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‘WHO BUILT THIS FENCE?’

Regenerating Faculty Landscapes for Lasting Education Reform

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Introduction

One of the greatest obstacles that we face in reforming legal education and research to better serve First Nations communities is the challenge of impermanence.² The many contributors to this book have inevitably had to pilot their work and insights through shifts (probably many) in university personnel, priorities, resources and strategies—shifts that can be almost tidal in frequency and that very often leave little trace of past worthy initiatives. All too frequently, we find ourselves back where we began.

The focus of this chapter is structural reform: the redesign and regeneration of faculty landscapes to better sustain pedagogical advances and to make the journey easier for those who might follow. Our own ideas and efforts are no more than the sum of observation, collation and collaboration—drawing on ideas suggested, tried and tested by others in law, in cognate disciplines or in overseas institutions. We have the opportunity of working at a young law school in a regional university, where the commitments to educational access, innovation and community development are not just ideological but very necessary parts of the business model. In this context, which we are

1 The authors acknowledge with gratitude and respect the Country and nations of our region—we are privileged to live and work on their lands and stand with them in our educational endeavours. We particularly honour the people who continue to care for and dedicate themselves to the Country of our law school teaching places—the Giabal and Jarowair peoples (and the broader Waka Waka Nation) and the Jagera, Yuggera and Ugarapul peoples, who continue their devotion to this Country, its air and its waterways in silence, with great patience and with enduring, unbreakable resilience.

2 See, e.g., Marcelle Burns, ‘Are We There Yet? Indigenous Cultural Competency in Legal Education’ (2018–19) 28(2) *Legal Education Review* 215, 218.

learning presents significant opportunities for First Nations education, we can stand on the shoulders of those who have accomplished so much elsewhere and shared their ideas (including the many contributors to this book). In this context, we can take the rare opportunity to re-imagine what a law school can be in this space.

The good news for those who are new to these challenges (or for those who are looking for new ways to step out of the institutional tides) is that it seems that much of the work to redesign and regenerate faculty landscapes can be conducted at the grassroots level in law schools themselves—early, efficiently, collaboratively, and somewhat irrespective of shifting institutional priorities. There is obvious work to be accomplished around program and course structures, First Nations student support and higher degree pathways. However, there is also much that can be done (and we suggest done first)³ around physical and virtual spaces, staffing and workloading, readying and equipping colleagues, curating resources, cross-university and external collaborations, reciprocal community engagement and support, and (more broadly) brokering change to make more space for First Nations voices. This structural change recognises that we seek genuine and sustainable change rather than just the allocation of onerous and isolated responsibilities to existing or future First Nations staff.

This chapter is a practical one by design; we hope that it is a useful complement to the far deeper pedagogical and theoretical insights that emerge from this book. Our original idea was to explain our work as digging foundations for lasting reform in the educational greenfield of a young regional law school. However, we soon realised that we were for the most part writing about a more modest undertaking and an enduring shared challenge. Vanessa Fisher—of the Dungibara, Ewamin, Garumngar Jiman people of Cherbourg, Southern Queensland—once wrote, ‘Who built this fence to keep me out?’⁴ These lines now resonate very clearly for us in our university work. Our task is to help dismantle the institutional fences that run through and around our university endeavours. In this process, we seek to reunite our law school’s purposes and lands with the wisdom and custodianship of our local First Nations communities. Our advantage is not an educational ‘greenfield’—far from it, as we are all ultimately working in a ‘colonised space in which the curriculum is organically oriented towards White studies at the expense of other knowledge’.⁵ Our advantage is simply that in a young regional law school, the fences seem not to be so high.

3 Cf. Jeffery G Hewitt, ‘Decolonizing and Indigenizing: Some Considerations for Law Schools’ (2016) 33(1) *Windsor Yearbook of Access to Justice* 65, 70.

4 Vanessa Fisher, ‘My Country’ (1988) 7(1) *Social Alternatives* 46. The poet Vanessa Fisher—an important voice in our region—supported the University of Southern Queensland School of Law and Justice as part of a First Nations Advisory Board.

5 Yusef Progler, ‘The Changing Face of the University and Knowledge’ in Claude Alvarés and Shad Saleem Faruqi (eds), *Decolonising the University: The Emerging Quest for*

This chapter, then, is a progress report on our own attempt to bring down some fences in preparation for the more concerted curriculum work to come. Our hope (and our experience so far) is that this work and the regeneration that flows from it not only makes enduring pedagogical reform easier and more meaningful but also can, in fact, make it somewhat inevitable. We are honoured to share our experiences in this book, while emphasising again at the outset that our own work flows from the wisdom and resilience of others who built foundations for us all.

Interim Principles

A core tenet of the successes that we have observed is that enduring curriculum reform is a slow and iterative process and perhaps, necessarily, a somewhat organic one. However, there is some urgency to the task of graduating more culturally aware lawyers,⁶ and some of our law school colleagues will engage quickly when accessible content and/or course space presents itself. One way for a school or faculty to manage the early momentum is to agree (with guidance from a university's First Nations college and Aboriginal and Torres Strait Islander legal colleagues) on a set of 'interim' guiding principles.⁷ These can serve not only as an accessible reminder of the importance of this work but also as something of a guard rail ('first, do no harm'). They can be distributed regularly at planning days and committee meetings and evolve as needed.

Interim principles can succinctly state the very clear imperatives that drive our work in this field: most obviously to support First Nations students, to build better legal professionals, to improve legal access and outcomes for First Nations communities and to meet contemporary employer expectations. There may also be university-specific responsibilities to acknowledge, for example, in the case of a regional university where the responsibility to provide opportunities for and connect with communities across great distances may be somewhat different to the responsibilities of universities concentrated in and around major cities. The principles themselves can draw on the significant existing scholarship, of which the contributors to this book are some of the most important architects. Emphasis can be placed on the

Non-Eurocentric Paradigms (Penerbit USM, 2012) 48, 50. See also Eddie Cubillo, 'Indigenous Programs at the Law School' (July 2022) *Law Institute Journal* 30; Bronwyn Fredericks, 'The Epistemology That Maintains White Race Privilege, Power and Control of Indigenous Students and Indigenous Peoples' Participation in Universities' (2009) 5(1) *Critical Race and Whiteness Studies* 1; James (Sakej) Youngblood Henderson, 'Postcolonial Indigenous Legal Consciousness' (2002) 1 *Indigenous Law Journal* 1.

⁶ See Cubillo (n 5).

⁷ See generally Universities Australia, *Guiding Principles for Developing Indigenous Cultural Competency in Australian Universities* (October 2011); Indigenous Cultural Competency for Legal Academics Program, *Final Report* (2019).

central importance of institutional and individual self-reflection,⁸ the need for constructive and strengths-based approaches to Indigenous content (with respect for the complexity and sophistication of Indigenous legal systems)⁹ and the importance of proper integration and coherence across courses. They can also highlight the importance of respecting the diversity of Aboriginal and Torres Strait Islander perspectives and experiences,¹⁰ bringing First Nations voices to the content and engaging with local issues and communities (and place-based learning) wherever possible.¹¹ Furthermore, these principles can underline the importance of sensitivity to terminology, cultural protocols, research ethics and cultural and intellectual property rights. Colleagues might be reassured that expert support can and should be accessed and that it is very appropriate to build content incrementally as knowledge and self-reflection expand across programs.¹² Perhaps most importantly, interim principles can start and finish with the reminder that in pursuing this work, we must never lose our focus on the wellbeing of our First Nations students amid university targets. If this focus is lost, then all else counts for little.

In our own experience, carefully crafted interim principles can help hold open the space needed for the work ahead while structural foundations are laid. They also provide a clear rationale for (and inform) the structural work, can help build interest and commitment and can help protect the integrity of future initiatives. Moreover, the collaborations necessary to generate these principles—with First Nations colleges and legal colleagues—will begin to build the trust, cooperation and connections that will be so critical to all the work that follows.

Staffing and Staff Capabilities

Experiences across Australian law schools illustrate that a critical ingredient for sustained advances in curriculum and student support is personnel. Permanent identified positions for First Nations academics must be a fixed target

8 See, e.g., Marcelle Burns and Jennifer Nielsen, 'Dealing with the "Wicked" Problem of Race and the Law: A Critical Journey for Students (and Academics)' (2018–2019) 28(2) *Legal Education Review* 375.

9 See, e.g., Ambelin Kwaymullina, 'Teaching for the 21st Century: Indigenising the Law Curriculum at UWA' (2019) 29 *Legal Education Review* 1; Alison Jones, 'Dangerous Liaisons: Pākehā, Kaupapa Māori, and Educational Research' (2012) 47(2) *New Zealand Journal of Educational Studies* 100; John Borrows, 'Heroes, Tricksters, Monsters, and Caretakers: Indigenous Law and Legal Education' (2016) 61 *McGill Law Journal* 795, 797.

10 See, e.g., Burns (n 2) 225.

11 See, e.g., Annette Gainsford, 'Connection to Country—Place-Based Learning Initiatives Embedded in the Charles Sturt University Bachelor of Law' (2018–2019) 28(2) *Legal Education Review* 317; Val Napoleon and Hadley Friedland, 'An Inside Job: Engaging with Indigenous Legal Traditions Through Stories' (2016) 61 *McGill Law Journal* 725.

12 See, e.g., Kate Galloway, 'Indigenous Content in the Law Curriculum: Process and Structure' (2018) 28(2) *Legal Education Review* 331, 353.

in any structural reform.¹³ It may take some time for university priorities and resources to align and deliver this, but the growing First Nations student numbers across the country and evolving external expectations of curriculum clearly confirm that this must be a key goal of our initiatives. Just as importantly, First Nations academics must be properly supported with position descriptions and workload arrangements that respect the multifaceted and often interdisciplinary nature of their teaching and research roles, their community obligations, their own family obligations and their specific importance in supporting students and colleagues.¹⁴

Faculty and school managers (and staff) must be ready for educational reform and understand its critical importance to properly support the role. The goal is not only the ‘visibility’ of First Nations peoples in staffing and curriculum but also, ultimately, the proper reflection of First Nations laws, knowledges, experiences and pedagogies in our programs.¹⁵ Support networks for this significant work, and most importantly for the First Nations academics who will lead it, can be proactively built from connections with First Nations colleges and colleagues at other schools and collaborations between law schools. The past experiences of our leaders in this field confirm that building respect and sustained support for our First Nations law colleagues is a critical part of this journey.

Honorary and adjunct positions can also be valuable in building a culture of change and respect. Retired First Nations judges, magistrates and legal policy experts (and present practitioners from law or education) can bring deep experience to a law school, and adjunct/advisory appointments across law schools can help build close networks and diverse supervisory teams. Law schools might also consider additional new shared appointments—for example, with First Nations colleges—that will help build the collaboration and interdisciplinarity that are crucial to curriculum reform and community-led research agendas. Law schools can further actively advocate for and support First Nations appointments in other schools and organisational units. More broadly, law schools can build reciprocal relationships with various organisations and agencies—such as Aboriginal and Torres Strait Islander legal services, courts and community justice groups, specialist family law

13 See, e.g., Burns (n 2) 236.

14 See Asmi Wood and Nicole Watson, ‘Mirror, Mirror on the Wall, Who Is the Fairest of Them All?’ (2018) 28(2) *Legal Education Review* 263, 269–70.

15 Susan Bird, John Rawnsley and Ciprian Radavoi, ‘True Justice Through Deep Listening on Country: Decolonising Legal Education in Australia’ (2023) 19(4) *AlterNative: An International Journal of Indigenous Peoples* 892, 895. See also Irene Watson and Marcelle Burns, ‘Indigenous Knowledges: A Strategy for First Nations Peoples Engagement in Higher Education’ in Sally Varnham, Patty Kamvounias and Joan Squelch (eds), *Higher Education and the Law* (Federation Press, 2015) 41; Ambelin Kwaymullina and Blaze Kwaymullina, ‘Learning to Read the Signs: Law in an Indigenous Reality’ (2010) 34 *Journal of Australian Studies* 195.

services, land councils, Aboriginal corporations, legal aid services, or child and family ‘official solicitors’—to create a rich source of content advice and student opportunity.

Building cultural capability and confidence in staff inevitably takes time, humility, some difficult conversations and regular reminders that in our work, we both reflect *and generate* legal directions.¹⁶ Universities sometimes cycle through official cultural programs relatively quickly, which can lead to some repetition, confusion and/or the mistaken perception that cultural capability is a completable attribute rather than an ongoing journey.¹⁷ However, in this respect, law schools can once again (at least in part) take their own lead. The building of strong relationships with local communities, First Nations colleagues (and colleges) and professional organisations working in relevant fields can open pathways for capacity building for staff (including on-Country learning). It is critical that this work towards capacity building is not left solely to existing or future First Nations colleagues.¹⁸ They are not the ones who need to build capacity; moreover, much of this work is quintessentially a team task. Engaging all staff allows the opportunity for informed advocacy and a sense of collaboration and authenticity for both staff and students.¹⁹ It properly recognises that most educators have themselves been deprived of First Nations perspectives and knowledge such that building the capacity of the team is essential.²⁰

The old-fashioned idea of an existing non-Indigenous staff member taking responsibility as an ‘Indigenous liaison’ has some ongoing utility when the challenge of reform is initially understood as a structural one. Many elements of the incremental work explored in this chapter, particularly the building of connections and collaborations, can be commenced immediately with good will and the guidance of First Nations colleges and key advisors. As emphasised at the outset, these structural initiatives can make the important curriculum work easier and more meaningful and can help support our future First Nations colleagues. The ‘liaison’ or ‘collaborations’ role, where it is needed, must also be considered a university investment and should be properly recognised in workload and supported. Moreover, continuity is just as important in this role as it is in the longer-term endeavours. Of course, a key purpose of this initial role is to create space for and pursue the establishment of identified positions for which it can become a key support in the future.

16 Borrows (n 9) 799.

17 See Wood and Watson (n 14) 272–73.

18 Burns (n 2) 238.

19 Carrie Karsgaard, Thashika Pillay and Lynette Shultz, ‘Facing Colonial Canada Through Pedagogies of Equity for First Nations: An Advocacy Education Project’ (2022) *Journal of Curriculum and Pedagogy* 6.

20 Danielle Hradsky and Rachel Forgasz, ‘Possibilities and Problems of Using Drama to Engage with First Nations Content and Concepts in Education: A Systematic Review’ (2023) 50 *The Australian Educational Researcher* 965, 966.

Physical and Virtual Spaces

The tertiary education sector and our profession have in recent years embraced the practice of acknowledging Country. However, there is still space for leadership and a need for some diligence in this context. Genuine acknowledgement rather than rote repetition is a demonstration of true respect for traditional property rights through academic insistence that one's local region is not and was not empty space but that every land form or physical feature has a name, is known and is cared for by its local First Nations people.²¹ First Nations legal academics, who carry the knowledge and burden of colliding legal histories, regularly offer the most inspiring acknowledgements—which are personal and with some specific attention to local places and significant events. We can take this example back to our own institutions. We can encourage those who lead events and meetings to acknowledge Country personally (rather than choosing a more 'appropriate' proxy), to step away from university scripts and to truly own the respect and gratitude that an acknowledgement embodies. It is hoped that our students will take this with them into their own careers and help to ensure that this vital practice endures in a meaningful way.

Traditional ownership and local histories can also be acknowledged in broader ways. For example, art and language can be respectfully introduced in physical and virtual university spaces. Concerning art, our own experience was that the existing university art holdings included an extensive collection of First Nations works that were not previously on regular display. Beyond this, strong connections with local communities (with reciprocity in research endeavours) can facilitate the purchased use or commissioning of local community art to feature on book covers, conference materials or project posters. Short agreements to protect cultural and intellectual rights are readily accessible. Strong community connections and sensitivity to local protocols can also facilitate the use of local language in appropriate ways, such as in resource collections or support portals for First Nations students.²²

Particularly (but not exclusively) in regional universities, there may also be opportunities for the opening and sharing of university spaces and facilities. Universities can host community-driven events (on key issues such as child protection, community justice and the Uluru Statement²³) and in this way, provide a safe space for open discussion and equality of voice. Moreover,

21 Kieran Dolin, 'Poetry and "Post-Mabo Lysis": John Kinsella on Property and Living on Aboriginal Land' (2021) 26(2) *Journal of the Theoretical Humanities* 32, 37.

22 UniSQ School of Law and Justice curates (under the title 'galangba'—'good place') a detailed list of internship/scholarship/job opportunities for First Nations students, alongside links to specific support services and news on local community events.

23 'Uluru Statement from the Heart' *The Uluru Dialogue* (Web Page) <<https://ulurustatement.org/the-statement/view-the-statement/>>.

local First Nations organisations, such as Community Justice Groups²⁴ or local corporations, might benefit from the occasional or regular use of meeting spaces on university grounds. A collaborative approach between universities and community groups and organisations can enhance the capacities of each and build tangible reciprocity. The necessary review and revitalisation of library collections, which will be important to later curriculum reform, can be pursued with these broader community uses in mind, and university libraries frequently have community borrowing plans available.

Relationships and Collaborations

At the beginning, middle and end of all of the ‘landscape’ reforms that we explore in this chapter are relationships.²⁵ Not the transactional relationships that tend to drive the corporate world, our profession and increasingly the tertiary sector, but long-term, respectful and reciprocal relationships built on trust, shared values and equality of voice. These relationships must necessarily start with listening and then listening again, and they must be allowed to help set the very first agendas for future initiatives.²⁶ In our experience, collaborations begin best with relationships rather than with projects, and it takes ongoing diligence to ensure that we prioritise genuine alliance and codesign and resist any deadline-driven return to seeking cultural ‘rubber stamps’ or ‘ticks of approval’.

First and foremost are our own First Nations colleges and institutes. Any school or faculty has much to gain from a strongly forged partnership with its university’s hub for First Nations teaching and research—and perhaps more to give than most might realise. In our experience, this partnership must begin from a clear understanding that: the First Nations college or institute is frequently under-resourced for an enormous range of cross-university and external responsibilities; its role is complex and multi-layered; specific professional or money-earning scientific disciplines are no more important than the First Nations colleges and institutes; and a university’s long-term success very much depends on their success. Strong partnerships here can be a valuable way to strengthen, broaden and amplify our collective work. Most obviously, such partnerships can build a great synergy around curriculum

24 In Queensland, Community Justice Groups are an Aboriginal and Torres Strait Islander-run, community-based response to crime and justice-related issues. They take a person-centred approach to reduce crime, contact with the justice system and recidivism through cultural leadership and capabilities. Community Justice Groups are reflective of their communities, and their needs differ depending on the jurisdiction. It is helpful to consider this when contemplating an offer for meeting space or collaboration.

25 See broadly, e.g., Hannah Askew, ‘Learning from Bear-Walker: Indigenous Legal Orders and Intercultural Legal Education in Canadian Law Schools’ (2016) 33(1) *Windsor Yearbook of Access to Justice* 29.

26 Gainsford (n 11) 330.

development, community engagement and community co-designed research initiatives. Moreover, significant collaborations can be constructed around preparatory programs, student support and retention, the management and uptake of tutoring assistance schemes, targeted advertising of student opportunities, staff capabilities and confidence, and mutual support of junior staff and events.

The First Nations Pro Vice-Chancellor/Deputy Vice-Chancellor’s office—to the extent that it operates independently of the colleges/institutes—is another potentially important partner, particularly as regards community engagement and events, recruitment, research directions and institutional level policy development. Moreover, building connections across traditional discipline boundaries can also be invaluable. These efforts can help us to properly embrace the inherent interdisciplinarity of First Nations teaching and research and build relationships for smoothly functioning cross-school research collaborations and co-supervision teams as new projects emerge. For us, this has been fruitful in fields such as climate resilience, cultural heritage, youth issues and allied health.

Critically important to our own law school efforts was the establishment of a First Nations legal advisory board, which consisted of First Nations practitioners, alumni and legal academics along with First Nations college representatives and local Traditional Owners.²⁷ Our grand designs were derailed somewhat by the arrival of COVID, but the advisory board has generously continued to provide invaluable advice on an ad hoc and individual basis for several years regarding priorities, resources, strategies and challenges encountered along the journey.

Beyond these critical partnerships, several other collaborations can be very helpful in sustaining momentum and building capacity. For us, the cross-law school network, drawn together particularly by the Indigenous Cultural Competency for Legal Academics Program,²⁸ continues to be a generous source of expertise and support. Connections with relevant professional bodies (such as ILAQ, ATSILS and AFLSQ²⁹), individual legal professionals, specialised courts, Community Justice Groups and law firms keen to support this work at universities have also been valuable.

27 We are indebted to the original advisory board of Vanessa Fisher, Prof Tracey Bunda, Assoc Prof Kathryn Gilbey, Dr Ambelin Kwaymullina, Assoc Prof Marcelle Burns, Adj Prof Bevan Manthey, Dr Eddie Cubillo, Avelina Tarrago and Robyn Lui. The editors of this book (Prof Nicole Watson and Prof Heather Douglas), many of the book’s contributors, and leaders at our university (including Prof Odette Best, Prof Benny Wilson, Prof Raelene Ward, Prof Celmar Pocock, Dr Cally Jetta, Emerson Zerafa-Payne, Paul Carmody, Tonia Chalk, Geoff Keating, Laurie-anne Parsons, Anna Jackson, Rachael Collins, Melanie Waters and Joshua Waters) have also been invaluable supporters of our law school initiatives.

28 See Indigenous Cultural Competency for Legal Academics Program (n 7).

29 Indigenous Lawyers Association of Queensland; Aboriginal and Torres Strait Islander Legal Service; Aboriginal Family Legal Services Queensland.

Community Connections

Ultimately, what may prove to be most important to the sustainability of educational reforms is a law school or faculty's own connections with local communities and community organisations (built with guidance and coordination from senior First Nations colleagues).³⁰ Genuine, reciprocal relationships can result in diverse collaborations on various activities including local events, discussion days or elder/youth support projects. In our own experience, these relationships can evolve into solid partnerships whereby a law school is simultaneously engaging with local knowledge to enhance teaching capacity and providing broad support to communities around issues such as native title, cultural heritage, constitutional recognition, community justice, water negotiations, social enterprise structures, tenure issues and business planning. Moreover, these partnerships can unearth research opportunities and new research teams.

Appropriate remuneration for specific community contribution is, of course, essential.³¹ However, a law school's deeper support for communities can take a variety of forms, such as co-authoring legal reform submissions, offering informal meetings and workshops on legal developments and processes, commissioning community art (as discussed previously), voluntarily participating in site regeneration, or sponsoring/hosting (or participating in) community events and discussions. In terms of more legally focussed support, law school clinics can play a potentially significant role in improving community legal outcomes while simultaneously helping to produce more practice-ready and culturally aware students and building relationships with local community legal services. Non-practising law school members can also play an important role by drawing on connections to find relevant legal advice, brokering pro bono support from local or larger firms, ensuring access to good information about complaint avenues and processes and finding appropriate business planning advice where needed.

Our own hope is that the interest and opportunity flowing from reciprocal community engagement, together with cross-disciplinary collaborations and the building of postgraduate pathways (discussed below), might, in the longer term, evolve into a regionally focused First Nations legal research centre that can pursue projects co-designed with local communities.³² In the meantime, embracing cross-disciplinary issues and partnerships helps us contribute constructively to large cross-university projects involving the climate, heritage mapping, youth support, site revival, agricultural innovation and (of course) broader pedagogical change.

30 See Gainsford (n 11) 321; Napoleon and Friedland (n 11) 725.

31 Burns (n 2) 241.

32 See Annette Gainsford, 'Embedding Indigenous Knowledges in the Design of the Higher Education Curriculum: An International Study in Law Education' (PhD thesis, Charles Sturt University, 2021).

Student law societies may well have their own initiatives underway and be seeking to engage independently with local community groups. Schools and faculties can support these initiatives in various ways. Easy, low-cost methods include attending student initiatives or events, encouraging or assisting connections between community groups and student initiatives that align, and cross-advertising events or initiatives that might be useful or interesting. Additionally, law schools can provide space (real or virtual) for students to listen to community elders and grassroots organisers about community initiatives where engagement is helpful for communities. These collaborations provide real context for students and can present powerful examples of self-determination and innovation. They provide space for students within and around their learning to develop genuine appreciation for local First Nations perspectives and experiences. Assisting student organisations and student law societies in this way gives them some ownership of their broader responsibilities as the next generation of lawyers while modelling collaboration and the importance of respectful community connection.

First Nations Student Support

One of our most important tasks is building informed and sustained support for our First Nations students.³³ This would have warranted earlier discussion in this chapter, but it seems to flow in large part from the initiatives and institutional self-reflection already discussed. However, practical steps can start early: in regional outreach around study choices for high school and mature-aged students; in flexible program design to better accommodate students navigating community, work and/or family obligations; and in the establishment of or participation in preparatory programs. Collaboration with First Nations colleges or institutes is invaluable in ongoing student support, particularly in providing students with immediate personal in-school connections, tutorial assistance and appropriate proactive support for progression. Support will look different for each student and can be time-based, technological or centred around academic literacy. First Nations colleges can provide tailored advice on the needs of particular students.

Connecting students to broader networks of fellow students and mentors can also be an important part of the exercise. It is relatively easy to collate opportunities for First Nations scholarships, internships, competitions and graduate positions in an accessible place—perhaps alongside critical study support resources and details of local community events. But we have often

33 For important discussions of student experiences, see, e.g., Wood and Watson (n 14); Heather Douglas, ‘The Participation of Indigenous Australians in Legal Education 1991–2000’ (2001) 24 *University of New South Wales Law Journal* 485; Melanie Schwartz, ‘Retaining Our Best: Imposter Syndrome, Cultural Safety, Complex Lives and Indigenous Student Experiences of Law School’ (2018–2019) 28(2) *Legal Education Review* 293.

found (particularly in the regional context) that ostensibly good opportunities may be inaccessible to students juggling distance and community, work and family obligations. Law schools might be able to encourage the revision of program guidelines, offer additional support to students in these contexts and/or broker supporting bursaries and prizes (e.g., from local law firms). Some low-hanging sources of income might also be considered for these purposes, including royalties on edited book collections, continued professional development ('CPD') income or educational support built in to funded projects. Broader university outreach programs appear to be increasingly active in establishing First Nations student scholarship funds (e.g., endowment funds) to which law schools can both contribute and lay claim.

A critical next step in our First Nations student support efforts is the building of attractive and well-supported higher degree by research ('HDR') pathways, whether they be with our own universities or our collaborators. HDR opportunities can be advertised via First Nations resources sites (discussed earlier), and several other building blocks can be put in place early for these purposes. First, as explored previously, well-established connections with other schools and faculties can help accommodate the inherent interdisciplinarity of many First Nations research priorities, and connections across universities can help counter the unfortunately still small number of senior First Nations legal academics. These established connections mean supervisory expertise can be quickly assembled (and with a strong likelihood of smooth functioning). Cross-disciplinary and/or cross-university research centres can greatly assist in this regard.

Second, it is vital that channels are established for immediate consultation with First Nations colleges or institutes in response to HDR inquiries by First Nations students or on First Nations issues. Experienced and well-meaning colleagues may still not immediately see the need for this. However, the contemporary dictates of ethical research and the importance of providing First Nations students with appropriate access to Indigenous research methodologies mean that the consultation should be automatic. Just as importantly, relevant supervisors in schools can and should be supported in appropriate training on Indigenous research methodologies—not because they should necessarily take the lead but so they might better understand the sophistication and importance of these emerging frameworks and contribute well in a supervisory team.

On more logistical matters, First Nations HDR positions can of course be built into funded research projects, and this could further help in building community collaborations. Moreover, projects with community partners can be bolstered by HDR projects designed around their priorities. In turn, HDR students can be supported in various ways beyond the usual progress reports and supervisory 'check-ins'. Access to cultural support is important (if it is not already built securely into the supervisory team). Furthermore, it is important to consider context and career goals in project design: intentions

to enter academia, government policy roles or community-focused organisations each carry different implications for preferred HDR outcomes (in terms of the breadth of study, methodology and publications). Law schools could consider joining forces with cognate disciplines to produce published collections of First Nations HDR student work. Students can also be supported by 'communities of practice'³⁴—a model of mutual student support with which all of us are familiar from our own postgraduate studies. One step forward is the possibility, referred to earlier, of an Indigenous law research centre to support and unite established and emerging researchers in the field.

Brokering Change

There are many less tangible actions that a law school can take to help regenerate broader university landscapes. In simple administrative terms, law schools can actively engage in university-wide First Nations teaching, research and reconciliation committees and working groups. Just as importantly, they can advocate for First Nations representation on other university committees and initiatives (and help ensure that these voices are genuinely and proactively listened to). Law schools can also be ready to assist in a variety of administrative processes such as relevant recruitment panels and organisational centre reviews. Perhaps most importantly, on the administrative side, we (as lawyers) can draw on our natural justice and transactional instincts to help ensure that 'everyone is in the room' when important decisions are made. These less tangible administrative activities, which effectively pursue and harness influence at the university level, can amplify the work of all of our First Nations academics and be an attraction in the recruitment of First Nations lawyers seeking to make an impact for the broader benefit of their communities.

More broadly, working in partnership with First Nations colleges/institutes (or guided by them), law schools can play a significant role in organising, facilitating and supporting university and community events on contemporary topics of importance to communities. Closer to home, they can ensure sustained attention to First Nations speakers and issues in the law school's public lectures, research seminars and planning days. Law schools and First Nations colleges/institutes can also work together to secure adjunct appointments and the conferral of honorary awards for key First Nations professionals, policy drivers and community leaders. These appointments and conferrals can further support teaching, research and engagement initiatives.

Law schools can contribute to the research space in a variety of ways beyond building their own community-focused research and partnerships. First, they can advocate for the inclusion of First Nations perspectives in

34 See Etienne Wenger, *Communities of Practice: Learning, Meaning and Identity* (Cambridge University Press, 1998).

large cross-disciplinary projects. As previously mentioned, in our work, this has been successful in projects concerning climate resilience, water, drought and agricultural innovation. Second, they can actively support First Nations college/institute initiatives to connect and coordinate the (often vaguely intersecting) research on First Nations issues that is conducted across schools and research centres. Third, they can seek to help support emerging First Nations scholars outside the school by assisting them in confirmation processes, helping to include them in publication and grant teams and creating opportunities for showcasing and disseminating their research.

With respect to teaching, law schools can be active in supporting (and perhaps piloting) First Nations college/institute initiatives on student orientation and support, career advice, cross-school liaison, etc. Invaluable teaching partnerships can be built to both enrich law programs and help ease the significant demands on college/institute resources. Moreover, close partnerships with First Nations colleges/institutes can create ready-packaged joint contributions (from law and First Nations scholars) that are available to other disciplines, for example, in the environmental management space. It is critical that we very proactively ensure that First Nations academics have appropriate workload recognition in any teaching programs (and of course in engagement and research activities).³⁵

Curriculum

At this point, we should put away our landscaping tools and hand this discussion back to the deeper thinkers in this book. However, it is our hope and hypothesis (and fortunately our experience so far) that the structural initiatives that we discuss will help make enduring curriculum reform not only easier but also, in fact, a natural and inevitable evolution.

Along with many law schools and consistently with the statements of the Council of Australian Law Deans³⁶ and Universities Australia,³⁷ we have express program objectives concerning Indigenous perspectives prominently built into our educational aspirations for both Bachelor of Laws and Juris Doctor students. However, visibility of program objectives is just the first of many steps in dismantling the hegemony and myths, at the heart of the legal curriculum, that inhibit the building of a culturally safe space and progressive learning environment for First Nations students and academics alike.³⁸

35 Burns (n 2) 239.

36 Council of Australian Law Deans, *CALD Statement on Australian Law's Systemic Discrimination and Structural Bias against First Nations Peoples* (Council of Australian Law Deans, 2020) <<https://cald.asn.au/first-nations-peoples/>>.

37 See Universities Australia (n 7).

38 Peter Prince, 'Our Natives Have No Constitutional Right to Equal Privileges with White People' in Kate Bagnall and Peter Prince (eds), *Subjects and Aliens: Histories of Nationality, Law and Belonging in Australia and New Zealand* (ANU Press, 2023) 119, 149.

For our part, we have various elective subjects ‘in production’. These include a First Nations-led First Nations Peoples and Law subject for which we are reviewing precedents on content and approach; this will highlight First Nations laws and knowledges as encompassing the oldest and most enduring legal system in human history. Also in development are a new subject on Murri courts and sentencing led by a retired First Nations magistrate (now an adjunct professor) and an expanded native title subject that will seek to closely engage with the Traditional Owners and communities with which we have been building partnerships. We are also in discussions with nearby law schools about a shared course ‘shell’ to help us jointly host visiting international Indigenous scholars. We are steadily building an equivalent focus in our criminology programs, including through the existing subject ‘Race, Diversity, Crime and Justice’. Our law school clinic is actively building connections with community legal services and increasingly acts as a conduit for internships and job opportunities, and our close partnership with our College for First Nations is producing some innovative (joint) cross-teaching in other disciplines.

Beyond these specialised initiatives and now with a First Nations-led team in place, we will slowly and steadily build momentum on the critical task of reviewing our core subjects. So far, this exercise has been somewhat organic for us, as we focused chiefly on the broader landscaping work. However, we have been learning that the exercise relies on a range of strategies: building staff engagement and ‘buy in’, lateral thinking to achieve viability in crowded content schedules and virtual teaching spaces, incremental tenacity and patience, some opportunism (e.g., when courses come up for review for other reasons) and, of course, collaboration. We are making small but positive steps and hope to embark on a coordinated program of work across core subjects in the near future by utilising the partnerships and resources that we have been building, trying different strategies for a local fit and drawing on the extraordinary collective wisdom of the contributors to this book and our trusted advisors.

A number of the peripheral initiatives referred to earlier in this chapter will, we hope, endure and support well our emerging curriculum projects. These include a review of library holdings and maintaining a First Nations student resources site that will include links to topical issues and local events. Most important, of course, is our ongoing investments in key (permanent) positions and the partnerships that we are seeking to steadily build. These investments and partnerships will (we hope) provide firm footing for enduring pedagogical change that might help reverse the role of Australian legal education in perpetuating structural bias against First Nations people. We seek to work deeply and as urgently as the task permits to help safeguard the next generation of Australian lawyers against rising nationalism, populism, misinformation and the disenfranchisement of minority voices.

Conclusion

This is our modest beginning. We are honoured to have the opportunity to share our experiences (to date) in the company of the other contributors to this important book. The context of a young regional law school seems to present some significant opportunities to test and advance the work in which we are all engaged. Most importantly, it provides us with the opportunity to lay foundations at the beginning of an institutional history. However, our writing and reflection revealed very clearly to us that this was not, and could never be, an institutional greenfield and that there was nothing grand or new about our work. We are, for the most part, just engaged (in our own little corner) in the shared endeavour of seeking to remove the old colonial fences that inhere in and around all of our educational institutions. Whether our brand of fence removal will have some enduring impact at our own university remains to be seen. But we are certainly building partnerships and aspirations that we never considered possible in academia. We hope that we can build a law school where our First Nations colleagues and local communities feel respected, honoured and keen to work with us to educate their treasured young people and build law graduates who are all a little more fit for purpose.³⁹ Most of all, we hope that our law school will never return to the start of the journey—that the change that we seek is now in the water.

Given the failure of the Australian constitutional referendum on whether to create a Voice to Parliament to represent Indigenous communities,⁴⁰ the year 2023 will, we fear, live somewhat infamously in Australian history. It seems unlikely that universities can somehow pivot magically to ensure that such mass distribution of misinformation on law and legal history will never happen again. However, it seems to us that we can certainly work harder to better hold up our part of the sky. Our own journey is built on the wisdom, strength and labour of others—and we hold closely to some key lessons that they have shared. These are the tenets that drive our work. What reflection do our First Nations students see of themselves in our law schools?⁴¹ How do we, first and foremost, make more space for First Nations voices and ensure that they are listened to?⁴² Moreover, returning to the wisdom of our local elder, who built these fences⁴³ that keep the wisdom and custodianship of communities from our law school endeavours?

39 See Burns (n 2) 217; Sarah Marsden and Sarah Buhler, ‘Lawyer Competencies for Access to Justice: Two Empirical Studies’ (2017) 34(2) *Windsor Yearbook of Access to Justice* 186, 190–92.

40 Kirstie Wellauer, Carly Williams and Bridget Brennan, ‘Why the Voice Failed’, *ABC Online* (16 October 2023) <<https://www.abc.net.au/news/2023-10-16/why-the-voice-failed/102978962>>.

41 Wood and Watson (n 14); and earlier, Nicole Watson, ‘Indigenous People in Legal Education: Staring into a Mirror Without Reflection’ (2005) 6(8) *Indigenous Law Bulletin* 4.

42 Kwaymullina (n 9); Gainsford (n 11) 321.

43 Fisher (n 4) 46.