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CONNECTION TO COUNTRY – PLACE-BASED LEARNING INITIATIVES EMBEDDED IN THE CHARLES STURT UNIVERSITY BACHELOR OF LAW

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I INTRODUCTION

Charles Sturt University (CSU) is situated on the traditional lands of the Wiradyuri people in Bathurst, NSW. The local Wiradyuri people continue to have a strong connection to Country where they continue to fight for the protection of their sacred sites and carry on the practices of their unique cultural traditions. Historical contests and the declaration of Martial Law in 1824 against the Bathurst Wiradyuri people have resulted in ongoing practices of injustices. Providing the context of the local Wiradyuri people's tumultuous history with Western settlement is a key initiative for the newly developed Bachelor of Laws course at CSU. Therefore, it is appropriate that the local Wiradyuri Elders and wider Wiradyuri community have the opportunity to share their historical and contemporary narratives through place-based learning initiatives embedded throughout the law curriculum. These narratives are purposefully positioned to provide Indigenous perspectives to promote the strength and resilience of Indigenous peoples, and cultural knowledge, and give voice to the contemporary situation for local Wiradyuri people while challenging the interface between Indigenous and Western Law.

Any form of Indigenous jurisprudence that was the victim of the Western invasion and conquest in the unjust wars of colonisation is in vital need of a dialogical encounter with the west in order to assert and reaffirm the right of Indigenous people to speak for themselves in their own terms.¹

This work builds on the previous research of Gerard, Gainsford and Bailey² which provided the foundational process of embedding Indigenous cultural competence in a Bachelor of Laws curriculum at

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¹ Mogobe Ramose, 'Foreword' in C F Black, *The Land is the Source of the Law: A Dialogic Encounter with Indigenous Jurisprudence* (Routledge, 2010) xi, xiii.

² Alison Gerard, Annette Gainsford and Kim Bailey, 'Embedding Indigenous Cultural Competence in a Bachelors of Laws at the Centre for Law and Justice, Charles Sturt University: A Case Study' (Paper presented at the Future of Australian Legal Education Conference, Federal Court of Australia, Sydney, 13 August 2017).

CSU. This paper is the first part of a research project that explores embedding Indigenous knowledges in higher education law curriculum. This initial discussion describes the rationale and the development of embedding place-based Indigenous knowledges in the CSU law curriculum. Place-based teaching and learning opportunities are acknowledged as a central element in meeting the University's Indigenous Graduate Learning Outcomes and current national and international Indigenous education strategies. Collaborative communication with Indigenous Elders enables law students to explore local culture, traditions and histories as well as contemporary issues relating to social justice and processes of reconciliation. The paper outlines how community partnerships and place-based learning have become a central component in the success of teaching Indigenous cultural competence at CSU.

II CHARLES STURT UNIVERSITY LLB COURSE DESIGN

The CSU LLB is unique in its curriculum design as it is currently the only law degree in Australia that imbeds Indigenous cultural competency throughout the law course curriculum. This innovative course design is supported by a number of institutional, national and international initiatives and strategies. These initiatives are underpinned by an Elders in Residence Program that reinforces the commitment of the CSU Centre for Law and Justice to social justice and working collaboratively with Indigenous communities. Foundational direction for the curriculum design was taken from the *CSU Indigenous Education Strategy*,³ the *CSU Incorporating Indigenous Australian Content Policy*,⁴ the *CSU Indigenous Australian Cultural Competence Program*,⁵ the pedagogical framework of Rob Ranzjin, Keith McConnochie and Wendy Nolan⁶ and the *CSU Indigenous Graduate Learning Outcomes*⁷ across the following three areas.

Knowledge — Understand specific cultural and historical patterns that have structured Indigenous lives in the past and the ways in which these patterns continue to be expressed in contemporary Australia.

Skill — Critically examine personal power, privilege and profession within the broader context of the history, assumptions and characteristics that

³ Charles Sturt University, *Indigenous Education Strategy* (May 2017) <https://www.csu.edu.au/_data/assets/pdf_file/0018/144414/csu-indigenous-education-strategy.pdf>.

⁴ Charles Sturt University, *Incorporating Indigenous Australian Content into Undergraduate Awards at CSU – A Guide to Requirements and Process* <http://www.csu.edu.au/_data/assets/pdf_file/0007/859471/pedagogical-framework.pdf>.

⁵ Charles Sturt University, *Indigenous Australian Cultural Competence Program* <<http://www.csu.edu.au/division/landt/indigenous-curriculum/competencies>>.

⁶ Rob Ranzijn, Keith McConnochie and Wendy Nolan (eds), *Psychology and Indigenous Australians: Effective Teaching and Practice* (Cambridge Scholars Publishing, 2008).

⁷ Charles Sturt University, *Graduate Learning Outcomes* <<http://www.csu.edu.au/division/student-learning/home/csu-curriculum/graduate-learning-outcomes>>.

structure Australian society, and the way those factors shape historical and contemporary engagement with Indigenous communities and Indigenous people.

Application — Practise in ways that show a commitment to social justice and the processes of reconciliation through inclusive practices and citizenship.⁸

In addition to internal institutional policies, national and international directives were utilised to support the work. These directives were *Indigenous Strategy 2017–2020*,⁹ the *National Best Practice Framework for Indigenous Cultural Competency in Australian Universities*¹⁰ and the *United Nations Declaration of the Rights of Indigenous Peoples*.¹¹ The *National Best Practice Framework for Indigenous Cultural Competency in Australian Universities* provided recommended teaching and learning strategies to assist in the embedding of Indigenous content into the curriculum. The recommended teaching and learning best practice recommendations are as follows:

- Didactic lectures and seminars (delivered by Indigenous and non-Indigenous staff members working in partnership);
- Guest lecturers or speakers (eg Indigenous scholars, professionals or prominent members of the local Indigenous community who present alongside other Indigenous colleagues);
- Panel presentations (involving prominent Indigenous community members);
- Cultural immersion activities (eg visits to Indigenous communities or Indigenous organisations);
- Informal meetings with local Indigenous organisations;
- Guided cultural field trips (eg to museums, art centres);
- Workshops prepared and presented by students;
- Case study or ‘paper cases’ ie longitudinal case studies for discussion and analysis;
- Scenarios (video-recordings or readings) for discussion and analysis;
- Film excerpts discussed and analysed;

⁸ Ibid.

⁹ Universities Australia, *Universities Australia Indigenous Strategy 2017–2020* (2017) <https://socialsciences.arts.unsw.edu.au/media/SOSSFile/FINAL_Indigenous_Strategy.pdf> (‘Universities Australia, 2017’).

¹⁰ Universities Australia, *National Best Practice Framework for Indigenous Cultural Competency in Australian Universities: Universities Australia Indigenous Higher Education Advisory Council* (2011) <<https://www.universitiesaustralia.edu.au/uni-participation-quality/Indigenous-Higher-Education/Indigenous-Cultural-Compet#.XGLyvuJKgb0>> (‘Universities Australia, 2011’).

¹¹ Article 14(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* states that ‘Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination’: *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, Supp No 49, UN Doc A/RES/61/295 (13 September 2007) art 14(2) (‘*United Nations Declaration on the Rights of Indigenous Peoples*’).

- Readings about life experiences (fiction and non-fiction);
- Critical incidents for discussion and analysis;
- Continuous reflective activities (eg journaling, identity narratives about self and others, reflections on readings, presentations);
- Portfolios (eg for analysing media texts collected by students; personal critical incidents; analysing texts for white ‘cultural scripts’);
- Role play;
- ‘Games’ simulating cross-cultural encounters (eg BaFa BaFa; Welcome to the State of Poverty);
- Use of a central website with links to relevant resources, organisations, etc which can be used for cultural competence foundation and integrated units;
- Online forum discussions (eg available on Blackboard).¹²

The above policies and strategies provide comprehensive direction and strategic guidelines for law academics to embedding Indigenous perspectives across course curriculum. For example, ensuring that the teaching and learning of Indigenous perspectives essentially involve Indigenous scholars, Indigenous academics, Indigenous professionals, Indigenous organisations and Indigenous community members.¹³

It is recognised that the CSU Centre for Law and Justice has taken direction for course design from current policies and strategies, with the quality of this work overseen by the CSU Indigenous Board of Studies. Burns¹⁴ and Jones¹⁵ both recommend that universities have a role in providing a range of Indigenous knowledges and perspectives to critique the law, it is acknowledged that the above policies and strategic guidelines offer direction for academics to include Indigenous perspectives in law education curriculum. However, the driving influence and the practical process of embedding Indigenous cultural competence across the law curriculum for CSU has come from robust Indigenous community partnerships, and authentic engagement with Indigenous academics, Indigenous educators, Indigenous industry experts and the Bathurst Wiradyuri Elders.¹⁶

It is conceded that the author’s position in this process has two distinct but interchangeable roles, first as a Bathurst Wiradyuri woman and second as an Indigenous academic employed within the Centre for Law and Justice. This appointment acts as a bridge to the local community and provides a significant advantage in terms of building community partnerships. Therefore, connections with Bathurst Elders

¹² Universities Australia, 2011, above n 10, 75.

¹³ Ibid.

¹⁴ Marcelle Burns, ‘Towards Growing Indigenous Culturally Competent Legal Professionals in Australia’ (2013) 12(1) *International Education Journal: Comparative Perspectives* 226.

¹⁵ Carwyn Jones, ‘Indigenous Legal Issues, Indigenous Perspectives and Indigenous Law in the New Zealand LLB Curriculum’ (2009) 19 *Legal Education Review* 257.

¹⁶ Annette Gainsford and Michelle M Evans, ‘Indigenising Curriculum in Business Education’ (2017) 20(1) *Journal of Australian Indigenous Issues* 57.

and wider Indigenous community members were facilitated through direct relationships. As a result, there were enhanced levels of community trust, which promoted Indigenous engagement and collaboration.¹⁷

III BUILDING COMMUNITY PARTNERSHIPS TO ESTABLISH AN ELDERS IN RESIDENCE PROGRAM

Currently in Australia there is a call for higher education institutions to implement diversity and cultural outcomes into core foundation processes as this can validate the position of the institution to promote a commitment to change in values, attitudes and inclusion.¹⁸ This commitment enables leadership to emerge in many different forms at a number of institutional levels, therefore empowering individuals to believe that change is about a shared mindset and attainable through working together for a common vision.¹⁹ However, Aileen Moreton-Robinson acknowledges that engagement between Indigenous people and Western society has historically been influenced by authoritarian practices of power.²⁰

It is recognised that continued practices of colonialism and the misrepresentation of Indigenous knowledge cause Indigenous people to distrust Western approaches. Consequently, this power imbalance has caused a reluctance for Indigenous people to collaborate with Western institutions and their knowledge systems. Challenging practices of power to privilege Indigenous voices has been a significant priority for the CSU Centre for Law and Justice when developing and maintaining authentic community partnerships with the Bathurst Wiradyuri Elders. This has been made possible through regular dialogue sessions with key stakeholders including Elders, academics, educational designers and senior management to identify, discuss and reconcile concerns relating to the partnerships. This continuous dialogue has led to the CSU Centre for Law and Justice entering into a Memorandum of Understanding driven by the community partnership with the Bathurst Wiradyuri Elders. This has provided new pathways in working with the local Wiradyuri community as a partnership of authentic engagement and has challenged prior institutional power directives. It has also assisted in relieving apprehension to build collaborative partnerships based on mutual respect that promote practices of reconciliation in Australia.

¹⁷ Dennis Foley, 'Indigenous Standpoint Theory' (2006) 3(8) *International Journal of the Humanities* 25.

¹⁸ Universities Australia, 2017, above n 9.

¹⁹ Robyn Ober and Jack Frawley, 'You've Got to Put Your Stamp on Things: A Rippling Story of Success' in Jack Frawley, Steve Larkin and James A Smith (eds), *Indigenous Pathways, Transitions and Participation in Higher Education: From Policy to Practice* (Springer, 2017) 83.

²⁰ Aileen Moreton-Robinson, 'Whiteness Matters: Australian Studies and Indigenous Studies' in David Carter and Martin Crotty (eds), *Australian Studies Centre 25th Anniversary Collection* (Australian Studies Centre, University of Queensland, 2005) 38, 46.

In addition, place-based learning is acknowledged in challenging the societal discourse surrounding Indigenous perspectives and social injustice.²¹ This form of collaborative engagement with Indigenous communities is considered to be instrumental in establishing forms of self-determination and igniting a resurgence in reclaiming and maintaining cultural traditions.²² The reclamation of cultural traditions including language and the preservation of sacred sites is in alignment with the United Nations Declaration on the Rights for Indigenous Peoples.²³ This form of direct engagement and dialogue with Indigenous communities also challenges law students to scrutinise institutional and government practices that often misrepresent or fail to meet the needs of Indigenous communities.²⁴ This scrutiny of continuing colonial practices assists law students to reflect on the human rights of Indigenous peoples that have not been fairly addressed or stated in the Australian context.

In an Australian context the failure of government to follow measures of international protocol to honour a treaty with Australia's Indigenous peoples continually contributes to an unequal power base for Indigenous communities. Therefore, Indigenous self-determination and cultural representation is seen as way in which law students can analyse constitutional recognition for Indigenous people in Australia.²⁵ This is identified by the Bathurst Wiradyuri Elders as a key component in the support of Aboriginal rights, which must be informed by and asserted through Indigenous knowledge, and it further emphasises the role of the Crown in upholding Aboriginal rights.²⁶ It is argued by Davis that self-determination needs to be community controlled and that this form of governance is necessary to determine social, cultural, economic and political futures of Indigenous people in Australia.²⁷

The United Nations Declaration on the Rights of Indigenous Peoples²⁸ is recognised as supporting Indigenous rights and offers legal reformation for Indigenous people by advocating for societal change in Australia. Legal contest of Indigenous injustice enables action to address societal change.²⁹ To make legal reformation possible for

²¹ Willie Ermine, 'Ethical Space of Engagement' (2007) 6(1) *Indigenous Law Journal* 193.

²² Konai Helu Thaman, 'Decolonizing Pacific Studies: Indigenous Perspectives, Knowledge, and Wisdom in Higher Education' (2003) 15 *Contemporary Pacific* 1.

²³ Megan Davis, 'To Bind or Not to Bind: The United Nations Declaration on the Rights of Indigenous Peoples Five Years On' (2012) 19 *Australian International Law Journal* 17.

²⁴ Megan Davis, 'Aboriginal Women: The Right to Self-Determination' (2012) 16(1) *Australian Indigenous Law Review* 78.

²⁵ Megan Davis, 'Indigenous Constitutional Recognition from the Point of View of Self-Determination and its Exercise Through Democratic Participation' (2015) 8(19) *Indigenous Law Bulletin* 10.

²⁶ Ermine, above n 21.

²⁷ Megan Davis, 'Community Control and the Work of the National Aboriginal Community Controlled Health Organisation: Putting Meat on the Bones of the UNDRIP' (2013) 8(7) *Indigenous Law Bulletin* 11.

²⁸ Article 14(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* states that 'Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination'.

²⁹ Ermine, above n 21.

Indigenous people it is recognised that legal education must include Indigenous engagement and perspectives in the higher education curriculum.³⁰

IV DECOLONISING THE LAW CURRICULUM

The CSU LLB has taken steps to decolonise the law curriculum through the informed practices of international scholars such as Smith,³¹ Nakata,³² Nakata, Nakata and Chin,³³ Battiste,³⁴ Thaman,³⁵ Kirkness and Barnhardt,³⁶ Lambe,³⁷ Cajete,³⁸ and Ermine.³⁹ These scholars argue that indigenising any form of higher education curriculum should not be driven by policy alone but must involve ethical engagement with Indigenous people and their unique knowledge systems. Gerard, Gainsford and Bailey,⁴⁰ Kapyrka and Dockstator⁴¹ and Anker⁴² recognise that place-based learning can connect the learning of law to local Indigenous peoples and communities. This supports Bishop and Glynn's⁴³ view that the embedding of Indigenous perspectives in the higher education curriculum must involve strong relationships with Indigenous communities to support the teaching of cultural traditions and practices of Indigenous people. This form of learning addresses the difficult task of recognising the diversity of Indigenous people and cultural knowledges in Australia.

CSU Centre for Law and Justice has made important connections with the Bathurst Wiradyuri community and has developed a number

³⁰ Jones, above n 15, 257.

³¹ Linda Tuhiwai Smith, *Decolonising Methodologies: Research and Indigenous Peoples* (Zed Books, 1999).

³² Martin Nakata, 'Indigenous Knowledge and the Cultural Interface: Underlying Issues at the Intersection of Knowledge and Information Systems' (2002) 28 *IFLA Journal* 281.

³³ Martin Nakata, Vicky Nakata and Michael Chin, 'Approaches to the Academic Preparation and Support of Australian Indigenous Students for Tertiary Studies' (2008) 37(S1) *Australian Journal of Indigenous Education* 137.

³⁴ Marie Battiste, 'Naturalizing Indigenous Knowledge in Eurocentric Education' (2009) 32(1) *Canadian Journal of Native Education* 5.

³⁵ Thaman, above n 22.

³⁶ Verna J Kirkness and Ray Barnhardt, 'First Nations and Higher Education: The Four R's – Respect, Relevance, Reciprocity, Responsibility' (1991) 30(3) *Journal of American Indian Education* 94.

³⁷ Jeff Lambe, 'Indigenous Education, Mainstream Education, and Native Studies: Some Considerations When Incorporating Indigenous Pedagogy into Native Studies' (2003) 27 *American Indian Quarterly* 308.

³⁸ Gregory Cajete, *Look to the Mountain: An Ecology of Indigenous Education* (Kivaki Press, 1994).

³⁹ Ermine, above n 21.

⁴⁰ Gerard, Gainsford and Bailey, above n 2.

⁴¹ Julie Kapyrka, and Mark Dockstator, 'Indigenous Knowledges and Western Knowledges in Environmental Education: Acknowledging the Tensions for the Benefits of a "Two-Worlds" Approach' (2012) 17 *Canadian Journal of Environmental Education* 97.

⁴² Kirsten Anker, *Declarations of Interdependence: A Legal Pluralist Approach to Indigenous Rights* (Routledge, 2016).

⁴³ Russell Bishop and Ted Glynn, *Culture Counts: Changing Power Relations in Education* (Zed Books, 2003).

of valuable partnerships. These Indigenous partnerships have aimed to decolonise a Eurocentric law curriculum and to prioritise the privileging of Indigenous voice through implementing place-based learning opportunities. Place-based learning initiatives throughout the CSU LLB consist of expert guest lectures from Bathurst Wiradyuri Elders, community members and Indigenous industry experts and on Country cultural immersion programs, with all learning initiatives linked to law curriculum outcomes. This innovative course design is supported by Indigenous and non-Indigenous academics and educational designers working together in a two-way learning process. This two-way learning process is also supported by the CSU *Indigenous Australian Cultural Competence Program* that consists of a four-stage professional development process as outlined below:

Stage 1 — Involves individual staff completing an online cultural competency program. This program is compulsory for all CSU staff. The online training for the Centre for Law and Justice is accompanied by regular debriefing sessions with Indigenous staff and Bathurst Wiradyuri Elders. As with the findings from the Maguire and Young’s case study this training has proved invaluable in providing academics with the necessary skills to approach the indigenisation of curriculum.⁴⁴

Stage 2 — Comprises team-based discussion with an internal resource: Cassie’s Story 2: Mingaan Migay Yalblinya. This resource is used as a mechanism to engage staff in further discussion with other faculty members both in the Centre for Law and Justice and across CSU.

Stage 3 — Encourages the creation of a community of practice to share achievements and challenges, and to build institutional capacity.

Stage 4 — Involves an extended cultural immersion program consisting of on Country learning experiences with Bathurst Wiradyuri Elders. This engagement is an ongoing process that feeds directly into law curriculum design, development and delivery. This same program is embedded into curriculum and is a compulsory component of the Community Law third-year capstone subject.⁴⁵

This distinct course design combined with culturally competent educators provide CSU law students with a range of worldviews where cultural and societal difference can be discussed, explored and

⁴⁴ Amy Maguire and Tamara Young, ‘Indigenisation of Curricula: Current Teaching Practices in Law’ (2015) 25 *Legal Education Review* 95, 114.

⁴⁵ Greg Auhl et al, ‘Building Indigenously Culturally Competent Teacher Education Programs’ in Paul Whitinui, Maria Del Carmen Rodriguez de France and Onowa McIvor (eds), *Promising Practices in Indigenous Teacher Education* (Springer, 2018) 41, 56.

analysed. Hardy and Tolhurst,⁴⁶ Lambe,⁴⁷ and Thaman⁴⁸ all argue that the formation of a space to debate cultural difference, enables students to challenge existing societal paradigms and is an important means to support social tolerance and acceptance. Direct engagement with local Indigenous community members enables students to explore Indigenous worldviews and challenge preconceived notions of colonial thought and practices.⁴⁹ This is an important component in the decolonising process. The purpose of these interactions is for students to challenge their own cultural bias. Knowledge gained from place-based learning experiences assists students to build fundamental skills and understand how these skills can be applied when working directly with Indigenous communities and peoples. Regular interaction with the local Indigenous community enables students to build strong relationships with Indigenous people throughout their law degree, consequently students feel more comfortable to ask questions to create open dialogue and explore cultural difference.⁵⁰ Thaman⁵¹ suggests that engagement with Indigenous ways of knowing empowers students to critically reflect on real world situations while working alongside Indigenous people to inform their cultural competency and future professional practice.

V PLACE-BASED LEARNING INITIATIVES

Place-based learning is recognised as a constructive framework to engage with local Indigenous people to learn about traditional customs and to explore multiple knowledge systems.⁵² Arturo Escobar raises a significant argument for the use of 'place' as an educative mechanism to understand concepts such as diverse ways of knowing and being. This is seen as a critical component in understanding the contemporary setting of individuals, especially those who have suffered trauma and oppression.⁵³ In Australia it is recognised that 'place' for Indigenous peoples has been disrupted, displaced and in many cases detached by practices of colonialism. Therefore, to provide this form of learning enables students to explore localised personal narratives to gain different perspectives of cultural, social, economic and political factors

⁴⁶ Catherine Hardy and Denise Tolhurst, 'Epistemological Beliefs and Cultural Diversity Matters in Management Education and Learning: A Critical Review and Future Directions' (2014) 13 *Academy of Management Learning and Education* 265.

⁴⁷ Lambe, above n 37.

⁴⁸ Thaman, above n 22.

⁴⁹ Larissa Behrendt, *Achieving Social Justice: Indigenous Rights and Australia's Future* (Federation Press, 2003).

⁵⁰ Huia Woods, 'Indigenous Space in Institutions: Frameworks Around Māori Legal Academics at Waikato' (2008) 2 (8) *MAI Review* 2.

⁵¹ Thaman, above n 22.

⁵² Geoff Webber, *Intricate Waters: A Critical Literature Review of Place-Based Education* (MEd Thesis, University of Saskatchewan, 2017).

⁵³ Arturo Escobar, 'Culture Sits in Places: Reflections on Globalism and Subaltern Strategies of Localization' (2001) 20 *Political Geography* 139.

that affect the everyday lives of Indigenous people.⁵⁴ This also provides students with a wider worldview of Indigenous community need.

Oral traditions such as storytelling are considered a rich foundation for information sharing. Constructivist approaches in the storytelling process involve collaboration between the source of knowledge and the learner and provide a creative learning environment through a cultural framework.⁵⁵ This form of knowledge construct comes from a place of respect and places community Elders as the gatekeepers of cultural knowledge as people of lore, medicine, business, education and ceremony.⁵⁶ Sacred knowledge has been passed down through ancestors to govern the physical, human and sacred worlds and provide structure for a collective society.⁵⁷ Leonard and Mercier,⁵⁸ Cajete,⁵⁹ and Battiste⁶⁰ all suggest that collective knowledge over many generations has ensured that customary practices and traditions have been predominantly preserved. However, Indigenous knowledge systems are not homogenous and therefore traditional teachings need to be defined by individual communities and their members.

Developing place-based learning initiatives alongside the Bathurst Wiradyuri Elders has resulted in the authentic inclusion of Indigenous knowledge and protocols throughout the CSU Bachelor of Laws.⁶¹ This collaborative partnership highlights to law students the importance and significance of working collectively with Indigenous community members to develop positive outcomes. The CSU Centre for Law and Justice embed cultural protocols learned through the Wiradyuri partnership process as a part of the centre's core learning and teaching, thus creating a link between theory and practice to highlight the importance of Indigenous protocols in the partnership process.⁶² This assists law students to observe the appropriate cultural protocols and learn continually about the lore that governs Indigenous societies throughout their law degree. This place-based learning takes place through various learning and teaching strategies which include direct teaching, workshops, question and answer panel sessions and cultural immersion opportunities with Indigenous Elders and Indigenous academics. The content of this teaching covers Indigenous legal issues that affect the rights and actions of Indigenous people and

⁵⁴ Thalia Anthony, 'Embedding Specific Graduate Attributes Within Subjects: Cultural Awareness and Indigenous Perspectives' in Sally Kift et al (eds), *Excellence and Innovation in Legal Education* (LexisNexis, 2011) 137.

⁵⁵ Angus H Macfarlane et al, 'Indigenous Epistemology in a National Curriculum Framework?' (2008) 8 *Ethnicities* 102.

⁵⁶ Peter McConchie (ed), *Elders: Wisdom from Australia's Indigenous Leaders* (Cambridge University Press, 2003).

⁵⁷ Jo-Ann Archibald, *Indigenous Storywork: Educating the Heart, Mind, Body, and Spirit* (UBC Press, 2008).

⁵⁸ Beth Leonard and Ocean Mercier, 'Shaping Indigenous Spaces in Higher Education: An International Virtual Exchange on Indigenous Knowledge (Alaska and Aotearoa)' (2014) 37(1) *Canadian Journal of Native Education* 218.

⁵⁹ Gregory A Cajete, 'American Indian Epistemologies' (2005) 109 *New Directions for Student Services* 69.

⁶⁰ Battiste, above n 34.

⁶¹ Gainsford and Evans, above n 16.

⁶² Maguire and Young, above n 44, 114.

communities.⁶³ The similarities between the CSU Program and the earlier literature from Maguire and Young identify that indigenising tertiary education curricula has multiple motivations and benefits.⁶⁴ More specifically for this program these benefits include, at a local level, that law students are able to learn directly about Indigenous legal issues relating to the protection of sacred sites, native title, Wiradyuri customary lore systems and the impacts that past and present laws and the legal system continue to have on Indigenous peoples and communities.

The direct place-based learning from local Wiradyuri Elders is supplemented by team teaching lectures delivered by Indigenous and non-Indigenous academics with local Indigenous Elders. This two-way learning challenges the contention regarding Indigenous content being solely delivered by non-Indigenous academics.⁶⁵ The team teaching environment emphasises the importance of Indigenous perspectives on law concepts and practices and enables students to explore the interface between Western and Indigenous law.⁶⁶ This practice is seen as a valuable element in strengthening students' knowledge of customary lore and challenging their worldview of historical and contemporary law practices at a local, national and international level.⁶⁷ These collaborative work practices reinforce the benefit and value to law students that knowledge of local cultural customs and practices is important to their cultural competency and future professional practice. Engaging in a respectful and appropriate manner with local Indigenous people is an important skill when working with Indigenous communities.⁶⁸ This collaborative process is supported as a way to engage local Indigenous people across other locations as each nation group will have identified Elders who are authorised to speak about their local cultural practices and community need. This process also helps build supportive and informed practices for law students to consider how engagement and collaboration with Indigenous communities can be driven from foundations of dialogue to explore cultural and social difference. It also builds informative knowledge in relation to social tolerance and challenges the intersection between Indigenous and Western law systems.

VI ON COUNTRY CULTURAL IMMERSION PROGRAM

Building strong community partnerships with Bathurst Wiradyuri Elders has enabled CSU to imbed a cultural immersion program into one of the LLB's capstone subjects. This immersion enables law

⁶³ Davis, above n 27, 11.

⁶⁴ Maguire and Young, above n 44, 108.

⁶⁵ John Maynard, "'Light in the Darkness': Elizabeth McKenzie Hatton" in Anna Cole, Victoria Haskins and Fiona Paisley (eds), *Uncommon Ground: White Women in Aboriginal History* (Aboriginal Studies Press, 2005) 3.

⁶⁶ Ermine, above n 21, 200.

⁶⁷ Jones, above n 15.

⁶⁸ Julie Cassidy, 'The Classroom "In Country": Experiential Learning of Indigenous Legal Studies' (2012) 4 *Ngiya: Talk the Law* 79.

students to participate in an on Country experience to connect with local Wiradyuri Elders, local histories, ceremonies, and traditions, and to interact with the local Indigenous community about how the legal system impacts on individual and collective rights. The cultural immersion experience enables Wiradyuri Elders to express their own viewpoint about how historical and contemporary policies have affected them as individuals and collectively as a nation group. This learning experience is connected directly to law curriculum outcomes while providing an Indigenous perspective of the law. Through this immersion experience students gain invaluable education into Indigenous customary lore practices and the strength of Indigenous knowledge systems. Direct engagement with local Wiradyuri Elders provides key knowledge and communication skills that can be applied directly to professional practice. The students are required to analyse how their experience links with aspects of Indigenous perspectives that have been embedded according to the pedagogical framework across the course.⁶⁹ The cultural immersion experience and other research-based assessments are placed strategically across the course to link with the *CSU Indigenous Graduate Learning Outcomes*⁷⁰ and the *Guidelines for Ethical Research in Indigenous Studies*.⁷¹

Through place-based learning experiences and the cultural immersion program students are able to build reciprocal relationships with Wiradyuri Elders and the wider Indigenous community. This is seen as a vital component in the development of trust between the two parties.⁷² These key relationships assist students to reflect on their own cultural biases and to challenge previously held stereotypes.⁷³ This in turn, influences professional practices through engagement and shared dialogue informing students of real world Indigenous viewpoints.⁷⁴ Nakata⁷⁵ suggests that Australian Indigenous studies in the academy today is cross-disciplinary and asserts that Indigenous knowledges can be positioned to explore legal education concepts and provide crucial contemporary debate about Indigenous community need. Building robust community partnerships with the local Wiradyuri community not only provides law students with a dedicated place-based learning experience but also effectively endorses a discipline specific two-way

⁶⁹ Ranzijn, McConnochie and Nolan, above n 6.

⁷⁰ Charles Sturt University, above n 7.

⁷¹ Australian Institute of Aboriginal and Torres Strait Islander Studies, *Guidelines for Ethical Research in Indigenous Studies* (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2nd ed, 2012).

⁷² Sandy O'Sullivan, 'Reversing the Gaze: Considering Indigenous Perspectives on Museums, Cultural Representation and the Equivocal Digital Remnant' in Lyndon Ormond-Parker et al (eds), *Information Technology and Indigenous Communities* (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2013) 139.

⁷³ Kristen Jacklin, Roger Strasser and Ian Peltier, 'From the Community to the Classroom: The Aboriginal Health Curriculum at the Northern Ontario School of Medicine' (2014) 19 *Canadian Journal of Rural Medicine* 143.

⁷⁴ Sandra Styres et al, 'Walking in Two Worlds: Engaging the Space Between Indigenous Community and Academia' (2010) 33 *Canadian Journal of Education* 617.

⁷⁵ Nakata, above n 32.

learning approach.⁷⁶ Nakata, Nakata and Chin⁷⁷ acknowledge that a two-way learning processes that embed Indigenous knowledges in higher education better meets the educational needs of Indigenous students and promotes the relevance of community perspectives in higher education learning.

Determining the impact of embedding place-based knowledges in the CSU law degree is in the early stage. However, success at this point is measured by robust authentic relationships with the local Wiradyuri Elders and community, and the Centre for Law and Justice's ability to respond to guidance and input from successful community partnerships in relation to embedding place-based Indigenous knowledges into the law curriculum. Further research currently being undertaken as part of this project will capture qualitative data from law academics, Indigenous Elders/community and law students on how the embedding of Indigenous knowledges and place-based knowledges in the higher education curriculum is influencing law education in Australia.

VII CONCLUSION

Place-based Indigenous education is an innovative curriculum design that spreads the responsibility for engagement with Indigenous people and culture across the law faculty not leaving the responsibility for indigenising the law curriculum exclusively to Indigenous academics.⁷⁸ The Centre for Law and Justice, through a strong commitment to social justice and the teaching of Indigenous cultural competency, provides law students with authentic place-based learning opportunities. This initiative is forming new pathways and partnerships where local Wiradyuri people work collaboratively with law academics and law students for dual outcomes. Consequently, this collaborative work has promoted Indigenous research agendas that closely align with Indigenous law perspectives for both academics and students, therefore supporting Smith's stance that academic institutions need to firmly align with Indigenous communities for the purpose and accountability of Indigenous research.⁷⁹ All academics associated with the CSU LLB work collaboratively in the constant reflection of course content and in strengthening and maintaining important community partnerships with Bathurst Wiradyuri Elders and the wider Indigenous community. Connecting with the local Wiradyuri Elders and people has given the CSU Centre for Law and Justice a significant advantage in exposure to wider Indigenous organisations and Indigenous industry experts. These connections are supported and endorsed by the Bathurst Wiradyuri Elders who have validated the cultural integrity of the academics within the CSU Centre for Law and Justice and the value of the work that they are undertaking. Acknowledging that authentic dialogue and the

⁷⁶ Kapyrka and Dockstator, above n 41.

⁷⁷ Nakata, Nakata and Chin, above n 33.

⁷⁸ Anthony, above n 54.

⁷⁹ Smith, above n 31.

formation of place-based community partnerships can inform the ongoing cultural competency journey for academics and law students.

Place-based learning opportunities provide the CSU LLB academics and law students with an environment in which they can explore contrasting worldviews with the local Indigenous community in a culturally safe space, therefore changing the traditional delivery of law education.⁸⁰ Douglas's research argues that law schools need to modify their teaching environment to provide a safe learning spaces for Indigenous students as the whiteness of the law school, by its very nature, excluded Indigenous students.⁸¹ The place-based learning environment is underpinned by shared dialogue bound by Indigenous cultural protocols and practices, enabling the exploration of both Indigenous and Western law, thus providing culturally safe places for Indigenous and non-Indigenous students to explore legal concepts relating to Indigenous peoples and communities. The place-based learning environment strongly influencing student and academic cultural competency and strengthening cross-cultural capabilities. However, it is recognised by Ermine⁸² and Kirkness and Barnhardt⁸³ that the development of ethical and sustained community partnerships with Indigenous peoples needs to be approached with authentic intention that takes into consideration the diversity and difference of languages, values, social, economic and political difference and how these impact on true collaboration. It is acknowledged that collaborations must be developed entirely free from power constructs where all people Indigenous and non-Indigenous, academics and non-academics, come to the table as equals. Along with equal voice for participants, there must also be equal recognition of Indigenous and Western jurisprudence only then will this space be considered ethical.⁸⁴ Consequently, creating a genuine space for collaboration between Indigenous communities and academia.

⁸⁰ Heather Douglas, 'Indigenous Legal Education: Towards Indigenisation' (2005) 6(8) *Indigenous Law Bulletin* 12.

⁸¹ *Ibid* 14.

⁸² Ermine, above n 21.

⁸³ Kirkness and Barnhardt, above n 36.

⁸⁴ Ermine, above n 21.