

LAW FOUNDATION OF SOUTH AUSTRALIA: FELLOWSHIP REPORT

Madeleine Perrett, recipient of the 2025 Fellowship, Continuing Education Certificate in Indigenous Governance, Native Nations Institute, University of Arizona, United States

I INTRODUCTION

It is difficult to put into words how professionally and personally transformative my experience at January in Tucson (JIT) was. Supported by the Law Foundation of South Australia, I completed the Continuing Education Certificate in Indigenous Governance at the Native Nations Institute, University of Arizona. Over an intensive three-week period in January 2026, I undertook six courses taught by Indigenous leaders, legal scholars, and governance practitioners whose generosity, clarity and depth of knowledge fundamentally reshaped my understanding of law, authority, and responsibility.

I was the only settler student in most of my classes. That fact mattered. It sharpened my awareness of positionality and reinforced that this was not a space in which to speak first, interpret, or translate – but to listen, learn, and remain accountable. I felt continually privileged to be taught by people who carry Indigenous laws as lived responsibility.

What follows is an account of the six courses I completed, the educators who guided me, and the ways this learning will shape my work in South Australia. It captures only what can be written. Some teachings were shared in forms that live in relationship rather than text – through story, silence, gesture, and trust. Those teachings cannot be reproduced in a public document. What I offer here is the part that can be spoken – the rest remains where it belongs, held respectfully and unwritten.

II A PROGRAM OF INTENTION AND IMMERSION

The JIT program is not a collection of discrete subjects. It is a carefully designed immersion in Indigenous governance, law, nation-building, and economic development – grounded first and foremost in Native Nations' own experiences, histories, and priorities. Comparative analysis is encouraged, but only once context and power are taken seriously.

Across the six courses, I completed essays, opinion papers, quizzes, and reflection pieces that, for me, engaged with a central question: how might lessons from Native Nations in the United States inform – without extracting from or flattening – conversations about Indigenous laws and governance in Australia? The program strengthened my capacity to undertake comparative work that is principled, ethically grounded, and accountable to Indigenous leadership and voices.

III THE COURSES

1 *Rebuilding Native Nations: An Introduction (Dr Miriam Jorgensen and Professor Jaime Pinkham, Nez Perce Tribe)*

This foundational course set the intellectual and ethical tone for the entire program. It centred Indigenous nation-building as a practical, strategic, and deeply political project. For my major assignment, *Nation-Building under Conditions of Non-Recognition: The Torres Strait Regional Authority as a Governance Case Study*, I examined the TSRA as an example of Indigenous governance operating within a constitutional order that does not formally recognise Indigenous sovereignty. The paper explored tensions between institutional authority and political legitimacy, and what it means for Indigenous Nations to act as Nations in the absence of recognition.

I was later informed that this essay would be shared with Professor Stephen Cornell – one of the world’s leading scholars of Indigenous nation-building and co-founder of the Native Nations Institute. That meant a great deal to me, not as validation, but as a sign that my work had entered a conversation shaped by people whose ideas have guided me for years.

2 *Comparative Legal Systems and Their Role in Nation-Building (Regents’ Professor Emerita Natsu Taylor Saito)*

This course examined the role of state law in settler colonial societies, focusing on how legal systems can entrench domination while also being strategically engaged by Indigenous Nations seeking to rebuild governance capacity. My assignment, *Comparative Legal Systems and Nation-Building: The Limits of MoU-Style Agreements in South Australia*, analysed the reliance on Memoranda of Understanding as governance tools. Through a comparative lens, I argued that many such agreements manage Indigenous aspirations rather than enable Indigenous authority, particularly when they lack enforceability, jurisdictional recognition, or meaningful power-sharing.

A central lesson of the course was to evaluate law by what it does rather than how it is framed, and to ask whether legal instruments build Indigenous institutions, authority, and jurisdiction in practice.

3 *Navajo Common Law (Professor Rodgerick T. Begay, Assistant Attorney General, Navajo Nation Department of Justice, Navajo)*

Being taught Diné Beehaz’áanii by Professor Begay was a profound privilege. The course presented Navajo law as a living legal system grounded in Nitsáhákees (thinking), Nahat’á (planning), Iiná (living), and Sihasin (reflection). Trained in a settler legal system, I am used to treating law as institutional output; Diné law begins elsewhere, and justice is measured by the restoration of hózhó. My reflection paper explored these concepts and their implications for plural legal orders. Professor Begay’s feedback was among the most generous and thoughtful I have received, and his teaching will continue to shape how I understand law well beyond this program.

4 *Indigenous Peoples and the Environment (Assistant Professor Doug Thompson, Redbone community of southwestern Louisiana)*

This course examined Indigenous jurisdiction over land, water, and non-human relations, with treaty rights and federal Indian law forming the analytical foundation. My opinion paper focused on litigation strategies available to the Cherokee, Chickasaw, and Choctaw Nations to protect reserved hunting, fishing, and gathering rights against unlawful state jurisdiction in Oklahoma.

The paper synthesised the Reserved Rights Doctrine, canons of treaty interpretation, *McGirt v Oklahoma*, conservation necessity standards, and the federal trust responsibility into a coherent path forward for declaratory and injunctive relief. Professor Thompson's encouraging feedback meant a great deal given the seriousness and contemporary urgency of the issues discussed.

5 *Indigenous Food Sovereignty (Dr Karletta Chief, Diné, Director of the Indigenous Resilience Centre and Dr Michael Kotutwa Johnson, Hopi, Assistant Specialist at the Indigenous Resilience Centre)*

This course reframed "food security" through Indigenous food sovereignty, centring land-based practices, gender justice, Indigenous data governance, and benefit-sharing. My paper argued that any ethical future for Aboriginal and Torres Strait Islander food systems must prioritise repatriation, benefit-sharing, sovereignty over seeds and knowledge, and CARE-aligned data governance.

Field-based learning was central to this course. At Mission Garden and the San Xavier Co-op Farm, farmers shared teachings about ancestral foodways, desert crops, and intergenerational stewardship. Working directly with soil, foods, and practitioners opened a mode of learning rarely accessible in legal education. In class, we shared foods from various Native Nations, and Dr Johnson gifted corn seeds from his own harvest. While Australia's biosecurity laws meant I could not bring them home, I kept the planting instructions he shared. That gesture remains with me.

6 *Native Economic Development (Dr Richard Luarkie, Former Governor, Pueblo of Laguna)*

This discussion-based course explored the distinction between economic development and business development, strategic governance, and the long-term responsibilities Nations hold in managing land, resources, and opportunity. Much of the learning emerged through story and exchange with classmates from many Native Nations.

The final assignment – a manifesto – asked us to write boldly and strategically about what should be built, rather than analysing existing systems. I used the task to imagine Indigenous land and sea management in Australia as a sovereign economic future grounded in jurisdiction, cultural authority, and long-term vision. The shift from critique to construction was energising and generative for my work.

IV MENTORSHIP

In addition to formal coursework, I met individually with Dr Miriam Jorgensen for a long and generous conversation over coffee. As someone whose work has shaped my thinking for years, the opportunity to discuss my PhD research and comparative approach with her was deeply significant.

Dr Jorgensen also kindly organised a meeting with Professor Stephen Cornell. A Māori classmate joined us, contributing perspectives from Aotearoa that enriched the conversation in ways I will carry forward. For me, meeting Stephen was something of a long-held aspiration – the kind of moment that reminds you of how far a journey of study can take you. Our discussion, shaped by their generosity and insights, affirmed the significance of the questions driving my research and helped how I think about translating comparative governance insights into Australian contexts.

Beyond formal mentorship, many of my JIT classmates have become an ongoing source of intellectual companionship. We remain in contact, sharing reflections and resources as we return home. These relationships continue the learning we began in Tucson.

V IMPACT ON MY RESEARCH, TEACHING, AND COMMUNITY ENGAGEMENT

The JIT program did more than broaden my toolkit; it rearranged how I understand governance, law, and institutional design. It strengthened the comparative foundation of my PhD on Indigenous political empowerment and federalism and deepened my capacity to teaching Indigenous laws as living systems rather than abstract subjects.

On return to South Australia, I am committing to: (1) integrating JIT insights into core law subjects and assessment design; (2) delivering practitioner-facing Continuing Legal Education; (3) producing open-access explainers and community forums on treaty, governance, and legal pluralism (including regional delivery); and (4) contributing to policy and law-reform work in partnership with First Nations leaders. These actions reflect the plan I set out in my Fellowship application and are already underway.

VI REFLECTIONS ON THE FELLOWSHIP AND FUTURE DIRECTIONS

Across all six courses, a consistent frame of reference was what is often described as seventh generation thinking: planning and decision-making oriented not to short-term outcomes or political cycles, but to the wellbeing of descendants and communities who will live with the consequences long after current decision-makers are gone. Governance, in this sense, is judged by whether it holds across time – whether institutions, laws, and economic choices remain legitimate and sustaining for those who inherit them. This long-horizon approach reshaped how I think about law reform, policy design, and teaching in

Australia, particularly in contexts where Indigenous Peoples have been required to live with the downstream effects of decisions made without them.

This Fellowship made possible a kind of learning I could not have reached on my own. JIT did not simply add to my knowledge; it reshaped how I approach research, teaching, and public work. I return with a clearer sense of how I want to work: guided by Indigenous leadership, attentive to governance as practice, and careful about what is written and what must remain held in trust.

Looking forward, this learning will shape my doctoral research, my teaching across public law and Indigenous laws, and my contribution to policy conversations in South Australia. I intend to build partnerships that support Indigenous-led governance initiatives, design learning environments that centre Indigenous laws as living systems and publish work that is comparative without being extractive. As Dr Luarkie often reminded us, there is courage in bringing our gifts to the work.

VII CLOSING ACKNOWLEDGMENTS

My deepest thanks go to the educators, practitioners, and community members who shared their knowledge with such generosity; to the Native Nations whose homelands I learned upon; and to my classmates, whose insights and ongoing conversations continue to guide me.

I also thank my PhD supervisors – Dr Anna Olijnyk, Ms Cornelia Koch, and Dr Dani Linder – for their unwavering support, encouragement, and belief in my work. I extend my sincere thanks to the Honourable Geoff Muecke for his reference, his confidence in me, and the steady encouragement he has offered throughout my professional journey.

Finally, I thank the Law Foundation of South Australia for enabling a program of work I will deliver here at home – curriculum integration, continuing legal education for the profession, public education, and collaborative policy engagement aligned with South Australia’s treaty and governance conversations. Your support opened a door into learning that will shape my research, teaching, and community engagement for decades to come. I am humbled by your investment in my work and committed to carrying its responsibilities with care, integrity, and gratitude.

And, as a final note to future applicants, there was a moment where I nearly talked myself out of applying, convinced that Fellowships like this were reserved for the “traditional” markers of prestige. The Law Foundation saw the value in work that is community-rooted, relational, and oriented toward Indigenous laws and governance. If you find yourself wondering whether you “fit”, let this be a gentle reminder: you do not need to reshape your work to match someone else’s idea of prestige. Bring the work you believe in. There is room for it here. This Fellowship can change what you imagine is possible.

VIII MOMENTS FROM JANUARY IN TUCSON



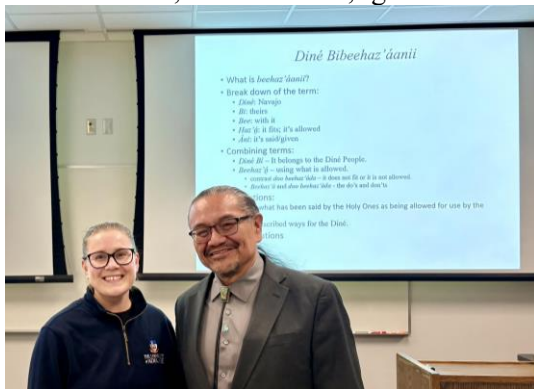
San Xavier Co-Op Farm



Mission Garden with JIT classmates: Dana, Lumbee Tribe, and Nnabuife, Igbo Tribe



Indigenous Food Sovereignty, Madeleine at Mission Garden



Navajo Common Law, Madeleine with Professor Begay, Navajo.



Madeleine at James E. College of Law



Madeleine and Edith, San Carlos Apache Tribe.