Submission to the Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander People

Victorian Aboriginal Child and Community Agency

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VACCA
VICTORIAN ABORIGINAL CHILD AND COMMUNITY AGENCY
Connected by culture

Acknowledgment

We acknowledge the Traditional Owners of the lands across Victoria that we work on, and pay our respects to their Elders, both past and present and to their children and young people, who are our future Elders and caretakers of this great land. We acknowledge the Stolen Generations, those who we have lost; those who generously share their stories with us; and those we are yet to bring home.

Note on Language

We use the term 'Aboriginal' to describe the many Aboriginal and Torres Strait Islander Peoples, Clans and Traditional Owner Groups whose traditional lands comprise what is now called Australia. We use the term 'Indigenous' as it relates to Indigenous peoples globally as well as in the human rights context. The terms 'First Peoples' and 'First Nations' are employed in the Australian context, by recognising that Aboriginal and Torres Strait Islander peoples are the First Peoples/First Nations of this land, it directly relates to their inherent un-ceded sovereignty.

Note on case stories shared

The names used in each case story are not the real names of the community members we support; all case stories shared have been de-identified to protect the identity of community we provide services to.

Table of Contents

About VACCA

The Victorian Aboriginal Child and Community Agency (VACCA) is the lead Aboriginal child and family support organisation in Australia and the largest provider of Aboriginal-led family violence, justice support and homelessness services in Victoria. We work holistically with children, young people, women, men, and families to ensure they have the necessary supports to heal and thrive. We do this by advocating for the rights of children and providing everyone who walks through our doors with services premised on human rights, self-determination, cultural respect and safety.

We provide support services to more than 9,800 children and young people, and their families and carers each year. VACCA provides support services for Stolen Generations through Link-Up Victoria which has been in operation since 1990. Link-Up Victoria provides family research, family tracing and reunion services to the Stolen Generations survivors to reunite them with their families, communities, traditional country and culture.

VACCA shows respect for observance of and compliance with Aboriginal cultural protocols, practice and ceremony. VACCA was established in 1976 and emerged from a long and determined Aboriginal Civil Rights movement in Victoria. Today, we continue to act, serve and advocate for the rights of Aboriginal Victorians, especially children, women and families.

While VACCA is a Statewide service provider, we operate primarily in metropolitan Melbourne, Inner Gippsland and the Ovens Murray regions. Across our six regions, VACCA operates in 36 locations delivering over 80 programs including child and family services, child protection, family violence and sexual assault supports, youth and adult justice supports, early years, education, homelessness, disability, AOD, cultural programs and supports for Stolen Generations. We employ over 1300 staff, making it one of Victoria's biggest employers of Aboriginal people. Our Aboriginality distinguishes us from mainstream services and enables us to deliver the positive outcomes we achieve for our people.

VACCA is guided by Cultural Therapeutic Ways, our whole of agency approach to our practice of healing for Aboriginal children, young people, families, community members and carers who use our services, and to ensure that VACCA is a safe and supportive workplace for staff. It is the intersection of cultural practice with trauma and self-determination theories. The aim of Cultural Therapeutic Ways is to integrate Aboriginal culture and healing practices with trauma theories to guide an approach that is healing, protective and connective.

Executive Summary

Racism, hate and violence directed at Aboriginal and Torres Strait Islander people are systemic, entrenched and increasing across institutional, online and public contexts.

Drawing on our frontline experience supporting Aboriginal children, young people and families, VACCA's submission shows that **racism is embedded in the design and operation of mainstream and statutory systems**. It is amplified through online platforms, reinforced by ideologically motivated extremism, and inadequately addressed through existing reporting and accountability mechanisms. These intersecting forces produce compounding and intergenerational harm.

Systemic racism is a primary driver of inequity between Aboriginal and non-Aboriginal people, as identified under the National Closing the Gap agreement and associated socio-economic targets.

The impacts of systemic racism must be considered in both historical and contemporary contexts.

Historical practices of overt racism – such as separation of families and removal of children, enforced disconnection from culture, dislocation from Country, and barriers to building economic stability and wealth – have caused significant intergenerational trauma, creating the conditions for deep rooted inequity.

While these practices have come to be recognised by governments and non-Aboriginal people as deeply racialised and harmful, systemic racism persists. Racialised practices like over-surveillance, discriminatory decision-making and punitive interventions continue to drive Aboriginal people's disproportionate contact with statutory systems, including child protection, police and the criminal legal system. In non-statutory systems, like health care, education and social service settings, practices that are culturally unsafe and fail to recognise Aboriginal rights and self-determination continue to act as a barrier to meaningful engagement and support.

Self-determination is central to dismantling the power structures that produce racism.

Commonwealth, State and Territory governments have made a binding policy commitment to advance self-determination under the National Agreement on Closing the Gap. However, until there is full transfer of power and resources to ACCOs to lead solutions, we will not see sustained improvement on targets.

Child protection and youth justice continue to be key sites of harm. Aboriginal children are significantly more likely to be reported, investigated and removed from their families, with pre-birth notifications representing a critical point of systemic bias. In youth justice, Aboriginal children remain vastly overrepresented in detention and report frequent experiences of racism, mistreatment and violence. Recent legislative bail and sentencing reforms in jurisdictions including Victoria risk worsening these disparities and undermining the national commitment to Closing the Gap.

Racism is also being intensified online. VACCA's analysis shows a sustained increase in racist engagement following the 2024 Voice Referendum. Platform algorithms that prioritise engagement – particularly content that provokes anger and outrage – amplify racist narratives, while limited transparency and moderation controls prevent effective mitigation.

This results in widespread harm, including vicarious trauma for staff and reduced capacity for Aboriginal organisations to safely engage with their communities.

Our submission identifies a growing threat of ideologically motivated extremism, driven primarily by white supremacist nationalist ideologies that explicitly target First Nations people and reject Indigenous sovereignty. These movements are globally networked, digitally enabled, and increasingly visible in Australia. They are not new, but are contemporary expressions of longstanding ideologies rooted in Australia's settler-colonial history.

Legal protections in Commonwealth, State and Territory laws, intended to protect against racism and discrimination, have been found to be ineffective as a deterrent or as a remedy for acts of racism or systemic racial discrimination.

The effectiveness of law enforcement responses is also undermined by systemic racism in policing. Aboriginal and Torres Strait Islander people often experience policing as a source of harm rather than protection. Evidence of racial profiling, disproportionate use of force, and systemic failures in family violence responses has eroded confidence in reporting.

Current avenues for reporting racism are not fit for purpose. Formal mechanisms are inaccessible and lack cultural safety. In policing, the practice of police investigating police reinforces a view that this is a system that is not capable of delivering accountability.

Addressing racism requires structural reform.

This includes strengthening legal frameworks, system architecture that enables truth-telling, robust accountability mechanisms, and redesign of reporting systems to ensure independence and cultural safety. It also requires transferring decision-making authority and control of resources to Aboriginal and Torres Strait Islander people and Aboriginal Community Controlled Organisations.

Without these changes, racism will continue to be reproduced and amplified, perpetuating harm and denying Aboriginal and Torres Strait Islander peoples their rights to safety, dignity and self-determination.

Our submission recommends practical actions that the Commonwealth Government can take to reduce racism, hate and violence directed at Aboriginal and Torres Strait Islander people.

Summary of recommendations

VACCA urges the Commonwealth government to implement the following actions:

Strengthen legal protections:

1. **Reform the *Racial Discrimination Act 1975*** to strengthen protections against systemic racism.
2. **Establish a national Human Rights Act or Bill of Rights** to better safeguard against discrimination and uphold fundamental rights.
3. **Implement stronger enforcement mechanisms** under legislation such as the *Online Safety Act 2021*, to ensure timely, accessible and effective remedies for individuals experiencing racial abuse in digital spaces.
4. **Invest sustained funding, legislative backing and enforceable accountability to implementation of the National Anti-Racism Framework**, including implementation of its 63 evidence-based recommendations.

Strengthen national security responses to threats against First Nations people:

5. **Require intelligence and security agencies to collect, analyse, and publicly report data** on the impacts of ideologically motivated extremism on Aboriginal and Torres Strait Islander communities.
6. **Establish dedicated monitoring and disruption strategies targeting white supremacist nationalist networks** and violence directed at First Nations people.
7. **Ensure counter-extremism frameworks explicitly recognise First Nations people as a priority group** at risk of targeted harm.

Embed First Nations leadership in prevention and response:

8. **Fund and support First Nations-led community safety, early intervention, and prevention initiatives** addressing extremism, racism, and violence.
9. **Establish formal partnerships between intelligence agencies, law enforcement, and ACCOs** to support culturally informed responses.

Recognise Aboriginal and Torres Strait Islander self-determination as the primary mechanism for preventing racism, hate and violence:

10. **Use the Joint Council on Closing the Gap to ensure partnerships are accountable and representative**, and all jurisdictions are committing the right resources and efforts to achieve binding commitments to self-determination under the National Agreement.

Ensure culturally safe services through ACCO sector strengthening:

11. **Include proportionate funding to ACCOs** in all funding allocations to states and territories, including establishing ACCO-specific procurement processes, with transparency regarding proportion allocated to ACCOs and mainstream Community Service Organisations (CSOs).
12. **Commit to long-term, recurrent funding models** that enable continuity of care, community connection and culturally responsive practice over time.

Drive greater accountability in mainstream and statutory systems:

13. **Implement accountability mechanisms to identify and address systemic racism across statutory and service delivery systems**, including clear standards, independent oversight, and consequences for discriminatory practice to ensure institutions are held responsible for the experiences of, and outcomes for, Aboriginal and Torres Strait Islander peoples.
14. **Implement nationally binding minimum standards in youth justice**.

Improve online safety:

15. **Introduce enforceable legal protections addressing online racism**, including platform liability for the amplification of harmful content.
16. **Mandate algorithmic transparency and accountability** to address the promotion of racist and harmful material.
17. **Require digital platforms to identify, disrupt, and remove racist and extremist content** in a more timely and effective manner.
18. **Invest in digital literacy and counter-narrative initiatives** led by Aboriginal and Torres Strait Islander communities.

Undertake more transformative anti-racism initiatives:

19. **Adopt the Yoorrook Justice Commission's recommendation that the Australian Institute for Teaching and School Leadership (AITSL) review Professional Standards** to better incorporate First Peoples' perspectives and cultural competency.
20. **Embed racial literacy in national curriculum across all levels**. This should encompass Aboriginal and Torres Strait Islander histories, perspectives and anti-racism education and be supported by adequate investment in educator training.
21. **Establish a clear, nationally consistent definition of racism and anti-racist action** to support shared understanding, guide policy and practice, and enable consistent responses across jurisdictions.
22. **Establish robust monitoring and evaluation of anti-racism measures**, including independent oversight and transparent public reporting to ensure accountability and enable government to track progress over time.
23. **Lead development of a whole-of-government approach to addressing structural drivers of racism**, ensuring policy coherence, long-term commitment and alignment across all levels of government.
24. **Provide ongoing investment in public campaigns that carry the clear signal that eliminating racism against Aboriginal and Torres Strait Islander people is a genuine government priority.** Funded campaigns should be grounded in evidence of what works to shift racist attitudes and behaviours and strengthen bystander action and incident reporting.

Address systemic racism within policing and law enforcement:

25. **Introduce independent oversight and accountability mechanisms** to monitor racial profiling, use of force, and discriminatory practices.
26. **Mandate comprehensive, ongoing anti-racism and cultural safety training for police**, co-designed and delivered by First Nations organisations, with measurable outcomes.
27. **Strengthen data transparency requirements**, including disaggregated reporting on police interactions with Aboriginal and Torres Strait Islander people.

Reform responses to family violence and misidentification:

28. **Adopt Use *Our Ways – Strong Ways – Our Voices*, the National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence, to:**
    i. **Advance Aboriginal-led solutions that eliminate the misidentification of Aboriginal women** as primary aggressors, including improved training, accountability, and review mechanisms.
    ii. **Ensure policing responses to family violence across all jurisdictions are trauma-informed and culturally responsive**, with mandatory consideration of historical patterns of abuse.

Build confidence in complaints systems:

29. **Establish a national framework for consistent reporting and accountability mechanisms across all Commonwealth entities responsible for handling complaints.**
30. **Enable Aboriginal complainants to report without fear of harm, dismissal or retraumatisation:**
    i. **Ensure cultural safety in Commonwealth complaints bodies**, including a consistent set of mandatory minimum cultural competency requirements for complaints handling staff across all entities, with training delivered by ACCOs.
    ii. **Invest in community-led support for reporting**, recognising that ACCOs are often better placed than statutory agencies to receive complaints and support community members to navigate complaints processes.
    iii. **Guarantee independent and impartial investigation of complaints of racism** across all reporting pathways. As part of this, the Commonwealth should not only assure procedural fairness in Commonwealth entities, but use levers to drive state and territory improvement – for example, the Justice Policy Partnership to advance stronger police oversight in all jurisdictions, including **ending the practice of police investigating police complaints.**

Improve conciliation mechanisms:

31. **Reform the Australian Human Rights Commission's conciliation-only model to enable binding determinations** in cases of serious racial discrimination, reducing the burden placed on individuals to pursue justice through costly litigation.

The nature, prevalence and impact of racism, hate and violence towards First Nations people, including trends over time.

Overview

This section of the submission responds to Inquiry **Term of Reference 1**. It examines the nature, prevalence and impact of racism, hate and violence directed towards Aboriginal and Torres Strait Islander people. We draw particular attention to systemic racism in statutory systems, including child protection and youth justice, as key sites of harm for Aboriginal children and families. Drawing on VACCA's insights as an Aboriginal Community Controlled Organisation (ACCO) delivering frontline services to Aboriginal children and families in Victoria, this section illustrates how racism is embedded within mainstream institutional structures, decision-making frameworks and everyday practices.

Key Insights

- Racism is not episodic or isolated, but systemic, persistent and cumulative.
- Systemic racism manifests as structural discrimination and institutional violence, including over-surveillance and punitive interventions. It is a driver of over-representation in statutory systems (such as child protection and youth justice) and a barrier to engagement and support in universal systems (such as education and health).
- The cumulative impact of racism is ongoing and intergenerational, resulting in deep and enduring harm to Aboriginal children, families and communities.
- While there has been strong policy commitment by state, territory and Commonwealth governments to address persistent inequity under the National Agreement on Closing the Gap, there has been no sustained reduction in systemic overrepresentation.
- Addressing these harms requires structural reform, including law reform, the transfer of decision-making authority, and the transformation of funding models to deliver sustained proportionate investment in ACCOs as they are best placed to design and deliver culturally safe and effective responses.

Key Recommendations

- **Use the Joint Council on Closing the Gap to ensure partnerships are accountable and representative**, and all jurisdictions are committing the right resources and efforts to achieve binding commitments to self-determination under the National Agreement.
- **Include proportionate funding to ACCOs** in all funding allocations to states and territories, including establishing ACCO-specific procurement processes, with transparency regarding proportion allocated to ACCOs and mainstream Community Service Organisations (CSOs).
- **Commit to long-term, recurrent funding models** that enable continuity of care, community connection and culturally responsive practice over time.
- **Implement accountability mechanisms to identify and address systemic racism across statutory and service delivery systems**, including clear standards, independent oversight, and consequences for discriminatory practice to ensure institutions are held responsible for the experiences of, and outcomes for, Aboriginal and Torres Strait Islander peoples.
- **Implement nationally binding minimum standards in youth justice**.
- **Introduce independent oversight and accountability mechanisms t**o monitor racial profiling, use of force, and discriminatory practices.
- **Mandate comprehensive, ongoing anti-racism and cultural safety training for police**, co-designed and delivered by First Nations organisations, with measurable outcomes.
- **Strengthen data transparency requirements**, including disaggregated reporting on police interactions with Aboriginal and Torres Strait Islander people.
- **Use *Our Ways – Strong Ways – Our Voices*, the National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence, to:**
    - **Advance Aboriginal-led solutions that eliminate the misidentification of Aboriginal women** as primary aggressors, including improved training, accountability, and review mechanisms.
    - **Ensure policing responses to family violence across all jurisdictions are trauma-informed and culturally responsive**, with mandatory consideration of historical patterns of abuse.

Discussion

Systemic racism does not operate in isolation. It is the cumulative outcome of more than 238 years of colonisation, shaped by successive laws, policies, and institutional practices. While there has been growing public and governmental recognition of the harms caused by historical policies and practices, racism remains embedded within contemporary institutions in ways that continue to produce unequal and harmful outcomes for Aboriginal children, families and communities.

Systemic racism manifests in both overt and covert ways. It is evident not only in explicit acts of discrimination, but also in the embedded norms, assumptions and decision-making frameworks that underpin mainstream systems. These include deficit-based narratives, risk-averse practices, and a persistent failure to recognise and respond to the cultural strengths, rights and self-determination of Aboriginal communities. The cumulative impact is ongoing and intergenerational, resulting in deep and enduring harm to Aboriginal children, families and communities.

Addressing these harms requires more than incremental reform or improved cultural awareness within mainstream institutions. Structural change is required, including transfer of decision-making authority, sustained investment in Aboriginal Community Controlled Organisations (ACCOs), and the redesign of systems and legal frameworks so that Aboriginal communities are empowered to determine what safety, wellbeing and accountability look like for their children and families. This is necessary to enable Aboriginal-led organisations to design and deliver services that are grounded in culture, community authority and lived experience at scale, providing holistic, culturally safe and effective responses that strengthen families and prevent system contact, among other positive outcomes.

The following sections of this submission examine how systemic racism operates across child protection, family violence, education and youth justice systems, while also highlighting the effectiveness of Aboriginal-led responses grounded in culture, community authority and self-determination.

This is not an exhaustive picture of the nature, prevalence and impacts of racism against Aboriginal people. VACCA notes that Aboriginal children and families frequently experience racism at the interpersonal and community level. Aboriginal children, for example, report frequent experiences of bullying and social exclusion as a result of racism, particularly in sporting and school environments. The impact of these 'everyday' experiences of racism on Aboriginal children and young people is profound. While discussion of the nature of racism that occurs in social relationships at the interpersonal and community level is not a key focus of this submission, we note that it is a critical area for the Inquiry to consider.

Racism in Child Protection

Aboriginal children are disproportionately represented at all stages of the child protection system in all states and territories.[1] In 2023-24, compared to non-Indigenous children, Aboriginal children were:

- 4.9 times more likely to be reported to child protection authorities (i.e. subject to a notification)
- 5.5 times more likely to have notifications investigated
- 6.4 times more likely to have notifications substantiated
- 9.8 times more likely to be subject to a care and protection order
- 9.6 times more likely to be in out-of-home care and on third party parental responsibility orders.[2]

During consultation for this submission, VACCA staff identified systemic bias and over-surveillance within Child Protection and notifying systems (mandatory reporters) as key examples of the nature and impacts of racism. Practitioners observed that the threshold for intervention appears lower for Aboriginal families, with quicker escalation and a pattern of over-reporting by police, schools and health services. This can lead to 'anticipatory trauma'. For example, one practitioner described a situation where, after being informed that a report to child protection was required (to work together with them but without the intent of removal), a mother immediately began packing her child's belongings, stating:

> *"Child Protection can now come and take my child because that's what they do."*

This anticipatory trauma reflects lived experiences of repeated child removals and reinforces fear and disengagement from services.

Staff also described instances where culturally-appropriate responses were disregarded. In one example, a parent voluntarily admitted themselves to a mental health service with clear next-of-kin arrangements in place for their child; however, rather than contacting family, the health service contacted child protection.

VACCA staff emphasised that these issues are not isolated incidents but reflect broader structural racism embedded within policies, systems and organisational cultures. They noted that mainstream services are often rigid, compliance-driven and focused on short-term outputs, with little capacity to provide the relational, culturally-grounded support required for effective engagement. They described environments in which discriminatory attitudes are normalised and where there are limited consequences for racist behaviour. For example, in the case study described above, with the reporter's anonymity being protected, accountability is largely absent.

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[1] SNAICC (2025), *Family Matters Report 2025*, https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-v3.pdf, p. 17.
[2] Ibid.

As one practitioner explained:

> *"if the system is not calling out those behaviours and holding people to account, then people... know they'll get away with it."*

High workforce turnover, inadequate cultural capability, and a lack of organisational commitment to learning and accountability further entrench these issues.

VACCA staff insights reflect the evidence that conscious and unconscious bias, rooted in systemic racism, play a pivotal role in the continued overrepresentation of Aboriginal children's involvement with child protection. These biases are identified to include:

- oversurveillance of and intervention in the lives of Aboriginal families,
- racially biased reporting of Aboriginal children and families
- biased decision-making tools perpetuating inequality
- discriminatory judgments made by child protection decision-making authorities
- child protection legislation and policy that is heavily reliant on non-Indigenous concepts including those of family, wellbeing and best interests of the child
- misunderstanding and undervaluing of Aboriginal parenting practices
- failure to implement the Aboriginal and Torres Strait Islander Child Placement Principle.[3]

Unborn Reports

Unborn reporting is one of the most striking examples of the nature, prevalence and impact of systemic racism in the context of child protection. In Victoria:

- In 2021, 28.4% of Aboriginal babies who were subject to a pre-birth notification entered care within 12 months of birth
- In 2022, one-in-five pre-birth notifications were made for Aboriginal babies, more than double the rate of non-Indigenous babies
- In 2024, Victoria had the highest rate of removal of infants into out-of-home care in Australia, where 51.1 per 1,000 Aboriginal infants were placed into out-of-home care, 19 times the rate of non-Indigenous infants.[4]

The Yoorrook Justice Commission identified substantial evidence of systemic racism in the way pre-birth notifications for Aboriginal babies are responded to by child protection, notably that the system is geared towards surveillance and removal rather than early intervention and meaningful support.[5]

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[3] SNAICC 2024a; Haslam et.al. 2023; HREOC 1997; Jenkins and Tilbury 2024; Malin et al. 1996, AIHW 2025d, etc. In SNAICC (2025), Family Matters Report 2025, https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-v3.pdf, p. 20.
[4] Ibid.
[5] Ibid.

ACCO-led solutions: an Aboriginal-led approach to risk and culturally-safe, effective wraparound support

Addressing the overrepresentation of Aboriginal children in statutory systems requires a fundamental shift away from deficit-based, risk-driven interventions toward approaches grounded in self-determination, culture and community authority. ACCOs have long demonstrated that they are best placed to design and deliver solutions that keep children safe, strengthen families and prevent system involvement in the first place.

One leading example is VACCA's Pre-birth Response model, which comprises:

- Aboriginal-led Case Conferencing (ALCC) – for diversion of unborn reports. ALCC convenors work with Aboriginal families after a Child Protection report to address concerns and refer them to culturally safe services, with the aim of diverting them from entering the Child Protection system.
- The Bringing Up Aboriginal Babies at Home (BUABAH) model – intensive pre- and post-birth support, aimed at preventing the removal of Aboriginal babies at birth.

BUABAH was first piloted by VACCA from 2019 to 2023. BUABAH staff worked intensively with seven families who had been subject to a pre-birth notification and were assessed as complex and high-risk. Of these, six babies were able to return home from hospital with their mothers, while one was safely placed in kinship care.[6]

The pilot was independently evaluated by the University of Melbourne, which recommended the model for full implementation.

The success of the BUABAH pilot demonstrated that, while systemic racism remains deeply embedded within systems such as child protection, it is not inevitable. When ACCOs are properly resourced and empowered to lead innovative, culturally responsive and Aboriginal-led approaches, it is possible to disrupt and prevent the intergenerational impacts of racism.

Scaling and sustaining these models is critical to achieving long-term, systemic change.

VACCA submitted pre-Budget proposals with a compelling business case to the Victorian Government, but was not successful in securing necessary investment in the 2026-27 Budget, underscoring the need for greater progress on government commitments to deliver proportionate funding for self-determined ACCO-led solutions to Closing the Gap targets.

[6] Wise, S., & Pittman, E. (2024). Bringing Up Aboriginal Babies at Home: Program Evaluation. The University of Melbourne

Case study: Nugel-Community Protecting Boorais and Bringing Up Aboriginal Babies at Home

Nugl-Community Protecting Boorais accepted the transfer of a protective intervention report in relation to a new baby due to family violence concerns. The parents were young and had disabilities. They also carried complex trauma associated with growing up in the child protection system. Neither parent had opportunities early in life that enabled them to learn what safe, nurturing relationships could look like. At times they struggled to understand and distinguish between harmful and healthy dynamics.

While engaging with the family to understand their story, Nugel-Community Protecting Boorais found that mum was determined to keep her baby at home. She consistently engaged with supports including with her VACCA family violence worker and Bringing Up Aboriginal Babies at Home (BUABAH) practitioner. She also regularly attended mother's groups. Unfortunately, dad was not able to engage with his supports and despite attempts to facilitate safe family time, he continued to use family violence towards his partner. Over time, with psychosocial education from her supports, she was able to understand the impact of the violence on baby and acknowledge the patterns of abuse she was experiencing. Following a significant family violence incident, she chose to leave the relationship.

With the collaborative efforts and support of Nugel-Community Protecting Boorais and BUABAH, alongside another ACCO, mum and baby were supported to enter refuge accommodation. Since entering refuge, they are thriving and are safe from family violence. Nugel-Community Protecting Boorais were able to walk alongside mum, working voluntarily and collaboratively to strengthen safety together and ensure she had the right supports in place to keep her baby – without the need for statutory protective intervention through the court.

ACCO-led solutions: tackling bias in the health system to reduce over-representation in child protection

In 2025, VACCA developed and delivered training to midwifery and social work staff at two Melbourne maternity hospitals. These health workforces and settings are one of the major sources of unsubstantiated child protection notifications.

VACCA's Replanting the Birthing Tree training was designed to:

- Build the capacity and confidence of these mainstream workforces to respond preventatively and effectively in accordance with relevant child protection legislation.
- Ensure implicit bias is a part of the conversation when considering protective concerns.
- Decrease unnecessary child protection notifications.
- Strengthen culturally safe approaches to supporting vulnerable Aboriginal women who are pregnant or have an infant.

Evaluation has shown that VACCA's training has been effective in:

- Strengthening awareness of the impacts of child removals on Aboriginal families and communities
- Improving knowledge and processes to Close the Gap in regard to the over-representation of Aboriginal children in Out of Home Care.
- Building understanding of cultural values in Aboriginal family systems and the implications of this in practice
- Generating acknowledgement of the impact that unconscious bias, power and privilege has on workers' practice and decision making
- Demonstrating knowledge of culturally responsive trauma informed care and practice and how to apply these in practice
- Building appreciation of the important role that Aboriginal services play in supporting vulnerable Aboriginal families
- Conveying how to build respectful partnerships and referral pathways to Aboriginal services, such as VACCA's Pre-birth Response model (which comprises Aboriginal-led Case Conferencing for diversion of unborn reports and Bringing Up Aboriginal Babies at Home for intensive pre- and post-birth support).

Together, these examples demonstrate that the overrepresentation of Aboriginal children in child protection is not the result of individual family failings, but of systemic conditions that produce heightened surveillance, earlier intervention and punitive responses toward Aboriginal families. They also demonstrate that different outcomes are possible when Aboriginal-led organisations are resourced to intervene early, work relationally with families, and design responses grounded in culture, self-determination and community authority.

The need to prevent and respond to racism in out-of-home care placements

The National Agreement on Closing the Gap requires governments to partner with the ACCO sector to reduce the proportion of Aboriginal children in out-of-home care by 45 per cent by 2031 (Target 12).

When an Aboriginal child does enter this system, it is vital that their right to cultural safety is protected and promoted, including freedom from racism.

Currently, many Aboriginal children in care are placed with non-Aboriginal carers. The Aboriginal Child Placement Principle and cultural support plans are two existing system levers that Australian governments can and should be using to prevent and address racism and create safety in placements.

The Aboriginal Child Placement Principle as a key safeguard

The Aboriginal Child Placement Principle is central to ensuring governments do not repeat the atrocities and ongoing impacts of the Stolen Generations. It was introduced as a response to embedded racism in child and family welfare legislation, policy and practice, and it is vital that all Australian governments uphold it.

Under the Aboriginal Child Placement Principle:

- The removal of any Aboriginal child must be a last resort – the principle emphasises the need for family preservation whenever possible.
- If removal is unavoidable, authorities must prioritise placing the child with extended family or within the Aboriginal community, ensuring proximity to their natural family.
- Maintenance of a child's cultural identity and connection to their community is recognised as essential for their development and sense of belonging.
- Aboriginal organisations must be consulted in decisions affecting Aboriginal children, ensuring that their cultural perspectives are respected and integrated into child welfare practices.

In Victoria, the application of the Aboriginal Child Placement Principle has been a positive driver of reform, and has supported a steady increase in the proportion of Aboriginal children who are in care being placed with their relative or kin.

This is the right trajectory. The evidence is clear – Aboriginal children thrive best in Aboriginal care.

To this end, VACCA is concerned by the Northern Territory government's proposed amendments to the *Care and Protection of Children Act* 2007 (NT) as, if passed, these changes will have the effect of weakening the Aboriginal Child Placement Principle. VACCA has advocated against the Bill.

The importance of cultural support plans

While cultural support plans are essential for all Aboriginal children in the out-of-home care system to help maintain and nurture their strong cultural identity and connection to family, community and Country, they are also an important mechanism for preventing and addressing racism when placements are with non-Aboriginal carers.

All jurisdictions have more work to do to ensure that all Aboriginal children in out-of-home care have a cultural support plan, that the plan is of high quality, and that there is culturally-appropriate implementation.

This is best achieved through government action that supports the transfer of Aboriginal children who are involved with child protection to the care and case management of ACCOs from governments and mainstream community service organisations.

The intersection of racism, family violence and child protection

The impacts of systemic racism in child protection cannot be separated from the broader social and structural conditions shaping Aboriginal families' lives, including what the new *National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026–2036* describes as 'systemic entrapment' when the mainstream family violence system, police and child protection interact in ways that increase risk and harm for Aboriginal people.

In Victoria, Aboriginal people are about 7.4 times more likely to experience family violence than non-Aboriginal people and Aboriginal children are seven times more likely to be placed in out-of-home care, often as a result of exposure to violence in the home.[7] A 2016 inquiry by the Victorian Commission for Children and Young People found that family violence was an identified driver of child protection involvement and entry into out-of-home care for 89% of Aboriginal children whose files they reviewed.[8]

It is critical to note Aboriginal people, particularly women and children, often experience violence from non-Aboriginal partners and family members.

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[7] AIHW 2024, 'Child Protection in Australia', https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24/report-editions.
[8] Commission for Children and Young People (2016), 'Always was, always will be Koori kids', https://ccyp.vic.gov.au/inquiries/systemic-inquiries/always-was-always-will-be-koori-children/#:~:text=Always%20was%2C%20always%20will%20be%20Koori%20children%20is%20the%20report, of-home%20care%20in%20Victoria

In Victoria in 2025, 43% of family violence incidents responded to by police were instances in which a non-Aboriginal person was using violence against an Aboriginal person.[9]

Historical evidence affirms that family violence was not a feature of traditional Aboriginal societies.[10] Family violence in Aboriginal and Torres Strait Islander communities has its roots in the ongoing impacts of colonisation, dispossession, structural inequality, and systemic racism, all of which have disrupted cultural knowledge, kinship networks, and community safety.

Colonisation introduced patriarchal systems that dismantled traditional gender relations and community governance, replacing them with externally imposed norms and power structures. The forced removal of children, suppression of language, and disconnection from land further eroded cultural norms and protective practices.

This reshaping of relationships and communities created widespread intergenerational trauma, weakening the communal bonds that once supported safe and respectful family life.

The ongoing impacts include:

- child protection intervention and removal from family, community and culture
- housing insecurity and homelessness
- interrupted education and poor educational outcomes
- greater risk of experiencing and/or using violence as adults
- social, cognitive and mental health challenges
- early and continuing contact with the criminal legal system and incarceration.[11]

VACCA staff have observed that mainstream systems and services that are meant to be a source of support, safety and healing instead frequently drive increased risk for Aboriginal people.

For example, in Victoria, many Aboriginal women tell VACCA family violence practitioners they do not feel culturally safe to engage in help seeking via The Orange Door[12] or to report experiences of family violence to the police because they fear notification to child protection and risk of child removal.

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[9] Crime Statistics Agency 2026, 'Family Violence Incidents by Aboriginal Status', https://www.crimestatistics.vic.gov.au/crime-statistics/latest-aboriginal-crime-data/family-incidents-by-aboriginal-and-torres-strait

[10] Kwan, Jennifer (2015), "From Taboo to Epidemic: Family Violence Within Aboriginal Communities", *Global Social Welfare, Vol. 2,* https://link.springer.com/article/10.1007/s40609-014-0003-z

[11] SNAICC 2025, *Family Matters Report 2025,* snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-Web-v2.pdf

[12] The Orange Door is Victoria's central family violence crisis response model, responsible for preliminary risk assessments, safety planning, and referrals

VACCA practitioners reflected that these fears are well-grounded, reflecting intergenerational trauma of historic child removal **and** contemporary practices. They told us of instances where The Orange Door has notified child protection and the child protection response has failed to reflect protocols that ensure accurate assessment of risk for Aboriginal children and families and maintenance of Aboriginal cultural connection.

We also heard that when Aboriginal women experiencing family violence don't speak openly and frankly because of these fears, they are often labelled as "disengaged" or "difficult". The lack of cultural safety in the mainstream response is not recognised as the problem.

Misidentification by police is another persistent concern, where Aboriginal women affected by violence are held responsible for the violence against them.

VACCA staff observe that a significant proportion of Aboriginal women who are recorded as respondents in family violence incidents have previously been identified as the person *experiencing* family violence.

This is reflected in Crime Statistics Agency data, and was a key finding of a systemic review published by the (now disbanded) Victorian Family Violence Implementation Monitor in 2021. The FVRIM review found that between 2016 and 2020, nearly 80 per cent of Aboriginal women who were identified by police as the respondent in family violence incidents had also been previously recorded as an affected family member (compared with nearly 60 per cent for all female respondents).[13] The FVRIM identified gaps in training, limited understanding of trauma, and a tendency to assess incidents in isolation rather than within broader histories of abuse.[14]

The ongoing phenomenon of misidentification of Aboriginal women reflects a failure to adequately assess the context of violence, including patterns of coercion, self-defence, and prior victimisation. It is also part of the broader problem of systemic racism in policing. During our consultations, VACCA staff described multiple instances in which police dismissed or normalised violence, failed to take statements, or responded with harmful stereotypes about Aboriginal communities and culture. For example, one practitioner noted,

> *"I've sat in rooms with police where they're minimising and sometimes I had to intervene... sometimes they even refuse to take statements and just say [the violence] it's part of their household."*

[13] The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Alarming rates of family, domestic and sexual violence of women and girls with disability to be examined in hearing' October 2021. Via weblink.
[14] Family Violence Reform Information Monitor, 'Acknowledging the complexity of the family violence incidents police attend, police practice and processes are contributing to misidentification'. Accessed on 7/12/22 via: https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor-5.

Staff also reported that Aboriginal identity is at times questioned or denied based on appearance, with one worker recounting that police told a client:

"You don't look Aboriginal, so you're not Aboriginal."

These experiences contribute to a deep and ongoing mistrust of police, and people affected by family violence choosing not to report because they do not expect to be believed or protected. Analysis of coronial investigations into the deaths of Aboriginal women has found that both the actions and inaction of police are "akin to systemic racism, or at the very least, lazy policing".[15]

ACCO-led solutions: responsive, culturally safe family violence support

Aboriginal people draw strength from cultural identity, kinship ties, connection to Country, cultural knowledge, and self-determination. These protective factors support health and wellbeing while enabling communities to resist and heal from violence and trauma. Evidence consistently shows that community-led programs grounded in cultural knowledge are more effective and sustainable than mainstream service models.

VACCA's *Yananganyin – Journey Walker Program* offers a culturally responsive and trauma-informed approach to addressing family violence in the Frankston region, in Melbourne's outer south-east.

Grounded in Aboriginal knowledge systems, healing practices, and self-determination, the program differs significantly from mainstream services by centring cultural connection, kinship, and community restoration. It provides holistic support to Aboriginal individuals and families who are experiencing or using violence, not only responding to immediate needs but also addressing the underlying causes of harm.

This program is vital because mainstream approaches often fail to reflect the lived realities, intergenerational trauma, and cultural values of Aboriginal communities. In contrast, the *Yananganyin* program prioritises cultural safety, is community-led, and embeds culturally grounded support for the Aboriginal communities. In this way, the program plays a critical role in building strong self-determined families and communities, and contributes to long-term change by reducing the occurrence of family violence in the Frankston area.

It highlights the importance of responses that build safety through trust, community connection and cultural authority.

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[15] Cripps, K. (2023). Indigenous women and intimate partner homicide in Australia: Confronting the impunity of policing failures. *Current Issues in Criminal Justice*. https://doi.org/10.1080/10345329.2023.2205625

Systemic racism in the education system and its intersections with over-representation in Child Protection and Youth Justice

The impacts of systemic racism extend beyond statutory systems and into universal systems such as education, where exclusion, lack of cultural safety and structural disadvantage contribute to longer-term inequities and increased risk of contact with child protection and youth justice systems.

Education is a foundation of a good life. Participating in high quality kinder and school, and completing Year 12 improves life outcomes. However, in VACCA's experience, most school environments are not operating with a trauma-informed approach, prepared for and able to respond appropriately to the varied challenges that children may present with at school.

Children in out-of-home care are often labelled as difficult and disruptive. Consequently, they experience school as alienating, unsafe and unable to meet their needs. For Aboriginal students in the out-of-home care system, this disadvantage is compounded by workforce training and development that lacks a cultural lens.

This impacts school completion rates, which has flow-on effects across the life course. Early school leaving is correlated with poorer job prospects and more health problems. Crucially, the evidence shows that children facing educational barriers and exclusion are more likely to enter the criminal justice system.

In Victoria, two landmark inquiries have highlighted intersecting issues that drive Aboriginal children and young people's under-representation in the education system.

The Yoorrook Justice Commission identified that *"Educational inequality has impacted First Peoples since colonisation."* This included the use of oppressive laws to impose substandard and limited education on First Peoples and using education as a tool of attempted assimilation.

Yoorrook heard that this pattern of educational inequity persists in the present day. Aboriginal students face structural impediments not experienced by others, with systemic racism, curriculum gaps and lack of cultural safety undermining their educational success.

Consequently, the Commission found that while Aboriginal people are engaging in education at increasing rates, particularly in early childhood and higher education, they continue to experience significant disparities in achievement, retention, and representation across the education system compared to non-Aboriginal peers.

The Victorian Commission for Children and Young People's *Let Us Learn* inquiry found the educational outcomes for Aboriginal children and young people in out-of-home care in Victoria are even worse.

Exclusionary practices (for example, modified timetables, suspensions and expulsions) and restrictive practices (for example, physically restraining a student) were more likely to be used to manage the behaviour of students in care. These were found to contribute to disengagement and poorer outcomes.

In her foreword to the inquiry report, the Commissioner for Aboriginal Children and Young People remarked: *"The educational and out-of-home care needs of Aboriginal children in Victoria must be understood in the context of historical and contemporary processes of exclusion and marginalisation."*

VACCA observes that systemic racism in the education system is also a driver of notifications to child protection for basic child welfare concerns that would not usually meet the threshold for 'abuse'.

Through our work supporting Aboriginal families that have had contact with the child protection system, we know that issues of poverty and insecure employment, housing stress and homelessness and poor social and emotional wellbeing erode the capacity of families to provide all that their children need. But poverty is not a choice parents are making with the intent to harm their children.

High rates of investigations have devastating impacts on families and whole communities, including education disengagement. Professionals who are supposed to help families are seen as having the power to harm them, and families go to great lengths to avoid a potential report. Mandatory reporting relies on educators' fears of reprisal and therefore does not always offer an effective intervention for genuine child welfare concerns. Cutting down needless investigations and improving positive outcomes for children is not only possible, but absolutely necessary to achieving Closing the Gap targets.

ACCO-led solutions: right services, 'early in need'

The best option for Aboriginal children and families is to link them with supports prior to any report being made to child protection.

A key priority for education departments, in alignment with Closing the Gap, should be addressing the structural factors that affect child and family wellbeing, namely socioeconomic disadvantage and child poverty before reporting to child protection. The complex disadvantage and poverty experienced by Aboriginal people and communities must be understood as a direct result of the ongoing process of colonisation.

One of the best ways to improve outcomes for children born or raised in more vulnerable and/or disadvantaged circumstances is to provide families with the right services, 'early in need'.

For VACCA, prevention includes stopping children from coming into contact with statutory systems (primary prevention) and to strengthen families at risk of child removal (secondary prevention/early intervention).

It also requires a social and cultural determinants of health lens with a focus on improving the health, development, and social and emotional wellbeing of Aboriginal children and young people and their parents/carers.

It is important to point out that the definition of early help is confused or narrowed within policy and practice to focus solely by service type, meaning early years is too often confused with childcare facilities or children predominately aged less than four years of age.

This is evidenced by funding streams focussed solely on parenting supports and playgroup type services; and sector understanding of where funding is allocated.

Programs such as Koorie Families as First Educators and Koorie Supported Playgroups are vital to engage with young parents early and with a trauma informed and culturally safe lens. Furthermore, there needs to be increased investment in Aboriginal-led prevention programs teaching healthy respectful relationships, particularly targeted at young people in out-of-home care.

These issues demonstrate the interconnected nature of systemic racism across education, child protection and youth justice systems. Education exclusion, poverty and unmet wellbeing needs are too often treated as indicators of parental failure or risk, rather than as consequences of structural inequality and colonisation. Early, culturally safe and Aboriginal-led support is therefore critical not only to improving educational outcomes, but also to preventing unnecessary contact with statutory systems and reducing long-term harm.

Racism in the justice system

The cumulative impacts of exclusion, over-surveillance and unmet support needs are also reflected in the youth justice system, where Aboriginal children continue to experience some of the starkest manifestations of systemic racism in Australia, illustrated by persistent overrepresentation in detention.

Aboriginal children's overincarceration is longstanding and well-documented.

In 1993, Aboriginal young people were 37.3 times more likely to be detained in a juvenile corrections centre than non-Indigenous young people.[16] More than three decades on, the scale of inequality remains stark. On an average night in the June quarter of 2025, approximately 60 per cent of children and young people aged 10 to 17 in detention were Aboriginal, despite Aboriginal children representing only 6.6 per cent of the population in that age group.[17] During this same period, Aboriginal children and young people were 21 times more likely to be in detention than their non-Indigenous peers.[18]

While the rate of overrepresentation has marginally reduced over time, Aboriginal children remain dramatically overrepresented in detention.

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[16] Bringing them home Report 442.
[17] Australian Institute of Health and Welfare, 'First Nations young people', Youth detention population in Australia 2025 (Website, 10 December 2025) <Youth detention population in Australia 2025, First Nations young people - Australian Institute of Health and Welfare>
[18] Australian Institute of Health and Welfare, 'First Nations young people', Youth detention population in Australia 2025 (Website, 10 December 2025) <Youth detention population in Australia 2025, First Nations young people - Australian Institute of Health and Welfare>

This ongoing overincarceration reflects entrenched structural inequalities, discriminatory practices and policy settings that continue to funnel Aboriginal children into the justice system rather than addressing underlying drivers or investing in community-led alternatives.

In May 2019, the *Our Youth, Our Way* Inquiry, conducted by the Koori Youth Justice Taskforce and the Commission for Children and Young Peoples' (the Commission), interviewed 93 Aboriginal children and young people who were involved in or who had left the youth justice system in the previous 12 months.[19]

The Inquiry found that many Aboriginal children and young people subject to the youth justice system have had their human rights infringed upon whilst in custody. Aboriginal children and young people reported experiencing racism by police, as well as a lack of cultural safety and support in custody. Many incarcerated Aboriginal children and young people also reported being unnecessarily exposed to isolations and lockdowns as well as experiencing disproportionate levels of violence and force.

Over 70 percent of the children and young people the Commission consulted spoke about racism, mistreatment or violence by police. These reports included sexually abusive behaviour, limited access to essential medical care, unnecessary use of capsicum spray, verbal threats, yelling and swearing and unsafe conditions in police vans.[20] Such treatment is a clear breach of Australia's human rights obligations at an international level.[21]

Laws that produce discriminatory outcomes

The drivers of justice system over-representation are well-established, and include systemic and structural racism.

While the law can serve as a crucial source of protection against racism – for example, by setting legal standards for equality and prohibiting discriminatory behaviour – sometimes laws can combine with policies and practices that are shaped by structural racism to entrench or exacerbate existing inequality.

The introduction of punitive bail and sentencing laws in several Australian states[22] is one such example.

These reforms will undoubtedly increase rates of incarceration of Aboriginal children and young people. Not only will these reforms further impede progress on Closing the Gap Target 11, but the disproportionate impact of these reforms on Aboriginal children is an example of systemic discrimination at play.

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[19] Our youth, our way Report 21.
[20] Our youth, our way Report 2014 33.
[21] For example, it is a breach of art 37(a) of the UNCRC and cl 1 of the Havana Rules.
[22] For example in Victoria: *Bail Further Amendments Bill 2025* and *Justice Legislation Amendment (Community Safety) Act 2025*

The impacts will be devastating.

For Aboriginal children and young people, any contact with the youth justice system, can dramatically alter their life trajectory, as well as negatively impact on the social and emotional wellbeing of their families and communities.[23]

It is well established that each contact with the justice system increases the likelihood of further contact.[24] The younger a child is when they first come into contact with the youth justice system, the more likely they are to reoffend and to receive a sentence of adult imprisonment.[25]

In Victoria, Aboriginal children are overrepresented at a higher rate in the 10 to 14-year-old age group (almost 25 per cent of that group) than for older groups in Youth Justice.[26] This is a startling and unacceptable statistic which arguably can only be explained by systemic disadvantage, discrimination and/or racism.

While youth justice is within the exclusive legislative powers of the states, it is clear that the rights of many Aboriginal children and young people are not being upheld while incarcerated and that Australia is not meeting its international obligations in relation to youth justice.

The national Closing the Gap target to reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30 percent by 2031 from a 2018-19 baseline is not on track to be met.[27]

The need for national minimum standards for youth justice

VACCA calls on the Commonwealth government to implement binding national minimum standards for youth justice.

In 1987, the Royal Commission into Aboriginal Deaths in Custody stressed the need for governments and Aboriginal organisations "to negotiate together to devise strategies to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice system".[28] In 1997, the Bringing Them Home Report recommended negotiations for nationally binding minimum standards of the treatment for Aboriginal children and young people.[29]

Despite these calls, Australia still does not have national minimum standards for youth justice, the impact of this is compounded by the lack of a constitutionally or legislatively protected Charter of Human Rights in Australia.

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[23] Our youth, our way Report 83.
[24] SAC – Children Held on Remand, xi.
[25] Sentencing Advisory Council (SAC), *Reoffending by Children and Young People* (2016) 52
[26] Victorian Government, *Youth Justice Strategic Plan 2020-2030* (May 2020) ('YJ Strategic Plan') 24.
[27] Australian Institute of Health and Welfare, 'Closing the Gap targets: key findings and implications', Youth Justice (Website, 6 March 2025) <Closing the Gap targets: key findings and implications, Youth justice - Australian Institute of Health and Welfare>.
[28] Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) Recommendation 62.
[29] Bringing them home Report 512.

National minimum standards should establish a benchmark from which systems in each state and territory can develop ways which suit the requirements of both Aboriginal and non-Aboriginal children and young people.[30]

Minimum standards for youth justice should be founded on several key principles and themes, including:

- Legislative recognition of the need to eliminate the removal of Aboriginal children and young people from their families and communities and a preference for diversion of Aboriginal children and young people to Aboriginal bodies.[31]
- The need for Aboriginal communities and organisations to have a key role in policy development and program implementation.[32]
- The need to give full effect to the rights of Aboriginal people to self-determination in the youth justice system, including transferring decision-making power, authority, control and resources in that system to Aboriginal people.[33]

The national minimum standards must:

- Include all the Commonwealth's international obligations in relation to youth justice, including the Beijing Rules, Havana Rules and Riyadh Guidelines.
- Oblige all states and territories to establish National Prevention Mechanisms (NPMs) and comply with the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Oblige all states and territories to raise the minimum age of criminal responsibility to 14 years without exception and prohibit detention of children under 16 years.[34]
- At the point of arrest of a young person, oblige all states and territories to determine if the case is suitable for early diversion.
- Include protections that do not allow legislation or policy to be implemented which would treat children as adults.

Additionally, the Commonwealth must:

- Act upon Australia's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by incorporating relevant articles into the national minimum standards.
- Enact a federal Charter of Human Rights so all incarcerated children and young people are adequately protected.

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[30] Bringing them home Report 511.
[31] Ibid 518, 519.
[32] Ibid.
[33] Yoorrook Justice Commission, 'Yoorrook's Recommendations for Immediate and Lasting Reform', Yoorrook Justice Commission (Website, 2025) <Yoorrook Recommendations | Yoorrook Justice Commission> ('Yoorrook Recommendations').
[34] Ibid.

ACCO-led solutions: culturally responsive diversion, early intervention and family-based programs

This submission has highlighted the impact of laws, policies and practices that drive Aboriginal young peoples' involvement in the justice system. Funding practices are another driver. Governments have systematically under-invested in culturally appropriate and culturally safe prevention and early intervention services in the youth justice space.

VACCA delivers a range of culturally responsive diversion, early intervention and family-based programs for Aboriginal children, young people and families that demonstrate the difference that's made when Aboriginal expertise is mobilised.

One example is our Youth Through Care (YTC) program, which is an intensive, client-centred, holistic, culturally appropriate trauma-informed program, drawing on strength and connection to culture and community. This program creates opportunities to engage with children and young people in custody prior to and post release.

Significant outcomes of our YTC program include:

- 55% of YTC clients have not been charged or convicted since referral, exceeding the National Indigenous Australians Agency KPI of 40%.
- Clients demonstrate increased motivation, goal-setting, cultural engagement and hope for their futures.
- Case workers remain persistent, non-judgemental and trauma-informed, even when engagement sometimes takes months.
- A 2024 evaluation, conducted by Keogh Bay, found strong client satisfaction, improved confidence and a sense that, for many young people, YTC workers were the first people "genuinely looking out for them".[35]

The de-identified case study provided over the page illustrates the effectiveness of this ACCO-led model of care.

[35] Keogh Bay People Pty Ltd on behalf of the National Indigenous Australians Agency, Evaluation Of The Adult & Youth Through Care Programs (Report, 14 November 2024).

Case study: Youth Through Care

J was referred to the YTC program whilst in custody. He was initially in and out of custody. During this time YTC supported his mum to visit him in custody and the case workers had regular contact with his dad, supporting dad to be ready upon J's release.

Since his last release in 2024, J has had weekly contact with YTC workers, who do outreach to the local area. YTC staff have liaised with services to provide J with a safe environment to engage with their support workers. YTC also spoke to a local artist who agreed to mentor J. YTC workers transported J to an Aboriginal art studio and encouraged J to utilise the art studio to support his community engagement. They liaised with the studio to organise an art workshop for J.

J has not returned to custody and has refrained from offending behaviour. This is the longest period he has gone without re-offending post release since his referral to YTC. J has demonstrated a significant improvement in his engagement with supports that strengthen his connection to community and culture, which are key protective factors against re-offending.

The effect of online platforms on the reach, prominence and harm caused by racism and hate directed at First Nations people.

Overview

This section of VACCA's submission responds to Inquiry **Term of Reference 2**. It describes how online platforms significantly amplify the reach, visibility, and harm of racism directed at Aboriginal and Torres Strait Islander people. Drawing on qualitative analysis of user engagement with VACCA's Facebook page between January 2022 and March 2026, we show that platform design, algorithmic systems, and limited moderation controls contribute to the proliferation and normalisation of racist content, particularly following major political events.

Key Insights

- VACCA has seen a substantial increase in racist comments received on our Facebook page since the 2024 Voice Referendum.
- There has been a sustained increase in racist engagement across organic posts over the last 12 months.
- Profile analysis indicates that racist engagement is disproportionately associated with accounts appearing to belong to older white men.
- Online platforms provide users and administrators with limited visibility and control over algorithmic processes, and no reliable mechanisms to prevent racist content from being published.
- The amplification of racist content online results in significant harm to Aboriginal and Torres Strait Islander people, including VACCA staff.

Key Recommendations

- **Introduce enforceable legal protections addressing online racism**, including platform liability for the amplification of harmful content.
- **Mandate algorithmic transparency and accountability** to address the promotion of racist and harmful material.
- **Require digital platforms to identify, disrupt, and remove racist and extremist content** in a more timely and effective manner.
- **Invest in digital literacy and counter-narrative initiatives** led by Aboriginal and Torres Strait Islander communities.

Discussion

Social Media and Racism

Online platforms have enabled a measurable increase in the volume and visibility of racism directed at Aboriginal and Torres Strait Islander people, particularly following major political events. Since the 2024 Voice Referendum, VACCA has observed a substantial increase in racist comments on its Facebook page, reflecting broader patterns of heightened hostility in public discourse.

Despite the use of active moderation strategies, racist content continues to proliferate. VACCA manages racist comments in two ways:

- A filter is used to remove comments including specific words, ensuring they are not made public. Facebook automatically filters for offensive words, however, we also have a substantial list of words we have added based on experience. Filtered comments are not made public on the platform, however we can monitor them in our social media monitoring platform and block these users.
- Comments that do not contain specific words but are still racist will be made 'live' on the Facebook page. As soon as we see these comments, we block the user, which automatically hides the comments from the public.

Prior to 2024, a proportion of removed comments consisted of spam or unrelated marketing material. Since 2024, approximately 90% of moderated comments have been racist in nature, indicating a significant shift in the composition of harmful content.

Since the referendum, racist comments have been more frequent on our paid advertising. In early 2024 we received around 700 comments over a three-month span on paid advertising in support of fundraising. Of the two campaigns at that time, one (which featured an Aboriginal woman and the words 'I can't afford rent. I'd rather feed my kids') received such a significant volume of racist comments that the campaign was pulled from Facebook.

Following these campaigns, we began to see that non-followers were increasingly being shown our organic (non-paid) posts on their feeds and leaving inflammatory comments on event flyers, program information and other content aimed at the Aboriginal and Torres Strait Islander community and allies

Though the post-referendum wave subsided, our baseline for racist comments across all posts has increased. After the federal election campaign began in early 2025, we launched a Facebook ad campaign promoting the Redress for Historical Institutional Abuse scheme, which triggered a similar reaction to the previous wave of comments in 2024.

The graph over the page (Figure 1) shows the number of comments left on VACCA's Facebook page between January 2022 and March 2026. The graph shows comments that we have hidden in orange. The graph shows a sudden, significant increase in the number of racist comments made following the Voice referendum, and a sustained increase in racist comments being made on our organic posts over the last 12 months.

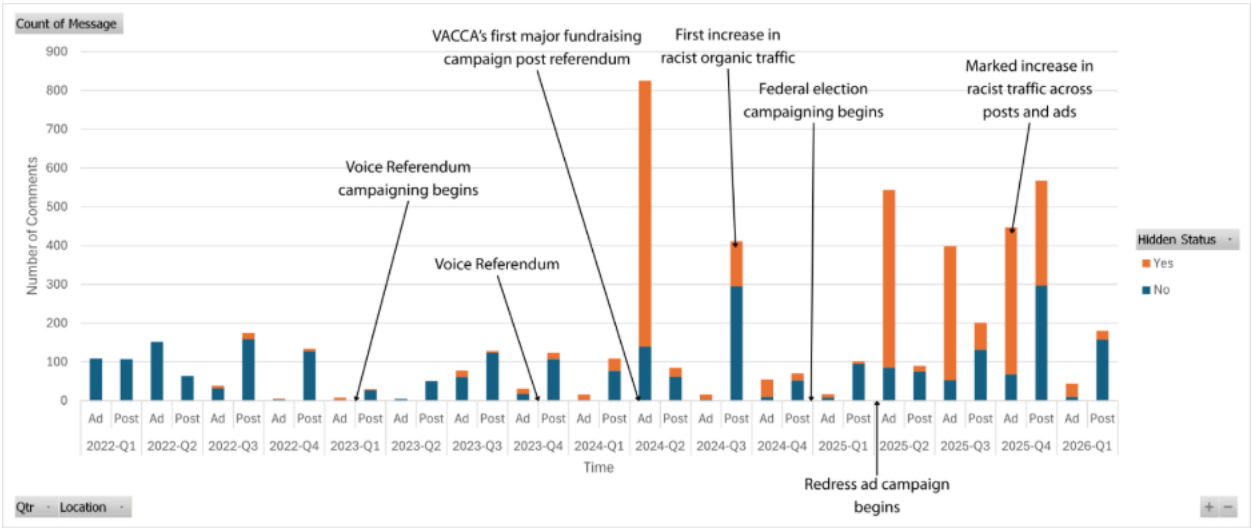

Figure 1: Number and proportion of hidden comments on VACCA social media 2022-2026

Types of racist engagement

Qualitative analysis of comments received between January 2022 and March 2026 identified three dominant themes:

- Expressions of anger/objection/protest with regard to the perceived high amount of money/resources invested by the government for Aboriginal people
- General racism based on harmful stereotypes and prejudice
- Resentment framed around the perceived preferential treatment received by Aboriginal people in comparison to other groups (e.g. 'what about the white kids?').

Word frequency analysis reinforces these patterns. The second most commented single word on the page was 'money', while 'what about' was the tenth most used two-word phrase, with many comments sharing this sentiment without using those exact words. 'Get a job' was the second most used three-word phrase. This analysis reflects recurring narratives grounded in economic resentment, denial of structural inequality, and racial stereotyping.

These themes align with broader patterns identified in anti-Indigenous and extremist discourse (discussed in our response to Term of Reference 4), including the framing of equity measures as unjust and the reinforcement of racial hierarchy.

Facebook users

VACCA runs social media pages on Facebook, Instagram (both owned by Meta) and Linked In. As a social networking site for professionals, racist comments on Linked In are extremely rare and therefore can be omitted for the purposes of this discussion.

When considering Facebook and Instagram, we overwhelmingly see racist comments on Facebook although our organic posts and advertising campaigns almost always run across both platforms.

Statistics from 2025 show that Facebook has more users in Australia (60% of total population) than Instagram (50%) and that the average age of Facebook users skews older (28% over the age of 45, compared with 14% over 45 on Instagram).[36]

On gender, Facebook has a higher proportion of male users at 48.1% of total users, while Instagram has 44.8% male users.[37]

These trends align with our experience that users who leave racist comments on Facebook appear to be from accounts of older white men, based on their profile pictures.

This gendered issue was made obvious in 2024 when we ran a paid advertising campaign for 'Morning Tea for Culture', our major peer-to-peer fundraising campaign. After receiving a large volume of racist comments, we limited our audience to women only (possible for paid advertising). Very few racist comments were received following the change.

The algorithm

Platform algorithms play a central role in amplifying racist content.

Research shows that content provoking strong emotional reactions such as anger, outrage and hostility will often generate more likes, comments and shares.[38] The algorithm interprets this as a signal to amplify that content further to people who 'lookalike'[39] the person who originally commented. This inevitably generates more racist comments and continues the cycle.

This dynamic is compounded by the lack of transparency and user control over how the algorithm operates, particularly for organic content. Page administrators and Facebook users have no meaningful visibility into why certain content is shown to them or others, little ability to control the algorithm, and no reliable way to pre-emptively prevent racist comments on their own posts and pages.

The design of these systems creates structural incentives to prioritise engagement over safety, increasing the likelihood that harmful content will be widely disseminated.

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[36] Clickify (2025), 'Australian Social Media Usage by Platform & Age in 2025', https://clickify.com/australian-social-media-usage-2025/.
[37] Retain Media (2025), 'Social Media Stats 2025', https://retainmedia.com.au/social-media-insights/social-media-stats-2025/.
[38] William J. Brady et al. (2021) How social learning amplifies moral outrage expression in online social networks, *Science Advances, Vol.* 7, Iss. 33. Accessed online: https://www.science.org/doi/10.1126/sciadv.abe5641
[39] A digital marketing term to describe a group of users who share characteristics (age, locations, interests) with another group.

Issues and risks

The amplification of racist content produces direct and measurable harms. Racist comments that are not immediately removed are publicly visible, exposing Aboriginal and Torres Strait Islander people and broader audiences to harmful narratives.

Staff responsible for moderating content are repeatedly exposed to racism, creating risks of vicarious trauma and psychological harm.

The presence of sustained racist engagement also undermines VACCA's ability to effectively communicate with communities and allies, limiting the reach and impact of its programs and services.

Initiatives that are effective in combating racism targeted at First Nations people and reduce individual and collective harm.

Overview

This section responds to Inquiry **Term of Reference 3**. It demonstrates that effective initiatives to combat racism against Aboriginal and Torres Strait Islander people require coordinated, community-led, and legislatively supported approaches that address both systemic and interpersonal drivers of harm. We identify key characteristics of effective practice to be strong legal protections, truth-telling, education, accountability mechanisms, and sustained investment in Aboriginal Community Controlled Organisations.

Key Insights

- Effective initiatives are grounded in human rights and supported by strong legislative frameworks.
- In Australia, racism persists due to weak legal protections, inconsistent definitions, limited accountability, insufficient political commitment, and a lack of robust disaggregated data.
- Initiatives must address both systemic and perpetrator-based drivers of racism.
- Effective responses require coordinated, whole-of-government approaches supported by robust accountability mechanisms.
- Truth-telling and racial literacy in education are critical prevention strategies.

Key Recommendations

- **Reform the *Racial Discrimination Act 1975*** to strengthen protections against systemic racism.
- **Establish a national Human Rights Act or Bill of Rights** to better safeguard against discrimination and uphold fundamental rights.
- **Implement stronger enforcement mechanisms** under legislation such as the *Online Safety Act 2021*, to ensure timely, accessible and effective remedies for individuals experiencing racial abuse in digital spaces.
- **Invest sustained funding, legislative backing and enforceable accountability to implementation of the National Anti-Racism Framework**, including implementation of its 63 evidence-based recommendations.
- **Adopt the Yoorrook Justice Commission's recommendation that the Australian Institute for Teaching and School Leadership (AITSL) review Professional Standards** to better incorporate First Peoples' perspectives and cultural competency.
- **Embed racial literacy in national curriculum across all levels.** This should encompass Aboriginal and Torres Strait Islander histories, perspectives and anti-racism education, and be supported by adequate investment in educator training.
- **Establish a clear, nationally consistent definition of racism and anti-racist action** to support shared understanding, guide policy and practice, and enable consistent responses across jurisdictions.

- **Establish robust monitoring and evaluation of anti-racism measures**, including independent oversight and transparent public reporting to ensure accountability and enable government to track progress over time.
- **Lead development of a whole-of-government approach to addressing structural drivers of racism**, ensuring policy coherence, long-term commitment and alignment across all levels of government.
- **Provide ongoing investment in public campaigns that carry the clear signal that eliminating racism against Aboriginal and Torres Strait Islander people is a genuine government priority.** Funded campaigns should be grounded in evidence of what works to shift racist attitudes and behaviours and strengthen bystander action and incident reporting.

Discussion

There is substantial evidence that both interpersonal and structural racism contribute to significant individual and collective harm for Aboriginal and Torres Strait Islander people.[40] The ongoing violation of Aboriginal and Torres Strait Islander peoples' human rights since colonisation continues to have profound and intergenerational impacts on the social, emotional and physical wellbeing of individuals, families and communities.[41]

While governments formally condemn racism, it persists in multiple forms due to weak legal protections, inconsistent definitions, limited accountability, insufficient political commitment, and a lack of robust, disaggregated data exposing inequities experienced by Aboriginal and Torres Strait Islander people.[42]

Initiatives that are effective in combating racism against Aboriginal and Torres Strait Islander peoples and reducing harm share several key characteristics. They are led by First Nations communities, grounded in human rights and supported by strong legislative frameworks, and focused on prevention through truth-telling and education. They are also designed to address both systemic and perpetrator-based drivers of racism, underpinned by robust accountability and oversight mechanisms, and coordinated across government and sectors.

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[40] Thurber KA, Brinckley MM, Jones R, et al. Population-level contribution of interpersonal discrimination to psychological distress among Australian Aboriginal and Torres Strait Islander adults, and to Indigenous–non-Indigenous inequities: cross-sectional analysis of a community-controlled First Nations cohort study. Lancet 2022; 400: 2084-2094.

[41] Gee G, Dudgeon P, Schultz C, et al. Aboriginal and Torres Strait Islander social and emotional wellbeing. In: Dudgeon P, Milroy H, Walker R; editors. *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*. Canberra: Commonwealth of Australia.

[42] Dudgeon P, Bray A, Walker R. Mitigating the impacts of racism on Indigenous wellbeing through human rights, legislative and health policy reform. *Med J Aust.* 2023;218(5):203–205.

Without these elements, anti-racism efforts will remain fragmented and insufficient, and the individual and collective harms of racism will continue to be experienced by Aboriginal and Torres Strait Islander peoples.

Legislative and Human Rights-based Protections

Strong legislative frameworks are fundamental to effective anti-racism action. Legal protections establish enforceable standards, shape institutional behaviour, and provide avenues for redress when harm occurs.

Under international law, the distinct individual and collective human rights of Indigenous peoples are recognised and protected by a range of conventions and declarations, to which Australia is either a party and is legally bound, or has endorsed and is bound in policy and principle.

These human rights frameworks commit governments to addressing racism through legislation, policy, education and enforcement. However, with the exception of the *International Convention on the Elimination of All Forms of Racial Discrimination,* which Australia has expressly incorporated into its domestic law through the *Racial Discrimination Act 1975* (RDA), these international instruments are not directly enforceable domestically. Further, the extent to which the RDA is enforceable is compromised by its capacity to be repealed or its operation to be suspended, which occurred to enable the enactment of the Northern Territory Emergency Response suite of legislation which directly discriminated on the basis of Aboriginal race and did not satisfy the legal test of lawful discrimination to be classified as a 'special measure' by law.

Australia's ratification or endorsement of international human rights instruments alone is therefore insufficient to address the full scope and embedded nature of racism in Australia.

Strengthening the RDA and progressing a federal Human Rights Act or Bill of Rights would significantly enhance protections. Aligning domestic legislation with the United Nations Declaration on the Rights of Indigenous Peoples would further embed the rights of Aboriginal and Torres Strait Islander peoples within Australia's legal system.

These approaches would be effective because they address both interpersonal and systemic racism. They would provide recourse for individuals while also driving structural change within institutions.

Additionally, there is an increasing need to strengthen legal responses to online racism, including through expanded enforcement mechanisms under legislation such as the *Online Safety Act 2021*.

Anti-Racism Frameworks and Strategies

The National Anti-Racism Framework (2024) provides an important evidence-based foundation for a coordinated, whole-of-society response. Its strengths include its emphasis on intersectionality, community-centred approaches, cultural safety, truth-telling and self-determination.[43] However, the Framework has not yet been operationalised, with limited progress in implementation planning, governance, or resourcing.

At the state level, Victoria's Anti-Racism Strategy 2024–2029 reflects key elements of effective practice. It articulates clear system-wide goals, including challenging racist behaviours, ensuring safe and non-discriminatory services, removing barriers to participation, and strengthening culturally safe supports. It also identifies practical levers such as behaviour change campaigns, community-led initiatives, strengthened legal protections, improved complaints processes, and targeted action in high-risk systems such as policing.[44]

These frameworks reflect evidence of what works: effective anti-racism initiatives are multi-layered, combining prevention, system reform, and responsive mechanisms. They operate across sectors, embed accountability, and prioritise community leadership. **However**, without sustained investment, legislative backing and enforceable accountability, these frameworks will remain limited in their impact and unlikely to reduce racism or its associated harms at scale.

Aboriginal-led, community-controlled initiatives

Evidence consistently demonstrates that initiatives led by Aboriginal and Torres Strait Islander communities are the most effective in reducing harm. ACCOs are uniquely positioned to design and deliver responses that are culturally safe, locally informed, and trusted. These approaches move beyond consultation to genuine shared decision-making and align with Priority Reform One under the National Agreement on Closing the Gap.[45]

Where governments invest directly in ACCOs and establish formal partnerships that share decision-making authority, outcomes are stronger, more sustainable, and more responsive to community need. In contrast, approaches led by mainstream organisations, or those that position First Nations peoples as stakeholders rather than leaders, are less effective and can perpetuate harm.[46] Ensuring initiatives are community-led, adequately resourced, and evaluated by Aboriginal and Torres Strait Islander peoples is critical to effectiveness.

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[43] Australian Human Rights Commission. 2024. *National Anti-Racism Framework*.
[44] Victorian Government. 2024. *Victoria's Anti-Racism Strategy 2024–2029*. Department of Premier and Cabinet.
[45] Productivity Commission. 2020. *Indigenous Evaluation Strategy* (viewed April 2026) https://www.pc.gov.au/inquiries-and-research/indigenous-evaluation/strategy/

[46] Productivity Commission. 2020. *Indigenous Evaluation Strategy* (viewed April 2026) https://www.pc.gov.au/inquiries-and-research/indigenous-evaluation/strategy/

Truth-Telling

Preventing racism requires addressing its root causes, including the ongoing impacts of colonisation and the widespread absence of truth in Australia's national narrative.

Truth-telling processes, such as those led by the Yoorrook Justice Commission, are essential in acknowledging historical and contemporary injustices and reshaping public understanding.

A study undertaken by UNSW and Reconciliation Australia into truth-telling found that "both First Nations and non-Indigenous respondents agreed that the main benefits that would emerge from truth-telling were the development of a shared understanding of Australian history; the hope that truth-telling would deliver healing for Aboriginal and Torres Strait Islander peoples; and the potential of truth-telling to help improve relations between First Nations and non-Indigenous peoples."[47]

VACCA notes the *Truth and Justice Commission Bill 2024,* which intended to establish a Commission to inquire into and make recommendations to Parliament on particular matters relating to historic and ongoing injustices against First Peoples in Australia and the impacts of these injustices on First Peoples, was referred by the Senate to the Joint Standing Committee on Aboriginal and Torres Strait islander Affairs for inquiry and report by 29 May 2025. This inquiry lapsed without this report being completed.

Embedding Racial Literacy in National Curriculums

Education is a critical lever for long-term change. Embedding Aboriginal and Torres Strait Islander histories, perspectives and anti-racism education across school curricula supports the development of racial literacy and fosters more inclusive learning environments. Racial literacy equips students to recognise, understand and challenge racism, disrupting the intergenerational transmission of harmful attitudes and beliefs.[48]

Including Aboriginal and Torres Strait Islander perspectives throughout the curriculum is also central to improving engagement and outcomes for Aboriginal students. Evidence shows this approach can strengthen students' sense of identity and belonging, contribute to more culturally safe and positive school environments, and enhance understanding and respect among both Aboriginal and non-Aboriginal students. Collectively, these outcomes support more equitable education systems and contribute to broader cultural change.[49]

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[47] Payne, A M & Norman, H. (2024), *Coming to terms with the past? Identifying barriers and enablers to truth-telling and strategies to promote historical acceptance*, Barriers-and-enablers-to-truth-https://www.reconciliation.org.au/wp-content/uploads/2024/04/Barriers-and-enablers-to-truth-telling-report.pdf, p. 9.

[48] Positive learning environments for Indigenous children and young people. Accessed https://www.aihw.gov.au/getmedia/107b2cd9-88f7-4e8e-8ab3-33718c966ff9/ctgc-rs33.pdf.aspx?inline=true

[49] Ibid.

Anti-racism campaigns

Enduring government investment in public awareness campaigns can be a powerful means of reducing racism, hate, and violence against Aboriginal and Torres Strait Islander people.

When thoughtfully designed and grounded in psychological research and evidence – including Aboriginal-led research and evidence – public awareness campaigns on racism can meaningfully shift people's understanding and encourage positive behaviours. This evidence base is particularly important given the confronting nature of racism as a subject. Many people who engage in covert or normalised racist behaviours may genuinely not recognise themselves as racist, having absorbed these patterns through upbringing or community norms.

Psychological research indicates that people are more receptive to behaviour-change messaging when they do not perceive themselves as part of the problem. Campaigns that emphasise the prevalence of racism and centre the perpetrator group risk producing the opposite of the intended effect, potentially reinforcing the very behaviours they seek to change[50]. Effective anti-racism campaigns therefore tend to highlight positive behaviours rather than zooming in on the problem itself. Positive portrayals of interactions between advantaged and disadvantaged groups, and the strategic use of high-profile figures modelling respectful behaviour, can be impactful approaches.

Beyond individual behaviour change, investing in well-designed, wide-reaching anti-racism campaigns also signals that governments and those in positions of power take this issue seriously — drawing on the model of successful public health campaigns addressing smoking and drink driving.

Accountability, monitoring and complaints mechanisms

A major limitation of current anti-racism efforts is the absence of robust accountability. Effective initiatives require clear definitions of racism and anti-racist action, consistent monitoring and evaluation and transparent public reporting on outcomes. Without these elements, it is not possible to determine whether initiatives are effective or reducing harm.

Independent oversight is also critical. This includes roles such as the newly legislated National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, alongside strengthened state-based oversight mechanisms.

As will be discussed in our response to Term of Reference 5, accessible, culturally safe complaints pathways must also be established and properly resourced. Investment in ACCOs to support individuals navigating complaints processes is essential to ensure accessibility and trust.

[50] Louis, W. R., Barlow, F. B., & Greenaway, K. H. National identity, Australian values and outsiders. In D. Bretherton & N. Balvin (Eds.), Peace Psychology in Australia: Dreamings of Peace (pp. 87–106). 2012.

Naming racism

Initiatives that clearly name and address racism – rather than reframing it as 'social cohesion' – are more likely to achieve meaningful and measurable outcomes. Accurately naming racism makes visible the specific behaviours, structures and power dynamics that must be addressed, enabling more targeted, accountable and effective responses. In contrast, broad and neutral framing such as 'social cohesion' can obscure the realities of racism, limit the scope of action, and reduce the likelihood of achieving substantive change.[51]

Despite this, there has been a persistent reluctance by governments to explicitly use the term 'racism.' Over the past decade, this preference for softer, more general language has diluted the focus and impact of anti-racism efforts, often shifting attention away from those who perpetuate racism and the systems that sustain it. It can also signal a lack of institutional willingness to confront uncomfortable truths, undermining trust with Aboriginal and Torres Strait Islander communities and weakening the credibility of policy responses.[52]

Whole-of-government and cross-sector coordination

Australia continues to lack a coordinated, system-wide, government-led approach that is strengths-based, intersectional and designed for long-term impact. Current efforts are often fragmented, time-limited or programmatic, rather than embedded within core government systems and accountability frameworks.

Addressing racism across institutions such as justice, health, education and employment is critical. This requires recognising racism as structural – shaped by policies, practices and decision-making processes that produce unequal outcomes – rather than reducing it to individual attitudes or behaviours. Fragmented and siloed efforts significantly limit impact.[53]

A more effective response requires coordinated action across all levels of government and integration across sectors, including health, justice, education, media and workplaces. This must be supported by clear national leadership, consistent language and alignment across jurisdictions, alongside mechanisms to measure progress, enforce accountability and embed anti-racism across policy, service delivery and institutional practice. Alignment with Closing the Gap Priority Reform Three on eliminating racism is essential, as is bipartisan commitment and long-term policy stability to avoid short-term, reactive cycles and the erosion of institutional knowledge.

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[51] Mapping government anti-racism programs and policies July 2024. Accessed https://humanrights.gov.au/__data/assets/pdf_file/0025/25378/mapping_government_anti-racism_programs_and_policies_report_1.pdf

[52] Mapping government anti-racism programs and policies July 2024. Accessed https://humanrights.gov.au/__data/assets/pdf_file/0025/25378/mapping_government_anti-racism_programs_and_policies_report_1.pdf

[53] Australian Human Rights Commission. 2024. *Mapping government anti-racism programs and policies*.

The threat posed by ideologically motivated extremism towards First Nations people and the role of intelligence and law enforcement agencies in protecting the community from that threat.

Overview

This section of our submission responds to Inquiry **Term of Reference 4**. It highlights a growing pattern of violence and mobilisation, reinforced by globally- networked, digitally enabled movements. Systemic racism weakens effective responses to these threats. We call for strengthened, targeted responses that centre First Nations experiences, embed community-led leadership, address structural bias in law enforcement, regulate online radicalisation, and support national truth-telling as a key prevention strategy.

Key Insights

- White supremacist nationalist ideology is a primary driver of ideologically motivated extremism impacting Aboriginal and Torres Strait Islander people, and is increasing in visibility and severity.
- First Nations people are deliberate targets within extremist narratives that frame Indigenous sovereignty and presence as incompatible with Australian national identity.
- Contemporary extremist movements are globally networked and digitally enabled, with online platforms accelerating radicalisation, recruitment, and mobilisation.
- Anti-feminist and patriarchal ideologies play a central role in unifying far-right movements, reinforcing broader systems of racial and social hierarchy.
- These ideologies are historically embedded. They draw legitimacy from Australia's settler-colonial foundations, including doctrines such as *terra nullius* and policies underpinning the White Australia Policy.
- Systemic racism in policing and the criminal legal system undermines trust, resulting in reduced reporting of violence and limiting the effectiveness of law enforcement responses to extremist threats.
- The absence of culturally safe, community-led prevention and response mechanisms leaves First Nations communities inadequately protected.
- Current national security and counter-extremism frameworks do not sufficiently centre the experiences, risks, or expertise of First Nations people.

Key Recommendations

- **Require intelligence and security agencies to collect, analyse, and publicly report data** on the impacts of ideologically motivated extremism on Aboriginal and Torres Strait Islander communities.
- **Establish dedicated monitoring and disruption strategies targeting white supremacist nationalist networks** and violence directed at First Nations people.
- **Ensure counter-extremism frameworks explicitly recognise First Nations people as a priority group** at risk of targeted harm.
- **Fund and support First Nations-led community safety, early intervention, and prevention initiatives** addressing extremism, racism, and violence.
- **Establish formal partnerships between intelligence agencies, law enforcement, and ACCOs** to support culturally informed responses.

Discussion

White supremacist nationalist ideology

In the past 12 months, there has been a significant and observable increase in incidents of racism, violence, and hate directed towards First Nations people. These incidents are not random or isolated; they reflect a broader pattern of mobilisation around white supremacist nationalist ideologies that position Indigenous people as incompatible with perceptions of Australian nationhood.

While policy and security frameworks often adopt neutral or generalised language, the broadness of the term "ideologically motivated extremism" risks obscuring the central role of white supremacist nationalist ideologies in driving contemporary extremist activity in the form of violence and hate against Aboriginal and Torres Strait Islander people.

Two recent incidents demonstrate the nature and escalation of this threat.

On 31 August 2025, a group of men identifying as neo-Nazis attacked First Nations people and allies at Camp Sovereignty following a "March for Australia" rally in Naarm/Melbourne. The rally promoted anti-immigration rhetoric and the *March for Australia* website has previously referenced "remigration" – a concept associated with far-right movements advocating for the 'deportation' of non-White people from Western nations.[54]

[54] https://www.abc.net.au/news/2025-08-28/who-is-behind-march-for-australia-anti-immigration-rallies/105657548

On 26 January 2026, a man threw a homemade explosive device into a crowd at an Invasion Day rally in Boorloo/Perth. Reports indicate that the perpetrator had engaged with online "pro-white male" extremist material and was actively participating in these ideological networks.[55]

These incidents illustrate that First Nations people are not incidental victims of extremist violence. Rather, they are explicitly targeted within ideological frameworks that reject Indigenous sovereignty, reinforce racial hierarchy, and legitimise violence as a means of social and political control.

This trend is consistent with assessments made by intelligence agencies regarding awareness of the rise in white supremacist nationalist extremism.

In February 2025, ASIO Director-General of Security, Mike Burgess reported that ASIO is seeing "an increase in issue-motivated extremism, fuelled by personal grievance, conspiracy theories and anti-authority ideologies".[56]

Of all the cases ASIO investigated as 'terrorist matters' in 2024, "fewer than half were religiously motivated. The majority involved mixed ideologies or nationalist and racist ideologies".[57]

ASIO also reported trends regarding the profile of individuals subject to investigations. Almost all of the matters investigated involved minors, were overwhelmingly male (85%), and overwhelmingly Australian-born.[58]

This pattern of domestic radicalisation underscores the need for prevention strategies that address drivers in a targeted way.

Influence of Global Political Agendas and Social Media

The rise of white supremacist nationalist extremism in Australia is consistent with broader global trends.[59] Across multiple jurisdictions, far-right political movements have gained increased visibility and, in some cases, electoral success.[60] This growing prominence contributes to the normalisation and mainstreaming of exclusionary, nationalist, and racial ideologies, creating an enabling environment for extremism.[61]

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[55] https://nit.com.au/06-02-2026/22552/invasion-day-terror-accused-sought-white-nationalist-material-police-allege
[56] Office of National Intelligence (2025), 'ASIO Annual Threat Assessment 2025', https://www.oni.gov.au/news/asio-annual-threat-assessment-2025
[57] Ibid.
[58] Ibid.
[59] Byman, Daniel, *Spreading Hate: The Global Rise of White Supremacist Terrorism* (New York, 2022; online edn, Oxford Academic, 17 Feb. 2022), https://doi.org/10.1093/oso/9780197537619.001.0001, accessed 5 Apr. 2026.
[60] Mixed Migration Centre (2025), 'The far-right and migration politics in the aftermath of the 2024 'year of elections', https://mixedmigration.org/publications/mmr/2025/far-right-elections-migration-policy/.
[61] Ibid.

Online platforms play a critical role in this ecosystem. Increased access to social media and encrypted communication channels has enabled the rapid dissemination of misinformation, conspiracy theories, and hate speech. These platforms facilitate pathways to radicalisation, particularly for young people, by connecting individuals to transnational extremist networks and reinforcing grievance-based narratives.

Research examining extremist online communities demonstrates that groups founded on white supremacist ideology maintain a dual strategy of online engagement and offline mobilisation. These groups actively exploit current events and social tensions to recruit, radicalise, and coordinate action. Platforms such as Telegram are frequently used to distribute propaganda, while maintaining links to broader digital ecosystems.[62]

Further, research conducted in Victoria highlights the role of anti-feminist ideology as a unifying force within far-right extremism. Anti-feminism reinforces broader themes of hierarchy, control, and "traditionalism", and intersects with both racist and anti-Indigenous narratives. This convergence strengthens the cohesion and appeal of extremist movements, broadening their reach and deepening their ideological foundations.[63]

History of White Supremacist Nationalist Ideologies in Australia

Contemporary extremist ideologies do not emerge in isolation. They draw legitimacy from Australia's historical legal and political frameworks, which were explicitly grounded in notions of racial hierarchy and exclusion.

The doctrine of *terra nullius*, formalised in colonial law in 1835, provided the legal justification for dispossession by asserting that the land belonged to no one, or to no "civilised" people capable of ownership.[64] Protectionist and assimilationist policies implemented through legislation in the late 19th and early 20th centuries were similarly informed by eugenic and social Darwinist principles.

The *Immigration Restriction Act 1901*, which established the White Australia Policy, further entrenched the objective of white supremacist racial hierarchy, enacting through legislation a vision of Australia as a "white" nation.

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[62] Keneally, Katherine and Davey, Jacob, "White Supremacist and Anti-Government Extremist Groups in US". London: Global Network on Extremism and Technology (GNET), July 2024. https://doi.org/10.18742/pub01-186

[63] Agius C, Cook K, Nicholas L, Ahmed A, bin Jehangir H, Safa N, Hardwick T & Clark S. (2020). Mapping right-wing extremism in Victoria. Applying a gender lens to develop prevention and deradicalisation approaches. Melbourne: Victorian Government, Department of Justice and Community Safety: Countering Violent Extremism Unit and Swinburne University of Technology. https://apo.org.au/sites/default/files/resource-files/2020-12/apo-nid307612.pdf

[64] Australian Museum (2021) 'Terra Nullius', https://australian.museum/learn/first-nations/unsettled/recognising-invasions/terra-nullius/.

These histories are not merely contextual. They continue to shape contemporary narratives and provide a foundation upon which modern extremist ideologies are built.

The persistence of racism, denial of Indigenous sovereignty, and resistance to truth-telling initiatives reflect the ongoing influence of these foundational beliefs.

Processes such as the Yoorrook Justice Commission demonstrate the importance of formally recognising these histories. As articulated by the Commission, colonisation created the structures and conditions that continue to produce harm, injustice, and rights violations for First Peoples.[65]

As discussed in the previous section of this submission, a national truth-telling process is not only a matter of historical recognition, but a critical component of preventing the resurgence and normalisation of ideologies that enable violence against First Nations communities.

The role of intelligence and law enforcement agencies in protecting the community

The capacity of intelligence and law enforcement agencies to protect Aboriginal and Torres Strait Islander people from ideologically motivated extremism is significantly undermined by systemic racism and longstanding mistrust. For many First Nations people, police and the broader criminal legal system are not experienced as sources of safety, but as sites of surveillance, discrimination, and harm.

This mistrust has direct implications for national security. Communities that are most at risk of targeted extremist violence may be the least likely to report threats, seek assistance, or engage with law enforcement. As a result, critical intelligence may be lost, risks may go unaddressed, and opportunities for early intervention may be missed.

As discussed in our response to Term of Reference 1, Aboriginal women continue to be misidentified by police as the 'predominant aggressor' at disproportionate rates. These practices have serious consequences. They deter reporting, increase the risk of ongoing harm, and contribute to a broader perception that police are unwilling or unable to provide protection.

Evidence also indicates that racial profiling remains prevalent in policing practices, despite being formally banned in Victoria in 2015.

Data obtained under the Freedom of Information Act ('FOI') by the Racial Profiling Data Monitoring Project demonstrates significant disparities in police interactions. Aboriginal people are substantially more likely to be stopped, searched, and subjected to use of force compared to non-Indigenous (white presenting) people.

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[65] Yoorrook Justice Commission (2023) *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice System*, https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorrook-for-justice-report.pdf, p. 62.

The project reports that in 2024:

- **Aboriginal people were 16 times more likely to be searched by Victoria Police** than White people;
- People perceived to be African were nine times more likely to be searched than White people, people perceived as Middle-eastern were almost six times more likely to be searched than White people, and people perceived to be Pacific Islander were five times more likely to be searched than White people. This indicates that police are targeting these groups for investigation.[66]
- **Victoria Police were:**
    - **10 times more likely to use force against a person they perceived to be Aboriginal** than a person they perceived to be White;
    - **10.6 times more likely to use force against a woman they perceived to be Aboriginal** than a woman they perceived to be White;
    - **13 times more likely to use tasers against Aboriginal people** than White people;
    - **3.4 times more likely to initiate a pursuit against a person they perceived to be Aboriginal** than a White person.[67]

These disparities are not explained by differences in offending. Search "hit rates" are broadly similar across groups, indicating that increased targeting of Aboriginal people does not correspond to higher detection of unlawful activity.[68] These disparities reflect systemic bias in decision-making processes.The cumulative impact of these practices is the disproportionate criminalisation of Aboriginal people and increased entry into the criminal legal system as a direct result of policing activity. This reinforces distrust and undermines the perceived legitimacy of law enforcement institutions.

Implications for protection against extremism

The issues outlined above are not separate from the threat of ideologically motivated extremism – they directly shape the effectiveness of responses to it. Where trust in law enforcement is low, communities are less likely to engage in reporting or prevention efforts. Where systemic bias exists, responses to threats may be inconsistent or inadequate. Addressing ideologically motivated extremism therefore requires more than enhanced surveillance or enforcement powers. It requires structural reform to ensure that law enforcement and intelligence agencies are capable of providing equitable, culturally safe, and effective protection to those most at risk.

Without such reform, efforts to counter extremism will remain incomplete, and the safety of Aboriginal and Torres Strait Islander communities will continue to be compromised.

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[66] Centre Against Racial Profiling (2025), 'The Racial Profiling Data Monitoring Project', https://www.racialprofilingresearch.org/keyfindings-2024.
[67] Ibid.
[68] Ibid.

The effectiveness of avenues for reporting and responding to racism against Aboriginal and Torres Strait Islander people, including the consistency, timeliness and appropriateness of outcomes across jurisdictions and institutions.

Overview

This section of the submission responds to Inquiry **Term of Reference 5**. It demonstrates that current formal avenues for reporting racism are not effective for Aboriginal and Torres Strait Islander people. It identifies systemic patterns of failure, including structural inaccessibility, lack of cultural safety, inadequate outcomes, and inconsistency across institutions. Victoria Police and the police complaints system are examined as a case study demonstrating these systemic failures.

Key Insights

- Formal reporting mechanisms including the Australian Human Rights Commission (AHRC) and – at a state and territory level, police complaints processes – have not been designed with meaningful input from Aboriginal and Torres Strait Islander communities, and they consistently fail to deliver timely, culturally safe or consequential outcomes.
- Fewer than 16% of people who experience racism ever formally report it, with over 90% citing resignation that nothing will change as the primary barrier. Aboriginal and Torres Strait Islander people constitute only 1% of AHRC complainants despite bearing some of the highest rates of discrimination in the country.
- Incremental improvements to existing mechanisms, greater awareness campaigns, or limited pilots will not address this. Rather, what is required is a fundamental rethinking of who these systems are built for, who controls them, and what outcomes they are designed to achieve, and actions that centre community self-determination, mandate binding accountability mechanisms, and invest meaningfully in ACCOs as best placed to support community members to report and seek redress for the racism they experience every day.

Key Recommendations

- **Establish a national framework for consistent reporting and accountability mechanisms across all Commonwealth entities responsible for handling complaints.**
- **Enable Aboriginal complainants to report without fear of harm, dismissal or retraumatisation:**
  - **Ensure cultural safety in Commonwealth complaints bodies**, including a consistent set of mandatory minimum cultural competency requirements for complaints handling staff across all entities, with training delivered by ACCOs.
  - **Invest in community-led support for reporting**, recognising that ACCOs are often better placed than statutory agencies to receive complaints and support community members to navigate complaints processes.
  - **Guarantee independent and impartial investigation of complaints of racism** across all reporting pathways. As part of this, the Commonwealth should not only assure procedural fairness in Commonwealth entities, but use levers to drive state and territory improvement – for example, the Justice Policy Partnership to advance stronger police oversight in all jurisdictions, including **ending the practice of police investigating police complaints.**
- **Reform the Australian Human Rights Commission's conciliation-only model to enable binding determinations** in cases of serious racial discrimination, reducing the burden placed on individuals to pursue justice through costly litigation.

Discussion

Current formal mechanisms for reporting racism and misconduct do not constitute an effective response. For Aboriginal and Torres Strait Islander people, engagement with police, oversight bodies, or institutional complaints processes frequently results in retraumatisation rather than resolution.

Most reporting avenues were not designed with meaningful input from Aboriginal and Torres Strait Islander communities and have consistently failed to deliver accessible, timely, or accountable outcomes. This reflects structural racism embedded within institutional design and operation.

The result is a sustained cycle of underreporting, limited accountability, and erosion of trust, further reducing the likelihood of future engagement.

Overview of Existing Reporting Avenues

At the federal level, the primary avenue for reporting racial discrimination is the Australian Human Rights Commission (AHRC), which administers complaints under the *Racial Discrimination Act 1975*. The Commission's role is investigative and conciliatory, and it cannot make binding decisions. Where conciliation fails, complainants must independently pursue the matter through the Federal Court, placing the significant burden of litigation costs and legal complexity on the individual who experienced harm.

This model is not trauma-informed and creates significant barriers to accessing justice.

In Victoria, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) administers complaints under the *Equal Opportunity Act 2010* and the *Racial and Religious Tolerance Act 2001*. Like the AHRC, VEOHRC's primary resolution mechanism is conciliation, an informal process that positions the person who experienced racism as a party in negotiation with the party responsible.

This model is not a realistic or culturally safe option for many Aboriginal and Torres Strait Islander people, particularly in cases involving institutional racism or police conduct, and contributes to low reporting rates by offering limited incentive and no guarantee of enforceable outcomes.

For complaints involving police, structural limitations are more acute. Victorians have the option to report to Victoria Police's Independent Broad-based Anti-Corruption Commission (IBAC), which has oversight functions over police conduct. In practice, however, **the vast majority of complaints about the police are referred back to Victoria Police for internal investigation.**

Each of these above-mentioned mechanisms has significant limitations when assessed against the experiences of Aboriginal and Torres Strait Islander people. Taken together, they present a system that is structurally misaligned with the needs of communities experiencing the highest rates of racism and institutional harm.

A comparison of protections offered under Equal Opportunity Commission and the Australian Human Rights Commission

When looking at the avenues, protections and definitions offered under the individual relevant bodies in Victoria (Equal Opportunity Commission) and the Commonwealth (Australian Human Rights Commission), there are key differences that highlight the relatively weaker protections offered by the Commonwealth against racial vilification.

VACCA notes that:

- The jurisdictional choice gap is a structural barrier. Once a complaint is made in one jurisdiction, it can foreclose remedies in the other.[69] This is a significant risk for Victorian complainants. We recommend either legal support entitlements or a formal coordination mechanism between the AHRC and the VEOHRC.

[69] (s.6A AHRCA and s.116 EOA).

- There is less leeway for representative bodies other than unions to bring an action on behalf of other people under the Commonwealth law. The gap between Victorian and Commonwealth law has real-world impact on Aboriginal and Torres Strait Islander people, given historical distrust of legal systems, geographic remoteness, cultural protocols around speaking publicly about harm, and the re-traumatisation risk of navigating formal processes alone.

- The Commonwealth definition of what constitutes a public space needs to be expanded to explicitly include social media. The Victorian definition under s.102C explicitly names "social media and other electronic methods," while the Commonwealth s.18C definition refers to "words, sounds, images or writing" communicated to the public, which is less explicit. Given the volume of racial vilification occurring on social media platforms as evidenced in our submission, this gap presents a real issue.

- Incitement needs to be included as an activity under the Commonwealth. Victoria has s.102E (incitement to hatred, contempt, revulsion or severe ridicule) while the Commonwealth has no equivalent. This is significant as incitement provisions address the spread and amplification of racism, not just individual acts.

- Regarding the definition of race, Victoria's definition explicitly includes "descent or ancestry" and "ethnicity or ethnic origin" which may have implications for how Aboriginality is recognised and protected.

Systemic Failures Across Reporting Mechanisms

Structural inaccessibility and underreporting

Underreporting of racism is pervasive and well-documented. Research conducted by Victoria University in partnership with the Ethnic Communities' Council of Victoria found that fewer than 16% of people who had experienced racism had ever formally reported an incident to an organisation or community group. Among those who did not report, **over 90% identified a belief that nothing would change as the primary reason**.[70]

Additional barriers included the perceived difficulty and time required to engage with complaints processes, concerns that reports would not be taken seriously, fear of negative consequences, and lack of clarity about where to report.

[70] Peucker, M., Vaughan, F., Doley, J., and Clark, T. (2024). *Understanding reporting barriers and support needs for those experiencing racism in Victoria*. Research report. Victoria University: Melbourne.

Among those who *did* report, 85% said it required significant time and energy, nearly 78% reported feeling distressed during the process, and only 28% received the support they were hoping for.

VACCA notes that while this research was not conducted exclusively with Aboriginal and Torres Strait Islander communities, its findings are directly relevant and consistent with the broader evidence base, including evidence presented to the Yoorrook Justice Commission. For Aboriginal and Torres Strait Islander people, these barriers are compounded by longstanding experiences of harm involving the institutions to which complaints must be made, including police, courts, and government agencies.

The scale of racism that does not reach formal channels is illustrated by the Call It Out First Nations Racism Register, an independent, community-controlled reporting platform developed by the Jumbunna Institute for Indigenous Education and Research (UTS) and the National Justice Project.

Launched in March 2022, Call It Out was established by Aboriginal and Torres Strait Islander people specifically because formal complaints mechanisms, with their legal thresholds, complex processes, and institutional gatekeepers, were not accessible or safe for community members seeking to report their experiences.

In the first six months alone, Call It Out received 267 reports of racism against Aboriginal and Torres Strait Islander people, a figure described by its authors as relatively high compared to the number of race discrimination complaints made by First Nations peoples to formal anti-discrimination bodies in a comparable period.[71]

By the 2024–25 reporting year, the Register received 442 validated reports in a single twelve-month period, with racism reported in every state and territory and over half (52%) of incidents identified as systemic in nature.[72]

These figures represent only those who actively sought out an alternative platform the true extent of unreported racism against Aboriginal and Torres Strait Islander people remains immeasurably larger.

A High-Cost, Low-Outcome Process

Formal complaints processes consistently fail to produce meaningful accountability. Under the AHRC's conciliation-only model, outcomes are typically private agreements, such as apologies or modest financial settlements, rather than systemic reform or enforceable accountability. According to AHRC complaint statistics, fewer than 4% of finalised complaints proceed to court. For Aboriginal and Torres Strait Islander complainants, who constitute only approximately 1% of AHRC complainants despite bearing some of the highest rates of discrimination in Australia, the model offers little structural redress.

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[71] Allision, Dr. Fiona. 2022. "Call It Out." ANTAR. December 6, 2022. https://antar.org.au/blog/call-it-out/.
[72] Allison, F., Cunneen, C., Whyman, A., Lewis, B. and Selcuk, A. (2025) 'Everywhere I go no matter where, if it's around non-Indigenous people I feel a hate vibe. It feels like I'm being watched'. The Call It Out Racism Register 2024-2025, Sydney: Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney.

The Australian National Audit Office's 2024–25 performance audit of the AHRC found that the Commission had failed to meet its key performance indicator for conciliating complaints in each of the three most recent years, that timeliness of complaint handling had been declining, and that a greater proportion of complaints were being terminated or discontinued rather than resolved.[73] This represents a systemic failure at the national institution responsible for upholding the Racial Discrimination Act.

At the state level, the VU research found that satisfaction with VEOHRC processes was mixed at best, with low awareness among communities about the Commission's existence or mandate, and significant unmet expectations among those who did engage with it.

Lack of Cultural Safety in Institutional Design

Formal complaints processes have not been designed to meet the needs of Aboriginal and Torres Strait Islander people. The language, processes, evidentiary requirements, and institutional cultures of bodies like the AHRC, VEOHRC, and IBAC reflect a mainstream legal framework that is often not safe or accessible.

The aforementioned VU research found that people from racially marginalised communities strongly preferred support delivered by trusted organisations with lived experience, in-person engagement rather than online forms, and transparent processes that keep the complainant informed about what is happening with their case. These features are largely absent from existing formal mechanisms.

Cultural competency in complaint handling, including the ability to understand the specific dynamics of racism experienced by Aboriginal and Torres Strait Islander people, remains limited. Current systems continue to place a disproportionate burden of proof on individuals who have experienced harm.

Victoria Police and the Problem of Accountability

Victoria Police and the police accountability system represent the most acute and well-documented example of the systemic failure in reporting mechanisms for Aboriginal and Torres Strait Islander people. The evidence for this is extensive, spanning over decades and points to a structural problem that has not been adequately addressed despite multiple inquiries and recommendations.

[73] ANAO, Management of Complaints by the Australian Human Rights Commission, Auditor-General Report No. 24, 2024–25

Deaths in Custody

The Royal Commission into Aboriginal Deaths in Custody (1991) made 339 recommendations aimed at reducing the number of Aboriginal people dying in custody and addressing the conditions and practices that contributed to those deaths.

More than three decades later, those recommendations remain largely unimplemented. The number of Aboriginal and Torres Strait Islander deaths in custody has not decreased; in fact, it has increased. Since the Royal Commission handed down its findings, over 500 Aboriginal and Torres Strait Islander people have died in custody in Australia, and **no police officer has ever been convicted in relation to an Aboriginal death in custody.**[74]

This is not just a failure of a complaints system, but rather it is evidence that the entire accountability scaffolding has failed to hold perpetrators to account or to prevent future deaths. For Aboriginal and Torres Strait Islander communities, including those VACCA works with, this is not just theoretical or abstract; it is the lived reality of families who have lost loved ones and received no justice.

Police Investigating Police

In Victoria, over 99% of complaints about police misconduct are investigated by Victoria Police itself.[75] IBAC's threshold for taking on a complaint directly is high, and most matters are referred back to the same institution that is the subject of the complaint. IBAC's own audit of Victoria Police's handling of complaints made by Aboriginal people (May, 2022) found "concerning patterns and deficiencies" in how those complaints were managed. It highlighted:

- Inadequate evidence gathering
- Poor communication with complainants
- Failure to consider the subject officer's complaint history
- Low substantiation rates[76]

The Koori Complaints Project referenced in IBAC's audit recorded a substantiation rate of just 1.2% for complaints made by Aboriginal people alleging police misconduct. This reflects a system designed in ways to make substantiation unlikely when police investigate themselves.

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[74] "Victorian Aboriginal Legal Service Nuther-Mooyoop to the Yoorrook Justice Committee on Land Injustice." 2023. https://www.vals.org.au/wp-content/uploads/2024/02/VALS-Nuther-mooyoop-to-Yoorrook-Land-Injustice-November-2023.pdf.

[75] "Victorian Aboriginal Legal Service Nuther-Mooyoop to the Yoorrook Justice Committee on Land Injustice." 2023. https://www.vals.org.au/wp-content/uploads/2024/02/VALS-Nuther-mooyoop-to-Yoorrook-Land-Injustice-November-2023.pdf.

[76] IBAC. 2022. "Victoria Police Handling of Complaints Made by Aboriginal People." IBAC. May 18, 2022. https://www.ibac.vic.gov.au/victoria-police-handling-complaints-made-aboriginal-people.

Despite acknowledgments of these shortcomings and the apology in 2023 at the Yoorrook Justice Commission by then-Chief Commissioner of Police Shane Patton, reform has been slow.

The Yoorrook for Justice report recommended that the Victorian Government establish a new, independent police oversight authority. So far, this recommendation is listed by the Victorian Government as "under consideration". Given the recent developments in police violence against protestors and lack of decisive action taken against the attacks on Camp Sovereignty, it seems any progress on the implementation of this recommendation will remain ambiguous.

Mistrust Cycle: The Consequence of Systemic Failures towards Police Accountability

The consequence of these systemic failures is a chronic cycle of mistrust that operates as a structural barrier to reporting. Aboriginal community members who have experienced or witnessed police misconduct do not report because they have no confidence the complaint will be investigated fairly, because they fear negative consequences for raising issues, and because the experience of past complaints has confirmed those fears.

The VU research found that the single most cited barrier to reporting across all communities was the belief that nothing would change. For Aboriginal and Torres Strait Islander people, this is not a perception to be corrected through awareness campaigns; it is a rational, evidence-based response to a system with a documented record of failing to deliver justice.