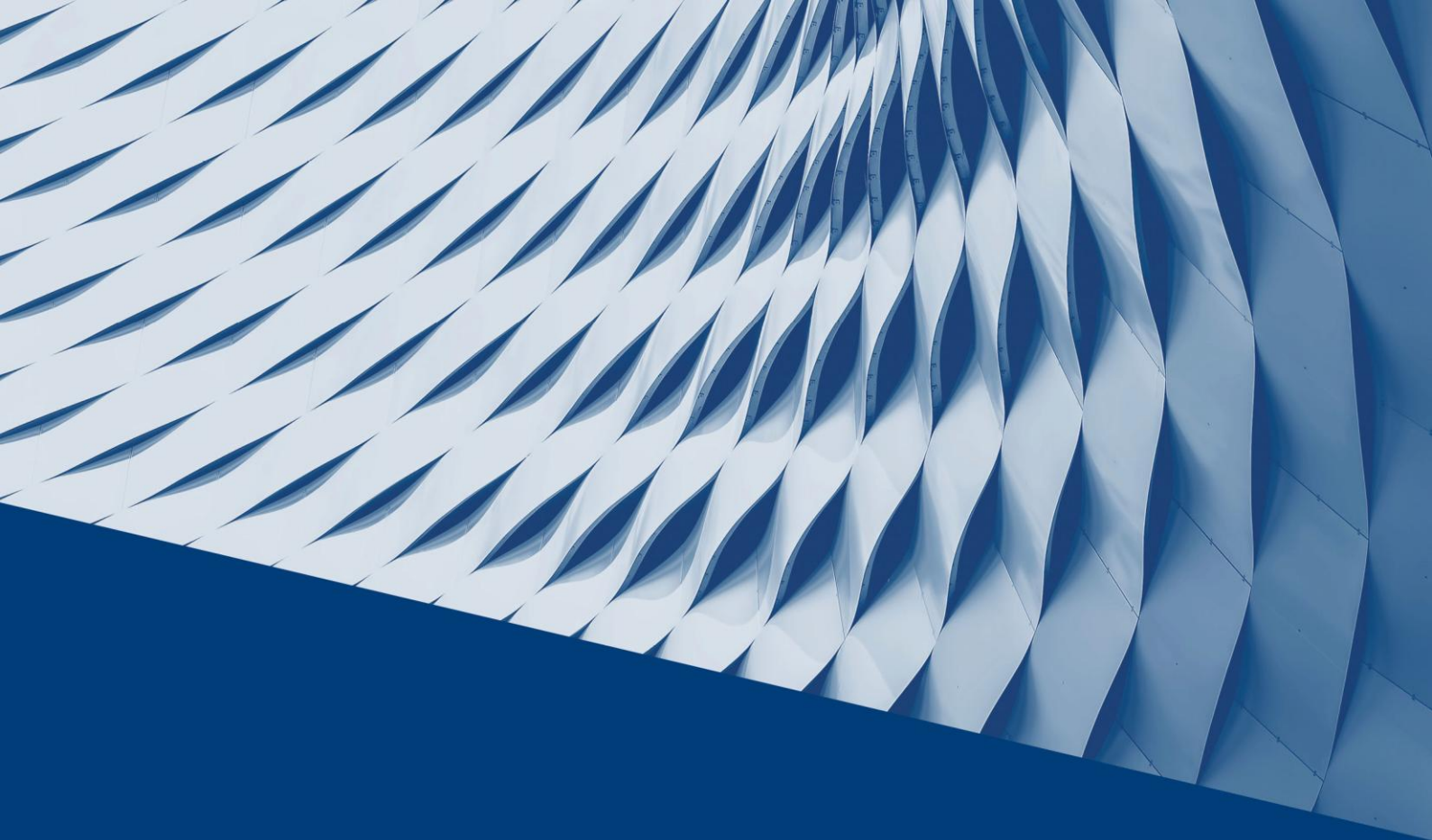




Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander People

Submission by the Australian Council of Trade Unions in response to the *Joint Standing Committee inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander People*

ACTU Submission, 30 April 2026
ACTU D. No 26/2026

Introduction

Australian Unions have always been at the forefront of winning a fair go. The Australian Council of Trade Unions is the peak body for Australian unions, comprised of 34 affiliated unions that represent nearly 2 million workers. We provide a single representative voice for working people.

Australian Unions welcomes the Joint Standing Committee inquiry into racism, hate, and violence directed at Aboriginal and Torres Strait Islander people, as an important step toward examining the nature, prevalence, and impacts of racism in our society. The inquiry is an important opportunity for Aboriginal and Torres Strait Islander peoples to be heard and for the everyday realities and experiences of racism, hate and violence to be acknowledged. We believe that any meaningful effort to reduce—and ultimately eliminate—racism, hate and violence directed at Aboriginal and Torres Strait Islander peoples must be grounded in structural change, not symbolic measures, and must centre Aboriginal and Torres Strait Islander self-determination and ongoing sovereignty.

As the inquiry seeks to examine and hear evidence on the impacts of racism, hate and violence directed at Aboriginal and Torres Strait Islander peoples, we reiterate that Aboriginal and Torres Strait Islander peoples and communities have long led anti-racism efforts in Australia. For this reason, both the inquiry process and the development of effective solutions to tackle racism must be grounded in Aboriginal and Torres Strait Islander leadership and on the following fundamental principles:

Self-determination: Self-determination is critical to combating racism, hate and violence against Aboriginal and Torres Strait Islander peoples because it shifts power from paternalistic systems to Aboriginal and Torres Strait Islander-led decision-making, ensuring policies, workplaces and services are culturally safe, accountable and effective.

Truth Telling: Truth-telling is essential to combating racism against Aboriginal and Torres Strait Islander peoples because it exposes the historical and ongoing impacts of colonisation that continue to shape inequality, prejudice and institutional harm today.

Makarrata/Treaty: Makarrata and Treaty are vital to combating racism, hate and violence against Aboriginal and Torres Strait Islander peoples because they create a formal, truth-based

framework for agreement-making that recognises sovereignty, addresses historical injustice and resets the power imbalance at the heart of systemic racism.

Shared responsibility: recognition and active minimisation of the colonial load that Aboriginal and Torres Strait Islander communities with lived experience of racism, hate and violence bear when leading and supporting anti-racism action.

Australian Unions believe that racism, hate and violence towards Aboriginal and Torres Strait Islander peoples remain entrenched, particularly at work, where ongoing lack of cultural safety continues to damage wellbeing and livelihoods within the colonial structures we work in—reinforcing the union movement’s view that racism is a workplace hazard requiring collective solutions. In addition to the broader actions required based on the terms of reference, this submission seeks to highlight the structural and ongoing racism, hate and violence faced by Aboriginal and Torres Strait Islander workers in workplaces and calls on the Joint Standing Committee to drive structural reforms needed to make workplaces culturally safe and actively anti-racist. Governments' commitment to anti-racism action must be demonstrated and supported by ongoing and adequate investments into anti-racism action. Inadequate or ad hoc funding of anti-racism action reinforces systemic racism and inequity, and the adequacy of funding is best determined by Aboriginal and Torres Strait Islander peoples, who have a long history in developing best practice solutions.

The need for a nationally consistent, legally operative definition of Racism

Australia has no single, nationally consistent, legally operative definition of racism — and this absence is not a technicality but a structural barrier that allows racism to be dismissed, minimised and litigated away whenever it does not conform to its most visible and interpersonal form. The Racial Discrimination Act 1975 prohibits acts done "because of race, colour or national or ethnic origin" but does not define racism itself, and after 50 years has never been substantively modernised to capture indirect discrimination, institutional racism, systemic racism, or the cumulative harm of everyday racial microaggressions — because each

of those concepts requires a definition of racism that goes beyond the colonial, intent-based model the legislation was built on¹.

The AHRC's National Anti-Racism Framework acknowledges that "in Australia, the reluctance to acknowledge and address racism has hindered substantial progress in its eradication," and that the prevailing emphasis on multiculturalism and social cohesion has consistently "obscured or ignored the lived experiences of racism faced by many communities, as well as the country's colonial foundations"².

The core issue is that the dominant, mainstream understanding of racism in Australia is still anchored in a colonial frame — racism is understood as an individual act of deliberate hostility, visible, intentional and provable. This would mean that the structural, institutional and cumulative forms of racism that Aboriginal and Torres Strait Islander peoples experience daily are routinely not recognised as racism at all, by the institutions, courts and employers that have the power to remedy them. Without a clear, shared, legislatively grounded definition of racism that encompasses direct, indirect, systemic and institutional forms — one developed with, and centred on, the lived experience of those most harmed — every framework, inquiry, positive duty and WHS obligation built on top of it will be undermined by definitional ambiguity that allows perpetrators to look away.

Recommendation: The commonwealth should legislate a single, nationally consistent definition of racism that explicitly includes direct, indirect, systemic and institutional racism, grounded in lived experience.

Racism is a systemic problem requiring systemic solutions

Racism, hatred and violence against Aboriginal and Torres Strait Islander peoples are sustained by systemic failures that manifest across Australian workplaces as discrimination, lack of cultural safety, and serious harm to health, dignity and job security. There is overwhelming

¹ [*"Has the Racial Discrimination Act Contributed to Eliminating Racial Discrimination? Analysing the Litigation Track Record 2000-2004"*](#), Beth Gaze, Australian Journal of Human Rights, 2005

² Australian Human Rights Commission, The National Anti-Racism Framework: A roadmap to eliminating racism in Australia (Report, November 2024)

evidence that racism, hate and violence against Aboriginal and Torres Strait Islander peoples have been embedded in Australia's systems, structures and institutions since colonisation. The 2026 *Gari Yala (Speak the Truth)* study found that nearly 60 per cent of Aboriginal and Torres Strait Islander workers experience racism at work, 44 per cent have been exposed to racial slurs or jokes, and only 40 per cent consider their workplace culturally safe³. Consistent findings are evident across sectors: NSWNMA's *Standing Together Against Racism* report found that 86 per cent of Aboriginal and Torres Strait Islander nurses, midwives and assistants in nursing report racism in the workplace—compared with 70 per cent of all respondents⁴. More than one in four respondents feels socially alienated and conceal their cultural identity, and those who do identify report higher workloads and financial harm due to racism.

JSA workforce analysis shows Aboriginal and Torres Strait Islander workers are disproportionately concentrated in insecure, low-paid occupations with the highest exposure to workplace racism⁵. JSA-linked evidence shows racism drives 20%+ of Aboriginal and Torres Strait Islander workers out of roles, thus undermining Closing the Gap workforce targets⁶. In education specifically, the Australian Education Union's *Making Our Words and Actions Meet* survey has mapped widespread racism targeted at Aboriginal and Torres Strait Islander educators in education workplaces: over half of the survey respondents (51.2%) experienced racist actions or objects at least yearly, with 12.4% experiencing racism weekly⁷. The National Tertiary Education Union's "*I'm Still Not a Racist, But...*" survey details that 75 per cent of Aboriginal and Torres Strait Islander members and staff employed in the Australian higher education sector experience racism and discrimination in the workplace⁸.

Recommendation: Racism, hate and violence against Aboriginal and Torres Strait Islander peoples is systemic and entrenched, requiring structural reforms rather than piecemeal responses. The union movement therefore calls on the Australian Government to fully commit to the AHRC's National Anti-Racism Framework, including:

³ [Item - Gari Yala 2 \(Speak the Truth\) Full Report: Centreing the Work Experiences of Aboriginal and/ or Torres Strait Islander Australians in 2025-2026 - University of Technology Sydney - Figshare](#)

⁴ [Together Against Racism NSWNMA - The New South Wales Nurses and Midwives' Association](#)

⁵ [First Nations Peoples Workforce Analysis](#), Jobs and Skills Australia

⁷ [AEU : Making our words and actions meet](#)

⁸ [I'm Still Not A Racist, But....](#), National Tertiary Education Union

- Developing a nationally recognised definition and minimum standards for Aboriginal and Torres Strait Islander cultural safety in partnership with the Aboriginal and Torres Strait Islander peoples
- Fully implementing the national agreement on Closing the Gap through genuine, properly funded, co - designed, and community-led decision-making.
- And prioritising strong, sustained investment in the Aboriginal and Torres Strait Islander community-controlled sector, particularly in regional and remote communities, to deliver culturally safe services and further funding to train and employ local Aboriginal and Torres Strait Islander peoples.

The need for a nationally consistent truth-telling curriculum and public education

Deficit narratives, misrepresentation, and the erasure of colonial violence from mainstream education sustain much of the racism directed at Aboriginal and Torres Strait Islander peoples. A nationally consistent curriculum that accurately teaches the history of colonisation, its ongoing impacts, and the contributions, cultural practices, and living cultures of Aboriginal and Torres Strait Islander peoples is essential to addressing structural racism in Australia. Early exposure to an honest and complete account of history supports understanding and respect, reducing the persistence of harmful stereotypes that are often produced by incomplete or distorted narratives. Structural racism embedded across systems such as employment, housing, health, and the justice system is reinforced when the public lacks awareness of the historical and structural conditions that shape inequality. Embedding Aboriginal and Torres Strait Islander-led history and culture across all stages of education—from early childhood through to vocational and tertiary education—helps establish cultural competency and anti-racism as baseline expectations, shaping a future workforce better equipped to make informed and equitable decisions within institutions that have a significant impact on people's lives.

For this curriculum to be effective, it must be grounded in a strength-based framework rather than a deficit-based one. Deficit approaches frame Aboriginal and Torres Strait Islander peoples primarily through disadvantage, reinforcing assumptions of failure and dependency that entrench racism and lower expectations. In contrast, a strength-based framework recognises Aboriginal and Torres Strait Islander peoples as holders of sophisticated systems of knowledge, law, land management, and governance, and centres agency, resilience, and leadership. Teaching from this perspective shifts public understanding away from pathologising narratives and towards respect and shared responsibility, reducing the reproduction of racist assumptions across society.

The misconception and lack of awareness about Aboriginal and Torres Strait Islander peoples' culture and life, and lack of cultural competency, causes and sustains inherent racism in a large section of Australian society. Effectively dismantling racism against Aboriginal and Torres Strait Islander peoples requires public education that extends well beyond the school gate. Tackling it only within educational systems misses the reality that children go home to households, communities, and media environments where racial bias is often reinforced — undoing whatever progress the classroom achieves.

The deeper problem is a society-wide absence of accurate knowledge and cultural awareness, which creates a vacuum. In the absence of understanding, this gap has been filled by stereotypes that falsely portray Aboriginal and Torres Strait Islander knowledges and cultures as irrelevant in a modern, technological, industrial society, although they represent some of the world's oldest and most sophisticated systems of law, land management, astronomy, and governance. Critically, these misconceptions do not treat Aboriginal and Torres Strait Islander peoples as the diverse, distinct, and sovereign communities they are; instead, colonial thinking and rhetoric have collapsed the distinct language groups and hundreds of different mobs, cultures, and practices into a single, flattened monoculture. This simplification is not accidental — it is the direct legacy of colonial rhetoric, policy, and institutional systems through to the way mainstream media, public institutions, and even education curricula have historically represented, or more often erased, Aboriginal and Torres Strait Islander peoples.

Breaking this cycle demands investment in public education across every layer of society — workplaces, media, community organisations, and digital spaces — so that accurate, community-led knowledge can replace the colonial narrative that has been enforced, with remarkable consistency, from colonisation to the present day.

Recommendations

- Establish a nationally consistent, Aboriginal and Torres Strait Islander-led curriculum across all education sectors that accurately teaches the history of colonisation, its ongoing impacts, and the diversity, achievements, cultural protocols, and living cultures of Aboriginal and Torres Strait Islander peoples. Embedding this learning from early learning, primary, secondary, VET, and higher education ensures that all young people develop the knowledge and cultural respect needed to challenge stereotypes, disrupt systemic racism, and support reconciliation and justice throughout Australian society.
- Mandate a strength-based approach across all Aboriginal and Torres Strait Islander curriculum content, explicitly rejecting deficit models that frame Aboriginal and Torres Strait Islander peoples through disadvantage.
- Establish a nationally coordinated, Aboriginal and Torres Strait Islander peoples-led public education program—resourced and sustained across workplaces, media, community organisations and digital platforms—to address racism beyond the classroom.

Combatting Online hate and violence targeted at Aboriginal and Torres Strait Islander Peoples

Online platforms significantly amplify the reach and visibility of racist, hateful and violent content directed at Aboriginal and Torres Strait Islander peoples, enabling misinformation, dehumanisation and extremist narratives to spread rapidly beyond physical workplaces and communities, without accountability. This online amplification deepens harm and trauma by normalising racism, fuelling threats and abuse, and undermining cultural safety, social cohesion and participation in both work and public life. Despite this, racism directed at Aboriginal and Torres Strait Islander peoples is systematically under-addressed online.

Aboriginal and Torres Strait Islander adults experience online hate speech at 33% — more than double the 14% national average⁹. The primary regulatory framework, the *Online Safety Act 2021*, does not explicitly address racism as a driver of online harm and places the burden of reporting largely on victims, allowing perpetrators to evade responsibility. Comparable jurisdictions such as Canada and Germany have demonstrated that stronger regulation is feasible by imposing enforceable, systemic duties on large social media platforms, backed by meaningful penalties.

While there is an urgent need for enforcement agencies and justice systems to tackle the racism targeted at Aboriginal and Torres Strait Islander peoples, the fact that Australia's intelligence and law enforcement agencies carry racist origins traceable directly to the role police played as the front-line instruments of colonisation should not be ignored. The 1991 National Inquiry into Racist Violence, the 1991 Royal Commission into Aboriginal Deaths in Custody, and Victoria's Yoorrook Justice Commission — in its final 2025 reports — all found that police and agents of the state were linked to systematic violence, the ongoing pattern of over-policing, and under-servicing that continues today. Contemporary data confirms the pattern has not been broken - Aboriginal and Torres Strait Islander adults are imprisoned at 17 times the rate of non-Indigenous Australians — making Australia's First Nations incarceration rate one of the highest of any Indigenous population in the world¹⁰.

⁹ [4550 - S - Statutory Review of the Online Safety Act.pdf](#)

¹⁰ [Dr Hannah McGlade on Australian Policing - Reconciliation Australia](#)

Evidence to the Yoorrook commission has found that uneven police discretion, unconscious bias and structural racism in the justice system remain unremedied despite decades of formal inquiries and unfulfilled promises¹¹. This also comes in the wake of the recent observation from the UN Committee on the Elimination of Racial Discrimination, expressing alarm over the persistent overrepresentation of Aboriginal and Torres Strait Islander children in Australia's criminal justice system, warning that this reflects systemic and structural racial discrimination against Aboriginal and Torres Strait Islander communities¹². The committee noted that Aboriginal and Torres Strait Islander children make up about 65% of those in detention despite being only 6.5% of the population, with many held on remand and affected by racial profiling and over-policing. The UN committee urged Australian governments to immediately raise the age of criminal responsibility to 14 and adopt the National Anti-Racism Framework to address systemic injustice.

Recommendation: Australian governments should introduce effective legal protections against online hate directed at Aboriginal and Torres Strait Islander peoples, with particular attention given to regulation and enforcement against, and liability of, digital platforms. These protections should be informed by consultation with Aboriginal and Torres Strait Islander communities. This could include strengthening the Online Safety Act and the eSafety Commissioner's powers to require the rapid take-down of racist content targeting Aboriginal and Torres Strait Islander peoples.

The need to protect communities from ideologically motivated extremism

Ideologically motivated extremism is an urgent and growing threat to Aboriginal and Torres Strait Islander peoples, driving racism, intimidation and violence that directly undermines community safety and social cohesion. In Australia, these ideologies draw on long-standing domestic traditions of racism — including the White Australia Policy and the dispossession of Aboriginal and Torres Strait Islander peoples — while also intersecting with transnational white-supremacist movements. Expert evidence to the Senate inquiry into right-wing extremist

¹¹ [Explainer: Yoorrook Justice Commission finds systemic racism and calls for action - Human Rights Law Centre](#)

¹² [Australia: Indigenous children face systemic racial discrimination in criminal justice system, UN committee warns | OHCHR](#)

movements in Australia identified Aboriginal and Torres Strait Islander peoples, alongside women, migrants, asylum seekers and LGBTQIA+ peoples, as among the communities most at risk of right-wing extremist violence¹³.

This form of ideological extremism amplifies online hate that translates directly into on the ground racial violence — most starkly demonstrated by the 26 January 2026 terrorist attack in Boorloo/Perth, where a self-radicalised man threw a homemade fragment bomb into a crowd of around 2500 Aboriginal and Torres Strait Islander peoples and their supporters, in what WA Police confirmed was "a nationalist and racially motivated attack targeting members of the Aboriginal community"¹⁴. Events such as this are a testament to the fact that digital hate ecosystems are a direct pipeline to physical violence against Aboriginal and Torres Strait peoples and need to be urgently dealt with by law enforcement agencies and governments.

Recommendation: Protecting communities requires intelligence and law enforcement agencies to disrupt extremist activity actively and to do so with deep cultural competency, strong anti-racism practice and a clear understanding of unconscious bias, so responses do not compound harm or mistrust. This could include measures that (not limited to):

- Strengthen and standardise hate-crime and vilification laws through a consistent national framework that builds on — and does not weaken — existing protections across jurisdictions.
- Proscription of violent extremist organisations
- Fund Aboriginal & Torres Strait Islander Community Controlled Organisations (ACCOs) to deliver victim support, reporting assistance and legal advocacy for Aboriginal and Torres Strait Islander peoples who are targets of racist extremism
- Mandatory, Aboriginal and Torres Strait Islander-designed cultural competency training for law enforcement agencies

¹³ [Chapter 4 - The threat posed by extremist movements – Parliament of Australia](#)

¹⁴ [Perth man charged with possessing violent extremist material and four counts of breaching bail | Australian Federal Police](#)

The Need for a National Voice for Aboriginal and Torres Strait Islander Peoples

A national representative body for Aboriginal and Torres Strait Islander peoples—whether a constitutionally enshrined Voice, a legislated advisory body, or a treaty-negotiating assembly—is a fundamental structural anti-racism mechanism if Australia is to begin addressing and eliminating the racism, hate and violence faced by Aboriginal and Torres Strait Islander peoples. The *2024 Australian Reconciliation Barometer* found that 54% of Aboriginal and Torres Strait Islander peoples experienced racism in 2024, up from 39% in 2014 — a 38% increase over a decade¹⁵. This worsening trajectory is directly connected to the absence of a permanent, empowered Aboriginal and Torres Strait voice in the institutions that make the laws and policies shaping lives. As the AHRC's *Dismantling Systemic Racism: Perspectives from First Nations Peoples* report found through consultations across urban, rural and remote Australia, that systemic racism — embedded in law, policy and service delivery — cannot be dismantled without truth-telling, structural accountability, and self-determination of Aboriginal and Torres Strait Islander peoples¹⁶. Without a formal representative body, Aboriginal and Torres Strait Islander communities must engage one-by-one with departments that have historically ignored or overridden them, with no mechanism to hold government accountable and no structural platform from which systemic racism can be named, evidenced and challenged.

Victoria offers the most developed model of a representative body to date. In 2021, it established the democratically elected First Peoples' Assembly alongside the Yoorrook Justice Commission, Australia's first truth-telling process with Royal Commission powers. The commissions documented systemic racism across child protection, criminal justice, health and housing and recommended urgent amendments to *Victoria's Equal Opportunity Act* to prohibit discrimination in the administration of state laws, including by police and child protection authorities¹⁷. These reforms were made possible because Aboriginal and Torres Strait Islander peoples had a representative body with the mandate and continuity to place structural racism on the legislative agenda. This framework was entrenched through the

¹⁵ [Australian Reconciliation Barometer - Reconciliation Australia](#)

¹⁶ [Dismantling systemic racism – perspectives from First Nations peoples | Australian Human Rights Commission](#)

¹⁷ [Explainer: Yoorrook Justice Commission finds systemic racism and calls for action - Human Rights Law Centre](#)

Statewide Treaty Act 2025, establishing *Gellung Warl* as a permanent body empowered to evaluate and challenge institutional racism¹⁸. The act empowers *Gellung Warl* to evaluate the government's progress in eliminating "institutional racism, discrimination, unconscious bias and the embedding of cultural safety," and to summon ministers and senior officials before it for questioning.

South Australia has taken a complementary approach through the *First Nations Voice Act 2023*, becoming the first jurisdiction to legislate a state-level First Nations Voice¹⁹. The two-tier advisory model enables elected local and state voices to engage directly with parliament and government, but recent incidents—such as intrusive questioning and judging of Aboriginal identity of Aboriginal and Torres Strait Islander voters during the 2026 state election—highlight the vulnerability of advisory bodies without enforcement powers or strong constitutional protection²⁰. While South Australia has amended its constitution to recognise Aboriginal and Torres Strait Islander peoples and acknowledge past injustices, these measures remain symbolic, underscoring the limits of recognition without robust accountability mechanisms.

Recommendation: Establish a permanent, empowered national Aboriginal and Torres Strait Islander representative body with authority to hold governments accountable for eliminating systemic racism in law, policy and service delivery.

The need for culturally safe and anti-racist workplaces

Acknowledging Racism as a Work Health and Safety Hazard

Racism at work should be treated as a legally cognisable work health and safety risk that denies a worker's right to a safe workplace and one that causes measurable psychological and physical harm. Safe Work Australia has explicitly recognised racism as a psychosocial hazard under the model WHS framework, imposing a duty on persons conducting a business or undertaking (PCBUs) to eliminate or minimise the risk. However, unlike sexual harassment —

¹⁸ [Statewide Treaty Act 2025 | legislation.vic.gov.au](https://legislation.vic.gov.au/Statewide-Treaty-Act-2025)

¹⁹ [Nation-leading First Nations Voice to Parliament | Attorney-General's Department](#) Government of South Australia

²⁰ [SA Voice members say some First Nations voters felt 'judged racially' by electoral staff - ABC News](#)

which now has its own standalone positive duty, specific regulatory guidance, and enforcement mechanism under the Sex Discrimination Act 1984 and Respect @ Work Act 2022 — racism remains embedded in a general, undifferentiated psychosocial hazard regime that lacks the specificity, enforceability, and cultural competency to address its unique and compounding harms to workers.

Safe Work Australia's guidance warns that administrative controls — policies, awareness training, complaint procedures — are the least effective control measure in the hierarchy to combat racism in the workplace. Yet in practice, most employer responses to racism rely exclusively on these lowest-tier controls: drafting a diversity policy, running a cultural awareness module, and waiting for grossly inadequate complaints. The DCA's 2022 research found that only 27% of employers were proactively preventing racism, and only 1 in 5 Aboriginal and Torres Strait Islander workplaces had both a complaint process and racism-specific training²¹. While WHS inspectors are trained in physical and generic psychosocial hazard assessment, but not in the culturally specific dynamics of racism — particularly institutional and systemic forms — or the cultural safety needs of Aboriginal and Torres Strait Islander workers, which limits the practical reach of even the best-designed regulatory framework.

The ongoing *SWA Best Practice Review of the model WHS Act and model WHS Regulations*, which is the most significant structural reform opportunity for WHS law in a generation, offers a unique and timely opportunity to recognise racism as a psychosocial hazard requiring specific regulatory management and suggest reforms. Elevating racism as a formally named, specifically regulated psychosocial hazard within the WHS regime would require reforms such as:

- Amending model WHS Regulations to name racial discrimination alongside bullying and sexual harassment.
- Modifications to the Safe Work Australia model code of practice on *Managing psychosocial hazards at work* to specifically include racism and include measures to identify, assess the risks and provide control measures to prevent the harms caused by racism in the workplace
- Amending the prevention plan requirements to include racial harassment and discrimination as a designated hazard.

²¹ *How organisations can stand up to end workplace racism*, Racism at Work – Diversity Council of Australia, 2022.

- Amending incident notification provisions and the *Notifiable incidents, extended absences and suicides handbook* to require PCBU's to notify regulators of serious psychological injury arising from racism or racial harassment.
- Funding state and territory WHS regulators to develop culturally competent inspection capability & to broaden the understanding of racial discrimination.

Reforms under the *Respect @ Work* regime have demonstrated that all forms of harassment cannot be addressed through individual complaints alone and instead require systemic change. This includes enforcing a positive duty on employers, providing clear guidance and codes of practice, strengthening regulatory expectations and enforcement, and driving long-term cultural change in leadership and governance. A reform of this scale within the WHS framework is necessary to similarly recognise racism as a work health and safety hazard and to actively prevent and eliminate racism across all Australian workplaces.

A positive duty to prevent racism in the workplace

A positive duty amendment to the *Racial Discrimination Act (RDA) 1975* would complete what the WHS framework alone cannot achieve: it would make proactive elimination of workplace racism a legal obligation, not an organisational choice. While the *Respect @ Work Act 2022* introduced a positive duty under the *Sex Discrimination Act*, requiring employers to take reasonable and proportionate measures to eliminate sex discrimination and sexual harassment proactively, no equivalent positive duty exists under the *Racial Discrimination Act 1975*. This would mean that while the WHS framework imposes a duty to act on racism, there is no parallel, standalone legal mechanism requiring proactive elimination of race discrimination at a systemic level.

Right now, the RDA operates reactively — a worker who experiences racism must bear the psychological burden of gathering evidence, lodging a complaint with the AHRC, and navigating a conciliation process that is inherently re-traumatising and structurally weighted against those in insecure jobs or junior roles. A positive duty would shift that burden entirely — employers would be legally required to take reasonable and proportionate measures to eliminate racial

discrimination and racial harassment before anyone is harmed, whether or not a complaint is ever made.

In practice this means the same reforms that the *Respect @ Work* positive duty already requires for sex discrimination: conducting a racism risk assessment tailored to the specific workplace, implementing controls higher up the WHS hierarchy than a diversity training module, establishing culturally safe reporting systems, consulting with Aboriginal and Torres Strait Islander and racialised workers in designing those systems, and reviewing outcomes regularly — with the AHRC empowered to investigate and enforce compliance using own-motion powers, without waiting for a victim to come forward.

For Aboriginal and Torres Strait Islanders workers this change matters enormously: the *Gari Yala 2* evidence shows that only 1 in 3 receive any support when they experience racism, only 1 in 5 work in organisations with both a complaint process and racism-specific training, and 63% carry high identity strain — none of which a complaint-based system can address, because the harm is ambient, cumulative and systemic rather than confined to discrete incidents that can be reported, proven and prosecuted under existing law²².

The need for a national Racism @ Work inquiry

In November 2025, an alliance of the ACTU, the Australian Human Rights Commission, UTS Sydney's Jumbunna Institute and the Diversity Council of Australia jointly called for the first-ever national inquiry dedicated to racism in Australian workplaces, modelled on the landmark *Respect @ Work* inquiry into sexual harassment. The urgency of this call is underscored by the 2026 *Gari Yala 2 (Speak the Truth)* study, which found that nearly 60% of First Nations workers experience racism at work, 44% are exposed to racial slurs or jokes, and only 40% consider their workplace culturally safe, with just one third receiving support when racism occurs; Aboriginal and Torres Strait Islander workers are three times more likely than non-Indigenous colleagues to leave a job due to racism, and 63% report high identity strain,

²² *Gari Yala 2 (Speak the Truth) Full Report: Centreing the Work Experiences of Aboriginal and/ or Torres Strait Islander Australians in 2025-2026 (Version 2)*. University of Technology Sydney. <https://doi.org/10.71741/4pyxbnjq.31611544.v2>

while evidence shows that proactive prevention, enforceable duties and culturally safe leadership are what works.

The union movement therefore strongly advocates for the Commonwealth to advance a national Racism @ Work inquiry, as this would, for the first time, centre lived experiences of Aboriginal and Torres Strait Islander workers within a formal Commonwealth-level investigation with the authority to drive legislative and regulatory reform—something no existing framework has achieved. Addressing workplace racism requires collective responsibility across government, society and institutions, including enforceable employer duties, explicit recognition of racism as a workplace psychosocial hazard, and Aboriginal and Torres Strait Islander leadership at the centre of solutions rather than leaving individuals to bear the costs alone.

Recommendation: The Commonwealth Government should fully fund a national Racism @ Work inquiry to ensure it has the independence, scope and capacity to centre Aboriginal and Torres Strait Islander workers' experiences and deliver meaningful legislative and regulatory reform.

Labour Markets in regional and remote communities

Addressing the absence of real labour markets in regional and remote locations is essential to combating racism, as exclusion from secure, properly paid work entrenches poverty, stigma and harmful narratives of dependency. Evidence shows that top-down employment programs designed without substantive community participation have consistently driven unemployment, disadvantaged Aboriginal and Torres Strait Islander businesses, and left young people without viable economic pathways²³. By contrast, community investment-led approaches to building local job markets—where work is designed with communities and supported by fair wages, proper protections and local job creation—ensure access to the dignity of meaningful work, restore agency, challenge structural racism, and affirm Aboriginal and Torres Strait Islander peoples' right to economic justice and self-determination.

²³ Informing a partnership on Aboriginal and Torres Strait Islander economic development, Engagement paper Coalition of Peaks, March 2025

Remote Jobs and Economic Development Program (RJED) reduces racism when it delivers secure, community-controlled jobs with full worker rights—but it can increase racism if it remains short-term, externally controlled, unevenly regulated, and entangled with coercive systems that have historically targeted Aboriginal and Torres Strait Islander peoples. The expansion of the RJED program in February 2026, with a revised target of 6,000 jobs by 2030, must have inbuilt safeguards to ensure that the program design eliminates the possibility that any non-Indigenous business could become a funded employer. Aboriginal and Torres Strait Islander Community Controlled Organisations can be prioritised for funding, followed by other Aboriginal and Torres Strait Islander organisations. The objective must be to build community-controlled local economies, not simply to place workers into jobs controlled by outsiders. For the program to produce sustainable outcomes, the institutional arrangements themselves should give Aboriginal and Torres Strait Islander peoples genuine decision-making authority, not just advisory input.

The grant structure of RJED is itself a site of systemic disadvantage for Aboriginal and Torres Strait Islander participants. NIAA's grant application feedback survey confirmed that, despite improvements to each round, many organisations continued to face significant administrative burden, with applicants reporting complexity in the application process, insufficient grant-writing assistance, limited on-the-ground support, and a need for clearer, more accessible support materials. For most remote Aboriginal Community Controlled Organisations (ACCOs), the grant application process assumes a level of organisational infrastructure that many in remote communities have never had the resourcing to build in the first place.

What is needed is dedicated pre-application, non-grant-tied capacity building funding, similar to what NSW's ACCOs GROW Grant Program offers. Such assistance would give resources that allow Aboriginal and Torres Strait Islander organisations to develop their governance and capacity to engage in the grant application process before and separate from the grant writing process itself.

Remote Australia Employment Service (RAES) remains at risk of perpetuating exploitation since the program retains mutual obligation requirements under the *Social Security (Administration) Act 1999*, embedding coercion, compliance and racialised surveillance that increases the potential for systemic racism against Aboriginal and Torres Strait Islander peoples. The

Commonwealth government's RAES quarterly compliance data for the December 2025 quarter, the program's first operational quarter, offers strong evidence of systemic racism: out of 1,803 income support payment suspensions recorded between 1 October and 31 December 2025, 1,682 (93.3%) were applied to Aboriginal and Torres Strait Islander participants and only 121 (6.7%) to non-Indigenous participants, despite the program covering both cohorts²⁴.

RAES mostly operates in regions where there are limited jobs, where road access is seasonal, where public transport is scarce, and where appointments with providers may be hours away — yet the compliance framework suspends income support payments automatically when a non-attendance report is lodged by a provider, without Services Australia being required to investigate whether the job seeker had a reasonable excuse.

There needs to be urgent reform of the *Social Security (Administration) Act 1999* to remove automatic payment suspension as a consequence of non-attendance reports in RAES regions, and the program needs to replace compliance-based obligations with voluntary, culturally safe employment supports designed and delivered by Aboriginal and Torres Strait Islander peoples. For a meaningful change in the service, the program funding should also be incrementally redirected away from private provider administration fees and toward community-controlled local job creation — so that engagement with employment services is genuinely supported by real jobs, not enforced under threat of poverty.

The long-term sustainability of jobs created through these programs must be assessed by ensuring it delivers real career pathways, not short-term activity, with stable employment embedded in communities and backed by ongoing funding certainty.

Recommendations:

- The Commonwealth should establish dedicated, non-grant-tied capacity-building funding to support Aboriginal and Torres Strait Islander organisations to engage equitably in employment program applications.

²⁴ Remote Australia Employment Service (RAES) December 2025 Quarterly Compliance Data, NIAA.

- RAES must be reformed to remove mutual obligations and automatic payment suspensions, replacing compliance-based penalties with voluntary, culturally safe employment supports.

The need to revisit celebrating the 26th of January

Celebrating Australia Day on 26 January reinforces structural racism by normalising a national narrative that excludes and harms Aboriginal and Torres Strait Islander peoples. For many Aboriginal and Torres Strait Islander communities, the date is recognised not as a celebration but as Invasion Day, Survival Day, or a Day of Mourning; it is a date that marks the beginning of invasion, dispossession, colonisation and ongoing injustice. Persisting with celebration on this date signals that colonial harm is something to be overlooked or silenced, rather than acknowledged and addressed. As more and more Australians and workplaces are beginning to reconsider what this day represents for them, it is time to revisit the relevance of celebrating the 26th of January as Australia Day.

The defensiveness and backlash that often surfaces in debates about January 26 expose a widespread lack of understanding, empathy, and willingness to confront Australia's colonial foundations. Colonialism is not a closed chapter from 200 years ago; it is an ongoing system embedded in our laws, institutions, workplaces, and social norms. Continuing to celebrate nationhood on a date that symbolises invasion and trauma actively perpetuates this system, reinforcing whose histories are valued and whose are marginalised. A genuine discussion about changing the date is therefore not symbolic or divisive—it is a necessary step in challenging structural racism and recognising that reconciliation cannot occur while a national celebration legitimises ongoing colonial violence.

Racism in response to national events, including natural disasters

Climate change now threatens Aboriginal and Torres Strait Islander Peoples' capacity to fulfil their responsibilities to country, despite having sustained and cared for country for millennia through climate variability. Today, escalating climate impacts—from chronic stresses such as extreme heat, drought and sea-level rise to acute disasters including bushfires, floods and severe storms—are causing widespread damage to Country and have significant short- and long-term effects on Aboriginal and Torres Strait Islander communities. These include effects on health, housing and energy security, cultural and spiritual wellbeing, and the capacity to remain living on Country. Structural racism embedded across emergency response, planning, health and other systems compounds these harms, leaving Aboriginal and Torres Strait Islander communities more exposed, less supported, and disproportionately affected by climate change.

Aboriginal and Torres Strait Islander peoples are more likely to live in regional and remote areas that are already on the frontlines of climate change. Many of these communities are located on flood-prone river systems, in fire-prone landscapes, or along low-lying coasts such as the Torres Strait. At the same time, basic infrastructure in these communities—housing, roads, health services, power, communications and water—is often of poorer quality, less reliable, and more exposed than in major cities. This combination of high exposure and low adaptive capacity is a core expression of structural racism. There is a stark attention and assistance gap between disasters that affect remote Aboriginal communities and those that impact major cities. It reflects how racism operates not only through interpersonal behaviour but through the distribution of care, concern and resources even at times of disasters and emergencies.

During the 2019–20 black summer bushfires, Aboriginal communities in regional Australia were disproportionately affected²⁵. Many Aboriginal peoples live in areas with high bushfire risk, often in housing and settlements that are not well adapted to extreme fire weather. Researchers have found that emergency management plans rarely recognise the specific

²⁵ Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires, Centre for Aboriginal Economic Policy Research, Australian National University, 2022

needs of Aboriginal communities, despite their heightened exposure, while Aboriginal peoples have reported racism and discrimination during evacuation, in relief centres and in interactions with authorities²⁶. Some felt unwelcome or unsafe in evacuation centres and found that services were not set up to accommodate large kinship groups, cultural practices or language needs. The emotional and spiritual trauma caused by the burning of Country was significant, yet it was largely invisible in mainstream media coverage, damage assessments and recovery funding²⁷.

Recently, in March 2026, Katherine experienced its worst flooding in nearly three decades²⁸. The flood closed the hospital, cut key transport routes, interrupted power, and forced hundreds of residents into evacuation centres. While there was media attention, this event again highlighted the structural conditions that make each flood more damaging than it should be. Long-known problems, such as substandard housing, inadequate transport links, patchy communications, and constrained health and social services, remained largely unaddressed between major flood events. When similar disasters affect remote Aboriginal communities without major urban infrastructure, the national response is relatively muted²⁹. The repetition of these patterns across different flood events suggests that the underlying drivers are systemic rather than incidental.

Torres Strait Islander communities face slow-onset climate disasters such as sea-level rise, coastal erosion and saltwater intrusion into their country. These processes are damaging homes, roads, seawalls, freshwater sources, burial grounds and sacred sites. For island communities with deep cultural, spiritual and historical connections to place, the loss of land is not only a physical dislocation but an existential and cultural threat. Despite years of warnings from Torres Strait Islander leaders, adaptation support has been fragmented and often delayed. Slow-onset disasters affecting Torres Strait Islander communities have not triggered the same urgency or comprehensive planning as more visible crises in metropolitan areas.

²⁶ Community Inclusive Recovery Practice: Working with Indigenous communities in recovery from disasters, Australian Institute for Disaster Resilience, 2022.

²⁷ Impacts of wildfire on Indigenous cultural values", Australia's Megafires: Biodiversity Impacts and Lessons from 2019–2020, Stephen van Leeuwen, Christian Miller-Sabbioni, 2023.

²⁸ [Katherine flooding nears peak as 'major flood' risk to remain until Sunday - ABC News](#)

²⁹ [Indigenous Australians always come off worst in disasters. This needs to stop](#) The Conversation, 2026.

There is a clear and well-documented gap between the scale of climate risks faced by Aboriginal and Torres Strait Islander communities and the level of adaptation support they receive. A core component of this gap is planning and regulation. Many remote Aboriginal settlements have little or no local planning control and have historically been placed in physically exposed locations. Housing and critical infrastructure are frequently built without adequate consideration of flood risk, fire risk, extreme heat or coastal hazards. Without strong planning powers, secure land tenure and sufficient capital, communities struggle to redesign settlements, retrofit housing or relocate the most at-risk assets, which leaves them trapped in cycles of repeated disasters. The lack of culturally safe and accessible services for preparedness, response and recovery is another major issue. Disaster communication is often delivered in ways that do not align with local languages, trust networks or communication channels. Evacuation centres, temporary accommodation and mental health services are rarely tailored to the needs of Aboriginal and Torres Strait Islander families, kinship groups and cultural practices.

Addressing this requires shifting power and resources to Aboriginal and Torres Strait Islander-led governance through formal partnerships with community-based Aboriginal and Torres Strait Islander organisations. These organisations must be actively involved in decision-making to strengthen resilience, particularly in remote communities. Explicitly naming and dismantling racism in emergency management and climate adaptation systems is also critical in shifting the status quo and ensuring governments and agencies work respectfully and collaboratively with Aboriginal and Torres Strait Islander communities.

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