JUTLP
Journal of University Teaching & Learning Practice

Crossing a Bridge at Ground Zero: Teaching a First Nations Pre-Law Enabling Program

Dr Susan Bird and Mr James. Parfitt Fejo
Charles Darwin University, Australia

Abstract

This article explores the pedagogical framework of Charles Darwin University's First Nations pre-law program, as developed by its coordinators. It will explore the historical background of the program and the reasons why programs such as this are important to the aim of increasing participation of minority groups at Universities. The pre-law program is a small but vitally important initiative that leads to a direct increase in the number of Aboriginal and Torres Strait Islander Peoples taking up the study of law. The authors show that through mutual respect and culturally responsive mentoring, the teaching team cultivates a culturally safe learning environment within the colonial structure of the university. The paper reflects on the challenges and successes of delivering this unique enabling program, highlighting strategies that promote inclusion and enhance First Nations participation in legal education.

Editors

Section: Student Experience
Editor-in-Chief: Dr Joseph Crawford
Guest Editor: Dr Trixie James
Guest Editor: Dr Stephen Miller

Publication

Submission: 14 March 2025
Revised: 15 September 2025
Accepted 17 December 2025
Online First: 29 January 2026
Published: 28 February 2026

Originally submitted to:
Special Issue: Enabling Education

Practitioner Notes

1. Despite decades of research and effort, there is still a disparity between numbers of Indigenous and non-Indigenous students entering law schools in Australia.
2. Pre-law enabling programs have shown success in attracting and retaining First Nations students.
3. This article discusses reasons why law school might be daunting for First Nations students, and methods used within a pre-law program to overcome these issues, using survey data collected on cultural safety.
4. Recognising the impacts of law on First Nations Peoples rather than simply inserting Indigenous stories and experiences into existing law curriculum.
5. Modelling positive and respectful relationships and using First Nations learning styles are also keys to success.

Keywords

First Nations, law, cultural safety, learning from Country, two-ways learning, enabling

Citation:
Bird, S., & Parfitt Fejo, J. (2026). Crossing a Bridge at Ground Zero: Teaching a First Nations Pre-Law Enabling Program. *Journal of University Teaching and Learning Practice, 23*(1). https://doi.org/10.53761/yb4ypr42

Introduction

> "We talk to country, our country talks to us. This is Larrakia country, we are Larrakia people and we will always be here… Please respect our country." Bundilla Barbara Mills-Raymond, 2005. (Larrakia Protocols, 2023)
>
> "You have come by way of the Larrakia Land. You will hear the voice of Larrakia ancestors. When you leave, the Larrakia message will stay with you." The late Reverend Walter Fejo (Larrakia Nation, 2023).

Darwin, or Garramilla, sits on Larrakia Country. This is a place where saltwater meets fresh. Here, we find the coming together of stories, cultures and knowledges, between Indigenous and non-Indigenous Peoples. However, these interactions have not always been peaceful. Colonisation and its ongoing legacies have resulted in dispossession and disruption to culture and Country. However, Larrakia culture is strong. Prioritising Larrakia culture and recognising its authority is one key to a teaching method that ensures First Nations students feel at home when they enter the university. In this article, the coordinators of Charles Darwin University's First Nations Pre-Law Program will discuss our approach to introducing Indigenous students to law school. The paper addresses the research question: How can the teaching team create a culturally safe space for First Nations students within the university, a colonial institution? This paper will discuss the history of Indigenous disadvantage at universities, and how pre-law enabling programs have sought to confront this issue. It will also explore methods used in our unique pre-law enabling program. The aim of our research is to find ways to foster inclusion and increase the participation of First Nations students in law schools.

This paper contributes to a growing body of research both in Australia and internationally, that examines ways to decolonise teaching practice (Rigney, 2023), in particular within law schools (Adébísí, 2023, Bird et al., 2023, Burns, 2025; Ruska & Neilsen, 2025; Watson & Douglas, 2025). This work seeks to assess reasons why numbers of First Nations students at universities remain stubbornly low, despite many efforts to encourage participation. Recent approaches suggest that solutions may not lie in simply recruiting more Indigenous students to universities. Retaining First Nations students requires a more self-reflective approach from institutions themselves. Many entrenched aspects of universities can result in an unwelcoming experience for Indigenous students (Falk, 2005; Watson, 2005; Wood & Watson, 2018). As Falk (2005, n.p.) writes,

> As may be imagined, university life is a whole new world for most Indigenous students. For some, the university campus is bigger than their home town… The traditional lecture format can be intimidating as well. To walk into a lecture theatre for the first time with some 200 other students and be the only Indigenous person present, is a scary experience.

This experience is more concentrated in the law school setting, where students are confronted with learning about a legal system that has disempowered First Nations Peoples (Watson, 2014). Decolonising work calls for a more radical response. Decolonial theories in education have recognised that universities need to consider a wholistic and critical approach to 'close the gap' (Adébísí, 2023).

The authors of this paper have approached the topic through a storytelling, or 'storying' methodology, that contextualises the pre-law program through its history. Storytelling is not employed merely as a narrative device but as an ontological and epistemological practice intrinsic

to First Nations ways of knowing, being, and doing. Following Phillips and Bunda's conceptualisation of "research through, with and as storying", the historical account of the program becomes both method and meaning-making, reflecting relational accountability and truth-telling (Phillips & Bunda, 2018, 46). Thus, the history of how the pre-law program began is central to understanding its current iteration. Relational aspects, including the people involved in running the program, are also important to its story. Reviewing pre-law programs in Australia and in other, similar jurisdictions, reveals that there are very few of such courses available for entirely First Nations cohorts. The literature on pre-law programs is sparse but sits within a wider discourse about why law has proven to be a space that struggles to attract and retain First Nations students.

The paper will also explore the approach of the program's two coordinators from 2021-2025 in providing a culturally safe space for First Nations students to study law at Charles Darwin University. It draws on survey data gathered by the program coordinators which directly asked students about their experiences of cultural safety in the classroom, as well as surveys collected by the university which are used to assess lecturer performance. Through the discussion of the approach taken, the authors provide examples for academics seeking to deliver a more culturally safe pedagogy. This is an important step for all students from all cultural backgrounds. Creating inclusive spaces improves the education of all students, not just minority groups, and is an integral part of learning across all disciplines (Woodroffe et al., 2024).

Background

This section of the paper will provide a background and history of pre-law programs. It will relay how the program developed at CDU through a chronological account, which is important to understanding how it came to its current iteration. This 'storying' approach is intrinsic to First Nations methodologies (Phillips & Bunda, 2018), and will be unpacked further in the methodology section below. It reviews articles relating to pre-law enabling programs and positions them within the theme of the Indigenisation and decolonisation of law courses in Australia. The background history, literature and statistics convey an ongoing case in support of enabling programs.

There is little literature specifically on pre-law enabling programs for First Nations students in Australia. This may be because there are only three specific First Nations pre-law enabling programs currently running. Papers written about existing pre-law programs were published many years or even decades ago, with the increasing numbers of First Nations students enrolling in law being seen as the key to resolving the issue (Farmer & Thomas, 2005; Gibson, 2001; Liverani, 2001; Thomas et al., 2010). There is, however, a growing body of literature that takes a decolonial approach to legal education. This paper situates itself within this decolonial space with a focus on how pre-law programs can contribute to the creation more inclusive pedagogies (Hussin, 2002; Watson & Douglas, 2025).

The Charles Darwin University Pre-Law Program is run in Garramilla/Darwin in the Northern Territory of Australia. The Northern Territory is a unique jurisdiction, with the highest proportion of First Nations Peoples relative to its population at 25-30% (ABS, 2021). However, there are few First Nations peoples working in the legal profession. In the 2019/20 period, only 10 out of 611 lawyers in the NT identified as Aboriginal and/or Torres Strait Islander. The most recent Law Society report (2021/22) indicates a slight increase to 13 First Nations lawyers. However, with

694 lawyers practising in the NT in 2021/22, the percentage of First Nations lawyers compared to non-Indigenous lawyers has improved only marginally in the last decade (NT Law Society, 2022).

With a relatively high number of First Nations people in the general population in the NT, the question remains: What are the barriers to entry into the profession for First Nations Peoples? One place where we can begin looking for answers is within the education system. Over many decades, law academics have researched and identified some concerns, both with the university environment and with legal education more specifically. These issues have existed for a long period of time and continue to the present. Lavery (1993), following a survey of all law schools in Australia, identified only 50 Aboriginal law graduates in Australia and "that this under-representation, when conflated with other survey results, would appear to be chronic and incapable of significant growth in the short to medium term" (Lavery, 1993, p. 180). The experience of lack of diversity in law schools is supported by First Nations law academics such as Nicole Watson, who reflect on their own perspectives in Australian Law schools (Watson, 2005; Wood & Watson, 2018; McGlade, 2005). The student experience left Watson feeling lonely, isolated and alienated at the university. It could be extrapolated that as the number of First Nations law students increase, the problems faced by Watson and other early trailblazers would naturally be overcome. However, a decade later, despite the awareness raising of Lavery, Watson and others, the low numbers remained. Douglas (2001) repeated Lavery's research with similar surveys in the early 2000s. Douglas again mounted a clear case for recruiting Indigenous students to universities, specifically to law schools. She argued that until a critical mass of First Nations students were enrolled, they would continue to feel marginalised, alienated and much more likely to drop out (Douglas, 2001).

Literature

Harry Hobbs and George Williams again revisited the issue of Indigenous participation in legal education in 2018. Their article, written almost 20 years after Douglas' paper, revealed that the problems that Watson, Douglas and Lavery previously identified were indeed "chronic" (Hobbs & Williams, 2018) Broader reports regarding Indigenous participation at university more generally contributed to this discussion (e.g. DEEWR, 2008; UA, 2011).

However, while simply increasing First Nations students may slowly change the culture of the university, this places the responsibility for the shift primarily onto the students when decolonial theorists argue it is the university that needs to change (e.g. Adébísí, 2023). While all university studies can be intimidating for those unfamiliar with it, law school can be particularly daunting for First Nations Peoples. This is well reported in the literature (e.g. Cubillo, 2022; Wood & Watson, 2018, Watson, 2005). Kwaymullina asserts that attempts to integrate First Nations perspectives into the curriculum, law schools have come late: "The legal academy is a relative newcomer to Indigenisation, and there is much to be learned...." (Kwaymullina, 2019, 2). Law schools have committed to 'Indigenisation' of the curriculum, but these approaches mostly involve including legal cases with Indigenous parties, with little shift in perspective (Watson, 2014). Maguire & Young write that 'Indigenising' curriculum "requires the sensitive and appropriate incorporation of Indigenous-related content and perspectives in university courses and programs" (Maguire & Young, 2015, 97). It is important to recognise that inclusion of First Nations perspectives involves going beyond adding 'content' to the existing curriculum to a more substantial shift. This should include a recognition that Western law is a tool that has been used in colonial dispossession: "the

dominant Western legal and political systems…were not of [First People's] making…were imposed upon us, and…are fundamentally at odds with our Indigenous cultural and politico-legal systems. At heart is the undeniable fact of our dispossession, and the role of law as a central colonising discourse in this dispossession." (Dodson, 1995). This decolonial approach takes cues from critical race theory (Wood & Watson, 2018; McGlade, 2005). Adebisi, law academic and critical race theorist, describes law school as "colonial ground zero" (Adebisi, 2024, p. 128). This description recognises the law school as a place where colonialism is concentrated and holds the potential to either reproduce or resist that system. As many critical race theorists assert, the legal system has underpinned systemic racism and upheld many policies that have been damaging to Indigenous Peoples, their dignity, freedom and culture. Examples include systemic racism that has resulted in chronic overrepresentation of Aboriginal and Torres Strait Islander Peoples in prisons (National Indigenous Australians Agency, 2025), the denial of rights to land (*Risk v Northern Territory of Australia* [2007] FCAFC 46), and deaths in custody (Coroners Court of the Northern Territory, 2025). If law is taught uncritically and without recognising the ongoing impacts of colonisation, the result can be an educational experience that is alienating and confusing, where truths, for example massacres, slavery and removal of Aboriginal and Torres Strait Islander children from their families, are denied (Behrendt, 2025).

The issue of low numbers of First Nations practitioners and law students is not unique to Australia. In the 1960s and 70s in the USA and Canada, the same problem was identified. The idea of running pre-law programs for First Nations students was seen as a potential solution. An early program was initiated by the University of New Mexico in 1967 (Thompson, 1988). This program inspired the Saskatchewan summer school in Canada which began in 1973 (Thompson, 1988). When the Saskatchewan program began, Ruth Thompson wrote that "faculty members knew of only five native lawyers practising in the country [Canada]" (Thompson, 1988, p. 712). By 1988, various reviews and assessments demonstrated that the summer school had achieved its goal of increasing the number of First Nations law students: "The summer program has been successful in encouraging native people to attend law school, and in providing a means for students who would not otherwise qualify to be admitted to law school" (Thompson, 1988, p. 716). However, the author stressed that there was still a long way to go before parity would be reached (Thompson, 1988).

Another approach that was tried in Australia to address the shortage was special entry schemes. These schemes, however, did not result in a significant increase in First Nations students taking up the study of law. Lavery's article comments on Australia's failure to adopt pre-law programs: "At the conclusion of the 1990 academic year, there is not a single preparatory pre-law programme, intensive or otherwise, in place in any Australian law school" (Lavery, 1993, p. 181).

During the 1990s, this changed with three pre-law programs being introduced at various Australian universities. The first started at the University of NSW and is still running today (Liverani, 2001; Gibson, 2001). The Charles Darwin University Pre-Law program began in 1993 as a joint initiative between the University of Western Australia, Charles Darwin University (then Northern Territory University), and Murdoch University (Hussin, 2002). The original program was based in Perth, Western Australia and succeeded in increasing the number of First Nations students studying law at UWA. However, there was a need for a program that was more accessible to students in the Northern Territory. Therefore, Charles Darwin University began its own program, first run in Darwin in 1997, led by Fiona Hussin (Hussin, 2002).

The original CDU program was a five-week intensive that covered much of the material students would encounter during their first weeks of studying law (Hussin, 2002). The program can be seen as a kind of "pre-season training" for students to prepare them for something that could otherwise be new and daunting (Australian Broadcasting Corporation News, 2019). As Hussin writes, perhaps more important than content is providing a space where First Nations students can discuss materials in small groups where they feel relaxed and can raise concerns about curriculum within a safe environment. Following pre-law, "[w]hen students encounter these (legal) issues in the mainstream course, it is hoped that they do not feel the same sense of shock and confusion sitting in a large, predominantly white, lecture theatre as they would have had they not had the opportunity to canvass these issues beforehand" (Hussin, 2002, pp. 123-124). With new friends and connections made during the program, a network of like-minded individuals can develop and provide a support structure that often endures beyond law study (Hussin, 2002). This first iteration was a starting point in law for many of the top Aboriginal law professionals in the Territory today, including David Woodroffe, the First Aboriginal judge in the Northern Territory; Shahleena Musk, the NT Children's Commissioner; John Rawnsley, Co-Founder of Bilata and Winkiku Rrumbangi, and Robert Pocock, Director, Strategic Aboriginal Policy in the Northern Territory Department of the Attorney General.

However, despite the pre-law program's success, a chronic shortage of First Nations lawyers in the Northern Territory and elsewhere in Australia has continued. Increased attention to the lack of educational opportunities was sustained throughout the early 2000s. This issue continues to confront policymakers, including in the recently released Universities Accord, which aims to grow skills through equity (Department of Education, 2024). The Accord argues that Australia must create a more skilled workforce and can only do so by widening participation in education by underrepresented cohorts, including First Nations Peoples (Department of Education, 2024). This Report and others show that numbers of First Nations Peoples and other minority groups at many universities continue to lag behind those from non-Indigenous backgrounds despite universities' efforts to be culturally safe spaces (Innovative Research Universities, 2023). The *Behrendt Report* and, more recently, Universities Australia *Indigenous Strategy* explore potential solutions to the problem of low enrolment and retention of First Nations students (DEEWR, 2008; UA, 2011; UA, 2017). In the discipline of law, the Council of Australian Law Deans (CALD) have advocated a statement that recognises the impacts of colonisation and the law's role in this ongoing process (CALD, 2024). However, various strategies and working groups miss the apparent conundrum that students must be inculcated with a discipline based on colonial systems and values to succeed in law school (Watson & Douglas, 2025). For the education system to change, the profession must welcome diversity and First Nations knowledges, philosophies, and ways of transmitting information (Bird et al., 2023). This would mean a fundamental shift in teaching for and about First Nations Peoples.

There have been some notable trailblazers in this area, who have pushed for the entire curriculum to change its approach. This includes the Indigenous Cultural Competency for Law Academics Program, led by First Nations academic Marcelle Burns (Burns et al., 2019). While this movement toward more inclusive law education was growing on the east coast of Australia, in the Northern Territory it culminated in the Bilata reference group, which began meeting in Darwin, NT, in 2016. (Parfitt & Rawnsley, 2016).

Due to the unique make-up of the Northern Territory, a distinctive program was required to meet the jurisdiction's needs. The Bilata legal pathways program was a combined effort of the North Australian Aboriginal Justice Agency (NAAJA) and the Northern Territory Law Society (Parfitt & Rawnsley, 2016). The Bilata reference group comprises judges, Aboriginal legal practitioners, educators, and allies. The group began pushing for a new pre-law education program in 2017. The number of First Nations lawyers in the Northern Territory had decreased following the 1990s program's suspension, and to address this, it was suggested that the program begin again. In early 2018, the program re-started, supported by Charles Darwin University and funded by a grant from the NT Law Society. John Rawnsley and James Parfitt were also instrumental in the program's new beginnings, and as co-founders of Bilata, they ensured the program was designed and led by First Nations People. Ben Grimes, CDU law lecturer and member of Bilata, also had years of experience working with First Nations Peoples in the Northern Territory and is also a qualified linguist with a Master in Applied Linguistics. Ben speaks multiple languages, including Yolŋu Matha. The program grew under this team and expanded to include a pre-accounting and pre-business program in 2020 and 2021 (Hill et al., 2022).

When the current team began working on the pre-law program for the first time in 2021, they saw a renewed focus on cultural safety and prioritising of First Nations knowledges. Every decision about the programming and design of the learning was the result of a collaboration between the coordinators (Shuman & Songster, 2022). Our collaboration prioritises First Nations knowledges and voices. For example, 2022 saw the promotion of cultural activities such as bush tucker walk and Water Welcome to the first day of the program. By prioritising the voices of First Nations Peoples, the program has now developed to explore new intersections and has become a true site of two-way learning (Coff & Lampert, 2019). The program models mutual respect and contributes to a transformational classroom experience through a collaboration that recognises academic as well as First Nations experience and authority (Shuman & Songster, 2022). As Mullen (2024, p.496) writes, it is "through critical dialogue and action around vigorous decolonial work, [that] educators can model Indigenous allyship and solidarity, as well as social inclusion and partnership." This, in turn, contributes to the sense of cultural safety experienced by students within the pre-law classroom.

The background and review section of this paper highlights a gap in the limited literature on pre-law programs by connecting it with a growing body of writing by First Nations law academics in Australia, and those from other colonised nations. These authors highlight how Universities are not always welcoming spaces for Indigenous students. While this message has been building over the last couple of decades, little has changed within the law school setting. There are still few First Nations law students compared with those from other backgrounds, and there are also few Thus, it is timely to revisit these issues, with a focus on what pre-law programs can contribute. The next section of the paper will discuss our approach to surveying students in the program. It explains how we have adhered closely to the ethical guidelines required when working with First Nations students.

Methodology

This study adopts an Indigenist research approach, grounded in principles of resistance, political integrity, and privileging Indigenous voices (Rigney, 1999, 2016, 2023), to ensure that the lived

experiences of First Nations students and educators are central to the analysis. In preparing for and completing this research, high ethical standards have been adhered to. In using an Indigenist approach, we have where possible used sources written by authors from First Nations backgrounds.

Research Ethics

In 'Ethical Standards in Social Science Publications', Purvis and Crawford (2024, p. 1) explain the importance of ethics in ensuring research is conducted for the "benefit of humanity". Purvis and Crawford state that "authors must actively communicate how they have met ethical standards beyond any short statement of institutional ethical approval" (Ibid). The below discussion of how the researchers have considered their ethical obligations, to ensure that the research is beneficial, in particular to those from First Nations backgrounds.

The authors have followed the principles and protocols set out in AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research in the design and conduct of the research (AIATSIS, 2020). The AIATSIS code states: 'The research approach should value and create opportunities to draw on the knowledge and wisdom of Aboriginal and Torres Strait Islander Peoples by their active engagement in the research processes, including the interpretation of the research data' (AIATSIS, 2020; 17). This means working with local knowledge holders to ensure that any cultural information shared is approved by those with cultural authority (AIATSIS, 2020; 17). These ethical principles are crucial not only to this research, but to all aspects of the pre-law enabling program, and are embedded within it. The methodology is codesigned by a member of the Larrakia Nation and this research has been conducted for the benefit of First Nations Peoples, in that it aims to help close the educational gap in particular in the discipline of law. The research, and the teaching it relates to, are built on relationships of respect which support Indigenous leadership (AIATSIS, 2020). The research prioritises the voices of First Nations Peoples, uses decolonising strategies, and respects cultural knowledge shared that makes this program and related research possible (AIATSIS, 2020).

As well as adhering closely to the ethical protocols which are set out by AIATSIS, our institution also requires that all research which includes First Nations topics or Peoples be classified as 'high risk', which requires full committee review processes. This project relies on data collected anonymously online, which is generally considered a low-risk method, however, as it includes First Nations students, it was escalated to a high-risk category. High risk research involving Indigenous participants must be assessed by First Nations committee members, to ensure that the AITSIS guidelines are closely adhered to, and that all research is led by and/or conducted for the benefit of First Nations Peoples. As this project is codesigned and authored by a Larrakia person who holds authority to speak for Larrakia People, it adheres to these principles. The cultural knowledge shared in this paper was also double checked by a Larrakia Elder not involved in the research, to ensure that no cultural knowledge is shared that should not be reproduced. In reporting a potential conflict of interest, one of the authors is a general member of the institutional Human Research Ethics Committee, but was not involved in any decision making around this project.

Data collection and analysis

The data collected for this project was drawn from the coordinators' observations, analysis of our teaching techniques, and validated by the experiences of the students. Pre-law students are given the opportunity to provide their feedback in multiple ways, both through the online anonymous surveys as well as throughout the program. During the program, the coordinators held reflective and debriefing sessions where students could respond directly to the learning experiences. Students are further encouraged to share feedback with the teaching staff verbally and via email/discussion forums. Anonymous online surveys are also administered to all students at the university. In 2024-5, the authors of this paper also collected their own survey data, aiming to improve the program, with a particular emphasis on cultural safety. Rather than the usual questions asked of all students at the university, the survey designed by the coordinators asked questions to find out how well the program provided a culturally safe space for students, and what we might do better in the future. Students were asked to respond on a 5-point scale from "Strongly disagree" through to "Strongly agree". Consent was obtained through a statement provided to students at the beginning of the online survey, which explained that the data may be used in a paper or papers based on the data, anonymously. Students consented to this use prior to beginning the survey. This paper will include findings from these anonymous surveys. Ethics approval was sought and gained for the survey in 2023 (CDU HREC number: H23099). Data analysed for this paper was derived from these anonymous surveys, as well as personal reflections from the authors. Statements made to staff by email or in discussion were not used in the analysis.

The next section of this paper will unpack some of the approaches used to increase cultural safety in the classroom and share feedback from our surveys that supports the assertion that the approach is working. The ontological perspective of the authors means that there will be the "unashamed" use of the term "we" to describe our teaching practice (Phillips & Bunda, 2025, 87).

Results and Discussion

The First Nations pre-law program's success is based on a mutually respectful collaboration between two people working in education. One is a tenured senior lecturer in CDU's law school, and the other is a Community Legal Educator at the North Australian Aboriginal Justice Agency (NAAJA). The importance of having the program led by those with mainstream legal qualifications and those with Larrakia authority and community connections cannot be overstated. In this context, any non-Indigenous teaching staff must first and foremost *listen* (Coff and Lambert, 2022). A non-Aboriginal person must develop a reciprocal and respectful relationship to receive First Nations knowledges. This reciprocity involves respecting the person giving the knowledge and the knowledge itself (Barlo et al., 2020). This relationship gives rise to a responsibility to ensure that First Nations maintain agency over any information shared (Barlo et al., 2020). Prioritising the voices of those who hold First Nations authority is integral to respectful relationships and learning (Haynes et al., 2022).

By modelling a respectful relationship between Aboriginal and non-Indigenous staff, students are exposed to a positive vision of university life. The coordinators model this by being deeply respectful of each other's knowledge systems and position in our jobs and communities. Student surveys showed that students responded well to the combination of the staff involved in running the program:

> James and Susan working together was a perfect combination. I felt very lucky to have been part of that experience and I would do it again in an instant. It was fun, inspiring and educational, the best educational experience I have ever had! (Student survey, 2024).

Seven out of seven First Nations students who responded to the survey in 2024 strongly agreed with the statement “I feel more confident about studying law after participating in the pre-law program”, and two out of two who responded in 2025 also strongly agreed. The survey also examined specifically cultural and emotional safety at university. Questions included whether Charles Darwin University was a safe space for First Nations People, whether cultural activities added to the sense of safety and if the classroom felt safer with First Nations lecturers and tutors in the room. Again, nine out of nine respondents strongly agreed to these statements in 2024 and 2025. Students were also asked open ended questions about what they liked about the program, which activities were most enjoyable and anything they would suggest we change in the future.

The survey results revealed that 100% of students who responded felt that the university was a culturally safe space for them. This is something the coordinators assert is, in part, a direct result of their working relationship. Working respectfully together starts many months before the pre-law program begins. The coordinators meet regularly to discuss plans, ideas and approaches to teaching. Again, these discussions are as much about trust and relationship building as they are about planning the specifics. This process can be described as ‘yarning’. Rather than just talking, yarning is “a formal strategy of negotiation and information sharing that when used in partnership with Aboriginal participants, allows for the development of culturally safe and impartial research [and teaching]… [It] is reliant upon relationships, responsibility and accountability between the participants” (Barlo et al., 2020, p. 90).

Student feedback in 2025 included:

> Very enlightening. Never ever saw myself even thinking of…looking at law to study. But everyone running it and involved (I mean EVERYONE) ignited a passion… (Student Survey, 2025).

and

> I am grateful to have been given this opportunity and appreciated all the teaching staff and tutors support and also both sharing the wisdom and knowledge. Most importantly thank you to the First Nations Pre-Law Program of 2025, for helping me take the first step towards my next step on my path, along my journey through learning (Student Survey, 2025).

Others spoke about how the program gave them “confidence” in deciding to pursue a degree in law:

> James and Susan were so easy to get along with and easy to approach. It made this experience well worth it and I am so happy that I took the opportunity to attend the course. Totally recommend it to anyone… (Student Survey, 2024).

These and other comments show that the program is using the right combination of educators who help students feel safe and ready to enrol despite the trauma associated with the law, legal system and universities.

While a big part of creating inclusion in the pre-law program is helping students feel safe and at home on campus, another big part of the teaching philosophy involves getting out of the classroom and learning from Country (Bird et al., 2023). This begins on the first day of the program. The program's success is based on the priority and space allowed for these aspects of the course to be front and centre, that is, "doing things properly" (Student feedback, 2024). This is also about learning from students in a non-hierarchical way. "Respect must be shown for traditional authority and knowledge, and acknowledgement must be given that other participants have their own expertise" (Grimes & Crawford, 2011, p. 15). Learning about 'mainstream' law comes later in the program after centring on Larrakia Country occurs. This allows Country to emerge as an essential participant in the conversation (Bird et al., 2023). This is particularly important in First Nations cultures where the land is seen as active and alive (Ian Gumbula in Wanambi et al, 2025). The program includes a traditional Larrakia saltwater Welcome, where Uncle Dr Richard Fejo and James Parfitt Fejo lead students into the water on the Casuarina foreshore, where sweat, fresh and saltwater blend. This ensures the spirits know our presence and protect us while on Larrakia Country (Life Without Boarders, n.d.).

The foreshore is a sacred space for Larrakia Peoples where the Songlines connect to the Creation story of Old Man Rock - Darriba Nungalinya – which can be viewed from Casuarina beach at low tide (ABC, 2021). Darriba Nungalinya is the creator of all Larrakia Peoples, giving language, culture and life. There are many stories connected to Darriba Nungalinya. One is that Nungalinya created Larrakia People to help him look for his lost wife and child. He drowned when the tide came in, and his spirit joined the rock. As a part of the Saltwater ceremony, the Larrakia lawmen will collect sweat from themselves and mix it with the water. They also request that visitors to Larrakia Country do the same, so that the spirits will recognise our presence. Experiencing the saltwater Welcome connects students and staff to the Country, ensures we have been welcomed according to Larrakia law, and shows respect for the authority that permits us to remain safely on Larrakia land.

We also learn from Country during the Legal History Tour. This activity was highly ranked amongst the 2025 participants. At the beginning of the tour in 2025, led by John Rawnsley, we started our journey at Damoe-Ra Park. Damoe-Ra is the Larrakia name for eye or spring and is a known sacred site for women, but open to all people (Northern Territory Government, n.d.). Before ascending the stairs, we sat and took in the atmosphere, hearing the sounds of the freshwater spring and the waves on the ocean. Starting in a quiet, reflective space that gave us time to listen to Country made taking in the stories of dispossession that we discussed later in the tour easier. It also reminded us that Country does not exist in a far-off location - wherever we are, we are always already on Country (Wanambi et al, 2025; Bird et al., 2023).

We utilise humour to diffuse tension and create a space conducive to learning. One example is through role plays in the Mock Courtroom. While it might appear to be simply a jovial activity, the use of humour is a well-documented pedagogical approach that boosts brain power, creativity and builds relationships (Morrison, 2007). Also, by bringing comedy into the courtroom setting, we can begin to unravel some of the trauma associated with the space. As Anthony and Grant write: "The design of Australian courthouses according to English architectural principles symbolizes the Australian legal system's exclusion of Indigenous laws. For instance, the layered courtrooms in Australian courthouses reinforce Western hierarchical systems of law, power and social order" (Anthony & Grant, 2016, p. 44). By making jokes and encouraging a jovial

atmosphere we begin to dismantle the courtroom mystique, and help the students feel relaxed. Sometimes, one of the instructors will adopt a high English accent and discuss the rules of court etiquette. These include calling the judge “Your Honour” or “Your Worship” and other lawyers “my learned friend”, bowing upon entry to and exit from the court, and wearing formal, darkly coloured attire. The rules are a part of practical legal training which must be undertaken by students wanting to be admitted to practice law (College of Law, 2021). Lecturers emphasise aspects of etiquette that can seem strange or alien to those not used to a courtroom. Once this activity has gleaned the desired laughter from the room, we ask students to prepare a plea in mitigation and play-act roles such as judge, lawyer and accused in their own courtroom drama. James Parfitt’s experience working as a clerk of court and a stand-up comedian is instrumental in creating the right environment.

One of the six assessable activities in the program is a research paper. Another is to prepare an argumentative presentation. For the last two years, the research paper has involved an analysis of the Australian Legal System to mount an argument as to whether it is fair for all Australian citizens. This exercise allows teachers and students to critique how the legal system has oppressed First Nations Peoples in the past and, in many ways, continues to do so (Cronin, 2021). This critique holds the potential to challenge dominant perspectives about the law. As explored by authors Heather Came et al.:

> Critical reflection relies on the examination of fundamental assumptions and involves the ability to unearth, examine and change one’s deeply held assumptions. … [W]hat makes reflection critical is the focus on power and how power is used to maintain or challenge systems. In both these senses, critical reflection is the ability to be transformative, and create a fundamental change in one’s perspective (Came et al., 2024, p. 4).

One example is the law’s role in acquiring Australian land under the now-discredited legal doctrine of *terra nullius*. The colonisers did not recognise First Nations sovereignty, Captain Cook reporting First Nations Peoples as “Wild Beasts in search of food” of “no fix’d habitation” (Cook in Castles, 1982, p.22). While this is an outdated view of Indigenous Peoples, the legal principles that deny First Nations sovereignty continue through law. Dr Darryl Cronin a descendant of the Maramanindsji people in the Daly River region of the Northern Territory and Kalkadoon people around Mount Isa in Queensland, presents on Legal History, exploring aspects of how *terra nullius* thinking is still present in policymaking today (Cronin, 2021).

The topic was initially resisted by some non-Indigenous academics who assisted with the program, suggesting an open task with no clear answers would be too challenging for pre-law students. However, the coordinators have found that the students respond positively to this exercise, and the challenge brings out their best work. We believe this exercise is particularly well suited to First Nations students. This is because these students are already existing at the interface of two worlds. Nakata (2007) developed cultural interface theory to explain the dynamic of how different cultural perspectives intertwine in spaces such as the classroom. The interface can be a space of ambivalence that is not familiar to mainstream students, but may be less difficult for those who have lived experience of being First Nations students. As Nakata (2007, p.13) explains:

> Indigenous learners are already familiar with the complexities of the cultural interface. …[W]e need curriculum designs to build on these capacities and to create opportunities

> for learners to achieve a balance of knowledge, skills and processes for exploring disciplinary boundaries, and not deceive ourselves that the right content will produce better outcomes of itself. …[E]ducators need to develop their scholarship in contested knowledge spaces of the cultural interface and achieve some facility for themselves to engage and move students through the learning process.

This can mean moving away from Western perceptions of the law as an "objective" discourse. Law is still generally taught from this positivist perspective, where law is siloed from other disciplinary areas and perspectives (Watson, 2014). This comes from a recent law school mission to create "job ready" graduates who have the skills to practice in the workforce, rather than becoming engaged critical thinkers (Bird et al, 2023). As Larissa Behrendt (2025, p. 179) asserts:

> The Western academic tradition [including much legal scholarship] assumes neutrality or objectivity by a scholar. It treats subjectivity with suspicion. In contrast, Indigenous approaches to knowledge understand that where you are placed—your positioning or your "standpoint"—will fundamentally influence the way that you see the world. The Indigenous standpoint recognises up front that we, as individuals, are shaped by our cultures, cultural values and experiences with society's institutions.

We have found that a broader research topic means students can pursue their own perspectives more successfully and learn about aspects of the law that they feel a desire to look into. This fits with a learning technique directed by students as much as teachers and is a proven strategy when working with adult Aboriginal learners in the Northern Territory (Grimes & Crawford, 2011). The research paper is also tied to the learnings gained during the legal history tour. While a range of perspectives are explored, the non-Indigenous coordinator encourages critical standpoints, showing how university is a space where orthodox views of law can be questioned.

Research conducted for the paper is used again in an argumentative presentation at the Supreme Court. Wherever possible, we engage a First Nations lawyer to sit in the role of judge, which is an act of decolonisation that inverts commonly held stereotypes regarding roles in the Court in the Northern Territory. A courtroom within the Supreme Court building is hired to create an authentic atmosphere. The coordinators have found that repeating learning in different formats and settings can increase student confidence, as they can consolidate their knowledge in developing a presentation that they are proud of within the short timeframes of the program. Comments to this effect include "[T]he program gave me heaps of confidence to make my decision easier on enrolling to law" (Student survey, 2024). The Supreme Court still displays many vestiges of colonial law, but also has examples of First Nations art and law, such as the nine Larrakitj poles (mortuary poles) presented at a Wukidi ceremony held for Dhakiyarr Wirrpanda (Balance Editors, 2003). Thus students can see there has been some attempt to include Indigenous law in this setting, despite its presentation as art, outside of the formal law making spaces.

Conclusion

bell hooks writes: "The classroom remains the most radical space of possibility in the academy" (hooks, 1994, p. 12). It is a space where we can explore new pedagogies and continually improve our practice in creating more welcoming learning experiences for underrepresented groups. We do this by employing as many First Nations presenters as possible in our teaching and, through

various methods, collect student feedback and insights to improve the program each year. In the three years since we began collecting anonymous feedback from students about cultural safety, not one student has reported feeling unsafe at Charles Darwin University. This is a far cry from the experience that students had in the classroom in the 1990s and can be attributed to the conscious efforts of past staff as well as the current team to decolonise the curriculum. The law school is not experienced as "ground zero" by the students who take part in the pre-law program. While some may find that university outside of the program has not yet incorporated First Nations perspectives, we hope that the connections made will endure, ensuring that each new cohort not only survives but thrives, and become our future leaders.

Acknowledgements

We acknowledge and respect Larrakia Country, people, and all First Nations Peoples in Australia. Larrakia Country is where the First Nations Pre-law program is taught, and this article was written. The author(s) disclose(s) that they have no actual or perceived conflicts of interest. The author(s) disclose(s) that they have not received any funding for this manuscript beyond resourcing for academic time at their respective university. The author(s) have not used artificial intelligence in the ideation, design, or write-up of this research as per Crawford et al. (2023). The author(s) confirm that they have met the ethical standards expected as per Purvis & Crawford (2024).

References

Adébísí, F. (2023). *Decolonisation and legal knowledge: Reflections on power and possibility*. Bristol University Press. https://doi.org/10.46692/9781529219401

Anthony, T., & Grant, E. (2016). Courthouse design principles to dignify spaces for Indigenous users: Preliminary observations. *International Journal for Court Administration, 8*(1), 43–52.

Australian Broadcasting Corporation. (2021, June 9). What's your story? Old man rock: A Larrakia creation story. https://www.abc.net.au/listen/programs/darwin-mornings/richard-fejo-and-the-story-of-old-man-rock/13380198

Australian Broadcasting Corporation. (2019). Program to boost number of Indigenous lawyers. https://www.abc.net.au/listen/programs/am/program-to-boost-number-of-indigenous-lawyers/10773612

Australian Institute of Aboriginal and Torres Strait Islander Studies. (2020). *AIATSIS code of ethics for Aboriginal and Torres Strait Islander research* [PDF]. https://aiatsis.gov.au/sites/default/files/2020-10/aiatsis-code-ethics.pdf

Barlo, S., Boyd, W. E., Pelizzon, A., & Wilson, S. (2020). Yarning as protected space: Principles and protocols. *AlterNative, 16*(2), 90–98.

Behrendt, L. (2025). Storytelling—The power of First Nations jurisprudence. In N. Watson & H. Douglas (Eds.), *Legal education through an Indigenous lens: Decolonising the curriculum* (pp. 128–140). Routledge.

Bird, S., Rawnsley, J., & Radavoi, C. (2023). True justice through deep listening on country: Decolonising legal education in Australia. *AlterNative, 16*(4), 892–901.

Burns, M., Hong, L., Anita, A., & Wood, A. (2019). *Indigenous cultural competency for legal academics program: Final report 2019*. Australian Government Department of Education and Training.

Came, H., Kerrigan, V., Gambrell, K., Simpson, T., & Goza, M. (2024). Unravelling colonial education: From dazzling white to deliberately decolonised and supporting the case for Indigenous universities. *Whiteness and Education*. https://doi.org/10.1080/23793406.2024.2376018

Castles, A. (1982). *An Australian legal history*. Lawbook Co.

Coff, K., & Lampert, J. (2019). Mentoring as two-ways learning: An Australian First Nations/Non-indigenous collaboration. *Frontiers in Education, 4*, 1.

College of Law. (2021). *Practice notes*. Unpublished training material.

Coroners Court of the Northern Territory. (2025). *Inquest into the death of Kumanjayi Walker* [2025] NTLC 8. https://agd.nt.gov.au/__data/assets/pdf_file/0009/1541754/A00512019-K.-Walker-findings.pdf

Council of Australian Law Deans. (n.d.). *First Nations Peoples Partnership Working Group Terms of Reference*. https://cald.asn.au/

Cronin, D. (2021). *Trapped by history: The Indigenous-state relationship in Australia*. Rowman & Littlefield.

Cubillo, E. (2022, July). Indigenous programs at law school. *Law Institute Journal*.

Department of Education. (2024, February 21). *Universities accord (Final report)*.

Department of Education, Employment and Workplace Relations. (2008). *Review of Australian higher education: Final report [Bradley review]*. DEEWR.

Dodson, M. (1995). Opinion: From 'Lore' to 'Law': Indigenous rights and Australian legal systems. *Aboriginal Law Bulletin, 3*(72), 2.

Douglas, H. (2001). The participation of Indigenous Australians in legal education in 2000–1. *University of New South Wales Law Journal*, 486.

Falk, P. (2005). Law school and the Indigenous student experience. *Indigenous Law Bulletin*. 6(8), 8.

Freire, P. (2017). *Pedagogy of the oppressed*. Penguin Modern Classics.

Gibson, M.-J. (2001). What it's like: UNSW pre-law 2001. *Indigenous Law Bulletin, 5*(5), 22.

Grimes, B., & Crawford, W. (2011). *Strong foundations for community-based legal education in remote Aboriginal communities*. North Australian Aboriginal Justice Agency.

Haynes, E., Marawili, M., Mitchell, A., Walker, R., Katzenellenbogen, J., & Bessarab, D. (2022). "Weaving a mat that we can all sit on": Qualitative research approaches for productive dialogue in the intercultural space. *International Journal of Environmental Research and Public Health, 19*, 3654. https://doi.org/10.3390/ijerph19063654

Hill, G., Wegner, A., & Low, D. (2022). Counting on Indigenous accountants: Collaborative curriculum development for an Indigenous pre-accounting enabling program. *The Australian Journal of Indigenous Education, 51*(1). https://doi.org/10.55146/ajie.2022.16

hooks, b. (1994). *Teaching to transgress: Education as the practice of freedom*. Routledge.

Hussin, F. L. (2002). Killing off Captain Cook: Indigenous Law Students at Northern Territory University. In *Tertiary teaching: Doing it differently, doing it better* (pp. 111-127). NT University Press.

Innovative Research Universities. (2023, April). *Meeting the demand for higher education and a 20% low SES target by 2030 (Discussion paper)*.

Kwaymullina, A. (2019). Teaching for the 21st century: Indigenising the law curriculum at UWA. *Legal Education Review, 29*(1).

Larrakia Nation. (2023). *The Larrakia people*. https://larrakia.com/about/the-larrakia-people/

Life Without Barriers. (n.d.). *Celebrations in Darwin for NAIDOC – saltwater ceremony at Lake Alexander*. https://www.lwb.org.au/news/celebrations-in-darwin-for-naidoc-saltwater-ceremony-at-lake-alexander/

Lavery, D. (1993). The participation of Indigenous Australians in legal education. *Legal Education Review, 4*, 177.

Liverani, M. R. (2001, April). Indigenous pre-law students to gain hand-picked mentors from young lawyers. *Law Society Journal, 20*.

Maguire, A., & Young, T. (2015). Indigenisation of curricula: Current teaching practices in law. *Legal Education Review, 25*(1). https://doi.org/10.53300/001c.6300

McGlade, H. (2005). The day of the minstrel show. *Indigenous Law Bulletin*, *6*(8), 16–18.

Morrison, M. K. (2007). *Using humor to maximise learning: The links between positive emotion and education*. Rowman & Littlefield.

Mullen, C. A. (2022). I write as an uninvited guest on Indigenous land: Recentering allyship in education. *Educational Studies, 58*(4), 495–510.

Nakata, M. (2007). The cultural interface. *Australian Journal of Indigenous Education, 36*, 8, 13.

National Indigenous Australians Agency. (2025, February 10). *Closing the Gap – Combined 2024 Annual Report and 2025 Implementation Plan*. Australian Government. https://www.niaa.gov.au/resource-centre/commonwealth-closing-gap-2024-annual-report-and-2025-implementation-plan

Native Title Act 1993 (Cth). https://www.legislation.gov.au/Details/C2004A04665

Northern Territory Government. (n.d.). *Places names register*. https://www.ntlis.nt.gov.au/placenames/view.jsp?id=3056

Parfitt, J & Rawnsley, J. (2016, September). Feature: Bilata legal pathways program. *Balance*.

Northern Territory Law Society. (2021/2). *Annual report*.

Phillips, L. G., & Bunda, T. (2018) *Research Through, With and As Storying*. Taylor and Francis.

Purvis, A. J., & Crawford, J. (2024). Ethical standards in social science publications. *Journal of University Learning and Teaching Practice, 21*(9), 1.

Rigney, L. I. (2023). Culturally responsive pedagogies: Australian colonial logic of the centre and Aboriginal refusal. In *Working with theories of refusal and decolonization in higher education* (pp. 77-92). Routledge.

Rigney, L. I. (2016). Indigenist research and Aboriginal Australia. In Indigenous peoples' wisdom and power (pp. 32-48). Routledge.

Rigney, L. I. (1999) Internationalization of an Indigenous Anticolonial Cultural Critique of Research Methodologies: A Guide to Indigenist Research Methodology and Its Principles: *Wicazo Sa Review*, 14(2). pp. 109-121. https://doi.org/10.2307/1409555

Shuman, S. J., & Songster, K. (2022). The power and promise of collaborative teaching: Crossing boundaries in a higher education classroom. *Contemporary Justice Review, 25*(3–4), 337–344. https://doi.org/10.1080/10282580.2023.2181290

Thomas, M., & Farmer, B. (2004). Indigenous law students at the University of Western Australia. *Indigenous Law Bullletin.*, *6*, 16.

Thomas, M., Milroy, J., & Bartlett, R. (2010). Teaching and Learning the Law: The University of Western Australia's Indigenous Pre-law Program. *Indigenous Law Bulletin*, *7*(19), 13-16.

Thompson, R. (1988). The University of Saskatchewan Native Law Centre. *Dalhousie Law Journal, 11*(2), 712.

Universities Australia. (2011). *National best practice framework for Indigenous cultural competency in Australian universities*. https://universitiesaustralia.edu.au/wp-content/uploads/2019/06/National-Best-Practice-Framework-for-Indigenous-Cultural-Competency-in-Australian-Universities.pdf

Universities Australia. (2022). *Indigenous strategy 2022–2025*. https://universitiesaustralia.edu.au/policy-submissions/diversity-equity/universities-australias-indigenous-strategy-2022-2025/

Wanambi, G., Hayashi, Y. and Christie, M. (eds) (2025) *AYolŋu Philosophy Reader* (Charles Darwin University).

Watson, N., & Douglas, H. (2025). *Legal Education Through an Indigenous Lens: Decolonising the Law School* (p. 318). Taylor & Francis.

Watson, N. (2005). Indigenous people in legal education: Staring into a mirror without reflection. *Indigenous Law Bulletin, 6*(8), 4.

Watson, I. (2014). Re-centring first nations knowledge and places in a Terra Nullius space. *AlterNative : An International Journal of Indigenous Peoples*, 10(5), 508–520. https://doi.org/10.1177/117718011401000506

Wood, A., & Watson, N. (2018). Mirror, mirror on the wall, who is the fairest of them all? *Legal Education Review, 28*(2), 16.

Woodroffe, T., Golebiowska, K., Boyle, A., & Hill, G. (2024). *Lecturer guidebook: Cultural responsiveness and First Nations student engagement*.