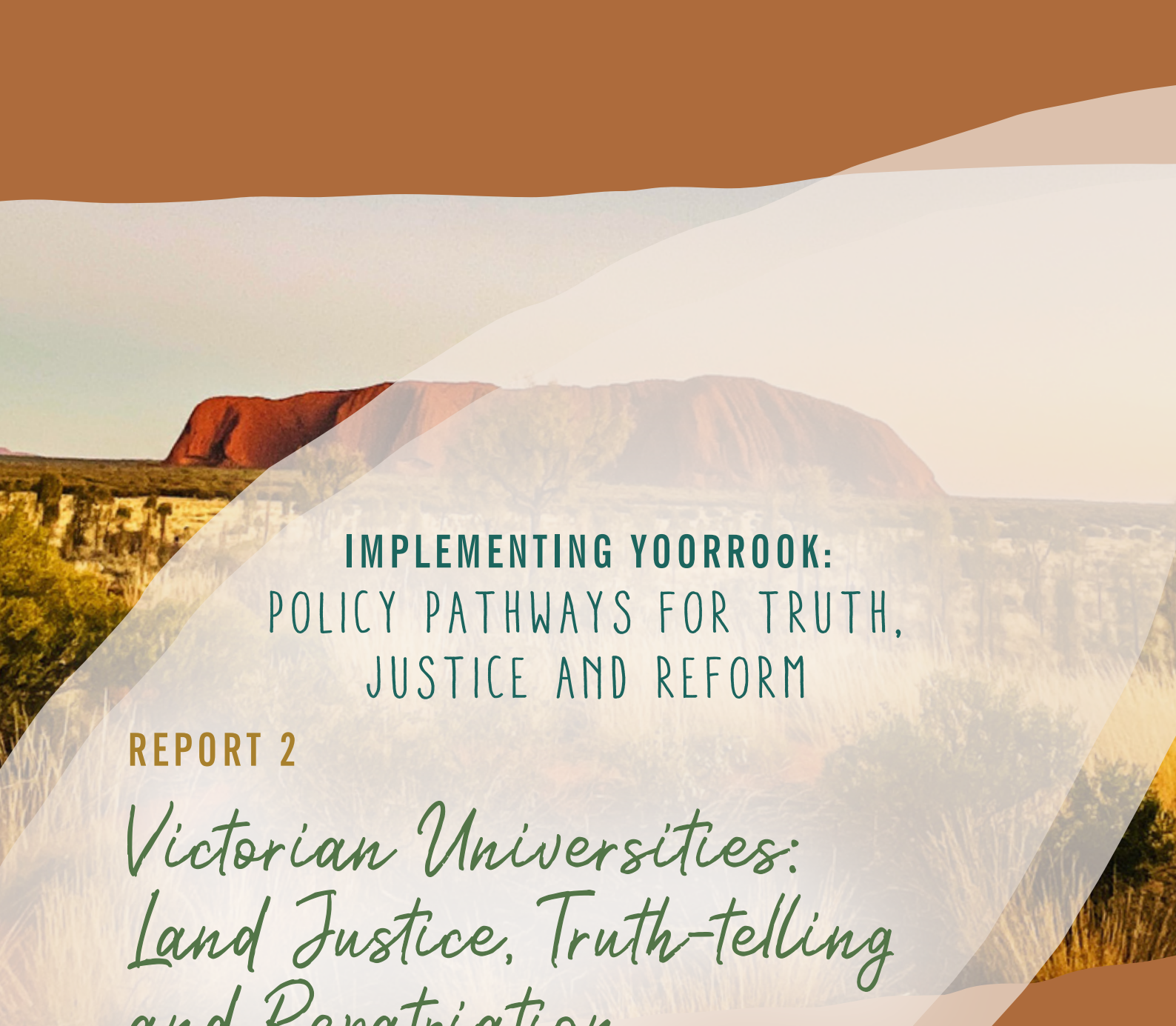


IMPLEMENTING YOORROOK:
POLICY PATHWAYS FOR TRUTH, JUSTICE AND REFORM

REPORT 2

Victorian Universities: Land Justice, Truth-telling and Repatriation

RMIT UNIVERSITY,
SCHOOL OF LAW

23 JULY 2026

LEAD AUTHORS

Associate Professor
Amanda Porter
University of Melbourne

Dr Jeremie M Bracka and
Gheran-Yarraman Steel
RMIT School of Law

Context Warning:

Readers should be advised that this report contains references to Aboriginal and Torres Strait Islander persons who have passed away.

CONTENTS

Implementing Yoorrook: Policy Pathways For Truth, Justice And Reform Foreword 01

Executive Summary 04

1. Land Justice 04

2. Truth-Telling and Institutional Transformation 04

3. Repatriation 04

Immediate Priorities For Reform 05

Summary of Key Recommendations 05

Introduction 06

Part I: Legal And Institutional Obligations Of Victorian Universities 07

Part II: Land Justice 08

A. Foundations on Stolen Lands 08

B. Colonial Wealth and the Gifting of Indigenous Lands 08

C. Architecture, Space and Symbolic Colonisation 09

D. Towards Structural Redress 09

Part III: Colonialism to Truth-Telling: Reckoning with Racism 09

A. Racist Scholarship and Eugenics 10

B. Exclusion, Silencing and Enduring Racism 10

C. Unethical Research and Ongoing Colonial Knowledge 11

D. Memorialising Racism: Names, Buildings and Legacies 11

E. Path Forward 11

F. Embedding Indigenous Curriculum, Leadership and Visibility 12

G. Yoorrook Recommendations 12

Part IV. Repatriation: Remains, Cultural Objects And Ongoing Harm 13

A. University Involvement in the Theft of Ancestral Remains 13

B. Denial and Resistance to Repatriation 13

C. Lack of Accountability and Continuing Harm 14

D. Towards Accountability and Structural Reform 14

Conclusion: Transforming Victorian Higher Education 15

Part V – Recommendations For Reform 16

A. Land Justice 16

B. Truth-Telling And Institutional Reform 16

C. Repatriation And Cultural Justice 17

D. Government Reform 17

Appendix A: Summary Of Yoorrook Justice Commission Recommendations 19

IMPLEMENTING YOORROOK: POLICY PATHWAYS FOR TRUTH, JUSTICE AND REFORM FOREWORD

The origins of this project can be traced to conversations with Yoorrook Commissioner Professor Sue-Anne Hunter, who emphasised the importance of ensuring that Yoorrook's findings were not confined to the pages of a final report, but translated into meaningful institutional and community engagement.[1] Those discussions shaped an approach grounded not only in implementation, but in responsibility: how universities, legal institutions, and mainstream organisations might contribute constructively and ethically to the ongoing process of truth-telling, repair, and structural reform.[2] As Commissioner Hunter observed, the challenge was to ensure that Yoorrook's work did not simply 'sit on a shelf'. It was from this shared commitment that these reports emerged. They proceed from the belief that the recommendations of the Yoorrook Justice Commission should not remain solely the concern of Indigenous Victorians, governments, lawyers or policy specialists, but can also provide a foundation for broader engagement across Victorian institutions and civil society.

From its inception, the project sought to proceed in a manner consistent with principles of Indigenous self-determination and ethical collaboration.

Indigenous partnership and guidance were therefore embedded at the centre of the work. At RMIT University, the project was undertaken in close collaboration with Gheran-Yarraman Steel, whose leadership and expertise were integral to the framing and direction of the research.

The project was led and co-authored by Dr Jeremie M Bracka (RMIT University School of Law) and supported through the Malcolm Moore Industry Research Grant. The research was further strengthened by the contribution of Associate Professor Amanda Porter (University of Melbourne), whose expertise in criminal law and criminology informed key aspects of the project. The work was further strengthened through partnership with the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney, an Indigenous-led research institute with longstanding expertise in community-led and justice-oriented research. The authors also gratefully acknowledge the contribution of industry partners Simon Thomas and Jennifer Keene McCann of the International Commission of Jurists (Victoria), and Steven Castan, Ariane Dozer, Naomi Lai and Jacinta Wright of the National Justice Project, whose research and engagement helped shape the

[1] Conversation with Professor Sue-Anne Hunter, Commissioner, Yoorrook Justice Commission, prior to the commencement of the project, concerning the importance of broader institutional and community engagement with the implementation of the Yoorrook Justice Commission's work.

[2] Australian Institute of Aboriginal and Torres Strait Islander Studies, AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research (2020).

development of the project. The authors are further grateful to Stan Winford and the Centre for Innovative Justice for their encouragement and support. The project also benefited from consultation and review by Barry Firebrace-Briggs of the First Peoples' Assembly of Victoria, whose guidance and feedback informed the development of all three reports.

The methodology underpinning the project was informed by the principles articulated in the AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research, including integrity, reciprocity, accountability, impact, and Indigenous self-determination.[3] Particular care was taken to ensure that the project complemented, rather than displaced, Indigenous-led processes already underway. Extensive consultation occurred through follow-up discussions involving practitioners, academics, community advocates, and representatives connected to the First Peoples' Assembly of Victoria and broader Aboriginal community-controlled sectors.

A major project roundtable convened in September 2025 in partnership with the Jumbunna Institute for Indigenous Education and Research, National Justice Project, and the International Commission of Jurists (Victoria), bringing together Indigenous leaders, legal practitioners, researchers, and policy stakeholders to discuss implementation pathways for the Yoorrook Justice Commission's recommendations. More than twenty participants contributed to the discussion, including representatives of the First Peoples' Assembly of Victoria, Aboriginal legal organisations such as the Victorian Aboriginal Legal Service and First Nations Legal and Research Services, members of the judiciary and legal profession, and representatives from the Coroners Court of Victoria. The roundtable helped inform the priorities and recommendations explored throughout this report series.

The project was conceived not as an attempt to speak for Indigenous communities, but as a modest contribution to supporting and amplifying the work already being undertaken by First Peoples and the Yoorrook process itself.[4] Intellectually, the project was also informed by Professor Martin Nakata's conception of the 'cultural interface': the complex and often contested space in which Indigenous and Western knowledge systems, institutions, and modes of governance intersect.[5]

These reports are situated consciously within that interface. They seek to engage mainstream legal, governmental, and educational institutions while remaining attentive to the limits, responsibilities, and power imbalances inherent in that engagement. In this respect, the reports do not claim neutrality. Rather, they proceed from the position that ethically grounded partnerships, reflexivity, and Indigenous leadership are essential preconditions for any meaningful implementation agenda.

Ultimately, these reports are offered as a practical contribution to ongoing processes of truth-telling, institutional accountability, and historical repair in Victoria. They recognise that the work of truth-telling and historical repair is necessarily long-term, incomplete, and at times uncomfortable. Yet they also proceed from the belief that the implementation of Yoorrook's recommendations presents a rare and important opportunity: not only for legal and policy reform, but for deeper forms of institutional listening, accountability, and transformation across Victorian society.

THE REPORTS DO NOT CLAIM NEUTRALITY. RATHER, THEY PROCEED FROM THE POSITION THAT ETHICALLY GROUNDED PARTNERSHIPS, REFLEXIVITY, AND INDIGENOUS LEADERSHIP ARE ESSENTIAL PRECONDITIONS FOR ANY MEANINGFUL IMPLEMENTATION AGENDA.

[3] Ibid

[4] Martin Nakata, 'The Cultural Interface' (2007) 36(Supplement) The Australian Journal of Indigenous Education 7.

[5] National Justice Project and Jumbunna Institute for Indigenous Education and Research, Letter of Support for the 'Implementing Truth-Telling: Yoorrook Justice Commission Final Report' Malcolm Moore Industry Research Grant (17 March 2025).

> THE COMMISSION CALLS FOR UNIVERSITIES TO MOVE BEYOND SYMBOLIC ACKNOWLEDGEMENT ENTER INTO RECIPROCAL, ENFORCEABLE AGREEMENTS WITH TRADITIONAL OWNERS ADDRESSING LAND USE, GOVERNANCE, AND LONG-TERM BENEFIT SHARING.

REPORT 2: VICTORIAN UNIVERSITIES: LAND JUSTICE, TRUTH-TELLING AND REPATRIATION[1]

EXECUTIVE SUMMARY

Victoria's tertiary and higher education sector continues to fail First Peoples. Despite decades of inquiries and reports,[2] as well as the landmark findings of the **Yoorrook Justice Commission** (*'Yoorrook'*) many of the harms perpetrated by universities remain unaddressed. There has been little meaningful reparation for the dispossession of land, the theft of cultural artefacts and ancestral remains, and the persistence of racist scholarship, institutional practices and exclusion.

This report distils Yoorrook's findings as they relate to Victorian universities and identifies three interconnected pillars for reform: **land justice, truth-telling, and repatriation**. Together, these provide a practical roadmap for universities, governing councils, faculties, museums and libraries to implement structural reform.

1. Land Justice:

Yoorrook heard evidence that Victorian universities were founded on stolen land and materially benefitted from the dispossession of First Peoples. The Commission calls for universities to move beyond symbolic acknowledgement to enter into **reciprocal, enforceable agreements with Traditional Owners** addressing land use, governance, and long-term benefit sharing.

2. Truth-Telling and Institutional Transformation:

Yoorrook found that universities have played a central role in producing and legitimising racist knowledge, including through eugenics research, exclusionary practices, and ongoing institutional racism. The Commission calls for public truth-telling about these histories, the embedding of First Peoples' knowledges and sovereignties across curricula, and the incorporation of Indigenous governance within institutional leadership.

3. Repatriation:

Thousands of Aboriginal ancestral remains and cultural objects taken by Victorian universities remain in institutional custody. Yoorrook recommends that repatriation be led by Traditional Owners and supported by the Victorian Aboriginal Heritage Council, with universities required to develop and implement Indigenous-led strategies for the return of Ancestors and cultural heritage.

IMMEDIATE PRIORITIES FOR REFORM

This report identifies the following immediate priorities for Victorian universities:

LAND JUSTICE

- Engage meaningfully with Traditional Owners of the lands on which campuses are located
- Enter into reciprocal agreements addressing land use, governance, and benefit sharing
- Publicly acknowledge institutional roles in land dispossession

TRUTH-TELLING AND INSTITUTIONAL REFORM

- Undertake public truth-telling processes
- Review institutional memorialisation practices, including naming of buildings, prizes, and awards
- Embed First Peoples' knowledges, histories, and sovereignties across curricula
- Adopt measurable targets for First Peoples' representation and leadership

REPATRIATION

- Develop and implement Indigenous-led repatriation strategies
- Support Traditional Owner-led provenance research and return processes

SYSTEM-LEVEL REFORM

- Advocate for amendment of the *Victorian Universities Act 2010* (Vic) to recognise First Peoples, embed their rights and cultures within higher education, and establish clear accountability mechanisms

SUMMARY OF KEY RECOMMENDATIONS

This report advances nine core recommendations for Victorian universities. Each institution should:

1. Engage meaningfully with Traditional Owners of the lands on which campuses are located.
2. Enter into reciprocal agreements with Traditional Owners regarding land use, leadership, and governance.
3. Publicly acknowledge their role in land dispossession.
4. Undertake public truth-telling regarding institutional histories and harms.
5. Consult with Traditional Owners to review institutional memorialisation practices, including naming of buildings, prizes, and awards.
6. Embed First Peoples' knowledges, histories, and sovereignties across the curriculum.
7. Adopt measurable targets for First Peoples' representation across all levels of the institution.
8. Develop and implement Indigenous-led strategies for repatriation of Ancestors and cultural objects.
9. Advocate for amendment of the *Victorian Universities Act 2010* to recognise First Peoples, embed their rights and cultures in higher education, and establish accountability mechanisms.

Yoorrook's recommendations provide a clear pathway to transform Victoria's higher education landscape. Meaningful reform requires universities to move beyond symbolic gestures and commit to structural change grounded in truth-telling, self-determination, and justice for First Peoples.

A complete list of Yoorrook's recommendations relevant to universities is provided in the Appendix, and full reports can be accessed via the **Yoorrook Justice Commission reports page**.[3]

INTRODUCTION

Yoorrook Justice Commission ('*Yoorrook*') is Victoria's first formal truth-telling body, established in 2021 to investigate systemic injustices experienced by First Peoples across all areas of public life — including education and the higher learning sector.[4]

Yoorrook's *Third Interim Report and Final Report* expose the colonial foundations and ongoing harms of Victorian universities. These institutions were built on **stolen Aboriginal land**, often granted or "gifted" by colonial governments without compensation or consultation. They have **profited from the theft and study of ancestral remains and cultural objects**, and **excluded First Peoples** from campuses, classrooms and leadership for generations.[5]

Through extensive community consultations, Yoorrook heard powerful and distressing testimony about the enduring nature of racism, discrimination, and "unofficial exclusion" within the tertiary sector. The Commission received evidence of universities' roles in advancing colonisation through land dispossession, the collection of Ancestors and cultural objects, and the promotion of racist ideologies such as **eugenics, social Darwinism**, and **assimilation**. These practices have left a deep institutional legacy that continues to shape the experiences of First Peoples staff and students today.

Yoorrook's findings make clear that universities have both a historical and ongoing responsibility to repair these harms. The Commission charts a path forward through three interconnected pillars of reform: **land justice, truth-telling, and repatriation** offering a blueprint for a higher education system grounded in justice, accountability, and self-determination. **Recommendations 62–64** of the Yoorrook Justice Commission provide a clear blueprint for reforming Victoria's higher education sector through truth-telling, land justice and structural reform.[6]

[1] The authors acknowledge the funding support from the Australian Research Council for the ARC Centre of Excellence for Indigenous Futures (Project ID: CE230100027).

[2] *Review of Australian Higher Education: Final Report* (Report, Department of Education, Employment and Workplace Relations, 17 December 2008); *Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People* (Final Report, Department of Industry, Innovation, Science, Research and Tertiary Education, 15 September 2012).

[3] Yoorrook Justice Commission, *Reports* (Web Page).

[4] Victoria, *Victoria Government Gazette*, No S 217, 14 May 2021.

[5] Yoorrook Justice Commission, *Yoorrook for Transformation* (Third Interim Report, June 2025) vol 3 ('*Yoorrook for Transformation*').

[6] Ibid 241-4.

PART I: LEGAL AND INSTITUTIONAL OBLIGATIONS OF VICTORIAN UNIVERSITIES

In Victoria, the Minister for Higher Education is responsible for the overall performance and accountability of higher education institutions in the state.[7] All Victorian university Acts include a statutory object requiring universities to engage with and support Aboriginal and Torres Strait Islander peoples. Specifically, each university must: "use its expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in its teaching, learning, research and advancement of knowledge activities and contribute to (i) realising their aspirations; and (ii) the safeguarding of the ancient and rich Aboriginal and Torres Strait Islander cultural heritage."

This legislative duty is replicated across all Victorian university establishing Acts, including the *Deakin University Act 2009* (Vic) s 5(f);[8] *La Trobe University Act 2009* (Vic) s 5(f);[9] *Monash University Act 2009* (Vic) s 5(f);[10] *Royal Melbourne Institute of Technology Act 2010* (Vic) s 5(f);[11] *University of Melbourne Act 2009* (Vic) s 5(f);[12] *Swinburne University of Technology Act 2010* (Vic) s 5(f);[13] *Victoria University Act 2010* (Vic) s 5(f);[14] and *Federation University Australia Act 2010* (Vic) s 5(f).[15]

Unlike these public universities, the Australian Catholic University ('ACU') was not established under Victorian legislation. It is a corporation governed by its own constitution. The ACU describes itself as a 'Catholic, public, national and international University'.

Clause 2.6(g) of the *Australian Catholic University Limited Constitution* provides that one of the University's objects is 'to promote the recognition and support of *Australia's Indigenous people*'.[16]

Together, these statutory and constitutional obligations establish a clear legal and moral framework requiring all Victorian universities (both public and private) to advance Aboriginal and Torres Strait Islander participation, leadership, and cultural safeguarding within higher education. These legal obligations do more than express a symbolic commitment. They establish a statutory duty of care and accountability for Victorian universities to actively advance Aboriginal and Torres Strait Islander participation, governance, and truth-telling within higher education.

As Barry Firebrace Briggs noted,

'IF THESE STATUTORY OBLIGATIONS ARE TO HAVE MEANING, ACCOUNTABILITY MUST MOVE FROM PRINCIPLE TO PRACTICE.'

The statutory duty imposed by section 5(f) of each Victorian university Act cannot remain aspirational. Vice-Chancellors and governing Councils must be directly accountable for measurable progress in embedding First Peoples' leadership, curriculum reform, and land justice commitments. Without enforceable benchmarks and transparent reporting, legislative recognition risks becoming symbolic rather than transformative.

Universities should therefore:

- Tie executive performance reviews and remuneration to measurable outcomes;
- Report publicly on Indigenous staff representation at senior levels;
- And be subject to independent oversight, as contemplated in Recommendation 65.

[7] Victorian Government, *University Governance* (Web Page, 3 July 2025).
[8] *Deakin University Act 2009* (Vic) s 5(f).
[9] *La Trobe University Act 2009* (Vic) s 5(f).
[10] *Monash University Act 2009* (Vic) s 5(f).
[11] *Royal Melbourne Institute of Technology Act 2010* (Vic) s 5(f).
[12] *University of Melbourne Act 2009* (Vic) s 5(f).
[13] *Swinburne University of Technology Act 2010* (Vic) s 5(f).
[14] *Victoria University Act 2010* (Vic) s 5(f).
[15] *Federation University Australia Act 2010* (Vic) s 5(f).
[16] *Constitution*, Australian Catholic University (at 6 May 2020) cl 2.6(g).

PART II. LAND JUSTICE

A. Foundations on Stolen Lands

Yoorrook found that all Victorian universities were founded on the dispossession of First Peoples' lands. This was established through the colonial project of land alienation and exclusion. In 1853, the University of Melbourne became the first university founded in the colony, as part of a wave of state institutions created amid the influx of wealth and settlers during the Victorian gold rush.

The Commission noted that the establishment of universities was integral to the infrastructure of colonial expansion institutions that 'supported and promoted the culture of the colonisers of Victoria' and were designed to 'provide professional education for young men who would become leaders in the State, and to have a "civilising" influence on the colonies'.[17]

B. Colonial Wealth and the Gifting of Indigenous Lands

Victorian universities were built on and financed by colonial wealth derived from dispossession. Early benefactors, pastoralists, and governments "gifted" or alienated Aboriginal lands to establish campuses without any engagement with Traditional Owners. For example, Yoorrook heard evidence that the University of Melbourne's early development was financed by pastoralists who profited directly from frontier dispossession. Professor Zoe Laidlaw demonstrated that major benefactors including Sir Samuel Wilson, John Dickson Wyselaskie, Francis Ormond, and John Hastie 'belonged to an early group of pastoralists who derived early and disproportionate benefits from the dispossession of the Western District's Traditional Owners.' Her research appears in *Dhoombak Goobgoowana: A History of Indigenous Australia and the University of Melbourne*.[18]

Similarly, colonial governments and their successors "gifted" or "alienated" First Peoples' lands to public universities, excluding Traditional Owners from the process of surveying and titling. Yoorrook heard from **Monash University** that 'considerations for traditional landowners were not part of the initial land surveying and titling processes', which were undertaken by colonial authorities. **Deakin University's** Waurn Ponds campus was gifted Crown land at Geelong, the University of Melbourne's Parkville site was Crown-granted, and **RMIT's city campus** originated as state government property later re-deeded to the university. **The Australian Catholic University** similarly occupies land in Naarm ('Melbourne') deeded to it by the Roman Catholic Church in 1999.[19]

These origins demonstrate that Victorian universities were not neutral bystanders but **direct beneficiaries of colonial land theft**. Yoorrook concluded that universities 'advertised [their] superiority as a whole institution to Indigenous people' by appropriating Wurundjeri land for their buildings and accepting donations "drawn from the proceeds of colonisation of Indigenous Country."[20]

[17] See generally *Yoorrook for Transformation* (n 5).

[18] Zoe Laidlaw, 'Settler-Colonial Philanthropy and Indigenous Dispossession' in Ross L Jones, James Waghorne and Marcia Langton (eds), *Dhoombak Goobgoowana: A History of Indigenous Australia and the University of Melbourne* (Melbourne University Press, 2024) vol 1, 22-49.

[19] *Yoorrook for Transformation* (n 5) 228-9.

[20] Ross L Jones, 'Scientific Racism at the University of Melbourne' in Ross L Jones, James Waghorne and Marcia Langton (eds), *Dhoombak Goobgoowana: A History of Indigenous Australia and the University of Melbourne* (Melbourne University Press, 2024) 189; Ross L Jones, 'Eugenics in Australia: The secret of Melbourne's elite', The Conversation (Web Page, 21 September 2011).

C. Architecture, Space and Symbolic Colonisation

This structural complicity extends beyond physical landholding to the **symbolic and spatial architecture** of universities. Many campuses were designed in the image of English universities, 'created in the image of an English park and United Kingdom universities such as Oxford and Cambridge', and built using stone quarried from First Peoples' Country. At **Deakin's Burwood campus**, the site's prior use as a Presbyterian and state-run children's home that housed members of the **Stolen Generations** underscores how universities' physical landscapes embody painful histories of child removal and institutional control.[21]

D. Towards Structural Redress

Yoorrook's findings make clear that the obligations of Victorian universities to First Peoples cannot be confined to symbolic gestures such as renaming or cultural acknowledgements. Instead, **land justice requires structural reckoning**: truth-telling about universities' historical complicity in dispossession, engagement with Traditional Owners in decision-making over land use, and concrete reparative measures that return control, benefit, or access to Country.

As the Commission concluded, **'The way forward lies in each Victorian university reckoning with its occupation of First Peoples' lands … Truth-telling requires grappling with the nomenclature of campuses, embedding First Peoples' knowledges into teaching and research architecture, and developing reciprocal partnerships with Traditional Owner groups'**.[22]

These findings underscore the need for structural reform across the higher education sector. The report's consolidated recommendations for land justice are set out in **Part V**.

PART III. COLONIALISM TO TRUTH-TELLING: RECKONING WITH RACISM

Yoorrook heard that Victorian universities have long been implicated in the systemic silencing, exclusion, and racialisation of First Peoples. For more than a century, these institutions actively produced and legitimised racist ideas through their teaching, research, and commemorations while continuing to marginalise Aboriginal and Torres Strait Islander students and scholars today.[23]

As Yoorrook demonstrates, universities were not passive observers of colonial injustice but central architects of the knowledge systems that sustained it. Victorian higher education served as a cornerstone of empire promoting eugenics, social Darwinism, and assimilationist policy, while erasing Indigenous knowledge and agency. Yet, these same institutions now hold immense potential to lead truth-telling, restitution, and reform. This section examines five interrelated dimensions of that history **racist scholarship and eugenics; exclusion and silencing; unethical research; memorialisation; and pathways for truth-telling and reform** to trace how universities became entwined in colonial harm and how they can now contribute to justice and transformation.

[21] *Yoorrook for Transformation* (n 5) 236-8.
[22] *Yoorrook for Transformation* (n 5) 241-2.
[23] Ibid 220-64.

A. Racist Scholarship and Eugenics

The roots of institutional racism in Victorian universities lie in scholarship that sought to rank, classify, and control First Peoples under the guise of academic inquiry. Yoorrook documented how universities promoted pseudo-scientific theories such as eugenics, social Darwinism, and assimilation that underpinned colonial violence.[24] At the University of Melbourne, Professors **Richard Berry, Wilfred Agar**, and **Frank Tate** used eugenic "research" to justify segregation and restrict access to higher education. Berry measured Aboriginal skulls and published hierarchies of intelligence that were 'widely read and taught to generations of students', while advocating forced sterilisation of Aboriginal people, homosexuals, and alcoholics.[25] These ideas were disseminated across disciplines, with historian **David Goodman** noting that 'for eight decades … the teaching of history … justified colonisation and celebrated empire'.[26]

Yoorrook also exposed the unethical collection and study of ancestral remains by Melbourne academics **George Murray Black, Richard Berry**, and **Sir Sydney Sunderland**, whose names continued to adorn prizes and lecture halls long after their involvement in grave-robbing was known.[27] First Peoples' remains were excavated and stored as "specimens" at the University of Melbourne until the 1980s, when **Uncle Jim Berg's** legal action forced their repatriation.

B. Exclusion, Silencing and Enduring Racism

Yoorrook heard that Victorian universities systematically excluded First Peoples from their campuses and curricula. The University of Melbourne admitted it had excluded Aboriginal students "for more than 100 years".[28] Despite reforms, **interpersonal, institutional, and systemic racism** remain pervasive. Professor Eddie Cubillo recounted being mistaken for a cleaner while serving as Associate Dean at Melbourne Law School, describing this as a profound 'betrayal … knowing the silence and omission in the curriculum perpetuates the same harm in legal institutions'.[29] Victorian universities continue to have high rates of attrition of First Peoples staff and students, due to these high levels of racism.[30]

Until recently, universities actively suppressed or sanitised their racist histories. Yoorrook found that Melbourne University "ignored" its involvement in eugenics and continued to honour eugenicists such as Berry and Medley until the 1990s.[31] At Deakin University, a 2024 self-published "Tanderrum" statement on its namesake, Alfred Deakin, acknowledged his "complex legacy" but omitted reference to his role in the **White Australia Policy** and the **1886 Half-Caste Act** that authorised the removal of Aboriginal children from their families.[32]
As Yoorrook observed, truth-telling requires naming the harms and those responsible, not symbolic gestures or euphemistic language.

[24] Ibid 231.

[25] *Yoorrook for Transformation* (n 5) 231-3; Jones (n 20) 181-201.

[26] David Goodman, 'The History Discipline and Aboriginal Dispossession' in Ross L Jones, James Waghorne and Marcia Langton (eds), *Dhoombak Goobgoowana: A History of Indigenous Australia and the University of Melbourne* (Melbourne University Press, 2024) vol 1, 237.

[27] *Yoorrook for Transformation* (n 5) 234-5.

[28] Ibid 220.

[29] Ibid 264.

[30] Ibid 276.

[31] Ibid 232.

[32] Ibid 229-30.

C. Unethical Research and Ongoing Colonial Knowledge

Yoorrook found that unethical research practices have continued across disciplines: from anthropology to law, medicine, and history often undertaken without consent or respect for First Peoples' knowledge systems.[33] As **Anita Mobourne (Wamba Wamba, Yorta Yorta, Gunditjmara, Wotjobaluk)** told the Commission, 'We've been the most described culture … but described according to non-Aboriginal values. That's still wrong for us'.[34] The Commission concluded that the legacies of colonial research 'continue to impact First Peoples in academia today', with Indigenous scholars still struggling for their methodologies and knowledges to be recognised and valued in mainstream institutions.[35]

D. Memorialising Racism: Names, Buildings and Legacies

Yoorrook found that the physical and symbolic landscapes of Victorian universities continue to **memorialise racism** through buildings, prizes, and institutions named after figures who advanced colonial and eugenic ideologies.[36]

Several prominent Victorian academics were active members of the **Eugenics Society of Victoria** and used their influence to promote racist theories under the guise of scientific progress. For instance, **John Medley**, a former Vice-Chancellor of the University of Melbourne, was a member of the Eugenics Society and is still commemorated through buildings bearing his name at both the University of Melbourne and Monash University.[37] **Sir Sydney Sunderland**, who collaborated with **George Murray Black** in the excavation and study of Aboriginal ancestral remains without consent, has a lecture theatre named after him and a prize awarded annually for the highest-achieving neuroscience student.[38]

These memorials are not confined to individuals associated with eugenics. Entire universities continue to carry the names of colonial leaders who played key roles in dispossession and racial oppression.

La Trobe University is named after **Charles La Trobe**, the first Superintendent of the Port Phillip District and later Lieutenant-Governor of Victoria, who presided over the mass invasion of unceded Kulin lands and sanctioned the violent suppression of Aboriginal resistance.[39] **Deakin University** bears the name of **Alfred Deakin**, one of the principal architects of the *White Australia Policy* and the Victorian *1886 Half-Caste Act* (Vic), legislation that authorised the removal of Aboriginal children from their families and entrenched racial segregation.[40]

By continuing to honour these figures, universities perpetuate what Yoorrook describes as *'a selective amnesia that normalises colonial violence while marginalising First Peoples' experiences'*. Meaningful truth-telling requires confronting these legacies, re-evaluating whom we commemorate, renaming spaces that celebrate harm, and embedding Indigenous voices in decisions about memorialisation.

E. Path Forward

Yoorrook concluded that *'the way forward lies in each Victorian university reckoning with its occupation of First Peoples' lands, its past participation in racist practices, the entrenchment of colonial attitudes among non-First Peoples staff and students, and the unofficial exclusions that continue to affect staff and students today'*.[41]

Truth-telling requires Victorian universities to confront their own archives, acknowledge their complicity in racist scholarship, and commemorate the survivors of unethical research. As Yoorrook observed, 'Victorian universities have yet to fully examine, and account for their historical role in colonisation, the perpetuation of racist practices and the systematic exclusion of First Peoples'.[42]

Transformation, therefore, must go beyond apology or symbolic reconciliation. It requires **institutional self-examination, curriculum reform**, and **structural redress** to ensure that universities become active sites of justice rather than perpetuators of colonial harm.

[33] Ibid 230-3.
[34] Ibid 233.
[35] Ibid.
[36] See generally *Yoorrook for Transformation* (n 5); Jeff Sparrow, 'Naming and Renaming Universities' Racist Monuments' (2015) 25(23) *Eureka Street*.
[37] *Yoorrook for Transformation* (n 5) 229.
[38] Ibid 234.
[39] Ibid 228.
[40] Ibid 229.
[41] Ibid 242.
[42] Ibid.

F. Embedding Indigenous Curriculum, Leadership and Visibility

As First Peoples' Assembly member Barry Firebrace Briggs observed in consultation on this report:

'At university, I felt like a Black man being forced to fit into a white box.'

This experience reflects what Yoorrook heard repeatedly: that institutional structures, curricula and leadership cultures remain shaped by colonial norms that marginalise Indigenous knowledge systems and lived experience.

Embedding First Peoples' knowledges across the curriculum is not an optional inclusion or elective stream. It requires systemic integration across faculties — law, medicine, education, business, science and the humanities — so that Indigenous histories, sovereignty, epistemologies and contemporary realities are not siloed but recognised as foundational to higher education in Victoria.

Barry emphasised that visibility matters. Increasing the number of First Peoples staff in senior academic and executive leadership positions is essential to decolonising institutional culture and ensuring Indigenous students feel safe, welcomed and represented. Representation at senior levels signals not symbolic inclusion, but structural transformation.

Decolonising the university therefore requires:

- Embedding Indigenous curriculum across all disciplines;
- Appointing and promoting First Peoples into senior academic and executive roles;
- Ensuring Indigenous presence and visibility across campuses; and
- Recognising lived experience as a form of expertise within teaching and governance.

These measures move beyond reconciliation rhetoric toward systemic redesign.

G. Yoorrook Recommendations

Recommendation 62 calls on Victorian universities to engage in public truth-telling about their historical and ongoing treatment of First Peoples. This includes confronting their role in the occupation of stolen lands, their participation in eugenics and unethical research, and the continuing legacies of exclusion and racism within higher education.

Recommendation 64 calls for systemic reform: amending the *Victorian Universities Act 2010* to embed First Peoples' knowledge systems, governance, and leadership at the heart of higher education. This reform would move beyond voluntary commitments and enshrine a legal duty on all Victorian universities to pursue truth-telling, redress, and partnership with Traditional Owners.

Embedding these principles in legislation would affirm that universities once tools of colonisation must now become institutions of justice, equity, and shared custodianship. Through such reform, Victoria could lead nationally in transforming the relationship between First Peoples and the higher education sector.[43]

[43] Ibid 241-2.

PART IV. REPATRIATION: REMAINS, CULTURAL OBJECTS AND ONGOING HARM

From the onset of colonisation, First Peoples' ancestral remains, cultural artefacts and sacred objects were stolen in the name of scientific "discovery" and research.[44] Graves were desecrated, burial sites disturbed, and ancestral remains stored 'in boxes, left on shelves or in cupboards in private homes or at Victorian universities, or sent to overseas institutions.' Most of these collections have yet to be repatriated.

As the Victorian Aboriginal Heritage Council observed in 2020, 'the institutions involved are portrayed as "prestigious" or "world-renowned", and their display of sacred objects justified as "educating mankind". These portrayals are nothing but ongoing colonial propaganda designed to justify the theft and detention of our objects and Ancestors.'

A. University Involvement in the Theft of Ancestral Remains

Victorian universities were directly complicit in the theft and storage of First Peoples' ancestral remains and cultural materials. Both the federal and state governments funded universities to acquire and study ancestral remains, providing grants and institutional support for so-called "scientific research".[45]

The *University of Melbourne* told Yoorrook that it was 'the most significant repository of human remains, including remains of Indigenous peoples, in Victoria,' holding collections including the Murray Black Collection and the Berry Collection.

The **Murray Black Collection**, assembled by George Murray Black and colleagues such as Sir Sydney Sunderland, contained the remains of approximately **800 Ancestors** from the **Maraura**, **Kureinji**, **Tati-Tati and Wati Wati Peoples**, taken from burial sites along the **Dhunghalla/Murray River**.[46]

The **Berry Collection**, initiated by Professor Richard Berry in 1906, included over **700 human remains**, many collected from across Victoria and other regions. Berry encouraged his anatomy students to bring him human remains found on family properties and added plaster casts and tools to the collection.[47]

Combined, the Murray Black and Berry collections comprised more than **1,600 ancestral remains** two of the largest such collections in Victoria.[48]

B. Denial and Resistance to Repatriation

For decades, Victorian universities resisted the return of these remains. In 1983, **Uncle Jim Berg (Gunditjmara)** then CEO of the Victorian Aboriginal Legal Service initiated legal action to compel the University of Melbourne to repatriate the Murray Black Collection. His testimony to Yoorrook recalls this encounter with the Vice-Chancellor:

We went up to Professor Caro, the Vice-Chancellor's office... and handed him the injunction. He said, "Who in the hell do you think you are? We are the University of Melbourne, and we own these remains; they're ours." And I held the injunction over my head and said, "I am the law."

Following the court order of 1984, the remains were finally transferred to the Museums Board of Victoria. This case, documented by Yoorrook and by Faulkhead and Berg, exposed the profound arrogance and resistance of academic institutions to Indigenous authority and law.[49]

[44] Ibid 234.
[45] Ibid.
[46] Ibid.
[47] Ibid.
[48] Ibid.
[49] Shannon Faulkhead and Jim Berg, *The Power and the Passion; Our Ancestors Return Home* (Museum Victoria Publishing, 2022).

C. Lack of Accountability and Continuing Harm

Yoorrook found that Victorian universities and academics have largely escaped accountability for the theft, possession and study of Aboriginal ancestral remains.

In **2003**, the **Berry Collection** was "discovered" in an anatomy storeroom at the University of Melbourne. Despite being an "open secret" among some staff, neither the state nor the university held anyone to account. The university issued an apology for the "hurt and understandable indignation" caused but no disciplinary or legal action followed.[50]

Sir Sydney Sunderland, who participated in grave robbing alongside Murray Black, continues to be honoured at the University of Melbourne through a named prize for neuroscience students.[51]

In 2013, **Dr Neville White** of La Trobe University was charged with failing to report Aboriginal human remains he had kept since the late 1970s. The charges were dismissed, and no conviction recorded. For many First Peoples, this was seen as further evidence of a justice system unwilling to protect Ancestors or hold universities to account.[52]

As **Professor Marcia Langton (Yiman, Bidjara)** told Yoorrook, 'There have been a couple of prosecutions... but at the University of Melbourne, as far as I know, no one was ever prosecuted for retaining human remains. Often, we don't know if they're Aboriginal or not. Somebody opens a cupboard that was missed in the last audit, and human remains are found.'[53]

While some universities, such as Deakin, Monash and RMIT, have stated that they do not hold ancestral remains, Yoorrook concluded that **acknowledgement alone does not equate to accountability**. The persistence of memorials, prizes and institutional denial demonstrates an ongoing failure to reckon with this legacy of violence.

D. Towards Accountability and Structural Reform

Repatriation must extend beyond the physical return of remains. Yoorrook emphasises that true accountability requires universities to:

- Conduct transparent audits and public reporting of all ancestral remains and cultural objects;
- Establish **Indigenous-led** governance of repatriation processes;
- Ensure permanent memorialisation and public education on the theft and return of Ancestors; and
- Embed repatriation responsibilities in university governance and policy frameworks.[54]

As Yoorrook concluded, the theft and detention of First Peoples' Ancestors is not a closed chapter but an ongoing colonial harm. Victorian universities must now shift from denial to justice recognising that repatriation is both a moral obligation and a form of truth-telling essential to healing Country, community, and the academy itself.

Yoorrook makes clear that repatriation is not simply a matter of returning physical remains and cultural materials, rather it is an act of **truth-telling, justice, and repair**. Under **Recommendations 62–64**, Victorian universities are called upon to engage in public truth-telling, to reckon with their ongoing possession of stolen ancestral remains and cultural objects, and to embed accountability mechanisms for repatriation in governance and law.[55]

Victorian universities therefore have both a **legal** and **moral responsibility** to take proactive steps to assist Traditional Owners in provenance research and the repatriation of stolen Ancestors and cultural heritage. This includes disclosing their historical involvement in eugenics and scientific racism, auditing collections, and supporting Indigenous-led decision-making in the care and return of Ancestors.

These actions give tangible effect to Yoorrook's broader vision: that Victorian universities move from **custodians** of **colonial collections** to **partners** in **cultural justice**. Embedding repatriation within institutional policy and law will ensure that universities play an active role in healing the deep historical wounds they helped create.

[50] *Yoorrook for Transformation* (n 5) 235-6.

[51] Ibid 235.

[52] Ibid 235-6.

[53] Ibid 236.

[54] *Yoorrook for Transformation* (n 5) 235-7; Robert Hudson and Susan Woodcock, *Self-Determined First Nations Museums and Colonial Contestation: The Keeping Place* (Routledge, 2022).

[55] See generally *Yoorrook for Transformation* (n 5).

CONCLUSION: TRANSFORMING VICTORIAN HIGHER EDUCATION

Yoorrook acknowledged that while some Victorian universities have begun to recognise their historical wrongdoings, concrete action to address these legacies has too often fallen short. As Yoorrook observed, "this demonstrates the ongoing need for robust accountability mechanisms and genuine commitment to change".[56]

Although many of Yoorrook's recommendations are directed to the Victorian Government, the Commission makes clear that universities and academics bear significant **co-responsibility** for their implementation. It was universities and academics who facilitated the theft and wrongful procurement of ancestral remains and cultural objects, acts that desecrated sacred burial sites and commodified cultural heritage. It was universities and academics who excluded First Peoples from campuses, colleges and classrooms, and who used their authority to legitimise racist research and institutional exclusion. And it remains universities and academics who must now confront the enduring legacy of racism and its impact on First Peoples staff and students within their institutions.

Yoorrook's recommendations offer a **transformative blueprint** for the future of higher education in Victoria. Through **land justice, truth-telling, and repatriation**, universities are called to move beyond symbolic reconciliation toward structural change embedding First Peoples' knowledges, histories, and leadership within every dimension of academic life. This transformation will require courage, humility, and sustained partnership with Traditional Owners and Aboriginal communities. As Yoorrook makes clear, the pathway is no longer uncertain; what remains uncertain is whether universities have the moral will to walk it.

> "THROUGH LAND JUSTICE, TRUTH-TELLING, AND REPATRIATION, UNIVERSITIES ARE CALLED TO MOVE BEYOND SYMBOLIC RECONCILIATION TOWARD STRUCTURAL CHANGE EMBEDDING FIRST PEOPLES' KNOWLEDGES, HISTORIES, AND LEADERSHIP WITHIN EVERY DIMENSION OF ACADEMIC LIFE.

[56] *Yoorrook for Transformation* (n 5) 236.

PART V – RECOMMENDATIONS FOR REFORM

A. LAND JUSTICE

1. Meaningful engagement with Traditional Owners

Each Victorian university must engage meaningfully with First Peoples, especially the Traditional Owners of the lands on which their campuses and buildings are located.

2. Reciprocal agreements and land governance

Victorian universities should enter into reciprocal agreements with Traditional Owners regarding land use, leadership, governance and the integration of First Peoples' knowledges, histories and cultures across the institution.

3. Public education about universities' role in land dispossession

Universities and academics should publicly acknowledge and communicate the role Victorian universities have played in land dispossession and raise awareness of how those harms can be addressed through structural reform.

B. TRUTH-TELLING AND INSTITUTIONAL REFORM

4. Public truth-telling and institutional historical review

Victorian universities must undertake public truth-telling about their historical and ongoing treatment of First Peoples, including their role in land dispossession, racist scholarship, eugenics, unethical research and institutional exclusion.

This process should include research, documentation and public communication of each university's colonial history and the role of academic institutions in sustaining these harms.

5. Review of commemorative spaces and institutional memorialisation

Victorian universities must consult with Traditional Owners to review institutional memorialisation practices. This includes reviewing and, where appropriate, renaming campuses, buildings, lecture halls, scholarships, prizes and awards that commemorate eugenicists, colonisers or other figures associated with harms against First Peoples.

IV. RECOMMENDATIONS FOR REFORM

6. Curriculum reform and knowledge transformation

Victorian universities must embed First Peoples' knowledges, histories, sovereignties and contemporary lived experiences across the curriculum. Universities must develop Indigenous curriculum frameworks ensuring that these perspectives are integrated across all faculties and disciplines, rather than confined to specialist units.

7. Indigenous leadership and institutional accountability

Victorian universities must strengthen Indigenous leadership and governance within higher education institutions. Universities must adopt *measurable targets* for First Peoples' representation in senior academic and executive leadership roles, supported by transparent annual reporting and Council-level accountability.

C. REPATRIATION AND CULTURAL JUSTICE

8.Indigenous-led repatriation processes Victorian universities must develop

Indigenous-led strategies to support provenance research and the repatriation of stolen Ancestors and cultural objects. This should include transparent audits of collections, appropriate public disclosure mechanisms, and resourcing for Traditional Owners to lead repatriation processes.

D. GOVERNMENT REFORM

9.Legislative reform of the Victorian Universities Act

The Victorian Government should amend the *Victorian Universities Act 2010 (Vic)* to:

- recognise Victorian First Peoples
- embed First Peoples' rights, cultures and perspectives in higher education
- establish accountability mechanisms and performance indicators for universities.

APPENDIX A: SUMMARY OF YOORROOK JUSTICE COMMISSION RECOMMENDATIONS

Yoorrook Justice Commission made the following discrete recommendations relevant to Victorian universities:

RECOMMENDATION 29:

The Victorian Government must consider and implement reforms to strengthen the recognition and protection of intangible heritage under the *Aboriginal Heritage Act 2006* (Vic).

RECOMMENDATION 30:

The Victorian Government must provide funding for the Victorian Aboriginal Heritage Council and Traditional Owner groups to develop and implement a strategy for the provenancing and return to Traditional Owners and/or other culturally appropriate handling of remains.

RECOMMENDATION 31:

The State must also work with the Commonwealth to identify and negotiate the safe return of cultural, secret and sacred objects held in interstate, overseas and private collections.

RECOMMENDATION 32:

The Victorian Government must provide secure, ongoing funding, resources and land to Traditional Owners to establish and maintain appropriate infrastructure, including museum-regulated spaces, to keep and preserve cultural, secret and sacred objects, artefacts and knowledge.

RECOMMENDATION 62:

Victorian universities must engage in public truth-telling about their historical engagement with First Peoples and the ongoing legacy of these actions.

RECOMMENDATION 63:

Guided by First Peoples, Victorian tertiary education providers must enter into reciprocal agreements with Traditional Owners to advance First Peoples' priorities, including First Peoples leadership, land use and how to embed First Peoples' knowledges, histories and cultures.

RECOMMENDATION 64:

The Victorian Government must amend the Victorian Universities Act 2010 (Vic) to:

a. Expressly recognise Victorian First Peoples; b. Acknowledge First Peoples' rights, cultures, histories and perspectives in tertiary education; and c. Incorporate key accountability indicators for the measures set out in Education – Tertiary Chapters 24 and 25.

RECOMMENDATION 65:

The Victorian Government must establish an oversight body for the tertiary education sector with ongoing funding, powers and responsibility for: a. Ensuring cultural support initiatives and First Nations student support systems are embedded into mainstream university business; b. Addressing racism against First Peoples by duty-holders, including tertiary education providers; and c. Developing governance, oversight and accountability mechanisms, including sanctions for breaches.

RECOMMENDATION 66:

Victorian universities must allocate permanent, ongoing funding for First Peoples' leadership and First Peoples student support services from mainstream funding streams.

RECOMMENDATION 67:

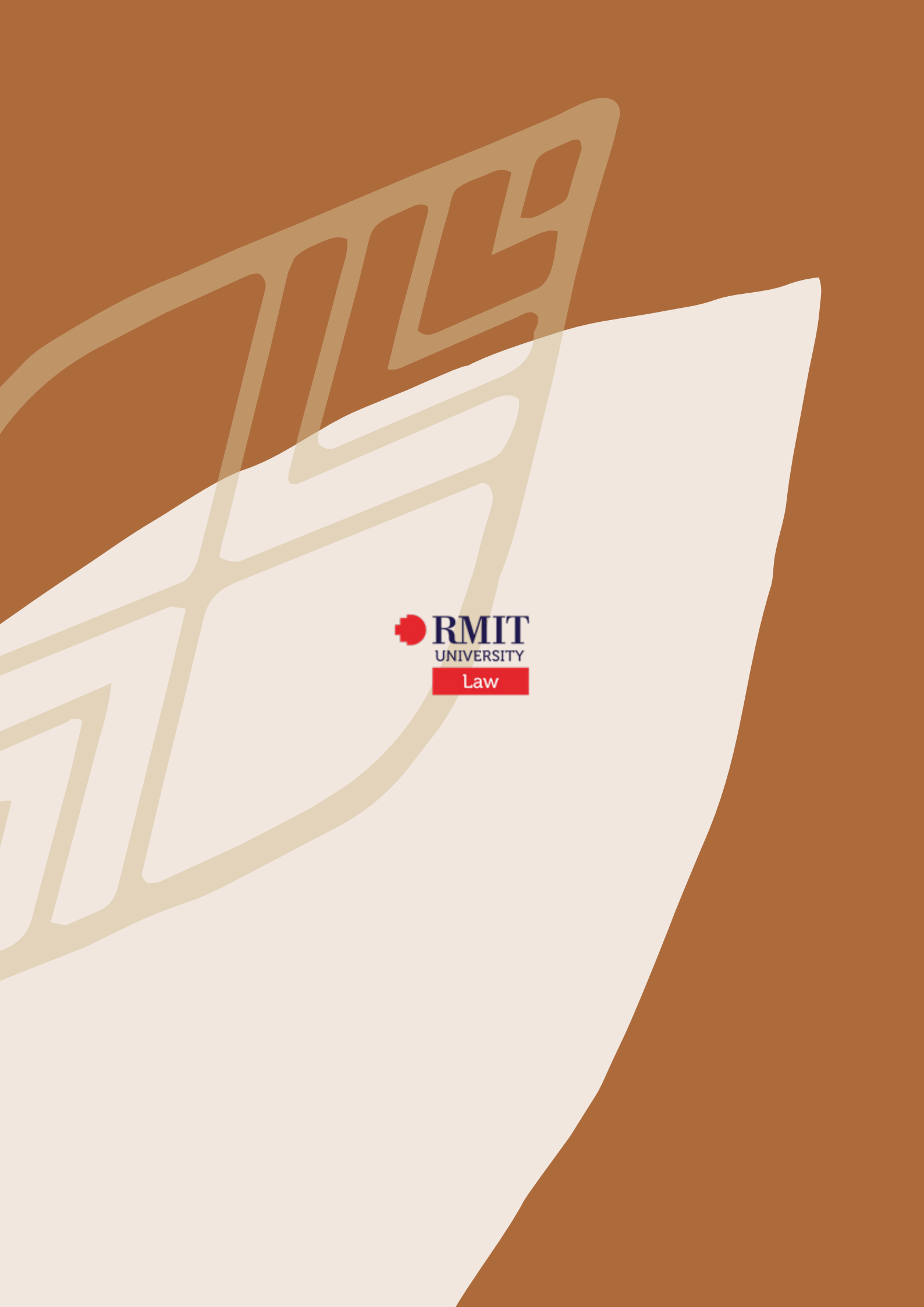
Guided by First Peoples, Victorian universities must recognise and recompense First Peoples staff for the 'colonial load' they carry.

RECOMMENDATION 68:

Guided by First Peoples, the Victorian Government must: a. Advocate to the Federal Minister for Education to direct the Tertiary Education Quality and Standards Agency (TEQSA) and other relevant professional bodies, to the extent necessary to mandate registered Victorian universities to include specific content about Victorian First Peoples in their courses; b. Advocate for the inclusion of the cross-curriculum priority: 'Learning about Victorian First Peoples histories and cultures' across all units in pre-service and post-graduate teacher courses; and c. Advocate to the relevant professional bodies for social work, medicine and nursing to stringently enforce university compliance with compulsory course requirements relating to First Peoples, and to the legal professional bodies to require compulsory First Peoples-related subjects in law degrees.

RECOMMENDATION 69:

The Victorian Institute of Teaching, in conjunction with universities, must develop a qualification, such as a Graduate Diploma of First Peoples Curriculum Teaching.


RMIT
UNIVERSITY
Law