

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

Inquiry into Truth and Justice Commission Bill 2024

30 August 2024

Dear Committee Secretariat,

My name is Pastor Benjamin Quilliam. I live on Central Arrernte land, and work and play on the many Indigenous lands around Central Australia. I acknowledge their elders, past present and emerging. I thank them for their hospitality.

I work as a Bush Chaplain with Frontier Services, an agency of the Uniting Church in Australia. I am based in Alice Springs, where I own a house and live with my family. I work as far north as Barrow Creek, south to the APY Lands and to the eastern and western NT borders.

My interest in this proposed Commission stems from my Christian faith and the Christian principle of “love your neighbour as yourself”. Moving to Central Australia almost 10 years ago I was appalled at the level of poverty, disadvantage and hopelessness I saw in my Indigenous brothers and sisters. I am especially drawn to the proposed Commission’s mandate to “inquire into and make recommendations” on “how ongoing injustices can be addressed or redressed, including recommended reform to existing institutions, law, policy and practice and considering how the Commonwealth government can be held accountable for addressing these injustices and preventing future injustices.” (8.1.e).

In trying to understand how we got to where we are today I have concluded that colonisation has been the major contributor. Even though my major concern is finding effective ways forward from the situation we are in now, both for our Indigenous brothers and sisters, and for us as a nation together, I don’t think we can do that without delving into our past and admitting the root causes. I believe many of the issues Indigenous Australians face today stem from past murder, rape, racism, disrespect, land-grabs and other injustices perpetrated upon them in the past. These things have caused generational trauma, disadvantage, poverty and inequity that we continue to see today. I do not think it is fair to expect Indigenous Australians with so much baggage to “get their act together” and “pull themselves up by their own bootstraps” – even though they are indeed making progress.

Some would say, “Why should I have to apologise for the things my great-grandparents did, or even people who I’m not related to at all?” Ok, if that’s the case then why are we blaming Indigenous Australians today for the generational trauma they carry from what

happened to their great-grandparents, and the poverty they were born into? Sounds a bit hypocritical to me!

Unfortunately, what we are facing is not just an historical problem. The baggage Indigenous Australians carry encourages further racism, disrespect, misunderstanding and impatience towards them in the present day. I would hate to see the Commission identify and recommend remedies for historical injustices without also addressing society's current faults and injustices. We cannot simply say that "the past is the past" and pretend that we have no guilt of our own.

We are still perpetrators of things like racist attitudes and behaviours, not respecting cultures, blaming people for their generational trauma and poverty, not providing adequate interfaces like interpreters for services, not funding bilingual public education, demonising them for political gain, victim blaming, offering short-term or band-aid solutions for far deeper problems, not moving to treaty, not empowering them to come up with their own solutions (or supporting solutions they advocate for), cutting funding for programmes that are working, social welfare programmes that are not adequately funded and/or with staff that are not trained in cultural awareness, not providing adequate legal aid or representation... the list goes on. It is these present-day injustices that are preventing our Indigenous brothers and sisters from implementing their own solutions that they know will work. They have plenty of ideas and insight into their own culture, but they are being held back from doing their own work by forces that intentionally or unintentionally keep them beaten down.

All of this just addresses the historic and current injustices. It doesn't even touch on the care and concern we Australians usually have for people doing it tough. What happened to "standing up for the underdog"? Why can't we care about the plight of Indigenous Australians as fellow humans and fellow Australians? Personally, I think it is because we are guilty and afraid. We know we and our ancestors have done wrong by them. And we are afraid of what admitting that guilt will mean. What will it cost us? What will we lose?

But in my interactions with Indigenous Australians, they are generally very forgiving and well-meaning. They don't want us to admit our wrongdoing so they can rub it in our face, take our land, live like kings and turn the tables on us. They just want a better future for themselves and their children, much like the rest of us do. Why can't we see it as a win-win instead of a win-lose? We deal with our poor behaviour and attitudes and no longer have to live in guilt and fear. They and their cultures prosper and they can bless us and share with us their cultural insights and wisdom – enriching Australian society for everyone in the process!

I certainly hope that it is because of guilt and fear that we are reluctant to stand with our Indigenous brothers and sisters, because the alternatives are even worse. Perhaps we just like to have someone to scapegoat. A group of people to ██████████ on to make us feel

better about ourselves. As long as we can keep someone else at the bottom of the pile then at least we're not at the bottom. Like some sick bully who cuts down the short poppies instead of the tall ones. Or perhaps we just don't give a [REDACTED]. Maybe we're just too comfortable or too busy to even care what our fellow Aussies are going through. Is this really what we aspire to?

Whatever the reason non-Indigenous Australians are reluctant to attend to the plight of our Indigenous brothers and sisters, we will not make progress without exploring and dealing with root causes. Alcohol restrictions, curfews, social welfare programmes, enquiries into deaths in custody, suicide prevention programmes are all band-aid solutions. These will have very limited effect if the wound underneath is allowed to continue to fester. It is time to deal with problems at their roots.

I refer back to my Christian faith. Jesus has a story about how to approach people who you can see have issues. He says, "why worry about a speck in your friend's eye when you have a log in your own? How can you think of saying to your friend, 'Let me help you get rid of that speck in your eye,' when you can't see past the log in your own eye? Hypocrite! First get rid of the log in your own eye; then you will see well enough to deal with the speck in your friend's eye." (Matthew 7:3-5, NLT)

I know I have been negative in this treatise. Yes, there are some great examples of resilience, resistance and strength too. But I am tired of people blaming Aboriginal people, and especially the youth of Alice Springs for social woes that date back from well before they were born and are perpetuated today by people like myself. It is time to pull out our own log of racism, disrespect, disempowerment, blame, insensitivity and disregard. Maybe then we will see clearly enough to help with the speck.

For the above reasons I support the Truth and Justice Commission Bill 2024. I would like to see the Commission bring forward recommendations, not only to address historical injustices, but equally or even more importantly to address current injustices and racism in Australian society today. I believe we all have a part to play, from individuals to sub-cultures to social groups to businesses to social welfare organisations to schools to the political system to the justice system. I look forward to the actionable items that come from such a Commission.

Part of me thinks 4 years is too short a time to get through everything. On the other hand, it would be unfortunate if the process got strung out indefinitely and no concrete change came from it. I can envision that after the 4 years that one of the recommendations might be about an ongoing Commission or Department that could continue the work on into the future. Something like a Makarrata Commission. This is not going to be an easy or short process, especially the implementation of the Commission's recommendations.

A few comments on the Bill itself:

1. I like the checks and balances in the make-up of the Commission (7.2-4, 7.6-7) – especially that the Chief Commissioners and a majority of the members are First Peoples
2. As outlined above, I particularly resound with the Terms of Reference that address ongoing injustices and the current consequences of past injustices (8.1.b-e). I feel as a society we are already starting to address 8.1.a (outlining historical injustices), though of course there is a lot to be done still in that area too. But I would hate to see the Commission be bogged down in 8.1.a and not spend adequate time on 8.1.b-e.
3. I am pleased that the scope of the Terms of Reference includes both government and non-government bodies in 8.1.a and 8.1.b. However, I would like there to be some reference to individuals, cultural forces and biases, and other influences causing injustice that are not attributable to a ‘body’
4. I would like to see ‘education’ specifically added to the list in 8.1.b
5. I would like to see 8.1.f reworded to make it clear that it is also about current experiences of First Nations people, not just historical experiences. And that these current experiences are caused not just by historical colonisation but by injustices that are continuing to be perpetrated today.
6. I would like to see ‘historical’ removed in line 25. The impact of colonisation is current, not only historical. Therefore the analysis should take into consideration the current situation too, not just the historical situation.
7. I would like to see another point made under 8.1.a, requiring the Commission to make recommendations about how to encourage and engage non-Indigenous Australians to get actively involved in the process of truth-telling and truth-listening. I think sitting down with people and developing a relationship with them is key to understanding and caring. This in turn will lead to developing greater collective responsibility and social cohesion.
8. I am in favour of the powers given to the Commission in Sections 13-16
9. I think the penalties, funding and legal and financial assistance are fair. Especially, financial assistance to First Nations witnesses would be appropriate.
10. I am slightly concerned that 11.4 seems to require both the Chief Commissioners to be present at all hearings. What happens if one of them is sick at the last minute, after a hearing has been publicised and planned in a remote community? Does the whole thing get postponed or cancelled? Does the sick Commissioner front up anyway, risking the health of the other members, witnesses and members of the public? What if cultural sensitivities require a single-gender hearing? How would that work when each of the Commissioners must be a different gender? Perhaps consideration for the Commissioner to appoint another Indigenous Member to take their place in such circumstances would be wise, in order to keep things rolling and avoid postponements or cancellations which would of necessity be costly in both time and evidence.

In reference to other submissions to this inquiry, I concur with the point titled #12 of Submission 3, regarding the proffering of [trauma-informed] care and counselling services being made available to witnesses.

Thank you for the opportunity to share my strong opinions and insights with you. I hope the points I have raised out of my experience living and working in Central Australia will be considered.

Regards,

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Frontier Services and the Uniting Church in Australia Northern Synod