

**Truth and Justice Commission Bill 2024, establishing commission of Enquiry into
Historic and ongoing Injustices against First Peoples**

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**Submission re Truth and Justice Commission Bill 2024, establishing commission of
Enquiry into Historic and ongoing Injustices against First Peoples**

Dear Committee Secretariat,

My name is Pauline Kennedy, and I am non-Indigenous. From my late twenties until now, in my 78th year, I have had the wonderful privilege of learning from Noongars who moved to Perth from the Southwest of WA, then later, received great inspiration, from the Yindjibarndi People of the Pilbara. Now I live on Wurundjeri country and have continued to learn from First Peoples here, giving support where possible.

I strongly support a national Truth and Justice Commission. The Uluru Statement From the Heart is urging all Australians forward to the truth and justice that surely promises a better future for all.

The United Nations Declaration on the Rights of Indigenous Peoples which Australia adopted in 2009, notes under Foundational Right 3 ‘self-determination’- ‘to have choice, participation in decisions, control over development.’ I see that section 7, Part 2 of the Bill, about Appointment of Members, does conclude with the need to ‘consult with relevant stakeholders (3) and ‘in appointing the members, the Joint Ministers must ensure that a majority of the members are First Peoples.’ (4).

I am presuming that leading up to this selection, First Peoples, initially, have had Community and Traditional Elders’ consultations, and have nominated possible candidates for membership, exercising their right of self-determination. The Bill would be improved by clarifying this prerequisite. Recently I was very impressed by attending a Community meeting where the People’s Assembly of Victoria outlined their exemplary Framework for establishing Treaties. I suggest that their process is also relevant to a process for truth telling and justice. **This culturally appropriate Framework can be viewed at:**

<https://www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework>

Section 9 is the standout section of the Bill for me: ‘How best to raise awareness and increase public understanding of the history and experiences of First Peoples before and since the start of colonisation?’

There has been so much truth telling by the ever resilient First Peoples. Reputable histories have been written by both Indigenous and Non-Indigenous authors. There are maps of massacre sites (Lyndall Ryan and team) available on-line, endless reports and articles, and significant Commissions and Inquiries have been held. However, many recorded truths have often fallen on deaf ears, and justice has not been served.

Why is this so? As part of Section 9, it must be feasible to add a commitment to face and overcome particular hurdles in our society, that are hindrances to truth-telling and listening, so **that meaningful action will follow.**

The Government has not adequately listened to and acted on previous landmark truth-telling processes. For example, in the years that have followed ‘The Royal Commission into Aboriginal Deaths in Custody’, of 1991, and the ‘Bringing them Home report’ of 1997, there has often been a failure in listening to the wisdom of First Nations, so that meaningful action could occur. Instead, there are ever more Aboriginal deaths in Custody and more Aboriginal children are being removed from their homes. The separation from Country, homelessness, poverty and inter-generational trauma, underlying these tragedies, have not been addressed.

Hopefully, the establishment of a national Truth and Justice Commission will include a **commitment to meaningful action.** Sections 18 and 19 of the previously mentioned United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) notes ‘the right of decision -making, in matters affecting rights...guided by and ...including the principle of free, prior and informed consent. It is time for governments to relinquish control and to hand meaningful decision-making power back to First Nations communities, where it rightfully belongs.

The famous French philosopher, Simone Weil, writes of bureaucracies, including government bureaucracies as follows: ‘The “bureaucratic machine excludes all judgment and all genius: it tends by its very structure to concentrate all powers in itself.” (Weil S, Oppression and Liberty, 1958, 2001 Routledge classics NY p15). So often, the effects of this power concentration are evident in the affliction in First Nations’ Communities. Bureaucracies at all levels of government have not been able to accept the Wisdom of First Peoples. However, hope springs eternal.

Thank you for the opportunity to make this submission,

Yours truly,

Pauline Kennedy