



Victorian
Aboriginal
Legal Service

**VALS Submission to the Inquiry into
racism, hate and violence directed at
Aboriginal and Torres Strait Islander
people
June 2026**

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EXECUTIVE SUMMARY

“Racism pervades every aspect of our lives as Aboriginal people. Systemic and interpersonal racism and discrimination are interwoven and compounding. Our people continue to die in custody at alarming rates, our children continue to be removed from their families at a rate higher than during the Stolen Generations. This government has walked away from their commitments to implement the Uluru Statement of the Heart in full. We cannot let this inquiry into racism go nowhere. It must lead to the establishment of a Human Rights Act and the implementation of UNDRIP federally. The government holds the power; it is time for them to show leadership and enact radical reforms to save lives. Our children deserve a future free from racism, our lives matter.”

Nerita Waight, CEO of VALS.

VALS welcomes the opportunity to respond to this Inquiry. Racism against Aboriginal people and communities is rife in Australia; and for too long, governments and leaders have enabled this through either explicitly supporting racist laws and policies or turning a blind eye. This lack of penalty and leadership has allowed racism to continue.

Violence, racism, hate and extremism directed at Aboriginal people were foundational principles, practices and legacies of the invasion and colonisation of Australia. Australian institutions, laws, policies and government practices are now deeply entrenched with racism as a direct result, and a continued effect of the violence and dispossession upon which Australia was colonised.

Across VALS’ practice experience, we see how Aboriginal people, families and communities continue to be disproportionately impacted by these racist laws, policies and institutions. Systemic racism manifests in a multitude of ways, and racism is a key factor contributing to overrepresentation of Aboriginal people in the youth justice, criminal legal and child protection systems, as well as housing instability and homelessness. The scope of our submission to this inquiry is to the extent of the legal and justice systems that our service operates within. It is important to note that systemic racism persists across all other systems and sectors, including health and education.

While some Aboriginal communities and families have survived and thrived despite this racism, many Aboriginal people’s lives have been lost and continue to be lost to and threatened by ongoing racism, hate and extremism today.

Aboriginal people are disproportionately impacted by racial discrimination and vilification in workplaces, in public, online, in social and private housing, sporting contexts, and in the provision of goods and services, including healthcare. Our communities also experience racial abuse and discrimination in their interactions with police and other actors within the criminal legal and youth justice systems; as well as other government service providers.

Aboriginal communities have shared their experiences about racism time and time again; and have continued to propose solutions to address racism in all its forms. Most recently, communities engaged extensively with the Australian Human Rights Commission (**AHRC**) as it developed a National Anti-Racism Framework. This work was commissioned by the Australian government and was finalised in late 2024, yet since then there has been no commitment by the government to take further action.

We are sick and tired of endless inquiries and reports that go nowhere. Subjecting Aboriginal people to consultation fatigue and colonial and cultural load without proper resourcing to engage effectively, nor resulting in action, reform and accountability by all levels of government. This is an enduring form of systemic racism and oppression. What we need now is sustained and concerted action. The Government must listen to the voices of Aboriginal people and implement our self-determined solutions to achieve real change. We are the oldest continuing culture in the world; and our communities have cared for Country for over 60,000 years.

We need strong action to stop racism, so our children can thrive unburdened by the harms of racism that we know all too well. They will be our Elders, our custodians of culture and our carers for culture and Country.

Beyond its impact on individuals targeted by racism, racism weakens trust, divides communities, and limits the social and economic potential of the whole country. We call on the government to foster support for anti-racist efforts by reminding Australians that stopping racism against Aboriginal people is not only about correcting injustice, but about building a more united and equitable shared future for non-Aboriginal people too. Instead of inflaming division and zero-sum narratives for political gain, politicians should demonstrate how respectful relationships between Aboriginal and non-Aboriginal people build stronger communities and opportunities. Everyone benefits socially, culturally and economically when we build a culture where individuals are treated with dignity and humanity.

Addressing racism in all its forms is an enormous task. It requires a fundamental shift in individual attitudes and societal culture, as well as extensive legislative, policy and institutional reforms to address the ongoing legacy from this country's racist and violent history. It requires leadership from the very government who is facilitating this inquiry. We implore the Committee to engage deeply with all submissions to the inquiry, and to make strong and tangible recommendations that will effect real change. Above all, it requires education at all levels, so that everyone can better understand and celebrate the diversity and strength of Aboriginal cultures and history across Australia.

This submission identifies key recommendations for federal law reform needed to improve responses to interpersonal racism, systemic racism and ideologically motivated extremism directed at Aboriginal people. The submission also identifies key areas where there is a need for state and territory action to address racism, particularly focusing on Victoria. We note that this is a federal inquiry, however, given the significant and far-reaching reforms required to address racism, we encourage the Committee to take into the need for reform across all levels of government, including Federal, state, territory and local government.

The federal government must immediately implement in full the Uluru Statement from the Heart, the United Nations Declaration on the Rights of Indigenous Peoples, and enact a national Human Rights Act. These three tools are a direct, tangible and achievable pathway for the federal government to respond to racism right now. This submission is based on our practice experience as a provider of legal and community justice programs in Victoria and experience as an Aboriginal Community Controlled Organisation (**ACCO**), and as well as direct community engagement with Aboriginal people who spoke with us to inform this submission this Inquiry.

When this inquiry was announced, VALS dedicated time and resources to undertaking community consultation. We wanted community to be able to engage with the inquiry in a

culturally safe way, and to be able to share their experiences in a way that was empowering and safe. We developed [online resources](#) including a submission guide and template, hosting a drop-in session at our Preston office, and providing phone support to people who wanted to share their experiences with VALS. We promoted these resources through our social media channels and networks to ensure a far reach. In undertaking this work, we were able to support many community members to share their experiences with us to form part of our submission. These experiences, feedback, and recommendations for change are reflected throughout our submission. We want to take this time to thank every person who engaged with VALS, shared their experiences and expertise, and who have guided our work.

SUMMARY OF RECOMMENDATIONS

Systemic Racism

Recommendation 1. Urgently accept and implement all recommendations of the Independent Aboriginal and Torres Strait Islander-led Review of the National Agreement on Closing the Gap.

Recommendation 2. The federal government use existing funding arrangements under National Agreements to ensure state and territory compliance with Closing the Gap commitments and explore leveraging financial penalties as an accountability mechanism for Closing the Gap, while avoiding and/or mitigating any downstream effects of reduced state and territory funding for programs that benefit Aboriginal people.

Recommendation 3. Australian Governments must ensure that there are adequate monitoring, reporting, accountability and oversight mechanisms in place to address systemic racism in police forces and racist policing. This includes:

- An independent police complaints system that provides thorough, culturally appropriate and independent investigation of all complaints, other than customer service matters;
- Independent and culturally appropriate investigation of police contact deaths, both for coronial processes and in determining if a criminal or disciplinary offence has been committed;
- Independent monitoring and auditing of the exercise of police powers, supported by transparent record-keeping and reporting by Victoria Police;

A robust and independent oversight mechanism for implementation of recommendations relating to racist policing.

Recommendation 4. As recommended by the AHRC, the *Racial Discrimination Act 1975* should be amended to include a positive duty, to eliminate racial discrimination:

- By an employer, business or undertaking;
- In the provision of goods and services, with a particular focus on health, education, retail and hospitality, sport, housing, and financial settings;
- In the access to places and facilities;
- In the provision of land, housing and other accommodation.

Recommendation 5. As recommended by the AHRC, the *Racial Discrimination Act 1975* should be amended to provide powers to the AHRC to assess compliance with the positive duty in Recommendation 4 of this submission and for enforcement. This includes providing the AHRC with the power and funding to:

- Undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply;
- Enter agreements/enforceable undertakings with the organisation;
- Apply to the Court for an order requiring compliance with the duty.

Recommendation 6. Commit to First Nations self-determination and community control across youth justice, health, legal services, child protection and housing in all Commonwealth policies and funding agreements and require states and territories to do the same as a condition of Commonwealth funding.

Recommendation 7. Resource Aboriginal Community Controlled Organisations (ACCOs) to expand their models at a local state and regional level to meet community needs, including legal assistance, health, family violence and child and family services. This must be through dedicated Commonwealth investment, contingent on genuine community control, and by requiring states and territories to fund and partner with ACCOs rather than mainstream providers.

Recommendation 8. Implement the Uluru Statement from the Heart in full, including establishment of a Makarrata Commission to supervise treaty-making and localised truth-telling processes.

Recommendation 9. Lead a National Taskforce on youth justice reform, with First Nations self-determination and community control at its centre, to:

- Set minimum national standards and drive consistent reform across all jurisdictions;
- Raise the age of criminal responsibility to at least 14 without exceptions;
- Raise the age of youth detention to 16;
- Prohibit the detention of children in adult prisons;
- Prohibit solitary confinement, isolation and strip searching in youth detention;
- Reform bail laws to make incarceration a genuine last resort; and
- Invest in diversion, community supports and early intervention.

Recommendation 10. Lead a national approach to independent police oversight, working with states and territories to establish independent police oversight bodies with genuine investigative powers in every jurisdiction, and set minimum national standards for accountability for use of force and conduct towards Aboriginal and Torres Strait Islander people.

Recommendation 11. Require all states and territories to provide equitable, culturally safe healthcare in custody, consistent with the Victorian Aboriginal Community Controlled Health Organisation's campaign for Aboriginal health equity, and fund Aboriginal Community Controlled health services to deliver healthcare in custodial settings.

Recommendation 12. Adhere to commitments under the Safe and Supported Framework, including promoting and enabling full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle. This requires identifying, implementing and reporting on active efforts across each of the Child Placement Principle's five elements, and implementing the Principle through legislation, policy, programs, processes and practice.

Recommendation 13. Resource, expand and replicate Aboriginal justice models nationally, including Aboriginal Courts, Aboriginal-led family violence services and community-controlled health services, through dedicated Commonwealth investment and by requiring states and territories to prioritise funding and partnering with Aboriginal Community Controlled Organisations instead of mainstream providers.

Recommendation 14. The Federal Government urgently adopt and implement the National Anti-Racism Framework: A roadmap to eliminating racism in Australia.

Recommendation 15. Fully implement Australia’s obligations under the Optional Protocol to the Convention Against Torture (OPCAT), including by ensuring all National Preventive Mechanisms are independently resourced, operational, and have unfettered access to all places of detention, including prisons, watch houses and youth detention facilities.

Recommendation 16. The Federal Government enact a national Human Rights Act incorporating findings from the Australian Human Rights Commission’s 2023 report *Free and equal: Revitalising Australia’s commitment to human rights*.

Recommendation 17. The Federal Government pass legislation to implement UNDRIP in Australia and independently auditing existing laws, policies, and practice for compliance with the UNDRIP. Legislation implementing UNDRIP must:

- Enshrine the right of Aboriginal and Torres Strait Islander peoples and communities to self-determination, as defined under UNDRIP;
- Establish a clear pathway for implementing UNDRIP in Australia, including through a National Action Plan that is developed with Aboriginal communities and Aboriginal Community Controlled Organisations.

Recommendation 18. Require that all Ministers and Ministerial staff undertake mandatory, ongoing and meaningful anti-racism and cultural-awareness training.

Recommendation 19. The Independent Parliamentary Standards Commission develop behavioural codes of conduct for all Australian Parliamentarians and staff that take a zero-tolerance approach to racism with appropriate sanctions. Australian Parliamentarians and their staff be required to complete regular anti-racism training that addresses workplace behaviour and prevents racism in all public communications.

Recommendation 20. Anti-racism training should be mandatory for all public authorities, particularly Victoria Police, Corrections Victoria and Child Protection.

Recommendation 21. Anti-racism training must be developed by people and communities with lived experience of racism, including Aboriginal people. Wherever possible, anti-racism training should also be delivered by Aboriginal people.

Recommendation 22. As recommended by the Australian Human Rights Commission, Australian Governments should work with Aboriginal communities to develop an evidence base on racism in Australia, including by:

- Funding First Nations experts on Indigenous Data Sovereignty (IDS) to partner with First Nations organisations and communities to embed IDS and Indigenous Data Governance (IDG) on a national and state and territory level,
- Developing a National Anti-Racism Data Plan which outlines a national approach to collecting, using and managing data on experiences, reports and impacts of racism (including violent crimes, hate crimes and racist extremism against Aboriginal people),
- Collecting data about experiences of racism, including systemic and structural racism through national surveys,

- Funding third-party reporting mechanisms – such as the Call it Out Register – that take an anti-racist approach to collecting data about racism.

Recommendation 23. In relation to violent crimes, hate crimes and racist extremism against Aboriginal people, the National Anti-racism Data Plan should:

- Require consistent recording of bias motivation across jurisdictions;
- Include prosecution distinguishing when charges include hate crime and extremist violence;
- Distinguish between general criminal offending, hate crime and extremist violence;
- Support regular public reporting to inform policy, prevention and resource allocation.

Recommendation 24. Implement data sharing agreements with ACCOs, as set out under the Victorian Implementation Plan / National Closing the Gap Agreement.

Interpersonal Racism

Recommendation 25. As recommended by the AHRC, Australian governments should fund public awareness and education on anti-racism for the community sporting sector, in partnership with the Australian Sports Commission.

Recommendation 26. As recommended by the Yoorrook Justice Commission, Australian Governments should work with respective Aboriginal communities to develop Cultural Safety Frameworks for schools that include:

- An anonymous reporting mechanism for racism and breaches of cultural safety;
- Actions and measures for compliance;
- Data collection analysis and public reporting;
- Governance, oversight and accountability mechanisms;
- Sanctions for breaches; and
- Ongoing evaluation and improvement processes.

Recommendation 27. Police should cease the inappropriate use of PSIOs as a behaviour management tool for Aboriginal children in schools.

Recommendation 28. As recommended by the AHRC, Australian governments should fund a holistic cultural safety and anti-racism review of existing policies and practices that affect staff and students in primary and secondary schools, through consultation with children and young people. The findings must inform the development and implementation of cultural safety and anti-racism reforms.

Recommendation 29. As recommended by the AHRC, Australian governments should commission and fund comprehensive mandatory professional development for primary and secondary school staff (including leadership staff members) to build schools' capacity to identify, prevent, and manage incidents of racism and develop the skills, tools, and capability to have discussions about racism and its effects in contemporary Australia.

Recommendation 30. The Victorian Government should strengthen the *Equal Opportunity Act 2010* (Vic) by:

- Introducing a positive duty for organisations to take reasonable and proportionate steps to prevent vilification, as is currently the case for discrimination, sexual harassment and victimisation matters under the EOA.
- Expanding the powers of the VEOHRC to:
 - make orders and issue remedies in response to claims (including to address systemic issues)
 - direct any person to provide information to assist with identifying the person who is believed to have engaged in vilification
 - prevention and investigation powers for vilification matters.
- Amending the relevant legal tests to include consideration of the context (social, historical and political) and power dynamics (the status and position of the speaker and person with the protected attribute); and explicitly acknowledging that the EOA provides protection for cohorts of Victorians who experience systemic injustice and structural oppression.

Recommendation 31. As recommended by the Review of the *Online Safety Act*, online platforms should have a duty of care to protect against harms, including harms to mental and physical wellbeing including threats to harm or kill, or attacks based on a person or group of people's protected characteristic, including race.

Recommendation 32. In partnership with Aboriginal communities, Australian governments should overhaul curriculum content, teaching materials, teaching standards and staff training, to ensure that the education system is teaching a truthful, strengths-based account of invasion/colonisation and the diversity, strength and resilience of Aboriginal communities, including by:

- Directing the relevant regulatory authorities (e.g. the Curriculum/Assessment Authority and the Registration/Qualifications Authority) to implement mandatory cultural competency standards;
- Auditing the curriculum to include Aboriginal perspectives across all learning areas from Prep to Year 12;
- Incorporating anti-racism resources, focusing on recognising and rejecting racism;
- Ensuring that all staff in schools (including teachers, management and school staff) are culturally competent, including by supporting schools with training, guidelines and resources; employ Aboriginal people to lead teacher training on curriculum day; mandate ongoing cultural competency and anti-racism training (including through planning days);
- Setting targets for school libraries to audit and decolonise library collections;
- Investing in high-quality Aboriginal-authored teaching materials.

Recommendation 33. Australian governments should work with Aboriginal communities to design and implement a national public awareness campaign to address racism against Aboriginal people.

Ideologically motivated extremism

Recommendation 34. The Inquiry final report must provide a comprehensive analysis of extremism directed at Aboriginal people that is informed by Australian Federal Police and ASIO intelligence, as well as Aboriginal perspectives that recognise State violence and racism towards

of Aboriginal people as extremism and generative of extremism. Supplementary submissions to this Inquiry should be sought if necessary.

Recommendation 35. Law enforcement organisation should collect and report data on the prevalence and risk of extremism directed towards Aboriginal people.

Recommendation 36. Police and prosecutors should be trained to recognise racially motivated violent offending as hate crime or terrorism so racial motivations can be tracked and addressed as such.

Recommendation 37. The Commonwealth, in partnership with states and territories, should ensure that racial and ideological motivations are consistently identified and recorded in policing and prosecution procedure and data for violent offences that are not charged as extremism or hate crimes, and reported on to enhance both accountability and the visibility of the problem by:

- Developing national guidelines for identifying and recording racist and hateful motivation in violent offences;
- Embedding consideration of motivation in charging and prosecutorial decisions, guidelines and practices; and
- Ensuring that evidence of racial or ideological context and motivations are clearly articulated and investigated in prosecution, court proceedings, and sentencing submissions.

Recommendation 38. The Inquiry should examine whether the Government's response to the Statutory Review of the *Online Safety Act 2021* (Cth) will adequately address online racism, hate, extremism and extremist narratives impacting Aboriginal people.

Recommendation 39. Australian governments must urgently introduce legislation to adopt recommendations from the Statutory Review of the *Online Safety Act 2021* (Cth), and any other reforms necessary to address online extremism as identified through the review process in Recommendation 39 of this submission.

Recommendation 40. Australian governments must continuously review and adapt policy responses for the regulation of online platforms to technological developments and evolving threats.

Recommendation 41. Australian governments must comprehensively fund cyber safety education to help individuals identify and avoid radicalisation through mis- and dis-information and harmful algorithms.

Recommendation 42. The Australian Police Force and State and Territory police, in partnership with Aboriginal community members, must develop internal training and guidance to support the enforcement of offences that target white supremacist extremism.

Recommendation 43. The Australian Federal Police and State and Territory police, in partnership with Aboriginal community members, must review internal training and guidance on existing police powers relating to public assemblies and offences that can be employed against white supremacist extremist conduct.

Recommendation 44. As recommended in VALS' submission to the Review of the Definition of a 'Terrorist Act' in Section 100.1 of the Criminal Code Act 1995, the Australian government should

amend the definition of ‘terrorist act’ to remove of emphasis on ‘religious’ and ‘political’ causes from sub-section (b) in the definition of ‘terrorist act’ and provide a legislative note or example making it clear that ‘ideology’ includes white supremacist, settler-nationalist, colonialist and racist ideology.

Recommendation 45. As recommended in VALS’ submission to the Review of the Definition of a ‘Terrorist Act’ in Section 100.1 of the Criminal Code Act 1995, the Australian government should amend the list of actions in sub-section (2) of the definition of ‘terrorist act’ to expressly list the action of ‘serious damage to Aboriginal sacred sites and sites of cultural significance’. This would clarify that ideologically motivated destruction of Aboriginal sacred and culturally significant sites that is intended to intimidate a section of the public can fall within the meaning of terrorist acts.

Recommendation 46. Mandatory anti-racism and unconscious bias training for police and other national security agents enforcing counterterrorism and countering violent extremism laws.

Recommendation 47. As consistent with recommendation 16 in the Australian Human Rights Commission’s Anti-Racism Framework, the Australian Government should establish an independent review of counter-terrorism laws, policies, and practices to investigate potential discriminatory application and effect on Aboriginal communities and work with Aboriginal people and communities to address it.

Recommendation 48. For all counter-extremism legislation, implementation approaches, enforcement and evaluation, embed government and law enforcement consideration of:

- Impacts on Aboriginal people, in consultation with Aboriginal people; and
- Best practice guidelines from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Recommendation 49. The Australian and state governments and police must develop and maintain strategies for monitoring the migration of former members of extremist groups that target Aboriginal people into less formal networks or organisations, lone actor activity, and online spaces.

Recommendation 50. The Australian Government should audit and publicly report on the availability of, and its investment in, early intervention, disengagement and deradicalisation measures targeting and/or reaching violent extremism directed at Aboriginal people and conduct a needs assessment, research and evaluations of effectiveness to guide further investment.

Recommendation 51. The Australian Government invest further in early intervention and prevention measures combatting extremism directed at Aboriginal people, with consideration of the submissions to, and Final Reports of, the Inquiry into Right Wing Extremist Movements in Australia in 2024 and Inquiry into Measures to combat right-wing extremism in New South Wales in 2026.

Recommendation 52. The Australian Government incorporate anti-racism measures and national truth-telling as part of its counterterrorism and countering violent extremism strategy.

Recommendation 53. Australia’s counter terrorism strategy and law enforcement’s approach must address stochastic terrorism within the media and Parliament as an extremist threat in

Australia. The Australian Government must work with counterterrorism experts, Aboriginal people, and other negatively racialised communities, to develop this strategy.

DETAILED SUBMISSIONS

INTRODUCTION

Our submission addresses all Terms of Reference (TOR) of the Inquiry and has been structured in three parts to address systemic racism, inter-personal racism, and ideologically motivated extremism directed at Aboriginal people. These forms of racism, and other key terms, are defined throughout this submission.

Part 1 discusses **systemic racism** towards Aboriginal people, highlighting the laws, policies, and barriers that create structural inequality within institutions. **Part 2** discusses how **interpersonal racism** and hate manifests towards Aboriginal people. This includes a discussion of the harassment, abuse, humiliation, violence and intimidating behaviour that Aboriginal people are subjected to because of their race, including the impact of online platforms on racism (TOR 2). **Part 3** discusses **ideologically motivated extremism** towards Aboriginal people (TOR 4), including white-supremacist and settler-nationalist extremism.

Each Part outlines:

- The nature, prevalence and impact of the racism, hate and/or violence discussed in that Part, including trends over time (where available) (TOR 1)
- The effectiveness of avenues for reporting and responding to the racism, hate and/or violence discussed in that Part (TOR 5)
- Recommended initiatives that are effective in combating the racism, hate and/or violence discussed in that Part and to reduce individual and collective harm (TOR 3)
- Other matters related to racism, hatred and violence discussed in that Part (TOR 6).

PART 1. SYSTEMIC RACISM

This Part outlines how, at a systemic level, the laws, policies and practices of colonial institutions produce a discriminatory outcome for Aboriginal people and offers key recommendations for systemic reform.

1.1. The nature, prevalence and impact of systemic racism

1.1.1 The nature of systemic racism

Systemic racism is the way a society or institution's cultural norms, laws, ideologies, policies, and practices result in inequitable treatment and outcomes. Systemic racism occurs when institutional cultures, processes and practices reflect dominant group cultural norms and in doing so systematically advantage the dominant group and disadvantage and marginalise others.¹

Systemic racism can happen without specific laws, policies, or practices that keep it in place, where the legacy of those norms, laws, policies, and practices persists in systems long after they have ended. It involves entire systems, for example, legal, healthcare, and criminal justice systems, and the various institutions and structures that support their operation.²

¹ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 92.

² AHRC, *The National Anti-Racism Framework* (2024).

Systemic racism consists of institutional and structural racism:

- **Institutional racism** is when racism is normalised within an organisation or institution. This can be formal, through the policies and practices that guide how organisations and institutions run, or through informal behaviour and norms.³ Failing to address informal practices that perpetuate racist outcomes is racist in itself.
- **Structural racism** describes the inequalities and barriers that prevent equal access to opportunities. This includes in laws, policies, and cultural norms.⁴

Systemic racism is “the most insidious form of racism because it is difficult to quantify” and is performed by people “who see themselves as ‘just doing their job’”.⁵ When people working within and upholding colonial systems hold racist views themselves; a cruel cycle of systemic racism is perpetuated. Failing to address systemic racism is racism in itself.

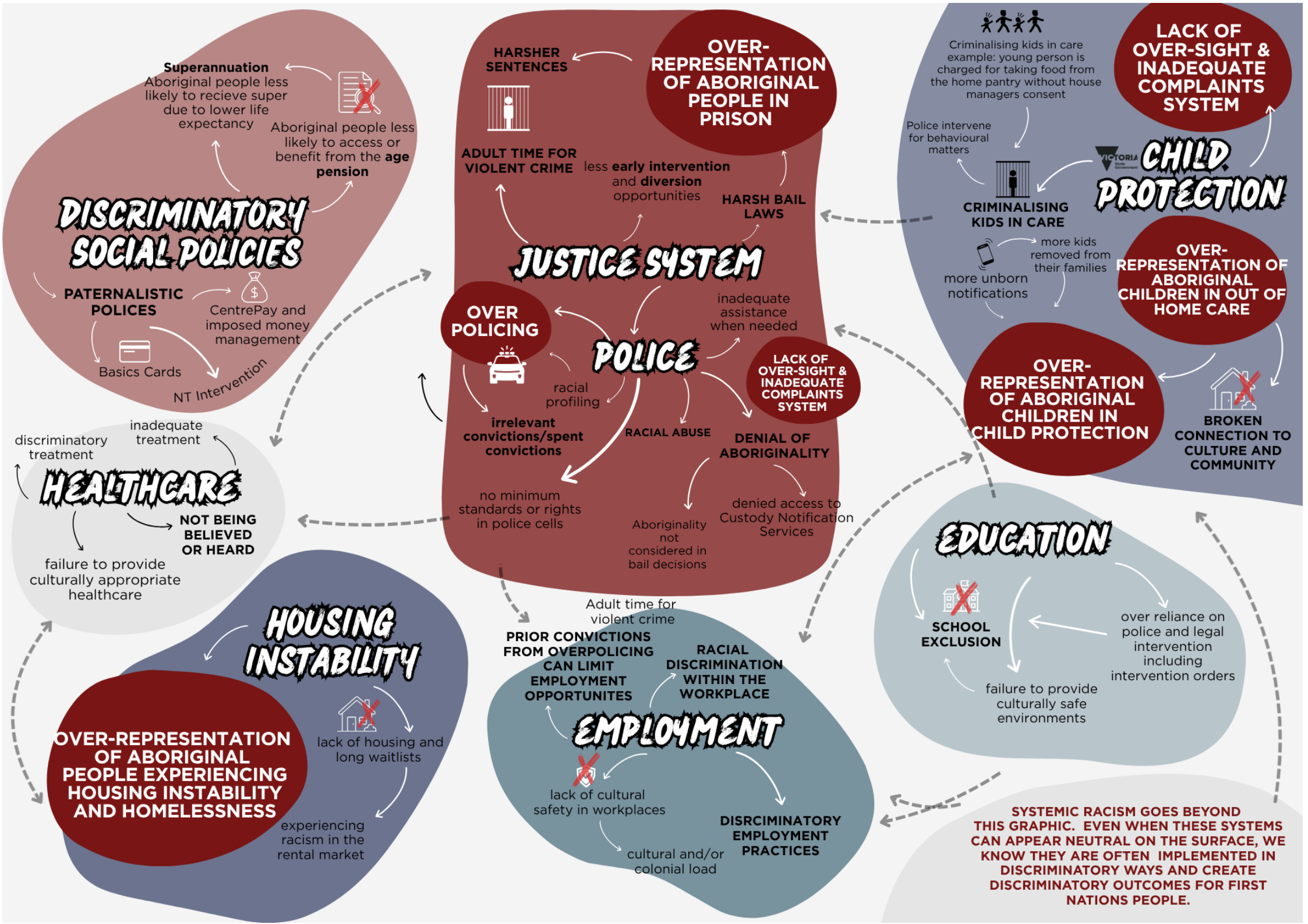
Systemic racism across various sectors of public life is interrelated

The infographic below demonstrates how forms of systemic racism are interconnected and often reinforce one another. Racism experienced in one area of life can increase the likelihood of contact with and disadvantage in another system where systemic racism is imbued. For example, housing insecurity can contribute to poorer health, disrupted education and increased contact with child protection and justice systems. These overlapping experiences demonstrate the compounding and interdependent nature of systemic racism, where disadvantage and harm are perpetuated through the interaction of multiple systems rather than any single institution alone.

³ AHRC, [The National Anti-Racism Framework](#) (2024), p 36.

⁴ AHRC, [The National Anti-Racism Framework](#) (2024), p 36.

⁵ Harry Blagg, Neil Morgan, Chris Cunneen, Anna Ferrante, [Systemic Racism as a Factor in the Over-representation of Aboriginal People in the Criminal Justice System](#) (2005), 7.



DISCRIMINATORY SOCIAL POLICIES

Superannuation
Aboriginal people less likely to receive super due to lower life expectancy

Aboriginal people less likely to access or benefit from the **age pension**

PATERNALISTIC POLICIES
CentrePay and imposed money management

Basics Cards
NT Intervention

JUSTICE SYSTEM

OVER-REPRESENTATION OF ABORIGINAL PEOPLE IN PRISON

HARSHER SENTENCES

ADULT TIME FOR VIOLENT CRIME
less early intervention and diversion opportunities

HARSH BAIL LAWS

OVER-POLICING

POLICE

LACK OF OVER-SIGHT & INADEQUATE COMPLAINTS SYSTEM

irrelevant convictions/spent convictions
no minimum standards or rights in police cells

racial profiling

RACIAL ABUSE

DENIAL OF ABORIGINITY

Aboriginality not considered in bail decisions

denied access to Custody Notification Services

Police intervene for behavioural matters

CRIMINALISING KIDS IN CARE

more unborn notifications
more kids removed from their families

LACK OF OVER-SIGHT & INADEQUATE COMPLAINTS SYSTEM

CHILD PROTECTION

OVER-REPRESENTATION OF ABORIGINAL CHILDREN IN OUT OF HOME CARE

OVER-REPRESENTATION OF ABORIGINAL CHILDREN IN CHILD PROTECTION

BROKEN CONNECTION TO CULTURE AND COMMUNITY

HEALTHCARE

discriminatory treatment
inadequate treatment

NOT BEING BELIEVED OR HEARD
failure to provide culturally appropriate healthcare

HOUSING INSTABILITY

OVER-REPRESENTATION OF ABORIGINAL PEOPLE EXPERIENCING HOUSING INSTABILITY AND HOMELESSNESS

lack of housing and long waitlists

experiencing racism in the rental market

PRIOR CONVICTIONS FROM OVERPOLICING CAN LIMIT EMPLOYMENT OPPORTUNITIES

RACIAL DISCRIMINATION WITHIN THE WORKPLACE

EMPLOYMENT

lack of cultural safety in workplaces

DISCRIMINATORY EMPLOYMENT PRACTICES

cultural and/or colonial load

EDUCATION

SCHOOL EXCLUSION

failure to provide culturally safe environments

over reliance on police and legal intervention including intervention orders

SYSTEMIC RACISM GOES BEYOND THIS GRAPHIC. EVEN WHEN THESE SYSTEMS CAN APPEAR NEUTRAL ON THE SURFACE, WE KNOW THEY ARE OFTEN IMPLEMENTED IN DISCRIMINATORY WAYS AND CREATE DISCRIMINATORY OUTCOMES FOR FIRST NATIONS PEOPLE.

1.1.2 Prevalence of systemic racism

Systemic racism exists in multiple sectors of life

As the infographic above shows, systemic racism towards Aboriginal people is embedded across health, justice, housing, education and child protection systems, employment and legislation. VALS sees this in our legal practice, our community justice programs and social supports, and our outreach work every day.

Systemic racism is intersectional and compounding. A single person will experience multiple instances in multiple facets of their lives – it won't look or feel the same for everyone, but it is felt deeply by everyone.

Overview of racism across various public institutions and systems

It is beyond VALS' resourcing to go into depth on how systemic racism manifests and is perpetuated within each of the public systems and institutions in this submission. Systemic racism is complex, deeply embedded, and experienced differently across communities and contexts. However, to complement the above infographic, we provide some examples of systemic racism evident in each sector and refer the inquiry to further resources in footnotes:

Summary

Systemic racism in the **healthcare and mental healthcare systems** manifests as differential treatment by healthcare providers, inappropriate and inadequate levels of care, unequal access to services, culturally unsafe care, and the denial and dismissal of Aboriginal patients' experiences. Geographic isolation, underfunded Aboriginal health care services and mistrust arising from historical and ongoing racism influences poorer health outcomes, lower life expectancy and higher rates of chronic illness and preventable disease.⁶

The **justice system**, made up of various sub-systems, perpetuates deep harm against our communities;

- Within the **criminal legal system**, systemic racism manifests in over-policing; racial profiling; over-charging; over-incarceration; unequal sentencing outcomes and limited access to culturally appropriate legal support. It manifests in the misidentification of Aboriginal people in family violence matters; under-investigation of missing and murdered Aboriginal people and under-policing of threats to Aboriginal people; the lack of accountability frameworks and disciplinary outcomes for misconduct perpetrated by racist police and law enforcement agents.⁷
- Systemic racism in **policing** is reflected in racial abuse and denial of Aboriginality by police officers; over-policing; racial profiling and discriminatory use of police discretion; higher rates of searches, fines, arrest, bail refusal and remand for Aboriginal people and children; lower rates of cautioning and diversion; punitive responses to children including

⁶ See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Health](#) (2024); Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 4](#) (2025); and Professor Yin Paradies in Victorian Equal Opportunity and Human Rights Commission ('VEOHRC'), [Know Your Rights Podcast – Your health, your rights: Standing up against racism in healthcare episode](#) (Podcast, 2026).

⁷ See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System](#) (2022); and Yoorrook Justice Commission, [Yoorrook for Justice](#) (2023).

criminalisation; mistreatment and denial of rights in police custody, including decanting, inadequate healthcare and cell conditions; failures to provide safe and appropriate assistance to Aboriginal people experiencing violence or seeking police protection, including misidentification of Aboriginal people as offenders in these instances; and a lack of accountability for racist policing due to ineffective complaint and oversight systems.

- Systemic racism in **prisons and youth justice centres** is reflected in the over-representation of Aboriginal people in custody, particularly on remand; discriminatory bail and sentencing practices; the disproportionate use of harmful custodial practices on Aboriginal people including force, restraints, solitary confinement, strip searching and urine testing; inadequate and culturally unsafe healthcare; and ineffective complaints and oversight mechanisms fail to provide accountability for racism and mistreatment in custody. The government's lack of investment in Aboriginal-led and non-carceral justice responses and over-reliance on carceral system is another example of systemic racism perpetrated by governments, as the State opts for policy approaches that knowingly oppress, discriminate against and disadvantage Aboriginal people instead of investing in solutions that give Aboriginal people an opportunity to heal and thrive.

In **housing**, systemic racism is reflected in housing insecurity, discrimination in rental and social housing systems, and criminalisation of homelessness. Historical exclusion and ongoing socioeconomic disadvantage continue to limit access to stable and affordable housing, particularly in remote communities where infrastructure and investment may be adequate.⁸ Lack of safe housing also intersects with the impacts of the criminal legal system, as an absence of appropriate accommodation can mean bail and parole is refused.

The **education** system also reflects systemic racism through disparities in disciplinary action and treatment (including the overuse of and rapid escalation to legal intervention as a behaviour management tool, such as imposing Personal Safety Intervention Orders (**PSIOs**) on Aboriginal children, creating a pathway to criminalisation), and a failure to foster culturally inclusive learning environments. This is enabled by inadequate accountability and resolution processes within education institutions to address racism by staff and students. Aboriginal students experience racism within schools and curricular that marginalises Aboriginal histories, identities and knowledge systems and puts colonial load on Aboriginal staff and students. Unequal access to resources and lower expectations can further reinforce disadvantage.⁹

Systemic racism is evident in the **child protection** systems where Aboriginal children are 9.6 times more likely to be in out-of-home care (**OOHC**) and on third-party parental responsibility orders.¹⁰ Aboriginal children are disproportionately represented at all stages of child protection systems in all states and territories,¹¹ reflecting ongoing patterns link to the legacy of the Stolen Generations. Bias in assessments, inadequate family support, and failure to address broader

⁸ See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Housing and Homelessness](#) (2024); and Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 4](#) (2025).

⁹ See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Education](#) (2024); and Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 3](#) (2025).

¹⁰ SNAICC, [Family Matters Report 2025: Strong, loved and full of potential](#) (2025), p 2.

¹¹ *Ibid*, p 17.

issues such as poverty, trauma and housing insecurity results in structural disadvantage being misinterpreted as neglect. It also manifests in punitive responses to children including the criminalisation of children in care and failures to respect and protect cultural rights of Aboriginal children in OOHC, including non-compliance with the Aboriginal Child Placement Principle and the legislative requirements relating to Cultural Support Planning and Aboriginal Family Led Decision-making conferences. This is compounded by inadequate complaints and oversight systems for addressing systemic racism within the child protection system.¹²

In **employment**, Aboriginal people face barriers to secure, fairly paid and culturally safe work. Discrimination in recruitment and workplace racism and bias can contribute to poorer employment outcomes. These barriers are also shaped by historical exclusion from education, land ownership, and economic participation. Unemployment and insecure work can in turn increase vulnerability to poverty, poor health, housing insecurity and justice system involvement.¹³ The consequences of over-policing – subsequent criminalisation, convictions, and a criminal record – can further contribute to discrimination in employment.

Legislation and government policies play a central role in creating and maintaining systemic racism. Colonial laws enable dispossession, forced child removal, movement restrictions and denial of rights. Although many discriminatory laws have been repealed, their effect continue to shape social and economic outcomes. Contemporary laws and policies continue to embed systemic racism through the absence of strong anti-racism and accountability mechanism to address systemic racism and discriminatory policing, welfare regulation and land rights frameworks.¹⁴ Government social welfare legislation can result in inequitable outcomes including discriminatory access to social welfare, including the fact that Aboriginal people are less likely to receive the age pension¹⁵ and superannuation due to lower life expectancies and the age requirement for accessing the pension.

Community experience shared with VALS for this submission – Marilyn’s experiences of systemic racism

Marilyn is an Aboriginal woman who lives in in regional Victoria. Over their lives, Marilyn and her children have experienced systemic racism across different areas of life including healthcare, education and prisons. Marilyn’s stories show how racism is woven throughout Australian society and systems.

Education

Marilyn’s children were picked on at school, bullied by other students and singled out by teachers. One of Marilyn’s children was reprimanded by teachers for ordinary behaviour such as asking to go to the toilet, because the teacher thought they were using the bathroom too often.

For one of her sons, things escalated when he was punished for retaliating to racist bullying. He was being bullied by his peers, and when he had finally had enough and lashed out at those

¹² See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Child Protection](#) (2022); and Yoorrook Justice Commission, [Yoorrook for Justice](#) (2023).

¹³ See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Economic Prosperity](#) (2024); and Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 3](#) (2025).

¹⁴ See: VALS, [Nuther-mooyoop to the Yoorrook Justice Commission: Land Injustice](#) (2023).

¹⁵ See case study re: Fisher v Commonwealth of Australia (Age pension case) on page 36 of this submission.

who were bullying him, he was suspended for 6 months. The non-Aboriginal students who were bullying him and being racist were not punished to the same extent, if at all. The school principal supported the non-Aboriginal students, and Marilyn's son was asked to leave the school for a 6-month period. After the 6 months had lapsed, the school didn't offer any support for reintegration. There was no support from the Department of Education to transition to another school over this period, nor was there any discussions or communication about facilitating his return. Feeling abandoned, less than, othered, and unsafe, Marilyn's son did not return to school. The failures of the education system meant that school was a place where he was unsafe and unheard.

When another of Marilyn's children had similar experiences at the same school Marilyn organised independent support for her and her child. This was Marilyn's second child who was at risk for being expelled from the same school after being bullied by other students. The independent support person, who was a staff member at the Yoorrook Justice Commission, attended meetings with the school as a support person. This advocacy, as well as documentation from a paediatrician about the child's diagnosis of autism and ADHD, was the only way to have the school listen – they didn't listen or believe Marilyn or her child. There were nine or 10 other Aboriginal children who had been kicked out of the school before this – maybe this could have been different if they'd had somebody standing up for them like Marilyn's son.

Although the Koori Engagement Support Officer (**KESO**) also attended meetings with the school as a support person, they didn't speak up for her child or support Marilyn through the process – possibly for fear of losing their own job. Creating a culture where Aboriginal staff and advocates are at risk if they advocate for a safe environment for Aboriginal students and families is deeply racist. The KESO failing to provide this support reflects the broader systemic racism that runs deeply in education - they are part of the system too.

Prison

Marilyn has two daughters who are in prison. They are unfairly picked on and singled out by Corrections staff. One of Marilyn's daughters is well-known for her strong relationships with other people in prison, and her sister was targeted by Corrections staff solely by association. Marilyn's daughters are put into isolation just for talking to each other or for breaking up fights between other people. Marilyn's daughters are failed by the Corrections staff who have a duty of care to them, in a precarious situation where they are deprived of their liberty and dependent upon staff.

Healthcare

After leaving prison, one of Marilyn's sons was denied care at the local Aboriginal health centre. He had tried to make an appointment so he could access his medication. He made a telehealth appointment with the health centre, which the centre then unilaterally cancelled, citing safety concerns for her son if he was to attend the health centre in person. The health centre said they were concerned that Marilyn's son was at risk of harm from others because of his legal matter. Her son pushed back and noted that this reason to cancel didn't make sense as it was a telehealth appointment. Her son was upset and unable to access culturally safe healthcare in order to be prescribed his medication.

Marilyn rang the health centre, and the non-Aboriginal staff member she spoke to was dismissive of her concerns. Marilyn escalated the issue to the CEO who promised a meeting

and a call back, however, this didn't occur. Marilyn's son was unable to access the healthcare he needed.

Practice Example – Intersections of systemic racism in the Inquest into the passing of Veronica Nelson¹⁶

Veronica Marie Nelson was a strong Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, who passed away at the Dame Phyllis Frost Centre (DPFC) on 2 January 2020, after days of crying out for help.

Victoria's unfair and discriminatory bail laws put Veronica in prison for minor shop-lifting and failure to appear on bail. Veronica passed away in that prison, alone and isolated from culture and support.

After Veronica was denied bail, she was detained at the DPFC for approximately 36 hours before her passing. During this time, she consistently told prison and medical staff that she was unwell. She pressed the intercom buzzer in her cell at least 49 times to ask for help and tell staff about her symptoms.

The Coronial Inquest into Veronica's passing found that Veronica's death was preventable.¹⁷ She could have been saved by any one of the people in charge who she asked to help her. She needed to go to hospital and could have been saved by something as simple as an intravenous drip.

According to the Coroner, "[t]he conditions under which Veronica lived out her final days are harrowing...[th]at Veronica was separated from her family, community, culture, and Country at the time of her passing is a devastating and demoralising circumstance."¹⁸

The Coroner found that the bail laws discriminate against Aboriginal people, are incompatible with Victoria's Human Rights Charter, and should be changed immediately. He also found that Veronica was culturally isolated and provided with no culturally competent or culturally-specific care or support from the moment of her arrest to her passing. This included a lack of culturally safe medical care.

Quotes from Aunty Donna and Uncle Percy

My Poccum should not have been locked up. She should not have begged for her life. She should be here with me today. If we do not change bail laws today, it will be someone else's daughter tomorrow. – Aunty Donna, Veronica's mother

The bail laws have got to be changed, they just have to. Veronica shouldn't have been in jail, she should have got bail. No one should be in prison for shoplifting. – Uncle Percy, Veronica's partner.

¹⁶ See VALS, [Community Factsheet: Inquest into the passing of Veronica Nelson](#) (Online Resource, January 2024).

¹⁷ Coroners Court of Victoria, [Finding into Death with Inquest, Inquest into the passing of Veronica Nelson](#) (2023).

¹⁸ Coroners Court of Victoria, [Finding into Death with Inquest, Inquest into the passing of Veronica Nelson](#) (2023).

We note that the issues outlined in this section represent only a limited overview of the ways systemic racism affects Aboriginal peoples. The discussion in this submission should be understood as a starting point rather than a comprehensive account.

The Inquiry should engage with further research, community testimony, Aboriginal-led organisations, academic literature and lived experience to fully understand the breath and ongoing impacts of systemic racism.

For a best-practice approach, the government should invest in a comprehensive investigation of systemic racism in Australia through Truth-telling processes like the Yoorrook Justice Commission in Victoria. Weight should be given to the expertise and perspectives of Aboriginal people in information meaningful reform and accountability.

The below sections provide further details on systemic racism in the **legal system** and systemic racism in **Parliament**.

Systemic racism in the legal system

Systemic racism is pervasive across all aspects of the Australian legal system, including criminal law, civil law, child protection, coronial inquests, family law, discrimination and human rights law. It is inherent in the way that laws, policies and institutions operate to produce discriminatory outcomes for Aboriginal people, both nationally and in state and territories. It is seen and heard every day by Aboriginal people and communities. It manifests in interactions with police, government agencies including child protection, prison guards, judicial officers, court staff and other actors in the legal system.

Systemic racism across other aspects of society also serves to further entrench systemic racism within the criminal legal system. Aboriginal communities experience higher rates of homelessness, housing instability, unemployment, poverty and child removal are all manifestations of systemic racism, which serves to reinforce and entrench racism, and forces people into contact with the legal system.

In Victoria, the process of criminalisation, marginalisation, punishment and incarceration continues. Rather than investing in measures that enable peoples' basic needs to be met, including social housing, health, education, social security and support for families and parents; the government continues to invest in punishment, police and prisons. At the front end of criminalisation, racist policing and regressive laws and policies continue to stigmatise and criminalise homelessness, disability and health issues (including public intoxication,¹⁹ mental illness and substance use and addiction), rather than providing holistic and wrap around support and health responses. Punitive bail and parole systems, and punitive approaches to community-based sentences have further contributed to the soaring prison population. Victoria's prisons are warehousing people with significant trauma, complex needs and disability.²⁰ Rather than supporting these individuals to heal through therapeutic approaches, they are punished and locked up in facilities that only serve to re-traumatise. Aboriginal people are over-represented in

¹⁹ In Victoria, public intoxication was decriminalised and replaced with a health response in 2023. This was the result of long fought-for reform. The health response, including the centralised intake service, is Aboriginal-led to ensure that it is culturally informed and culturally safe for anybody who engages in the service. Despite this, VALS continues to see the discriminatory impact of public intoxication policing on Aboriginal people, including the practice of 'up charging' whereby alternative police powers such as move-on powers are used to undermine the intent of the reforms.

²⁰ Australian Institute of Health and Welfare ('AIHW'), '[Health of people in prison](#)' (Webpage, 2 July 2024).

prison populations: in 2024-25, the daily average number of people in Australian prisons was 45,525, of whom 16,553 were Aboriginal (36%).²¹ The rate of Aboriginal young people in detention on an average day was 25.7 per 10,000 young people in the population; compared to 1.1 per 10,000 for non-Indigenous young people.²² The majority (between 72.2% to 93.3%) of the Aboriginal young people in detention in the June quarter of 2024-25 were unsentenced.²³

Coronial investigations and inquests into the death of an Aboriginal person exist within a context of deeply entrenched systemic and institutional violence and racism against Aboriginal people. In VALS' practice experience providing assistance and representation to Aboriginal family members in coronial processes, there are significant barriers in having racism recognised as relevant to Aboriginal deaths and within scope of the investigation. Even after the harm has been done and an Aboriginal people has passed in circumstances which give rise to a coronial investigation – that is, there have been possible systemic failures – the coronial system consistently fails to adequately examine how systemic and interpersonal racism across policing, healthcare, child protection, housing and custodial systems contributes to harm and death. The exclusion of racism from the ordinary scope of coronial inquiries into Aboriginal deaths is itself a symptom of systemic racism in the legal system.

Adding to the systemic racism of the coronial process is the deeply problematic practice of Aboriginal deaths being investigated by police. It is particularly concerning for police contact deaths, as there is an inherent lack of independence when police investigate police. Given systemic racism within the police force and historical and contemporary distrust of police by Aboriginal families, the fundamental problems with police investigating Aboriginal deaths on behalf of the coroner apply to all Aboriginal deaths being investigated. Racism, unconscious bias and lack of cultural competence within Victorian Police mean that family members are not always treated with respect and dignity. Many Aboriginal people have a well-founded distrust in police, meaning that it is entirely inappropriate for bereaved Aboriginal families to be required to engage with a police investigation, especially if the person has died as a result of police contact.

Law and order matters are commonly seen as a state and territory issue and not a responsibility of the federal government. However, since colonisation, the federal government has assumed responsibility for outcomes for Aboriginal people. The harms of the legal system today cannot be separated from this – rather, these harms demonstrate the dire need for the federal government to act in addressing racism. Racism in the legal system must be addressed holistically and as an intersectional issue and is deeply relevant to this Inquiry.

The federal government has a social and moral responsibility to eliminate systemic racism across all facets of Australian society, and it is the federal government, rather than states and territories, that has the power and the mandate to take a holistic, nationwide approach. Solely taking a portfolio lens is a way to shift blame. While governments are busy ducking and divesting responsibility, outcomes for Aboriginal people are worsening as documented by Closing the Gap measures. The existence of systemic racism is within scope of this inquiry, and the federal government has opened itself to hear about what racism looks like in the states and territories.

²¹ Steering Committee for the Review of Government Service Provision, *Report on Government Services 2026 Justice (Part C)* (2026).

²² Productivity Commission, *Closing the Gap Information Repository: Socio-economic outcome area 11* (Webpage)

²³ Ibid.

This picture of racism in Victoria cannot be provided without detailing the impact of state policies, outcomes and systems.

Systemic racism in Parliament

Systemic and institutional racism is prevalent in Australian politics and amongst politicians. It is reflected in political discourse (including things said on the record in parliament, and unofficial comments to the media) policy outcomes, institutional inaction and the absence of accountability mechanisms.

Politicians continue model and uphold racism by participating in culture wars. Politicians devalue our lives with their words and inaction on key policies that can improve the lives of Aboriginal people. These attitudes and behaviours taking place in the national and state parliaments set the tone for the broader population and narratives in Australia which are borne out in interpersonal racism by individuals.

Racism and violence are a tool of colonisation. Racist, hateful and violent extremist views and narratives towards Aboriginal people have been manufactured, promoted and enforced by settler governments. Federal and state governments have historically spread racist narratives and values with an aim to harm and genocide Aboriginal people. This includes; policies rewarding and excusing the killing of Aboriginal people in the Frontier massacres,²⁴ assimilation policies removing Aboriginal children from their families and culture,²⁵ paternalistic protectionist policies,²⁶ apartheid policies including the White Australia policy,²⁷ and the use of Aboriginal slave labour.²⁸ Denial of this past, and of the government's ongoing complicity, continues. There is a critical need for truth-telling processes, to acknowledge this past, the government's role in racism, the resulting distrust in government by Aboriginal people.

Any attempt by Parliament to address racism, violence and hate towards Aboriginal people would be incomplete without meaningful mechanisms and leadership to address racism within the Executive and legislative branches of colonial government.

There are elected politicians in power (both federally and in Victoria) who perpetuate this harm and who make decisions and statements that model and normalise disrespect towards Aboriginal people and communities and devalue Aboriginal lives. A selection of examples include:

- Coded or implicit racial messaging (“dog-whistling”) in debates around migration, crime and national identity,²⁹

²⁴ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 49.

²⁵ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 59.

²⁶ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), pp 49-59.

²⁷ Ibid.

²⁸ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 49.

²⁹ See: The Australian Institute, *'Under the Radar: Dog-whistle politics in Australia'* (September 2007) *'Dog-whistle politics is the art of sending coded or implicit messages to a select group of voters while keeping others in the dark [...] Its key feature is plausible deniability: the dog whistler can say 'I didn't mean that, I meant this instead'. And it is usually a divisive or reactionary message that it conceals, one that would risk offending or scandalising more tolerant voters'*. Recent examples of dog-whistling include certain politicians using 'housing and cost of living' arguments against migration as a dog-whistle and cover for xenophobia.

- Politicisation of Aboriginal policy priorities, including resistance for reforms such as raising the age of criminal responsibility,³⁰
- Culture war framing of practices such as about Welcomes to Country and Acknowledgements of Country, and
- The protection of settler-nationalist celebrations on January 26 – despite its significance as the commencement of dispossession and genocide against Aboriginal people.

The prevalence of these interpersonal attitudes demonstrates the deeply entrenched nature of systemic racism. It is no surprise that the laws and policies enacted by decision-makers, within a racist system, result in harmful outcomes. Perpetuation of systemic racism by Parliament is exemplified in:

- Failing to implement a National Anti-Racism Framework: The government has failed to adopt the AHRC’s plan to address systemic and interpersonal racism in Australia. The race discrimination commissioner, Giridharan Sivaraman, has written five times and held at least two meetings with the Attorney-General to urge action on the recommendations.³¹ In that time, an attempted massacre of Aboriginal people and allies was committed by a person with racist extremist views in Boorloo (Perth) on 26 January 2026.
- Failing to implement recommendations from the 1991 Royal Commission into Aboriginal Deaths in Custody (**RCIADIC**), and the ongoing lack of action to address Aboriginal deaths in custody. Many of these recommendations remain unactioned more than 30 years after the report.³²
- The ongoing lack of action to improve accountability mechanisms for racist and discriminatory practices in government institutions;³³
- The lack of implementation of recommendations by the Yoorrook Justice Commission;³⁴
- Failing to address overrepresentation of Aboriginal children and young people being removed from their families;³⁵
- Failing to address the overrepresentation of Aboriginal children and young people in the youth justice system, many of whom have been impacted by the child protection system;
- The different law enforcement, government and media responses to the attempted terrorist attack at the First Nations Invasion/Survival Day rally in Boorloo (Perth) as compared to the terrorist attack at the Chanukah by the Sea event in Bondi
- Use of racial powers in the Constitution to enact racism against First Nations people in the name of ‘law’, as occurred with the introduction of the *Northern Territory National Emergency Response Act 2007* (Cth).³⁶

³⁰ See Victorian Aboriginal Community Controlled Health Organisation, ‘[VACCHO Outraged by Governments Potential Backflip on Raising the Age of Criminal Responsibility](#)’ (Media Release, 12 August 2024) and VALS, ‘[Victorian Government Betrays Aboriginal Children](#)’, (Media Release, 20 March 2024).

³¹ See: Krishani Dhanji, ‘[Labor accused of ignoring anti-racism plan as documents reveal repeated pleas to take action](#)’ *The Guardian* (Online, 20 Apr 2026).

³² Dechlan Brennan, ‘[Legal groups demand greater transparency as data shows Indigenous deaths in custody on the rise](#)’, *National Indigenous Times* (Online, 30 January 2024).

³³ VALS, ‘[Police Impunity must end](#)’ (Media Release, 10 October 2022).

³⁴ VALS, ‘[Business as usual is not good enough – Aboriginal people deserve more from the Victorian Government](#)’ (Media Release, 23 October 2024).

³⁵ Dechlan Brennan ‘["Deplorable": More than 1 in 10 Aboriginal children in Victoria have been removed from their families, new data reveals](#)’ *National Indigenous Times* (Online, 31 July 2024).

³⁶ AHRC, [An Anti-Racism Framework: Voices of First Nations Peoples](#) (2024), p 44

- Weaponisation of migration law powers to cancel the visas of two Aboriginal men.³⁷
- Failing to address instances of interpersonal racism within Parliament, including silencing Aboriginal politicians who dare to call out racism in Parliament and the ongoing impact of racist policies and law.³⁸
- Failing to respond, both proactively and retroactively, to racism during and after the Voice to Parliament referendum process and campaigns, throughout which racism was direct and overt
- Failure to implement the Uluru Statement from the Heart and the federal government walking back its pre-2025 election commitment to a Makarrata Commission. This inability of the federal government to lead meaningful change in the wake of the Voice to Parliament referendum speaks to how deeply engrained systemic racism is.

As noted by the Yoorrook Justice Commission:

*Talking about systemic failures risks obscuring the responsibility of the people with the power to address those failures. Laws, policies and decisions are made and administered by people: from Ministers and senior public servants creating the laws and policies through to the public servants, police officers and others implementing them. All, in their respective roles, have the power and responsibility to address systemic injustice. They have human and cultural rights obligations to do so. Yet the evidence heard by Yoorrook shows that too often they have failed to do this.*³⁹

The federal government's inaction on implementing previously made recommendations fosters a national environment that enables systemic racism. It also signifies to Aboriginal people that the violence and harm they face and experience are not worthy of attention or action. Various Royal Commissions (including the RCIADIC), inquiries, and reviews both at the federal and state level, have made countless recommendations on how to address systemic racism and improve outcomes for Aboriginal people. Governments continue to ignore these recommendations to address systemic racism, despite their declarations of concern and commitment. The claim of caring, being non-racist and being committed to change, while failing to take meaningful action and participating in racist narratives, is gaslighting to the highest degree.

The lack of accountability for commitments made under the National Agreement on Closing the Gap is a missed opportunity for the federal government to effectively respond to racism. The lack of accountability allows all government parties to override the National Agreement's principles unchecked and continually, dismally fail to progress targets. In order to address this, the federal government must prioritise implementation of the recommendations of the Independent Aboriginal and Torres Strait Islander-led Review of the National Agreement on Closing the Gap,⁴⁰ alongside using existing levers under the Closing the Gap architecture to hold states and territory governments to their commitments. The Closing the Gap commitments are embedded in other

³⁷ See: *Love v Commonwealth of Australia; Thoms v Commonwealth of Australia* [2020] HCA 3. Annulled and invalidated the Department of Home Affairs (Cth) decision to cancel two Aboriginal Australian's visas pursuant to s501(3A) of the *Migration Act 1958* (Cth) relying upon the 'aliens power'. See also: Human Rights Law Centre, '[Aboriginal Australians cannot be deported as 'aliens', High Court holds](#)' (Case Summary, 21 February 2020).

³⁸ For example, in March 2026, Senator Lidia Thorpe, Senator Fatima Payman and Senator Mehreen Faruqi wrote to the Senator Chair to express their deep concern about the "overt and insidious" racism they have experienced in the Senate. The letter indicates that "when we speak out against racism, we are punished for it Sarah Basford Canales, '[Payman, Thorpe and Faruqi demand Labor change parliamentary rules to counter 'overt' racism](#)' *The Guardian* (Online, 12 March 2026).

³⁹ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), 15.

⁴⁰ Jumbunna Institute, *Closing the Gap: Independent Aboriginal and Torres Strait Islander Led Review* (June 2025).

National Agreements on [Foundational Supports](#), [Social Housing and Homelessness](#), [Mental Health and Suicide Prevention](#), [Skills, Better and Fairer Schools](#), and the National Access to Justice Partnership. Funding made available to jurisdictions under these agreements is a direct opportunity available to the federal government to ensure compliance with Closing the Gap commitments.

RECOMMENDATIONS

Recommendation 1. Urgently accept and implement all recommendations of the Independent Aboriginal and Torres Strait Islander-led Review of the National Agreement on Closing the Gap.

Recommendation 2. The federal government use existing funding arrangements under National Agreements to ensure state and territory compliance with Closing the Gap commitments and explore leveraging financial penalties as an accountability mechanism for Closing the Gap, while avoiding and/or mitigating any downstream effects of reduced state and territory funding for programs that benefit Aboriginal people.

1.1.3 Impact of government-based systemic and institutional racism

Harm to Aboriginal people

The impacts of racism are far-reaching, and include significant impacts for health, mental health, and feelings of exclusion and concerns for safety.⁴¹ Historic and ongoing racism and violence perpetrated by public authorities also contributes to widespread, and justified, distrust of public authorities by Aboriginal people.⁴² In addition, systemic racism results in intergenerational trauma⁴³ and over-representation of Aboriginal people in criminal legal, youth justice, child protection, housing instability and homelessness, and in a range of indicators relating to health and wellbeing. Poorer outcomes due to systemic racism in the health, education and housing systems push people further into contact with the legal system. The harms of the legal system on Aboriginal people are well-documented, and VALS sees this firsthand. Racism in policing, criminalisation, racism in the legal systems and overincarceration result in human rights violations such as overcrowding, strip searches and lack of access to healthcare, and the most devastating consequence of deaths in custody.

The pervasive nature of systemic racism profoundly impacts the mental and physical health of Aboriginal people.⁴⁴ Systemic barriers to accessing services (such as being unable to access services and care without being subject to racism; socio-economic barriers) contribute to disproportionately poorer physical health outcomes, including higher incidences of chronic

⁴¹ VALS and Victoria Legal Aid, [Submission 50](#) to Inquiry into Anti-Vilification Protections (31 January 2020); see also VicHealth, [Mental health impacts of racial discrimination in Victorian Aboriginal communities: Experiences of Racism Survey: A Summary](#) (2012); Department of Health and Human Services, [Racism in Victoria and what it means for the health of Victorians](#) (2017); Alison Markwick, Zahid Ansari, Darren Clinch, and John McNeil, 'Experiences of racism among Aboriginal and Torres Strait Islander adults living in the Australian state of Victoria: a cross-sectional population-based study' (2019) 19(1) *BMC Public Health*, 309; [Inquiry into Anti-Vilification Protections \(Final Report, 2021\)](#), p 39 - 45.

⁴² Parliament of Victoria, Legal and Social Issues Committee, [Inquiry into Anti-Vilification Protections \(Final Report, 2021\)](#), p 200.

⁴³ *Ibid*, p 28.

⁴⁴ David R. Williams, '[Stress and the mental health of populations of colour: Advancing our understanding of race-related stressors](#)' (2018) 59 (4) *Journal of Health and Social Behaviour*, 466-485.

diseases and lower life expectancy.⁴⁵ Systemic racism further perpetuates economic disadvantage and social exclusion.⁴⁶ Structural barriers to education and employment opportunities often result in entrenched cycles of poverty and marginalisation.

The Yoorrook Justice Commission created a comprehensive public record of the extent of racism within systems, and the intersection of racism and outcomes, in Victoria. VALS urges this inquiry to refer to Yoorrook's thorough reports on Victoria's child protection and criminal justice systems, land injustice, education, health, housing, economic and political life, and other topics, for a full understanding of systemic racism and the impact on Aboriginal people

Normalisation of other forms of racism

Systemic racism can “produce, condone, and perpetuate widespread unfair treatment and oppression.”⁴⁷ The dominant norms of systemic and structural racism lead to discriminatory treatment and opportunities.⁴⁸ Institutional and systemic racism by Ministers and politicians in Australia has embedded racism in legislative frameworks, government practices, and societal norms in Australia over time. This form of racism produces and perpetuates the unfair treatment and resulting disadvantage of Aboriginal people.

The impact of institutional and systemic racism within the Executive and legislative branches of colonial government left an intergenerational and cultural legacy in the mainstream dominant Australian psyche and normalised the shameful idea that Aboriginal people don't deserve to be treated with dignity and respect. This has been foundational to the other forms of institutional and systemic racism, interpersonal racism and racist extremism discussed in this submission.

Migration and refugee policies and narratives embolden and dog-whistle to settler-nationalist extremism and violence and neo-Nazism that endangers Aboriginal people and other racial and religious minorities. For example, the announcement of the re-establishment of the government's policy of offshore detention of asylum seekers in Nauru in the week following violent anti-migration marches that included white supremacists and neo-Nazis was deeply disturbing and highlights how racist rhetoric can inform and influence government policy. Regardless of whether this announcement was related to the marches, the inference is difficult to ignore and acts to bolster racist rhetoric and platform dangerous groups.

Governments and politicians' denial of the past has also modelled and led to resistance and defensiveness against acknowledging basic historical truths that Australia is on Aboriginal and Torres Strait lands that were stolen, that settler-governments committed genocide, and that Aboriginal sovereignty was never ceded. This is a common element of neo-Nazi and settler-nationalist ideology and fails to recognise that the Truth brings us together in understanding and acknowledgement and is not intended to create division.

Research shows the October 2023 Indigenous Voice to Parliament referendum normalised racism and increased hostility to First Nations People, with 35% of reports identifying

⁴⁵ Camila A Kairuz, Lisa M Casanelia, Keziah Bennett-Brook, Julieann Coombes, Uday Narayan Yadav, '[Impact of racism and discrimination on physical and mental health among Aboriginal and Torres Strait islander peoples living in Australia: a systematic scoping review](#)' (2021) 21(1) *BMC Public Health*, 1-16.

⁴⁶ Boyd Hunter, '[Indigenous social exclusion: Insights and challenges for the concept of social inclusion](#)' (2009) 82(1) *Family Matters*, 52-61.

⁴⁷ Paula A Braveman, Elaine Arkin, Dwayne Proctor, Tina Kauh, Nicole Holm, '[Systemic and Structural Racism: Definitions, Examples, Health Damages, and Approaches to Dismantling](#)' (2022) 41(2) *Health Aff (Millwood)*, 171 – 178.

⁴⁸ Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 1](#), p 92.

"aggressively racist behaviour", being physical violence, verbal abuse, hate speech, threats, intimidation, bullying and property damage.⁴⁹ Examples of institutional racism made up 15% of reports, including the experiences of Indigenous people in healthcare settings, education, law and media.⁵⁰ Many Aboriginal people who submitted to the research project spoke about the psychological and physical impacts of racism.⁵¹ Racism is significantly predictive of all forms of violent extremism in Australia. Australia-wide research shows that racist attitudes are not only predictive of white supremacist and ethnically motivated violent extremism but also a very strong predictor of support for other forms of violence extremism, including economic revolutionary, economic reactionary, religious violent extremism, incel violent extremism, and anti-feminist violent extremism.⁵²

Lack of shared decision-making and denial of Aboriginal self-determination

The right of Aboriginal peoples to self-determination is a collective right under international human rights law. Aboriginal self-determination in Australia was denied through invasion and continues to be denied today. Governments, politicians and public servants frequently talk about self-determination, yet this concept is almost meaningless when it is consistently undermined through hypocritical approaches and a lack of effective action. Governments must stop referring to the "principle" of self-determination and ensure that this right is enshrined in legislation, including state human rights legislation where it exists, as well as all new legislation and legislation being reviewed/amended.

In 1991, the RCIADIC stated that "[n]on-Aboriginal Australia has developed on the racist assumption of an ingrained sense of superiority that it knows best what is good for Aboriginal people."⁵³ Governments continue to make policies and laws that will harm Aboriginal people, rather than engaging in true shared decision-making and a transfer of power to Aboriginal people to make decisions about their own lives. This is most clear at the federal government level through the lack of implementation of the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) and the Uluru Statement from the Heart. The denial of Aboriginal self-determination and lack of shared decision making is a consequence of systemic racism, and it serves to perpetuate systemic racism.

Community experience shared with VALS for this submission – Robyn's experience of stolen wages

Robyn is an Aboriginal woman who currently lives in Melbourne and grew up in Western Australia. When Robyn was young her mother worked for a wealthy family in Perth. Her mother worked for this family for a very long time. Robyn's mum had her wages stolen and she wasn't properly paid for the work she did over all those years.

After Robyn's mum had passed away there was a class action for stolen wages. To be eligible to be party to the class action Robyn had to do a lot of work to prove her mum had her wages stolen. Robyn undertook a lot of research and investigation, she collated lots of information

⁴⁹ Mikele Syron, '[Report finds Voice referendum normalised racism and increased hostility toward First Nations People](#)', *NITV* (Online, 7 March 2025).

⁵⁰ Sarah Collard, '[Voice Referendum normalised racism towards Indigenous Australians, report finds](#)', *The Guardian* (Online, 6 March 2025)

⁵¹ *Ibid.*

⁵² Sarah Meger, Melissa Johnston, Yolanda Riveros-Morales, *Misogyny, Racism and Violent Extremism in Australia* (2024).

⁵³ Australian Government, *Royal Commission into Aboriginal Deaths in Custody* (Final Report Volume 1, 1991), 1.4.10.

about her mother's work and the wages that were stolen, and she prepared all of this information for the lawyers. Robyn told VALS how she felt about the process – it felt exploitative and as though she was doing all the work while the lawyers were always going to get a big cut of the compensation for the work that they were doing in the class action. How can it be fair that Robyn's mum had her wages stolen, then Robyn did all the research and collected all the information, but the lawyers got paid more by representing the claimants than the claimants would get themselves (or their families where the claimant had passed away) for the wages that were stolen?

After the case was finalised Robyn's and her siblings were paid \$10,000 in damages for the wages that were stolen from her mum. That \$10,000 was split between eight siblings. Although it was good that the courts finally recognised that Aboriginal people had their wages stolen and weren't properly paid for the work they had done, it wasn't fair that it came so many years later and that her mum wasn't here when this was finally acknowledged.

1.2. Reporting and responding to government-based systemic and institutional racism

1.2.1. Overview of reporting avenues

Complaints about racial abuse, vilification and/or systemic racism can be submitted to a range of bodies, depending on which individual or authority is responsible for the conduct. Additionally in Victoria, complaints can be submitted to the Victorian Ombudsman, the Independent Broad-based Anti-Corruption Commission (**IBAC**), Victorian Equal Opportunity and Human Rights Commission (**VEOHRC**), the Health Complaints Commissioner, and the Mental Health Complaints Commissioner.

In addition to judicial accountability for racism (including civil litigation under the *Racial Discrimination Act 1975* (Cth), the *Equal Opportunity Act 2010* (Vic) and the *Charter for Human Rights and Responsibilities 2006* (Vic)), complaints mechanisms have the potential to be an important component of the broader accountability system for addressing racism. By investigating systemic issues, including systemic racism, complaints mechanisms can play an important preventative role by recommending systemic reforms. However, this potential is only realised if the complaints systems themselves are culturally safe, believe and listen to Aboriginal people, and do not replicate systemic racism.

1.2.2. Appropriateness of reporting avenues

Reporting racism and conciliation processes generally require impacted people to be subjected to ongoing conversations and further risk of harm. Processes are lengthy, burdensome, often opaque and their effectiveness is limited by their lack of independence. There is a lack of meaningful outcomes, accountability for the respondent, serious consequences and enforcement. Conciliation processes are seen as resulting in a 'slap on the wrist', and in our practice experience, the meaningful engagement of respondents can vary regardless of the nature of the complaint, the nature of the complainant, or the amount of detail provided about the complaint. Conciliators themselves must remain neutral, which can translate as a lack of support for the affected person, further discouraging faith in the process. Incidents of racism are also extremely difficult to prove.

Clients have told us they are acutely aware that pursuing legal or procedural avenues in response to racism can inflame the situation – for example, by encouraging a public pile-on or drawing accusations of ‘whingeing’ – and so are discouraged from reporting. Further, individuals may be reluctant to make a complaint about racism to an internal complaints mechanism, because of concerns about retaliation or a lack of trust in the system.⁵⁴ Two hundred and thirty years of violence, racism and impunity has led to a well-founded and deep suspicion and distrust of the criminal legal system, including laws, policies, institutions and authorities. The Parliamentary Inquiry into Anti-Vilification Protections found that Aboriginal people chose not to report or take action in relation to racism for many reasons, including: “distrust or lack of confidence in police and other public authorities.”⁵⁵ Additionally, research indicates that Aboriginal people in Victoria are also more likely to ignore or confront a perpetrator, as opposed to making a complaint or taking legal action.⁵⁶

1.2.3. Reporting police racism

Institutional and systemic racism is deeply entrenched within Victoria Police. The culture of racism within police impacts the lives of Aboriginal people daily. While Aboriginal people continue to be subjected to racism, violence and harm, there is limited oversight and accountability. Of the 630 Aboriginal deaths in custody since the RCIADIC, none in Victoria have resulted in somebody held criminally responsible. Victoria Police continues to perpetrate state violence, control and racism of Aboriginal people. They operate with minimal oversight and accountability. The existing police complaints system fundamentally fails to provide accountability for racism within Victoria Police, which in turn permits and encourages a culture where racist policing thrives.

The current police complaints system provides for almost no independent investigation of complaints against police. While complaints can be submitted to either Victoria Police or IBAC, the vast majority of complaints received by IBAC are referred back to Victoria Police. For example, in 2020-21, IBAC assessed 2,726 allegations against police and determined that 1,217 required investigation.⁵⁷ Only 5 complaints were investigated directly by IBAC, and of those referred to other bodies – mostly Victoria Police – only 64 were comprehensively reviewed. This leaves 94.3% of allegations which were either investigated by Victoria Police without any meaningful involvement from IBAC, or not investigated.⁵⁸ Additionally, an audit by IBAC of complaints made by Aboriginal people showed that over half of the investigations failed to collect or consider relevant evidence, and 84% of files involved conflicts of interests, half of which were not managed appropriately.⁵⁹ VALS notes the IBAC focused police complaints pilot, now an ongoing program, which prioritised single incident complaints for specific cohorts including Aboriginal and Torres Strait Islander peoples, within the term of the pilot. 17 per cent of complaints heard were from Aboriginal people, and these complaints were dealt with by IBAC.⁶⁰ Whilst this appears to be

⁵⁴ For example, recently the Victorian Commission for Children and Young People (‘CCYP’) found that children and young people in residential care were reluctant to make a complaint because they feared negative repercussions. See CCYP, *In Our Own Words*, p 127. Similarly, Aboriginal people under-report police complaints because of lack of trust in the system and fear about retaliation or other repercussions. See Victoria Police and Department of Justice, *Koori Complaints Project 2006-2008: Final Report* (2008).

⁵⁵ Parliament of Victoria, Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections (Final Report)*, 2021), p 39 - 45.

⁵⁶ VicHealth, *Mental health impacts of racial discrimination in Victorian Aboriginal communities*, p 6, cited in VALS and Victoria Legal Aid, *Submission 50* to Inquiry into Anti-Vilification Protections (31 January 2020), p 16.

⁵⁷ IBAC, *Annual Report 2020/21* (2021), p 26.

⁵⁸ *Ibid*, p 26.

⁵⁹ IBAC, *Victoria Police handling of complaints made by Aboriginal people* (2022)

⁶⁰ IBAC, *‘IBAC’s Focused Police Complaints Pilot’* (2024)

positive progress, and we have heard that there have been good outcomes, we still believe due to the limitations of the pilot in terms of complaints heard, there is still more work to do to ensure IBAC responds to police complaints adequately.

Aboriginal people do not trust the police complaints system because it lacks independence, is culturally unsafe and consistently fails to provide tangible outcomes. Complainants often feel that their matters are not being taken seriously because they are being investigated by colleagues of the officer subject to the complaint, or police are closing ranks to protect their own, or to avoid substantiating a complaint about behaviour that is widespread. As a result, Aboriginal people are less likely to report a police complaint.⁶¹

The experience of lawyers at VALS is that IBAC rarely makes any findings of impropriety, even where there is sufficient evidence of misconduct to proceed with civil litigation. Even where there is a finding of impropriety, police officers are rarely charged or reprimanded. The lack of consequence, even when a complaint is substantiated, only further discourages people from making complaints. Due to the inadequacy of the current complaints system, VALS clients often opt to pursue civil litigation rather than submitting a complaint to IBAC and going through the investigation process.

The inability of IBAC to achieve tangible outcomes for complainants was demonstrated by the investigation into the Assistant Commissioner for Professional Standards Command. IBAC found that the senior police officer had posted racist and homophobic material on the internet over a period of several years and had faced civil litigation for using racist language in person, yet IBAC concluded that this conduct had no bearing on his ability to make balanced and objective decisions about complaint investigations.⁶²

The lack of independent investigation also impacts on the ability of the oversight body to identify and respond to systemic issues, including systemic racism. The excessive use of referrals to Victoria Police has contributed to IBAC's failure to grapple with systemic issues in the police force, because there is limited capacity to identify patterns and systemic issues when investigations into individually 'minor' incidents are conducted by police rather than IBAC itself.

Independent police monitor

In addition to an effective police complaints system, independent monitoring of police decision-making is a crucial component of an effective oversight system, and a critical way of addressing racism within Victoria Police. An effective police oversight system has multiple elements, including:

- A police complaints system that provides thorough, culturally appropriate and independent investigation of all complaints, other than customer service matters,
- Independent and culturally appropriate investigation of police contact deaths, both for coronial processes and in determining if a criminal or disciplinary offence has been committed,

⁶¹ While Aboriginal people are more likely to experience serious police misconduct involving excessive force, duty failure and demeanour problems including racism, they are also less likely to make a formal complaint. See Victoria Police and Department of Justice, *Koori Complaints Project 2006-2008: Final Report* (2008), pp. 18-21; Victorian Parliament, Independent Broad-based Anti-corruption Commission Committee, *Inquiry into the External Oversight of Police Corruption and Misconduct* (2018), pp. 152 – 154; VALS, *Submission to the Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria* (2017). p 8.

⁶² IBAC, *Operation Turon: An investigation into alleged misconduct by a former Victoria Police Assistant Commissioner* (2021), p 4.

- Independent monitoring and auditing of the exercise of police powers, supported by transparent record-keeping and reporting by Victoria Police,
- Independent oversight of police places of detention (discussed further below),
- A robust and independent oversight mechanism for implementation of recommendations relating to police.

If implemented effectively, independent monitoring of police powers can enable patterns of racist behaviour and systemic racism to be identified and addressed, even where there is not an individual willing or able to make or complaint.

There are some police powers that are currently subject to independent monitoring processes, including by IBAC and the Victorian Inspectorate.⁶³ However, existing monitoring is limited to small set of coercive and intrusive police powers, including preventative police detention and applications for a covert search warrant under the *Terrorism (Community Protection) Act 2003*. Even where independent monitoring currently exists, it is fragmented and is mostly limited to procedural, rather than substantive monitoring; that is, oversight bodies monitor compliance with reporting and other procedural requirements, rather than assessing the substance of police decision-making and resultant outcomes.

Powers that are currently monitored are generally powers that do not have a significant impact for Aboriginal people. For example, there is no independent monitoring of police powers that have a significant disproportionate impact on Aboriginal people and communities, such as: arresting children, rather than proceeding by way of summons⁶⁴ and/or issuing a caution or diversion;⁶⁵ arresting for certain offences for example COVID-19 fines⁶⁶ and public intoxication;⁶⁷ inadequate police responses to family violence call outs;⁶⁸ and higher rates of person searches.⁶⁹

When combined with the broken police complaints system, the lack of public reporting and independent monitoring of the use of these powers means that systemic racism and patterns of racist policing persist, with a complete lack of accountability.

RECOMMENDATION

⁶³ For example, the Victorian Inspectorate has monitoring functions in relation to preventative police detention, applications for a covert search warrant and use of surveillance devices. See: *Terrorism (Community Protection) Act 2003* and the *Surveillance Devices Act 1999*. IBAC monitors exercise of police powers under the *Sex Offenders Registration Act 2004* and DNA sampling under the *Crimes Act 1958*.

⁶⁴ The *Children, Youth and Families Act 2005* creates a presumption for police to proceed against children and young people by way of summons (not arrest); yet police regularly disregard this obligation and arrest Aboriginal children and young people. See Section 345, *Children, Youth and Families Act 2005* (Vic).

⁶⁵ Data shows that Aboriginal children and young people in Victoria are approximately twice as likely to be charged by police than cautioned. K. Shirley, 'The cautious approach: police cautions and the impact on youth reoffending,' *In Brief: Crimes Statistics Agency*, (September 2017), p 13.

⁶⁶ A 2021 study on trends in policing targeting Aboriginal people in Victoria found that Victoria Police disproportionately stopped Aboriginal people when policing COVID offences. See L. Boon-Kuo, A. Brodie, J. Keene-McCann, V. Sentas and L. Weber, "Policing biosecurity: police enforcement of special measures in New South Wales and Victoria during the COVID-19 pandemic," *Current Issues in Criminal Justice* (2021) Vol 33:1, 77-88, p 80.

⁶⁷ Expert Reference Group on Decriminalising Public Drunkenness, *Seeing the Clear light of Day: Expert Reference Group on Decriminalising Public Drunkenness, Report to the Victorian Attorney-General* (August 2020), p 25.

⁶⁸ VALS and the Centre for Innovative Justice, *The Effectiveness of the Victoria Police Complaints System for VALS Clients* (2026); VALS, *Submission to the Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria* (2017); Victoria Police and Department of Justice, *Koori Complaints Project 2006-2008: Final Report* (2008).

⁶⁹ The *Racial Profiling Data Monitoring Project* found that in 2024, Aboriginal Victorians are subject to police searches at a rate roughly sixteen times higher, relative to estimated population size, than White Victorians.

Recommendation 3. Australian Governments must ensure that there are adequate monitoring, reporting, accountability and oversight mechanisms in place to address systemic racism in police forces and racist policing. This includes:

- An independent police complaints system that provides thorough, culturally appropriate and independent investigation of all complaints, other than customer service matters;
- Independent and culturally appropriate investigation of police contact deaths, both for coronial processes and in determining if a criminal or disciplinary offence has been committed;
- Independent monitoring and auditing of the exercise of police powers, supported by transparent record-keeping and reporting by Victoria Police;
- A robust and independent oversight mechanism for implementation of recommendations relating to racist policing.

1.2.4. Addressing systemic racism under the Racial Discrimination Act

In addition to complaints mechanisms, systemic racism can also be challenged under the *Racial Discrimination Act 1975* (Cth) (**RDA**), which provides a legal framework for responding to racial discrimination, including both systemic racism and interpersonal racism. In 2017–18, approximately one in four complaints raised with the AHRC in relation to offences under the RDA were made by complainants who identified as Aboriginal.⁷⁰

Although VALS Civil and Human Rights Practice supports our clients to take legal action under the *RDA*, we face the following barriers:

- **Long delays:** addressing systemic racism under the RDA is a lengthy process, primarily because it is first necessary to submit a complaint to the AHRC, which undertakes conciliation to resolve RDA complaints. Even if it is clear that the complaint will not settle, it is necessary to go through conciliation which usually takes between 12-18 months. Once this process is complete, it is still necessary to go to court, which may take a further 2-3 years. Embarking on a 3-4 year legal process is daunting and unrealistic for our clients, especially if there are other pressing legal issues such as child protection or tenancy concerns. Additionally, the delays and uncertainty associated with this process can severely impact our clients' mental health and wellbeing.
- **High evidentiary threshold:** the RDA seeks to provide legal protection against racial discrimination,⁷¹ racial hatred,⁷² and incitement of either racial discrimination or hatred.⁷³
- Racial discrimination may also manifest as indirect discrimination, when there is a rule of policy that is the same for everyone, but has which has an unfair effect on people of a particular race, colour, descent, national or ethnic origin or immigrant status.⁷⁴ Unfortunately, many of the experiences of our clients may not reach this evidentiary

⁷⁰ AHRC, 2017 – 2018 Complaint Statistics (2018) ("Table 12: Indigenous status of complaints"), cited in Victorian Parliament, [Parliamentary Inquiry into Anti-vilification Laws: Final Report](#) (2021).

⁷¹ See *Racial Discrimination Act 1975* (Cth) s. 9.

⁷² See *Racial Discrimination Act 1975* (Cth) s. 18C.

⁷³ See *Racial Discrimination Act 1975* (Cth) s. 17.

⁷⁴ AHRC, What is the Racial Discrimination Act, [Complaints under the Racial Discrimination Act](#)

threshold because it is often hard to prove systemic racism. The experience of our client, Uncle Dennis Fisher (see text box below), demonstrates just how challenging it is to prove systemic racism under this evidentiary threshold.

- **Unequal power dynamics:** addressing systemic racism (and interpersonal racism) under the RDA places an enormous burden on individuals to achieve systemic reform. Unequal power dynamics between our clients and the government systems and institutions that perpetuate systemic racism, mean that the scales are already tipped against our clients. Additionally, many of our clients do not trust the legal system or government institutions. Even with the support of a culturally safe legal service such as VALS, engaging with the legal system is usually not a culturally safe experience, and can therefore inflict further harm. This is particularly true in the case of a negative outcome: not only has our client experienced systemic racism and suffered the harm, stress and trauma of battling through a long legal process; they are then told by the legal system that their experience does not equate to racism and that nothing will change.
- **Financial cost:** Since September 2024, racial discrimination claims in the Federal Court of Australia are subject to an “equal access” regime. This means that if the court finds that there has been racial discrimination, the respondent is required to pay costs; if the court finds that there has not been racial discrimination, each party pays its own costs. VALS supports these amendments which were introduced to increase access to justice for applicants.

Fisher v Commonwealth of Australia (Age pension case)⁷⁵

In 2021, proud Wakka Wakka man Uncle Dennis Fisher brought a case to challenge systemic and structural racism in the government’s age pension laws. The age pension is designed to support people later in life. However, due to the ongoing impacts of colonisation and discrimination, Aboriginal people have a shorter average life expectancy than non-Aboriginal people. This means that Aboriginal people do not have equal access to the support of the age pension.

The case argued that due to the gap in life expectancy, having the same pension age for all Australians discriminates against Aboriginal people – and therefore the *Racial Discrimination Act* should be invoked to change the law. The case argued that Aboriginal and Torres Strait Islander people should be able to access the pension at least three years earlier.⁷⁶

In 2023, the Federal Court of Australia dismissed the legal challenge.⁷⁷ Although the Federal Court recognised the ongoing gap in life expectancy, it did not accept that the racial discrimination laws should give Aboriginal people earlier access to the age pension.

Despite this legal result, the federal government can still do the right thing by lowering the pension age for Aboriginal people in line with their continued lower life expectancy – which is a result of systemic racism. Lowering the pension age for will ensure Elders have the necessary support to lead a dignified life in their later years and can afford essentials such as housing,

⁷⁵ [Fisher v Commonwealth of Australia \[2023\] FCAFC 106](#).

⁷⁶ VALS, [Community Fact Sheet: The Age Pension Case](#) (Online Resource, no date).

⁷⁷ VALS, [Community Fact Sheet: The Age Pension Case](#) (Online Resource, no date). Human Rights Legal Centre, [Federal Court does not recognise age pension discrimination, despite Australian Government’s failure to close life expectancy gap](#) (Media Release, 2023).

food and healthcare. It would mean Aboriginal people have a retirement which lets them properly care for themselves and their families.

Quote from Uncle Dennis⁷⁸

“Things will never get better unless the Government closes the gaps it created. We didn’t have a problem, a problem came here. Our language, our culture and our identity comes from here, it doesn’t come from another country. Truth, justice and accountability are important.”

For the reasons above, we find that the RDA is an inadequate mechanism for addressing both systemic racism and interpersonal racism. VALS supports existing advocacy – including by the AHRC – to address the above issues by creating a positive duty to eliminate racial discrimination. This is the approach taken in the *Sex Discrimination Act (Cth)*⁷⁹ and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability also recommended a positive duty in the *Disability Discrimination Act 1992 (Cth)*.⁸⁰ This would require businesses and organisations to have policies and procedures in place to prevent racism and takes the burden off people experiencing racism to address it.⁸¹

Additionally, we note that the RDA has been criticised, as it can be suspended to allow for discriminatory laws and policies such as Northern Territory Intervention in 2007.⁸² This is a blatant example of the many ways in which the current legislative framework can be manipulated to inflict harm, remove the human rights of Aboriginal people, and limit the ways in which Aboriginal people can seek remedies for discriminatory treatment.

RECOMMENDATIONS

Recommendation 4. As recommended by the AHRC, the *Racial Discrimination Act 1975* should be amended to include a positive duty, to eliminate racial discrimination:

- By an employer, business or undertaking;
- In the provision of goods and services, with a particular focus on health, education, retail and hospitality, sport, housing, and financial settings;
- In the access to places and facilities;
- In the provision of land, housing and other accommodation.⁸³

Recommendation 5. As recommended by the AHRC, the *Racial Discrimination Act 1975* should be amended to provide powers to the AHRC to assess compliance with the positive duty

⁷⁸ Human Rights Legal Centre, [Federal Court does not recognise age pension discrimination, despite Australian Government’s failure to close life expectancy gap](#) (Media Release, 2023).

⁷⁹ See AHRC, [The positive duty in the Sex Discrimination Act](#).

⁸⁰ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability ([Final Report](#), 2023) recommendation 4.12.

⁸¹ AHRC, [The National Anti-Racism Framework](#) (2024). citing First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples*, First Nations Consultations For The Australian Human Rights Commission (Report, 2024) 44, 54; Federation of Ethnic Communities’ Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 21.

⁸² See the *Northern Territory National Emergency Response Act 2007* (Cth) which suspended the operation of the *Racial Discrimination Act 1975* (Cth).

⁸³ See AHRC, [The National Anti-Racism Framework](#) (2024), recommendation 10.

in Recommendation 4 of this submission and for enforcement. This includes providing the AHRC with the power and funding to:

- Undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply;
- Enter agreements/enforceable undertakings with the organisation;
- Apply to the Court for an order requiring compliance with the duty.

1.3. Effective measures to combat systemic racism

As outlined above, reporting avenues and the legal system are not the effective ways to respond to racism. They inherently have issues with transparency, oversight and accountability. Processes, outcomes and levels of cultural safety across state and federal bodies are inconsistent, contributing to underreporting and distrust.

Discrimination and anti-vilification laws complex and difficult to understand, particularly where a may have multiple claims involving discrimination and vilification. Rather than focusing on strengthening reporting, the federal government must enact systemic change to effectively respond to and address the drivers of systemic racism.

Addressing systemic racism against Aboriginal people requires changes across institutions, laws, education, healthcare, policing and public attitudes – not just individual goodwill.

1.3.1 Embedding Aboriginal self-determination

Policies work better when Aboriginal communities control decisions affecting them. Commitment to Aboriginal self-determination, within Parliament, and including the implementation of community control across health, legal services, child protection and housing, represent the most effective structural response to systemic racism.

Fund ACCO-led service delivery

Aboriginal people need institutions that we can turn to for services and support without colonial racism. ACCOs provide culturally safe, holistic, community grounded services. The work of Aboriginal Community Controlled Health Organisations demonstrates improved health outcomes because services are culturally designed and locally governed. The provision of culturally safe legal assistance through Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) is critical for Aboriginal people to be properly supported throughout their contact with the legal system.

Embed Aboriginal leadership and governance in government

The establishment of a Makarrata Commission to supervise Treaty-making and localised Truth-telling processes is essential to addressing the structural racism that stems from the foundational failure to acknowledge and make restitution for the dispossession, violence and ongoing harms experienced by Aboriginal and Torres Strait Islander peoples. Treaty and Truth-telling processes are critical structural interventions that can transform the relationship between First Nations peoples, wider society and the state.

RECOMMENDATIONS

Recommendation 6. Commit to First Nations self-determination and community control across youth justice, health, legal services, child protection and housing in all Commonwealth policies and funding agreements and require states and territories to do the same as a condition of Commonwealth funding.

Recommendation 7. Resource Aboriginal Community Controlled Organisations (ACCOs) to expand and replicate their models at a local state and regional level to meet community needs, including legal assistance, health, family violence and child and family services. This must be through dedicated Commonwealth investment, contingent on genuine community control, and by requiring states and territories to fund and partner with ACCOs rather than mainstream providers.

Recommendation 8. Implement the Uluru Statement from the Heart in full, including establishment of a Makarrata Commission to supervise treaty-making and localised truth-telling processes.

1.3.2 Truth-telling as anti-racism

Aboriginal leaders advocate for Truth-telling to address racism and violence directed at Aboriginal people.⁸⁴ Without a shared understanding of colonisation, dispossession and discriminatory policy, systemic problems are often misrepresented as individual failures. The AHRC has also highlighted the importance of an anti-racist public information environment that is resistant to mis- and disinformation. Mis- and dis- information is a key driver for racism.

Truth-telling helps to address systemic racism by reducing the denial of historical injustice, improving public understanding of a shared history, providing an evidence base for reform and validating lived experience of Aboriginal people.

This has been the case in Victoria, where Yoorrook Justice Commission processes have created a public record of history and evidence of systemic racism, and drive systemic reform. Truth telling in Victoria also informed the development and negotiation of Victoria's first Statewide Treaty.

1.3.3 Reforming legal systems

As discussed above, systemic racism is rife in the legal system. Systemic racism in the legal system leads to poorer outcomes for Aboriginal people, including overrepresentation in the criminal legal system, overincarceration, increased rates of child removal, increased rates of child protection intervention, increased contact and overrepresentation with youth justice, and deaths in custody. VALS has long advocated for systemic reform to ensure legal systems do not continue perpetuate violence and harm against Aboriginal people, and so that systems are equitable and fair.

⁸⁴ Kirstie Wellauer and Julie Nimmo, '[Elders say truth-telling 'critical' to combatting racism after alleged terror attack](#)' *ABC News* (Online, 7 February 2026).

VALS submissions to the Yoorrook Justice Commission speak in detail to the key urgent reforms required to uphold the rights of Aboriginal people and achieve better outcomes for our communities.⁸⁵ This includes:

- Raising the age of criminal responsibility to 14 years old, and the minimum age of detention to 16 years old
- Budget asks, including the need to properly fund and provide access to Aboriginal legal services and for governments to commit to justice reinvestment approach
- Expanding diversion and rehabilitation programs such as Community-led diversion, healing and restorative justice programs, including culturally grounded on-Country programs, that consistently outperform punitive approaches.
- Bail reform
- Court reform to support culturally safety
- Independent police oversight of police misconduct.

While many of the reforms to the legal system required to address racism, hate and violence directed at Aboriginal people fall primarily within state and territory jurisdiction, the Commonwealth must still show leadership and take responsibility. We support National Aboriginal and Torres Strait Islander Legal Services' (**NATSILS**) call for the Commonwealth government to use its constitutional powers to set 14 as a national minimum age of criminal responsibility and set minimum standards for the treatment of children by state and territory criminal legal systems.⁸⁶

Where recommendations below address matters of state responsibility, we call on the Commonwealth to use conditional funding, intergovernmental agreements and national minimum standards to drive consistent reform across all jurisdictions.

RECOMMENDATIONS

Recommendation 9. Lead a National Taskforce on youth justice reform, with First Nations self-determination and community control at its centre, to:

- Set minimum national standards and drive consistent reform across all jurisdictions;
- Raise the age of criminal responsibility to at least 14 without exceptions;
- Raise the age of youth detention to 16;
- Prohibit the detention of children in adult prisons;
- Prohibit solitary confinement, isolation and strip searching in youth detention;
- Reform bail laws to make incarceration a genuine last resort; and
- Invest in diversion, community supports and early intervention.

Recommendation 10. Lead a national approach to independent police oversight, working with states and territories to establish independent police oversight bodies with genuine investigative powers in every jurisdiction, and set minimum national standards for

⁸⁵ VALS, *Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System* (2022).

⁸⁶ National Aboriginal and Torres Strait Islander Legal Services, 'Prime Minister has the power to ensure children are safe and protected. It's time for action.' (Media Release, 16 September 2025); Kirstie Wellauer, 'Use constitutional power to raise age of criminal responsibility nationwide, lawyers tell PM' ABC News (Online, 16 September 2025).

accountability for use of force and conduct towards Aboriginal and Torres Strait Islander people.

Recommendation 11. Require all states and territories to provide equitable, culturally safe healthcare in custody, consistent with the Victorian Aboriginal Community Controlled Health Organisation’s campaign for Aboriginal health equity, and fund Aboriginal Community Controlled health services to deliver healthcare in custodial settings.

Recommendation 12. Adhere to commitments under the Safe and Supported Framework, including promoting and enabling full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle. This requires identifying, implementing and reporting on active efforts across each of the Child Placement Principle’s five elements, and implementing the Principle through legislation, policy, programs, processes and practice.

Recommendation 13. Resource, expand and replicate Aboriginal justice models nationally, including Aboriginal Courts, Aboriginal-led family violence services and community-controlled health services, through dedicated Commonwealth investment and by requiring states and territories to prioritise funding and partnering with Aboriginal Community Controlled Organisations instead of mainstream providers.

1.3.4. Adopting a National Anti-Racism Framework

We call on the Government to adopt and implement the *National Anti-Racism Framework: A roadmap to eliminating racism in Australia*.⁸⁷

While an Anti-Racism Strategy cannot address racism comprehensively at all levels, it presents a critical opportunity to better understand racism across all areas, and to achieve real change to:

- Improve understandings of racism, including through publicly available data and research,
- Acknowledge and commit to addressing racism in all its forms, including systemic and institutional racism,
- Address laws and policies that disproportionality and negatively impact Aboriginal people,
- Strengthen legal protection for Aboriginal self-determination and cultural rights,
- Strengthen protections for Aboriginal people in custody,
- Strengthen independent complaints systems and oversight for government agents,
- Develop robust accountability systems, including independent monitoring,
- Implement mandatory anti-racism training across all public authorities,
- Strengthen mechanisms to hold the Government accountable for its existing legislative and policy obligations, including implementing recommendations from the RCIADIC and Coronial Inquests.

RECOMMENDATION

Recommendation 14. The Federal Government urgently adopt and implement the National Anti-Racism Framework: A roadmap to eliminating racism in Australia.

⁸⁷ AHRC, [An Anti-Racism Framework: Voices of First Nations Peoples](#) (Report).

1.3.5 Implementing the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Australian governments must implement the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (**OPCAT**), by establishing and maintaining a National Preventive Mechanism (**NPM**) with jurisdiction to visit “any place under its jurisdiction and control where persons are or may be deprived of their liberty”.⁸⁸

Independent and culturally appropriate oversight of prisons, youth justice detention centres, police cells and vehicles are a critical way to address systemic racism, improve conditions in these facilities and prevent Aboriginal deaths in custody. OPCAT is an opportunity to prevent torture and ill-treatment, but it will only achieve real outcomes for Aboriginal people if the operations, policies, frameworks and governance of the designated detention oversight bodies are always culturally appropriate and safe for our people. Government must urgently undertake robust, transparent and inclusive consultations with the Aboriginal community, its representatives and ACCOs on the implementation of OPCAT in a culturally appropriate way.

RECOMMENDATION

Recommendation 15. Fully implement Australia’s obligations under the Optional Protocol to the Convention Against Torture (OPCAT), including by ensuring all National Preventive Mechanisms are independently resourced, operational, and have unfettered access to all places of detention, including prisons, watch houses and youth detention facilities.

1.3.6 Implementing UNDRIP and committing to human rights frameworks

General human rights protections help ensure that broader anti-discrimination protections are embedded across institutions to enhance rights in all areas of accessing housing, education, and culture.

Australian Human Rights Act

Australia remains one of the only comparable democracies without a national Human Rights Act. A Human Rights Act provides a mechanism for redress when rights are breached and to challenge systemic rights violations.

An Australian Human Rights Act would improve human rights protections, help prevent breaches of rights, and provide access to redress when rights are breached, particularly for people who experience racism and other intersecting forms of discrimination.

Taking a human rights-based approach to exploring these reforms will help ensure better alignment with international standards, embed anti-racism best practices in different sectors, and address the systemic barriers and exploitation faced by Aboriginal people, and others.

United Nations Declaration on the Rights of Indigenous Peoples²⁶

Any mechanisms to uphold the rights of First Nations communities should be determined by First Nations people, aligned with UNDRIP principles, and underpinned by legislation. UNDRIP provides a comprehensive framework for the rights of Aboriginal peoples, including rights to self-

⁸⁸ Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3(1).

determination, culture, land, and freedom from discrimination and violence. Despite the Australian Government formally supporting the implementation of UNDRIP in Australia in 2009, following an embarrassing absence of support for the instrument in 2007, the principles of UNDRIP still have not been implemented in Australian legislation or policy in any meaningful way. Failure to implement UNDRIP for nearly two decades after becoming signatory is reflective of the governments disregard for the rights of Aboriginal people.

The Australian and Victorian Government's failure to implement UNDRIP in legislation is directly in contravention of Article 38 of the Declaration. Article 38 requires states to engage in consultation with Aboriginal and/or Torres Strait Islander peoples to take appropriate measures, including legislative, to achieve the ends of the Declaration. Implementation of UNDRIP on a Federal level is the first step in implementing UNDRIP in Australia. Following this, States and Territories must amend existing legislation to ensure compatibility with UNDRIP. Recognition of UNDRIP at a Federal legislative level creates a legal protection that allows for mechanisms of accountability and transparency to be developed and enforced. Reference to self-determination in policy materials is simply not enough - UNDRIP must be incorporated into legislation.⁸⁹

The State and Federal Governments have a history of disregarding the importance of self-determination and engagement of Aboriginal and/or Torres Strait Islander peoples in the drafting and development of key legislative frameworks and programs that directly relate to them. An example of this is the Victorian Government's failure to include a clause in the *Victorian Charter of Human Rights and Responsibilities Act 2006*, recognising self-determination of Aboriginal peoples as a right. The development of legislation to implement the principles of UNDRIP in Australia must occur in consultation with Aboriginal people.

RECOMMENDATIONS

Recommendation 16. The Federal Government enact a national Human Rights Act incorporating findings from the Australian Human Rights Commission's 2023 report *Free and equal: Revitalising Australia's commitment to human rights*.

Recommendation 17. The Federal Government pass legislation to implement UNDRIP in Australia and independently auditing existing laws, policies, and practice for compliance with the UNDRIP. Legislation implementing UNDRIP must:

- Enshrine the right of Aboriginal and Torres Strait Islander peoples and communities to self-determination, as defined under UNDRIP;
- Establish a clear pathway for implementing UNDRIP in Australia, including through a National Action Plan that is developed with Aboriginal communities and Aboriginal Community Controlled Organisations.

1.3.7 Anti-racism training and standards for law makers and government agency staff

As described in 1.1, individual racism in Parliament becomes systemically embedded racism within legislation, government policies and government agencies, and creates narratives that filter through to broader Australian society to enable further racism and extremism.

⁸⁹ United Nations Declaration on the Rights of Indigenous Peoples, Article 38.

For this reason, anti-racism education in Parliament and government agencies as an effective way to address one of the root causes of broader societal racism in Australia. Training must be mandatory, and ongoing and should be co-designed, developed and delivered in partnership with Aboriginal people and organisations.

RECOMMENDATIONS

Recommendation 18. Require that all Ministers and Ministerial staff undertake mandatory, ongoing and meaningful anti-racism and cultural-awareness training.

Recommendation 19. The Independent Parliamentary Standards Commission develop behavioural codes of conduct for all Australian Parliamentarians and staff that take a zero-tolerance approach to racism with appropriate sanctions. Australian Parliamentarians and their staff be required to complete regular anti-racism training that addresses workplace behaviour and prevents racism in all public communications.

Recommendation 20. Anti-racism training should be mandatory for all public authorities, particularly Victoria Police, Corrections Victoria and Child Protection.

Recommendation 21. Anti-racism training must be developed by people and communities with lived experience of racism, including Aboriginal people. Wherever possible, anti-racism training should also be delivered by Aboriginal people.

1.3.8 Aboriginal led data on racism

Addressing racism against Aboriginal people requires better data on racism in all its forms, and mechanisms to support Aboriginal led data collection and governance. For too long, data about Aboriginal people has been used to support racist laws and policies, and to enforce a deficit approach to Aboriginal people. As noted by the AHRC, there is also a significant data gap because of “historical and ongoing reluctance to recognise and confront issues about race and racism.”⁹⁰ The need for better quality data on racism has also been identified by the United Nations Committee on the Elimination of All Forms of Racial Discrimination⁹¹ and the Victorian Parliamentary Inquiry into Anti-Vilification Protections.⁹²

VALS supports an anti-racism approach to data collection, which centres the elimination of racism as the purpose and end goal for collecting data. This is the approach taken in British Columbia, Canada (see case study below), which also embeds Indigenous Data Sovereignty⁹³ and Indigenous Data Governance.⁹⁴

We also support Aboriginal led data collection and research, to inform strategies to address racism against Aboriginal communities. This is one of the key aims of the *Call it Out First Nations*

⁹⁰ AHRC. *The National Anti-Racism Framework* (2024), p 33.

⁹¹ See Committee on the Elimination of Racial Discrimination, “Concluding Observations on the eighteenth to twentieth periodic reports of Australia,” CERD/C/AUS/CO/18-20 (26 December 2017), [12]; *Parliamentary Inquiry into Anti-Vilification Laws*, recommendation 34.

⁹² Parliament of Victoria, Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections*, March 2021), recommendation 34

⁹³ IDS refers to “the right of Indigenous peoples to exercise ownership over Indigenous Data. Ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous Data.” See Indigenous Data Sovereignty, Communique. Indigenous Data Sovereignty Summit, 20 June 2018, p 1.

⁹⁴ IDG refers to “the right of Indigenous Peoples to autonomously decide what, how and why Indigenous Data are collected, accessed and used. It ensures that data on or about Indigenous peoples reflects our priorities, values, cultures, worldviews and diversity. See Indigenous Data Sovereignty, Communique. Indigenous Data Sovereignty Summit, 20 June 2018, p 1.

Racism Register,⁹⁵ which was established in March 2022 by the Jumbunna Institute for Indigenous Education and Research, in partnership with the National Justice Project. The aim of the register is to create an evidence base to inform research, anti-racism action, educate the wider community, and support the response of Aboriginal organisations and leaders. Aboriginal led data initiatives such as Call it Out should be further supported through additional funding.

Under the National Agreement on Closing the Gap there have been some positive policy commitments to increasing Aboriginal led data and increasing access to data by Aboriginal organisations.⁹⁶ For example, under the initial Victorian Closing the Gap Implementation Plan, government departments committed to develop data access and sharing agreements with ACCOs and Traditional Owners, and to prioritise additional investment in ACCO data management and analytics.⁹⁷ However, these policy commitments remain largely unimplemented.

Case Study – Anti-Racism Data Act 2022

The *Anti-Racism Data Act* (2022) was passed in British Columbia, Canada in 2022 and was co-developed by the Government and Indigenous Peoples. The Act aims to identify and eliminate systemic racism, by helping to “identify gaps in programs and services and allow government to better meet the needs of Indigenous, Black and racialized British Columbians.” In particular, the Act provides for:

- A process for government to seek consent from Indigenous communities to use their data, in accordance with Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG),
- Creation of an anti-racism data committee - composed of a majority of individuals who are racialised - to collaborate with government on how data is collected and used;
- Public bodies can be required to collect and disclose information, including personal information, for the purpose of identifying and eliminating systemic racism and advancing racial equity;
- Development of data standards and directives, including to support culturally safe collection, use and disclosure of personal information;
- Annual publication of data on systemic racism and racial equality, in consultation and cooperation with Indigenous peoples whose rights or interests could be affected;
- Annual identification of research priorities relating to the identification and elimination of systemic racism and advancement of racial equality
- An enforcement mechanism to ensure that public bodies are complying with the Act.

The National Anti-Racism Framework adopts a similar approach to British Columbia Canada, by recommending the development of a national approach to anti-racism data, including:

- A National Anti-Racism Data Plan,

⁹⁵ Call It Out, [About Our Work](#) (Webpage, accessed 21 May 2026).

⁹⁶ Under the National Agreement on Closing the Gap, shared access to data and information is one of the four Priority Reforms, pp. 13-14.

⁹⁷ Victorian Government, [Victorian Closing the Gap Implementation Plan 2021-2023](#) (June 2021), p 27.

- The development of new population and administrative data standards on Aboriginal and Torres Strait Islander status and ethnicity, and
- Initiatives to address barriers to reporting racism.

The national approach to anti-racism must be co-designed with Aboriginal other racialized communities, and it must embed Indigenous Data Sovereignty and Governance, which are critical for self-determination.

Data about Aboriginal people is often collected without consent or community control. Data sovereignty is the right of Aboriginal peoples to govern the collection, ownership, and application of data about their communities and is a precondition for evidence-based, community-led policy. The Australian Institute of Aboriginal and Torres Strait Islander Studies' Code of Ethics and the principles of the Maïam nayri Wingara Data Sovereignty Collective provide important guide for governments.

RECOMMENDATIONS

Recommendation 22. As recommended by the Australian Human Rights Commission, Australian Governments should work with Aboriginal communities to develop an evidence base on racism in Australia, including by:

- Funding First Nations experts on Indigenous Data Sovereignty (IDS)⁹⁸ to partner with First Nations organisations and communities to embed IDS and Indigenous Data Governance (IDG) on a national and state and territory level,⁹⁹
- Developing a National Anti-Racism Data Plan which outlines a national approach to collecting, using and managing data on experiences, reports and impacts of racism (including violent crimes, hate crimes and racist extremism against Aboriginal people),¹⁰⁰
- Collecting data about experiences of racism, including systemic and structural racism through national surveys¹⁰¹
- Funding third-party reporting mechanisms – such as the Call it Out Register – that take an anti-racist approach to collecting data about racism.¹⁰²

Recommendation 23. In relation to violent crimes, hate crimes and racist extremism against Aboriginal people, the National Anti-racism Data Plan should:

- Require consistent recording of bias motivation across jurisdictions;
- Include prosecution distinguishing when charges include hate crime and extremist violence;
- Distinguish between general criminal offending, hate crime and extremist violence;
- Support regular public reporting to inform policy, prevention and resource allocation.

Recommendation 24. Implement data sharing agreements with ACCOs, as set out under the Victorian Implementation Plan / National Closing the Gap Agreement.

⁹⁸ Including the AIATSIS Code of Ethics, across all Commonwealth Government data collection and as a condition of Commonwealth funding to states and territories

⁹⁹ AHRC, [The National Anti-Racism Framework](#) (2024), recommendation 59.

¹⁰⁰ AHRC, [The National Anti-Racism Framework](#) (2024), recommendation 59.

¹⁰¹ AHRC, [The National Anti-Racism Framework](#) (2024), recommendation 60.

¹⁰² AHRC, [The National Anti-Racism Framework](#) (2024), recommendation 62.

PART 2. INTERPERSONAL RACISM

Interpersonal racism is pervasive for Aboriginal people and Aboriginal organisations in Victoria: it is everywhere, all the time, and causes extensive emotional, psychological and physical harm. This Part examines the nature of interpersonal racism and the existing legal framework and reporting mechanisms to address this form of racism.

VALS recommends both legal and non-legal reforms to eliminate interpersonal racism against Aboriginal people and to ensure that there are culturally safe avenues for addressing this form of racism when it does occur.

2.1. The nature, prevalence and impact of interpersonal racism

2.1.1 Nature of interpersonal racism

Interpersonal racism is interactions between people which serve to maintain or exacerbate the unequal distribution of opportunity across ethnoracial groups.¹⁰³ Also referred to as overt or direct racism, interpersonal racism can take many forms, such as abusive language, harassment, exclusion, or humiliation.¹⁰⁴ In extreme cases, it can also involve physical violence.

This section examines the nature of interpersonal racism, including the fact that it is normalised within Australian mainstream culture, it is driven and protected by systemic racism, and it is rife in policing.

Nature of interpersonal racism

Discrimination and racism are a large practice area for the VALS Civil and Human Rights Practice. From July 2023 through to July 2025 VALS provided assistance to nearly 100 people relating to experiences of discrimination and/or racism. The true number of clients who experience racism as an intersecting issue within a larger legal issue is not reflected in this data, and we often support clients with matters where racism is a factor of their legal issue but not the primary reason for the legal issue. For example, a client who is seeking advice regarding an employment law matter where the basis of the complaint is in relation to racism they are experiencing in the workplace would not appear in the discrimination data as the primary indicator of matter type would rather be recorded as 'employment'. Another example is where VALS provides representation for a Personal Safety Intervention Order (PSIO) matter where the reason for the PSIO is on the basis of racism perpetuated by the applicant (as is a common occurrence for young people and is noted in various parts of this submission).

Our clients and staff experience racism across all areas, including in social housing, health settings, workplace, schools, sport and in the provision of goods and services including health services. Examples include health concerns not being taken seriously, clients being denied entry to a pub whilst their non-Aboriginal friends are allowed to enter, unfair dismissal in the workplace, racist comments on the sporting field or from a neighbour, mocking Aboriginal dance, instruments and ceremony (including Acknowledgment of Country or Welcome to Country), children and young people being bullied and harassed by non-Aboriginal students at school, and young people being constantly followed in supermarkets by security guards.

¹⁰³ Gabrielle. Berman and Yin Paradies, 'Racism, disadvantage and multiculturalism: Toward effective anti-racist praxis' (2008) 33(2) *Ethnic and Racial Studies*, p 1-19, p 4.

¹⁰⁴ AHRC, *The National Anti-Racism Framework* (2024), p 36.

The experience of our clients and employees echoes the experiences of Aboriginal people who took part in a VicHealth survey in 2012.¹⁰⁵ Of the 755 Aboriginal people who took part in the survey across both metro and regional locations, 97% of respondents had experienced racism in the previous 12-months and over 70% had experienced eight or more instances of racism.¹⁰⁶ Respondents reports being called racist names, verbally abused, ignored, treated rudely or with suspicion, being left out or told that they didn't belong because of their race, being told that they were less intelligent or inferior because of their race, and having property vandalised.¹⁰⁷ 67% of respondents reported being physically assaulted, including being spat at, having an object thrown at them, being hit or threatened to be hit based on their Aboriginality.¹⁰⁸

An every day, normalised element of mainstream Australian culture

Racism is deeply engrained in the national Australian psyche. “Casual racism” or “everyday racism” – often framed as a joke or humour – is prolific across all areas of society and is so deeply normalised that many Australians do not even consider it to be racism. As noted by the AHRC, “it is a concerning reality that racism is treated by many in Australia as an anomaly, an aberration, or something to be outright dismissed or denied.”¹⁰⁹

Aboriginal people report being further targeted and humiliated if they call out racism. When Aboriginal people fight back against interpersonal racism, they are often demonised or labelled as an “angry black person.” There are several high-profile examples of this, including the horrific treatment of Stan Grant and Adam Goodes, who publicly called out racism and were hounded by individuals, politicians and the right-wing media. As a result, Aboriginal people are often forced to make a decision about whether they should stand up against racism (knowing they will likely be demonised) or instead protect themselves from further racist abuse.

Driven and protected by systemic and institutional racism

Interpersonal racism and systemic/institutional racism are intricately connected. The entrenched nature of systemic racism creates an environment where interpersonal racism is not addressed appropriately and is therefore implicitly encouraged and can flourish and spread.

In this section below, we show how interpersonal racism is perpetrated by individual officers within Victoria Police and then protected by the systems and institutional responses to it. We note, however, that we see this pattern replicated across systems; whether that be teachers and education institutions, health workers and medical institutions; umpires and sporting institutions.

As noted by Professor Raymond Lovett, a proud Ngiyampaa and Wongaibon man to the Yoorrook Justice Commission: “[P]eople try to disentangle structural racism from interpersonal racism, but structures are made up of people. People build structures. And if those people that are building structures, whether they’re our social services, our governments, these are all socio-political structures. They are made up of individuals. Those individuals hold racist views. They

¹⁰⁵ VicHealth, [Mental health impacts of racial discrimination in Victorian Aboriginal communities: Experiences of Racism survey: a summary](#) (2012), p 2.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ AHRC, [The National Anti-Racism Framework](#) (2024), p 8.

then embed them in those structures through policies, procedures, which are often exclusionary.”¹¹⁰

Know Your Rights Podcast by VEOHRC¹¹¹

In early 2026, VEOHRC released a 5-part podcast on racism experienced by Aboriginal communities in Victoria.

The podcast is hosted by journalist Jedda Costa, a proud Wemba Wemba, Yorta Yorta and Mutti Mutti woman from Naarm. VALS partnered with VEOHRC on two of the episodes – racism in the criminal legal system and racism in retail settings. The series shines a light on everyday discrimination that Aboriginal people in Victoria continue to face — in schools, sport, shops, healthcare, and within the criminal legal system.

***Racism in retail settings: standing up against discrimination in everyday places*¹¹²**

The following extracts are from Lorena Walker, Community Legal Education Project Officer at VALS, who was interviewed for the episode on racism in retail settings. Lorena is a proud Western Arrernte and Luritja woman from Mparntwe / Alice Springs. She describes her experiences of interpersonal racism and how community support can help.

“I have a very clear memory of just being a young kid — I think I was maybe nine or ten — just hanging outside a shop with my friends and having people make not very nice comments towards us because we were Aboriginal. And for me, that was probably my first understanding of what racism was. You know, people making comments towards you because of the colour of your skin. And unfortunately, as we got older, it just became normal, which is sad.”

“There have been a few times where you go into a shop and you know that it's just gonna happen. There's nothing you can do about it. You know you're being confronted or you're being followed, and you know exactly why. It's a pretty awful feeling.”

“You avoid spaces sometimes because you don't want to have to go through that, or don't want to feel different because of how you look”

“Unfortunately for us, we cop it on all fronts — whether you're getting out and putting fuel in your car, going to the shop, or walking down the street. We're just accustomed to racism, unfortunately. So sometimes you get through it. But most of us have mental health issues. Sometimes we live in fear. It's just that fight or flight mode that we're so accustomed to.”

“Now I would speak up for myself, but when I was younger, I wouldn't. I would just let it happen. It's easy not to, because then you don't have to deal with the repercussions. But if we don't speak up about it, the next person is going to get it worse.”“I always think back to my Elders and what they went through. My Nana always said like speak up on things, don't be silent. Because our Elders all over the country, they fought so hard for how things are today, so we have to speak up on it.”

¹¹⁰ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 92.

¹¹¹ VEOHRC, *Know Your Rights Podcast: How the law can help mob when facing racism* (Webpage, 2026).

¹¹² VEOHRC, *Know Your Rights Podcast – Racism in retail settings: standing up against discrimination in everyday places* (Podcast, 2026).



Community experience shared with VALS for this submission – Racism in a retail setting

While shopping at an opportunity shop in metropolitan Melbourne, a community member overheard a shop assistant yelling at a young Aboriginal person and chasing them out of the shop. The shop assistant called after the young Aboriginal person as they left “you’re giving your race a bad name!”. The community member told the shop assistant that she was also Aboriginal and that what the shop assistant had said and done was unacceptable behaviour.

The community member wanted to make a complaint about the shop assistant’s behaviour, but they weren’t sure who to speak to. They rang the local council who then directed them to the church that ran the shop. The outcome from this process was unacceptable.

The community member’s granddaughter encouraged her to call VALS and speak to a lawyer. She is very proud of her granddaughter and how much she had encouraged her to call VALS and seek legal support. She’s proud of her granddaughter for being staunch and encouraging her to fight for the right to be free from discrimination.

Since this happened the opportunity shop has started displaying an Acknowledgment of Country plaque in the front window. Although this is a good step, it is too late because the harm has already been done. Acknowledgement plaques in public spaces indicate to mob that this is going to be a safe place for them to enter, but that is clearly not the case with this opportunity shop.

After the incident happened, the burden was entirely on the community member to navigate where they could make a complaint and how they could make a complaint. It shouldn’t fall on the person who has been harmed to have to figure out how they can be supported for an incident that shouldn’t have happened in the first place.

Aboriginal people experience these things throughout their whole lives. Having to figure out where to go and how to get support each time, and placing this burden on mob to seek accountability, is harmful in itself.

This community member wants the Committee to know that there are things we can do to make sure this doesn't keep happening. They recommend:

- Improving awareness about what people can do, how they can make a complaint and seek support, and what these processes look like when you do make a complaint.
- People should be able to access supports, like VALS, to make complaints because these processes are overwhelming.
- There needs to be transparency in what reporting processes look like and what it will mean for a person. People should know what they will be required to do, and what the possible outcomes are.

Interpersonal racism in policing

Although systemic and interpersonal racism are intricately connected across all sectors, this compounding relationship is particularly evident in policing. Both historically, and in contemporary society, police are the state's tool for enforcing racist laws and policies, including in relation to the criminal legal and the child protection systems.

Aboriginal people continue to experience grotesque and explicit racial abuse at the hands of Victoria Police. This is the experience of our clients and is well documented in truth-telling carried out by the Yoorrook Justice Commission, who found that "overt racism by police officers is supported by the systemic racism that continues to pervade the organisation. Police members who inflict unlawful violence do it because they think they can get away with it."¹¹³

Previous inquiries have also revealed shocking levels of police racism against Aboriginal children and young people, including the 2018 report by the Koori Youth Council (**KYC**), *Ngaga-Dji*, on the experiences of Aboriginal young people in the youth justice system and the 2021 report by the Victorian Commission for Children and Young People (**CCYP**) on the over-representation of Aboriginal children and young people in Victoria's youth justice system (see below for extracts).¹¹⁴ Distrust in Victoria Police is so significant that many Aboriginal children are explicitly taught by their parents that they should not trust the police.

Between 2017 and 2022, Victoria Police internal complaints data shows that Aboriginal people made 191 complaints of assault by police, which frequently included racist slurs and psychological abuse.¹¹⁵ As discussed in **Part 1**, Victorian Aboriginal Communities have no faith in the police complaints system, because it involves police investigating police. A 2022 report by IBAC on *Victoria Police handling of complaints made by Aboriginal people* found that almost half of the allegations investigated related to use of force or assaults by police, often during arrest. None of the complaints relating to use of force were found to be substantiated by Victoria Police.¹¹⁶

As previously recommended above, state and territory governments must urgently establish a robust, independent and culturally appropriate police oversight systems, including independent

¹¹³ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 264.

¹¹⁴ CCYP found that Victorian Aboriginal children and young people were over-represented among allegations of police assault or mistreatment made by children and young people on admission to youth justice custody. See: CCYP, *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system* (2021), p 435.

¹¹⁵ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 264.

¹¹⁶ IBAC, *Victoria Police handling of complaints made by Aboriginal people* (2022), p 8.

police complaints bodies, independent investigation of police-contact deaths, independent monitoring and auditing of police powers and independent detention monitoring of police custody.¹¹⁷ Although this recommendation requires states and territory governments to undertake this work, we urge the Committee take up the recommendation and recommend that all states and territories implement this recommendation in taking steps to address racism within state police forces.

Yoorrook for Justice Report: Police racism experienced by Tommy Lovett¹¹⁸

In 2023, Aunty Doreen Lovett spoke to the Yoorrook Justice Commission on behalf of her son, Tommy Lovett, who experienced racism by Victoria Police. Tommy Lovett was previously a client of VALS.

In 2016, at the age of 18, Tommy Lovett was arrested by Victoria Police after being wrongly suspected of ramming a police vehicle.¹¹⁹

The police officers assaulted Tommy multiple times: they slammed him into the ground, stood on his wrist and ankles, threw him into a fence, used capsicum spray, tightened the handcuffs so that his wrist was fractured, forced him to urinate while handcuffed in front of the whole street, and tried to wash his face with a dog's water bowl.¹²⁰

Tommy was charged with various summary and indictable offences, including assault police (indictable), resist police (indictable), assault police (summary) and common law assault. These charges were on the basis that when Tommy was on the ground he was trying to spit the blood out of his mouth, and the police claim that he had spat on an officers' foot.

Tommy's family complained to Victoria Police but were told that the complaint could not proceed unless Tommy made a formal statement. Tommy did not wish to do so because of the trauma he experienced from the incident.

Although Victoria Police did not investigate the incident, they wrote to Tommy to inform him that officer's conduct was in accordance with law and policy. Following media coverage in 2019, a review of the Victoria Police file revealed significant deficiencies in Victoria Police's handling of the incident.

After making a second complaint in 2020, Tommy was again told that the complaint could not proceed unless he made a statement, and the file was closed by Victoria Police.

Tommy eventually pursued legal action against the State for compensation. In 2020, four years after his traumatic experience, his claim was settled.

Ngaga-Dji (Hear Me): Young voices creating change for justice

Binak's story¹²¹

¹¹⁷ See: VALS, *Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System* (2022), p 65-66.

¹¹⁸ Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 264-266.

¹¹⁹ Madeline Hayman-Reber, 'Aboriginal teenager 'traumatised' after assault by Victoria Police,' SBS News (Online, 22 January 2019).

¹²⁰ Nick McKenzie, 'Arrested for someone else's crime, a teen was left badly injured' *The Age* (Online, 20 January 2019).

¹²¹ Koorie Youth Council, *Ngaga-Dji (Hear Me): Young Voices Creating Change for Justice* (2018), pp 8-15.

In resi I was no one's superhero, I became another lost kid in care. I had to squash and twist and stretch myself to be what everyone wanted: the good girl, the tough one, the bad girl, the dumb girl, the lost cause. There was no one to trust and no one who hung around long enough to get me. I watched as more bits of me were broken off and tossed away.

I got warrants out on me for seeing Nan. Cops would storm through the house and take me back to the resi unit. I watched Nan through the back window every time we drove off, panicking that this might be the last time I saw her. I pretended cops couldn't scare me as they got rougher each time, trying to get me to react, saying it was all Nan's fault. Police checked Nan's most days, waiting for me to come by. I got paranoid that they were watching me all the time.

I started drinking and smoking more with the kids at the resi unit, took off to Nan's more and stopped caring what the cops did. I watched Nan get worn out with worry, I found new greys every time I did her hair. I tried to remind her to eat.

One night the cops woke us up by pulling me off the couch to take me back to the unit. They pushed me like they knew I wouldn't push back and stand up for myself, stupid Aboriginal girl. They were so rough with Nan I thought she was gonna break.

Murrenda's story¹²²

When dad died I lost my anchor. I felt like he'd left me alone with pain in his place, grief sitting on my chest. At school I learnt that people hate blackfullas. I learnt that I should be ashamed of who I was, reject culture, not be like 'those' blackfullas. I wrote essays about Captain Cook, a happy white history where my people didn't exist. The hate was so strong I felt like I was drowning in it. My loneliness turned to anger and pulled me under. My head trapped in that hate I heard and played it over and over and over. It swam through my mind until I believed it, accepted the stigma and stereotypes the world told me about my people.

The guys in town knew how to get to me. They'd follow me down the street yelling racist bullshit, pushing me, standing over me, waiting for the angry blackfulla to blow up. Eventually I'd had enough, I punched one, then punched a wall. They got a laugh out of it. I got a broken hand, spear tackled by cops and a prison sentence.

I waited for hours in the cop shop cell, the pain in my hand pulsing through me. Felt like my head was gonna explode. I pressed the distress button for hours waiting for help. Cops told me to hold my arm up so it didn't swell so much, wouldn't give me a sling 'cos they said I'd hang myself.

Racist policing: extracts from Our Youth, Our Way

The following quotes are from Aboriginal children and young people who spoke to the Victorian CCYP about their experiences of racism and abuse, at the hands of Victoria Police.¹²³

"Some of them, recently when they were chasing me, they were saying, 'I'll catch you one day, you little black dog.'"

¹²² Ibid., pp 24-31.

¹²³ CCYP, *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system* (2021), pp 432-433.

Otis, 14

“Last year, New Year’s Day, me and my cousin and my uncle were driving and we got into a police chase, and we stopped the car and I got out and put my hands up and they battered me with a baton, calling us black dogs.”

Jasper, 17

“Some Koori kids maybe been assaulted by police so as soon as they see their uniform they might start running. It’s just their instincts now.”

Dustin, 15

2.1.2 Prevalence of interpersonal racism

Although there is insufficient data on racism against Aboriginal people, including interpersonal racism, we know from the limited data available - and anecdotally from VALS staff and clients - that interpersonal racism is constant and experienced at far higher rates than people with Anglo-Celtic origins. This section examines the prevalence of interpersonal racism and also highlights that it is experienced more frequently in some areas of Victoria (particularly regional areas), it is underreported, and it is clearly influenced by Government and media cycles.

Everywhere, every day

Research carried out in 2019 found that Aboriginal Victorian adults were four times more likely to have experienced racism in the preceding 12 months than the broader public, and seven times more likely in comparison to adults of Anglo-Celtic origin.¹²⁴ In 2024, the Reconciliation Barometer run by Reconciliation Australia reported that 63% of 18-24 year old Aboriginal people and 68% of 25-34 year olds report experiencing at least one form of interpersonal racism in the previous six months.¹²⁵

There is extensive research documenting interpersonal racism in specific sectors, including schools, workplaces, sport and the media. For example, in 2025, research by the Centre for Indigenous People and Work at the University of Technology Sydney found that 58% of Aboriginal people experienced frequent interpersonal racism at work, including 40% of respondents who indicated that they overheard racial slurs or jokes about Aboriginal people; and 53% said they were subject to comments about their physical appearances as Aboriginal people.¹²⁶

In our community engagement for this submission, Aboriginal community members also reported high levels of racism in schools against Aboriginal children and young people. This anecdotal feedback is affirmed by research, for example, the 2023 Attitudes to School Survey carried out by the Victorian Department of Education, found that Aboriginal students in Victoria experienced racism in the current term 42% more than non-Aboriginal students.¹²⁷

Community members we spoke with emphasised that racism in schools is not limited to primary and secondary schools, it also exists in universities and can manifest in many ways including

¹²⁴ Alison Markwick, Zahid Ansari, Darren Clinch and John McNeil, ‘Experiences of racism among Aboriginal and Torres Strait Islander adults living in the Australian state of Victoria: a cross-sectional population-based study’ (2019) 19(1) *BMC Public Health*, p 4.

¹²⁵ Australian Reconciliation Barometer, *Reconciliation Snapshot: Racism and First Nations Peoples*, (2024).

¹²⁶ Jumbunna Institute for Indigenous Education and Research (UTS), *Gari Yala 2 (Speak the Truth)* (2026), p 8. See also Jumbunna Institute for Indigenous Education and Research (UTS), *Gari Yala (Speak the Truth)* (2020).

¹²⁷ This data was presented to the Victorian Aboriginal Justice Caucus in 2024. See VALS, *Nuther-mooyoop to the Yoorrook Commission in response to educational inequalities* (2024), p 21.

staff and students: questioning Aboriginal people's Aboriginality based on the colour of their skin; commenting on Aboriginal traineeships and scholarships being "handouts"; enabling culturally unsafe discussions in classes regarding matters relevant to Aboriginal culture, history and recognition, such as debates on the value of Welcome to Country; and burdening Aboriginal staff and students to be the spokesperson for topics relating to Aboriginal people where they may not feel safe or wish to be put in that position.¹²⁸ Our submission to the Yoorrook Justice Commission,¹²⁹ as well as the final report of the Commission – *Yoorrook for Transformation* (Volume 3) – provides further detail on racism in the education system.¹³⁰

Community experience shared with VALS for this submission – Robyn's experience of intergenerational trauma

Robyn shared with VALS her experiences of racism, intergenerational trauma and her thoughts on what needs to change so that Aboriginal people can heal and thrive.

Robyn told us about how she has experienced racism since she was a little girl. She has seen her family experience racism – her parents, her siblings, her aunties and uncles, cousins, her children and her grandchildren. Every time someone experiences racism it is another experience added to the tally – all of these experiences are compounding and impact the individual, their family and their community.

When these experiences are so frequent and so common, there is no time for the individual to heal. When an individual isn't able to heal, neither are their families and loved ones. Aboriginal people continue to hurt for the experiences they have had themselves, but we also hurt for the experiences of our elders and the elders before them. There needs to be generational healing before anyone of us can heal – everyone needs to heal.

To make sure that Aboriginal people have the time and space to heal from these experiences we need to focus on making Australia a safer place for mob. There needs to be more education about Aboriginal people and our histories, and this education needs to start early. Primary schools need to teach our histories and our culture, and they need to keep teaching throughout schooling. It also needs to happen in the workplace too. All workplaces should deliver Aboriginal cultural awareness training to all staff. It shouldn't just be that people who work at Aboriginal organisations or in organisations that provide services to community, it should be something that every workplace engages with. Training in the workplace needs to be delivered by Aboriginal people too.

It's not going to change until everyone makes a change. Mob shouldn't be the only ones doing the hard work, everyone needs to do their part. Non-Aboriginal people need to come to the table ready to do the learning and ready to engage.

¹²⁸ These experiences were shared with VALS by an Aboriginal staff member of a university in Naarm for the purposes of this submission. See also, for example, AHRC, [Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations people](#) (2026) which found that 36% of Aboriginal people surveyed had experienced direct interpersonal racism. Also, student-led research at University of Melbourne reported that out of 800 students participating in a survey, 30% had experienced overt racism at the university. See Ahmed Yusef, 'How are Australian universities tracking racism on campus? These students stepped in where their university didn't,' ABC News (Online, 25 March 2024). According to Professor Eddie Cubilo, who resigned from the University of Melbourne Law School in September 2023, its "the most culturally unsafe place I've worked." See Bronte Charles and Rachael Knowles (NITV), 'Prestigious law school rocked by allegations of institutional racism,' SBS News (Online, 12 September 2023).

¹²⁹ VALS, [Nuther-mooyoop to the Yoorrook Commission in response to educational inequalities](#) (2024).

¹³⁰ Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 3](#) (2025).

More overt and/or felt in some regions

Aboriginal staff and clients of VALS frequently report that their experiences of interpersonal racism are worse in regional and rural parts of Australia. This is the case in Victoria where specific police stations and regional areas are known to be worse for police racism. Other examples of racism in regional areas include rental applications being refused and hotel or Airbnb bookings being cancelled because the customer was Aboriginal.

In small towns, racism can be harder to avoid. For example, clients have reported experiencing racism in regional supermarkets, and then not wanting to return to the shop because of their experience. In many regional towns there is only one supermarket, meaning that experiences of interpersonal racism can impact access to essential goods and services.

Other examples include vandalism and desecration of sacred Aboriginal cultural sites in regional areas of Victoria. In recent years, multiple attacks have been made on Dja Dja Wurrung birthing trees in regional Victoria, including setting a 700-year old tree on fire, poisoning and desecrating a tree with spray paint.¹³¹ Destruction of cultural heritage was also examined in detail by the Yoorrook Justice Commission, which heard many stories of Aboriginal cultural heritage being destroyed on private land before it could be properly assessed under the *Aboriginal Heritage Act 2006* (Vic).¹³² Likewise, Yoorrook heard that breaches of the *Aboriginal Heritage Act* are not being addressed, with only six successful prosecutions in Victoria since 2006.¹³³

VALS employees also report significant differences in their experiences of racism between Victoria and other states and territories. For example, colleagues reported ongoing segregation occurring in the Northern Territory in venues such as pubs, as well as racism in retail settings, including as a result of the Northern Territory National Emergency Response, in 2007. Although everyone is required to show their identity documents where purchasing alcohol from a bottle shop, Aboriginal people are regularly interrogated about where they will be consuming the alcohol and who they will be sharing it with; whereas non-Aboriginal consumers are not.

Colleagues also reported unequal power dynamics, and non-Aboriginal people exploiting systemic racism for personal gain. For example, one colleague reported being refused alcohol because their response to the question “who will you be sharing this alcohol with?” was not deemed satisfactory by the shop assistant. Other reports included non-Aboriginal people purchasing alcohol and then reselling it to Aboriginal people at triple the price.

Interpersonal racism is underreported

All sources of data on racism explicitly highlight that racism experienced by Aboriginal people is likely underreported, and therefore, even data that is available is not representative of the scope and prevalence of interpersonal racism. This is confirmed by Aboriginal staff at VALS and clients, who reported an overwhelming sense of being forced to endure racism primarily because the existing mechanisms for addressing racism were so inadequate that it was easier just to ignore it.

¹³¹ Rochelle Kirkham, ‘[Sacred birthing tree vandalised as highway duplication route dispute ramps up](#)’ ABC News (Online, 14 August 2023).

¹³² Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 266.

¹³³ Ibid.

In recent years, efforts have been made to address the data gap by establishing more accessible community-run reporting tools for Aboriginal people to report racism. As previously noted, in 2022, the Jumbunna Institute for Indigenous Education and Research, in partnership with the National Justice Project, launched the *Call It Out First Nations Racism Register*.¹³⁴

The *Call It Out First Nations Racism Register* has published 4 reports since 2022 outlining the nature, prevalence and impact of the racism. In 2024-2025, Call It Out received 442 reports of racism against Aboriginal people, some of which included multiple experiences of racism.¹³⁵ Of these, 34% were witnessed/experienced as interpersonal racism, and 33% were witnessed/experienced as interpersonal and systemic racism.¹³⁶ In 2023-24, the Register received 453 reports of racism, and an alarmingly high number of reports (35%) involved aggressively racist behaviour, including physical and verbal abuse, hate speech, bullying, threats, intimidation and damage to property.¹³⁷

Prevalence influenced by Government and media cycle

In 2023, Aboriginal people reported increased experiences of interpersonal racism in relation to the Referendum on the Voice to Parliament.¹³⁸ Call It Out received reports of interpersonal racism (in person and online) from both Aboriginal and non-Aboriginal people, including people being aggressively confronted and abused in public because they looked Aboriginal and/or were wearing clothes associated with the Yes campaign, people receiving anonymous racist letters in their letterboxes, graffiti and property damage and people experiencing racism in the workplace.¹³⁹ People also experienced a significant increase in online racism, discussed further below.

It is widely acknowledged that the conservative No Campaign – including prominent political figures and groups such as Advance Australia¹⁴⁰ – emboldened, normalised and amplified racism. By flooding the public domain with unfounded claims and conspiracy theories, the No Campaign provoked and encouraged interpersonal racism to flourish. As noted by the AHRC, “the Voice Referendum mainstreamed a shocking level of racism for the duration of the campaign and has continued to impact First Nations communities.”¹⁴¹

2.1.3 Impact and harm of interpersonal racism

Aboriginal Communities have been subjected to interpersonal racism since invasion and have shown tremendous resilience and strength for over 230 years. We continue to stand strong in our

¹³⁴ Call It Out, [About Our Work](#) (Webpage, accessed 21 May 2026).

¹³⁵ As discussed further below, the Call it Out First Nations Register was also targeted by racism, receiving 15 reports in 2024-25 which used the tool to further perpetrate interpersonal racism.

¹³⁶ Fiona Allison, Chris Cunneen, Beck Lewis and Ayse Selcuk, ‘*Everywhere I go no matter where, if it’s around non-Indigenous people I feel a hate vibe.*’ *The Call It Out Racism Register 2024-25* (2025).

¹³⁷ Fiona Allison, Chris Cunneen, Lindon Coombes and Ayse Selcuk ‘*If you don’t think racism exists come take a walk with us.*’ *The Call It Out Racism Register 2023-2024* (2025), p 25.

¹³⁸ See AHRC, *The National Anti-Racism Framework* (2024), p 8, noting that in 2023, “the Voice Referendum mainstreamed a shocking level of racism for the duration of the campaign and has continued to impact First Nations communities.”; Ian Anderson, Yin Paradies, Marcia Langton, Ray Lovett, Tom Calma, ‘Racism and the 2023 Australian constitutional referendum’, (2023) 402 *The Lancet* pp. 1400-1403, p 1400.

¹³⁹ Fiona Allison, Chris Cunneen, Lindon Coombes and Ayse Selcuk ‘*If you don’t think racism exists come take a walk with us.*’ *The Call It Out Racism Register 2023-2024* (2025), pp 67-74.

¹⁴⁰ For example, Advance Australia published a racist cartoon in the Financial Review. See Fiona Allison, Chris Cunneen, Lindon Coombes and Ayse Selcuk ‘*If you don’t think racism exists come take a walk with us.*’ *The Call It Out Racism Register 2023-2024* (2025), p 67.

¹⁴¹ AHRC, *The National Anti-Racism Framework* (2024), p 8.

culture every day. Aboriginal leaders and advocates continue to call out interpersonal racism in Australia and have demonstrated incredible strength and resilience in doing so. For example, Stan Grant's speech as part of the Intelligence Squared (IQ2) racism debate in 2015¹⁴² and Meyne Watt's powerful monologue on Q+A in 2020.¹⁴³ Aboriginal leaders also fought hard against racism during the 2023 Referendum on the Voice to Parliament, and continue to call out racism on a daily basis, often becoming a target just for standing up against racism.

However, despite the resilience of Aboriginal communities to stand up against interpersonal racism, it is incredibly harmful and continues to have devastating impacts for individuals and communities.

From a health and wellbeing perspective, interpersonal racism has deep cumulative impacts, including negative impacts on social and emotional wellbeing, mental health (particularly anxiety and depression) and physical health. Racism causes and/or exacerbates trauma for Aboriginal people¹⁴⁴ and the risk of poor mental health increases as experiences of racism accumulate over time.¹⁴⁵ Research has also identified a direct link between interpersonal racism, self-harm and suicide.¹⁴⁶ In 2023, a national study found that almost 50% of the difference in psychological distress between Aboriginal and non-Aboriginal Australians could be attributed to experiences of racial discrimination.¹⁴⁷ Interpersonal racism that is experienced online (discussed further below) results in similar experiences of psychological harm.¹⁴⁸

As noted above, interpersonal racism linked to the Voice Referendum has been particularly harmful for Aboriginal people and Communities. In 2023, 13YARN, the national crisis support line for First Nations peoples feeling overwhelmed or having difficulty coping reported a 108% increase in callers reporting abuse, racism, and trauma between March and June 2023.¹⁴⁹

Interpersonal racism may also prevent Aboriginal people from accessing mainstream services, for example, health services, housing or education,¹⁵⁰ which can in turn lead to poorer health and education outcomes. Aboriginal staff at VALS also indicated that they may choose not to

¹⁴² The Ethics Centre, '[Racism is Destroying the Australian Dream](#),' (2016).

¹⁴³ [Meyne Wyatt monologue on QandA](#), , ABC News (Online, 9 June 2020).

¹⁴⁴ Mandy Truong and Edward Moore (Australian Institute of Health and Welfare), '[Racism and Indigenous wellbeing, mental health and suicide](#), (2023), p 11.

¹⁴⁵ *Ibid*, p 8.

¹⁴⁶ In 2021, a study of Aboriginal people in Queensland found that suicide rates were 18% higher in communities with higher levels of reported discrimination than in areas with low levels of discrimination. See Mandy Gibson, Jaimee Stuart, Stuart Leske, Raelene Ward and Yogi Vidyattama, 'Does community cultural connectedness reduce the influence of area disadvantage on Aboriginal & Torres Strait Islander young peoples' suicide?', (2021) 45(6) *Australian and New Zealand Journal of Public Health*, pp. 643–50; cited in Mandy Truong and Edward Moore (Australian Institute of Health and Welfare), '[Racism and Indigenous wellbeing, mental health and suicide](#), (2023), p 11.

¹⁴⁷ Katherine A. Thurber, Emily Colonna, Roxanne Jones, Gilbert C. Gee, Naomi Priest, Robijayne Cohen, David R. Williams, Joanne Thandrayen, Tom Calma, Raymond Lovett and Mayi Kuwayu Study Team, 'Prevalence of everyday discrimination and relation with wellbeing among Aboriginal and Torres Strait Islander adults in Australia', (2021) 18(12) *International Journal of Environmental Research and Public Health*, 6577, cited in Mandy Truong and Edward Moore (Australian Institute of Health and Welfare), '[Racism and Indigenous wellbeing, mental health and suicide](#), (2023), p 2.

¹⁴⁸ For example, an estimated 58% of those who personally experienced online hate speech reported a negative impact from their experience. See eSafety Commissioner (in partnership with netsafe and UK Safer Internet Centre), '[Online Hate Speech: Findings from Australia, New Zealand and Europe](#)' (2019), p 14. In relation to children, research carried out by the eSafety Commissioner found that online hate speech experienced by Aboriginal children can have a profound impact including triggering feelings of sadness, anger or a sense of isolation. See eSafety Commissioner, '[Cool, beautiful, strange and scary: The online experiences of Aboriginal and Torres Strait Islander children and their parents and caregivers](#)' (2023), p 2.

¹⁴⁹ Fiona Allison, Chris Cunneen, Lindon Coombes and Ayse Selcuk '[If you don't think racism exists come take a walk with us](#)'. *The Call It Out Racism Register 2023-2024* (2025), p 68.

¹⁵⁰ Mandy Truong and Edward Moore (Australian Institute of Health and Welfare), '[Racism and Indigenous wellbeing, mental health and suicide](#), (2023), p 9.

participate in mainstream activities (e.g. sporting tournaments) and instead opt to engage with Aboriginal run activities and events. This is because we know we are safer when we're at Aboriginal events, and preferring to engage with community events over mainstream events is how we can protect ourselves and our children from being subjected to racism.

In many instances, inadequate and inappropriate responses to interpersonal racism can also compound existing mistrust in mainstream services and systems. For example, poor legal responses to interpersonal racism compound distrust in the legal system. This is the case with Victoria Police, whereby complaints relating to interpersonal racism are investigated by Victoria Police and often deemed to be unsubstantiated; and therefore Aboriginal communities have little faith in the process or the outcome.

The harm inflicted by racism is felt by individuals who directly experience that racism; but it is also felt by Aboriginal communities more broadly. As noted by Cathy Austin, who works at VALS as a Senior Policy and Community Engagement Officer, “any attack - be it spoken word or violence against our people – is felt by all mob over the nation. It's the same for the sad stories and death of Aboriginal children and young people, Aboriginal deaths in custody and destruction of our land and significant cultural sites. It doesn't matter where it happened, it is still felt and ripples of this hurt and grief are all over the nation because we know that it is directed at us to harm us.” Similarly, the Call it Out Annual Report from 2023-24 reports that incidents of racism impact individuals, “but they also touch the lives of families, friends and the wider community...”¹⁵¹

The existence and impacts of racism mean that spaces that should be positive, fun and safe become unsafe environments for Aboriginal people. We heard many examples of racism in sport through our community engagement and further examples are evident in the media. Sport and physical activity are important outlets for promoting physical and mental health. Aboriginal sporting teams, like the Fitzroy Stars Football and Netball Club and the Rumbalara Football and Netball Club, also provide a space where young Aboriginal people can come together and be strong in their culture and identity while enjoying playing sport. The experience of the Fitzroy Stars is discussed further below in **Section 2.3.1**, however it is clear that racism in sport is widespread at all levels of sport, including non-professional and professional. It is unacceptable that an environment that is so important for health and wellbeing, can become a culturally unsafe space.

During our community engagement, Aboriginal parents reported frustration and anger that there are often no consequences for racism in sport, and in many instances, children and young people are told to “get over it” or to “ignore it.” We want to teach our children and young people to stand up to racism, but it is hard to do this when there are no consequences; or if we do challenge racism on their behalf, we risk being labelled and demonised in front of our kids.

¹⁵¹ For example, one of the incidents reported to the Call it Out Register in 2023-2024 involved an Aboriginal woman who witnessed an online racist comment targeting an Aboriginal woman. She reported that “it hurts to hear my sisters being referred to as something so racist and ignorant. Fiona Allison, Chris Cunneen, Lindon Coombes and Ayse Selcuk *“If you don't think racism exists come take a walk with us”*. *The Call It Out Racism Register 2023-2024* (2025), p 48.

The impact of racial vilification on Aboriginal people and the importance of effective remedies: Charmaine's experience¹⁵²

I am a proud Gunditjmara Elder and am employed as an Indigenous Family Violence Researcher for my community organisation in Warrnambool.

Recently I attended a local restaurant for lunch. During the course of my meal, I heard a young man making racist comments about Aboriginal people. I looked to where he was seated and he was expressing his views to a number of people seated with him. He was saying things like the country does not belong to Aborigines and he was complaining about the closure of Uluru. As an Elder, I felt responsible to educate others about our history and heritage, so I approached the table and addressed the young man, explaining who I am and trying to bring greater understanding. Unfortunately the mother snidely told her son to just ignore 'those people'. As soon as she said this, the young boy became aggressive towards me, and started racially abusing me and calling me offensive names. Both he and others smirked and scoffed at me.

I felt a deep humiliation, belittling and fear during the incident. I was nervous even to approach the table in the first place, but felt honour bound to address misinformation and promote reconciliation. I am an advocate for reconciliation in the community, and I actively do 'Welcome to Country' for a number of services and community events.

This incident of racism is not in isolation, but has a cumulative affect and impacts my self-esteem, my mental health (I'm Stolen Generation) and my sense of safety in public. Having experienced years of racial vilification, this incident adds to the burden of yet another assault, another wounding, another stripping of dignity and safety. I made a formal complaint to the management of the restaurant and was satisfied with their prompt and sincere response. They apologised and worked collaboratively with both myself and Victoria Police in gathering information around the incident. When I discussed legal representation with the Victorian Aboriginal Legal Service, I learnt that very few cases have met the standards set out under this act. This was a shock to me and a great disappointment and immense source of frustration. I mean what's the point of the piece of legislation that isn't interested in either you (the victim) or the offender, but focuses on the impact on bystanders? Why call it racial vilification when it's so narrowly defined and tested? I can only hope that my case is one of those very few that meet the threshold. It's a lot to put yourself through to just get one small shot at justice.

2.2. The effect of online platforms on the reach, nature and harm of interpersonal racism

2.2.1 Online platforms extend the reach and amplify the nature of interpersonal racism

Online platforms extend the reach and frequency of interpersonal racism. Faceless trolls can not only hurl racist slurs from the comfort of their own homes, they can easily connect with larger unknown audiences, where racist rhetoric and ideologies quickly spread and flourish.

The expanded reach of online racism means that this is often the most common form of interpersonal racism experienced by Aboriginal people. In 2024-25, incidents of racism reported

¹⁵² Charmaine's experience is extracted from our previous submission to the Victorian Parliamentary Inquiry into Anti-Vilification. from our previous submission to the Victorian Parliamentary Inquiry into Anti-Vilification. See VALS and Victoria Legal Aid, [Submission 50](#) to Inquiry into Anti-Vilification Protections (31 January 2020), p 5.

to the Call it Out First Nations Register occurred most frequently through social media and online (22%) and other media (7%),¹⁵³ compared to incidents taking place elsewhere, including in the workplace (11%) and schools/educational settings (10%).¹⁵⁴ This trend was similar in 2022-23, where 32% of the incidents reported to the Call It Out Register took place online or in the media.¹⁵⁵

In 2023, research carried out by the eSafety Commission indicated that Aboriginal children and young people are almost three times more likely to experience online hate speech than the national average, and that they are experiencing online hate and racism at higher levels than Aboriginal adults.¹⁵⁶

As discussed above, the Voice Referendum in 2023 triggered a significant increase in interpersonal racism, particularly racism taking place online and in the media. In late May 2023, the Australian e-Safety Commission reported that there had been a 10% rise in the proportion of complaints made by Aboriginal people about online cyber abuse, threats, and harassment.¹⁵⁷

The extended reach of online racism also makes it easier for individuals to target high profile Aboriginal leaders and public figures, as well as Aboriginal organisations and those associated with them. Aboriginal sports stars are regularly subjected to horrific online racial abuse, but this treatment also extends to Aboriginal politicians, CEOs of organisations and members of the First Peoples Assembly of Victoria. For example, in July 2025, AFL players Nasiah Wanganeen-Milera and Jase Burgoyne received vile racial abuse on their social media accounts targeting both the players and their families.¹⁵⁸ The Clubs of both players condemned the messages and reiterated that racism is not welcome in AFL. They also encouraged people who witness or experience online abuse to report it to the relevant social media platform.¹⁵⁹

Under **Part 2.2.3**, we also detail VALS organisational experiences of online racism, and the measures that we have been forced to take to address this.

Online platforms embolden and intensify the nature of interpersonal racism. The cloak of anonymity provided by the internet creates protection for people who may not otherwise share their racist views in person.¹⁶⁰ Inadequate responses to online racism - particularly by social media platforms – permit horrifically racist commentary to spread and intensify. As noted by Carlson et al, social media can facilitate the reproduction of power hierarchies in which Aboriginal people are subjected to racial violence, subjugation and discrimination.¹⁶¹

¹⁵³ Fiona Allison, Chris Cunneen, Beck Lewis and Ayse Selcuk, *'Everywhere I go no matter where, if it's around non-Indigenous people I feel a hate vibe.'* *The Call It Out Racism Register 2024-25* (2025), p 37.

¹⁵⁴ Ibid.

¹⁵⁵ Fiona Allison, Chris Cunneen, and Ayse Selcuk, *'In Every Corner of Every Suburb.'* *The Call It Out Racism Register 2022-2023*, (2023), p 28.

¹⁵⁶ eSafety Commissioner, *Cool, beautiful, strange and scary: The online experiences of Aboriginal and Torres Strait Islander children and their parents and caregivers* (March 2023), p 10.

¹⁵⁷ Amber Schultz, *'Voice debate spurs rise in cyber abuse, threats and harassment'* *The Sydney Morning Herald* (Online, 21 May 2023), cited in Ian Anderson, Yin Paradies, Marcia Langton, Ray Lovett, Tom Calma. 'Racism and the 2023 Australian constitutional referendum' (2023) 402 *The Lancet*, p 1400 - 1403.

¹⁵⁸ *'Racist abuse of Nasiah Wanganeen-Milera, Jase Burgoyne condemned by AFL, St Kilda and Port Adelaide.'* *ABC News* (Online, 14 July 2025).

¹⁵⁹ Ibid.

¹⁶⁰ Bronwyn Carlson and Ryan Frazer, *Social Media Mob: Being Indigenous Online*, (2018), p 14.

¹⁶¹ Bronwyn Carlson, Lani Jones, Michelle Harris, Nelia Quezada and Ryan Frazer, 'Trauma, shared recognition and Indigenous resistance on social media,' (2017) 21 *Australasian Journal of Information Systems*, pp.1-18, cited in Bronwyn Carlson and Ryan Frazer, *Social Media Mob: Being Indigenous Online*, (2018), p 13.

Due to the significant role that the internet plays in our lives, including social media, the extended reach of online racism effectively means that it is harder for Aboriginal people to carve out spaces that are culturally safe. The 2024-25 Call it Out Register shows almost a third (29%) of racist incidents occurred on social media, online and in other media.¹⁶²

The challenge of creating online spaces that are culturally safe, is also demonstrated by the way that online platforms such as Call it Out, are used by individuals to promote racism. For example, in 2024-2025, 15 reports received by the Register were removed because they were made by people who used the platform to promote racism.¹⁶³

As noted at the outset of this submission, VALS provided support to community members who wanted to engage with the inquiry. We promoted our resources and support available through our social media platforms and service networks. One way that we offered support was through an online form on our website, where community could provide their details and a VALS staff member would call them back. We received various enquiries and provided support to many people. However, our online form was also used by one person to write vile and offensive racist remarks. This person included their contact details, which underscores how emboldened people are by these online spaces.

Racial vilification online: Tyson's experience¹⁶⁴

I'm a young Aboriginal man. I use an online chat-room which is pretty open, the chat rooms have about 400 people in them. People can put photos up and can post things to other people. You don't have to be logged in so it's better than Facebook. You get addicted to the site. It's pretty good when you've got nothing to do.

I get teased a lot because I'm Aboriginal. In both the chat rooms I'm on Aboriginal people and African-Americans cop it. They put down Aboriginals and they tease African-American people as well. I get called a "coon" and people attack my Aboriginality. I get upset when other cultures attack my nationality. There is an American guy who attacks me and call me the "missing link". People have called me an ape or a monkey and have posted that they hate "blackys". People have said that I have no teeth, that I'm broke, and I'm homeless just because I'm Aboriginal.

I have tried reporting people when they say something racist, but they only get a 15-minute ban. When I have told people off because they have been racist I have got a two day ban. I think they are protecting people being racist on the site. It's very hard to get someone permanently banned, it is very difficult to contact the company directly as it is based overseas. I don't do it anymore. It's hard to bring a racial vilification complaint because I don't know the identity of the people who abuse me and the company is based overseas.

There's no help and you don't know what to do, there is no support. It's giving me mental problems. All I want to do is chat and have a good time.

¹⁶² Jumbunna Institute, [Call it Out Racism Register 2024-25](#), p 38.

¹⁶³ Fiona Allison, Chris Cunneen, Beck Lewis and Ayse Selcuk, *'Everywhere I go no matter where, if it's around non-Indigenous people I feel a hate vibe.'* [The Call It Out Racism Register 2024-25](#) (2025), p 15.

¹⁶⁴ Tyson's experience is extracted from our previous submission to the Victorian Parliamentary Inquiry into Anto-Vilification. See VALS and Victoria Legal Aid, [Submission 50](#) to Inquiry into Anti-Vilification Protections (31 January 2020), p 19.

2.2.3 The extended reach and emboldened nature of online racism increase the harm and impact experienced by Aboriginal people

Online platforms have increased the reach and frequency of interpersonal racism experienced by Aboriginal people, which has in turn increased the harm experienced by Aboriginal communities. **Part 2.1.3** examines the impact and harm caused by interpersonal racism, including as a result of online racism. This part identifies some additional impacts which relate specifically to online racism.

The pervasiveness of the internet and social media in contemporary society, means that it can be challenging to create and protect culturally safe online spaces. This is particularly concerning for children and young people, who can be exposed to horrific racism online. Whilst parents and extended family can seek to protect Aboriginal children and young people from racial attacks taking place in person, including by choosing to spend time in culturally safe spaces with mob; it is harder to protect these spaces in an online environment.

Online racism can provoke and encourage offline incidents of violence and harm. The anonymity of the internet means that racism is emboldened and can easily escalate into in-person interpersonal racism, as well as physical harm. For example, Call It Out have received reports of physical violence against Aboriginal people which was preceded by a build-up of online hate speech encouraging racialised violence.¹⁶⁵

One of the primary mechanisms used by Aboriginal leaders and organisations to address online racism, is to disable the comment function on social media accounts. This has been the experience of VALS (as detailed further below). However, this means that everyone is silenced - including both supporters and attackers. It is not acceptable that Aboriginal organisations are forced to silence those who wish to celebrate and support Aboriginal culture, in order to avoid a barrage of racist attacks.

Case Study – VALS’ experience of online racism

VALS has several accounts with social media platforms, including Facebook, Instagram and LinkedIn. We have also previously had a TikTok account. We regularly receive racist comments on our social media posts, and in most circumstances are able to monitor these on a case-by-case basis, but have to turn comments off on platforms like Facebook on occasion. We do not want to silence the Aboriginal community and our supporters, but we also need to protect our staff and community members who follow us from being subjected to such harm. Online engagement is a key avenue for VALS, and ACCOs generally, to engage with Aboriginal communities across Australia.

¹⁶⁵ Fiona Allison, Chris Cunneen, Beck Lewis and Ayse Selcuk, *‘Everywhere I go no matter where, if it’s around non-Indigenous people I feel a hate vibe.’ The Call It Out Racism Register 2024-25* (2025), p 26.

Example 1.

In December 2025, we experienced an overwhelming racist response to a post on Facebook relating to Aboriginal deaths in custody. The post was in relation to the 33 Aboriginal people who had passed away in custody in 2024 and 2035. This was the highest number of Aboriginal deaths in a reporting year since the Royal Commission into Aboriginal Deaths in Custody in 1991.

We have not reproduced the comments as they are abhorrent and harmful, drawing heavily on racist and false narratives such as: Aboriginal people should stop breaking the law and deserve to be locked up, Aboriginal people only have themselves to blame, more deaths means less mouths to feed, they all get handouts, they are all locked up for child abuse and domestic violence, there aren't any full-blooded Aboriginal people in Victoria anyway. After receiving over 200 comments overnight, we were forced to disable the comments function on our Facebook page. This response was necessary to mitigate the harm caused by these comments; but it is not a sustainable solution.

Example 2.

Other VALS posts have received horrific racist commentary, including a post about regressive criminal laws passed in Victoria in 2025. This included including laws that introduced life sentences for children.

Since this experience in December 2025, we have enabled comments on our Facebook page once again, and in most cases we are able to manage the comments section so that only restricted profiles and pages are able to comment.¹⁶⁶ However, we monitor our social media accounts closely and disable the comments function in relation to any post that we think may attract racist comments, such as Invasion Day posts.



¹⁶⁶ We manage the comments section by only allowing “pages and profiles you mention” to be able to comment. This is a function in Facebook.

2.2.3 Government websites participate in online racism

In contrast to the approach of many Aboriginal organisations, we are aware of both Government and non-Government organisations that have hosted racist content on their websites or social media pages, without taking appropriate action.

For example, in April 2026, racist commentary was posted on the Facebook page of the West Australian Police Force, in response to a police post about an Aboriginal man who was missing. The racist comments were not removed for 4 days, and only after the ABC asked questions as to whether anyone was monitoring the comments.¹⁶⁷

Allowing racist content to remain on a website is yet another example of systemic racism, and the way that institutions (both Government and non-Government) are so deeply imbued with racism that they are not adequately equipped to respond to hate speech.

2.3. The effectiveness of avenues for reporting and responding to interpersonal racism

There are several legal avenues for responding to interpersonal racism in Victoria, however the current framework continues to be marred by challenges that impact our client's health and wellbeing, including long delays and ineffective outcomes. In addition to the *Racial Discrimination Act 1975* (Cth) discussed above, we also advise clients on making a legal claim under the *Equal Opportunity Act 2010* (Vic). Violent racism may constitute a criminal offence under the *Crimes Act 1958* (Vic) if it meets the threshold of a hate crime.

In instances where interpersonal racism is harder to prove because the evidence isn't as clear, we also advise clients on submitting a complaint to the eSafety Commissioner, the Victorian Ombudsman, or a sector specific body such as the Health Complaints Commissioner, the Mental Health and Wellbeing Commission, or the IBAC.

2.3.1 Aboriginal people are not supported when reporting racism

The Australian public – and particularly commercial media – does not respond well to being called out as racist. When Aboriginal people fight back against interpersonal racism, they are often labelled as troublemakers, that they can't take a joke and are demonised for daring to challenge the status quo. There are several high-profile examples of this, including the horrific treatment of Stan Grant and Adam Goodes, who publicly called out racism and were horrifically hounded by individuals, politicians and the right-wing media.

Institutional responses to interpersonal racism are often inappropriate, and instead of dealing with the core issue, individuals are pushed further into a system that is entrenched with systemic racism. The text box below describes the experience of our client who was subjected to interpersonal racism in a school setting over a prolonged period. The racism was not addressed despite Child Safety Standards, which require that schools establish culturally safe environments and adopt measures to ensure that racism in schools is identified, confronted and addressed with appropriate consequences.¹⁶⁸ When our client eventually reacted, they were

¹⁶⁷ Mietta Adams, 'WA police stands by moderation strategy despite racist comments on social media posts' *ABC News* (Online, 16 April 2026).

¹⁶⁸ The Child Safety Standards are set out under the *Child Wellbeing and Safety Act 2005* (Vic) and specifically adapted for schools by virtue of a Ministerial Order. See Minister for Education (Vic), *Ministerial Order No 1359: Implementing the Child Safe Standards — Managing the Risk of Child Abuse in Schools and School Boarding Premises* (Ministerial Order, 31 January 2022).

punished by having a PSIO taken out against them; whilst the perpetrator of the racist comments received no consequences.

Balit Ngulu client punished for standing up against racism

Our client was an Aboriginal student at a high school in Melbourne. A non-Aboriginal student at school started harassing our client online and at school with racist comments. The racism continued and escalated.

After being harassed and bullied by the other student, our client was eventually pushed to the point where they responded and physically lashed out whilst at school. The school called Victoria Police, who didn't charge or caution our client due to their age. The other student's mother was not satisfied with the outcome, so she applied for a PSIO on behalf of her child, against our client. Ultimately, after months of advocacy and contesting the order, the Magistrate ruled in favour of the applicant and made a final PSIO at a contested hearing.

Our client was bullied, harassed and exposed to racism for a protracted period, yet it was not the perpetrator of the bullying that was punished – it was our young client who was punished.

The Yoorrook Justice Commission heard extensive evidence regarding racism in schools and the inadequacy of existing regulatory and oversight mechanisms to deal with this issue. In particular, Yoorrook noted poor accountability mechanisms, poor data and transparency infrastructure, and inadequate reflection of the principles of First Peoples self-determination in education.¹⁶⁹

Another prominent example of inadequate responses to interpersonal racism is the treatment of members of the Fitzroy Stars Netball and Football Club in early 2026.

Interpersonal and systemic racism experienced by Fitzroy Stars Netball Club¹⁷⁰

In February 2026, members of the Fitzroy Stars Netball Team experienced interpersonal racism on the field, including an opposing non-Aboriginal player making monkey noises and imitating a gorilla beating its chest towards Aboriginal players.

Following the incident, an umpire from the Northern Football Netball League (NFNL) referred the matter to the NFNL's independent tribunal, which did not substantiate the charge.

The young Aboriginal players described the Tribunal process as humiliating and dehumanising for a number of reasons, including that:

- The three players from Fitzroy Stars were separated and were not allowed to have a support person from their club present. In contrast, the opposing player was allowed to have a support person from their club.
- The opposing player was allowed to cross-examine the players from Fitzroy Stars, but the Stars players were not allowed to be present or cross-examine the opposing player when they gave evidence.

¹⁶⁹ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 43.

¹⁷⁰ See: ABC Radio, *Netball players at Aboriginal-led club Fitzroy Stars feel 'hurt' and 'dehumanised' after racist on-court incident* (Radio Broadcast, 25 February 2026); and Jarred Cross, *'Everybody knew that person had done it, and she got off' - Fitzroy Stars left traumatised after racism complaint delivers no consequences* *National Indigenous Times* (Online, 26 February 2026).

- The Fitzroy Stars players were required to reenact the racist conduct multiple times in front of the Tribunal, which was composed of an all-white male Board.

Aunty Esme Bamblett provided comment to the media describing how the club and players have experienced many incidents of racism over the years, and that there is an urgent need for systemic change, both within the culture of the NFNL, as well as the Tribunal process.

The Club organised a peaceful protest at the La Trobe Sports Stadium the week following the incident.



Racism in sport was a key concern raised throughout our Community Engagement, including from parents of children and young people who were subjected to interpersonal racism on the field or court. One example involved a community member from an Aboriginal Netball Club in Melbourne who challenged racial abuse and physical violence by a non-Aboriginal player against an Aboriginal teenager on the court. Initially, Netball Victoria supported the perpetrator and were not willing to address the racism. However, by invoking the Child Safety Standards and framing racism as a child safety issue, the incident was eventually taken seriously.

As the case studies and community experiences throughout our submission show, better responses to racism within schools and sporting environments is urgently needed to protect Aboriginal people, including our children and young people, from the harms of interpersonal racism.

RECOMMENDATIONS

Sport

Recommendation 25. As recommended by the AHRC, Australian governments should fund public awareness and education on anti-racism for the community sporting sector, in partnership with the Australian Sports Commission.¹⁷¹

¹⁷¹ AHRC, *The National Anti-Racism Framework* (2024), recommendation 33.

School

Recommendation 26. As recommended by the Yoorrook Justice Commission, Australian Governments should work with respective Aboriginal communities to develop Cultural Safety Frameworks for schools that include:

- An anonymous reporting mechanism for racism and breaches of cultural safety;
- Actions and measures for compliance;
- Data collection analysis and public reporting;
- Governance, oversight and accountability mechanisms;
- Sanctions for breaches; and
- Ongoing evaluation and improvement processes.¹⁷²

Recommendation 27. Police should cease the inappropriate use of PSIOs as a behaviour management tool for Aboriginal children in schools.

Recommendation 28. As recommended by the AHRC, Australian governments should fund a holistic cultural safety and anti-racism review of existing policies and practices that affect staff and students in primary and secondary schools, through consultation with children and young people. The findings must inform the development and implementation of cultural safety and anti-racism reforms.¹⁷³

Recommendation 29. As recommended by the AHRC, Australian governments should commission and fund comprehensive mandatory professional development for primary and secondary school staff (including leadership staff members) to build schools' capacity to identify, prevent, and manage incidents of racism and develop the skills, tools, and capability to have discussions about racism and its effects in contemporary Australia.¹⁷⁴

2.3.2 The *Racial Discrimination Act is 1975 (Cth)* is not effective

As discussed in **Section 1.2.2**, the RDA is not an effective tool for addressing systemic or interpersonal racism. The reasons for this include: a long and drawn-out legal process often resulting in negative impacts for the health and wellbeing of our clients; high evidentiary threshold meaning that racism is often hard to prove; unequal power dynamics (particularly in the case of systemic racism); and the risk of causing further harm and trauma in the case of a negative outcome.

For these reasons, the RDA should be amended to impose a positive duty to eliminate racial discrimination, as recommended by the AHRC.¹⁷⁵ As noted above, this is the approach taken under the *Sex Discrimination Act 1984* (Cth), and has also been recommended as a necessary reform in relation to disability discrimination legislation. Imposing a positive duty would help to shift the burden from individuals who experience racism and ensure that mechanisms are put in place to prevent racism occurring in the first place.

¹⁷² Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), recommendation 50.

¹⁷³ AHRC, *The National Anti-Racism Framework* (2024), recommendation 27.

¹⁷⁴ AHRC, *The National Anti-Racism Framework* (2024), recommendation 28.

¹⁷⁵ AHRC, *The National Anti-Racism Framework* (2024), recommendations 10 and 11.

2.3.2 Victoria's anti-vilification legislation does not fully compensate for federal shortcomings

In Victoria, civil complaints can also be made under the *Equal Opportunity Act 2010 (EOA)*, including to VEOHRC or the Victorian Civil and Administrative Tribunal (**VCAT**). The EOA is a stronger legal framework than the RDA for a number of reasons; however, it is still not ideal and should be significantly strengthened. Negotiated outcomes from a EOA claim can include financial compensation, an apology and/or a commitment by the organisation to implement cultural safety training for staff.

Anti-vilification laws in Victoria were amended in April 2025, and these changes have just come into effect in April 2026, including:¹⁷⁶

- A new harm-based test for public conduct (including online conduct) that is hateful, seriously contemptuous, reviling or severely ridiculing of a protected attribute,
- A modified incitement-based protection for public conduct (including online) that is likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of a protected attribute (e.g. race, disability, gender),
- Complaints can be submitted on the basis of one or more attribute, to reflect the compounding and intersectional nature of racism and discrimination,
- Complaints to VEOHRC and VCAT can be submitted by a representative body, on behalf of a person.

As a result of these changes, vilification is unlawful in Victoria if a person engages in public hate and hateful behaviour, or encourages others to hate, because of a person or group's protected characteristic (disability, gender identity, race, religious belief, sex, sex characteristic and sexual orientation) or personal association with someone who has one of these protected characteristics.¹⁷⁷

Although these changes are a step in the right direction, the reform process missed key opportunities to strengthen the law, including by creating a positive duty to prevent vilification (as discussed above in relation to the RDA).

VALS continues to call for additional amendments to the EOA, in order to provide effective legal responses to individuals who experience racism, and to support broader systemic change. Key changes required include:

- Introduce a positive duty for organisations to take reasonable and proportionate steps to prevent vilification, as is currently the case for discrimination, sexual harassment and victimisation matters under the EOA.
- Expand the powers of the VEOHRC to: make orders and issue remedies in response to claims (including to address systemic issues); direct any person to provide information to assist with identifying the person who is believed to have engaged in vilification; prevention and investigation powers for vilification matters.
- Ensure that power dynamics are considered within vilification matters, by: amending the relevant legal tests to include consideration of the context (social, historical and

¹⁷⁶ *Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Act 2025 (Vic)*. The Act repealed the *Racial and Religious Tolerance Act 2001 (Vic)*, inserted stronger civil and criminal protections into the *Equal Opportunity Act 2010 (Vic)*, and introduced new criminal offences into the *Crimes Act 1958 (Vic)*.

¹⁷⁷ *Equal Opportunity Act 2010 (Vic)* ss. 102D and 102E.

political) and power dynamics (the status and position of the speaker and person with the protected attribute); and explicitly acknowledging that the EOA provides protection for cohorts of Victorians who experience systemic injustice and structural oppression.

RECOMMENDATION

Recommendation 30. The Victorian Government should strengthen the *Equal Opportunity Act 2010* (Vic) by:

- Introducing a positive duty for organisations to take reasonable and proportionate steps to prevent vilification, as is currently the case for discrimination, sexual harassment and victimisation matters under the EOA.
- Expanding the powers of the VEOHRC to:
 - make orders and issue remedies in response to claims (including to address systemic issues)
 - direct any person to provide information to assist with identifying the person who is believed to have engaged in vilification
 - prevention and investigation powers for vilification matters.
- Amending the relevant legal tests to include consideration of the context (social, historical and political) and power dynamics (the status and position of the speaker and person with the protected attribute); and explicitly acknowledging that the EOA provides protection for cohorts of Victorians who experience systemic injustice and structural oppression.

2.3.3 Hate crime law effectiveness and overlap with other offences

The *Criminal Code 1995* (Cth) makes it a criminal offence to advocate or threaten violence against a targeted group, members of targeted groups or their close associates.¹⁷⁸ Under these provisions, a ‘targeted group’ is a group distinguished by race, religion, nationality, national or ethnic origin or political opinion. ‘Close associates’ are defined as close family members of all groups, and for people with disability, their carers or assistants.

The effectiveness of these laws in protecting Aboriginal people is unclear. As identified by the AHRC Anti-Racism Framework, data on hate crimes and perpetrators of racism is limited.¹⁷⁹ As a starting point, there is a clear need for national reform and leadership to consolidate data collection across states and territories to understand the effectiveness of these laws and any need for reform.

As discussed further in **Part 3**, neo-Nazi extremists were not charged with hate crimes or terrorism for the violent attack at Camp Sovereignty. They were instead charged with crimes of violence and affray. This indicates that racially motivated violence is underreported and under-recognised in law enforcement statistics, and that racial motivations are under-addressed by the criminal legal system. Strong law enforcement data is necessary to target social policy responses, and recognising racial motivations within legal responses assists by allowing agencies to hold people to account and appropriately condemn those motivations.

¹⁷⁸ *Criminal Code 1995* (Cth), ss. 80.2A, 80.2B, 80.2BA, 80.2BB.

¹⁷⁹ AHRC, *The National Anti-Racism Framework* (2024), p 33.

2.3.5 Online safety measures are not working

In addition to the avenues identified above, people who experience racism on social media platforms can also make a complaint directly to the platform, or to the eSafety Commissioner.

Facebook, which is owned by Meta, is frequently identified as one of the prolific platforms for online racism. Research by the eSafety Commissioner and other international partners found that in 2019, Facebook was identified as the most common online platform for online hate speech.¹⁸⁰ This has also been the experience of VALS, and of Aboriginal employees working at VALS, primarily because Meta has insufficient mechanisms to manage racism on its platform. Even when Facebook users submit a complaint to Meta, racist commentary is often deemed not to breach Facebook's community standards.¹⁸¹

Online racism against the First Peoples' Assembly of Victoria

In 2023, the First Peoples' Assembly of Victoria (FPAV) reported a significant increase in racist abuse and hatred after Federal Opposition Leader Peter Dutton announced that his party would campaign for a No vote in the Federal Referendum on a Voice to Parliament.¹⁸² This conduct ranged from a handful to hundreds of comments each week, including deeply offensive racial slurs.

FPAV submitted a complaint about the racist comments to Meta, but these comments were deemed not to breach the community standards and no action was taken towards the users.¹⁸³

The Co-Chair of FPAV then met with Meta to discuss their concerns and received an inadequate response. They then launched an Open Letter to Facebook and an online petition, denouncing Facebook's "pissweak policies" and calling on Facebook to do better.¹⁸⁴ VALS supports this petition and stands alongside Aboriginal organisations and Aboriginal leaders in calling for Facebook to do better.

In addition to submitting a complaint to the social media platform, individuals who experience racism online can submit a complaint to the Federal eSafety Commissioner. VALS Civil and Human Rights Practice often recommends that clients submit a complaint to the eSafety Commissioner, particularly in instances where the evidence available is not strong enough to support a complaint under the EOA or the RDA.

The Commission was established in 2015 and is responsible for the implementation and enforcement of the *Online Safety Act 2021* (Cth), which streamlined previous online safety

¹⁸⁰ 58% of respondents identified hate speech taking place on Facebook, compared to 14% of complaints taking place via Instagram and 8% of Twitter. See eSafety Commissioner (in partnership with netsafe and UK Safer Internet Centre), *Online Hate Speech: Findings from Australia, New Zealand and Europe* (2019), p 12.

¹⁸¹ Facebook's community standards (last amended in January 2025) define "Hateful Conduct" as "direct attack against people – rather than concepts or institutions – the basis of what we call protected characteristics: race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease." The standards indicate that the following will be removed: dehumanising speech, allegations of serious immorality or criminality, and slurs, harmful stereotypes (defined as dehumanising comparisons that have historically been used to attack, intimidate or exclude specific groups, and that are often linked with offline violence), serious insults, expressions of contempt or disgust, swearing and calls for exclusion or segregation when targeting people based on protected characteristics. Meta, Community Standards, [Hateful Conduct | Transparency Centre](#)

¹⁸² Declan Brennan, '[Meta refuses remove anti-Indigenous racist content despite complaints](#)' *National Indigenous Times* (Online, 23 August 2023).

¹⁸³ Jack Latimore, '[Meta rules online racism against Indigenous people meets community standards](#)' *The Age* (Online, 23 August 2023).

¹⁸⁴ First Peoples Assembly of Victoria, '[Join First Peoples in telling Facebook to do better when it comes to racist trolls](#)' (Online Petition, 25 May 2023).

legislation. The Commissioner can investigate complaints and has legal powers to stop, remove and limit the impacts of illegal, harmful, abusive and restricted online content.¹⁸⁵

Although the eSafety Commissioner may be able to provide support in some instances, there are also limitations to the role and powers of this office under the current Act. In 2024, the *Online Safety Act 2021* (Cth) was reviewed, with a number of key recommendations to improve accountability for online platforms.

Although this is not an area of expertise of VALS, we support key recommendations from the Review, including the introduction of a duty of care that encompasses due diligence.¹⁸⁶ As recommended by the Review, online platforms should have a duty of care to protect against harms, including harms to mental and physical wellbeing including threats to harm or kill, or attacks based on a person or group of people’s protected characteristic, including race.¹⁸⁷

RECOMMENDATION

Recommendation 31. As recommended by the Review of the *Online Safety Act*,¹⁸⁸ online platforms should have a duty of care to protect against harms, including harms to mental and physical wellbeing including threats to harm or kill, or attacks based on a person or group of people’s protected characteristic, including race.

2.4. Effective measures to combat interpersonal racism

Given the extent and prevalence of interpersonal racism across Australian society – including in public domains such as the Commonwealth Parliament and mainstream media – it is clear that extensive cultural and social change is required on all fronts to combat this form of racism.

In addition to strengthening existing legal frameworks, as discussed in **Part 2.3**, there is an urgent need to increase people’s understanding of Aboriginal culture and history, through national truth telling is critical, as well as significant reforms to the Australian education curriculum.

2.4.1 Eliminating racism through education

It is widely accepted that education is a critical tool for addressing racism at all levels, including interpersonal racism.¹⁸⁹ Conversely, it is clear that the Australian education system has intentionally perpetuated deep-seated racism within Australian society. Not only has the curriculum silenced the dark truth about Australia’s invasion/colonisation, and overlooked the richness, diversity and strength of Aboriginal cultures and histories; it has also reinforced negative stereotypes and deficit narratives about Aboriginal communities.

Although the Victorian curriculum has been progressively reformed over the past two decades, there is still a long way to go to ensure that future generations can fully appreciate the impacts of invasion/colonisation, and that Aboriginal students can see their identities, cultures, and knowledges reflected in the curriculum.¹⁹⁰ According to Yoorrook, “It is shameful that the

¹⁸⁵ eSafety Commissioner, *What we do* (Webpage, accessed 21 Amy 2026).

¹⁸⁶ Delia Rickard PSM, *Report of the Statutory Review of the Online Safety Act 2021* (2024), recommendation 4.

¹⁸⁷ Delia Rickard PSM, *Report of the Statutory Review of the Online Safety Act 2021* (2024), recommendation 5

¹⁸⁸ Delia Rickard PSM, *Report of the Statutory Review of the Online Safety Act 2021* (2024), recommendations 4 and 5.

¹⁸⁹ See for example, AHRC, *The National Anti-Racism Framework* (2024), p 26-27.

¹⁹⁰ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 132-150.

Victorian curriculum still does not tell the full story of Victoria’s history and that many educators remain ill-equipped to teach compulsory curriculum to the required stand.”¹⁹¹

In their evidence to the Yoorrook Justice Commission, Reconciliation Victoria noted the critical relationship between education and truth-telling in transitioning “education from being a structure of colonisation towards an enabler of reconciliation.”¹⁹² VALS supports the following changes identified by the Yoorrook Justice Commission to support this transition:

- Further reform curriculum content;
- Address inconsistency in delivery of content, including through mandatory and ongoing cultural competency and anti-racism training;
- Enhance strengths-based and trauma-informed teaching;
- Increase the number of schools teaching an Aboriginal language (currently only 37 out of 1566 schools in Victoria);
- Decolonise school libraries;
- Ensure regulators have cultural capability.¹⁹³

Many people in Australia today continue to be informed about Aboriginal people and cultures by their racist schooling; and there is an urgent need for this to change. As noted by the Yoorrook Justice Commission, “It is every Victorian’s responsibility to learn the truth. Curriculum reform will ensure racist narratives are challenged, cultural safety is promoted, and that First Peoples students are more empowered. A comprehensive curriculum will have benefits for all Victorians.”¹⁹⁴

RECOMMENDATIONS

Recommendation 32. In partnership with Aboriginal communities, Australian governments should overhaul curriculum content, teaching materials, teaching standards and staff training, to ensure that the education system is teaching a truthful, strengths-based account of invasion/colonisation and the diversity, strength and resilience of Aboriginal communities, including by:

- Directing the relevant regulatory authorities (e.g. the Curriculum/Assessment Authority and the Registration/Qualifications Authority) to implement mandatory cultural competency standards;
- Auditing the curriculum to include Aboriginal perspectives across all learning areas from Prep to Year 12;
- Incorporating anti-racism resources, focusing on recognising and rejecting racism;
- Ensuring that all staff in schools (including teachers, management and school staff) are culturally competent, including by supporting schools with training, guidelines and resources; employee Aboriginal people to lead teacher training on curriculum day; mandate ongoing cultural competency and anti-racism training (including through planning days);
- Setting targets for school libraries to audit and decolonise library collections;

¹⁹¹ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 150.

¹⁹² Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 139.

¹⁹³ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 132-150.

¹⁹⁴ Yoorrook Justice Commission, *Yoorrook for Transformation – Volume 3* (2025), p 150.

- Investing in high-quality Aboriginal-authored teaching materials.¹⁹⁵

Recommendation 33. Australian governments should work with Aboriginal communities to design and implement a national public awareness campaign to address racism against Aboriginal people.

2.4.2 Systemic reforms

Given the interrelated nature between systemic and interpersonal racism, the recommendations from systemic reform in **Part 1.3** are equally effective and relevant as mechanisms for preventing interpersonal racism.

PART 3. IDEOLOGICALLY MOTIVATED EXTREMISM

This Part outlines how extremism directed at Aboriginal people poses a direct and growing threat to our lives and wellbeing. **Part 3.1** outlines the nature and threat of extremism directed at Aboriginal people; its current manifestations in actions by neo-Nazis and radicalised lone actors; as well as how extremism is under-recognised in current reporting and data frameworks.

Part 3.2 highlights that extremism is inconsistently addressed by law enforcement and inadequately prevented by current legal and policy settings, which operate with discriminatory effect and are overly reliant on carceral and reactive measures. **Part 3.3** outlines that it is the role of government and law enforcement to address these failures and take steps to properly address extremism directed at Aboriginal people.

Part 3.4 provides recommendations for addressing extremism directed at Aboriginal people – noting that it must go beyond incremental legal reform; requires structural, cultural and institutional change; and must be grounded in the lived experiences of Aboriginal people, and informed by principles of equality, self-determination and human rights.

3.1. The nature, prevalence and impact of ideologically motivated extremism

3.1.1 Nature – Extremism directed at Aboriginal people

Ideologically motivated extremism ‘denotes support for violence to achieve political outcomes or in response to a specific political or social grievance. It includes nationalist, racist, anarchist, misogynist and revolutionary motivations, and grievances related to a specific issue’.¹⁹⁶ We note that VALS refers to ideologically motivated extremism as extremism for the purposes of this submission.

Extremism directed at Aboriginal people has historically been perpetuated by both colonial State and non-State actors. For 250 years, settlers and colonial governments massacred, injured and abducted Aboriginal people and destroyed our sacred sites while perpetuating a genocide on us¹⁹⁷ motivated by ideologies of racism, settler-nationalism white supremacy and colonialism. Extremism against Aboriginal people can represent a spectrum of activity ranging from

¹⁹⁵ This recommendation aligns with recommendations 51 - 54 in: Yoorrook Justice Commission, [Yoorrook for Transformation – Volume 3](#) (2025), p 152-153.

¹⁹⁶ Australian Security Intelligence Organisation, [A Safer Australia Australia’s Counter – Terrorism and Violent Extremism Strategy 2025](#) (2025), p 6.

¹⁹⁷ See: Yoorrook Justice Commission, [Yoorrook: Truth Be Told](#) (2025); and “[The Killing Times: A Massacre Map of Australia’s Frontier Wars](#)” *The Guardian* (Online).

interpersonal racism and hate speech, to organising white supremacist extremist movements, to actual physical violence.

The most prominent examples of extremism experienced by Aboriginal people in recent years have been by non-State extremists with racist, white supremacist, settler-nationalist ideologies, including neo-Nazis and ‘lone actors’ falling under the umbrella of right-wing extremism.¹⁹⁸ This has included to two violent attacks:

- On 31 August 2025, a group of approximately 40 men, including members of a known neo-Nazi group, attacked Aboriginal people and allies at Camp Sovereignty in Naarm¹⁹⁹ after a white-supremacist anti-immigration rally. The neo-Nazi group was chanting “white power”, “white man’s land” and the N word as they bashed Aboriginal people and allies. Four people required medical attention, including two women who went to hospital, one having sustained head injuries from being beaten with a metal pole while resisting the attack.²⁰⁰
- On 26 January 2026, there was an attempted massacre of Aboriginal people and allies at an Invasion Day/Survival Day/Day of Mourning rally in Boorloo. A white man, motivated by white supremacist ideologies, threw a homemade bomb into a group of Aboriginal people, including our Elders and children. Thankfully it did not detonate, but if it had, it would have been a mass-casualty event.²⁰¹ Western Australian Police Commissioner Col Blanch has stated that the accused’s internet history revealed he had ‘self-radicalised’ online by ‘pro-white, male pro-white material’.²⁰²

The Australian Security Intelligence Organisation (**ASIO**) has reported racist extremists are seeking to incite a ‘race war’²⁰³ and to ‘mainstream’ and expand their movements, including through ‘provocative, offensive and increasingly high-profile acts to generate publicity and recruit’.²⁰⁴ Recent non-physically violent extremist activity directed at Aboriginal people has also included:

¹⁹⁸ In 2021, ASIO officially started using the term ideologically motivated extremism to describe what it had previously referred to as ‘right-wing extremist’. This was to better reflect that not all ideologically motivated extremism is ‘right-wing’ or ‘left-wing’ (see: ASIO, [Submission 7 to Inquiry into Right Wing Extremist Movements in Australia](#) (2024), p 2; and ASIO, [‘Describing violent extremism—why words matter’](#) (Online Resource, accessed 9 May 2024). While VALS agrees with ASIO’s reasoning about the limitations of using the phrase right wing extremism, this submission continues to refer to right wing extremism and nationalist and racist violent extremism for the purpose of citing research and reporting that uses these terms. Research and reporting on these forms of extremism must be considered to understand extremism directed at Aboriginal people. The ‘ethno-nationalist’ strain of right wing extremism is the most relevant form of right wing extremism threatening Aboriginal people.

¹⁹⁹ Colonial name: Melbourne.

²⁰⁰ Carly Williams and Dana Morse, [‘Calls for Inquiry into Camp Sovereignty Attack after Melbourne March for Australia rally’](#) ABC News (Online, 2 September 2025).

²⁰¹ See: Keane Bourke, [‘Why haven’t police labelled Perth’s Invasion Day rally incident terrorism? Here’s what we know’](#) ABC News (Online, 28 January 2026); Lorena Allam, [‘Invasion Day is about Indigenous people’s survival, our resilience. To strike at the heart of that is a hate crime’](#) the Guardian (Online, 7 February 2026); and Declan Brennan, [‘Our lives matter too’: Thorpe moves motion to condemn bomb attack at Invasion Day rally’](#) National Indigenous Times (Online, 3 February 2026).

²⁰² Andrea Mayes and Callum Liddelow, [‘Perth Invasion Day rally attempted bombing declared terrorist act’](#) ABC News (Online, 5 February 2026); and Hannah Murphy, [‘Accused Invasion Day rally terrorist identified suppression order lifted’](#) The Age (Online, 17 February 2026).

²⁰³ See: Nick McKenzie and Joel Tozer, [‘Threat of white-power race war ‘grave concern’ to ASIO, says chief’](#) The Age (Online, 15 August 2021); and ASIO, [Submission 7 to Inquiry into Right Wing Extremist Movements in Australia](#) (2024), p 3.

²⁰⁴ ASIO, [Corporate Plan 2025-29](#) (2025), p 2; and ASIO, [A Safer Australia Australia’s Counter – Terrorism and Violent Extremism Strategy 2025](#) (2025), p 10.

- Neo-Nazis harassing Aboriginal people by boo-ing their Welcome to Country at ANZAC Day Ceremonies in Naarm in 2025 and 2026,²⁰⁵ and in Gadigal in 2026,²⁰⁶
- Neo-Nazis staging demonstrations, such as holding up a sign with a racial slur at Northland Shopping Centre in June 2025²⁰⁷ and marching the streets of Naarm,²⁰⁸
- Neo-Nazis intimidating people at Invasion/Survival Day rallies,²⁰⁹ appearing as speakers in March for Australia rallies,²¹⁰ and ‘infiltrating’ rallies organised to support a racist ‘no’ vote at 2023 Referendum events for what was suspected to be publicity and recruitment purposes;²¹¹
- Intimidating and harassing Gunnai, Gunditjmara and Djab Wurrung independent Senator for Victoria, Senator Lidia Thorpe;²¹²
- Radicalisation and recruitment activity including letterboxing homes,²¹³ posting recruitment stickers in public places,²¹⁴ setting up ‘Active Clubs’ and boxing events,²¹⁵ social media activity and general use of digital platforms to recruit, radicalise and disseminate mis- and dis-information;²¹⁶ and
- Neo-Nazi groups attempting to weaponize democratic institutions to by attempting to set up political parties to spread extremist values and agendas.²¹⁷

We refer the Committee to the final reports of recent Victorian,²¹⁸ federal,²¹⁹ New South Wales²²⁰ inquiries into right-wing extremism for further relevant background as to the nature of extremism directed at Aboriginal people. This Inquiry should add to the findings of these previous inquiries with greater analysis of the nature, impact and threat of extremism impacting Aboriginal people

²⁰⁵ Sherryn Groch, ‘[Neo-Nazis quietly forming a political party to try to get around the law](#)’ *The Age* (Online, 27 April 2025); Ashleigh McMillan, Brittany Busch and Sherryn Groch, ‘[Boos mar Melbourne’s Anzac Day dawn service](#)’ *The Age* (Online, 25 April 2026); and [Neo-Nazis’ boo Welcome to Country address at Melbourne Anzac Day dawn service](#), ABC News (Online, 25 April 2025).

²⁰⁶ Clementine Cuneo, ‘[Man accused of booing at Anzac Day dawn service Welcome to Country in Sydney identified](#)’ *7 News Australia* (Online, 29 April 2026).

²⁰⁷ Declan Brennan, ‘[Cowards”: Premier slams neo-Nazi banner in Melbourne](#)’ *National Indigenous Times* (Online, 3 June 2025).

²⁰⁸ Global Project Against Hate and Extremism, [Recruitment Surges as Neo-Nazis Fill the Streets of Melbourne](#), (Media Release, 9 August 2025).

²⁰⁹ Eva Blandis, ‘[SA Police arrest 16 neo-Nazis after march in Adelaide’s CBD](#)’ *ABC News* (Online, 26 January 2025).

²¹⁰ [March for Australia organisers tried to recruit people to Neo-Nazi party](#)’ *ABC News* (Online, 26 January 2026); *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report, 2026)*, [1.5].

²¹¹ Victorian Government, [Submission 40 to Victorian Inquiry into Right Wing Extremist Movements in Australia](#), (2024), p 10.

²¹² Georgia Roberts, ‘[Senator Lidia Thorpe accuses police of failing to protect her after Neo-Nazi racist abuse](#)’ *ABC News* (Online, 5 October 2025).

²¹³ Daniel Keane, ‘[SA Police investigating racist flyers dispersed by right-wing groups in suburban Adelaide](#)’ *ABC News* (Online, 13 May 2022); Giselle Wakatama, Ben Clifford and Nakita Jager, ‘[White Australia’ flyer letterbox drop in Newcastle sparks police investigation](#)’ *ABC News* (Online, 31 December 2025); A Current Affair, ‘[Far-right extremists target local families in letterbox recruitment drive](#)’ *Nine.com.au* (2024); 9 News Australia, ‘[Letterboxes flooded with neo-Nazi recruitment flyers promoting White Australia](#)’ (YouTube Video, 21 November 2025); Danny Tran and Madi Chwasta, ‘[Leaked records trace path from overseas Neo-Nazi groups to Australia’s emboldened far-right](#)’ *ABC News* (Online, 7 September 2025).

²¹⁴ Clare Armstrong, ‘[Neo-Nazi group banned in Australian under hate laws](#)’ *ABC News* (Online, 15 May 2026).

²¹⁵ Global Project Against Hate and Extremism, [Far-right, White Supremacist Transnational Network of “Active Clubs” Surging](#) (News Report) (26 October 2023); David Estcourt, ‘[Inside the Melbourne boxing gym with a neo-Nazi underbelly](#)’ *The Age* (Online, 24 December 2022); Lexie Jeuniewicz, ‘[Active Clubs and white supremacy groups targeting young men a threat to social cohesion in Australia](#)’ *ABC News* (Online, 3 August 2024); Nick McKenzie and Joel Tzoer ‘[From kickboxing to Adolf Hitler: the neo-Nazi plan to recruit angry young men](#)’ *The Age* (Online, 21 August 2021); and *Inquiry into Right Wing Extremist Movements in Australia (Final Report, 2024)*, [2.69] – [2.79].

²¹⁶ *Inquiry into Right Wing Extremist Movements in Australia (Final Report, 2024)*, Chapter 5; and *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report, 2026)*, [1.40 – 1.52].

²¹⁷ *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report, 2026)*, [1.40 – 1.52]; Jordan Baker and Matthew Knott, ‘[Sanitise, manipulate, infiltrate: inside the neo-Nazis plot for power](#)’ *The Sydney Morning Herald* (Online, 5 November 2025).

²¹⁸ [Inquiry into extremism in Victoria](#) (Webpage, 2022).

²¹⁹ [Inquiry into Right Wing Extremist Movements in Australia](#) (Webpage, 2024).

²²⁰ [Inquiry into Measures to combat right-wing extremism in New South Wales](#) (Webpage, 2026).

specifically, and discussion of Aboriginal and decolonial perspectives on extremism that recognise State violence and racism towards of Aboriginal people as both extremism in itself and/or a root cause of further non-State extremism.²²¹

RECOMMENDATION

Recommendation 34. The Inquiry final report must provide a comprehensive analysis of extremism directed at Aboriginal people that is informed by Australian Federal Police and ASIO intelligence, as well as Aboriginal perspectives that recognise State violence and racism towards of Aboriginal people as extremism and generative of extremism. Supplementary submissions to this Inquiry should be sought if necessary.

3.1.2 Prevalence – Extremism directed at Aboriginal people is resurging but lacks data

It is widely accepted that non-State extremism towards Aboriginal people is resurging with the increased activity by neo-Nazi groups and ‘lone actors’ radicalised by ethno-nationalist right wing extremist activities.²²² However, the prevalence and visibility of extremism directed at Aboriginal people is under-recognised in existing reporting in channels as follows:

- There is no comprehensive or disaggregated dataset measuring extremism directed at Aboriginal people in Australia.
- Intelligence and law enforcement agencies, including ASIO, do not publicly report disaggregated data on extremism directed at Aboriginal people as a distinct category, instead subsuming reporting within broader categories of right wing extremism and nationalist and racist violent extremism.²²³
- Racist and nationalist extremism towards Aboriginal people is likely to be under-reported in legal prosecution data, national security records, and police records because incidents involving violence against Aboriginal people can be prosecuted as ordinary violent offences, rather than recognised as racially motivated hate crimes and/or acts of extremism. For example, attacks on Camp Sovereignty were treated as general violent offences, rather than recognised as hate crimes or extremism despite the clear involvement of neo-Nazi extremists with racist motivations.
- State violence and terror is not conceptualised or investigated as potential racist extremism in government counter terrorism and countering violent extremism strategies and policies, even though it is experienced as such by many Aboriginal people.²²⁴

The under-reporting and/or under-investigation of both State and non-State violence as extremism directed at Aboriginal people should be of serious concern given it obscures the extent of harm, weakens accountability for offenders and law enforcement, emboldens future incidents, and contributes to unequal protection and undermines an effective policy response.

²²¹ See: Chris Cunneen, Antje Deckert, Amanda Porter, Juan Tauri and Robert Webb (eds), *The Routledge International Handbook on Decolonizing Justice* (Routledge, 2023), p xxvii, pp 81-91 and pp 213 – 223.

²²² See: ASIO, *A Safer Australia Australia’s Counter – Terrorism and Violent Extremism Strategy 2025* (2025); *Inquiry into Right Wing Extremist Movements in Australia (Final Report)*, 2024); and *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report)*, 2026).

²²³ See, for example: ASIO, *Submission 7* to Inquiry into Right Wing Extremist Movements in Australia (2024). Note that, right wing extremism and nationalist and racist extremism can include extremism directed at non-Aboriginal people and groups (see, for example, the discussion in *Inquiry into Right Wing Extremist Movements in Australia (Final Report)*, 2024), [1.16 – 1.142]).

²²⁴ See: Chris Cunneen, Antje Deckert, Amanda Porter, Juan Tauri and Robert Webb (eds), *The Routledge International Handbook on Decolonizing Justice* (Routledge, 2023), p xxvii, pp 81-91 and pp 213 – 223.

RECOMMENDATIONS

Recommendation 35. Law enforcement organisation should collect and report data on the prevalence and risk of extremism directed towards Aboriginal people.

Recommendation 36. Police and prosecutors should be trained to recognise racially motivated violent offending as hate crime or terrorism so racial motivations can be tracked and addressed as such.

Recommendation 37. The Commonwealth, in partnership with states and territories, should ensure that racial and ideological motivations are consistently identified and recorded in policing and prosecution procedure and data for violent offences that are not charged as extremism or hate crimes, and reported on to enhance both accountability and the visibility of the problem by:

- Developing national guidelines for identifying and recording racist and hateful motivation in violent offences;
- Embedding consideration of motivation in charging and prosecutorial decisions, guidelines and practices; and
- Ensuring that evidence of racial or ideological context and motivations are clearly articulated and investigated in prosecution, court proceedings, and sentencing submissions.

3.1.4 Impacts on Aboriginal people

Aboriginal people and communities have shown great strength and leadership in their responses to extremism directed at Aboriginal people. Most recently this has been shown by the actions of Noongar leaders who have organised to lobby government in response to the white-supremacist attempted bombing at Boorloo,²²⁵ Veteran and Elder Uncle Ray's response to the boo-ing of his Welcome to Country on ANZAC Day in 2026,²²⁶ and Nyamal woman and community leader Dr Tracy Westerman AM's leadership to counter extremist narratives by sharing the true meaning of Welcome to Country as a gesture of reconciliation (see Facebook post below).²²⁷ This continues a tradition of resistance and strength in the face of settler extremism since colonisation.²²⁸


Dr Tracy Westerman AM's truth-telling about Welcomes to Country as a counternarrative to extremist propaganda

²²⁵ Kirstie Wellauer and Julie Nimmo, [Elders say truth-telling 'critical' to combatting racism after alleged terror attack](#), ABC News (Online, 7 February 2026); and Kirstie Wellauer, [First Nations people say 'silence' on alleged Perth bomb attack weighs heavily](#), ABC News (Online, 31 January 2026); Uncle Herbert Bropho, Uncle Hedley Hayward, Roxanne Moore and Fabian Yarran, ['Critical national importance' - Organisers of Invasion Day rally urge WA Premier to pursue major reforms in wake of attack](#), *National Indigenous Times* (Online, 9 February 2026).

²²⁶ Kris Flanders, ['Veteran's advice after Anzac Day booing: Find your 'warrior spirit''](#) ABC News (Online, 26 April 2026).

²²⁷ Dr Tracy Westerman AM, Facebook Post, 25 April 2026 <https://www.facebook.com/DrTracyWestermanAM/posts/lets-be-precise-about-what-welcome-to-country-actually-is-because-the-people-boo/1523306896467527/>.

²²⁸ See: Chris Cunneen, 'State Terror, Resistance, and Community Solidarity: Dismantling the Police' in Chris Cunneen, Antje Deckert, Amanda Porter, Juan Tauri and Robert Webb (eds), *The Routledge International Handbook on Decolonizing Justice* (Routledge, 2023), p 217. See also: Yoorrook Justice Commission, [Yoorrook: Truth Be Told](#) (2025).

 **Dr Tracy Westerman AM**
25 April at 10:37 · 🌐

Let's be precise about what Welcome to Country actually is — because the people booing clearly don't know.

It is not a welcome to Australia.

It is a Traditional Owner welcoming you onto their specific traditional lands -the country in which they have practiced their traditions including the traditional welcome to other clans— the precise land your feet are standing on. Land that was never ceded. Never signed away. Never surrendered. That welcome was then extended to ALL Australia's. As an act of grace. An act of reconciliation. Every time it's delivered-that's the reason it's delivered.

My mother had to apply for citizenship of the land she was born on. Worked for no wages. Our ceremonies were made illegal. Our children were taken. Our people were massacred on this continent — and the historical record is unambiguous on that. Massacres that are still denied. Not taught in schools.

Indeed our own Prime Minister commemorated the Port Arthur anniversary by describing it as "the worst mass shooting in our nation's history."

Port Arthur was a tragedy. 35 lives. Devastating.

But our nation's worst massacre?

- The Pinjarra Massacre, 1834 — soldiers ambushed Bindjareb Noongar men, women and children on the Murray River, here in Western Australia. Up to 80 killed. The town still carries that name.
- The Slaughterhouse Creek Massacre, NSW, 1838 — 300 people killed. Planned to coincide with a ceremony so numbers would be highest.
- The Coniston Massacre, NT, 1928 — over 60 Warlpiri people shot dead, including children.

Within living memory

Historians have documented over 400 massacres of Aboriginal people between 1788 and 1930. Over 10,000 killed. In those records alone.

And Aboriginal and Torres Strait Islander peoples still served in every Australian conflict since the Boer War. Over 1,000 in WWI. More than 4,000 in WWII. At least 300 in Vietnam. The Torres Strait Islander men had the highest enlistment rate per capita of any group in Australia during WWII — while being paid a fraction of white soldiers' wages. While they couldn't vote. While they weren't counted in the census.

They fought for a country that didn't count them as citizens.

And despite all of it — the removals, the stolen wages, the massacres, the legislation that made us strangers on our own Country — Traditional Owners still extend that 60,000 year old ceremonial welcome to all Australians.




Every single time.

As an act of reconciliation.

And we repay that extraordinary act of reconciliation by booing an Elder at a dawn service.

Welcome to Country isn't divisive. It is one of the most powerful gestures of reconciliation in Australian public life.

The only people who made it political are the ones who told you to boo it.

   28K 2.5K comments 5.7K shares

Despite the leadership, strength and survival of Aboriginal of Aboriginal people in the face of extremist group activity, the impact of white supremacist, settler-nationalist, colonialist and racist extremism since colonisation has caused much physical and non-physical harm including, but not limited to:

- **Death and injury** – historically extremism directed at Aboriginal people has led to genocide.²²⁹ The attack at Boorloo also indicates that current extremism is also capable of resulting in a mass-casualty event.²³⁰
- **Undermining the wellbeing and sense of safety of Aboriginal people** through threats, intimidation and ongoing exposure to violence and hate; and
- **Creating risk for and deterring Aboriginal people's participation in cultural events, protest, and public life**, particularly when coupled with the lack of effective law

²²⁹ Yoorrook Justice Commission, *Yoorrook: Truth Be Told* (2025).

²³⁰ Kirstie Wllauer, 'First Nations people say 'silence' on alleged Perth bomb attack weighs heavily' ABC News (Online, 31 January 2026).

enforcement response to protect Aboriginal people from extremism, as indicated in the quote from Nerita Waight below.

- **Further eroding trust in law enforcement** among Aboriginal people.

The effects of historical and contemporary racist extremism are mutually compounding. Ongoing exposure to racist extremism contributes to intergenerational trauma, perpetuating cycles of disadvantage and mistrust in institutions that Aboriginal people are already experiencing.

Community experience shared with VALS for this submission – Racism during Welcome to Country

Robyn is an Aboriginal woman who lives in Victoria. Robyn was born in Western Australia and has lived in Victoria since she was a young woman. She has family in both Western Australia and Victoria.

As noted above, there has been an increase in instances of people booing and objecting to Welcome and Acknowledgement's of Country, including during ANZAC Service's across Australia this year.

Robyn's cousin delivered the Welcome to Country in Boorloo this year. While delivering the Welcome, racists in the crowd loudly booed and disrupted the Welcome. Robyn's cousin is a returned serviceman who served Australia for many years. Not only was he disrespected as an Aboriginal man that day, but he was also disrespected for his service.

Robyn was deeply hurt by this. She was hurt for her cousin who experienced this, and she was hurt to know that all Aboriginal people who were there and who have heard about what happened will be hurt by this too.

Nerita Waight in the hearing for the Inquiry into the definition of 'terrorist act'

"It is about, well, you know... what do we do? Do we engage in protest where laws may harm us? Or do we engage in NAIDOC celebrations, for example, because we can be putting our community, our people at possible risk? Because we know that it's not going to be adequately policed. We know it's not going to be an adequate response.

We know that we're going to have to wait days, for any, you know, government condemnation of those acts and that means that, communities are living in a place of real fear where they know they will not be considered a perfect victim and they will not have their concerns acted upon, but they feel lost as what to do next.

So that's why I talk about needing to address and needing to complement the law with those non-legislative measures, because we need to tackle these narratives within communities as a whole."²³¹

²³¹ Independent National Security Legislation Monitor, *Review of the Definition of a 'Terrorist Act' in Section 100.1 of the Criminal Code Act 1995* ([Public Hearing Transcript](#), 10 March 2026), p 42.

3.2. The threat posed by ideologically motivated extremism

We note that ASIO's national terrorism threat assessment has been 'probable' since 2024,²³² and the recent terrorist attack in Boorloo shows that extremism directed at Aboriginal people is an actual, active and escalating threat.

Findings from Inquiries into right wing extremism highlight that it threatens to:

- Cause harm and violence to targeted groups;
- Undermine social cohesion by fuelling racism and division between constructed 'in-groups' and 'out-groups' and exploiting people's grievances and vulnerabilities; and
- Undermine liberal democracy and pluralist values, including support for minority rights and representation.²³³

An intersectional assessment of risk in relation to extremism indicates that the threat of extremism is higher for Aboriginal people who belong to other identities and groups that are targeted by extremism. For example, the overlap with between gender-based extremism and racist extremism indicates that the risk of being targeting by extremism activity is likely higher to Aboriginal women.²³⁴ In addition to Aboriginal Communities, right wing extremism targets other culturally diverse communities, religious communities, women, LGBTQIA+ community, and young people.²³⁵

3.3. The role of intelligence and law enforcement agencies responding to ideologically motivated extremism

Intelligence and law enforcement agencies such as ASIO, state and federal police, and governments at all levels, including local, must play a role in responding to extremism. Whether that be in policing and prosecution, legislative reform, monitoring and surveillance of threats, supporting and creating public narratives to counter terrorism, and/or funding and running early intervention and prevention measures.

Regardless of how these bodies describe their role,²³⁶ how legislation proscribes their powers, or how counterterrorism and countering violent extremist experts might describe law enforcement's role, VALS' view is that the best practice role of these agencies must ensure that they:

- Protect all members of the population equitably through an anti-racist counterterrorism and countering violent extremism approach that includes accountability measures to address racism;
- Engage in anti-racist measures within their institutions to prevent state-based extremism;
- Advocate for and/or provide prevention and early intervention measures to address the root causes of racist extremism;

²³² ASIO, [Submission 7](#) to Inquiry into Right Wing Extremist Movements in Australia (2024).

²³³ *Inquiry into Measures to combat right-wing extremism in New South Wales* (Final Report, 2026), p 1; *Inquiry into Right Wing Extremist Movements in Australia* (Final Report, 2024), p 53 - 78; *Inquiry into extremism in Victoria* (Final Report, 2022), pp 35 - 46.

²³⁴ See: University of Melbourne, [Misogyny, Racism and Violent Extremism in Australia \(Policy Brief\)](#) (2024); and *Inquiry into Measures to combat right-wing extremism in New South Wales* (Final Report, 2026), [1.61 – 1.63].

²³⁵ *Inquiry into Right Wing Extremist Movements in Australia* (Final Report, 2024), [4.126]; See also: Dr John Byron, Principal Policy Advisor, Queensland University of Technology, *Committee Hansard*, Parliament of Australia Legal and Constitutional Affairs References Committee, 24 July 2024, p 15.

²³⁶ For example, ASIO's 2025 Counterterrorism and Violent Extremism Strategy outlines their role and approach in responding to extremism. ASIO, [A Safer Australia Australia's Counter – Terrorism and Violent Extremism Strategy 2025](#) (2025).

- Exercise their functions in an evidence-based way, informed by data; and
- Provide mechanisms and collect data to enhance their accountability and effectiveness.

Currently, law enforcement agencies are failing to take an anti-racist approach because they are grounded in systemic racism themselves and fail to recognise white supremacist, settler-nationalist, racist and colonial extremism, as outlined in **Part 3.4** below.

Addressing systemic racism within law enforcement institutions through implementation of recommendations throughout this submission is essential to ensuring intelligence and law enforcement agencies can properly fulfil their role.

3.4. The effectiveness of reporting avenues and responses to ideologically motivated extremism

As observed by counter-terrorism expert Kristy Campion, right wing extremism in Australia has been able to “maintain momentum despite the best efforts of counter terrorism authorities”.²³⁷ The threat this poses to Aboriginal (and non-Aboriginal), people’s lives and wellbeing points to a clear need for effective responses and solutions. This Part outlines the limitations of current responses and ways to reform and strengthen them, and **Part 3.5** outlines additional reform recommendations.

3.4.1 Online platform regulation has limitations in responding to extremism

The Government has provided significant powers to the eSafety Commissioner to regulate hate and extremism online,²³⁸ and criminal offences also target online extremism.²³⁹ Despite this, the eSafety Commission reported in 2025 that there are serious gaps in how the tech industry is tackling terror and violent extremism.²⁴⁰

This is extremely concerning given online platforms have become key mechanisms for the dissemination of hate speech, extremist material, and mis- and dis-information that drives extremism directed at Aboriginal people and causes serious harm.²⁴¹ Extremist groups targeting Aboriginal people are heavily reliant on online platforms for coordination and organisation, propaganda, recruitment and radicalisation.²⁴²

²³⁷ Kristy Campion, ‘*Right-Wing Extremism in Australia: Current Threats and Trends in a Diverse and Diffuse Threatscape*’ (2024) 16(3) Counter Terrorist Trends and Analyses, pp 1 – 6.

²³⁸ For example, the eSafety Commissioner has significant authority under the *Online Safety Act 2021* (Cth) to issue removal and blocking notices, enforce penalties and fines, require compliance reporting from social media platforms. Companies face substantial penalties for non-compliance. The Basic Online Safety Expectations require platforms to proactively reduce harmful content and report on their efforts. Internet service providers can be charged with for extremist content under the Criminal Code. See: eSafety Commissioner, [Submission 28](#) to the Inquiry into right wing extremism movements in Australia (April 2024).

²³⁹ Division 474 Subdivision H, Criminal Code (Cth), internet service providers, content service providers and hosting service providers who fail to notify authorities about Abhorrent and Violent Material (AVM) content on their platforms and who fail to remove it ‘expeditiously’ can also be charged with a strict liability criminal offence. There are also offences relating to violent extremist material and hate symbols. Offences relating to ‘violent extremist material’ such as using a carriage service for accessing, transmitting, soliciting, publishing, or linking to violent extremist material (*Criminal Code* (Cth), s 474.45B). There is also an offence of possession or controlling violent extremist material (*Criminal Code* (Cth), s 474.45C.).

²⁴⁰ eSafety Commission, [eSafety report reveals serious gaps in how tech industry is tackling terror and violent extremism](#) (Media Release, 6 March 2025). eSafety Commission, [Basic Online Safety Expectations Summary of industry responses to mandatory transparency notices addressing terrorist and violent extremist material and activity](#) (March 2025).

²⁴¹ *Inquiry into Measures to combat right-wing extremism in New South Wales* ([Final Report](#), 2026); *Inquiry into Right Wing Extremist Movements in Australia* ([Final Report](#), 2024); *Inquiry into extremism in Victoria* ([Final Report](#), 2022).

²⁴² ASIO, [Submission 7](#) to Inquiry into Right Wing Extremist Movements in Australia (2024), p 3; eSafety Commissioner, [Online extremist movements and radicalism in Australia](#) (Media Release, 29 April 2021); Heather Wolbers, Christopher Dowling, Timothy

The burden of addressing this must not be left to the Aboriginal community to report individual instances of racism through online reporting tools to no avail (as discussed in **Part 2.3.5**). Social media, gaming and other relevant tech platforms must be held accountable for the extremist hate, disinformation and propaganda that is spread on their platforms, and that they profit from through engagement-based advertising. Artificial intelligence platforms must also be regulated as ASIO Commissioner and Tech Against Terrorism have warned that that these platforms are likely to facilitate radicalisation at faster rates.²⁴³

Examples of online methods for preventing radicalisation identified by the Australian Institute of Criminology include:

- Online content detection and removal
- Suspending extremist accounts
- Reducing anonymity
- Counternarratives, alternative narratives and strategic communications
- Education in civics and critical media consumption.²⁴⁴

The Statutory Review of the *Online Safety Act 2021* (Cth) in 2024 made 67 recommendations to designed to enhance the effectiveness of the *Online Safety Act 2021* (Cth) through a 'systems-based' approach to place the burden on online platforms to protect against online harm.

VALS supports the government's commitment to enforcing a Digital Duty of Care²⁴⁵ and its commitment to raising civil penalties that can be imposed on tech companies²⁴⁶ in its recent response to the Statutory Review of the *Online Safety Act 2021* (Cth). However, VALS also encourages the government to build on these reforms and provide sufficient funding to the eSafety Commissioner, as necessary to adapt with evolving threats and technologies.

As highlighted by the inquiries into right wing extremism,²⁴⁷ eSafety Commissioner²⁴⁸ and academics²⁴⁹ there are various limitations of legal and regulatory responses to online extremism, including: prevention gaps; dependence on tech companies (and weak compliance); limited enforcement and investigative powers; heavy reliance on complaints and notices; challenges with encrypted and decentralised platforms; enforcement and jurisdictional limits on global internet; rapid technological change; and the ability to only have a strong response in relation to extreme cases.

While there is an ongoing need to strengthen the legal and regulatory responses to hate and extremism on online platforms, this must operate alongside prevention, education, research and

Cubitt and Chante Kuhn, '[Understanding and preventing internet facilitated radicalisation](#)' in Australian Institute of Criminology, *Trends & issues in crime and criminal justice* No 673 (2023).

²⁴³ See: ASIO Director-General, National Press Club Address 24 April 2024 ([Online](#), accessed 11 June 2024); and Tech Against Terrorism, [Early terrorist experimentation with generative artificial intelligence services](#) (November 2023), p 2.

²⁴⁴ Heather Wolbers, Christopher Dowling, Timothy Cubitt and Chante Kuhn, '[Understanding and preventing internet facilitated radicalisation](#)' in Australian Institute of Criminology, *Trends & issues in crime and criminal justice* No 673 (2023).

²⁴⁵ Australian Government, [Government Response to the Independent Review of the Online Safety Act 2021](#) (14 April 2026).

²⁴⁶ Australian Government, [Government Response to the Independent Review of the Online Safety Act 2021](#) (14 April 2026), p 11.

²⁴⁷ [Inquiry into Measures to combat right-wing extremism in New South Wales \(Final Report, 2026\)](#) and [Inquiry into Right Wing Extremist Movements in Australia \(Final Report, 2024\)](#), Chapter 5.

²⁴⁸ eSafety Commissioner, [Online extremist movements and radicalism in Australia](#) (Media Release, 29 April 2021).

²⁴⁹ Marcus Smith, Mark Nolan and John Gaffey, [Online safety and social media regulation in Australia: eSafety Commissioner v X Corp](#) (2024) 33(1) *Griffith Law Review*, pp 2-18.

industry led initiatives to address the full spectrum of online harms. Best practices adopt a holistic, systemic, and risk-based approach, prioritising prevention over remediation.

Similarly, online regulation must be considered only one part of a comprehensive counterterrorist and countering violent extremism strategy, with government seeking to address offline extremist activity and enablers as well.

RECOMMENDATIONS

Recommendation 38. The Inquiry should examine whether the Government’s response to the Statutory Review of the *Online Safety Act 2021* (Cth) will adequately address online racism, hate, extremism and extremist narratives impacting Aboriginal people.

Recommendation 39. Australian governments must urgently introduce legislation to adopt recommendations from the Statutory Review of the *Online Safety Act 2021* (Cth), and any other reforms necessary to address online extremism as identified through the review process in Recommendation 37 of this submission.

Recommendation 40. Australian governments must continuously review and adapt policy responses for the regulation of online platforms to technological developments and evolving threats.

Recommendation 41. Australian governments must comprehensively fund cyber safety education to help individuals identify and avoid radicalisation through mis- and dis-information and harmful algorithms.

3.4.2 Carceral responses to extremism have significant limitations

Criminalising and penalising certain conduct is an important mechanism for addressing, deterring, and signalling the wrongfulness of extremist conduct. However, current carceral responses to extremism are ineffective at addressing extremism because they operate within a context of systemic racism that fails to recognise and effectively address threats directed at Aboriginal people. The limitations of carceral systems for addressing extremism directed at Aboriginal people are outlined below.

Carceral responses fail to address the root causes and enablers of extremism

White supremacist, settler-nationalist and racist extremism against Aboriginal people is rooted in Australia’s colonial history of dispossession, frontier violence and policies that normalised and sanctioned racism and violence against Aboriginal people.²⁵⁰ These histories created an intergenerational legacy of racism in Australian culture that has not yet been overcome.

Ongoing structural racism and state violence towards Aboriginal people, combined with a limited understanding of Aboriginal history and a lack of truth-telling, makes Aboriginal people vulnerable to discriminatory narratives and scapegoating.

²⁵⁰ Dr Imogen Richards, Dr Maria O’Sullivan, Mr Callum Jones, Mr Cam Smith, Mr Jordan McSwiney, Mr Kurt Sengul, [Submission 30](#) to the Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026), p 4; Aileen Moreton-Robinson *The White Possessive: Property, Power and Indigenous Sovereignty* (2015); and Imogen Richards and Callum Jones, ‘Far-right identitarianism in Australia’ (2023) in José Pedro Zúquete and Riccardo March (eds), *Global Identitarianism* (Routledge, 2023), pp 121-148.

Extremist groups amplify racist stereotypes and narratives, conspiracy theories, and zero-sum and fear-based narratives about Aboriginal people, and enforce notions of threat to white identity and nationhood, and white victimhood in order to recruit people to their agendas.²⁵¹ This includes portraying Aboriginal people, land rights, truth-telling and sovereignty as threats, and escalates during debates about land rights, constitutional recognition and Aboriginal policy reforms, as reflected by the uptick in extremism during the 2023 Referendum.²⁵²

Contemporary extremism is enabled further by a combination of economic insecurity, lack of services to address the psychological and social vulnerabilities that are exploited by extremists, political polarisation, mis- and dis- information and online radicalisation, as well as inflammatory political rhetoric normalises hostility towards Aboriginal communities.²⁵³

Carceral responses do not address these enabling and causal factors of extremism – social policy responses are needed to address these issues, namely in the form of early intervention and prevention mechanisms outlined in **Part 3.5** and above in **Part 3.4.1** (in relation to online regulatory measures).

Carceral responses fail to capture significant extremist conduct where it avoids detection or falls below legal thresholds

ASIO has identified that extremist activity by lone actors and small cell groups can be missed by legal frameworks as it can mobilise quickly, with limited detection.²⁵⁴ Activities by extremist groups can also escape carceral intervention where it falls below the threshold of criminality or racial vilification.²⁵⁵ For example, setting up a recreational sporting club such as the Active Clubs discussed in **Part 3.1.1** may seem benign, however these activities support the organisation and spread of right wing extremism in the long term. Neo-Nazi groups have been known to advise their members to stay beneath criminal thresholds in order to avoid carceral responses to extremism.²⁵⁶ VALS does not advocate for lower thresholds in criminal offences relating to extremism, but presents this as support for further investment in early intervention and prevention measures to address the activities of extremists that fall below legal intervention thresholds.

Carceral responses fail to protect Aboriginal people as victims of extremism

As VALS submitted to the Independent National Security Legislation Monitor (**INSLM**), the law enforcement regime has clear issues with identifying white supremacist, settler-nationalist and colonial ideology as ‘ideology’.²⁵⁷ There has been a longstanding failure by federal and state law

²⁵¹ See: Kristy Camion, Australian Right Wing Extremist Ideology: Narratives of Nemesis and Nostalgia (2019) 14(3) Journal of Policing, Intelligence and Counter Terrorism, 208–226; Addressing Violent Extremism and Radicalisation to Terrorism (**‘AVERT’**) Research Network, [Submission 27](#) to Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026), p 5.

²⁵² [Inquiry into Right Wing Extremist Movements in Australia \(Final Report, 2024\)](#), [4.119].

²⁵³ [Inquiry into Measures to combat right-wing extremism in New South Wales \(Final Report, 2026\)](#); [Inquiry into Right Wing Extremist Movements in Australia \(Final Report, 2024\)](#); Dr Imogen Richards, Dr Maria O’Sullivan, Mr Callum Jones, Mr Cam Smith, Mr Jordan McSwiney, Mr Kurt Sengul, [Submission 30](#) to the Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026); [Inquiry into Measures to combat right-wing extremism in New South Wales \(Final Report, 2026\)](#), [1.52]; Associate Professor Josh Roose, [Submission 34](#) to the Inquiry into Measures to combat right-wing extremism in New South Wales (6 February 2026); AVERT Research Network, [Submission 27](#) to Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026).

²⁵⁴ ASIO, [A Safer Australia Australia’s Counter – Terrorism and Violent Extremism Strategy 2025](#) (2025), p 10.

²⁵⁵ [Inquiry into Measures to combat right-wing extremism in New South Wales \(Final Report, 2026\)](#), [2.12 - 2.14].

²⁵⁶ [Inquiry into Measures to combat right-wing extremism in New South Wales \(Final Report, 2026\)](#), [1.39].

²⁵⁷ VALS, [Submission 19a](#) to Defining terrorism: Review of the definition of a ‘terrorist act’ in section 100.1 of the Criminal Code Act 1995 (26 March 2026).

enforcement agencies and governments, the media and dominant culture in Australia to recognise and hold white supremacist actors accountable for extremism inflicted since colonisation. Terrorism has been identified with double standards depending on the perpetrator's race or religion and the identity of the targeted person or group, as opposed to the conduct of the perpetrator.²⁵⁸

Biases in law enforcement operate such that white and Judeo-Christian people are assumed to be non-terrorists and protected by law enforcement. Violence perpetrated by this cohort is often not addressed nor is it labelled as promptly as it should be. By contrast, law enforcement disproportionately frames black, brown and Muslim people as terrorists and threats against these groups are treated with less urgency.

This is evident in the stark contrast between the over-policing and introduction of rights-invasive anti-protest law reforms in response to anti-genocide protests in recent years,²⁵⁹ against the lack of policing to prevent the neo-Nazi and white supremacist attacks on Camp Sovereignty on 31 August 2025.²⁶⁰ As outlined by VALS CEO Nerita Waight: “naturally you think that police would be monitoring the threats to Aboriginal people, especially when known and violent neo-Nazis are demonstrating nearby and have previously shown up to our rallies and our culturally significant sites. But that didn't happen and our lives were put at risk as a result.”²⁶¹

Recent events in Boorloo²⁶² and Bondi further demonstrate the discriminatory double standards in law enforcement's response to extremism. For example, the delayed recognition of the attempted massacre at the Boorloo Invasion Day/Survival Day/Day of Mourning gathering in January 2026 as a terrorist act stands in stark contrast to the swift and confident characterisation of the Bondi massacre as terrorism a month prior. A comparison of these events is below.

Comparing law enforcement response to terrorist attacks at Boorloo and Bondi

In response to the Boorloo attack, police and political leadership were slow to classify this attack as a terrorist incident and emphasised the need for investigation before a charge could be made. Public appeals from the state for information focussed on uncertainty about the perpetrator's motivation, despite clear contextual indicators of aiming a bomb at a protest full of people advocating for Aboriginal rights and recognition.²⁶³ Law enforcement's language was watered down, with the Western Australia Police Commissioner saying the attempted massacre was being treated as a “hostile act” in the aftermath of the attack and referring to the bomb as a “device”.²⁶⁴ The Prime Minister addressed the incident only after being asked about it at a press conference the following day in Garramilla²⁶⁵ and did not proactively condemn the

²⁵⁸ VALS, [Submission 19a](#) to Defining terrorism: Review of the definition of a ‘terrorist act’ in section 100.1 of the Criminal Code Act 1995 (26 March 2026).

²⁵⁹ Melbourne Activist Legal Support, [Legal Observer Team Report: The Policing of the DLF Protests](#) (January 2025); and VALS, [‘VALS supports the right to protest and condemns Victoria Police’s response to anti-war protests’](#) (Media Release, 23 September 2024).

²⁶⁰ Carly Williams and Dana Morse, ‘Calls for inquiry into Camp Sovereignty attack after Melbourne March for Australia rally’ *ABC News* (Online, 2 September 2025).

²⁶¹ Independent National Security Legislation Monitor, *Review of the Definition of a ‘Terrorist Act’ in Section 100.1 of the Criminal Code Act 1995 (Public Hearing Transcript)*, 10 March 2026), p 35.

²⁶² Colonial Name: Perth.

²⁶³ Keane Bourke, [‘Why haven’t police labelled Perth’s Invasion Day rally incident terrorism? Here’s what we know’](#) *ABC News* (Online, 28 January 2026).

²⁶⁴ Keane Bourke, [‘Why haven’t police labelled Perth’s Invasion Day rally incident terrorism? Here’s what we know’](#) *ABC News* (Online, 28 January 2026); Lorena Allam, [‘Invasion Day is about Indigenous people’s survival, our resilience. To strike at the heart of that is a hate crime’](#), *The Guardian* (Online, 7 February 2026).

²⁶⁵ Colonial name: Darwin.

attack or make a statement of solidarity for the Aboriginal community in the days following the attack.²⁶⁶ The charge of terrorism was made 9 days after it took place, and following advocacy for stronger action from Parliament by Aboriginal community members,²⁶⁷ including Noongar community leaders and Senator Lidia Thorpe.²⁶⁸

In contrast, the Bondi massacre was declared a terrorist act by the New South Wales Police Commissioner less than three hours after the first call to emergency services was made.²⁶⁹ The Bondi massacre received high-visibility and sustained media coverage that immediately reflected consistent recognition of the massacre as a terrorist act.²⁷⁰ Parliament was called back from break early and introduced major emergency legislation on gun control, hate groups and hate speech.²⁷¹ The Government announced a Royal Commission on Antisemitism and Social Cohesion.²⁷² This Royal Commission does not include examination of racism against Aboriginal people in its Terms of Reference, even in light of the attempted massacre in Boorloo and the history of Aboriginal people being massacred in Australia due to white supremacist, settler-nationalist, colonialist and racist ideology.²⁷³

On 4 March 2026, a Parliamentary Inquiry was announced into racism, hate and violence directed at Aboriginal and Torres Strait Islander people. However, this is significantly more limited in reach, exposure and resourcing than a Royal Commission, and is a totally inadequate response.

Double standards are reflected in conviction rates between Islamic State inspired terrorism in comparison to nationalist and racist violent extremists. In the last 5 years, ISIL-motivated terrorism prosecutions have had an 85% conviction rate, whereas others, including nationalist racist violent extremists, was about 50%.²⁷⁴ The INSLM stated the “difference in these cases isn’t the physical harm planned or caused, or the lack of an intention to intimidate, it seems to be connected to what is required to prove something is an ‘ideology’”.²⁷⁵

These examples demonstrate an ongoing pattern in Australia where law enforcement institutions struggle to recognise white supremacist and neo-Nazi violence as terrorism and implement the laws with normative settler-nationalist and racial bias. This is a clear limitation in carceral

²⁶⁶ Dechlan Brennan, [“Our lives matter too’: Thorpe moves motion to condemn bomb attack at Invasion Day rally’](#) *National Indigenous Times* (Online, 3 February 2026).

²⁶⁷ Levi West, [‘Why did it take 9 days to declare the Perth bombing attempt a terrorist attack?’](#) *The Conversation* (Online, 5 February 2026).

²⁶⁸ Dechlan Brennan, [“Our lives matter too’: Thorpe moves motion to condemn bomb attack at Invasion Day rally’](#) *National Indigenous Times* (Online, 3 February 2026); Stephanie Boltje, Tahnee Jash and Kirstie Wellauer, [‘Federal parliament condemns attempted bombing at Perth/Boorloo Invasion Day rally’](#) *ABC News* (Online, 3 February 2026); Kirstie Wellauer and Julie Nimmo, [‘Elders say truth-telling ‘critical’ to combatting racism after alleged terror attack’](#) *ABC News* (Online, 7 February 2026).

²⁶⁹ Prime Minister of Australia, *Press Conference – Sydney* ([Transcript](#), 15 December 2025).

²⁷⁰ [‘What we know so far as NSW Police declare Bondi shooting terrorist incident’](#) *SBS News* (Online, 14 December 2025); Penny Buckley, [‘Bondi beach terror attack: PM and premier vow to change gun laws after ‘horrifying’ weapons used to kill 15’](#) *The Guardian* (Online, 15 December 2025); Maani Truu and Clare Armstrong, [‘National cabinet agrees unanimously to strengthen Australia’s strict gun laws in wake of Bondi terror attack’](#) *ABC News* (Online, 15 December 2025).

²⁷¹ Prime Minister of Australia, [Parliament to be recalled for national security legislation](#) (Media release, 12 January 2026).

²⁷² Prime Minister of Australia, [Establishment of Royal Commission on Antisemitism and Social Cohesion](#) (Media release, 8 January 2026).

²⁷³ Aboriginal and Torres Strait Islander Social Justice Commissioner, [Racial hatred: no one is safe until we are all safe](#), (Media Release, 23 January 2026); *Royal Commission on Antisemitism and Social Cohesion* ([Terms of Reference](#), 18 February 2026).

²⁷⁴ Independent National Security Legislation Monitor, *Review of the Definition of a ‘Terrorist Act’ in Section 100.1 of the Criminal Code Act 1995* ([Public Hearing Transcript](#), 10 March 2026), p 7.

²⁷⁵ Independent National Security Legislation Monitor, *Review of the Definition of a ‘Terrorist Act’ in Section 100.1 of the Criminal Code Act 1995* ([Public Hearing Transcript](#), 10 March 2026), p 7.

responses to extremism. VALS calls on the government to address law enforcement's institutional 'blind spot' for the extremism of white supremacist, settler-nationalist and racist groups through training and legislative reforms that promote anti-racism and substantive equality, as recommended below.

RECOMMENDATIONS

Recommendation 42. The Australian Police Force and State and Territory police, in partnership with Aboriginal community members, must develop internal training and guidance to support the enforcement of offences that target white supremacist extremism.

Recommendation 43. The Australian Federal Police and State and Territory police, in partnership with Aboriginal community members, must review internal training and guidance on existing police powers relating to public assemblies and offences that can be employed against white supremacist extremist conduct.

Recommendation 44. As recommended in VALS' submission to the Review of the Definition of a 'Terrorist Act' in Section 100.1 of the Criminal Code Act 1995, the Australian government should amend the definition of 'terrorist act' to remove of emphasis on 'religious' and 'political' causes from sub-section (b) in the definition of 'terrorist act' and provide a legislative note or example making it clear that 'ideology' includes white supremacist, settler-nationalist, colonialist and racist ideology.²⁷⁶

Recommendation 45. As recommended in VALS' submission to the Review of the Definition of a 'Terrorist Act' in Section 100.1 of the Criminal Code Act 1995, the Australian government should amend the list of actions in sub-section (2) of the definition of 'terrorist act' to expressly list the action of 'serious damage to Aboriginal sacred sites and sites of cultural significance'. This would clarify that ideologically motivated destruction of Aboriginal sacred and culturally significant sites that is intended to intimidate a section of the public can fall within the meaning of terrorist acts.²⁷⁷

Carceral responses to extremism can become a channel for discrimination of Aboriginal people

Carceral response to extremism enable increased warrantless police harassment, wrongful criminalisation and rights violations for Aboriginal people and other racialised and marginalised minorities. This is evidenced in the wrongful arrest and police assault of Eathan Cruse and his family members, and ASIO's wrongful surveillance of Gary Foley in his non-violent activism for Aboriginal communities as described below.

Warrantless search powers unacceptably increase the risk of police interaction for Aboriginal people as police enforce these powers based on racist assumptions, stereotypes, and bias. Evidence shows that in 2024, Aboriginal Victorians were 16 times more likely to be searched with

²⁷⁶ VALS, [Submission 19a](#) to Defining terrorism: Review of the definition of a 'terrorist act' in section 100.1 of the Criminal Code Act 1995 (26 March 2026).

²⁷⁷ VALS, [Submission 19a](#) to Defining terrorism: Review of the definition of a 'terrorist act' in section 100.1 of the Criminal Code Act 1995 (26 March 2026).

the use of police search powers.²⁷⁸ This police interaction risks Aboriginal safety, lives and rights, as evidenced by the high numbers of Aboriginal deaths in custody that continue to this day.

These discriminatory powers threaten multiple rights, including the rights to privacy and freedom from arbitrary interference with one's personal life;²⁷⁹ freedom from arbitrary detention;²⁸⁰ equality before the law and non-discrimination;²⁸¹ dignity and respect;²⁸² and can also impact on the exercise of the right to peaceful assembly and political expression. In the example from *Cruse v State of Victoria* [2019] VSC 574 discussed below, the misuse breached Eathan's Victorian Charter rights against arbitrary interference with his privacy, family, home or correspondence and the right to not have his reputation unlawfully attacked.²⁸³

***Cruse v State of Victoria* [2019] VSC 574**

In the case of *Cruse v State of Victoria* [2019] VSC 574, it was held that police unlawfully arrested and assaulted a 19 year old Aboriginal boy Eathan Cruse as part of the Operation Rising counter-terror investigation.²⁸⁴ Justice Richards held that the arresting officers, and the counter terrorism agency that directed them, did not have reasonable grounds to suspect that Cruse had committed or was committing the terrorism offence for which he was arrested, and that the arrest was therefore not lawful. The arrest caused the Cruse family serious harm, including injuries and post-traumatic stress disorder, as described to the Yoorrook Justice Commission.²⁸⁵

ASIO monitoring of Aboriginal activists

An example of the misuse of special powers against Aboriginal people is when the Commonwealth ASIO listed non-violent Aboriginal activists in the Black Power movement, including Professor Gary Foley, as 'persons of interest' with 'extremist tendencies' and links to the Communist Party in the 1960-80s.²⁸⁶ The group was not engaged in violent criminal activity and was instead engaged in: setting up the Aboriginal legal and medical services, the National Black Theatre in Redfern and a breakfast program for children; supporting people to make complaints against police harassment; and protesting land theft and apartheid.²⁸⁷ Former ASIO officers confirmed that these allegations were not supported by adequate evidence and were

²⁷⁸ Centre Against Racial Profiling, *The Racial Profiling Data Monitoring Project: 'Key Findings'* ([Website](#), 2024).

²⁷⁹ s 13, *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**'Victorian Charter'**). Charter rights not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have that one's reputation unlawfully attacked.

²⁸⁰ s 21, Victorian Charter.

²⁸¹ Article 2, (**'UNDRIP'**); Article 26, International Covenant on Civil and Political Rights (**'ICCPR'**); and s 8, Victorian Charter.

²⁸² Article 7, ICCPR and s 22, Victorian Charter.

²⁸³ s 13(b), Victorian Charter.

²⁸⁴ Human Rights Law Centre, *Terror raids and police brutality: Supreme Court of Victoria finds arrest of Melbourne man unlawful* ([Website](#)).

²⁸⁵ Dechlan Brennan, *'Yoorrook Justice Commission hears "horrific" testimony of police raid on Aboriginal family's home'*, *National Indigenous Times* (Online, 29 May 2023).

²⁸⁶ See testimony of Professor Gary Foley and former ASIO employees in: Gai Steel and Haydyn Keen, *'Aboriginal Activist Reads His Intelligence File: Australia's Black Panthers'* (Documentary) (2014). See also interview with Gary Foley: Sian Vate, *Black Power in White Australia*, *Jacobin* (24 January 2020).

²⁸⁷ Professor Gary Foley, *Black Power in Redfern 1968-1972* (Article, 5 October 2001).

used to justify surveillance of Professor Gary Foley, even though his activism is non-violent and based on social cohesion as opposed to hate.²⁸⁸

Before strengthening carceral systems that can operate to limit fundamental rights such as freedom of assembly or speech, the government must assess whether less restrictive measures can address behaviour, ensuring any carceral responses and limitations on human rights are genuinely necessary and proportionate.

Counterterrorism experts have highlighted that legislative responses to extremism should be proportionate, evidence-based and attentive to unintended consequences including grievance mobilisation, further radicalisation and the erosion of democratic norms.²⁸⁹ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has also developed various best practices guidelines to protect human rights within carceral responses to terrorism.²⁹⁰

Best practice standards include that carceral responses to terrorism should: clearly articulate thresholds for intervention and enforcement; distinguish between violent extremism, non-violent extremist activity, and broader hateful or exclusionary expression; avoid symbolic or overly broad measures that may have limited preventative impact; and be informed by empirical evidence and subject to regular review.²⁹¹

To limit the discriminatory impact and degradation of human rights within carceral responses to extremism and improve the effectiveness responses to extremism directed at Aboriginal people, VALS recommends that training and human rights standards are introduced into Australia's counterterrorism and violent extremism approach as recommended below.

RECOMMENDATIONS

Recommendation 46. Mandatory anti-racism and unconscious bias training for police and other national security agents enforcing counterterrorism and countering violent extremism laws.

Recommendation 47. As consistent with recommendation 16 in the Australian Human Rights Commission's Anti-Racism Framework,²⁹² the Australian Government should establish an independent review of counter-terrorism laws, policies, and practices to investigate potential discriminatory application and effect on Aboriginal communities and work with Aboriginal people and communities to address it.

²⁸⁸ See testimony of Professor Gary Foley and former ASIO employees in: Gai Steel and Haydyn Keen, '[Aboriginal Activist Reads His Intelligence File: Australia's Black Panthers](#)' (Documentary) (2014).

²⁸⁹ AVERT Research Network, [Submission 27](#) to Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026).

²⁹⁰ See, for example: Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, [Best practices to protect human rights while using administrative measures to prevent terrorism: restrictive orders, terrorist listings, security detention and compulsory interventions](#), A/80/284 (31 July 2025); and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has developed, [Defining terrorism to respect and protect human rights](#), A/HRC/61/52 (8 January 2026).

²⁹¹ AVERT Research Network, [Submission 27](#) to Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026).

²⁹² AHRC, [The National Anti-Racism Framework: A roadmap to eliminating racism in Australia](#) (2024), p 17.

Recommendation 48. For all counter-extremism legislation, implementation approaches, enforcement and evaluation, embed government and law enforcement consideration of:

- Impacts on Aboriginal people, in consultation with Aboriginal people; and
- Best practice guidelines from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Carceral extremism responses can strengthen extremist groups

Evidence shows that the criminalisation of terrorist group, symbols and flags has little to no impact on deterring the activities of right-wing extremists and that extremist groups often respond by modifying and adapting their symbols,²⁹³ and changing their name.²⁹⁴

Criminalisation also risks strengthening extremist groups by platforming and drawing attention to them and giving them a basis to frame themselves as powerful challengers to the State and/or victims of censorship, which may assist with recruitment and fundraising.

The neo-Nazi group responsible for the attack at Camp Sovereignty was listed as a prohibited hate group as of 15 May 2026, 8 months after the attack.²⁹⁵ While the group announced its disbandment in 2025 to evade criminalisation,²⁹⁶ it is evident and widely accepted that the group's members are continuing their extremist activities²⁹⁷ and informal or underground structures should remain a priority for intelligence and enforcement agencies.²⁹⁸

RECOMMENDATION

Recommendation 49. The Australian and state governments and police must develop and maintain strategies for monitoring the migration of former members of extremist groups that target Aboriginal people into less formal networks or organisations, lone actor activity, and online spaces.

3.4.3 Countering Violent Extremism Programs

Deradicalisation and community intervention programs are considered part of a best-practice policy response to extremism, and such programs are currently funded as part of Australia's national strategy.²⁹⁹ For example, the National Step Together service which commenced on 1 July 2025, and the national Living Safe Together Intervention Program to support at-risk individuals

²⁹³ David Neiwert, *What the Kek: Explaining the Alt-Right "Deity" Behind Their "Meme Magic"* Southern Poverty Law Center (9 May 2017); Global Project Against Hate and Extremism, *The World's Largest Database of Far-Right Extremist Symbols* (September 2023); and Michael Colborne, *How Not to Interpret Far-Right Symbols*, Bellingcat (4 April 2023).

²⁹⁴ Clare Armstrong, 'Neo-Nazi group banned in Australia under hate laws' ABC News (Online, 15 May 2026).

²⁹⁵ Krishani Dhanji, 'Neo-Nazi group National Socialist Network criminalised under hate laws passed after Bondi terror attack' *The Guardian* (Online, 15 May 2026).

²⁹⁶ Sherryn Groch and Paul Sakka, 'Australia's biggest Nazi group to disband to escape jail ahead of crackdown' *The Sydney Morning Herald* (Online, 31 January 2026). This was in responses to the: *Combating Antisemitism, Hate and Extremism Bill 2026*.

²⁹⁷ Global Project Against Hate and Extremism, *Australia's Violent Neo-Nazi Leader Inspiring Global Far-Right Extremists* (Media Release, 26 January 2026); *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report, 2026)*, [1.52]; Associate Professor Josh Roose, *Submission 34* to the Inquiry into Measures to combat right-wing extremism in New South Wales (6 February 2026), [38].

²⁹⁸ Dr Imogen Richards, Dr Maria O'Sullivan, Mr Callum Jones, Mr Cam Smith, Mr Jordan McSwiney, Mr Kurt Sengul, *Submission 30* to the Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026).

²⁹⁹ ASIO, *A Safer Australia – Australia's Counter-Terrorism and Violent Extremism Strategy 2025* (2025), p 16.

radicalising to violent extremism, Countering Violent Extremism High Risk de-radicalisation program for high-risk violent extremists in custody.³⁰⁰

However, we note that counterterrorism and countering violent extremism strategies and programs have historically failed to target white supremacist terrorism and radicalisation, and it is currently unclear what proportion of these programs are addressing white supremacist extremism. For this reason, we recommend the federal government audit the current early intervention and prevention initiatives available in Australia, assess their application to forms of extremism that target Aboriginal people and invest in further targeted interventions as needed.

RECOMMENDATION

Recommendation 50. The Australian Government should audit and publicly report on the availability of, and its investment in, early intervention, disengagement and deradicalisation measures targeting and/or reaching violent extremism directed at Aboriginal people and conduct a needs assessment, research and evaluations of effectiveness to guide further investment.

3.5. Effective measures to combat ideologically motivated extremism

As identified in **Part 3.4**, legal responses alone cannot address the complex social, cultural and technological factors that drive radicalisation.

Early intervention and prevention measures addressing the root causes of extremism directed at Aboriginal people are the most effective way to address extremism. This is supported by expert evidence to various government inquiries examining effective measures to combat right-wing extremism.³⁰¹ These measures include:

- Anti-racism education and initiatives to promote social inclusion and provide a counter-narratives to racist narratives exploited by right-wing extremists.³⁰² We note that these measures overlap with broader efforts to combat racism and uphold human rights as outlined and/or recommended in **Parts 1 and 2** of this submission.
- Tackling individual and community vulnerabilities by reducing inequality and offering effective support systems to people susceptible and vulnerable to radicalisation to reduce their likelihood of turning to violence in response to perceived grievances, adversity or hardship.³⁰³
- Social infrastructure that promotes community connection, including youth centres, community hubs, ‘third spaces’ and sport and recreation programs³⁰⁴ to prevent neo-Nazi groups from exploiting the psychosocial need for such spaces in vulnerable people to radicalise individuals. VALS, in partnership with the Koorie Youth Council and MAYSAR, revitalising MAYSAR as a youth centre for Aboriginal young people because we know that,

³⁰⁰ Federal Financial Relations, [Countering Violent Extremism Initiatives](#) (Website, accessed 21 May 2026).

³⁰¹ see: *Inquiry into Measures to combat right-wing extremism in New South Wales* ([Final Report](#), 2026); and *Inquiry into Right Wing Extremist Movements in Australia* ([Final Report](#), 2024).

³⁰² *Inquiry into Measures to combat right-wing extremism in New South Wales* ([Final Report](#), 2026).

³⁰³ This is consistent with what is identified by the AVERT Research Network ‘as the emerging best practice around effective interventions which identifies addressing psycho-social needs rather than ideological commitment to extremism.’ See: AVERT (Addressing Violent Extremism and Radicalisation to Terrorism) Research Network, [Submission 23](#) to Inquiry into right wing extremist movements in Australia (5 April 2024).

³⁰⁴ *Inquiry into Measures to combat right-wing extremism in New South Wales* ([Final Report](#), 2026), [1.66].

under the right leadership, community and social infrastructure helps to build pro-social and resilient people and communities. Similar facilities must be made available for non-Aboriginal people too;

- Education to enhance digital literacy, media literacy and critical thinking that helps people recognise and avoid being influenced by extremist misinformation and disinformation.³⁰⁵ Mis- and disinformation is closely linked to the resurgence of white supremacist and extremist agendas around the world,³⁰⁶ including mis- and disinformation about Aboriginal people.
- Programs to support people to leave extremist groups, such as the EXIT programs in Sweden and Germany.³⁰⁷

3.5.1 Investing in early intervention and prevention

VALS calls for further investment in early intervention and prevention measures, as informed by expert evidence provided to the Inquiry into Right Wing Extremist Movements in Australia in 2024³⁰⁸ and the Inquiry into Measures to combat right-wing extremism in New South Wales in 2026.³⁰⁹

Early intervention and prevention should strengthen community resilience generally and be attuned to individual risk factors such as online engagement, psychosocial vulnerabilities and being a young, white male. Research indicates that young men are the most likely to hold racist extremist views³¹⁰ and the most vulnerable to be radicalised and recruited.³¹¹

RECOMMENDATION

Recommendation 51. The Australian Government invest further in early intervention and prevention measures combatting extremism directed at Aboriginal people, with consideration of the submissions to, and Final Reports of, the Inquiry into Right Wing Extremist Movements in Australia in 2024 and Inquiry into Measures to combat right-wing extremism in New South Wales in 2026.

3.5.2 Incorporating anti-racism and truth-telling into Australia's counterterrorism and countering violent extremism strategy

Aboriginal leaders have called for truth-telling in response to the attempted bombing at Boorloo this year.³¹² This reflects an understanding that anti-racist initiatives and counter narratives to

³⁰⁵ *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report, 2026)*, [3.66].

³⁰⁶ AHRC, *The National Anti-Racism Framework: A roadmap to eliminating racism in Australia* (2024), p 32.

³⁰⁷ Dr Tore Bjorgo, *Exit Neo-Nazism: Reducing Recruitment and Promoting Disengagement from Racist Groups* (Norwegian Institute of International Affairs Paper, 2002) and EXIT Deutschland, *EXIT Germany* (Website).

³⁰⁸ *Inquiry into Right Wing Extremist Movements in Australia* (Webpage, 2024).

³⁰⁹ *Inquiry into Measures to combat right-wing extremism in New South Wales* (Webpage, 2026).

³¹⁰ See: University of Melbourne, *Misogyny, Racism and Violent Extremism in Australia (Policy Brief)* (2024); Pam Nilan, Josh Roose, Mario Peucker and Bryan S Turner, 'Young Masculinities and Right-Wing Populism in Australia' (2023) 3(1) *Youth*, pp 285–299, p 287; and Josh Roose, 'Countering Right-Wing Extremism in Australia: Key Challenges and the Role of Masculinity.' (2024) 16(3) *Counter Terrorist Trends and Analyses*, pp 7–12.

³¹¹ *Inquiry into Measures to combat right-wing extremism in New South Wales (Final Report, 2026)*, [1.64 – 1.74]; Daniel Keane, 'ASIO Chief Mike Burgess tells social media summit of 'disturbing resurgence' in youth terror cases' *ABC News* (Online, 11 October 2024).

³¹² Kirstie Wellauer and Julie Nimmo, 'Elders say truth-telling 'critical' to combatting racism after alleged terror attack' *ABC News* (Online, 7 February 2026).

mis- and dis-information about Aboriginal people are effective prevention measures to combat extremist directed at Aboriginal.

As outlined in **Part 3.4.2**, systemic racism and a lack of understanding of Aboriginal history in Australian society creates an enabling environment for extremism in Australia and is exploited by extremist groups to indoctrinate people in support of their agendas. This points to the importance of national truth-telling and a National Anti-Racism Framework as part of Australia's counterterrorism and countering violent extremism strategy. These policies are not just social policies, but critical national security measures.

RECOMMENDATION

Recommendation 52. The Australian Government incorporate anti-racism measures and national truth-telling as part of its counterterrorism and countering violent extremism strategy.

3.5.3 Recognising government narratives as related to extremism

An important measure to address extremist and terrorist ideologies is to limit the spread and normalisation of their narratives. Views underpinning extremism directed at Aboriginal people are not confined to formally organised extremist groups and fringe actors.

Extremist views are reinforced and enabled within broader racist media, commentary and political rhetoric that dehumanises and stokes grievances towards Aboriginal people. Including zero-sum and fear-based narratives that frame minority rights and equality as a threat to certain groups. This rhetoric can be understood as 'stochastic terrorism', a form of conduct that indirectly incites and enables an environment for violence.³¹³

Concerningly, political narratives, policies and policy implementation relating to Aboriginal people, terrorism, migration and refugees discussed in **Part 1.1** currently reflect and dog-whistle to white supremacist and neo-Nazi narratives in many ways, particularly within some political parties.

Australia's counter terrorism strategy and law enforcement's approach must address stochastic terrorism within the media and Parliament as an extremist threat in Australia. The conduct of politicians is known to enable extremism.³¹⁴

Academics, civil society organisations and Aboriginal leaders have pointed to how the conduct of the media and politicians shape the spectrum of ideas that the mainstream public will find acceptable, i.e. the 'Overton Window', to mainstream extremist narratives and activities.³¹⁵

Evidence from Mr Mike Burgess, Director-General of ASIO notes that Australian politicians espousing extreme views or conspiracy theories risks giving those views greater legitimacy. He advised that any such conduct: "...has the potential to amplify [extreme views or conspiracy theories] in the wrong direction, even if that's not their intent."³¹⁶

³¹³ Britannica, '[Stochastic terrorism](#)' (Webpage, accessed 21 May 2026).

³¹⁴ Dr Imogen Richards, Dr Maria O'Sullivan, Mr Callum Jones, Mr Cam Smith, Mr Jordan McSwiney, Mr Kurt Sengul, [Submission 30](#) to the Inquiry into Measures to combat right-wing extremism in New South Wales (3 February 2026).

³¹⁵ *Inquiry into Right Wing Extremist Movements in Australia (Final Report, 2024)*, [2.20 – 2.32].

³¹⁶ *Inquiry into Right Wing Extremist Movements in Australia (Final Report, 2024)*, [2.30].

As identified in the quote below from Nyamal woman and community leader, Dr Tracy Westerman AM, we have seen this in America following anti-diversity policies, practices and rhetoric under the Trump administration.³¹⁷ We cannot let Australia take this path – where culture wars on minority racial communities are used to divide and control populations and to distract from real threats to Australian people, including social division, inaction on climate change and environmental destruction, and democratic decline caused by the growing concentration of the world’s power and wealth in billionaires and the lack of protective political action against this.

There needs to be systemic cultural change to social and political narratives in Australia, which can be achieved partly by implementing the AHRC’s Anti-Racism Framework, including its recommendations for media reform, and other recommendations within this submission.

While our recommendations in this Paper go some way to supporting this end, but this will also largely rely on the leadership and good-will of politicians. We call on elected officials to adopt anti-racism discourse that consistently upholds democratic values such as inclusion, pluralism, and tolerance, while taking care not to inadvertently amplify extremist rhetoric. We call on the government to model respect towards Aboriginal people and other racial and religious minorities, and to call out disrespect in government, corporations and the media.

This will involve politicians: calling out colleagues; holding harmful media corporations and platforms accountable; resourcing Anti-Racist and deradicalisation programs; supporting curriculum change and decolonial education in support of social cohesion; changing the government’s approach to migration policies that dog-whistle to neo-Nazis and cover for and normalise white-supremacy, racism and classism; and changing the government’s approach to nationalist policies and narratives that deny Aboriginal people dignity and respect (such as the maintenance of the national holiday on 26 January, a day of mourning for Aboriginal people).

RECOMMENDATION

Recommendation 53. Australia’s counter terrorism strategy and law enforcement’s approach must address stochastic terrorism within the media and Parliament as an extremist threat in Australia. The Australian Government must work with counterterrorism experts, Aboriginal people, and other negatively racialised communities, to develop this strategy.

Dr Tracy Westerman AM’s post on how politics can mainstream extremism and current risks in Australia³¹⁸

³¹⁷ *Inquiry into Right Wing Extremist Movements in Australia (Final Report, 2024)*, [1.22 – 1.26].

³¹⁸ Dr Tracy Westerman AM, [Facebook post](#), 12 May 2026.



Dr Tracy Westerman AM

12 May at 16:14 · 🌐

We watched it happen in America in real time. Trump said incoherent, embarrassing, dangerous things — and the media reported it as if it were normal political discourse. Nobody stopped to say: this is not normal. This is not okay. And we all sat there watching the slow normalisation of genuine insanity and extremism.

We are now doing the exact same thing with Hanson.

She appears on Dancing with the Stars. She sits across from Karl Stefanovic on his podcast and is spoken to as if she is a serious, considered political voice. Mainstream entertainment and lifestyle media has decided that Pauline Hanson is just another Australian with interesting opinions — rather than someone who has spent 30 years building a political brand on racism, fear and the deliberate targeting of the most vulnerable people in this country.

This is exactly what Elon Musk did for Trump. Billions of dollars and the world's largest social media platform used to turn a dangerous, incoherent man into a cultural fixture. By the time people noticed what was happening, the Overton Window had already moved.

Rinehart is doing the same here. A \$1.5 million plane. Millions more in backing. Billionaires don't fund fringe politicians out of solidarity with struggling Australians. They do it because deregulation, union busting and the removal of worker protections is worth billions to them. Fund the fringe. Platform the incoherence. Put her on prime time. And keep going until people can't remember what normal looked like.

We should remember. And we should say so loudly. See less



Smith, director of public data and affairs gov, told [news.com.au](https://www.news.com.au) the Farrer by-elect t reflected recent polling trends... See m



PM should let Pauline Hanson deliver Budget
One Nation are well-placed to present Australians in rural areas that are not doing well economically but they are not so well-placed to speak to a majority of Australians who live in urban Australia

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BACKGROUND TO THE VICTORIAN ABORIGINAL LEGAL SERVICE

The Victorian Aboriginal Legal Service (VALS) is an Aboriginal Community Controlled Organisation (ACCO) with 50 years of experience providing culturally safe legal and community justice services to our people across Victoria.

Legal Services

Our legal practice serves Aboriginal people of all ages and genders. Our 24-hour criminal law service is backed up by the strong community-based role of our Client Service Officers (CSOs). CSOs help our clients navigate the legal system and connect them with the support services they need.

Our **Aboriginal Families Practice** provides Statewide legal information, advice, litigation representation and lawyer assisted dispute resolution in the areas of family law, child protection, and family violence. We provide child and family focused assistance, supporting people through the trauma of legal proceedings or State intervention in a culturally safe and respectful way.

Balit Ngulu is our dedicated legal practice for Aboriginal children and young people. Balit Ngulu provide legal advice and representation for client in criminal proceedings and related intervention order matters. Balit Ngulu is designed to be trauma informed and provide holistic wraparound culturally safe support for our youngest clients.

The **Civil & Human Rights Practice** at VALS fights to provide access to justice for our clients in civil justice issues tied to human rights. This includes consumer issues, infringements, tenancy issues, coronial matters, discrimination issues, working with children checks, employment matters and mental health tribunal matters.

Our **Criminal Law Practice** provides legal assistance and representation for Aboriginal people involved in court proceedings charged with a criminal offence. This includes bail applications, Jury trials, Koori Court, contested hearings and representation in both mainstream and therapeutic courts. We aim to provide a culturally safe service and to understand the underlying reasons that have led to the offending behaviour and ensure this informs the best outcome for our clients.

Our **Wirraway Police and Prison Accountability Practice** provides legal advice and conducts case work and civil litigation for Aboriginal people who have experienced policing and prison harms. This includes negotiation and complaints, court proceedings against the State for negligence, excessive use of force and unlawful detention, and coronial inquests arising from deaths in custody and police contact deaths.

Community Justice Programs

Our Community Justice Programs (CJP) team is staffed by Aboriginal and Torres Strait Islander people who provide culturally safe services to our clients and community.

This includes the Custody Notification System, Community Legal Education, Victoria Police Electronic Referral System (V-PeR), Regional Client Service Officers and the Baggarrook Women's Transitional Housing program.

Policy, Research and Advocacy

VALS informs and drives system change initiatives to improve justice outcomes for Aboriginal people in Victoria. VALS works closely with fellow members of the Aboriginal Justice Caucus and ACCOs in Victoria, as well as other key stakeholders within the justice and human rights sectors.

Acknowledgement

VALS pays our deepest respect to traditional owners across Victoria, in particular, to all Elders past, present and emerging. We also acknowledge all Aboriginal and Torres Strait Islander people in Victoria and pay respect to the knowledge, cultures and continued history of all Aboriginal and Torres Strait Islander Nations.

We pay our respects to all Aboriginal and Torres Strait Islander Elders who have maintained the struggle to achieve justice.

Across Australia, we live on unceded land. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

Contributors

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Note on Language

Throughout this document, we use the word ‘Aboriginal’ to refer to Aboriginal and/or Torres Strait Islander people, communities and organisations. VALS acknowledges that there are many Aboriginal people in Victoria who have Torres Strait Islander heritage, and many Torres Strait Islander people who now call Victoria home.