An Anti-Racism Framework:
Voices of First Nations Peoples

FIRST NATIONS CONSULTATIONS

For the Australian Human Rights Commission

Australian Human
Rights Commission

first
NATIONS Co.

Contents

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NB: Throughout the report, the use of First Nations refers to Aboriginal and Torres Strait Islander peoples as distinct cultural groups and sovereign peoples in their own right.

Content Warning: This report discusses the physical, psychological, spiritual and cultural impacts of racism on First Nations people. This content could cause distress to some readers and reader discretion is advised. First Nations people are also advised that this report contains names of people who have passed to the Dreaming.

Acknowledgement

We acknowledge the traditional custodians of the lands and seas that make up this vast country, never ceded. We honour your old people, your story and your strength. We thank you for welcoming us into your communities and sharing your hearts and stories to make change.

"There are ancient songlines across this country, they connect us all to each other and to story. You travelling here to us, leaving your footprints here on our country, you're creating new songlines. This is the beginning of a new story for our mob"

Arrente Elder – Mparntwe (Alice Springs)

Executive Summary

First Nations people are intrinsically relational. Our ability to protect and preserve more than 65,000 years of intangible knowledge speaks to the sophistication of our systems and our ways of doing. Our connection to country, to story and to each other forms an invisible tether that traverses land, sky and sea. From saltwater to freshwater, from red sand to lush tropics, rocky shores to sandy beaches and island homes, we travelled this vast country to hear the voices of the oldest living culture on earth. We were welcomed into community, offered cups of tea and shared stories, laughter and tears. We found old connections and built new ones, that is the way of our people. We heard about racism in its varied forms and the impacts across generations. This report will aim to elevate the voices of our communities and provide recommendations based on community-led solutions.

This report serves as a foundational document for the development of a National Anti-Racism Framework, focusing on the most prolific forms of racism experienced by First Nations peoples across Australia. Drawing from extensive consultations with over 496 contributors from diverse populations including those with, metropolitan, rural, and remote backgrounds, the report provides critical insights and personal narratives that illuminate the multifaceted nature of racism within various societal contexts as it applies to First Nations Australians. These voices not only highlight the urgent need for action, but also serve as a clarion call for systemic solutions to eradicate racism.

The First Nations consultations conducted for the National Anti-Racism Framework have unveiled a complex and pervasive landscape of challenges faced by First Nations communities. This comprehensive analysis highlights the depth of systemic racism and provides critical insights into the recurring themes, specific issues, and profound impacts on First Nations peoples across various sectors and regions.

Key Findings

Systemic Racism:

Systemic racism was identified as the predominant theme, deeply embedded in legislative frameworks, government practices, and societal norms. This form of racism manifests in policies and practices that perpetuate unfair treatment and disadvantage towards First Nations peoples. The consequences include adverse impacts on mental and physical health, economic disadvantage, and social exclusion. There is a strong call from participants for legislative reforms, including amendments to the Commonwealth Constitution to dismantle racial power structures and ensure equitable treatment.

Unconscious Bias:

Unconscious biases, which are often ingrained and unrecognised, significantly impact decision-making processes across sectors. Participants noted that these biases contribute to discriminatory practices in education, health, and justice, reinforcing stereotypes and perpetuating inequitable outcomes. There is a pressing need for standardised Cultural Safety education to address these biases and improve systemic fairness.

Historical and Ongoing Impacts of Colonisation:

The legacy of colonisation continues to affect First Nations communities, eroding trust and perpetuating systemic disadvantages. Participants emphasised the necessity of decolonising systems and acknowledging intergenerational trauma. Effective anti-racism strategies must include truth-telling, education about historical impacts, and a commitment to sovereignty and self-determination for First Nations peoples.

Over-Policing and Incarceration:

The justice sector was highlighted as a critical area needing reform due to the over-policing and disproportionate incarceration rates of First Nations peoples. The lack of Cultural Safety and over-reliance on punitive measures contribute to these issues. There is a strong call for implementing restorative justice practices and comprehensive reforms to ensure fair treatment within the justice system.

Accountability:

There is a significant concern about inadequate accountability mechanisms to address racism. Participants advocated for the development of robust, transparent, and independent monitoring systems to ensure that anti-racism policies are effectively implemented and that institutions are held accountable for discriminatory practices.

Recommendations

Legislative Reform:

Implement anti-racism legislation with clear accountability mechanisms, advocate for the removal of racial powers in the Commonwealth Constitution and integrate anti-racism and Cultural Safety into Workplace Health and Safety Legislation.

Accountability Mechanisms:

Develop and enforce robust mechanisms for monitoring and evaluating anti-racism policies, establish independent review bodies, and involve First Nations leaders in decision-making processes to ensure genuine representation and accountability.

First Nations Advisory Bodies:

Create legislative advisory structures with real decision-making authority at local, regional, and national levels to guide policy development and program implementation.

Standardised Cultural Safety Education:

Implement comprehensive and standardised Cultural Safety education across all sectors, linked to professional standards and regulatory requirements, and develop an accreditation program for organisations.

Cross-Sector Workforce Strategies:

Form a national strategy group to develop a First Nations Workforce Strategy aimed at increasing First Nations representation and career advancement across sectors.

Standalone First Nations Anti-Racism Framework:

Develop a dedicated anti-racism framework focused on the unique needs and experiences of First Nations peoples, ensuring that anti-racism initiatives are effectively tailored and implemented. Commitment to the development of a standalone First Nations Anti-Racism Framework aligns with Priority Reform Area 3 of the National Agreement to Close the Gap. Aligning key national strategic frameworks is essential to leverage prioritisation and visibility and will assist in building momentum and driving outcomes.

This summary encapsulates the critical findings and actionable recommendations from the consultations, aiming to guide the development of a robust and equitable National Anti-Racism Framework. Addressing these issues requires a concerted effort to reform systems, educate individuals, and ensure meaningful representation and accountability for First Nations peoples.

1 Introduction

1.1 Context

Racism is a deeply entrenched and pervasive issue that continues to significantly impact First Nations peoples in Australia (Markwick et al., 2019). This systemic problem has roots that extend back to the colonisation of Australia, where First Nations peoples were subjected to dispossession, violence, and policies of assimilation that sought to erase their cultures and identities. Historical and ongoing discrimination has led to substantial disparities in health, education, and justice outcomes for First Nations communities, creating a cycle of disadvantage that persists to this day.

In the realm of health, First Nations peoples experience higher rates of chronic diseases, mental health issues, and a significantly lower life expectancy compared to non-First Nations Australians (Australian Government, 2023). These health disparities are exacerbated by limited access to culturally safe healthcare services and the ongoing impact of intergenerational trauma. In education, First Nations students often face systemic barriers that hinder their academic achievement, such as underfunded schools, a lack of culturally relevant curriculum, and experiences of racism and discrimination within the school environment. These educational challenges contribute to lower retention and graduation rates among First Nations students and thus have flow on effects including but not limited to workforce equity, socio-economic disadvantage and housing.

The justice system also reflects deep-seated racial inequities, with First Nations peoples being disproportionately represented in the criminal justice system (Knudsen & Roth, 2023). First Nations people are more likely to be arrested, charged, and incarcerated than their non-Aboriginal counterparts. This overrepresentation is linked to a range of factors, including socioeconomic disadvantage, discriminatory policing practices, and a lack of access to culturally safe legal resources.

These disparities are not only a matter of individual prejudice but are embedded within the systemic structures and institutions of society. The development of a comprehensive National Anti-Racism Framework is therefore critical to addressing and mitigating the effects of racism across these essential sectors. This framework would involve a coordinated approach to dismantling systemic racism, promoting Cultural Safety, and ensuring that policies and practices are inclusive and equitable. The framework must highlight the uniqueness of racism experienced by First Nations people and identify solutions that centralise self-determination and equity that recognises the assertion of sovereignty.

By focusing on the experiences and needs of First Nations peoples, the framework aims to foster a more equitable and inclusive Australia. This includes implementing anti-racism education in schools, standardised and regulated Cultural Safety for health professionals, reforming the justice system to address biases, and ensuring that First Nations voices are central in policy-making processes (Hall et al., 2023).

The National Anti-Racism Framework represents a commitment to acknowledging and addressing the historical and contemporary injustices faced by First Nations peoples. It is a crucial step towards creating a society where all individuals, regardless of their background, have the opportunity to thrive and achieve their full potential. Through collective effort and sustained action, Australia can move towards a future where racism is no longer a barrier to equity and justice.

1.2 Objectives of the Consultations

The consultations conducted by First Nations Co., on behalf of the Australian Human Rights Commission, were designed to engage deeply with First Nations communities across Australia. The primary aim was to gather community perspectives and experiences regarding racism and discrimination. This engagement is crucial for developing a framework that is not only effective but also culturally safe and reflective of the lived experiences of First Nations peoples.

The consultations were comprehensive and involved multiple stages, including community consultations, one-on-one interviews, group submissions and focus groups. These methods ensured a wide range of voices were heard, from elders and community members to young people and grassroots activists. The process was designed to be respectful and inclusive, recognising the importance of cultural protocols and the need for a safe space where participants could share their stories without fear of retribution or misunderstanding.

The specific objectives of these consultations included:

1. **Identifying Key Issues and Concerns:**

- Understanding the primary concerns related to racism within the education, health, and justice sectors: This involved capturing detailed accounts of personal experiences and systemic barriers that contribute to racial inequity. Participants shared stories of racism in schools, healthcare settings, and interactions with the justice system, highlighting both overt and covert racism.

- Documenting systemic barriers: The consultations aimed to identify not just individual instances of racism but also the broader systemic issues that perpetuate inequity. This included examining policies, practices, and institutional cultures that disadvantage First Nations peoples.

2. **Gathering Recommendations:**

- Collecting actionable recommendations for policies and practices: These recommendations were sought to ensure that the National Anti-Racism Framework addresses the specific needs and challenges faced by First Nations communities. Participants were encouraged to propose solutions based on their lived experiences, ensuring that the recommendations were actionable and practical.

- Ensuring community-driven solutions: The emphasis was on solutions that are driven by the communities themselves, recognising that those who experience racism are best placed to identify effective strategies to combat it.

3. Ensuring Inclusivity:

- Reflecting the diverse experiences and needs of First Nations peoples: The consultations aimed to include voices from metropolitan, rural, and remote areas, ensuring that the framework is relevant and effective in all contexts. This inclusivity is essential to address the unique challenges faced by different communities, whether they are in urban centres or isolated regions.

- Addressing intersectionality: The consultations also considered the intersectional nature of racism, recognising that factors such as gender, age, disability, and socioeconomic status can compound the experiences of racism. This approach ensures that the framework is comprehensive and sensitive to the varied experiences within First Nations communities.

The insights gathered from these consultations are intended to inform the development of a robust and culturally safe National Anti-Racism Framework. This framework aims to create systemic change, promoting equity and justice for First Nations peoples across all sectors of society. The collaborative effort between First Nations Collective Consulting and the Australian Human Rights Commission underscores the commitment to a process that is both inclusive and transformative, ensuring that the voices of First Nations peoples are at the forefront of the fight against racism and discrimination.

1.3 Scope

The consultations were extensive, encompassing a wide geographic and demographic range to ensure that the voices of all segments of the First Nations population were heard. The scope of the consultations included:

Metropolitan Areas:

Engaging with urban communities to understand the unique challenges and systemic barriers they face. Metropolitan areas often have different dynamics compared to rural and remote areas, necessitating a tailored approach to understanding and addressing racism.

Rural Areas:

Gathering insights from rural communities where access to resources and services may be limited, and where systemic racism may manifest differently. These areas often face distinct challenges that require specific attention in the framework.

Remote Areas:

Ensuring the voices of remote communities are heard, recognising that these areas often face the most significant barriers to equity and justice. The isolation of remote areas can exacerbate the impacts of racism, making it crucial to include these perspectives.

The consultations also spanned various sectors, with a focus on:

Education:

Examining the impact of racism in educational settings, from early childhood through to tertiary education. Understanding how racism affects educational outcomes, and the overall well-being of students is critical for developing effective interventions. This also presented an opportunity to more thoroughly explore the role of the education sector in implementing solutions identified throughout the consultations.

Health:

Understanding how systemic racism affects health outcomes and access to healthcare services. This includes exploring the ways in which racism directly contributes to health disparities and the barriers that First Nations peoples face in accessing culturally safe care.
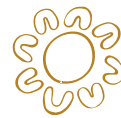
Justice:

Investigating the over-representation of First Nations peoples in the criminal justice system and the role of racial discrimination and racism in legal processes. Addressing these issues is essential for creating a fair and equitable justice system.

The breadth of these consultations ensures that the National Anti-Racism Framework is grounded in a comprehensive understanding of the challenges faced by and the needs identified by First Nations peoples. This grounding makes the framework a robust and effective tool for driving systemic change. The involvement of key stakeholders, including community members, service providers, and sector representatives, was crucial in capturing a wide range of perspectives and experiences.

The findings from these consultations aim to inform the development of targeted strategies and actions aimed at addressing racism and promoting equity and inclusion across all sectors of society. This report outlines the methodology used in the consultations, presents the findings by region and sector, analyses the recurring themes, and provides detailed recommendations for the National Anti-Racism Framework.

2   Methodology

2.1   Design and Structure

Project Governance: To ensure strong governance, a Project Advisory Group (PAG) was established at the commencement of the project. The PAG provided strong cultural governance, leadership and support throughout the project and played a crucial role in decision making to steer engagement and drive the best possible outcomes. The PAG was underpinned by the principles of Cultural Safety and Self-Determination and utilised the depth of knowledge and experience held amongst the membership.

The members of the PAG were:

Fiona Cornforth
(Chair of PAG) Centre Head, National Centre for Aboriginal and Torres Strait Islander Wellbeing Research at The Australian National University

Katie Kiss
Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission

Giridharan Sivaraman
Race Discrimination Commissioner at the Australian Human Rights Commission

Catherine Duff
Director National Anti-Racism Strategy at the Australian Human Rights Commission

Nick Devereaux
Director Aboriginal and Torres Strait Islander Social Justice team at the Australian Human Rights Commission

Dr Rosalie Atie
Project Lead Race Discrimination team at the Australian Human Rights Commission

Marni Tuala
Chief Executive Officer at First Nations Collective Consulting

Peter Honeyman
Senior Manager at First Nations Collective Consulting.

Consultation Planning

The design and structure of the National Anti-Racism Framework, First Nations consultations received endorsement from the PAG. The locations of the in-person consultations were informed by Australian Bureau of Statistics (ABS) data which highlighted communities most affected by racism and that recorded a high percentage of 'no' votes in the 2023 Referendum.

The consultations were structured to foster open and honest dialogue, providing participants with a safe and supportive environment to share their experiences with racism and discrimination. The design of the engagement approach integrated both in-person and virtual methods to accommodate the varied needs and circumstances of participants.

In-Person Consultations:

Conducted across metropolitan, rural, and remote locations in all states and territories, these sessions comprised interviews, focus groups, and community consultations. The in-person format facilitated deeper discussions and nuanced insights, cultivating trust and engagement among participants. Each session was led by First Nations facilitators who ensured adherence to cultural protocols and utilised culturally informed ways of engagement and communication. Locations were strategically chosen based on demographic data as well as ABS data sets to ensure broad representation of First Nations communities.

Virtual Consultations:

To address geographical barriers and enhance accessibility, virtual consultations were conducted via video conferencing platforms such as Zoom. This approach enabled individuals unable to attend in-person sessions due to distance or other constraints to contribute their perspectives. Virtual sessions were scheduled at various times to accommodate different time zones and participant availability, with technical support provided to reduce accessibility barriers and ensure smooth connectivity.

Online Surveys:

To capture a wide array of viewpoints, an online survey was developed and disseminated through social media, community organisations, and email lists. The survey featured both quantitative and qualitative questions, allowing participants to articulate their experiences with racism and offer recommendations for the framework. Designed in accordance with best practices in survey methodology, the survey included clear, concise questions and a mix of open and closed-ended formats, with options for anonymous responses. The survey generated a substantial dataset, yielding valuable insights into the prevalence and impact of racism across diverse contexts.

2.2   Selection Criteria

Participants for the consultations were selected based on criteria aimed at ensuring a representative sample of the First Nations population. The selection process was designed to capture a diverse range of voices and experiences, reflecting the multifaceted nature of racism and its impacts.

2.2.1   Geographic Diversity:

Ensuring representation from metropolitan, rural, and remote communities across all states and territories was paramount. This approach aimed to illuminate the unique challenges and systemic barriers faced by different communities. Geographic diversity was achieved through collaboration with the Project Advisory Group and local community organisations and leaders to identify potential participants.

2.2.2   Demographic Diversity:

Participants of varying ages, genders, and socio-economic backgrounds were included to provide a comprehensive understanding of the issues. This diversity was essential in highlighting the intersectional nature of racism and its differential impacts. Efforts were made to include youth, elders, people with a disability, men, women, and non-binary individuals to ensure a holistic view of community experiences.

2.2.3   Sectoral Representation:

Engaging individuals from the education, health, and justice sectors, along with community members and service providers, was crucial for understanding the impact of racism across various societal domains. This sectoral diversity ensured that the consultations captured a wide range of perspectives. Specific outreach efforts were undertaken to encourage participation from professionals and stakeholders within these sectors.

2.2.4   Community Engagement:

Involving community members, elders, and key stakeholders was vital for providing insights into the systemic and structural aspects of racism within communities. Their participation ensured that the consultations were firmly grounded in community realities and perspectives.

2.3   Data Collection Methods

A comprehensive mixed-methods approach was employed to gather both quantitative and qualitative data, facilitating a thorough analysis of the issues at hand and informing the formulation of targeted recommendations.

2.3.1   In-Person Interviews and Focus Groups:

These sessions provided a confidential platform for participants to share their personal experiences and insights. Facilitators utilised open-ended questions to guide discussions, enabling an in-depth exploration of issues related to racism. The focus group format fostered collective dialogue, enhancing the understanding of shared experiences.

2.3.2   Virtual sessions:

The virtual sessions were targeted at engaging First Nations service providers and sector representatives working within the health, education and justice sector. The sessions were uniquely tailored to examine sector specific barriers and enablers and identify key policy considerations. Four sessions were dedicated to each sector and were scheduled at varying times to optimise participation.

2.3.3   Online Surveys:

The survey incorporated a combination of multiple-choice questions, Likert scale ratings, and open-ended questions. This diverse structure enabled the collection of quantitative data regarding the prevalence and impact of racism, alongside qualitative insights into personal experiences and recommendations. The survey results yielded a rich dataset, offering valuable insights into the patterns and trends of racism across various contexts.

2.3.4   Organisational Written Submissions:

Acknowledging that some organisations may have been unable to engage through online surveys or in-person consultations, a dedicated channel was established for organisations to submit their insights and policy considerations. This approach ensured that organisations could convey their collective experiences and articulate comprehensive recommendations, thereby representing the perspectives of their staff, sector and members. Each submission was reviewed and integrated into our thematic analysis, enriching our understanding of the complex issues at hand and amplifying the collective voice of the broader First Nations community.

2.4   Data Collection Principles

2.4.1   Cultural Safety:

Cultural Safety was a foundational principle of the consultation process. Several measures were implemented to respect and honour cultural protocols and ensure all consultations were First Nations designed, led and facilitated. All consultations were hosted in culturally safe spaces identified and selected by each community and all participants involved in consultations identified as First Nations.

2.4.2 Five Stones Cultural Framework:

The five stones framework guided the project from inception. The framework was utilised to inform and facilitate the consultation process by emphasising the significance of Country, community, relationship and First Nations ways of knowing, being and doing. The Five Stones Cultural Framework applies a culturally informed approach to engagement to ensure Cultural Safety and optimise project outcomes. It was the utilisation of this cultural framework that enabled the level of consultation observed throughout the project. Without culturally informed ways of doing, the project outcomes would have been significantly reduced.

2.4.3 Trauma-Informed Approach:

Recognising the historical and ongoing trauma experienced by First Nations peoples, facilitators received training in trauma-informed practices. This training ensured that discussions were conducted with awareness of participants' emotional and psychological well-being, thereby minimising the risk of re-traumatisation. Facilitators were equipped with resources and support mechanisms to assist participants who may experience distress during the consultations.

2.4.4 Collective Yarning:

Yarning, a culturally informed method of storytelling and dialogue, was employed to facilitate group discussions. This approach allowed participants to express themselves freely and connect meaningfully with one another. Yarning sessions, led by First Nations members, provided a supportive environment for participants to share their stories and experiences, ensuring cultural authenticity and alignment.

2.4.5 Engagement with Elders and Communities:

Elders and community members played a vital role in the consultations. Their involvement provided cultural authority and ensured that the process was conducted with respect of and alignment to community values. Engaging Elders was crucial in building trust and fostering genuine engagement, as they offered cultural guidance and ensured adherence to local protocols.

2.4.6 Confidentiality and Consent:

Participants were informed about the purpose of the consultations and their rights, including the right to confidentiality. Informed consent was obtained from all participants, ensuring they were fully aware of how their information would be utilised. This transparency was essential for building trust and ensuring ethical conduct throughout the consultation process. Participants were also given the option to withdraw from the consultation at any time without question or repercussions. It is important to note that there was no participant withdrawal throughout the consultation process.

2.5   Data Analysis

The data collected from the consultations was analysed using both quantitative and qualitative methods.

2.5.1   Quantitative Data:

Data from the surveys was analysed to identify patterns and trends, providing a statistical overview of the prevalence and impact of racism. Statistical techniques such as regression analysis, factor analysis, and cluster analysis were employed to uncover underlying patterns and relationships within the data.

2.5.2   Qualitative Data:

Data from interviews, focus groups, and open-ended survey responses was thematically analysed to uncover recurring themes and insights. This involved coding the data, identifying key themes, and interpreting the findings in the context of the consultation objectives. Software tools such as Miro were used to assist in the qualitative analysis process. This mixed-methods approach allowed for a comprehensive understanding of the issues and informed the development of targeted recommendations for the National Anti-Racism Framework.

2.6   Challenges and Limitations

Despite the thorough design, review and promotion of the consultation process, several challenges and limitations were encountered:

2.6.1   Geographic Barriers:

The vast distances and remote locations of some communities posed logistical challenges. While virtual consultations helped mitigate this issue, not all participants had access to the necessary technology. Ensuring participation from remote areas required significant logistical planning and resource allocation.

2.6.2   Time Constraints:

The timeframe for conducting the consultations was limited, which may have restricted the depth of engagement in some areas. Balancing the need for thorough consultations with the project timeline was a key challenge. Efforts were made to extend consultation periods in critical areas, but this was not always feasible.

2.6.3   Participant Availability:

Engaging participants, particularly in remote and rural areas, was sometimes challenging due to availability, over-consultation and competing commitments. Concerted efforts were made to

schedule consultations at times that were most convenient for participants, but this was not always possible.

2.6.4   Cultural Safety:

Ensuring Cultural Safety throughout the consultation process required ongoing engagement with cultural advisors and community leaders. This added a layer of complexity to the planning and execution of the consultations but was essential for maintaining trust and respect.

Despite these challenges, the consultation process succeeded in gathering valuable insights from a diverse range of participants, providing a robust foundation for the development of the National Anti-Racism Framework. The culturally informed, comprehensive and inclusive approach ensured that the voices of First Nations peoples were heard and respected, forming the cornerstone of the framework's development.

2.6.5   Intersectionality:

Every effort was made to ensure representation of intersectionality within our communities. Some key considerations to note are:

- There is often not language or terminology in First Nations communities that captures the western definition and understanding of disability. Whilst some participants openly spoke of their disability, it was not considered as a contributor to their experience of racism and as such, was not captured in the data

- One area of intersectionality that was raised by participants throughout the consultation was First Nations people that identified with other cultural groups

- Participants were not asked to identify their gender, and therefore, data regarding gender identity is not available

- Multiple attempts were made to engage the LGBTQIA+ community however, there was not much input received

These limitations should be considered when interpreting the findings and insights gathered throughout engagement and further consideration given to whether follow up research is required with these demographics.

3 Findings

The First Nations consultations for the National Anti-Racism Framework gathered input from a diverse group with more than 496 contributors across various regions and sectors. This comprehensive engagement process provided valuable insights into the pervasive impact of racism on First Nations peoples, underscoring the necessity for targeted, multi-sectoral approaches to address systemic issues effectively.

IN PERSON PARTICIPATION
196+
individuals from all States attending **in person** across **31** consultation sessions

FORMS OF RACISM EXPERIENCED
93 respondents
noted a range of racist behaviour.

SURVEY PARTICIPATION
112
participants
completed survey responses across all States, catalogued by **role**, **location**, **identity**, **area type** and **age**.

WRITTEN SUBMISSIONS
3
organisations
Close the Gap Campaign, National Health and Leadership Forum and the Public Health Association of Australia contributed with a **joint submission**.

TOTAL INPUT
496+
contributors
across various regions and sectors

FINDINGS BY REGION
Percentages
of key issues found in **metropolitan**, **rural** and **remote** areas.

VIRTUAL PARTICIPATION
197+
individuals
individuals from various sectors representing **52** organisations attending **virtually** across **4** consultation sessions

18
participant groups
attending **focus groups** directed to individuals, **academics** and **activists**

FINDINGS BY SPECIFIC SECTORS
Percentages
of key issues found in **education**, **health** and **justice** across **national** and **state** levels.

3.1   Overview of Consultation

3.1.1   In-person Participation:

Overall, 496 individuals contributed to the consultation process, with more than 196 community members attending in-person sessions. A cumulative 31 in-person consultations were held across the States and Territories, with follow-up sessions conducted in both Adelaide and Perth to enhance participation. While these consultations primarily targeted community members, it is essential to recognise that individuals within our communities fulfil various roles—whether professional or cultural. Above all, they are members of their respective communities, and these roles underscore the complexities of identity for First Nations people.

The in-person consultations engaged a total of 196 participants from all states and territories, reflecting diverse geographic representation. Western Australia (WA) had the largest group, with 101 participants, accounting for 20.36 per cent of the total. Queensland (QLD) followed with 15 participants, representing 3.02 per cent, while Victoria (VIC) had 16 participants, equating to 3.22 per cent. New South Wales (NSW) contributed 17 participants, making up 3.42 per cent. South Australia (SA) added 13 participants, accounting for 2.62 per cent, and Tasmania (TAS) had 12 participants, representing 2.41 per cent. The Australian Capital Territory (ACT) contributed 10 participants, making up 2.01 percent, and the Northern Territory (NT) also had 12 participants, accounting for 2.41 per cent.

Participants across the in-person consultations provided firsthand accounts of the impact of racism on their daily lives, including experiences in education, healthcare, employment, and interactions with the justice sector. Their contributions highlighted the personal and communal toll of systemic racism.

Table 1: Representation of In-Person Consultation Participation by Region, State and Territory
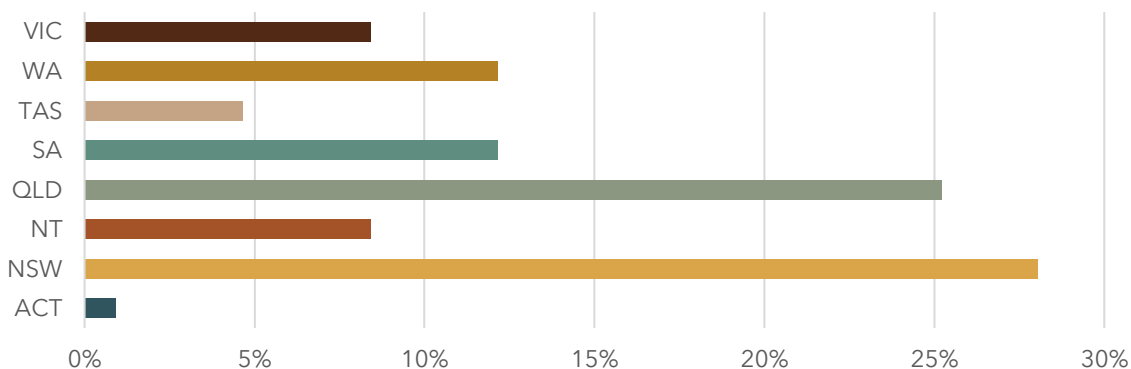
State or Territory	Percentage	Count
WA	20.36%	101
NSW	3.42%	17
VIC	3.22%	16
QLD	3.02%	15
SA	2.62%	13
NT	2.41%	12
TAS	2.41%	12
ACT	2.01%	10
Total	**100%**	**196**

3.1.2 Virtual Participation:

There was a total of 12 virtual sessions scheduled at varying times across a period of two weeks. These sessions were aimed at First Nations people in their roles as service providers and/or sector representatives working within the health (68), education (99) and justice (30) sectors. There were 4 sessions dedicated to each sector with a total of 197 individuals and 52 organisations represented throughout the virtual sessions.

In addition to these sector specific, virtual consultations, the First Nations Co. project team conducted discreet focus groups with 18 participant groups. These discreet focus groups included traditional owner groups/representatives, individuals, academics and activists providing rich and direct insights into the multi-faceted impacts of racism on First Nations people. These conversations explored the individual experience as well as the systemic roots of racism and the continued impact on the wellbeing and human rights of First Nations people.

Participants across the virtual sessions offered insights into how institutional practices and policies either mitigate or perpetuate racism. Their feedback was instrumental in identifying areas where systemic change is urgently needed. Participants provided a macro-level view of the structural and systemic nature of racism. They discussed the broader implications of racism on policymaking, resource allocation, and service delivery. Their input emphasised the importance of cross-sector collaboration in eradicating racism.

3.1.3 Written Submissions:

Organisations were offered the opportunity to submit written submissions as an additional method to contribute to the consultations. One joint submission was received from the Close the Gap Campaign, National Health and Leadership Forum (NHLF)[1] and the Public Health Association of Australia.

The multi-modal, flexible and culturally informed approach to engagement and consultation ensured comprehensive data collection which captured a wide range of perspectives and experiences. This robust foundation is crucial for understanding the impact of racism across different regions and informing the development of a relevant and effective National Anti-Racism Framework.

3.1.4 Survey Participation:

Survey participants primarily consisted of community members, with a significant portion also comprising of service providers and sector representatives. The diversity of respondents included individuals from different professional backgrounds, geographic locations, and age groups, ensuring a wide range of perspectives and experiences were captured.

There was a total number of 112 completed survey responses throughout the consultation period. However, it is important to note that 4 participants skipped the question "Are you completing this survey as a community member or service provider," which brings the total number of respondents who answered this this question to 108. A notable percentage of survey respondents identified solely as Aboriginal, reflecting the consultation's focus on First Nations experiences and perspectives. This demographic representation was crucial in understanding the unique challenges faced by First Nations communities. The survey aimed to ensure that all voices were heard and that lived experiences was central to the data analysis.

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[1] The NHLF is a partnership of 15 national Aboriginal and Torres Strait Islander health organisations. With expertise across health, aged care and disability policy, service delivery, workforce, research, healing, mental health and social and emotional wellbeing. The NHLF purpose is to drive systemic and structural transformation of mainstream government systems.

Figure 1: Survey Participation by Role
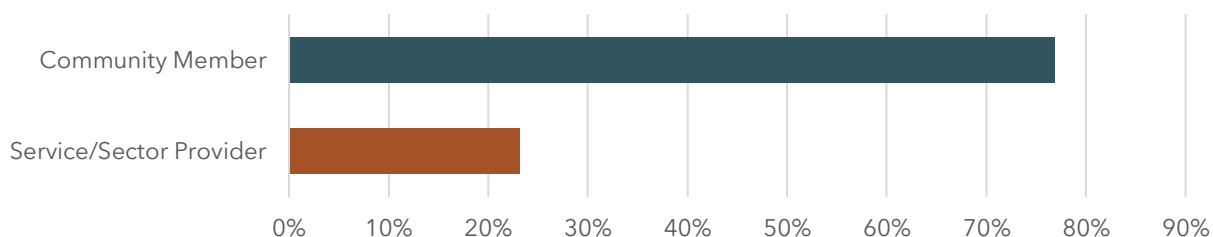
Answer choices	Percent	Count
Community Member	76.85%	83
Service/Sector Provider	23.15%	25
Total	**100.00%**	**108**

Figure 2: Respondent Identity
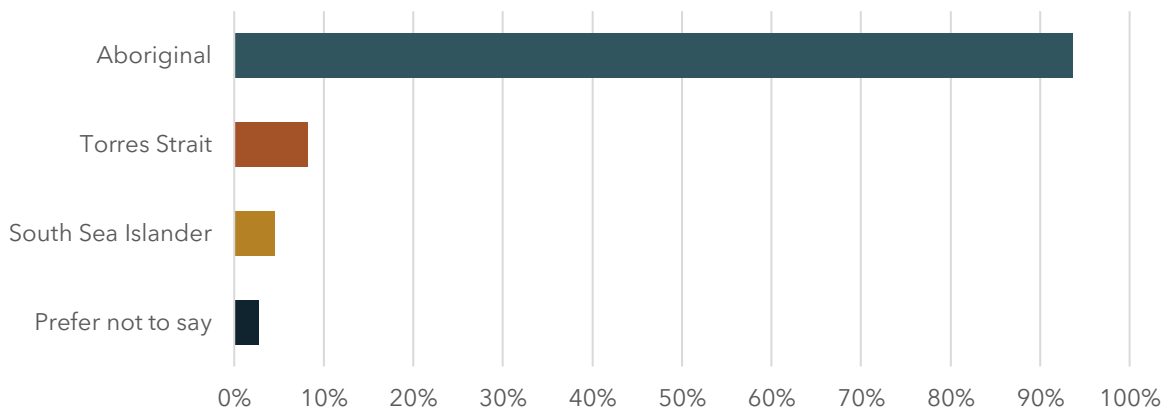
Answer choices	Percent	Count
Aboriginal	85.84%	103
Torres Strait	7.50%	9
South Sea Islander	4.16%	5
Prefer not to say	2.50%	3
Total	**109.10%**	**120**

The online survey participants were distributed across various states and territories, with a notable concentration from NSW and QLD. Out of the total 112 contributors, 5 participants skipped the question "what state or territory are you located in," bringing the total number of participants for this question to 107. The distribution by state or territory was as follows: the ACT had 1 respondent, accounting for 0.93 per cent of the total. NSW had the highest number of participants, with 30 respondents, representing 28.04 per cent of the total. The NT contributed 9 respondents, making up 8.41 per cent of the participants. QLD followed closely with 27 respondents, comprising 25.23 per cent of the total. SA had 13 respondents, equating to 12.15 per cent, while TAS had 5 respondents, accounting for 4.67 per cent. WA also had 13

respondents, representing 12.15 per cent, and VIC contributed 9 respondents, making up 8.41per cent of the total.

This distribution underscores a significant representation from NSW and QLD, which together account for over half of the total respondents. Such a diverse geographic representation ensures that the survey captures a wide array of perspectives and experiences, providing a robust foundation for understanding the impact of racism across different regions. The comprehensive nature of the data collected from various states and territories enhances the reliability and validity of the findings, thereby informing the development of a well-rounded and effective National Anti-Racism Framework.

Table 2: Survey State or Territory Distribution
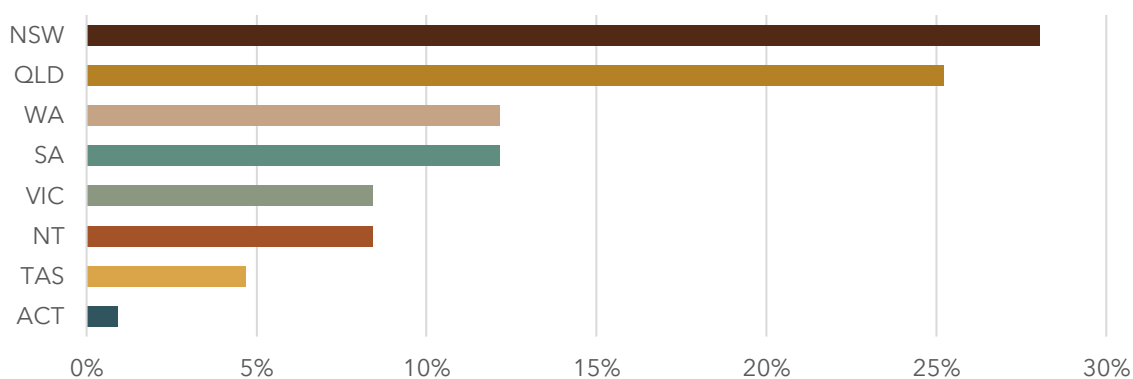
State or Territory	Percentage	Count
NSW	28.04%	30
QLD	25.23%	27
SA	12.15%	13
WA	12.15%	13
NT	8.41%	9
VIC	8.41%	9
TAS	4.67%	5
ACT	0.93%	1
Total	**100%**	**107**

In terms of living area distribution, the majority of respondents were from metropolitan areas, highlighting an urban experience of racism. Specifically, 19 respondents, or 16.96 per cent, were from rural areas. Regional areas were represented by 39 respondents, accounting for 34.82 per cent of the total. Metropolitan areas had the highest representation, with 50 respondents, making up 44.64 per cent. Additionally, 4 respondents, or 3.57 per cent, preferred not to disclose their living area. This distribution provides a comprehensive view of how racism is experienced across different living environments, with a significant emphasis on urban settings aligning to population density data.

Table 3: Living Area Distribution
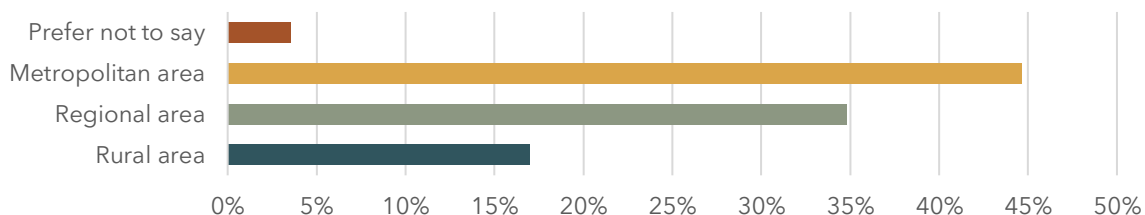
Living Area	Percentage	Count
Metropolitan area	44.64%	50
Regional area	34.82%	39
Rural area	16.96%	19
Prefer not to say	3.57%	4

The age distribution of the respondents spanned a wide range, with the majority falling within the 46-55 age group. Specifically, 12 respondents, or 10.71 per cent, were aged 18-25. The 26-35 age group comprised 15 respondents, accounting for 13.39 per cent of the total. There were 21 respondents, or 18.75 per cent, in the 36-45 age group. The largest group was those aged 46-55, with 36 respondents, representing 32.14 per cent of the total. Similarly, the 56-65 age group also had 21 respondents, making up 18.75 per cent. The 65+ age group included 6 respondents, or 5.36 per cent, and 1 respondent, or 0.89 per cent, preferred not to disclose their age. This diverse age distribution provides a broad perspective on the experiences of racism across different age groups, with a notable concentration in the 46-55 age bracket.

Age is an important factor to consider in the experience and context of racism. It was discussed throughout the consultations that experiences of racism are viewed differently by certain age groups based on varying factors. It was stated by an Elder in Mparntwe (Alice Springs) that 'It is much harder for the young people of today. We might have been subjected to segregation and racist policies, but we had each other, we lived together in our communities, young people don't have that today'. This insight speaks indirectly to the impacts of child removal, family separation and the broader societal shift to westernised, individualistic ways of living opposed to the collective ways of First Nations culture. Many of the respondents in the 56-65 and 65+ years age bracket had a lived experience of the 1967 referendum as well as other government policies that perpetuated racism and denied the human rights of First Nations people. This lived experience shapes the way in which some Elders view current political agendas and unintentionally facilitate a generational continuation of mistrust among communities.

Table 4: Age Distribution
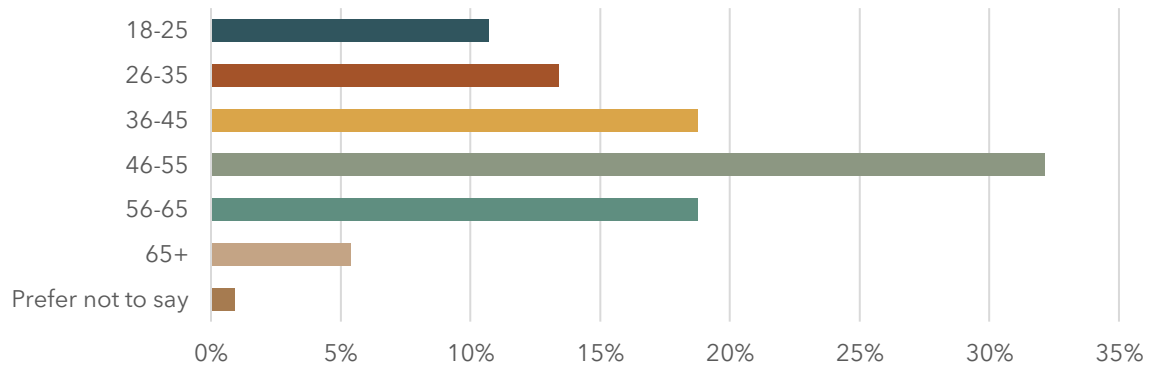
Age Group	Percentage	Count
18-25	10.71%	12
26-35	13.39%	15
36-45	18.75%	21
46-55	32.14%	36
56-65	18.75%	21
65+	5.36%	6
Prefer not to say	0.89%	1

3.1.5 Forms of Racism Experienced

Participants reported experiencing a range of racist behaviours, highlighting the widespread and multifaceted nature of racism. The most reported forms of racism included hurtful comments and actions, which were noted by 93 respondents. Disrespect of culture was also prevalent, with 92 respondents indicating this experience. Additionally, 80 respondents reported facing unfair treatment within institutions. This data underscores the pervasive and varied nature of racism encountered by the participants.

Table 5: Forms of Racism Experienced
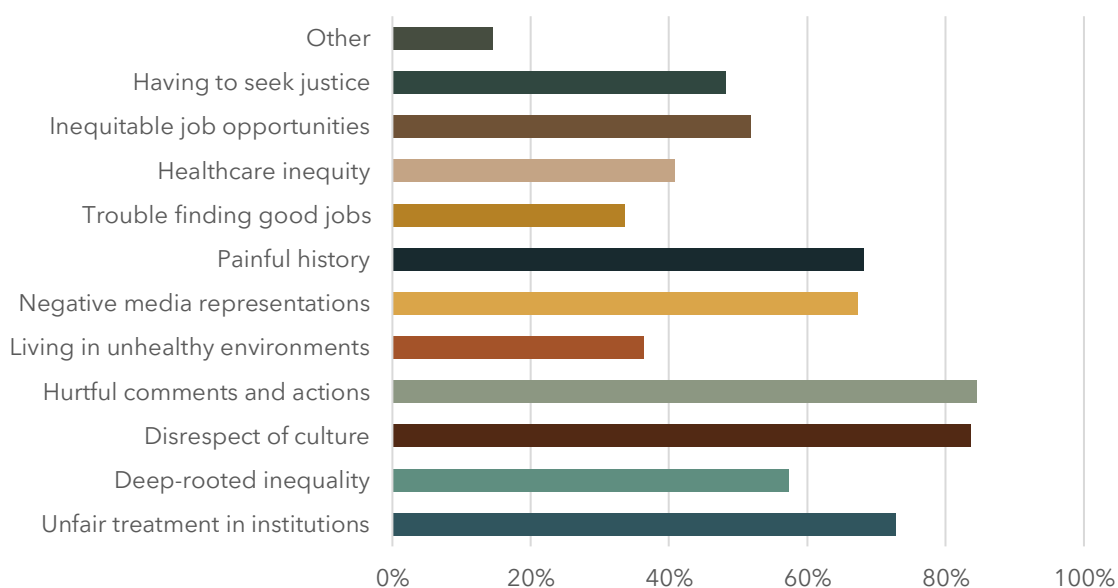
Form of Racism	Percentage	Count
Hurtful comments and actions	84.55%	93
Disrespect of culture	83.64%	92
Unfair treatment in institutions	72.73%	80
Painful history	68.18%	75
Negative media representations	67.27%	74
Deep-rooted inequality	57.27%	63
Inequitable job opportunities	51.82%	57
Having to seek justice	48.18%	53
Healthcare inequity	40.91%	45
Living in unhealthy environments	36.36%	40
Trouble finding good jobs	33.64%	37
Other	14.55%	16

These statistics reveal that overt racism in the form of disrespect of culture and hurtful comments and actions are the most prevalent forms of racism, impacting a significant majority of respondents. This underscores the urgent necessity for systemic changes to combat these deeply entrenched issues.

3.2   Findings by Region

Table 6: Participant locations by region

| Region	Locations
Metropolitan	Adelaide (South Australia)
	Brisbane (Queensland)
	Canberra (Australian Capital Territory)
	Darwin (Northern Territory)
	Hobart (Tasmania)
	Melbourne (Victoria)
	Perth (Western Australia)
	Sydney (New South Wales)
Rural	Bowraville (New South Wales)
	Burnie (Tasmania)
	Gippsland (Victoria)
	Kalgoorlie (Western Australia)
	Kempsey (New South Wales)
	Launceston (Tasmania)
	Townsville (Queensland)
	Wauchope (New South Wales)
Remote	Alice Springs (Northern Territory)
	APY Lands (South Australia)
	Brewarrina (New South Wales)
	Broome (Western Australia)
	Ceduna (South Australia)

3.2.1 Metropolitan Areas

In metropolitan areas, characterised by greater access to resources and diverse socio-economic backgrounds, systemic racism is prominently manifested within institutions such as schools, healthcare facilities, and workplaces. Participants reported a high prevalence of microaggressions and subtle forms of discrimination, contributing to a persistently hostile environment. Negative media representations also emerged as a significant issue, influencing community perception and perpetuating harmful stereotypes.

Community feedback strongly emphasised the urgent need for robust policies to hold individuals and institutions accountable for racist behaviour. There was a clear and pressing demand for comprehensive Cultural Safety education for staff across all sectors to enhance understanding and reduce racism. Furthermore, increased First Nations representation in decision-making roles was identified as crucial for ensuring that policies and practices are inclusive and reflective of the community's needs.

The impact of racism in metropolitan areas is profound, with many individuals reporting mental health issues such as stress, anxiety, and depression because of ongoing racism. Barriers to accessing equitable healthcare and education services further exacerbate social and economic disadvantages, highlighting the critical need for systemic reforms to address these pervasive issues.

Table 7: Key Issues Raised in Metropolitan Areas
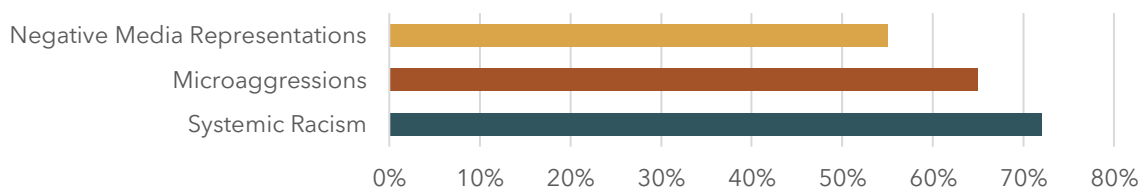
Issue	Percentage of Respondents
Systemic Racism	72%
Microaggressions	65%
Negative Media Representations	55%

3.2.2 Rural Areas

Rural areas present unique challenges often characterised by limited access to resources and services. First Nations populations in these regions face systemic barriers that manifest differently compared to metropolitan areas. Key issues raised include inadequate healthcare services, insufficient educational facilities, and significant obstacles to employment and economic opportunities. Additionally, there is a notable lack of Cultural Safety among service providers.

Feedback from rural communities highlighted the critical importance of targeted funding to improve healthcare and education models and infrastructure. Participants emphasised the need for community-led initiatives and programs specifically tailored to the unique needs of rural First

Nations communities. Ongoing consultation and engagement with these communities is essential for developing effective and sustainable strategies.

The impact of racism in rural areas is profound, leading to significant health disparities and poorer health outcomes due to inadequate access to services. Educational attainment is also lower, which limits career opportunities and perpetuates cycles of poverty. Social isolation and marginalisation are further exacerbated by geographic and systemic barriers, underscoring the urgent need for comprehensive and culturally safe interventions.

Table 8: Key Issues Raised in Rural Areas
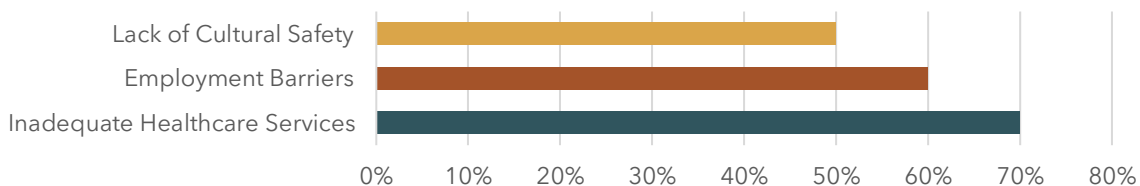
Issue	Percentage of Respondents
Inadequate Healthcare Services	70%
Employment Barriers	60%
Lack of Cultural Safety	50%

3.2.3 Remote Areas

Remote areas, often the most isolated, face significant socio-economic disadvantages and lack essential infrastructure. First Nations communities in these regions endure the harshest impacts of systemic racism, grappling with an extreme lack of access to basic services such as healthcare and education. The severe effects of intergenerational trauma and colonisation are also prominently felt. High rates of incarceration and frequent interactions with the justice system further illustrate the systemic challenges these communities face.

Community feedback from remote areas emphasised the urgent need for substantial infrastructure development and resource allocation. Preserving cultural heritage and involving Elders in decision-making processes are crucial to ensuring that policies and programs are culturally safe and effective. There is a strong demand for justice reforms and better support for First Nations people within the legal system.

The impact of racism in remote areas is devastating, leading to chronic health issues and low life expectancy due to inadequate healthcare. Educational disadvantages perpetuate ongoing cycles of poverty, while high levels of stress and trauma are exacerbated by over-policing and legal injustices. This underscores the critical need for comprehensive, culturally safe interventions and systemic reforms to address these deeply entrenched issues.

Table 9: Key Issues Raised in Remote Areas
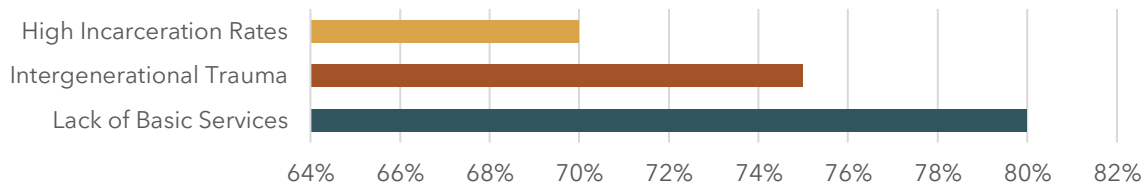
Issue	Percentage of Respondents
Lack of Basic Services	80%
Intergenerational Trauma	75%
High Incarceration Rates	70%

3.3 Sector-Specific Findings

Table 10: Sector specific participants

Sector	Organisations	Geographic Region
Education	Australian Indigenous Doctors Association (AIDA)	National
	AFL Sportready	QLD
	Catholic Education Ballarat	VIC
	City of Ballarat	VIC
	DeadlyScience LTD	NSW
	Department of Government Services	VIC
	Joint College Training Services	National
	Lowitja Institute – National Aboriginal and Torres Strait Islander Health Research Institute	National
	Magpie Primary School	VIC
	Monash University	VIC
	Murdoch University	WA
	Naarm Angels Netball Club	VIC
	Nalderun Educational Aboriginal Corporation	VIC
	New South Wales Department of Education	NSW
	Reconciliation Australia	National
	The University of Melbourne	VIC
	The University of Canberra - The Ngunnawal Centre	ACT
	Western Australia Aboriginal Education & Training Consultative Council Aboriginal Corporation	WA

Sector	Organisations	Geographic Region
Health	Aboriginal Health and Medical Research Council NSW	NSW
	Cancer Council Western Australia	WA
	Circular Head Aboriginal Corporation	TAS
	Common Equity Housing Limited	VIC
	Congress of Aboriginal and Torres Strait Islander Nurses and Midwives (CATSINaM)	National
	Elisabeth Morgan House	VIC
	Gayaa Dhuwi (Proud Spirit) Australia	National
	Goldbridge Rehab	QLD
	Health Education Training Institute NSW	NSW
	Hunter New England Central Coast Primary Health Network	NSW
	Kimberley Aboriginal Medical Services	WA
	Life Without Barriers	National
	Limestone Coast Local Health Network	QLD
	Murray Primary Health Network	VIC
	National Aboriginal Community Controlled Health Organisation (NACCHO)	National
	National Association of Aboriginal and Torres Strait Islander Health Workers and Practitioners (NAATSIHWP)	National
	National Closing the Gap Committee	National
	National Health Leadership Forum (NHLF)	National
	NSW Health	NSW
	Queensland Health	QLD
	Royal Australian College of General Practitioners	National
	South Australia Health	SA
	Tasmanian Aboriginal Centre	TAS
	University of Technology Sydney	NSW
	Victorian Aboriginal Health Service	VIC
Justice	Anti-Discrimination NSW	NSW
	Ashurst Law	QLD
	Beyond DV Ltd	National
	Binaal Billa Family Violence Prevention Legal Services	NSW
	Cultural Advocacy & Legal Mediation	QLD

Sector	Organisations	Geographic Region
	Kimberley Stolen Generation Aboriginal Corporation	WA
	Life Without Barriers	National
	National Legal Aid	National
	Queensland Human Rights Commission	QLD
	Youth Justice, Queensland Government	QLD

3.3.1 Education sector

The First Nations consultation process within the education sector engaged 99 participants from a diverse group of organisations, including The Lowitja Institute, Reconciliation Australia, and various universities and educational institutions across Australia. This sector plays a crucial role in shaping societal attitudes, driving research agendas and providing opportunities for future generations. However, systemic racism and discrimination continue to pose significant barriers for First Nations students and staff.

Participants emphasised the pressing need for the establishment of First Nations advisory bodies in each state and territory to ensure that First Nations perspectives are central to decision-making processes. One participant articulated this need, stating, *"Implement First Nations advisory education bodies in each state and territory to oversee outcomes."* Furthermore, the integration of First Nations knowledge and history into the curriculum from an early age was identified as essential. As one participant noted, *"The Koori Curriculum is effective and should be implemented nationally."*

The involvement of local traditional owners in educational initiatives and the expansion of bilingual schools that teach local languages were emphasised as critical steps forward. A participant remarked, *"Schools should involve and partner with local traditional owners to learn about connecting and caring for the country."*

Creating safe and supportive learning environments for First Nations children is imperative. This includes the removal of barriers to learning, ensuring equitable access to education and acknowledging the importance of diverse pedagogies and a cultural education. The detrimental impact of racism in education is profound, resulting in significant educational disparities and lower academic outcomes for First Nations students. The psychological effects of experiencing racism—such as reduced self-esteem, diminished motivation, and increased mental health issues—are severe and enduring.

Participants advocated for comprehensive and systemic approaches to address these challenges. One participant stressed, *"More funding is necessary to ensure that students who struggle in school are not left behind."* There were also calls for enhancing accessibility in education regarding cost and location, as well as adopting a holistic approach to teaching that acknowledges diverse learning needs. Another participant highlighted the need for, *"Understanding that a one-size-fits-all approach does not work for our communities and their learning."*

Ensuring accountability for staff who enact racist behaviour and promoting First Nations representation in decision-making roles within educational departments are critical steps forward.

One participant emphasised the importance of accountability, stating, *"There must be accountability for staff who engage in racist behaviour towards First Nations staff and peers."* Additionally, suggestions were made for mandatory Cultural Safety education and ongoing professional development for individuals pursuing a career in teaching. As one participant advised, *"Cultural Safety education and mandatory continuing professional development should be required for those studying teaching."*

These insights highlight the urgent need for systemic changes within the education sector to effectively address racism and support First Nations students and staff. The National Anti-Racism Framework must incorporate these recommendations to develop a more inclusive and equitable educational environment.

Table 11: Key Issues in the Education Sector
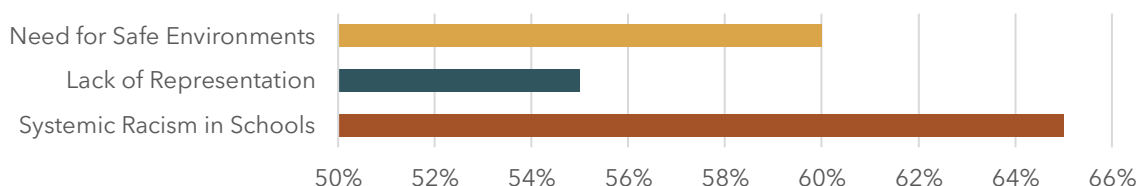
Issue	Percentage of Respondents
Systemic Racism in Schools	65%
Need for Safe Environments	60%
Lack of Representation	55%

3.3.2   Health sector

The health sector consultation for the National Anti-Racism Framework engaged 68 participants from a diverse range of organisations, including the Australian Indigenous Doctor's Association (AIDA), National Association of Aboriginal and Torres Strait Islander Health Workers and Practitioners (NAATSIWHP), Gayaa Dhuwi (Proud Spirit) Australia (GDPSA) along with various health services and research institutes. This consultation provided invaluable insights into the challenges and opportunities for eradicating racism within the broader health system.

The health sector is crucial in the fight against racism, as it can directly influence the well-being and life expectancy of individuals and communities. Tackling racism in health is vital for ensuring equitable access to services, enhancing health outcomes, and creating a supportive environment for both patients and healthcare providers.

Education and training for healthcare providers on the historical and ongoing impacts of colonisation on First Nations health was deemed essential. Participants advocated for mandatory Cultural Safety education linked to continuing professional development (CPD) and annual performance reviews, emphasising that *"Cultural Safety education needs to be mandatory and reported on, not a tick-the-box exercise."* They also called for increased frontline employment opportunities for First Nations people and for truth-telling about the effects of colonisation. *"Education about racism should start from a young age to help eliminate biased views,"* one participant stated.

The inclusion of First Nations voices in the creation of health programs and services was another critical point. Participants suggested establishing health equity teams in all hospitals, akin to those in Queensland Health, and involving First Nations people in decision-making processes. They stressed the necessity of mandatory consultations with elders and community for all programs, services, and policies affecting First Nations people. One participant proposed, *"Like the Voice, something set up to hold organisations accountable."*

Addressing the health needs of First Nations people facing racism and other forms of marginalisation requires targeted strategies. Participants called for increased funding for healthcare services in regional and rural areas, ensuring that services are adequately financed to support all marginalised groups, including those with disabilities and LGBTQIA+ communities. They also emphasised the need for a clear and accessible reporting process for incidents of racism. *"The reporting process for racism needs to be clear and easy for mob to report racism,"* a participant stated. Furthermore, there was a call for the media to be held accountable for misinformation and for promoting positive health narratives. *"Health research needs to be positive, stop writing papers and having a negative lens on mob,"* one participant remarked.

Participants identified several critical components for developing an anti-racism framework. These include the active involvement of First Nations people throughout the entire process, collaboration with communities, and securing adequate funding. They stressed the importance of co-designing the framework with First Nations communities, using clear language, and implementing legislation to support the framework. *"Co-design with mob,"* one participant emphasised, along with the need for *"clear language"* in communications. Building and maintaining strong relationships and adopting an open-minded approach that recognises the diversity of needs were also highlighted. Continuous consultation with all First Nations communities with no fixed end date for the framework's effectiveness was deemed essential. *"Consult all mob, Aboriginal and Torres Strait Islander communities."* one participant advised.

Racism in healthcare has profound and far-reaching effects on individuals, healthcare providers, and health outcomes. For individuals, racism contributes to significant health disparities, including higher rates of chronic illnesses, mental health challenges, and lower life expectancy compared to non-First Nations patients. The psychological impacts of racism, such as diminished self-esteem and heightened stress, further exacerbate these health inequities. For healthcare providers, First Nations staff often face workplace discrimination, leading to job dissatisfaction, burnout, and difficulties in staff retention, which undermines efforts to develop a culturally safe, First Nations health workforce. Systemic racism creates barriers to accessing care and perpetuates health inequities. Participants highlighted the need for clear and accessible processes for reporting racism, increased accountability from service providers, and the promotion of positive narratives about First Nations people in health-related research and publications.

Table 12: Key Issues in the Health Sector
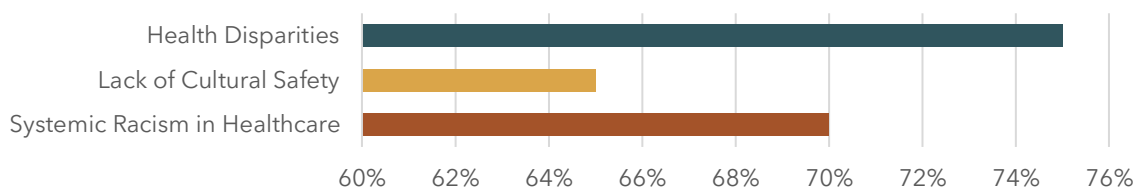
Issue	Percentage of Respondents
Health Disparities	75%
Systemic Racism in Healthcare	70%
Lack of Cultural Safety	65%

3.3.3 Justice sector

The justice sector consultation for the National Anti-Racism Framework involved 30 participants from a diverse range of organisations, including Anti-Discrimination NSW, Youth Justice, National Legal Aid and the QLD Human Rights Commission. This sector is essential for promoting equity and fairness in society, yet systemic racism and discrimination remain deeply entrenched, posing significant barriers and contributing to poorer outcomes for First Nations people.

Participants highlighted the urgent need for robust legislation that hold individuals accountable for acts of racism. One participant stated, *"Laws are needed for people committing racism to be held accountable,"* reflecting a strong desire for legal frameworks that effectively address these issues. There was also a compelling call to end the over-incarceration of First Nations people, with one participant urging, *"Stop locking up mob."* Furthermore, the necessity of mandatory face-to-face Cultural Safety education for all justice sector workers was emphasised as a critical step toward developing understanding and capability.

In addition, participants called for increased funding for legal services and programs, ensuring that incarcerated First Nations individuals are informed of their rights and relevant policies. Integrating First Nations knowledge and practices into restorative justice programs was seen as vital for fostering community-centered accountability. Participants stressed the importance of addressing intergenerational trauma and adopting a holistic approach to service delivery. One participant remarked, *"Education around intergenerational trauma and colonisation is necessary,"* highlighting the need for a deeper understanding of these issues within the justice system.

There was a strong emphasis on the necessity of building trust with First Nations communities. Participants called for transparency in funding, the creation of more job opportunities for First Nations people, and the involvement of communities in policy development from the outset. *"Be open and let mob be involved from start to finish,"* one participant advised, highlighting the importance of inclusive processes.

To support First Nations individuals facing multiple forms of racism, participants advocated for enhanced mental health and rehabilitation services, improved housing solutions, and the establishment of a national framework similar to the Yoorrook Justice Commission. They stressed

the importance of ensuring that First Nations people are informed of their rights and the reporting mechanisms available to them from their first contact with the justice sector. *"Mob need to be informed from first contact with the sector of rights and reporting mechanisms should they feel unsafe or experience racism and discrimination,"* one participant noted.

Additionally, there were calls for robust legislation, the establishment of an independent body for accountability, and collaboration with First Nations communities to rebuild trust. *"Consult all mob, Aboriginal and Torres Strait Islander communities,"* one participant advised, emphasising the need for ongoing dialogue and partnership.

These recommendations highlight the urgent need for systemic changes within the justice sector to effectively address racism and support First Nations individuals and communities. The National Anti-Racism Framework must integrate these insights to create a more equitable and safe justice system.

Table 13: Key Issues in the Justice Sector
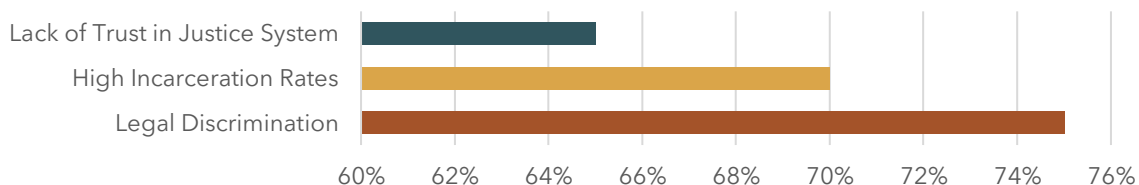
Issue	Percentage of Respondents
Legal Discrimination	75%
High Incarceration Rates	70%
Lack of Trust in Justice System	65%

4   Thematic Analysis

The First Nations consultations conducted for the National Anti-Racism Framework unveiled a multifaceted and intricate landscape of challenges encountered by First Nations communities across various regions, community types, and sectors.

There were five key themes identified throughout the consultation process. The following thematic analysis highlights the deeply entrenched nature of racism and offers comprehensive insights into the recurring themes, distinctive issues, and profound impacts of racism on First Nations peoples. Sectoral examples and considerations have been included to provide context and insight into the data collected throughout consultation.

Additionally, there was an emergence of four sub-themes identified throughout the data. These sub-themes have been presented as barriers and enablers due to the context of discussion led by participants and how they relate to the key themes.

4.1   Systemic Racism

Systemic racism emerged as the predominant theme across all regions and sectors and thus will be examined thoroughly across varying contexts and applications. Systemic racism is a form of racism that is "pervasively and deeply embedded in systems, laws, written or unwritten policies, and entrenched practices and beliefs that produce, condone, and perpetuate widespread unfair treatment and oppression" (Braveman, P.A., et al, 2022). Throughout consultations, participants stated that systemic racism continues to be widely evidenced through legislative frameworks and government practices that repeatedly harm and disadvantage First Nations peoples.

The pervasive nature of systemic racism profoundly impacts the mental and physical health of First Nations peoples (Williams, 2018). The relentless stress induced by discrimination results in elevated rates of mental health issues, such as anxiety, depression, and PTSD. Concurrently, systemic barriers to accessing services contribute to disproportionately poorer physical health outcomes, including higher incidences of chronic diseases and lower life expectancy (Kairus et al., 2021). Participants candidly shared their personal struggles with mental health, attributing much of their distress to the persistent and pervasive nature of racism they face daily.

Systemic racism further perpetuates economic disadvantage and social exclusion among First Nations peoples (Hunter, 2009). Structural barriers to education and employment opportunities often result in entrenched cycles of poverty and marginalisation. These barriers manifest in various forms, including underfunded schools in First Nations communities, discriminatory hiring practices, and limited access to professional networks and mentorship.

Early career First Nations professionals frequently report encountering invisible barriers that hinder their career advancement. Despite possessing the requisite degrees and experience, they often find themselves unable to reach their full potential due to systemic biases and a lack of equitable opportunities. Addressing these issues necessitates the creation of equitable and inclusive

pathways for education and employment. This includes implementing policies that promote diversity and inclusion, providing targeted support and mentorship programs, and ensuring that First Nations voices are represented in decision-making processes.

4.1.1 Legislative Framework

Participants articulated that the core of the issue lies with the continuation of Australia as a constitutional Monarchy. They expressed that systems designed by and for the dominant culture will continue to marginalise and oppress First Nations people. There was a strong opinion amongst participants that to effectively implement genuine and successful ant-racism initiatives, it was necessary to dismantle and decolonise the existing foundations of our current systems. Recommendations that this process needs to start with the Commonwealth of Australia Constitution Act (Constitution) were prominent.

Throughout consultations, reference was often made to section 51(xxvi) of the Constitution, and its continued use to make laws specifically for First Nations people. Professor Gabrielle Appleby, of the Law Faculty at University of New South Wales (UNSW) states that "The Commonwealth Parliament has, and continues, to rely on the races power to make laws for Aboriginal and Torres Strait Islander people, including, for instance, the Native Title Act and the Aboriginal and Torres Strait Islander Heritage Protection Act." It was suggested that the enactment of the Native Title Act does not live up to the intention of the Mabo movement, which sought to recognise the sovereign land rights of First Nations people. Participants stated that the current use of the Native Title Act attempts to align First Nations concepts of belonging and connection into a Western framework of ownership. Participants identified this as one example of how the race powers have been used in a way that was thought to be beneficial to First Nations people but instead causes division and harm. It was widely accepted amongst participants that the first step in dismantling systemic racism was to enact an amendment to the Constitution that recognised the unique status and history of Australia's First Peoples but removed the power of the Commonwealth Parliament to make laws based on race. Similarly, participants discussed the use of the Heritage Protection Act which is purported to 'protect culturally significant areas or objects under threat'. Participants stated that interpretation of what areas or objects are significant should not be at the determination of a Western system, and that too many times the act has been used against community trying to use the legislation to protect country.

Participants throughout the consultations spoke freely about the impact of the Voice Campaign and the fall out post referendum. Whether or not participants were in favour or opposed to the Voice, there was consensus that the decision should have sat solely with First Nations people. The campaign and referendum were said to be the 'most violent form of political racism experienced by our generation'. Participants urged government to cease the politicisation of First Nations human rights to progress individual agendas.

Another recent example of how race powers are used to enact racism against First Nations people in the name of 'law' was the introduction of the Northern Territory National Emergency Response Act 2007 (Cth) (NTER Act). Introduction of the NTER Act suspended operation of the Racial Discrimination Act (1975) and denied communities affected by the Northen Territory Intervention protection under the RDA. This is a blatant example of the many ways in which the current legislative framework can be manipulated to inflict harm and remove the human rights of Firsts Nations people.

4.1.2   Western legal system

Systemic racism is a pervasive experience described by First Nations people in contact with Australian criminal legal systems. It is connected to a severe and widespread lack of comprehension of the intergenerational impacts of colonisation, trauma, grief and loss, and a lack of resourcing and support for community-led and culturally safe services.

A crucial factor in the success of anti-racism initiatives is recognising the cultural disconnect between the Western-designed legal system and First Nations ways of knowing, being and doing. This disconnect prioritises the dominant culture and creates barriers to fair and equitable outcomes for First Nations people. Cultural ways of knowing, being and doing should be acknowledged and embedded to remove barriers and improve outcomes. Some of the key areas of disconnect highlighted by participants included the lack of recognition and acceptance of complex kinship systems. This disconnect especially impacts on experiences of communication and information sharing, particularly when related to privacy and confidentiality.

Australia's legal system aspires to be neutral and objective, yet concepts of race have profoundly shaped both the laws themselves and how courts interpret them. This was reported on by many people who were consulted throughout the in-person community and service provider consultations as one of the greatest challenges for anti-racism strategies.

4.1.3   Sector and service delivery context

Racism is deeply embedded in the policies and practices of institutions, making it impossible to address through individual efforts alone. Systemic changes are imperative to dismantle these deeply ingrained biases.

Sector based consultations identified the unique and specific ways in which systemic racism is evidenced throughout the education, health and justice sectors at a service delivery level. This context is important to consider in the development of anti-racism initiatives to determine transferability and measurability.

Education Sector:

> In the realm of education, systemic racism is evident through the exclusion of First Nations perspectives in the curriculum, biased disciplinary actions against First Nations students, and the underrepresentation of First Nations staff. Participants noted that First Nations history is frequently overlooked or misrepresented in school curriculums, perpetuating ignorance and prejudice. There was a strong advocacy for comprehensive curriculum reform to inclusively integrate First Nations voices and histories. Curriculum reform, hiring practices, and disciplinary policies require comprehensive overhauls to foster a more inclusive and supportive environment for First Nations students and staff. Systemic reforms must include First Nations voices in decision-making processes at all levels, ensuring that policies and practices genuinely reflect the needs and perspectives of First Nations communities. This includes integrating First Nations history, culture, and knowledge into the curriculum, and actively recruiting and retaining First Nations educators and administrators.

Health Sector:

Systemic racism in health results in inequitable access to quality care and a lack of culturally safe services. First Nations patients often face racism and prejudice from healthcare providers, leading to inadequate care, poorer health outcomes and an ongoing distrust of the health system as a whole. The lack of trust reduces the willingness of First Nations people to access services which compounds poorer health outcomes across the board. Many participants emphasised the necessity of mandatory Cultural Safety education for healthcare providers, concerted effort to increase the First Nations Health workforce and the inclusion of traditional healing practices into the mainstream health system. Health policies must be reviewed and restructured to ensure Cultural Safety and support holistic views of health. Training for healthcare providers on First Nations health perspectives is essential to ensure culturally safe care. Recent amendments to the Health Practitioner Regulation Law need to be leveraged to embed preventative measures throughout the health system. For non-clinical staff, similar accountability mechanisms are required to ensure minimum standards across the system.

Justice Sector:

Within the justice system, First Nations people are disproportionately targeted by law enforcement and subjected to harsher sentencing. High incarceration rates, deaths in custody and over-policing of First Nations communities were significant concerns. Participants highlighted the urgent need for system reforms that incorporate First Nations knowledge and restorative justice practices, which focus on healing and reconciliation rather than punishment. Reforms in the justice system must include comprehensive training for law enforcement and legal professionals on First Nations rights and cultural contexts. Implementing restorative justice programs that incorporate First Nations knowledge and practices is crucial for creating a more equitable justice system. Participants emphasised the urgent need for legal reforms that incorporate First Nations perspectives and prioritise restorative methods over punitive measures. This includes involving First Nations leaders in the development and implementation of justice policies and practices, ensuring that the justice system is fair and just for First Nations communities.

4.2   Unconscious Bias

Unconscious bias refers to attitudes and perceptions that are held subconsciously and are often deeply ingrained (Monash University, 2022). In many instances, individuals are not aware of their unconscious biases or where they have stemmed from without self-reflection and critical analysis. Unconscious bias is not dissimilar to stereotyping and can lead to inaccurate assumptions and can have a detrimental impact in decision-making (Monash University, 2022).

If individual or organisational behaviours are influenced by implicit biases, they are likely to result in inequitable outcomes for First Nations people. When not addressed, unconscious bias shapes perspectives and drives decision making that perpetuates false ideologies and causes harm.

Furthermore, another point emphasised by all stakeholders engaged in the consultations was the implicit bias and at times, explicit racism they have experienced and or witnessed in the treatment of First Nations people in the legal system.

Unconscious bias and pervasive stereotyping were common themes reported throughout consultations. Participants of all ages and gender disclosed that unconscious bias had been a frequent occurrence throughout their life. Participants stated that unconscious bias was prevalent within society including workplaces and often affected decision-making processes, including recruitment, promotion, development and access to other opportunities.

The media was identified as a key contributor to the perpetuation of negative stereotypes and fuelling unconscious bias.

4.2.1   Sector and service delivery context

Education Sector: In educational environments, First Nations students frequently encounter unconscious bias from both peers and educators, leading to lower expectations and diminished opportunities. Stereotyping of First Nations students as underachievers adversely affects self-esteem and academic performance. There is a pressing need for educators and school staff to undergo Cultural Safety education to examine their own unconscious bias and how it impacts on the way in which they engage with First Nations people.

Health Sector: In health settings, unconscious bias directly impacts on the way in which First Nations people access services and receive health care. Unconscious bias in health care settings often leads to lack of care provision, poorer health outcomes, unjustified reporting to government agencies and deepens the distrust between First Nations people and the health sector. All staff working within the health sector should be required to undertake standardised Cultural Safety education to examine unconscious bias and the detrimental effects it has on the lives and health outcomes of First Nations people.

Justice Sector: In the justice system, negative stereotypes about First Nations peoples contribute to discriminatory treatment by law enforcement and the legal system. Participants reported that these stereotypes often lead to over-policing and harsher sentencing for First Nations individuals. Addressing these issues requires comprehensive Cultural Safety education for all justice system personnel and reforms that ensure fair and equitable treatment. Recent large-scale studies in Australia have shown there to be significant levels of implicit bias against First Nations people. Criminal courts are substantially the domain of white decision-makers. The overwhelming number of judicial officers, lawyers and experts are non-Indigenous and despite First Nations people comprising over a quarter of people before criminal courts, juries comprise over 99 per cent of non-Indigenous people. In a 2019 journal article, Shirodkar concluded that such *"bias may predispose vast swathes of the population towards considering Indigenous Australians through a negative lens, perhaps unconsciously"*.

4.3   History and ongoing impacts of Colonisation

The historical context and ongoing impacts of Colonisation erode trust and the ability to build meaningful relationships with First Nations people. Historical injustices relating to enforced government policies and practices continue to influence the way in which some First Nations peoples view and engage with government systems. Understanding the ongoing effects and legacy of colonisation and the steps to de-colonise systems and workplaces is crucial to anti-racism initiatives.

Colonisation in this context refers to the systems of power that continue to oppress First Nations people and perpetuate marginalisation and disadvantage. Colonisation began at the time of European invasion in Australia and continues with ongoing policies and systems that do not value nor recognise First Nations knowledges or complex systems of knowing, being and doing.

Participants stated that the decolonisation of systems and organisations was imperative in the eradication of racism against First Nations people and to effectively implement anti-racism strategies. Decolonisation is a process, it is a cultural, psychological, and economic freedom from mainstream ways and understandings, with the primary goal of achieving sovereignty and voice at the decision-making table. Equally important in decolonisation is thinking about ways to decolonise, and actions towards decolonisation.

Understanding the impact of colonisation on First Nations peoples requires acknowledging the ongoing impacts of intergenerational trauma, loss, disadvantage, and systemic discrimination. Despite these challenges, First Nations communities continue to demonstrate incredible resilience in overcoming significant systemic disadvantages and unfathomable adversity.

There was a strong position among participants that there is a varying range of understanding in relation to the legacy of colonisation and thus a lack of understanding as to why a consistent understanding is required to achieve an anti-racist and equitable society. Critical analysis of these discussions identifies that truth-telling and education around the modern-day impacts of the historical context are crucial to the successful implementation of anti-racism strategies.

4.4   Over-Policing and incarceration

Participants identified the justice sector as one in need of urgent reform due to entrenched racism resulting in over-policing and disproportionate incarceration rates. Whilst it was acknowledged that broader social and cultural determinants contribute to cycles of disadvantage experienced by First Nations people, racism was acknowledged as the key contributor of over-policing and incarceration.

First Nations communities, especially those in remote areas, face relentless over-policing and are disproportionately incarcerated. Legal processes frequently lack Cultural Safety, disregard cultural contexts, and result in harsher penalties for First Nations individuals. Participants from remote areas shared harrowing experiences of constant police surveillance and severe penalties for minor infractions. This relentless scrutiny perpetuates a cycle of incarceration that is nearly impossible to escape. To break this cycle, it is imperative to implement legal reforms that include comprehensive Cultural Safety education for law enforcement and the adoption of restorative justice practices that align better with First Nations ways of doing. These steps are crucial in addressing and rectifying the systemic injustices faced by First Nations communities.

4.5   Accountability

Participants discussed the multiple attempts made by various governments and sectors to improve outcomes for First Nations people and indicated that inadequate accountability mechanisms have prevented progress. Throughout consultations, the project team were asked on numerous occasions whether there was 'buy-in' from a national level to implement accountability mechanisms to support the Framework. This needs to include strengthening of existing complaints mechanisms for racism as well as the development of new independent monitoring mechanisms.

Participants stressed the need for transparent and effective accountability measures to ensure that institutions are held responsible for discriminatory practices. There was a heavy focus on reporting mechanisms to support accountability. Participants indicated that consistent reporting mechanisms did not exist across sectors which leads to a lack of accountability and progress.

Improved data reporting will be critically important to better understand the prevalence of racism in systems and institutions at the local, state and national level. The Lowitja Institute, the Australian Indigenous Governance Institute, the Maiam nayri Wingara Indigenous Sovereignty Collective, as well as individual First Nations researchers and communities are increasingly interested in ensuring the principles of Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) are adhered to. This growing interest recognises the major role data has in influencing policy and service delivery. IDS and IDG both recognise that when data and reporting systems are misused, they can do harm and inadvertently perpetuate systemic racism. There are also novel tools such as the *Matrix for Identifying Measuring and Monitoring Institutional Racism within Public Hospitals and Health Services* which has been used in both Queensland and South Australia to quantify institutional racism in hospitals and health centres. It has been developed, implemented and refined with substantial input from First Nations people including Professor Henrietta Marrie AM.

Robust mechanisms must be established to monitor, evaluate, and enforce anti-racism policies across all sectors. This includes creating independent review bodies with the authority to investigate and address instances of racism. There have also been calls for greater ambition in some of the Closing the Gap commitments, particularly those related to justice. Some of the related National Agreement targets on incarceration rates need to be more ambitious if racism in the criminal justice system is to be addressed.

The Framework also needs to be supported by an auditing process to ensure effectiveness and accountability at both the local, state and national levels. In the development of the outcome measures related to the Framework, there needs to be transparency around the processes used in the development of the measures and reporting procedures along with opportunities for community feedback and advice. This will build community trust and confidence in the process as well as the implementation of the Framework.

5   Barriers and Enablers

5.1   Decision Making

First Nations voices must be central in all decision-making processes. Participants highlighted the importance of genuine consultation and representation in developing policies and programs that affect First Nations communities. Establishing First Nations advisory bodies at local, regional, and national levels is crucial to ensure that First Nations perspectives are integral to policy development and implementation. These bodies should have real decision-making power and not merely serve as advisory panels.

The ongoing failure of successive, State, Territory and Commonwealth governments to engage in shared decision making with First Nations communities and Aboriginal Community Controlled Organisations is a major contributing factor to ongoing systemic racism, inequalities and failure to improve health outcomes nationally. The National Anti-Racism Framework needs to be supported by commitments to strengthen relevant State and Commonwealth legislation that would ensure the greater right to self-determination of First Nations people.

Decision making needs related to the development, implementation and monitoring of the National Anti-Racism Framework need to be evidence-based and aligned to the principles of IDS and IDG. This will also require the development of new and improved reporting and monitoring tools that are strengths-based and better align with First Nations ways of knowing, being and doing.

5.2   Funding

Funding was discussed across multiple contexts throughout the consultations. Fundamentally, participants stated that commitment to equitable and transparent funding models are needed. Participants spoke of the frustration of communities being constantly held to the whim of the 'money managers' with little to no oversight of the way in which funding was allocated or distributed. A male Elder in Mparntwe spoke of funding cycles being like government commitments in the way that they have a very short lived 'used by date'. He spoke to the impossibilities of progress under this short-sighted model whilst 'Colonisation is enduring and everlasting and continues to affect mob everyday'.

Sustainable funding is critical for the success of anti-racism initiatives (Tucker et al., 2023). Participants called for increased and targeted funding for programs that address the specific needs of First Nations communities. Resources should be allocated to First Nations-led initiatives, ensuring that funding is controlled by First Nations organisations rather than non-First Nations entities. This approach ensures that resources are directed in a manner that truly reflects and addresses the priorities of the community.

The underfunding of Aboriginal and Torres Strait Islander Legal Services is a major barrier to addressing the systemic racism experiences by First Nations people. This historical underfunding is a major reason why First Nations people don't seek legal recourse for

racial vilification and leads to underreporting of racism. The National Anti-Racism Framework needs to highlight the urgent need to securely fund access to culturally safe legal assistance for First Nations people who experience racism. This needs to be accompanied by culturally safe legal education and advisory services on legal rights.

5.3 Education

Participants identified a need for education across all sectors to reduce racism and build support for anti-racism strategies. The key content areas identified for inclusion in education were Cultural Safety, Racism, White Privilege and Self-Determination. It is evidenced that Cultural Safety cannot be separated from anti-racism initiatives and that racism is an intrinsic marker of a culturally unsafe environment. Education developed in line with the principles of Cultural Safety, as identified by Irihapeti Ramsden, would include all the key areas identified.

Lack of access to a consistent standard of education emerged as a barrier and enabler across all sessions. Participants expressed that seeking out information about Cultural Safety, racism and White Privilege is difficult and is solely the responsibility of individuals, regardless of the sector. It was acknowledged that there have been varied attempts across the sectors to promote some form of training related to working with First Nations people, however consistency was noted as paramount in achieving any measurable outcomes or improvements. There was a broad consensus that current education offered across sectors did not address issues of Cultural Safety and racism and participants expressed there was an urgent need to review and standardise education. Participants discussed the need for clarity around terms used and the implementation of robust reporting frameworks to measure impact over time.

Education is a fundamental tool for combating racism, developing understanding and reducing unconscious bias. Participants highlighted the need for comprehensive and standardised anti-racism and Cultural Safety education across sectors. Integrating First Nations histories and perspectives into the national curriculum is essential in progressing anti-racism initiatives.

5.3.1 White Privilege

White privilege refers to the societal advantages white people have when compared to non- white people who experience racism. Francis Kendall explains that *'white privilege is an institutional (rather than personal) set of benefits granted to those of us who, by race, resemble the people who dominate the powerful positions in our institutions'*.

White privilege was discussed across the consultations as an area in need of further education particularly for those in positions of power and within government. Governments often speak of codesign and coproduction with First Nations people as part of designing and implementing new strategies. But to address entrenched systemic racism authentic codesign is required where power is shared equally. White privilege often overtly and sometimes subtlety resists this power sharing which further entrenches racism.

5.4 Trust

There is a pervasive lack of trust toward government institutions due to historical and ongoing failures to address racism. Building and maintaining trust between First Nations communities and institutions is vital. Participants highlighted the historical and ongoing breaches of trust that have contributed to the current state of relations. Institutions must demonstrate a genuine commitment to addressing racism through transparent actions and continuous engagement with First Nations communities.

The National Anti-Racism Framework needs to include the development of a trusted hub for resources that inform people about the realities of racism and its impact as well as truth-telling about the historical context of systemic racism for First Nations people. This will build greater trust in the government addressing racism as well as supporting educational initiatives related to the Framework and its implementation.

Finally, all Government Departments must be required to report regularly on implementation of key strategies. It is critical that Governments are accountable to First Nations people and communities affected by racism to build lasting trust and change.

6   Recommendations

The following reforms were identified by participants throughout consultations and are proposed to guide the Australian Human Rights Commission in developing a robust and effective National Anti-Racism Framework. These recommendations aim to address systemic racism and achieve equity for First Nations peoples across various sectors.

1. **Legislative reform:**
   - Draft and implement robust anti-racism legislation that explicitly prohibits racism and includes clear accountability mechanisms. The Racial Discrimination Act (1975) does not take an anti-racism approach and does not strongly address systemic issues.
   - Schedule regular reviews and updates to ensure that legislation remains effective and relevant
   - Build anti-racism and Cultural Safety into Workplace Health and Safety Legislation
   - Advocate for removal of race powers within the Commonwealth of Australia Constitution Act. Although the race powers purport to be for the benefit of First Nations people, they continue to be used and interpreted in ways that are detrimental. Noting that implementation of this recommendation sits outside of the Commission and is reliant on government appetite and action.

2. **Establish Accountability Mechanisms:**
   - Ensure prioritisation and ownership of anti-racism initiatives across all sectors including government and non-government agencies
   - Ensure alignment with key national strategies including the National Agreement on Closing the Gap to streamline and optimise outcomes
   - Develop robust mechanisms to monitor, evaluate, and enforce anti-racism policies across all sectors
   - Establish independent review bodies with the authority to investigate and address instances of racism
   - Provide directive for accountability mechanisms to be used across sectors
   - Involve First Nations leaders in decision-making processes to ensure that policies genuinely reflect community needs and perspectives.

3. **Establishment of First Nations Advisory Bodies:**
   - Governments to establish advisory structures underpinned by legislation that ensures the upholding of First Nations rights and the eradication of racism
   - Governments to form advisory bodies at local, regional, and national levels, comprising of First Nations people with relevant skills and experience to drive anti-racism agendas
   - Develop a set of national standard requirements that clearly identify objectives, scope and purpose of the advisory groups which should include terms of reference and remuneration guidelines
   - Empower these bodies with genuine decision-making authority to guide policy development and program implementation

- Government to adequately resource the establishment and function of these advisory bodies
- Implement a standardised approach to monitoring, evaluation, reporting, and review that includes First Nations people, considering intersectionality and addressing combined barriers faced by those with intersectional needs, including disability.

4. **Standardised Cultural Safety Education:**
- Development and acceptance of a national definition of racism to inform development of minimum standards
- Develop Cultural Safety education, formulated to an agreed set of minimum standards, to be mandatorily implemented across sectors to ensure consistency and adherence to the national definition
- Standardise and mandate Cultural Safety education within tertiary education, professional practice standards, codes of conduct and regulatory requirements such as professional and industry registrations
- Develop an organisational accreditation program linked to completion of Cultural Safety and anti-racism education (similar to the process of International Organisation for Standardisation (ISO) accreditation)
- Develop adequate review mechanisms to ensure quality and continued compliance to national minimum standards.

5. **National Cross-Sector Workforce Strategies:**
- Establish a cross-sector First Nations workforce development strategy group to develop a First Nations Workforce Strategy to reduce fragmented approaches and enhance visibility
- Review all existing sector workforce strategies and frameworks to ensure alignment, strengthen outcomes and reduce duplication
- Ensure adequate data sharing systems are developed to provide insight into workforce fluctuations and movement to better inform strategy development i.e. National Power BI dashboard on First Nations cross sector workforce
- Develop accountability mechanisms and data sharing agreements to ensure all sectors contribute to data sharing and visibility of workforce

6. **Standalone First Nations Anti-Racism Framework**
- Develop a standalone First Nations Anti-Racism Framework to prioritise the unique experiences and anti-racism needs of First Nations people
- Align the structure of the standalone framework to the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Position and apply the standalone framework as an equal part of the National Anti-Racism agenda alongside the broader framework
- Adequately resource the co-design, implementation and monitoring of a standalone framework and associated resources.

6.1   Sector-Specific Recommendations

6.1.1   Education Sector:

- Reform curricula to integrate First Nations perspectives and histories at all levels of education
- Develop educational materials in consultation with First Nations communities
- Increase recruitment and retention of First Nations educators and staff
- Promote restorative practices and reduce biased disciplinary actions within educational institutions.

6.1.2   Health Sector:

- Mandate comprehensive Cultural Safety education for all healthcare providers to improve service delivery
- Integrate traditional healing practices into mainstream healthcare systems
- Increase the First Nations health workforce through targeted recruitment and training programs
- Develop programs addressing health issues disproportionately affecting First Nations communities.

6.1.3   Justice Sector:

- Implement mandatory cultural training for law enforcement officers to foster understanding and respect
- Develop community policing models involving First Nations leaders to strengthen relationships and trust
- Expand restorative justice programs focused on healing and reconciliation
- Review and reform sentencing practices to reduce disproportionate incarceration rates.
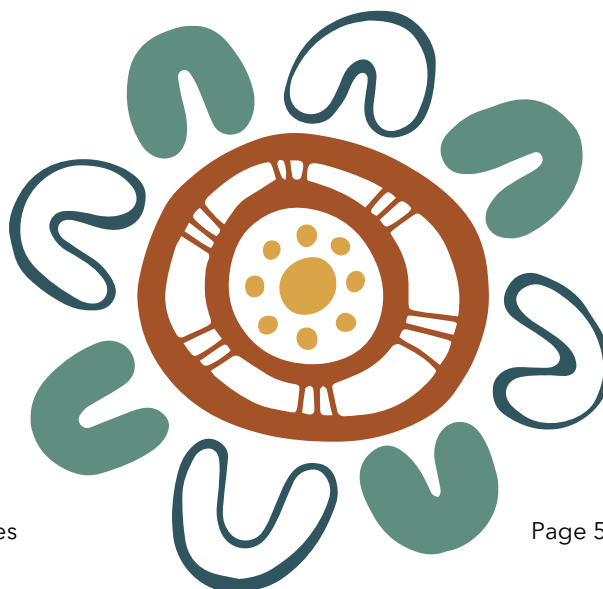
6.2 Practical Strategies for Implementing Recommendations

1. **Engaging Stakeholders for Collaborative Solutions:**

   - Involve First Nations communities, leaders, and organisations in the development and execution of anti-racism policies

   - Establish advisory councils composed of respected First Nations leaders to provide ongoing guidance and ensure that policies reflect the needs and aspirations of First Nations communities.

2. **Providing Comprehensive Training and Resources for Lasting Impact:**

   - Offer workshops, seminars, and educational materials tailored to various sectors on effective anti-racism strategies

   - Ensure that training programs are immersive and ongoing, incorporating practical engagement with First Nations communities.

3. **Monitoring and Evaluating Progress with Accountability:**

   - Develop robust key performance indicators (KPIs) to measure the success of initiatives, such as increased representation of First Nations peoples, reduced disparities in health and education outcomes, and lower incarceration rates

   - Conduct regular assessments and surveys to gather feedback from First Nations communities on the effectiveness of anti-racism programs

   - Establish independent review bodies to oversee the implementation and evaluation of anti-racism policies, ensuring accountability and transparency.

4. **Publishing Regular Reports for Transparency and Accountability:**

   - Publish regular reports on the progress and impact of the anti-racism framework

   - Ensure these reports are accessible and transparent, providing a clear picture of achievements and areas needing improvement.

By adopting these recommendations, the Australian Human Rights Commission can lead the nation in creating a comprehensive and effective anti-racism framework. These measures will not only address the immediate issues of systemic racism but also pave the way for a more inclusive and equitable future for First Nations peoples. The commitment to these actions will demonstrate a genuine dedication to reconciliation and justice, fostering a society where all individuals are respected and valued.

7   Conclusion

In conclusion, the consultations with First Nations communities have highlighted the urgent need for a transformative National Anti-Racism Framework that addresses the deep-seated issues of systemic racism, unconscious bias and disadvantage. These findings reveal a stark reality: systemic racism is not an isolated phenomenon but a pervasive issue that infiltrates critical sectors such as education, healthcare, and justice.

The evidence gathered highlights the necessity for comprehensive reforms that prioritise the inclusion of First Nations voices and perspectives. In education, the absence of First Nations content in curricula, biased disciplinary practices, and the underrepresentation of First Nations staff perpetuate cycles of inequity. The healthcare sector mirrors these challenges, with First Nations peoples facing barriers to accessing quality care and experiencing a lack of Cultural Safety among healthcare providers. Furthermore, the justice system's over-policing and disproportionate sentencing of First Nations individuals illustrate the urgent need for legal reforms that promote fairness and equity.

To effectively combat these systemic challenges, we must implement a series of targeted interventions. First and foremost, mandatory Cultural Safety education across all public service sectors is essential. This education must be ongoing and practical, ensuring that public servants understand and respect First Nations cultures, histories, and rights. Establishing First Nations advisory bodies with genuine decision-making authority will ensure that policies reflect the needs and aspirations of First Nations communities.

Legislation that explicitly prohibits racial discrimination is critical. This legislation should include mechanisms for regular reviews and updates to maintain its relevance and effectiveness. Additionally, we must commit to transparent and equitable funding models that allocate increased funding for First Nations-led reform initiatives ensuring that resources are directed to where they are most needed.

Tailored interventions must be developed to address the unique challenges faced by metropolitan, rural, and remote communities. This approach will ensure that solutions are context-specific and effective, recognising the diversity of experiences within First Nations populations.

Moreover, establishing robust monitoring and evaluation mechanisms is vital for assessing the implementation and impact of anti-racism policies. This includes setting key performance indicators, conducting regular assessments, and creating independent review bodies to ensure transparency and accountability. Regular public reporting on progress will foster trust and demonstrate a commitment to meaningful change.

The Australian Human Rights Commission is uniquely positioned to lead this transformative agenda. By adopting these comprehensive measures, we can confront the immediate challenges posed by systemic racism and lay the groundwork for a future characterised by equity, justice, and genuine reconciliation. This is not merely an obligation; it is a moral imperative that reflects our collective commitment to fostering a society where every individual is respected, valued, and empowered.

The time for action is now. Let us seize this opportunity to create a more just and inclusive Australia for all, ensuring that the voices of First Nations peoples are not only heard but are central to shaping the future of our nation.

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Appendix A   Case Studies

A.1   Justice

Many First Nations communities face the adverse impacts of frequent interactions with the justice system and the resulting high rates of incarceration. This dates to the start of colonisation and the resulting racist policies and practices including being made to reside in missions and having their movement restricted. Lack of full citizenship until the 1967 referendum also meant First Nations peoples had limited rights or recourse to the law when mistreated by members of the public and police. There have been numerous documentaries and reports into policing and ingrained systemic racism for over 40 years. This has led to numerous initiatives and strategies at a state and territory level to attempt to address this issue. There are still regular reports of racial profiling and surveillance of First Nations young people and almost certainly this is driven by unconscious and conscious bias of officers and leads to over incarceration.

Recently in the Northern Territory (NT), police officers were found to have established an informal, yet well organised awards program that racially denigrated First Nations people. These were exposed at an ongoing coronial inquest into the 2019 shooting death of Kumanjayi Walker by an NT Police Officer from the Territory Response Group (TRG). The evidence at the coronial inquest began in 2022 and has continued into 2024. It has brought to light a NT Police culture of using racist language and slurs. These were included in text messages shared between NT Police Officers as well as an unofficial awards ceremony with several certificates awarded with racist phrases. The language used in reference to First Nations people demonstrated a widespread acceptance of racist behaviors in the NT Police force as the NT Police Commissioner Michael Murphy admitted he had been aware of the awards for at least six months and hadn't treated them seriously.

The Independent Commissioner Against Corruption Michael Riches has also found that this was not an isolated incident, and the unofficial awards ran from 2007 to 2015. It took several weeks for the commissioner to admit his prior knowledge of the racist awards in May 2024. In response to the revelations, it was reported that the NT Anti-Discrimination Commission was urgently investigating the matter or conducting a review of systemic racism in the NT Police Force. The Commission released a statement in June 2024 saying this was false as the Attorney General and Minister for Police had not made available necessary resources for the review (NT Anti-Discrimination Commission, 2024). This clearly demonstrates the issue of under-resourcing of the necessary actions to address systemic racism within the NT Police.

The NT Police Commissioner made an apology at Garma for a range of historical failings on NT Police in early August 2024. While this was well received by some as an acknowledgement of wrongdoing, for many it is more a public relations exercise until the next time. The NT police association also criticised the speech, saying they had no prior knowledge it was coming, and this led to commissioner Michael Murphy withdrawing his membership of the association.

There have been consistent calls for the NT Police force to sack officers involved in this most recent racism scandal and Darwin Barrister John Lawrence says the commissioner needs to go further than an apology (see Backlash to NT Police Commissioner apology - ABC listen). It appears that many of the disciplinary mechanisms are of police investigating police with little or no substantial action and use of guidelines and systems that were designed for addressing corruption

and specific policing practice, rather than systemic racism. The evidence at the coronial inquest and various investigations in other Australian states that these are not isolated and time limited issues, but entrenched and long standing (over 40 years). Thus, the National Anti-Racism Framework must address these entrenched issues to create a more equitable, accountable and safe justice system.

In NSW there is a unique program underway with Legal Aid NSW, Macquarie University Law School, TAFE NSW and the Djurali Centre to create a career pathway for First Nations employees at Legal Aid NSW into a Diploma of Legal Studies and then into a Juris Doctor of Law. All non-Aboriginal staff in the program undertake a specific cultural safety course and the project has a First Nations led governance with mentorship of an Elder experienced in policing, justice, health and education.

There are plans to expand the program into Queensland and into NGOs providing community legal advice. This program is seeking to provide greater employment opportunities in the criminal justice system whilst also seeking to address racism in legal processes. These types of programs also positively influence non-Indigenous law education programs and lawyers which is essential for creating a fair and equitable justice system. They also support the need for mandatory face-to-face cultural safety education for all justice sector workers as a critical step forward in developing understanding and capability.

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- [https://pfes.nt.gov.au/newsroom/2024/northern-territory-police-commissioner-delivers-apology-speech-garma-festival](#)

- [Leanne Liddle on heading up NT Police Force efforts to combat racism, improve Indigenous relations - ABC News](#)

A.2   Early Childhood Education

There has been considerable interest in how greater First Nations culture can be included in the Early Childhood curriculum as well as improved Cultural Safety of educators and administrators. A guiding principle of the National Quality Framework (NQF) is that Australia's Aboriginal and Torres Strait Islander cultures are valued and embedded in the learning experiences of children. Ensuring all children have the right to an education that respects their family, culture and other identities and languages is woven through the National Quality Standard and the Early Years Learning Framework and the Framework for School Age Care (ACECQA, 2018a). Under Element 1.1.2 of the National Quality Standard, Services are required to provide children with programs that suit their individual needs based on their current knowledge, strengths, ideas, culture, abilities and interests.

There have been several state and national resources developed that seek to link greater valuing of First Nations cultures into organisational processes, professional practice and educational activities (NSW Education, 2020; ACECQA, 2020a; ACECQA, 2020b; SA Education, 2013). These resources include clear guidance as to how non-Indigenous staff can build relationships with local First Nations Communities and seek to employ First Nations people to assist in the process wherever possible. A case study from Early Childhood Australia on the Baya Gawiy Buga yani u Centre (Fitzroy Crossing Children and Family Centre) in Western Australia notes that their program also benefits non-Indigenous children by providing them a rich experience of Aboriginal culture and its context in Australian history (ACECQA, 2020b). The case study also notes that non-Indigenous educators and those with informal qualifications are all valued equally with other employees. The program at Fitzroy Crossing also embeds local community engagement on an ongoing basis and ensures strong relationships are maintained and strengthened on a regular basis.

A resource from the Australian Children's Education Care Quality Authority directly links Element 1.1.2 of the National Quality Framework to reconciliation (ACECQA, 2018b). It notes that "all educators have the potential to make a significant and positive difference in National Reconciliation" (ACECQA, 2018b). The resource also provides a practice case study that observes that some non-Indigenous educators are worried about 'getting it wrong' or being 'tokenistic' (ACECQA, 2018b). Thus, it's important that embedding Aboriginal history and culture needs to also occur in the wider programs, policies and practices and not in one-off lessons or events.

While cultures and histories of First Nations people should be embedded into everyday practices and children's learning experiences this is not technically mandatory when there are no First Nations children attending the centre. It's acknowledged that exploring Aboriginal culture and learning about ways of belonging, being and becoming is beneficial to all children but the current Standard doesn't clearly mandate this. Efforts to address this are often opposed quite vehemently which means current education in the early years about the cultures and histories of First Nations people is patchy.

Educators' practice should be reflective and inclusive so that children are not disadvantaged by an educator's bias or views (ACECQA, 2018b) and they are a crucial link between the rhetoric of Reconciliation and the reality of the vision fulfilled (Burridge, N. 1999). As noted in this case study and earlier in the report there are good resources available online, but this needs to be complemented by effective partnering with local traditional owners. This would be further strengthened by the implementation of greater mandatory accreditation standards accompanied by First Nations Advisory Education bodies in each state and territory.

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- Koori Curriculum

A.3   Health Practitioners Professional Practice and Education.

There is a substantial literature on the impact of racism on health for First Nations peoples and how racism is often experienced when seeking health care. A recent case study of Aboriginal patients attending Katherine Hospital in the NT found that Aboriginal patients took their own leave (early discharge) at a rate 9 times greater than non-Indigenous patients between June 2013 and June 2015 (Parter et al, 2024). Reasons for taking early leave are complicated but include racism, lack of cultural safety, mistrust of the health system, and isolation from friends and family. The Katherine Case study also notes some of the positive changes made to better consider the cultural needs of patients and Cultural Safety of non-Indigenous staff. These included the integration of bush medicine and traditional healers into patient care (Parter et al, 2024).

There is now greater recognition of the cultural determinants of health as being important for health service delivery and policy to improve the health and wellbeing of Indigenous people. Culture is now central to the National Aboriginal Health Plan. There is also growing recognition that the health "…workplace must be culturally competent and their workforce culturally safe and free from racism" (Parter et al, 2024). Health Departments nationally and health profession associations have sought to address the issue through in-service training, education and awareness programs. Some state health departments, such as the NSW Ministry of Health, have mandatory policy on cultural safety. The NSW Health Respecting the Difference training has two components – online training and a face-to-face group session and ".. aims to significantly improve the health status of Aboriginal people and reverse the impact of racism as there is an immediate and ongoing need for organisations to provide more respectful, responsive and culturally sensitive services" (NSW Health, 2022).

The Australian Health Practitioner Regulation Agency (AHPRA) has undertaken a substantial body of work to engage with First Nations Communities, peak bodies, universities, etc to address systemic racism in the health system via national laws governing registration of health professionals. This was part of a wider long-term structural process within AHPRA that included the creation of an Aboriginal Health Unit in AHPRA and the National Scheme's Aboriginal and Torres Strait Islander Health and Cultural Safety Strategy 2020-2025. (AHPRA, 2023). AHPRA, the National Boards and the Aboriginal and Torres Strait Islander Health Strategy Group advocated to enshrine cultural safety as a guiding principle and objective for the National Scheme, which was adopted as legislative amendments to the Health Practitioner Regulation National Law in October 2022.

These provisions were complemented by the establishment of culturally safe notification processes, led by First Nations Islander Peoples which was formally announced in March 2023 (AHPRA, 2023). This was vital in sending a message through the entire health system as well as building confidence among Indigenous communities. There is now clear recognition by the national regulator that without cultural safety, there is no clinical safety and patient safety includes

the inextricably linked elements of clinical and cultural safety. Consideration of culture is now part of registration standards and the enforcement of professional conduct.

In November 2023 the new provisions were enforced for the first time with a doctor in the ACT being disqualified for a year and prohibited to provide any medical services after it was found by the ACT Civil and Administrative tribunal that the GP made racist comments in an email to an Aboriginal Medical Specialist (NITV, 2023). While the Australian Medical Board says the ruling is a step towards "dismantling all forms of racism in Australia's healthcare system", the Australian Health Practitioner Regulation Agency's Aboriginal and Torres Strait Islander Health Strategy Unit (HSU) urged there to be further legislative reform to address the institutional racism evident in Australia's healthcare system (NITV, 2023).

The Australasian Council of Dental Schools (ACODS) commissioned the development of a Dental Aboriginal and Torres Strait Islander Cultural Safety Curriculum to inform educational preparation of dental practitioners with reference to Standard 6.3, Australian Dental Council Accreditation Standards, 2021 (Satur et al., 2021). The purpose of cultural safety preparation in dental practitioners while still at university is to ensure that the health, self-determination and well-being of First Nations peoples are enabled and supported in all interactions with health practitioners, and experiences of health care. While Indigenising the oral health and dental curriculums of Dental Schools nationally is a good start, some dental schools have struggled to implement the changes and to Indigenise their curriculum. There appears to be limited resourcing to involve expert external assistance from First Nations experts and or community members in the process.

Working in partnership with First Nations people is critical part of embedding the critical role of culture into health services and practice. This is imperative given the recognition that culture is a determinant of health and progress towards this is supported by the good practice examples in the 2nd Edition of the National Safety and Quality Service Standards as well as enforcement of the health professional conduct provisions under National Law. AHPRA acknowledges that there is still more work to be done, including the development of an anti-racism policy for the organisation and the development of continuing professional development courses in cultural safety for all registered health practitioners.
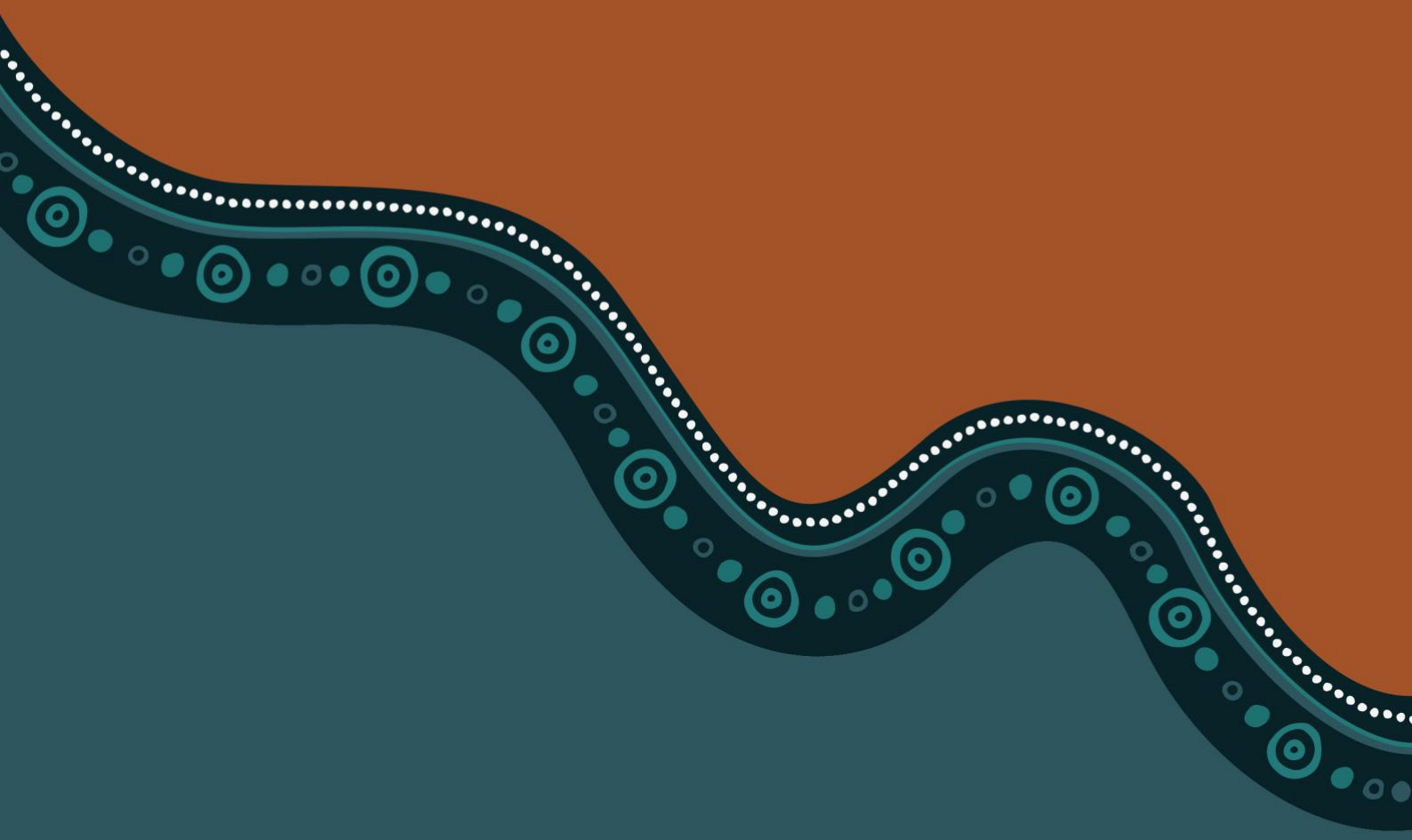
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Appendix B   Close the Gap Campaign Alliance Members

1. Aboriginal Health and Medical Research Council of New South Wales
2. Aboriginal Health Council of South Australia
3. Australians for Native Title and Reconciliation (ANTaR)
4. Australasian College for Emergency Medicine
5. Australian College of Midwives
6. Australian College of Nursing
7. Australian College of Rural and Remote Medicine
8. Australian Council of Social Service
9. Australian Healthcare and Hospitals Association
10. Australian Human Rights Commission
11. Australian Indigenous Doctors' Association
12. Australian Indigenous Psychologists' Association
13. Australian Medical Association
14. Australian Physiotherapy Association
15. Australian Student and Novice Nurse Association
16. Beyond Blue
17. Black Dog Institute
18. Cancer Council Australia
19. Community Mental Health Australia
20. Congress of Aboriginal and Torres Strait Islander Nurses and Midwives
21. CRANAplus
22. Expert Adviser – Alcohol and other Drugs, Professor Pat Dudgeon
23. Expert Adviser – Epidemiology and Public Health, Professor Ian Ring
24. First Peoples Disability Network
25. Gayaa Dhuwi (Proud Spirit) Australia
26. Heart Foundation Australia
27. Indigenous Allied Health Australia
28. Indigenous Dentists' Association of Australia
29. Indigenous Eye Health Unit (University of Melbourne)
30. Kidney Health Australia
31. Lowitja Institute
32. Menzies School of Health Research
33. National Association of Aboriginal and Torres Strait Islander Health Workers and Practitioners
34. National Aboriginal Community Controlled Health Organisation
35. National Association of Aboriginal and Torres Strait Islander Physiotherapists
36. Tom Calma AO - Campaign founder and former Aboriginal and Torres Strait Islander Social Justice Commissioner
37. National Family Violence Prevention Legal Services Forum
38. National Heart Foundation
39. National Rural Health Alliance
40. NSW Aboriginal Land Council
41. Oxfam Australia
42. Palliative Care Australia

43. Perinatal Wellbeing Centre

44. PHILE Network

45. Public Health Association of Australia

46. Reconciliation Australia

47. Royal Australian College of General Practitioners

48. SBS, the home of National Indigenous Television

49. The Fred Hollows Foundation

50. Healing Foundation

51. The Pharmacy Guild of Australia

52. Torres Strait Regional Authority

53. Victorian Aboriginal Community Controlled Health Organisation

54. Winnunga Nimmityjah Aboriginal Health Service