



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 211. Ensure effective provision of information on anti-discrimination laws

*That the Human Rights and Equal Opportunity Commission and State Equal Opportunity Commissions should be encouraged to further pursue their programs designed to inform the Aboriginal community regarding anti-discrimination legislation, particularly by way of Aboriginal staff members attending at communities and organizations to ensure the effective dissemination of information as to the legislation and ways and means of taking advantage of it.*<sup>1</sup>

<b>Background<sup>2</sup></b>	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised that whilst legislation cannot replace education, it can effect institutional change and help to reframe what is considered acceptable by the public. Before 1991, the Human Rights and Equality Commission had devoted significant attention to education programs regarding anti-discrimination legislation, but these needed to be expanded, and their target areas refined.</p> <p>There was evidence of the efficacy of education programs of this kind in Victoria, with an increase in complaints lodged with the Victorian Equal Opportunity Commission between 1989-90 and 1990-91. This increase in complaints followed a community education program that involved the distribution of posters and pamphlets, and three Aboriginal staff members visiting communities to provide information regarding the rights and responsibilities of community members.</p>
<b>Intent</b>	Improve awareness of anti-discrimination legislation and encourage more claims to be made by Aboriginal people, thereby increasing accountability for individual abuses and challenge institutional practices.
<b>Responsibility</b>	The Commonwealth Government and all state and territory governments.
<b>Key contacts</b>	Victorian Equal Opportunity and Human Rights Commission (VEOHRC); Australian Human Rights Commission (AHRC).
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	<p>The Equal Opportunity Commission Victoria assessed Recommendation 211 as <b>partially implemented</b>.</p> <p>Since the early 1990s, the Equal Opportunity Commission Victoria ran an Aboriginal outreach program to inform Aboriginal people of their rights and avenues for redress to rectify breaches of equal opportunity law, while building partnerships with government and Aboriginal Community Controlled Organisations. It collaborated with groups such as the Victorian</p>

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 4, 69 ('RCIADIC').

<sup>2</sup> Ibid vol 4, 65-9.

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 340-341 ('2005 Review').

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	<p>Aboriginal Legal Service (VALS), Consumer Affairs Victoria, Dispute Settlement Centre, Ombudsman’s Office and others to deliver regional initiatives, including housing access projects, community art programs, and employment events.</p> <p>Complaint data from 2002–03 showed 40 Aboriginal people lodged 62 complaints—mostly from metropolitan Melbourne, with a slight majority from women—primarily concerning discrimination in goods and services and education. By May 2004, 23 cases were recorded, with a mix of active, declined, and conciliated outcomes.</p> <p>Despite these efforts, the program was limited by budget constraints, operating with only one staff member and relying heavily on external partnerships.</p>
<p><b>2018 Review<sup>4</sup></b></p>	<p>Deloitte concluded that the Commonwealth Government and Victorian Government had <b>fully implemented</b> Recommendation 211.</p> <p><b>Commonwealth Government</b></p> <p>The Aboriginal and Torres Strait Islander Social Justice Commissioner is responsible for raising awareness and encouraging discussion about the human rights of Aboriginal and Torres Strait Islander peoples, as well as conducting research and education programs to promote respect for those rights. The Commissioner also produces annual Social Justice and Native Title reports, which examine human rights issues and legislative efforts aimed at reducing inequality and strengthening community engagement with legal rights.</p> <p><b>Victorian Government</b></p> <p>The Victorian Equal Opportunity and Human Rights Commission has informed Aboriginal communities about their rights and options for addressing discrimination through the Indigenous Education Program. This program has been delivered by Aboriginal staff in partnership with VALS. This program built on the Koori Outreach Program, established by the former Equal Opportunity Commission, that provided Aboriginal communities with information about anti-discrimination laws.</p>
<p><b>Since then</b></p>	<p><b>Australian Human Rights Commission</b></p> <p><u>National Anti-Racism Framework Scoping Report<sup>5</sup></u></p> <p>This 2022 report was developed through consultation with government, community groups, and experts, in response to increased racism during the early COVID-19 period. It highlights the importance of education about the unique status of Aboriginal and Torres Strait Islander peoples and notes that recognising rights under UNDRIP could also serve an educational role. Following the report, the Commonwealth Government committed to funding a National Anti-Racism Strategy, with further work underway.</p>

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 246, 426-427 ('2018 Review').

<sup>5</sup> Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 149 ('National Anti-Racism Framework Scoping Report 2022').

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### Free & Equal: Revitalising Australia's Commitment to Human Rights<sup>6</sup>

In 2023, the AHRC released *Free & Equal: Revitalising Australia's Commitment to Human Rights*, the result of a five-year inquiry involving extensive consultation and research. The report found that federal anti-discrimination laws are limited, reactive, and difficult for individuals to navigate. It recommends introducing a Federal Human Rights Act and reforming discrimination laws so responsibility does not rest solely on individuals to make complaints. It also highlights the importance of human rights education, calling for a National Human Rights Education Action Plan.

### **Victorian Equal Opportunity and Human Rights Commission<sup>7</sup>**

#### Aboriginal and Community Engagement Strategy 2020–22

This strategy recognised the importance of Aboriginal community leadership, developing Aboriginal community partnership principles: self-determination, cultural rights, promoting Aboriginal community and transparency.

It outlined plans to increase awareness of VEOHRC's role and services by:

- Partnering with ACCOs and other organisations in the Aboriginal rights sector to promote information to organisations and communities
- Developing a tailored communication strategy
- Promotion through Aboriginal media channels
- Engagement with Aboriginal content producers and increased presence in regional areas.

## Evidence of impact

### Authorising documents

*Equal Opportunity Act 2010* (Vic)  
*Charter of Human Rights and Responsibilities Act 2006* (Vic)

### Outputs

#### **'Racism. It Stops With Me' Campaign<sup>8</sup>**

In 2022, AHRC launched the 'Racism. It Stops With Me' campaign aspiring to 'increase awareness of racism and equip more Australians with tools to address it'. It is not a campaign specifically designed to address racism faced by Aboriginal and Torres Strait Islander peoples but may raise broader public awareness of issues around racism and discrimination.

The campaign features a tool that can be used by workplaces to engage with conversations on cultural diversity and anti-racism.

<sup>6</sup> Australian Human Rights Commission, *Free & Equal: Revitalising Australia's Commitment to Human Rights* (Final Report, 8 November 2023) ('Free & Equal'); 'Free & Equal Website', *Australian Human Rights Commission* (Web Page, 8 December 2023) 49, 155 <<https://humanrights.gov.au/free-and-equal>> ('Free & Equal Website').

<sup>7</sup> Victorian Equal Opportunity and Human Rights Commission, *Aboriginal Community Engagement Strategy 2020-22* (Strategy, July 2020) 22-5 ('Aboriginal Community Engagement Strategy 2020-22').

<sup>8</sup> Australian Human Rights Commission, 'About the campaign: Racism. It stops with me' (Web page n.d.) <<https://itstopswithme.humanrights.gov.au/about-the-campaign>>; Australian Human Rights Commission, 'Workplace Cultural Diversity Tool: Racism. It stops with me' (Web page n.d.) <<https://itstopswithme.humanrights.gov.au/workplace-cultural-diversity-tool>>.

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	<p><b>‘What happened to you matters’ Campaign<sup>9</sup></b></p> <p>VEOHRC partnered with Aboriginal-led agency Little Rocket to develop a public awareness campaign in 2023, ‘What happened to you matters’. It launched on International Human Rights Day in December 2023 as part of Human Rights Week.</p> <p>Acknowledging that a formal complaints process can be a daunting prospect, the campaign’s messaging focused on allyship – encouraging prospective complainants to make a complaint with the support of someone they trust, such as a friend, family member or Elder. The campaign brings together social media assets, short videos featuring stories of discrimination, and printed products such as posters and postcards.</p>
<p><b>Outcomes</b></p>	<p><b>Victorian Equal Opportunity and Human Rights Commission<sup>10</sup></b></p> <p>The VEOHRC received 339 enquiries from Aboriginal people from 2017–18 to 2024–25, raising 635 issues of discrimination. Over the same period, 250 Aboriginal people made complaints of discrimination, including 49 people in 2024-25 – the most in any year since 2017–18. Almost two-thirds of these complainants (61%) were women. The VEOHRC attributed the increase to several factors including, the fast-tracking of complaints made by Aboriginal people, taking on warm referrals from other organisations and providing additional support and information to assist with starting the complaints process.</p> <p><b>Inclusive Australia, Social Inclusion Index: 2022 Report<sup>11</sup></b></p> <p>The report found that the percentage of Aboriginal and Torres Strait Islander people who reported experiencing at least one form of major discrimination increased from 29% to 52% in 2019 and remained at approximately 50% in 2022.</p>
<p><b>Community views</b></p>	<p><b>Ian Hamm, Board Member, Inclusive Australia<sup>12</sup></b></p> <p>Yorta Yorta man and board member of Inclusive Australia, Ian Hamm identified the Black Lives Matter movement as a ‘pinch point’ for racial intolerance in Australia:</p> <p><i>While we’ve gone a long way to advance on a lot of issues, the anchor point hasn’t really moved in 30 years. We have more Aboriginal people in custody per head of population than we did in the 1990s. The rate of average death in custody hasn’t improved. If you take that as a starting point, then you can see why it’s sensitive to people. But some people take the view of ‘what’s the problem?’.</i></p> <p><i>I think the Black Lives Matter movement really was a pinch point on that. The timing of it, in terms of when Covid was really happening, could not have been worse in regard of how did the Aboriginal protest movements across Australia look, at a time when everybody was being told to socially distance, was being told that we had to close</i></p>

<sup>9</sup> Victorian Equal Opportunity and Human Rights Commission, *Annual Report 2023-24* (Annual Report, October 2024) 76 ('VEOHRC Annual Report 2023-24').

<sup>10</sup> Victorian Equal Opportunity and Human Rights Commission, *First Peoples Data Report* (Annual report, November 2025) ('First Peoples Data Report').

<sup>11</sup> Nicholas Faulkner et al, Inclusive Australia, *The Inclusive Australia Social Inclusion Index* (Report, April 2022) 16 ('The Inclusive Australia Social Inclusion Index'); Lorena Allam and Nick Evershed, 'Discrimination Against Indigenous Australians has Risen Dramatically, Survey Finds', *The Guardian* (online, 24 May 2021).

<sup>12</sup> Allam and Evershed, 'Discrimination Against Indigenous Australians has Risen Dramatically, Survey Finds'.

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*borders, we had to not go outside, and all of a sudden you've got all these people on the streets protesting.*

Some of the increase in Aboriginal and Torres Strait Islander peoples' reporting their experiences of discrimination was attributed to having more opportunities to do so:

*I think the other thing is that people are reporting it, or the mechanisms to seek out the reporting of it have improved. So, there's a combination of things.*

### Related recommendations

#### Free & Equal<sup>13</sup>

#### **Recommendation 1 - Australia establishes a National Human Rights Framework**

The Commission recommends that the Australian Government introduce a National Human Rights Framework. The Framework should include the following, inter-related, actions:

1. comprehensive and effective protection of human rights in legislation through the introduction of a national Human Rights Act
2. modernised federal discrimination laws that shift the focus from a reactive model that responds to discriminatory treatment to a proactive model that seeks to prevent discriminatory treatment in the first place
3. an enhanced role for Parliament in protecting human rights, through reform to the processes for parliamentary scrutiny and the introduction of new oversight mechanisms for Australia's human rights obligations
4. a National Human Rights Indicator Index to independently measure progress on human rights
5. an annual statement to Parliament on human rights priorities is made by the Government
6. a national human rights education program
7. a sustainable National Human Rights Institution, the Australian Human Rights Commission, to support the Framework
8. support for vibrant and robust civil society organisations to protect human rights.

#### **Recommendation 3 - A National Human Rights Act**

The Commission recommends that the Australian Government enact a Human Rights Act. Further, the Commission recommends that an Exposure Draft Bill be developed based on the Commission's model Human Rights Act.

#### **Recommendation 4 - Reform of federal discrimination laws**

The Commission recommends that the Australian Government modernise federal discrimination laws to ensure their effectiveness and shift the focus from a reactive model that responds to discriminatory treatment to a proactive model that seeks to prevent discriminatory treatment in the first place.

Consideration should be given to undertaking these reforms in 2 stages:

- Stage 1: addressing immediate priorities and fixing longstanding problems in the operation of federal discrimination law (year 1)

<sup>13</sup> Free & Equal, 11-13.

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- Stage 2: introducing a new co-regulatory model that broadens and expands on the positive duty under the Sex Discrimination Act (years 2–3).

### **Recommendation 9 - A National Human Rights Education Action Plan**

The Commission recommends that the Australian Government develop a National Human Rights Education Action Plan, targeted to the Australian Public Service, primary and secondary schools, workplaces and the general community.

### **Assessment summary<sup>14</sup>**

The intent of Recommendation 211 was to improve awareness of anti-discrimination legislation and encourage more claims to be made by Aboriginal people, thereby increasing accountability for individual abuses and challenge institutional practices.

Some steps have been taken that reflect the intent of this recommendation, but they remain incomplete.

At the national level, the Australian Human Rights Commission established the role of the Aboriginal and Torres Strait Islander Social Justice Commissioner in 1992 to ‘promote discussion and awareness of human rights in relation to Aboriginal people and to undertake research and education programs for the purpose of promoting respect for human rights of Aboriginal people’. This role has been important in raising awareness of our human rights, undertaking research and education, and reporting on issues affecting our communities, including ways to strengthen engagement with legal rights.

In Victoria, the Victorian Equal Opportunity and Human Rights Commission introduced its Aboriginal and Community Engagement Strategy 2020–22. Through this, partnerships with Aboriginal organisations have supported community information-sharing, culturally tailored communications, and greater visibility in regional areas, including through Aboriginal media and content creators. Dedicated roles within both VEOHRC and the Victorian Aboriginal Legal Service have also contributed to this work.

However, these efforts are constrained. VEOHRC’s impact is limited by the powers available under the *Equal Opportunity Act 2010* (Vic), which restrict the scope of its inquiries and rely heavily on individuals bringing forward complaints to identify systemic issues. Recent Victorian Government budget cuts have further reduced its capacity. Stronger, more accountable oversight is needed. Establishing a Victorian Aboriginal Social Justice Commissioner would be an important step toward this:

*Why don't we have our own Victorian Aboriginal Equal Opportunity Commissioner, or Victorian Aboriginal and Torres Strait Islander Social Justice Commissioner?* (Lawrence Moser, Chairperson, Eastern Metropolitan RAJAC)

There was some evidence of outcomes, noting that the AHRC launched the ‘Racism. It Stops With Me’ campaign in 2022. While this campaign is not specifically designed for Aboriginal people, it may contribute in a broader way by increasing public awareness of racism and discrimination. The inclusion of tools for workplaces to support conversations about cultural diversity and anti-racism is a positive step, though its impact for our communities depends on how it is taken up and applied.

The Victorian Equal Opportunity and Human Rights Commission partnered with Aboriginal-led agency Little Rocket in 2023 to deliver the ‘What happened to you matters’ campaign. This reflects a more community-

<sup>14</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 17 June 2025) ('Working Group Meeting (17 June 2025)'); Meeting with Aboriginal Justice Caucus (Project Team, In Person, 6 August 2025) ('Aboriginal Justice Caucus Meeting (6 August 2025)').

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informed approach. Awareness campaigns must be accessible to and shaped by our communities. Outreach remains critical to ensuring this information reaches our people in meaningful and culturally appropriate ways:

*The more information and education that's out there, the better our people are going to be resourced and feel comfortable going to the Victorian Equal Opportunity and Human Rights Commission. . .*

*You can't get enough education. . . You cannot get enough information out there in terms of pointing out to our communities what their rights are. (Bobby Nicholls. Chairperson, Hume RAJAC)*

We need VEOHRC, Aboriginal Community Controlled Organisations and Regional Aboriginal Justice Advisory Committees to ensure our communities receive ongoing education about anti-discrimination laws and the pathways available to seek redress. This information must not be one-off—it needs to be shared regularly, with materials that are accessible, culturally appropriate, and always available.

*Keep the information flowing through to the community, or the organisation, so that it's there when they need it. (Bobby Nicholls, Chairperson, Hume RAJAC)*

We also recognise the 2023 Free & Equal: Revitalising Australia's Commitment to Human Rights report from the Australian Human Rights Commission. The report reflects what many of us experience—that anti-discrimination laws are complex, reactive, and place too much responsibility on individuals to come forward. It calls for a Federal Human Rights Act, stronger legal protections, and a National Human Rights Education Action Plan. We support these recommendations.

### Assessment of Recommendation 211

**Is the intent of the recommendation accurately described?**

Yes  No

**Does the action taken align with the intent of the recommendation?**

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

2

(Score out of 3)

**Is there evidence of the desired impact or outcome/s?**

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

2

(Score out of 3)

**How relevant is the recommendation in the current context?**

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

**Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?**

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

**1**

(Score out of 3)

**Potential actions for further work**

**Aboriginal Social Justice Commissioner**

Establish a well-resourced, independent office of the Aboriginal Social Justice Commissioner to strengthen oversight and accountability for Aboriginal justice outcomes. This office should be properly funded and report directly to the Parliament. The mandate of the Commissioner should include monitoring of Royal Commission recommendations that impact Aboriginal people (including RCIADIC recommendations), as well as recommendations from coronial inquests into Aboriginal deaths.

**Anti-discrimination Measures**

Advocate directly and through Victorian Government partners for a Federal Human Rights Act and a National Human Rights Education Action Plan.

**Moderate priority for further work**

**Relevance and potential impact**

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)		Rec 211	
	Low (0-2)			

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