



Teachers Notes

Aboriginal Self Determination and Autonomy

These teacher's notes are developed to support the information and images contained on the slides titled Aboriginal Self-determination and Autonomy. This resource could be used within the Aboriginal Studies 7-10 Syllabus or History 7-10 Syllabus. The information in the document provides contextual/background knowledge that teachers may find useful when discussing the diversity of Aboriginal peoples, cultures and identities in the Inner West of Sydney and Australia.

By Janelle Scott & Deborah Lennis

Syllabus

Learning Areas/ Core Subjects

The new [Aboriginal Studies 7–10 Syllabus \(2024\)](#) is to be implemented from 2027. Detailed implementation information, including key features and resources, is available on the [HSIE syllabus development page](#).

ABORIGINAL STUDIES YEARS 7-10	HISTORY YEARS 7-10 (new syllabus)
Aboriginal Identities	The Era of Colonisation – Aboriginal Experience
Self-determination and Autonomy	The Making of the Modern World – Federation – WW2
Site- Studies (See wheel down the page)	The Modern World – Human Rights & Freedoms

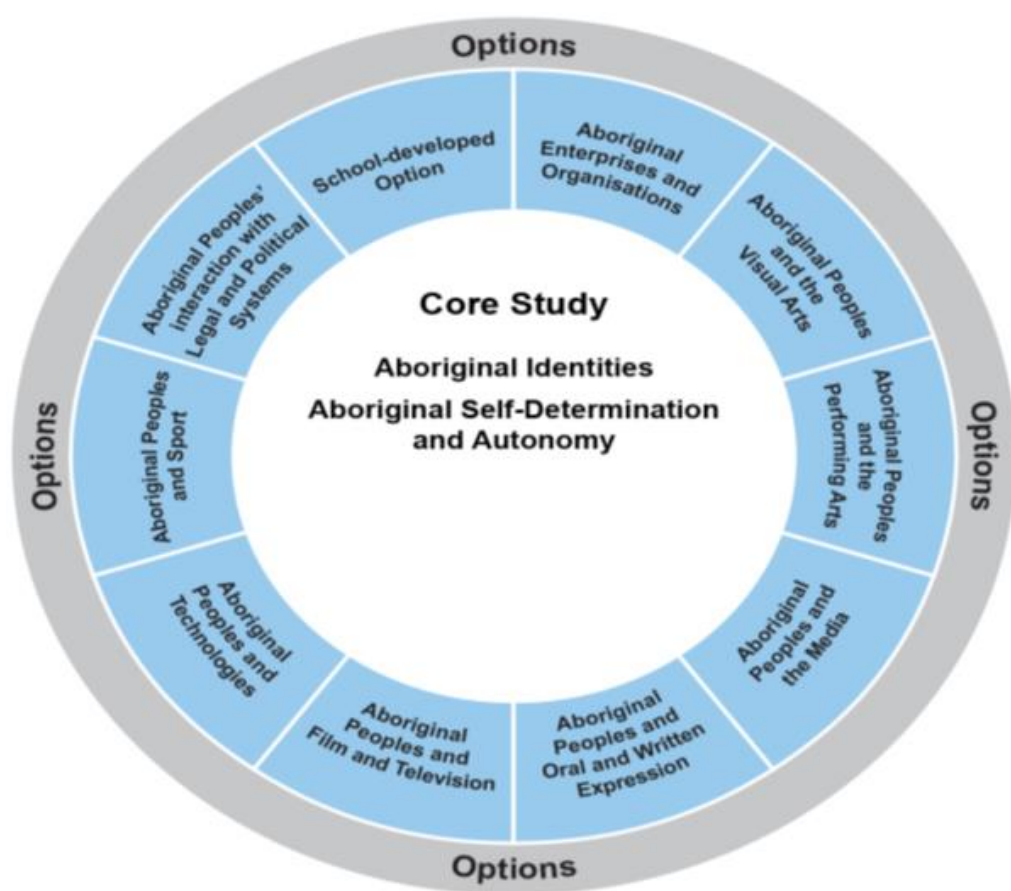
Aboriginal Studies can contribute to ethical and empathetic understandings that support students' personal social cultural academic and professional development. With this knowledge, students can become active and informed advocates for a just and inclusive world. <https://curriculum.nsw.edu.au>

PowerPoint Syllabus Outcomes: including life skills

AST4-CUL-01, AST5-CUL-01, ASTLS-IDE-01, ASTLS-IDE-02, AST4-FCA-01, AST5-FCA-01, ASTLS-CUL-01, ASTLS-FCA-01, AST\$-SAA-01, AST5-SAA-01, ASTLS-SAA-01, AST4-ROL-01, AST5-ROL-01, ASTLS-ROL-01, AST4-REL-01, AST5-REL-01, ASTLS-REL-01, ASTLS-REL-02, AST4-DAT-01, AST5-DAT-01, ASTLS-DAT-01, ASTLS-DAT-02, AST4-INF-01, AST5-INF-01, ASTLS-INF-01, ASTLS-INF-02

HI4-CON-01, HI5-CON-01, HILS-CON-01, HILS-CON-02, HILS-CON-03, HI4-SPE-01, HI5-SPE-01, HILS-SPE-01, HILS-SPE-02, HI4-CPP-01, HI5-CPP-01, HILS-CPP-01, HI4-IEP-01, HI5-IEP-01, HILS-IEP-01, HI4-APP-01, HI5-APP-01, HILS-EPC-01, HILS-EPC-02, HI4-SOU-01, HI5-SOU-01, HILS-SOU-01, HILS-SOU-02, HI4-COM-01, HI5COM-01, HILS-CIV-01

General capabilities	Cross-curriculum priorities	Other learning across the curriculum areas
Critical and creative thinking	Aboriginal and Torres Strait Islander histories and cultures	Civics and citizenship
Ethical understanding	Asia and Australia's engagement with Asia	Difference and diversity
Information and communication technology capability	Sustainability	Work and enterprise
Intercultural understanding		
Literacy		
Numeracy		
Personal and social capability		



- describes factors that contribute to an Aboriginal person's identity
- identifies Aboriginal Peoples' ways of maintaining and celebrating identity
- explains the diverse nature of Aboriginal Cultures across time and location
- explains the roles of families and Communities for Aboriginal Peoples
- accounts for the importance of self-determination and autonomy for Aboriginal Peoples
- explains the roles of Aboriginal Peoples locally, regionally, nationally or internationally
- describes factors that influence perceptions of Aboriginal Peoples and the range of relationships with non-Aboriginal people
- applies appropriate Community consultation protocols and ethical research practices to gather and protect data
- uses research methodologies and technologies to organise and share information and findings

Studying Aboriginal Studies 7–10 develops students' capacity to:

- develop respect for the Knowledges and Practices of Aboriginal Peoples
- apply Indigenous Cultural and Intellectual Property (ICIP) protocols
- understand the interconnectedness of Country, Culture and Community
- engage with local Aboriginal Community(ies) and Knowledge Holders
- learn about this country's rich Cultural heritage, equipping themselves with the depth of knowledge and understanding to respond to social issues
- develop respectful, inclusive and reciprocal relationships with Aboriginal Peoples and Communities
- apply ethical research and Community engagement practices
become active and informed advocates for a just and inclusive world.

Historical Overview

Both Aboriginal Studies and History syllabuses are/can align. The Aboriginal Studies content is prioritised and deeply valued, further aligning with the rationales of both syllabuses.

The Aboriginal Studies syllabus is designed to be inclusive of all students in NSW schools, and of value to Aboriginal and Torres Strait Islander students and non-Aboriginal students.

Aboriginal Studies supports the personal and Cultural wellbeing of Aboriginal students as they are empowered through the exploration and celebration of their Cultural and social heritage, continuity and resilience, and study of their local/regional Community(ies).

This unit of work will cover the Aboriginal Studies Years 7-10 Syllabus Core Subject: Self-determination and Autonomy, with a focus of government policies, racism and discrimination within Australia. This unit will also cover the Aboriginal experience in The Modern World (Human Rights & Freedoms) from the History Year 7-10 Syllabus.

This Unit of work is a 'Core Study' – starting around the 1960's as period of increasing awareness, social and political change both here in Australia and globally.

The focus of this Unit of work is around the social and political changes of 'The Modern World' and its effects and process on the Aboriginal and Torres Strait Islander peoples and communities around Australia. This allows student to gain an insight to Aboriginal struggle to achieve to Self-determination & Autonomy that the Inner West Aboriginal and Torres Strait Islander peoples and communities have today, and how that struggle continues for better outcomes for all Australians.

Slide 1: Protocols

Education policies in NSW consistently foreground the importance of observing appropriate protocols when working with Aboriginal peoples and communities as part of community engagement to establish and maintain respectful relationships (Board of Studies 2008). The NSW Education Standards Authority (NESA) made the statement below which we encourage you to read at the beginning of the slide presentation.

Protocols for collaborating with Aboriginal and Torres Strait Islander Communities and engaging with Cultural works

NESA is committed to working in partnership with Aboriginal Communities and supporting teachers, schools and schooling sectors to improve educational outcomes for young people.

It is important to respect appropriate ways of interacting with Aboriginal Communities and Cultural material when teachers plan, program and implement learning experiences that focus on Aboriginal and Torres Strait Islander Priorities.

Indigenous Cultural and Intellectual Property (ICIP) protocols need to be followed. Aboriginal and Torres Strait Islander Peoples' ICIP protocols include Cultural Knowledges, Cultural Expression and Cultural Property and documentation of Aboriginal and Torres Strait Islander Peoples' Identities and lived experiences. It is important to recognise the diversity and complexity of different Cultural groups in NSW, as protocols may differ between local Aboriginal Communities.

Teachers should work in partnership with Elders, parents, Community members, Cultural Knowledge Holders, or a local, regional or state Aboriginal Education Consultative Group. It is important to respect Elders and the roles of men and women. Local Aboriginal Peoples should be invited to share their Cultural Knowledges with students and staff when engaging with Aboriginal histories and Cultural Practices.

Slide 2 – Disclaimer

Aboriginal and Torres Strait Islander peoples are advised this PowerPoint may contain names, works and images of Aboriginal peoples who are deceased.

SLIDE 3 – Aboriginal Self-Determination and Autonomy – The Modern World

1960's is a period of increasing awareness, social and political change both here in Australia and globally.

SLIDE 4– 1965 Freedom Rides

Australia had increasing awareness of the terrible conditions in which many Aboriginal people live, especially around the edges of country towns, and the discrimination that these people suffered.

Globally it is a time of great social and political change, which includes a highly divisive war in Vietnam and increasing protests, against systemic racism, particularly in the United States of America. This emergence of the American civil rights movement and civil rights leaders such as Dr Martin Luther King Jr influence Australia and provide a model for improved Aboriginal and Torres Strait Islander rights.

A group of University of Sydney students had formed into a body called Student Action for Aborigines (SAFA) in 1964, to plan a trip and ensure media coverage. Charles Perkins, an Arrernte and Kalkadoon man born in Alice Springs, who was a third-year arts student at the university, was elected president of SAFA.

February 1965 the 'Student Action for Aborigines', led by Charles Perkins and Jim Spigelman, organised the bus tour (Freedom Rides) which covered the western and coastal towns in New South Wales.

Their purpose was threefold.

- The students planned to draw public attention to the poor state of Aboriginal health, education and housing.
- They hoped to point out and help to lessen the socially discriminatory barriers which existed between Aboriginal and white residents.
- They also wished to encourage and support Aboriginal people themselves to resist discrimination.

The Freedom Ride, visited 11 towns in 15 days (map of the places visited by the Freedom Rides).

Saturday 12 February
Sydney: Gadigal

Sunday 13 February
Wellington: Wiradjuri

Monday 14 February
Gulargambone:
Wayilwan

Tuesday 15 February Walgett: Wayilwan and Gamilaraay	Saturday 19 & Sunday 20 February Moree: Gamilaraay	Wednesday 23 February Bowraville:
Wednesday 16 February Moree: Gamilaraay	Monday 21 February Grafton: Bundjalung and Gumbaynggir	Gumbaynggir Thursday 24 February Kempsey: Dhanggati
Thursday 17 February Boggabilla: Bigambul and Gamilaraay	Tuesday 22 February Lismore and Cabbage Tree Island:	Friday 25 February Taree: Birpai
Friday 18 February Tenterfield: Marbal	Bundjalung	Saturday 26 February Sydney: Gadigal

Students were shocked at the living conditions which Aboriginal people endured outside the towns. In the towns Aboriginal people were routinely barred from clubs, swimming pools and cafes. They were frequently refused service in shops and refused drinks in hotels. The students demonstrated against racial discrimination practised at the Walgett Returned Services League.

“All the members of the RSL had to pass right past us and they read the banners. They either laughed at us or spat at us or on the banners. Some of them got banners and tore them up. Some of the local smarties wanted to bash a few of us up. They said, ‘You’re stirring up trouble. The dirty niggers don’t deserve any better and they are happy how they are’.” – Charles Perkins <https://www.perkinsforfreedom.weebly.com/freedom-rides.html>

The students also protested at the Moree Baths, the Kempsey Baths and the Bowraville cinema. They not only challenged these practices, but they ensured that their protests were covered by the media, bringing the issue of racial discrimination to national and international press attention and stirring public debate about the disadvantage and racism facing Aboriginal people across Australia at the time.

“Angry discussion broke out everywhere. I have never met such hostile, hate-filled people. The hostility seemed to be directed at us as university student intruders rather than to the Aborigines.” – Ann Curthoys

SLIDE 5 – 1966 Gurindji Strike – Wave Hill Station NT

The Gurindji people had lived on their homelands in what is now the Victoria River area of the Northern Territory for tens of thousands of years. In 1883 the colonial government granted almost 3,000 square kilometres of their country to the explorer and pastoralist Nathaniel Buchanan. The Gurindji would have had no appreciation that someone from outside their community 'owned' part of their country.

In 1884, 1,000 cattle were moved onto the land and 10 years later there were 15,000 cattle and 8,000 bullocks. This put incredible pressure on the environment, and the system of land management the Gurindji had developed over many millennia started to break down. This pattern was repeated across Australia as pastoralists took possession of First Nations lands and stocked them with cattle and sheep.

Traditional ways of life came under intense pressure in this clash between Western and First Nations land usage. First Nations peoples generally wanted to stay on their land; their lives were so connected to the environment there was an existential need for them to remain on Country. This necessity to stay played into the hands of pastoralists as the cattle and sheep stations required cheap labour, and over the next 70 years First Nations peoples became an intrinsic but exploited part of the cattle industry across Northern Australia.

From 1913 legislation required that in return for their work, First Nations peoples in the Northern Territory should receive food, clothes, tea and tobacco.

The Buchanan family had sold what was then called Wave Hill station to the international (British) meat-packing company Vestey Brothers in 1914.

In 1953 all First Nations peoples in the Northern Territory were made wards of the state and in 1959 the Wards Employment Regulations set out a scale of wages, rations and conditions applicable to wards employed in various industries. However, the ward rates were up to 50 per cent lower than those of Europeans employed in similar occupations, however, some companies even refused to pay their First Nations labourers anything.

In 1965 the North Australian Workers Union, under pressure from the Northern Territory Council for Aboriginal Rights, applied to the Commonwealth Conciliation and Arbitration Commission to delete references in the Northern Territory's pastoral award that discriminated against First Nations workers. Pastoralists met this proposal with stiff opposition and argued that any increase in wages should be gradual as this would help First Nations peoples to 'adjust'. The commission agreed to increase wages but deferred implementation of its ruling by three years, a process that saved pastoralists an estimated \$6 million.

At Wave Hill station, the deferment of the commission's ruling about paying wages and the refusal of the Vestey Brothers to pay First Nations workers' wages led to heated discussions.

Through 1966 no progress was made in negotiations and the Gurindji community led by Vincent Lingiari walked off the station on 23 August.

Vincent Lingiari, 1966:

"I bin thinkin' this bin Gurindji country. We bin here longa time before them Vestey mob."

Consultations went on through the rest of the year amongst the Gurindji, members of the North Australian Workers Union and the Northern Territory Council for Aboriginal Rights, but no agreement was reached, and the Aboriginal workers did not return to work.

In April 1967 the Gurindji moved their camp 20 kilometres to Daguragu (Wattie Creek). This was a symbolic shift away from the cattle station and closer to the community's sacred sites. The change demonstrated a fundamental

difference between the view of the Gurindji and that of their white supporters on the purpose of the strike. The Gurindji were focused on reclaiming their land while the unionists believed the dispute was solely about wages and work conditions.

Shortly afterwards the Gurindji drafted a petition to Governor-General Lord Casey asking him to grant a lease of 1,300 square kilometres around Daguragu to be run cooperatively by them as a mining and cattle lease. A key statement in the document was, 'We feel that morally the land is ours and should be returned to us'. In June 1967 the Governor-General replied that he was unwilling to grant the lease.

The Gurindji stayed on at Daguragu even though under Australian law they were illegally occupying a portion of the 15,000 square kilometres leased to Vestey Brothers. Over the following years petitions and requests moved back and forth between the Gurindji, the Northern Territory Administration and the Australian Government in Canberra but nothing was resolved. Negotiations with the station owners, the international food company Vestey Brothers, broke down, leading to a nine-year dispute. In March 1973 the original Wave Hill lease was surrendered, and two new leases were issued: one to the Traditional Custodians through their Murramulla Gurindji Company and another to Vestey Brothers.

In August 1975 Prime Minister Whitlam came to Daguragu and ceremonially returned a small portion of Gurindji land to the traditional owners by pouring a handful of soil into Vincent Lingiari's hand with the words, 'Vincent Lingiari, I solemnly hand to you these deeds as proof, in Australian law, that these lands belong to the Gurindji people'. PM Whitlam

The Gurindji strike was instrumental in heightening the understanding of First Nations land ownership in Australia and was a catalyst for the passing of the *Aboriginal Land Rights (Northern Territory) Act 1976*, the first legislation allowing for a claim of title if the First Nations claimants could provide evidence for their traditional relationship to the land.

In September 2020 the Gurindji claim for native title to Wave Hill station was granted, 54 years after the walk-off that helped to spark Australia's First Nations land rights movement. <https://www.naa.gov.au/explore-collection/first-australians/other-resources-about-first-australians/wave-hill-walkout>

Records held relating to the Wave Hill 'walk-off'

The National Archives holds many records relating to the Wave Hill 'walk-off', including paper files, photographs and film. Most of the records are held in Canberra or Darwin.

You can identify more records by conducting searches using [RecordSearch](#). Use search terms such as 'wattie creek', 'wave hill', 'gurindji', and 'lingiari'.

Slide 6– 1967 Referendum

Aboriginal and Torres Strait Islander peoples have always protested and fought against injustices. There was no single moment that sparked the 1967 Referendum, more a growing swell of support for change led by a range of people and organisations.

In the late 1950s, changes in other countries toward equality and civil rights focused public attention on the injustices faced by Aboriginal and Torres Strait Islander peoples. Targeted and effective campaigns were run by organisations like the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), the Australian Aborigines League, the Aboriginal-Australian Fellowship, and the Aborigines Progressive Association for close to a decade.

When the Constitution first came into being in 1901 there were only two parts that referred to the First Peoples of Australia:

Section 51 (xxvi) gave the Commonwealth power to make laws with respect to 'people of any race, other than the Aboriginal race in any state, for whom it was deemed necessary to make special laws'; and

Section 127 provided that ‘in reckoning the numbers of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted’.

This meant that Aboriginal and Torres Strait Islander people weren’t recognised as part of the Australian population, so therefore Aboriginal and Torres Strait Islander peoples did not have the same rights as other Australians under the Australian Constitution.

Many aspects of their lives were controlled by the various state governments, including the right to:

- Vote in state elections
- Marry whomever they chose
- Move to wherever they chose
- Own property wherever they chose
- Be the legal guardian of their own children
- Receive the same pay for the same work
- Drink alcohol.

This was due to the State Governments made these laws particular to their own states. If an Aboriginal or Torres Strait Islander person lived in New South Wales, he or she had the right to do some of the things listed above. If the same person lived in Queensland, they had none of these rights.

While Aboriginal and Torres Strait Islander peoples had the right to vote before 1901, it was taken away or limited when the Australian Constitution was enacted. All Aboriginal and Torres Strait Islander peoples finally gained the right to vote in Federal elections in 1962, and in all State elections by 1965 (Queensland was the last state to give the right to vote).

On 27 May 1967, the Australian Government held a referendum in which 90.77 per cent of Australian voters chose ‘Yes’ to count Aboriginal and Torres Strait Islander peoples in the census and give the Australian Government the power to make laws for Aboriginal and Torres Strait Islander peoples.

What changed after the 1967 referendum?

The referendum result allowed the Australian Government to change the Constitution so it could be involved in the affairs of Aboriginal and Torres Strait Islander peoples. This meant the government could make specific laws that applied to Aboriginal and Torres Strait Islander peoples that could assist in addressing inequalities.

Thousands of people worked on the campaign and achieving the 'yes' was a huge victory, signalling a change in the mindset of Australia's majority. It opened the door to First Nations Australian agency, bringing to light many strong leaders and organisations, and the expectation that things could be different. Change was possible, and they were willing to fight for it. In many ways, that fight continues today. <https://www.reconciliation.org.au/2023/05>

Slide 7 –1972 Land Rights Movement – Tent Embassy

Aboriginal and Torres Strait Islander peoples have been fighting to retain the rights to their Traditional lands since British colonisation of the Australian continent.

The 1960s and 70s was a period of greater National and International awareness of Aboriginal activism, with significant actions taken by groups in the land rights struggle.

- 1963, after traditional lands of the Yolŋu in Arnhem Land were sold without consultation to bauxite mining company Nabalco, traditional owners made several attempts to have the land returned. This included the Yirrkala bark petitions sent to Federal Parliament.
- 1966, about 200 Gurindji stockmen, domestic workers and their families walked off Wave Hill Station, beginning a strike that would last 9 years. Lobbying the Northern Territory and Australian governments for equal pay and conditions, as well as land ownership, the Gurindji people brought these issues firmly into the public eye.
- 1967 referendum also provided more momentum to the land rights struggle by raising the profile of First Nations issues with the wider Australian public.

- 1971 *Milirrpum v Nabalco* Northern Territory Supreme Court case further highlighted the issue of land rights. When Justice Blackburn ruled against the Yolngu on the grounds that native title was not part of Australian law, First Nations communities across Australia were outraged.

On the eve of Australia Day 1972, Prime Minister William McMahon announced the implementation of a new system that rejected granting independent ownership of Traditional land to Aboriginal peoples in favour of 50-year general purpose leases. These leases required Aboriginal communities to demonstrate a social and economic use for the land and excluded any mineral and forest rights.

After the ongoing disappointments of the land rights struggle, this announcement sparked action among many Aboriginal & Torres Strait Islander groups and directly contributed to the founding of the Tent Embassy.

After the McMahon government's announcement, many protesters sprang into action, including a group from Redfern in Sydney. Four members of this group – Michael Anderson, Billy Craigie, Bertie Williams and Tony Coorey – drove to Canberra and set up a beach umbrella on the lawns opposite (what is now Old) Parliament House. Labelled the 'Aboriginal Embassy', the sit-in protest was a symbolic response to Mr McMahon's statement. Aboriginal activist Gary Foley remarked, "*the announcement positioned Aboriginal peoples as, 'aliens in our own land, so like other aliens, we needed an embassy'*".

On 6 February 1972 the embassy issued a list of demands to the Australian Government. The list focused on land rights issues and demanded:

1. Complete rights to the Northern Territory as a state within Australia and the installation of a primarily Aboriginal State Parliament. These rights would include all mining rights to the land.
2. Ownership and mining rights of all other Aboriginal reserve lands in Australia.
3. The preservation of all sacred sites in Australia.
4. Ownership of areas in major cities, including the mining rights.

5. Compensation for lands that were not able to be returned starting with \$6 billion and including a percentage of the gross national income every year.

A visit from Opposition Leader Gough Whitlam to discuss the five-point plan was seen by activists as a great success in gaining recognition for their cause and having their ideas heard by those in positions of power.

Rapidly gathering support, the embassy grew by April 1972 to include at least six tents. It attracted both Indigenous and non-Indigenous people from across the country, who joined in solidarity over the land rights movement.

Support shown by official representatives from Aboriginal and Torres Strait Islander groups, as well as diplomats from countries including Canada and Russia, helped bolster the profile of the embassy. Canberra's student population were also strong supporters of the embassy. Some Australian National University students joined the protest crowd and helped billet protesters.

While the embassy enjoyed support, it also faced a large contingent of politicians and members of the public who believed the protesters were trespassing and the tents were an eyesore.

Gaining media attention across Australia and internationally, the embassy became a centre for protest. Groups from the embassy went on protest marches, lobbied government representatives and spoke at community forums to continue to raise the issue of land rights in broader public settings. Well-known Aboriginal activists including Gary Foley, John Newfong, Chicka Dixon and Gordon Briscoe spent time at the site.

Between 1972 and 1992 the Aboriginal Tent Embassy was set up at various places across Canberra, including Capital Hill, where Australia's new Parliament House opened in 1988.

Protesters encouraged action on land rights and other Aboriginal issues including funding, political representation, self-determination and sovereignty.

In 1992 on the 20th anniversary of the original protests, the Aboriginal Tent Embassy was permanently re-established on its original site on the lawns outside Old Parliament House.

Protesters once again sought to raise the profile of First Nations issues, fearing those in power were again forgetting the rights of First Nations people.

In 1995 the Aboriginal Tent Embassy was listed on the Register of the National Estate; the only site on the Register noted as important due to its political significance to Indigenous Australians. Since the permanent re-establishment, protests have been held at the embassy highlighting issues including Aboriginal deaths in custody, the Howard government's Northern Territory Intervention in 2007, and funding cuts to essential First Nations services.

The embassy remains controversial. Many people have challenged its validity, and several arson attacks have damaged buildings within the camp.

The Aboriginal Tent Embassy is a symbol of Aboriginal protest, against successive governments and their approach to Aboriginal and Torres Strait Islander issues. The most prominent issue being publicised by the embassy continues to be sovereignty over the Australian continent and an acknowledgement of the rights of Aboriginal and Torres Strait Islander peoples to self-determination.

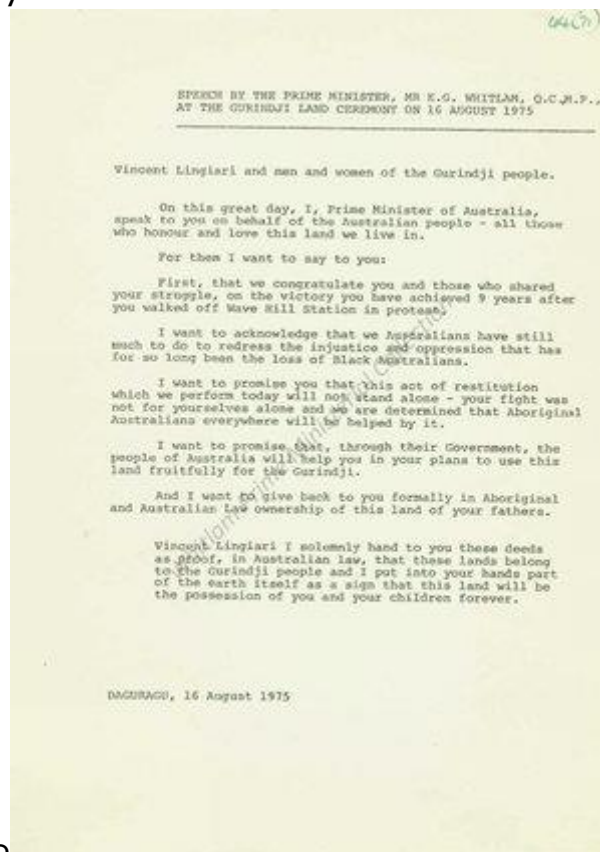
SLIDE 8– 1975/6 Land Right Act

Whitlam's 1972 election campaign speech was clear on the need to accord Aboriginal and Torres Strait Islander peoples the rights, justice and opportunities that had been denied to them for so long.

He articulated a commitment to 'legislate to give Aborigines land rights – not just because their case is beyond argument, but because all of us as Australians are diminished while the Aborigines are denied their rightful place in this nation'. He argued that Australians 'ought to be

angry – with an unrelenting anger – that our Aborigines have the world's highest infant mortality rate.' Indigenous Affairs was therefore the policy area in which the Whitlam Government effected some of its most transformational change.

Under the Whitlam Government, a policy of 'self determination' was adopted, whereby the Commonwealth would support decision-making by Aboriginal and Torres Strait Islander peoples themselves and relinquish the paternalistic control that previous governments had wielded over the lives of Aboriginal and Torres Strait Islander peoples. The Whitlam Government sought to empower Aboriginal and Torres Strait Islander peoples to claim back the land to which they were entitled, to allow them more input into policymaking, and to abolish discriminatory practices that limited their freedoms and opportunities. Many of these reforms initiated by the Whitlam Government were continued by the Fraser Government.



[View fullsize](#)

Gough Whitlam's Speech, returning traditional lands in the Northern Territory to the Gurindji people

Return of the Gurindji people's land

On August 16, 1975, Gough Whitlam returned Traditional lands in the Northern Territory to the Gurindji people. This brought an end to their long struggle to reclaim their Traditional Country. Since 1966, the Gurindji people had been on strike against Vestey's – the agricultural business occupying the land. Their protest was against the poor working conditions they suffered and the alienation of their land rights. Over the ensuing decade, the Gurindji people gained nation-wide attention and support for their campaign.

Once it came to power, the Whitlam Government purchased lands on behalf of the Gurindji people. The ceremony to officially hand back the land to the Gurindji people took place on August 16th, 1975 at Daguragu. Whitlam made a short speech before taking some sand and pouring it into the hands of Vincent Lingiari, the leader of the protest movement.

Whitlam's now famous gesture of pouring sand into Lingiari's hands was intended to symbolically reverse a similar act in 1834, when John Batman, the founder of Melbourne claimed land in that area from its Indigenous people, and an Aboriginal elder had poured earth from his land into Batman's hands. Whether Batman's 'treaty' was a fair exchange, or whether the Aboriginal people with whom it was negotiated were even properly informed of its meaning has been seriously questioned. Some historians have also argued that the signatures of the local Aboriginal people on the treaty were forged. Just as Batman's act was a symbol of the nearly two centuries of dispossession inflicted upon Australia's Indigenous people, Whitlam's act has become an iconic symbol of reconciliation and the achievements of the land rights movement.

Establishment of the Aboriginal Land Fund & Aboriginal Loans Commission
The Whitlam Government came to office at a time when Aboriginal and Torres Strait Islander peoples were only just beginning to access economic rights that had been denied to them for decades. Not only had Indigenous peoples been dispossessed of their land, but their economic rights, such as the right to apply for loans, were severely restricted. The withholding of these rights curtailed Aboriginal and Torres Strait Islander peoples' economic independence and agency.

The Aboriginal Loans Commission was created to empower Indigenous people to exercise more financial control over their lives by providing access to loans to establish businesses, to pay health and education expenses, and for the purchase of property with a view to home ownership. It was designed to support the economic independence of Indigenous people, and grant the access to the financial tools that had been withheld from them for decades.

In December 1974, the Whitlam Government created the Aboriginal Land Fund. Its purpose was to grant funding to Aboriginal and Torres Strait Islander organisations so that they could buy back traditional lands that were owned by private interests. The Land Fund funded the purchase of 59 properties for Aboriginal and Torres Strait Islander peoples.

Establishment of the National Aboriginal Consultative Committee

The Whitlam Government sought to improve dialogue between Indigenous communities and the government and seek their input into the formation of policies that affected them. To that end, it created the National Aboriginal Consultative Council, an elected body of 40 members who were to advise the Aboriginal Affairs Minister. Any person over 18 who identified as Aboriginal, and was recognised as Aboriginal by their community could vote in elections for the NACC. Although the Fraser Government later replaced this body with the National Aboriginal Conference, the National Aboriginal Consultative Committee was an important step in bringing Indigenous people closer to the policy-making process, and in improving the dialogue between Indigenous people and the Australian government.

Drafting of the Land Rights Act

The Whitlam Government drafted the first Commonwealth legislation to grant land rights to Aboriginal peoples. The Aboriginal Land (Northern Territory) Bill was introduced to parliament in October 1975, but the Whitlam Government was dismissed before the legislation could pass the Senate. However, the Fraser Government passed legislation based largely on the Whitlam Government's bill the next year.

The legislation allowed crown land to be granted to Aboriginal people in the Northern Territory if they could demonstrate their traditional connections to that land. Lands granted were to be held by Land Trusts as an inalienable freehold title.

The Land Rights Act also gave Indigenous communities the right to control mining exploration on Aboriginal lands and created an obligation for mining companies to consult with Indigenous people before beginning mineral exploration. The protection of Aboriginal sacred sites was also enforced by this legislation.

The December 1975 election brought the Malcolm Fraser led Coalition to power with a landslide victory. Fortunately, the new government had promised to continue the push for Aboriginal land rights.

In December 1976 the Aboriginal Land Rights (Northern Territory) Act was passed with historic bipartisan support. It was the first legislation that allowed for First Nations peoples to claim land title if traditional association could be proven.

Four land councils were established under the Act:

- the Central Land Council, responsible for the southern half of the Northern Territory
- the Northern Land Council, responsible for the northern half of the territory
- the Tiwi Land Council, responsible for Bathurst and Melville Islands
- the Anindilyakwa Land Council, responsible for Groote Eyland and Bickerton Island.

Currently, about 50 per cent of the Northern Territory and 85 per cent of its coastline is recognised as being owned by First Nations groups.

Anti-Discrimination Legislation

The Whitlam Government passed legislation that abolished discriminatory treatment of Aboriginal and Torres Strait Islander peoples. When the Queensland Government failed to amend or repeal laws that were discriminatory towards Indigenous peoples, the Whitlam Government passed legislation to override them. This legislation extinguished provisions that restricted the property rights of Aboriginal

people, allowed unequal legal representation of Aboriginal people, and allowed unfair working conditions and wages to be imposed on them.

The Whitlam Government also amended the *Migration Act* to abolish the provision which required Indigenous people to apply for special permission to leave Australia.

The *Racial Discrimination Act* passed by the Whitlam Government also ensured that Aboriginal people could not be discriminated against regarding their access to employment, their pay and working conditions, their equal treatment before the law, their access to housing and accommodation or their access to goods and services.

Funded Aboriginal Legal Services

Inadequate representation of Aboriginal and Torres Strait Islander peoples in the Australian legal system continued to be a barrier to their equality in society. In order to improve Aboriginal peoples' agency in legal processes, the Whitlam Government sought to offer improved legal support services.

Accordingly, significant funding was made available to legal aid and advice services with strong links to Indigenous communities. The government allocated \$7.8 million to the Aboriginal Legal Service for this purpose, and to assist it in opening branch offices around Australia that could offer free legal assistance to Aboriginal peoples, and to provide them with legal representation. <https://www.whitlam.org/whitlam-legacy-aboriginal-and-torres-strait-islander-peoples>

Slide 9 –1988 Australian Bicentenary / Justice, Freedom & Hope March

A bicentenary is the two-hundredth anniversary of a significant event. Planning began early 1986, for 1988 Bicentenary by the Australian and NSW governments planned a celebration of a settler's nation, under British rule.

On the 26th of January 1988, many Australians celebrated the bicentenary of the arrival of the 11 ships of the first fleet in Botany Bay and Sydney Cove on Bidjegal and Gadigal Country. This event signified the founding of the colony of New South Wales, the first colony in what would become the nation of Australia. Events held to celebrate this milestone in Sydney included re-enactments of the first fleet's arrival, a parade and concerts.

In August 1986, three Aboriginal organisations met at Tranby Aboriginal College 13 Mansfield St Glebe NSW 2037

- The Committee to Defend Black Rights,
- The Women Against Racism Group
- Tranby Aboriginal College
-

They circulated a leaflet asking: *The Bicentennial: What's there to Celebrate?*

Justice, Freedom & Hope March

At the same time as the Bicentenary celebrations, more than 40,000 Aboriginal people and non-Indigenous supporters, staged what was at the time the largest march ever held in Sydney. There were busloads of Aboriginal people from other states and rural and remote communities who arrived to join the protest.

The protest was held because the colonisation of Australia which caused injustice, suffering and dispossession of Aboriginal people was being celebrated.

The protesters marched through Sydney chanting for land rights – very similar to the Invasion Day protest Aboriginal & Torres Strait Islander peoples currently hold all over the country – and ended at Hyde Park where several prominent Aboriginal leaders and activists spoke. Among the speakers was activist Gary Foley, who said:

"Let's hope Bob Hawke and his Government gets this message loud and clear from all these people here today. It's so magnificent to see black and white Australians together in harmony. This is what Australia could and should be like."

The protest was a challenge to white Australia's construction of the landing of the first fleet and what it represented. It was a statement of survival, it

showed that despite Australian history excluding Aboriginal voices, we were still here and we would continue to fight for our rights.

While people were celebrating the colonisation of Australia, protesters drew both national and international attention to Australia's ongoing history of colonisation. It aimed to educate the public about the poor conditions of Aboriginal health, education and welfare, of the high imprisonment rates and the number of deaths in custody suffered by Aboriginal people.

Aboriginal people called on the Australian public to join the protest in solidarity and to make the point to the rest of Australia that the whole idea of the Bicentenary celebration was based on hypocrisy and lies. The message was and still is to this day 'White Australia has a Black History.'

The Bicentenary protest was carried out in the spirit of the Day of Mourning protest that took place in 1938, on the 150th anniversary of the landing of the first fleet. This legacy continues in the current marches and protests organised by Mob to fight for rights and justice.

The protest march was both a confirmation of our Mobs' survival and a reminder of the lies and misconceptions on which the celebration was based and supported. While the celebrations focused on the 'discovery' of Australia with a re-enactment of the arrival of the first fleet, the protest was a reminder that Australia had been inhabited at least 65,000 years before European invasion.

<https://www.deadlystory.com/page/culture/history/the-1988-bicentenary-protest>

Slide 10 –1992 Mabo Decision

Legal proceedings for the case began on 20 May 1982, when a group of four Meriam men, Eddie Koiki Mabo, Reverend David Passi, Sam Passi, James Rice and one Meriam women, Celuia Mapo Sale, brought an action against the State of Queensland and the Commonwealth of Australia, in the High Court, claiming 'native title' to the Murray Islands in the Torres Strait.

Eddie Koiki Mabo was the first named plaintiff and the case became known as the Mabo Case.

The Mabo Case challenged the existing Australian legal system from two perspectives:

- On the assumption that Aboriginal and Torres Strait Islander peoples had no concept of land ownership before the arrival of British colonisers in 1788 (*terra nullius*).
- That sovereignty delivered complete ownership of all land in the new Colony to the Crown, abolishing any existing rights that may have existed previously.

On 27 February 1986, the Chief Justice, Sir Harry Gibbs, sent the case to the Supreme Court of Queensland to hear and determine the facts of the claim. The Supreme Court judge hearing the case was Justice Moynihan. The hearing was adjourned when Eddie Mabo and the people of Mer brought a second case to the High Court challenging the constitutional validity of the *Queensland Coast Islands Declaratory Act 1985*.

The Queensland Parliament passed the *Queensland Coast Islands Declaratory Act 1985* in an attempt to pre-empt the Meriam peoples' case. The aim of the legislation was to retrospectively extinguish the claimed rights of the Meriam people to the Murray Islands.

As a result, the High Court had to consider whether the Queensland legislation was valid and effective. The High Court found the Queensland Coast Islands Declaratory Act to be invalid because it was in conflict with the *Racial Discrimination Act 1975*. This case became known as *Mabo v. Queensland (No. 1)* and the decision meant the original case could continue.

Justice Moynihan resumed the hearing of the facts in the case presented by Eddie Mabo and the people of Mer with sittings taking place on Murray Island as well as on the mainland.

'After some argument Moynihan J accepted the plaintiffs' request that the court should adjourn and reconvene on Murray Island for three days, to take evidence, particularly from 16 witnesses, mainly elderly and frail, and also to take a view of the claimed areas of

garden plots and adjacent seas... When opening proceedings on the Island on 23 May 1989, Moynihan J 'doubted [whether] the Court has ever sat further north or perhaps further east', and certainly never before on Murray Island. On 26–27 May 1989 the Court also sat in the Magistrates' Court of Thursday Island and heard five Islander witnesses. The visit, as Moynihan J noted in his opening statement, provided a better understanding of the evidence, and of island life. It also revealed the first opposition from some Islanders to the claims being made: two Islanders were called by Queensland during these sittings to oppose Eddie Mabo's claims.' – Brian Keon-Cohen, Barrister[i]

Justice Moynihan handed down his determination of facts on 16 November 1990, which meant the High Court could begin its hearing of the legal issues in the case. The case presented by Eddie Mabo and the people of Mer successfully proved that Meriam custom and laws are fundamental to their traditional system of ownership and underpin their traditional rights and obligations in relation to land.

In *Mabo v. Queensland (No. 2)*, judgments of the High Court inserted the legal doctrine of native title into Australian law. The High Court recognised the fact that Indigenous peoples had lived in Australia for thousands of years and enjoyed rights to their land according to their own laws and customs. They had been dispossessed of their lands piece by piece as the colony grew and that very dispossession underwrote the development of Australia as a nation.

The new doctrine of native title replaced a seventeenth century doctrine of terra nullius on which British claims to possession of Australia were justified on a wrongful legal presumption that Indigenous peoples had no settled law governing occupation and use of lands. In recognising that Indigenous peoples in Australia had prior rights to land, the Court held that these rights, where they exist today, will have the protection of the Australian law until those rights are legally extinguished.

Brian Keon Cohen recalls:

'I rang Murray Island – that is to say, I rang the phone box located, as readers will recall, outside the general store. The conversation went something like this:

"Hello, Bryan Keon-Cohen here, who's that?"

[Inaudible.]

"Do you remember Eddie Mabo's case, that court case about land?"

"Yes."

"Well, I'm ringing you from that Court in Canberra where those top judges are, you know, that High Court."

"Oh yes."

"Well, those judges, they told us their decision just now: Eddie won. You Murray Islanders have won that court case. You own the island under your laws and custom."

[Screams of what I took to be joy, laughter, yelling, much discussion in the background.]

"Hello! Hello! Is anyone there?" says I.

"Oh thank you, thank you, we are very happy, I have to go and tell my Mum. Goodbye."

"Bye. See ya."

– Brian Keon-Cohen[ii]

On 3 June 1992, six of the seven High Court judges upheld the claim and ruled that the lands of this continent were not terra nullius or 'land belonging to no-one' when European settlement occurred, and that the Meriam people were 'entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands'.

The Mabo Case and decision by the High Court of Australia was:

- Successful in overturning the myth that at the time of colonisation Australia was 'terra nullius' or land belonging to no one.
- a significant legal case in Australia that recognised the land rights of the Meriam people, traditional owners of the Murray Islands (which include the islands of Mer, Dauer and Waier) in the Torres Strait.

The High Court recognised the fact that Indigenous peoples had lived in Australia for thousands of years and enjoyed rights to their land according to their own laws and customs.

Twelve months later the *Native Title Act 1993 (Cth)* was passed

<https://www.aiatsis.gov.au/explore/mabo-case/reconciliation/wp-content/uploads/2024/02/mabo-day-factsheet-pdf>

What is Native Title?

Native Title is the legal recognition that some Aboriginal and Torres Strait Islander peoples have rights to, and interests in, certain land because of their Traditional lore and customs.

The rights granted by Native Title are not unlimited – they depend on the Traditional lore and customs of the people claiming title. Other people's interests in, or rights to, the land are also relevant, and usually take precedence over Native Title.

To have Native Title recognised under the Native Title Act 1993, Aboriginal and Torres Strait Islander peoples must prove that they have a continuous connection to the land in question, and that they have not done anything to break that connection (such as selling or leasing the land).

Native Title can be recognised in different ways.

- Aboriginal and Torres Strait Islander peoples may be granted the right to live on the land; access the area for Traditional purposes; visit and protect important places and sites; hunt, fish or gather traditional food or resources on the land; or teach Aboriginal and Torres Strait Islander lore and customs on the land.
- In some cases, Native Title can include the right to own and occupy an area of land or water to the exclusion of all others.

Why is Native Title important?

Native title is important because dispossession and denial of land was the first act in the relationship between Aboriginal and Torres Strait Islander peoples and Europeans; setting the tone for the events that followed.

The Native Title Act 1993 is important because it determines how Native Title interests are formally recorded and recognised. It sets the rules for dealing with land where Native Title still exists or may exist. While the law recognises that native title may exist, the requirements for proof are significant and burdensome.

Generally, claimants must provide evidence of a continuous system of lore and custom that gives rights to the land, and that this has been handed down from generation to generation since before colonisation. Once a claim has been successfully filed and registered with the National Native

Title Tribunal, Aboriginal and Torres Strait Islander applicants can claim the right to negotiate against development of the land.

However, this does not mean exclusive land rights are given. If the rights of pastoralists, mining companies, federal government, or private owners come into conflict with Native Title rights, they supersede the Native Title rights. There have been 587 Native Title Determinations as of May 2023. See the National Native Title Tribunal website for up-to-date statistics.
<http://www.nntt.gov.au/Pages/Statistics.aspx>

SLIDE 11-2007 United Nations Declaration on the Rights of Indigenous Peoples

The Declaration is the most comprehensive instrument detailing the rights of indigenous peoples in international law and policy, containing minimum standards for the recognition, protection and promotion of these rights. It establishes a universal framework of minimum standards for the survival, dignity, wellbeing and rights of the world's indigenous peoples.

The Declaration addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development. The Declaration explicitly encourages harmonious and cooperative relations between States and indigenous peoples.

The High Commissioner for Human Rights welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by the General Assembly on 13 September 2007, as a triumph for justice and human dignity following more than two decades of negotiations between governments and indigenous peoples' representatives.

United Nations Declaration on the Rights of Indigenous Peoples was adopted by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions

(Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine).

Click here to view the [voting record](#).

Since adoption of the Declaration, Australia, New Zealand, United States and Canada have all reversed their positions and expressed support for the Declaration. Colombia and Samoa have also endorsed the Declaration.

Talking rights – Using the Declaration – (Mick Dodson)

I think people should use the Declaration at every opportunity. For example:

- *If you are writing to government quote articles of the Declaration.*
- *If you're involved in health quote the health article.*
- *If you are involved in native title or land rights quote the lands, territories and resources articles.*
- *If you are in education quote the articles about education and language.*
- *If you are on about political organisation talk about self-determination and our right to be autonomous and govern ourselves.*

For any aspect of Aboriginal or Torres Strait Islander life there is something in the Declaration that you can use and utilise to reinforce your arguments and what you and your mob are trying to do.

<https://ohchr.org/en/indigenous-people/un-declaration-rights-indigenous-peoples>

Slide 12 – 2008 National Apology

On 13 February 2008, Prime Minister Kevin Rudd offered a formal apology to Australia's Indigenous peoples, particularly the Stolen Generations, on behalf of the nation at Australian Parliament House.

The Apology was presented as a motion for voting to the Chamber. It acknowledged that 'the laws and policies of successive Parliaments and governments had resulted in the forcible removal of Aboriginal and Torres Strait Islander children from their families and 'inflicted profound grief, suffering and loss on these our fellow Australians'.

Between 1910 and 1970 thousands of Aboriginal and Torres Strait Islander children were forcibly removed from their families and communities by churches, welfare organisations and governments. The exact number is not known. However, it is estimated that, anywhere from 1 in 10 to 1 in 3 Indigenous children were forcibly removed from their families and fostered or adopted by non-Indigenous families or raised in institutions. These children are known as the Stolen Generations. Many experienced neglect, physical and sexual abuse and exploitative labour, and were denied contact with their families.

The National Apology is considered a milestone step toward reconciliation between Indigenous and non-Indigenous Australians.

In his Apology to Australia's Indigenous peoples the then Prime Minister, Kevin Rudd, made the following statement regarding closing the gaps in the social inequalities faced by Aboriginal and Torres Strait Islander peoples:

'This new partnership on closing the gap will set concrete targets for the future: within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous children, within a decade to halve the appalling gap in infant mortality rates between Indigenous and non-Indigenous children and, within a generation, to close the equally appalling 17-year life gap between Indigenous and non-Indigenous when it comes when it comes to overall life expectancy.'

The Prime Minister's speech was met with applause, tears, and relief from many Aboriginal and Torres Strait Islander peoples, including members of the Stolen Generations, present in the House of Representatives. Thousands of people gathered throughout the country to watch a broadcast of the Apology, including hundreds watching from the Great Hall and thousands on the lawns outside Parliament House.

Following the speeches, Lorraine Peeters (Weilwun and Gamilaroi peoples), acting on behalf of the Stolen Generations present in the Parliament,

presented a glass coolamon to the Prime Minister Kevin Rudd and the Leader of the Opposition, Brendan Nelson. The coolamon – made by Bai Bai Napangardi, an artist from the Balgo community in Western Australia – contained a message that said:

On behalf of our people, thank you for saying sorry. In return we give you this gift on behalf of us affected by being taken away from our families. This is our way of saying thank you. The gift is a glass coolamon, fragile yet strong. Coolamons have carried our children. The gift is a symbol of the hope we place in the new relationship you wish to forge with our people. A relationship that itself is fragile yet strong. We have a new covenant between our peoples, that we will do all we can to make sure our children are carried forward, loved and nurtured and able to live a full life.'

The Prime Minister and Leader of the Opposition then jointly presented the coolamon to the Speaker of the House of Representatives, who accepted it saying:

I gratefully receive this gift on behalf of the House. It will represent a very important point in the history of not only this chamber but our nation.

At the conclusion of the formal proceedings in the Chamber, an event was held in Members Hall, attended by many representatives of the Stolen Generations, Indigenous leaders, Indigenous and other organisations, and current and former parliamentarians. There, Tom Calma, then Aboriginal and Torres Strait Islander Social Justice Commissioner, responded to the Apology.

Nominated by the National Stolen Generations Alliance and the National Sorry Day Committee, the two national bodies representing the Stolen Generations and their families, he declared that it was an 'historic day', one ... *on which 'our leaders – across the political spectrum – have chosen dignity, hope and respect as the guiding principles for the relationship with our first nations' peoples'.*

The National Apology and the Coolamon are on display at Parliament House.

Slide 13 – The Uluru Statement from the Heart

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born there from, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

Please play the YouTube video from Thomas Mayo about the Statement

Slide 14- Aboriginal & Torres Strait Islander Local Democracy Group

Inner West Council's Aboriginal and Torres Strait Islander Local Democracy Group (LDG) assists in matters related to services, programs and activities for Aboriginal and Torres Strait Islander peoples living in the local area. The LDG provides feedback, guidance and recommendations to Council on specific issues including strategic planning and policy, contributes local knowledge regarding community impacts, emerging trends, opportunities and service gaps, supports the delivery of NAIDOC Week and Reconciliation

Week activities/ celebrations, and participates in the annual Local Government Aboriginal Network (LGAN) Conference.

It also helps shape Council's policies and documents:

- Reconciliation Action Plan

- Cultural Strategic Plan

- Heritage, Culture & History

- Local Elders for Welcome to Country for Council & community events.

- Aboriginal design for council branding

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