



Australian Government



National Commission for
Aboriginal and Torres Strait Islander
Children and Young People



Submission

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

The National Commission for Aboriginal and Torres Strait Islander children and young people focuses on systemic issues impacting First Nations children and young people. This submission addresses the relationship between racialised public sentiment and systemic racism in relation to key national issues, including recommendations for improvement.

Individual instances of racism, hate, and violence can have profoundly harmful effects on First Nations children and young people. However, interpersonal and high-visibility racism is intrinsically tied to a broader environment of systemic racism. This includes racism embedded in the ordinary functioning of institutions and the mechanisms by which racialised public sentiment is manufactured, converted into political legitimacy, and translated into reforms that entrench harm.

Committee Terms of Reference

- 1. The nature, prevalence and impact of racism, hate and violence towards First Nations people, including trends over time.**
See sections 'Systemic racism', 'Intersectionality', and 'Institutional violence and abuse'
- 2. The effect of online platforms on the reach, prominence and harm caused by racism and hate directed at First Nations people.**
See section 'Online platforms, media, and political rhetoric'
- 3. Initiatives that are effective in combating racism targeted at First Nations people and reduce individual and collective harm.**
See section 'Conclusion and recommendations'
- 4. The threat posed by ideologically motivated extremism towards First Nations people and the role of intelligence and law enforcement agencies in protecting the community from that threat.**
See sections 'Systemic racism', 'Institutional violence and abuse', and 'Online platforms, media, and political rhetoric'
- 5. The effectiveness of avenues for reporting and responding to racism against Aboriginal and Torres Strait Islander people, including the consistency, timeliness and appropriateness of outcomes across jurisdictions and institutions.**
See sections 'Systemic racism' and 'Conclusion and recommendations'
- 6. Other matters related to racism, hatred and violence directed at First Nations people.**
See section 'Online platforms, media, and political rhetoric'

Systemic racism

Many Australian systems operate with inherently discriminatory effects, regardless of any intended neutrality in legislation, policy, and operations. The *International Convention on the Elimination of All Forms of Racial Discrimination* defines racial discrimination as that which has the 'purpose' or 'effect' of impairing the enjoyment of human rights on grounds of race,¹ meaning that systemic racism is present anywhere that First Nations children and young people are overrepresented and disproportionately impacted by systems, regardless of the intended operation or outcome of these systems.

The overrepresentation of First Nations children and young people in the child protection and youth justice systems has been recognised for decades.² They are disproportionately represented at all stages of child protection, with the greatest levels of overrepresentation often appearing in the most intensive interventions. The most recent nationally comparable data indicates that, in 2023–24, Aboriginal and Torres Strait Islander children were 4.9 times more likely than non-Indigenous children to be reported to child protection authorities and 9.6 times more likely to be in out-of-home care or on third party parental responsibility orders.³ The gap between these numbers represents a systemic failure to support First Nations families away from more intrusive interventions at every escalation point.

This escalation continues into incarceration, to which exposure to the child protection system is a recognised driver.⁴ Aboriginal and Torres Strait Islander children and young people make up approximately 6.6% of the population aged 10–17, yet they comprise 60% of all young people in detention.⁵ They are 27 times more likely to be detained than their non-Indigenous peers, and the vast majority of those in detention have not been sentenced (84%).⁶

These outcomes are produced at every stage of institutional decision-making. The 1991 *Royal Commission into Aboriginal Deaths in Custody* observed that First Nations children and young people were disproportionately dealt with by arrest rather than summons, compared with non-Indigenous offenders.⁷ This disadvantage was compounded as they moved through the system, from the charging process to pre-trial filtering and eventually, to court. First Nations children and young people were given the more serious outcomes of the options available to decision makers. Recent research confirms that over-policing, bail refusal, stringent bail conditions, and over-policing of bail remain contributory factors in the over-representation of both First Nations adults and young people in the criminal justice system, and that punitive amendments to bail legislation are the primary driving factor for the increase in remand rates of Aboriginal and Torres Strait Islander people.⁸

Systems that disadvantage Aboriginal and Torres Strait Islander children and young people can also be mutually reinforcing, with one system compounding the harm of other systems and combining to increase the risk factors for further harm. For example, systemic disadvantages such as poverty, lack of housing, and lack of access to services are drivers for contact with the child protection system,⁹ which is, in turn, a driver for contact with the justice system.¹⁰ Factors that contribute to this disadvantage pipeline include homelessness due to failures in the child protection system and 'care criminalisation' – where the justice system is used to respond to behaviours that would otherwise be managed by a child's family.¹¹ Victoria's Yoorrook Justice Commission observed that 'many vulnerable children are channelled into the criminal legal system due to a failure to identify and support their health and disability needs or to understand the link between challenging behaviours and trauma', and that, in some cases, the pipeline to incarceration begins before a child is even born, such as seen in the practice of identifying expectant mothers for future removals.¹²

The Australian Human Rights Commission's report, *Help Way Earlier!*, found that many children in contact with child and youth justice systems have experiences of poverty, violence and abuse, intergenerational trauma, mental health issues, homelessness, drug and alcohol abuse, and neurodevelopmental disabilities. Many of these children are also in the child protection system or living in out-of-home care.¹³ The report identified that, if these children at risk are supported earlier, across all their intersecting needs, they are less likely to be involved in criminal activity. The Special Rapporteur on the Rights of Indigenous Peoples has also highlighted serious concerns regarding carceral responses for minor, non-violent youth offending, saying 'Aboriginal and Torres Strait Islander children are essentially being punished for being poor and, in most cases, prison will only perpetuate the cycle of violence, intergenerational trauma, poverty and crime'.¹⁴

Imprisonment can go on to affect young people's social, health and economic outcomes, including employment, financial situation, housing, and physical and mental health.¹⁵ This compounds existing mental health challenges faced by Aboriginal and Torres Strait Islander young people due to factors such as racism, intergenerational trauma, lack of access to services, and family stress like removal, family incarceration, and deaths in the family.¹⁶ Young people in out-of-home care and custody also have high incidences of self-harm and suicidal behaviour. A history of self-harm contributes to an elevated risk of death by suicide¹⁷ – rates of which among Aboriginal and Torres Strait Islander young people are 3 times higher than their non-Indigenous peers, with 1 in 5 deaths of First Nations young people caused by suicide.¹⁸

School systems also produce racialised exclusions that drive contact with the justice system. In states and territories with publicly accessible data, First Nations students are overrepresented in disciplinary exclusions (suspensions and expulsions).¹⁹ In New South Wales, Aboriginal and Torres Strait Islander students are suspended at 3 times the rate of their peers, and more than half of the young people in youth detention have been expelled from school.²⁰ Research from the United States shows that these types of disproportionate exclusionary practices in schools contribute to racial trauma, poorer educational outcomes, impacts on employment, and increased risk of engagement with police and the justice system.²¹

These pipelines are exacerbated by racialised state surveillance. Predictive policing tools, suspect targeting frameworks, and information-sharing arrangements between child protection, education, and police agencies disproportionately identify First Nations children as risks to be managed.²² The Law Enforcement Conduct Commission found that the former New South Wales Suspect Targets Management Plan disproportionately targeted Aboriginal children and young people, some as young as 10, for repeated police contact without evidence-based justification.²³ Firearms prohibition orders have also raised serious questions about disproportionate surveillance of First Nations children in New South Wales, described by lawyers as a 'blank cheque' to target Indigenous youth.²⁴

School-based policing programs, mandatory reporting settings that over-identify First Nations families, and the use of child protection histories in bail and sentencing decisions all operate as racialised infrastructure.²⁵ These systems treat data about First Nations children as a resource for risk management rather than as information held in trust, and they compound the surveillance children experience in their communities and online.

The principles of Indigenous Data Sovereignty, as articulated by the Maïam nayri Wingara Indigenous Data Sovereignty Collective, provide a framework for reform. First Nations peoples must have authority over how data about their children is collected, used, and shared, and governments must move away from data practices that entrench surveillance and towards data practices that support self-determination.²⁶

Intersectionality

The harms of racism compound around intersecting factors such as gender, disability, and LGBTQIA+ status in ways that require recognition and appropriate responses.

While First Nations girls and boys are both detained at higher rates than their non-Indigenous peers, the proportion of girls in detention is higher among First Nations young people than among non-Indigenous young people across all age groups.²⁷ The Australian Law Reform Commission has identified First Nations women as among the fastest growing prisoner populations in Australia.²⁸

Discrimination and inequalities, poverty, and intergenerational trauma are compounded by punitive legal and welfare structures, resulting in a corrosive effect on First Nations cultural and social fabric, which forms the conditions for family violence and further trauma.²⁹ Cultural structures and practices are not only protective factors – they are fundamental rights, foundations of wellbeing, and also enable healing. When the structural origins of community fragmentation are not recognised, women and girls' experiences of trauma, abuse, and violence are too often met only with more punitive interventions.³⁰

For First Nations children and young people with a disability, racism is compounded by ableism and a lack of early support, producing overrepresentation at every point in the justice system.³¹ The *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* described the overincarceration of First Nations people with cognitive disability, particularly in youth detention, as a 'hidden national crisis'. We know that screening, assessment, and early support have the potential to reduce educational exclusion and divert

children away from the justice system.³² The ongoing failure to meet these needs is effectively a choice to respond punitively to children with disability.

First Nations LGBTQIA+ children and young people experience systemic racism compounded by discrimination based on their sexual orientation or gender identity. This includes in their interactions with services that are meant to support them, which may not provide culturally competent care or visible signs that make them welcome.³³ A national survey of First Nations LGBTQIA+ young people's mental health and social and emotional wellbeing found that nearly half of participants had attempted suicide and that more than 90% reported having high or very high levels of psychological distress.³⁴ It found that inadequate or inappropriate service provision for Aboriginal and Torres Strait Islander LGBTQIA+ young people results in distrust, stress, reluctance to seek help, and feelings of invisibility.

Effective responses to racism, hate, and violence directed at First Nations children and young people must be capable of identifying and addressing intersectional needs and compounding experiences such as these.

Institutional violence and abuse

Institutional abuse inflicts profound harm, and it often appears in contexts where First Nations children and young people are overrepresented, such as in the out-of-home care and justice systems. The *Royal Commission into Institutional Responses to Child Sexual Abuse* found that First Nations children experienced sexual abuse and exploitation in out-of-home care settings, and that it can also be more difficult for First Nations children to make a disclosure that abuse has occurred.³⁵

The Yoorrook Justice Commission described widespread and ingrained systemically racist policing in Victoria, extending to accounts of police brutality including physical assault, degrading treatment, racial slurs, and psychological abuse.³⁶ Yoorrook explicitly rejected the notion that police brutality was a result of individualised action by 'bad apples', but rather observed that it is 'supported by the systemic racism that continues to pervade the organisation'. This is compounded by a lack of oversight and accountability, which Yoorrook characterised as conflict of interest 'baked into' the system.

The *Royal Commission into the Detention and Protection of Children in the Northern Territory* described conduct by youth justice officers in Northern Territory detention centres as 'abuses of power and excessive forms of control and humiliation'.³⁷ This included the use of excessive force, strip searches, isolation, tear gas, spit hoods and restraints, as well as verbal abuse and racist remarks, inappropriate sexual attention, denial of drinking water and the use of toilets, bribing children to fight one another and carry out degrading acts, and filming children in the shower.

In recent years, the Northern Territory has also seen the tragic and avoidable deaths of 2 Warlpiri young people in interactions with police. In 2022, Zachary Rolfe was acquitted at trial for the 2019 death of 19-year-old Kumanjaji Walker.³⁸ The coronial inquest found clear evidence of entrenched systemic and structural racism within the Northern Territory Police, that Rolfe's racism could have increased the likelihood of a fatal outcome, and that Walker's death was entirely avoidable.³⁹ In 2025, shortly before those findings were due to be delivered, Kumanjaji White, a 24-year-old man with cognitive disability, died after being restrained by police in an Alice Springs supermarket. As of April 2026, the Northern Territory Police has confirmed that a police investigation into the use of force has been completed, but has not indicated whether charges will be laid.⁴⁰

Yuendumu community leaders and family members have tirelessly called for action and solutions, such as independent and robust police accountability mechanisms – including independent investigations into deaths in custody – and proper resourcing for self-determined solutions.⁴¹ According to the Human Rights Committee's *General Comment No. 36 on the International Covenant on Civil and Political Rights*, deaths in custody where police involvement is suspected must be investigated independently, impartially, and transparently.⁴²

In other cases, the system alone is deadly. In 2000, 9 years after the *Royal Commission into Aboriginal Deaths in Custody* recommended removing hanging points from prisons,⁴³ 15-year-old Johnno Wurramarrba died after being found unresponsive in his room at Don Dale Juvenile Detention centre. He had been sentenced for stealing school stationery.⁴⁴ 23 years after that, 16-year-old Cleveland Dodd used a hanging point in his cell in the Banksia Hill Detention Centre to take his own life.⁴⁵

Institutional violence and abuse is compounded by the absence of cultural safety in institutions and workforces. First Nations children and young people are frequently placed in environments in which their identity, language, culture, and connections to Country are not understood, respected, or supported, and where complaints of racism are minimised or not investigated, which is a further violence perpetrated against them.

Online platforms, media, and political rhetoric

First Nations children and young people use the internet for civic engagement and staying informed. A 2023 study by the eSafety Commissioner surveyed 223 Aboriginal and Torres Strait Islander children and young people aged 8–17 and found that, compared with their peers, they are more likely to access news online and twice as likely to regularly discuss social and political problems online.⁴⁶ However, they are also much more likely to be treated in a hurtful or nasty way online, including experiencing online hate speech. These experiences can have significant impacts – 31% of respondents reported detriment to their mental health, 23% reported lower educational performance, and 27% reported damage to their reputation.

The 2024 statutory review of the *Online Safety Act 2021* found that further regulatory intervention is needed to address the harms arising from online hate, including updates to tackle anonymous hate speech.⁴⁷ It recommended that Australia adopt an overarching duty of care and that the best interests of the child are a primary consideration for online service providers in assessing and mitigating risks, including risks to children who may use the service and risks to children as a result of how the service may be used.

These recommendations are also important for addressing the rise of ‘cyber-vigilantism’, dominant online narratives, and their impacts on First Nations children and young people. Unofficial crime control via Facebook groups has emerged as a prominent area of hate speech and incitement to violence, often with a focus on youth crime.⁴⁸ Research has found that online forums sustain elevated perceptions of crime and stigmatisation of particular demographic groups,⁴⁹ ‘constantly reinforce an environment of racist violence’, and legitimise violence against First Nations children and young people.⁵⁰ Overseas, research has identified links between social media and violent hate crimes in both Europe and the United States.⁵¹ Australian researchers have similarly begun to examine connections between calls for violence on social media and violent attacks, such as that which resulted in the death of 14-year-old Elijah Doughty in Kalgoorlie in 2016.⁵²

Research has found that unregulated local community forums can amplify and coordinate racialised content targeting specific children and young people, including surveillance, filming, and providing specific details about potential targets for vigilantism.⁵³ This can also include ‘monitoring’ the social media presence of local children.⁵⁴ In one example from the ‘Townsville Crime Alerts and Discussions’ Facebook page, a post about an Aboriginal child between the ages of 8 and 10 elicited responses including children’s names, addresses, schools, and the public spaces they frequented. Researchers also highlighted comments encouraging community members to take extreme violent action, including beating, stabbing, shooting, and hitting children with cars.

In addition to normalising overt racism and violence against First Nations children, online groups such as these are also capable of influencing public policy through petitions, protests, and engagement with media and government. For example, in 2014, a representative of the ‘Townsville Crime Alerts and Discussions’ Facebook page appeared as a witness at a Public Hearing for the Inquiry on strategies to prevent and reduce criminal activity in Queensland,⁵⁵ as well as meeting with the Attorney-General and Premier.⁵⁶ The subsequent *Youth Justice and Other Legislation Amendment Act 2014* implemented ‘tough-on-crime’ measures, including making children’s identifying information available to the public to ‘name and shame’ offenders. ‘Community safety’ and ‘community denunciation’ were cited as justifications for infringing on the principles of international law.⁵⁷ Parliamentary speeches in support of these changes referenced ‘community expectations’, newspaper coverage, social media – including the ‘Townsville Crime Alerts and Discussions’ page, and the need to ‘send a message to the community’.⁵⁸

In 2018, ‘community concern’ amplified on social media and in the media prompted the Queensland Premier to announce the appointment of an independent Townsville Community Champion to gather and report on community-driven solutions for youth crime.⁵⁹ The subsequent report – focused on ‘place-based solutions’ – made direct reference to ‘community concerns’ voiced on social media, and specifically to the ‘Townsville Crime Alerts and Discussions’ Facebook page. In subsequent years, Queensland introduced ‘post and boast’ laws,

which made it a crime for offenders to publish material related to an offence online, but did not address material published by other members of the public, such as those featured prominently in local community social media groups.⁶⁰ These decisions consistently frame children and young people as risks, rather than rights holders, while simultaneously downplaying risks to their safety and wellbeing as ‘community concern’.

Similar local community groups and pages operate online across Australian states and territories, such as the ‘Action for Alice’ Facebook page, which has been described as ‘rife’ with ‘racism and explicit calls to violence’.⁶¹ The page’s founder has met with politicians, police, journalists, TV and radio hosts to amplify the page’s message.⁶²

The attitudes espoused online are paralleled in tabloid media campaigns that provoke and intensify moral panic and create sustained political pressure through the notion of ‘community expectations’. In April 2025, the *Townsville Bulletin* credited the ‘Fight for the Forgotten’ newspaper campaign for expansions to Queensland’s ‘adult time’ legislation,⁶³ while the *Herald Sun*’s ‘Suburbs under Siege’ campaign pushed for regressive legislation in Victoria.⁶⁴ A 2026 report by the Australian Institute of Criminology found that there has been a shift towards more punitive bail laws in Australia, which are often amended following highly publicised offences.⁶⁵

The Victorian Aboriginal Legal Service, the Law Institute of Victoria, and Aboriginal Community Controlled Organisations warned that the changes would disproportionately affect Aboriginal children and young people. The pattern is an example of where manufactured community expectations override evidence-based reform and human rights analysis.

In Western Australia, the conditions in Unit 18 at Casuarina Prison and Banksia Hill Detention Centre have been the subject of sustained criticism from the Inspector of Custodial Services, the Commissioner for Children and Young People, and successive coronial inquiries.⁶⁶ The 2025 coronial findings into Cleveland Dodd’s death highlighted the gap between the evidence before government and the political narratives that shaped the operation of these facilities.⁶⁷

When governments respond to these manufactured expectations rather than evidence, the reforms that follow are grounded in racism more often than rights. This was clearly outlined in the Human Rights Statement of Compatibility prepared by the Queensland Government for the *Making Queensland Safer Act 2024*, which acknowledged that the changes would disproportionately affect First Nations children, were ‘more punitive than necessary’, and were not compatible with human rights – before ultimately concluding that they were justified by ‘community outrage’.⁶⁸ Government ministers in Queensland, Victoria, Tasmania, and the Northern Territory have similarly cited community expectations to dismiss human rights concerns.⁶⁹ This risks the rights of First Nations children and young people being protected only at the discretion of the general public, which is harmful, dangerous, and incompatible with Australia’s international obligations.

Notions of ‘community expectations’ – as shaped by the media and political leaders – have been documented as influencing police use of discretionary powers relating to arrest, prosecution, and bail.⁷⁰ The *Royal Commission into the Protection and Detention of Children in the Northern Territory* heard testimony that the Government’s ‘tough-on-crime’ approach and its corresponding promotion in the media created community expectations that affected the thinking, attitudes, and conduct of police, and that it was a ‘constant challenge’ to reinforce an appropriate culture in the organisation with respect to young people. This extended to assessing how things were ‘played out’ in the media and whether police decisions regarding discretion or prosecution would provoke an adverse public response. In Queensland, Attorney-General Deb Frecklington implied a similar intended influence on the courts through the introduction of ‘adult crime, adult time’ laws, saying ‘we are giving the courts the tools to do what Queenslanders expect them to do’.⁷¹

The Northern Territory Royal Commission also pointed to the role of political leadership in the harm that occurred in detention centres. It found that children and young people were ‘held in conditions some of which were unspeakably bad and treated in a way that meant rehabilitation was impossible’⁷² and that the Government’s focus on punishment and unwillingness to invest in youth detention led to ‘ill-considered’ decisions regarding infrastructure, obstructed recruitment and training, contributed to a punitive approach to the treatment of incarcerated children, and impacted on the proper administration and operation of the system as a whole.⁷³ The Final Report noted that the ‘dire state of affairs’ was reported to senior management and

successfully filtered to the responsible Ministers, who did not act, concluding that making changes to prevent harmful incidents inside detention centres ‘would not have supported the punitive, tough on crime agenda which appeared to infiltrate Government decision making’.

In ‘tough-on-crime’ political contexts, institutional violence goes largely unacknowledged, as dehumanising perceptions of children as ‘criminals’ prove incompatible with their recognition as victims. For example, after the Northern Territory Government paid \$35 million to settle the post-Royal Commission class-action (concerning the mistreatment of hundreds of detainees over more than a decade), public outrage, media coverage, and political messaging aligned to condemn the settlement as ‘an insult to victims of crime’.⁷⁴ The next year, the Government legislated to limit compensation for detainees, including for the unlawful use of isolation, spit hoods, strip searches, and excessive force – with any money awarded to be first held in trust and made available for claim by individuals against whom the detainee had offended in the past.⁷⁵ ‘Community concerns about large payouts of taxpayer funds’ were explicitly cited as the reason for the scheme, while stakeholders warned that it would undermine accountability and ‘essentially removes any practical right to compensation for children who have experienced abuse in a detention centre’.⁷⁶

Conclusion and recommendations

The above examples illustrate the breadth of mechanisms working in lockstep to normalise racism and harm against Aboriginal and Torres Strait Islander children and young people. This systemic racism is the context in which we see overtly racist actions by individual members of the public – whether by using cable ties to restrain 6–8-year-old children who swim in a vacant pool,⁷⁷ or by murdering a 15-year-old boy simply walking home from school.⁷⁸ While both of these incidents resulted in convictions, many others receive no justice or remedy – including those who have lost their lives at the hands of the justice system.⁷⁹

Public debate is dominated by the voices of politicians, commentators, and community groups who claim to speak about children and young people, rather than with them. The National Commission is committed to ensuring that First Nations children and young people are heard in matters affecting them, consistent with its legislative mandate and with the principles of self-determination. Any Government response to racism, hate, and violence directed at First Nations children and young people must include mechanisms for their meaningful participation, and must recognise First Nations children and young people as rights holders and as experts in their own lives.

Recommendation 1

Ensure the Racial Discrimination Act 1975 is applied to end racist hate speech against First Nations people in the media.

In Australia’s 2017 review under the *International Convention on the Elimination of All Forms of Racial Discrimination*, the Committee expressed concern that expressions of racism, racial discrimination and xenophobia were on the rise in political debates and the media.⁸⁰ It recommended that public officials ‘formally reject and condemn hate speech’, that the *Racial Discrimination Act 1975* be effectively applied to convey a clear message that racism will not be treated with impunity, and that Australia put an end to racist hate speech expressed in the media. To do this, the Committee recommended Australia ensure that the *Racial Discrimination Act 1975* prevails over all other legislation that may be discriminatory, that it be brought into line with the Convention and its general recommendations, and that it is effectively applied by law enforcement officials, as well as recommending intensified efforts to raise the awareness of the public and civil servants, and that the media adopt a code of good conduct against racism.

Recommendation 2

The Government should fully incorporate the United Nations Convention on the Rights of the Child into domestic law and ensure it is upheld for children in the youth justice system.

Recommendation 3

The Government should address public narratives that encourage racism, hate, and violence against First Nations children and young people.

The United Nations Committee on the Rights of the Child has been explicit on state obligations in this area. In *General Comment No. 24*, it observed that ‘Children who commit offences are often subjected to negative

publicity in the media, which contributes to a discriminatory and negative stereotyping of those children', and that this 'regularly results in calls for tougher approaches'. States parties should 'seek the active and positive involvement of Members of Parliament, non-governmental organisations and the media to promote and support education and other campaigns to ensure that all aspects of the Convention are upheld for children who are in the child justice system'.⁸¹

Critically, governments must play an active role in combating public narratives that fuel racism, hate, and violence against First Nations children and young people,⁸² including investigating options for combating coordinated online targeting of identifiable children in local community settings, and progressing a national truth-telling commission.

Recommendation 4

That the Government legislate a national minimum age of criminal responsibility of 14 and enforceable minimum standards for youth justice.

Governments seeking to address racism, hate, and violence directed at First Nations children and young people must take accountability to end systemic harms. This includes by facilitating independent investigations into deaths in custody,⁸³ legislating a national minimum age of criminal responsibility of 14, with no exceptions, and enforceable minimum standards for youth justice; and urgently moving away from punitive responses that violate children's rights under international law. This should include ensuring that children with disabilities are kept out of contact with the justice system and that detention is only used as a last resort, with a view to moving towards prevention, early intervention, and more effective, evidence-based, and community-controlled responses.

Recommendation 5

The Government should fully incorporate the United Nations Declaration on the Rights of Indigenous Peoples into domestic law.

Recommendation 6

The Government should adopt all the recommendations from the Australian Human Rights Commission's National Anti-Racism Framework.

Recommendation 7

The Government should ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

All avenues for complaints and remedy must be made accessible to children and young people, including through ratifying the Optional Protocol to the *Convention on the Rights of the Child* on a Communications Procedure and by removing legislative instruments that restrict remedies for harm. The rights of First Nations children and young people to be heard on matters that affect them are protected under Article 12 of the *Convention on the Rights of the Child* and Articles 18 and 22 of the *United Nations Declaration on the Rights of Indigenous Peoples*. Yet the children and young people most affected by racism, hate, and violence are frequently absent from the policy conversations that determine their futures.

Recommendation 8

That the Government implement the recommendations from the Statutory Review of the Online Safety Act 2021.

Recommendations from the *Statutory Review of the Online Safety Act 2021* should be implemented, including that Australia adopt an overarching duty of care and that the best interests of the child are a primary consideration for online service providers in assessing and mitigating risks, including risks to children who may use the service and risks to children as a result of how the service may be used.⁸⁴

Recommendation 9

The Parliament should investigate whether existing transparency frameworks are sufficient to manage the risk of legislating according to 'community expectations.'

The Parliament should investigate whether existing lobbying and political transparency frameworks are adequate to address media-branded legislative campaigns, and whether governments responding to those campaigns as evidence of 'community expectations' should be required to disclose that basis.

¹ United Nations General Assembly (1965). *International Convention on the Elimination of All Forms of Racial Discrimination*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

² Human Rights and Equal Opportunity Commission (1997). 'Chapter 24 Juvenile Justice'. *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, <https://humanrights.gov.au/resource-hub/by-resource-type/bringing-them-home-reports/bringing-them-home-chapter-24>

³ National Family Matters Leadership Group, SNAICC – National Voice for our Children, and Corrales, T. (2025). *Family Matters Report 2025*, <https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-Web-v2.pdf>

⁴ Australian Government Australian Law Reform Commission (2017). *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report*. ALRC Report 133, https://www.alrc.gov.au/wp-content/uploads/2019/08/final_report_133_amended1.pdf

⁵ Australian Government Australian Institute of Health and Welfare (AIHW) (2025). 'Youth justice'. *Closing the Gap targets: key findings and implications*, <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/youth-justice>

⁶ Australian Government Australian Institute of Health and Welfare (AIHW) (2025). 'Youth justice'. *Closing the Gap targets: key findings and implications*, <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/youth-justice>

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⁸ McDonald, A., McAlister, M. and Bricknell, S. (2026). *Bail and remand across Australia*. Australian Government Australian Institute of Criminology, https://www.aic.gov.au/sites/default/files/2026-02/iic_bail_and_remand_across_australia.pdf

⁹ Australian Institute of Family Studies (2020). *Child protection and Aboriginal and Torres Strait Islander children*, <https://aifs.gov.au/resources/policy-and-practice-papers/child-protection-and-aboriginal-and-torres-strait-islander>

¹⁰ Australian Government Productivity Commission (2024). *Review of the National Agreement on Closing the Gap: Study Report: Supporting Paper*, <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>

¹¹ Australian Government Productivity Commission (2024). *Review of the National Agreement on Closing the Gap: Study Report: Supporting Paper*, <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>

¹² Yoorrook Justice Commission (2023). *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, <https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorrook-for-justice-report.pdf>

¹³ Australian Human Rights Commission (2024). 'Help way earlier!': *How Australia can transform child justice to improve safety and wellbeing*, https://humanrights.gov.au/data/assets/pdf_file/0025/25477/1807_help_way_earlier_-_accessible_0-1-2.pdf

¹⁴ UN Human Rights Council (2017). *Report of the Special Rapporteur on the Rights of Indigenous Peoples on her visit to Australia*, UN Doc A/HRC/36/46/Add.2, <https://digitallibrary.un.org/record/1303201?ln=en>

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