

Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

Inquiry into racism, hate and violence directed at First Nations people

Committee Secretary

Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

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Introduction

This submission is made by the Treaty Council, supported by endorsed Tribal Governing Councils. It reflects the collective understandings and views of First Nations governance bodies who hold cultural authority and responsibility for their respective Countries, peoples and systems of law.

The experiences and analysis outlined in this submission are grounded in lived reality, community governance and ongoing nation-building work. This submission addresses the Terms of Reference of the Inquiry, including the nature and impact of racism, the role of online platforms, effective responses, systemic failures in reporting mechanisms, and broader structural conditions that give rise to racism.

Racism, hate and violence directed at First Nations peoples cannot be understood or addressed in isolation from the broader context of ongoing dispossession, denial of sovereignty and the exclusion of First Nations governance from decision-making.

1. Nature, prevalence and impact

Racism directed at First Nations people on unceded lands now known as Australia (Australia) is structural, continuous, and embedded across legal, institutional and social systems. It manifests not only as interpersonal abuse but as systemic exclusion, policy neglect, and state-enabled harm.

This is particularly evident in workplaces across both public and private sectors. First Nations people regularly experience racism through exclusion from decision-making, cultural load without recognition or remuneration, undermining of authority, and retaliation when racism is raised. There is a consistent lack of accountability for these behaviours, with institutions prioritising reputational risk over meaningful resolution.

Across our communities, racism is experienced daily, particularly within systems that exercise control over First Nations' lives, including health, aged care, child protection, incarceration and justice systems.

The impacts are cumulative and intergenerational. They include psychological harm, cultural dislocation, disengagement from institutions, and material consequences such as reduced access to services, financial hardship and diminished life outcomes. Racism must be recognised as a determinant of health, safety and wellbeing.

2. Online platforms

Online platforms have amplified the reach, speed and normalisation of racism. Harmful narratives, including denial of sovereignty, dehumanisation and historical revisionism, are widely circulated and often amplified by platform algorithms.

First Nations people are disproportionately targeted, with abuse that is persistent, coordinated and difficult to escape.

Online platforms have also become a breeding ground for “pretendian” behaviour, where individuals falsely claim or misrepresent First Nations identity. These platforms enable such claims to be amplified, legitimised and monetised without appropriate scrutiny or accountability.

This undermines the authority of First Nations governance, distorts cultural knowledge, and diverts opportunities, resources and representation away from community-recognised people. It also creates confusion for the broader public and weakens trust in legitimate governance structures.

Current platform policies are not equipped to respond to these harms. Reporting mechanisms are inconsistent and ineffective, placing the burden on First Nations people to repeatedly engage with systems that are not designed to protect them.

3. Effective initiatives

Effective responses to racism are those led by First Nations peoples and grounded in our governance systems, cultural authority and community priorities.

- Governance-led decision-making structures that recognise First Nations authority
- Community-led education grounded in truth-telling and lived experience
- Place-based initiatives that strengthen connection to Country, kinship and identity
- Accountability mechanisms that recognise both individual and collective harm

These approaches must be properly resourced. Expecting First Nations communities to respond to racism without funding, authority, or infrastructure perpetuates harm and limits impact.

4. Ideologically motivated extremism

There is a growing threat of ideologically motivated extremism directed at First Nations people, including white supremacist and anti-Indigenous ideologies that seek to undermine First Nations’ rights, identity and sovereignty.

These ideologies are increasingly visible and, at times, reflected in broader public and political discourse.

While intelligence and law enforcement agencies have a role in addressing this threat, there must be accountability in how these powers are exercised. First Nations communities must not be simultaneously over-policed and under-protected.

Protection must not come at the expense of further surveillance, criminalisation or erosion of rights.

5. Reporting and response mechanisms

Current reporting mechanisms are fragmented, inconsistent and ineffective.

This is particularly evident in workplace settings, where internal complaint processes often prioritise institutional risk over accountability. First Nations employees frequently experience complaints being minimised, a lack of cultural competency, retaliation, and confidentiality processes that protect institutions.

Across jurisdictions, there is a lack of clarity, delays, limited accountability and a lack of cultural safety.

There is a need for nationally consistent frameworks, independent oversight, culturally grounded processes and recognition of systemic harm.

6. Additional matters

Racism cannot be addressed without confronting the denial of sovereignty and unresolved dispossession.

UNDRIP Articles 3, 4, 26 and 32 affirm rights to self-determination, governance, land and resources.

Legal concerns include unjust enrichment, fiduciary breach, constructive trust and inconsistency with international law.

This is an ongoing system of economic extraction grounded in dispossession. Racism is structural and produced by these systems.

Recommendations

These recommendations reflect the minimum standards required to address systemic racism directed at First Nations peoples.

The Treaty Council, supported by endorsed Tribal Governing Councils, makes the following recommendations:

1. **Reform of the NSW Aboriginal Land Rights Act 1983 (NSW)** to remove and correct the false premise that Aboriginal people have not maintained a continuing connection to culture, land and governance.
2. **Full implementation of UNDRIP** across Commonwealth, State and Territory legislative and policy frameworks.
3. **Adoption and implementation of all existing and future recommendations of the United Nations Special Rapporteur on the Rights of Indigenous Peoples,**

ensuring Australia meets its international human rights obligations.

4. **Recognition of policing and corrective services as key sites of systemic racism**, with the introduction of stronger, independent oversight mechanisms and greater protections for First Nations people in interactions with police and custodial systems.
5. **Establishment of a national, independent truth-telling inquiry** to formally recognise the origins, scale and ongoing impacts of dispossession, and to provide a foundation for structural reform.
6. **Acknowledgement and resourcing to address structural racism within government**, including increased and sustained funding for First Nations organisations and the Australian Human Rights Commission to effectively respond to racism and discrimination.
7. **Strengthened regulation of online platforms**, including enforceable accountability mechanisms to address racial hatred, and pathways for individuals and platforms to be held legally responsible where harm occurs.
8. **Resourcing of First Nations communities and governance bodies** to lead responses to racial vilification and hatred, including legal, advocacy and community-based mechanisms.
9. **Introduction of national Human Rights legislation** to provide enforceable protections against racism and discrimination.
10. **Adoption and operationalisation of the National Anti-Racism Framework**, with clear accountability measures and resourcing to ensure implementation.
11. **Formal partnership with First Nations governance structures**, including the Treaty Council, Tribal Governing Councils and other sovereign groups engaged in proper nation re-building, ensuring they are recognised as decision-makers and not subsumed into colonial governance systems.

This inquiry presents an opportunity to move beyond mere acknowledgment while structural issues remain unchanged. Without a shift in political power and management of resources, racism will continue to be managed rather than meaningfully addressed.

Absent structural reform, the Commonwealth risks ongoing complicity in systems that, in any other context, would raise serious questions of legality.

Kind Regards



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