

Jumbunna Institute for Indigenous
Education and Research

Annual Report 2020



Letter from the Directors

2020 has tested us all. It revealed pressing issues that are ordinarily invisible to mainstream Australia, but not to Aboriginal and Torres Strait Islander people.

While 2020 meant we had to change the way we did things, it has never been busier at the Jumbunna Institute. There have been few times in recent years that have been as critical for Aboriginal and Torres Strait Islander people, or where the opportunity to effect change has been so significant.

We commend our entire team. You have risen to the occasion under challenging conditions. You have delivered change and excellence in research and practice for our communities, the University and our clients — and you have transformed what many thought was impossible.



Distinguished Professor Larissa Behrendt AO
Director of Research — Jumbunna Institute



Professor Lindon Coombes
Acting Deputy Director — Jumbunna Institute

Who we are

The Jumbunna Institute of Indigenous Education and Research is unique in Australia.

Our Indigenous-led Research team operates throughout the continent, with staff working in communities in Victoria, South Australia, Northern Territory, Queensland and New South Wales, and collaborators in all States and Territories.

Our best work is focused around stories, campaigns, projects, and cases that consolidate our many different sets of skills and expertise towards a shared goal. We run by one key guiding principle — our work should be driven by Aboriginal and Torres Strait Islander peoples and nations in Australia, and contribute — whether directly or indirectly — to their strength, sustainability and wellbeing. We believe that our nations, peoples and people can use research as a tool to produce change and build capacity. We committed to excellence and agility as practitioners and scholars because that shapes our capacity to understand shifting landscapes and effect change within them.

We focus on work that combines our strengths to make strategic impact in the Australian continent and around the world — with our communities in control. All of our work supports outputs in the following areas —



Transformative Research

We produce world-class research on legal and policy issues that supports Indigenous Sovereignty and wellbeing, and that holds the Coloniser to account. Research outputs include articles, case studies, books, legal analysis, policy submissions, contributions to Indigenous methodologies and critical legal theory, engagement with international scholars, and contribution to new media.



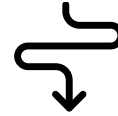
Transformative Practice

The provision of a sophisticated, ethical and expert national strategic professional services apparatus for Indigenous nations operating in the industries of law, governance, policy and new media. In addition to the provision of professional services, we seek to influence the development of new professionals to align with our mission.



Transformative Teaching and Education

Recognising the debt we owe to those who taught us, and the importance of fostering future collaborators and allies, we acknowledge the importance of teaching and of the use education. We will use subjects, short courses, professional courses, and PhD development to transmit our research and build the next generation of change-makers.

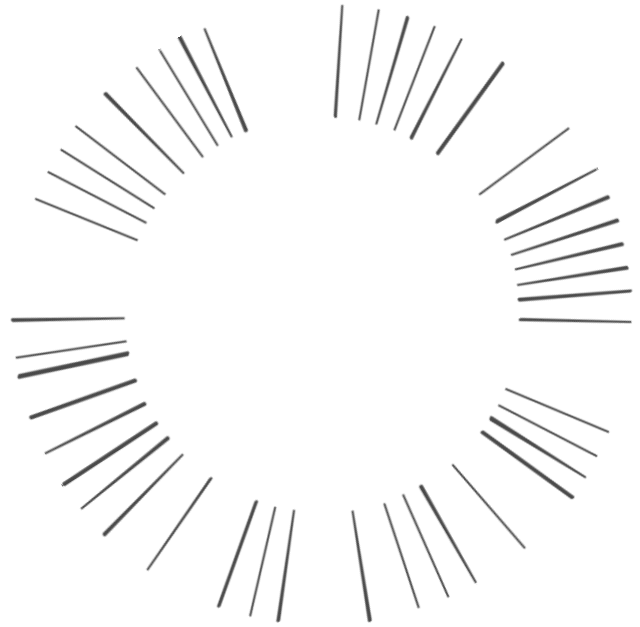


Transformative Story

We recognise the central role of Story and the power of narratives. We are conscious of how we tell our story, and the stories of others, and prioritise community voices and stories of Indigenous sovereignty, strength and vitality.

To this end, we seek to —

- Promote innovation and undertake best practice research and disseminate the outcomes of that Research widely
- Respond to and empower Aboriginal and Torres Strait Islander peoples
- Develop Aboriginal and Torres Strait Islander researchers, Indigenous Research and the reputation of the Jumbunna Institute for Indigenous Education and Research and through it, the University of Technology, Sydney



Highlights

Speaking truth about the workforce

The first data of its kind in Australia — *Gari Yala* surveyed some 1033 Aboriginal and Torres Strait Islander people on their experiences at work.

Black Lives Matter

The Jumbunna Institute has been at the forefront of Black Lives Matter movements. In June we provided the NSW Government with an eight-point plan to ensure Black Lives Matter. In addition to our existing work, over 2020 we have assisted with —

- Securing protest rights during the pandemic for First Nations peoples, through litigation, lobbying and strategic knowledge production.
- Representing families who have endured a First Nations death in custody at inquest and supporting in campaign advocacy — including the families of Aunty Tanya Day, Tane Chatfield, Nathan Reynolds and Wayne Fella Morrison.
- Providing public commentary and expertise on the legal and policy architecture that causes and reviews First Nations deaths in custody.
- Playing a critical role in the development of and evidence to the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody.

Winda Film Festival

Winda Film Festival, now in its fifth year, was moved entirely online in 2020 to an international Indigenous audience for labs and workshops.

Indigenous-Settler relationships

The Transformative Futures and Nation Building Hub and the Indigenous Policy Hub were contracted by Aboriginal Affairs NSW to craft expert advice on the OCHRE Practice Principles and Accountability Frameworks — setting the knowledge base for future Indigenous-Settler relationships in NSW.

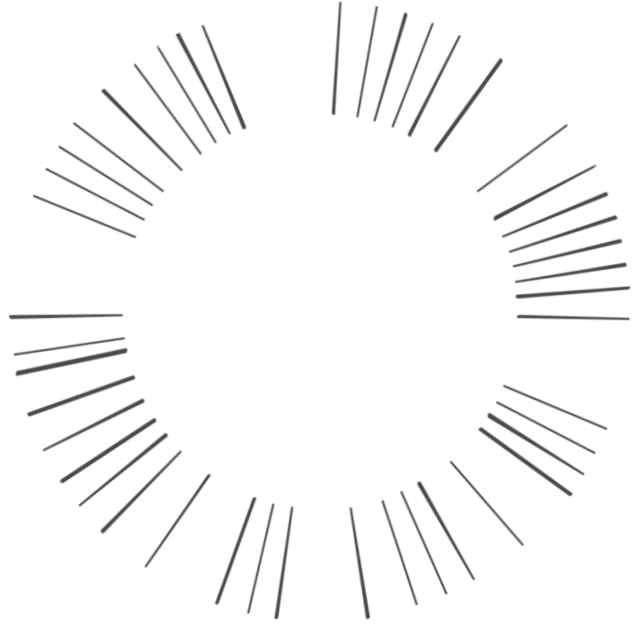
Our knowledge in structural change

We've offered support and guidance to organisations including the Healing Foundation, the Wonnarua Nation, Coota Girls Aboriginal Corporation, NT Legal Aid Commission, NAAJA, CAWLS, CAAFLU, National Leadership Group for the Family Matters campaign, ACON Pride in Diversity, and Australian Independent Schools — to name a few.

Awards & recognition

Distinguished Professor Larissa Behrendt received an AACTA for Best Direction in Non-Fiction for her documentary *Maralinga Tjarutja*.

Associate Professor Steve Hemming took out the Eric Anderson Award for the best article published by the Australian Journal of Environmental Management for *Indigenous nation building for environmental futures: Murrundi flows through Ngarrindjeri country*.



Our hubs

The Jumbunna Institute has eight research hubs. Operating in the domestic and international spheres, the team prides itself on frank and fearless research and advocacy driven by the Indigenous communities it serves.

Our members are effective academics, lawyers, creatives, practitioners and activists who can deploy a broad range of skills driven by shared passion.

Child Protection Advocacy Hub

The Indigenous Child Protection Hub is committed to advocating for the rights and interests of Indigenous children in child protection systems, policy and practice. Reflecting Indigenous peoples' right to exercise self-determination in the care and protection of our children, the Child Protection Hub works with stakeholders to promote systems change by critically examining and reimagining child welfare systems, elevating Aboriginal and Torres Strait Islander voices in child protection systems and practice, and building the evidence base for community-led approaches.



Associate Professor Paul Gray is a Wiradjuri man and child protection professional who recently joined Jumbunna to lead our Child Protection Hub. He has worked as a psychologist and senior project officer for the Department of Community and Justice, and led strategy, policy and research for AbSec, the NSW Aboriginal child and family peak, shaping alternative enabling frameworks for Aboriginal community-led approaches to child and family supports and advocating for the rights of Aboriginal children through state and national campaigns. At Jumbunna, Paul's work focuses on delivering community-led research and policy development to improve child protection systems and practice.



Padraic Gibson is a Senior Researcher at Jumbunna, where he has worked since 2008. Padraic's research is focussed on contemporary state violence against Indigenous people, particularly the forced removal of children, deaths in custody and the imposition of unwanted industrial development on Indigenous lands. He also works as an advocate and community organiser and recently submitted a PhD in History at the University of Newcastle examining the relationship between Australian socialists and movements for Aboriginal rights in the early 20th Century.

Cultural Resilience Hub

Led by Industry Associate Professor Pauline Clague, the Cultural Resilience Hub brings together experts from a broad cross-section of academic disciplines. The team's research aims to promote, support and embody the exercise and recognition of Aboriginal and Torres Strait Islander Sovereignty and Self-Determination through a variety of mediums.

Jumbunna Cultural Resilience Research work involves —

- developing a creative research approach and practice that is innovative and guided by Indigenous principles, protocols and aspirations
- infusing innovation and reflection into our strategic research/litigation and advocacy approach through fluid creative practices and new media research outcomes
- focusing on video and transmedia strategies through key research/project collaborations
- participating and contributing in the development of research and advocacy innovation, methods and conversations for enhancing Indigenous community research, advocacy and educational outcomes and Indigenous self-determination



Associate Professor Pauline Clague is a Yaegl women from the North Coast of New South Wales. She entered into the Industry in 1994 through the Indigenous Drama Initiative producing “Round Up”. Since then she has produced documentaries and dramas and been Series Producer for various initiatives and worked for ABC, SBS and NITV. Known for her extensive work in championing and producing the works of Australia’s emerging and Indigenous filmmakers. Pauline has spent the last twenty years helping to develop and mentor other filmmakers and their voices. In 2015 she won the Stanley Hawes Award 2015 for Contribution to Australian Documentaries.



Paula Maling is a Research Associate at the Jumbunna Institute. Across her distinguished career she has produced a number of works for NITV, SBS and Foxtel as an independent specialist producer — and has produced community-serving shorts, live broadcasts and event television. Paula works towards encouraging Indigenous employment in the television industry and portraying an authentic image and voice for contemporary Indigenous Australians.

Indigenous Archives and Data Stewardship Hub

The Indigenous Archives and Data Stewardship Hub works to advocate for Indigenous rights in archives and data, including promoting a Right of Reply to historic collections held across the Galleries, Libraries, Archives and Museums (GLAM) sector. It develops research and engagement in relation to refiguring libraries and archives to support the culturally appropriate ownership, management and ongoing preservation of Indigenous knowledges.



Kirsten Thorpe (Worimi, Port Stephens NSW) Senior Researcher, Jumbunna Research, has led the development of protocols, policies, and services for Aboriginal and Torres Strait Islander peoples in libraries and archives in Australia. Kirsten's research interests relate to Indigenous self-determination in libraries and archives and advocates for a transformation of practice to center Indigenous priorities and voice in regard to the management of data, records, and collections.



Lauren Booker (Garigal clan, NSW) Research Fellow, Jumbunna Research, has worked across the museums and archives sector supporting Aboriginal communities accessing institutionally and privately held collections of their cultural and intellectual property. Lauren's research work currently focuses on collecting institution transparency and is a strong supporter of post custodial archival practice, Indigenous Cultural and Intellectual Property rights and Indigenous data sovereignty.



Cassie Willis (Ngemba/Yuwaalaraay, Brewarrina NSW) is a freelance graphic designer currently studying a Masters of Research (Design) at the University of Technology Sydney (UTS). She also works at Jumbunna Institute of Indigenous Education & Research as a Research Associate in the Indigenous Archives and Data Stewardship Hub. Cassie is interested in the history of graphic design and visual communication from Indigenous and non-Indigenous perspectives and how these intersect.



Monica Galassi is an Italian researcher who has worked in Australia since 2010 on different projects and initiatives to support Aboriginal self-determination in cultural institutions. Monica is currently a PhD student and a Research Assistant at the Jumbunna Institute for Indigenous Education and Research. Previously Monica was part of the Indigenous Engagement team at the State Library of NSW and the Aboriginal & Torres Strait Islander Archive (ATSIDA) project at UTS Library.

Indigenous Law and Justice Hub

The **Indigenous Law and Justice Hub** aim to work with Aboriginal and Torres Strait Islander communities, Aboriginal community-controlled organisations, legal service providers, non-government organisations and government to:

- improve Indigenous justice outcomes
- ensure access to justice
- enhance Aboriginal and Torres Strait Islander self-determination

The Indigenous Law and Justice Hub conduct research relating to criminal, civil and family law matters that affect Aboriginal and Torres Strait Islander peoples in Australia and Indigenous peoples internationally. We provide expert research and advice on justice-related matters to Aboriginal and Torres Strait Islander communities, community-controlled organisations, legal service providers, non-government organisations and government. We also provide research opportunities for Indigenous researchers and aim to develop highly skilled Indigenous researchers, including through the supervision of postgraduate research.



Chris Cunneen is Professor of Criminology and Leader of the Indigenous Law and Justice Hub at Jumbunna Institute for Indigenous Education and Research. He is a Fellow of the Academy of Social Sciences in Australia.



Dr. **Fiona Allison** is a Research Fellow focused on First Nations justice issues, as well as convening a national network for those working with justice reinvestment.



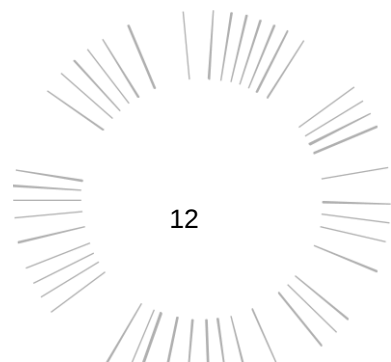
James Beaufile is a research fellow and PhD candidate at the Jumbunna Institute of Indigenous Education and Research and the Faculty of Law, UTS. James is a Gundungurra man from the Pejar area and Kanak from New Caledonia, and has researched in the fields of child protection, community corrections, youth justice and education in Australia and the UK.



Michael Bryden is a descendent of the Palawa People of Tasmania. His research explores Indigenous self-determination, legitimacy, and policing. He is a Research Associate at the Jumbunna Institute for Indigenous Education and Research and is completing a PhD on police legitimacy at the University of Cambridge.



Sophie Russell is a research fellow and PhD candidate in the Faculty of Law and Jumbunna Institute for Indigenous Education and Research at UTS, and a Research Associate in the Faculty of Law, UNSW. Sophie has worked on a number of ARC-funded projects and has a background in research, policy and advocacy in the post-release community sector.



Indigenous Nations and Collaborative Futures Hub

Led by Professor Daryle Rigney, a citizen of the Ngarrindjeri Nation, the INCF Hub brings together a team of internationally recognised scholars in the field of Nation Building. The team's research aims to:

- provide expert consultancy services on Indigenous Nation Building (INB), Indigenous governance, and self-determination models with potential for social and economic innovation;
- develop and offer INB and Indigenous governance training courses to Indigenous communities, their allies and associates; the public sector, corporate sector professionals and;
- further develop links between UTS, Aboriginal and Torres Strait Islander communities, governments and key industry partners;
- stimulate the development of transformative public policy by providing an evidence-based voice of influence in Australian national debate concerning Indigenous affairs, self-determination and reconciliation; and
- strengthen the reputation of UTS as an internationally recognised centre for research in INB, self-determination and Indigenous governance.



Associate Professor Daryle Rigney is a citizen of the Ngarrindjeri Nation and is an experienced educator, leader and researcher with more than 30 years in the higher education sector. He is currently Director of the Indigenous Nations and Collaborative Futures Research hub, Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney.



Professor Miriam Jorgensen is a research director of the Native Nations Institute at the University of Arizona and of its sister organization, the Harvard Project on American Indian Economic Development and is also a Professor of Indigenous Nation Building in the Jumbunna. Her work—in the United States, Canada, and Australia—has addressed issues as wide-ranging as housing, policing and justice systems, natural resources, cultural stewardship, enterprise management, financial education, and child welfare.



Associate Professor Steve Hemming's work with Indigenous communities began in the early 1980s as a museum curator and he has worked on community-based projects focusing on social histories, heritage, family history and arts. Steve has worked at a number of Australian universities and over the last few decades his community engagement and research has focussed on Indigenous nation building, environmental management (with a Murray-Darling Basin focus), cultural heritage management, and Indigenous environmental studies.



Dr Alison Vivian is a lawyer and senior researcher and has practised law in the areas of native title; refugee and humanitarian law and international human rights law, and has taught international human rights law. Alison's primary research focus relates to Indigenous nation-building and governance as an exercise of Indigenous sovereignty and self-determination.



Dr Simone Bignall is a senior researcher, and her primary research interests fall within the field of postcolonial political philosophy, informed particularly by her involvement with Indigenous peoples engaged in sovereign Nation-building for self-determination and treaty. Simone's academic work brings into alliance Indigenous Australian and contemporary European philosophies, to find shared conceptual orientations. Through her work, Simone seeks to describe types of practice that encourage diverse peoples to coexist respectfully, responsibly and joyfully.



Mandy Price is an experienced project manager and administrator with three decades of experience in higher education in the areas of policy, business management and Indigenous student support including playing a key role in the development of an Innovate RAP and Indigenous employment strategy with her previous employer. Mandy is currently the research project manager for the Hub.



Amy Della-Sale is a research officer with a background in heritage and community development and supports the INCF team across its varied projects including *Restoring Dignity: Networked Knowledge for Repatriation Communities* and *Heritage and Reconciliation* projects.

Indigenous People and Work Hub

The **Indigenous People and Work Research and Practice Hub** is a world first platform, run by the Jumbunna Institute for Indigenous Education and Research to specifically look at the employment contributions and experiences of Indigenous people.

The Hub goes beyond statistics and policy statements to focus on the experiences of Indigenous people and their views, concerns and aspirations when it comes to their employment. It offers a point of collaboration across the diversity, Indigenous and research sectors to drive real change. In practice, this means providing events, training, research and discussion on all things related to Indigenous employment.



Industry Professor Nareen Young is one of Australia's most highly respected employment diversity practitioners now enjoying the privilege of working exclusively around Indigenous workforce diversity at Jumbunna.

Indigenous Policy Hub

We are the Jumbunna Institute Policy Hub.

We work with communities, government, non-government organisations and industry to envision self-determination in Indigenous policy in private, public and cultural sectors. We lead, and create necessary space for Indigenous nations and communities to lead, policy discussions in Indigenous policy and legal affairs in a proactive way.

We are focussed on effecting and supporting sustainable, cutting-edge reforms that realise Indigenous Sovereignty and fulfil community aspirations.

We are each experienced and committed scholars with track records in advancing Indigenous policy and legal interests across many fields, but especially in:

- Treaty
- Indigenous human rights
- Regional governance and nation-building
- Indigenous urban, regional and remote economic development
- Criminal legal policy
- Cultural revitalisation and governance
- Self-determination in Indigenous-state relationships
- Indigenous women in leadership, work and the justice system
- Native title and land rights
- Commissions of inquiry



Industry Professor Lindon Coombes is a descendant of the Yuallaraay people of north-west NSW and has over 20 years of experience working across a range of sectors in Aboriginal affairs. He has held senior executive positions in the NSW Government and has been CEO of Aboriginal owned and controlled organisations. Lindon has also been a Senior Advisor for successive Ministers holding the Aboriginal Affairs portfolio in NSW.



Alison Whittaker is a Gomeroi legal scholar and author. Alison was a 2017-18 Fulbright and Roberta Sykes scholar at Harvard Law School, where she was named Dean's Scholar in Race, Gender and Criminal Law. Her second book, BLAKWORK, was released with Magabala Books in September 2018.

Legal Strategies Hub

The Jumbunna **Legal Strategies Hub research and practice** operate at the forefront of Indigenous legal policy, strategic lawyering and litigation. The hub uses its research expertise to highlight areas of the Australian legal system which deny justice for Aboriginal communities and works with stakeholders to attempt to support and effect change. In collaboration with the broader Jumbunna team and key stakeholders, the hub has supported communities across Australia, including Bowraville, Garuwa and Muckaty communities to promote the interests of Aboriginal communities.



Craig D. Longman is Head of Legal Strategies and a Senior Researcher with Jumbunna Institute for Indigenous Education and Research, Research Unit House of Learning (Research Unit) at the University of Technology, Sydney. He is also a Barrister at Frederick Jordan Chambers.



Katie Lowe is an Intern in the Jumbunna Clinic and has a background in Criminology and Criminal Justice. She is currently completing her Honours thesis, exploring the coronial jurisdiction and the role of therapeutic jurisprudence in the process of First Nations death investigations.



Byron Knight is a Master of Environmental Law student at the University of Sydney. He is the 2020 Aurora Intern with the Jumbunna Institute and is interested in the intersection between First Nations rights and environmental justice.

In addition, we acknowledge the substantial contributions of Isabella Satz, Natasha Madan and Thea Casey in our work in 2020.

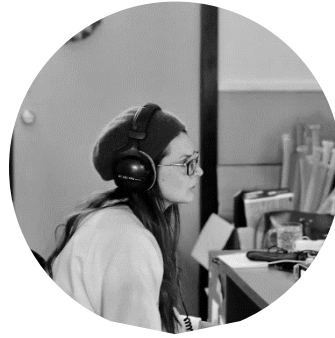
Jumbunna Institute Administrative Team

Without the critical work of our Administrative Team, none of the work we've done in 2020 could have happened. In a unit that is already in an unusual position within a university, our Admin Team have worked remarkably in an uncertain year to help us serve our communities, pursue excellence in our knowledge production, and make an impact for First Nations.

All Hubs rely on, and would like to thank, —



Annette Yao Koh



Missi Mel Pesa



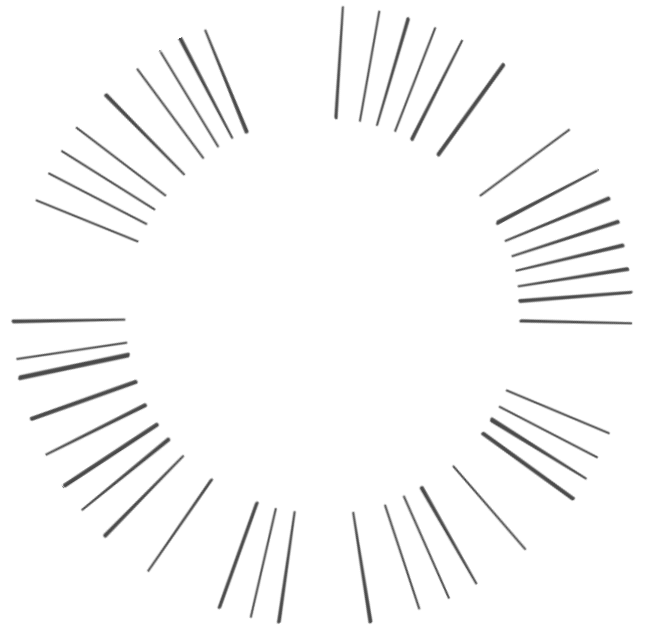
Raema Behrendt

This year saw the end of an era at Jumbunna Research with Raema Behrendt's retirement.

Raema came on board in 2003 to help out and ended up becoming the office manager and the Executive Assistant to the Director. During that time, she set up a professional system in the office, making sure our systems and processes were in place so the researchers could concentrate on their research.

It is true to say that most people had no idea just how much Raema did as she worked behind the scenes and did all those things that make life easier for everyone else. Raema also believed wholeheartedly in the work of the unit. She understood the impact of the work we all did. That work wouldn't have been possible without her. She was proud to be a part of it and proud of all of us. Of particular note is the support she gave Larissa in her role as Director of Research to undertake her role and her own research work.

While the chance to properly farewell Raema was thwarted by COVID-19, we look forward to conducting that ceremony in 2021 to thank her for all her work and to wish her all the best in her well-deserved retirement.



Our 2020, hub by hub

Child Protection Advocacy Hub

Our 2020

UTS Jumbunna has continued to advocate for Aboriginal families and communities affected by the statutory child protection system. Following the release of the *Family is Culture* report in November 2019, UTS Jumbunna joined with parliamentary colleagues to host **two roundtables to discuss the response to the review's findings**. Co-chaired by Elder in Residence Aunty Glendra Stubbs, the roundtables provided an opportunity for community stakeholders to discuss the way forward towards a more just child protection system for Aboriginal people.

This work has continued throughout the year, joining with Aboriginal community peak organisations and other community advocates to call for stronger action in response to the review's findings. **This advocacy has focused on a shared position for a genuine partnership approach to the review's findings and recommendations, prioritise the implementation of legislative amendments, the establishment of an independent commissioner to promote transparency and accountability, and the commitment to support these initiatives to be effective by adequately resourcing them.** We continue to work with Aboriginal communities and other supporters towards implementing the key reforms of the *Family is Culture* review.

The Child Protection Hub contributed to **parliamentary inquiries to present evidence of existing inequalities and failures of systems and practice that disproportionately impact on Aboriginal children and families**, and opportunities for reform. This includes the ongoing *Inquiry into the child protection and social services system* and the *Inquiry into First Nations Deaths in Custody*. This evidence emphasised a clear roadmap for reform that centres self-determination, culture and healing, and challenged the pervasive political inaction to meaningfully address these issues over past decades.

While the cycle of inquiry, recommendations, government response and, ultimately, inaction continues, the Child Protection Hub continues to explore ways to change the conversation. The Hub continues to work with Aboriginal peak bodies and other community stakeholders to establish a new mechanism for dialogue with parliament in pursuit of the child protection reforms and other strategies to meet the new targets outlined in the *National Agreement on Closing the Gap*.

The Child Protection Hub has been an **active participant nationally as well, with representation on the Aboriginal and Torres Strait Islander Working Group for the development of the next stage of the National Framework for Protecting Australia's Children**, and the National Leadership Group for the Family Matters campaign. The Child Protection Hub has also contributed to sector projects. The Hub contributed to the Australian Youth Development Index report, providing brief commentary on issues of youth mental health and the social and emotional wellbeing of Aboriginal youth. The Hub has also provided expert review of practitioner resources developed for the Permanency Support Program Learning Hub, focused on working effectively with Aboriginal and Torres Strait Islander children and young people, their families and communities.

Throughout all this, the child protection hub has continued with a low level of **casework with families dealing with DCJ, advocating for an approach that seeks to build on strengths within families and communities and aspires to keep families together**. This work has ranged from offering advice and appropriate referrals to parents worried about the potential removal of their children or seeking reunification, through to more comprehensive advocacy including meetings with DCJ management. This work remains important for keeping the hub connected to the realities of DCJ practice, while working towards system-wide policy and practice reforms.

Our 2021

More recently, thoughts have turned to the future program of work, **engaging with Aboriginal communities to discuss the structures and processes of Aboriginal child and family research that centres Aboriginal communities and is grounded in self-determination**. Moving forward, this will include the development of an Aboriginal community-led research framework and priorities to guide future Aboriginal child and family research in NSW, and the knowledge and resources that communities need to pursue their own research interests and development goals for child and family supports.

Cultural Resilience Hub

The year that was

This year we had some real shifts and supporting of community as they try to come to terms with communicating in the isolation. We moved quickly into adapting and shaping the way we did business, spending time moving elements to online, upskilling some youth in areas of online platforms for community and then also having a space out at Little Bay allowed us to engage with the elders and community to support the businesses and organisations to do more than just wait it out.

We had some successful grants this year that allowed us to teach online, help assist with elements such as funerals and how to do larger online promotion of artists and organisations in the area and around Australia. Our work around Gami Yarns, allowed us to work with youth and elders to help to create some great little animations and for community to keep working within the constraints of what they had available to them.

We also helped implement and support organisations with some safe suggestions about how to bring elements online, but at the same time checking in on well-being and the structures of keeping people safe.

This led to our team learning how to shoot COVID-safe and continue to do the work that we are known for, but also to help assist in new areas, such as helping Sydney Opera House with how to shoot the heats on country of their Dance Rites shows and NITV in their stunt of a brekky show during NAIDOC in November, by assisting in delivering skits and cooking segments for the daily show.

The large safe gambling grant we got allowed us to hire some interns through out the year and to upskill some emerging filmmakers and show them how to create info for differing members of our community, looking around, youth, family, women and men.

On big job at the start of the year for ACMI was put on hold until 2021 when the organisation opens its permanent display. This was the only project that got fully put on hold for the period of Melbourne lockdown and is about to roll back up again for delivery in 2021.

Winda this year was ready to roll out, but the uncertainty around outdoor gatherings made us move to digital labs this year.

With a Feature Film International writers Lab based around NATIVESlam past participants. They were put into three groups around 18 participants during the week, the ideas of a story and log line was created and ready to be pitched at the end of the week. It was one of the most inspiring weeks on zoom, getting to put energy and strength behind each other during this strange times.

Our highlights

This year was one of connecting with the La Perouse community and strengthening that connection for us, it was also about the well-being of community and doing things that could show our community fun ways to keep connected and engaged.

Our Hub leader, Associate Professor Pauline Clague, received the Natalie Miller Fellowship. It reflects the tremendous volume and excellence of her work, and she will use it to do more concentrated work on the theories she has been writing around Indigenous archetypes, structures and genres in cinema

We put in for more grants this year and also received the largest number of grants for us to do Winda and the other programs. We were able to sustain some interns and do some legitimate upskilling into different aspects of filmmaking and online and showing accessibility to the adaptability of our jobs.

This year was also some time for writing and culminating with the lecture at Missouri University on my theories on Indigenous Archetypes and Time in cinema, this then led to the announcement of

receiving the fellow from the Natalie Miller Fellowship, which will allow me to continue to write next year on these concepts and research I have been working on.

Publications and public engagements

Publications

For ACMI permanent display
Indigenous on Screen with Prof Gary Foley. Duration 8:09
Produced by Pauline Clague
<https://vimeo.com/430596022>
password: ACMI

Nation Building
Message to Gugu Badham Board re nation building and the DP
<https://vimeo.com/414593193/e5f9c2f88c>

Chatfields Parliamentary Statement
<https://vimeo.com/449631713>
Password BLM

Safe Gambling
4 X 30 sec adverts for community
<https://vimeo.com/467195101>, <https://vimeo.com/460381741>, <https://vimeo.com/460381496>,
<https://vimeo.com/460380900>.
All have Password: warruwi

Gami Yarns
A website and learning space to teach young ones how to record and animate stories
Gamiyarns.com
<https://vimeo.com/451660692>

Blakmarkets and Indigigrow
Support to take online various concepts to increase awareness of Indigenous arts and food
<https://vimeo.com/448211270>
<https://vimeo.com/411444147>

DanceRites
9 dance troupe filming in NSW and supporting the other states with COVID safety
https://www.youtube.com/watch?v=3rq_RaoPI14

NITV segments for Big Mob Breakky
5 X 2 minute Nunga Guru Laney
<https://www.facebook.com/NITVAustralia/videos/393133988483003>

5 X Mr NAIDOC, Luke Carroll
<https://www.facebook.com/NITVAustralia/videos/1070436386713770>

5 X Clayton Donovan Cooking Show
<https://www.facebook.com/NITVAustralia/videos/356310105432577>

Public Engagements

Speaking Out – ABC Radio National

Panels

UTS/Syd Festival *Rethinking Leadership in Cultural Industries: agents of change in a risky world*

UTS BIG THINKING FORUM What Defines a Project as First Nations?

YABUN, Speaking Tent: *Future conversation, what do we need to consider in the future shape of Indigenous self-determination*

Tampere Film Festival – International Juror

Finalist for NSW Aboriginal Woman of the year, Breakfast announcement, sister will be in attendance

Create NSW webinar - Diversity and getting organized during COVID

Wellbeing panel TSMGO Online Webinar

Crowdcast: Film Festival Forum

10 ways to be a creative Ally

The show must go on: Conversation with the Cast

Mental wellbeing for doco filmmakers

The World Awakening? - CARLA 2020 - Copenhagen

Institutional Change - The Noise We Should Be Making

Events led by others but supported by Hub

Funeral support for Cootamundra Girls video

Facilitator for Hackett Studio *for Cooked – Writers Room*

NIRIIN Shoot for Canadian Company due to COVID not being able to get to Australia.

Podcast of *Bennelong Revealed*, been delayed due to COVID

Support of *First Inventors* series for Channel 10

Support Mungo community with *The Remains Returned* doco

Assessments for NZFC, Screen Australia

Assisted Interns into applying for AIDC, who got in with their webisode series *The Platform*

Support Elders in La Perouse with documenting stories

On the Art Advisory for Law/Library Building 2 at UTS

Taskforce for Barangaroo Cultural Space

Judging for AIDC 2021

Doc Salon call out for 2021 in Berlinale

Lectures

Lecture to Missouri University on theory

The Evidence for Native Nation Building

Indigenous Archives and Data Stewardship Hub

The team, Kirsten Thorpe, Lauren Booker, Cassie Willis and Monica Galassi have continued to advocate for Indigenous self-determination around archives and recordkeeping issues throughout the year.

The following are highlights of research projects, publications and engagement throughout 2020 where the team progressed priorities around Indigenous self-determination in libraries and archives.

Our research

Healing Foundation

The project *Supporting Better Access to Stolen Generations Records* which developed resources for the Healing Foundation on trauma-informed access to records for Stolen Generations survivors was completed in mid 2020. The research produced resources to assist archivists and other people working with Stolen Generations survivors to access records relating to their personal, family and community histories. This Healing Foundation will launch the material online in 2021.

Australian Society of Archivists Indigenous Recordkeeping Module

The *Indigenous Recordkeeping and Archives* toolkit which developed resources for the Australian Society of Archivists was also launched in late 2020. This toolkit is designed to support archivists and archival institutions in understanding the distinct requirements of Indigenous recordkeeping and archiving.

Wonnarua Language and Culture Archive project

In 2020 a project was developed with Wonnarua Nation Aboriginal Corporation to develop the *Wonnarua Language and Culture Archive* a project which will continue into 2021. This project is working with members of the Wonnarua Nation, through a language committee, to design and create a website and digital archive that curates historical and contemporary Wonnarua language materials. It also includes community training on digital stewardship and recording of language materials for their community archive. In 2021, the project will focus on education and learning materials to be made available on the site.

National Survey on Aboriginal and Torres Strait Islander Employment in Australian libraries

Kirsten Thorpe beginning the research project *National Survey on Aboriginal and Torres Strait Islander Employment in Australian Libraries* (UTS HREC REF NO. ETH20-4964) The research aim is to conduct a national survey of Indigenous Australian employment in Australian libraries to identify the numbers of people employed, as well as to understand the current types of employment across a range of library contexts and services. The aims of the study are to identify rates of Aboriginal and Torres Strait Islander employment across Australian libraries and to learn more about the location of this employment across states, territories and as well as across public, academic, and school (or other) specialist libraries. This project will continue into 2021.

The research outputs expected include a report for the Australian Library and Information Association (ALIA), a journal publication and conference presentation all of which will lead to a renewed advocacy effort to support Indigenous employment in this area. Industry Professor Nareen Young has been mentoring the project, and an Expert Working Group made up of Aboriginal practitioners and leaders in the Library sector nationally has been formed.

Research supervision

Kirsten Thorpe informally supervised Ryan Stoker last semester for his Masters capstone project in the Masters of Information Management. Ryan's project was titled *Cultural Safety in Digital Collections*. His main supervisor was Michael Olsson in the Faculty of Arts and Social Sciences (FASS).

Our engagement

NSW Australian Mukurtu Hub

2020 saw the continued collaboration with Washington State University USA and the State Library of NSW to progress the NSW Australian Mukurtu Hub. Major achievements throughout the year included:

- Developing support for three community archive Spokes of the Hub. Including developing Mukurtu digital keeping place sites, and training support, for Tranby Aboriginal College, the Brewarrina Aboriginal Culture Centre and the Wonnarua Nation Aboriginal Corporation.
- Providing advice on digitisation and digital curation workflows, and making available, through the State Library of NSW, a loanable community digitisation kit which will be circulated to communities in late 2020. This kit will support on Country digitisation materials which means that cultural heritage materials can be preserved and cared for locally.
- Receiving funding from Create NSW through the NSW Aboriginal Arts and Cultural Association (AACHA) to train their members on using digital tools for community archiving in the *Mukurtu Train the Trainer* project 2020-21. AACHA training sessions were completed on the 19 October 2020 and again on the 30 November 2020. Three additional sessions will take place in 2021.
- Working with the Dhiyaan Aboriginal Centre in Moree to develop a successful grant application of \$100,000 to the NSW Aboriginal Arts and Cultural Program to digitise their collections.
- Working on small project with the University of Melbourne and LaTrobe University to develop an instance of Mukurtu for historical papers relating to the Margaret Mission Archive.
- Ongoing dialogue is taking place with First Nations Media Australia to align priorities and to share community training resources for community archiving.

Submission made to the *NSW Upper House Parliamentary Inquiry into Inquiry Into State Records Act 1998 and the Policy Paper*

A submission made to the *NSW Upper House Parliamentary Inquiry into Inquiry Into State Records Act 1998 and the Policy Paper on its review* noting the significance of records relating to Aboriginal people held by the NSW State Government. An outcome of the submission was that the committee acknowledges the view of Jumbunna Institute for Indigenous Education and Research that the records held by SARA 'represent the evidence of colonisation and forced dispossession of Aboriginal people in NSW' but they 'do not capture the lived experience of Aboriginal people'.

UTS Short Course - Indigenous Services and Collections in Libraries Masterclass

The running of the Indigenous Services and Collections in Libraries Masterclass was impacted in 2020 due to Covid-19. However the Hub worked with Dr Tracy Barber, Education Specialist Advisor, Jumbunna Inst for Indigenous Education & Research to undertake a full review of course content and to consider ways that the content could be adapted into an online format.

The Hub plans to run the course again through UTS short courses in 2021. An approved training session with the Queensland Academic Group QULOC (Queensland University Libraries Office of Cooperation) was cancelled due to Covid-19, however it is anticipated that it will be also be revisited again in 2021.

A research project was scoped in collaboration with Dr Tracy Barber to evaluate and review the impact of the course content. Ethics approval for this research being obtained in early mid 2020. UTS

ETH20-4681 - "Building Indigenous services and collections in libraries: Identifying the impact of a staff capacity development program". This research will begin when the courses are re-run in 2021.

Indigenous Archives Collective – Community Informatics Research Network (CIRN) Virtual Seminar Series

Kirsten Thorpe and Monica Galassi organised and presented a panel session *International Indigenous Archives Research Agendas & the Tandanya Adelaide Declaration* in November 2020. The Indigenous Archives Collective panel discussed themes around the role of research in either responding to, or informing, the recently released International Council on Archives *Tandanya – Adelaide Declaration*. The statement was officially launched in 2019 as a part of the summit *Challenging and Decolonising the Archive* in Adelaide, South Australia. The Declaration is being used to guide the ongoing work of the ICA's first Expert Group on Indigenous Matters. Speakers from Australia in the session reflected on the five areas of the *Tandanya Adelaide Declaration*, which include the acknowledgement of Indigenous peoples rights in relation to 1) Knowledge Authorities, 2) Property and Ownership, 3) Recognition and Identity 4) Research and Access, and 5) Self-Determination.

DAB Partnership – Visual Communications and Emergent Practice

Lauren Booker contributed to the DAB Visual Communication and Emergent Practices throughout Semester 2, 2020 in a Studio Leader role.

Kirsten Thorpe led and developed a stream of focus around Indigenous Archives, including developing a provocation on *Living Aboriginal Archives* and being a part of a panel discussion.

Coota Girls Aboriginal Corporation Survivor Stories Project

Jumbunna Research received an invitation from the Coota Girls Aboriginal Corporation, through the Healing Foundation, to submit a proposal to work on the development of a Coota Girls Survivor Stories project. A joint proposal, with Industry Associate Professor Pauline Clague, was presented to the Coota Girls Board in 2020. The project will be further developed in 2021, with Pauline leading the story production, and Kirsten leading the archiving of stories for future use.

Input into the National Collaborative Research Infrastructure Scoping Study – Indigenous research communities

In January 2020, Kirsten Thorpe provided advice to the Australian Research Data Commons on Indigenous research and data management for the Department of Education *National Collaborative Research Infrastructure Scoping Study* to explore options for investing in research infrastructure to benefit the Humanities, Arts and Social Sciences (HASS) and Indigenous research communities.

Our conferences and presentations

Covid-19 impacted two engagements in 2020 that may be rerun in the future. The first was an Indigenous Wikipedia Edit-a-thon that Kirsten Thorpe had been engaged to co-lead with Nathan Sentence from the Australian Museum, for the City of Sydney. The second, was an Innovation Studio led by Kirsten Thorpe for on *Respecting Aboriginal and Torres Strait Islander knowledge systems* as part of the international *Next Library Satellite* conference to be held at the State Library of Queensland.

Kirsten Thorpe: Paper presentation, Australian Digital Alliance Copyright Forum 2020, *Blurring the Lines, ICIP in Practice*, National Library of Australia, 6 March 2020.

Kirsten Thorpe: Presentation *Indigenous Recordkeeping and Archives (Webinar and Q & A)*, Australian Society of Archivists, 27 May 2020.

Kirsten Thorpe: Presentation, *Indigenous Archives and Digital Humanities*, Digital Histories Research Seminar, Australian Centre for Public History UTS, 13 August 2020.

Kirsten Thorpe: Presentation to Macquarie University Higher Degree Research Students, on *Researching Indigenous Archives*, 10 September 2020.

Kirsten Thorpe and Lauren Booker: Panel presentation *Activating the Tandanya Adelaide Declaration on Archives* webinar, 11 September 2020.

Kirsten Thorpe: Panel Speaker *Indigenous voices, Indigenous Research and Open Access*, Australasian Open Access Strategy Group, Open Access Week 2020, 20 October 2020.

Kirsten Thorpe and Monica Galassi: Panel presentation *International Indigenous Archives Research Agendas & the Tandanya Adelaide Declaration*, Community Informatics Research Network Virtual Seminar Series (Monash University Australia, University of California Los Angeles), 4 November 2020.

Our representation on Advisory Groups, Committees and Boards

Lauren Booker

- First Nations Media Archive Platform Project 2019-20
- Co-Convenor Australian Society of Archivists Aboriginal and Torres Strait Islander Special Interest Group
- Contributor, Indigenous Archives Collective

Monica Galassi

- Co-Convenor Australian Society of Archivists Aboriginal and Torres Strait Islander Special Interest Group
- Contributor, Indigenous Archives Collective

Kirsten Thorpe

- International Council on Archives Indigenous Matters Expert Group
- Australian Library and Information Association (ALIA) Research Advisory Group
- State Archives and Records Community Advisory Committee
- Healing Foundation Stolen Generations Historical Records Taskforce
- Jumbunna representative on behalf of Distinguished Professor Larissa Behrendt on the ATSIDA (Aboriginal and Torres Strait Islander Data Archive) Reference Group
- Archival Educators Research Institute (AERI) Ethics and Values Working Group
- Blackbooks, Management and Advisory Group, Tranby Aboriginal College Glebe
- Co-Founder and Contributor, Indigenous Archives Collective

Cassie Willis

- Indigenous Residential College Arts and Public Programming Working Group (Student Representative)
- Contributor, Indigenous Archives Collective

Our media

Monica Galassi: SBS Radio (Italian) *Knowing the past to promote social justice* <https://www.sbs.com.au/language/italian/audio/conoscere-il-passato-per-favorire-la-giustizia-sociale>, 21 November 2020.

Our awards

Kirsten Thorpe was awarded the Mander Jones Award from the Australian Society of Archivists in Category 1B 'Publication making the greatest contribution to the archives profession in Australia, written or edited by a person in their own right'.

Category 1B: Kirsten Thorpe, 'Transformative Praxis - Building Spaces for Indigenous Self-Determination in Libraries and Archives', in *In The Library With The Lead Pipe*.

The Award Citation being, "This powerful and well-written essay provides an informed road-map for the decolonisation of archival holdings and the education of non-Indigenous archivists in making the most of the Cultural Interface. The subject matter is addressed with sensitivity and authority and provides insights that are not common. It has practical advice, based on the author's many years of experience, for the non-Indigenous to follow and should be read by every Australian archivist, or other person working with collections, who wants to decolonise the profession. It fills a gap in the literature to date."

Our publications

Kirsten Thorpe undertook peer review of a number of journal articles including those submitted to the academic journals, Routledge Book proposal in Library science, *Archival Science*, the *Library Juice Press*, the *Journal of the Australian Library and Information Association (ALIA)*.

Journal articles and book chapters

Evans, J., Faulkhead, S., Thorpe, K., Adams, K., Booker, L., & Timberly, N. (2019). Indigenous archiving and wellbeing: surviving, thriving, reconciling. *Community Archives, Community Spaces: Heritage, Memory and Identity*, 129.

Thorpe, K., Faulkhead, S., & Booker, L. (2020). Transforming the archive: Returning and connecting Indigenous repatriation records. In *The Routledge Companion to Indigenous Repatriation* (pp. 822-834). Routledge.

Thorpe, K. (2020). Indigenous voice and representation in libraries and archives: A critical reflection. *Incite*, 41(1/2), 26.

Forthcoming publications

Daryle Rigney, Stephanie Carroll, Steve Hemming, Amy Della-Sale, Lauren Booker, Shaun Berg, Larissa Behrendt, Simone Bignall, *Indigenous Data Sovereignty, Repatriation and the Biopolitics of DNA* (Forthcoming)

Thorpe, K., Christen, K., Booker, L & Galassi, M. *Designing archival information systems through partnerships with Indigenous Australian communities* (Forthcoming)

Thorpe, K. *The Dangers of Libraries and Archives for Indigenous Australian Workers: Investigating the Question of Indigenous Cultural Safety*, IFLA Special Issues on Indigenous Librarianship (Forthcoming)

Thorpe, K., & Booker, L. *Navigating Respectful Practice to Support of Indigenous Intellectual and Cultural Property Rights in Australian Libraries* (Forthcoming Book Chapter, Copyright Section of the International Federation of Library Associations (IFLA))

Indigenous Law and Justice Hub

Our 2020

The Indigenous Law and Justice Hub has been engaged in wide ranging activities over 2020 including ongoing research projects, developing new funded projects, various forms of community engagement, collaboration and advocacy, and the pursuit of academic excellence through high level national and international publications. We have been engaged with four key research projects during 2020 as follows: the **Access to Justice in the Barkly (NT)** research (externally funded); the **Reconceptualising Indigenous Access to Justice in Civil Law** research (ARC Funded); the **Exploratory Research into Post Release Community Integration and Supervision** project (externally funded) and the **NT Social Workers** project (externally funded). We are developing a new project in collaboration with the Indigenous Archives and Data Stewardship Hub, **Revisiting The Freedom Ride Surveys of 1965**, (AIATSIS funding being sought).

Key collaborations have been with the National Justice Project (developing an *Indigenous Race Hate Register*, and producing *COVID Factsheets* for Aboriginal communities in each state and territory) and the Justice Reinvestment Network Australia (through supporting the Network meetings, submissions and maintaining its website). New collaborations have been established with the Working Group on School Exclusions in NSW (which includes JustReinvest NSW, the NSW AECG, Youth Action, Amnesty International, First Peoples Disability Network, Gilbert and Tobin, Mallesons, and community members from Bourke, Moree and Mt Druitt). In addition during 2020 members of the Unit maintained a high level of academic publications including: authored 2 books; 4 book chapters; 5 referred journal articles; 1 PhD thesis; 6 submissions and reports; and 4 non-refereed articles.

Our key projects

Reconceptualising Indigenous Access to Justice in Civil Law

This research is aimed at finding out about how we can improve Aboriginal and Torres Strait Islander outcomes for legal problems related to housing (tenancy), discrimination, child protection, social security and debt. These types of problems are common in Indigenous communities but often not responded to by Indigenous people through the law. The research explores how well the legal system is currently working for Aboriginal and Torres Strait Islander peoples in these areas and what changes might be made to make it work better. This might mean changing it to reflect Aboriginal and Torres Strait Islander perspectives on what 'justice' means and the best ways to achieve it. The research also looks at programs or initiatives (case studies) that are already applying Aboriginal and Torres Strait Islander definitions of effective access to justice.

The research is funded by an Australian Research Council Discovery Grant DP180101152

Access to Justice in the Barkly

The aim of this project is to improve access to justice in the Barkly Region. The research focusses on access to justice in the Barkly Region of the Northern Territory. The research centred on eight Barkly communities: Tennant Creek, Elliott, Ali Curung, Ampilatwatja, Arlparra, Canteen Creek, Epenarra, and Alpururulam. The research explores access to legal information and assistance and current legal needs in civil, family and criminal law areas for both Aboriginal and non-Aboriginal people.

The research was commissioned by NT Legal Aid Commission, NAAJA, CAWLS, CAAFLU.

Exploratory Research into Post Release Community Integration and Supervision

This project involves exploratory research into the experiences of Aboriginal and Torres Strait Islander people with post-release parole supervision and reintegration in NSW. The research focusses on identifying the qualities of the relationship between parole supervisors and Aboriginal and Torres Strait Islander clients that successfully assist individuals with reintegration and those aspects that require improvement.

The research was commissioned by NSW Corrective Services.

NT Social Workers Project

This project involves an evaluation of an NT Legal Aid Commission initiative that partners social workers with lawyers to address socio-legal needs of clients, particularly in both the criminal justice and child protection space. This is intended to avert escalation of future legal problems, as well as delivering better justice outcomes for current legal problems. The evaluation aims to ensure the effectiveness of and ongoing resourcing for this particular initiative, as well as presenting evidence of innovative access to justice approaches.

The research was commissioned by NT Legal Aid Commission.

Revisiting the Freedom Ride Surveys of 1965

During the 1965 Freedom Ride students surveyed Aboriginal people in various NSW communities. The surveys contained questions about Aboriginal access to education, employment, health services, housing, political disenfranchisement, and experiences of race discrimination. Survey responses informed student protests during the Freedom Ride, but were also expected to be of 'great benefit to all organisations dealing with Aboriginal welfare', possibly serving as 'a guide to future action', according to Charles Perkins, who led the ride. Three Aboriginal communities in NSW will co-design and co-lead research with Jumbunna into contemporary perceptions of the survey responses and current reactions to the issues raised in 1965.

Funding is being sought from AIATSIS. The project is being conducted jointly between the Indigenous Archives and Data Stewardship Hub and the Indigenous Law and Justice Hub.

Our presentations and events

Participant, 'Black Lives Matter' Webinar organised by Redfern Legal Centre and Jumbunna Institute for Indigenous Education and Research, 23 July 2020.

Presentation, 'The parameters of decolonising criminology', Decolonising Criminology Network, University of Cambridge, 28 May 2020.

Our PhD research

James Beaufils, 'What are the unique experiences of Aboriginal people in the New South Wales Out-of-Home-Care (OOHC) system?'

James' PhD research follows a sequential mixed method approach of an original questionnaire into semi-structured interviewing of those who have been involved in the Out-of-Home-Care system, ranging from Aboriginal young people previously in care to Aboriginal and non-Aboriginal parents, carers, family members, community members, Elders and Agency staff.

Michael Bryden, 'A Mixed-Methods Study of Police Power-Holder Legitimacy in the United Kingdom'.

Michael's research explores how police recruits develop moral understandings of their authority. It uses qualitative and quantitative data to measure how their attitudes and reported behaviour change overtime.

Sophie Russell, 'Post-release policy and practice in NSW: the role of family relationships in supporting desistance'.

Sophie's PhD research is on the experiences of adult men and women leaving prison in NSW and in particular the nature of relationships between formerly incarcerated people and their families, and the experiences of family members in providing post-release support.

Our publications

Books

Goldson, B., **Cunneen, C.**, **Russell, S.**, et al. (2021) *Youth Penalty in Comparative Context*, Routledge, London, ISBN 9781351242134, 260 pages. (Published October 2020)

Rodas, A., Simpson, M., Rawlinson, P., Kramer, R., Ryan, E., Taylor, E., Walters, R., Beckley, A., **Cunneen, C.**, Gore, A., Porter, A., Poynting, S. and Russell, E. (eds) (2020) *Crime, Deviance and Society. An Introduction to Sociological Criminology*, Cambridge University Press, Melbourne. ISBN 9781108430302, 397 pages.

PhD Theses

Allison, F. (2020) *Cause for hope or despair? Evaluating race discrimination law as an access to justice mechanism for aboriginal and torres strait islander people*. PhD thesis, James Cook University.

Book Chapters

Cunneen, C. and **Russell, S.** (2020) 'Vilification, Vigilantism and Violence: Troubling Social Media in Australia', in Kim Weinert, Karen Crawley and Kieran Tranter, (eds) *Law, Lawyers and Justice Through Australian Lenses*. Routledge, London. ISBN 9780367210458, pp 82-105.

Cunneen, C. and Porter, A. (2020) 'Settler Colonial Law and the Prison Industrial Complex', in Rodas, A., Simpson, M., Rawlinson, P., Kramer, R., Ryan, E., Taylor, E., Walters, R., Beckley, A., Cunneen, C., Gore, A., Porter, A., Poynting, S. and Russell, E. (eds.) *Crime, Deviance and Society. An Introduction to Sociological Criminology*, Cambridge University Press, Melbourne. ISBN 9781108430302, pp 149-180.

Bargaille, D., **Cunneen, C.**, Marchetti, E., Tauri, J. and Wilson, M. (2020) 'Developing Ethical Standards in Criminology and Criminal Justice Research: A Focus on Indigenous Australian Peoples', in L. George, J. Tauri and L. Te Ata o Tu McDonald (eds.) *Indigenous Research Ethics. Claiming Research Sovereignty Beyond Deficit and the Colonial Legacy*, Emerald Books, Bingley, ISBN 97817876906, pp 41-52.

Cunneen, C. (2020) 'Juvenile Justice' in Castan, M. and Gerber, P. (eds) *Contemporary Perspective on Human Rights Law in Australia*, Vol 2, Thomson Reuters, Rozelle, ISBN 9780455243580.

Refereed Journal Articles

Allison, F. and Luck, J. (2020) 'Rethinking access to racial justice: Race discrimination and First Nations peoples', 159 *Precedent* 8

Beaufils, J., Krakouer, J., Hogg, D., and Kelly, L. (2020) The 'Menindee Model': Community-led assurances of the Aboriginal Child Placement Principle in New South Wales. *Indigenous Law Bulletin*. (In Press).

Cunneen, C., **Russell, S.** and Schwartz, M. (2020) 'Principles in Diversion of Aboriginal and Torres Strait Islander Young People from the Criminal Jurisdiction', *Current Issues in Criminal Justice*. Online at <https://doi.org/10.1080/10345329.2020.1813386>

Cunneen, C. (2020) 'Youth Justice and Racialization: Comparative Reflections', *Theoretical Criminology*, Vol 24(3) pp.521-539. Available online: <https://doi.org/10.1177/1362480619889039>

Goldson, B., **Cunneen, C., Russell, S.,** Baldry, E., Brown, D., Schwartz, M., and Briggs, D. (2020) 'Youth "justice" in Australia: histories of human rights violation, racialised injustice and prospects of redress', *Court of Conscience*. (In Press).

Reports and Submissions

Allison, F. (2020) *Evaluation of the Social Support Worker Initiative at NT Legal Aid Commission*, Jumbunna Institute for Indigenous Education and Research, UTS, Sydney.

Allison, F. and **Cunneen, C.** (2020) *Access to Justice in the Barkly*, Jumbunna Institute for Indigenous Education and Research, UTS, Sydney. ISBN 9780648798118. 193 pages

Allison, F., Cunneen, C. and Schwartz, M. (2020) *Submission to the Select Committee Inquiry into First Nations People in Custody in New South Wales*, September 2020.

Cunneen, C. (2020) *Arguments for Raising the Age of Criminal Responsibility*, Jumbunna Institute for Indigenous Education and Research, UTS, Sydney. ISBN 9780648798101, <https://jrna228913579.files.wordpress.com/2020/02/macrc-final-2020.pdf>

Cunneen, C. (2020) *Submission to the Council of Attorneys-General Age of Criminal Responsibility Working Group Review*, February 2020, 28 pages.

Schwartz, M., **Russell, S.,** Baldry, E., Brown, D., **Cunneen, C.,** and Stubbs, J (2020) *Obstacles to Effective Support of People Released from Prison: Wisdom from the Field*. Rethinking Community Sanctions Project, University of New South Wales, Sydney. Online at: <http://www.cclj.unsw.edu.au/sites/cclj.unsw.edu.au/files/Obstacles%20to%20Effective%20Support%20of%20People%20Released%20from%20Prison%20Report%20v3.pdf>

Other Published Articles

Cunneen, C. (2020) "The Torment of Our Powerlessness". Police Violence Against Aboriginal People in Australia', *Harvard International Review*, 30 September 2020. <https://hir.harvard.edu/police-violence-australia-aboriginals/>

Cunneen, C. (2020) 'Ten-Year-Olds Do Not Belong in Detention. Why Australia Must Raise the Age of Criminal Responsibility' *The Conversation*, 23 July 2020. <https://theconversation.com/ten-year-olds-do-not-belong-in-detention-why-australia-must-raise-the-age-of-criminal-responsibility-142483>

Cunneen, C. (2020) 'Defunding the Police Could Bring Positive Change in Australia. These Communities are Showing the Way' *The Conversation*, 10 June 2020. <https://theconversation.com/defunding-the-police-could-bring-positive-change-in-australia-these-communities-are-showing-the-way-140333>

Cunneen, C. (2020) 'Defund the Police: How Indigenous Communities in Australia are Already Proving Alternatives are Possible' *The Guardian Australia*, 9 June 2020. https://www.theguardian.com/commentisfree/2020/jun/09/defund-the-police-how-indigenous-communities-in-australia-are-already-proving-alternatives-are-possible?CMP=share_btn_tw

Case Study — Access to Justice in the Barkly (NT)

The **Access to Justice in the Barkly (NT) Report** was commissioned by Northern Australian Aboriginal Justice Association (NAAJA), NT Legal Aid, Central Australia Women's Legal Service (CAWLS) and Central Australian Aboriginal Family Law Unit (CAAFLU). The aim of this project is to improve access to justice in the Barkly Region. The research focusses on access to justice in the Barkly Region of the Northern Territory. The research centred on eight Barkly communities: Tennant Creek, Elliott, Ali Curung, Ampilatwatja, Arlparra, Canteen Creek, Epenarra, and Alpururulam. As a matter of context, the Barkly region is the second largest shire in Australia covering an area approximately one and half times the size of Victoria. The majority of the population is First Nations. The research explores access to legal information and assistance and current legal needs in civil, family and criminal law areas for both Aboriginal and non-Aboriginal people and has been nominated for an NT Human Rights Award.

The research report was launched in August 2020 and has already had a substantial influence on legal services and community engagement in the Barkly region. Funders of the research have described the impact as 'profound and extremely positive'. One legal service provider in the region has expanded its staff resourcing in the region and a cross-service implementation group has been established with regular meetings to work on advancing and tracking the implementation of the 16 recommendations from the report. Collaboration between legal services for providing community legal education in the region has 'greatly improved' since the report and have expanded to remote Aboriginal communities.

The four legal services who steered the research project have used the research findings in the development of their organisational strategic plans, and also used the report in policy discussions with Government agencies. The report and recommendations have also been presented to 'governance table' for the region which represents local, territory and federal government representatives. Current work includes seeking endorsement from the three tiers of government for the report recommendations.

Indigenous Nations and Collaborative Futures Research Hub

Our 2020

The Indigenous Nations and Collaborative Futures Research Hub has enjoyed a busy year undertaking a number of exiting projects with community and government.

Ngarrindjeri Ruwe Empowered Communities (NREC)

Working with the Board and Secretariat of Ngarrindjeri Ruwe Empowered Communities (NREC) INCF are supporting the Ngarrindjeri nation's strategic development and regional planning under the federal Empowered Communities program. NREC had made limited progress since its establishment in 2018 and the INCF work is proving critical to identifying and aligning the EC agreement with the Ngarrindjeri regional development agenda to assess the capability of projects, programs and organisations to deliver positive transformations for Indigenous families, communities and nations.

Pre-requisites conditions for Indigenous Nation-self-government (ARC Discovery project)

Working with organisations and leaders from the Gugu Badhun Nation (Qld) and the Nyoongar Nation (WA) on the ARC Discovery project this project is investigating factors that impact the transition from 'identifying' and 'organising' as political collectives to enable self-governance. Key highlights from the work include regular "Sovereignty Sunday" sessions with Gugu Badhun on topics such as developing a Gugu Badhun constitution, the differences between political governance and corporate governance, natural resource management and risk assessment based on core nation values, concepts and principles, making change happen and workshops on the evidence about why self-determination matters. The focus of the Nyoongar work in 2020 has been on getting ready for treaty. More broadly the project has had to think through its methods and project delivery as it transitioned to a covid19 safe approach to Indigenous Nation Building research.

AANSW OCHRE Practice Principles Literature Review

Successfully tendering for an Aboriginal Affairs, New South Wales (AANSW) project to evaluate whether the drafted *OCHRE Plan* (2013) Practice Principles reflect Aboriginal standpoints as revealed through relevant academic and grey literature, and if not, to recommend the revisions needed. The findings of the literature review have been supplemented by feedback from a series of interviews conducted with Aboriginal artists based in New South Wales (NSW) and an Expert Panel brought together by AANSW. Importantly, the project brief emphasised the need for a fundamental shift in the disposition of the NSW government towards Aboriginal peoples "AANSW recognises the need to move away from seeing Aboriginal peoples as clients of government services or as citizens who share equal rights with others in Australia, to affirming Aboriginal peoples as sovereigns having unique rights as First Peoples". A draft report has been submitted to AANSW.

International Posthumanism Research Network

The International Posthumanism Research Network puts in place a community of research and practice that facilitates the creation, flow and exchange of ideas providing the spark to initiate the profound philosophical and cultural changes. The project's far-reaching network partners' organisations and researchers from Canada, Europe, the UK, Asia and Australia are undertaking inquiries and knowledge mobilisation to tackle these important issues and offer pathways for reconceptualising ourselves. By engaging with various audiences through academic, cultural, artistic,

and community events, the project aims to expand the reach of the teams' ideas and maximize the impact of their work.

Our publications, events, and presentations

Publications

Bignall, S. 2020. 'Colonial Control', *Coils of the Serpent* 6: 111-28

Carroll, S, **Rigney, D, Hemming, S, Della-Sale, A**, Booker, L, Berg, S, **Behrendt, L & Bignall, S.** (forthcoming) 'Indigenous Data Sovereignty, Repatriation and the Biopolitics of DNA', in Fforde, C. Knapman, G., & Ormond-Parker, L. (eds.) *Science, Race, Identity and Repatriation*, Routledge, New York.

Fforde, C, McKeown, T, Keeler, H, Ormond-Parker, L, Tapsell, P, Turnbull, P, **Hemming, S, Rigney, D**, Pickering, M, Aranui, A, Morris, W, Knapman, G. 2020 'Identity in applied repatriation research and practice', Melochre, C. H., Spake, & Nichols, K.L. (eds.) *Working with and for Ancestors: Collaboration in the Care and Study of Ancestral Remains*, Routledge, New York, 255-267.

Hemming S, Rigney D, Rigney, G, Sutherland, L, Wilson, H, Overdeest, N, and **Della-Sale, A**, (forthcoming) *Translating Ngarrindjeri Yarnarrumi into water resource risk assessment*, Goyder Institute for Water, Research Technical Report Series No. 20/01, Adelaide, South Australia.

Hemming, S, Rigney, D, Sumner, M, Trevorrow, L, Rankine, L J, & Wilson, C, 2020. Ngarrindjeri Repatriation: Kungun Ngarrindjeri Yunnan (Listening to Ngarrindjeri Speaking). In C. Fforde, H. Keeler, & T. McKeown (Eds.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew* (1st ed.). Routledge.

Hemming, S, Rigney, D, Sumner, M, Trevorrow, L & Rankine, Jnr., L & Wilson, C, 2020. 'Returning to Yarluwar-Ruwe: Repatriation as a Sovereign Act of Healing' in Fforde, C., Keeler, H. & McKeown, T. (eds.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, Routledge, New York and London. pp.796-809. LP130100131

Rigney, D., Vivian, A., Hemming, S., Berg, S., Bignall, S. & Bell, D. (forthcoming) 'Treaty as a Technology for Indigenous Nation Building' in *Developing Governance and Governing Development: International Case Studies of Indigenous Futures*, Smith, D., Wighton, A., Cornell, S. & Delany, A.V. (eds) Rowman and Littlefield, New York.

Policy reports

Rigney, D., Hemming, S., Bignall, S., Della-Sale, A., Price, A. (forthcoming) *Ochre Literature Review: OCHRE(Ochre): Aboriginal policy reform leading ethical transformation in the NSW Public Service*, Report to AANSW, Jumbunna Institute For Indigenous Education and Research, Indigenous Nations and Collaborative Futures Research Hub, UTS.

Events

The Vice-Chancellor, Professor Attila Brungs, launched the Indigenous Nations and Collaborative Futures Research Hub in February. The event, MC'd by Distinguished Professor Larissa Behrendt, was attended by over 60 people and included a panel discussion with Professor Daryle Rigney, Professor Miriam Jorgensen, Associate Professor Steve Hemming and Ms Donna Rob, positioning UTS as an international leader in scholarly and applied research on Indigenous nation building.

Presentations

Hemming, S. Murray Lower Darling Rivers Indigenous Nations (MLDRIN) – Conversations #2, (SDLAM) Projects, Critical Water, 'Indigenous Nations Speaking as Country, Ngarrindjeri

Yannarumi Risk assessment in water planning and wetland management', 4 September 2020, A/Prof S. Hemming, Zoom meeting.

Hemming, S. Project Coorong - *Heathy Coorong, Healthy Basin*, Science Workshop, February, Meningie Golf Club, Community/Citizen Science workshop, 20 February, 'Ngarrindjeri knowledge to inform management of the Kurangk (Coorong)'

Hemming, S. Jawun secondees, 19 February, EDC Building Hindmarsh, Overview and introductions 'Ngarrindjeri nation, history and contemporary context – Indigenous Nation building

Hemming, S. Ngarrindjeri Nation Community Meeting, Murray Bridge, 10 February – Ngarrindjeri Part B Mediation outcomes and next steps. Presentation re: Expert Mediation Report

Key projects

- 2020-2023 **Project:** Heritage and Reconciliation **Funder:** Australian Research Council – Discovery Project. **Project ID:** DP200102850 **Role:** Chief Investigator. **Administering Organisation:** ANU, **Value:** \$371,400.
- 2019-2021 **Project:** Prerequisite conditions for Indigenous nation self-government **Funder:** Australian Research Council – Discovery Project. **Project ID:** DP190103594 **Administering Institution:** UTS, **Value:** \$556,435
- 2017-2020 **Project:** Restoring Dignity: Networked Knowledge for Repatriation Communities **Funder:** Australian Research Council, Linkage Infrastructure, Equipment and Facilities, Proposal for Funding Commencing in 2017 **Project ID:** LE170100017. **Value:** \$1.231m
- 2020 **Project:** Aboriginal Affairs, NSW OCHRE Practice Principles Literature Review. **Funder:** State Government of NSW. **Value:** \$74,215.
- 2020 **Project:** Ngarrindjeri Ruwe Empowered Communities **Funder:** Empowered Communities **Value:** \$62,000

Indigenous People and Work Hub

The Indigenous People and Work Research and Practice Hub has been engaged in a variety of innovative, high profile research and advocacy projects, made numerous public speaking appearances promoting our work and worked on publications.

Gari Yala

The major piece of work for the Hub for the year is *Gari Yala - centring the employment experience of Indigenous employees*, produced in partnership with Diversity Council Australia. The project surveyed 1033 Indigenous employees about their workplace experiences, a first for Australia.

The report was launched on 17 November 2020 at a webinar event. We launched that it would go ahead on 16 June to media, with ensuing appearances on ABC Radio News and Koori Radio by Nareen.

With Josh Gilbert from PwC's Indigenous Consulting, Nareen wrote and submitted a chapter on the Gari Yala survey to 'Managing the Post-colony', editors Gavin Jack, Nimruji Prasad, Manuka Henare and Michelle Evans, in August. The book will be published in 2021.

Other projects

Our project examining the workplace experiences of Indigenous LGBTQ+ workers has experienced delays because of COVID but a survey will be distributed from December 2020 and interviews will be conducted across the country in 2021.

We presented on our 2019 research project with Accor with Sarah Derry, People and Culture partner, at a Diversity Council Australia webinar in October. There was over 400 attendees.

We continued to have input into Accor's Indigenous Engagement Strategy, we facilitated RAP Workshops for Allianz Insurance and we held a training session on Diversity basics for the Victorian music industry for Diversity Arts Australia.

We held two meetings of the Pay Equity Beyond Gender Working Group, co-convened by Nareen and Dr Dimitria Groutsis from the Business School at the University of Sydney, with a view to launching a campaign on Equal Pay Day 2021.

Nareen had a piece entitled *Victims of sexual harassment don't get the support they deserve – I'm looking at you HR industry* in The Guardian on 5 July 2020.

Nareen continued to co-supervise two PhD students, Bobby Porykali and Alicia Pearce. She has now been accepted as Category 2 PhD supervisor by UTS.

Representation and public appearances

Nareen sat on the following bodies in 2020:

- DCA's External Indigenous Advisory Group
- Kindergarten Union Indigenous Advisory Committee
- UTS Wingarra Indigenous Employment Committee
- NSW COTA Mature Age Workers Steering Committee

She has recently been invited to sit on the National Indigenous Australians Agency's Indigenous-led Expert Advisory Group for their Multi-Agency Data Integration Project on employment outcomes, and the National Australia Bank Indigenous Advisory Board. She also sits as Non-executive Director on the boards of Souths Cares, Per Capita, BlakDance and Diversity Arts Australia.

Nareen has made five appearances on *The Drum*. She has also had 13 speaking engagements. Highlights include:

- Australian Progress Conference – 'Dreaming big about jobs for Indigenous Australians' on June 24
- UTS Business School Big Thinking webinar 'Black Lives Matter and Business in Australia' on June 14
- 'The Woke Brand' at the Online retailer Fusion Conference on 15 October
- ACTU Indigenous Organising Conference on 16 and 17 November

Indigenous Policy Hub

Our 2020

Despite interruptions from the novel coronavirus, the Indigenous Policy Hub has had a busy year! Because of the breadth of our work, as different parts of the policy sphere came into crisis, we became a central point of contact for Indigenous policy in an uncertain, changing time. Our broad disciplinary strengths also saw us working across not just subject matter, but contexts and methodologies — making for, as many have had, an interesting 2020.

This year, the Policy Hub has been working on the following projects —

Accountability Frameworks, for Aboriginal Affairs NSW: a large-scale literature and knowledge review on accountability between Indigenous peoples and settler states. The review is designed to inform further community discussions on appropriate accountability mechanisms in OCHRE in NSW.

Right People for Country: before COVID-19, the Hub was contracted by Aboriginal Victoria to yarn with citizens of the Gunditjmara Nation on their histories, engagement and organisation as a Nation, to inform future internal strategies, relationships and decision-making. The project will be redesigned for pandemic safety and relaunched in February 2021.

On Treaty: alongside UTS Law we are editing a book of First Nations and non-Indigenous experts at the cutting edge of contemporary Australian treaty negotiations. The collection will be published with Federation Press in 2021.

Contract consultancy: the Hub was engaged by a number of organisations during the Black Lives Matter resurgence earlier this year about systemic and institutional racism — including NIDA and Collingwood Football Club. We provided institutional review, recommendations and advice to these institutions on reparative justice and systemic reform to address racism against Indigenous and African peoples.

COVID-19 and BLM responses: the Hub has worked with community-controlled organisations respond to the unique circumstances of 2020. This includes working with the ALS NSW/ACT, NATSILS, CLCNSW and community advocacy groups to secure the right to protest during the pandemic, to ensure participant safety, to create resources to assist with online safety and legal concerns of BLM advocates, working with families on advocacy related to inquests into deaths in custody, developing coronial knowledge-translation resources, and responding to outbreaks inside prisons.

This includes casework with the families of David Dungay Jr, Wayne Fella Morrison, Auntie Tanya Day, Auntie Veronica Nelson, Dwayne Johnston, and Nathan Reynolds. It also includes resource support for the MEHI centre and for Auntie Dolly Talbott.

We also produced an eight-point plan for the NSW Government to make systematic reforms reflecting the demands of Black Lives Matter advocacy.

Submissions to public inquiries: the Hub has been instrumental in preparing submissions to numerous public inquiries — including to the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody

Publications, public appearances & media

Edited publications

Whittaker, A. 2020. *Fire Front: First Nations Poetry and Power Today*. UQP: Brisbane.

Whittaker, A., and Watson, N. 2020. *Australian Feminist Law Journal: Indigenous Women, Law and Story*. Griffith University: Brisbane.

Whittaker, A. (forthcoming). *Blak Letter Law*. Magabala Books: Broome.

Authored publications

Coombes, L., and Gray, P., 2020. 'Charles Perkins forced Australia to confront its racist past. His fight for justice continues today.', *The Conversation*, 6 August.

Whittaker, A., 2020. 'Where are the natives in the final days of the Native Title Act?', in Norman, Jacobowicz and Thomas (eds) *Does the Media Fail Aboriginal Political Aspirations?* Aboriginal Studies Press: Canberra.

Whittaker, A., 2020. 'So White, So What?' *Meanjin*, Autumn 2020.

Whittaker, A., 2020. 'One Punch Drink: White Masculinities as a Property Right in New South Wales' Assault Causing Death Law Reforms', *Australian Feminist Law Journal*.

Newhouse, G., Ghezelbash, D., and Whittaker, A., 2020. 'The experience of Aboriginal and Torres Strait Islander participants in Australia's coronial inquest system: Reflections from the front line.' *International Journal for Crime, Justice and Social Democracy*

Whittaker, A., 2020, 'No News is No News: COVID-19 and the opacity of Australian prisons', *Current Issues in Criminal Justice*.

Whittaker, A., 2020, 'The Drover's Wife', *Saturday Paper*, 31 January.

Whittaker, A., 2020 'Let the Yolk Drip Down' *Sydney Review of Books*, 22 November.

Whittaker, A., 2020. 'One minute past midnight' *Griffith Review*, 12 June.

Whittaker, A., 2020. 'Review: Surviving New England' *IndigenousX*, 10 March.

Whittaker, A., 2020. 'Eatock v Bolt' and 'Akiba v Commonwealth'. *Indigenous Judgements Project*. Routledge, London.

Whittaker, A., 2020. "I have never stopped": Aileen Moreton-Robinson on 20 years of Talkin' Up to the White Woman'. *The Guardian*. 5 August. Available [here](#).

Whittaker, A., 2020. 'First Nations people have faced moments like this before. We can learn from the poems that sprang from them'. *The Guardian*. 24 April. Available [here](#).

Whittaker, A., 2020. 'Despite 432 Indigenous deaths in custody since 1991, no one has ever been convicted. Racist silence and complicity are to blame.' *The Conversation*. 3 June. Available [here](#). (This article also appears in *The Conversation Yearbook*, MUP: Melbourne.)
Whittaker, A., 2020. 'Henchmen', *Liminal Magazine*.

Whittaker, A., 2020. 'Bridge', *Unlimited Futures*, Freemantle Press.

Whittaker, A., 2020 'Machine Yearning', *Writers Queensland*.

Whittaker, A., 2020. 'Thunderbolt', *Anthology of Australian Prose Poetry*, Melbourne University Publishing: Melbourne.

Whittaker, A., 2020. 'Caravan', *un Magazine*.

Whittaker, A., (forthcoming) 'Unnamed Black Lives Matter project', *Rolling Stone*.

Whittaker, A., (forthcoming) 'A right life and a right to be alive in Indigenous critical literature', *Human Rights and Indigenous Literature*. Amherst Press.

Public appearances

Lindon Coombes

Sorry Day Address: Reconciliation Australia and Reconciliation NSW
Schools Reconciliation Challenge: Barangaroo Launch
UTS Big Thinking Forums: Rethinking Nationalism
UTS Big Thinking Forums: Beyond 2020
Reconciliation NSW: In This Together
Redfern Legal Centre: Black Lives Matter, Accountable Policing

Alison Whittaker

National Young Writers Festival
Sydney Writers Festival: Opening Address
Sydney Festival
Mardi Gras Queer Thinking Festival
Midsumma Pathways
Launch of *Fire Front*, Wheeler Centre
Edinburgh International Book Festival
Red Dirt NT Writers Festival
University of Sydney Indigenous Writer in Residence
Australian Critical Race and Whiteness Studies Annual Conference
Queerstories Story Night
Melbourne Spoken Word Festival
Melbourne Writers Festival
Brisbane Writers Festival
University of Melbourne Law School *Black Lives Matter*
Social Justice UTS *Blak Lives Matter*
New Zealand Writers Festival
University of Waikato Lecture Series
CLC Australia Annual Conference: Closing Plenary
Aurora Foundation symposium *Black Lives Matter and Systemic Change*
Launch of *Does the Media Fail Aboriginal Political Aspirations?*
NSW Young Lawyers Panel *Black Lives Matter*
Maori Law Review: *COVID-19 and Indigenous Peoples*
Guest lectures for —

Indigenous Women and Law (UNSW), Indigenous Peoples and the Law (UTS), Nura Gili Knowledge Translation Program (UNSW), Maori Law (University of Victoria in Wellington), Indigenous Queer Studies (Macquarie), Maori and Pasifika Writing

Workshop (University of Victoria in Wellington), Jumbunna Unistart (UTS), Gender and Law (UTS), Creative Writing Capstone (RMIT).

Media

Lindon Coombes

Radio National: *Speaking Out*

SBS News

Guardian Australia

2ser

Alison Whittaker

NITV: *The Point*

Radio National: *Speaking Out*

Radio National: *Late Night Live*

Radio National: *Awaye!*

Noongar Radio

98.9fm Brisbane

Sisteria podcast

Poetry Says podcast

RRR Melbourne

Documentary: *Incarceration Nation*

Legal Strategies Hub

Our 2020

The Legal Strategies Hub has focused during 2020 on continuing its work providing assistance to First Nation families engaged with the Australian justice system, including its work attempting to reform those systems through practice-led and impactful research and professional activities. This year we have focused on holding a mirror to the justice systems' failure to deliver justice to First Nation Families whose loved ones have been killed in custody, including the families of David Dungay Jnr and Nathan Reynolds. We have also continued to support the families of the Bowraville Murder Victims.

We have developed our expertise in the use of movement (also known as strategic) lawyering approaches on behalf of First Nations. Those approaches involve the centring of First Nation calls for Justice within campaigns for change that utilise legal strategies (including litigation) as one tool in the attempt to change society for the better.

We have taught those strategies through the Jumbunna Clinic, a clinical placement program for interns and volunteers who wish to learn the practical reality of working for social change in real cases with real clients. The Jumbunna Clinic continues to provide the engine for our contributions across the scope of the justice system and our work relies upon the generous, energetic and professional contributions of our interns and volunteers.

We have done our work through key collaborations with the National Justice Project, the Aboriginal Legal Service NSW/ACT, the Environmental Defenders Office and Guardian Australia, as well as individuals from the UTS Faculty of Arts and Social Sciences, UTS Faculty of Law and members of the profession, including in particular Black Chambers.

Our most important and powerful collaborations remain with the First Nation communities and families with whom we are honoured to work.

During the course of the year our members have assisted in matters heard in all levels of NSW Courts from the local court to the Court of Appeal, including the NSW Coroners Court, as well as providing evidence at the NSW Parliament. We have contributed to law reform submissions and provided strategic advice to community campaigns and published traditional academic outputs.

In addition, this year we have begun expanding our practice into the area of assisting First Nation communities to defend country, and area we anticipate growing in the future.

Key projects

Bowraville Murders

In late 1990 and early 1991, three Aboriginal children – Colleen Craig, Evelyn Greenup and Clinton Speedy-Duroux – were murdered on the Bowraville Mission. There was only ever one suspect, a white man who was brought to trial for the murder of two of the children. This is story of the failure of the criminal justice system and impact of this injustice on the victim's families and their community. Even when the murderer escaped conviction, they did not stop. They lobbied to get the laws changed so that they could bring the case again only to then be denied their day in court. Jumbunna has been working with the families to try and finally get justice for Colleen, Evelyn and Clinton and their families.

Our work has sought to get justice for three Aboriginal children murdered in the Bowraville community twenty-five years ago. Our advocacy has included:

- legal advice to police, politicians and policy makers
- advice and support for the families
- a documentary film, *Innocence Betrayed*, that screened on 10 August 2014 on NITV
- a substantial submission to the parliamentary inquiry
- work on developing education packages for the profession about Aboriginal witnesses and evidence

In February 2020, the NSW Government rejected proposed amendments to laws relating to the retrial of acquitted persons contained in the *Crimes (Appeal and Review) Act 2006* (NSW). We continue to work with the families in their attempts to obtain justice for Colleen, Evelyn and Clinton.

Justice for David Dungay Jnr

Jumbunna staff have worked in a coalition that includes the National Justice Project and others to provide support to the family of David Dungay Jnr in their pursuit of justice for the death of their son. In November 2019, the NSW Coroner announced they would not refer the death to prosecutors. This year Jumbunna staff have provided support across a realm of strategic campaign activities. This has included strategic advice regarding the campaign, assisting with political strategy and engagement, the conduct of legal research and cases in defence of the right to protest in New South Wales, media engagement, the development of legal observer networks at Black Lives Matter rallies and academic and professional commentary.

Justice for Tane Chatfield's death in custody

In the middle of continuing large-scale Black Lives Matter rallies, the inquest into the death of Tane Chatfield, a 22 year old Aboriginal man who died in the Tamworth Correction Centre whilst awaiting trial was held at Lidcome Coroner's Court, in the week of July 14. Jumbunna researchers provided intensive support to the Chatfield family to have their voices heard through this inquest, both in the court room and in the media. This efforts were informed by our extensive critique of the coronial system developed through years of research.

The Coroner acknowledged the profound impact that the Chatfield families participation in the inquest had on her findings and recommendations.

Justice for Kumanjayi Walker

Jumbunna staff have supported key elders of the Yuendumu community in their advocacy demanding accountability for the killing of Kumanjai Walker by NT Police in November 2019. That support has included assistance with preparation of media statements, development of strategy around court proceedings and community mobilisation efforts.

Presentations and events

Evidence to the *Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody*, NSW Legislative Council, Sydney, 27 October 2020.

Strategic Litigation Practice and *Strategic Litigation Clinic*, UTS Faculty of Law, Summer 2020.

Case Study — Jumbunna's research and the Black Lives Matter movement in Australia

Over the past decade, Jumbunna has developed a unique research and advocacy practice based around provision of assistance to Aboriginal families who have lost loved ones in custody. This has involved intensive work on legal issues surrounding each case and particularly the provision of legal research assistance to counsel for families through coronial inquests into deaths in custody. This approach involves the use of strategic lawyering approaches with an aim to the reform of the coronial jurisdiction in Australia. Along with this, assistance has also been provided directly to the family to advocate on their own behalf through addressing media and participating in public campaign activities such as public forums and protest rallies.

All of this work is informed by the extensive research done by Jumbunna researchers, over many years, examining the discriminatory and destructive impact of the criminal justice system on Aboriginal communities. One specific area of this research has been into high rate at which Aboriginal people die in police and prison custody and the failings of the justice system in providing any meaningful support or recourse for affected families. Notable cases that have involved intensive work by Jumbunna staff include the death of Kwementyeye Briscoe in Alice Springs police watch house in 2012, the death of David Dungay Jnr in Long Bay prison in 2015 and the death of Tane Chatfield in Tamworth prison in 2017.

The social impact of Jumbunna's research has been particularly evident since the police killing of George Floyd in the United States in May 2020. This death catalysed mass Black Lives Matter protests in the United States and a profound reckoning with anti-Black racism across US public life. High profile reporting of these protests in the Australian media created a space for discussion of similar injustices which occur in this country. Jumbunna researchers ensured that insights from our research featured prominently in the public debate surrounding Black Lives Matter in Australia, profoundly influencing that debate and resulting actions. We also played a crucial role providing research, logistical and communications support to ensure that a number of Aboriginal families we have worked closely with through our research and advocacy had their voices heard prominently through this debate. This has had tangible impacts on developments in their particular cases and on government policy.

David Dungay, “I can’t breathe” and the Australian protest movement.

George Floyd's last words as he was killed by police were “I can’t breathe” and this slogan became very important for the protest movement in the USA. In the wake of the Floyd killing, Jumbunna researchers worked closely with the family of David Dungay Jnr to ensure that Australian's knew David too had died screaming “I can’t breathe”. Within three days of Floyd's death, Jumbunna researchers worked with family representatives to issue media releases and conduct interviews with numerous media outlets offering their support for the family of George Floyd and pointing to the parallels with the killings of Aboriginal people in police and prison custody.

“I can’t breathe” became a slogan for the first major Black Lives Matter protest held in Sydney following Floyd's death on June 6, which also featured promotional material with David Dungay Jnr and George Floyd's faces to make the connection. Jumbunna staff worked together to support a major mobilisation of approximately 35 members of David's family to travel from Kempsey to Sydney to join this rally. This involved booking transport and accommodation, getting t-shirts and banners with the “I can’t breathe” slogan produced, extensive liaison with media and providing legal research assistance to the legal team

defending against police attempts to stop the demonstration in the NSW Supreme Court. Staff made major contributions to a documentary produced by Julie Nimmo for NITV documenting the Dungay trip to Sydney.

Similar support was provided to ensure the participation of the Dungay and Chatfield families in future public demonstrations throughout June and July, which mobilised more than 60,000 people across NSW. Jumbunna staff consulted on legal strategy and merits, and assisted to develop a legal observer network and helpline.

The individual cases we have worked on for a number of years, particularly the Dungay and Chatfield families, received unprecedented attention over this period. Jumbunna researchers helped to draft and co-ordinate promotion of a petition calling for justice for David Dungay which has attracted more than 110,000 signatures online. We have also assisted with drafting and promoting fundraising initiatives which have raised tens of thousands of dollars for both families.

Researchers made high profile contributions to the public discussion around the Black Lives Matter movement through opinion pieces, radio appearances and other interviews. This all helped to deepen the critique of the legal system within the public debate in this period.

Jumbunna staff also made submissions to, and appeared before, the *Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody* in October 2020. That Inquiry will conclude its hearings in 2021.

Publications

Articles

Longman, C. (2020). Police Silence and Aboriginal Deaths in Custody. *Law Society Journal*, 1(68), 66-68. Retrieved from <https://lawsociety.cld.bz/LSJ-JULY-2020/68/>

Longman, C. (2020). Could the 'Great Writ' lie to release prisoners at risk from COVID-19?. *Law Society Journal*, 1(66), 74-75. Retrieved from <https://lsj.com.au/>

Reports and Submissions

Longman, C, Behrendt, L, Coombes, L, Gibson, P, Gray, P, Whittaker A. (2020). *Submission to the NSW Legislative Council's Inquiry into high level of First Nations people in custody and oversight and review of deaths in custody.: NSW Legislative Council's Inquiry into high level of First Nations people in custody and oversight and review of deaths in custody.* (No 115). Sydney, Australia: NSW Parliament. Retrieved from <https://www.parliament.nsw.gov.au/>

Longman, C, Behrendt, L, Coombes, L, Gibson, P, Gray, P, Whittaker A. (2020). *Submission to the NSW Legislative Council's Inquiry into high level of First Nations people in custody and oversight and review of deaths in custody.: NSW Legislative Council's Inquiry into high level of First Nations people in custody and oversight and review of deaths in custody.* (No 115). Sydney, Australia: NSW Parliament. Retrieved from <https://www.parliament.nsw.gov.au/>

Other Published Works

Longman, C. *The great risk and the great writ*, Jumbunna Institute for Indigenous Education and Research, 1 April 2020 - <https://jumbunna.institute/2020/04/01/the-great-risk-and-the-great-writ/>