

Submission on the Truth and Justice Commission Bill 2024

Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

20 September 2024

About ACOSS

The Australian Council of Social Service (ACOSS) is a national voice in support of people affected by poverty, disadvantage and inequality and the peak body for the community services and civil society sector.

ACOSS consists of a network of approximately 4000 organisations and individuals across Australia in metro, regional and remote areas.

Our vision is an end to poverty in all its forms; economies that are fair, sustainable and resilient; and communities that are just, peaceful and inclusive.

Summary

ACOSS supports this bill to establish a national Truth and Justice Commission ('Commission') to inquire into and make recommendations to Parliament about historic and ongoing injustices against Aboriginal and Torres Strait Islander peoples in Australia, as a step towards full implementation of the Uluru Statement from the Heart.

The Commission should be designed, resourced and empowered to operate in a way that is culturally safe for and self-determined by Aboriginal and Torres Strait Islander people. In undertaking its inquiry, the Commission should also seek to learn from other existing truth-telling and reform processes where appropriate.

The Commission should be accompanied by meaningful commitment from governments to deliver the reforms and funding needed to implement the Commission's recommendations, and to help ensure justice and self-determination for Aboriginal and Torres Strait Islander people.

Recommendations:

1. The Truth and Justice Commission Bill 2024 should be passed.
2. The Commission should ensure its practices promote cultural safety and self-determination for Aboriginal and Torres Strait Islander peoples.
3. The Commission should ensure its practices are informed by learnings from related truth-telling and reform processes, where appropriate.
4. Governments should commit to delivering the reforms and funding needed to implement the Commission's recommendations.

Discussion

The need for truth-telling

Aboriginal and Torres Strait Islander peoples are subject to ongoing injustices and have been since European colonisation in the late 1700s. These injustices include the dispossession of land, forcible child removal, denial of culture, over-criminalisation, and structural and interpersonal racism. The impacts of these injustices include significant disadvantages for Aboriginal and Torres Strait Islander peoples, relative to non-Indigenous people, across many domains including in wellbeing, education, economic participation, as well as over-representation in child protection and criminal justice systems.

These injustices and their impacts must be effectively acknowledged and redressed in a culturally appropriate way and prevented from happening in future. Aboriginal and Torres Strait Islander peoples must be provided justice and be supported to exercise their sovereignty and self-determination. To these ends, the [Uluru Statement from the Heart](#) calls for a process of truth-telling. The Albanese Government must deliver on its commitment to implement the Uluru Statement from the Heart in full. The establishment of a national Truth and Justice Commission provided by this bill is an important step towards the government ensuring this commitment is not broken.

Recommendation 1: The Truth and Justice Commission Bill 2024 should be passed.

Culturally safe, self-determined practice

The Commission should be designed, empowered and resourced to operate in a way that is culturally safe for and self-determined by Aboriginal and Torres Strait Islander peoples. This may include enabling participation through forms of communication and in places preferred by Aboriginal and Torres Strait Islander people and embedding Indigenous Data Sovereignty principles in the practices of the Commission. It may also include a consultative process for appointing Commission members and staff, to ensure they are Aboriginal and Torres Strait Islander people, or at least have culturally appropriate, trauma-informed skills, knowledge and experience. The government should meaningfully engage with Aboriginal and Torres Strait Islander people, and organisations representative of and controlled by them, to help determine the appropriate institutional design, practices and funding needed to achieve culturally safe, self-determined truth-telling.

Recommendation 2: The Commission should ensure its practices promote cultural safety and self-determination for Aboriginal and Torres Strait Islander peoples.

Complement other truth-telling and reform processes

The Commission should seek to engage with and learn from existing truth-telling processes to help inform its practices where appropriate. These truth-telling processes may include community-led local truth-telling, the Yoorrook Justice Commission in Victoria, and international models such as the Truth and Reconciliation commissions in South Africa, Canada, and the Waitangi Tribunal in New Zealand.

In undertaking its inquiry and making of recommendations, the Commission should also take into consideration the material related to ongoing reform processes aimed at improving outcomes for Aboriginal and Torres Strait Islander, including the Closing the Gap process, the National Aboriginal and Torres Strait Islander Children's Commissioner, and other government and parliamentary reviews and inquiries. This could help ensure a more complete truth-telling process, and that recommendations appropriately build on the existing policy and political context.

Recommendation 3: The Commission should ensure its practices are informed by learnings from related truth-telling and reform processes, where appropriate.

Meaningful government action and accountability

The Commission needs to be accompanied by meaningful commitment from governments to listen to and act on the findings and recommendations of the Commission. This includes delivering legal reforms, funding, changing government practices, and adhering to any accountability mechanisms, as recommended by the Commission. Too many past inquiry recommendations, such as those in the [*Royal Commission into Aboriginal Deaths in Custody Report*](#), and the [*Bringing them Home Report*](#), which some consider a form of truth-telling, have still not been fully implemented.

More broadly, we urgently need greater government action to ensure justice and self-determination for Aboriginal and Torres Strait Islander people. This includes, but is not limited to, reforming discriminatory systems of child protection and criminal justice, and providing adequate funding and transfer of control to Aboriginal and Torres Strait Islander community-controlled essential services, as part of a holistic approach to addressing structural and interpersonal racism and the impacts of colonisation.

Recommendation 4: Governments should commit to delivering the reforms and funding needed to implement the Commission's recommendations.

Contact

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