

Aboriginal and Torres Strait Islander Affairs

Inquiry into Racism, Hate and Violence Against Aboriginal and Torres Strait Islander Peoples

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Introduction

My name is Eileen Clarke, a 52-year-old woman of the Butchulla, Woopaberra, Gunditjmara, and Mulijarli nations. I am a grandmother of 10, a community justice leader, founder of a

legislated Community Justice Group, law student, advocate, and a woman who has lived the reality of racism every day of my life.

I write this submission not from theory, but from lived experience — from the trauma I carry, the systems I have fought, the families I have supported, and the truth I have witnessed.

Racism is not a concept to me. It is my life.

It is my family's life.

It is my community's life.

I submit this to Parliament because racism, hate, and violence against Aboriginal and Torres Strait Islander peoples is not only ongoing — it is worsening, spreading, and being amplified through systems, institutions, and social media platforms that remain unregulated and unaccountable.

My Lived Experience of Racism

I have lived and worked inside systems that were never built for us — systems that stereotype us, silence us, and punish us for existing.

I have endured:

- Racism in workplaces
- Racism in government systems
- Racism in health
- Racism in policing
- Racism in public services
- Racism in everyday interactions

I carry trauma every day.

I cope with it because I have no choice.

But it is not normal, and it is not acceptable.

Aboriginal people are stereotyped every single day — as criminals, as burdens, as problems to be managed instead of people to be respected.

This is the reality that Parliament must confront.

Racism on Social Media: A National Crisis

Facebook is one of the worst platforms for racism against First Nations people. Every minute of the day, there are:

- Filthy comments
- Hate speech
- Racial slurs
- Threats
- Abuse
- Fascist ideology
- Dehumanising language

This is not “free speech.”

This is racial violence.

This is cyber-bullying,

racial vilification and hate conduct carried out through telecommunications — which is a federal offence.

We have legislation for this.

We have laws for this.

But they are not enforced.

So, I ask Parliament:

What are these laws for, if not enforced?

Where is the justice for First Nations people?

Over-Representation and Criminalisation of First Nations Peoples

Aboriginal and Torres Strait Islander peoples make up around 3% of the population, yet:

- Over 30% of the adult prison population
- Over 50% of youth in detention
- The highest Indigenous incarceration rate in the world

This is not a coincidence.

This is structural racism.

As a Community Justice Group leader working under the Youth Justice Act, Bail Act, and Penalties and Sentencing Act, I see firsthand how:

- Police target our people
- Bail laws discriminate
- Courts lack cultural understanding
- Diversion is underfunded
- Trauma is criminalised

Our people are punished for poverty, trauma, and disadvantage — not crime.

Police Brutality and Racism in Policing

Police brutality against First Nations people is a national emergency.

We experience:

- Excessive force
- Dangerous restraint
- Racial profiling
- Escalation instead of de-escalation
- Failure to provide medical care
- Disproportionate charging
- Violence during arrest

Families live in fear not only of crime, but of the police themselves.

This is not a “few bad officers.”

This is a systemic culture problem.

Black Deaths in Custody

Since the 1991 Royal Commission into Aboriginal Deaths in Custody:

- Over 500 First Nations people have died in custody
- Not one police or corrections officer has been convicted

Most of the Royal Commission’s 339 recommendations remain unimplemented.

Deaths continue due to:

- Medical neglect
- Unsafe restraint
- Failure to monitor detainees
- Lack of cultural safety
- Systemic indifference

This is not justice.

This is a national shame.

Systemic Racism Across Government Systems

7.1 Health

Racism in health kills our people.

I nearly lost my life due to a medical transport failure — a system that broke down and left me to advocate for myself while in medical crisis.

This is not an isolated incident.

This is a pattern.

7.2 Local Government

My granddaughter suffered severe burns at a council-run water park due to unsafe infrastructure and lack of duty of care.

This is systemic neglect.

7.3 Transport

Public transport failures disproportionately harm First Nations people, especially those in medical need.

7.4 Courts and Corrections

The justice system is not culturally safe, trauma-informed, or equitable.

Closing the Gap: Why It Is Failing

Billions of dollars have been poured into Closing the Gap, yet most targets are not on track.

Why?

Because you cannot close a gap created by racism without ending racism.

Closing the Gap fails because:

- Systems delivering services are racist

- Programs are designed without First Nations leadership
- Funding goes to government agencies, not communities
- Cultural knowledge is undervalued
- Accountability is weak

Money cannot fix racism.

Only structural change can.

The Racial Discrimination Act 1975 — 50 Years On

In 1975, Attorney-General Kep Enderby introduced the *Racial Discrimination Act 1975* (RDA) — Australia's first national anti-racism law.

It was meant to:

- Protect people from racial discrimination
- Promote equality
- Implement UN human rights obligations
- Prevent governments from discriminating
- Provide justice for victims of racism

But 50 years later:

- Racism continues
- Violence continues
- Hate speech continues
- Black deaths in custody continue
- Governments override the RDA when it suits them

A law that can be suspended is not a protection.

A law that is not enforced is not justice.

Recommendations for Reform

I call on Parliament to:

10.1 Policing

- Establish independent First Nations-led oversight
- Implement all Royal Commission recommendations

- End police investigating police
- Mandate cultural safety training

10.2 Corrections

- Mandatory medical care standards
- Ban unsafe restraint
- Cultural programs led by Elders

10.3 Courts

- Mandatory cultural reports
- Fund Community Justice Groups
- Ensure culturally safe legal representation

10.4 Youth Justice

- Raise the age of criminal responsibility
- Fund community-led diversion

10.5 Health

- Cultural safety standards
- Independent review of medical neglect
- Improve patient transport systems

10.6 Local Government

- Mandatory safety audits
- Transparent complaint pathways
- Cultural competency requirements

10.7 Social Media Regulation

- Enforce federal cyber-abuse laws
- Hold platforms accountable for hate speech
- Establish a national First Nations cyber-safety taskforce

10.8 National Anti-Racism Strategy

- Strengthen the RDA
- Prevent governments from overriding protections
- Fund truth-telling and healing initiatives

Conclusion

Racism against Aboriginal and Torres Strait Islander peoples is not historical.

It is happening now — in our systems, our institutions, our workplaces, our hospitals, our police stations, our courts, and online.

We cannot close the gap while racism continues.

We cannot heal while harm continues.

We cannot move forward while our people are still dying, still suffering, still fighting for basic respect.

This inquiry is an opportunity for Parliament to finally confront the truth:

Racism is the gap.

Racism creates the gap.

Racism widens the gap.

Racism maintains the gap.

It is time for real protection, real accountability, and real justice.

For my children.

For my grandchildren.

For all our future generations.