

14 April 2026

Our ref: HF:FNLP

Dr James Popple
Chief Executive Officer
Law Council of Australia
Level 1, MODE3
24 Lonsdale Street,
Braddon ACT 2612

By email: [REDACTED]

Dear Dr Popple,

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

Queensland Law Society (**QLS**) welcomes the opportunity to provide insights to inform the Law Council of Australia's submission to the Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander peoples.

This submission incorporates feedback of the QLS First Nations Legal Policy Committee and the QLS First Nations Consulting Committee, whose lived and professional experiences offer critical insights into the impacts of historic and current impacts on Aboriginal and Torres Strait Islander peoples.

Racism, hate and violence directed at Aboriginal and Torres Strait Islander peoples remain persistent, systemic and experienced as an ongoing feature of daily life. These harms may be direct and overt, or subtle and indirect, including through behaviours such as micro-aggressions that contribute to cultural and psychological harm. These forms of racism occur across schools, workplaces, online platforms and the justice system, and continue to shape how Aboriginal and Torres Strait Islander peoples engage with authority, access opportunity and exercise their rights.

Recent developments have intensified these harms. The explosion of online platforms, the emergence of algorithmic systems that reproduce bias, and recent legislative reforms have increased both the visibility and impact of racism, while gaps in data collection, oversight and accountability continue to blur its full effects, particularly in regional and remote communities.

Prevalence and impacts of racism

Racism directed at Aboriginal and Torres Strait Islander peoples is enduring, intergenerational and systemic. Experiences of racial hostility are not confined to isolated incidents but form a continuous background to daily life, which in turn shapes behaviour, expectations and engagement with institutions.

National data demonstrates that experiences of racism among Aboriginal and Torres Strait Islander peoples have increased significantly over the past decade, with more than half reporting recent discrimination and younger people disproportionately affected.¹

Members recall growing up in environments where constant vigilance was required in predominantly non-indigenous settings, due to the absence of social or institutional support. There was a clear understanding that resistance would not be supported and could escalate harm. This imposed silence and shaped everyday behaviour, and members recall being taught to “keep their head down”, avoid attention and withdraw from potentially confrontational settings. These learned behaviours were passed from parents to children as mechanisms of protection for generations.

Members have shared experiences by related young people in Queensland schools which demonstrate that overt racial slurs and dehumanising language directed at Aboriginal people remain common, often dismissed as humour.

Recent data demonstrates a concerning increase of racism directed at Aboriginal and Torres Strait Islander children and young people, with 26 per cent of all reports in 2024-25 involving people aged 0 to 19 years, reflecting a quick rise compared with the previous reporting period. Incidents commonly occurred in schools, online environments, workplaces and public spaces.²

Effect of online platforms

Online platforms have significantly amplified the reach and intensity of racist discourse directed at Aboriginal and Torres Strait Islander peoples. Members have expressed that they disengage from social media entirely during periods such as Australia Day or following major political events due to the psychological and cultural harm caused by consistent exposure.

Remote Aboriginal and Torres Strait Islander communities experience distinct but connected harm. Digital exclusion rates remain significantly higher than the national average, which limits the ability of communities to respond or challenge harmful narratives circulated online.

Bias in Artificial Intelligence and Algorithmic Systems

Members have also raised concerns relating to the bias within artificial intelligence (AI) and algorithmic systems used by online platforms. AI tools are trained on datasets that reflect existing societal prejudices, including racist and deficit-based narratives about Aboriginal and Torres Strait Islander peoples. As a result, these systems can reproduce and amplify bias through inaccurate or culturally unsafe responses, reinforcement of stereotypes, and disproportionate suppression or moderation of First Nations voices.

¹ Reconciliation Australia, *2024 Australian Reconciliation Barometer: Racism and First Nations Peoples* (Report, Reconciliation Australia, 18 June 2025) <<https://www.reconciliation.org.au/publication/2024-australian-reconciliation-barometer-racism-and-first-nations-peoples/>>.

² Kirstie Wellauer, 'Gari Yala report finds racism against First Nations workers widespread' (ABC News, 11 March 2026) <<https://www.abc.net.au/news/2026-03-11/gari-yala-report-finds-racism-widespread-australian-workplaces/106433612>>.

As AI becomes more embedded in social media, education, workplaces and public decision-making, the failure to address algorithmic bias risks embedding systemic racism in automated and authoritative forms that are difficult to detect and challenge.

Awareness of rights and cultural safety

Members express concern that many Aboriginal and Torres Strait Islander peoples are not fully aware of their rights across legal and institutional settings. Despite Australia's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**), awareness of its content and implications remains low. UNDRIP has not been incorporated into domestic law, nor supported by a mandated national implementation framework. Legislation is not routinely assessed through a UNDRIP lens, and public statements dismissing international accountability mechanisms further undermine confidence in human rights protections. Members question the effectiveness of international commitments that are not translated into enforceable domestic frameworks, education and accountability structures.

We recommend a nationally coordinated, culturally informed rights education campaign, led by respected First Nations voices and supported across governments, institutions and media, to clearly articulate rights and responsibilities.

Members also report that exposure to racism in public places and online spaces directly affects cultural safety in workplaces. However, decision-makers often lack awareness of these impacts and as a result, cultural harm is frequently invisible within organisational systems. Members emphasise that cultural safety should be treated as an organisational and governance risk. They further note that meaningful involvement of Aboriginal and Torres Strait Islander peoples, including Elders, in consultative decision-making processes or on statutory and government led boards can assist in identifying and mitigating these risks.

We recommend that cultural safety risks should be identified on risk registers, reported to Boards and addressed through senior leadership accountability, consistent with obligations similar to psychological safety, professional responsibility and governance.

Impact of recent legislative reforms

The Law Society has consistently raised concerns regarding the disproportionate impact on Aboriginal and Torres Strait Islander peoples of recent Queensland legislative reforms. The Making Queensland Safer Act 2024 and the Expanding Adult Crime, Adult Time Bill 2026 were accompanied by statements acknowledging that these measures would override the *Human Rights Act 2019* and have a greater impact on Aboriginal and Torres Strait Islander children.

The expansion of police powers under Designated Business and Community Precincts and Jack's Law have raised significant concerns for the Law Society and its members. Evidence has identified that Aboriginal and Torres Strait Islander peoples were searched at disproportionately high rates, with no demonstrated reduction in offending.³ In remote and very remote

³ Professor Janet Ransley, 'Jack's Law expansion a symbolic step – but not a solution to knife crime', Griffith Criminology Institute, (17 June 2025) <<https://blogs.griffith.edu.au/gci-insights/2025/06/17/jacks-law-expansion-a-symbolic-step-but-not-a-solution-to-knife-crime/>>.

communities, members report that highly visible policing practices damages relationships between communities and law enforcement and reinforce experiences of systemic racism.

Without data on move-on powers, precinct bans, wand searches, electronic monitoring or watch-house detention, it is not possible to assess whether those powers are being applied without racial bias.

Further, there are limited local and culturally safe reporting mechanisms for racial profiling. In small and remote communities where policing is the sole enforcement authority, fear of retaliation and low confidence in complaints processes contribute to widespread under-reporting.

Native title, cultural heritage and consultation

Members report ongoing concern regarding cultural heritage protection and native title processes in Queensland. Cultural heritage destruction continues to occur, reflecting weaknesses in existing frameworks and inconsistent recognition of Traditional Owner authority.

Members also raise concerns regarding the Planning (Social Impact and Community Benefit) Amendment Bill 2025, which exempts designated Olympic projects from multiple legislative frameworks, including cultural heritage processes, setting a concerning precedent.

Recent policy decisions in Queensland requiring all native title matters to be contested in court will place additional strain, cost and trauma on claimants. Consent determinations were intended to provide a more respectful pathway, yet even these processes caused significant stress. A default adversarial approach, backed by the state's superior resources, undermines trust and fairness.

Closing the Gap and Civics Education

Six years after the National Agreement on Closing the Gap was signed, progress remains inconsistent with justice outcomes worsening. Implementation plans remain inadequate, and responsibility is too often shifted onto Aboriginal and Torres Strait Islander communities rather than institutions and systems.

Members emphasise that Aboriginal and Torres Strait Islander peoples possess deep knowledge about land, waters and climate resilience, yet are routinely excluded from decision-making.

A fundamental reform is required in civics education. Many Australians lack understanding of First Nation's history, the over-turning of terra nullius, sovereignty, governance, self-determination and the legal foundations of the nation. In the absence of formal education, misinformation fills the gap, often via social media.

Initiatives effective in combatting racism and reducing harm

Aboriginal and Torres Strait Islander Legal Services and Aboriginal Community Controlled Organisations (ACCOs) are widely recognised by members as critical to reducing harm arising from racism and disproportionate justice system contact. These organisations provide

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

culturally safe, community-led legal and support services that address issues early and organically. However, members consistently note that these services remain significantly under-resourced which limits their capacity to meet demand and constraining their long-term impact.

Members emphasise the importance of ensuring Aboriginal and Torres Strait Islander perspectives are embedded at the highest levels of decision-making and governance. Where Aboriginal and Torres Strait Islander people's voices are meaningfully integrated into decision-making processes, outcomes are more culturally appropriate, responsive and effective in reducing harm.

Members further highlight that sustained investment in community-led diversion programs, youth services and culture camps has demonstrated positive outcomes, including reduced offending, improved community safety and strengthened trust between communities and service providers. In this context, the announced closure of the Murri Watch service in Brisbane on 30 June 2026 is of particular concern. Murri Watch has provided long-standing, culturally led diversion and early intervention support, particularly for young people, and its loss comes at a time of significant youth justice reform and increasing system contact for Aboriginal and Torres Strait Islander children and young people.

In addition, members support the strengthening of legislative and policy frameworks addressing discrimination. There is a consistent view that existing mechanisms are often difficult to navigate and insufficiently responsive to the lived realities of experiences of racism. Therefore, the simplification of complaints processes and improved resourcing are necessary to address.

Conclusion

This submission unfortunately highlights there is a long way to go to eradicate the direct and indirect racism, hate and violence directed at Aboriginal and Torres Strait Islander peoples. Member feedback emphasises the interconnected impacts of historical trauma, online environments, cultural safety, justice system outcomes and institutional accountability.

QLS encourages the Law Council of Australia to incorporate these insights into its national submission, particularly in relation to cultural safety, emerging technological risks, UNDRIP implementation and the systemic impacts of current legal and policy settings, including the concerning pattern of overriding the *Human Rights Act 2019* (Qld).

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully

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Peter Jolly
President