



Australian Human  
Rights Commission



# First Peoples Voices - Informing the Agenda:

Outcomes of the Informing the Agenda Project 2024-25

ABORIGINAL AND TORRES STRAIT ISLANDER  
SOCIAL JUSTICE COMMISSIONER



**Warning:** Aboriginal and Torres Strait Islander peoples should be aware that this report may contain images, names and voices of people who may be deceased.

Please note that the locations for photos throughout this report have been intentionally removed so as not to identify people and place.

## Acknowledgments

**First Peoples Voices - Informing the Agenda: Outcomes of the Informing the Agenda Project 2024-25** was drafted by Allyson Campbell, Darren Dick, Katie Kiss, Lenique Lawson, Nick Devereaux and Tara Apps (in alphabetical order).

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## Dedication

The Aboriginal and Torres Strait Islander Social Justice Commissioner pays respect to the First Peoples mentioned throughout this publication and acknowledges all those who participated in and provided their voices throughout the *Informing the Agenda* project.

This standalone publication and *A Fair and Just Future for First Peoples: Social Justice Report 2025* (which includes this material as its first chapter) are dedicated to the life and legacy of our friend and colleague Tara Apps, a strong, proud Ngunnawal Wiradjuri woman. Tara's deep sense of personal and cultural integrity defined her. She championed the voices of Aboriginal and Torres Strait Islander peoples with unwavering commitment and insisted that truth-telling, respect and community leadership remain at the centre of all we do. We recognise the significant contribution Tara made to the work of the Australian Human Rights Commission and to the production of this publication. We also acknowledge the important work she undertook previously at the Productivity Commission and the Coalition of the Peaks and the connections she developed across the sector. We honour her leadership, her generosity, and the fierce love and pride she held for her culture and her people. May Tara's legacy continue to shine through all who carry this work forward.

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# About the Aboriginal and Torres Strait Islander Social Justice Commissioner



Katie Kiss commenced her role as Aboriginal and Torres Strait Islander Social Justice Commissioner on 3 April 2024.

Commissioner Kiss is a proud Kaanju and Birri/Widi woman who was born and raised in Rockhampton, Central Queensland on the lands of the Darumbal People and now lives in Magun-dgen/Meanjin on the lands of the Yuggera, Turrubal and Quandamooka Peoples.

She was previously the Executive Director of the Interim Truth and Treaty Body supporting Queensland's Path to Treaty and held senior positions in the Queensland Government, including Chief of Staff to the Minister for Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships and Senior Advisor to the Deputy Premier.

Commissioner Kiss also worked for eight years at the Australian Human Rights Commission, where she was the Director of the Aboriginal and Torres Strait Islander Social Justice Team.



# Foreword by Commissioner Kiss



This standalone publication also forms Chapter One of *A Fair and Just Future for First Peoples: Social Justice Report 2025*. The voices we heard through the *Informing the Agenda* project were critical to informing the wider report, which I encourage everyone to read. They also stand as an authentic and powerful contribution to truth-telling in their own right and a testament to the resilience, courage, and strength of our peoples.

To the communities who shared your stories during my *Informing the Agenda* tour, I thank you. Your voices inspire hope for a just and equitable nation – one where our children can thrive, our culture is honoured and our rights are fully respected.

Looking ahead, my work as Commissioner will continue to be guided by the voices of our communities, the lessons of past reports, and the enduring issues our peoples face. Accountability, equity, and meaningful progress must define success, not promises alone.



## Artwork Story: “Gathering for Truth, Treaty and Transformation”

At the centre of this artwork sits the Gathering Symbol, a meeting place of strength, voice and shared purpose. It represents a holistic, inclusive First Nations-centred approach that brings people together as a community — a village moving forward as one. From this central place, knowledge is shared, decisions are shaped and collective strength is formed. It is a reminder that progress comes when people sit together, listen deeply and walk forward side by side.

Surrounding this gathering space are five connected elements, reflecting the Commissioner’s five-year term agenda. These elements represent pathways of action and responsibility, grounded in a strengths-based vision for First Nations peoples and communities.

Together, they show the commitment to move forward with unity after the setback of the Voice Referendum, ensuring that hope and determination continue to guide the journey toward justice and recognition.

On the left side of the artwork are six connected symbols, representing the six term goals that guide the Commissioner’s overarching objective: the pursuit of Truth, Treaty and the transformation of government. Each symbol is joined by flowing lines, showing that these goals are not separate but interconnected — working together to support long-term change.

They symbolise ongoing action, persistence and accountability across the Commissioner's term.

The Shield speaks to the protection of rights — the right to self-determination, participation in decision-making and free, prior and informed consent. It stands for non-discrimination, equality and the respect and protection of culture. The shield holds and protects the strength of First Nations peoples, ensuring that culture and identity remain strong and respected across all systems and spaces.

The Boomerang symbolises the pursuit of Truth and Treaty. It represents the journey toward honest conversations about Australia's past and present, and the return to balance and recognition through treaty. Like the boomerang that returns after its path is travelled, truth always finds its way back, calling for acknowledgement, healing and forward movement.

The Hands and Feather represent the transformation of government and the establishment of new systems that affirm rights, provide genuine accountability and ensure positive access to justice. The hands reflect people working together to reshape systems, while the feather symbolises truth, voice and fairness guiding this transformation.

Flowing through the artwork are the river and waters, seen at both the top and bottom. Water represents life, continuity and connection. It reminds us that journeys are ongoing and that change flows across generations. These waterways connect all elements of the artwork, symbolising the movement of people, ideas and progress across time and place.

The vertical flowing lines along the sides represent a deep connection to land — Country holding memory, story and identity. They ground the work in the strength of place and remind us that all progress is anchored in connection to land and community.

The colours throughout the artwork reflect the origins of Ms Kiss — a proud Kaanju and Birri/Widi woman who grew up in Rockhampton on the lands of the Darumbal People in Central Queensland. Earthy ochres speak to land and ancestry, while blues and greens reflect water, growth and renewal. Together, these colours honour heritage, place and the ongoing journey forward.

This artwork tells a story of gathering, protection, truth and transformation. It honours the strength of First Nations peoples and communities while mapping a shared path toward justice, recognition and self-determination — a journey walked together, guided by culture, community and Country.

# About the Artist - Lani Balzan



Lani Balzan is a proud First Nations artist whose work is grounded in culture, community and connection to Country. Drawing on her heritage and lived experience, Lani creates contemporary Aboriginal artworks that honour traditional storytelling while speaking powerfully to present-day journeys of truth, justice and self-determination.

Her practice is deeply informed by her connection to land and water, and by the strength of community — the village that gathers, listens and moves forward together. Through intricate dot work, flowing linework and symbolic design, Lani weaves layered narratives that reflect resilience, continuity and collective strength. Each element within her compositions carries meaning, carefully placed to reflect interconnected responsibilities, shared purpose and cultural protection.

In developing this artwork for the Commissioner's report, Lani worked thoughtfully with the themes of Truth, Treaty and the transformation of government systems. The central gathering symbol reflects her belief in a holistic, inclusive First Nations-centred approach — one that brings people together in strength and unity, even in the face of setbacks. Surrounding symbols such as the shield, boomerang, hands and feather represent rights, accountability, participation and justice, reinforcing the report's commitment to advancing First Nations peoples' rights in Australia.

The flowing river motifs and vertical land patterns speak to continuity — the understanding that progress moves like water, guided by Country and carried by generations. The colour palette honours cultural identity and place, reflecting deep ties to ancestral lands and the communities that shape and sustain her.

Lani's work is both cultural expression and contemporary advocacy. Through her art, she creates visual spaces where story, policy and purpose meet — ensuring that culture is not an addition to the conversation, but the foundation upon which it stands.

website: [www.aboriginalartbylani.com.au](http://www.aboriginalartbylani.com.au)



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# First Peoples' Voices – Informing the Agenda



The *Informing the Agenda* (ITA) Project ('the Project') was about hearing and amplifying the voices of Aboriginal and Torres Strait Islander people nationally; and supporting First Peoples to drive change.

The Project aimed to shift power. When we talk about 'shifting power' we mean making space for communities to decide what's important to them, lead the conversations, and shape a future built on rights, justice, and respect. The Project did this by creating culturally safe environments where people felt heard, valued, and empowered to take the lead, and by elevating their voices in this report.

The Project engaged with more than 1,600 participants nationally, including through:

- ◎ forty-one face-to-face-engagements and 7 online sessions attended by 850 people in total
- ◎ twenty-eight written submissions, many of which were provided by member-based organisations or national or state-based peak bodies representing many more organisations than submissions received
- ◎ a pre-consultation survey to which more than 750 people responded (noting that not all respondents completed all questions within the survey)
- ◎ a post-consultation survey to which 34 people responded.

With regard to face-to-face community engagements held in 41 locations, attendees travelled from other communities to participate in these engagements. This included for example those who travelled from:

- ◎ Katherine to attend the Darwin engagement
- ◎ Fitzroy Crossing to attend the engagement in Broome
- ◎ Davenport to attend the Port Augusta engagement
- ◎ Mitchell to attend the Roma engagement
- ◎ Narrabri to attend the Moree engagement
- ◎ Urunga to attend the Coffs Harbour engagement
- ◎ Doomadgee to attend the Mount Isa engagement
- ◎ Hopevale, Wujal Wujal and Lion's Den to attend the Cooktown engagement
- ◎ Northern Peninsula Area (NPA) to attend the Thursday Island engagement
- ◎ Moa Island to attend the engagement held on Badu Island.

A number of people also came in from homelands or smaller local communities in remote regions to attend, including for the Port Hedland and the Yirrkala engagements.

The Project included a face-to-face engagement with Aboriginal and Torres Strait Islander delegates who attended the 2024 Climate Change Conference of the Parties (CoP) meeting in Baku, Azerbaijan.

Also included were numerous community organisations throughout Australia and incarcerated adults during visits to correctional facilities in the Northern Territory and Tasmania. These numbers have not been included in the engagement statistics.

Throughout the Project, Aboriginal and Torres Strait Islander people shared a wide spectrum of stories, thoughts, feelings and perspectives shaped by their lived experiences.

The stories and priorities shared throughout the Project make one truth unmistakably clear: Aboriginal and Torres Strait Islander people know what works for our communities and can clearly articulate their aspirations and hopes for the future.

The 6 high-level priority goals set by the Aboriginal and Torres Strait Islander Social Justice Commissioner (the Commissioner) directly reflect what communities said must change. They are not abstract aspirations – they are the practical translation of voices heard across the country into a clear, shared vision and agenda for action.

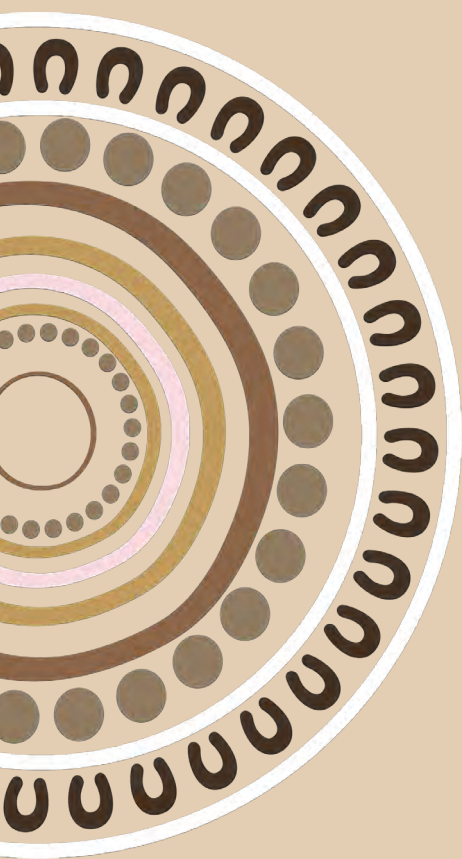
Each goal is grounded in the lived realities, solutions and aspirations described in this chapter. Together, they set out a pathway for governments, institutions and all Australians to uphold the rights, dignity and self-determination of First Peoples – as promised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the National Agreement (the National Agreement) on Closing the Gap (CTG).

These goals recognise justice, good governance and accountability, cultural strength, community-led services, safe and equitable systems and structural change are not new demands. They are long-standing rights that must finally be delivered in full partnership with our people.

This chapter has brought together their voices, which speak clearly about what matters most:

- ◎ **Justice and legal systems**, including overrepresentation of Aboriginal and Torres Strait Islander people in custody (particularly among youth), the urgent need for systemic change and the harms caused by current policing, courts, legal processes and incarceration. That justice is not only about punishing for wrongdoing, but about righting wrongs.
- ◎ **Rights, governance and self-determination**, including the implementation of the UNDRIP, government accountability, life after the Referendum, shared decision-making, identity, native title and land reform.
- ◎ **Community**, culture and relationships, including the vital role of Elders, the leadership of youth, the work of community organisations and the impacts of racism and the media.
- ◎ **Services and infrastructure**, including challenges in service delivery, funding, housing, healthcare, education, disability and employment.
- ◎ **Access and equity**, including geographic barriers, remoteness and the need for community control of data.

These are not new issues – they are long-standing rights that have too often been denied or delivered in ways that fail to meet the needs, strengths and aspirations of First Peoples. Across all participation pathways, people spoke of feeling strong and determined. While they often feel fatigued and disappointed, they are still hopeful and stand ready to contribute to meaningful change.



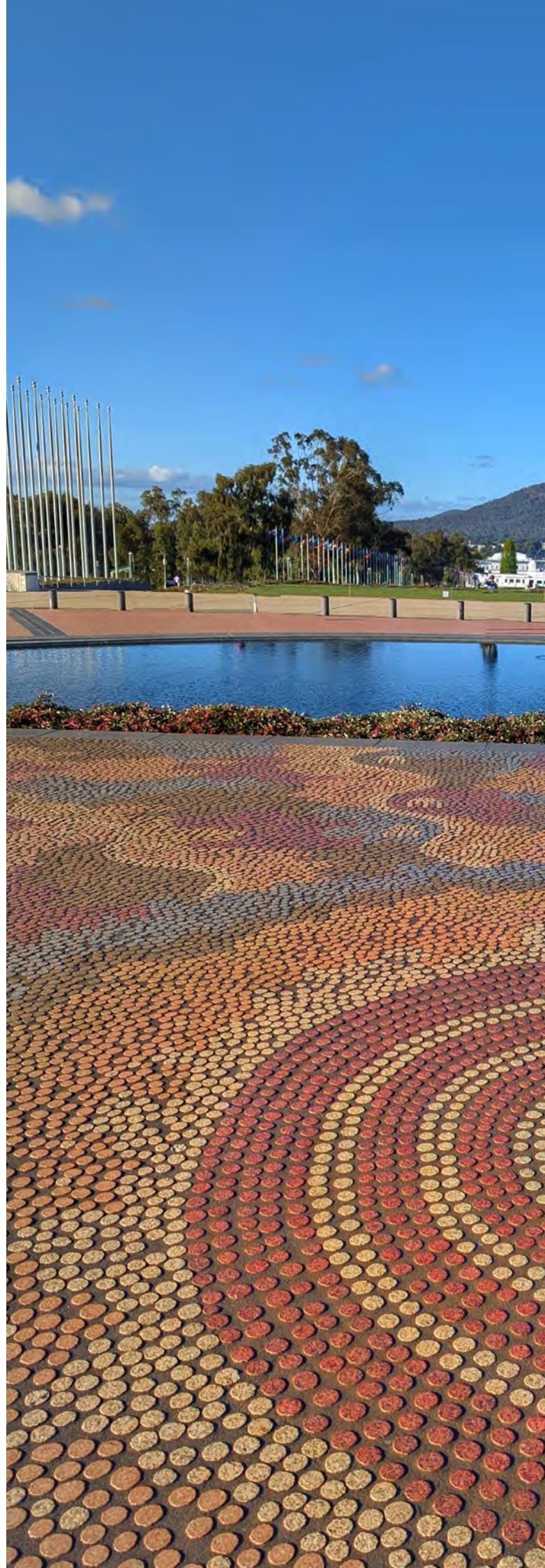
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Submissions, survey responses and community consultations all make clear: the foundation of any system affecting Aboriginal and Torres Strait Islander lives must be self-determination. Yet, across every theme, people told us that services and systems too often remain unsafe, discriminatory and ineffective.

Throughout the Project, we heard directly what Aboriginal and Torres Strait Islander people need to live strong, healthy, connected lives on our own Country. Communities reminded us, again and again, that we have always known what works for us.

From cities to remote homelands, people spoke with clarity and courage about what must change: good healthcare, safe and secure homes, quality education, a strong and protected cultural identity, meaningful work, respect for Elders and youth, strong community organisations, control over our data, fair policing and justice, recognition of land and water rights, honest media that tells the truth and long-term funding designed and controlled by communities. These are not new demands – they are basic rights our people have called for over generations. They are not negotiable.

People told us self-determination must be the starting point for every law, policy and service that affects our lives. When communities design, govern and lead our own solutions, we thrive. When governments make decisions about us without us, harm and injustice continue.





People spoke of the ongoing impacts of colonisation – dispossession, the Stolen Generations, forced removals, intergenerational trauma – and how these shape daily life. Communities carry this truth and will keep telling it. Healing, truth-telling and genuine power-sharing are the only way forward. The UNDRIP clearly says we have the right to decide and shape our own futures. Australia must live up to this.

Communities called for strong governance and genuine decision-making power – not token advisory roles or tick-a-box consultation. Real partnerships must shift resources and authority back to where they belong: with our people. Genuine shared decision-making must deliver practical control and respect for First Peoples' knowledge and leadership.

People told us the Referendum was not the end of the fight for a Voice – our communities have always had a voice and will keep using it. The Referendum result showed how far this nation still has to go to listen and share power. Recognition must go beyond symbols – it must mean structural change that puts our people in charge of decisions about our lives, our lands and waters and our futures, as called for in the *Uluru Statement from the Heart* (the Uluru Statement).

One message was clear everywhere: racism still deeply affects our people every day – in hospitals, schools, workplaces, courts and on our streets. Racism causes real harm and even early deaths. Ending racism needs more than words – it requires stronger laws, honest education and culturally safe services that work with us, not on us, or against us.

Communities spoke about the media's role in shaping how Australia sees us. Too often, the media repeats stereotypes, fuels division and ignores our achievements. People want truthful stories that celebrate our cultures, languages and strength – told by us, on our terms.

We heard about the need for culturally safe, community-controlled healthcare built on trust. Too many people avoid healthcare because it does not feel safe. Education must grow children strong in both worlds – proud in culture and language, equipped for the future. Many spoke of the difficulty of accessing disability supports that work, especially in remote areas.

People spoke powerfully about cultural identity – about knowing who we are, where we belong and staying connected to Country, kin and culture. Too often, systems break these ties instead of protecting them. Supporting identity means keeping families strong, reviving languages, backing cultural knowledge holders and respecting our cultural laws.

Communities reminded us that Elders hold knowledge, wisdom and authority that must be respected and properly supported – in healthcare, aged care and housing – so they can guide future generations.

Young people want to contribute and take up leadership opportunities. They want safe spaces to learn, share their voices and build strong futures. Listening to youth voices is key to breaking cycles of harm and growing the next generation of leaders.

Jobs and economic opportunities bring dignity and choice. Communities want real local jobs that are secure and culturally safe – not short-term or tokenistic roles. Safe and affordable housing came up everywhere – it is a human right still too often denied. Overcrowded, unsafe housing impacts health, education and work, deepening poverty. Communities want housing that is community-led, properly funded and built to last.

People spoke about native title – how it must mean more than legal words. It must deliver real control, access to Country and economic prosperity. Too often, native title processes are complex, costly and unfair. Communities want reform so land and water rights truly return to our people, as Articles 25–28 of the UNDRIP make clear.

Further, they do not want to be forced to use their native title benefits (which is compensation for dispossession) to fund universal and secondary social services that all other Australians are provided through public systems.

We heard about over-policing, racial profiling and excessive force that still harm families. Communities want culturally trained, accountable police, but also want investment in local solutions that prevent harm and keep families safe. Many spoke about how too many of our people are locked up, including children as young as ten. Prisons do not heal; they deepen harm. Communities want prevention, diversion and community-led justice.

Families spoke about the overrepresentation of our children and young people in the justice system – from police to courts to prisons. They called for real youth diversion, culturally safe legal services and genuine investment in breaking cycles of harm before they begin.

Communities said our data must be owned and controlled by us – not just collected about us. Community-controlled organisations must be properly funded – they are closest to the solutions because they live this reality every day. Communities called for real accountability – governments must deliver on promises and show progress.

People told us that real change needs long-term, flexible funding that communities control. Programs must fit our ways of working, not force us to fit them. Funding must build local capacity, strengthen culture and create real jobs.

Remote and regional communities spoke about the extra barriers they face – distance, lack of local services and higher costs. Closing these gaps means local infrastructure, strong local workforces and digital access so no community is left behind.

The future will not change with business as usual. Closing the gap means shifting power, listening deeply and trusting us to lead. Communities have always had the answers – it is time for governments to walk alongside us with respect, justice and self-determination at the centre.

Change is possible if this country truly listens and acts together. It is time to move beyond promises and plans on paper. By putting truth, justice and self-determination at the heart of every action, we can build a future where every Aboriginal and Torres Strait Islander person lives with strength, pride and hope – for this generation and the next.

The strength, resilience and leadership of Aboriginal and Torres Strait Islander people have always been here. What is needed now is structural change that centres culture, community and Country. Governments must honour the commitments made under the UNDRIP and the National Agreement on Closing the Gap – and work with First Peoples to realise a future grounded in equity, truth and self-determination.

The issues raised throughout the consultations and reported here are further explored in the chapters that follow. This is in order to place these issues within a national reform agenda for First Peoples.



The Project commenced on 1 August 2024. The Project was designed to inform the term priorities of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Katie Kiss (the Commissioner), who took office on 3 April 2024. It heard directly from Aboriginal and Torres Strait Islander people and their communities across Australia about the issues affecting their lives. The Project was grounded in deep respect for truth-telling, lived experience and the recognition that self-determination is essential to advancing the rights of First Peoples.

The consultations were funded by the National Indigenous Australians Agency (NIAA).

## Community findings

This chapter reports on the views of Aboriginal and Torres Strait Islander community members across the country.

It shares the insights of Aboriginal and Torres Strait Islander peoples gathered through submissions, surveys and discussions. This chapter does not claim to represent the experiences of all First Peoples but reflects the voices and stories of those who participated in this Project.

It highlights the common themes raised including gaps in legal, policy and practice structures and systems; real life impacts; and proposed solutions requiring collective investment and action.

Case studies highlight the initiatives and achievements Aboriginal and Torres Strait Islander people are proud of in their communities. These examples, shared during the Project, showcase diverse responses, systems and services grounded in Aboriginal and Torres Strait Islander ways of knowing, being and doing.

They demonstrate ‘whole of life’ approaches, collaboration, co-design, safety and culturally safe, trauma-informed, healing-based practices.

The community findings articulated within this report also inform the broader agenda setting for the Commissioner.

## Objectives

In the wake of the failed Voice Referendum, the underlying objective of this Project was to create space for First Peoples across Australia to discuss and provide input on the next steps with regard to:

- ◎ moving forward after the Referendum;
- ◎ identifying and responding to issues that are most urgently in need of attention; and
- ◎ building understanding of and effectively utilising mechanisms to realise our rights.

Listening to Aboriginal and Torres Strait Islander Peoples was central to the Project.

This Project also provided the opportunity for community to understand the role and mandate of the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner and to articulate their expectations of the role.

## Approach

Based on existing evidence of key issues impacting the lives and wellbeing of Aboriginal and Torres Strait Islander peoples, the following 6 high-level priority areas were identified at the beginning of the Project to inform the agenda of the Social Justice Commissioner and future priorities.

They reflect ongoing areas of concern for communities and align with national and international human rights standards. These included the following:

1. Increasing access to justice – improving the social, cultural, environmental, economic, political and legal systems to ensure they are fair, culturally safe and better meet the needs of Aboriginal and Torres Strait Islander Peoples.
2. Promoting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (the UNDRIP) – helping communities understand their rights and working with governments to apply them in practice.
3. Advocating and guiding implementation of the three pillars of the Uluru Statement from the Heart – recognising Voice, Treaty and Truth as essential to justice and reconciliation.
4. Supporting the realisation of First Peoples health equality – closing the gap in health outcomes, supporting First Peoples in their efforts to improve their life outcomes and creating the conditions for positive change.
5. Advocating for land justice reform – acknowledging the deep connection between land, culture and self-determination and calling for stronger recognition and protection of land rights.
6. Building the capacity of the First Peoples human rights network – strengthening connections among communities, advocates and organisations promoting First Peoples' human rights.

The identified priorities were presented at each engagement to test their relevance and seek feedback on their importance for local communities and to hear views about potential solutions.

While project engagement was open to any interested party, Aboriginal and Torres Strait Islander peoples were the priority stakeholder for this Project.

As such, project planning and management, decision-making and engagement techniques were community-centred and guided by the principles of the UNDRIP:

- ⦿ self-determination
- ⦿ participation in decisions that affect First Peoples, including through free, prior and informed consent (FPIC) and good faith
- ⦿ protection and promotion of culture
- ⦿ equality and non-discrimination.

Consistent with these principles, the following values were foundational to the delivery of the Project:

- ⦿ Trust – including by creating a safe space for all to participate.
- ⦿ Respect – for individuals, through open communication, enabling them to contribute their truth without judgement and respecting the difference in lived experience; and for culture, tradition, protocol, Elders, community and Aboriginal and Torres Strait Islander governance and organisational structures.
- ⦿ Care – ensuring that individuals were supported in their truth, their feelings and their contributions.
- ⦿ Every voice matters – ensuring that all who attended could contribute to the extent they were comfortable and on their terms.

Indigenous research methodologies also informed the approach to engagement. This included ensuring that the Commissioner (as the lead facilitator) and the Project Team:

- ⦿ were attuned to the historical and contemporary community and family context in each community
- ⦿ demonstrated an understanding of the issues and challenges relevant to each community
- ⦿ provided relevant information to support engagement in the Project and enabled open and collective conversations

- ☉ secured the free, prior and informed consent of participants to support their engagement but also ensured appropriate quality control safeguards are in place to support the reporting of the Project's findings
- ☉ applied an active listening approach that was sensitive to non-verbal communication and story-telling
- ☉ managed disclosures and minimised distress caused by exposure to difficult or sensitive issues raised.

To ensure the Commissioner's work reflects the lived experience and aspirations of First Peoples, the Project was supported by multiple participation pathways and a flexible approach recognising that individuals and communities have different preferences in how they share their views. This provided a range of options for First Peoples to participate in ways that suited them, including:

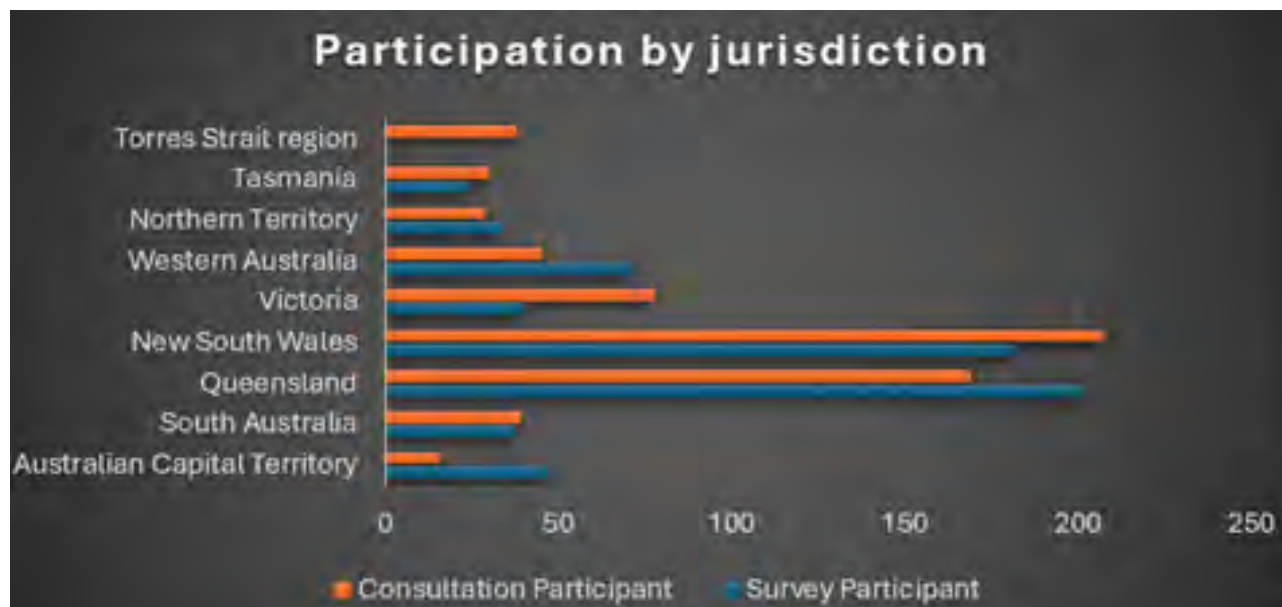
- ☉ online Surveys (a pre-consultation survey; and a post-consultation survey)
- ☉ written Submissions
- ☉ face-to-face community engagements
- ☉ stakeholder meetings
- ☉ online focus groups.

The process aimed to be safe, inclusive and culturally respectful. Where non-Indigenous allies were in attendance, it was communicated that the space created would prioritise the voices of First Peoples.



## National listening tour

A key part of the Project was the *Informing the Agenda* national listening tour. From October 2024 to May 2025, the Commissioner and her team travelled to major cities, regional towns and remote communities across all states and territories of Australia, including the Torres Strait Islands in the far north of Queensland.



**Figure 1.1: Number of face-to-face and online consultation participants and survey participants by jurisdiction.**

The purpose of the tour was to sit in communities, listen deeply and build relationships with Aboriginal and Torres Strait Islander people.

Meetings took place in diverse settings including universities, community halls, cultural centres, Land Council offices and First Nations business hubs. The Commissioner engaged with Elders, Traditional Owners, young people, local leaders, service providers and community organisations, including participants from Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTIQA) communities and First People with disability.

In most locations, the Commissioner and her team were welcomed to Country by generous Elders and Traditional Owners who shared ceremony, knowledge and culture, grounding the process in respect and cultural strength.

National tour discussions focused on what matters most: community pride, culture and leadership, as well as ongoing challenges such as racism, poor access to services, housing, justice and barriers to self-determination. These conversations provided valuable insight into the daily realities faced by Aboriginal and Torres Strait Islander people across the country.

### Participation pathways

As outlined above, a range of options were provided through which to participate, including 2 surveys, a written submission process, community and online engagements. These options gave First Peoples flexibility and helped make the process more inclusive. A variety of mediums were deployed to promote engagement, including social media, community radio, email, distribution through existing networks and the Commission's website; ensuring as many communities as possible within the timeframe and budget could be reached and diverse voices heard.

All engagements - whether in person or online - followed a consistent three-part format:

- ◎ An explanation of the statutory role and mandate of the Social Justice Commissioner, the role of the Australian Human Rights Commission, its powers and the laws that guide its work.
- ◎ A presentation on the 6 identified high-level priorities which participants were invited to share their views and issues that mattered most to them, to help shape the Commissioner's priorities, offer ideas and propose solutions.
- ◎ An explanation of the UNDRIP, including its significance and how it can support communities to stand up for their rights, followed by an open dialogue about its application and domestic implementation.

### **Surveys**

A pre-consultation survey was open from 1 August until 23 September to Aboriginal and Torres Strait Islander people aged 18 and over. This allowed participants to share views privately on key issues affecting their communities and their awareness of the Commissioner's role.

A post-consultation survey was offered to people who attended face-to-face or online engagements, giving them a further opportunity to provide input and feedback or to raise issues not shared during sessions.

### **Face-to-face community engagement**

Face-to-face community engagements were held in 41 locations across the country, covering urban areas with large Aboriginal and Torres Strait Islander populations as well as regional, rural and very remote communities. Participants were each provided with easy-to-read, accessible information to support their engagement, including a one-page project summary, a printed version of the Commissioner's presentation and the Commissioner's 6 high-level priorities and a printed copy of the UNDRIP.

Community engagement sessions were approximately 3 hours per session, allowing time for information to be shared and a collective dialogue on issues and potential solutions.

### **Online engagements**

Three online engagement sessions were held to increase access and inclusion, especially for people unable to travel to in-person events. Key documents provided to participants were emailed to online attendees prior to the session commencing.

In addition, online engagements were also provided for focus groups, including Elders, people with disability and the LGBTIQA community. This inclusive approach supported diverse voices and experiences.

In response to a specific request from the Kalgoorlie community who were unable to attend face-to-face engagements, an online engagement session was conducted.

Online sessions, scheduled for 2 hours, aimed to include up to 24 participants, with some sessions accommodating up to 30. They allowed time for information to be shared and a collective dialogue on issues and potential solutions.

### **Written submissions**

A call for written submissions process was open to everyone in Australia aged 18 and older. Individuals, community groups and organisations were encouraged to contribute through guided questions or free-form responses via the Commission's website or by email. This ensured everyone had an equal opportunity to share their views, regardless of location or background.

# Informing the Agenda *project* engagement locations throughout Australia

## INT'L.

- ◎ Baku, Azerbaijan

## NT

- ◎ Darwin
- ◎ Nhulunbuy
- ◎ Alice Springs
- ◎ Tennant Creek

## TSI & NQLD

- ◎ Yarrabah
- ◎ Cairns
- ◎ Cooktown
- ◎ Thursday Island
- ◎ Badu Island

## CQLD

- ◎ Mount Isa
- ◎ Rockhampton
- ◎ Gladstone
- ◎ Woorabinda

## SEQLD

- ◎ Brisbane
- ◎ Roma
- ◎ Cherbourg

## ACT

- ◎ Canberra

## WA

- ◎ Broome
- ◎ Port Headland
- ◎ Geraldton
- ◎ Perth

## SA

- ◎ Ceduna
- ◎ Port Augusta
- ◎ Adelaide

## VIC

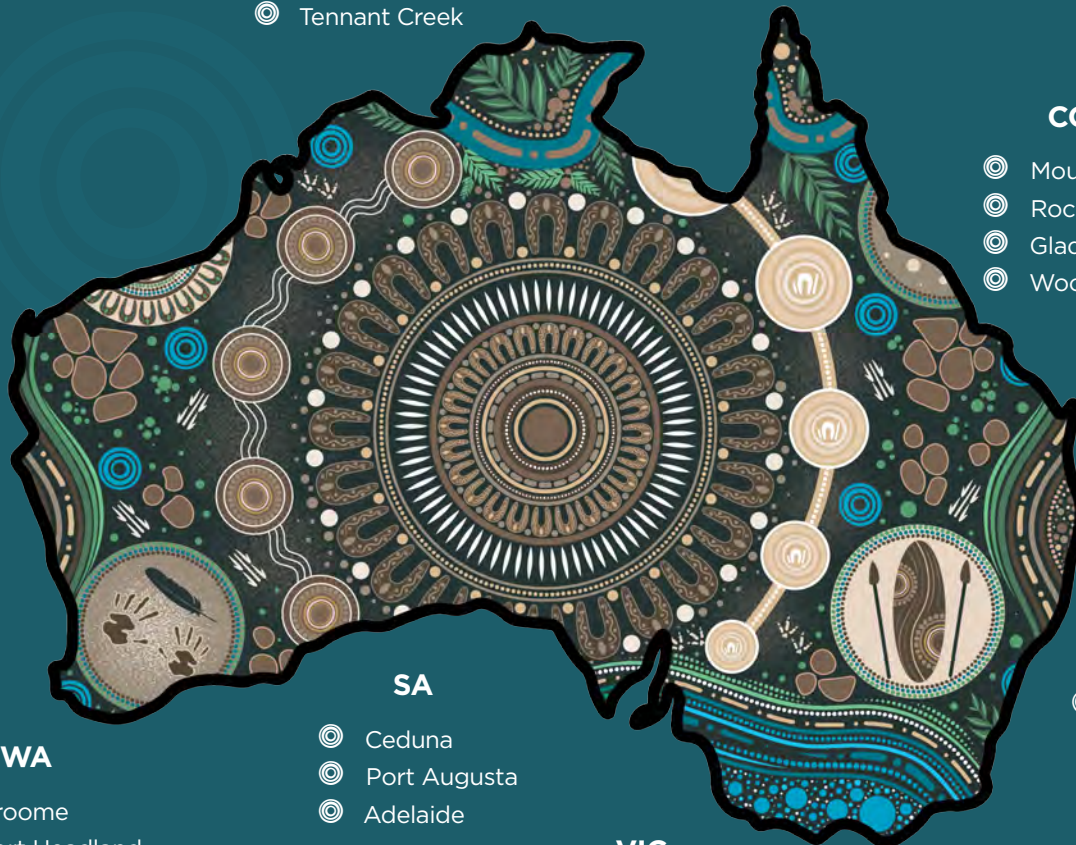
- ◎ Mildura
- ◎ Shepparton
- ◎ Melbourne
- ◎ Warrnambool

## TAS

- ◎ Hobart
- ◎ Launceston

## NSW

- ◎ Kiama
- ◎ Mount Druitt
- ◎ Redfern
- ◎ Wagga Wagga
- ◎ Dubbo
- ◎ Bourke
- ◎ Parkes
- ◎ Nyngan
- ◎ Moree
- ◎ Coffs Harbour



# What we heard – priority issues identified



Aboriginal and Torres Strait Islander people have been advocating for their rights and articulating their aspirations across generations.

Across the country, we heard Aboriginal and Torres Strait Islander people talk about their sense of pride in their identity, in who they are and who and where they come from.

***Aboriginal people have survived over 65,000 years by designing highly effective, complex and sustainable systems. These systems use frameworks, tools and models that have managed change over a very long period, making us the oldest civilisations in the world. Governments need to work with and learn from community-controlled organisations - ITA Survey Respondent***

They told us that culture is the foundation. Culture is everything to Aboriginal and Torres Strait Islander people and without it their identity, their physical, social and emotional wellbeing is denied, diminished, or worse erased.

***This island (Australia) is our home and we are the oldest living race on this planet and therefore should have every right to get our land back to practice and uphold our culture - ITA Survey Respondent***

Aboriginal and Torres Strait Islander people are also very clear about their status as the First Peoples of this land. They want to be recognised and respected as the oldest living culture on this earth.

They understand that as Aboriginal and Torres Strait Islander peoples they have the same human rights afforded to all Australians, and that these provide for the recognition and affirmation of their unique status, identities, cultures and ways of knowing, being and doing as First Peoples.

Consistent with that advocacy, Aboriginal and Torres Strait Islander people who engaged in the Project were very clear about the issues that are of serious concern to them.

Aboriginal and Torres Strait Islander people across the country gave clear and specific examples of widespread discrimination and rights violations. They talked about laws, policies and practices that target and disproportionately impact them and their families and communities. They identified clear and deliberate correlations between policies and practices of the past such as assimilation and removal laws, and the contemporary laws, policies and practices that continue to maintain and reinforce colonial legacies across all spheres of life. They spoke often about the imposition and dominance of mainstream ideology and how those values have had and continue to have devastating impacts on the lives and futures of our people, particularly our children and young people.

Having survived almost 250 years of colonial incursion and impact, the spirit of the oldest living culture in the world is still strong. There is an unwavering determination to not be erased, to not be diminished, to not be assimilated. To survive the ongoing onslaught of discrimination and abuse that is the lived experience of Aboriginal and Torres Strait Islander people in Australia. To adapt and respond to adversity in order to succeed and thrive.

Despite feeling completely disenfranchised and disempowered in their own country, Aboriginal and Torres Strait Islander people understand their responsibilities as custodians of this place and that this stands under their law, whether accepted by the mainstream or not.

They remain committed to the duty of care they have to those who now reside on their lands and territories. They are committed to healing, of themselves and their communities, but also of the Australian nation. And they continue to stand ready to engage in processes that acknowledge and reconcile our colonial history and enable all Australians to enjoy fair and just futures.

***We have a history of injustice for First Nations communities. We need to be heard without 250 years of prejudice – ITA Survey Respondent***

ITA participants across the country also stressed the need for all governments, including both elected representatives and bureaucracies, to be accountable for their responsibilities. They must ensure that: their laws and policies meet international standards and the needs of communities they are listening to and including those subject to laws and policies in all points of decision-making they are acknowledging and including lived experience as an indispensable element to informing evidence-based laws and policies. The findings of the Project reaffirm the concerns and aspirations that have been repeatedly identified by First Peoples but are rarely acted upon.

***These goals have been around for many years and it is time that there is some real progress made in achieving them – ITA Survey Respondent***

Many of the issues raised are long-term and ongoing, while others are responding to contemporary political, social and environmental change.

***Now is the time ... we are wearing thin and exhausted from continuous reinventing the wheel. Every time a new government is voted in, we are brought back to the starting line each time with de-funded organisations, new systems without consultation, not listening to the people – ITA Survey Respondent***

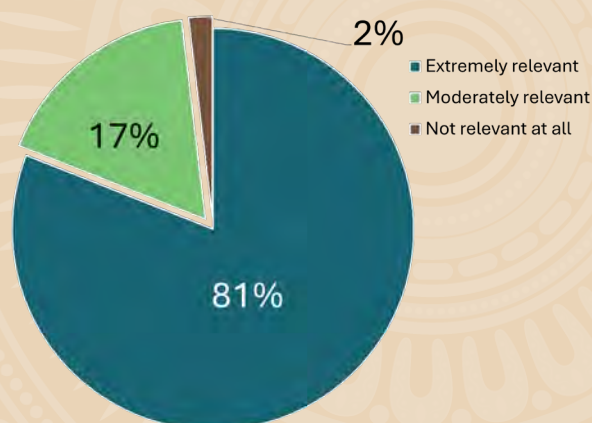
What is evident from the findings, is that the vision of Aboriginal and Torres Strait Islander Peoples and the path to achieve it is consistent and clear. First Peoples want to be strong, successful, healthy and respected. The challenge is getting governments and others to work effectively with us to achieve it.

## The 6 high-level priority goals

The majority of ITA participants (across all participation pathways) were generally supportive of the 6 identified high-level priorities (outlined above). This is reflected in the graph below representing those who completed the pre-consultation survey.

When asked 'how relevant is the agenda [the 6 identified high-level priorities] to you and your community?', 84% (306) of the 363 survey respondents who answered this question confirmed that the Commissioner's proposed agenda was extremely or very relevant to them and their communities. 14% (52) responded that the Commissioner's agenda was moderately or somewhat relevant. Only 3 respondents said that the Commissioner's agenda was not relevant at all to them.

***It needs to be for our people, led by our people to achieve the goals – ITA Survey Respondent***



**Figure 1.2: Survey responses testing the views of respondents on the 6 identified high-level priorities**

When asked if ITA participants had any concerns about the 6 identified high-level priorities, the agenda was described as 'ambitious...[but] comprehensive and broad ranging'.

Pre-consultation survey respondents expressed concerns about the high number of priorities.

They worried that, compounded by a lack of processes or representative mechanisms through which to effectively engage First Peoples, a broader focus might limit potential to implement meaningful impact.

***5 years down the track we will still be having the same conversations with no progress – ITA Survey Respondent***

A number of comments reflected the need for a collective voice, while others expressed a lack of trust in leaders and systems to deliver. The lack of faith and trust in government was overwhelmingly apparent.

Some voiced concerns about 'enforcement', that 'no action will be taken', the need to 'localise the agenda' and to tangibly measure outcomes. A common sentiment was the 'need to see action not just words'. Many also felt the need to move beyond the deficit narratives created about First Peoples.

***Need to focus more on positives and celebrate contributions of Indigenous Australia (historically and today), highlight the successes and move away from a deficit mindset which focuses too much on the negatives and portrays Indigenous Australians as a failing society – ITA Survey Respondent***

Survey respondents also identified a number of additional focus areas, including racism, education, Aboriginal and Torres Strait Islander women and addressing gendered violence, focused engagement and leadership capacity building of young people, deaths in custody, police mistreatment and climate change.

A common view was expressed across all participation pathways that it is 'not just the responsibility of the Social Justice Commissioner' to achieve this agenda. It was agreed that all Aboriginal and Torres Strait Islander people have a role to play in realising our rights and advancing our aspirations. However, the need to create the conditions to enable this is critical and that governments doing their part and working in 'genuine' partnership with us is required. They also argued for the need to activate allies and those working in our spaces to enable a focused effort and collaborative approaches to achieving outcomes.

***The Commissioner needs to seek those with responsibility and accountability to adopt the necessary reform actions – ITA Survey Respondent***

Across all participation pathways, a number of consistent themes emerged. They include:

☉ The Voice Referendum outcome – irrespective of how people voted in the Referendum, Aboriginal and Torres Strait Islander people:

- ⇒ expressed a deep sense of disappointment, including a strong feeling of rejection and abandonment from governments and the Australian people and concern that the Referendum has had the consequence (a public perception) of eradicating and invalidating the rights of First Peoples

- ⇒ raised serious concerns about the subsequent silence and retreat from the Indigenous policy dialogue by governments across the country, including in jurisdictions where governments have used the referendum outcome as justification for regressive election campaigns, policy decisions and legislative reforms that have a negative impact, are discriminatory and cause further harm

- ⇒ acknowledged the 6.2 million people who voted 'Yes', which was considered essential for the healing of the nation in the aftermath of the Referendum and for continuing the advocacy for First Peoples recognition and rights

- ⇒ stressed the need for truth-telling and education and awareness on the impact of colonisation on First Peoples.

☉ Increased exposure to individual and institutional racism – while racism is a common experience of many who participated in the Project, obvious increases and extreme exposure was cited, particularly on the back of the Voice Referendum.

People expressed concerns about increasing incidents of individual racism. This included racist behaviour in local communities and on social media. Concerns were also raised about systemic and structural racism. Media and government institutions were seen as contributing to this. Some elected representatives were identified as promoting racist views.

Racism was found to be embedded in laws, policies and government practices. It was also evident in education and health systems. People also raised concerns about their 'safety' in their communities and online as a result of the racial hatred and vilification they are subjected to.

Addressing racism is a priority, with the National Anti-Racism Framework considered a 'great foundation' to address this.

- © Children and youth – serious concerns were expressed about the criminalisation of Aboriginal and Torres Strait Islander children and young people and the mistreatment, harm and risk they are subjected to by police and in both the child protection and youth justice systems.

ITA participants identified the need for investment in systemic reform, Elder engagement, mentorship, culture and identity affirming, prevention and diversion programs, increased school support, support for families and addressing intergenerational harm and trauma.

- © Self-determination and participation – including the need to promote 'true self-determination' and to create safe spaces and provide funded opportunities for First Peoples to engage with each other on priorities.

Participants raised concerns about the lack of opportunities to engage in the design, development, delivery and evaluation of laws, policies and programs affecting them. Embedding the principle of free, prior and informed consent in all decision-making processes and ensuring that representative structures are broad and inclusive of all parts of the community, were identified as essential to achieving effective participation.

This includes through: 'local yarning circles and not one-off feedback loops'; and community endorsed representatives (not just those who have been selected by governments or industry). Participants also highlighted the need for: engagement with Elders, youth, women, people with disability and those who are incarcerated or in institutional settings such as mental health facilities; and for consultations to be conducted in accordance with community protocols.

## Priority Goal 1 - Access to justice

The Law Council of Australia, informed by the Indigenous Legal Issues Committee (ILIC), argued that:

*To increase access to justice we first need to work on the Australian justice system...it is broken, not just for our mob but for everyone - ITA Survey Respondent*

As outlined in the 6 high-level priorities, the concept of 'justice' in its traditional sense is supposed to be positive. It is foundational to all areas of life and social responses to facilitating survival, dignity and wellbeing for all.

Access to justice provides the moral and ethical compass for reforms in all areas (social, cultural, environmental, economic and political) and is critical to improved quality of life for Aboriginal and Torres Strait Islander peoples.

*Increasing access to justice does not only mean more or better representation within the current system but also promoting alternatives to mainstream frameworks that are better suited to the individual needs of First Nations peoples and communities.<sup>1</sup>*

When asked about the importance of increasing access to justice, 323 out of 362 Aboriginal and Torres Strait Islander survey respondents overwhelmingly agreed – with 89% saying this issue is important to them and should be a key focus of the Commissioner’s agenda.



**Figure 1.3: Key words used by survey respondents to Question 3 on increasing access to justice for First Peoples**

Feedback across all participation pathways indicates a consensus view that access to justice is much broader than the narrow focus on the criminal justice and legal (court) systems, which is most pronounced in public discourse related to access to justice. This leaves other critical elements of improving access to justice, including social justice, largely unattended.

*I endorse this goal because the traditional concept of justice should be positive, yet for Aboriginal and Torres Strait Islander people, it often means facing criminal justice or youth justice systems that do more harm than good and aren't safe for our communities. We must shift from endless inquiries and reports to real accountability and evidence-based actions. This includes finally implementing the recommendations from the Royal Commission into Aboriginal Deaths in Custody, the Bringing them Home Report, Productivity Commission Reports and decades of Social Justice and Native Title Reports. Given the national focus on Youth Justice, it's critical to change the narrative and approach in this area – ITA Survey Respondent*

The Aboriginal Legal Service of Western Australia (ALSWA) explained that legal problems are made worse by chronic underfunding of Aboriginal Legal Services, Community Legal Centres and social support services, particularly in remote and regional communities. As a result, these organisations are forced to prioritise some areas of law over others, leaving serious gaps in access to legal help.<sup>2</sup>

In a similar vein, the Lowitja Institute highlighted the co-responsibility and the need for increased accountability across interconnecting sectors.

They argued, for example, that deaths in custody reflect a 'health crisis' that is 'concealed by the fact that these deaths happen within the justice system'. It stressed that 'the responsibility that the health system has to prevent these deaths in the justice system cannot be ignored'.<sup>3</sup>

The criminal justice and legal systems were a major focus across all ITA engagements. However, concerns were also raised about the broader impact of mainstream systems on wellbeing and lived experience. People spoke about 'the denial of access to, and respect for, culture and identity. Anti-Indigenous rights sentiment was also highlighted. Intersectional discrimination was a key issue, particularly for women, children, Elders, people with disability, and LGBTIQA community members. Many participants pointed to the role of media and political figures in shaping public attitudes. These attitudes were seen to limit or deny access to justice for First Peoples.

*We need to use what resources, legislation and international agreements available to support our case for positive change. We must stop politicians from politicising and incarcerating our Youth, Women and Men for their own political agendas – ITA Survey Respondent*

Across all generations, Aboriginal and Torres Strait Islander people raised barriers that stop them getting the legal help they need, such as:

- © Difficulty accessing birth certificates, which affects children starting early education. This is made worse by the impacts of the Stolen Generations and child-rearing practices not recognised by mainstream processes.
- © Limited legal help for Elders to make power of attorney arrangements or wills.
- © Insufficient support for working-age people navigating complex blue card (or working with children check) policies, which affect jobs and kinship care.

- © Lack of legal support for children to advocate for themselves in family courts, criminal matters, or when reporting abuse and mistreatment in custody.
- © Limited support for women to understand their rights in child protection and legal processes. Women told us they are given orders to appear in court but are not told they should get legal advice. Many also need help with domestic violence orders and understanding how to assert their rights.

## Systems change

When First Peoples speak about systems, we refer to the ecosystem of balanced relationships and deep knowledge that guide our ways of knowing, being and doing. Aboriginal and Torres Strait Islander people are the original architects of systems of care, solutions and sustainable community wellbeing.<sup>4</sup>

At present, systems are designed and maintained in ways that keep the focus on Indigenous disadvantage and developmental gaps.

***The justice and child protection systems are unsafe for our peoples; the discrimination, racism and lack of cultural safety in these environments and systems is clear and the health impacts just as clear.<sup>5</sup>***

Concerns were raised across all participation pathways about the repeated failure of Indigenous-related policy, with a consistent view that too many Australian politicians have become comfortable with the idea that Indigenous policy and policy failure are inseparable.

***The machinery of government is broken and there are decades of failed policies and programs to unravel.<sup>6</sup>***

During the Adelaide ITA engagement there was a big conversation about systems change and locally driven solutions. Adelaide community members agreed that many government policies and services are designed without properly listening to Aboriginal and Torres Strait Islander voices, which means they often fail to meet real needs. They stressed that solutions must be led by community, place-based and culturally grounded, with governments working in genuine partnership.

The theory of ‘fracasomania’, or a ‘complex of failure’, explains how governments often develop policies just to be seen to fix problems quickly. This creates constant swings between policy measures, relying heavily on external ‘expertise’ while ignoring the knowledge that communities already hold. As a result, policies are repeatedly restarted, with low expectations of those with responsibility to deliver built in. This maintains the appearance of action without achieving any real substantive or sustainable success.<sup>7</sup>

First Peoples have always held the solutions. What is needed now is for governments to build meaningful relationships, listen deeply and act.<sup>8</sup>

Disturbingly, an unsettling truth – echoed by ITA participants in every consultation – was that governments are not doing enough to discourage or resolve the criminalisation and dehumanisation of Aboriginal and Torres Strait Islander people. In some cases, they are contributing to the perpetuation of these outcomes.

The issues of youth incarceration and policing have been raised time and time again, including in major inquiries such as the Royal Commission into Aboriginal Deaths in Custody,<sup>9</sup> the Royal Commission into the Protection and Detention of Children in the Northern Territory (focused on Don Dale),<sup>10</sup> and repeated investigations into Banksia Hill Detention Centre in Western Australia.<sup>11</sup> Many First Peoples also said that the absence of meaningful government action is beginning to feel deliberate and it’s impossible to ignore.

Throughout the consultations, there was a collective sense of frustration that government policy and systems are not underpinned by Indigenous data or knowledge. Yet, Aboriginal and Torres Strait Islander people are still too often blamed for outcomes that stem from policy failure. Despite clear evidence, there is little public discussion about evaluating or reforming bad public policy. Instead, governments (politicians and bureaucrats) and media continue to frame Indigenous people as the problem – justifying poor policy and practice without meaningful evaluation.<sup>12</sup> Across all participation pathways, people spoke clearly about what good policy looks like.

### ***Fixing social determinants by looking at things holistically – Canberra ITA Participant***

Aboriginal and Torres Strait Islander community members called for culturally informed, holistic and place-based approaches to policy development that are grounded in clear principles such as those outlined by former Commissioner Calma in his 2006 Social Justice Report:

- ◎ a commitment to human rights – rights affirming not diminishing
- ◎ holistic, culturally responsive, trauma-informed, healing aware
- ◎ genuine engagement and participation of First Peoples in decision-making – nothing about us without us
- ◎ a focus on capacity building and community development
- ◎ support for strong Indigenous governance
- ◎ recognition and nurturing of leadership – at all levels
- ◎ clear plans for learning and implementation
- ◎ needs-based funding and planning processes – long-term investment and sustainability/security as opposed to trials/pilots and short-term non-ongoing funding

- ◎ strong monitoring and evaluation
- ◎ a culture of implementation and government accountability and integrity
- ◎ honest reflection on the current policy framework for Indigenous affairs.<sup>13</sup>

They stressed the need for policies that reflect culture, morals and stories and that address social determinants through integrated and collaborative systems.

### ***Formal adoption of cultural lens to policies – Melbourne ITA Participant***

Community voices emphasised that policy frameworks must be led by First Peoples, trauma-informed and culturally grounded – seeing and supporting the whole person, family and community, rather than treating issues in isolation. Again and again, people called for systemic reform through deeper analysis and long-term, generational change.

### ***Systems looking at the whole person, the whole family, the whole community and treating us as a whole rather than siloed – Online Disability ITA Participant***

### **Prevention and diversion**

Strong, supported and culturally grounded youth are key to strong communities.<sup>14</sup> This generation must be given every chance to succeed.

Communities are safer and healthier when people who experience the justice system can access appropriate healthcare and mental health support – as well as education and ongoing connection with their families. These supports assist with preventing harmful and negative outcomes such as child removal, detention and incarceration. They also help keep families together. For those caught in the criminal justice system, these supports improve rehabilitation and reduce the potential of returning to prison.

The Aboriginal Justice Caucus (AJC) submission emphasised the importance of effective and appropriate interventions to prevent entry into the justice system as the priority. The AJC argued that this would require, for example, raising the age of criminal responsibility, decriminalising public intoxication and drug possession and addressing these issues through healthcare instead of punitive responses.<sup>15</sup>

Strong concerns were raised about the ongoing removal of children from their families and Country (either through family policing or criminal justice intervention). When children are removed, it breaks families and causes long-term harm. People said that if a home is not currently safe, there should be proper supports to make it safe – not just permanent removal.<sup>16</sup>

Communities spoke about the harmful pathway from out-of-home care to prison and how government departments are failing in their duty of care. They raised serious concerns about young people being locked away in unsafe environments (including residential care, watch houses and youth detention facilities) rather than being supported with opportunities to grow and thrive. They stressed that the impacts of over-incarceration of Aboriginal and Torres Strait Islander people have been well-documented through countless inquiries – so we are fully aware of the consequences.<sup>17</sup> Understanding the direct links to family and community policing, they described how discriminatory and heavy-handed practices push young people into the justice system in the first place.<sup>18</sup> Together, these experiences point to an urgent need for reform that centres the individuals and their families, justice, cultural safety and accountability.

Across the country, we heard frustration at the lack of investment in prevention and support programs that keep people out of prisons and other institutions in the first place.

***...the most urgent priorities should be addressing the mass incarceration of Aboriginal people, particularly women and girls and the ongoing crisis of disappeared and murdered Aboriginal women.<sup>19</sup>***

People talked about limited or no access to effective drug and alcohol or rehabilitation and mental health services and safe and secure accommodation options for those at risk of incarceration and those exiting detention. They are concerned about ensuring that systems and programs keep children out of the youth detention system. They want education options available for those excluded from the public schooling system and targeted positive youth programs in place to prevent engagement in anti-social behaviour.

Communities called for departments to work closely with families and communities to create wraparound care that supports and reunites families and brings children home safely. Parents and carers need to be kept fully informed and their rights respected through a process of free, prior and informed consent. The absence of policies that reflect culture and kinship is continuing a cycle of disconnection and trauma.<sup>20</sup>

***There's not enough support around our young people not only getting diagnosed but also setting up strategies and support. A lot of youth justice programs are about getting them back on country and supporting them with resetting stuff, but it doesn't work if they're not able to have executive functioning. I'm working with young people through our trainee Ranger programme.***

*We're finding that there's a significant gap around even understanding that and supporting our young people and giving them strategies because if they don't have the ability to have executive function then they can't make decisions. So, this expectation of these youth justice programmes that they're gonna turn up Monday to Friday 10:00 to 2:00 and do all these activities and participate. It's just not realistic when we're not giving them the right tools, so I guess that's some of the challenges that we've been having here" – Online Elders ITA Participant*

There were serious concerns that funding is not being used to help families stay together, to reunite, or to meet the needs of children in care – particularly those with neurodiverse needs. Communities said it is critical that departments understand and respect kinship and cultural identity and that they take into consideration the rights of the child when making decisions.

Communities called for increased funding for community-led programs that work with young people who don't fit into mainstream systems. There was deep concern about children turning to drugs, alcohol and crime when they feel no sense of connection or belonging. People asked for therapeutic supports, tools to help with executive functioning and emotional regulation and flexible education options.

Communities are actively delivering programs to prevent youth incarceration. These programs address a key gap identified by communities: the lack of services provided outside of normal business hours (9am - 5pm). One such example is the Ngurra Buru Program described below.

### **Ngurra Buru - Immediate Response Night Space<sup>21</sup>**

Ngurra Buru, which commenced in May 2024, is an Aboriginal-led night space based in Broome that provides a culturally safe and supportive place for young people at risk, especially after hours between 11pm and 4am. Developed in response to community concerns about youth safety, the service offers a calm space where young people can rest, get a meal and connect with trusted Aboriginal staff and Elders. The focus is on listening, responding quickly to needs and offering care grounded in culture and community.

Run by Nirrumbuk Aboriginal Corporation, Ngurra Buru partners with local services, the Western Australian Government and Aboriginal community leaders to ensure young people have immediate access to support, including transport home or to a safe place. The program recognises the importance of cultural identity and belonging in helping young people feel safe and respected. This approach helps to prevent harm and reduce contact with police or emergency services.

After two months of operation, Ngurra Buru has achieved notable results with:

- © 424 interactions with young people aged 10 – 16 years
- © 335 meals provided.

Ngurra Buru is a promising model that puts Aboriginal values and leadership at the centre of community safety. It shows how local responses can reduce risk, build trust and meet young people where they are. It reflects broader calls from Aboriginal and Torres Strait Islander communities for services that are strengths-based and culturally responsive.

**Text box 1.1: Ngurra Buru: Night Space – Immediate response**

Survey respondents also highlighted the need for a greater focus on access to targeted and appropriate service supports, including for drug and alcohol misuse, Fetal Alcohol Spectrum Disorder (FASD) and suicide prevention. They argued that more programs focused on diverting young people from detention and breaking the cycle of intergenerational trauma – such as youth forums and programs, youth parliaments, mentoring, education and employment programs including school-based traineeships, sport programs and on Country culture and healing programs – are required.

***One community in Victoria brought a governance structure in place with young people. This led to young people influencing projects on their Country and leading an arm of a community organisation, demonstrating leadership to their families and beginning to break the intergenerational trauma – ITA Survey Respondent***

While many programs were identified across the country (for adults and children), we regularly heard that programs are funded as trials or pilots through short-term funding contracts. Just as they start to achieve positive outcomes the funding is cut and the programs cease to operate, putting users back into circumstances of risk. We also heard that many Aboriginal and Torres Strait Islander community organisations had made submissions for funding support to run programs, but do not have the capacity or bandwidth to write good applications. As such, the big non-Indigenous, non-government organisations win the funding, but draw on those community organisations to deliver, without appropriately compensating or resourcing them for their contributions and expertise.

## **Equality before the law – courts, policing, redress**

‘Article 26 of the International Covenant on Civil and Political Rights states: ‘All persons are equal before the law and are entitled without any discrimination to the equal protection of the law’.<sup>22</sup> However, equality before the law demands that those requiring equal treatment have equal access. Feeling safe, heard and having one’s rights upheld, are central to access to justice.<sup>23</sup> Unfortunately, for many First Peoples, these elements are often missing.

Across all participation pathways, clear examples were provided that demonstrate that First Peoples in Australia do not feel equal before the law, do not have equal access to effective, timely and culturally appropriate legal support, do not receive just outcomes and are not protected from discrimination and harm in accordance with human rights standards.

### **i) Courts and the judicial system**

In line with Priority Reform Three of the National Agreement on Closing the Gap, courts should transform their processes to resolve disputes, ensure fairness and accountability and support restoration, healing and long-term sustainable change.<sup>24</sup> In this regard, a paradigm shift towards restorative justice is necessary.

The Western legal system is complex for the majority of the population, but it is made even more inaccessible where access to effective court support and competent legal representation is limited. For Aboriginal and Torres Strait Islander people there are a number of issues that prevent this.

For example, we heard that some people feel they have no choice but to plead guilty, simply to get the process over with because they can’t get funding for a trial or would spend longer on remand than the sentence itself. When legal services are under-resourced, more people end up in prison unnecessarily.

Many of those involved in court processes do not fully appreciate or take into account the significant impacts this has on future outcomes for those individuals, for example in future job prospects or securing stable housing. Further, participants highlighted concerns about sentencing processes, including the lack of appropriate responses for people with disability and delays when individuals were found unfit to plead.

***People are sitting on remand that are not able to plead, so they end up in systems longer than they should be, and longer than they need to be, and without the support they need – Darwin ITA Participant***

While initiatives like Koori Courts were seen as positive and promising, particularly when Elders guide cultural responses, access remains limited, as eligibility often depends on the offence and a guilty plea, excluding many who might benefit most.

The AJC submitted that sentencing should focus on restorative and therapeutic approaches that embrace cultural, spiritual and physical healing, strengthening culture and community to enable long-term sustainable change. They argued that diversionary options, coupled with support and programs, should be available and prioritised at every stage of the criminal legal system.<sup>25</sup>

### **Walama List – NSW District Court<sup>26</sup>**

‘Walama’ is a word from the Dharug language meaning ‘come back’ or return. The Walama List is a culturally appropriate court process in the NSW District Court designed for Aboriginal and Torres Strait Islander people. Launched in 2021, it aims to reduce the over-representation of Aboriginal people in prison by focusing on rehabilitation and healing. The process involves Elders, judges, legal professionals and support services working together to create individual support plans. It is available to people who have pleaded guilty and are willing to engage in change and community support.

The Walama List brings cultural knowledge into the courtroom and gives Elders a formal role in sentencing conversations. It supports participants to reconnect with culture, community and services such as housing, health and mental health care. The court’s approach encourages accountability and healing rather than punishment alone.

Early reports suggest the Walama List is helping to improve justice outcomes for Aboriginal and Torres Strait Islander people. It aligns with national recommendations, including the *Pathways to Justice* report, which calls for more community-led justice approaches. It is also more aligned with the UNDRIP than traditional Australian courts. The UNDRIP recognises the right of Indigenous peoples to maintain their legal systems and institutions.

**Text box 1.2: Walama List – NSW District Court**

Community engagements consistently highlighted the importance of Aboriginal Legal Services (and other legal support) working closely with judges and courts to ensure culturally informed assessments. They were especially concerned about families and those with cognitive impairment or intellectual disability.

***Needs to be an Aboriginal worker at every courthouse working with the Aboriginal people and, as a fact, that is not happening – ITA Survey Respondent***

With regard to the Family Court, concerns were raised about the capacity to engage effectively in decisions made without being fully informed of processes or implications.

***Most Aboriginal families don't know what's happening. They don't know that when they sign a temporary care agreement, they're actually signing their parental rights for three months over to the state. They also have the parental responsibility contracts which the department says are not contracts but if you breach a term in the contract, then it goes automatically into the Children's Court. They have no idea about it and most of them think they're doing the right thing. They've got three months and then they may get an extension of another three months for the children in care, but by that time, the department's already got care plans lodged with the Children's Court. Lack of supports to change your life – education, job, housing – they don't have any money, there's no acknowledgement of the social economics of Aboriginal families and they don't get the time to talk to a lawyer – Online Elders Focus Group ITA Participant***

Communities also critiqued the role non-Indigenous officials often play in making life-altering decisions for Aboriginal and Torres Strait Islander people without understanding their trauma or the context of their lives. They stressed the need for culturally safe decision-making processes that are informed and led by First Peoples.

They also suggested practical steps, such as sitting around a table instead of at a raised bench or wearing less formal clothing in the Family and Children's Courts. These steps would help vulnerable people feel more comfortable when interacting with the court system.

### **From barriers to bridges – Walking with First Nations families through the Family Courts<sup>27</sup>**

The Federal Circuit and Family Court of Australia (the Court) play a critical role in ensuring safety and justice for families. For First Peoples, this role is especially important. Around 1 in 15 applications for parenting or property orders involves an Aboriginal and or Torres Strait Islander party or child, yet many families face systemic barriers such as lack of legal representation, digital exclusion, trauma and mistrust of government systems. To respond, the Court has created practical measures such as the Indigenous Family Liaison Officer (IFLO) program and the Specialist Indigenous Lists (SILs), designed to improve access and provide culturally safe support.

The IFLO program has grown significantly since 2021, expanding from 1 to 15 positions nationwide. IFLOs combine professional expertise with cultural knowledge, ensuring families are supported in ways that respect their culture and community connections. They now support nearly half of all identified First Peoples matters nationally, often assisting multiple parties in a single case. This has led to a major increase in engagement with the Court, with filings by First Peoples rising by almost 50%. In locations where both SILs and IFLOs operate, settlement rates reach as high as 80%.

The impact of these initiatives is clear in practice. In one case, a child at risk of removal due to a birth alert was placed safely with a grandparent through urgent SIL orders. This child became the first in 3 generations to avoid foster care outside of family, remaining connected to culture and Elders. In another case, a grandparent was supported by an IFLO to file an urgent application before a child was removed, resulting in the child living safely with family on Country, surrounded by cousins and culture. These outcomes show how family-led solutions, supported by culturally safe programs, can transform the futures of children and families.

The Court is committed to strengthening access to justice by expanding culturally appropriate services, improving community awareness and exploring new options such as on-Country hearings and digital hubs. Sustained funding for IFLOs and SILs is essential to continue building trust and ensuring First Nations families are supported to make decisions that prioritise children's safety, family connections and cultural identity.

**Text box 1.3: From barriers to bridges – Walking with First Nations families through the Family Courts**

Language was also identified as a significant barrier to participating in and understanding court and legal proceedings and judgements. For many Aboriginal and Torres Strait Islander people, particularly in remote regions, English can be a third or fourth language. Therefore, engaging in a foreign legal system, in a foreign language without appropriate support, has resulted in many Aboriginal people, in particular, being unclear about their charges, sentences and compliance requirements.

During the Yirrkala ITA engagement, participants raised this specifically, demonstrating the intersections with the education system. They argued that the lack of support for bilingual education in schools' results in fewer young people coming through with the skills to take up interpreter roles. These positions are critical to access justice – not just court and legal proceedings, but all aspects of justice.

The Law Council of Australia submitted that establishing a National Justice Interpreter Scheme with consistent funding would help Aboriginal and Torres Strait Islander people access appropriate language interpreters in judicial contexts. This would support culturally safe and informed decision-making, effective engagement with the justice system and procedural fairness in the civil justice system.<sup>28</sup>

Community members spoke of frustrations with the timeliness of court processes, especially in dealing with domestic violence orders, which can leave women and children in unsafe living conditions. They highlighted the need to move away from siloed departmental responses. They want legal and health systems to work together to address the root causes of offending. This would provide holistic programs and sentencing options that consider the whole person and what supports they need to improve their lives.

On civil matters, the Aboriginal Legal Service of Western Australia (ALSWA) submitted that their clients face many issues with access to justice, including:

- ◎ inaccessible, ineffective and culturally unsafe complaints mechanisms
- ◎ a lack of independent complaints bodies with sufficient enforcement powers
- ◎ inadequate legislative frameworks and avenues for seeking legal remedies
- ◎ inaccessible, ineffective and culturally unsafe court and tribunal systems
- ◎ inaccessible and unduly restrictive processes for making important applications that have an impact on the everyday lives of many people, such as Working with Children's Checks and drivers licences.

They highlighted the limited access to legal advice and support in relation to tenancy and housing issues: as well as free to low-cost support for people to draft their wills and get their estate in order. ALSWA submitted that while they do not currently assist with wills and estate matters, they receive a large volume of inquiries and requests for assistance with drafting wills, probate, letters of administration and contested estate issues. ALSWA noted that:

***There are relatively few services throughout Western Australia who are funded to provide free to low-cost advice and assistance...The main community legal centre who assists with these applications...currently charges \$2,350 for preparation of a simple will and \$1,950 for preparing letters of administration...Many of ALSWA's clients can simply not afford to pay such fees.***<sup>29</sup>

## ii) Policing

Community members emphasised the critical importance of culturally responsive, community-embedded policing. Aboriginal and Torres Strait Islander police officers who maintain strong, respectful relationships with local communities are seen as vital to rebuilding trust and safety.

Disturbingly, many people described their interactions with police as harmful. They highlighted that police responses are often influenced by deep-seated racism, power imbalances and punishment rather than care or support.

***Change the way police interact with kids – shifting away from interactions founded in racism, power imbalances, punitive responses – Canberra ITA Participant***

In every community engagement, participants expressed deep frustration with systemic failures, especially affecting Aboriginal and Torres Strait Islander young people. People spoke about over-policing, inexperienced officers and unjustified charges – often later dropped – that contribute to the criminalisation of young people.

***More police doesn't necessarily mean safer communities, it actually exacerbates the issue, a lot of the time they are sending inexperienced police officers up here. We are finding that there are a lot of people, a lot of kids who are charged, who shouldn't have been charged from the outset and then on the day of trial the charges are dropped – Port Hedland ITA Participant***



### **Hedland Aboriginal Strong Leaders – Responding to racism<sup>30</sup>**

The Hedland Aboriginal Strong Leaders (HASL) group is a respected community-led body made up of Elders and leaders from across Port Hedland. They provide cultural authority, guidance and advocacy on issues that affect Aboriginal people in the region. HASL works to strengthen families, mentor young people and build community connections through culture. Their initiatives include leadership programs, youth engagement activities and cultural mentoring, all aimed at supporting the community to stay strong in the face of ongoing challenges.

When we met with HASL during the Port Hedland ITA consultation, members spoke honestly about the resilience of their community and their efforts to keep people together. They described how their programs bring hope, especially for young people who may feel disconnected. HASL leaders said their role is not only to respond to immediate challenges, but also to pass down culture, knowledge and identity so that future generations remain strong and proud.

At the same time, HASL members spoke powerfully about the racism and discrimination Aboriginal people in Port Hedland continue to face. They described repeated harassment from police, including Elders being stopped and searched for no reason and alcohol being confiscated even when it was unopened.

***Police search us and take our ‘gary’ (alcohol) even when it’s sealed. We haven’t done anything wrong, but they treat us like criminals just for carrying it in a bag – HASL Elder***

Elders in the room said it’s unfair treatment, it leaves many people in the community feeling judged, unsafe and mistrustful of services meant to protect them.

HASL emphasised that this lack of empathy and respect from police causes deep harm. Elders, who should be respected for their cultural role, are often humiliated and treated with suspicion. Leaders said this is not only an issue of individual behaviour but of systemic racism that urgently needs cultural change. Police, they argued, must shift towards genuine understanding and fair treatment if trust is ever to be rebuilt. Until then, HASL’s work in mentoring, advocacy and cultural leadership remains critical in holding the community together and providing a vision of strength and dignity for the future.

#### **Text box 1.4: Hedland Aboriginal Strong Leaders – responding to racism**

In many consultations, people shared that police inaction or poor communication when reporting domestic and family violence further erodes community confidence.

Sisters Inside highlighted that police responses to domestic and family violence often result in the criminalisation of Aboriginal and Torres Strait Islander women, who are wrongly identified as perpetrators. Such experiences deepen mistrust in the police and discourage First Peoples from reporting violence. A central priority must be to advocate for and demand policy and legislative responses that meet the needs of Aboriginal and Torres Strait Islander people and communities, without relying solely on police intervention.<sup>31</sup>

Many communities highlighted the importance of Aboriginal Community Liaison Officers (ACLO's) or Police Liaison Officers (PLO's). Communities recognised the critical role ACLO's play in reducing exposure to harms caused by policing, including racial profiling, discrimination and stereotyping. Concerns were raised about underfunding of ACLO's.

### ***Funding for Aboriginal Community Liaison Officers is important – Redfern ITA Participant***

The Aboriginal Justice Caucus (AJC) submitted that communities need strong advocacy to replace criminal legal responses. This includes resourcing for Aboriginal communities and organisations to further investigate alternative models based on self-determined examples (e.g. Aboriginal Community Patrols, Yallum Yallum Elders Council, Te Pae Oranga, Lotjpadhan, Family Centred Approaches).<sup>32</sup>

### **Arrernte Community Patrol<sup>33</sup>**

The Arrernte Community Patrol is a compelling example of how non-policing Indigenous-led initiatives can address complex social challenges through culturally grounded, community-driven approaches to public safety. Informed by the National Justice Project's, 'Alternative First Responders' guide, the Arrernte Community Patrol underscores the potential for such models to be replicated in other contexts, contributing to safer and more cohesive communities.

Like many communities, Mparntwe (Alice Springs) faces challenges related to youth crime and community safety. Traditional policing methods have often fallen short in addressing the underlying social determinants of these issues. Recognising this gap, the Lhere Artepe Aboriginal Corporation, representing the Arrernte people, launched the Community Patrol initiative. This program employs up to 40 casual patrollers, including respected Elders and community leaders, to engage directly with community members, particularly young people, in a culturally appropriate manner.

By empowering local leadership, the Arrernte Community Patrol is working to strengthen the community's cohesion. This aims to reduce crime through proactive community engagement and to minimise contact between Aboriginal and Torres Strait Islander people and the justice system and provide culturally safe and informed support to those at risk. Dressed in bright orange shirts, the patrols operate in collaboration with other local organisations to ensure a coordinated approach to community safety. The community has reported a decrease in incidents involving young people during patrol hours, improved community relationships and an enhanced sense of resident safety.

#### **Text box 1.5: Arrernte Community Patrol**

A number of areas were identified where people wanted increased police focus. These included stopping drugs being bought into communities (which was raised in Warrnambool, Gladstone and Port Augusta), responding to calls for help from Aboriginal and Torres Strait Islander people fearing for their safety and working with children and young people in a positive way that builds trust.

### **(iii) Incarceration and institutionalisation**

Aboriginal and Torres Strait Islander people continue to be significantly overrepresented in prisons, including women, children and young people and people with intellectual or psychosocial disabilities.<sup>34</sup>

The increasing number of Aboriginal and Torres Strait Islander women in prison was raised as particularly alarming. Women are recognised as the backbone of strong families and communities, and their imprisonment undermines community strength and healing.

In every engagement, community members raised serious concerns about the treatment and rights of First Peoples in prisons (and institutions), with a sharpened focus on youth detention.

In Cairns, for example, youth justice was raised as a major concern. Community members shared their worries about the high numbers of Aboriginal and Torres Strait Islander young people coming into contact with the justice system. They spoke specifically about the lack of Aboriginal and Torres Strait Islander-led support services and more needing to be done to keep our young people connected to family, culture and community instead of them going into detention.

Community members also spoke of their concern for First Peoples with disability in the system and the intersection of justice, disability and mental health not being recognised.

***They've been sentenced and then during their sentence, they're then placed under either the Mental Health Act or the Disability Act and then placed there for life. There's no way out. They're stuck. They're living in a cell for the rest of their life and not a single Aboriginal person is sitting there assessing the person - Online ITA participant***

They described situations where individuals are held under mental health or disability-related legislation and then indefinitely detained without culturally informed assessments or meaningful pathways to release. This raises fears of lifelong institutionalisation without justice or appropriate care.

***It may be for a minor crime that they've actually committed because they might be coming in psychosis or under mental health. Instead, they are assessed by a group of government officials that don't have a clue what's going on in their actual life, what trauma, everything else that is associated with what this person has gone through. And they decide under their Act that you sit there until they say you're right. The majority of the time once they're under that Act, they will never get out of that - Brisbane ITA participant***

Community members stressed the need to empower individuals with the knowledge and tools to make positive changes in their lives, families and communities. This need is particularly important during incarceration and reintegration.

#### (iv) Raising the age of criminal responsibility

***What other first world country in the world wants to jail 10-year-old children? – ITA Survey Respondent***

A clear message from community more broadly, was the call to raise the age of criminal responsibility.

Concerns were raised that children under 14 should not be in jail, as they do not have the developmental ability to fully understand their actions or consequences. Locking them up only causes further damage, giving rise to disturbing practices such as children being kept in solitary confinement and adult watch houses without the basic care or support they need. Communities called for national standards of care for incarcerated youth, including independent regulation and complaints systems.

In the AJC's submission to the Yoorrook Justice Commission, it urged the Victorian Government to raise the age of criminal responsibility from 10 to at least 14 years of age, with a minimum age of incarceration of 16 years. The AJC stated that 'criminalising the behaviour of children creates a cycle of disadvantage and marginalisation that may lead to vulnerable children and young people to become entrenched in the criminal justice system'.<sup>35</sup>

Communities want healing, not harm. They want resources redirected into real support: housing, education, food and programs on Country.<sup>36</sup> They are dismayed at the public and political narratives promoting the idea that locking children up is in the best interests of communities when all the evidence confirms the opposite.

#### (v) The prison experience

Poor prison practices were widely reported to cause more harm than help. These included the use of solitary confinement, placing children in adult watchhouses, inadequate healthcare (including mental health care), limited education, lack of access to medicine and specialist supports, rolling lockdowns, overcrowding and barriers to legal help and complaints processes.

Many stressed how dire the situation is for young people with disability who are incarcerated without proper assessments or demonstrated capacity.

***There's a lot of human rights that gets pushed aside in the prison systems – Online Disability Focus Group ITA Participant***

Many described the prison system as a place where basic rights are routinely neglected. In this regard, communities called for a proper model of care that upholds the rights of incarcerated adults and young people in detention, ensures basic human rights for all and recognises all community members such as LGBTIQ, Elders and people with disability.

Alongside the ITA community engagements, we took the opportunity to visit prisons and detention facilities in the Northern Territory (NT) and Tasmania. In Darwin and Nhulunbuy (Datjala Work Camp), the devastating impact of the criminal justice system was demonstrated through the sheer numbers of Aboriginal people filling those prisons to the brim, from across the NT and nearby islands.

At the relatively new \$500 million minimum-to-maximum security Darwin Correctional Centre at Holtze, concerns were raised about the capacity of the facility to cope under the pressure of increased load, the result of recent changes to the criminal laws in the NT.

With more than 2,500 prisoners in the NT, the Berrima Correctional Centre was re-opened to support the overload, with inmates transferred from Holtz to Berrima.

Despite both sites being dangerously overloaded and the ageing infrastructure at Berrima, administrators expressed a commitment to improve the conditions currently experienced by prisoners in the NT. For example, familial connections between inmates are facilitated where possible, to promote better mental health. This is particularly important for those serving time away from their communities, many from Central Australia, island and very remote communities a long way from Darwin. In the absence of access to family or community supports or visitations, these arrangements help to support inmates to be connected to family members or those from their regions – for example, who speak the same language, come from the same cultural group or community, are familiar with their families or friends.

In Tasmania, we met with a number of inmates in both the Remand Centre and the Men's Prison at Risdon Prison Complex in Hobart. They shared their personal aspirations to get out of jail, to reunite with their families, support their partners and children and get a job. During a sit-down conversation with five Aboriginal men, all on remand, identity and being recognised as an Aboriginal person by the community was raised as a major barrier for breaking the cycle and getting support outside of the walls. They talked about their previous attempts at reintegration and described being blocked and targeted at every point.

The men raised challenges in accessing accommodation, employment, rehabilitation and mental health and wellbeing support, and said these often resulted in their return to prison. They also emphasised the lack of an Elders' group to assist with connecting them back with community and culture.

In the absence of appropriate reintegration planning prior to release and support post release, all of those we spoke to have been in a constant cycle of incarceration over many years, some following the generations before them. In all facilities, many people in custody are being held on remand, which means they haven't been convicted yet and are waiting for their court case to be resolved. Some have been waiting for a very long time. In fact, for some of them, the time they've already spent in custody is longer than the sentence they would likely receive if they were found guilty. This is unjustly taking away months and even years of people's lives from them and their families, unnecessarily institutionalising people and significantly reducing the potential for them to rehabilitate or successfully reintegrate upon release.

Further, due to resourcing and staffing challenges, inmates are regularly subjected to rolling lockdowns and extended time in their cells, limiting access to visits from their families and reducing their ability to make phone calls.

This is reflective of the unacceptable over-representation of Aboriginal and Torres Strait Islander people in carceral settings nationally.

***Our young ones in juvenile detention centres and their treatment as well as living arrangements is vile and this needs rectifying immediately - with accountability and sacking/cleaning up of this disgusting situation - ITA Survey Respondent***

***The same goes for our mobs dying in custody - from their own hands, prison officers/police officers or from not receiving the medical help they deserve and have been failed to have provided - ITA Survey Respondent***

***There's so many blackfullas who are trans and in prison and they're not in safe spaces; they're not looked after - Online LGBTIQ+ Focus Group ITA Participant***

***How can we reconcile when our people are dying in prisons? Dying because they were denied healthcare? Dying because of generations of poverty that started with colonisation? - ITA Survey Respondent***

Many participants also spoke about the trauma carried by Aboriginal and Torres Strait Islander people in prison, including men who have experienced sexual abuse or live with FASD – revealing how systems often fail people long before incarceration.

***I noticed that especially when I went to the prison systems, a lot of the Aboriginal men I dealt with were victims of sexual abuse and they were victims of FASD, slipping through the systems and a lot of the kids as well - Online Disability Focus Group ITA Participant***

Community members expressed deep concern about the lack of access to effective advocacy while in custody. Advocacy services were described as hard to reach and inconsistent, with inmates often forced to rely on generic helplines that provide limited support.

As articulated above, reintegration support was widely described as lacking and culturally inappropriate. Many people shared their experiences of transitioning back into the community after prison. This included Aboriginal and Torres Strait Islander people currently in prison and those who had been previously incarcerated.

They described significant challenges during this transition. These included a lack of transport and safe, stable accommodation.

First Peoples also reported long waiting times to access referred services. Some services did not meet their cultural or social needs. These barriers were seen to increase the risk of reoffending.

Elders and other participants called for holistic approaches across health, education, justice and housing to ensure families can support returning members effectively.

***Struggling with transitioning into community post incarceration - need support, struggle to access support services (long waiting times) and needing access to transportation to get there, culturally appropriate - Kiama ITA Participant***

Finally, during consultations many community members (including those who sit on Community Justice Groups), criticised incarceration supervision orders, calling them overly complex and punitive.

Community members called for systemic reform focused on culturally safe care, trauma-informed supports and restorative justice responses that prioritise healing over punishment. These supports should include safe and ongoing housing, employment opportunities, transport, food security, education, healthcare and culturally appropriate support to maintain connection with family and community.

***I think that restorative justice is the way to go for our people because when they leave a prison they have nowhere to go and no help...our people need help and all these areas especially housing for individuals and their families - ITA Survey Respondent***

## **(vi) Redress and access to complaints mechanisms**

Across all engagement, we heard that current complaints systems are too complex and hard to navigate. They described how red tape, legal jargon and poor communication about processes and next steps discourage people from pursuing complaints. This included the Australian Human Rights Commission complaints process and state and territory-based discrimination processes.

For example, while we were in Dubbo, concerns were raised by participants who had engaged with the AHRC complaints system. Community members said the process often feels too complicated, slow and not culturally safe, which makes it hard for many Aboriginal and Torres Strait Islander people to use. Participants described the need for more accessible support, clearer information and better follow-up so that our people feel heard and respected when they make a complaint. Improving the complaints system was seen as an important step to ensure access, accountability and trust.

Some systems also expect Aboriginal and Torres Strait Islander people to exhaust every other option first – which can be unsafe and draw out any hope of access to justice for many years.

Community members told us they need well-funded, well-staffed local Aboriginal and Torres Strait Islander legal services, so cost does not stop people from getting effective, culturally responsive, trauma-informed help and redress. They want plain-language legal education to help understand their rights, especially around housing, police and complaints processes and clear and accessible information on where to turn when their rights are not respected.

Independent and impartial complaints mechanisms help people feel safer when accessing essential services like police.<sup>37</sup>

In its submission, the Aboriginal Legal Service of Western Australia (ALSWA) called for an independent and impartial police complaints mechanism to ensure that everyone – especially our most vulnerable women, children and Elders – is protected.

ALSWA also raised concerns about poor phone answering practices in police services, which often require complaints to be written. This is a barrier for people with low literacy, people for whom English is a second language and those in remote areas who struggle to access assistance. Finally, ALSWA noted that public sector agencies often ignore recommendations made by the Corruption and Crime Commission (CCC), which lacks adequate enforcement powers to act on them.<sup>38</sup>

## Priority Goal 2 - Implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

*Promoting the rights of Indigenous people in Australia is a critical step toward achieving equality, justice and reconciliation. It involves addressing historical and ongoing inequities while respecting and uplifting the culture, land and self-determination of First Nations people – ITA Survey Respondent*

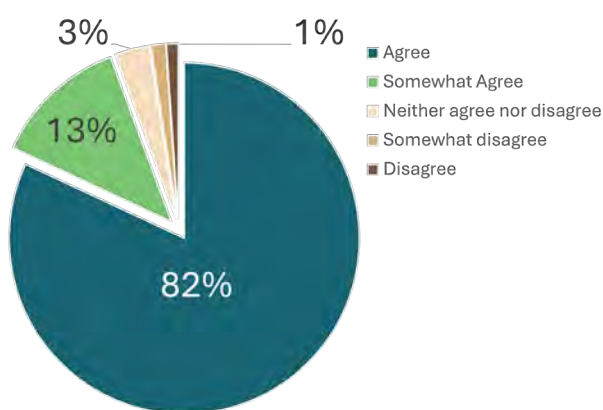
The UNDRIP is underpinned by 4 key principles: self-determination; participation in decision-making (grounded in free, prior and informed consent and good faith); respect for and protection of culture; and equality and non-discrimination. It sets out the minimum standards for the survival, dignity, security and well-being of Indigenous Peoples worldwide and affirms their right to maintain and strengthen their unique identities.<sup>39</sup>

*The UNDRIP is also significant in that Aboriginal and Torres Strait Islander peoples were comprehensively involved in the drafting of the declaration and have consistently sought opportunities for its implementation in policy and legislation – ITA Survey Respondent*

As part of the engagements, participants were provided an overview of the: process undertaken to draft the UNDRIP and to progress it through to adoption; the participation of both the Australian Government and Aboriginal and Torres Strait Islander people in those processes; and activities undertaken since adoption to promote its implementation.

When asked whether they agreed with the high-level goal of promoting the implementation of the UNDRIP, 371 ITA survey participants responded. Of those, 304 – a clear majority – agreed that this should be a priority for the Commissioner’s agenda. Forty-six somewhat agreed, 12 neither agreed nor disagreed, 5 somewhat disagreed and only 4 disagreed.

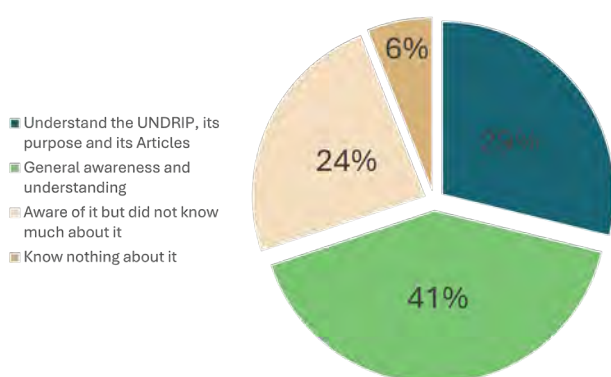




**Figure 1.4: Survey Response to Question 1 regarding whether the implementation of the UNDRIP should be a priority for the Commissioner's agenda**

While many ITA participants were familiar with the UNDRIP, many had not engaged with it deeply, or used it in their rights advocacy.

When asked how much they knew about the UNDRIP, 312 survey participants responded. Of these: 29% said they understood the UNDRIP, its purpose and its articles; 41% reported a general awareness and understanding; 24% said they were aware of it but did not know much about it; and 6% said they knew nothing about it.



**Figure 1.5: Survey response data responding to question: 'How much do you know about the Declaration (UNDRIP)?'**

Participants largely agreed that the UNDRIP is a critical framework for holding governments accountable to their human rights obligations to First Peoples, promoting fulfilment of their rights to the same extent as the broader population.

ITA participants across all participation pathways consistently highlighted the need for greater awareness raising about the UNDRIP, its history and purpose; and education on how to effectively apply it. People were positive that change is possible through greater awareness of the UNDRIP in families, communities and leadership spaces and by encouraging senior decision-makers to actively apply its principles in their work.

*I would like to know more about the United Nations Declaration on the Rights of Indigenous Peoples – more education around this for everyone is what I believe is needed – ITA Survey Respondent*

*I think a big problem is that the vast majority of Australians, First Nations people included, have never actually heard of the declaration and if they have, are not actually familiar with its content. That lack of familiarity means few people have internalised an understanding of the declaration and how it would apply to them personally in their day to day lives. I think there needs to be a significant dialogue raising awareness of the declaration first before running ahead and 'implementing and embedding it' on our behalf without first having an understanding of its content – ITA Survey Respondent*

There was particular concern around narratives promoting the UNDRIP as ‘not legally binding’ rendering it, in some instances, irrelevant to those who had heard this. This narrative ignores the reflection of already existing international legal obligations on Australia arising from the ratification of human rights treaties which are reiterated within the UNDRIP. In this regard, the Lowitja Institute describe the UNDRIP as a:

***...‘moral force’ that can compel Australian governments to support and act towards empowerment of Aboriginal and Torres Strait Islander peoples.<sup>40</sup>***

Consultation discussions also acknowledged that there is still much work to do to give effect to human rights generally in Australia and the need for measures such as an Australian Human Rights Act to codify into our national law the human rights Australia has committed to internationally.

The importance of countering mis- and disinformation, including the misconception that the UNDRIP grants extra rights to Aboriginal and Torres Strait Islander peoples was also highlighted.

***Dispelling disinformation and misinformation that the Declaration gives extra rights to First Nations people – Broome ITA Participant***

## **Accessibility**

Participants noted the challenge of making the UNDRIP accessible, citing its legalistic language and its perceived distance from the everyday realities of communities. Suggestions to address this included developing apps and digital tools to explain rights under the UNDRIP in plain language and to provide simple pathways for making complaints.

***The Declaration – great resource but difficult to go through all those different articles and break them down to the ones that are really relevant to us on the ground as opposed to what the bigger picture sort of thing – Online Disability Focus Group ITA Participant***

## **The guiding principles**

While some were unfamiliar with the UNDRIP, they confidently reflected their understanding of, and engagement with, the four guiding principles of the UNDRIP. Others identified the need to clarify what these principles and rights mean in reality. This was particularly the case for the first principle – self-determination.

## **Self-determination**

Self-determination is fundamental to Aboriginal and Torres Strait Islander people overcoming the legacy of colonisation and the impacts of dispossession. Across all participation pathways, people described the lingering effects of colonisation and oppression, including their exposure to discrimination and mistreatment and their exclusion from mechanisms that support their participation in decisions that affect their rights. This renders them more likely to experience poverty, imprisonment, poor health and restrictions on self-determination.

The Lowitja Institute argued that:

*As Australia is a signatory to all the major United Nations conventions on human rights, including UNDRIP, Australian governments are obliged to uphold the fundamental international legal principles of self-determination and to incorporate it into legislation and policy.<sup>41</sup>*

While governments often proclaim or voice their commitment to First Peoples self-determination, practice rarely reflects it. As submitted by the national voice for our children SNAICC:

*Government systems must change in order to support self-determination and achieve better outcomes, but it is clear that governments are not understanding or adequately responding to the scale of change that is required.<sup>42</sup>*

### **Participation in decision-making; free, prior and informed consent; and good faith**

*The UNDRIP is not being implemented by governments in Queensland. Free, prior and informed consent is rarely sought from our community – ITA Survey Respondent*

Priority Reform One of the National Agreement on Closing the Gap recognises the importance of Aboriginal and Torres Strait Islander people's participation and sharing decision-making with governments through genuine policy and place-based partnerships. Such partnerships are key to supporting community-led initiatives and driving outcomes that reflect the priorities of First Peoples.<sup>43</sup>

*A lot of policies, strategies and priorities are made without the knowledge of Aboriginal people – Aboriginal people need to be at the table, see it especially in health – Launceston ITA Participant*

Many Aboriginal and Torres Strait Islander people expressed frustration at government-controlled processes where decisions are made without genuine engagement or transparency.

*Equal partnerships in decision making – at the moment, government are saying we'll set up the structures and we'll appoint who we think we'll work best with to advocate on behalf of the community, we're getting nowhere – Launceston ITA Participant*

Community members frequently raised concerns about whether current engagement processes truly include people who face systemic barriers such as low literacy, poor health, limited transport or family violence.

*How do we empower and include the voices of people who can't read or write, don't have access to transport to attend community meetings, have a chronic illness, or dealing with domestic violence? – Wagga Wagga ITA Participant*

Ensuring the participation of those with lived experience was also a common theme of the discussions in all engagements. This includes the engagement of organisations 'led by people directly affected by the policies being enacted'.

***We are the lived experience experts with the ability to provide an analysis of the oppressions that are being faced by our community and our voices are crucial in shaping policies that truly reflect the realities of many criminalised First Nations peoples.<sup>44</sup>***

This was also reflected by Elders groups, disability advocates and the LGBTIQ+ community. The Walkern Katatdiin Governance Committee and research team submitted that:

***All engagement should actively ensure that it includes LGBTIQ+ Aboriginal and Torres Strait Islander people, preferably reflecting the diversity within the Aboriginal and Torres Strait Islander LGBTIQ+ community groups (e.g. Kimberley Blak Pride, First Peoples Rainbow Mob WA, Black Rainbow, BlaQ, 2Spirits, Koorie Pride).<sup>45</sup>***

Communities called for strong, region-based, community-led consultation processes that are meaningful, non-hierarchical and grounded in Indigenous ways of knowing, doing and being. Participants emphasised the need for local structures that enable genuine community participation, stressing that those directly impacted must be central to designing solutions. The absence of shared decision-making and the persistence of top-down approaches from government were identified as major barriers to progress. This includes, for example, that current funding models and appointed advocacy structures often fail to reflect or meet community needs.

***We haven't seen shared decision making. Funding agreements don't meet the needs of communities – Broome ITA Participant***

A clear need for more accessible platforms and local advocacy to ensure all voices are heard and respected was identified. The fly-in, fly-out (FIFO) consultation model was also criticised for its lack of continuity and community ownership. There is a collective push for equal partnerships where power is genuinely shared and communities have authority over decisions that affect their lives. At the heart of this is a desire to return to care-driven, locally accountable systems that reflect communities lived realities.

In its submission, the First Nations Digital Advisory Group strongly argued for the need for all levels of government to move away from one-size-fits-all approaches and adopt place-based solutions. This means recognising the cultural, geographical, economic and aspirational uniqueness of each Aboriginal and Torres Strait Islander community, working flexibly, empowering communities as informed decision-makers and partnering to achieve shared outcomes.<sup>46</sup>

## **Respect for and protection of culture**

For Aboriginal and Torres Strait Islander peoples, community, culture and relationships are central to wellbeing, identity and belonging.<sup>47</sup> These connections are deeply grounded in kinship systems, shared responsibilities and ties to Country that have existed for tens of thousands of years.<sup>48</sup> Culture is not separate from daily life – it is lived and practiced through language, ceremony, art, story and relationships.<sup>49</sup>

Across all participation pathways, people expressed that any policies or services that overlook these foundations risk further harm and disconnection for First Peoples. This position aligns with research and evidence.<sup>50</sup>

***Access to country is access to culture, access to culture is access to language and stories and the ability to pass it on – Canberra ITA Participant***

## Equality and non-discrimination

Structural and systemic discrimination and exposure to racism were key issues identified through all participation pathways and in every community engagement.

## Racism

People shared examples of racism in many areas.

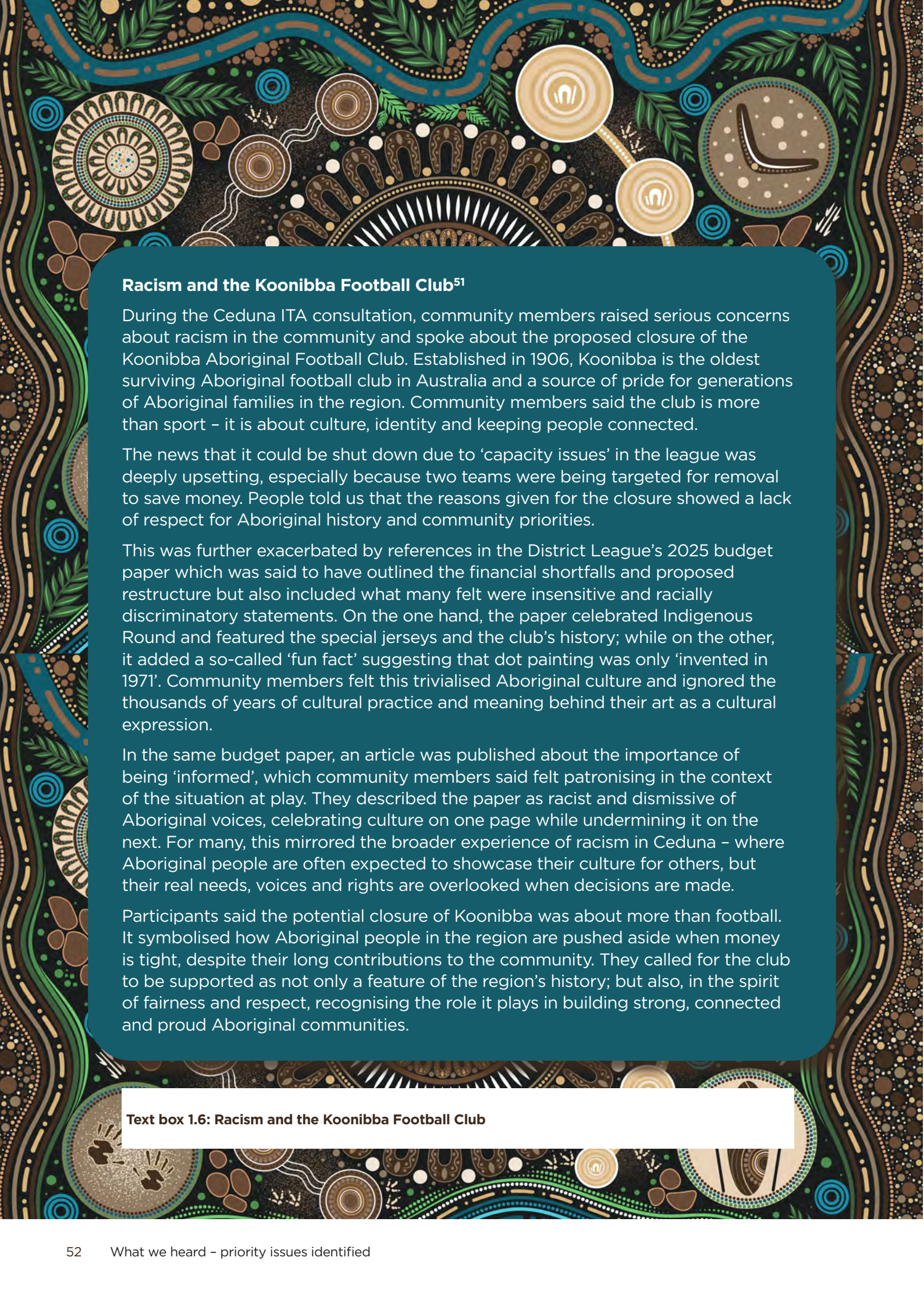
***We can't escape it; racism is everywhere even in sport – Ceduna ITA Participant***

Many people talked about how racism is part of systems that affect basic human rights – like getting healthcare, education, housing and fair treatment by police and the justice system. Many people also noted in schools, children are treated differently because they are Aboriginal or Torres Strait Islander.

People (including well respected Elders) reported that they are followed or watched closely in stores and shopping centres because of how they look or what their surname is. In interactions with police, communities reported being overpoliced, racially profiled and treated with suspicion. These stories were not just one-off events, they reflect societal values and attitudes that continue to cast First Peoples through a biased and discriminatory lens.

Racism was also raised in connection with workplaces, government departments, sports and media. In sport, people shared stories of being verbally abused or treated unfairly by referees and officials.





### **Racism and the Koonibba Football Club<sup>51</sup>**

During the Ceduna ITA consultation, community members raised serious concerns about racism in the community and spoke about the proposed closure of the Koonibba Aboriginal Football Club. Established in 1906, Koonibba is the oldest surviving Aboriginal football club in Australia and a source of pride for generations of Aboriginal families in the region. Community members said the club is more than sport – it is about culture, identity and keeping people connected.

The news that it could be shut down due to ‘capacity issues’ in the league was deeply upsetting, especially because two teams were being targeted for removal to save money. People told us that the reasons given for the closure showed a lack of respect for Aboriginal history and community priorities.

This was further exacerbated by references in the District League’s 2025 budget paper which was said to have outlined the financial shortfalls and proposed restructure but also included what many felt were insensitive and racially discriminatory statements. On the one hand, the paper celebrated Indigenous Round and featured the special jerseys and the club’s history; while on the other, it added a so-called ‘fun fact’ suggesting that dot painting was only ‘invented in 1971’. Community members felt this trivialised Aboriginal culture and ignored the thousands of years of cultural practice and meaning behind their art as a cultural expression.

In the same budget paper, an article was published about the importance of being ‘informed’, which community members said felt patronising in the context of the situation at play. They described the paper as racist and dismissive of Aboriginal voices, celebrating culture on one page while undermining it on the next. For many, this mirrored the broader experience of racism in Ceduna – where Aboriginal people are often expected to showcase their culture for others, but their real needs, voices and rights are overlooked when decisions are made.

Participants said the potential closure of Koonibba was about more than football. It symbolised how Aboriginal people in the region are pushed aside when money is tight, despite their long contributions to the community. They called for the club to be supported as not only a feature of the region’s history; but also, in the spirit of fairness and respect, recognising the role it plays in building strong, connected and proud Aboriginal communities.

#### **Text box 1.6: Racism and the Koonibba Football Club**

Aboriginal and Torres Strait Islander people spoke clearly about the serious harm racism causes in their lives.

Racism doesn't just hurt people's opportunities – it also deeply affects their wellbeing and sense of self. People spoke about how racism makes them feel ashamed, angry and disconnected. It changes how they see themselves and how they relate to others. The emotional toll is heavy, especially when racism comes from multiple directions at once. Research shows that racism increases the risk of mental health problems and suicide among First Peoples.<sup>52</sup> Community members said it was important to not just name racism but also understand its impacts so that healing and justice can be possible.

These everyday experiences come from a long history of negative stereotypes about First Peoples that began during colonisation and continue today.

***Concerns about elections stoking divisive language that position Aboriginal and Torres Strait Islander people in a deficit view – Warrnambool ITA Participant***

These ideas paint Aboriginal and Torres Strait Islander people as 'less than' and are used to justify unfair treatment.

Some people pointed out how the 2023 Referendum led to an increase in openly expressed racism. Communities said politicians and media used harmful, divisive language that gave others 'permission' to be racist. The opposition to the Aboriginal and Torres Strait Islander flags and Welcome to Country ceremonies has caused deep distress for some. In small towns, this meant more people felt free to make racist comments without facing any consequences. Community members said this has created more fear, exclusion and isolation.

The National Network of Incarcerated & Formerly Incarcerated Women & Girls submitted that:

***Many First Nations and racialised people experience pervasive racism within the criminal legal system. This manifests as racial profiling, unequal treatment and a lack of culturally appropriate support, exacerbating the disparities in their treatment and opportunities for rehabilitation.<sup>53</sup>***

Others spoke about the unique forms of racism experienced by for example queer Aboriginal and Torres Strait Islander people, who face both racial and gender-based discrimination. These overlapping experiences make support and advocacy even more important.

***We know that discrimination and particularly racism, exclusion of black queer mob and unequal opportunity still exists within our states and territories – Online LGBTIQ+ Focus Group ITA Participant***

People also said there were too many barriers to speaking out about racism. For example, it was reported that in some places it costs hundreds of dollars to lodge a complaint about racism in sport. This means that many people cannot afford to take action even when they experience discrimination. There were calls for strong consequences when racism occurs, not just empty apologies. Communities want to see systems that respond fairly and take racism seriously, with real accountability and change – not just words.

To address racism, people shared clear ideas: more education and truth-telling, better media rules around how Aboriginal and Torres Strait Islander people are represented, culturally safe counselling and free legal support for those who experience racism. Many confirmed the need for the urgent adoption and implementation of the National Anti-Racism Framework by all governments and for organisations and businesses to embed anti-racism and cultural safety standards across their operations.

Community members want a country where they are respected and treated fairly. They know the harm racism causes. They also know the power of connection, dignity and justice. Listening to these stories is the first step toward real change.

### **Systemic and structural discrimination**

Access and equity are critical for ensuring Aboriginal and Torres Strait Islander peoples can fully participate in all aspects of society, yet systemic and structural discrimination limits the potential for just and fair outcomes.

This is evident in historical and ongoing colonial practices that have created inequities in health, education, justice, housing and employment systems.<sup>54</sup>

Nationally, there were clear calls for:

- ◎ More inclusive and representative decision-making.
- ◎ Resource allocation based on need, not just remoteness.
- ◎ Greater support for regional, remote and urban communities alike.
- ◎ Practical solutions to systemic access barriers, particularly around justice and digital inclusion.

Community members consistently expressed concern about unequal access to services, lack of infrastructure and systemic barriers affecting Aboriginal and Torres Strait Islander peoples differently depending on whether they live in urban, regional, or remote areas. While the needs across communities may be similar, the resources available are often not, highlighting inequities between regions.

Where First Peoples live impact the price of their food, and whether they have access to clean drinking water and rubbish collection. It impacts the cost of their fuel and transport and the job and education opportunities and trades and legal services available to them.<sup>55</sup> For First Peoples, where they live also determines their access to technology and the internet, whether they have a postal service, or education and health services. The way which the media portrays an individual or a community is also often related to their location.<sup>56</sup>

Communities highlighted that the cost of living and access to health and justice services are more challenging in smaller and remote communities. Barriers like lack of internet access, cashless systems and strict ID requirements prevent access to basic rights such as applying for a driver's licence or a working with children's check. These are often critical for employment, cultural obligations and staying out of the justice system. Further, people in remote communities often rely on individual community members to navigate essential services like Centrelink and housing due to the absence of proper infrastructure and services.

We heard a strong sentiment that regional and rural voices are overlooked in national and state-level decision-making, with calls for better representation through peak bodies.

***Communities aren't represented at high levels for negotiation at peak bodies – Woorabinda ITA Participant***

Urban Aboriginal and Torres Strait Islander people also feel their voices are often excluded from national dialogues.

***Aboriginal people in urban areas need to have their voices heard as well as regional and remote people – Redfern ITA Participant***

A common concern raised was the way that funding distributions and decisions are made. There was regular criticism that current arrangements are too narrowly focused on remoteness rather than actual need, disadvantaging communities in some states. There's frustration that governments engage with communities only when it suits reporting timelines, rather than in ongoing and meaningful ways. Additionally, some communities fall through the cracks because they're not officially classified as remote and therefore miss out on critical investment in essential health, housing and justice services.

***Commonwealth holds the majority of the funds and have discretion over how funds are allocated to states – funding for Aboriginal & Torres Strait Islander programs are allocated based on remoteness – Victoria doesn't have remote communities in the same way that the Northern Territory does – Victoria contributes a lot through GST and does not receive a representative portion of funds back to invest into programs – Melbourne ITA Participant***

Addressing these gaps requires culturally safe, place-based solutions that centre Aboriginal and Torres Strait Islander voices, leadership and self-determination.<sup>57</sup> Efforts like the National Agreement on Closing the Gap acknowledge that achieving equity demands structural reform and shared decision-making.<sup>58</sup>

## **Practical implementation of the UNDRIP**

Many community members voiced frustration that, despite Australia's formal support for the UNDRIP in 2009, there has been a lack of meaningful implementation since then.

***Australia has been very slow in implementing the United Nations Declaration on the Rights of Indigenous Peoples – ITA Survey Respondent***

***I think this is long overdue and Australia has been recalcitrant in acknowledging...the declaration – ITA Survey Respondent***

There were collective calls for the UNDRIP to be embedded in domestic legislation to ensure that policies and laws align with human rights standards and carry enforceable consequences.

***A lot of the things we're talking about, if we can just get the implementation of the Declaration into some sort of legislative framework so that there's punitive consequences, will solve a bit of this for us – Online Elders Focus Group ITA Participant***

Community members also agreed that the scrutiny of Bills for compliance with the UNDRIP is essential to government accountability.

Practical examples where communities are using the UNDRIP to advance their rights were also provided.

***This is a priority for my Elders and community. We have developed collaboration protocols to guide our partnerships with others that are underpinned by the UNDRIP - ITA Survey Respondent***

However, during the conversation at the Parkes ITA engagement, for example, members raised that some small communities don't know anything about the United Nations. They don't know enough about the UNDRIP and some don't even realise it is relevant to them.

Participants also emphasised the critical relevance of the UNDRIP to key organisations to realise Indigenous rights.

***Reconciliation Australia can use UNDRIP in a practical way, there may be scope to be able to expand reconciliation action plans to include the Declaration in a practical way - Redfern ITA Participant***

Many community organisations who provided submissions to the Project reported how they have embedded the UNDRIP within their governance and organisational strategies and also how they apply its rights and principles.

The Lowitja Institute reported that their:

***...vision aligns with and is supported by the UNDRIP, which includes self-determination and respect for Indigenous knowledge, cultures and traditional practices as foundational principles.<sup>59</sup>***



Indigenous Allied Health Australia (IAHA) submitted that health, education and employment are all fundamental human rights and that the UNDRIP is central to strengthening Indigenous health governance and achieving better outcomes centred in culture. IAHA emphasised the need for an intersectoral, systemic and transformational shift that enables Aboriginal and Torres Strait Islander-led policy development and accountability and moves away from deficit-based narratives towards structural change within government.<sup>60</sup>

Also from a health perspective, the Partnership for Justice in Health argued that:

***...implementing the Declaration in a domestic context can provide foundational guidance for health professions and health systems engagement with Aboriginal and Torres Strait Islander peoples and communities. It can enhance the implementation of pre-existing legal frameworks designed to improve health outcomes for Aboriginal and/or Torres Strait Islander people...<sup>61</sup>***

A number of organisations, including the Congress of Aboriginal and Torres Strait Islander Nurses and Midwives (CATSINaM), the Healing Foundation and the Partnership for Justice in Health, stressed that the implementation of the UNDRIP should not be considered in isolation from the National Agreement on Closing the Gap. They argued that there must be clear alignment between the National Agreement as the 'primary lever for improving socio-economic outcomes' for First Peoples and any national plan to progress the UNDRIP.<sup>62</sup>



In considering an implementation approach, the Healing Foundation, the National Network of Incarcerated & Formerly Incarcerated Women & Girls and the Partnership for Justice also stressed the need to take into account important recommendations such as those contained in the *Bringing Them Home Report* and the *Report of the Royal Commission into Aboriginal Deaths in Custody* (RCIADIC), to 'not reinvent the wheel', and to embed effective monitoring and accountability frameworks.<sup>63</sup>

While supporting the implementation of the UNDRIP, the First Peoples Disability Network (FPDN) also argued that for First Peoples with disability, 'just and equitable outcomes cannot be achieved by the UNDRIP alone'. They stipulated that realising the rights of First Peoples with disability requires the enactment of both the UNDRIP and the Convention of the Rights of Persons with Disabilities (CRPD). The CRPD addresses 'unnecessary obstacles and barriers to accessibility, including for buildings, transport, communication and other services.

***Currently, Australia has no coherent system of implementing UNDRIP and CRPD, especially in so far as doing so at a legislative level is concerned...Statements of Compatibility...often disregard the existence of UNDRIP and CRPD entirely and even where a committee does identify problems, legislators can freely ignore those concerns. Furthermore, this system does nothing to encourage proactive implementation of UNDRIP or CRPD...FPDN feels that CRPD used in conjunction with UNDRIP would produce better and stronger outcomes for First Peoples with disability.***<sup>64</sup>

A similar position was communicated by SNAICC with regard to the rights of Aboriginal and Torres Strait Islander children and young people. They highlighted the need to consider both the UNDRIP and the United Nations Convention on the Rights of the Child (UNCRC) when developing legislation and policies to protect the specific rights, wellbeing and aspirations of Aboriginal and Torres Strait Islander children.

***Aboriginal and Torres Strait Islander children's rights include those owed to all children as well as their unique rights as Indigenous Peoples...The rights needs and aspirations of Aboriginal and Torres Strait Islander children are critical to not only their wellbeing, but also to building strong and connected culture and communities.***<sup>65</sup>

### **Monitoring and accountability**

There was consensus across all participation pathways about the need for a definitive mechanism to implement the UNDRIP, including through legislation, but also that it must be underpinned by a monitoring and evaluation framework.

ITA participants also called for an audit of all laws and policies against the UNDRIP and supported the recommendations of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs (JSCATSIA) to amend the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) to include the UNDRIP in the definition of human rights.

## Priority Goal 3 – Voice, Treaty, Truth



**Figure 1.6: Key words used by survey respondents when asked about Voice, Treaty, Truth**

Aboriginal and Torres Strait Islander Peoples across the country have been advocating for and working towards inclusion in the Australian Constitution for almost 90 of the 124 years of its existence. These efforts culminated in the *Uluru Statement from the Heart* in 2017 and the subsequent commitment by the Albanese Government to undertake the national Voice Referendum held on 14 October 2023.

The 2023 Voice Referendum asked Australians to vote ‘Yes’ or ‘No’ on a proposal to alter the Constitution to recognise the First Peoples of Australia in the preamble; and to establish an Aboriginal and Torres Strait Islander Voice to the Parliament. The result saw 39.94% of voters vote ‘Yes’ and 60.06% vote ‘No’.<sup>66</sup>

With the Referendum result failing to secure support for a Voice to Parliament, or recognition of Aboriginal and Torres Strait Islander Peoples in the Australian Constitution, the question remains: Where to now?

An ITA Survey Respondent reflected as follows:

*When we have a Voice & Treaty, only  
Truth will follow.*

*When we have a Voice & Truth, can a Treaty be forged?*

*When we have Treaty & Truth, we  
have a voice of our own.*

The Uluru Statement from the Heart includes 3 key pillars – Voice, Treaty and Truth. While the Referendum dealt with one of the 3 pillars (Voice), the other 2 pillars (Treaty and Truth) were not addressed.

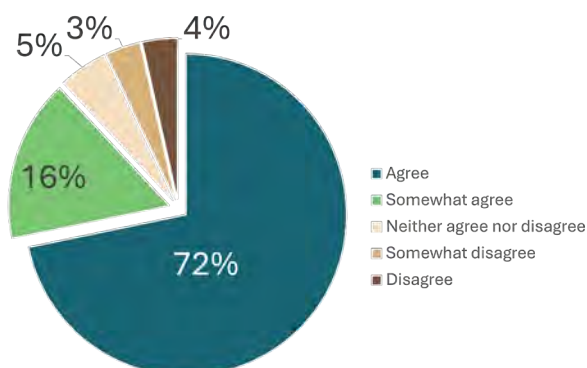
As highlighted above, throughout the consultations many expressed feelings of disappointment and a real sense of loss at the Referendum result.

Even those who did not agree with the proposed Voice, confirmed that the impact has been significant and voiced their concerns at the consequences of the result (i.e. increased racism and apathy from government to pursue progressive policy responses).

***I do not support the Uluru [S]tatement but I support the pillars - ITA Survey Respondent***

***It would be great to see more momentum on this, after the Referendum Indigenous issues just vanished from the national conversation - ITA Survey Respondent***

When asked to what extent they agreed with providing advocacy and guidance on the implementation of the three pillars of the Uluru Statement from the Heart – Voice, Treaty and Truth, the majority (72%) showed a high level of support. Of 368 survey respondents to this question, 264 respondents agreed that the Commissioner should prioritise advocacy and guidance on this goal during her term. Sixty people somewhat agreed, 18 neither agreed nor disagreed and only 26 people either somewhat disagreed or disagreed.



**Figure 1.7: Survey responses to Question 2 regarding whether the Commissioner should prioritise advocacy and guidance on the 3 pillars of the Uluru Statement from the Heart - Voice, Treaty and Truth**

***Agree but I feel defeated already - ITA Survey Respondent***

Those who did not agree argued that the Voice and Uluru Statement ultimately became 'divisive' and caused 'unrest'. One survey respondent described the Voice process as a 'National Disaster'.<sup>67</sup>

While some felt that the Uluru Statement is no longer 'viable', there was general consensus that the 3 pillars are correct and critical to advancing First Peoples' rights.

***Progressing Voice, Treaty and Truth and the goals of the Uluru Statement of the Heart remain relevant and key to improve outcomes for our peoples - ITA Survey Respondent***



***I wholeheartedly support this goal because the three pillars...remain crucial for advancing the rights and recognition of our people - ITA Survey Respondent***

Participants acknowledged work done to date, including through the Recognise Campaign, the Uluru Dialogues and the development of the Masig Statement (by Torres Strait Islander people).

However, they consistently stressed that significant work will be required to get these moving again and right.

***Sequencing of implementation of these three pillars is critical. Truth first, Treaty underpinned by legislation second and Voice will be implemented as a consequence (or as part of the process) of the first two pillars being realised. The Commonwealth has a leadership role to play, especially as it is the jurisdiction responsible for upholding Australia's international human rights obligations - it cannot continue to point to what jurisdictions are doing with treaty without following through with [international] treaty implementation - ITA Survey Respondent***

The National Voice for our Children, SNAICC, submitted that the three pillars intersect with the core of the National Agreement on Closing the Gap. They argue that 'recognition that inequality, trauma and marginalisation is deeply entrenched in Australia' and that 'a fundamental and national shift in relationships and policymaking is needed to make meaningful impact'.<sup>68</sup>

## **Learnings from the failed Referendum**

***Post Referendum - perpetuation of negative attitudes towards First Peoples - Mt Druitt ITA Participant***

Post Referendum, research conducted by the Australian National University (ANU) in 2023 found that many Australians voted 'no' because they did not want further division and were concerned that Aboriginal and Torres Strait Islander people would gain extra rights.

The ANU data also showed that Australians recognise the ongoing disadvantage experienced by First Peoples, which they believe is caused by government policies and warrants additional government support. However, many did not see a constitutionally enshrined Voice to Parliament as the right solution to address that disadvantage.<sup>69</sup>

Across all participation pathways concerns were raised about the spread and effect of mis and dis information, both throughout the Voice campaign and how it has continued to fuel division since.

***The failure of the Voice Referendum shows that Australians are easily swayed by misinformation, conscious and unconscious bias and covert and overt racist dialog - ITA Survey Respondent***

***The...Referendum highlighted the divisions and disunity caused by political and media narratives spreading misinformation - ITA Survey Respondent***

***Need to...make people accountable for spreading lies. Makes it hard to try and explain to people what is what when there are people in parliament doing fear enticing letter box drops. Where I live a local politician put a flyer about land rights and if the voice gets through then all the parks in the area will be taken over. We know how wrong that is but they get away with it - ITA Survey Respondent***

People articulated their experiences pre and post Referendum. We heard that as a result of the Referendum, some people were more self-conscious. Some were more fearful than ever of leaving their homes, being on public transport, going to the shopping centres, or even to their schools and workplaces.

***Racism at its best. Lack of communication. Children [incarceration] – ITA Survey Respondent***

During the community engagements, people openly reported feelings of rejection by their friends and colleagues and resentment towards those who voted 'no'. Outside of those who openly voiced their opposition, they didn't know 'who voted against them'. Some people communicated that they are only just now finding the strength and confidence to re-engage fully in their communities.

In their submission, the National Indigenous Health Leadership Alliance (NIHLA) noted recent research that directly links opposition to 'the Voice reflecting underlying community-wide negative attitudes towards Aboriginal and Torres Strait Islander peoples' and 'the impact on Indigenous people's health and access to health care'. Disturbingly, the data presented in the research demonstrates a 'correlation between regions with higher reported experiences of racism while accessing health care and a deterrent for Aboriginal and Torres Strait Islander people from continuing to engage with mainstream health care'. They argue that this is further compounded by the lack of 'culturally safe healthcare options in these regions that had the highest opposition to the Voice'.<sup>70</sup>

In considering the path forward, we will need to interrogate the research and data collected pre and post Referendum and ensure that future engagement on these matters is not vulnerable to the same challenges experienced through the Voice process.

***It's vital that all governments promote a relationship based on Truth, Justice and Healing to improve outcomes for our people. This need has become even more urgent due to the increase in racism following the referendum. Achieving this requires political will and a national approach to truth-telling and agreement-making, leading to tangible, practical outcomes that benefit us all – ITA Survey Respondent***

While most agreed with all 3 pillars, a considerable proportion argued for the need to start with Truth and a national truth-telling process supported by state and territory jurisdictional processes.

***There should be Truth Commissions in every state and territory – ITA Survey Respondent***

Consistent with much of the feedback received throughout the Project, an ITA Survey Respondent outlined their view on the 3 pillars as:

***Voice*** - a constitutionally enshrined First Nations Voice to Parliament is central to giving Indigenous Australians a say in decisions that affect them. Advocacy efforts should focus on promoting the establishment of a formal mechanism that ensures Indigenous voices are heard in the development of policies and laws that impact their communities.

***Treaty*** - the pursuit of treaties or other formal agreements between First Peoples and the Australian Government is essential for addressing historical injustices, recognising sovereignty and fostering reconciliation. Advocacy and guidance should support the negotiation and implementation of treaties that respect the rights, culture and aspirations of Indigenous communities.

***Truth*** - acknowledging and addressing the historical truths of colonisation, dispossession and ongoing systemic injustices is crucial for healing and reconciliation. Advocacy efforts should emphasise the importance of truth-telling processes, education and public awareness to promote understanding, empathy and solidarity with First Peoples.

## ***Collaboration and engagement***

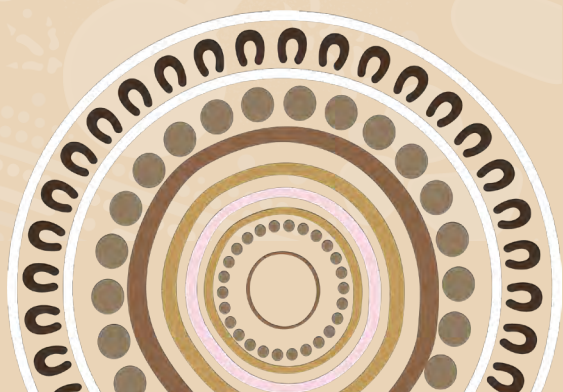
- ***Collaboration with Indigenous communities, organisations, government bodies and civil society is essential for advancing the implementation of the Uluru Statement's pillars. By fostering partnerships and engaging in meaningful dialogue, advocacy efforts can amplify Indigenous voices, build consensus and drive positive change.***

## ***Education and awareness***

- ***increasing public awareness and understanding of the significance of the Uluru Statement and its three pillars is key to garnering support and momentum for their implementation. Educational initiatives, advocacy campaigns and community engagement activities can help raise awareness and promote informed discussions on reconciliation and Indigenous rights.***

## ***Policy and legal reform***

- ***advocacy efforts should also focus on advocating for policy and legal reforms that align with the principles of the Uluru Statement, including constitutional recognition, treaty-making processes and truth-telling mechanisms. By influencing policy development and legislative changes, advocates can contribute to the realisation of the Statement's goals.<sup>71</sup>***



## Progressing voice

***Indigenous peoples, sovereign people of our respective countries, deserve a Voice and much more... The Voice could signify a collective will to honour the sovereignty and self-determination of Indigenous Peoples.<sup>72</sup>***

With the abolition of national representative mechanisms such as Aboriginal and Torres Strait Islander Commission (ATSIC) and the National Congress of Australia's First Peoples, Aboriginal and Torres Strait Islander people are feeling even more marginalised and excluded from opportunities to participate in issues or decisions that affect them.

While acknowledging the issues with both mechanisms, people identified the need for a national representative body. Many referred to the Regional Council model that existed under ATSIC as an element necessary to reconsider moving forward.

Some survey respondents felt that they already have a voice, including through engagement in the ITA process. Others talked about the opportunities they have to speak with politicians and ministers and to engage with departments and agencies. Some felt that opportunities to engage with decision-makers, including bodies established to support the National Agreement on Closing the Gap, were limited to a selective few. They believed that the views expressed were not necessarily an accurate or fulsome representation of the needs and aspirations of First Peoples. Despite differing views on structure, there was clear agreement on the need for ongoing work to establish an appropriate mechanism to enable First Peoples' voices in decisions that affect us.

## Prioritising truth-telling

Some thought that the 'VTT' is in the wrong order', arguing that it should be 'Truth-telling, Treaty then Voice'.<sup>73</sup>

***Until truth-telling is implemented into compulsory education about the black history of this country in all Primary and high school education then unfortunately I fear Treaty and Voice will never be successful. Through honest education we will change the ignorant and uneducated racist narrative that still lives in non-[A]boriginal and non-Torres Strait [I]slander people in this country - ITA Survey Respondent***

Aboriginal and Torres Strait Islander people argued that truth-telling is:

- ◎ 'more important than ever after the disgraceful actions of many people during the Referendum debate'
- ◎ 'a fundamental pillar of reconciliation' and 'crucial to support healing for Aboriginal and Torres Strait Islander peoples and improving the relationship between Aboriginal and Torres Strait Islander peoples and non-Indigenous people'
- ◎ 'necessary to bring all Australians together to better understand our shared history and move forward as a reconciled nation, from a place of respect and understanding'
- ◎ 'a pathway to accountability'.<sup>74</sup>

Communities were overwhelmingly in support of truth-telling. It is encouraging that these views are supported by the Minister for Indigenous Australians, the Hon Malandirri McCarthy MP, who stated that 'now is the time...that we can look at what we can do at a federal level in regard to taking the steps that are required around truth-telling'.<sup>75</sup>

NIHLA have argued that any national truth-telling process in Australia must be:

- ◎ grounded in First Nations justice and self-determination
- ◎ accompanied by dramatic shifts in policy making and power-sharing with Aboriginal and Torres Strait Islander peoples and communities
- ◎ fostered within our public agencies to meet the undertakings of the priority reforms under the National Agreement.<sup>76</sup>

Communities emphasised the importance of local and national truth-telling initiatives progressed through a national truth-telling mechanism.

Communities were considering ways in which they could progress local truth-telling. For example, in Cherbourg the ITA engagement was held at the Ration Shed, an institution that embodies the essence of truth-telling for Queensland. During the consultation, senior Elders who lead tours of the Ration Shed expressed anxiety about the outcome of the Referendum derailing important truth and treaty processes underway in Queensland.

In light of the Queensland Government's repeal of the *Path to Treaty Act 2023* (Queensland), Cherbourg Elders were committed to progressing a scheduled truth-telling session with or without the formal inquiry in place. However, it was not without fear and during the ITA engagement, they raised concern and questioned whether the police could stop them – or even arrest them – if they proceeded. This question reflects the deep and lasting impact of the protection and control era that these Elders lived through. It's a story they deserve to tell, and a journey of healing and justice they are entitled to.

## Working towards treaty

Treaty is the ultimate goal. Aboriginal and Torres Strait Islander Peoples acknowledged the generations of advocacy that has advanced the discussion around treaty. There were also widespread discussions about the potential outcomes that are possible through treaty arrangements, including with regard to shaping the relationship, as well as social, cultural, economic and political benefits.

However, there was also a high level of doubt expressed that this is something that could be achieved. People questioned whether they could trust government to engage in good faith and deliver on Treaty obligations with integrity. International experiences inform this anxiety and have demonstrated the ease with which governments breach treaty commitments and obligations.

### ***Treaty is a dream - but something that can be achieved - ITA Survey Respondent***

It was acknowledged that we are a long way from treaty. There is a lot of work that needs to be done in our communities to sort through the colonial impact of how people fit within treaty processes. 'Governments must first understand the need for treaty and establish appropriate mechanisms to support it. This includes the Makarrata Commission agreed to by the Prime Minister and building understanding and support for treaty across the broader Australian community'.<sup>77</sup>

## Next steps – the path to Voice, Treaty and Truth

The majority of ITA participants stressed the need to stay focused on achieving the 3 pillars - Voice, Treaty and Truth.

***By focusing on these areas and working collaboratively towards the implementation of the three pillars of the Uluru Statement from the Heart, advocates can contribute to advancing reconciliation, justice and empowerment for Indigenous Australians – ITA Survey Respondent***

However, the diversity of views about how we get there highlighted the need for much more engagement on this. This includes ensuring that Aboriginal and Torres Strait Islander people across the country are able to participate. If there is engagement with restricted capacity, there must be community endorsed representatives.

***Listen to community, talk to grass roots, realise Aboriginal people in high positions are not the Aboriginal voice – ITA Survey Respondent***

***A Human Rights based approach may assist with reconciliation and implementation of truth-telling, voice to parliament and treaty with Aboriginal and Torres Strait Islander peoples – ITA Survey Respondent***

The need to value and respect diverse views was also identified:

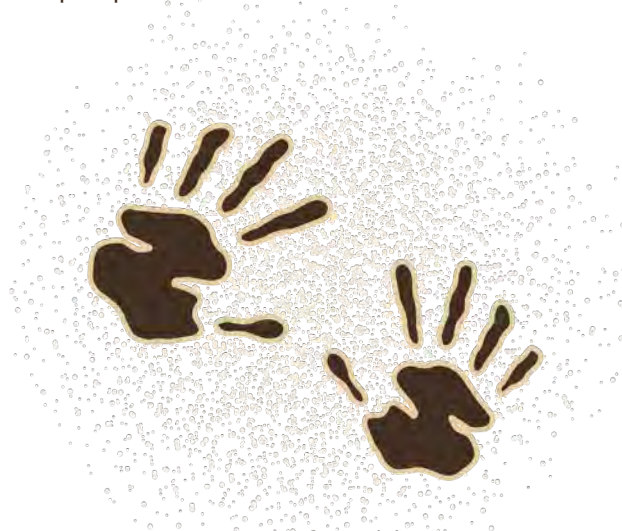
***Uluru Statement, Masig Statement, other statements show very clear alignment to each other, uniting one voice but valuing diverse responses – ITA Survey Respondent***

Some identified the need for education and capacity building of both Aboriginal and Torres Strait Islander people and the broader Australian community about 'what the Uluru statement means or what the three pillars are', and 'more information on each topic and the process of implementation and explanation'.<sup>78</sup>

***I think education on these three pillars is more important as I have seen this lead to understanding and to agreement with the pillars – ITA Survey Respondent***

Others considered the need for processes at both 'a state and territory level or a national framework' but felt that there was not much hope of this progressing in the 'current political climate'.<sup>79</sup> In this regard, CATSINAM (endorsed by NIHLA) identified the 'need for an ethic of care' that:

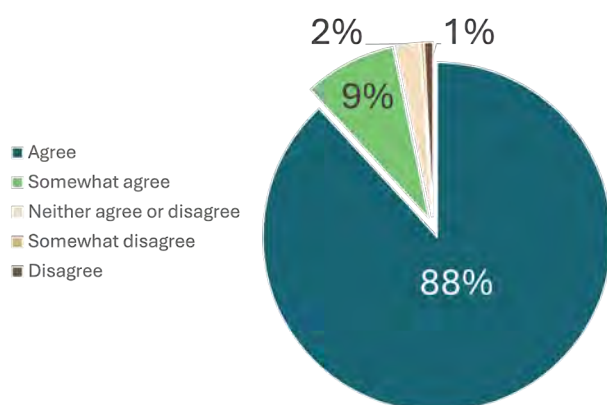
- ◎ Challenges any investment in racism against Indigenous peoples, especially in discussions that should be about our relationships and our shared future.
- ◎ Understands the harmful precedent of Indigenous peoples being weaponised as pawns for political gain, a contemporaneous and conventional part of Australian democracy.
- ◎ Truly acknowledges that we live here together on unceded Indigenous lands and that our future together...should not just be determined by non-Indigenous peoples.<sup>80</sup>



## Priority Goal 4 – Health equality

*The decline in health experienced by Aboriginal and Torres Strait Islander people is a direct result of the colonial practices that ignored their human rights – ITA Survey Respondent*

ITA Survey Participants were asked to what extent they agreed with the high-level goal about realising First Peoples health equality. 'Less than 1% of the 363 Aboriginal and Torres Strait Islander respondents disagreed.



**Figure 1.8: Survey response data to question about whether First Nations health equality should be included as a goal in the Commission's agenda.**

Submissions received by Australia's national Aboriginal and Torres Strait Islander health peak body, the National Aboriginal Community-Controlled Health Organisation (NACCHO), NIHLA and the Victorian Health Service, have all indicated strong support for a focus on achieving health equality. However, they have advised that this should be extended to a focus on 'health equity' to ensure that there is an adequate focus on addressing the determinants of health, which in turn improve access to justice for First Peoples.

While this priority goal is focused on what is required to achieve better life outcomes for Aboriginal and Torres Strait Islander people, it also focuses on how we do that.

## The National Agreement on Closing the Gap

The Close the Gap (CTG) Statement of Intent and the National Indigenous Reform Agreement, which outlined a joint commitment to work in partnership to achieve health equality for Aboriginal and Torres Strait Islander peoples, was initially signed in 2008. In July 2020, all Australian governments and the Coalition of the Peaks signed the *National Agreement on Closing the Gap* (the National Agreement).

In February 2023, First Ministers agreed to renew their commitment to Closing the Gap by re-signing the National Agreement. Five years into the second National Agreement, data indicates that only 4 of the 19 targets (all of which represent an unmet need or human right) are on track to be met, with some targets going backwards. Of those that are showing progress, community-control is a key factor.<sup>81</sup>

This is extremely frustrating and disappointing for Aboriginal and Torres Strait Islander people who keep showing up, keep doing the work required to turn the tide, but are consistently disappointed by governments and departments which are not holding up their end of the bargain.

*The failure of Closing the Gap shows that making recommendations is inadequate in bringing about lasting change – ITA Survey Respondent*



The anxiety felt around this is increasing. In the wake of the failed Voice Referendum, the federal (and most state and territory) government/s have elevated the National Agreement as the primary platform through which to deliver better outcomes for Aboriginal and Torres Strait Islander people. Many voiced concerns that the CTG targets are unlikely to be met in the absence of key elements, including community participation in decisions that affect them and truth-telling to understand the context of the situation and the need for the National Agreement in the first place.

The National Agreement is reinforced by 4 Priority Reforms that are focused on shared decision-making and partnerships, strengthening the community-controlled sector, transformation of government and data and information sharing. There are established bodies and organisations working to achieve all of these.

However, there has been little movement on the transformation of government, or the establishment of an independent monitoring mechanism as committed to under the National Agreement. As such, the Social Justice Commissioner (the Commissioner) has sought feedback from the community about whether Priority Reform 3 – the transformation of government – is a space that this role could positively contribute to, without ‘reinventing the wheel’.

*...work alongside the work being championed under the National Partnership Agreement...not to duplicate but to promote a rights-based lens – ITA Survey Respondent*

*I fully support the focus on Priority Reform 3...the ongoing crises in cost of living, housing, domestic violence, mental health, child safety and youth justice highlight the urgent need for systemic reform to ensure the rights of all communities... Transforming government is critical to closing the gap and achieving better outcomes for First Nations community – ITA Survey Respondent*

Many agreed that this is a space that needs urgent and focused attention. Consistent feedback from the sector and community was that the agreement needs to be delivered in its entirety. All 4 priority reforms are critical to the effective implementation of the agreement and to achieve the objectives.

*Adhere to the Closing the Gap Priority Reforms to ensure First Nations voices are heard and business is embedded – ITA Survey Respondent*

### **Access to universal mainstream services and infrastructure**

Access to essential services and infrastructure is a key determinant of wellbeing for Aboriginal and Torres Strait Islander peoples, yet many communities continue to face chronic underinvestment and inequity in areas such as housing, clean water, electricity, transport and digital connectivity.<sup>82</sup>

The level of need is particularly extreme in remote communities where health and service infrastructure is often outdated, broken down, or non-existent.

For example, our visit to Badu Island in the Torres Strait revealed serious neglect of existing infrastructure, including housing and service buildings.



Access to electricity was limited to unaffordable top-up cards (a common issue in many remote communities), with many residents resorting to expensive diesel-fuelled generators once their paid allocations were exhausted – if they could afford it. Additionally, water had to be shipped in from Thursday Island or the mainland. We were told about the lack of emergency response capacity on the island:

- ☉ if a fire happens it's up to the residents to work together to put it out
- ☉ if there is a domestic or family violence incident, there are no police or health clinic staff that work after hours or live on the island, so the community is left to manage the conflict and support the families involved, including establishing a strategy to manage and support the perpetrator as well as the victim/s
- ☉ in the case of a suicide, the community is left to deal with the incident site, the body of the deceased, who is likely to be family and to support the community until appropriate authorities and support arrive from Thursday Island or the mainland.

Even telecommunications on the islands are extremely unreliable, with 000 regularly inaccessible.

The Torres Strait Island Regional Council had been actively working with the local government authority and the Queensland government to address the funding gaps and address these infrastructure issues. The Council advised that despite these efforts, they were at risk of not receiving the necessary funding and of going into administration. This situation is not isolated to Badu Island. Those who travelled from other outer islands to attend the ITA session held at Badu said that the state of degradation and neglect across the outer islands of the Torres Strait was common, with funding prioritised for the main business island (Thursday Island) and the outer islands left struggling to survive. This is also not the first time this has been raised.

The Torres Strait Island Regional Council (TSIRC) has been actively lobbying all levels of government to address their dire circumstances. This was also noted in the context of the need to respond to the challenge of climate change, which is exacerbating these issues for island communities.

While these challenges are extreme for the outer islands of the Torres Strait, many remote Aboriginal and Torres Strait Islander communities are grappling with similar issues.

These gaps are often the result of historical neglect and ongoing systemic barriers that prevent communities from exercising control over how services are designed and delivered.<sup>83</sup>

Further, consistent with views expressed during consultations, the Lowitja Institute submitted that mainstream services consistently fail in their duty of care towards Aboriginal and Torres Strait Islander peoples.<sup>84</sup> This can be seen in the ongoing exposure to racism within the Australian health system, the poor standard of care many Aboriginal and Torres Strait Islander people experience, preventable deaths and deaths in custody.<sup>85</sup>

Many community members shared that these services can feel culturally unsafe, difficult to access, or irrelevant to their lives. This makes it harder to get support and enjoy the same rights as other Australians.<sup>86</sup> When people feel invisible in the very systems meant to help them, trust breaks down - and so do outcomes.<sup>87</sup> Services that are not culturally safe or responsive to local needs further entrench disadvantage and undermine trust in government systems.<sup>88</sup> Closing these gaps requires a rights-based approach, aligned with the UNDRIP, that supports community-led solutions and long-term infrastructure investment.

What we heard across communities was clear: effective services must be grounded in local voices, experiences and leadership. When people are truly listened to and involved in shaping services, those services become more meaningful and useful.

Without local knowledge, systems fail to understand community realities and miss the mark.

We also heard about the importance of accessibility. Services must be flexible, inclusive and designed for the full diversity within our communities.

***Policy treats Aboriginal and Torres Strait Islander people as one homogenous group but fails to consider that needs vary – such different social environments, such different access to services – important nuances for policy – Melbourne ITA Participant***

People told us they need services that use plain language, don't require internet access or complex paperwork and are safe for LGBTIQ+ people, people with disabilities and those facing poverty.

For example, the Walkern Katatdjin National Survey found that:

***...substantial health inequality exists for LGBTIQ+ young people compared to other Aboriginal and Torres Strait Islander young people. 45.4 percent of the Aboriginal and Torres Strait Islander LGBTIQ+ young people who took part in the survey had attempted suicide in their lifetime and 92 percent reported high levels of psychological distress.<sup>89</sup>***

Further, research confirms that 'there is a significant difference between the mental health outcomes of Aboriginal and non-Indigenous LGBTIQ+ young people and that this is associated with experiences of homophobic/transphobic harassment, assault and exclusion...overlapping stress of racism and queerphobia'.<sup>90</sup>

For those with disability, NIHLA argued that the health system is not set up to consider the needs of people with disability, let alone First Nations people with disability. NIHLA asserted that how the current health system operates is not to support wellbeing and good health, but one that treats illness. Accordingly, the health system framework is based on categorising disability a health issue. However, this medical model sees the person as having a problem to be fixed and managed and assigns responsibility to that person for their disability.<sup>91</sup>

We heard strong concerns about how the National Disability Insurance Scheme (NDIS) is failing Aboriginal and Torres Strait Islander people. People told us that the NDIS is too complex and not built around individuals.

***NDIS as a system is complex to navigate more so for people who are challenged with literacy, translating NDIS terminologies is a barrier to access – Perth ITA Participant***

It can feel like a one-size-fits-all system that doesn't take into account cultural needs, personal circumstances, or community life. Participants shared how Aboriginal and Torres Strait Islander people need NDIS planners who know their communities, the geography, what services exist nearby and how local families live and care for one another. This local and cultural knowledge is critical to building trust and getting real outcomes for people.<sup>92</sup>

There was a clear call for flexibility in the way NDIS plans are managed. Many families feel forced into 'agency-managed' plans rather than having the freedom to choose 'plan-managed' or self-managed options. This leaves people feeling frustrated and powerless. Families want to be able to choose how and when services are used so they can fit care into their lives in a way that works for them – not the system.<sup>93</sup>

Many children in out-of-home care and youth detention have a disability or cognitive impairment, yet they are not allowed to use their NDIS funding while they are incarcerated. This means young people with disability are missing out on essential support during a critical time in their lives, which makes it harder for them to rehabilitate, reintegrate and thrive when they return to community.<sup>94</sup>

## Community-control

Community organisations are the backbone of support for many Aboriginal and Torres Strait Islander people. Many were established by Aboriginal and Torres Strait Islander communities to serve their needs. This occurred before existing structures and funding were in place. They continue to provide essential services that support our people to live safe, healthy and dignified lives.

### COOEE Indigenous Family and Community Education Centre<sup>95</sup>

COOEE Indigenous Family and Community Education (COOEE) is a community-led organisation in Queensland that supports Aboriginal and Torres Strait Islander families through culturally strong programs. It focuses on early childhood, parenting, healing and education, with all activities grounded in culture and led by local people. COOEE was created to provide safe, supportive spaces for families to grow stronger together, stay connected to culture and access the help they need in a way that respects community knowledge and leadership.

The programs are co-designed with community members to ensure they meet local needs. Services include support for school transitions, family wellbeing and learning on Country. COOEE uses a strengths-based and trauma-informed approach guided by Elders and cultural knowledge holders. Its model supports education, healing and child development through culture and connection to Country.

COOEE shows the value of Aboriginal-led, place-based organisations that centre culture in all aspects of their work. Its approach supports the goals of the National Agreement on Closing the Gap, especially around helping children thrive and stay engaged in learning. It also reflects the rights set out in the UNDRIP, including access to culturally appropriate education and support.

Critical services such as COOEE are essential and fill a substantial gap in service access and provision. However, funding support from governments has been inadequate, placing the ongoing viability of this service at risk.

#### Text box 1.7: COOEE Indigenous Family and Community Education Centre

These organisations often step in where mainstream systems fall short, especially for those who face racism, poverty, or isolation. Without them, many people – both Indigenous and non-Indigenous – would fall through the cracks, also demonstrating that community-controlled organisations are vital for ensuring basic human rights are respected and upheld in daily life.<sup>96</sup>

NACCHO affirmed that Aboriginal Community Controlled Health Organisations (ACCHOs) contribute to improving Aboriginal and Torres Strait Islander health and wellbeing through the provision of comprehensive primary health care and by integrating and coordinating care and services. NACCHO also said that ACCHO services build ongoing relationships to give continuity of care so that chronic conditions are managed, preventative health care is targeted and that the cultural safety in which they provide services is a key factor of our success.<sup>97</sup>

#### **Derbarl Yerrigan Health Service<sup>98</sup>**

Derbarl Yerrigan Health Service (DYHS) is an Aboriginal Community Controlled Health Organisation based in Perth, Western Australia. It provides culturally safe and holistic health care to Aboriginal and Torres Strait Islander people. Community members regard DYHS as a trusted place where they feel respected and understood. Services include general health care, dental, mental health, chronic disease support and outreach programs.

DYHS is more than just a clinic – it's a safe space for healing. Many Aboriginal and Torres Strait Islander people avoid mainstream services because they feel judged or ignored, whereas at DYHS, they feel listened to and supported. Elders, families and young people all spoke about the difference it makes to have care that recognises the impacts of trauma, poverty and discrimination. The service also helps with health education and prevention, through programs about healthy lifestyles and managing chronic illness.

DYHS constantly calls for more long-term funding to keep up with community needs. DYHS is proud to operate as a strong example of self-determination in action showing how Aboriginal-led services can improve health and wellbeing.

#### **Text box 1.8: Derbarl Yerrigan Health Service**

Communities expressed concern that the way governments work with community organisations is often unfair. Policies and funding decisions are made without proper understanding of the real needs and pressures on the ground. Groups spoke of being buried in paperwork and reporting requirements while still being expected to deliver high-quality services on shrinking budgets.

Key Performance Indicators (KPIs) often don't reflect the needs of the communities they serve, or real community outcomes and instead force organisations to fit into systems that were not built for them.<sup>99</sup> This means organisations are always trying to catch up instead of being properly resourced to grow and plan for the long term. Further, many communities told us about critical services supports that had closed due to lack of ongoing funding or because of governance or capacity issues. Participants told us that ACCHOs' relationships, with their communities and with one another, are important. These relationships help with delivering better services, making strong advocacy possible and building safe spaces for everyone.

However, the way funding is allocated can break these relationships. It can lead to silos and competition, with groups focused on surviving rather than working together. We also heard that nepotism and fear of being labelled as 'troublemakers' stops some community members from speaking up or accessing services. This shows how important it is to build strong, respectful relationships in community work.<sup>100</sup>

The Murri Binda Consortium was highlighted as an example of effective collaboration across organisations and service sectors:

***...the Murri Binda Consortium is best local decision governance model to co-design the voices of First Nations people...The Murri Binda consortium help[ed] to reshape the delivery of services to the most vulnerable - youth, the homeless, families impacted by violence and people with chronic diseases - ITA Survey Respondent***



### Murri Binda Consortium<sup>101</sup>

The Murri Binda Consortium is a group of seven Aboriginal community-controlled organisations in Rockhampton, Queensland. These organisations work together to support Aboriginal and Torres Strait Islander people with services like health care, youth and family support, justice programs, drug and alcohol rehabilitation and cultural healing. By joining forces, the Consortium can better meet the needs of people in their region, especially those facing tough challenges such as homelessness, violence, or contact with the justice system.

To make their work stronger, the Consortium partnered with Yulang Indigenous Evaluation to co-design a governance model based on cultural leadership. This means Elders and local community members help guide decisions, making sure the model respects cultural ways of working. They also created a monitoring and evaluation framework that helps each organisation – and the group as a whole – track progress and improve services in ways that reflect community goals and values.

The Consortium is a strong example of how Aboriginal-led governance works best when it is built from the ground up. People told us they want governance and coordination that is local, culturally safe and led by community – not imposed by government.

The Consortium shows how self-determination can be put into practice, aligning with the UNDRIP which says First Peoples have the right to make decisions through their own systems. It also supports the goals of the National Agreement on Closing the Gap.

#### Text box 1.9: Murri Binda Consortium

People want community organisations to be places where they are safe, heard and supported. Shared decision-making, trust and ongoing conversations with community are key to making sure these organisations continue to offer life-changing services. ACCHOs not only play a vital role in addressing immediate healthcare needs but frequently support their clients in tackling various social factors, such as racism, housing, income insecurity and employment.<sup>102</sup> Positive stories were also shared:

***My experience in accessing ACCHOs as a gay Aboriginal man has been really positive. Going around to ACCHOs, I feel like there is the desire, especially from our women and our aunties, we see them playing a really active role in the way that they want to support rainbow mob – Online LGBTIQ+ Focus Group ITA Participant***



We also heard that ACCHOs support many non-Indigenous people too, showing that these services benefit everyone, not just Aboriginal and Torres Strait Islander people.

***ACCHOs service a large number of non-Aboriginal people – changing the narrative that we just look after ourselves – Melbourne ITA Participant***

### **Key areas of service need identified**

Throughout the community engagements, ITA participants identified a number of areas of critical need including housing and homelessness, a holistic understanding of health, education and employment.

#### **(i) Housing and homelessness**

Reliable and appropriate housing provides stability, improves wellbeing and is essential to accessing education, healthcare and justice.<sup>103</sup> A safe and secure place to live, along with a fixed address, is important to life outcomes of Aboriginal and Torres Strait Islander people and supports peace of mind and connection to essential services.<sup>104</sup>

Feedback during the consultations highlighted community concerns about the lack of housing in regional and remote areas, where some First Peoples are forced to live in tents or unsafe conditions due to housing shortages.

***Lack of accessible and affordable housing and hostels – Mt Isa ITA Participant***

Specific housing needs were identified, including accommodation for people exiting prison to reduce recidivism, accessible homes for Elders and people with disability, houses suitable for large and multi-generational families, and emergency housing for those escaping violence.

Many communities said they are desperate for homes that are structurally sound, clean and free from health hazards. This includes mould which is common in many Aboriginal and Torres Strait Islander communities due to weather and design.

***Houses are deteriorating, there's mould and they're letting them run down and people are getting sick, letting the housing run down to the point where people are de-housed and this is exacerbated by multiple health issues – Redfern ITA Participant***

In many regions we heard that homes are deteriorating due to underfunding, poor maintenance and lack of access to building services, causing a crisis that has left people living in unsafe or boarded-up housing out of fear of eviction and homelessness.

The Australian Council of Social Service (ACOSS), a national voice in support of people affected by poverty, disadvantage and inequality submitted that the Australian Government should fund the upgrade of social housing in a transition to a net-zero economy, prioritising housing for First Peoples.

They argued that improved access to affordable, energy-efficient and climate resilient housing, especially regional and remote areas, is important for improving the health and wellbeing outcomes of Aboriginal and Torres Strait Islander people.<sup>105</sup>

Communities reported that legal, housing and tenancy advocacy services are often inaccessible. This has resulted in desperate situations, particularly where domestic violence, unfair evictions, or incarceration were present.

In remote areas like the Kimberley, Arnhem Land and Far North Queensland, we heard that housing is often not climate appropriate. Poor design and a lack of air conditioning were compounding factors.



*If you don't have a stable house, it affects all other areas of Closing the Gap – housing priority needed. Housing on the reserves are falling apart. Lack of funding, lack of access to building materials and trade services in regional and remote areas. [Housing is a] key determinant of health, contributes to stability, physical well-being, [and reduces] domestic and family violence. Federal budgeting processes [should] prioritise housing as an issue. Long waiting lists – Parkes ITA Participant*

### Marra Worra Worra – The Night Place<sup>106</sup>

Walama Marra Worra Worra Aboriginal Corporation in Fitzroy Crossing, WA, operates The Night Place - a culturally safe, community-led overnight shelter for vulnerable people experiencing homelessness. The service was created in response to local concerns about safety for people sleeping rough, particularly during the wet season and cold nights. Many people accessing the service are impacted by family violence, overcrowding, or alcohol misuse and have nowhere else to go. The Night Place provides basic support like food, bedding and showers in a safe, non-judgmental environment. Community members told us that it fills a critical gap and is often the only option for people who would otherwise be exposed to harm.

The Night Place is successful because it is locally led, flexible and deeply connected to culture. Run by a trusted Aboriginal organisation, the service embraces a trauma-informed approach and does not exclude people based on intoxication or complex behaviours, which are common barriers in mainstream services. We heard from community members that this approach meets people where they're at and reflects the understanding that healing must be culturally grounded and take time. Staff are mostly local and maintain strong cultural connections, helping to build trust and provide support that is meaningful and respectful.

Beyond providing immediate safety, The Night Place acts as a soft entry point to other services such as health care, housing support and family reunification. It often supports people to reconnect with community and culture and begin steps toward longer-term stability. The model shows what is possible when Aboriginal communities are trusted and resourced to design solutions on their own terms. It reinforces what we heard consistently across consultations – that Aboriginal-led, place-based services are more effective and more respectful because they centre cultural knowledge, community voice and holistic care.

**Text box 1.10: Marra Worra Worra – The Night Place**

The lack of stable housing contributes to increased living costs, food insecurity and disconnection from essential services. Communities argued they are not asking for ownership, but for dignity and liveable homes. Yet current federal funding does not prioritise Indigenous housing and many report a lack of transparency and accountability in how resources are allocated. Without urgent reform, the housing crisis in Aboriginal and Torres Strait Islander communities will continue to worsen.<sup>107</sup>

***We don't have access to decent housing, water, food. Food insecurity. These are the things that people are most worried about day to day. We're not worried about owning a home. I'll never own a home – Broome ITA Participant***

## **ii) A holistic understanding of health**

Access to culturally safe healthcare was considered essential but was also one of the biggest concerns shared in every community. Good health is more than just treating illness. For Aboriginal and Torres Strait Islander people, it's also about staying connected to Country, culture and kin. Communities said they often feel like their needs are invisible in the current healthcare system and that poor health outcomes are accepted instead of addressed.<sup>108</sup> People told us that when their health isn't looked after, it becomes harder to manage every other part of life such as work, education, parenting and connection to community.

When services (mainstream or community) are unsafe, people avoid them. Even when they need urgent help. We heard that staff at both ACCHOs and mainstream health services must be properly trained in cultural safety. This includes understanding the history of colonisation, systemic racism and how to support people in a respectful, non-judgemental and context-appropriate way.

We heard, for example, that Aboriginal people are sometimes believed to have higher pain thresholds which results in them receiving poorer care. Assumptions like this are grounded in racist ideology. They create fear and lead people to avoid seeking help.<sup>109</sup>

We also heard that without safe services, certain groups like LGBTIQ+ mob are even more likely to be excluded. For healthcare to truly serve everyone, services must listen to the voices of all community members and take active steps to make spaces welcoming. This includes addressing homophobia and transphobia in service delivery and investing in staff training. Part of ensuring safety is funding and supporting Aboriginal (Health) Liaison Officers who play a vital role helping people feel understood and supported while navigating the healthcare system.<sup>110</sup>

***Organisations won't be able to collect information through health services if they're not safe for queer mob – Online LGBTIQ+ Focus Group ITA Participant***

Many communities raised the urgent need for more mental health support. There were calls for more therapeutic services for people with cognitive disabilities, neurodivergence, grief, suicide and trauma. Parents trying to reunify with children, people struggling with addiction and those needing culturally safe counselling often have no one to turn to. Services like drug and alcohol treatment and counselling, rehabilitation on Country, parenting programs and Aboriginal psychologists were all named as critical but missing. The importance of social and emotional wellbeing frameworks, grounded in culture, was highlighted as key to healing.<sup>111</sup>

Chronic disease was another major concern, particularly in remote and regional communities. Limited or no access to a permanent health workforce, infrastructure, treatments and a quality water supply were identified as key issues exacerbating these conditions. Some communities described kidney failure as an epidemic. They told us of Elders relying on a single bus for dialysis, long waits for appointments and no transport or accommodation when people need to travel for care – including for example from remote communities into major centres (Hopevale to Cairns).

There were rising concerns about cancer and melanoma. In Nyngan this was believed to be linked to environmental factors and limited options and poor housing conditions; while in Moree it was estimated that more than 100 people in their community alone had died from Cancers in a twelve-month period. We heard heartbreaking stories of people having chemotherapy without support and driving themselves home alone. In Nyngan, there are no locally based doctors or specialists, so the ability to even get diagnosed depends on long waitlists or travelling at significant expense to major centres; and treatment is the same due to limited infrastructure and pharmaceutical services.

***No transport to get to doctors, no specialists, no maternal care, no midwives, no counsellor to support people through chemotherapy, no accommodation to stay overnight. People have chemo and drive themselves home. No holistic approach to healthcare [which is] considerate of the effects of poor healthcare on people suffering but also their families [and] carers and others around them. No full-time doctor here for face-to-face consultations, inadequate ambulance cover. Increasing cancer rates thought to be from the chemicals in the water. Also, melanoma [which is proportionate to the number of people working outside on Country] – Nyngan ITA Participant***

Community members from Doomadgee in the Gulf of Carpentaria who attended the session at Mount Isa and those in Port Augusta raised grave concerns about the unacceptable prevalence of Rheumatic Heart Disease caused by unsuitable housing and overcrowded living conditions. Despite having been eradicated years ago in mainstream communities this continues to affect Aboriginal and Torres Strait Islander children'.<sup>112</sup>

Across all areas, people said healthcare must be holistic. This means caring not just for the individual but recognising the impacts on families and carers too. Many communities have no full-time doctor, no maternal care, no mental health workers, no midwives and no local specialists. Ambulance coverage is often patchy or non-existent. Access to clean drinking water, culturally appropriate mental health assessments and safe places to stay during treatment are all missing pieces in the system. When healthcare is broken, it breaks trust – and that trust must be rebuilt with community, not imposed from above.<sup>113</sup>



### iii) Education

During our community consultations, we heard that good quality, culturally responsive education is key to strong health outcomes and future opportunities for Aboriginal and Torres Strait Islander peoples.

People told us that education is not just about learning in a classroom – it's deeply connected to identity, wellbeing and belonging. When young people feel proud of who they are, supported by their families and connected to culture and Country, their health and education outcomes improve. Education systems that ignore these factors often leave children behind, especially when they face challenges at home like poor housing, food insecurity or the impacts of intergenerational trauma.<sup>114</sup>

Communities talked about the power of learning that is built around Country, language and truth-telling. Youth-driven approaches, like those supported by the National Indigenous Youth Education Coalition (NIYEC), show that learning should include Elders in schools, trauma-informed support, family involvement, food programs, visible culture and safe spaces for play and growth.<sup>115</sup> These approaches help create culturally safe environments that support the whole child – not just their academic success but their mental, physical and spiritual wellbeing too.

***Educating our children about their culture and history and Country – Ceduna ITA Participant***

We heard that when youth are not engaging in school, it is often because their basic needs are not being met. Children might not have a bed to sleep in, enough food to eat, or clean clothes to wear. Some are caring for siblings, working to help their families, or living in homes affected by violence or overcrowding. These young people are not failing school – the system is failing them.

Wraparound support, including therapeutic workers in schools and strong adult relationships, can help identify the real reasons behind disengagement and respond with care, not punishment.<sup>116</sup>



***Worried about the future of our children – we are going to have a lot of kids who are not going to grow up learning to read or write. Missing out on foundational things like housing, food – Broome ITA Participant***

Communities want to see a reframe in how we view and deliver education. They called for two-way learning, hands-on experiences, less focus on standardised testing like National Assessment Program – Literacy and Numeracy (NAPLAN) and more use of outdoor classrooms. People want school environments with strong academic learning, which also reflect their identities, with truth telling, strong cultural content and Aboriginal and Torres Strait Islander educators leading the way.

Education should help all children feel seen, valued and capable, while helping non-Indigenous Australians learn the truth about this country's history in a way that builds empathy and shared responsibility.<sup>117</sup>

### Young Indigenous Women's STEM Academy<sup>118</sup>

The Young Indigenous Women's STEM Academy is a national initiative that supports Aboriginal and Torres Strait Islander girls and young women from Year 8 through to university and into their careers in science, technology, engineering and mathematics (STEM). The Academy is delivered by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in partnership with CareerTrackers and supported by the NIAA. It offers mentoring, academic support, camps, internships and pathways into higher education and employment, with a strong focus on culture and identity.

The Academy is delivered by over 85 percent Indigenous staff, with the support of exemplary and Child Safe screened STEM professional mentors and industry leaders. This program helps participants build confidence, leadership skills and a strong sense of belonging in spaces where Indigenous women are often underrepresented. Young women involved in the Academy have described how the program has empowered them to aim high and helped them feel proud of their culture while succeeding in STEM.

The Academy is an example of what works when culturally safe, long-term support is provided for Aboriginal and Torres Strait Islander students. It highlights the importance of Indigenous-led and culturally responsive education strategies that open doors and challenge structural barriers. Programs like this can help build a more diverse and inclusive future in science and technology.

#### Text box 1.11: Young Indigenous Women's STEM Academy

Several communities spoke about how education and health are linked. Poor education outcomes can limit access to good jobs, stable housing and proper healthcare. When children grow up seeing unemployment and poverty in their communities, they question the value of schooling. Supporting families through food programs, transport services and community partnerships with schools can help change this story. Provided lunches and school buses, for example, have already led to better attendance and behaviour in some areas.

***We know that education is important but if kids are looking back at their communities and not seeing anything, they are going to be saying, why is education important because I didn't see my mother and father go to work or my grandparents go to work? – Broome ITA Participant***

Community voices also called for education about human rights and the law. People want to understand how they can advocate for themselves and their communities and they want this knowledge to be shared from early childhood. Learning about Aboriginal and Torres Strait Islander peoples' histories, cultures and rights builds confidence and community pride and also helps others understand the value of equity, fairness and respect. Schools can be places where human rights are lived and taught, starting with how children are treated and what stories are centred in the curriculum.<sup>119</sup>

### **South Australian Aboriginal Secondary Training Academy<sup>120</sup>**

The South Australian Aboriginal Secondary Training Academy (SAASTA) is an education and leadership program that supports Aboriginal and Torres Strait Islander students in Years 10 to 12 across South Australia. Delivered through the Department for Education, SAASTA offers culturally responsive learning that combines academic achievement with Aboriginal identity, cultural pride and personal development. Students are supported to stay engaged in school while also building confidence, leadership and career pathways.

SAASTA runs programs like the SAASTA Shield, SAASTA Power Cup and Stage 1/2 curriculum subjects that provide students with opportunities to gain South Australian Certificate of Education (SACE) credits, participate in sport and cultural events and explore university and employment options. The programs are co-designed with Aboriginal communities and delivered in partnership with schools, universities, industry and government. This helps create culturally safe learning environments where students feel valued and empowered.

The Academy has shown strong outcomes in student retention, SACE completion and transitions to tertiary education or employment. SAASTA is often seen as a successful model of culturally responsive education and youth development, and its approach continues to inspire similar initiatives across Australia.

**Text box 1.12: South Australian Aboriginal Secondary Training Academy**

Truth-telling was seen as a vital part of education – not to blame, but to heal. Communities asked for a national curriculum that includes what happened to First Peoples, the impacts of colonisation and how we can walk forward together. They want more cultural excursions, more time with Elders and more local knowledge in classrooms. Education done properly can be a powerful health intervention. It builds identity, confidence and hope – all of which are protective factors for health.<sup>121</sup>

***Truth telling is important to learn about what happened, as part of a historical timeline, the impacts and the consequences in order to have some cathartic effect that then leads to resolution or reconciliation – Redfern ITA Participant***

***How can kids see themselves in the curriculum – Online Elders Focus Group ITA Participant***

Finally, communities reminded us that education is not one-size-fits-all. Some children are not suited to mainstream schools and need other ways to learn life skills, culture and community roles. Aboriginal and Torres Strait Islander children are being suspended and terminated from public schools at unprecedented and disproportionate rates. Exclusion from education exposes them to risk of community policing and denies the right to access education. This was a significant concern to many communities.

Education should reflect our diversity, strengths and ways of knowing. It's time to listen, redesign and invest in learning systems that grow strong, healthy and proud young people who can lead us into the future. The education system must be able to cater to the needs of all children.

#### iv) Employment

Employment was raised as a major priority in our community consultations. People shared that having access to meaningful work is especially important for our Elders, our young people and those living with disability. When work is culturally safe and stable, it brings purpose and pride and can keep people connected to community and away from harmful coping strategies like drugs and alcohol. Research shows that secure, meaningful employment is linked to better mental health and social outcomes for First Peoples.<sup>122</sup>

*Opportunities for meaningful work are important because it gives people purpose, increases their self-esteem, contributes to communities and provides an outlet [or] pathway away from reliance on alcohol and drugs – Ceduna ITA Participant*

Another key issue raised was the lack of stable employment. Many people are only offered short-term contracts – often 12 or 18 months – because this is how government programs are funded. This job insecurity makes it harder for people to plan, get stable housing, or support their children's education. Short contracts also reduce access to superannuation, training and career development. Research highlights that job insecurity is a significant barrier to achieving economic equality for First Peoples, especially when coupled with systemic racism in employment systems.<sup>123</sup>

*Employed in 12, 18 months or 3-year contracts because that's what government programs run so that affects their access to housing, education – Online Elders Focus Group ITA Participant*

We heard strong support for investing in Aboriginal and Torres Strait Islander led employment and training services. Community-controlled job services, vocational training and employment readiness programs were seen as the best way to ensure people are supported into meaningful and culturally safe work. These services not only understand the barriers people face, but also support healing, skill development and long-term pathways. ACOSS and the First Nations Employment Alliance have called for increased investment in culturally appropriate employment services to reduce unemployment and improve self-determination in the workforce.<sup>124</sup>

In their submission, NACCHO discussed how ACCHOs are contributing to closing the employment gap. Collectively, ACCHOs employ about 7,000 staff – 54% of whom are Aboriginal or Torres Strait Islander people – making them third largest employer of Aboriginal or Torres Strait Islander people in the country.<sup>125</sup>

Community members also raised concerns about discrimination in the workplace. People shared that racism, ageism and a lack of cultural safety made it hard to get or keep a job. Others said that when workplaces are culturally safe and free from discrimination, people feel welcome and supported to stay long term. The Gari Yala report found that culturally safe workplaces improve retention and satisfaction for Aboriginal and Torres Strait Islander staff and that many employees experience racism and exclusion at work.<sup>126</sup> Accessible, fair complaints mechanisms were also seen as necessary to respond to experiences of discrimination and support safe work environments.<sup>127</sup>

Finally, people spoke about the unpaid work that goes unseen in our communities. In many places, community life is only made possible through the unpaid labour of Aboriginal and Torres Strait Islander women, especially grandmothers. These women are caregivers, leaders and cultural educators, but their contributions are often not recognised or supported.

Others spoke about the emotional and cultural load Aboriginal women carry and the opportunity for men to step up and share in this responsibility. This invisible labour reflects deep systemic inequality and is often excluded from policy and economic measures.<sup>128</sup> Participants also called for greater recognition of the role that community caregiving plays in supporting young people and preventing harm. Much of what we heard about employment is supported by the *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report (2020)*.<sup>129</sup>

***There's no mention of the caring that is happening in our communities. I might work but I share my money with all of my grandkids. The unpaid caregiving that goes on every day of the week in communities by grandmothers and mothers and trying to make sure kids are safe and kids have something to eat. Poverty is a big one. We're supposed to live in one of the richest countries in the world, yet our mob live in third world conditions and that has to be addressed – Broome ITA Participant***

#### **v) Domestic and Family Violence**

While a sensitive issue for many, addressing domestic and family violence was raised in many communities. During the Redfern ITA engagement, community members raised domestic and family violence as a serious issue impacting many families in the area. Community members spoke about the ongoing harm it causes, particularly for women and children and the barriers First Peoples face when trying to seek help. The lack of culturally safe services was highlighted, as well as the need for more community-led responses. Addressing family domestic violence was seen as urgent for keeping families safe and strong in that community.

## **Government accountability to the National Agreement on Closing the Gap**

With the Productivity Commission's Review of the National Agreement highlighting some significant concerns with implementation, NACCHO has advised that:

- ◎ governments are beginning to work more collaboratively with Aboriginal and Torres Strait Islander people to ensure their voices are central in policymaking
- ◎ efforts are being made to make government institutions more effective and responsive to the needs of Aboriginal and Torres Strait Islander people
- ◎ there is a higher level of awareness of the need to ensure Aboriginal and Torres Strait Islander people are engaged in determining and implementing solutions.

Accountability, transparency and clarity are considered essential to building equitable relationships, enabling shared decision-making and ensuring meaningful evaluation.<sup>130</sup>

***As signatories to the National Agreement on Closing the Gap, there needs to be more significant accountability and consequences for not implementing the Priority Reforms – ITA Survey Respondent***

Everywhere we went, people told us that accountability matters deeply.

Communities shared concerns that governments and institutions are not held responsible when they fail to act on the findings and recommendations of inquiries, royal commissions and other formal processes.

Many said this causes ongoing pain and sadness, especially when people have shared their stories in the hope of change, only to be ignored.

Communities spoke of the exhaustion and trauma of having to keep telling their stories without seeing real change or responsibility taken.

***How do we hold Australian institutions accountable? – Port Hedland ITA Participant***

The Partnership for Justice in Health submitted an example of how prison health care systems are kept separate from public health systems, remain largely immune from scrutiny and accountability and continue to have devastating impacts for Aboriginal and Torres Strait Islander people.<sup>131</sup>

People also shared frustration that governments often make big promises – through policies, programs or funding announcements – but communities rarely see what happens next. There is little information about whether those promises have been kept or whether the work is making a difference. This lack of visibility leaves people feeling disconnected and distrustful.

***Who is monitoring the Closing the Gap targets? Where is the accountability? – Broome ITA Participant***

Many said they no longer trust government systems because they either don't receive updates or accessible reports, or progress report don't clearly demonstrate what has actually been achieved.

***There must be consequences for non-compliance by agencies and persons, or it will be as ineffective as Closing the Gap – ITA Survey Respondent***

A strong theme throughout the consultations was the need for greater transparency and practical tools for communities to track government action.

People called for tools like dashboards or community scorecards so everyone can see what has been promised, what is underway and what still needs attention. Many felt that current government reporting is focused on meeting internal requirements rather than demonstrating real progress to communities. People said accountability means showing that genuine change is happening – change that aligns with what community members have asked for and prioritised.

People also raised concerns about accountability in local decision-making and leadership. Community members questioned how decision-makers are chosen, how resources are used and whether local leaders genuinely listen and act for the people they represent. Concerns were raised about nepotism, poor communication and limited community involvement. Communities said responsibility should not rest with governments alone but must extend to community-controlled organisations and local leadership structures.

***Who's listening, what are they doing with this? There's no accountability around senior directors or general managers [and] the way they're addressing and delivering those core services around the needs of a cultural, holistic lens – Online Disability Focus Group ITA Participant***

A key message from across the consultations was that true accountability must include independent oversight. Communities asked: Who defines what governments must do? Who checks whether they are doing it? How do we ensure reforms actually improve people's lives?

They said government self-reporting is not enough. Instead, monitoring and evaluation must be transparent, culturally informed and centre First Peoples' voices and their right to define what success looks like.

The Victorian Aboriginal Health Service (VAHS) submitted that when it comes to cultural safety, accountability must be addressed through mechanisms that monitor and report on change.<sup>132</sup>

***Independent mechanism – government oversight – how is the government performing – what reforms are being put in place and how are they actually changing anything – Melbourne ITA Participant***

Finally, communities described accountability not as punishment, but as something restorative. They asked: How do we deliver what we said we would? In a respectful relationship, if something cannot be delivered, governments and service providers should be honest, explain why and work with communities to find a new way forward.<sup>133</sup> Accountability should be a shared responsibility, focused on learning and improving and centred on agreed outcomes that reflect what communities want and need.<sup>134</sup>

## **Funding arrangements**

***Government say that they are giving us funding but the people on the ground aren't seeing it – Dubbo ITA Participant***

Aboriginal and Torres Strait Islander community members raised widespread concerns about the current funding frameworks.

***We do support ACCHOs, but they tender for their funding from the same place as mainstream, they follow the same guidelines other than the fact that you may have an Aboriginal person delivering that service, what's the difference between an ACCHO and an NGO? – Adelaide ITA Participant***

A consistent theme was that funding is often short-term, lacks transparency and is disproportionately awarded to larger, mainstream organisations that may not be embedded in, or accountable to, local communities.

***Funding is short term in nature and given to bigger companies who community perceives as not utilising correctly – Port Augusta ITA Participant***

This results in community organisations, (including ACCHOs) struggling to compete due to limited resources despite their critical role in delivering culturally safe services.

Funding policy maintains structural inequity within Indigenous community-based organisations by reducing local discretion and centralising decision-making and accountability.<sup>135</sup> Manufactured dependence on political cycles and interests influence how public sector agencies fund Indigenous organisations, which in turn influences staffing, resourcing, knowledge sharing and governance.<sup>136</sup>

During consultations, we heard a strong sentiment that the way funding is distributed contributes to lateral violence, division and a lack of cohesion among local organisations. Many communities said they weren't seeing the benefits of funding that governments claimed to be providing, particularly funding linked to Closing the Gap.

The current system, which prioritises compliance and tendering expertise over community knowledge and needs, often leaves local organisations under-resourced and excluded.

***Lack of equitable distribution of grant funding to our ACCHOs and that comes down to the grant funding process, the tender process. Our local organisations can't compete with bigger organisations because they don't have the spare money to hire someone to write a specialised grant application***  
***- Online Elders Focus Group ITA Participant***

The process was described as overly bureaucratic, competitive and at times exploitative, with some communities stating they felt forced to share trauma to receive funding.

Peak bodies, such as SNAICC, submitted that they have long advocated for dedicated and appropriate funding models to deliver services to Aboriginal and Torres Strait Islander children and their families, as well as joined up, collaborative approaches to address gaps and overcome systemic barriers.<sup>137</sup>



Communities also proposed clear solutions, including for example that funding decisions should be grounded in data and community-identified need, not just geographic remoteness. We heard persistent calls for greater transparency, accountability and a shift toward self-determination in how funds are allocated. This includes resourcing community-led organisations adequately and equitably and ensuring funding supports long-term outcomes, not just short-term political cycles.

***Balancing funding to address the need and resource appropriately, not just based on remoteness - Melbourne ITA Participant***

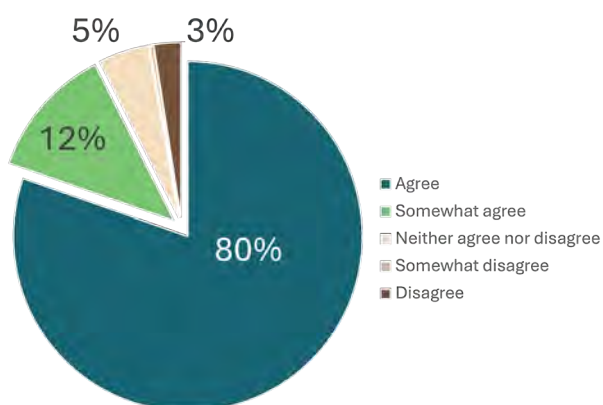


## Priority Goal 5 – Land justice

Consistent with all research and evidence, connection to land is at the heart of Aboriginal and Torres Strait Islander identity, health and wellbeing. Across all participation pathways it was clearly communicated that:

- 🕒 When people are connected to land, they are connected to culture, language and story.
- 🕒 This connection supports strong mental health and strengthens identity, particularly for young people and Elders.
- 🕒 Caring for Country is a way of healing, of teaching and of ensuring the future.
- 🕒 When this connection is broken, the impacts are deep – emotionally, spiritually and physically.

When asked to what extent survey respondents agree with the high-level goal priority - advocating for land justice reform – acknowledging the deep connection between land, culture and self-determination and calling for stronger recognition and protection of land rights, 361 survey participants responded to the question which asked whether the Commissioner should include advocating for Land Justice amongst her high-level priorities, 290 of those respondents agreed. Only 9 respondents disagreed.



**Figure 1.9: Survey Response to Question 5 asking whether land justice should be included as a priority for the Commissioner**

## Lands, territories and resources

Caring for Country isn't just important for people; it also helps the environment.

Aboriginal and Torres Strait Islander people have been looking after Country for tens of thousands of years, using practices like seasonal mapping, fire management and knowledge of water systems and seascapes. Communities told us that when they are supported to care for Country, the land thrives and so do the people. Caring for Country is a key part of maintaining cultural connection and identity, passing on knowledge to younger generations, strengthening communities and building resilience.<sup>138</sup>

***Teaching young mob on Country about Country, climate change, weather situations, seasonal mapping, seasonal growth of animals – empowering them through education –transferring the knowledge, systems and the lore of Country – Roma ITA Participant***

There was an array of issues consistently raised across the country concerning the lack of recognition given to Aboriginal and Torres Strait Islander peoples' ownership of Country, their lack of access to Country and the impact of extraction and development on Country. They included:

- 🕒 the importance of land and connection to Country to individual and collective identity and culture, our physical, mental and spiritual health and wellbeing, and our social and economic participation
- 🕒 the historical and intergenerational impact of dispossession. This includes the impact of disconnection on those permanently removed from their territories and forcibly relocated to missions and reserves and on members of the Stolen Generations. Both groups have lost some or all of their knowledge (and language) as a result

- ◎ the destructive impact of mining and pastoral activities on our lands, territories and resources including water (sea country and freshwater country) and to sacred sites and cultural heritage
- ◎ our access to and engagement in water management
- ◎ the capacity to leverage our lands, territories and resources to achieve our own cultural, social and environmental responsibilities and aspirations.
- ◎ the impact of climate change on our current and ongoing connection and our inclusion in the climate response.

Communities expressed deep concerns about the destruction of land and sacred sites by mining companies and industry. They feel that governments listen more to companies than to First Peoples when it comes to protecting Country. People told us they want governments to work in partnership with Traditional Owners, not just consult them and to take action to protect land and water from destruction, overuse and pollution.

Communities stressed that water is critical to everyone and everything's survival. Access to water must provide for cultural flows to enable caring for Country. Aboriginal and Torres Strait Islander people are concerned that their responsibility to ensure that water Country is healthy is not being met. The priority for water Country must be about maintenance and replenishment, not just extraction.

Key concerns were consistently raised about the legal and political dimensions of land regimes that are currently in place to provide for land recognition and rights. This included the divisive nature of mechanisms such as native title and how it intersects with other regimes such as state and territory land rights and cultural heritage regimes; and associated inter-jurisdictional governance and regulatory mechanisms.

***It's a political agenda and native title isn't helping me, my people. It's actually dividing our people; it's actually killing our Country. We need to make recommendations under native title to save our country because as Aboriginal people, we are connected to our land – Online Disability Focus Group ITA Participant***

Further, people told us that interconnected systems like the NDIS do not always understand or value the importance of Country to health. One carer shared that while access to Country would make a huge difference to a family member's mental and physical health, it was denied because the system did not see it as 'reasonable or necessary'. Consistent with research, like that done by Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS),<sup>139</sup> communities reinforced that being on Country can be deeply healing. For many Aboriginal and Torres Strait Islander people, access to Country is not optional – it is essential.

Concerning existing land rights regimes, particularly in NSW, communities advised that state governments are not granting claims (some of which have been active for many years) and communities lack the resources and staff to effectively navigate the system. They described having to spend large amounts of money going to court to try to claim land that should be returned to them.

***Access to Country is access to culture, access to culture is access to language and stories and the ability to pass it on – Canberra ITA Participant***

In NSW, some said that the Land Rights Act is being used to delay or avoid returning land, instead of delivering justice. There is strong interest in reforming land rights laws, so they work in the interests of First Peoples, not against them.

## **Native title**

Native title was one of the most widely discussed and criticised topics in our community consultations.

Across the country, Aboriginal and Torres Strait Islander people raised deep concerns that the native title system does not reflect their cultures, values or ways of caring for Country. Many people felt that the system had developed without genuine input from Aboriginal and Torres Strait Islander voices and that native title in its current form does not reflect the spiritual, cultural or communal connection to land and waters. Instead, people said native title feels like a Western legal idea of ownership that doesn't match our beliefs.

***Native title – drafted from a white man's perspective of what it is to own or care for land – Adelaide ITA Participant***

People also shared how, in its current form, the native title system often causes division within communities. They spoke of how the process has ripped families and communities to pieces, creating internal conflict over identity, rights and representation.

Many also spoke of being denied their connection, firstly by the system that created the disconnection and then by the imposition of Western governance structures within native title representative bodies (NTRBs) and prescribed bodies corporate (PBCs). These must comply with the Native Title Act and the Corporations Aboriginal and Torres Strait Islander Act (CATSI Act), not with traditional law and custom.

***Corporations are benefitting economically but not the Native Title holders – no plan, no agreed priorities, no capacity or governance arrangements to take plans forward, we have to start from a basic understanding of what we are trying to achieve – Broome ITA Participant***

Some said that native title has become a tool that separates tribes or clans and causes lateral violence. In some places, the system has created two different governance structures – native title representative bodies (and PBCs) and Aboriginal Land Councils – that conflict with each other. These were described as being put in place by government to collide, divide and conquer. This has resulted in confusion, frustration and a weakening of collective strength.

***Two entirely different agendas – segregating our communities, two different structures have been put in place by the government to collide, divide, conquer – nepotism, lateral violence – Coffs Harbour ITA Participant***

There is a strong feeling that native title does not lead to genuine empowerment.

***Native title – felt like we were being dispossessed again – Cherbourg ITA Participant***

People told us that, as it currently stands, native title does not give them full rights over their land or water, nor any real power to veto harmful developments that destroy Country and culture. One person explained that even though there is native title over rivers, they still need to ask the council for water.

These views highlight the failure of the native title system to align with cultural responsibilities, especially where water rights and protection of sacred places are concerned.<sup>140</sup>

### **i) The burden of proof**

The burden of proof under the Native Title Act was described as deeply unfair. People told us that Aboriginal and Torres Strait Islander claimants are required to prove continuous connection to land in a way that is not only complex, time-consuming and expensive, but doesn't appropriately acknowledge the impact of colonisation. This puts a heavy burden on families and communities impacted significantly by colonial incursion and that already have limited money, time and legal resources. The cost of litigation and the long legal battles required were seen as a barrier to justice.

### **(ii) Capacity of Native Title Representative Bodies (NTRBs)**

Access to good legal support was another major concern. Many people told us that native title claimants do not have equal access to legal services and expert advice. Without proper support, it is hard for communities to engage in negotiations with free, prior and informed consent. We heard support for legal reforms and stronger funding for NTRBs and service providers. The Independent Review of the National Legal Assistance Partnership also recommends better resourcing to ensure quality legal services are available to all claimants.<sup>141</sup>

The capacity for NTRBs to progress claims, with limited funding to meet need, left some native title groups feeling that they were not being appropriately represented. Others sought independent legal support to progress their claims.

There was strong support for moving towards negotiated outcomes instead of litigation which may increase the risk of an unsuccessful claim. Negotiated agreements are seen as better for everyone – they save money, strengthen relationships and lead to long-term economic and social outcomes.<sup>142</sup>

With recent court determinations, access to native title compensation has now been enlivened. In an effort to support First Peoples with negotiated compensation over litigated outcomes, the National Native Title Council (NNTC) submitted that they are working on a 'national compensation framework - a coordinated approach to enabling the negotiation of native title compensation settlements by resolving a number of outstanding issues.'<sup>143</sup>

### **iii) Recognition of rights**

People want native title to include proper recognition of economic and commercial rights. Right now, they said, corporations often benefit economically from native title land, but native title holders do not. Communities lack a shared plan, governance structures and funding to make decisions about how benefits should be used. In some regions like the Pilbara, people said that native title settlements have created divisions driven by money, status and different motives, often influenced by the mining industry. Meanwhile, other regions like the Kimberley have used native title as a tool to protect Country and support tourism; showing that different regions need different approaches.<sup>144</sup>



*Understanding the complexity of native title. Impact of native title settlements have been detrimental to subsections of the community and the people. If we look at the Pilbara regions in particular with the resource sector and the impacts of that, it changes from a matter of not only status but the monetary compensation influences people's [motives/agendas] and needs around that process. What we've seen over the years is that it has been a very divisive process that has fractured families and kinship systems that have existed for a very long time and have been broken within one generation. Kimberley regions are competing with tourism; they have been able to leverage that tool and protect a lot of their Country for that exact same purpose. Whereas in the Pilbara it's about digging up Country and getting the resources out – Port Hedland ITA Participant*

We also heard that native title must not come at the cost of culture. There was a strong call for better cultural heritage protections. Traditional Owners said they want early and respectful engagement from developers and governments – not just at the end of the process. Cultural sites are often damaged or destroyed when proper consultation doesn't occur. Communities expressed support for reforms like the Dhawura Ngilan framework, which call for greater respect for cultural values and heritage laws that truly centre Traditional Owner authority.<sup>145</sup>

### **Dhawura Ngilan framework<sup>146</sup>**

Dhawura Ngilan, meaning remembering Country in the Ngunnawal language, is a national vision to better protect Aboriginal and Torres Strait Islander cultural heritage. Developed in 2020 by the First Nations Heritage Protection Alliance and the Australian Heritage Council, it sets out a plan for strong, consistent laws that recognise the rights of First Peoples to care for their Country, culture and sacred sites.

The Dhawura Ngilan framework promotes self-determination and the authority of Traditional Owners to make decisions about their cultural heritage. It calls for laws that respect Indigenous knowledge systems, cultural values and responsibilities. The framework is based on human rights principles, including those in the UNDRIP, such as the rights to protect culture, heritage and spiritual connections to land.

The framework also highlights the need for national standards and stronger protections to stop damage to cultural sites. It shows how Aboriginal and Torres Strait Islander heritage laws, native title and land and water management should work together, not separately, to support the rights and responsibilities of First Peoples.

Dhawura Ngilan provides a clear pathway for governments, industry and institutions to improve heritage protection through respectful partnerships and structural reform. It supports long-term change based on truth-telling, cultural authority and care for Country.

#### **Text box 1.13: Dhawura Ngilan framework**

#### iv) Fix the system

Finally, people told us that native title often feels like a system still controlled by non-Indigenous laws, institutions and priorities. It does not provide a veto power, requires only 'good faith' negotiation from companies which creates loopholes and lacks any serious consequences for non-compliance by proponents. For many, native title has led to feelings of being dispossessed all over again

***Native title is still part of their system – it still prioritises colonial rights over traditional – Warrnambool ITA Participant***

We were told that change is urgently needed – not just to fix technical parts of the law, but to bring native title back in line with First Peoples' values, community priorities and our right to care for and protect Country.

#### Climate change

Climate change is creating serious problems for both people and Country. We heard about increasing heat, floods, storms and droughts and how these are damaging land, food sources and sacred sites. These weather events also make it harder for people to stay healthy. Extreme heat can stop people from safely storing medications or accessing medical care.

***Climate change particularly rising sea levels for the Torres Strait Islands and coastal mainland Aboriginal communities. Loss of land, culture, significant cultural and community landmarks/sites e.g. Cemetery and burial sites. Envisaged upheaval and removal. Contributing to identity loss, connection to country, loss of culture/lore – ITA Survey Respondent***

The impact of climate change is even greater in communities already facing housing and health inequality.<sup>147</sup> Loss of land from rising sea levels and environmental damage causes trauma, especially when it means losing access to sacred places (including burial grounds as is the case in the Torres Strait) and story places – (that are crucial) to maintaining cultural connection, identity and law. Those in the Torres Strait are particularly concerned with being forcibly relocated to other islands or the mainland, losing their physical connection to culture, identity and land forever.

***Climate change is not just about the weather – it is slowly taking our islands, our sacred sites and our connection to our culture. Every rise in the sea feels like we are losing a piece of who we are and soon we will have to leave our island home – Badu Island ITA Participant***



### The Masig Statement – Malungu Yangu Wakay<sup>148</sup>

In 2022, Torres Strait Islander leaders from Masig Island released the Masig Statement – Malungu Yangu Wakay, meaning “my voice is who I am.”

The statement is a strong call for action on climate change, which is already damaging their islands and threatening their way of life. It asks the Australian Government to recognise Torres Strait Islanders as the traditional custodians of Zenadth Kes and to respect their deep connection to land, sea and culture.

The Masig Statement calls for real partnerships with government based on Indigenous leadership and self-determination. It urges action on climate change, protection of Country and support for Torres Strait Islander communities to make decisions about their future. It also calls for the full implementation of the UNDRIP.

The Masig Statement was identified by ITA participants as a clear and powerful voice from community. It shows how Torres Strait Islanders are leading the way on climate justice and want their rights, knowledge and leadership respected. The statement reminds us that First Peoples must be at the centre of decisions about their lands and futures.

#### Text box 1.14: The Masig Statement – Malungu Yangu Wakay



## Priority Goal 6 – Building the capacity of the Indigenous Human Rights Network – rebuilding the village

In considering the focus of this priority, the Commissioner highlighted two key areas of need:

1. The need to create spaces that support Aboriginal and Torres Strait Islander peoples to come together, to determine their priorities on their terms and to establish agreed ways of working and pathways to achieve their aspirations. In this regard, there is a need to undo the harm and division caused by colonisation in our families and communities and to rebuild our villages to better reflect our values: culture, law, identity, belonging, rights and responsibilities.
2. The need to build the capacity of Aboriginal and Torres Strait Islander Peoples to assert, exercise and enjoy their rights.



**Figure 1.10: Key words used by survey respondents when asked about 'rebuilding the village' and an Indigenous Human Rights Network**

## Rebuilding the village

Rebuilding our communities (our villages) is our business. It's 'blackfella business'.

Communities largely agreed that there is a need to focus on and give space for: returning to our values and law pushing for a future that is grounded in truth, justice and respect and which sees our people thriving and successful in all their aspirations.

***We need to stop fighting with each other and come together in a genuine way to realise improvements and equity for everyone. Mob politics needs to be set aside for truly Closing the Gap – ITA Survey Respondent***

The impact of colonisation (historical and ongoing) on our ways of knowing, being and doing underpinned all discussions throughout the community engagements. Aboriginal and Torres Strait Islander people stressed the need to return to a state where:

- ◎ As a collective (and in our respective communities) we take responsibility for the care and wellbeing of our children, our families, our communities and our people.
- ◎ Elders are respected as cultural authorities, caregivers, law and knowledge holders and as older people who should be cared for, loved and treated respectfully.
- ◎ Young people are (where appropriate) proactively included in discussions that will impact their lives and futures, particularly where there will be an expectation that they step into leadership roles to take forward plans to secure the success and wellbeing of the future generations.
- ◎ It is understood 'that everyone has a role to play' and is appropriately supported to fulfil those roles.

## Elders

Our Old People, our Elders, are the foundation of our communities; their wisdom, knowledge, care, resilience, steadfastness and protection of culture are integral to the continuation of our people, our identity and community connection<sup>149</sup>. Communities spoke of how Elders are central to cultural continuation, wellbeing and strength. Across consultations, it was clear that while Elders are deeply respected and cherished, they are often disrespected, disregarded and under-supported.

Communities told us clearly: Elders need the same things as everyone else – income, meaningful work and good support. But they also need their cultural role to be recognised. Learning from Elders is vital for growing strong communities. Their contributions should not be invisible in policies and programs.

Honouring Elders means ensuring they are cared for, listened to and supported – not just because they are older, but because they have lived, guided and continue to hold together generations of people and knowledge.

A strong concern raised in every consultation was the lack of Elder voices in decision-making. Communities feel that governments often lead without listening to those who hold cultural authority. As more people age, Elder perspectives become even more important. Their testimony, shaped by lifetimes of experience, could greatly improve decisions about health, housing, education and land if they were properly heard and respected.

***We're following such a government-led approach on everything, we need to listen to our Elders in communities – Online Elders Focus Group ITA Participant***

Further, Elders are seriously concerned about the future of their people. Many Elders who participated in the Project are actively engaged in their communities (often in voluntary or unpaid roles): sitting on Community Justice Groups or Koori/Murri Courts, visiting those incarcerated, advising Local Government Councils, performing Welcomes to Country and providing childcare support for the children of working families, or taking on the care responsibility for grandchildren of struggling parents.

They regularly raised concerns about: the breakdown of families; the numbers of our people (particularly young people) in jail; treatment by police and other authorities; racism in the community; and the number of our people misusing drugs and alcohol and not getting the support they need. These factors all contribute to family dysfunction and mental ill health. Elders, families, children and kin all have a part to play in keeping our communities and families together and healthy. People spoke of returning to traditional ways of raising children and reconnecting with cultural ways of supporting one another. Restoring internal community strength through shared decision-making and cultural practice was a clear priority.

***The whole community is responsible for bringing up children – Ceduna ITA Participant***

Many community members also spoke about the serious health issues facing Elders. These included physical frailty, emotional exhaustion from political pressures and the lasting impacts of COVID-19. We also heard how many Elders are taking care of their grandchildren and supporting adult children who are struggling with mental health issues. This double responsibility is heavy.

Despite their crucial roles, supports for Elders are not identified and they are left out of key national policies, such as Closing the Gap. This omission means that vital aspects of Elder wellbeing – such as cultural connection, social and emotional health and the pressures of care work – are not addressed.

***Elders are missing from Closing the Gap – targets/measures are only looking at life expectancy, critical insights are missed with regards to quality of life, social and emotional wellbeing, impacts of cultural connection – Shepparton ITA Participant***

Some Elders, especially those who were raised in institutions, shared fears about ageing. Those who were forcibly removed from their families to missions, reserves and institutions are afraid of being institutionalised again as they grow old. Community members recommended safer and more culturally supportive aged care services, reducing the shame, fear or stigma around aged care and reconnecting young people with Elders to strengthen intergenerational bonds.

Supporting Elders to age with dignity and respect, in ways that honour their lived experiences, was seen as key to healthy communities.

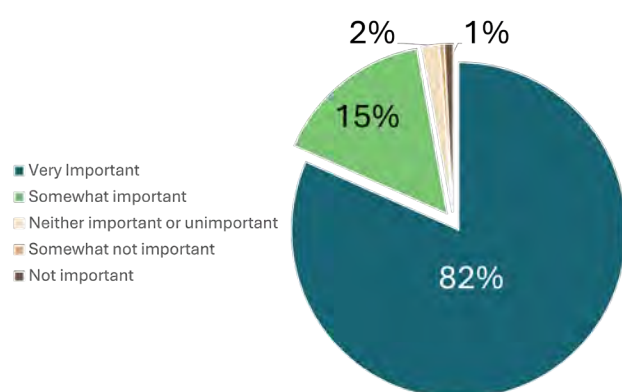
**Young people**

Our young people are our future.

During the consultations, every community shared deep concern for the wellbeing of Aboriginal and Torres Strait Islander young people. People spoke about the urgent need for care, protection and real support for young people to grow up strong in culture, community and identity. Safe and stable housing, support for families, culturally grounded education and healthcare and help for kids who think and learn differently were all raised as major priorities.

Communities said their young people are not being given what they need to thrive and this is causing serious harm.

Similarly to what we heard during consultations and through submissions, 196 survey respondents strongly agreed that young people must be involved in decision-making about matters impacting their communities. When asked about the importance of young people having access to engagement with, and mentoring from, Elders, 239 respondents – or 89% – said it was very important.



**Figure 1.11: Survey response data to question asking if young people should be involved in decisions about matters that impact communities**

## Identity

Identity was a consistent theme raised during community consultations.

Cultural identity provides connection, protection and belonging – physically and spiritually – to people and place. A strong cultural identity underpins community wellbeing.<sup>150</sup>

*When one belongs and has identity in community, they have place and a meaning for being – ITA Survey Respondent*

Aboriginal and Torres Strait Islander people shared that cultural identity is far more than a label – it carries deep meaning. It gives people a sense of belonging to each other and to Country and it supports spiritual, physical and emotional wellbeing. When people know who they are and where they come from, the whole community is stronger.

Many raised concerns about individuals falsely claiming an Aboriginal or Torres Strait Islander identity. This was seen as deeply harmful because it undermines the lived experiences, rights and voices of First Peoples.

***Census results of the Aboriginal population keep going up – which is problematic because our voices get lost in the fray and people get distracted by the argument of who is Aboriginal and governments use it as an excuse not to act – Brisbane ITA Participant***

Others spoke about people claiming to represent or belong to First Nations communities without practising culture or being connected to community. Participants highlighted that this not only misrepresents community perspectives but also causes damage to cultural integrity and trust.

***Our voices aren't being heard, we're not getting the services that we need, we're not influencing policy the way that we should be able to because legitimacy is being given to people just on the basis that they say they are Aboriginal and when a legitimate Aboriginal person identifies, they question – Launceston ITA Participant***

Another issue was inconsistency in how identity is defined and recognised. Without clear processes, it becomes easier for people to misuse identity for personal gain. This creates problems for data, funding and services. Communities said that when there is no shared understanding of who is counted, or how identity is verified, confusion and unfairness follow. Some people miss out on support they genuinely need, while others benefit without the same cultural ties.

***Over-representation of people identifying as First Peoples to access funds/opportunities – Hobart ITA Participant***

The problem of ‘black cladding’ poses a direct threat to the goals of the Indigenous Procurement Policy (IPP). This practice occurs when non-Indigenous individuals or organisations claim Indigenous identity or include token Indigenous involvement to access government contracts, grants, or funding – without delivering real benefits to communities.<sup>151</sup> Participants reported this happening at every level, from small projects to major contracts. By diverting opportunities and resources away from genuine Indigenous businesses, ‘black cladding’ undermines the IPP’s purpose: to ensure economic participation, community benefit and authentic representation for First Peoples.<sup>152</sup> The result is that communities are left without services or proper representation and the funding doesn’t reach the people it was intended to support.

***Black cladding of businesses needs to be recognised for what it is e.g. used locally as bullying tactic and to get rid of black workers and white organisations standing over traditional people – ITA Survey Respondent***

There was also concern about the identity experiences of Stolen Generations survivors and their descendants. Community members said that these people may have lost records or knowledge of their family, language or Country, but that doesn’t make them less Indigenous. Instead, identity processes need to be flexible enough to recognise this history and the harm caused by past government policies. At the same time, many stressed the need for strong, culturally grounded identity checks that are led by community, not just government systems.

Finally, people said that service providers and government agencies need better training and tools to respectfully ask people about their identity. Communities called for strict and consistent rules around Aboriginal and Torres Strait Islander identity – not to exclude those with genuine ties, but to ensure cultural integrity and to ensure that culture is not diluted or exploited. They emphasised that without clear and fair identity processes, the voices of First Peoples are at risk of being drowned out, ignored, or replaced.

## **Relationships**

Strong and respectful relationships are the heart of thriving Aboriginal and Torres Strait Islander communities. There was a strong message about the need to heal relationships within our own communities first and foremost.

During community consultations, we heard that intentional, positive relationships are not just about service delivery – they are about building trust, strengthening systems and creating spaces where communities can lead.

People talked about the importance of collaboration, cooperation and working together without hierarchy. These kinds of relationships take time and care. They must be based on real listening, shared understandings and respect for each other and our different backgrounds, points of reference and lived experiences.<sup>153</sup>

Several submissions, including from SNAICC and NIHLA, argued that there need to be genuine relationships between governments and First Peoples. Working together will improve Aboriginal and Torres Strait Islander health and justice outcomes by addressing racism at individual, institutional and systemic levels.<sup>154</sup>

Communities also told us that healing the broader relationship with the Australian public is necessary. This healing should come through truth-telling – honest conversations that build understanding and accountability, not blame. By speaking openly about the past and present, in ways that are gentle and inclusive, there is an opportunity to bring people together and to shift narratives that have harmed First Peoples.<sup>155</sup>

*There is enormous value in public conversation that is common, rational and pitched in a positive way, which is clearly set out, slowly built-up with delivery of key information – Online ITA Participant*

People also highlighted the importance of being able to disagree in healthy ways. Many people across communities argued that strong relationships are not always about agreement – sometimes (healthy) tension can be a good thing. They can also be about being able to have hard conversations with respect and care and working hard to resolve issues.

*Need to have healthy conflict and disagreement, uncomfortable conversations but we need to create the space to identify the common goal for all mob – Broome ITA Participant*

Communities said it's important to make space for discomfort, to accept difference rather than division and to keep returning to shared goals.

Across all feedback, relationships were seen not as a single act, but as a long-term commitment to walking together. Across all feedback, relationships were seen not as a single act but as a long-term commitment to walking together.

## Representation

Enabling community representation and community-endorsed processes is critical. ITA participants highlighted the need to engage with the full spectrum of community membership, with many arguing that 'all voices need to be heard ... not just a select few', from 'those with lived experience...youth voices ... along with blak academics and others who are the usual spokespersons'.<sup>156</sup>

Critical to positive relationships is how First Peoples are represented to the Australian public and globally, including through the media, on social media platforms and through the public narratives of politicians and key public figures. Concerns were raised about how Aboriginal and Torres Strait Islander people are politicised during election cycles and how mainstream media continues to villainise Aboriginal people, including public figures and sportspeople. This was particularly prolific post-Referendum, with Aboriginal and Torres Strait Islander people experiencing an increase in racism on social media, in public and in print media.<sup>157</sup>

*Media plays a role in the way Aboriginal people are villainised – sportsmen – we're always rubbished – Dubbo ITA Participant*

Participants also raised negativity, harm and hate speech on social media. Research indicates that Aboriginal and Torres Strait Islander people are overwhelmingly exposed to negative content at least weekly on social media.<sup>158</sup>

Negative stereotypes, deficit-based narratives and the links between racism and the media are not new for Aboriginal and Torres Strait Islander people. It was the focus of 1991 report on the National Inquiry into Racist Violence in Australia by the Human Rights and Equal Opportunity Commission (now the AHRC). This report found that ‘racism in media reporting can damage community relations and create a social climate which is tolerant of racist violence’.<sup>159</sup>

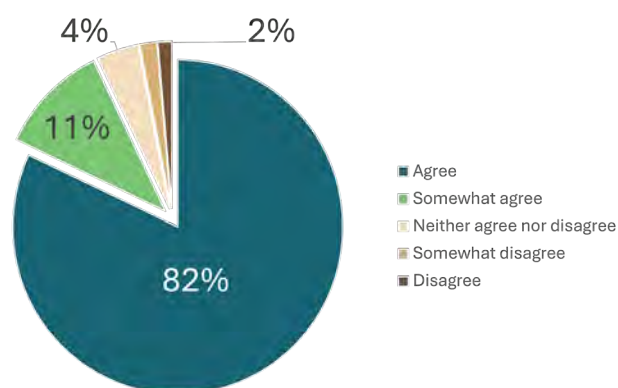
*Profiling positive accounts of Indigenous affairs and challenging the deficit views of Indigenous – greater regulation for the media organisations – Brisbane ITA Participant*

Community members emphasised the need to challenge negative stereotypes and deficit-based narratives in the media by promoting more positive representations of Aboriginal and Torres Strait Islander people. They emphasised the importance of media engaging in respectful, accurate discussions on First Peoples issues, but also highlighted the risks of engaging in social media in ways that cause harm to our communities, i.e. posting material on public sites that inform and reinforce negative views.

We heard that greater regulations for media organisations are important to reduce the amount of racism that is experienced and to advance First Peoples causes and perspectives.

### Building the capacity of a human rights network

The survey asked respondents if they agree with the high-level goal of building the Indigenous Human Rights Network and promoting First Peoples human rights being a priority of the Commissioners agenda, 362 Aboriginal and Torres Strait Islander people responded with only 3 percent of those somewhat disagreeing or disagreeing while the remainder either agreed, somewhat agreed or neither agreed nor disagree.



**Figure 1.12: Survey response data to question asking if the Commissioner should prioritise building the Indigenous Human Rights Network**

Across all participation pathways, people argued that there must be a commitment to human rights and that there must be urgent attention given to fully implementing the UNDRIP.

However, there was also a level of mistrust and uncertainty around the usefulness of the human rights system when governments take up commitments but don't comply with them. They also expressed concern when the system that is in place to actually hold them accountable to those commitments – is not strong enough to enforce action. While some saw the international human rights space as a 'toothless tiger', others talked about how Aboriginal and Torres Strait Islander people are effectively using the international human rights framework to elevate our issues and put pressure on governments to comply with their obligations.

Participants identified a need for community education about human rights and the law. People want to understand how they can advocate for themselves and their communities and they want this knowledge to be shared from early childhood. Learning about Aboriginal and Torres Strait Islander peoples' histories, cultures and rights builds confidence and community pride and also helps others to understand the value of equity, fairness and respect. Schools can be places where human rights are lived and taught, starting with how children are treated and what stories are centred in the curriculum.<sup>160</sup>

Finally, communities across the country want to connect and engage as a collective to talk about key priorities, aspirations and strategies to achieve them. However, in the absence of a national representative body or mechanism to support and facilitate a national network, there is currently no coordination or capacity to enact this. This discussion started in Canberra at the ITA community engagement where participants committed to keeping in contact with each other. Participants nationally indicated a desire to also stay connected. A strategy will need to be developed to support this.

### **i) Engagement with government**

Community members told us that meaningful and ongoing engagement with governments is vital. This means regular consultations that are led by communities, where people can speak freely and honestly. It means governments sharing data openly and helping to build mechanisms that allow local voices to shape laws and policies. Real change will only come when those directly affected by policies are helping to design them.<sup>161</sup> Relationships must be based on equity, truth and mutual respect.

### **ii) International engagement**

People spoke to the importance of building and strengthening relationships with Indigenous communities across the globe, especially our Pacific neighbours.

It was agreed that when Indigenous people come together to share stories, knowledge and solutions, their voices become stronger. These international relationships help grow collective action and mutual support.



# Expectations of the Role of the Social Justice Commissioner



Many would like the Commissioner to have the capacity to enforce human rights compliance and force change within government and society more broadly. Others mistakenly believe that the Commissioner role already has these powers.

*The Social Justice Commissioner's work belongs to a landscape of essential reforms and initiatives currently working in Australia to realise and safeguard the rights of Aboriginal and Torres Strait Islander people.<sup>162</sup>*

*The Commissioner needs real powers to compel government and non-government agencies and persons to implement and uphold human rights – ITA Survey Respondent*

*The Social Justice Commissioner needs to actually get justice. No more talking, no more meetings, no more promises. First Nation's people need action and they need it fast. Policy makers need to have spent a month or more in a remote community to understand the plight of remote [I]ndigenous people – ITA Survey Respondent*

Others acknowledged the limitations of the Commissioner's role to enforce change and address the depth and breadth of the Indigenous Affairs landscape.

## Creating space to contribute

*...I am loving having a say and giving feedback. It's always vitally important we are all represented and the collective lived experience included and centred. There must be voices from on the ground and all across the nation. And not just the big wigs who get to have a say in everything – ITA Survey Respondent*

With regard to children and young people, there is a national network of Children's Commissioners (or similar) across all jurisdictions, including the National Children's Commissioner and a newly appointed National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, SNAICC stressed the need for collaboration and for Aboriginal and Torres Strait Islander children to:

*...remain visible in the Social Justice Commissioner's agenda, that complements existing work across government and the community-controlled sector...Accountability and oversight mechanisms are most effective when their agendas and priorities align, creating opportunities for collective advocacy.<sup>163</sup>*

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