Articles:

The Report of the Standing Committee on Social Issues: Inquiry into issues relating to Redfern and Waterloo

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In February 2004 when a young Redfern Aboriginal man died, it was perceived by many to have been a result of over-policing and scrutiny of Aboriginal people by the police. More specifically it was widely understood amongst the Aboriginal community that the young man’s death occurred while police were pursuing him. Following this death there was an uprising that came to a confrontation between the police and about 100 Aboriginal people. This paper examines the Inquiry, where the author of this article and Jumbunna research colleague, Jason De Santolo, were commissioned by ATSIS to assist Aboriginal community organisations and individuals to make submissions and present at the Inquiry.

Who gives a fuck about white society anymore? A response to the Redfern Riot

Tony BIRCH – is a writer who has published widely in the areas of short fiction, poetry and creative non-fiction.

On 17 February 2004 the Herald Sun informed readers that the ‘bitter ghetto’ of Sydney’s inner-city Redfern ‘had gone to war’ in a battle against both the NSW police and the nation. In the days after the riot, headlines and editorials condemned Redfern to the singular status of a drug-infested slum, absent of any social function beyond performing the role of the Other within the shadow of the corporately sanctified ‘globally informed and vibrant metropolis’ that was Sydney in 2004. This article gives expression to the grief and distress of the tragic loss of a young man’s life in Redfern in February 2004 which preceded the Redfern ‘riot’. The title of the article originates from a comment by Redfern resident and community spokesperson, Lyall Munro, repackaged by Herald Sun journalist Andrew Bolt, and used as a rhythmical mantra against what he calls the ‘hate-spewing Aboriginal ‘leaders’ of a separatist Australia. Note that Overland Magazine originally published this article.

Inquiries and our communities

Julie LANGSWORTH – is working in Human Resources with the parliament of New South Wales.

NSW Legislative Council Committees have undertaken a number of inquiries over the past decades that have dealt with issues relevant to Indigenous communities. A recent example of this is the Standing Committee on Social Issues inquiry into issues relating to
Redfern and Waterloo, conducted in 2004. Unlike most other inquiries, which follow a standard consultation process, this inquiry adopted a number of different consultation methods to seek the views of the community, and in particular, the Aboriginal community. This discussion of the Redfern and Waterloo Inquiry provides an insight into how the Committee Members pursued a number of initiatives in order to access a range of community views with particular emphasis on the Aboriginal community.

_Inquiring into Aboriginal Deaths in Custody: the limits of a Royal Commission_

_Gillian COWLISHAW_ – worked on a part time basis for the RCIADIC in Sydney for six months between July and December 1990, drafting papers on underlying issues for the regional and national reports and assisting with the editorial work on a number of the individual death reports. Gillian also attended a Commission hearing in Darwin.

This paper explores the diverse expectations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) established in 1987. It provides comments on the difficulties of inquiring into these deaths and the more complex reality of over representation of Indigenous people in the justice system. It looks at how the RCIADIC had to deal with deaths at the individual level in a strictly legal context, while not ignoring the ‘wider social processes’ of police conflict and community experiences of suffering and oppression. It has been suggested that during this process the RCIADIC was exposed to the entrenched racism of rural Australia.

_These blokes are re-inventing the 19th Century: The Howard Government’s record on Indigenous Affairs 1996-2006_

_Andrew GUNSTONE_ – is a Lecturer in Australian Indigenous Studies, Head of the Centre for Australian Indigenous Studies in the School of Humanities, Communications and Social Sciences at Monash University.

The Howard Government was elected on 2 March 1996 and over the first few years self-determination, reconciliation, native title and the stolen generations dominated the Indigenous Affairs policy area. Other major Indigenous issues, including the ‘history wars’ and Indigenous socio-economic disadvantage, generally fell within one or more of these. This paper argues that the Howard Government was opposed, either totally or partially, to all of these issues and was determined to significantly diminish the effects of these on Indigenous Affairs policy. It argues that the Howard Government has been largely successful in its determination and has consequently been able to demonstrably change the landscape of Indigenous Affairs over the period 1996-2006.

_Postcolonial inroads into the Native Title process_

_Louise PARROTT_ – is a fifth year Arts/Law student at the University of Melbourne; intern at the Pilbara Native Title Service from June to August 2005 as part of the Native Title Student Internship Program, now a part of the Aurora Project.
Postcolonial critical theory has made limited inroads into the legal discipline, especially as far as domestic legal regimes are concerned. Indeed, the scant attention paid by postcolonial theorists to domestic regimes is quite striking given the example set by postcolonial critiques of international law. This paper assesses the applicability of postcolonial critical theory to Australian native title law and the way in which legal institutions create new forms of colonisation is further highlighted by drawing on significant steps in the process of a native title claim. From the registration of a claim and the granting of the subsequent right to negotiate, through to the determination of native title rights and interests, the system results in repeated intrusions into the lives of Indigenous people. The paper suggests that without an adequate understanding of the forces at play, well-meaning parties to the process may otherwise fail to appreciate the negative implications of their actions and may unwittingly perpetuate imperialist attitudes.

From Assimilation to Self-Determination: The Report of the Select Committee upon Aborigines

Heidi NORMAN – is a Senior Lecturer at Jumbunna Indigenous House of Learning, University of Technology, Sydney, NSW.

This paper demonstrates the connections between land dealings, the economy and the administration of Aboriginal Affairs across the policy eras including ‘protection’, ‘assimilation’ and ‘self-determination’. It examines how land has been of supreme economic and socio-cultural significance in the establishment and expansion of the Australian Colony. Another point made in this paper is that in addition to the near 200 year legacy of dispossession from land and the policy eras that gave rise to this and the shift to self-determination that land rights heralded, the Select Committee Inquiry set a precedent for consultation and involvement of Aboriginal people in the processes of government. In doing this, new relations between Aboriginal people and the state of NSW were born.

Parliamentary inquiries into Free Trade Agreements and Indigenous Peoples

Megan DAVIS – is a Senior Lecturer and Director of the Indigenous Law Centre, Faculty of Law, University of New South Wales.

In recent years a number of parliamentary inquiries have been conducted examining the impact of international trade agreements upon the Australian community. Submissions from Indigenous communities have been few. This is of concern given the likely impact of further trade liberalisation upon the most vulnerable in the Australian community which may range from changes to intellectual property laws, to the liberalisation of health or education services, or the increase in prices for medicine. Part one of the paper considers the importance of parliamentary inquiries, including the role of the Joint Standing Committee on Treaties (JSCOT), and introduces a broad community concern about the FTA. Part two addresses the major Indigenous concerns that were raised in the few submissions to the parliamentary inquiries into the FTA. Part three concludes the paper, speculating as to why Indigenous input was limited and considers the effects of limited Indigenous participation in democratic deliberation.

On Leadership – Inspirations from the life and legacy of Dr Charles Perkins
Larissa BEHRENDT – is Professor of Law and Indigenous Studies and the Director of the Research Unit of the Jumbunna Indigenous House of Learning at the University of Technology, Sydney.

This paper comments on modern Indigenous leadership as exemplified in the work and actions of the late Charles Perkins. It suggests that Perkins was a unifying force in the Aboriginal community, outlining Perkins’ faithful commitment to self-determination, and the broader articulation of Aboriginal rights as a strategic reminder that this is increasingly coming under attack.


Chapter 1- Introduction

Chapter 2- Policing issues