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6 May 2026

Senator the Hon Jana Stewart
Chair

Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs
Parliament House
Canberra ACT 2600

Dear Senator

[Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander people](#)

Thank you for the invitation to make a submission to the Joint Standing Committee's (the Committee) Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander people (the Inquiry).

The purpose of the Office of the Commonwealth Ombudsman (**the Office**) is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly; and
- influence systemic improvement in government administration.

We aim to achieve our purpose through our independent and impartial consideration of complaints and disclosures about government administrative action. We seek to influence agencies to be accountable, lawful, fair, transparent, and responsive in their actions.

My submission focuses on issues that relate to the effectiveness of avenues for reporting and responding to racism against Aboriginal and Torres Strait Islander people.

As Commonwealth Ombudsman, I am also the Australian Capital Territory Ombudsman (ACT Ombudsman). As ACT Ombudsman, I oversee the administrative

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actions of ACT Policing, including actions related to interactions with the Aboriginal and Torres Strait Islander communities in the ACT.

As Commonwealth Ombudsman I am also the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention Against Torture (OPCAT) for places of detention under the control of the Commonwealth. I am also the National NPM Coordinator, working with NPM bodies appointed by the States and Territories. As ACT Ombudsman, I am a part of the ACT NPM, along with the ACT Human Right Commission and the Office of the Inspector of Custodial Services.

Complaints received by my Office

My Office has additional arrangements in place to support Aboriginal and Torres Strait Islander people to make complaints. These include a dedicated free '1800' phone line for complaints and access to Aboriginal and Torres Strait Islander language interpreters. We are able to call back Aboriginal and Torres Strait Islander people at a time suitable for them and provide additional support if needed such as extra time to make their complaint. My Office employs a First Nations Engagement Manager and does some outreach to rural, regional and remote communities, during which we can also take complaints in person. We have also engaged with Aboriginal and Torres Strait Islander community controlled peak bodies to raise awareness of our role.

My Office has received complaints from Aboriginal and Torres Strait Islander people that raise racism or racial discrimination. In 2024-25 and 2025-26 we have identified 14 complaints by Aboriginal and/or Torres Strait Islander people that specifically raise racism or racial discrimination.

In general, we have referred those complaints back to the entity they concern as they are usually best placed to address the complaints and act on any underlying issues. We advise complainants to come back to us if they are dissatisfied with how the entity handles the complaint. While none of the complaints were formally investigated by us, we are aware that in one instance an entity undertook to make changes to address procedural gaps in response to a preliminary inquiry from my Office.

Over-representation of Aboriginal and Torres Strait Islander people in place of detention in Australia

NPM bodies do not investigate complaints but monitor the conditions under which people are deprived of their liberty, as part of a preventive approach to avoiding mistreatment. While the three most populous Australian states have not nominated an NPM (NSW, Victoria and Queensland), it is a fact that Aboriginal and Torres Strait Islander people are significantly disproportionately over-represented in places of detention in Australia. While the majority of Aboriginal and Torres Strait Islander people have had no engagement with the criminal justice system, the over-representation of Aboriginal and Torres Strait Islander people has raised questions about potential over-policing and also about the extent and availability of community-based diversion and support programs. Questions have also been raised about the effectiveness of both criminal justice and support responses to Aboriginal and Torres Strait Islander victim-survivors of criminal offences.¹

Observations on effectiveness of avenues for reporting and responding to racism

In 2021, my Office published an investigation report on ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander Community (**Attachment A**).² We commenced the investigation in response to complaints from individuals, as well as broader interactions with the ACT's Aboriginal and Torres Strait Islander communities and ACT Policing, which identified examples of poor practice as well as examples of excellent and respectful community engagement.

The report made 9 recommendations aimed at improving ACT Policing's approach to engagement with the community. We are continuing to monitor the implementation of

¹ Australian Institute of Health and Welfare October 2025,
<https://www.aihw.gov.au/reports/australias-welfare/indigenous-community-safety>

² Available online at: Volume 1

https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0031/296059/ACT-Policing-administrative-framework-engagement-with-ACT-Aboriginal-and-Torres-Strait-Islander-Community.pdf

Volume 2 https://www.ombudsman.gov.au/_data/assets/pdf_file/0017/112409/Attachment-A.1-FINAL-Report-Vol-2-ACT-Policing-OMI-accessible-A2147381.pdf

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the recommendations, and as of February 2025 we reported that ACT Policing had fully implemented 4 recommendations, and partially implemented 5 (**Attachment B**).³

In December 2025, I publicly announced⁴ I had commenced an investigation into an incident where an Aboriginal teenager was taken off a public bus by ACT Policing at gunpoint and arrested in a case of mistaken identity, during a search for an alleged offender. My investigation is considering the entirety of the incident with a focus on systems, practice improvements and lessons that can be learned. I am unable to provide further details at this time, as investigations under the *Ombudsman Act 1976* (Cth) and *Ombudsman Act 1989 (ACT)* are conducted in private, but I anticipate making further information public at the conclusion of the investigation.

The Committee may wish to consider the findings of the *Review into over-representation of First Nations people in the ACT justice system*, a report by the Jumbunna Institute at the University of Technology Sydney commissioned by the ACT Government to examine the causes of over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system.⁵ Relevant to the inquiry, the report states that issues identified in relation to systemic racism and policing culture contribute to a widespread perception that complaints against police will either not be addressed and/or may potentially lead to retaliatory actions, leading to a reduced likelihood of complaints being made.

As Commonwealth Ombudsman, I am also the National Student Ombudsman (NSO). Among other responsibilities, the purpose of the NSO is to consider complaints from students about the actions of their higher education provider about a broad range of issues, including racism and discrimination. The Committee may wish to consider the findings of the *Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations people* published by the Australian Human Rights

³ Available online at:

https://www.ombudsman.gov.au/_data/assets/pdf_file/0022/317074/Actions-Speak-Volume-9-Recommendation-Implementation-Assessment-Report.pdf

⁴ Available online at: [Public-statement-Commonwealth-and-ACT-Ombudsman-ACT-Policing-Woden-Incident.pdf](#)

⁵ Available online at: <https://www.act.gov.au/open/review-into-overrepresentation-of-first-nations-people-in-the-act-justice-system>

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Commission (AHRC) in February 2026.⁶ The AHRC found there is a low level of awareness about how to make a complaint within the higher education sector, leading to low levels of reporting and limited confidence that institutions are willing to take racism seriously. The report made a total of 47 recommendations to Government and universities on eliminating racism in universities, including 10 recommendations to ensure accountability in complaints systems.

I am available to assist the Committee further on any issue raised in this letter. You may contact me on [REDACTED] or at [REDACTED]



⁶ Available online at: <https://humanrights.gov.au/media/documents-files-PDFs/strategic-communications/Racism-at-Uni-Report.pdf>