



19 September 2024

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

Via email: JSCATSIA@aph.gov.au

ANGLICARE WA RESPONSE: TRUTH AND JUSTICE COMMISSION BILL 2024

Dear Members of the Joint Committee on Aboriginal and Torres Strait Islander Affairs,

Anglicare WA is pleased to make the following submission to the Joint Committee on Aboriginal and Torres Strait Islander Affairs (**Committee**) with reference to the Truth and Justice Commission Bill 2024 (**Bill**).

ANGLICARE WA CONTEXT

Anglicare WA is a leading not-for-profit organisation in Western Australia that reaches over 82,000 people each year in times of need by providing support, counselling, accommodation, and advocacy for people impacted by poverty, homelessness, domestic violence, grief, mental health and other forms of crisis or trauma.

We have a long history of working closely with Aboriginal people, as clients, advisors, and partners in social change. We are proud of our history and of the support we provide to approximately 5,000 Aboriginal people across the State each year. We also recognise that our organisation, just like our community and our country, still has a long way to go.

Our vision is a just and fair Western Australia, where everyone can thrive. Working towards this vision requires us to directly challenge the barriers to thriving experienced by Aboriginal people across Western Australia and to drive positive outcomes with Aboriginal clients. In working towards the goal of Reconciliation, Anglicare WA actively promotes the following principles and practices in all our work:

- acknowledgement and respect for Aboriginal peoples as the original owners of Australia
- acknowledgement of Aboriginal peoples' right to self-determination as per the United Nations Declaration on the Rights of Indigenous Peoples
- strengthening of our relationship with Aboriginal people and communities
- recognition and valuing of the importance of Aboriginal Lore, cultural beliefs, traditions, and 'ways of doing'

Family Violence Homelessness Financial Stress Relationships Bereavement Disability Parenting Mental Health

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- striving for social justice with Aboriginal people by continually improving service delivery and insisting on equity in all aspects of our work and the communities we walk alongside
- application of a principle of empowerment in all Anglicare WA programs and activities

In 2023 Anglicare WA developed a *Stretch Reconciliation Action Plan (RAP)*, our third RAP. It was finalised with involvement of Anglicare WA staff, Board and our Aboriginal Advisory Group and we maintain support for the Uluru Statement from the Heart – and its mandate to create a fuller expression of Australia's nationhood.

Anglicare WA recognises the voice of Aboriginal and Torres Strait Islander people as expressed in the Uluru Statement from the Heart and stands beside them in their call for a First Nations Voice to be enshrined in the Australian Constitution. We recognise the harm done to Aboriginal people and communities as a result of the referendum and have committed to continue working for Aboriginal justice and empowerment.

We also support the establishment of a Makarrata Commission to enable a fair and truthful relationship between all Australians.

RECOMMENDATIONS

Anglicare WA strongly supports the intent of the Bill to “*establish a commission of inquiry into historic and ongoing injustices against First Peoples in Australia*” and make the following recommendations in relation to Part 2 and Part 3 of the Bill.

Part 2 – Establishing the Truth and Justice Commission

Section 7 Appointment of Members

Clause (1) Aboriginal and Torres Strait Islander self-determination and authority in deciding the membership of the Truth and Justice Commission will be critical to ensure the Commission's success. Anglicare WA recommends Joint Ministers be required to engage and consult with Aboriginal and Torres Strait Islander community leadership across Australia before appointing members to the Commission.

Clause (3) The term 'stakeholders' should broaden and include (but not be limited to) Aboriginal leaders and Aboriginal Community Controlled Organisations.

Clause (4) Definition of 'majority' should be clear. Anglicare WA recommends a minimum of 60% of the members are First Peoples.

Clause (7) A set timeline cannot be determined for the term of a Member or the Commission itself until the Commission is clear about the scope of the work required to meet the Terms of Reference (Section 8). The scope of work should be co-designed with Aboriginal people from across Australia.

This would enable the Commission to:

- genuinely and safely consult and engage with witnesses
- facilitate truth telling
- ensure accuracy, accountability, and transparency
- form, report and action recommendations.

Section 8 Terms of reference

Clause (1) The Terms of Reference need to be reviewed, including further co-design and ratification by Aboriginal leaders before the Commission proceeds.

Anglicare WA acknowledges the list of historical and ongoing injustices committed by the Commonwealth government, Commonwealth bodies and non-government bodies as stated in this Clause. In addition, recognising the significant impact that can be achieved through access to quality education and secure housing, Anglicare WA recommends the barriers to accessing and sustaining housing and education experienced by First Peoples be listed as part of this Clause:

- (a) Inclusion of “unfair policies and practices relating to housing”
Inclusion of “unfair policies and practices relating to education”
- (b) Inclusion of “unfair policies and practices relating to housing”
Inclusion of “unfair policies and practices relating to education”

Anglicare WA also recommends inserting a requirement for government to action the recommendations within a pre-determined time to avoid current and subsequent government inaction.

Section 10 Report to the Parliament

Clause (4) Anglicare WA notes the Bill states the final report to be submitted within 4-years of commencing of the Commission.

A set timeline cannot be determined for the Commission itself until the Commission is clear about the scope of the work required to meet the Terms of Reference (Section 8). The scope of work should be co-designed with Aboriginal people from across Australia.

In addition to the timeline determined for the Commission, an ongoing support structure like what was modelled in Canada and [South Africa](#), should be established.

These jurisdictions established a national centre (or the likes) to hold data, stories, and manage cultural intellectual property.

For example, in Canada they had the Truth and Reconciliation Commission (which was the formal truth process) and then established the National Centre for Truth and Reconciliation (ongoing).¹

Part 3 – Powers of the Truth and Justice Commission

Section 11 Hearings

Clause (5) and related Clauses Anglicare WA recommends the availability of legal representation to a person appearing before the Commission be accessible, trauma informed, culturally appropriate, free, and available.

Further, that access to free and available trauma informed and culturally appropriate support be provided to people appearing before the Commission.

CONCLUSION

Anglicare WA strongly supports the establishment of a Truth and Justice Commission and looks forward to being part of a country where Aboriginal and Torres Strait Islander people can live a fulfilling life and choose their futures with historic truth, reconciliation, and justice.

We thank you for the opportunity to share our insights. Please direct any enquiries to [REDACTED] or call [REDACTED].

Yours faithfully,

[REDACTED]

Mark Glasson
Chief Executive Officer

¹ Suggestion and example provided by Reconciliation WA, September 2024.