Indigenous Law and Justice Hub
University of Melbourne

Submission to the Inquiry of The Racism, hate and violence directed at Aboriginal and Torres Strait Islander people

Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

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Who We Are

The Indigenous Law and Justice Hub, Melbourne Law School

The Indigenous Law and Justice Hub ('ILJH') together legal experts and community leaders to produce rigorous legal research that can be directly applied in Indigenous advocacy and self-governance. We are educators who play a central role in developing our law students' understandings of Indigenous cultures, legal systems, and Indigenous experiences of settler law. The ILJH's research is on a variety of legal issues that concern Indigenous peoples, such as criminal law, Treaty, legal education, Indigenous people and judicial decision making, environmental law and other areas. Our aim is to support and amplify Indigenous voices in these fields with high quality legal research and improved community access to research and advice.

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For more information about the ILJH visit our website.

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Table of Contents

Acknowledgement of Country

The Indigenous Law and Justice Hub acknowledge the Wurundjeri people of the Kulin Nation, the Traditional Owners of the unceded land on which our university building sits. We acknowledge the ongoing work of Aboriginal and Torres Strait Islander peoples, communities and organisations to unravel the injustices imposed on First Nations people since colonisation.

Executive Summary

This submission addresses the persistence of institutional racism within Australian universities, with a particular focus on law schools as sites that both reproduce and have the capacity to transform legal and social power. Drawing on national evidence, sector-specific research, and lived experience, the submission demonstrates that racism within higher education is systemic, underreported, and inadequately addressed by existing institutional frameworks. Recent national data indicates widespread experiences of racism among students and staff, coupled with low levels of reporting and limited confidence in complaint mechanisms. These conditions produce measurable impacts on participation, retention, and career progression for First Nations peoples in higher education.

Law schools shape the knowledge, values, and professional competencies of those who operate within the justice system. However, current legal education frameworks in Australia fail to engage meaningfully with racial discrimination, colonisation, and Indigenous legal systems. The absence of compulsory and embedded learning in these areas means that graduates enter legal practice without the capacity to understand or respond to the systemic inequalities that disproportionately affect First Nations peoples within the law. This is not a peripheral gap, but a structural deficiency. The current configuration of the Priestley 11,[1] along with the fragmented approaches to Indigenous legal education, has resulted in inconsistent graduate capability across the profession. At the same time, institutional responses to racism within law schools remain uneven, with limited accountability and an ongoing reliance on First Nations staff to carry the burden of making changes.

The consequences of these deficiencies result in legal practitioners lacking competency in First Nations law and cultural safety and therefore are less equipped to engage effectively with clients and communities, contributing to the persistence of inequitable outcomes within the justice system. In this way, institutional racism within legal education becomes embedded within legal practice itself. Addressing these issues requires coordinated structural reform.

This submission proposes a comprehensive framework that aligns legal education, admission standards, and institutional accountability with the realities of the Australian legal system and Australia's obligations under international human rights law.

The submission makes the following recommendations:

1. **Introduce a mandatory national competency requirement in First Nations law and justice for admission to legal practice;**
2. **Establish a compulsory First Nations Law and Justice subject within the Priestley framework;**
3. **Develop nationally consistent core learning outcomes on First Nations law, systemic racism, Indigenous/Australian pluralism, and cultural safety, to address fragmentation across institutions;**

[1] The Priestley 11 are the core subjects that law students must complete so that they are eligible for admission as legal practitioners.

4. **Implement a whole-of-curriculum approach to embed Indigenous perspectives and legal frameworks across all areas of legal study;**
5. **Establish enforceable institutional accountability and cultural safety frameworks, including effective complaints mechanisms, transparency, and recognition of cultural labour; and**
6. **Provide sustained funding for the Racial Justice Centre, supporting its role in legal assistance, policy reform, and sector-wide anti-racism initiatives.**

This submission argues that reform of legal education is not only necessary for improving student and staff experiences within universities but is essential to the integrity of the Australian legal system itself.

Scope

This submission responds to the Committee's Terms of Reference, in particular:

1. The nature, prevalence and impact of racism, hate and violence towards First Nations people, including trends over time.
5. The effectiveness of avenues for reporting and responding to racism against Aboriginal and Torres Strait Islander people, including the consistency, timeliness and appropriateness of outcomes across jurisdictions and institutions.
6. Other matters related to racism, hatred and violence directed at First Nations people.

This submission will address matters concerning:

- The prevalence and impacts of racism in institutions;
- The effectiveness of existing frameworks to address racism; and
- Opportunities for systemic reform.

The submission focuses on higher education, and in particular law schools, as institutions that train future legal professionals and policymakers. They also shape legal knowledge and reproduce the norms of the Australian legal system.

Context: Institutional Racism in Australian Universities

Institutional racism encompasses the policies, practices, and procedures embedded within organisations that produce unequal outcomes along racial lines, whether intentionally or not (Australian Human Rights Commission, 2021). It operates not primarily through overt individual prejudice, but through normalised organisational behaviours, decision-making frameworks, and cultural norms that systematically disadvantage particular groups. It is often difficult to see, yet deeply consequential in shaping access, participation, and outcomes within institutional settings.

Recent national evidence, including the *Respect@Uni* report, clearly demonstrates that racism within Australian universities is both systemic and pervasive. The report found that approximately 70 per cent

of respondents had experienced indirect racism, such as witnessing or hearing racist conduct, while 15 per cent reported direct interpersonal racism (Australian Human Rights Commission, 2026, p. 45). The prevalence of racism is particularly acute for racialised groups, with over 80 per cent of First Nations, Chinese, Jewish (secular), Middle Eastern, and North-East Asian respondents reporting experiences of racism (Australian Human Rights Commission, 2026, p. 47).

Despite this remarkably high figure, racism remains significantly underreported, with only 6 per cent of those experiencing direct racism making a formal complaint (Australian Human Rights Commission, 2026, p. 52). This reflects a broader lack of confidence in institutional complaints mechanisms, as well as concerns about further personal harm and the likelihood of inaction. The consequences of this environment are significant: half of First Nations respondents reported that racism negatively impacted their studies, while approximately 50 per cent of academic staff indicated that racism had adversely affected their careers (Australian Human Rights Commission, 2026, pp. 60–62). These findings are compounded by the observation that anti-racism responses across the sector remain fragmented and underdeveloped, with only a small number of universities having anti-racism strategies (Australian Human Rights Commission, 2026, p. 75).

Within this broader institutional context, First Nations staff and students experience distinct forms of marginalisation. These include isolation, persistent underrepresentation in academic and leadership positions, and a lack of pathways to career progression. A significant dimension of this experience is the imposition of "colonial load", which refers to the expectation that Indigenous staff will undertake additional labour associated with cultural representation, student support, and institutional reform, often without commensurate recognition or resourcing (Indigenous Law and Justice Hub, 2025b, pp. 15–16). This dynamic contributes to additional workload and burnout, undermining both individual career trajectories and institutional capacity for sustained reform. Curriculum design further reinforces these patterns of exclusion. Indigenous staff and students are frequently required to engage with curricula that fail to adequately reflect First Nations histories, legal systems, and lived experiences, while also navigating classroom environments in which racist or culturally unsafe discourse may occur without effective intervention (Indigenous Law and Justice Hub, 2025b, p. 17). Often this discourse is neither racist nor especially culturally unsafe but carries a burden to contribute because of their cultural background, for example, being asked to give input by well-meaning professors to contribute their "cultural lens" or give "their peoples" perspectives on a fraught cultural topic. These students are given no notice or preparation and with no consideration as to whether there are any cultural protocols at play, such as whether they have authority to speak in such manner. These students report they then feel a tension against advocating for First peoples' rights if they do not contribute or correct a record. Students may therefore be placed in the position of either remaining silent or assuming the burden of response, both of which carry significant weight.

Sector-wide acknowledgment of these issues has been articulated by Universities Australia in its *Indigenous Strategy 2022–2025*, which recognises the need for targeted anti-racism measures and the development of culturally safe institutional environments (Universities Australia, 2022). However, available evidence suggests that implementation has been uneven and insufficiently monitored, with limited accountability mechanisms to ensure meaningful progress. The findings of the *Respect@Uni* report underscore the consequences of this gap between policy and practice. A significant amount of First Nations students and academics reported deferring or withdrawing from their studies or employment due to experiences of racism and inadequate institutional support (Australian Human

Rights Commission, 2026, p. 63). Approximately 80 per cent of First Nations respondents reported experiencing racism, highlighting the failure of current frameworks in addressing systemic issues (Australian Human Rights Commission, 2026, p. 47). The *Respect@Uni* report clearly demonstrates that institutional racism in Australian universities is inadequately addressed. It operates across multiple domains and produces measurable impacts on student participation, staff retention, and professional outcomes for First Nations peoples. Addressing these issues therefore requires coordinated structural reform and robust accountability mechanisms to demonstrate commitment to seeing anti-racism reform in practice.

Systemic Racism in Law

The legal profession is intended to promote justice, but legal education needs to play a more significant role in improving justice outcomes for First Nations peoples. A government response is required to address the nature of racism, hate and violence aimed at Aboriginal and Torres Strait Islander peoples by non-Indigenous communities. For Law and law enforcement to be responsive to this need, Australia's law schools must produce graduates with racial literacy and a systematic understanding of the relationship between Indigenous peoples and the criminal justice system. So that graduates go on to be responsive to violence against Aboriginal and Torres Strait Islander peoples in courts, law enforcement and other policy areas.

Indigenous academic and professional staff in Australian law schools are vital to this initiative. Indigenous staff are frequently responsible for guiding the inclusion of Indigenous legal content in current legal education, representing the needs and views of Indigenous peoples in discourse, and challenging racism as it arises within legal spaces. Most universities' anti-racism initiatives concerning Aboriginal and Torres Strait Islander peoples are folded into Indigenous employment targets with Indigenous staff actioning structural reform necessary.

This expectation, while an important instrument of university anti-racism reform, subjects Indigenous staff to commonplace experiences of racism, negative career impacts, and exclusion and isolation by peers. While being expected to speak on behalf of the Indigenous community, educate non-Indigenous students and colleagues on Indigenous culture and perform work beyond the remuneration of their employment in relation to their Indigeneity (Australian Human Rights Commission, 2026, pp. 61–67).

The unreasonable cultural load placed on Indigenous staff in Australian universities identified, enforced in part by the specific anti-racism Indigenous employment targets currently in effect, has been noted by Indigenous academics to frequently prevent career progression, with the expectation to contribute to Indigenous anti-racism initiatives creating a ceiling for Indigenous academics as a result of university anti-racism practices.

In Victoria, successive iterations of the Aboriginal Justice Agreement articulate a clear governmental commitment to addressing the overrepresentation of Aboriginal people in the criminal justice system and to embedding principles of self-determination, partnership, and accountability within justice institutions (Koori Justice Unit, 2013; Victoria Department of Justice & Victorian Aboriginal Justice Advisory Committee, 2006; Victorian Aboriginal Justice Advisory Committee, 2000; Victorian Government, 2018). From its initial phase *AJA1* through to the current *AJA4 (Burra Lotjpa Dunguludja)*,

the Agreement emphasises the need for **s**ystemic reform, cultural competence, and strengthened relationships between institutions and Aboriginal communities (Victorian Government, 2018, pp. 32–33). These policy frameworks recognise that achieving justice outcomes requires not only reform within courts, policing, and corrections, but also within the institutions that educate and train legal professionals. The disconnect between these governmental commitments and the priorities of Australian law schools highlights a broader inconsistency between policy aspiration and institutional practice.

Considering the established need for Australian legal education to produce graduates who are responsive to racism, hate, and violence affecting Aboriginal and Torres Strait Islander peoples, the underrepresentation of Indigenous academics and the lack of culturally safe environments undermine the legitimacy and effectiveness of Indigenous legal education as relevant knowledge within legal practice (Povey et al., 2023).

The Experience of Indigenous Legal Academics: Evidence of Institutional Racism in Law Schools

This section draws on the *Reckoning and Reimagining: Workshopping Indigenous Justice Pedagogies for Australian Legal Education* Workshop Report and Communiqué (2025), which provides a collection of recent, sector-specific evidence of institutional racism within Australian law schools from a workshop held by the Indigenous Law and Justice Hub in August 2025. This workshop brought together over 70 legal academics from across Australia to discuss the realities and future of Indigenous legal education in Australia. The findings from this workshop were detailed in the report and "call to action" communique, but the findings are summarised below.

Systemic and Structural Nature of Racism in Legal Academia

The workshop materials demonstrate that racism in Australian law schools is systemic rather than incidental, embedded in institutional structures, governance, and professional norms. Participants in the workshop identified that Australian legal education has historically operated through the "structural exclusion of Indigenous legal knowledges", with "real and devastating impacts" on First Nations peoples' experiences of justice (Indigenous Law and Justice Hub, 2025b, p. 3). This exclusion is not just in the curriculum but reflected in the broader institutional arrangements that marginalise Indigenous perspectives and authority.

The Communiqué explicitly frames reform as a matter of structural transformation, and not just of incremental adjustment:

> *"It is not a tinkering around the edges of our practice but a transformation which is required."* (Indigenous Law and Justice Hub, 2025a, p. 1)

Racism in legal education operates at the level of systems, not just individual conduct alone. However, the workshop provided evidence of racism in both overt and systemic forms. Participants described experiences of "profound racism in law schools", including within teaching and workplace environments (Indigenous Law and Justice Hub, 2025b, p. 16). There was also discussion around institutional cultures in which racism has been normalised or insufficiently challenged, and instances

where racism is protected or excused through appeals to academic freedom (Indigenous Law and Justice Hub, 2025a, p. 2).

The Communiqué states:

> *"Racism is a significant problem in Australian law schools… Action on anti-racism is urgent and essential."*

Further, participants raised concerns about limitations in institutional responses, including inadequate support following public or internal challenges to Indigenous curriculum and scholarship (Indigenous Law and Justice Hub, 2025b, pp. 16–17). Both the experience of racism and the effectiveness of institutional mechanisms to address it has almost routinely been insufficient and inconsistently applied.

Colonial Load and Disproportionate Institutional Burdens

A central finding of the workshop is the existence of a "colonial load" felt by First Nations legal academics. Throughout the two-day workshop, participants consistently described the disproportionate allocation of service and cultural labour to Indigenous academics. This labour includes participation in committees, advisory bodies, student support, community engagement, and leadership of Indigenous curriculum reform initiatives. While essential to institutional functioning and increasingly relied upon by universities to meet strategic objectives, such work is frequently undervalued within formal workload models and promotion criteria, which continue to prioritise traditional research outputs and doctrinal teaching. As a result, Indigenous academics are positioned in a structural double bind: their labour is indispensable to institutional commitments to equity and inclusion yet insufficiently recognised within the metrics that govern academic advancement (Indigenous Law and Justice Hub, 2025b, p. 16).

The Communiqué calls for "an easing of the colonial load experienced by the small number of Aboriginal and Torres Strait Islander legal academics" and cautions against "unrealistic expectations to do the work of transforming their institutions alone" (Indigenous Law and Justice Hub, 2025a, p. 2). There is a structural inequity in labour distribution, where institutional responsibility is displaced onto First Nations staff. Such patterns are consistent with recognised forms of institutional racism, in which burdens are unevenly allocated along racial lines without formal acknowledgment or remedy.

The unequal distribution and recognition of labour, combined with culturally unsafe institutional practices, contributes to burnout, role strain, and professional precarity. Over time, these pressures affect retention and progression, contributing to the persistent underrepresentation of First Nations academics in senior and leadership roles within law schools.

Importantly, these outcomes are not incidental but are structurally produced. They reflect institutional frameworks that fail to accommodate Indigenous knowledges, labour, and modes of engagement, while simultaneously relying upon them. In this sense, the barriers identified by the workshop constitute a clear manifestation of institutional racism, operating through ostensibly neutral systems of workload allocation, performance evaluation, and governance.

Student Experience and Institutional Inequality

The experiences of First Nations legal academics are inextricably linked to the quality, inclusivity, and integrity of legal education. The workshop findings make clear that institutional conditions affecting Indigenous staff also shapes the learning environment and outcomes for students.

Participants consistently observed that many Australian law schools continue to function as alienating environments for First Nations students, reflecting institutional cultures that marginalise Indigenous presence, knowledge, and authority (Indigenous Law and Justice Hub, 2025b, p. 21). This alienation is not solely interpersonal but is embedded within the structure of legal education itself, including curriculum design, pedagogical approaches, and the values communicated through what is taught and what is omitted.

A central concern identified by participants is the inconsistent and peripheral positioning of Indigenous legal knowledges within the curriculum. While some institutions have introduced relevant content, this is frequently confined to elective subjects or discrete initiatives, rather than being embedded and scaffolded across core areas of legal study. Such marginalisation reinforces the perception that Indigenous law and perspectives are supplementary rather than foundational, therefore perpetuating a narrow and incomplete conception of the Australian legal system.

In addition, participants emphasised that transformative pedagogical approaches, including On-Country learning, community-engaged teaching, and relational or narrative-based methods, remain underdeveloped and insufficiently supported within institutional frameworks. These pedagogies are not just alternative teaching techniques but engage directly with Indigenous legal orders in ways that are culturally grounded. Their marginal status reflects broader institutional constraints on curriculum innovation and a lack of investment in pedagogical reform.

The *Reckoning and Reimagining* Communiqué articulates a clear normative framework for addressing these deficiencies, asserting that all law students should experience a sense of belonging and cultural safety, alongside meaningful engagement with Indigenous law, history, and justice as foundational components of legal education (Indigenous Law and Justice Hub, 2025a, pp. 1–2). This framing shifts Indigenous content from the margins to the centre of legal knowledge, aligning educational practice with the realities of Australia's legal and historical context. Taken together, these findings demonstrate that institutional racism within law schools operates not only through its effects on staff, but also through its impact on student participation, retention, and educational outcomes. The exclusion or marginalisation of Indigenous knowledges, combined with culturally unsafe learning environments, limits the capacity of First Nations students to engage fully and succeed within legal education, while simultaneously producing graduates who are insufficiently equipped to engage with Indigenous justice issues in practice.

"Beyond acknowledgment toward genuine accountability."

The evidence from the *Reckoning and Reimagining* workshop demonstrates that racism within Australian law schools is a structural and institutional phenomenon, rather than a series of isolated incidents.

Racism operates systemically, embedded in governance, workload allocation, and curriculum design, where it marginalises Indigenous knowledges and redistributes labour inequitably. It is also experiential, producing ongoing harms for First Nations academics and students, including cultural

unsafety, professional marginalisation, and educational exclusion. At the same time, it remains insufficiently addressed, with institutional responses often fragmented, symbolic, and lacking in real accountability. The *Reckoning and Reimagining* Communiqué accordingly calls for legal education to move "beyond acknowledgment toward genuine accountability."

Lived Experience and Evidence

Evidence in inquiries and truth-telling processes has found that students can complete their law degrees without learning how law systemically impacts First Nations peoples (Yoorrook Justice Commission, 2022). First Nations peoples are disproportionately impacted at every stage of the criminal justice process, including policing practices, bail decisions, charging, sentencing, and incarceration. These patterns are not isolated or incidental, but reflect structural and historically entrenched inequalities, shaped by the legacy of colonisation, socio-economic marginalisation, and the ongoing operation of legal frameworks that inadequately account for cultural, historical, and community context.

First Nations people are severely over-represented at every stage and recent data underscore both the scale and persistence of these disparities. As of early 2026, Indigenous incarceration rates in Australia have continued to increase in recent reporting periods, with over 17,000 Aboriginal and Torres Strait Islander prisoners, constituting more than one-third of the total prison population. Despite Closing the Gap targets, the imprisonment rate worsened by 10% in 2024–2025, reaching 2,630 individuals per 100,000 Indigenous adults (Australian Bureau of Statistics, 2025).

These figures are widely understood not as reflections of individual behaviour, but as indicators of systemic failure within legal and institutional processes. They point to the cumulative effects of legislative settings, policing practices, sentencing frameworks, and broader socio-legal conditions that operate to produce and reproduce disadvantage. In this context, the overrepresentation of First Nations peoples in the criminal justice system constitutes one of the clearest examples of institutional racism within Australian law.

The failure of legal education to engage meaningfully with these realities has significant implications. By not requiring students to critically examine the relationship between law and these outcomes, legal education risks naturalising or obscuring systemic inequality, and producing graduates who lack the analytical tools necessary to identify and respond to injustice within legal practice. This omission is particularly harmful given the role of lawyers within legal institutions whose decisions directly affect the operation of the justice system. Accordingly, the lived experience evidence arising from inquiries and truth-telling processes supports the conclusion that reform of legal education is not merely desirable, but necessary to address inequity within the legal system itself. Without a structured and compulsory engagement with Indigenous law, colonisation, and the operation of institutional racism, legal education will continue to produce graduates who are insufficiently equipped to engage with one of the most significant and enduring challenges facing the Australian justice system (Yoorrook Justice Commission, 2025, pp. 279–281).

Public Attacks on Indigenous Legal Academics and Institutional Response

An additional dimension of the lived experience of First Nations legal academics is the exposure to coordinated and sustained public criticism in mainstream media, particularly in relation to their work

on Indigenous legal education and curriculum reform. In early 2025, *The Australian* newspaper published several articles and opinion pieces criticising the "indigenisation" of law school curricula and the inclusion of Indigenous legal perspectives in Australian universities. These reports directly targeted Indigenous law academics and characterised these changes as “political activism” or “ideology” rather than legal education. This was discussed at the *Reckoning and Reimagining* workshop and is in the report (Indigenous Law and Justice Hub, 2025b, p. 3).

Participants at the *Reckoning and Reimagining* workshop described this period as one of heightened vulnerability, noting that media coverage had focused not just on ideas or institutional policies, but deliberately isolated academics and targeted their scholarship. Scrutiny such as this has the effect of making broader debates about curriculum reform personal, and this places disproportionate pressure on a relatively small cohort of Indigenous scholars already engaged in significant institutional burden. In this context, criticism was not just part of ordinary academic argument and discussion but instead was a public way of attempting to delegitimise Indigenous knowledge and authority within legal education.

As noted already in this submission, First Nations academics are often underrepresented, professionally isolated, and subject to significant cultural and institutional workload pressures. Exposure to sustained public criticism in these circumstances contributes to increased stress, reputational risk and increased implications for retention and participation. As noted in the workshop report, there was limited and inconsistent institutional response to these media campaigns. There was a perception that universities and law schools did not provide adequate public or internal support for academics subject to criticism, nor did they consistently articulate a clear institutional position supporting their staff members, and the legitimacy of Indigenous legal scholarship and curriculum reform. In addition, while the Council of Australian Law Deans (CALD) has previously acknowledged the need for structural reform in legal education and condemned systemic discrimination, their response to these specific instances of public attack was perceived as limited in visibility and impact. These instances and the lack of institutional support has contributed to a feeling amongst many Indigenous academics that responsibility for navigating any challenges is up to them, and likely without the support of their employer. Many academics had to turn to their own First Nations support networks (other academics or representative bodies such as Tarwirri) for support where their employer failed them. This load sharing is common, and important, but at best only spreads the colonial load among other First Nations members of the legal profession.

The absence of any coordinated response from these Universities and CALD has significant implications. It signals a lack of institutional accountability for the protection and support of Indigenous staff – support that is offered to other academics and their scholarship. This has a considerable effect on scholarship, teaching, and public engagement in this space. It also reflects the persistence of an environment in which Indigenous legal academics are required not only to undertake the work of curriculum transformation, but also to defend the legitimacy of that work on their own. These experiences highlight that institutional racism within legal education operates not only through internal structures, but also through the interaction between universities, and the wider public and media environments. Addressing these issues requires institutions and sector bodies to adopt clear, proactive, and collective responses that affirm the legitimacy of Indigenous scholarship, support targeted academics, and ensure that public debate does not become a mechanism for the marginalisation of already underrepresented voices.

CALD Statement on Racism and Law Schools

In 2020, the Council of Australian Law Deans (CALD) issued a significant public statement acknowledging the existence of systemic discrimination and structural bias against First Nations peoples within the Australian legal system (Council of Australian Law Deans, 2024), and the role of legal education in sustaining those conditions. The statement is notable for its explicit recognition that Australian law schools have not been neutral institutions, but have, "by action or inaction," contributed to the reproduction of legal and institutional practices that disadvantage Aboriginal and Torres Strait Islander peoples.

In doing so, CALD situates legal education within the broader architecture of the justice system, acknowledging that the content, methods, and priorities of legal curricula have historically reflected and reinforced colonial legal frameworks and epistemologies, while also marginalising or excluding Indigenous legal orders and perspectives. This acknowledgement marked an important departure from earlier conceptions of legal education as doctrinally neutral, instead recognising its role in shaping both legal knowledge and professional norms. The statement further committed Australian law schools to the development of culturally safe, partnership-based, and decolonising approaches to legal education. Central to this commitment was the recognition that meaningful reform cannot be achieved through unilateral institutional action but must be undertaken in genuine partnership with First Nations peoples, including Indigenous academics, communities, and legal practitioners. This reflected an emerging consensus that Indigenous authority and knowledge must be embedded within the design, delivery, and governance of legal education, rather than consulted in an advisory or peripheral capacity.

CALD accordingly called on law schools to ensure that their programs equip graduates with cultural competence and the capacity to engage with Indigenous legal issues in an informed and respectful manner, while also fostering learning environments that are culturally safe for First Nations students and staff. This was in alignment with broader sectoral shifts towards recognising the importance of cultural safety as a foundational element of professional education, particularly in disciplines that exercise significant social and institutional power. The statement also situated legal education reform within the wider project of justice system transformation, including by calling on governments to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody (1991). This underscored the interdependence between legal education and legal practice, in that, deficiencies in the former contribute to inequities in the latter, and conversely, meaningful reform in legal education is a necessary condition for systemic change.

The CALD statement articulates an ambition for deep, structural transformation of Australian legal education, grounded in collaboration with First Nations peoples and oriented towards addressing historical and ongoing injustice. However, it has become clear that this ambition remains uneven across the sector and the implementation of this statement has not been clearly demonstrated. It is our belief that there is a clear need for stronger regulatory frameworks, accountability mechanisms, and sustained institutional commitment to give practical effect to these principles.

Australian Legal Education

The pathway to becoming a lawyer in Australia is structured through a three-stage process of academic qualification, practical training, and formal admission. Australian legal education is shaped by the Priestley 11, which prescribe core areas of knowledge required for admission to legal practice. These 11 subjects must be passed as part of an accredited Bachelor of Laws (LLB) or Juris Doctor (JD) program, or through equivalent examinations. An individual must complete an accredited law degree that satisfies the Priestley requirements, ensuring competency in key areas of law. Secondly, graduates must undertake Practical Legal Training (PLT), either through a supervised traineeship or a structured coursework program, which is designed to develop applied legal skills, including advocacy, legal drafting, and professional ethics. Finally, candidates must be admitted to legal practice by the Supreme Court of a state or territory, typically upon demonstrating that they meet the requisite standards of academic qualification, practical training, and "fitness and propriety" to practise law.

The Law Admissions Consultative Committee (LACC) plays a central coordinating role in the regulation of entry to the legal profession across Australia, particularly in relation to academic qualifications and admission standards. LACC is responsible for developing and maintaining the uniform framework that governs admission to legal practice. Although admission lies solely with each state and territory authority, LACC exercises significant influence over what must be taught, assessed, and demonstrated before a graduate can be admitted. In practical terms, it operates as the key standard-setting body shaping the content of legal education, particularly through its control over the prescribed areas of knowledge.

While the existing framework provides a high degree of national consistency in the technical and professional training of lawyers, it is also highly prescriptive in determining what counts as essential legal knowledge. The Priestley 11 shapes not only the structure of law degrees but also the allocation of time, resources, and pedagogical focus within law schools. As a result, areas of law that fall outside this prescribed framework are often marginalised or treated as optional.

Because admission to practice is contingent upon completion of the Priestley subjects, law schools are structurally incentivised to prioritise these areas, often at the expense of other perspectives. The constitutional and historical context of Aboriginal and Torres Strait Islander Peoples remains absent from the Priestley 11.

Some scholarly and institutional critiques describe legal education as fundamentally racist in its structure and omissions, particularly in relation to Indigenous knowledges, arguing that the structure of legal education itself may be understood as "fundamentally racialised" in its exclusions and assumptions (Watson, 2005). On this view, the absence of Indigenous law and perspectives is not simply a gap to be filled, but a reflection of deeper epistemic hierarchies that privilege certain forms of knowledge while marginalising others. The failure to recognise Indigenous legal systems as law and to engage with the role of the legal system in sustaining inequality, constitutes a form of institutional blindness that has real consequences for justice outcomes.

Institutional bodies have also acknowledged these deficiencies. Reports commissioned by the Council of Australian Law Deans have noted the relative stasis of the Priestley framework and its limited responsiveness to contemporary social and professional demands, including the need to develop cultural competence and an understanding of Indigenous legal issues among graduates (Kift & Nakano,

2021). However, in the absence of formal reform to admission requirements, efforts to address these gaps have remained inconsistent and dependent on individual institutions or academics, rather than embedded within the structure of legal education itself.

Consequences for Australian Law and Justice

A failure to address institutional racism in legal education produces direct and ongoing consequences for the Australian legal system. At the point of entry into the profession, lawyers may lack the foundational competencies required to engage effectively with First Nations clients, communities, and legal issues. As already outlined in this submission, the result is a profession in which many practitioners are underprepared to navigate the legal and cultural complexities that shape the experiences of First Nations peoples within the justice system. Legal practitioners may fail to identify relevant cultural, historical, or community factors in advising clients, preparing cases, or making submissions. In criminal law contexts, this can affect the quality of advocacy in matters involving bail, sentencing, and diversion, where courts are increasingly recognising the importance of context, including the impacts of dispossession and intergenerational disadvantage. In civil and administrative contexts, a lack of understanding may limit the ability of lawyers to engage effectively with matters involving land rights, cultural heritage, or Indigenous governance structures. These deficiencies do not necessarily arise from individual intent, but from systemic gaps in training and professional formation.

At a systemic level, this contributes to the persistence of disproportionate legal outcomes for First Nations peoples. As already noted in this submission, the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system is one of the most obvious manifestations of this. This also reflects a broader pattern in which legal institutions, processes, and decision-making frameworks operate without sufficient regard to the historical and structural conditions shaping First Nations' experiences of law. Where legal professionals are not equipped to recognise or adequately respond to these dynamics, the system is more likely to reproduce, rather than disrupt, existing inequalities.

The marginalisation of Indigenous legal systems and knowledges within legal education further entrenches this dynamic. Despite their ongoing vitality and relevance, Indigenous legal orders remain largely absent from Australian jurisprudence and professional practice.

While some law firms have sought to address these gaps through voluntary professional development, such efforts remain discretionary. In the absence of professional requirements, the development of competency in this area depends on the initiative of individuals rather than professional obligation.

There is an opportunity for the profession to respond more systematically at the post-admission stage, particularly through structured and enforceable approaches to cultural capability. Ongoing professional development in cultural safety could be strengthened through the incorporation of targeted continuing professional development (CPD) requirements, ensuring that practitioners maintain and deepen their understanding over time, rather than relying solely on pre-admission education. Existing frameworks already provide a foundation for such an approach. For example, the First Nations Cultural Capability Framework developed by the Victorian Aboriginal Legal Service articulates a model of legal practice grounded in cultural safety, self-determination, and accountability,

emphasising that competency requires not only knowledge, but the capacity to engage respectfully and effectively with Aboriginal clients and communities (Victorian Aboriginal Legal Service, 2025). Similarly, professional guidance such as the *First Nations Guidance Paper* produced within the pro bono sector highlights the need for lawyers to develop ongoing, reflexive, and practice-based cultural capability, particularly when working with First Nations communities (Australian Pro Bono Centre, 2025).

In addition to strengthening CPD obligations, consideration should be given to the development of a specialist accreditation pathway for practitioners who work predominantly with Aboriginal and Torres Strait Islander clients and communities. Such an accreditation would recognise advanced and demonstrated competency in culturally safe legal practice, promote consistent and enforceable standards across the profession, and provide a clear signal to clients, courts, and institutions of a practitioner's expertise and accountability in this domain. Importantly, the rationale for such an accreditation extends beyond improving justice outcomes or addressing overrepresentation within the criminal legal system. It also reflects the growing significance of cultural capability in commercial, regulatory, and advisory contexts, where lawyers are increasingly required to engage with First Nations governance structures, rights frameworks, and community decision-making processes. In jurisdictions such as Victoria, where treaty negotiations and agreements with Traditional Owner groups are advancing, the need for culturally competent legal advisors is both immediate and structural. In this context, accreditation would serve not only as an anti-racism measure, but as a mechanism to ensure fair, ethical, and effective participation in emerging legal and economic relationships, including those arising within the Traditional Owner treaty process.

Accordingly, embedding specialist accreditation within the profession would reinforce that cultural capability is not ancillary, but integral to competent legal practice across both justice and non-justice domains, and essential to maintaining the integrity and legitimacy of the legal system in a changing constitutional landscape. When aligned with existing frameworks such as the First Nations Cultural Capability Framework, this approach would support a shift from aspirational commitments to measurable professional standards, embedding cultural capability as an enduring and assessable component of legal practice. These measures would not replace the need for foundational reform in legal education but would reinforce professional responsibility in legal practice.

International context and comparison

Under International human rights law, Australia has clear obligations with respect to education and truth-telling. Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires states to use education as a means to combat racial prejudice and promote understanding, tolerance, and friendship among racial and ethnic groups (United Nations, 1965, p. 222). Fulfilling this obligation in the Australian context requires an approach that respects the diverse histories, cultures, and aspirations of the distinct nations across Australia, rather than collapsing them into a single, pan-Indigenous narrative.

Education is a powerful tool in shaping ideologies, values, and views, but also the design of curriculum can have a significant impact on the experience of discrimination of Indigenous students within and

beyond the classroom. There is an opportunity for Australia to align legal education with its international obligations by embedding truth telling and First Nations perspectives into law curricula nationwide. This could be done by implementing recommendations arising from processes such as Victoria's Yoorrook Justice Commission and extending them across all Australian jurisdictions (Yoorrook Justice Commission, 2025, pp. 314–315).

Comparable common law jurisdictions have already recognised that combating racism, hate and violence directed at Indigenous peoples includes structural change to legal education and admission standards. Recent developments in Canada provide a useful comparative example of embedding Indigenous cultural competency within legal education and professional regulation. Following the Calls to Action of the Truth and Reconciliation Commission, Canadian legal bodies have increasingly recognised that understanding Indigenous histories, laws, and the impacts of colonialism is a core component of professional competence, rather than an optional area of study (Truth and Reconciliation Commission of Canada, 2015, p. 3). The Federation of Law Societies has recently introduced an Indigenous Law and Peoples Knowledge Requirement in the assessment process that all Committee on Accreditation (NCA) applicants must complete in order to practice Canadian law (Federation of Law Societies of Canada, 2024; Indigenous Bar Association, 2026).

The Indigenous Law and Peoples Knowledge Requirement in Canada responds directly to the Truth and Reconciliation Commission's (TRC) Call to Action 27:

> *"We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."* (Truth and Reconciliation Commission of Canada, 2015, p. 3)

The requirement is also aligned with section 35 of the Constitution Act, 1982, which recognises and affirms the rights of Indigenous peoples and their treaty rights (Constitution Act, 1993, s 35). Canada's admission system is being reshaped so that the legal profession's training reflects the constitutional status of Indigenous peoples and their laws. The TRC's Call to Action 28 further recommended that law schools introduce a mandatory subject on Indigenous peoples and the law, embedding this knowledge at the pre-admission stage of legal training.

In historical terms, Canada has moved from voluntary and fragmented inclusion of Indigenous content to a compulsory, standardised model of competency. This demonstrates that it is both feasible and appropriate to treat Indigenous legal knowledge as foundational to legal practice, reinforcing the case for similar mandatory competency requirements in Australia.

In New Zealand, the Professional Examination in Law Regulations now require Tikanga (Māori law/lore) to be taught as a stand-alone compulsory subject within New Zealand Law Schools. These recent reforms in Aotearoa New Zealand provide a further compelling example of how legal education can be restructured to recognise Indigenous law as foundational.

This reform reflects a significant shift in the positioning of Indigenous law within legal education. Tikanga is no longer treated as an elective or supplementary topic, but as a core component of the legal curriculum, essential to understanding the operation of law within New Zealand. The change is

closely connected to broader justice developments in New Zealand, where courts have increasingly recognised Tikanga as a relevant and authoritative source of law, informing both statutory interpretation and the development of common law principles (New Zealand Council of Legal Education, 2022).

The introduction of a compulsory Tikanga subject reflects an acknowledgment that legal competence requires engagement with the plural legal foundations of the state. In the New Zealand context, this includes not only the inherited common law tradition but also Māori legal orders, which continue to shape governance, rights, and relationships to land and community. Embedding Tikanga as a required area of study ensures that all graduates possess a baseline understanding of these intersecting legal systems.

The relevance of this development to the Australian context is direct and significant. Like Aotearoa New Zealand, Australia is a settler-colonial state in which Indigenous legal systems predate and continue to coexist with the introduced common law system.

Australia, by contrast, has no constitutional equivalent recognising First Nations peoples or their laws, and no corresponding requirement in legal education or admission standards.

For the gap in cultural capability of legal professionals to be addressed, we recommend the addition of a compulsory 12th Priestley subject on Indigenous law and justice.

A Priestley 12 structure

To address the structural role of legal education in perpetuating racism and discrimination against First Nations peoples, we recommend that a compulsory twelfth Priestley area of knowledge be created. This Priestley 12 should explicitly address the histories, laws, rights, and contemporary experiences of Aboriginal and Torres Strait Islander peoples.

This reform would ensure that all law graduates, and thus all future legal practitioners, possess a minimum level of competency in understanding and working with First Nations peoples and legal issues, and meet Australia's obligations under ICERD Article 7 in combatting racial prejudice and promoting understanding.

Graduates of Australian law schools should be able to:

1. Analyse colonisation and the current legal framework
    - Explain how Australian law has denied, regulated, and, in part, recognised Indigenous rights as well as how it has structured ongoing relationships between Indigenous peoples and the State.
2. Apply relevant Australian law in key practice areas
    - Competency work with legislation and case law in contexts such as:
        - Native title and land rights
            - Including the recognition and limitation of First Nations interests in land and waters

- Cultural heritage and resources
    - Including protection of cultural heritage, intangible cultural property, and cultural resources
- Criminal justice
    - Including the overrepresentation of Aboriginal and Torres Strait Islander peoples, systemic bias, policing, bail, and sentencing
- Family and child protection
    - Including the ongoing impacts of child removal and the operation of child protection and family law systems
- Indigenous governance and agreements
    - Including Indigenous community-controlled organisations, treaty and agreement-making processes, and mechanisms for Indigenous self-determination

3. Have the Cultural competency to appropriately service First Nations clients including understanding how culture impacts:
    - dispute resolution
    - business and commercial matters
    - governance and self-organisation
    - choices and outcomes during contact with the justice system

A Whole-of-Curriculum Approach

Despite the centrality of colonisation to the development of the Australian legal system, its legal and institutional effects are rarely addressed in a systematic or sustained manner across core subjects. Indigenous legal knowledges, where included, are frequently confined to elective offerings or discrete modules, rather than integrated as foundational components of legal analysis. This reinforces the distinction between "mainstream" law and Indigenous perspectives, obscuring the extent to which Australian law itself intersects through ongoing relationships with Indigenous sovereignty, land, and governance.

In addition to a 12th compulsory Indigenous law and justice, we also recommend a whole-of-curriculum approach to the embedding of Indigenous perspectives, histories, and legal frameworks across the entirety of the law degree, to be supported by coherent learning outcomes and scaffolded pedagogical design. This would reinforce that Indigenous law, and the legacy of colonisation is not a peripheral or specialist area, but a core aspect of legal knowledge in Australia. Such an approach enables students to develop a foundational understanding of the coexistence and interaction of Indigenous legal systems and the common law and the role of law as an instrument of colonisation. They would also

then understand the continuing implications of these dynamics for legal institutions and professional practice.

Indigenous graduate attributes and learning outcomes must be consistently embedded and scaffolded across the curriculum, rather than addressed in isolated or ad hoc ways. The adoption of a whole-of-curriculum model also entails a reorientation of pedagogy. Preference should be given to approaches that engage with Indigenous legal orders in ways that are relational and place-based including (Indigenous Law and Justice Hub, 2025b, p. 18):

- On-Country and experiential learning
- Community-engaged teaching practices
- Narrative and storytelling methodologies
- Critical examination of the common law as a historically contingent and colonial legal system

These approaches challenge the assumption of doctrinal neutrality that often characterises legal education and instead position law as a socially situated practice, shaped by society, history, and enduring power dynamics.

The current state of undergraduate and postgraduate legal education in Australia reveals that learning outcomes and graduate attributes addressing Indigenous knowledges and cultural capability remain limited. Where such attributes do exist, they are frequently expressed in broad and aspirational terms, lacking the necessary influence required to guide curriculum design, assessment, and measurable student capability. For example, statements such as the Australian National University College of Law's graduate attribute referring to "insight into Aboriginal and Torres Strait Islander peoples' knowledges and Indigenous peoples' perspectives" does not prescribe specific learning outcomes, assessment methods, or minimum competencies. The absence of clearly defined, assessable learning outcomes is a broader pattern across law schools where high-level institutional commitments are not consistently translated into measurable student capability, resulting in variability in implementation and outcomes.

There are relatively few examples of law programs in which Indigenous cultural competence has been embedded through clearly defined learning outcomes and curriculum design. One notable example is the Bachelor of Laws at Charles Sturt University, which incorporates Indigenous cultural competence as a core Graduate Learning Outcome, supported by detailed components across knowledge, skills, and application domains. This model requires students to develop an understanding of Indigenous cultures, histories, and contemporary realities, alongside the capacity to critically reflect on the role of law and the legal profession in processes of dispossession and ongoing inequality, and to apply this understanding in practice through culturally responsive and socially just legal engagement (Gerard et al., 2017, p. 2). The CSU approach involves a whole-of-curriculum model, in which Indigenous legal issues, perspectives, and legal systems are embedded across subjects, supported by institutional policy, Indigenous leadership, and community partnership. The model also emphasises place-based learning, and collaboration with Indigenous academics and community, ensuring that learning outcomes are not performative, but are embedded with authenticity. The CSU example provides a compelling model for national reform.

The Graduate Learning Outcome involves three attributes as outlined in Table 1 below:

Table 1 Indigenous Cultural Competence Graduate Learning Outcome, Charles Sturt University

Knowledge	Skill	Application
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	Critically examine personal power, privilege and profession within the broader context of the history, assumptions and characteristics that structure Australian society, and the way those factors shape historical and contemporary engagement with Indigenous communities and Indigenous people	Practise in ways that show a commitment to social justice and the processes of reconciliation through inclusive practices and citizenship

(Gerard et al., 2017, p. 11)

National Bar Admission Standards: Mandatory Competency in First Nations Law and Justice

Fragmentation in Current Admission Requirements

Admission to legal practice in Australia is governed by state and territory regimes operating within the broader framework of the *Legal Profession Uniform Law* and associated rules. While these arrangements provide a degree of formal consistency, they do not currently require law graduates to demonstrate any competency in First Nations legal systems, the legal impacts of colonisation, or the operation of institutional racism within law and justice systems.

As outlined earlier in this submission, the existing "Priestley 11" requirements define the core areas of knowledge required for admission yet remain silent on Indigenous law and justice. Because admission is contingent upon completion of these prescribed areas, law schools are incentivised to prioritise them, often at the expense of broader or contextual forms of legal knowledge. Despite sector-wide acknowledgment of these deficiencies, including the 2020 statement by the Council of Australian Law Deans (CALD), competency in First Nations law and cultural capability remains discretionary. This has produced a fragmented landscape in which graduate capability varies significantly across institutions. Some students may receive substantive and scaffolded engagement with these issues, while others may complete a law degree without any meaningful exposure.

This inconsistency has broader implications. A profession that does not require its members to understand the legal and social realities affecting First Nations peoples, particularly in a system where

those peoples are disproportionately subject to legal processes, cannot maintain an adequate standard of professional competence.

A National Competency Requirement

Legal practitioners routinely operate within an environment where First Nations peoples continue to be disproportionately affected at every stage of the criminal justice system, from policing and bail to sentencing and incarceration. At the same time, there is an observable shift within the legal system itself. Courts and tribunals are increasingly recognising the importance of cultural context and Indigenous perspectives in achieving just outcomes. This is particularly evident in sentencing practices, where judicial officers are required to consider the background of offenders, including the impacts of colonisation and cultural obligations, to arrive at an individualised and proportionate sentence. Specialist jurisdictions such as the Koori Court in Victoria, Walama List in New South Wales, and the Nunga Court in South Australia demonstrate this shift, as they incorporate Elders and community members into more informal and culturally responsive processes (Australian Law Reform Commission, 2017, pp. 173–5).

Evidence supports the effectiveness of problem-solving and Indigenous-informed justice models, demonstrating that such approaches extend well beyond Indigenous-specific courts and have achieved measurable success across multiple jurisdictions. These models that are often described as "therapeutic" or "problem-solving" justice have been implemented in areas such as drug courts, homelessness courts, and community courts, where they seek to address the underlying social drivers of offending rather than relying solely on punitive responses. Early evaluations of the Koori Court found lower recidivism rates compared to mainstream courts, alongside improved engagement with defendants through the involvement of Elders and community representatives (Borowski, 2010). In Canada, Indigenous or "Gladue" courts incorporate restorative justice principles and community-based sentencing processes, often involving Elders and culturally grounded rehabilitation plans (Ralston, 2021). These courts aim to divert individuals from conventional criminal processes and address underlying issues such as substance use, housing instability, and intergenerational trauma. Similarly, in Aotearoa New Zealand, Māori-focused courts (including Rangatahi and Pasifika Courts) embed tikanga Māori and community participation within sentencing processes, reflecting recognition of Indigenous legal traditions as relevant to contemporary justice (District Courts of New Zealand, n.d.).

Solutions-focused-justice captures more than just Indigenous courts and has seen decades of effectiveness, and they are only strengthening in their evidence-based approaches. It encompasses a range of courts and interventions that prioritise rehabilitation, cultural legitimacy, and community engagement. The success of these models underscores a critical point for legal education: that understanding Indigenous legal perspectives, as well as the broader framework of problem-solving justice, should be central to contemporary legal practice. However, these developments are not yet matched by corresponding changes in legal education or admission standards. There remains a disconnect between the realities of legal practice and the competencies required to enter the profession. Without reform, this gap will continue to place pressure on courts and communities to compensate for deficiencies in professional training. The introduction of a nationally consistent competency requirement would address this structural misalignment. By establishing a clear baseline for knowledge, skills, and application in First Nations law and justice, such a requirement would ensure

that all legal practitioners are equipped to operate competently and ethically in culturally complex contexts.

Recommendations

Recommendation 1: a mandatory competency in first nations law and justice in national admission standards

It is recommended that all admitting authorities adopt a uniform requirement that all applicants for admission to legal practice must demonstrate competency in First Nations law, cultural safety, and the impact of systemic racism on the operation of Australian law. These authorities include bodies such as the Law Admissions Consultative Committee, and all state and territory-based bodies that directly process applications for admission and assess compliance, such as the Victorian Legal Admissions Board (VLAB), the Legal Profession Admission Board (NSW), and the Legal Practice Board of Western Australia.

As this submission has shown, most law graduates admitted to practice have not had any formal engagement with Indigenous legal systems, the legal dimensions of colonisation, or the realities of systemic racism within the justice system. This absence reflects a structural gap within current admission frameworks, despite the profound and disproportionate interactions First Nations peoples have with Australian legal institutions.

This gap is no longer tenable or excusable. Lawyers routinely operate in contexts shaped by dispossession, overrepresentation in the criminal justice system, and the ongoing effects of colonial structures. Without a minimum standard of competency in these areas, the legal profession risks perpetuating the very inequities it is intended to address.

A nationally consistent competency requirement would establish a clear professional baseline, ensuring that all practitioners possess the foundational knowledge and skills necessary to engage ethically and effectively with First Nations clients and legal issues.

Competency in first nations law and justice should, at a minimum, include standardised level of Knowledge, Skills and Application.

- **Knowledge of First Nations law and legal context:** Understanding Indigenous legal systems, the historical and ongoing impacts of colonisation, and the relationship between Australian law and First Nations peoples.
- **Understanding of systemic racism in law and justice:** The ability to identify how legal institutions, doctrines, and practices contribute to racial inequality, including in areas such as policing, sentencing, and administrative decision-making.
- **Applied legal capability:** The capacity to engage with legal issues affecting First Nations peoples in practice contexts, including client interaction.
- **Cultural safety and ethical engagement:** Possess the skills required to work respectfully and effectively with First Nations clients and communities, including awareness of cultural obligations and communication practices.

This requirement should be embedded within admission rules, not left to institutional discretion, and be nationally consistent across all states and territories. This requirement should also be enforceable

through the accreditation and admission processes and be incorporated into the LACC National admission standards, with independent state authorities requiring evidence at admission stage. Evidence of this competency should be based on the completion of accredited subjects and consideration should be given to implementing a standalone national assessment piece, similar to PLT-style competency checks.

A reform of this nature would bring Australia into closer alignment with comparable jurisdictions, including Canada, where Indigenous cultural competency is now embedded within admission processes. It would also reflect the evolving expectations of the legal profession and the justice system, including the increasing recognition of cultural context within courts and tribunals.

Admission frameworks can play a critical role in addressing the structural deficiencies identified throughout this submission and in ensuring that all legal practitioners are equipped to contribute to a more just and equitable legal system.

Recommendation 2: establish a mandatory first nations law and justice within the Priestley framework

It is recommended that a compulsory twelfth area of knowledge be introduced into the Priestley framework, requiring all accredited Australian law degrees to include a stand-alone subject on First Nations law and justice. This subject should be mandatory for all law students and assessed as a condition of eligibility for admission to legal practice.

The evidence presented in this submission demonstrates the absence of any requirement to engage with Indigenous legal systems, colonisation, and systemic racism has resulted in generations of law graduates entering the profession without the foundational knowledge required to understand the operation of Australian law in its full context This gap is not incidental but structurally produced by the current configuration of the Priestley 11, which defines what counts as essential legal knowledge while omitting the legal and historical realities of First Nations peoples.

The establishment of a mandatory First Nations Law and Justice subject would address this structural deficiency by ensuring that all graduates possess a baseline level of legal literacy in this area. It would also align legal education with the contemporary demands of legal practice, where lawyers routinely engage with issues shaped by dispossession, systemic inequality, and the ongoing operation of Indigenous legal orders.

This subject should include, at a minimum, the following core areas of competency:

- **Colonisation and the Australian legal system:** Understanding how Australian law has historically denied, regulated, and, in some contexts, recognised Indigenous rights, and how it continues to structure relationships between First Nations peoples and the State.
- **Indigenous legal systems and legal pluralism:** Recognition of Aboriginal and Torres Strait Islander legal orders as systems of law, and their ongoing relevance alongside the common law.
- **Key areas of legal practice affecting First Nations peoples,** including:
    - Native title and land rights

    - Cultural heritage and protection of cultural knowledge
    - Criminal justice, including systemic bias and overrepresentation
    - Family and child protection systems
    - Indigenous governance, agreements, and self-determination
- **Institutional racism and legal structures:** The role of law and legal institutions in producing and maintaining racial inequality, and the implications for legal practice.
- C**ultural safety and professional responsibility:** Foundational skills required to engage ethically and effectively with First Nations clients, communities, and legal issues.

This reform should include formal incorporation of the subject as a twelfth prescribed area of knowledge under the Priestley framework, overseen by the Law Admissions Consultative Committee (LACC). There should be a requirement that the subject be compulsory and assessed within all accredited law degrees (LLB and JD programs). In partnership with First Nations legal scholars and communities, a nationally consistent minimum standard and learning outcomes should be developed. Integration of this requirement into accreditation and admission processes should require the completion of the subject as a condition of recognition for admission to legal practice.

This suggested reform would move Indigenous legal knowledge to the core of legal education, reflecting its importance to the Australian legal system. It would also bring Australia into closer alignment with comparable jurisdictions, such as Canada and Aotearoa New Zealand, where Indigenous legal competency is increasingly recognised as a necessary component of professional legal training.

By embedding this requirement within the structure of legal education, rather than leaving it to institutional discretion, the Priestley framework can play a central role in addressing the systemic deficiencies identified throughout this submission and in supporting a more equitable and culturally competent legal profession.

Recommendation 3: establish nationally consistent core learning outcomes on first nations law, justice, and cultural safety

It is recommended that nationally consistent learning outcomes be developed and mandated across all Australian law programs to ensure that graduates acquire a minimum, measurable level of competency in First Nations law, systemic racism, and culturally safe legal practice.

As is demonstrated in this submission, current approaches to Indigenous legal education are fragmented, inconsistent, and largely dependent on individual institutions or academics that are aligned with Cultural Safety, Anti-racism capability and Indigenous legal literacy. While some law schools have introduced relevant content, this is often elective, peripheral, or unevenly delivered. The absence of clear, enforceable national standards has resulted in significant variation in graduate capability, undermining both the integrity of legal education and the capacity of the legal profession to respond effectively to the needs of First Nations peoples. The development of national core learning outcomes would address this inconsistency by establishing a shared baseline for what all law graduates must know and be able to do. This would complement the introduction of a mandatory Priestley 12

subject by ensuring that engagement with First Nations law and justice is not confined to a single unit but is reinforced and developed across the broader curriculum.

Respective of the recommendation 1, 2 and 4 of this submission, the core learning outcomes of Australian law schools should mirror the competency standards for admission, the structure of an additional mandatory subject mandatory first nations law and justice within the Priestley framework, and embedded indigenous knowledges across the legal curriculum. As such they should include, at a minimum, the following areas of competency:

- **Understand Indigenous cultures, histories, and contemporary realities:** Students develop substantive knowledge of Aboriginal and Torres Strait Islander societies and their ongoing legal and social contexts.
- **Critically analyse law as a colonial system:** Graduates are expected to evaluate the role of the legal system and the legal profession in dispossession, colonisation, and ongoing inequality.
- **Commit to social justice and reconciliation in practice:** Cultural competence is framed not as knowledge alone, but as an ethical and professional obligation, requiring graduates to practise law in ways aligned with justice and reconciliation.
- **Demonstrate capability to work effectively in Indigenous contexts:** This includes practical skills: engaging respectfully with communities, understanding cultural protocols, and applying knowledge in real legal settings.
- **Engage in reflective and relational learning: E**mbedding of community engagement and Indigenous-led teaching (e.g. Elders-in-residence), ensuring graduates develop ongoing, practice-based competence rather than static knowledge.

Implementation of this reform should include the development of the learning outcomes by the Law Admissions Consultative Committee (LACC) in partnership with First Nations legal academics, practitioners, and communities. There should also be a requirement that law schools demonstrate how these outcomes are scaffolded across the curriculum, rather than addressed in isolated or ad hoc ways.

Establishing nationally consistent learning outcomes would ensure that all graduates, regardless of where they study, are equipped with the knowledge and skills necessary to engage with First Nations law and justice. It would also provide a mechanism for translating broad commitments to anti-racism and cultural safety into concrete educational standards, addressing the gap between policy and practice identified throughout this submission.

Recommendation 4: implement a whole-of-curriculum approach to First Nations law and justice

It is recommended that all accredited Australian law schools be required to adopt a whole-of-curriculum approach to the teaching of First Nations law, justice, and cultural safety, ensuring that these areas are embedded across the entirety of a law degree.

As identified in this submission, Indigenous legal knowledges are currently marginalised within legal education, often confined to elective subjects or discrete modules rather than integrated into core areas of study. This structural positioning reinforces the perception that First Nations law and

perspectives are supplementary to mainstream law, rather than foundational to understanding the Australian legal system. It understates the importance and prevalence of indigenous peoples feature in the Australian justice system and limits the capacity of students to develop a sustained and applied understanding of the relationship between law, colonisation, and contemporary justice outcomes. This inadequately prepares these students for the realities of the Australian justice system.

A whole-of-curriculum approach addresses this deficiency by recognising that engagement with First Nations law and the enduring impact of colonisation is not a single subject matter, but a core dimension of legal knowledge that should inform the teaching of all areas of law. This approach complements the introduction of a mandatory Priestley 12 subject by ensuring that foundational learning is reinforced, deepened, and applied across multiple contexts throughout the degree.

A whole-of-curriculum approach should include the embedding of First Nations perspectives, legal frameworks, and histories across core Priestley subjects, including but not limited to constitutional law, property law, criminal law, and administrative law. This would ensure that student learning progresses from foundational knowledge over the course of the degree, rather than being limited to a single point of exposure. With appropriate context, students would learn to understand law as a social system, including its role in colonisation, dispossession, and the ongoing regulation of relationships between First Nations peoples and the State.

It is critical that this approach also supports teaching mechanisms and formats that engages with Indigenous legal orders in relational and place-based ways, including:

- On-Country and experiential learning opportunities
- Community-engaged teaching and partnerships
- Narrative and storytelling methodologies
- Critical examination of the common law as a colonial legal system

Without systematic integration, the inclusion of First Nations law risks remaining symbolic, inconsistent, and dependent on individual institutional commitment. A whole-of-curriculum approach ensures that all students develop a coherent and applied understanding of these issues, preparing them for legal practice in a system where Indigenous peoples are profoundly and disproportionately affected.

Recommendation 5: establish enforceable institutional accountability and cultural safety frameworks

It is recommended that all Australian Universities be required to implement enforceable institutional accountability frameworks to address racism and ensure culturally safe environments for First Nations staff and students. These frameworks should be embedded within accreditation, funding, and governance structures, and subject to ongoing monitoring and public reporting.

Institutional responses to racism within universities, including law schools, are inconsistent and frequently ineffective. Despite the prevalence of racism and its documented impacts on student participation, staff retention, and career progression, any existing complaint mechanisms are underutilised and widely perceived as inadequate. First Nations staff and students face significant

barriers to reporting, including lack of confidence in institutional processes, fear of further harm, and limited accountability for outcomes. Many reports go unanswered. At the same time, systemic issues such as the disproportionate "colonial load" on Indigenous academics remain unrecognised within formal institutional structures.

Addressing these failures requires a shift from symbolic commitments to enforceable accountability. Cultural safety must be treated as a core institutional obligation, not an aspirational value, and must be supported by clear standards, transparent processes, and meaningful consequences for non-compliance.

This framework should include, at a minimum, the following components:

a. **Cultural safety standards and institutional obligations**
   Universities should be required to adopt formal cultural safety frameworks that define expected standards of conduct, teaching practice, and workplace behaviour. These frameworks must be co-designed with First Nations academics and communities and embedded across all aspects of institutional life, including curriculum delivery, staff recruitment, promotion, and student support.

b. **Effective complaints mechanisms**
   Institutions must establish reporting pathways at a faculty level that are culturally appropriate, transparent, and independent of local power structures where possible.

c. **Monitoring, transparency, and public reporting**
   Universities should be required to collect and publicly report de-identified data on:
   - Incidents of racism and complaint outcomes
   - Staff recruitment, retention, and progression (including First Nations representation)
   - Student experiences and attrition rates

   This reporting should form part of regular institutional accountability processes and enable sector-wide benchmarking.

d. **Recognition and reimagining of cultural labour**
   Institutions must formally recognise the "cultural load" carried by First Nations staff within workload models, promotion criteria, and resourcing frameworks. This includes ensuring that Indigenous academics are not disproportionately responsible for making and implementing the changes, and that such work is appropriately recognised and supported.

e. **Alignment with accreditation**
   Compliance with cultural safety and anti-racism standards should be linked to:
   - Accreditation processes
   - Eligibility for public funding and grants
   - Faculty performance reviews

   This ensures that accountability is not optional but structurally embedded within the regulation of legal education.

This recommendation responds directly to the gap identified throughout this submission between the existence of anti-racism commitments from Universities and their law schools, and their practical implementation. In embedding cultural safety and accountability within the structures that govern legal education, this reform would support safer and more equitable environments for First Nations staff and students, while also strengthening the integrity and credibility of the legal education system as a whole.

In addition, consideration should be given to the establishment or empowerment of a self-determined First Nations-led body potentially modelled on or aligned with accountability functions, such as those emerging through Gellung Warl in Victoria, to develop, monitor, and enforce a Cultural Safety Accountability Framework across legal education institutions. Such a body would be responsible for:

- Setting minimum standards for culturally safe workplaces and learning environments;
- Monitoring institutional compliance and publishing independent assessments of performance;
- Providing a mechanism for First Nations-led oversight and evaluation, grounded in principles of self-determination; and
- Ensuring that commitments to anti-racism and cultural safety are translated into measurable, enforceable outcomes, rather than remaining aspirational.

This could align legal education reform with broader policy developments in Victoria and nationally, recognising that effective accountability requires Indigenous governance and authority, rather than reliance solely on internal institutional processes, which have thus far been proven to be inconsistent and often inadequate.

Recommendation 6: funding the Racial Justice Centre

It is recommended that the Commonwealth Government establish a dedicated, long-term funding framework to support racial justice research, advocacy, and legal practice, including the ongoing operation and potential expansion of organisations such as the Racial Justice Centre (RJC), recognising their critical role in addressing systemic racial discrimination.

The RJC is a non-government, volunteer-driven legal service that provides strategic litigation, policy advocacy, and direct legal assistance to individuals and communities experiencing racial discrimination. Despite demonstrated demand and impact, the Centre currently operates without consistent government funding, relying on volunteers, pro bono partnerships, and charitable donations. This funding model is not sustainable given the scale and complexity of racial justice issues, particularly for communities disproportionately impacted by the legal system, including First Nations peoples, asylum seekers, refugees, migrants, and culturally and linguistically diverse communities.

To address this gap, it is suggested the Commonwealth adopt a diverse funding and institutional model, drawing on established best-practice approaches:

1. **Establish a national grant-based funding program**
   Create a long-term, dedicated grant stream to support action-oriented legal research, strategic litigation, and policy reform initiatives undertaken by non-government organisations with demonstrated expertise in racial justice. This model would enable sustained support for organisations such as the RJC, as well as Indigenous-led legal research centres and advocacy bodies, without requiring their conversion into

government entities.
This approach aligns with successful precedents such as the *Family Safety Victoria Research Program*, which provided multi-year funding to support evidence-based policy development following the Royal Commission into Family Violence.

2. **Develop a specialised national policy and research institute**
Establish a national, independent policy institute focused on racial justice, with a mandate to undertake research, inform government policy, and administer targeted funding programs. This model would draw from existing models such as the Grattan Institute and Homes Victoria, which were created to address identified gaps between research, policy development, and implementation.
3. **Pursue intergovernmental funding through a national strategy**
Where appropriate, embed funding within a broader intergovernmental agreement or national strategy on racial justice, enabling multi-jurisdictional, long-term investment. This approach is reflected in initiatives such as the *National Plan to End Violence against Women and Children*, which supported the establishment of entities like Our Watch and ANROWS.
4. **Integrate funding allocation and oversight mechanisms**
In a combined model, the proposed national institute should administer the grant program, enabling targeted and expert-informed allocation of funding to organisations with demonstrated capability, including the RJC. This would ensure that funding is directed to policy-relevant, community-informed, and practice-based initiatives, while maintaining independence and sector expertise.

This recommendation recognises that organisations such as the RJC occupy a critical space between legal practice, research, and policy reform, and are often best placed to identify and respond to systemic racial injustice. Establishing a sustainable funding framework would not only support their ongoing work, but would also strengthen the broader evidence base, accountability mechanisms, and policy capacity required to address institutional racism within the legal system.

This has the capability to move beyond ad hoc or short-term funding approaches, towards a coordinated and structured investment in racial justice infrastructure that is also aligned with national reform priorities and leverages the expertise of community-based and Indigenous-led organisations.

Conclusion

This submission has demonstrated that institutional racism within Australian universities and particularly within law schools is structural and inadequately addressed by existing frameworks. It operates through curriculum design, workforce structures, institutional culture, and professional regulation, producing measurable harms for First Nations students and staff, and shaping the capabilities of those who enter the legal profession.

Law schools occupy a uniquely powerful position within this system. They do not merely transmit legal knowledge. They define what counts as law, whose knowledge is recognised, and how future practitioners understand justice. The current configuration of legal education, including the Priestley framework and fragmented approaches to Indigenous content, has resulted in a profession that is insufficiently equipped to engage with the realities of the Australian legal system, particularly its

disproportionate impact on First Nations peoples. This is not a marginal or technical issue. It is a question of professional competence and compliance with Australia's broader legal and human rights obligations. A legal system cannot deliver justice when its practitioners are not trained to understand the historical and structural conditions shaping the experiences of those most affected by it.

The reforms proposed in this submission are mutually reinforcing measures designed to address these structural deficiencies. Together, we believe they provide a coherent framework for aligning legal education with the realities of legal practice and the principles of justice it is intended to uphold. Importantly, these reforms are neither unprecedented nor impracticable, with other comparable jurisdictions to call upon that have already moved to embed Indigenous legal knowledge and cultural competency within both legal education and admission standards. The Australian context now requires a similar shift from aspirational and performative commitments to enforceable standards, and from fragmented initiatives to nationally consistent reform.

Ultimately, addressing institutional racism in legal education is not only about improving experiences within universities. It is about ensuring that the legal profession can contribute to changing the tide of prevalent racism towards Aboriginal and Torres Strait Islander peoples in our society. Racism that is only getting worse. Without significant reform, existing inequalities will continue to be reproduced through the very institutions responsible for addressing them. There is an opportunity here to reshape legal education as a site of accountability and truth-telling.

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