

Telephone:

Reference:

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

Via email:

Dear Committee Secretary

As a Commissioner of the Queensland Family and Child Commission (QFCC), I am pleased to provide support for the *Truth and Justice Commission Bill 2024*.

I acknowledge that the passage of this Bill would be a significant and historic step for Australian children and families and one that would build on the hard work of generations of people working towards reconciliation and healing.

It is critical that this process not only reveals and amplifies the truth but also leads to healing for Aboriginal and Torres Strait Islander communities and our nation. The act of truth-telling is only one part of the journey; true reconciliation will require healing processes that help repair relationships between Indigenous and non-Indigenous Queenslanders. To this end, non-Indigenous Australians must participate in this process with genuine goodwill. If this is not achieved, the process is likely to cause more harm, entrench distrust, and generate cynicism. In my role, I am aware of past processes of attempted reconciliation that have caused further harm to those it sought to help.

The *Truth-Telling and Justice Commission* process proposed by this Bill will be uniquely positioned to investigate both historic practices—and their legacy—as well as contemporary decision-making, to understand their impact on Aboriginal and Torres Strait Islander peoples. Through our work, the QFCC continues to observe the impacts of past policies and practices on present-day drivers of over-representation of Aboriginal and Torres Strait Islander children and families in statutory systems, combined with their under-representation in decision-making models that impact their lives. I explicitly call out the significant focus that the child protection and youth justice systems already receive and the underwhelming level of attention that the core systems of government receive for their impact on children and families. The Federal Commission would provide a strong opportunity to consider how federalism plays a role in the policies and laws impacting on reconciliation.



Building on the above I am concerned about the Commission process—and particularly how *sections 8(1)(b)* and *section 8(1)(e)*—may risk creating duplication or replication of state-based truth-telling processes, and lead to unresolvable tensions between State and Federal governments. I believe that a Federal Commission should appropriately focus on the federal policies and laws that have impacted First Nations families across federal jurisdictions, including areas such as the National Indigenous Australians Agency (NIAA), procurement, welfare and family support, Centrelink, health, land rights, courts, housing funding, employment, and economic development. This will ensure that the inquiry addresses key national issues affecting First Nations families, rather than contributing to policy matters that may contribute to inter-jurisdictional conflicts.

I also raise concerns about *section 35*, which relates to the establishment of a properly resourced commission. While the Bill proposes broad information collection powers and the ability to employ staff, these powers will be directly contingent on the level of funding provided to the Commission. It is essential that this Commission is sufficiently funded and resourced to carry out its duties effectively, as the success will depend heavily on the commission's capacity to engage with communities, facilitate inclusive dialogue, gather evidence from diverse and discrete government sources, and deliver meaningful outcomes. Without proper resources, there is a risk that the inquiry will not be able to achieve its goals, and the opportunity for real change could be missed.

Finally, we acknowledge that Aboriginal and Torres Strait Islander Peoples are strong, capable, and resilient—the descendants of the oldest and continuous living culture in the world. Their significant contributions to history and society must be recognised and celebrated through the truth-telling process. It is important that the narrative generated through the Commission's process includes the potential strength and unity of our future together, and one that fosters a shared pride in First Nations cultures, and where the exceptional contributions of Aboriginal and Torres Strait Islander Peoples to all aspects of life are fully acknowledged in our historical narrative.

Engaging children, young people, and families, and listening to their views is critical for understanding their contemporary experiences of colonialism and discrimination and identifying opportunities to improve systems they interact with. This will also help to empower children and young people to take an active role in shaping their future. In this regard, I encourage the truth-telling sessions to facilitate conversations with Aboriginal and Torres Strait Islander children, young people, and their families in ways that are safe, accessible, and meaningful. Consideration must also be given to engaging the most marginalised groups of First Nations peoples, including those experiencing statutory interventions, to provide opportunities to share their lived experiences of current systems and injustices. Further the success of the healing process desired from this Commission will include how non-Indigenous children are engaged in the process, and I would particularly support direct engagement of the Commissions with schools and education settings as a part of its process.



In conclusion, I am pleased to support the Bill on the basis that truth-telling is an important foundation for the process of healing and must have a significant positive impact on the relationship and understanding between First Nations peoples and non-Indigenous Queenslanders. As such, it is essential that this process is inclusive of all members of the Australian community, including children, young people, and families, and the outcomes must be genuine

Should the Committee have any queries in relation to this matter, please do not hesitate to contact me directly on [REDACTED] or via email at [REDACTED]

Yours sincerely

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Luke Twyford
Principal Commissioner
Queensland Family and Child Commission

20 September 2024

