

Dr Ed Wensing (Life Fellow) FPIA FHEA
*Associate and Special Adviser, SGS Economics and Planning
Research Fellow, City Futures Research Centre, UNSW
Visiting Research Fellow, Centre for Indigenous Policy Research, ANU*

[REDACTED]
[REDACTED]
23 August 2024

E: [REDACTED]

22 August 2024

Senator Jana Stewart
Chairperson
Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs
PO Box 6021
Parliament House
Canberra ACT 2600
JSCATSIA@aph.gov.au

Dear Senator Jana Stewart and Committee Members

Truth and Justice Commission Bill 2024

I am writing to express my full support for the *Truth and Justice Commission Bill 2024*, tabled in the Senate by Senator Dorinda Cox on 2 July 2024.

I am an academic researcher and practitioner with over half a century of experience in urban and regional policy and planning throughout Australia. I have been working with Aboriginal and Torres Strait Islander peoples in every jurisdiction in Australia for almost thirty years, with a particular focus in the interactions between Indigenous peoples' rights and interests (however defined by them) and the Crown's land administration and land use policy and planning systems in every jurisdiction in Australia.

In that context, I have had the privilege of listening to many Aboriginal and Torres Strait Islander people and communities about their experiences of being alienated from their ancestral lands, being denied their existence and identity, and being denied the opportunity and their right to maintain their connections to, and responsibilities for, their Country.

For thousands of years before the colonisers arrived in 1778, sovereign First Peoples governed themselves. They managed traditional lands according to their law and lore, cultural knowledges, practices and customs. These knowledges and practices were passed down through generations and encompassed holistic and interconnected relationships and obligations between First Peoples and their ancestral lands.

Colonisation disrupted these connections through violence, dispossession through forced removals, denial of culture and language, discrimination and the destruction of systems of governance. The impacts of colonisation are still being experienced today, despite the emergence of limited forms of recognition either through statutory land rights grant/transfer schemes, native title determinations or under joint management arrangements.

Over the past 80 years Indigenous Australians have been pressing the case for a treaty or treaties to resolve the 'unfinished business' of past legacies and a realigning of relationships

between Aboriginal peoples and governments, including over land. The most recent of which is the *Uluru Statement from the Heart*, issued to the people of Australia following the National Constitutional Convention of First Peoples at Uluru in May 2017. What is significant about the *Uluru Statement*, is that it not only sets out the grievances that Aboriginal and Torres Strait Islander peoples want to see resolved, it also sets out three actions for addressing those grievances: Voice, Treaty, Truth.

The Albanese Government pledged to implement the *Uluru Statement from the Heart* in full. The creation of a national Truth and Justice Commission is an important step toward ensuring this commitment is not broken. While the referendum for the insertion into Australia's Constitution for an Aboriginal and Torres Strait Islander Voice to Parliament was lost, it does not mean that their voices should not be heard on matters that continue to affect them, or that truth telling and treaty should not proceed. Quite the contrary, there can be no justice for First Nations communities without laying a collective foundation of truth. A national truth-telling process would complement local community-led truth-telling, as well as support state and territory-led truth and treaty processes.

A national Truth and Justice Commission can and should shine light on the strength of First Nations communities, culture, and connection to Country, and also address the more difficult questions of recompense for past injustices.

I agree with Senator Cox, when she states in the Explanatory memorandum that this bill positively engages with, and advances, the right of First Nations people to be heard. And that by doing so, we advance Australia's commitments to Indigenous peoples' human rights.

I also agree with Senator Cox's statement in the Explanatory Memorandum that the Bill is compatible with human rights because it seeks to create a Commission that will uncover human rights abuses that have not been talked about sufficiently, let alone dealt with legally. And that the Truth and Justice Commission may also be able to advise Parliament on the best ways to legislate a number of the rights of First Nations people as contained in the *United Nations Declaration on the Rights of Indigenous Peoples*, which Australia is a signatory to.

I look forward to this Committee also supporting Senator Cox's Bill for a national Truth and Justice Commission.

Yours sincerely

A solid black rectangular box used to redact the signature of Dr Ed Wensing.

Dr Ed Wensing (Life Fellow) FPIA, FHEA