

18 September 2024

Joint Standing Committee on
Aboriginal and Torres Strait Islander Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Chair and Committee Members,

Truth and Justice Commission Bill 2024

We are pleased to provide this submission to your inquiry into the Truth and Justice Commission Bill 2024.

A Commonwealth Truth and Justice Commission represents an important opportunity for our nation to reckon with our history as a foundation for our future. We support this Bill and encourage the Committee to recommend to Parliament that it be passed.

‘Towards Truth’

The Justice and Equity Centre (formerly the Public Interest Advocacy Centre) is partnering with the Indigenous Law Centre UNSW on a ground-breaking truth-telling project, Towards Truth. Our work has shown the power and importance of truth-telling as an engine of understanding, recognition and repair.

Towards Truth documents how laws and government policies have impacted almost every aspect of First Nations’ lives since 1788 to today.

We have created a public database, freely accessible via a dedicated website (www.towardstruth.org.au) which documents the historic and ongoing impacts of colonisation on First Nations people in forensic detail: from government records, legislation, scholarly materials and first-hand accounts.

Our work with the Indigenous Law Centre on this project started in 2019 as a response to the call in the Uluru Statement from the Heart for truth-telling about our history. Our work has started with a focus on the laws and policies of NSW, establishing a model that can be replicated nationally, including at the Commonwealth level.

We launched the Towards Truth website in 2023. The website currently covers:

- Child removals
- Languages
- Citizenship (participation in democracy and courts)

- Hunting and Fishing
- Water
- Housing

We continue to add research as it is completed, covering:

- Dispossession
- Reserves
- Labour
- Land management and conservation
- Land rights and native title
- Cultural heritage
- Criminal systems and enforcement
- Health
- Education
- Customary law.

We aim to finish our work on NSW in 2026.

Towards Truth has received no government funding to date. We have relied on corporate, philanthropic and individual donations, and significant in-kind support by volunteers and lawyers working pro bono, with more financial support required to complete the work.

The power of truth-telling

We welcome the broad terms of reference in clause 8 of the Bill. It is important that we fully understand the diverse and inter-related ways in which government action has impacted upon First Peoples.

Towards Truth lays bare the systematic dispossession and disempowerment of First Nations people from their land, their culture and their communities.

Our work highlights issues including:

- How Aboriginal people were excluded from voting and participating in courts as jurors and witnesses.
- Barriers Aboriginal people faced in accessing public housing and how housing policies like 'scatterisation' were used to split up Aboriginal families and communities in the 1960s and 70s.
- How traditional rights to hunt and fish have been impacted from 1788 to the present day, even despite the more recent recognition of such rights as part of Native Title.
- The role of apprenticeships and domestic service in the widespread removal of Aboriginal children from their families.

Our work also powerfully demonstrates the resistance and resilience of First Nations people, including the role First Nations people have played in advocacy and law reform relating to:

- The Aboriginal and Torres Strait Islander Child Placement Principle which aims to keep children connected to their families, communities, cultures and country.
- Water rights, such as 'Cultural flows' owned by First Nations people and communities to improve the spiritual, cultural, environmental, social and economic conditions.
- Aboriginal community housing which is owned or managed by Aboriginal community housing providers and allows for more culturally appropriate housing services.
- Actions of government to provide compensation and reparations for child removals and stolen wages and action to revitalise Aboriginal languages and recognise Aboriginal place names.

This story of strength and resilience is an important aspect of truth-telling. The proposed Bill does not explicitly refer to this aspect of truth-telling. We suggest consideration be given to including a reference to the resistance and resilience of First Nations people and the strength of First Nations cultures. For example, the Letters Patent that constitute the Yoorrook Justice Commission include an objective 'to develop a shared understanding among all Victorians of the diversity, strength and resilience of First Peoples' cultures, knowledge and traditional practices'.

Through truth-telling, all Australians can engage in dialogue, healing and redress for First Nations people.

Our work is itself an act of truth telling as well as a resource for conversations in local communities, research, education, policy-making and creative responses by artists. Through truth telling we show our determination to reckon with the past and step into a better future.

Yours faithfully



Jonathon Hunyor
Chief Executive Officer



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