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30 April 2026

Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Responses to Racism, Hate and Violence toward First Nations People

Submitted by:
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Maribyrnong LGA on Wurundjeri Woiwurrung, Boonwurrung and Bunurong Countries

Acknowledgement of Country
JAM! is a mixed allies group that meets and works in the Maribyrnong LGA on the stolen Marin-balluk clan lands of the Bunurong, Boonwurrung and Wurundjeri Woiwurrung peoples of the Kulin Nation. We acknowledge, recognise and respect their Ancestors, Elders and families as the traditional owners of these lands and waterways who have never ceded sovereignty. JAM! welcomes and recognises the Victorian Statewide Treaty 2025.

Caution
This submission contains content which may disturb some readers. Call 13 9276 (YARN) or 13 1114 (Lifeline) if you need support.

Submission

<u>26 January – 2 Examples</u>

The Committee will already be aware that racist groups are continuing to organise across Australia, in real life and online. Key dates on our national observance calendar trigger an upswing in racist abuse and behaviours e.g. January 26 and ANZAC Day.

Two local examples in the City of Maribyrnong linked to January 26:

At our local 26 Jan 2026 flag lowering event in the City of Maribyrnong, a man turned up with his baby in a shoulder-pouch. During the group photo he stuck up his middle finger and later used the “OK” hand gesture, known as a “sincere expression of white supremacy” and used widely for trolling. This stunt was aimed at undermining the purpose of the gathering, was disrespectful to the First Nations community

members present, and offensive to all community allies gathered and the Council representatives present. Furthermore, the stunt's purpose was also about a racist intention beyond the event itself. This stunt showed clear social-media awareness and an understanding of how the images would be used online and how it would provide a 'dog whistle' to other racists to demonstrate ways to undermine these events and build their in-group racist mentality. This is organised and intentional racism.

The second example is the over 200+ racist responses to a Facebook post that Council made announcing the flag lowering ceremony for 26 January in 2025. I read through all of them. It was appalling and distressing and clearly showed why much of social media is not considered a 'safe space' for Aboriginal Peoples. Many of these comments could be classed as "hate speech". More work needs to be done urgently in these areas of racism, hate speech and abuse on social media. Furthermore, local government should develop social-media protocols which prioritise community safety, particularly when it is clearly known that certain topics can be an open invitation to racist commentary. The idea that local democracy, in the name of being 'open' and supporting 'free speech', means that you allow a one group to spew out racist comments, that you know can harm others, is ill conceived and a misjudgement of what the role of local government is in local democracy. Thankfully, this year's comments were turned off, but as discussed above, racism continues to find ways to rear its ugly head. Such racism relentlessly affects Aboriginal Peoples first and foremost. But it also disturbs the wider community who see this organised, intentional and targeted abuse as an afront to our values and beliefs and destructive to our sense of community.

JAM! is grateful that the City of Maribyrnong has moved to treat racism and community safety seriously. Recently, in partnership with Victoria University, they have undertaken the Maribyrnong Anti-racism Project 2025 led by Assoc. Prof. Mario Peucker (results pending). Such valuable research underpins innovative services already established in other municipalities e.g. Wyndham Anti-racism Support Network and Anti-Racism Support in Greater Dandenong. This research and services provide excellent models for the Committee and local governments across Australia to pursue.

Erasure – The Bondi Example

In the 1968 Boyer Lecture, *After the Dreaming*, anthropologist W.E.H. Stanner spoke about the "cult of forgetfulness" which on a national scale he referred to as "the Great Australian Silence" in which our community choose not to, or fail to, think about past atrocities and thereby effectively forget these events ever happened. In no way is this to ignore or discount the impacts of those who intentionally and actively dismiss these atrocities as being some sort of fiction, as if 'terra nullius' were true.

This 'forgetfulness' has come to permeate public discourses in ways that perpetuate views that neglect to recognise and acknowledge historical truths. In some cases, such historical truths directly contradict the public discourse currently being promulgated. The public discourse around the Bondi massacre is one such example in which claims made about the event e.g. "… the worst ever terrorist attack in Australia's history …", fail to account for the historical truths about massacres of Aboriginal Peoples. In failing to make this

acknowledgement, through qualifying the claim as an "… **anti-semitic** terrorist attack …", the silence about terrorist attacks on Aboriginal Peoples is reinforced and perpetuated, which is the essence of erasure.

Aboriginal author, Melissa Lucashenko, writes in, *'A white man's fantasy': if we want to rebuild social cohesion, we need to acknowledge where it all started to unravel,'* The Guardian, 20 April 2026 (https://www.theguardian.com/society/ng-interactive/2026/apr/19/melissa-lucashenko-on-rebuilding-social-cohesion-indigenous-australians-ntwnfb):

> *"The Bondi atrocity in December appalled the country, First Nations included. Yet a lot of mob are gnashing our teeth as we hear over and over again the racist fallacy that Bondi was exceptional. Because as horrible as that Sunday afternoon in December was, only wilful forgetting can paint it as singular. Yes, it was clearly murderous antisemitic violence, but it was far from the worst political violence seen in Australia. There have been literally scores of Bondis, some with death tolls in the hundreds – and the targets throughout Australian history have overwhelmingly been us, Indigenous Australians. The most cursory glance at online massacre maps proves it. Murdering innocent civilians, including small children and infants, was absolutely central to establishing the Great Australian Dream – home ownership on stolen land."*

Below is a selection of public figures, politicians, media outlets and publications that have used similar unqualified phrases about the Bondi massacre to build a national public discourse which is untrue and, in that untruth, perpetuates the Great Australian Silence – a profoundly pernicious manifestation of racism toward Aboriginal Peoples.

Public Figures & Politicians:

- Anthony Albanese MP: In December 2025 he described the shooting as "the deadliest terrorist attack ever committed on our soil".

- Paul Toole MP, NSW: Discussed the event on Sky News, stating it was "Australia's worst terrorist attack ever seen on Australian soil".

- Michael McCormack MP: Referred to the event as "the deadliest terror attack" in Australia on Sky News.

- Josh Roose: A political sociologist and extremism expert who told ABC Listen, "It's the worst terror attack in Australian history".

- Jason Wood MP: Stated on social media that the "Bondi massacre was the deadliest terror attack in our history".

- Sussan Ley: Described it as "Australia's worst terror attack" while accusing the government of politicking around the tragedy.

Media Outlets & Publications:

- ABC News TV (21 Jan 26), Mr Peter Wertheim (Executive Director of the Executive Council of Australian Jewry) was interviewed by Gemma Veness about the recent progress of laws through Parliament in response to the Bondi terror attack. In one question related to the Bondi attack, Gemma Veness referred to it as, "… Australia's worst terror attack …". In responding, Mr Wertheim also said that it was, "… the worst terrorist attack in Australia's history …".

- Sky News Australia: Used the phrase throughout its coverage in December 2025, highlighting comments from Andrew Bolt and Naftali Bennett.

- The Australian Financial Review (AFR)**:** Titled an article, "6 minutes and 11 seconds: Anatomy of Australia's deadliest terror attack" (Dec 20, 2025).

- News.com.au / The Herald Sun**:** Referenced as the "worst terrorist attack in Australia" in opinion and news reporting.

- The Australian: Reported that the attack is regarded as "Australia's worst terror attack" and is co-authoring a book titled Bondi Terror with that premise.

- Ben Fordham (Radio/Media): Discussed "Australia has been rocked by our worst terror attack".

- Firstpost: Reported the "deadly mass shooting... was carried out by a father-son duo... [and] is being called Australia's worst terror attack".

Historical Truth about Massacres in 'Australia':

Was the Bondi terrorist attack the worst in Australia? Demonstrably not. The claim that the Bondi terrorist attack was "the worst in Australia" or "the worst on Australian soil" or "the worst in Australian history" continues to be declared by various people through media outlets. Sadly, the claim is based on a common ignorance of Australian history and/or a choice to not remember. Even if the claim relates only to the period after 1 January 1901, when Australia was 'founded' as a Commonwealth nation, it is still not true. By 'worst' we expect what is meant is related to the number of people killed. But there are many examples of massacres in Australia where more people have been killed than at Bondi. And perhaps some think that

it's really 'foreign actors' who are the terrorists. For Aboriginal Peoples, everyone who arrived after 1788 was/is a 'foreign actor', malicious or otherwise.

There are many documented massacres across Australia. You can read about them on the 'Colonial Frontier Massacres in Australia, 1788-1930' website at https://c21ch.newcastle.edu.au/colonialmassacres/statistics.php. Some may claim that these were not carried out by terrorists. However, there is substantial documentation that the intention of the violence and massacres carried out by colonists was to instil terror in the Aboriginal Peoples. An early example is from the diary and memorandum book of Governor Lachlan Macquarie in 1816. Following a period of conflict, he ordered military parties to:

> *"fire on them to compel them to surrender; hanging up on Trees the Bodies of such Natives as may be killed on such occasions, in order to strike the greater **terror** into the Survivors".*

Another, from 1828 in Tasmania, Lieutenant-Governor George Arthur and his council concluded that:

> *"To inspire them with **terror**, the Council fear, will be found the only effectual means of security".*

Arthur reported to London that:

> *"**Terror** may have the effect which no proffered measures of conciliation have been capable of inducing."*

… a plan which the British secretary of state subsequently sanctioned. Researchers clearly show in the Coniston Massacre of 1928 how the colonist violence explicitly aimed:

> *"To infuse an universal **terror**"* (Ref: Wilson & O'Brien [2004] (https://press-files.anu.edu.au/downloads/press/p73641/pdf/ch0452.pdf).

Even if there were no records of colonists self-declaring their terroristic intentions, it would be an exercise in sheer fantasy to imagine that Aboriginal Peoples and their communities who were victims of the violence and massacres were not terrified.

> **Further reading**
> * *The Years of Terror: Banbu-Deen Kulin and Colonists at Port Phillip 1835-1851 [2023]* - Marguerita Stephens with Fay Stewart-Muir.
> https://aiatsis.gov.au/collections/item/i9781922669841

* *YOORROOK TRUTH BE TOLD - OFFICIAL PUBLIC RECORD [2025]* - https://www.yoorrook.org.au/reports-and-recommendations/reports/yoorrook-official-public-record

Now we hear people asking us to recognise the consequential ongoing trauma for the community of Bondi victims, which we should, and yet there are still some who don't want to hear about the trauma and deny such consequences for the Aboriginal community. The impacts of racism on Aboriginal Peoples are well researched and documented, including *'Racism and Indigenous wellbeing, mental health'* by the Australian Institute of Health and Welfare (Summary - https://www.aihw.gov.au/getmedia/6557fd8d-8e50-4b38-931e-867edd7243fa/aihw-imh-racism-and-indigenous-wellbeing-mental-health-and-suicide-summary-paper.pdf) and *'Mental health impacts of racial discrimination in Victorian Aboriginal communities; Experiences of Racism survey: a summary'* (https://www.vichealth.vic.gov.au/sites/default/files/Mental-health-impacts_racial-discrim_Indigenous.pdf). In 2025, Reconciliation Australia published the *'2024 Australian Reconciliation Barometer: Racism and First Nations Peoples snapshot'* (*https://www.reconciliation.org.au/publication/2024-australian-reconciliation-barometer-racism-and-first-nations-peoples/)* showing:

- 56% of Aboriginal and Torres Strait Islander people believe Australia is a racist country (41% general community)
- First Nations peoples' experiences of racism has significantly increased over the last decade with 54% of respondents having experienced racism in 2024 compared to 39% in 2014
- Younger Aboriginal and Torres Strait Islander peoples experience racism at higher levels than all other age groups with 63% of 18-24 year-olds and 68% of 25-34 year-olds reporting that they have experienced at least one form of racial prejudice in the last six months.

Further reading:
* Call It Out: First Nations Racism Register – Annual Reports 2022-2025 (https://callitout.com.au/racisminquiry/)
* Racism Register: Racism in Australia 2025-26 Annual Report, Equity Institute (general racism) (https://racismregister.org/)
* Four stories from First Peoples, GARUWA – Australian Human Rights Commission (https://humanrights.gov.au/resource-hub/by-resource-type/projects2/four-stories-from-first-peoples)

Whilst there is no doubt that some focus is required at times by governments to deal with particular issues e.g. extreme violence, truth-telling and justice cannot be an exercise in exceptionalism where specific groups are advantaged over others in the levels of attention and protections from harm they attract. How is it that the Royal Commission into Aboriginal Deaths in Custody announced in August 1987 made 339

recommendations and Aboriginal people still die at a rate 10-13 times higher than non-Aboriginal people; in 2024-2025 29% of all deaths in custody?

The utter ignorance and disrespect shown for Aboriginal Peoples in such claims as, "… Australia's worst terror attack in history." (ref: Adelaide Festival Board public letter, 13 Jan 2026), is appalling and should prompt widespread reflection and action to address the parlous state of history education in Australia.

We suggest that if a survey of the Australian, and perhaps also international, community was undertaken today, asking respondents, "What was Australia's worst ever terrorist attack?", the responses would strongly support the incorrect view that Bondi was that event. Failing or choosing not to remember is not truth-telling. Without truth-telling there can be no justice and healing.

The recommendations below are in many ways about choosing to remember. To remember the truths that have already been told through inquiries and commissions and to respect and honour those truths by implementing the changes that can eliminate ongoing structural racism and bring about justice and healing. The call for truth-telling is not simply a call for memorialisation, which, although its value in healing is unclear, remains important to our collective understanding. More importantly, it is to call for political reform and structural change - land rights, self-determination, indigenous sovereignty, addressing systemic violence etc. - that embodies the deeper point of memorials i.e. we change because we have learned from the past and we remember and take action so the injustices and inequities of the past are not perpetuated in the present and future. Governments, media organisations and community leaders at all levels must answer the questions, "How are we participating in the erasure of Aboriginal cultures and histories?" and "What changes are necessary to prevent erasure of the world's oldest living cultures in Australia?"

Further Reading

* *Barriers to Truth and Justice in Settler-Colonial Australia; Why Won't Settlers Listen?* [2026], Ed's Dan Tout, Emma-Jaye Gavin, Julia Hurst.
https://link.springer.com/book/9783032130785

Finally, to quote Professor Megan Davis AC (Substack, 14 Apr 26) and Pemulwuy (Bidjigal warrior, Dharug Nation) in *Pemulwuy, The Rainbow Warrior*, Eric Willmot, Brio Books, 2022, p.188:

> Davis: *"And if one is contemplating, as some are, a privileging of state-recognised Traditional Owners-only for a "settlement" with the Commonwealth, you'd want to be clear and upfront early; that the process is exclusionary. Otherwise, much like the so-called reparations for the dispossessed post-Mabo, the dispossessed will be left behind. Details like this will be important to all Aboriginal and Torres Strait Islander communities with and*

without native title and with and without statutory land title to be fully informed. Only then can people make decisions about what they support and what's up ahead."

Pemulwuy: *"Captain Hunter,"* said Pemulwuy simply, *"your people have come here and stolen our land. This is why we fight."*

Recommendations

1. Implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

On 3 April 2009, the Australian Federal Government indicated its support for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In 2017, as part of the successful bid for a seat on the UN Human Rights Council, the Australian government pledged to "Support the Declaration on the Rights of Indigenous Peoples in both word and deed, including the promotion of the declaration's principles through national engagement", which would "draw connections between national activity and the principles of the declaration." On the 2 August 2022, the Senate referred an inquiry into the application of the UNDRIP in Australia, to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs (JSCATSIA). In November 2023, the Committee published its Report which has several commendable recommendations but opts for a policy-based approach and fails to pursue a legislative implementation which is a fundamental principle of international law and recommended by member states of the United Nations.

JAM! supports the collective and individual rights of Indigenous Peoples as outlined in the UNDRIP and its objective to defend the survival, dignity and well-being of Indigenous peoples. JAM! believes the principles underpinning UNDRIP complement the Uluru Statement from the Heart and support Australia meeting its global obligations.

JAM! therefore respectfully requests that the Australian Government, with urgency;

1. Enshrines the UNDRIP into domestic law.
2. Progresses an audit of existing laws, policies and practice for compliance with the UNDRIP immediately, starting with those most directly concerning First Peoples and breaching their rights.
3. Commits to follow the principle of Free, Prior and Informed Consent in legislation, policy and practice.
4. Passes the United Nations Declaration on the Rights of Indigenous Peoples Bill 2022.
5. Pursues justiciable legal mechanisms to underpin the legislative implementation of the UNDRIP.
6. Incorporates UNDRIP into Closing the Gap implementation plans for each jurisdiction.

7. Establishes and enshrines a comprehensive Human Rights Act into Commonwealth law. (see Human Rights Act Campaign Submission to 2026-27 Federal Budget consultation [30 Jan 2026] Daney Faddoul)
7a. Fully implements the 12 recommendations of the Revitalising Australia's Commitment to Human Rights Free and Equal Final Report 2023 by the Australian Human Rights Commission.
8. Invites the Expert Mechanism on the Rights of Indigenous Peoples for a country visit to provide expert advice on processes best adopted in the Australian context.
9. Complies with international recommendations as per the 2021 Universal Periodic Review.
10. Progresses the full implementation of the recommendations of the Inquiry into the destruction of 46,000-year-old caves at the Juukan Gorge in the Pilbara region of Western Australia and immediately present a timeline for the implementation.
11. Implements the following recommendations from the 2021 report Dhawura Ngilan:

> * amend its policy on Indigenous repatriation of cultural materials to align with current governmental practices, working with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and communities to coordinate repatriation approaches
> * work with Australian collecting institutions to return ancestors to Aboriginal and Torres Strait Islander communities in a coordinated way
> * recognise and prioritise the rights of Aboriginal and Torres Strait Islander peoples to access and repatriate secret sacred materials held in Australia, both by institutions and private collectors [1]
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> [1] Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia and the Best Practice Standards in Indigenous cultural heritage management and legislation, Department of Climate Change, Energy, the Environment and Water, pg 23-24, https://www.dcceew.gov.au/parks-heritage/heritage/publications/dhawura-ngilan-vision-atsi-heritage, viewed 14 November 2023.

2. Fully implement the 339 Recommendations of Royal Commission into Aboriginal Deaths in Custody. The 2018 NIAA Review of the implementation of the Royal Commission into Aboriginal Deaths in Custody showed that 78 per cent of recommendations have been fully or mostly implemented, 16 per cent partially implemented, and 6 per cent were not implemented. However, the ANU Centre for Indigenous Policy Research 2021 report: '30 years on: Royal Commission into Aboriginal Deaths in Custody recommendations remain unimplemented', argues that:

"… there is a risk that misinformation may influence policy and practice responses to First Nations deaths in custody, and opportunities to address the widespread problems in Indigenous public policy in Australia may be missed. In particular, current approaches too often ignore the principles of self-determination and the realities of laws and policies as experienced by First Nations peoples. We reiterate arguments for the development of national independent monitoring of Indigenous deaths in custody and further work towards the implementation of the recommendations of RCIADIC."

3. Fully implement the 24 recommendations of The Australian Human Rights Commission 2024 submission, *'Help way earlier! How Australia can transform child justice to improve safety and wellbeing (https://humanrights.gov.au/__data/assets/pdf_file/0025/25477/1807_help_way_earlier_-_accessible_0-1-2.pdf)* with priority attention to Recommendations 10 & 12. This submission provides evidence based, reforms to our child justice systems to protect human rights and recommendations for a national approach. This approach should strengthen and build on the Safe and Supported Aboriginal and Torres Strait Islander First Action Plan 2023-2026 and the Closing the Gap National Agreement.

   Further reading
   * Justice Reform Initiative (JRI): Jailing is Failing, submissions to the Legal and Constitutional Affairs References Committee Inquiry on Australia's Youth Justice and Incarceration System
   - JRI 2024 Submission 1
   - JRI 2025 Submission 2
   * Measuring What Matters: Australia's first national wellbeing framework that will track our progress towards a more healthy, secure, sustainable, cohesive and prosperous Australia.

4. Provide a response by the end of 2026 to the Australian Law Reform Commission's 2017 'Pathways to Justice' inquiry regarding Indigenous Incarceration Rates.

5. Fully implement the 54 Recommendations of the Bringing Them Home Report 1997.

6. Fully implement the 67 Recommendations of the Report of the Statutory Review of the Online Safety Act 2021.

   The eSafety Commissioner, Julie Inman Grant, in Series 1, Episode 3 of Tony Armstrong's 3-part

series called End Game (available on ABC iView), said, in reference to the increase in online hate 2019-2022, " … Indigenous Australians are twice as likely to receive online hate … ". However, the threshold for what constitutes 'online hate' is set so high that only about 6% of cases raised can be formally acted on.

The independent 'Report of the Statutory Review of the Online Safety Act 2021' (https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/9184), tabled in the House and Senate on 4 February 2025, states, in '12.3 Strategic partnerships to promote online safety', (p. 81-83), that, "We know that some social groups, including Aboriginal and Torres Strait Islander people, people from LGBTQIA+ communities, people with particular religious beliefs and older Australians, may be at higher risk of online harm." The Report also documents that in conducting the review, a 'roundtable' was held with First Nations people (p.200).

JAM! fully supports the adoption of all 67 Recommendations made in the Report. In particular, JAM! would like to draw your attention to Recommendation 18, which recommends that the threshold be lowered so that more people can be kept safe: "Recommendation 18: The adult cyber abuse scheme should be amended by lowering the threshold. The new threshold should require that an ordinary reasonable person would conclude that 'it is likely the material was intended to have an effect on a particular Australian adult', and that an ordinary reasonable person would 'regard the material as being, in all the circumstances, menacing, harassing or seriously offensive.'

Given the current high threshold disproportionately impacts Aboriginal and Torres Strait Islander peoples, JAM! respectfully asks, in particular, that you pursue the adoption of Recommendation 18 as a priority.

7. Fully implement the 63 Recommendations of the 2024 National Anti-Racism Framework.

8. Expedite the DFAT report to the UN Committee on the Elimination of Racial Discrimination (CERD).

   The Australian government has not reported to CERD since 2017, nearly 10 years. The combined 21st and 22nd periodic report was due in 2025 but remains outstanding. Also, the government has not formally responded to CERD's May 2025 request, due August 2025, regarding the early warning/urgent action procedure for the high rates of detention for Indigenous children, low age of criminal responsibility and alleged racial discrimination in the justice system.

9. In partnership with First Peoples, establish through legislation, and with adequate resources, a National Truth-telling Commission. The Commission would be responsible provide a report with

appropriate recommendations which could then form the basis for National Treaty/Treaties. (See Yoorrook Commission - Truth Be Told Report)

10. To address the parlous state of non-indigenous education about indigenous cultures and histories, provide increased resources to establish and expand education programs and curricula through all schools and organisations such as AIATSIS (https://aiatsis.gov.au/education), ANTaR (https://antar.org.au/), Reconciliation Australia (https://www.reconciliation.org.au/our-work/truth-telling/), Narragunnawali (https://www.narragunnawali.org.au/), Healing Foundation (https://healingfoundation.org.au/what-we-do/education/).

11. Adopt and fully implement the *Sector Transformation Principles Framework* to ensure Aboriginal and Torres Strait Islander child and family services are designed, funded, governed and delivered toward systems and services that are community-controlled, culturally grounded and led by Aboriginal and Torres Strait Islander peoples. (https://www.snaicc.org.au/our-work/sector-transformation/)

12. January 26 - Change the Date. Nothing can be done to change the lived realities of January 26, 1788. What can be done is to remove the inherent conflict established and maintained by Government through identifying this date as the Australia Day celebration since 1994 – setting up the Day of Mourning in conflict with a Day of Celebration (celebrated in no other Commonwealth nation). Every year the Australian community relives this conflict with nationwide Invasion Day rallies and, more recently, the March for Australia – which, although pitched, ironically, as 'anti-immigration', included attacks on First Nations peoples e.g. Camp Sovereignty in Naarm (Melbourne). The obvious shift in today's political landscape toward the populist right finds rich soil in the divisive and hateful racial conflicts generated through the tensions of January 26. JAM! respectfully requests the Government to Change the Date and supports the Clothing the Gaps' Australian Long Weekend proposal, with currently over 108,000 petition signatures in support and YouGov polling showing 54% of Australians and 70% of 18-24 year olds prefer a 'long weekend', as one serious alternative for consideration.

END

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