

Ombudsman Communiqué

Roundtable with First Nations Peak Bodies

The Commonwealth Ombudsman recently met with First Nations peak bodies including the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA), Aboriginal Family Legal Services (AFLS) and National Aboriginal and Torres Strait Islander Legal Services (NATSILS).

The Ombudsman was interested to hear directly from peak bodies about the issues faced by First Nations communities. Discussion covered a range of topics related to housing, child protection, family violence, youth justice, use of force by police, police custody and justice systems. Participants also raised issues about difficulties accessing government services, communication by government agencies and a lack of cultural understanding by government agencies.

Participants raised concerns about:

- Ongoing removal of First Nations children from families due to systemic failures, including the lack of a fixed address. Concerns that protective services are taking children to police stations where they are waiting for 12–18 hours without access to food or water. The process lacks cultural sensitivity and is traumatising for children and their families.
- First Nations individuals and families are experiencing significant barriers to accessing housing due to racial bias. This stems from systemic discrimination which continues to prevent culturally safe and stable housing outcomes, leaving many people, particularly women, in dangerous situations.



- There is a severe lack of culturally appropriate support services for First Nations women and families experiencing domestic violence. Community-led services are underfunded and under-resourced and many women are not allowed to bring their sons aged 10 years and older to women's refuge centres, leaving them homeless.
- Multiple agencies, including Services Australia and Centrelink, were cited as having a lack of understanding of First Nations culture, kinship structures, and community practices.
- Many issues were raised over police custody and justice system concerns. Regressive bail laws, particularly in Victoria, have led to First Nations people being held in police cells for extended periods (21 plus days). Many prisons are having constant lockdown situations with lockdowns lasting up to 23 hours a day due to understaffing. Cultural and mental health supports are either unavailable or severely limited in custody settings. First Nations individuals are often denied access to family, community, and cultural resources while incarcerated. Incidents of racial abuse and slurs by Victorian Police were reported.
- New youth related by-laws have reportedly led to a 300% increase in First Nations youth interactions with the justice system.
- Financial and geographic barriers prevent family and community from visiting people in custody, contributing to isolation and cultural disconnection, leading to lasting mental health impacts.
- First Nations individuals in custody have reported being subjected to practices such as being woken up every four hours by guards using bright lights by guards. There were several cases where First Nations individuals were admitted to hospital due to significant injuries received during arrest or not receiving proper medical treatment while under arrest.

The Ombudsman acknowledged the seriousness of all the concerns raised.



The Ombudsman advised one of his specialist functions is the National Preventive Mechanism under the Optional Protocol to the Convention against Torture (OPCAT), monitoring places of detention under Commonwealth government control. The Ombudsman highlighted that the Victorian government has declined to nominate a body to oversight Victoria's compliance with OPCAT. The Ombudsman will continue to encourage the Victorian government to engage with OPCAT.

The attendees noted that existing complaints figures by the Ombudsman may not fully reflect the scale of issues affecting First Nations communities. Communities with better access to services are more likely to lodge complaints, whereas highly marginalised or remote communities may go unrepresented. The Ombudsman acknowledged these concerns. The Ombudsman noted the Office's recent [investigation into the targeted compliance framework](#) found Indigenous men were disproportionately impacted by the cancellation of support payments. The Ombudsman also noted these cases were mostly brought to the Office's attention through the agencies, rather than through individual complaints.

The Ombudsman recognised that peak bodies and service providers are essential connectors to communities who may not have direct access or trust in complaints systems, whilst also raising systemic issues the Office may not be aware of. Through outreach initiatives as well as continuing roundtable discussions, the Office is seeking to build more relationships with First Nations organisations to improve visibility in community spaces, and ensure systemic issues are more proactively identified. The Office will continue this work and improve on this work moving forward.

The roundtable concluded with the Ombudsman thanking participants for the discussion and encouraging them to reach out to him with any issues in the future.