

**Live - Learn - Reflect**

***Kerry Kennell***

**The Aurora Project - Legal Internship Article**  
Australian Institute of Aboriginal and Torres Strait Islander  
Studies (AIATSIS)

*November – December 2007*

Being a law student is like living in limbo, we work our way through the years of study, with the hope to make it to the end. Most students are striving to become a professional in various fields... other students are striving to be a professional partier. Before university I was working full time, earning average wage, paying bills, keeping a house and a relationship working, juggling friends and family and playing sport. From the outside it was a satisfying life, but on the inside I was screaming for more. I went to university as a mature age student and moved interstate to commence my studies. I arrived and felt inspired, I had made a great decision to move. Eventually, after my 2<sup>nd</sup> year I found myself sucked into limbo-land... just waiting for the pain of assessments and classes to end so I could get back to the real world. I reconsidered why I went to university to try and get that 1<sup>st</sup> year feeling back. During my 3<sup>rd</sup> year I decided that it was time to get out there and start mingling with people in the real world, and to gain some experience in the legal realm.

I was inspired to apply for the internship after hearing Richard Potok speak of the program at the National Indigenous Law Conference in Brisbane, Qld 2007. As a young Torres Strait Islander woman, I had been interested in native title for some time. I had been looking for an opportunity to gain more knowledge and experience in the field in the hope that some day I could give back to my people. This internship was my opportunity to get back into the real world and see what opportunities exist for me.

I was placed in the Native Title Research Unit (NTRU) at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). I commenced in November 2007 after relocating from Brisbane to Canberra for a five week placement. AIATSIS offers a vast array of materials in its research, publications and archive library including printed materials, films, photos, video and audio recordings. In addition, the institute has its own publishing house. The functions of the Institute are to 'encourage an understanding within the general community of Aboriginal and Torres Strait Islander (ATSI) societies' through research undertaken by AIATSIS and other research workers (particularly ATSI's), and maintain an Aboriginal and Torres Strait Islander cultural resource collection.<sup>1</sup>

The NTRU is made up of a team of staff with many qualifications and accolades. The unit aims to 'make [their] research as accessible as possible.... this [is done] through [the] website, and via a number of publications, the Native Title Newsletter, the Issues Paper

---

<sup>1</sup> AIATSIS (2005) Retrieved 18/12/07 from [http://www.aiatsis.gov.au/about\\_us](http://www.aiatsis.gov.au/about_us)

Series, the Discussion Paper series and a series of Briefing Papers.<sup>2</sup> The staff in the NTRU were very welcoming and contributed to my experience being very fulfilling. On my first day my supervisor took me to the café at the National Museum of Australia and she presented me with options of tasks I could complete. I chose a task that presented me with many challenges throughout the placement. The task involved reading, research and writing. The task required me to consider what should be included in a native title chapter in a Property Law textbook.

I was given a desk, a computer and access to the many resources that AIATSIS offers. At first, I thought that I was expected to jot down a structure of this chapter, hand it in and move on to the next task. Within a few days I met with my supervisor presenting an outline of the structure. I soon realised that what I had learnt at university in property law was not enough to complete the task effectively. Over the next three weeks I read textbooks, articles, I researched on the AIATSIS website and various databases. Even after my placement, I feel that I still have much more to learn about native title. In saying that, I have learnt a lot about Australian Native Title development in Australian common law. I considered cases such as *Milirrpum v Nabalco*<sup>3</sup>, *Mabo*<sup>4</sup>, *Wik*<sup>5</sup>, *Fejo*<sup>6</sup>, *Ward*<sup>7</sup>, *De Rose*<sup>8</sup> and more. In addition, I have researched articles in relation to the registration of Torrens title compared to native title, and researched native title within a property law context.

AIATSIS and its NTRU gave me the valuable opportunity to broaden my knowledge in relation to native title. Although, working in an organisation with such vast resources, I have realised that it is important to have strong research skills. I found myself immersed in articles, text books, issue papers, websites with multiple links to many more useful sites. It was very exciting to have access to these materials, but at the same time very distracting! In retrospect, I see how important it is to keep focused on the task at hand when researching and not get taken away with the various interesting materials available.

AIATSIS runs a seminar series in relation to various Aboriginal and Torres Strait Islander issues. In my first week, I was fortunate enough to attend a seminar given by Jess Weir, a

---

<sup>2</sup> AIATSIS (2004) Retrieved 18/12/07 from [http://ntru.aiatsis.gov.au/other/about\\_ntru.html](http://ntru.aiatsis.gov.au/other/about_ntru.html)

<sup>3</sup> *Milirrpum v Nabalco Pty Ltd* (1971) 17 FLR 141.

<sup>4</sup> *Mabo v Queensland [No 1]* (1988) 166 CLR 186; (1988) 83 ALR 14; *Mabo v Queensland [No 2]* (1992) 175 CLR 1; 107 ALR 1.

<sup>5</sup> *Wik Peoples v Queensland* (1996) 187 CLR 1.

<sup>6</sup> *Fejo and Another on behalf of Larrakia People v Northern Territory* (1998) 195 CLR 96.

<sup>7</sup> *Ward v Western Australia* (1998) 159 ALR 483.

<sup>8</sup> *De Rose v South Australia* [2002] FCA 1342

Visiting Research Fellow from NTRU at AIATSIS. The seminar was titled *Murray River Country: an ecological dialogue with traditional owners*. Jess discussed different relationships with water as a resource and a life force.<sup>9</sup> Jess referred to the concept of ‘connectivity’ in order to understand these relationships – ‘a way of living in the world’<sup>10</sup>. Connectivity was a predominate theme in the seminar, discussed within the framework of ‘extensive river degradation and water scarcity in the Murray-Darling Basin’.<sup>11</sup> This seminar inspired thought and I found myself considering concepts that were foreign to me. This seminar was the beginning of my learning and I felt energized. This 90 minute session created a feeling in me that I hadn’t felt since my first year at university.

I have had the opportunity to meet very interesting people at AIATSIS. As a third year student stuck in limbo, meeting the staff of AIATSIS, and particularly NTRU has motivated me to work harder in my final two years of study. I have learnt a lot by speaking with the staff about their work and how they have achieved so much. With special thanks to the NTRU staff, I have considered broadening my study areas in my Law degree and other areas in the future. Another experience that was inspiring for me was having the opportunity to visit the High Court of Australia. Being from Brisbane I hadn’t had the opportunity to visit the court, it was amazing to hear the judges speak, rather than read their words from Austlii.

Working as an intern at AIATSIS is not only a valuable experience for my career, but also a personal achievement. As a Torres Strait Islander descendant, it was mind opening to learn more about the system of native title. I now have a better understanding of the challenges that lie ahead should I choose to pursue a career in native title. This is important to me as I will be better equipped to assist my people in the future. The Aurora legal internship experience has been a motivator for me to get out of limbo and refocus on what I am aiming to achieve at university and my future career opportunities. In addition, I have built on my knowledge and experiences, and I have given my resume strength. I would highly recommend the Aurora Internship Program with AIATSIS to any law student wanting to get more from their university experience and take a break from being in limbo.

---

<sup>9</sup> AIATSIS (2007) *AIATSIS Seminar Series Invitation – Abstract*. AIATSIS

<sup>10</sup> AIATSIS (2007) *AIATSIS Seminar Series Invitation – Abstract*. AIATSIS

<sup>11</sup> AIATSIS (2007) *AIATSIS Seminar Series Invitation – Abstract*. AIATSIS