

LAW STUDIES AND INDIGENOUS STUDENTS' WELLBEING: *CLOSING THE (MANY) GAP(S)*

ASMI WOOD

ABSTRACT

This paper examines Indigenous law students' well-being. A problem many Indigenous students face, from the earliest experience with the Western educational system appears to be a form of negative cultural stereotyping, and this paper explores some of the underlying contributing causes. At the practical level participation by Indigenous students in the tertiary education system is not just low but the gap between the Indigenous and mainstream continues to diverge. Participation is defined here as enrolling in a course that leads to a legal qualification that will permit practicing law in an Australian jurisdiction. While improving Indigenous participation is intrinsically beneficial to Indigenous communities, Indigenous people also bring with them significant knowledge and human capital that can benefit society as a whole.

The case study of law students at the ANU is used to guide the discussion. It is *not* a representative study. However, what is intuitively clear is that every step in improving participation by Indigenous students will help the overall participation rate.

On the issue of well-being, the adverse effects on the mental health and well-being experienced by 'mainstream' law students is well known as an issue of concern. Indigenous students often experience lower levels of well-being even before commencing law studies. Further, Indigenous students also face huge expectations, carry the burdens of history, and endure a lack of family support, alienation, financial difficulties, often living quite far from home and in very unfamiliar surroundings which together tends to place an even greater threat to their general well-being. Finally it is posited that successful learning, is contingent on mutual respect, something that is not always present in contemporary institutions.

A further contributing factor to Indigenous students' (relatively poor) well-being levels and disadvantage in education appears to lie in the lingering effects of inter-generational neglect. This and other factors contributing to this phenomenon of poor participation should therefore be addressed strategically. To this end better and more reliable information and statistics on Indigenous participation can help to improve the policy settings that affect Indigenous participation in the tertiary sector and this paper calls for the proper identification of the several gaps in the data so that policy makers have reliable and accurate data to ensure that the policy settings are appropriate and that they will yield better results in the coming years.