islander Peoples who had fought for their rights, many of whom ‘never lived long enough ... to see their native title recognised’ (Morabito 2022). In short, for many, the *Ward* decision may be regarded as too little, too late.

### The impossibilities of native title

*Mabo*, *Griffiths* and *Ward* clearly demonstrate that the illusion of native title has been created, interpreted, and applied by an institutional framework that operates to protect colonial interests in sovereignty and property possession. Although these cases have certainly advanced Aboriginal and Torres Strait Islander rights, the primary concern of the colonial framework is to protect the ‘skeletal framework’ of Australian society (Watson 2007:25). Thus, by positioning native title within a structure that denies the possibilities of Aboriginal and Torres Strait Islander sovereignty and exclusive property rights, the Australian colonial framework has ensured the continued dispossession of Aboriginal and Torres Strait Islander peoples. In addressing the apparent ‘impossibility’ of Aboriginal and Torres Strait Islander land and water rights and sovereignty, Irene Watson chooses to view the difficulties presented by native title through a different lens. Watson suggests viewing the apparent impossibilities of native title law as the first steppingstone towards the proper recognition of Aboriginal and Torres Strait Islander sovereignty and property ownership (Watson 2007:29).

Watson's discussion of potential avenues for the development of native title law rightfully stresses the importance of acknowledging Aboriginal and Torres Strait Islander sovereignty but emphasises that colonial structures should not view this recognition as a threat (Watson 2007:31). Firstly, Watson asserts that Aboriginal and Torres Strait Islander sovereignty exists over Australian lands, regardless of whether the colonial framework chooses to acknowledge it (Watson 2007:29). Secondly, Watson suggests that Australian law need not be eliminated, but simply expanded to incorporate Aboriginal and Torres Strait Islander laws, sovereignty, and property rights (Watson 2007:27). Watson draws upon the Dreamtime story of Tiddalik to demonstrate how through collaboration, Australia may be able to forge a path forward from its colonial past of invasion towards a united future (Watson 2007:27). Some theorists argue that the first step towards this is for legal theorists to engage with Aboriginal and Torres Strait Islander knowledges and critical race theory in order to 'devise new frameworks for the realisation of Indigenous self-determination' (Watson 2014:58). Nicole Watson argues that until legal scholarship utilises the rich source of information found in Aboriginal and Torres Strait Islander literature, 'the law will continue to be an instrument of colonisation' (Watson 2014:58). Another contemplation, relevant to current political debate, centres around the concept of a First Nations Voice to Parliament.

In engaging with the apparent 'impossibilities' of native title, Irene Watson thoughtfully notes that '...Aboriginal dialogue or process [has never been] given over to this concept, that is, of giving the Aboriginal voice a political representative quality' (Watson 2007:32). Watson's text, however, raises some scepticism; outlining the potential risks of a First Nations Voice merely becoming a 'native informant', a form of ethnic commodification that is not appropriately representative of Aboriginal and Torres Strait Islander Peoples (Watson 2007:32). The First Nations Voice to Parliament proposed within the Uluru Statement from the Heart will hopefully combat Watson's concerns, as the Voice is envisioned to be a collective of Aboriginal and Torres Strait Islander Voices, nation-wide, that is representative of the cultural authority of Traditional Owners (Williams

and Davis 2021). Williams and Davis notes that one such way to promote the self-determination of Aboriginal and Torres Strait Islander peoples, is to allow the communities themselves to determine how their Voice will be represented (Williams and Davis 2021). While Watson also invites us to question why Aboriginal and Torres Strait Islander peoples must adapt to fit within Australia's colonial framework (Watson 2018:17), she reaffirmed the importance of the colonial framework creating 'spaces and places where Aboriginal voices are heard' (Watson 2018:17). Furthermore, although the colonial framework has generally operated to protect its own property interests, there is a possible future where Aboriginal and Torres Strait Islander sovereignty may be recognised in Australia, begetting a legitimate form of native title law.

## Conclusion

The Australian colonial framework functions to protect and privilege colonial interests, including those in property possession and territorial sovereignty. This has resulted in Aboriginal and Torres Strait Islander Peoples struggling to obtain rights over land and waters that were stolen from them. Although landmark cases, *Mabo*, *Griffiths* and *Ward*, appear to further Aboriginal and Torres Strait Islander property rights, these decisions have protected the colonial framework by denying First Nations sovereignty, radically reducing Aboriginal and Torres Strait Islander entitlements to land and waters, and by ensuring that Aboriginal and Torres Strait Islander communities cannot operate without the intervention of colonial powers. Thus, the Crown has maintained possession and power over the land and waters they have stolen, making the acquisition of meaningful native title law seem impossible (Watson 2007:26). Despite this, legal theorists argue that if existing colonial structures were to meaningfully engage with Aboriginal and Torres Strait Islander interests, voices and scholarship (Watson 2014:58), native title law may be reimagined as an appropriate recognition of Aboriginal and Torres Strait Islander Peoples' entitlement to land and waters in such a way that empowers Aboriginal and Torres Strait Islander Peoples.

## References

- Aboriginal Land Rights Act 1976* (NT).
- Aboriginal Land Rights Act 1983* (NSW).
- Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia*, (2013) HCA 33.
- Allbrook, M & D Reger (Central Desert Native Title Services) 2021, 'Compensation Claims Post-Griffiths' in *Land, Rights, Laws: Issues on Native Title*, 7(1).
- Buti, T & R Whitby 2022 (15 June), 'Historic Native Title Settlement Secures Benefits for Traditional Owners in Renamed Pila Nature Reserve', *Government of Western Australia Media Statements*, accessed 1 September 2022, [www.mediastatements.wa.gov.au/Pages/McGowan/2022/06/Historic-native-title-settlement-secures-benefits-for-Traditional-Owners-in-renamed-Pila-Nature-Reserve.aspx](http://www.mediastatements.wa.gov.au/Pages/McGowan/2022/06/Historic-native-title-settlement-secures-benefits-for-Traditional-Owners-in-renamed-Pila-Nature-Reserve.aspx)
- Commonwealth of Australia Constitution Act 1900*.
- Dias, A 2016 (8 Feb), 'Historic loss of Native Title compensation case gets underway in tiny Northern Territory town', *ABC News*, accessed 23 October 2022, [www.abc.net.au/news/2016-02-08/historic-native-title-case-heard-in-timber-creek/7150428](http://www.abc.net.au/news/2016-02-08/historic-native-title-case-heard-in-timber-creek/7150428)
- Gibson, P 2022 (3 June), 'Thirty years since the *Mabo* decision – why Native Title hasn't delivered', *Solidarity*, accessed 24 October 2022, [www.solidarity.net.au/highlights/thirty-years-since-the-mabo-decision-why-native-title-hasnt-delivered/](http://www.solidarity.net.au/highlights/thirty-years-since-the-mabo-decision-why-native-title-hasnt-delivered/)
- Griffiths v Northern Territory of Australia (No 3)* (2016) FCA 900.
- Kelly, G & S Bradfield 2012, 'Winning Native Title, or winning out of Native Title? The Noongar Native Title Settlement', *Indigenous Law Bulletin* 8(2):14–16, doi/10.3316/agispt.20124913
- Love v Commonwealth of Australia; Thoms v Commonwealth of Australia* (2020) HCA 30.
- Mabo v Queensland (No 2)* (1992) 175 CLR 1.
- Mansell, M 1992, 'Perspectives on Mabo: The Aboriginal Provisional Government perspective: the court gives an inch but takes another mile', *Aboriginal Law Bulletin* 2(57):4–6, doi/10.3316/agispt.19923287
- Morabito, E 2022 (18 June), 'Historic determination a bittersweet moment for Pila Nature Reserve Native Title Holders', *Kalgoorlie Miner*, accessed 1 September 2022, [www.kalminer.com.au/news/regional/historic-determination-a-bittersweet-moment-for-pila-nature-reserve-native-title-holders-c-7197910](http://www.kalminer.com.au/news/regional/historic-determination-a-bittersweet-moment-for-pila-nature-reserve-native-title-holders-c-7197910)
- Moreton-Robinson, A 2015, *The White Progressive: Property, Power, and Indigenous Sovereignty*, University of Minnesota Press, Minneapolis.
- Native Title Act 1993* (Cth).
- Nicholls, H & E Nolan 2019, 'Calculating cultural loss and compensation in Native Title: *Northern Territory v Griffiths* (2019) 364 ALR 208', *Adelaide Law Review* 40(3):879–889.
- Northern Territory v Mr A. Griffiths and Lorraine Jones on behalf of the Ngaliwuru and Nungali Peoples* (2019) HCA 7.
- Ward, on behalf of the Pila Nature Reserve Traditional Owners v State of Western Australia* (2022) FCA 689.
- Watson, I 2007, 'Aboriginal sovereignties: past, present and future (im)possibilities' in Suvendrini Perera (ed), *Our patch: enacting Australian sovereignty post-2001*, Network Books, Perth, pp 23–43.
- — 2018, 'Aboriginal recognition: treaties and colonial constitutions, "We Have Been Here Forever..."', *Bond Law Review* 30(1):7–18.
- Watson, N 2014, 'Justice in whose eyes? Why lawyers should read Black Australian literature', *Griffith Law Review* 23(1):44–60, doi:10.1080/10383441.2014.944006
- Williams, G & M Davis 2021, *Everything you need to know about the Uluru Statement from the Heart*, UNSW Press, Sydney.
- Wyatt, B & S Dawson 2020 (29 October), 'Historic Native Title settlement agreement reached with the Traditional Owners of the Gibson Desert Nature Reserve', *Government of Western Australia Media Statements*, accessed 1 September 2022, [www.mediastatements.wa.gov.au/Pages/McGowan/2020/10/Historic-native-title-settlement-agreement-reached-with-the-traditional-owners-of-the-Gibson-Desert-Nature-Reserve.aspx](http://www.mediastatements.wa.gov.au/Pages/McGowan/2020/10/Historic-native-title-settlement-agreement-reached-with-the-traditional-owners-of-the-Gibson-Desert-Nature-Reserve.aspx)

'I un  
a c  
research  
a cor  
a chilo  
Ta

Understand it takes  
community to do  
just like it takes  
community to raise  
d', Aunty Shazza  
ylor (Wiradjuri):

**A Narrative Review of First Nations  
Community Control and Power in  
Participatory and Community-Based  
Research Practices.**

**Amy  
Davidson**

## **Acknowledgement of Country**

I acknowledge and pay respect to the Custodians of Country throughout Australia and their continuing connection to Country, culture, language, and community. I acknowledge that sovereignty was never ceded. I also acknowledge Dhawaral Country of the Wodi Wodi people on whose Country I live and wrote this paper. I pay respect to Elder's past, present and emerging and to my Wiradjuri Ancestors. I pay respect to all First Nations Peoples, knowledge holders, Ancestors, and communities.

## **‘I understand it takes a community to do research just like it takes a community to raise a child’, Aunty Shazza Taylor (Wiradjuri): A Narrative Review of First Nations’ Community Control and Power in Participatory and Community-Based Research Practices.**

**Amy Davidson**

**Wiradjuri**

*‘The very question we choose to ask and the methods we use to answer them are political.’  
(Caine and Mill 2009)*

### **Abstract**

**Background:** the origins of research with Aboriginal and Torres Strait Islander communities in Australia were based on serving the colonial project. Racism and *terra nullius* were scientific falsities that attempted to justify the desires of the government at the time: to acquire inhabited lands by using colonial tactics that aimed at the destruction of identity, languages, cultures, and kinship ties. Today it is widely accepted that community control, cultural protocol, and Indigenous ways of being, knowing and doing are essential to valid and safe Indigenous research. Indigenous peoples are the authority on their own lives, therefore Indigenous worldviews and standpoints should be centred throughout Indigenous research. Indigenous academics and communities have been advocating for control and ownership of research practices and cultural knowledges for decades.

**Purpose:** the purpose of this narrative review is to assess the power Indigenous communities have in community-based research practice in the social sciences and health globally and in Australia. The narrative review has two parts: first, a narrative review of Indigenous theory to demonstrate the widely advocated, robust arguments for Indigenous-based research practices. The second part of the narrative review analyses the practice of community-based research to assess the degree of community power in practice.

**Method:** part one of the narrative review searched for Indigenous research theory with keywords including: Indigenous OR Aboriginal and Torres Strait Islander, methodology, Indigenous research, Indigenous communities. Part two of the narrative review is of community-based research practice in the social sciences and health. The keywords included: Indigenous OR Aboriginal and Torres Strait Islander, community-led research (CLR), community-based research (CBR) and participatory-action research (PAR).

**Findings:** part one of the narrative review revealed the challenges to conducting Indigenous research in a white institution. Two themes within this emerged. Theme one: structural and persistent racism in academia and theme two: walking the talk, institutional cultural awareness, and Indigenous research practice. Part two of the narrative review analyses the power Indigenous communities have in community-based research practice. Three themes emerged. Theme one: the failure of the participatory approach. Theme two: increasing the visibility of Indigenous communities’ participation and keeping the researcher accountable. Theme three: the disconnect between Indigenous research and policy making.

### **Introduction**

This narrative review focuses on community-based research and CLR due to several recent successful outcomes of research with Indigenous communities (Purcell-Khodr et al. 2021; Riley et al. 2013; Riley and Howard-Wagner 2014; Webster et al. 2017; Webster et al. 2021). This growing part of the literature



Clockwise from top: Elizabeth Mcnamara and Dennis Oneill; Eislly Dalton; Amy Davidson with her Pappa and sister, Barry Dalton and Ellie Davidson.

Photos supplied by Amy Davidson

demonstrates that research outcomes increase when power is shifted from researchers to Indigenous communities in the decision-making and ownership of research. The motivation for sharing this narrative review is twofold. First, to better understand the power Indigenous communities have in research practice and where it stands in practice today and second to provide an introductory paper of Indigenous research practices for students interested in Indigenous research studies that is lacking in the literature.

Knowledge in universities is taught in discipline silos: medicine, education, law, social work. Within these disciplines are shared and differing 'approaches' to and 'rules' of research practice. The practice of research is also taught in silos. This current work is an attempt at creating context, situating research processes such as theory, research approaches, methodology, method, and practice in relation to one another, and to colour it in with Indigenous ways of knowing. This paper also aims to unpack some Indigenous theory influencing community-based research practice and the challenges Indigenous academics and communities are facing in the research process. Finally, suggestions and questions for future research are recommended to increase the transparency of Indigenous community participation in future research. The overarching aim of the paper is to argue for increased Indigenous community control and intellectual sovereignty in research.

### **Situating the author and the narrative review**

It is part of cultural protocol for me to introduce myself and my family connections to culture and community. In doing so I recognise and critically reflect on my values, bias and intentions for this work. My family members are Wiradjuri descendants, originally McNamaras from Mount David in the Rocklea (NSW) area. My family had a farm in Mount David for a few generations until they relocated to La Kembla (NSW) when my Papa (my mum's dad) was born. I grew up on and off Wiradjuri Country. My Papa later had a farm outside Blayney (NSW), which I have fond memories of living on and visiting.

I grew up unaware of my Wiradjuri heritage; I also have Irish and Scottish heritage on my Dad's side and English heritage on my Nanny's side. It wasn't until 2017 whilst studying Indigenous studies at university and living with my Nanny and Papa that conversations about my studies awoke sleeping memories in my Papa and his sister. Uncle and Dr Anthony McKnight refers to this phenomenon in his writing as 'a spiritual email that can take many forms.' In my Papa's case, my talking about learning of culture and Country 'triggered memories' (McMahon and McKnight 2021). Papa then told me about his Aboriginal mother Kathleen Eileen O'Neill, affectionately known as Eisly. Eisly married a racially, verbally, and physically abusive man who had internalised the racist values dominant in the 1920–70's. This period was also the height of the Stolen Generations and fear of children being taken gripped Aboriginal communities (Williams-Mozley 2015).

I share this painful part of my family's story to demonstrate how a macro issue of racist national policies such as the Stolen Generations and White Australia policies can have real impacts on a micro scale within family units. It is the power of the colonial narrative that encouraged whiteness and assimilation whilst simultaneously breaking up kinship ties and punishing practice of Aboriginal culture and language (Williams-Mozley 2015). As a result, Eisly hid her identity outside the family home to protect herself and her children from being taken and to allow them the opportunity to vote, go to school and access healthcare. At this time many Aboriginal people disguised their heritage to protect their families (Aberdeen and Jones 2021). The exemption policies encouraged Aboriginal peoples to apply for an exemption from being Aboriginal, to allow access to basic rights and freedoms. Aboriginal academics Lucinda Aberdeen and Jennifer Jones Black demonstrate first hand lived experiences of life with an exemption in their book *Black, White and Exempt* (2021).

'Exemption is a powerful word for a concept and a policy that features in much of the Aboriginal experience since 1788. It is a term that has ruled over our lives in so many instances. But there was a Catch 22 within exemption: however hard we might try to

meet the criteria of behaviour acceptable to white Australians, white Australians were never going to accept us as equal. In New South Wales there was one major incentive to pursue an exemption certificate: to escape the threat of Aboriginal child removal and keep families safe from this sickening policy.’ (Aberdeen and Jones 2021)

The heavy price of the exemption was denying identity, losing cultural and community connections, heavy police surveillance and the threat that the exemption could be taken from people at any time. The lived experiences of Aboriginal peoples who received an exemption is one of resilience and pain. ‘It stank in my nostrils’ (Ella Simon in Aberdeen and Jones 2021). The ultimate price of an exemption was not being legally permitted to contact your Aboriginal family members, speak language or practice culture. There is little academic writing on the exemption policies and the ripple effects it continues to have on Aboriginal families.

Since 2016 my family and I have been on a journey of reconciling our complex, yet all too common and deeply personal family history. I did not identify upon learning of my Wiradjuri Ancestors, out of deep respect for people who were born into culture and community connections. I acknowledge this and tell my family’s story because I understand the importance of my positionality: I cannot speak to anyone’s lived experience but my own which is not shared with people born into community. I also aim to highlight the ongoing and varying impacts that colonisation and the government’s White Australia policies continue to have on Aboriginal families and kinship ties today. The fears associated with identifying are still present in my family, and we must tread lightly on our journey home, back to community and culture. It was not until 2021 after years of cultural mentoring and developing genuine community and cultural connections that I received the encouragement and blessing from Wiradjuri and Gamilaroi woman Associate Professor Lynette Riley, Dharug woman Irene Wardle, and Papa (Barry Dalton) that I felt comfortable to claim my identity. It continues to be a lifelong journey of coming home, becoming and reconnecting with culture, Country, and community.

When I started a bachelor’s degree at university I largely saw through a white lens as my lived experience had only been as a non-Aboriginal person, although I felt the old fellas guiding me my entire life. Upon reflection I have countless memories of intuitive value-based cultural teachings from my Papa. As well as talking with, listening to and connecting with Country as a child and adolescent on my Papa’s farm in Blayney NSW on Wiradjuri Country. Today, with my growing connections with Mob, culture and undertaking doctoral studies in Aboriginal community-led research (CLR) I see the world through both lenses which has its own challenges and advantages. My PhD research is multi-disciplinary and seeks to represent Aboriginal communities’ voices, stories, and experiences of research.

**Terminology:** the terms Aboriginal and Torres Strait Islander, Indigenous, and First Nations are used interchangeably throughout the paper.

### **Background: the shift towards Indigenous community-centred research and the centring of community voices**

*‘The researched become the researchers.’  
(Mooney-Somers and Maher 2009)*

This part of the narrative review aims to provide a brief snapshot of several key Indigenous influencers. Following this, several examples of Aboriginal communities in Australia leading research and language programs are discussed to ground theory into practice. Aboriginal and Torres Strait Islander communities have fiercely and relentlessly advocated and fought for sovereignty since invasion began in 1788 (Price 2015). This has been a largely silenced historical narrative until challenged by First Nations scholars such as Uncle Bruce Pascoe in his seminal work *Dark Emu* (2015). In academia, Indigenous Peoples remain one of the most researched yet underrepresented peoples (Blair 2015). First Nations Peoples and Indigenous academics globally have been disrupting Western ways of knowledge production by developing frameworks for culturally safe research, which are produced by community, for community (Kendall et al. 2011; Smith 2013; Rigney 1999). Key Indigenous influencers include but are not limited to:

- Māori scholar Linda Tuhiwai Smith's work on the 'Indigenous research agenda' (2021)
- Gai-mariagal Elder and Knowledge Holder, Dennis Foley's work on Indigenous research, epistemology and standpoint theory (2003)
- Torres Strait Islander and Traditional Owner, Martin Nakata's work on the 'cultural interface' (2007)
- a descendant of the Narungga, Kurna and Ngarrindjeri peoples of South Australia - Lester Rigney's work on 'Indigenist research' (1999)
- Goenpul woman of the Quandamooka Nation, Aileen Moreton-Robinson's work on the 'white possessive', Indigenous sovereignty and an Australian Indigenous standpoint theory (2015)
- Opaskwayak Cree from northern Manitoba, Shawn Wilson's work on 'research is ceremony' draws on the spirit of working in an Indigenous ontology (way of doing things) (2020).

The above-mentioned knowledge holders have produced works that have disrupted Western research design, challenging the use of the Euro-centric approach to research 'about' Indigenous communities using 'critical,' 'race theory' and 'standpoint theories.' For example, Lester Rigney's argument for intellectual sovereignty demonstrates that 'we must now address some of the things that cause tension between Indigenous and non-Indigenous views of scientific investigation and knowledge production' (Rigney 2001:10). Linda Tuwahi Smith's (2012) *Decolonizing Methodologies* work fundamentally challenges the 'positional superiority of Western knowledge.'

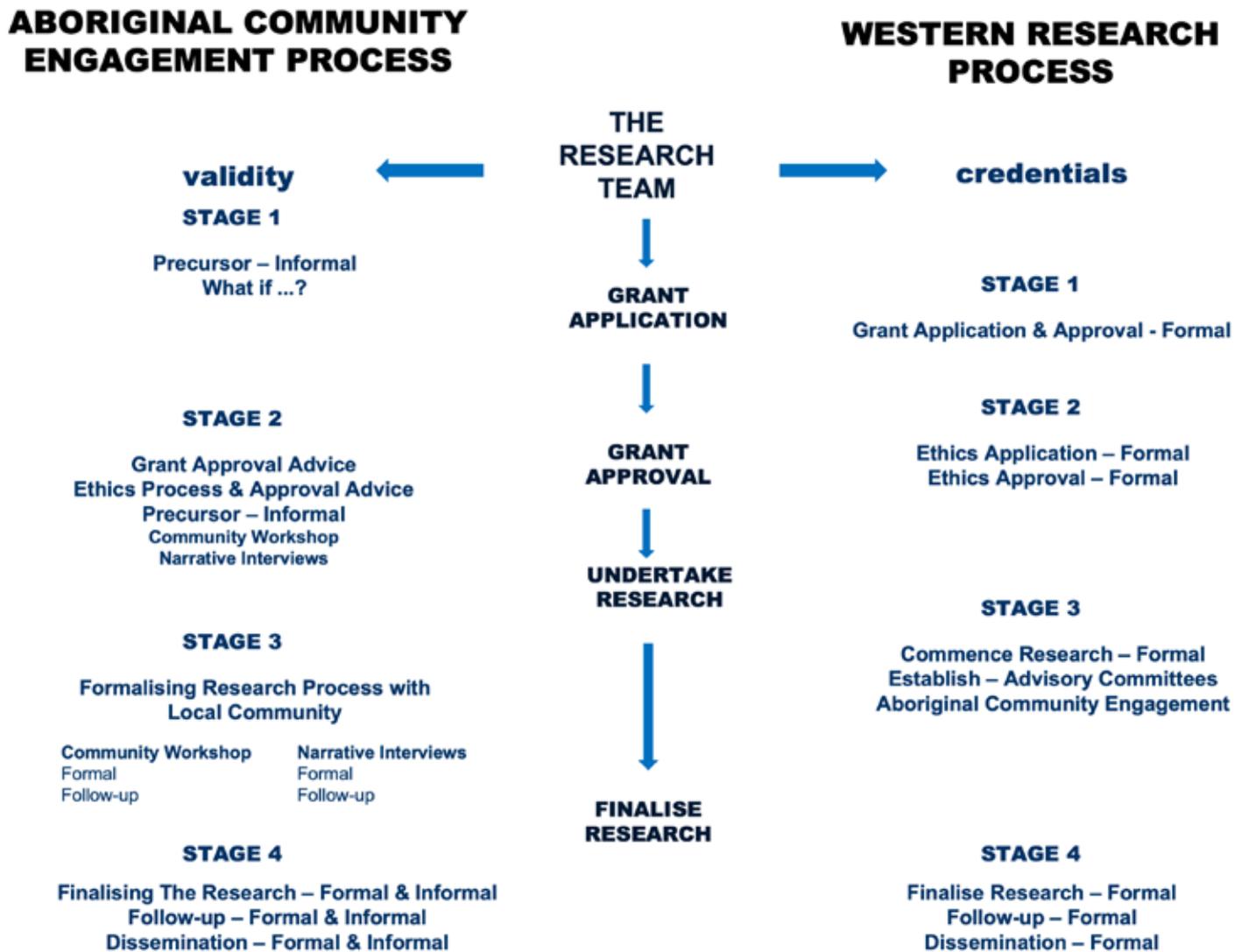
'The globalisation of knowledge and Western culture constantly reaffirms the West's view of itself as the centre of legitimate knowledge, the arbiter of what counts as knowledge and the source of 'civilised' knowledge. This form of global knowledge is generally referred to as 'universal' knowledge, available to all but not really owned by anyone, that is until non-Western scholars made claim to it. When claims like this are made history is revised.' (Smith 2012: 66)

Martin Nakata's (2007) work challenged the constructed identities of diverse, disadvantaged communities **by** the 'outsider' (researcher), which do not result in accurate representations nor serve the groups they are 'about.' Instead, they result in ineffective and at times harmful social policy and/or community programs, compounding stereotypes and narratives of blame and helplessness (Nakata 2007). Burgess' (2017) work on cultural reflexivity and pedagogical cultural identity offers a way forward for the community-based and social justice-oriented research that is attempting to engage with the shifting of privilege and the construction of work 'with' disadvantaged/othered/marginalised groups. Burgess (2017) argues that when culturally and socially diverse groups teach through their own ways of knowing and lived experiences the outcomes have proven to be decolonizing and challenge/deconstruct stereotypes and harmful knowledge produced about these groups. The question is no longer 'how can better research be produced for communities?'; it is 'why isn't it consistently being practiced in this way?'

Aboriginal and Torres Strait Islander academics in Australia have been a part of the shift towards community-centred research and the centring of community voices. Aboriginal CLR evolved out of everyday cultural practice. Following local Lore dictates local decision-making practices in all community-run programs, organisations, and initiatives. Communities are highly skilled in following Lore and cultural protocol; this allows communities to mobilise efficiently and typically with very little resources. Aboriginal academics have a challenging dual role and responsibility to the academy and the community that requires careful balancing (McMahon and McKnight 2021). Outside the research space, Indigenous communities have developed countless community-led projects. For example, Aboriginal language revitalisation throughout Australia is the result of community-led efforts and projects, resulting in the first community-led government-funded OCHRE program, language nests and the first *NSW Aboriginal Languages Act 2017* (Hobson 2010; Katz et al. 2018).

Best practice of CLR, CBR and PAR in the literature is demonstrated in works such as an

## Aboriginal Community Engagement Model



Aboriginal Community Engagement Model (© Copyright Lynette Riley, 2013)

**Figure 1.** Adapted from Riley, Howard-Wagner, Mooney & Kutay (2013). Used with permission of the copyright holder.

Aboriginal online Kinship module and teaching framework by Wiradjuri and Gamilaroi academic Lynette Riley, et al. (2013). The term CLR is not used in the work, however, community voices are centred, and the work demonstrates clear documentation of community control over the research design, practices, methodologies, and final works (Riley et al. 2013; Riley and Howard-Wagner 2014). Webster, Johnson, Kemp, Smith, Johnson and Townsend (2017) also conducted Aboriginal community-led research on diabetes at a Dubbo hospital (western

NSW), which resulted in teaching doctors how to yarn to increase effective communication and therefore treatment outcomes (Webster et al. 2017). The work does not use the term community-led yet displays the key elements of the approach in practice. The community has gone on to lead multiple research projects which has resulted in a compulsory module that teaches all health practitioners who attend the University of Sydney how to yarn (Purcell-Khodr et al. 2021; Webster et al. 2017; Webster et al. 2021). At the centre of the success of

these projects are genuine relationships based on mutual trust. The longevity and strength of relationships between the researchers, Aboriginal communities living on Wiradjuri Country and Wiradjuri community in Dubbo reflects the accountability and transparency of the researchers and the power over decision-making that community has in the process (Webster et al. 2021). This is demonstrated in **Figure 1** above, the Aboriginal Community Engagement Model developed by Lynette Riley for the Kinship Online Project (Riley, Howard-Wagner, Mooney and Kutay 2013).

**At the centre of the  
success of these projects  
are genuine relationships  
based on mutual trust.**

In summary, Indigenous communities and academics across Australia have been recently conducting community-led practices in research. It is becoming a more recognisable approach in community and academia. The ontological way of Indigenous knowledge production is commonplace within local communities across Australia, however the terms Indigenous-led or Aboriginal community led are not yet firmly established in the literature and academia (Kendall et al. 2011; Rawlings et al. 2021; Snijder et al. 2015; Viswanathan et al. 2004).

### **An introduction to community-based and community-led research**

This component of the narrative review aims to introduce the origins and values of the community-based approaches. The author seeks to challenge existing literature by posing the reflective question: How can research with First Nations Communities be more transparent? Community-led research is in early stages of developing as a practice, therefore the foundations of the principles are found in existing practices (Chambers and Kar 2008;

Crocker et al. 2017; Herbert-Cheshire and Higgins 2004; McCarthy 2014; Muhunthan 2017; Rahmayati 2017; Sithole 2019; Wahid 2017). Community-led research is theoretically derived from community-based research (CBR) which developed in the 1990s from approaches to service learning (Caine and Mill 2016; Eatman 2016). Due to the volume of international research on CBR, this will be reviewed to establish the theoretical foundations of CLR (Israel et al. 1998; Viswanathan et al. 2004). A review of the literature shows key tenets of the community-based approach is the production of relevant knowledge in collaborative partnership with community that aims to benefit participants (Caine and Mill 2016; Israel et al. 1998). Co-design, CBPAR, CBR and PAR are broadly described as ‘processes which involve the community (as end-users, intended beneficiaries, or stakeholders) in the planning, design and management of research and evaluation projects’ (Dreise and Mazurski 2018). CLR literature goes a further step by giving participants or community, the power to lead the research and its outcomes.

The literature also shows CBR frequently used alongside a participatory action approach (PAR), known as community-based participatory action research (CBPAR) (Israel et al. 1998). CBR and PAR overlap in definition and practice but historically PAR is based on Kurt Lewin’s action research for social change in the 1940s (Viswanathan et al. 2004). Together, PAR adds an action-based focus for CBR outcomes. The literature demonstrates inconsistencies in the application of these community-based approaches when used with participation as a method. This demonstrates the need for a cohesive community centred research approach which addresses the power imbalance in research decision-making (Viswanathan et al. 2004).

A table was created using three existing definition guides for community-based and participatory practice. This table was developed to better understand how the different types of community-based approaches sit in relation to one another. The aim of the table is to compare the CBR approaches to the participatory methods used and the decision-making power Indigenous communities can expect from each. The following three definition guides were

**APPROACHES TO RESEARCH**

*Approaches to Community Research (Adapted from Caine and Mill 2016)*

**PARTICIPATION METHODS USED IN RESEARCH**

*Levels of Community Participation by Snijder et al. (2015)*

*Indigenous Engagement & Project Governance by AIATSIS (2020)*

**DEGREE OF COMMUNITY POWER**

Historically Research About

**No Participation:** completely top-down, community is not informed about or asked about issues in their community, development, implementation, or evaluation of the project.

N/A

Participation

**Passive Participation:** outsiders decide on the issues that need to be addressed, community is informed. Outsiders control development, implementation and evaluation and community is informed.

**Inform:** provide information and data to help people understand a problem or project and to look for opportunities and/or solutions, or to explain outcomes of a project and/or decisions taken, the reasons they were taken, and the intended benefits.

**or Participation by Information:** outsiders have control, community participates by providing information about their community. No feedback to the community and no checking for agreements. Community might share what they would like for research development, implementation, and evaluation but outsiders have control and don't necessarily apply community input.

Consultation

**Participation by Consultation:** outsiders define problems and consult with community about their agreement, using outsider defined processes. Outsiders consult with community and community participates in the implementation, but the final decisions and activities are decided by the outsiders.

**Consult:** obtain feedback from communities, hear concerns and aspirations, and gather information to help guide the development of projects, analysis, alternatives and/or decisions.

Engagement

**Functional Participation:** outsiders have predetermined goals, however community and outsiders work together to develop, implement and evaluate the research.

**Involve:** provide a two-way exchange of information throughout the process that encourages meaningful discussion and provides an opportunity for people to influence outcomes.

Community-Based Participation, Community Development, Participatory Action Research

**Interactive Participation:** community and outsiders work in partnership to identify research goals and agree upon the development, implementation, and evaluation strategy together. During the implementation community has control and uses local resources.

**Collaborate:** work in partnership with Aboriginal and Torres Strait Islander people to ensure all parties are able to provide input and formulate options and preferred solutions.

Community-Led Research

**Self-Mobilisation:** community sets their own goals and might involve outsiders to assist where needed, i.e., for funding or ethics applications. Community makes the decisions and implements the research and maintains control of the research. The evaluation is done by community and again outsiders may be involved if community requires resources or assistance.

**Empower:** place decision making in the hands of the research partners, participating group, or community.

**Figure 2.** Adapted from: AIATSIS 2020a; AIATSIS 2020b; Caine and Mill 2016; Snijder et al. 2015.

combined and put into the table in **Figure 2**. Comparing Research Approaches to Levels of Community Participation above.

1. AIATSIS (2020a; 2020b) guides for practice,
2. Caine and Mills (2016) table of community-based research approaches and,
3. Snijder et al.'s (2015) guides to levels of participation.

**Figure 2** demonstrates the impact that methods and approaches to research have had on the type of research produced about, for and by Aboriginal Peoples over time. The table also demonstrates the ad hoc improvements to research methods and approaches. The failure of these approaches to empower or create equity for Indigenous Peoples is evident in the persistent disparities in health and social outcomes between Indigenous and non-Indigenous peoples today (Clapham 2011). Despite the limitations of participatory methods and community-based approaches there are examples of meaningful research in practice that were discussed in the Background section of this paper (Purcell-Khodr et al. 2021; Riley and Howard-Ragnar, 2014; Webster et al. 2021; Webster et al. 2017). Historically the lack of community engagement in these practices has led to limited improvements in health and social outcomes. Indigenous-led literature specifically developed out of the need for greater research outcomes in Indigenous health contexts in Australia (Clapham 2011). CLR is a departure from previous approaches because it is the first time that community has complete control and ownership of the research practices and outcomes. However, inconsistencies in the practice of participation demonstrates a need for clearer definitions, standards, and a best practices framework (Kendall et al. 2011).

An analysis tool for assessing the degree of community participation could be a useful way of holding researchers accountable and reporting community decision-making power. Further research is required to develop a form of analysis so researchers can assess research, ensuring community participation is in line with theoretical intentions. First Nations communities globally know at a local level their own needs

and how to achieve the greatest research outcomes in a culturally appropriate way. As researchers it is our role to be of service to community, facilitate upskilling community on research practices and advocate for transparency in the participation of Indigenous communities in research.

## **Findings part 1: challenges to conducting Indigenous research in a white institution**

The first part of the narrative review aimed to give an overview of the current landscape of Indigenous theory and lived experiences which are shaping practice requires Indigenous academics and research students. Themes that developed out of the literature demonstrated the challenges and barriers to successful Indigenous research at the cultural interface, in predominantly white, Eurocentric universities. At the core of this tension is fundamentally different ways knowing, being and doing, resulting in different approaches to knowledge production (Nakata 2007). The following two key themes emerged:

1. Racism in academia; and
2. Walking the talk, institutional cultural awareness, and Indigenous research practice.

### **Method**

The *Australian Journal of Indigenous Education*, *International Journal of Critical Indigenous Studies* and the *Aboriginal and Torres Strait Islander Health Worker Journal* were searched using the following keywords: Indigenous, Aboriginal, methodology, Indigenous research paradigm, Indigenous communities.

### **Theme one: structural and persistent racism in academia**

Racism can take many forms: structural racism in universities originates from early colonial education. Smith (2012) argues that 'the major agency for imposing this positional superiority over knowledge, language and culture was colonial education. Colonial education came in two basic forms: missionary or religious schooling, followed by public and secular schooling'. In addition, Aboriginal and Torres Strait Islander Peoples were often denied the

right to education or excluded for reasons such as speaking Indigenous language or because the local white families advocated for the Aboriginal children's removal (Fletcher 1989; Price 2015; Riley 2021). Colonialism, racism, and superiority of Western knowledges were the foundations for the education system in Australia. The aim of the colonial project was to exclude Aboriginal and Torres Strait Islander people as citizens by denying the right to access resources such as health and education. This legacy continues in its own forms today. It can be seen in the production of knowledge, the hierarchical bureaucracy within the universities, structural racism, microaggressions and explicit forms of racism that Aboriginal and Torres Strait Islander academics and communities encounter regularly (Bennett 2022; Thunig and Jones 2021; Smith 2012).

In recent years Indigenous authors have shared their success in academia despite the challenges of working at the cultural interface within academia (Nakata 2007). The Indigenous authors forging the way with this work includes but is not limited to; Bennett (2022), Bodkin-Andrews and Carlson (2016), Cadet-James (2009), Lee et al, (2022), Mooney, Riley and Blacklock (2018), Sharman and Harris (2021) and Thunig and Jones (2021). Common themes from this work include:

- both explicit and more nuanced expressions of racism,
- universities as culturally unsafe spaces to work,
- heavy cultural loads,
- salary inequity,
- being the 'house ni\*\*a' and 'Black performer' in academia and universities,
- the dual responsibility to 'publish or perish' in academia and to community to produce high impact research,
- just wanting to be Black in academia,
- the ongoing challenge of arguing for knowledge production in line with Indigenous ways of knowing, being and doing within a Western Eurocentric institution, and

- respecting Indigenous intellectual sovereignty and culturally safe publishing.

### **Theme two: walking the talk, institutional cultural awareness, and Indigenous research practice**

*'Genuine sharing and reciprocity of research leadership between research team members requires heart – an emotional investment in the purpose and value of the research undertaking and of each other. The heart has and is memory.'* (McMahon and McKnight 2021)

Riley (2021) provides an overview of historical and current implications of past research practices for Indigenous Peoples and in particular relationships with the government and non-Indigenous peoples. Trepidation is to be expected by Indigenous and non-Indigenous researchers when engaging community and the right to refuse a research project for any reason, historical or otherwise must be freely accepted. Riley (2021) also offers a series of practical tools and guides for practice, which is lacking in the literature. Key themes include genuine relationship-building, privileging Indigenous voices and perspectives and community control over the research with action planning. Universities, policy labs or research organisations involved in programs or research must take responsibility for their own cultural and historical learning and understanding. The limited cultural awareness of the institutions and universities that researchers must engage with is a key challenge to conducting Indigenous research. Time constraints, funding schemes and Indigenous intellectual property rights present further challenges (Janke and Quiggin 2006). Funding and legal teams at universities need to increase cultural awareness capacity to appropriately support Indigenous research practice (Riley 2021).

Institutions need to be more flexible in supporting community control for sustainable and successful CLR to occur (Riley 2021). 'CLR has proven to work but depends on the combination of two key strategies: attitudes and behaviours of facilitators (researchers) and sensitive support of institutions (Riley 2021: 34).' McMahon and McKnight (2021) echo Riley's argument by asking a series of important

questions to direct future research and support Aboriginal community-led research:

- ‘How can universities learn to “walk the talk” in resourcing high-impact, high usefulness research for communities?’
- How can academic communities (funding bodies etc) adjust expectations around the time required to work respectfully with communities?
- How can academics push and agitate the conventions of reporting brief methodological sections in academic journals so that the importance of method in community research gains “scholarly traction”?
- How can academics challenge discourses of “credibility” and “impartiality” in analysis so as to involve “community” in authentic data analysis and reporting findings?’ (McMahon and McKnight 2021)

**Reciprocal leading means taking turns at leading and following throughout the research, it’s a dynamic, fluid and shared leadership.**

Riley (2021) and McKnight (2021) have detailed what community-led research is through an Aboriginal lens in a published, peer-reviewed book, *Community-Led Research: Walking new pathways together*. Both authors highlight the importance of respecting the knowledge-generation and -sharing practices that occur in daily life in Aboriginal cultures and communities. So, while the notion of communities leading in a collective decision-making manner is relatively new in academia, as previously mentioned it is Aboriginal pedagogy and commonplace for community. This cultural practice of learning and knowledge sharing has been happening for time immemorial. The ‘Australian Aboriginal

community already has the framework for resolving problems through stories from Country’ (McMahon and McKnight 2021).

In Aboriginal community-led research time and reciprocal leading is needed for the community to deliberate and reflect. Talking with Country is full of silences (McMahon and McKnight 2021). Reciprocal leading means taking turns at leading and following throughout the research, it’s a dynamic, fluid and shared leadership. The definition of this type of leadership has not been explained in Western research and is best understood from an Aboriginal way of knowing as a collectivistic approach to shared responsibility. Within this practice there are many leading and following positions, knowing when to do what is to know cultural protocols. A good and shared heart is required in this research process to keep knowledge safe, practice cultural reciprocity and respect ongoing colonial trauma (McMahon and McKnight 2021). It is reasonable that ethics and finance applications are led by the researcher in this process as this is their skill set and takes the burden off the community. It is the researcher’s chance to add value. Researchers need to learn when there is an opportunity for them to add value in a way that does not hinder, oppose, or remove anything from the community researchers or the project (McMahon and McKnight 2021).

Indigenous epistemologies and ontology represent a major challenge for Western academic contexts (Ashworth 2021). Indigenous scholars such as Margaret Kovach (2021), Jo-ann Archibald, Q’um Q’um Xiiem, Jenny Bol Jun Lee-Morgan and Jason De Santolo (2019) are working with Indigenous communities to present theoretically robust guides for Indigenous knowledge creation utilising Indigenous methodologies. Grande (2008) reinforces this argument for Indigenous knowledge production to be regarded as its own theoretical practice. Although Indigenous pedagogy has been theoretically derived from critical theory it has now departed and should be regarded separately. Indigenous communities and knowledge productions are not dependent on Anglo-Western theoretical foundations and is not required to justify Indigenous research studies (Ashworth 2021; Phillips and Bunda 2018). The field of

Indigenous research methodology has grown significantly in the last few decades. Riley (2021:28-9) demonstrates this growth by tabling some of the key Indigenous influencers in methodology, please see in **Figure 3** International and Australian Indigenous influencers.

## Findings part 2: narrative review of community-based research with Indigenous communities

The second part of the narrative review aimed to review commonly used community-based approaches. This was done to analyse community participation, to assess how much power and decision-making Indigenous communities had in research practice. The method will be described, followed by the initial findings of the narrative review and a summary of two key systematic reviews by Viswanathan et al. (2004) and Snijder et al. (2015). Lastly the three key themes that emerged from part two of the narrative review will be discussed:

1. The failure of the participatory approach;
2. Increasing the visibility of Indigenous communities' participation and keeping the researcher accountable; and
3. The disconnect between Indigenous research and policy making in health.

### Method

The narrative review presents findings across disciplines with Indigenous and non-Indigenous communities globally. This broad scope was taken due to the small amount of literature within CLR, and to investigate the rigor of CLR, CBR, PAR, Social Action Research and Collaborative research as approaches to analyse standard practice broadly. Following the initial search using the first search string, a second search was conducted in combination with the second and third strings. This was done to search for community-based research with Aboriginal and Indigenous communities globally. The search was limited to the last 10 years. Please see the search strings below.

| International Indigenous influencers |   |
|--------------------------------------|---|
| Bryan Brayboy                        | Critical Tribal Race Theory & Learning on Country                           |
| Linda Tuhiwai Smith                  | Decolonising Research & Culturally Appropriate Research                     |
| Graham Smith                         | Maori Theorising & Indigenising Education                                   |
| Fiona Cram                           | Constructive Conversations  |
| Jo-ann Archibald                     | Story Work  |
| Margaret Kovach                      | Relational Research   |
| Suzanne SooHoo                       | Culturally Responsive Research Methodologies                                |
| Mere Berryman                        | Culturally Responsive Research Methodologies                                |
| Anne Nevin                           | Culturally Responsive Research Methodologies                                |
| Shawn Wilson                         | Research is Ceremony & Building Knowledges for Community                    |
| Gregory Cajete                       | Ethobotany – Culturally Based Science/Indigenous Perspectives in Science    |
| Australian Indigenous influencers    |   |
| Martin Nakata                        | Indigenous Standpoint Theory  |
| Aileen Moreton-Robinson              | Indigenous Women's Standpoint Theory  |
| Tyson Yunkaporta                     | 8 Ways & Protocols in Working with Community                                |
| Nerida Blair                         | Lilyology   |
| Karen Martin                         | Booran Mirraboopu – Ways of Knowing, Being & Doing                          |
| Bronwyn Fredericks                   | Indigenous Engagement in Research   |
| Lester-Irabinna Rigney               | Reforming Indigenous Research – defined and controlled by Aboriginal people |
| Dawn Bessarab                        | Yarning   |
| Miriam-Rose Ungunmerr-Baumann        | Deep Listening  |
| Mark Rose                            | Practitioners Blindspot & Reflection  |
| Wendy Baarda                         | Cultural Difference   |

**Figure 3.** Adapted from Riley (2021). © Lynette Riley, 2021. Used with permission.

1. *"community-based research" OR "community-led research" OR "participatory action research" OR "social action research" OR "collaborative research"*
- AND
2. *"scoping review" OR "systematic review" OR "literature review"*
  3. *"Aborigin\*" OR "Indigenous"*

The databases searched include Informit, Elsevier, Anrows, *Australian Journal of Emergency Management*, the University of Sydney Library Database and Google Scholar. Of the total of articles viewed, 86 were selected based on topic relevance to the social sciences and health. Of the total 86, n=20 peer-reviewed published articles and n=9 books were selected to review based on the power of community in the research. The following questions were developed and used to determine the degree of community power when analysing the research.

1. What level of control and decision-making power does community have in each stage of the research?
2. Who does the research serve and benefit?
3. Are community voices centered?
4. Is there evidence this is being done?

The literature demonstrates that First Nations communities' knowledges remain undervalued and underpaid whilst the researcher continues to hold decision making power and economic benefit.

### Initial findings

The findings from the narrative review of community-based approaches will now be discussed. This will be followed by a brief discussion on the key findings from two major systematic reviews in community-based health research. Viswanathan et al.'s

'Community-based participatory research: Assessing the evidence' (2004) and Snijder et al.'s 'Systematic review of studies evaluating Australian Indigenous community development projects' (2015). The literature demonstrates that First Nations communities' knowledges remain undervalued and underpaid whilst the researcher continues to hold decision making power and economic benefit. Central to this issue is the power imbalance that remains in the relationships between researchers and communities, for example whom it is ethical to pay for knowledge-sharing and whom it's not. Work that showcases community control, also demonstrates genuine relationship-building with community. In cases where community control is not present, relationships appear to be more transactional, or description of the community participation is not present. Indigenous communities globally are leading the way in community-based research, by demonstrating the highest levels of community power in practice in comparison to non-Indigenous groups.

The narrative review found that 10 out of the total 86 studies documented the community's participation in practice and detailed how the community had power in decision-making. Seven out of these 10 were by Aboriginal communities in Australia (Andersson et al. 2010; Biradavolu et al. 2012; Burgess 2017; Lee et al. 2022; Muthunthan et al. 2017; Rahmayati et al. 2017; Sithole et al. 2019; Webster et al. 2017). Key themes that emerged from the 86 papers reviewed are demonstrated in the **Figure 4** Themes from the First Nations Community-Led Narrative Review below.

The key themes represent an over-arching story. A story of Indigenous communities across the globe working together and independently in a place-based manner. This is happening both inside and outside the academy to gain power **over** the research process with the aim of achieving social, cultural and emotional wellbeing and equity whilst dismantling structural and relational racism. It is also important to acknowledge that research led by Indigenous communities has been conducted which does not use the community-based search strings utilised in this narrative review. This narrative review does not represent an exhaustive overview of the Indigenous

### Themes from the First Nations Community-Led Narrative Review



Figure 4.

community-led research space. This is a key challenge and weakness of the narrative review. This also reinforces the previously mentioned need for consistent agreed terms and definition boundaries when describing community-led research practice. Future research is required to conduct a systematic review of the power Aboriginal and Torres Strait Islander communities have in research, in Australia in the last five years within the social sciences.

Viswanathan et al. (2004) and Snijder et al.'s (2015) systematic reviews also highlight the growing concern over the varying applications

of participatory methods in their community-based research narrative reviews. Both reviews found that although participatory research is more inclusive of participants in the research process it does not assign enough power to the participants for decision-making. Please see the key findings from the Snijder et al. (2015), Viswanathan et al. (2004) and the narrative review demonstrated in **Figure 5** Key Findings from the CLR Narrative Review below.

Snijder et al.'s (2015) literature review of Indigenous health research in Australia found that most community participation was

assessed as moderate, with 13% of community participation assessed as high out of the studies reviewed (Snijder et al. 2015). 112 publications were reduced to 31 through a four-phase evaluation to meet the final criteria. This is the only review to consider and evaluate Indigenous community participation in the literature in the Australian context. The most unreported phase of the research was the diagnosis phase; 35% of research did not detail the involvement of the community in this phase. This was followed by the development phase, which was not detailed by 28% of the research (Snijder et al. 2015). A lack of project evaluation and poor methodological rigour in the literature makes it difficult to assess and discern the genuine effectiveness and sustainability of Indigenous community-based health research. The review found that there is a need for higher quality studies to be published in open access to ensure the peer-review process can play its role in assessing the depth and quality of Aboriginal engagement in research. More than half of the studies from Snijder et al.'s systematic review were from grey literature. It was found that the grey literature presented higher quality studies, highlighting the need for this type of research to be published on open

access to ensure the peer review process can play its role. The literature also demonstrated that researchers were better at describing intent for community participation rather than detailing the participation that occurred in the research. For example, out of the 112 studies reviewed none reported the level of community participation for all phases of the research: diagnosis, development, implementation, and evaluation. The review found that out of 31 studies, n=1 study described how their research followed cultural protocol and n=7 studies addressed the potential for researcher bias (Snijder et al. 2015). These findings highlight the strong need for more reliable, culturally appropriate research methods and measurements to be developed and utilised in research.

Viswanathan et al. (2004) conducted an extensive global literature review of CBPR in health (limited to English speaking) and also found that researchers predominantly took the lead role in the research process. The review also found a low rate (n=16 out of sixty studies) of documentation of community's contribution and role in the research practice (Viswanathan et al. 2004). A key tenet of the CBR approach is

## Key Findings from the CLR Narrative Review

### PhD literature review of 86 Studies of CLR globally across disciplines

**26 studies** were with Aboriginal & Torres Strait Islander communities and First Nations communities from America and Canada.

**10** document community decision-making power.

**7** out of the **10** are by **Aboriginal communities** in Australia.

### Viswanathan et al., (2004) literature review of 60 CBPR studies in health in Australia

**Researchers** predominantly took the lead role

**16** documented community's role in the research practice.

**28** claimed research priorities were developed in community partnership.

**14** documented community participation in the development of the research proposal.

### Snijder et al., (2015) literature review of 112 studies in Indigenous health research in Australia

**0** studies reported the level of community participation for **all** phases of the research;

**13%** of Community participation was assessed above **moderate**.

**1** study described how their research followed cultural protocol.

**7** studies addressed researcher bias.

Figure 5.

that researchers work alongside community to determine research topics and co-investigate however the review found inconsistencies in the researchers self-reporting of community collaboration. For example, n=28 out of 60 studies claimed research priorities and the hypothesis were developed in community partnership, however only n=14 documented community participation in the development of the research proposal (Viswanathan et al. 2004).

### **Theme 1: the failure of the participatory approach**

*‘Contrary to the common sense that may prevail in “participatory projects”, it would be naive to think that a history of exclusion can be overcome by “including” individuals already identified and selected because they are disempowered by those very structures. Calling “them” empowered is not enough. If we are concerned about the issues of voice and exclusion in the production of knowledge, then it is critical to recognise the situated character of the research process itself.’ (Milani 2009:51)*

CLR, CBR and PAR broadly aim for collaboration, social justice, equity, and worthwhile outcomes for communities. Within these approaches the preferred method for ‘data collection’ is participation. As an umbrella term ‘participation’ is used to describe different levels of community input in practice. Participatory methods in social science research are theoretically argued to be more inclusive of the participants in the research process. In practice participation is used in the literature as both a passive method for ‘data collection’ from participants and in research that demonstrates authentic partnerships with communities (Viswanathan et al. 2004). Analysis of the literature reveals that researchers are more proficient at describing their intent for community engagement rather than describing the practice of community engagement that occurred. Critical self-reflection of the values and ways of knowing at play in researchers’ own work needs to be reflected on in writing and practice, to demonstrate how it has been mitigated (Dreise and Mazurski 2018).

The ladder of participation developed by Arnstein (1969) and Petty’s (1995) typology of participation remains relevant today

when assessing the degree of participation in community-based research (Cornwall 2008:272). Petty describes seven types of participation.

1. Manipulative participation
2. Passive participation
3. Participation by consultation
4. Participation for material incentives
5. Functional participation
6. Interactive participation
7. Self-mobilization.

Participatory methods lack robust definition boundaries, requiring readers to utilise analysis tools to discern what type of participation was used. Is it time to move beyond the participatory rhetoric as Kendall et al. (2011) suggest? Is participation a blunt instrument that is being utilised beyond its original, intended capacity which was to passively gather information from participants in a one-sided, transactional manner? Participation does not assign enough measurable power to Indigenous peoples/participants for decision-making nor does it require the research to report the participation post practice.

### **Theme 2: increasing the visibility of Indigenous communities’ participation and keeping the researcher accountable**

As demonstrated in the literature review findings, there is a clear inconsistency in the application of community-based research approaches into practice. The visibility of Indigenous community participation needs to be increased to hold researchers accountable. Culturally appropriate and reliable research measurements need to be developed and utilised in research to allow for self-analysis throughout the research project to demonstrate ‘consistency and frequency with which project components are delivered and practiced (Snijder et al. 2015).’ A detailed description of the methodology and community participation allows for an adequate peer review, the successful elements of the research to be replicated and the unsuccessful elements to be avoided. In summary, research could become more successful and have greater outcomes if research detailed the extent of community

participation in all phases of the project and how this was executed. Snijder et al. (2015) suggest mixed methods be used in community-based evaluations. It is recommended that Indigenous community participants have an opportunity to provide feedback and detail their experience of the research, to be published in the final works.

### **Theme 3: the disconnect between Indigenous research and policy making**

Democratic approaches to participation present an argument for greater community control. The approach is based on normative, theoretical arguments for participation. The theory argues that citizens in a democratic society have a right to be part of decision-making that directly affects their lives (Reed 2008). This is particularly relevant for Aboriginal communities in Australia, for whom research and policy is targeted directly. The most prominent Federal Government policy in Australia is the 'Closing the Gap' policy. The policy stemmed from a 2005 Social Justice Report by Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner at the time. The report highlighted the health and social inequality between Indigenous and non-Indigenous Australians and called for the government to commit to achieving equality (Australia Indigenous HealthInfoNet 2022). In 2007 the Coalition Government launched a 'Closing the Gap' National Agreement and campaign that has since failed to address or meaningfully engage with the needs of Aboriginal and Torres Strait Islander communities (Clapham 2011). Clapham (2011) links failure of research outcomes with policy failure for Indigenous health disparities. Clapham also argues that Indigenous-led and -controlled community programs and research provide the strongest outcomes for community and long-term sustainability of a project.

In contrast to a community-led approach, the preferred research criteria to meet 'gold standard' in a policy context is culturally inappropriate research practice (Clapham 2011). Large-scale, randomised controlled trials are the preference for policy-makers, however, this form of research does not support Aboriginal ways of doing or being, such as yarning as an appropriate form of

communicating (Bessarab and Ng'andu 2010). In this Western style of scientific research, the researcher is in control, which has historically proven to produce poor research outcomes and not adequately represent the real challenges and needs of the community. The gold research standard disconnects Aboriginal communities' perspectives from policy-makers. Another issue compounding the ability to produce high impact research is the limited number of Aboriginal academics, researchers, and postgraduate students who make up just less than 1% of the total academic population (Thunig and Jones 2021). This results in high cultural loads within universities and often shifts community engagement roles from researchers to Aboriginal community health and social workers.

Aboriginal community workers have genuine trust-based relationships with the community. Due to the trust, networking ability and cultural knowledge, Aboriginal community health and social workers are often engaged for research (Cadet-James 2009). Aboriginal health and social workers are often viewed as cultural brokers for researchers to engage. However, the existing pressures on these members of community are large cultural loads, full-time jobs, and extensive family/kinship obligations. Yet these already overloaded members of community are frequently engaged to participate in research. Community workers are asked to offer community networking skills for free or a one-time small voucher due to the Western ethical requirements of research practice (Bennett 2022; Cadet-James 2009; Thunig and Jones 2021). The challenges faced by highly skilled community members can be mitigated through adequate payment for time and skill, co-authorship on final works and alternate pathways into academia (Lee et al. 2022).

The Aboriginal Healing Foundation (2017) further emphasises the constraints of Western empirical research in being able to quantify the intangible outcomes of research, programs, and initiatives. This is due to the interconnectivity of racism, colonial and transgenerational trauma, the social and emotional determinants of health, and socio-economic status. 'This is because healing can impact on several domains and therefore outcomes rarely align to simple or

siloed quantitative performance measures' (The Aboriginal Healing Foundation 2017). Indigenous Peoples have a very specific and separate claim for directing decision-making outcomes because of traditional custodianship, cultural protocol, invasion and ongoing colonialism. However, groups facing challenges with representation in research can learn from the success and values of Indigenous research to gain greater control and achieve greater outcomes in research, community projects and achieve 'greater long-term support and active implementation of decisions may be enhanced' (Reed 2008:2420).

## Recommendations and conclusion

*'Can we re-story the word research?' (Caine and Mill 2009)*

This narrative review began by looking at the important work of Aboriginal and Torres Strait Islander colleagues. In doing so this work has aimed to provide a snapshot of Indigenous theory-based literature and how this relates to CLR and other community-based research approaches with Indigenous communities. Community-based approaches and participatory methods demonstrate varied applications throughout the literature, across disciplines in the social sciences and health. The narrative review found that Aboriginal communities continue to lack power and intellectual sovereignty in the research process. First, Western-based research designs, universities, and ways of producing knowledge are continuing to impact the outcome of Indigenous research. Second, the bias, values and intentions of the researcher/s continues to influence the application of otherwise theoretically empowering and collaborative approaches. Finally, structural and relational racism is persistent in academia, impacting the cultural safety of universities.

The following six recommendations and questions have evolved out of the gaps in the literature and highlight where future research is required. Firstly, it is evident that researchers are better at describing intent for community participation rather than the participation that took place. Future research must document the process of building community relationships and detail how community engagement

occurred in practice, to be published in the final works. It is also recommended that future research with Aboriginal communities require a paid Aboriginal Research Governance Group with voting power, to ensure culturally safe research and intellectual sovereignty be upheld throughout practice. Based on the economic disparity between researchers and community participants, it is recommended a standard be set for Aboriginal Knowledge Holders to be paid for their contribution to research. Genuine collaboration with communities is time intensive and requires payment that reflects this commitment to a research project. It is arguably unethical for Aboriginal Knowledge Holders to go unpaid for knowledge sharing and hours worked on the project. By contrast, an academic would not share their knowledge without adequate payment, recognition, and respect for intellectual property. It is also recommended that an Aboriginal community peer review be mandatory. Communities require the opportunity to give feedback and review their experience of research projects which is to be published in final works. This practice may increase accountability of a researcher within the academy. Finally, future research is required to make universities take responsibility for creating culturally safe institutions free from structural racism. The responsibility is largely on the limited number of First Nations academics and communities who interact with the academy, resulting in burnout, disengagement and high cultural loads. This includes a commitment to developing with communities, culturally appropriate pathways for Aboriginal and Torres Strait Islander Peoples to pursue academia.

*'The system needs to feel, hear, hold, connect, experience, dance, sing, celebrate, honour. We just want to be black. Be the Dreaming of generations before us.*

*The system needs to be black.' -Aunty Annabelle Sharman cited in Sharman and Harris (2021).*

## Acknowledgements and thank you

This work would not be possible without the support of my family, in particular my Papa, Barry Dalton and our Wiradjuri Ancestors. I would also like to thank and pay respect to all

of the First Nations Knowledge Holders and Elders whose knowledge is referenced in this work and to the broader community particularly the community health and social workers who do the work on the ground to support Indigenous organisations, businesses and programs. Thank you to Associate Professor Lynette Riley, Wiradjuri and Gamilaroi woman, my Aunty, cultural mentor and supervisor who has inspired the pursuit of serving Aboriginal communities through authentic, meaningful, and culturally safe research practice. Thank you to Aunty Irene Wardle, Durag woman; and Ben Bowen, Wiradjuri man; Aunty Kathryn Naden, Arabana woman; Emma Webster and Valerie Harwood for your support and guidance. Lastly a big thank you to Sister Lindsay McCabe, palawa woman, who developed the SUPRA BlakOut Journal into existence.

## References

- Aberdeen, L & J Jones (eds) 2021, *Black, white and exempt: Aboriginal and Torres Strait Islander lives under exemption*, Aboriginal Studies Press, Canberra.
- Aboriginal Healing Foundation 2017, 'Collaboration and co-design when evaluating intergenerational trauma projects', *Australian Institute of Family Studies*, <https://aifs.gov.au/resources/practice-guides/collaboration-and-co-design-when-evaluating-intergenerational-trauma>
- AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies) 2020a, 'Code of Ethics for Aboriginal and Torres Strait Islander Research', <https://aiatsis.gov.au/research/ethical-research/code-ethics>
- AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies) 2020b, 'A guide to applying the AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research', <https://aiatsis.gov.au/research/ethical-research/code-ethics>
- Andersson, N, B Shea, C Amaratunga, P McGuire & G Sioui 2010, 'Rebuilding from resilience: research framework for a randomized controlled trial of community-led interventions to prevent domestic violence in Aboriginal communities', *Pimatisiwin*, 8(2):61–88.
- Arnstein, SR 1969, 'A ladder of citizen participation', *Journal of the American Institute of planners*, 35(4): 216–224.
- Ashworth, S 2021, 'Book review: Decolonizing research: Indigenous storywork as methodology', *International journal of lifelong education*, 40(4):430–433.
- Australia Indigenous HealthInfoNet 2022, 'History of Closing the Gap', accessed 7 October 2022, <https://healthinonet.edu.edu.au/learn/health-system/closing-the-gap/history-of-closing-the-gap>
- Bennett, B 2022, 'Aboriginal social work academics: failure to thrive due to having to fight to survive?', *Australian Social Work*, 75(3):344–357.
- Bessarab, D & B Ng'andu 2010, 'Yarning about yarning as a legitimate method in Indigenous research', *International Journal of Critical Indigenous Studies*, 3(1):37–50.
- Biradavolu, MR, KM Blankenship, A Jena & N Dhungana 2012, 'Structural stigma, sex work and HIV: contradictions and lessons learnt from a community-led structural intervention in southern India', *Journal of Epidemiology and Community Health*, 66(Suppl 2):ii95–ii99.
- Blair, N 2015, 'Researched to death: Indigenous peoples talkin' up our experiences of research', *International Review of Qualitative Research*, 8(4):463–478.
- Bodkin-Andrews, G & B Carlson 2016, 'The legacy of racism and Indigenous Australian identity within education', *Race Ethnicity and Education*, 19(4):784–807.
- Burgess, C 2017, 'Beyond cultural competence: transforming teacher professional learning through Aboriginal community-controlled cultural immersion', *Critical Studies in Education*: 1–19, 10.1080/17508487.2017.130657
- Cadet-James, Y 2009, 'The many hats of an Indigenous researcher: reflecting on practice', *Aboriginal and Islander Health Worker Journal*, 33(6):21–23.
- Caine, V & J Mill 2016, *Essentials of community-based research*, Routledge, New York.

- Chambers, R & K Kar 2008, 'Handbook on community-led total sanitation', *Plan International*, <https://plan-international.org/publications/handbook-on-community-led-total-sanitation>
- Clapham, KF 2011, 'Indigenous led intervention research: the benefits, challenges, and opportunities', *International Journal of Critical Indigenous Studies*, 4(2):40–48.
- Cornwall, A 2008, 'Unpacking "Participation": models, meanings and practices', *Community Development Journal*, 43(3):269–283.
- Crocker, J, D Saywell & J Bartram 2017, 'Sustainability of community-led total sanitation outcomes: evidence from Ethiopia and Ghana', *International Journal of Hygiene and Environmental Health*, 220(3):551–557.
- Dreise, T 2018, 'On our terms: obtaining Aboriginal community consent for social research', Aboriginal Affairs NSW, Sydney.
- Dreise, T & E Mazursk 2018, 'Weaving knowledges', Aboriginal Affairs NSW, Sydney.
- Fletcher, JJ 1989, *Clean, clad, and courteous: a history of Aboriginal education in New South Wales*. Southwood Press, Sydney.
- Foley, D 2003, 'Indigenous epistemology and Indigenous standpoint theory', *Social Alternatives*, 22(1):44–52.
- Israel, BA, AJ Schulz, EA Parker & AB Becker 1998, 'Review of community-based research: assessing partnership approaches to improve public health', *Annual Review of Public Health*, 19(1):173–202.
- Janke, T & R Quiggin 2006, *Indigenous cultural and intellectual property: the main issues for the Indigenous arts industry in 2006*, Aboriginal and Torres Strait Islander Arts Board, Australia Council, Sydney.
- Grande, S 2008, 'Red pedagogy', *Handbook of critical and Indigenous methodologies* :233–254.
- Herbert-Cheshire, L & V Higgins 2004, 'From risky to responsible: expert knowledge and the governing of community-led rural development', *Journal of Rural Studies*, 20(3):289–302.
- Kendall, E, N Sunderland, L Barnett, G Nalder & C Matthews 2011, 'Beyond the rhetoric of participatory research in Indigenous communities: Advances in Australia over the last decade', *Qualitative Health Research*, 21(12):1719–1728.
- Lee, KSK, S Wilson, AE Stearne, N Hayman, JH Conigrave, M Doyle et al. 2022, 'Walking side-by-side: Supporting Aboriginal and Torres Strait Islander Australians to lead the way in alcohol research', *Drug and Alcohol Review*.
- Lock, MJ, F McMillan, D Warne, B Bennett, J Kidd, N Williams et al. 2022, 'Indigenous cultural identity of research authors standard: research and reconciliation with Indigenous peoples in rural health journals', *Canadian Journal of Rural Medicine*, 27(3):104–110.
- McCarthy, JF 2014, 'Using community led development approaches to address vulnerability after disaster: caught in a sad romance', *Global Environmental Change*, 27:144–155.
- Mooney, J, L Riley & F Blacklock 2018, 'Yarning up: stories of challenges and success', *Australian Journal of Education*, 62(3): 266–275.
- Moreton-Robinson, A 2015, *The white possessive: property, power, and Indigenous sovereignty*, University of Minnesota Press, Minneapolis.
- Muhunthan, J, B Angell, ML Hackett, A Wilson, J Latimer, AM Eades & S Jan 2017, 'Global systematic review of Indigenous community-led legal interventions to control alcohol', *BMJ open*, 7(3), doi: 10.1136/bmjopen-2016-013932
- Nakata, M 2007, 'The cultural interface', *The Australian Journal of Indigenous Education*, 36(S1):7–14.
- Pascoe, B 2014, *Dark emu black seeds: agriculture or accident?*, Magabala Books, Broome.
- Phillips, LG & T Bunda 2018, *Research through, with and as storying*, Routledge, New York.
- Price, K (ed) 2015, *Aboriginal and Torres Strait Islander education: an introduction for the teaching profession*, Cambridge University Press, Cambridge.
- Purcell-Khodr, G, E Webster, KSK Lee, K Conigrave 2021, 'Culture in alcohol care: listening to First Nations staff in Australian Aboriginal community controlled health services – community feedback report', Australia: *Dubbo: Centre of Research Excellence in Indigenous Health and Alcohol*, University of Sydney.
- Rahmayati, Y, M Parnell & V Himmayani 2017, 'Understanding community-led resilience: the

- Jakarta floods experience', *The Australian Journal of Emergency Management*, 32(3):58–66.
- Rawlings, V, J Flexner & L Riley 2021, *Community-led research: walking new pathways together*, Sydney University Press, Sydney.
- Reed, MS 2008, 'Stakeholder participation for environmental management: a literature review', *Biological conservation*, 141(10):2417–2431.
- Rigney, LI 2001, 'A first perspective of Indigenous Australian participation in science, framing Indigenous research towards Indigenous Australian intellectual sovereignty', *Kaurna Higher Education Journal*, 7:1–13.
- Riley, L 2021, 'Community-Led Research through an Aboriginal lens', *Community-Led Research: Walking New Pathways Together*, Sydney University Press: 9-38.
- Riley, L, D Howard-Wagner, J Mooney & C Kutay 2013, 'Embedding Aboriginal cultural knowledge in curriculum at university level through Aboriginal community engagement', In R. G. Craven & J. Mooney, *Seeding success in Indigenous Australian higher education (Diversity in Higher Education, Vol. 14)*, Emerald Group Publishing, London, pp 251–276.
- Sharman, A & MK Harris 2021, 'Just want to be Black: practice thoughts on Aboriginal Way', *Social Work & Policy Studies: Social Justice, Practice and Theory*, 4(2).
- Sithole, B, OB Campion & H Hunter-Xenie 2019, 'Hazard-smart remote communities in northern Australia: community-led preparedness', *Australian Journal of Emergency Management*, 34(1):28–34.
- Smith, LT 2021, *Decolonizing methodologies: research and indigenous peoples (3rd edn)*, Zed Books, London.
- Snijder, M, A Shakeshaft, A Wagemakers, A Stephens & B Calabri 2015, 'A systematic review of studies evaluating Australian Indigenous community development projects: the extent of community participation, their methodological quality and their outcomes', *BMC Public Health*, 15, doi.org/10.1186/s12889-015-2514-7
- Taylor, S 2022, Personal communication.
- Thunig, A & T Jones 2021, 'Don't make me play house-n\*\*\*er: Indigenous academic women treated as "black performer" within higher education', *The Australian Educational Researcher*, 48(3):397–417.
- Viswanathan, M, A Ammerman, E Eng, G Garlehner, KN Lohr, D Griffith & L Whitener 2004, 'Community-based participatory research: assessing the evidence', *AHRQ evidence report summaries*, 99:1–8.
- Wahid, A, MS Ahmad, NBA Talib, IA Shah, M Tahir, FA Jan & MQ Saleem 2017, 'Barriers to empowerment: assessment of community-led local development organizations in Pakistan', *Renewable and Sustainable Energy Reviews*, 74:1361–1370.
- Walsh, M, MG Kittler & D Mahal 2018, 'Towards a new paradigm of healthcare: addressing challenges to professional identities through community operational research', *European Journal of Operational Research*, 268(3), 1125–1133.
- Webster, E, C Johnson, M Johnson, B Kemp, V Smith & B Townsend 2019, 'Engaging Aboriginal people in research: taking a decolonizing gaze', in P Liamputtong (ed) *Handbook of Research Methods in Health Social Sciences*, Springer, Singapore, pp 1563–1578
- Webster, E, Y Hill, A Hall & C See 2021, 'The killer boomerang and other lessons learnt on the journey to undertaking community-led research', in V Rawlings, J Flexner & L Riley (eds), *Community-Led Research: walking new pathways together*, Sydney University Press, Sydney.
- Webster, E, C Johnson, B Kemp, V Smith, M Johnson & B Townsend 2017, 'Theory that explains an Aboriginal perspective of learning to understand and manage diabetes', *Australian and New Zealand Journal of Public Health*, 41(1):27–31.
- Wilson, S 2020, *Research is ceremony: Indigenous research methods*, Fernwood publishing, Black Point.
- Williams-Mozley, J 2015, 'The Stolen Generations: what does this mean for Aboriginal and Torres Strait Islander children and young people today?' in K Price (ed), *Aboriginal and Torres Strait Islander education*, Cambridge University Press, Cambridge, pp 21–34.



**The Role of  
Mining CSR in  
Undermining  
Indigenous  
Activism**

**Benjamin  
McGrory**

## **Acknowledgement of Country**

I would like to acknowledge the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. I pay my respects to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander Peoples today. In particular I pay my respects to the Gadigal People of the Eora Nation in which the University of Sydney stands and in which the BlakOut Journal is centred.

I am a proud Cammeraygal man who has the privilege of living on Country in Sydney's beautiful Northern Beaches. I continue to be inspired by local Elders and Traditional Custodians who inspire me to be an advocate for change.

I would like to acknowledge my Aboriginal and Torres Strait Islander mentors and academics who have taught me that academia and knowledge are critical in achieving reconciliation. I would like to acknowledge Lindsay McCabe, Professor Jakelin Troy, Katie Moore, Associate Professor Christine Evans, Dr Janelle Evans, Dr Jonathon Potskin (Cree from Sawridge First Nation in Canada), and Dr Christine Winters. I acknowledge the work of community Elders and activists who have paved the way for me to have a voice in academia and to learn about successful advocacy.

I would not have been able to overcome the barriers of poverty and academic disadvantage to find my voice and use academia as a platform for change without the support of these individuals. Firstly, my ITAS tutor Anastasiya Byesyedina who has gone above and beyond to support me throughout my studies. Secondly, Associate Professor John Mikler and Anja Bless who taught me for GOVT3641 and provided me the inspiration to write this article and their mentoring. In addition, I would like to acknowledge Dr Chris Pepin-Neff, Professor Brendon O'Connor, Babet Degroot, Dr Peter Chen, Dean of Law Professor Simon Bronitt.

Finally, I would like to acknowledge my family (especially my mother) and circle of mentors for your continued patience and support of my journey.

Thank you all!



## The Role of Mining CSR in Undermining Indigenous Activism

**Benjamin McGrory**  
**Cammeraygal**

The achievements of Indigenous social justice are inevitably limited in the hands of Multinational Mining Corporations (MNNCs). Social-cultural groups, such as Indigenous communities, play a critical role in MNNCs Corporate Social Responsibility (CSR) frameworks. However, it is arguably not to the benefit of Indigenous activism but rather to serve economic means. This paper will examine the transition of MNNCs from old forms of CSR from the 1860s to new CSR starting in the 1980s, as a way of understanding the degree to which corporations contribute responsibly to solving social group issues. As a result of Indigenous land dispossession by MNNCs, passive forms of CSR frameworks address inequality and environmental destruction by exploiting governments and failing to pay compensations. Old forms of CSR frameworks address inequality and environmental destruction due to the dispossession of lands that involve the exploitation of governments and a failure to pay compensation. On the other hand, new forms of CSR frameworks actively seek to create policy – such as employment or welfare restrictions – that acts to falsely provide economic and social justice to Indigenous communities in order to achieve the firms' economic interests while generating social and economic legitimacy from business and governments. Ultimately, while the nature of CSR and state relationships differ, depending on the use of old or new frameworks, both systems limit Indigenous communities' abilities to achieve social justice to the full extent as long as there exist incentives to exploit Indigenous communities to make a profit.

This paper will have two sections. The first section will analyse old models of CSR. Specifically, the implications of MNNCs policy on Indigenous communities; examine the power relations between Indigenous communities and

these corporations; and then explore CSR's implication on businesses and government relationships. The second half of the paper will explore how new CSR has emerged in response to environmental and social injustices that Indigenous communities have faced, while exploring how CSR's shift from welfare policy to an advisory role in developing government and business models is designed to undermine and exploit Indigenous activism.

### Old forms of CSR in the mining sector

Before discussing CSR, it is essential to note that for Indigenous communities there can never be full repatriation after the extraction of natural resources, and the destruction of Country can never be repaired, as the connection to Country and the Earth is permanently diminished (Nagar 2021:379)<sup>1</sup>. Therefore, CSR will never be able to fully compensate for the absence of Indigenous consultation as old forms of CSR were born in the 1860s, prior to the introduction of legislative requirements, or social movements which resulted in land rights, or the ability of Indigenous activists to formally challenge and demand compensation for the use/destruction of their land (Vogel 2006). According to Mikler (2018), instrumental power refers to the ability of MNNCs to exploit the need of countries for resources, foreign direct investment and capital for development<sup>2</sup>. The absence of Indigenous agency or western legal frameworks which could limit the operations of MNNCs meant that these companies dictated the rules of the game. Governments of developing countries or communities exploited instrumental and structural powers, to introduce a favourable policy to establish rules to limit intervention in operations of these firms (Bell and Hindmoor 2014; Wilks 2013). Ultimately, this means that mining companies could target developing

countries to extract natural resources and lobby governments to adopt favourable legislation to weaken Indigenous Peoples' rights to representation, activism and land.

On the other hand, Mikler (2018) refers to the structural power of MNMCs to create international rules and trading terms to force countries to adopt favourable conditions for their market exploration. In the case of developing countries or Australia, which rely on fossil fuels as a means of income and GDP from mining corporations, they are effectively left powerless and must accept the terms of trade (Kepore et al. 2013). Therefore, establishing the foundations in old forms of CSR ensures that MNMCs hold control over Indigenous communities by influencing and persuading their governments to introduce legislation, or ignore the exploitation of Indigenous land for GDP revenue. In the example of the government of Papua New Guinea this power imbalance is highlighted through its passing of legislation to prevent Indigenous populations from seeking compensation for their natural resources against Ok Tedi Mining, showing the skewed relationship towards MNMCs (Cleary 2021). The latter example, among others, demonstrates the capacity and histories that governments and MNMCs possess to work together to undermine Indigenous activism by excluding Indigenous communities from having agency and power to influence policy. In Australia, The Northern Territory Intervention Act was a prime example of welfare and infrastructure being used as a tool by the then Howard Government and MNMCs to intervene by passing legislation to weaken and suspend native title claims over pastoral and mining lands (Altman 2021; O'Brien 2021). The Intervention ended in 2022, proving to have failed to deliver any long term benefits or empowerment to Indigenous communities in the NT, despite record profits being made from the MNMCs who were meant to deliver on these outcomes.

### **Implications of old CSR on business**

The implication for business is that by taking on the function of government, MNMCs can effectively justify and disguise to their shareholders failing to pay adequate compensation or tax to Indigenous Peoples for

mining up natural resources and environmental damage on their lands<sup>3</sup>. Within the Australian context, Indigenous communities were not paid compensation for mining operations until the Native Title Act (NTA) of 1994 and only once negotiated by MNMCs, often in the absence of adequate legal support and intervention from state and federal departments, ensuring the absence of activist or media reporting about resistance (Bennion and Kelly-Mundine 2021, Olabisi et al. 2019). Cleary (2021) argues that local Aboriginal communities in Western Australia and other states faced resource and legal issues created by the NTA, allowing these MNMCs to appoint representatives to Aboriginal Land Rights Councils (LRC) and fund their legal cases in contesting land rights claims against other communities to achieve mining projects. As a result, MNMCs are taking over the administrative and funding responsibilities of state and federal governments to Aboriginal LRCs. Handing these responsibilities to MNMCs and removing oversight undermined the process of integrity and fairness previously rewarded by the government to Indigenous communities, entrenching inequality and vulnerability between MNMCs and Indigenous communities (Nagar 2021; O'Faircheallaigh and Ali 2017). Regardless of the context, old forms of CSR ultimately failed to address sustainability, sharing the economic and social benefits of mining extraction and creating meaningful responses to the health and social destruction caused by mining. States' dependence on receiving funding and MNMCs providing infrastructure and exploiting Indigenous activism and future post-mining highlights this further.

### **New CSR in the mining sector**

The establishment of new forms of CSR explicitly signal the failures of old CSR models at addressing social and economic inequalities inflicted on Indigenous communities. The creation of new CSR models was born out of the need to justify social and environmental actions that hinder Indigenous agency and rights, revealed by social justice movements and legislative frameworks which emerged in the 20th century (Schepis 2020:2). New CSR requires MNMCs to find social and sustainable relationships with Indigenous communities and

their activist capacity to secure shareholder legitimacy and capital (Nagar 2021; Schepis 2020). Mikler (2018) describes discursive power as the ability of MNMCs to use their soft power to influence governments to adopt policies or ideas that would not be in their best interest. Despite the emergence of shareholder activism forcing MNMCs to establish relationships with Indigenous communities, we see that the use of discursive power has allowed these corporations to pursue new initiatives and forms of profit from the colonial and paternalistic policy.

Modern MNMCs utilise their discursive power to actively lobby and influence political parties and governments to create Indigenous policy that serves the firms' economic imperatives. New CSR actively seeks policy initiatives in the interest of economic and social profit from Indigenous communities and their resources, without investing in community infrastructure or communities (Jamaldeen 2016). This policy shift between old and new CSR reveals the employment initiatives such as Generation One, in which MNMCs can effectively use their discursive power to lobby governments to create employment initiatives to offset the cost of CSR policy (Schepis 2020:5-6). This shift allows for MNMCs to take over the role of government in creating economic and social policy, as they appear to be investing in Indigenous communities. However, the lack of reporting and long-term investment has undermined the payment of royalties to Indigenous Elders for the destruction of lands and equal opportunity to invest compensation into developing Indigenous health and businesses (Bennion and Kelly-Mundine 2021; Jamaldeen 2016).

### **Incentivisation of CSR: undermining Indigenous agency**

Despite Indigenous communities' cooperation and legal rights being essential to MNMCs, we again see that new CSR is often ignored and undermined. Jamali and Sidani (2011) argue that MNMCs create the false assumption that cooperation acts as a social contract that allows for the continuation of mining, and the power relationship is equal. MNMCs manipulate flaws within the legislation to place the power

in their hands using legal avenues such as litigation, or seeking mining licences from state governments before reaching an agreement, continuing the failures of old CSR policy (Fordham and Robinson 2018). The adoption of agreements with Indigenous communities and employment policies forces Indigenous communities to adopt western values and colonial policies incompatible with Indigenous sovereignty and activism. Zutshi et al. (2021) argue that for Indigenous populations to negotiate and transform from non-shareholder communities, they must learn and adopt entrepreneurship and free-market values by helping MNMCs achieve their economic agendas.

Therefore, it can be argued that modern CSR is not about resolving social or economic inequalities, but rather it is about getting Indigenous communities to assist in the destruction of Indigenous lands. In doing so, MNMCs obtain access to cheaper resources and profit from CSR, which reveals that the power imbalance has not shifted as MNMCs create the rules (Fordham and Robinson 2018). The remainder of this paper will focus on exemplifying MNMCs contribution to convincingly advance social justice and resolving, within its scope, issues of inequality within the expansion of its ability to influence governments over policy and the impact of new CSR on the role of businesses in stumping reconciliation.

### **Embedding corporate interest within government: implications of entanglement**

The shift in CSR policy adopts agreements between Indigenous communities and provides employment initiatives that have implications for businesses and governments. Firstly, it gives business legitimacy to appear to have a good relationship with Indigenous communities (Bennion and Kelly-Mundine 2021). Secondly, adopting employment or mining agreements with Indigenous communities, where community consent is given, acts in a way as to justify the destruction of sacred sites and the continuation of mining on Indigenous lands (Maher et al. 2021). This assumption of cooperation fails to recognise that Indigenous



**Cammeraygal land, from top: Balmoral Bay, Mosman; North Curl Curl Beach.**

Photos supplied by Benjamin McGrory

communities are dependent on MNMCs to provide services that governments used to discharge (Maher, et al. 2021). Mikler (2018) coins 'entanglement' as the dependence of corporations on nation-states for legitimacy in achieving and enacting CSR policy from a legislative or structural perspective, while on the other hand, MNMCs rely on governments to uphold their interest as legitimate by adopting a policy that allows them to appear in control of the private market and on the ground operations. The entanglement has now meant that new CSR governments are less likely to intervene when Indigenous activists or communities complain about environmental or social destruction of land or culture. As a result, businesses are now becoming increasingly responsible for the employment of members of Indigenous communities, and developing welfare policy is the responsibility of governments (Cleary 2021). Furthermore, governments no longer need to fund and create legislation to address poverty, disease, or provide consultation to Indigenous communities and activists about developing independent skills, or sustainable initiatives, to promote independence from MNMCs and governments.

The entanglement between the state and corporation provides an economic benefit for MNMC's employment and CSR initiatives that actively incentivise the continued destruction of Indigenous communities and sovereignty. CSR achieves its economic goals by actively writing and lobbying for policies that intentionally force Indigenous communities to move off-Country, by offering employment in metropolitan capitals, or advising the government on welfare policy<sup>4</sup>. This condition forces welfare recipients to either adopt jobs offered by mining companies – such as Rio Tinto or FMG – or suffer the consequences of poverty (Bielefeld 2018; Cleary 2021). Through Generation One, which former CEO of FMG Andrew Forrest devised initially, along with the Cashless Welfare Card, MNMCs abuse their relationship by creating policy that undermines Indigenous communities' abilities to live by cutting off access to essential government services (Bielefeld 2018:9). Dr Lawrence, a Nyungar (Whadjuk and Ballardong) activist who spoke out against Generation One's agenda, stated that the role of the employment

strategy was to destroy and dismantle Indigenous communities' ties to Country and relocate Indigenous communities off-Country (Cleary 2021). Cashless Welfare Cards would support this, which allowed inhumane welfare conditions towards community activists who stayed in towns<sup>5</sup>. The strategic aims of modern CSR has effectively failed to deliver equality and meaningful relations with Indigenous communities, as it has only served mining companies on compensation and land rights.

The newly elected federal Labor Government has committed to delivering a referendum on constitutional recognition, giving Indigenous Peoples an opportunity to have their rights enshrined into the Australian Constitution. Constitutional recognition would enable Indigenous Peoples to have a voice to challenge government policy and a platform to challenge MNMCs' destruction of land (Arora 2022), thus raising a risk that MNMCs will utilise their influence to get exemptions to protect their economic interest by undermining Indigenous activism. Therefore, any proposed Indigenous Voice to Parliament must consist of elected officials from local Indigenous communities and must be held accountable to the Indigenous electorate. This will combat any invested interest by delegates to advance the interests of MNMCs and ensure that grassroots activism is at the forefront of Australia's Indigenous policy-making and fight to combat climate change.

## Conclusion

Both types of CSR fail to address the social and economic inequality perpetuated by MNMCs in their pursuit of profit from the ongoing dispossession and destruction of Indigenous land. The entanglement between state and corporate interests in Generation One and Cashless Welfare Cards reflects the inability for CSR to play a role in reconciliation, as it continually undermines Indigenous activism and prevents social justice from occurring. The proposed Voice to Parliament and constitutional change has the power to elevate Indigenous voices into a platform, to challenge MNMCs, and veto the commodification of Country. This paper has shown that there is a material risk that MNMCs may utilise their discursive power to ensure that Indigenous people are undermined.

## Endnotes

1 The role of old CSR took a passive form in which initiatives focused on reimbursing communities in the future after a mine or MNMC had no viable economic imperative. Littlewood (2014) uses the example of CSR mining in Namibia by BHP, and other MNMCs in Namibia, to illustrate how futuristic policies failed to deliver any tangible benefit to Indigenous communities. BHP claimed that its CSR policy provided Indigenous community members with essential infrastructures such as schools, hospitals and basic utilities, such as water and power (Littlewood 2014:53).

2 When governments are dependent on MNMCs for GDP from mining revenue or meaningful compensation for local communities to operate independently, these MNMCs take over the role of government. In doing so, when CSR is unsuccessful in addressing the social and economic inequality from operations, they hold power to govern, undermining the government's ability to demand adequate compensation or fair terms (Littlewood 2014; Vogel 2006).

3 Under the promise that CSR will deliver critical infrastructure and services such as health care, roads, schools, hospitals. This also extends into a false premise that taxes generated from employees or MNMCs will give governments revenue to invest into communities. As previously stated, this does not eventuate into reality in most cases.

4 This occurs under the guise of Generation One and punitive welfare measures that restrict Indigenous agency. This undermines Indigenous agency and ability to challenge MNMCs in mining operations and fight for native title claims.

5 At the time of writing this essay, the newly elected Labor Albanese Government has moved to scrap the Cashless Welfare Card. However it is unclear if the BasicsCard (a similar income management card that is not specifically targeted at Indigenous populations) and punitive measures such as withholding payments for families of children not attending school or job active plans will remain in place (Dhanji 2022).

## References

- Arora, A 2022, 'Uluru Statement from the Heart's Voice aims to change the course of Australia's parliament. Here's how', *SBS News*, 18 August 2022, viewed 28 August 2022, <https://www.sbs.com.au/news/article/uluru-statement-from-the-hearts-voice-aims-to-change-the-course-of-australias-parliament-heres-how/xhkpdrgt>
- Altman, J 2021, 'Lest We Forget: The Harmful Policy Legacies Of The Northern Territory Intervention', *Arena*, 24 June 2021, viewed 28 August 2022, <https://arena.org.au/lest-we-forget-the-harmful-policy-legacies-of-the-northern-territory-intervention/>
- Bell, S & A Hindmoor 2014, 'The Structural Power of Business and the Power of Ideas: The Strange Case of the Australian Mining Tax', *New Political Economy*, vol. 19, no. 3, pp. 470-486.
- Bennion, L & J Kelly-Mundine 2021, 'Clashes in conservation: First Nations sites, communities and culture in Australian cultural heritage management', *Journal of the Institute of Conservation*, vol. 44, no. 3, pp. 170-182.
- Bielefeld, S 2018, 'Cashless Welfare Transfers for 'Vulnerable' Welfare Recipients: Law, Ethics and Vulnerability', *Feminist Legal Studies*, vol. 26, pp. 1-23.
- Cleary, P 2021, *Title fight: how the Yindjibarndi battled and defeated a mining giant*, Black Inc., Carlton, VIC.
- Dhanji, K 2022, 'Government moves to scrap the cashless debit card. Why is this controversial?', *SBS News*, 30 July 2022, viewed 28 August 2022, <https://www.sbs.com.au/news/article/government-moves-to-scrap-the-cashless-debit-card-why-is-this-controversial/u1dgwhjne>
- Fordham, AE & GM Robinson 2018, 'Mapping meanings of corporate social responsibility – an Australian case study', *International Journal of Corporate Social Responsibility*, 3(14):1-20.
- — 2018b, 'Mechanisms of change: stakeholder engagement in the Australian resource sector through CSR', *Corporate Social Responsibility and Environmental Management*, (25)4: 674-689.

- Jamaldeen, M 2016, *The Hidden Billions*, Oxfam, Melbourne.
- Jamali, D & Y Sidani 2011, 'Is CSR counterproductive in developing countries: the unheard voices of change', *Journal of Change Management*, 11(1):69–71.
- Kepore, K, C, Higgins & R Goddard 2013, 'What do Indigenous communities think of the CSR practices of mining companies?', *Journal of Business Systems, Governance and Ethics*, 8(1):34–50.
- Littlewood, D 2014, '"Cursed" communities? Corporate Social Responsibility (CSR), company towns and the mining industry in Namibia', *Journal of Business Ethics*, 120(1):39–63.
- Maher, R, H Huenteano, & E Quintremán 2021, 'The tragic failings of political CSR: a damning verdict from the Indigenous Pehuenche highlands in Chile', *Journal of Management Studies*, 59(4): 1088–1097.
- Mikler, J 2018, *The Political Power of Global Corporations*, Polity Press, Cambridge.
- Nagar, A 2021, 'The Juukan Gorge incident: key lessons on free, prior and informed consent', *Business and Human Rights Journal*, 6(2):377–383.
- O'Brien, G 2021, 'The Basics Card: a return to the "rations" days for First nations peoples of Australia?', *Social Alternatives*, 40(4):34–39.
- O'Faircheallaigh, C & S Ali 2017, *Earth matters: Indigenous Peoples, the extractive industries and Corporate Social Responsibility* (1st edn) Taylor and Francis, London, UK.
- Olabisi, J, E Kwesiga, N Juma & Z Tang 2019, 'Stakeholder transformation Process: the journey of an Indigenous community', *Journal of Business Ethics*, 159(1):1–21.
- Schepis, D 2020, 'Understanding Indigenous Reconciliation Action Plans from a corporate social responsibility perspective', *Resources Policy*, 69:1–11.
- Vogel, D 2006, *The market for virtue: the potential and limits of Corporate Social Responsibility*, Brookings Institution Press, Washington.
- Wilks, S 2013, *The political power of the business corporation*, Edward Elgar Publishing, Cheltenham, UK.
- Zutshi, A, A Creed, R Panwar & L Willis 2021, 'Corporate social responsibility (CSR): curators' specific responses from Australian museums and art galleries', *Current Issues in Tourism*, 24(5):651–667.

Pa

My  
Father's  
Daughter  
Jessica  
Tterson

Wa Wa Wa

**Wa Wa, Womunjeka (hello, welcome)**

I acknowledge and respect the ancestors, current and future guardians of the Gadigal land on which I dwell and learn. I acknowledge my paternal people who have come before me, Taungurung, thriving with gratitude and trust in Country, paving the way for me, along the upper Goulburn River down to the Yarra Valley in Victoria. I acknowledge my maternal people, having to leave Holland to survive post-Nazi fallout, coming to a strange new country to start all over again.

m m u r  
i  
j e k o



## My Father's Daughter

**Jessica Patterson**

**Taungurung**

This paper is a personal, microscopic understanding of what has led to current discord within my life, due in part, to loss of connection with my First Nations heritage, and how I hope to regain connection for myself and others.

### Story – past

I am the youngest, born to a Dutch woman and an Irish and Australian First Nations man. We are, from Dad's First Nations lineage, (maternal) Taungurung and (paternal) Dja Dja Wurrung of the Kulin Nation, and inhabited central Victoria. Mum and Dad were married in 1964, while Dad was not yet considered a citizen (ABS 2017). However, after 5 kids and an unhappy marriage, my parents broke up. I wasn't long in the world before they split. I didn't meet my Father until just before I turned 19. We shared the same birthday.

Not being part of his life also meant we were separated from our First Nations cultural inheritance, and we grew up white. Being white is not bad, just that in this context, I missed learning about my other self. We knew about Dad, but we didn't know where he was, until my older siblings found him years later. From what I knew of him, I think he was older when he embraced his heritage and became an activist against the logging and destruction of our East Victorian Country. He knew the Creation stories, bush medicine and tucker, and ancestral lore. He was chosen by his Grandmother to carry her spirit. He went so far as to have a book written about Taungurung history before and since white settlement, saying, 'Without culture, you've got nothing' (Patterson and Jones 2020).

He attempted to teach me and other family members some First Nations cultural knowledge. My brothers were receptive. My sister died only five years after reconnecting

with him, so I'm not sure about her. After her death, Dad took my brothers up onto our mountain and they marked themselves in her honour, leaving scars above their hearts. As for myself, I was so 'white' that I had no room for it. I grew up with the overt and subliminal messages that being First Nations was bad and 'they' were all drunks and violent thieves who couldn't manage to live like 'normal' people. Only lately do I understand that my idea of culture and 'normal' were exclusively ignorant European. Australian history was written through foreign eyes and in no area of my formative education was a First Nations voice heard.

### Today

Every group in history has been marginalised by some tyrannical force and Australian First Nations Peoples continue the fight to overcome this. To be heard and recognised. To stand on equal footing. We fight against being forgotten and swallowed up by bureaucracy. It's become a quiet war on paper after so much protest and marching noise, and our cultures are finally climbing their way into a positive light.

People like Pauline Hanson, angry over Acknowledgements of Country becoming a regular part of public speaking events, claimed this new phenomenon to be a divisive political tactic (The Project 2022). She seems to have misunderstood its purpose, which is recognition and respect of First Nations Peoples (UNSW nd). I have a cousin, part of the Stolen Generations, not given any birth parent information until in her later years, who recalls having family photos taken. Her adoptive parents insisted the photographer lighten her skin and give her blue eyes to make her fit in better. I wonder if Pauline was ever forced to feel fear or shame, or be tortured because of

# Town



The brown and white cord represents my spiritual growth using these ceremonial colours. It was a gift on my 18th birthday.

The hands represent my ancient ancestors supporting me and the stones represent their children of many skin tones as equals. The clapsticks were a gift from someone I have never met, but who felt that they were for me.

Objects representing my First Nations heritage

Photo supplied by Jessica Patterson

her heritage? Was she ever denied her identity? Like most Australians, her heritage is a quick search engine excursion away (Britannica 2022). First Nations Peoples frequently have missing links in lineage due to outcomes of past policies.

Pauline had the opportunity to take security and cultural history for granted while First Nations lineages have been defiled by despotic legislation such as the 1915 amended *Aborigines Protection Act* (New South Wales Government 1915) allowing travesties like the theft of children to occur (AIATSIS 2021), which restricted control of our lives to white men. This led to loss of heritage and family as well as poorer health and quality of life outcomes. Our people were voiceless and shamed. But now, First Nations Peoples are encouraged to talk about culture, Country and heritage, because protesting First Nations Peoples still fight for it.

I wonder if Pauline could name three First Nations mobs. Until acknowledgements became the norm, I could only name my own and our direct neighbour. But ask me (and I assume most Australians) about American Indians and off the top of my head I can name the Apache, Mohican, Sioux, Comanche and many that I can't name, I would recognise when mentioned by others. It's mostly from movies but they're in my memory because they've been acknowledged my whole life. Which is one reason that Acknowledgement of Country is vital. The point is that First Nations Peoples have been ignored. But now finally, are being visibilised, just by mentioning Country at all kinds of events. It is not divisive. Rather, it is a protocol that demands acknowledgement and respect for Australia's First Peoples.

It's a step in the right direction for First Nations Peoples in helping reduce the generational trauma of shame and fear in being who we are, generated by white controllers who didn't understand our culture or needs. Languages are being recovered and integrated where possible (Queensland Government Department of Education 2022; Korff 2022). Autonomy is reemerging. But it wouldn't happen without acknowledgement of past acts by governments, and awareness of the Australian people.

There is another point of contention that I say needs dealing with, to help our cause for

equality. Just as the *Uluru Statement from the Heart* (Anderson et al. 2017) is a ground-roots or bottom-up guide, so too should our use of language be. We are aware of what offends some people, for example the LGBTQI+ (Smorag 2008) community has fought for and opened up pronoun options, changing our language, where the inclusive description of a person is now 'they' or 'them' rather than the assumed 'she' or 'he', because there are more terms available to us than the rigid gender binary (University of Maryland Lesbian, Gay, Bisexual & Transgender Equity Center nd). I say we can do the same for the words 'black' and 'dark' where we separate their meanings. For example, the word Black/Blak could be reclaimed, while dark could be an adjective for negative things, without crossover. Or even better if those people told us what adjective they'd like. This may seem like a small change, but it would have a massive ripple effect. Destiny Deacon, a First Nations multimedia artist coined the newly spelled 'Blak' to represent self-determination and definition, from the colonialist spelling of Black (Munro 2020). This works on paper and has great positive emotional appeal, but the word itself still has negative overtones in speech.

Being white-passing, I was unaware of this issue until it was brought to my attention by a person with dark skin who said that he didn't want to be seen as 'Black' because it seemed that everything black was bad. Words used repeatedly with consistent emotion behind them, send both conscious and unconscious messages (Ruch et al. 2016). We use words in such a negative context without realising their impact, like, 'What a black mood', raising negative feelings, while 'It's just a white lie', elicits feelings of relief, safety or minimal harm. Being aware of these connotations in our language is important to remove hatred, racial discrimination and stereotyping of dark-skinned people (Thurber et al. 2021).

For example, I was recently in Cairns and there were groups of First Nations Peoples all around town, doing their own thing. Some appeared to be inebriated. I wondered if that's all others see: 'drunk Blacks' according to the stereotypes and misjudgments embedded in my mind from my childhood education. Because that's still my first thought, mixed in with a bit of trepidation,

which is an unintentional act of bias and a racial microaggression against my own (Sue 2007). These thoughts are less pervasive now but still they come up. I'm aware of it, though, so I get to have guilt and self-talk at the same time, because I know these ideas are not reality. Most First Nations Peoples live their lives without embodying the white stereotype that I grew up thinking was true. I presume it was just white projection onto a scapegoat minority. For example, alcohol, which has always been a part of white Australian society, is shown statistically to be abused by about 25% of all Australian-born individuals. This is twice as much as Australians born elsewhere (ABS 2006; 2020-21). First Nations Peoples are more likely than non-Indigenous Australians to not drink at all (Gooda 2012). So why, when talk of alcoholism occurs, do some think that's synonymous with First Nations Peoples? Do onlookers think that all First Nations Peoples are drinkers? Do they think about how many others are not there? And do they think that all 'real' First Nations Peoples do or should live outside of populated areas? My interactions, in Cairns, were passing pleasantries, interesting guided tours and the purchase of artwork.

Some might think stereotypes are true representations. These ideas are predominantly lazy, uneducated guesses about face-value observations made of someone seeming to represent a specific group. However, there is a phenomenon called pluralistic ignorance that shows that people may look or act accordingly, when their feelings and thoughts differ to others from the same group (Prentice and Miller 2002). This suggests that we're all different and reminds us not to assume. I know that my Dad hadn't touched alcohol for years. He was a gentle soul who wanted his family back, his culture acknowledged, and his Country safe for future generations.

I'm at a stage in life where being receptive to my ancestry is important for me. Unfortunately, Dad died in 2017 so I can't tell him I'm ready, now. The controlling parties may have physically stopped trying to be rid of Blackfullas, but this trickling, silent genocide (Tatz 1999) is insidious, sliding through the years so that now, I don't know how to be. Silent because no longer are restrictions of equality such as voting, in place. But the

shame, fear and silence forced upon First Nations Peoples by the new settlers, became part of the later generations' psyche, so that speaking in one's language wasn't done, except in secret, and land use was only conducted from a colonialist manner, such as farming and housing, ever-controlled by whites (McCalman et al. 2021). I don't know my own story, or my Father's language. Of the things I do know, my daily cultural habits run counterintuitive to my First Nations blood lines because my learning was prevented. For example, I prefer eye contact and I would rather speak plainly and get to the point, whereas my predecessors communicated in a gentler fashion, talking around subjects. Eye contact was limited, particularly regarding Elders, as a sign of respect, and speech was more circumspect because inclusivity and observing were higher on the agenda than just getting things done (Patterson and Jones 2020). But in these later years, there is more understanding of First Nations cultures and needs, and hopefully I'll get back to my Country to learn what I need. So where to begin, to bridge the gaps?

### **Future dreaming –**

I would like to see Dreamtime stories added to religion and history classes in schools, led by 'on Country' teachers, with excursions and hands-on learning. Australian news and media channel 7 NEWS recently ran a story about the demand from students for this (Lewin 2022).

I would like more hands-on learning for Men's and Women's business. I would like to see more on Country education in tours, led by locals and Elders from community centers. Led from schools and with parents in tow, to get to know their local Country and community. It has begun in some areas on a larger tourism scale. Queensland tourism includes this option with their Guided Dreamtime walks at Mossman Gorge (Mossman Gorge Cultural Centre 2022). In the Northern Territory, Yolgnu People lead immersive experiences over several days, including Women's tours and crossing Country, amongst others (Lirrwi Tourism nd). And in Sydney, one can choose an indoor experience and be informed by a First Nations guide, about museum artifacts at the Australian Museum, several days throughout the week (Australian

Museum 2022), or outdoors, an Aboriginal Cultural cruise in Sydney Harbour (Tribal Warrior 2022).

I would like more appreciation for the adaptive skills of my people, forced to learn a new way of life on top of new language skills in places they were coerced to exist, under duress, with many broken promises and with minimal opportunity. My Father discussed the removal of our people from their ancestral home as it pleased the settlers. Inevitably, the settlers pushed First Nations Peoples right off their bountiful land and into uninhabitable scrub. The preferred option to starving and/or freezing to death was to move onto the neighbouring Wurundjeri mission (Patterson and Jones 2020).

I'm at a stage in life where being receptive to my ancestry is important for me. Unfortunately, Dad died in 2017 so I can't tell him I'm ready, now.

I would like authority figures to confer with First Nations Elders about punishment and protection concerns. I would like to see an Aboriginal person in office and not even think about it. We're getting there. In 1969, Andrew (David) Kennedy, in Victoria, became the first member of Australian parliament who identified as having First Nations ancestry. Then after Neville Bonner, in Queensland in 1971, it was 28 years until the next mention. Language was

spoken in parliament for the first time, with authority, by Aiden Ridgeway, a First Nations parliamentarian in 1999. Dotted mentions continued until three First Nations people were elected in the same year of 2016 (Richards 2021). A major turn up was seen in 2022 with the *Uluru Statement from the Heart* publication followed by eight First Nations senators and three members of the House of Representatives being elected (Parliamentary Education Office 2022).

I would like language changes as mentioned, for the word black to grey and any others with racist undertones. This can happen. For example, in America, phrases and words connoting relationship to slavery in areas including real estate ('master' bedroom) and computer technology (master-slave and blacklist-whitelist) are being replaced. It was noted that phrases not deriving specifically from slavery, such as 'blackballed' still link to racism, just that they're subconscious and these terms reinforce common racist thinking (Longshore, as cited in Andrew and Kaur 2020[1979]). This is explained by racial microaggression (Sue 2007). A phenomenon whereby the perpetrator may not be aware of doing it and if confronted, may honestly deny it. But the receivers feel the impact. Because it's so subtle, it may be confusing and sensed as intangible. These transgressions are hard to undo and can lead to mental health pathologies, job inequalities and overall lower quality of life scores for those targeted. Acknowledgement and education of how to stop it is needed. It was shown that marginalised people who are primed with stereotypic phrasing before a test, score poorly, compared to the control group (DeAngelis 2009). Therefore, we must abolish negative racial phraseology and perpetuating undertones.

I would like a national day of recognition, perhaps called On Country Day. The first part of the day would recognise atrocities done to Kin and culture, while the second half of the day would celebrate acknowledgement and recognition of First Nations Peoples as part of their Country, welcoming those keen to be part of Australia's cultural rebalancing success. This would be a good day to link to citizenship day to connect new Australians to First Australians.

## Conclusion

This brief article outlines some of the internal and external conflicts brought about by historical events and family ties. The overt and subliminal connotations still attached to First Nations Peoples can be changed and I am here as witness to damage done, perpetuator of ignorant attitude towards my own and propagator of a new way to be. I take ownership of my part and hope that my ancestors guide me in this endeavour.

## References

- AIATSIS 2021, 'The 1967 Referendum', accessed September 26, 2022, <https://aiatsis.gov.au/explore/1967-referendum>
- ABS (Australian Bureau of Statistics) 2006, 4832.0.55.001 – *Alcohol Consumption in Australia: A Snapshot, 2004-05*, ABS, accessed 25 September 2022, [www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4832.0.55.001Main+Features12004-05?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4832.0.55.001Main+Features12004-05?OpenDocument)
- — 2017, *50th anniversary of the 1967 Referendum*, accessed 14 August 2022, ABS, [www.abs.gov.au/ausstats/abs%40.nsf/mediareleasesbyCatalogue/E31B62F372FC7BCECA2581320029DC01](http://www.abs.gov.au/ausstats/abs%40.nsf/mediareleasesbyCatalogue/E31B62F372FC7BCECA2581320029DC01)
- — 2020-21, *Alcohol consumption*, ABS, [www.abs.gov.au/statistics/health/health-conditions-and-risks/alcohol-consumption/latest-release](http://www.abs.gov.au/statistics/health/health-conditions-and-risks/alcohol-consumption/latest-release)
- Andrew, S & H Kaur 2020 (7 July), 'Everyday words and phrases that have racist connotations', *CNN*, accessed 14 August 2022, <https://edition.cnn.com/2020/07/06/us/racism-words-phrases-slavery-trnd/index.html>
- Australian Museum 2022, 'Waranara Tours', accessed 14 August 2022, <https://australian.museum/event/waranara-tours>
- DeAngelis, T 2009, 'Unmasking "racial micro aggressions"', *Monitor on Psychology*, 40(2):42–4.
- Encyclopedia Britannica, 2022, 'Hanson, Pauline Lee', accessed 14 August 2022, [www.britannica.com/biography/Pauline-Lee-Hanson](http://www.britannica.com/biography/Pauline-Lee-Hanson)
- First Nations National Constitutional Convention 2017, *Uluru Statement from the Heart*, Central Land Council Library, Alice Springs.
- Gooda, M 2012, 'Mental illness and cognitive disability in Aboriginal and Torres Strait Islander prisoners – a human rights approach', paper presented at the 22nd Annual THeMHS Conference, Cairns Convention Centre, Cairns, 23 August 2012.
- Korff, J 2022, 'Aboriginal language preservation & revival', *Creative Spirits*, accessed 26 September 2022, [www.creativespirits.info/aboriginalculture/language/aboriginal-language-preservation](http://www.creativespirits.info/aboriginalculture/language/aboriginal-language-preservation)
- Lewin, R 2022 (3 June), 'Australian school students are demanding a First Nations education – so what are we doing about it?', *7NEWS.com.au*, accessed 14 August 2022, <https://7news.com.au/news/indigenous-australians/australian-school-students-are-demanding-a-first-nations-education-so-what-are-we-doing-about-it--c-7011349>
- Lirriwi Tourism nd, 'Multi day tours', accessed 14 August 2022, [www.lirritourism.com.au/multi-day-tours](http://www.lirritourism.com.au/multi-day-tours)
- Mannoni, O 1966, 'The decolonisation of myself', *Race*, 7(4):327–335, doi.org/10.1177/030639686600700401
- McCalman J, R Kippen, L Smith, & S Silcot 2021, 'Origins of "the gap": perspectives on the historical demography of aboriginal Victorians', *Journal of Population Research*, 38(1):53–69, doi.org/10.1007/s12546-020-09253-x
- Mossman Gorge Cultural Centre nd, 'Mossman Gorge tours & guided Dreamtime Walks', accessed 14 August 2022, [www.mossmangorge.com.au/things-to-do/dreamtime-walks](http://www.mossmangorge.com.au/things-to-do/dreamtime-walks)
- Munro, K 2020 (29 June), 'Why "Blak" not Black?: artist Destiny Deacon and the origins of this word', *NITV*, accessed 30 September 2022, [www.sbs.com.au/nitv/article/why-blak-not-black-artist-destiny-deacon-and-the-origins-of-this-word/7gv3mykzv](http://www.sbs.com.au/nitv/article/why-blak-not-black-artist-destiny-deacon-and-the-origins-of-this-word/7gv3mykzv)
- New South Wales Government 1915, 'Aborigines Protection Amending Act: Act no 2, 1915', *NSW Legislation*, accessed September 26, 2022, <https://legislation.nsw.gov.au/view/pdf/asmade/act-1915-2>
- Parliamentary Education Office 2022, 'How many Aboriginal or Torres Strait Islander MPs or Senators are there and what are their names', accessed 28 September 2022, <https://peo.gov.au/understand-our-parliament/your-questions->

on-notice/questions/how-many-aboriginal-or-torres-straits-islander-mps-or-senators-are-there-and-what-are-their-names

Patterson, R & J Jones 2020, *On Taungurung Land: sharing history and culture*, Australian National University Press, Canberra.

Prentice, DA & DT Miller 2002, 'The emergence of homegrown stereotypes', *American Psychologist*, 57(5):352–359, doi: 10.1037//0003-066X.57.5.352

Queensland Government Department of Education 2022, 'First Nations Languages Program (FNLP)', accessed 28 September 2022, <https://education.qld.gov.au/about-us/budgets-funding-grants/grants/state-schools/core-funding/first-nations-languages-program>

Richards, L 2021 (15 June), 'Indigenous Australian parliamentarians in federal and state/territory parliaments: a quick guide', Research Paper Series 2020–1, *Parliamentary Library*, accessed 14 August 2022, [www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp2021/Quick\\_Guides/IndigenousParliamentarians2021](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp2021/Quick_Guides/IndigenousParliamentarians2021)

Ruch S, MA Züst & K Henke 2016, 'Subliminal messages exert long-term effects on decision-making', *Neuroscience of Consciousness*, 1:niw013, doi: 10.1093/nc/niw013

Smorag, P 2008, 'From closet talk to PC terminology: gay speech and the politics of visibility', *Transatlantica*, 1(1), <https://doi.org/10.4000/transatlantica.3503>

Sue, DW, CM Capodilupo, GC Torino, JM Bucceri, AM Holder, et al. 2007, 'Racial microaggressions in everyday life', *American Psychologist*, 62(4):271–286, doi: 10.1037/0003-066X.62.4.271

Tatz, C 1999, 'Genocide in Australia', *Journal of Genocide Research* 3:315–352, doi: 10.1080/14623529908413964

The Project, 'Pauline Hanson storms out of the Senate during Acknowledgement of Country', YouTube video, accessed 26 September 2022, [www.youtube.com/watch?v=3-7mm2bAQTU](http://www.youtube.com/watch?v=3-7mm2bAQTU)

Thurber KA, E Colonna, R Jones, GC Gee, N Priest, R Cohen, et al. on behalf of the Mayi Kuwayu Study Team 2021, 'Prevalence of

Everyday Discrimination and Relation with Wellbeing among Aboriginal and Torres Strait Islander Adults in Australia', *International Journal of Environmental Research and Public Health*, 18(12):6577, doi.org/10.3390/ijerph18126577

Tribal Warrior nd, 'Cultural cruises & tours', accessed 14 August 2022, [www.tribalwarrior.org/cultural-cruises-performances](http://www.tribalwarrior.org/cultural-cruises-performances)

University of Maryland Lesbian, Gay, Bisexual, & Transgender Equity Centre nd, 'Good practices names and pronouns', accessed 14 August 2022, <https://lgbtq.umd.edu/good-practices-names-and-pronouns>

University of NSW Indigenous Strategy, Education & Research nd, 'Acknowledgement of Country and Welcome to Country', accessed 28 September 2022, [www.indigenous.unsw.edu.au/strategy/culture-and-country/acknowledgement-country-and-welcome-country](http://www.indigenous.unsw.edu.au/strategy/culture-and-country/acknowledgement-country-and-welcome-country)

## **Acknowledgement of Country**

All My Relations Research Centre at Thompson Rivers University campuses are on the traditional lands of the Tk'emlúps te Secwépemc. We will work to embrace and embody the principles and values of the First People of this land. From our privileged position in post-secondary education and research, we recognize that both have been tools of oppression of the colonizers and used to erase Indigenous peoples from the present. We have a duty and responsibility to transform these tools. We have a responsibility and duty to commit to research and education that empowers.



## Indigenous Research Reclaimed: Principals, Promises and Political Will

**Sandra Bandura, Thompson Rivers University**  
**Qayqayt First Nation**

Congratulations to everyone who participated in BlakOut!

### **Kukwstsétsemc (thank you in Secwepemctsin) to everyone involved in BlakOut.**

For demonstrating and reinforcing the strength and truth of our knowledge

For providing strength when weakened by false promises

For providing motivation beyond the shallow and superficial rewards of society

### **Kukwstsétsemc to Lindsay**

For honouring your connection to Knowledge Makers.

Considering what to share, I reflected on my personal journey with Knowledge Makers. Through the program, pathways to employment, scholarships, education were revealed and illuminated. Leading me to embark on an unknown, unexpected journey in the academy – very unexpected – restricted to smart people. Knowledge Makers gave me the confidence in my beliefs, motivations, and choices – and of course, confidence with writing. The importance of honoring relationships – contrary to those that exploit and devalue relationships. Relationships are not only a priority but an essential element to our Indigenous ways. Relationships are an afterthought even when attempting reconciliation, decolonization, and other endeavors, requiring empathy and kindness. It is relationships that have allowed me to venture into the ivory tower.

### **Kukwstsétsemc to everyone involved in Knowledge Makers**

To the Elders, mentors, participants, funders, to the children that remind us our work is important

And of course, the Knowledge Makers founders ...

The strong, brilliant Indigenous women from across the ocean

Dr. Sereana Naepi and Dr. Airini.

It was the unwavering, nonjudgmental support provided by Dr. Sereana Naepi that shaped a relationship that was essential to surviving as an Indigenous person in the world of academics. As Indigenous people move into spaces unknown to our ancestors, our principles and values must guide our path – those remain true through time and place. Without them, we cannot do Indigenous research; we cannot focus on honoring all connections without their motivation. If a researcher is lucky, they will have someone to guide them. Someone to demonstrate the difficult journey of navigating a world not designed for you. Someone that understands. Someone to lean on. To learn from. To follow into the unknown world. Someone. Anyone.

I have often walked alone – mathematics and politics – I love them both! As expected these are not particularly popular topics of conversation, in both Indigenous and all other spaces. Historically, neither fields are kind or supportive to Indigenous people. I enjoy walking alone but sometimes I cannot continue without support. I need genuine relationships, where I can trust they will safely guide me.

### **Congratulations and Best Wishes from the All My Relations Research Centre**

Owning your Indigenous identity helps legitimize ours  
Your words inspire and uplift us when we are exhausted  
Reaching out to us reminds us the power of Knowledge Makers  
By honouring our relationship, you give us strength to continue pushing  
Reminding us ... not only our work matters, but we matter.

#### **We look forward to our ongoing relationship.**

From your colonial cousins from across the world,

Rod McCormick, Professor and Director of All My Relations Research Centre  
Jeneen Hearn-Jensen, Assistant Director of All My Relations Research Centre  
Sandra Bandura, Sessional Instructor (Mathematics) and Research Assistant

Written by Sandra Bandura.

*I would like to thank the British Empire – before this I have never had a reason – thank you for giving us a shared language to connect with others to reclaim our lands. Without a shared language, the damage caused by the egotistical, selfish acts caused by colonization will require a global response.*

For more information about the Knowledge Makers program, see our webpage at:  
<https://knowledgemakers.trubox.ca>

**Kuk  
wvst  
etse  
mc**

Contact SUPRA Aboriginal and Torres Strait Islander Network at **[indigenous@supra.usyd.edu.au](mailto:indigenous@supra.usyd.edu.au)** to submit to future editions of BlakOut.

*A special thank you to Anthea Fitzgerald. Your patience, creativity, and dedication to this project has been incredible. This journal would not have come together, nor been so beautiful, if it wasn't for you.*



**BlakOut: An Anthology of First Nations Students' Scholarship**  
Issue 1

December, 2022

ISSN 2653-6455



Sydney  
University Postgraduate  
Representative Association

**SUPRA Aboriginal and  
Torres Strait Islander Network**

**Gadigal Country**