

ebony

ABORIGINAL +  
TORRES STRAIT ISLANDER  
INSTITUTE

# A Black Framework for Truth, Justice + Healing

FINAL  
REPORT  
2023



This report was compiled on Gadigal, Wangal, Yuin, Bundjalung, Boon Wurrung and Wurundjeri Country, over which sovereignty was never ceded. We acknowledge their Elders and ancestors.

Country, Elders and ancestors hold truth for our people – and it is to them that any truth-telling is ultimately answerable.

This research was funded by AIATSIS and the Annamila First Nations Foundation.

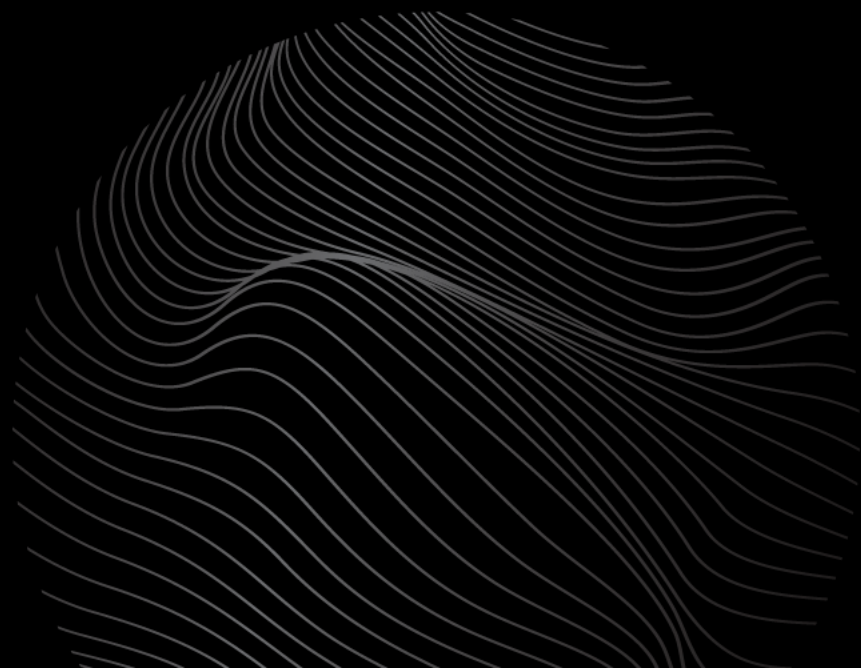
This project was led by the Ebony Aboriginal and Torres Strait Islander Institute, who wrote the other reports in this series. This report was written in partnership with the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney.



Other reports and outputs from this project:

[Hear My Heart discussion paper \(and executive summary\)](#)

[Video summary of Ebony Institute Truth, Justice + Healing National Round Table](#)





## **About the Ebony Institute**

The Ebony Aboriginal and Torres Strait Islander Institute is an independent Black think tank dedicated to solving complex social, political and economic problems.

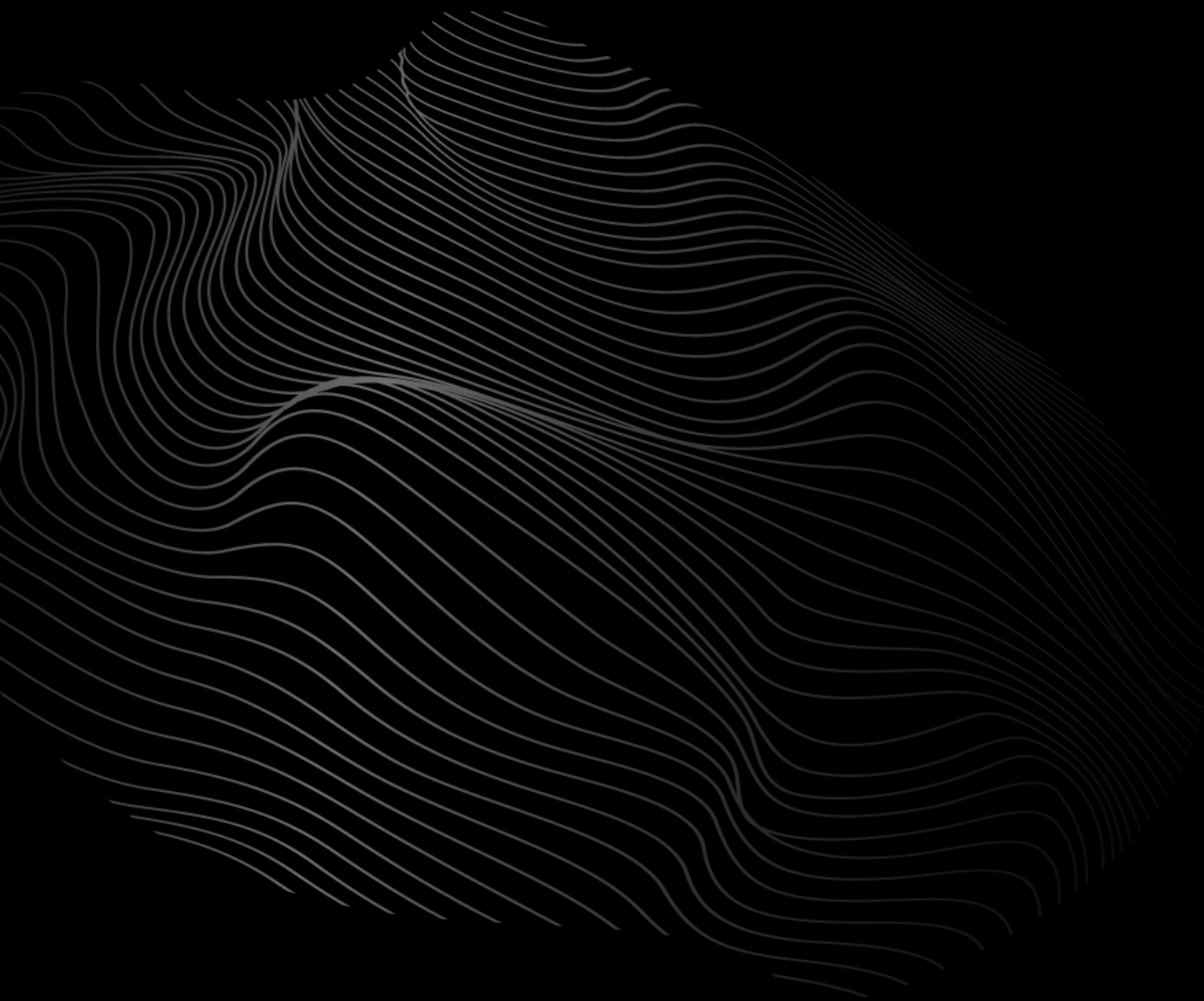
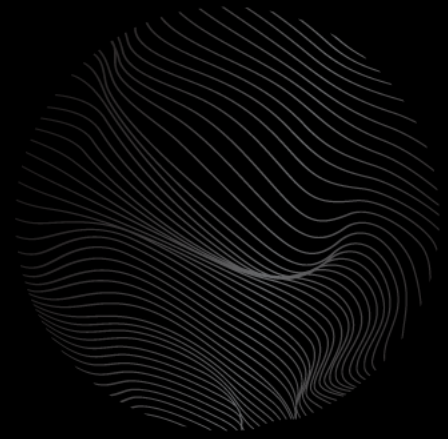
Ebony researches and informs all areas of Australian society. We lead change and help solve complex social, political and economic problems. We are concerned about the issues that impact us all and we work to build a fair and equitable future. Ebony's grounding in Aboriginal and Torres Strait Islander wisdom is our strength. We define this wisdom as the knowledge Aboriginal and Torres Strait Islander Peoples created and used to order and make sense of our world, to relate to each other and the land, and to ensure we thrived on this continent for over sixty-thousand years.

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## **About the Jumbunna Institute**

The Jumbunna Institute of Indigenous Education and Research is unique in Australia.

Our Indigenous-led Research team operates throughout the continent, with staff working in communities in Victoria, South Australia, Northern Territory, Queensland and New South Wales, and collaborators in all States and Territories. Our best work is focused around stories, campaigns, projects, and cases that consolidate our many different sets of skills and expertise. We run by one key guiding principle – our work should be driven by Aboriginal and Torres Strait Islander peoples and nations in Australia, and contribute – whether directly or indirectly – to their strength, sustainability and wellbeing. We believe that our nations, peoples and people can use research as a tool to produce change and build capacity. We committed to excellence and agility as practitioners and scholars because that shapes our capacity to understand shifting landscapes and effect change within them.



The term 'Aboriginal Affairs' is a colonial construct, intent on limiting the imagination of what's possible to what white systems and people will allow.

The Ebony Aboriginal and Torres Strait Islander Institute is bigger than that. We know our Peoples did not discover science or research when white immigrants landed here. We did not survive at least sixty millenia, ice ages, or indeed, genocide itself, by accident. We did not thrive that long by stumbling around the bush bumping into a kangaroo every now and then.

We had, and still do, have highly sophisticated sciences and knowledges for medicine, law, engineering, philosophy, astronomy, food science and land management. We are the original scientists.

It is these knowledges and wisdom that Ebony seeks to draw on. We are 'thinking Black for the future of Australia', and indeed, the globe. If Aboriginal and Torres Strait Islander knowledges are not respected, valued, protected and led by Aboriginal and Torres Strait Islander Peoples and communities, then the Australian polity will continue to struggle to understand its place and potential in the world, and climate change will be more catastrophic.

For these reasons, of all the topics and work we could have started with – foreign policy, climate change, economic sustainability, for example, the one issue we felt would most strategically unravel all the others, is that of the truth of the foundations of this nation-state. Until Australia faces genocide, we as a country will not mature into adulthood.

If Australia does not take an evidence based stance, and if Aboriginal and Torres Strait Islander Peoples continue to allow ourselves to be limited by colonial systems and imaginations, we will not ever achieve equity, justice or healing.

Thus, the Ebony Institute is pleased to present the results of our four years of work in our Truth, Justice and Healing Project, and have been delighted to work with the Jumbunna Institute on this Framework. We thank the Annamila First Nations Foundation and the Australian Institute of Aboriginal and Torres Strait Islander Studies for partnering with us in this work.

*The evidence speaks for itself in these pages – the truth is necessary, but not sufficient. And more critically, the truth must be told in a way that prepares communities, allows healing and ultimately, brings about justice and substantive change. This Framework points the way forward.*



Professor Gregory Phillips, PhD MMedSc BA  
On behalf of the Board of Ebony Institute.

## Executive Summary

Truth-telling is growing. While First Nations and Aboriginal and Torres Strait Islander communities have been truth-telling for as long as there has been a colony here, it has built an unprecedented momentum in the last decade. With that momentum comes concerns that healing and justice will be left behind.

The Ebony Institute has been working on this project since 2019 to better understand truth-telling, and how our communities might leverage healing and justice out of it. From that project comes this Framework for Truth-telling, Justice and Healing. It is not binding, nor will it apply to everyone, but we offer it as a possible guide for Aboriginal and Torres Strait Islander people who might want to build or engage in truth-telling processes. We invite our communities to adapt it, query it, use it, however works for them in this current moment.

### **The Framework suggests four parts to a truth-telling process, in order of importance:**

- 1/ Setting the foundations** – Sovereignty, Never again, Mitigating harm, Ongoing work
- 2/ Healing** – Scale; prioritising survivors, Elders and descendants; wellbeing supports within a process; validation and affirmation; remembering; apology; assurances of non-repetition, and; our own healing practices
- 3/ Justice** – Compensation; change; memorialisation and education; land and cultural rights; moving to dual governance; adaptability and accountability; acknowledgement; action on apology
- 4/ Truth-telling** – Necessary but not enough; requiring multiple formats; multiple sites and settings; wide scope and wide powers; thinking across past, present, future; accepting multiple accounts; making whiteness and coloniality visible, and; verification and nuance.

You can find the full Framework on page 43.

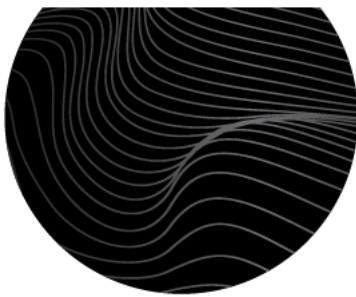
To inform the Framework, we did the following things:

- A 2019 roundtable
- A 2020 discussion paper, readable [here](#)
- A 2021 national roundtable, summary video [here](#)
- Interviews with some Aboriginal leaders and public thinkers
- Submissions from Aboriginal and Torres Strait Islander people
- A review of recent literature on truth-telling, justice and healing

### **In this report, we go over the interviews, submissions and recent literature.**

In the **interviews**, we heard a range of analysis on truth-telling, justice and healing. Some reflected on previous truth-telling efforts and inquiries. There were mixed opinions on whether our communities and settler publics were ready to tell and hear the truth, but an agreement that truth-telling invariably comes at a risk to us that must be carefully navigated.

Those risks include risks to emotional and social wellbeing, legal risks, reputational risk, the risk of being dismissed and disregarded, and political risk. One pressure to avoid was the pressure for resolution, to treat truth-telling as an act of reconciliation rather than as part of an ongoing duty and relationship. To that end, truth-telling has a relationship with treaty-making and other moves towards justice – and in some contexts, truth-telling may be a permanent feature of a social or political landscape.



The single greatest risk we heard about in these interviews was the risk of collective trauma, both existing and new. Despite these risks and pressures, we heard that truth-telling was still critical and owed to our Elders and ancestors. The focus should be on mitigating that risk and prioritising healing, done differently depending on the Nation, community or context. We were also told that healing is empty if it doesn't also come with justice.

On truth-telling, we heard that we should be careful on how knowledge and accounts are received, prioritise a range of ways to give evidence, consider developing the skillset of those receiving the information, and work across disciplines. Truth-telling, we heard, was our opportunity to write and rewrite not only our histories, but the history of a colony. Part of that will mean wrestling with what knowledges we consider to be truthful or authoritative, and whether arriving at a singular truth is desirable for a truth-telling process.

In **submissions from mob**, we received mixed feedback on whether there was readiness to hear and tell the truth. However, those that said we weren't ready impressed upon us that it was important to do it anyway. They flagged that truth-telling remained important for our dignity, future and ancestors – and to counter narratives that are told about us.

We received many strategies for prioritising safety and healing for Elders and communities. These included using existing documents and records, opening space for the truth to be told in a compassionate and raw way, building intergenerational care and healing circles into the process, and accepting multiple forms of evidence. Overall, the submissions told us, it was crucial that Nations and communities bring and decide upon their own protocols for each process. This includes ceremony, which is relevant to every part of truth-telling, justice and healing.

We also heard from submissions that no truth-telling process is truly healing or truthful unless it comes with justice.

In the **existing research and practice**, we saw an increasingly complex body of knowledge about truth-telling. This included the forms that justice might take in conjunction with state-based truth-telling, and the role that truth-telling plays in exercising our sovereignty, settler-Indigenous relationships at large, and other means of our communities exercising political will. These are all hotly contested.

In the meantime, mob are truth-telling outside of these settings through community-driven memory and commemoration projects, our own research, creative and documentary formats and highly-localised, even family-based, truth-telling and justice gestures. We are also beginning to complicate and innovate the idea of truth-telling itself, moving beyond fact-finding into a framework of understanding, reflection and re-storying.

We also saw that Nations and communities had made themselves heard in consultation, design and discussion on how state-based truth-telling processes may operate in Victoria, the NT, Queensland and Tasmania. Ultimately, these localised and mob-driven processes will be relevant to the truth of those places in a way that this Framework, as a generalised one, can't be.

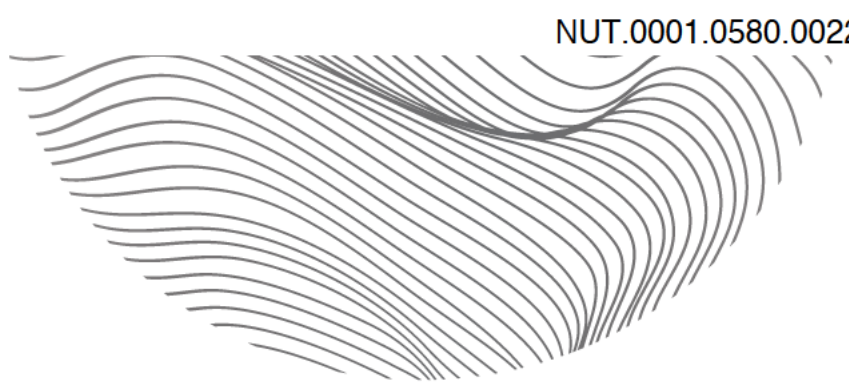


*We watch with excitement and caution as truth-telling grows on this continent. We hope that this Framework can help First Nations and Aboriginal and Torres Strait Islander communities navigate this contested space in a way that keeps our mob safe and honours our collective push for a just future.*



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## Background + History

Ebony Aboriginal and Torres Strait Islander Institute began discussions around the key social, economic and political issues confronting Australia in 2015. The Ebony Institute were clear that a Black think tank was needed, not just to solve 'Black issues' but to address the source of those problems – White Australia – for the benefit of all. For example, the Ebony Institute believed that addressing climate change for all Australians would require deep Aboriginal and Torres Strait Islander wisdom.

The Ebony Institute believed that Australia could not move forward politically, socially or economically without understanding its true soul, identity and roots, which required a full and open account of the truth. That meant talking about genocide.

Therefore, the Ebony Institute strategically chose truth as its first piece of work, premised on the notion that truth is not 'a Black issue' but one of strategic importance to Australia as a whole.

From our earliest conversations with communities, Elders and leaders about truth-telling, it became very clear that truth without justice or healing was a naïve way forward, and even a potentially harmful exercise. As a result, the Ebony Institute's Truth, Justice and Healing ('TJH') Project was born. The TJH Project was generously financially supported by the Annamila First Nations Foundation, particularly its visionary founder Ms. Julie Kantor.

### **A 2019 Round Table**

After establishing a Community Reference Group for the TJH Project, the Ebony Institute convened a National Round Table of Aboriginal and Torres Strait Islander community members and leaders, particularly from states and territories who were at that stage beginning discussions about truth and treaties.

### **A 2020 Discussion Paper**

The outcome of the National Round Table discussions and further research was a discussion paper *Hear My Heart*. The discussion paper summarised strengths and weaknesses of truth initiatives (informal and formal) in more than 22 countries globally, as well as in Australia. [You can read the full discussion paper here.](#)

### **Advising State and Territory Leaders**

On the basis of the discussion paper's research outcomes, the Ebony Institute held briefing meetings and discussions with the three jurisdictions who were at that stage speaking about truth and treaties – namely, the Victorian First Peoples' Assembly, Queensland's Paths to Treaty Working Group, and the Northern Territory's Treaty Commissioner.

### **A Research Partnership**

Further building on these discussions and research, the Ebony Institute partnered with AIATSIS to research and develop a national framework about truth, justice and healing. The purpose was to develop a framework that any community organisation or government agency might utilise, in order to ensure the best possible outcomes when considering the many and inter-related issues of truth, justice and healing.

### **A 2021 National Round Table**

The Ebony Institute held a further round table with peak bodies, community organisers, prominent Aboriginal and Torres Strait Islander intellectuals and those engaged in existing truth-telling and treaty processes to discuss the outcomes of the *Hear My Heart* discussion paper. [You can hear and see some of their insights here.](#)

## Making this Report + Framework

From 2021 through to 2023, the Ebony Institute commissioned the Jumbunna Institute of Indigenous Education and research at UTS to assist Ebony in developing a knowledge base from which to build a Truth, Justice and Healing Framework.

We built knowledge together in the following ways:

### Interviews

Across 2021 and 2022, we held one-on-one interviews with some Aboriginal leaders and public thinkers. Availabilities for those invited were sparse in that period, given the COVID-19 pandemic and the lockdown recovery period.

One-on-one submissions, given as interviews over Zoom with Jumbunna Institute Professor Lindon Coombes, were concerned with expert, senior and other leadership responses to the following topic areas:

- Conceptualising a truth-telling process – values, justifications and design principles
- Risks and costs of truth-telling processes, compared with their benefits, and how to strategise around those
- Necessary support structures and preparation work to mitigate, minimise and heal from truth-telling trauma, collective and individual
- Applicability of comparative domestic and international truth-telling processes
- Readiness of a settler public to hear and act on the truth
- What must happen after a truth-telling process in order for it to be just and healing

We spoke with the following people:

Dr Eddie Cubillo

Senator Lidia Thorpe

Aunty Pat Turner AM

Distinguished Professor Larissa Behrendt

June Oscar AO

Uncle Rodney Dillon

Professor Pat Dudgeon

Professor Marcia Langton

Dr Jackie Huggins AM

Wesley Enoch

We thank each of these people for their time. To allow each participant space for candid and open conversations, we have only used de-identified quotes here. Time and logistical constraints, particularly in the context of the pandemic, prevented us from interviewing further. We do acknowledge the limitations of our sample group but encourage this document to be read as part of ongoing national conversations and discourse, particularly within Aboriginal and Torres Strait Islander communities.

### Group consultations

Group consultations were planned but could not continue due to a lack of engagement from the community at large, with individuals reporting varying levels of zoom and pandemic exhaustion. The larger strain of 2020-22 particularly impacted those we wanted to consult, including community-controlled organisations, activist groups, First Nations and peak bodies. We thank those who expressed initial interest and acknowledge the difficulties of the past three years.

### Submissions

We also made a public call out for submissions from Aboriginal and Torres Strait Islander individuals. We asked them four key questions:

- Are we ready to hear the truth?
- Why should we do truth-telling at all?
- How do we keep our communities and Elders safe?
- What should happen after we tell the truth?

## Introduction

Truth has been a part of Aboriginal and Torres Strait Islander<sup>1</sup> political discourse for at least as long as the arrival of the colony. But in the last few decades, truth has exploded into full view. It now plays a central role in Aboriginal and Torres Strait Islander political discourse – and in much of the settler<sup>2</sup> political discourse about us. We are compelled to tell and hear the truth.

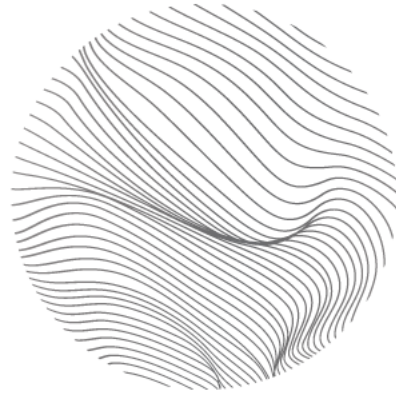
Some state and territory governments are in the process of launching or running truth-telling commissions. Other states and territories have resisted or reversed commitments to truth-telling processes. A Makarrata Commission at the Federal level is in very early stages of discussion, and the Queensland Treaty Advancement Committee report has made recommendations for a staged Truth Telling and Healing Inquiry. Federally, commissions like Bringing Them Home and the Royal Commission into Aboriginal Deaths in Custody – even the 1927 Royal Commission into the Forrest River Massacre – have brought colonial atrocities to public attention.

We have not relied or waited on settler governments, either. Aboriginal and Torres Strait Islander people have continued to call power to account with various formal and institutional strategies, including but not limited to the 1938 Day of Mourning, the Yirrkala Bark Petitions, and the Aboriginal Tent Embassy. We have also used media, Indigenous and settler, to draw critical attention to colonisation and correct the Australian record put forward about us.

Despite all the enthusiasm around truth and truth-telling, there are reasons to be careful about it.

The long practice of fact-finding Royal Commissions, for instance, has not brought justice, healing or change for mob. Internationally, some Indigenous people, First Nations and communities hold deep frustrations about their treatment in truth-telling or transformative justice processes. These concerns are also shared in Australia. Some have received minimal compensation relative to the harm they endured. They found themselves retraumatised by the process and with few places to turn for healing. They saw their stories used to create policy that wasn't in their interests. They felt patronised by how commissions were run. They were restricted to telling deficit stories rather than stories of survival and strength. They were confined to talking about the past. They saw few consequences for, or little cooperation from, the perpetrators of atrocities. They did not receive reparations from people who benefitted from those atrocities.

There are still many good reasons that mob might do truth-telling. It can bring reckoning. It can build political participation. We may owe it to our Elders, where they are calling for it, and our ancestors. It can be an act of catharsis and be a crucial part of collective and personal healing, if heard carefully and generously. It can inform treaty or compensation claims. It can bring history into the light, something we can point to when atrocities are denied. It can act as a form of accountability. It can change public attitudes. It can form the basis of more just relationships. It can help us build an agenda for change, building a future from what we know about our past and present. Meanwhile, our shared vision of what truth and truth-telling processes look like is growing. Small, locally-driven truth-telling projects, for example the commemoration and memory practices around the Myall Creek Massacre, Cootamundra Girls Home and Kinchela Boys Home challenge the ambition and scale of state- or national-level processes by bringing truth-telling closer to home for communities and families.



There are also national conversations in 2023 on the role of truth-telling in social change more broadly. Should it be, as the Uluru Statement and subsequent campaign put forward, the final step in a process that includes a constitutionally-enshrined Voice and Treaty? Should it happen earlier in the process and as a lead-in to Treaty before a Voice, as some mobs and Treaty activist groups have suggested?

How do we tread this path carefully? We have pulled together a Truth, Justice and Healing Framework to help mob think about how to navigate truth-telling processes safely and how to make truth-telling about more than words. The Framework is part of a long process, and this report is only a small part of it.

How do we ensure that truth, justice and healing are informed by what Aboriginal and Torres Strait Islander communities think, rather than being immediately limited by what a settler body politic will allow? We encourage the use of this Framework to fuel further conversations about truth, justice and healing based on the available evidence of what works and what does not globally and locally.

### Defining truth-telling

*It is necessary here to define what we do and don't mean by a truth-telling process. There are many ways for mob to tell the truth, and we have since European ships first arrived to begin the ongoing colonial project. But when we are talking about a formal truth-telling process, we mean:*

- *A systematic process of hearing or telling accounts of atrocity, wrongdoing and victimisation*
- *That is distinct from the ordinary function of a court or parliamentary process*
- *That is intentionally created for the purpose of hearing the truth or truths*

*In our Discussion Paper, we described some features of formal truth-telling processes as:*

- *Relying on political will to tell or uncover the truth*
- *Operating at an official level, but independent of settler or First Nations government*
- *Focussed on matters of national interest, with international interest or support*
- *Considering substantive reparations or other forms of justice*

*But we acknowledge there are other, less formal truth-telling processes that might not fit this mould but that are growing more systematic and building precedent. These include local community truth-telling projects, projects overseen by non-government institutions like churches, and truth-telling projects driven directly by a First Nation or an Aboriginal and/or Torres Strait Islander community.*

*This framework may apply to these, acknowledging that there's a significant difference in power and resources between a settler government or established church and a local community informally telling the truth about a massacre.*

<sup>1</sup> A note on the words we use. When referring to Indigenous Peoples on this continent and surrounding islands as a whole, we will use Aboriginal and Torres Strait Islander. When referring to Nations, rather than only Aboriginal and Torres Strait Islander people, we will use the term First Nations.

<sup>2</sup> We use 'settler' here to refer to non-Indigenous people who reside in Australia. We do this to reflect that Australia is a settler colony and to reflect the position of non-Indigenous people in relation to us. When we use 'First Nations', we are referring to Nations and language groups as body politics. When we refer to 'Aboriginal and Torres Strait Islander communities', 'Indigenous communities' or 'mob', we are referring to groups of Indigenous people in general.

## What's in this report?

In this report, you'll find:

- Findings from one-on-one interviews with some public Aboriginal and Torres Strait Islander figures, about truth, justice and healing
- What we heard from an open submissions process
- Updates in existing truth-telling research after 2020<sup>3</sup>
- A suggested Framework for truth, justice and healing projects
- A series of scenario-planning questions to guide new or existing TJH processes

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These are only our opinions as the Ebony Institute and the Jumbunna Institute. They do not represent a policy or legal position that binds any mob, and serve only as suggestions that mob can take up, build on, reject, or leave. We hope this can play a part in a bigger conversation about truth, justice and healing – which is ultimately in your hands.

<sup>3</sup> This report should be read in conjunction with the Hear My Heart Discussion Paper, which provides important background on truth, justice and healing, and goes over the existing research as of 2020.

## What we heard from yarning one-on-one

We heard from a broad range of mob who have developed expertise on truth-telling initiatives in academia, the arts, and public institutions.

In our yarns with those experts and leaders, we heard about four major themes:

- 1/ What truth-telling is and where it's going**

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- 2/ Who plays a part in truth-telling, and what that part is**

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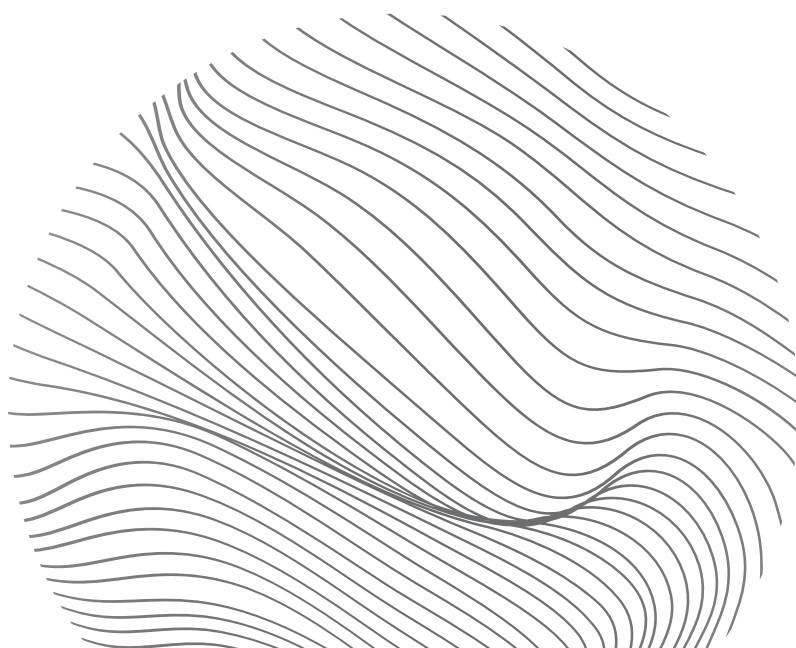
- 3/ Where we can find healing and justice**

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- 4/ What happens after truth-telling**

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Although not everyone agreed, they showed us the key points of concern that should be addressed by any Truth, Justice and Healing Framework. What we heard from them, broadly speaking, is that truth-telling should be done carefully and soon, with a focus on mitigating social and emotional harm to mob, that it should involve a range of people and institutions but be controlled by our communities, and that it must result in justice and change for mob. We take you through the detail of how they think it should be done.



## Truth-telling – what is it and where is it going?

We heard from Aboriginal and Torres Strait Islander experts that informal, community, academic and media-led truth-telling processes are already in progress. We also heard that government truth-telling processes have taken place before on this continent, like RCIADIC and Bringing Them Home, and we can learn from their strengths and failings.

Some suggested that, because of this history and the popular support behind current Aboriginal and Torres Strait Islander social justice movements, there is a broad public (if not governmental) readiness for a truth-telling process.

*Others suggested that it will be necessary to build community-elected structures to design and build our consensus for the process. This is especially the case because 'there's no point having a perfect legal process if our people are not gonna turn up or give evidence' where there is a lack of mandate or trust.*

One expert told us that consideration must be given to how these commissions are staffed and headed up, requiring 'a level of openness and discussion' similar to other community-controlled or government appointments.

*These institutional designs don't always have to be formal, state-based or legalistic. They may benefit from not trying to be these things, as one interviewee put it – 'I just feel like truth-telling is something that we can do now without asking anyone's permission, because we're sovereign, and we can tell our stories. And I think there's a real empowerment around that.'*

Another suggested:

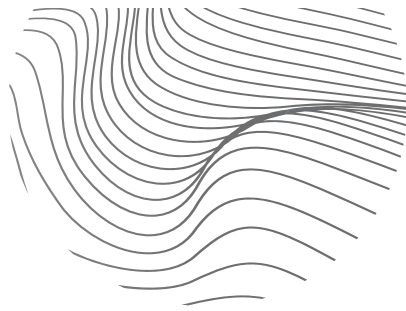
*'I think that the truth telling is seen again and again and again in its legal frame, rather than in its cultural frame.'*

There is, some interviewees noted, resistance to truth-telling from settlers and settler colonial structures.

*'We've experienced this real push back in the country, where there's been anger and resentment each time the topic has been raised. To me that speaks to the real sense of denial of the truth and fear of the truth. For so many people it's at a very personal level, family level, and the structures that have been designed and imposed upon the lives of generations of Aboriginal and Torres Strait Islander people has been, you know, a design by non-Indigenous people who have upheld this control and authority of patriarchy and ethnocentrism that, you know, someone else knows our lives better than we do.'*

*But others suggested that settler readiness may be high, and it was our own readiness that needed addressing if we were to formalise our existing truth-telling practices in ways that may get out of our control.*





'We've been using truth as a way of fuelling change, but we've meted it out in ways that we can find acceptable and look after ourselves. And now I think all of those controls are about to be lifted, open. And now, I've got a sense that the appetite for truth telling is going to be huge amongst the non-Indigenous community, because of the 50 years of preparation. But are we ready? Are we ready to hear it?'

That resistance to truth-telling has personal implications and consequences for individuals and communities who tell the truth.

'There is still a strong counter-narrative force, colonial force that really resists those stories being told, that deeply understands how powerful those stories are at changing the national identity and perhaps even also challenging the legal status quo. So there still, I think, is a huge potential for really vitriolic backlash.'

*We also heard that truth-telling could possibly be subject to settler pressure for resolution or reconciliation, rather than making space for Indigenous political will.*

'I think that truth telling at this point in time, it's got more to do with white guilt, than it does to do with black sovereignty. [...] That appetite is: "it's necessary for us as a country to move on."'

*We were told that truth-telling involves the creation of history, and should be attentive to its methods, but that history and truth-telling are two different things.*

'We can rely on history to understand what happened, but truth-telling is an exercise in giving descendants of various historical events the chance to talk about that history and give an account of it so that people understand the impact of that history.'

Truth-telling also involves telling the truth about how invisible histories were created, and why the truth-telling has become necessary in the face of colonial and other strategic silences, omissions and deceptions.

*To that end, truth-telling must have a methodology that reflects what kind of knowledge we want it to build and what kind of truth we want it to tell.*

It might need to be discerning of sources, given that many historical documents were either euphemistic or deceitful about early colonial atrocities and that there are reasons for governments and other institutions to disguise or minimise their past and current actions.

'How can we know when we're being lied to?'

We heard from interviewees that part of this methodology means accepting submissions in multiple formats.

*Truth must be told 'in a way that our people decide in terms of whether it be through song, dance – it can't be just done in the way the colonial system wants us to do it in the English language, it's got to be done how our people feel best that they can communicate. We've had precedent of that already, with some inquires in Parliament, where people have provided paintings, or a poem that tells an incredible story.'*

*Truth-telling also involves a process by which the truth can be heard and learned, not just told.*

This might even include First Nations, and Aboriginal and Torres Strait Islander people generally, learning parts of our truths for the first time.

We might also find ourselves internally contesting the truths that are told, not just facing external colonial resistance to them. Truth-telling will involve decisions and contestations about what and who are authoritative evidence-givers and truth-tellers. To this end, some suggested we train up Aboriginal and Torres Strait Islander historians to support a truth-telling process.

*Truth-telling can accommodate multiple perspectives but should not just paint our varied truths as opinions.*

Truth-telling requires nuance in thinking about our standpoints as Indigenous people, as one expert told us:

If you free yourself up from being definitively true, whatever that might mean to one in which truth is smething that is an explanation of your world, from your point of view, that also means people come out and go, Look, this is where I see myself at this point in time, and 10 years from now, I might see myself in a totally different point of view. And that's okay, too, that the history isn't fixed.  
[...]

No, it's a kind of iterative process of sharing and growing. And that as we grow, that idea of the truth will grow as well.

*We heard repeatedly that truth-telling must also consider colonial systems as well as colonial events. It should not be afraid to name what happened and what is happening as genocide.*

Some suggested it should also include discussions of our own long histories before 1788, to ensure the stories we share and hear are not without our contexts as Peoples and Nations. It should also extend to present circumstances. Because 'truth telling is, is about the continued systemic racism that occurs in our lives every single day, even in 2022. So basically, the symptoms of colonisation should be part of truth telling.'

*In a number of one-on-one interviews, we were told that truth-telling is very urgent for older Aboriginal and Torres Strait Islander people and our Elders.*

As one interview especially powerfully told us: we are entitled to tell the truth. It is our right.'



## The *who* of truth-telling – subject, target, audience

*We heard that members of our community who are marginalised on bases other than their race (including mob marginalised on the basis of gender, disability and sexuality) should also be prioritised in TJH processes.*

*Truth-telling should implicate and interrogate institutions that might be seen to be neutral to or not directly involved, including – universities, courts, parliaments, local councils, out-of-home care providers, churches, and charities.*

*We were told that truth-telling should also involve the descendants of those who had committed atrocities.*

*'So I think that, you know, where they are, what descendants? Who? Who wants to show respect for the wrongdoing of their ancestors, and accepted that that was then. And now it's now.'*

*Settlers should be considered as part of the audience of truth-telling, but may also have a role to play in telling the truth and making change after the truth has been told.*

There may be, as one expert pointed out, a kind of trauma from that focus where settler ancestors are implicated – 'People are likely to be really traumatised. And that's not just Aboriginal people – it could well be, you know, [descendants] of white people who did bad things, you know, as well.'

Some told us that intergenerational attitudinal change of settlers could be one goal of a truth-telling process. But, a number of interviews noted, we should not hope to persuade everyone nor wait for all (or even the majority of) settlers to be ready in order to start truth-telling. We might not even need a settler audience, one interviewee told us –

*'Just as when people come together who've got a shared experience, say, of, of the impact of child removal, it validates pain and creates a community that can support each other. And I think true telling and sharing our stories is a really important way that we can weave back the social fabric of our own communities and keep our own histories.'*

While we should prepare for resistance, one interviewee noted, we should also be 'prepared to harness settler readiness rather than be surprised by it'.

We heard that political discourse and the broader context of government action will shape how safe our people feel in a truth-telling project, and will obviously also influence the statutory and political design of that project.

*A number of people we spoke with said that there should be safeguards against the electoral politicisation of truth-telling processes.*

*We also heard that truth-telling must necessarily involve the protection of cultural heritage and Country, which holds its own testimony and relevance to truth-telling processes.*

## Where are healing and justice?

Healing and justice were the two large concerns of submissions, whether written or by interview. We heard that there was no way that truth-telling will not hurt Aboriginal and Torres Strait Islander people in the shorter term, but it is a matter of appropriate and intensive support, care and mitigation. In the longer term, there is a goal of healing out of truth-telling.

This is how one person we interviewed contextualised it:

‘Historically, our Elders have fought all this way, right? And, you know, have given the opportunity for me and you to be where we are. These things, although they conjure up all the hurt and pain that we’ve gone through, there are little wins on the way. They may be insignificant, sometimes, but sometimes they’re not insignificant for others.

It sometimes is a win for some of our people, or they barely speak about it, they don’t get heard, and, and I find most of our mob, they want to participate – in the hope that there is change. If it’s not for them, it’s for the next generation. And you get, I’ll get annoyed, because we’ve all been taught by our Elders. You know, they did what they did, because they didn’t want us to experience the, you know, the racism and the hurt, and all that.

We can’t just stop now, because we think: ‘it’s fucked’. These people sacrificed a lot of things and now it’s our duty to make sure that we make change.’

There are compelling reasons that some mob will participate in truth-telling.

*Nevertheless, truth-telling involves ‘dangerous personal risk’ for Aboriginal and Torres Strait Islander individuals who dare to tell the truth and risk being targeted by governments, media and organisations who are threatened by that truth. It also has a collective risk.*

*Truth-telling can have a material and political impact on legal and public claims that First Nations and Indigenous individuals can make.*

We heard that if it is not done properly, truth-telling will cause internal community division, could harm legal and political prospects for change, and re-ignite intergenerational and personal trauma (and risk creating entirely new trauma).

‘You can’t take blackfullas to that place and leave them there. Because the reality is you don’t know what people are dealing with. And that kind of pushing them over the edge or, or, you know, suicidal ideation, at least if not, in reality, the sense of losing all hope and faith in the world, when you are kind of being collapsed by it. But the arts are trying to always keep this dialogue open.’

Because a lot of trauma around racism and colonisation is internalised, rather than identified as violence from an external source, it will be necessary to direct particular attention to mitigating shame.

The mob we spoke to one-on-one offered us the following strategies for mitigating risk and prioritising healing for our people –

- Reflecting on supports offered in previous truth-telling processes here and overseas, learning from their mistakes and strengths and observing their long-term impacts
- Intensive counselling support, staffed by a range of Indigenous mental health professionals and cultural healing practitioners
- Pre-truth-telling assessments of community and individual emotional reserves
- Age-appropriate and relational-appropriate access to both participation and information shared
- The emphatic and widespread use of specific content and cultural warnings prior to engagement with truth-telling content
- Adaptive strategies led by expert Indigenous psychologists, cultural practitioners and emotional support workers – that recognise the diversity of our peoples, individuals and needs

While the priority must be for First Nations and for Aboriginal and Torres Strait Islander people, some submissions told us that it might be necessary for the broader public, settler witnesses and settler descendants to have access to less intensive supports.

*Overall we heard, the most crucial thing is that truth-telling must offer more than support for witnesses and community. For it to be meaningfully healing or even meaningfully heard, it must give us change.*

'If that translates to some treaty that privileges Indigenous people properly as the prior owners of this Country, and for that brutal history that we've been through and manage to survive through, then that has to happen. Yeah. It can't be just a process where we all tell the truth, get counselling, support groups, and then nothing more happens. I think that there has to be more than that.'

## After truth-telling

We heard and read that after and during truth-telling, there must be systems in place to integrate this truth in curriculum across the continent. There was a focus on this being especially important in primary and secondary education, but also an emphasis that truth-telling knowledge be imparted through adult and civic education, exhibitions, publications, events, and art.

The training up of a large group of First Nations historians mentioned previously is also important for the change-making process after truth-telling. It will also support justice-making efforts that involve repatriation.

*Truth-telling has a relationship with Treaty.*



*Some of those we spoke to told us it should happen before treaty, to ensure First Nations can account for reparations and other treaty arrangements to address past and current actions. It might also, as one submission pointed out, be necessary to establish trust and transparency between parties in a treaty, and go some way in balancing the unequal control of information between First Nations and governments.*

One person we spoke to summarised it as –

*'Well, without your truth, you can't do treaties. [The] truth-telling and the healing process that really does need to be conducted on our own terms. And in our own time, as well, along with the question of sovereignty. [...] Hopefully that will inform, you know, how we can work together and, and be honourable in that process.'*

*We heard that truth-telling must have a plan for persuasion – not only that the truth has been told but that it must be acted upon.*

*'Australia as a person is currently denying any help, as an is in denial, and won't seek help and won't allow truth-telling to be able to heal. And once this country opens up to the truth, we will be able to heal, we will be able to unite. Because people will have a better understanding appreciation, and allow us to have our place in this nation.'*

## What we heard from submissions from the Aboriginal and Torres Strait Islander public

*We received a total of 35 submissions over the public callout period. We outline general trends in the submissions below, question by question.*

### **Are we all ready to tell and hear the truth?**

Submissions were mixed on whether everyone on this continent was ready for truth-telling – either telling the truth or being receptive to it.

Among those who submitted that we were ready, we were told that:

‘I am a fearless truth-teller. Truth is our medicine moving forward.’

‘I am, even if there are others who are not willing... People are tired of having to accept narratives that aren’t true. All I know is, when you hear the truth, it sets people free and it has the power to reshape narratives and lives.’

Those who submitted to us that we were not ready to hear the truth said:

‘No, but that is part of the healing... Shifting isn’t comfortable. Nevertheless, it’s always a good time to tell and hear the truth.’

‘Some whitefullas say they are ready to hear, but it is lip service.’

‘I don’t think we are ready to hear the truth, but telling yes we are already doing it and hopefully it will be acknowledged and accepted by Australia as history.’

‘I don’t think so; we need to change mindsets and conditioning for people to be open to truth-telling.’

### **Why should we do truth-telling at all?**

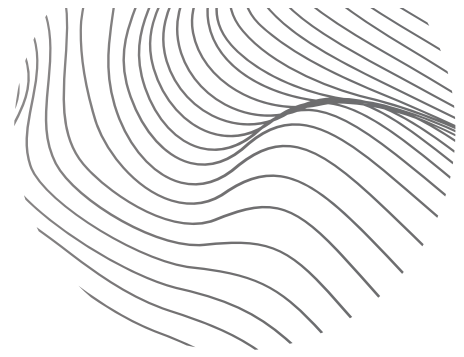
Even if submissions were split on whether we are all ready for truth-telling, they were mostly firm on why truth-telling should be done. To counter past lies and current misinformation, to start a healing process, to ensure our communities are known as they are, to press the importance of change, to learn from and educate on past atrocities, provide contexts for current material conditions, to build proper Indigenous-settler relations, and to ensure national integrity.

‘For dignity and integrity, but most of all for love.’  
‘History is culture is healing is future.’  
‘...[t]o be the voice of our ancestors.’

‘If truth is suppressed, then it manifests in violent and/or perverse forms, which is evident when we look at how Australian society functions, and how First Peoples are treated. [...] Evidence shows that victims of sexual abuse or domestic violence have a higher chance of engaging in the grieving and healing process successfully if they have their story told and heard, and if perpetrators are held to account. Us Black Fullahs are in a perpetual DV relationship with the powers that be. Therefore is only makes sense that we hold our perpetrators to account and have our stories heard.’

*Others offered practical outcomes that should be tied to truth-telling as justification for doing truth-telling in the first place. These outcomes were compensation, more appropriately designed and validated policy, and legal reforms.*

Some told us that truth-telling was worthwhile for its own sake – simply being heard and having a voice was reason enough. The act of being heard, some submissions said, was to unleash a healthy shame.



## How do we tell the truth and keep our communities and Elders safe?

There was consensus in the submissions that it was crucial to keep Elders and communities safe in the truth-telling process. They offered many strategies for designing the process with a healing and protective mandate.

'We ask our elders and our own kaartidjin and consult with dreamtime and use our age-old history on Indigenous matters first.'

Other strategies included:

- Using existing documents, documentaries, books and media to establish a shared baseline of knowledge (asking less of communities to set the scene)
- Healing circles as part of the truth-telling process itself
- To decide which version of the truth was going to be told, and be transparent about it
- Offering anonymity
- Holding only public hearings
- Allowing the truth to be told in a raw way, with compassion and transparency about the fact that it is raw
- Ensuring supports are linked to community services and relationships
- Have mob outside of the truth-telling process build solidarity and informal support with those participating
- Building intergenerational care and protocol into the process
- Letting mob decide where hearings are held, and in front of whom

- Have Elders (where appropriate) in a listening role to ensure that mob feel heard by the right people
- Accept different forms of truth-telling, like art, dance, theatre and storytelling
- Offer support for writing statements or other presentations to hearings
- Clarity about what the process is and what it can offer – including clarity on who is being spoken to (descendants of perpetrators, beneficiaries of atrocities, or governments)
- International scrutiny by human rights bodies
- Not assuming that one size fits all and allowing First Nations, communities and individuals to choose their own protocols

Many submissions conceded that they didn't know how to keep Elders and communities safe through this process.

Some linked healing and protection with accuracy and rigour – calling for truth-telling bodies to '[r]esearch, study and always recheck information at least three times.' They pointed to the strength of communities who already knew the truth through 'lived experience and data [...] My people can handle it, as it can create new imaginings.' Relatedly, we received suggestions that protections and healing around government truth-telling processes don't always need to be located at the level of government.

'Although it is important to speak truth to power, we have to hold government agencies to account - we don't always NEED them to create change and tell our truth. It's generally the people who create change, not the government. This is shown through the Land Back movement where white settlers who own land, are handing back their bought land to its Custodians.'

*Finally, we were told that healing is also a structural question. No truth-telling process can be truly healing unless it comes with justice.*



## **What should happen after we tell the truth?**

There was little consensus on what happens after a truth-telling process – which may indicate that it is difficult to imagine a post-truth-telling time on this continent.

Many submissions were made on principles of post-truth-telling life, like healing and reconciliation. Others made logistical offerings, like ensuring the archival integrity of what is shared and integrating it into curricula. This includes a specific personal and cultural duty to those individuals and communities who have partaken in any truth-telling exercise to control how that truth is shared.

*'Regather those who partook & brief them - any "truth" needs to be clarified & supported - not interpreted into a format & language we don't understand & for white people's eyes, ears & understanding.'*

The most popular suggestion on the more practical side was that there should be treaty, parliamentary Voice, and material compensation, including formal and specific apologies.

One submission emphasised: 'I don't think that's on us.' Similar submissions said that settlers must treat the truth-telling as a call to action.

*Importantly, we were reminded that there is not necessarily an 'after' in truth-telling. It must continue to be told, defended and remembered, as well as revisited as new atrocities occur or come to light.*

*'Healing and change doesn't happen after one or two meaningful sessions. It's a long-term trajectory filled with planning into the future how we can continue to move forward. Forgiveness isn't as simple as doing truth-telling sessions and moving on. We need to plan long lasting and truly meaningful actions that foresee both healing, transformation and growth into the distant futures. Its an emotional, Cultural, political, environmental, spiritual and practical investment and its a promise to change. We should ALWAYS revisit and reflect on actions such as truth-telling. Healing is a long term journey.'*

*Finally, submissions told us that ceremony will be crucial – and a matter that will necessarily have to be driven by First Nations and communities.*

## Revisiting the research since 2020

In the 2020 Hear My Heart report <sup>4</sup>, the Ebony Institute explored the then-current state of knowledge on truth-telling and its relationship to justice and healing. Here, we explore some recent developments in thinking around truth-telling that have taken ground since, in a highly-charged time for Aboriginal and Torres Strait Islander people. We won't be able to cover everything, because this field is rapidly growing, but we have tried to cover as much as we can.

### Truth-telling situated among broader reform

There has been passionate debate among Aboriginal and Torres Strait Islander communities and public intellectuals about the role of truth-telling in making change.

In the Uluru Statement and ensuing campaigns, truth is situated last in the order of reforms.

Dissenters from this position, and the approach taken by the Victorian state government and the First Peoples' Assembly to date, appears to be that truth-telling is the first step to setting the terms of treaty negotiations and establishing other ways of being heard in the broader state apparatus. This is similar to the position taken by the NT Treaty Commission, which recommended 'truth-telling work [...] prior to and during the Treaty negotiation process.'<sup>5</sup> The NT Treaty Commission was recently disbanded and a truth-telling recording booth project is now with the NT Aboriginal Interpreter Service.<sup>6</sup>

Professor Megan Davis suggests that some of the 'truth [...] before justice [...] and justice will follow the truth' thinking emerges from international models of transitional justice. These may not ensure that justice follows truth-telling, and in fact divert resourcing away from other healing and justice projects that our communities desire, like consequences and reparations.

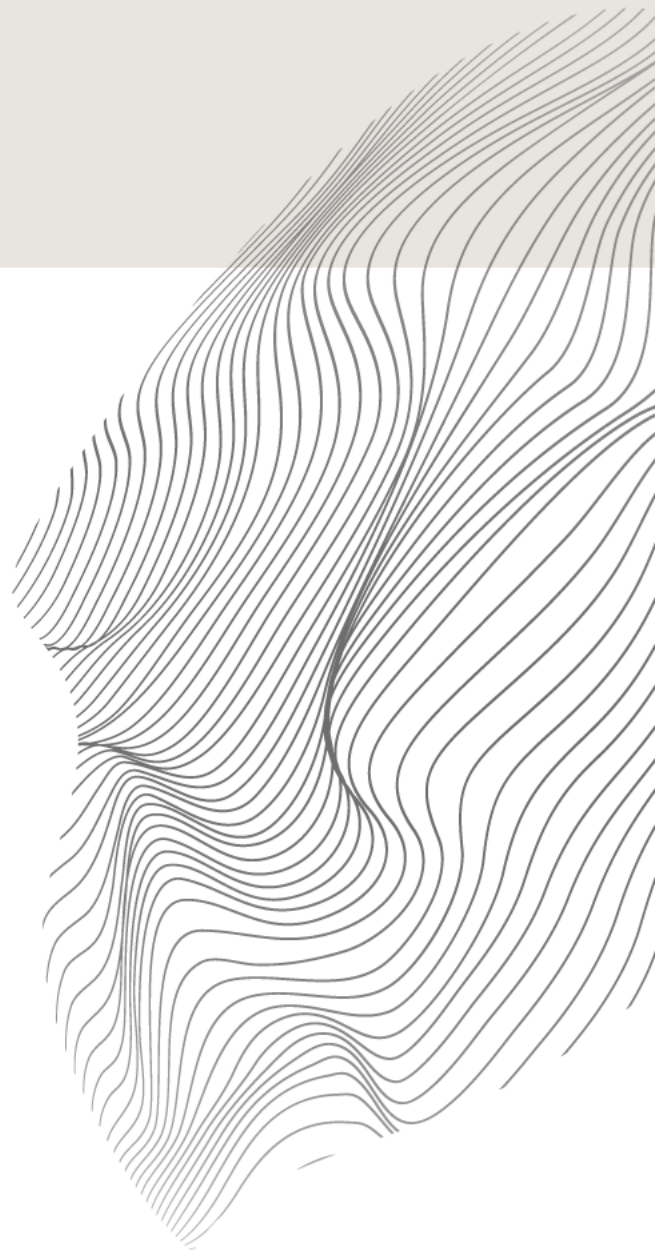
'One of the sources of disgruntlement and frustration is how rarely the justice requirements – what does repair look like? – follow the truth-telling, and how little changes in power relations. Part of the problem is that such processes require a victim to remain a victim [but] victim groups' recognition and inclusion in infrastructures of their own nation-states after the truth process is not guaranteed.'<sup>7</sup>

As a referendum on Voice approaches, so too does the literature on these questions of order. Historian Kate Fullagar writes 'Even when state-sought truths do come out, the responses can be wrenchingly slow or simply useless [...] Australians know and forget at the same time.'<sup>8</sup>

Kishaya Delaney writes, in favour of sequencing truth after Voice and Treaty:

'Truth-telling, an ongoing process, is not sequenced third because it is less important or less timely, but because we are rightfully cautious of the implications of indicating to the State that truth-telling should come first. Truth-telling processes create an opportunity for reflection, but at a governmental level, can also be used as a can-kicking exercise, delaying substantive reform in exchange for top-down processes of truth-telling and historical reflection.'<sup>9</sup>

The Australian Government has decided to proceed with truth-telling commissions after Voice and with some consideration for how it would interact with ongoing state-based truth-telling processes. Minister for Indigenous Affairs Linda Burney has suggested that preparatory work on truth-telling processes (through a Makarrata Commission) may begin soon to be concurrent with the development of Voice.<sup>10</sup>



- <sup>4</sup> *Ebony Institute (2020), Hear My Heart: Truth, Justice and Healing. Discussion Paper Brief. Ebony Institute, Naarm Melbourne. Available at: [ebonyinstitute.com.au/wp-content/uploads/2020/12/Hear-My-Heart-Truth-Justice-Healing-Project-Brief-Discussion-Paper.pdf](https://ebonyinstitute.com.au/wp-content/uploads/2020/12/Hear-My-Heart-Truth-Justice-Healing-Project-Brief-Discussion-Paper.pdf)*
- <sup>5</sup> *NT Treaty Commission (2022), Final Report. NT Treaty Commission, Darwin. Available at: [treatynt.com.au/\\_data/assets/pdf\\_file/0005/1117238/treaty-commission-final-report-2022.pdf](https://treatynt.com.au/_data/assets/pdf_file/0005/1117238/treaty-commission-final-report-2022.pdf)*
- <sup>6</sup> *Jane Bardon (2023), Northern Territory Indigenous leader Yingiya Guyula angered by government's decision to close NT Treaty Commission. ABC News, 20 January. Available at: [abc.net.au/news/2023-01-20/nt-treaty-commission-closed-indigenous-leaders-angry/101875986](https://abc.net.au/news/2023-01-20/nt-treaty-commission-closed-indigenous-leaders-angry/101875986)*
- <sup>7</sup> *Megan Davis (2021), The Truth About Truth Telling. The Monthly, December. Available at: [themonthly.com.au/issue/2021/december/1638277200/megan-davis/truth-about-truth-telling](https://themonthly.com.au/issue/2021/december/1638277200/megan-davis/truth-about-truth-telling)*
- <sup>8</sup> *Kate Fullagar (2021), Why Does Truth Come Third? Inside Story, 8 June. Available at: [insidestory.org.au/why-does-truth-come-third/](https://insidestory.org.au/why-does-truth-come-third/)*
- <sup>9</sup> *Kishaya Delaney (2022), Towards Truth: Truth-telling and the Uluru Statement from the Heart. Indigenous Constitutional Law, 9 June. Available at: <https://www.indigconlaw.org/home/australian-voters-confirm-history-is-calling-nxly7>*
- <sup>10</sup> *Linda Burney (2022), 2022 Evatt Lecture. Gadigal Land, University of Sydney, 21 October. Available at: <https://ministers.pmc.gov.au/burney/2022/2022-evatt-lecture-university-sydney>*

Truth-telling also has a global context, and other groups who have designed or participated in truth-telling processes have shared their insights with our communities here.

For instance, Hugo Fernandes from the Commission for Reception, Truth and Reconciliation in East Timor<sup>11</sup> shared the following features and challenges of their process:

- Gathering stories into themes to develop a shared body of knowledge on rights-violating practices, rather than making them stand alone
- Supplementing memory with archival and scientific research
- Making being heard a process of healing
- Having only a short amount of time to develop a 24-year history of rights violations
- Addressing diminished memory over time

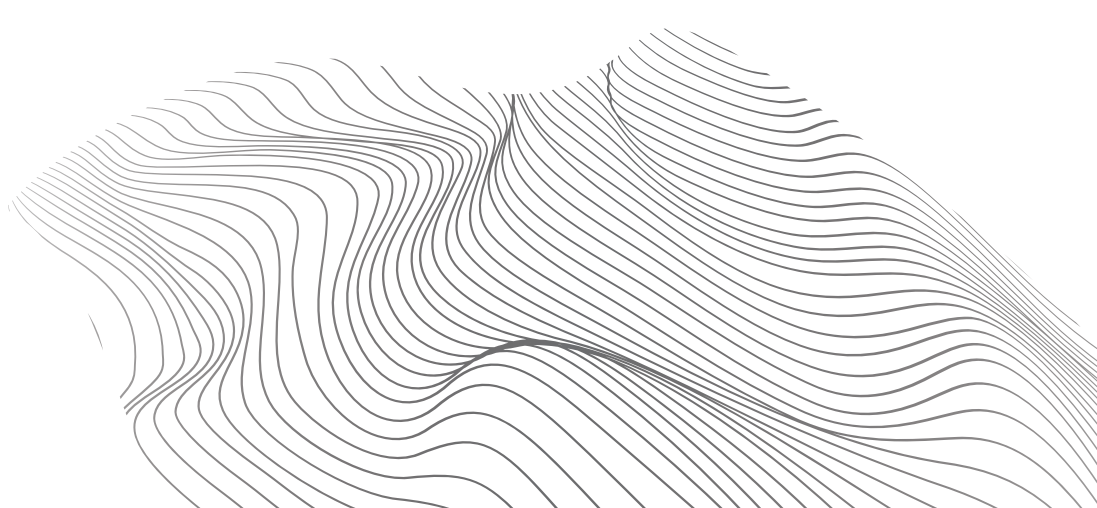
Galuh Wandita, of Asia Justice and Rights, also spoke to truth-telling processes within the Asia-Pacific. These processes are not just crucial for their own sake: 'colonised truths [are] contributing to this continuing impunity. Therefore it isn't only an issue of historical curiosity. It is a part of this kind of struggle for democracy and for life.'<sup>12</sup>

## Justice after truth-telling

There was a period of intensified settler reckoning with Aboriginal and Torres Strait Islander deaths in custody in 2020 and 2021. 2021 was also the anniversary of the findings of RCIADIC being handed down. Despite this, we continue to see our people die in custody. A common refrain in the protests in these years was that the truth had already been told at RCIADIC and hundreds of inquests, and that the decision to ignore the truth was killing Aboriginal and Torres Strait Islander people. Cheryl Axelby and Nerita Waight wrote in 2020:

'There is no peace without justice and there is no justice without truth-telling. The truth is that we are dying because governments have ignored the recommendations from the royal commission into Aboriginal deaths in custody. Politicians have had the answers to end black deaths in custody for 29 years but have chosen inaction. There have been over 400 inquiries into ending our over-imprisonment and the injustices we face in the legal system.'<sup>13</sup>

Other research in international relations urges the importance of not treating truth-telling exercises as reconciliation – accepting that they may cause tension in Indigenous-settler relations rather than resolution.<sup>14</sup> This is exactly the roadblock identified by Social Justice Commissioner June Oscar, reflecting in a speech to AIATSIS on the closed promise of truth-telling and justice in the early 2000s:



'I cannot see any other way to reflect on this time than our political system was not ready, not brave enough to state the truth about the structural inequalities perpetuated for generations. It was political fear that blocked the road ahead – a sudden realisation of the structural implications of what the framework of reconciliation demanded: that governments had to do the hard work, not us – that they had to alter structures to guarantee our equal place in decision-making, to deliver just and full compensation, and that by doing this it would be impossible to proceed as we had gone before.'

Internationally, there has been some research on the broader design of truth-telling commissions, as a way to account for how some have been successful on their own terms and others have not offered the justice sought.<sup>15</sup> One piece of research<sup>16</sup> by Kochanski suggests that over time:

- Truth commissions are getting more complex and address more issues, rather than remaining specialised or event-bound
- Truth commissions tended to mandate reconciliation over recommendations for prosecution
- Truth commissions have lost investigative and inquiry powers despite a widened scope

While justice demands a future in which the relationship is reset between First Nations (and Aboriginal and Torres Strait Islander communities) and settler colonial institutions (and settler communities or individuals), it requires more than a push towards resolution. Truth-telling is not only about catharsis or ventilation, telling a story only to 'move on.' As long as Australia as a settler colony continues to exist there will be more truths for First Nations and our communities to tell. Such truths are likely to be more grave and less just, unless justice is put at the centre of truth-telling now. A just relationship is an ongoing one, and one that comes with meaningful change, structural reform, recognised sovereignty and reparations.

<sup>11</sup> Hugo Fernandes (2021), *Truth-Telling in Timor-Leste, lessons for Australia*. Institute of Post-Colonial Studies. 19 November. Available at: [youtube.com/watch?v=jPBrORfNEyo](https://www.youtube.com/watch?v=jPBrORfNEyo)

<sup>12</sup> Galuh Wandita (2021), *Truth-Telling in Timor-Leste, lessons for Australia*. Institute of Post-Colonial Studies. 19 November. Available at: [youtube.com/watch?v=jPBrORfNEyo](https://www.youtube.com/watch?v=jPBrORfNEyo)

<sup>13</sup> Cheryl Axleby and Nerita Waight (2020), *We need to go beyond empty gestures if we're going to end Aboriginal deaths in custody*. *The Guardian*, 29 June. Available at: [theguardian.com/commentisfree/2020/jun/29/we-need-to-go-beyond-empty-gestures-if-were-going-to-end-aboriginal-deaths-in-custody](https://www.theguardian.com/commentisfree/2020/jun/29/we-need-to-go-beyond-empty-gestures-if-were-going-to-end-aboriginal-deaths-in-custody)

<sup>14</sup> Adrian Little (2019), *The Politics of Makarrata: Understanding Indigenous-Settler Relations in Australia*. *Political Theory*, 48(1).

<sup>15</sup> See, e.g., Bonny Ibhawoh (2019), *Do truth and reconciliation commissions heal divided nations?*, *The Conversation*, 24 January. Available at: [theconversation.com/do-truth-and-reconciliation-commissions-heal-divided-nations-109925](https://theconversation.com/do-truth-and-reconciliation-commissions-heal-divided-nations-109925)

<sup>16</sup> Adam Kochanski (2020), *Mandating Truth: Patterns and Trends in Truth Commission Design*. *Human Rights Review*, 21.

## Formats of truth-telling

### Sites and other tangible truth-telling projects

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Kinchella Boys Home Aboriginal Corporation has long prioritised remembrance and truth-telling as paths to healing for survivors of the Stolen Generation. Their recent project, a van that operates as a Mobile Education Centre, is a 'site of conscience' – a truth-telling project that links communities together and invites people to directly hear from and see the history of KBH survivors. The project has been popular and powerful as a teaching tool for 'genocide prevention and awareness', but also serves to embed Stolen Generations history everywhere around NSW where children were taken.<sup>17</sup>

The Myall Creek Massacre memorial site still has to defend its right to truth-telling, having been targeted by vandals in recent years. It stands as testament to a shared history of both descendants of survivors and perpetrators, but is controlled and cared for by local Aboriginal communities and First Nations. In a recent panel on Myall Creek and other efforts to memorialise massacres, Julie Bakari Webb said that memorials were 'more meaningful' when run this way outside of the eyes of government.

'That's our traditional right under lore and business. That's not the place of government or councils or anyone else to be able to tell us how to memorialise.'<sup>18</sup>

On the same panel, Kelvin Brown asserted (in reports by the Guardian Australia) that Indigenous people, rather than governments, must set the terms of truth-telling.

At the same time as these tangible truth-telling projects have been growing, our communities are also engaging in a process called counter-memorialising. Aboriginal and Torres Strait Islander people and First Nations are challenging memorials or statues to colonial figures and events, demanding that the truth about them be told. There are many ways this can happen:<sup>19</sup>

- Adding plaques to monuments to highlight the truth of local First Nations and Aboriginal and Torres Strait Islander communities
- Relocation<sup>20</sup>
- Protestors damaging, destroying or removing these physical objects
- Creating dissenting sites or monuments
- Hybrid, dialogical models of locally-relevant truth-telling that try to tell the story of why the original monument was created.

### Archives and objects

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The last ten years have seen an explosion in Aboriginal and Torres Strait Islander research on truth-telling in the archives, especially on the obligation of archives dealing with atrocities to do so in a culture-and trauma-informed way. Kirsten Thorpe's research recently revealed the pressure on those in our community who work in archives, including those who work on truth-telling projects.<sup>21</sup> Pressures include cultural unsafety, racial stress, tokenisation and retraumatisation.

'The result of this is that the systems and structures that are embedded in libraries and archives impact and support the subjugation and silencing of Indigenous world views and perspectives in information and record landscapes.'

But truth-telling using archives is possible, and can be part of a First Nation telling its own history of resilience from the ground up. The Anaiwan Language Revival Program, for example, has produced historical, community-driven records based on the archive of the New England Tableland as part of revitalisation efforts.<sup>22</sup>

*Archives, read with the historical lens of particular disciplines or professions, can also offer new angles of interpretation of historical events and new avenues to tell the truth about them.*

These practices can also cast a light on the role of some disciplines or professions in colonisation, whether directly or through the production of ideas or stories about mob that enabled colonisation. They also highlight the role that these disciplines or professions might play in helping us get to a fuller and truer story. Recent examples of this research include psychiatry<sup>23</sup> and accounting.<sup>24</sup>

*Repatriation is also a crucial part of the truth-telling process, returning objects and ancestors to their place and acknowledging what had brought them there.*<sup>25</sup>

Recent attention to these practices coincides with the development of a National Resting Place for the repatriation (or temporary resting) of objects and remains.<sup>26</sup> Some local, community-controlled projects of restoration and repatriation have already operated for some time.

### Research methodologies

Building best practice requires being victim-and survivor-centred and being creative and adaptive in how evidence is collected.

Internationally, there have been practices of mapping, participatory action research models that focussed on community (rather than individual) testimony, seeking out marginalised groups within communities, and centring Elders who could share truth with a truth-telling body but also directly with their own community.<sup>27</sup>

- <sup>17</sup> Kinchela Boys Home Aboriginal Corporation, Tiffany McComsey and Amanda Porter (2022), *Memory, Place, and Mobility: Kinchela Boys Home Aboriginal Corporation's Mobile Education Centre as a Site of Conscience*. *Space and Culture*, 25(2).
- <sup>18</sup> Julie Bakari Webb, quoted in Steve Dow (2022), 'Not calling a massacre a massacre is ridiculous': a model of truth-telling at Myall Creek. *The Guardian*, 3 May. Available at: [theguardian.com/australia-news/2022/may/03/not-calling-a-massacre-a-massacre-is-ridiculous-a-model-of-truth-telling-at-myall-creek](https://theguardian.com/australia-news/2022/may/03/not-calling-a-massacre-a-massacre-is-ridiculous-a-model-of-truth-telling-at-myall-creek)
- <sup>19</sup> Bruce Scates and Peter Yu (2022) Decolonising Australia's commemorative landscape: 'Truth-telling', contestation and the Dialogical Turn. *Journal of Genocide Research*, 24(4).
- <sup>20</sup> This recently took place in [TASMANIA], Will Murray (2022), *Controversial William Crowther statue to be removed after Hobart City Council vote*. ABC News, 16 August. Available at: [abc.net.au/news/2022-08-16/william-crowther-statue-to-be-removed/101334976](https://abc.net.au/news/2022-08-16/william-crowther-statue-to-be-removed/101334976)
- <sup>21</sup> Kirsten Thorpe (2021), *The dangers of libraries and archives for Indigenous Australian workers: Investigating the question of Indigenous cultural safety*. *IFLA Journal*, 47(3).
- <sup>22</sup> Callum Clayton Dixon (2019), *Surviving New England: A history of Aboriginal resistance and resilience through the first forty years of the colonial apocalypse*. Anaiwan Language Revival Program.
- <sup>23</sup> Toby Raeburn, Kayla Sale, Paul Saunders, and Aunty Kerrie Doyle (2022), *Aboriginal Australian mental health during the first 100 years of colonisation, 1788-1888: a historical review of nineteenth-century documents*. *History of Psychiatry*, 22(1).
- <sup>24</sup> Nicole Sutton (2022), 'On duty in pursuit of the natives': accounting and truth-telling about Australia's frontier wars. *Accounting, Auditing and Accountability Journal*, ahead of print.
- <sup>25</sup> For a longer discussion, see ABC panel documentary *The Journey Home: Reconciliation Through Repatriation*. Available at: [iview.abc.net.au/show/journey-home-reconciliation-through-repatriation](https://iview.abc.net.au/show/journey-home-reconciliation-through-repatriation)
- <sup>26</sup> AIATSIS (2022), *Feature 14: The National Resting Place Project*. Available at: [aiatsis.gov.au/about/who-we-are/corporate-information/annual-reports/annual-report-2019-20/features/feature-14](https://aiatsis.gov.au/about/who-we-are/corporate-information/annual-reports/annual-report-2019-20/features/feature-14)
- <sup>27</sup> See, e.g., Galuh Wandita (2021), *Truth-Telling in Timor-Leste, lessons for Australia*. Institute of Post-Colonial Studies. 19 November. Available at: [youtube.com/watch?v=jPBrORfNEyo](https://youtube.com/watch?v=jPBrORfNEyo)

Similar initiatives also exist locally, driven by community and non-government institutions (covered by the Hear My Heart Discussion Paper), most notably the Frontier Colonial Massacres 1788-1930 Project at the University of Newcastle. Other Aboriginal and Torres Strait Islander scholars, lawyers and judges have sought to truth-tell about historical legal judgements by reimagining them in a more just way, in a project led by Associate Professor Nicole Watson.<sup>28</sup>

With the growing focus on the colonial role of non-government institutions, many disciplines and professions have begun to use their own methods to tell the truth about themselves. For some, this results in apologies. But these apologies can be partial and offensive, as analysis attests on apologies made to the Tasmanian Aboriginal community by museums and galleries – ‘the term ‘negative impacts’ was a strikingly bland way to refer to acts that included mutilation, dissection and grave robbing.’<sup>29</sup> These scholars also pointed out how, for institutions and professions issuing apologies, apology itself is insufficient if it stands alone:

‘Apologies alone do not instigate change; they have no legal or political effect. They must be accompanied by effective truth-telling: respectful, deep listening, active empowerment of Aboriginal voice, and prioritising space for First Peoples’ perspectives. The success of the Museum’s and the Society’s Apologies will lie ultimately in their ability to effect change and influence policy direction, and to shift from ideological commitments to tangible outcomes that provide the more positive future they promise.’

## Creative and documentary forms

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Our communities have not waited for formalised legal or political processes in order to tell the truth. One critical site for our truth-telling has always been the creative arts, reportage and documentary-making.

They are accessible, often more within our control than government practices, and fit intimately within our social and cultural lives as individuals and communities. The benefit of these practices is well covered in the Hear My Heart discussion paper,<sup>30</sup> but here we outline some recent pieces of research and public thinking about how creative and documentary forms fit into truth, justice and healing.

### Poetry

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Recent research suggests that poetry from First Nations poets and truth-tellers might be a generative way to translate truth-telling into justice and healing. Encouraging, in an education context, a call-and-response model to truth-telling may work through ‘trauma caused by ongoing injustice’.<sup>31</sup>

‘Creative poetry gatherings are a timely decolonial strategy to address the need for Australian truth-telling and treaty-making, given that there has never been a truth and reconciliation commission and that Aboriginal sovereignty has never been ceded.’

### Visual art

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There have been numerous Indigenous community-led and First Nation-led projects in the last few years that centre truth-telling, or tell us something about what it means to tell the truth.

Along with archival and curatorial work, these provide key sites of public engagement with truth-telling, in addition to telling the truth in their own right. Recently, for example, Curtin University established a Carrolup Centre for Truth-Telling in consultation with Noongar Elders and with returned artworks created by children who were part of the Stolen Generation.<sup>32</sup>



Other exhibitions with an explicit truth-telling purpose, like Tiati Wangkanthi Kumangka on Kaurna Yerta, have been developed to share broader stories of colonisation specific to a place or Peoples.<sup>33</sup>

### Videography

Film footage has been a critical way of being heard, but also in participating or providing evidence to formal truth-telling commissions. The use of mobile phone footage in particular has been useful in many settings holding police to account for racist violence, both in formal inquiries and in building protest movements that tell the truth. Larissa Baldwin noted in her 2022 Dr Charles Perkins Oration:

‘We saw the power of Yuendumu Community when Kumanjayi Walker was killed by Zachary Rolfe. His family stood out in front of the police station for hours while he was inside, not knowing that he was alive. They use videos to tell their story and to truth tell, so the people everywhere would know what was happening as it was happening.

In doing this, they created a national network where people were organised. These protests enabled them to leverage the momentum and they got this case all the way to the Supreme Court. In taking those videos, they collected extensive evidence for all the trial and the largest coronial inquest and truth-telling process fuelled by their fight for justice is happening right now.’<sup>34</sup>

These strategies are complex and deliberate, and driven by surviving families and communities, and go far beyond videography. They also involve understanding how to respond to racist counter-narratives. On the Warlpiri campaign that has grown to respond to the killing of Kumanjayi Walker, Samara Fernandez-Brown has said:

‘My life has become about doing interviews, making sure the right narrative is being heard, that we’re not being painted with a picture of us that’s what they want, that we use our voices to tell people what we are and who we are and social media has been amazing in that sense. We have been able to portray us as what we are and not necessarily... like I’m not trying to do this to halt them like “They’ve said this so I’m going to say this”. I don’t care what they’re saying but this is us, listen to us. I don’t care about what they’re saying – that’s white noise, it means nothing to me. You can say and do whatever you want on your end and protect whoever you want but at the end of the day we know our truth and we’re going to speak our truth.’<sup>35</sup>

<sup>28</sup> Nicole Watson and Heather Douglas (2021), *Indigenous Legal Judgements: bringing Indigenous voices into judicial decision-making*. Routledge Taylor and Francis.

<sup>29</sup> Zoe Rimmer and Rebe Taylor (2022), *An analysis of the 2021 apologies by the Royal Society of Tasmania and the Tasmanian Museum and Art Gallery to the Tasmanian Aboriginal community*. *Australian Historical Studies*, DOI: 10.1080/1031461X.2022.2117390.

<sup>30</sup> Available at: <https://ebonyinstitute.com.au/wp-content/uploads/2023/03/Hear-My-Heart-Truth-Justice-Healing-Project-Full-Discussion-Paper.pdf>

<sup>31</sup> Catherine Manathunga, Paul Williams, Tracey Bunda, Sue Stanton, Shelley Davidow, Kathryn Gilbey, and Maria Raciti (2020), *Decolonisation through Poetry: Building First Nations’ voice and promoting truth-telling*. *Education as Change*, 24(1).

<sup>32</sup> Bertrand Tungandame (2022), *The Carrolup Centre for Truth-telling, new home for artworks by Noongar children of the Stolen Generations*. SBS NITV Radio, 26 May. Available at: [sbs.com.au/language/nitv-radio/en/podcast-episode/the-carrolup-centre-for-truth-telling-new-home-for-artworks-by-noongar-children-of-the-stolen-generations/sdk9hxne](https://sbs.com.au/language/nitv-radio/en/podcast-episode/the-carrolup-centre-for-truth-telling-new-home-for-artworks-by-noongar-children-of-the-stolen-generations/sdk9hxne)

<sup>33</sup> Kaurna Nation Cultural Heritage Association Inc and City of Holdfast Bay (2020), *Tiati Wangkanthi Kumangka (Truth-Telling Together)*. Kaurna yerta, Holdfast Bay. Available at: <https://www.holdfast.sa.gov.au/discover-our-place/bay-discovery-centre/exhibitions/tiati>

<sup>34</sup> Larissa Baldwin (2022), *2022 Dr Charles Perkins Oration*. *Gadigal land*, University of Sydney. Available at: [youtube.com/watch?v=KBUqYDRlINy](https://youtube.com/watch?v=KBUqYDRlINy)

<sup>35</sup> Ned Jampijinpa Hargraves, Samara Fernandez-Brown, Mr Nelson, Robin Japanangka Granites, Eddie Jampijinpa Robertson, Valerie Napaljarri Martin, Margaret Napanangka Brown, Warren Japanangka Williams, Louanna Napangardi Williams, and Georgia Curran (2022), *Justice For Walker: Warlpiri responses to the police shooting of Kumanjayi Walker*. 33(17).

### *Journalism, reportage and news*

There has been much recent attention on the role of media and news coverage in how First Nations and Aboriginal and Torres Strait Islander communities can speak the truth about themselves. This happens through community-driven and -controlled platforms and through the work of our journalists in mainstream news institutions. But, it doesn't come easily.

Mainstream news organisations still often get it wrong, and our journalists who work within them are discouraged from truth-telling about our stories, and from truth-telling about the role that mainstream media has played in racism and genocide. Rhianna Patrick wrote for IndigenousX, a long-standing community-controlled online platform:

'Aboriginal journalists have shared their stories and trauma. [...] How do you make change when the sector itself normalises silence of harmful reporting which contributes to harmful stereotypes, colonial narratives and assumptions of First Nations people? [...]

For me, I can no longer see a way forward working full time within the walls of non-Indigenous media organisations which pushes colonial narratives. It does not align with who I am as a Torres Strait Islander journalist or the way I now wish to do my work. I still dream of a strong, independent and well-resourced Indigenous radio and media sector where our stories are told by us in our own way. However, in order to flip the power dynamic, we need to ensure we're not losing skilled Indigenous journalists or broadcasters who come out the other side of mainstream media and leave the sector altogether. We need this skill base but we need to ensure Indigenous journalists are supported after the workplace trauma some of them will come out with. Or better still, those applying for jobs in mainstream media get told the truth about the environment they're walking into in the first place.'<sup>36</sup>

Analysis of recent truth-telling projects and other reporting at Guardian Australia found that new directions championed by Indigenous editors and journalists 'sustained coverage of Indigenous affairs [and made it] a priority across the news cycle.' It also produced 'innovative, exceptional journalism projects such as "Deaths Inside" [which documented deaths in custody] and "The Killing Times" [which documented frontier massacres].'<sup>37</sup> These practices redrew the 'boundaries, norms and practices of journalism'.

NITV News celebrated its tenth anniversary in 2022, reflecting on its role as an Aboriginal and Torres Strait Islander truth-telling organisation. In addition to highlighting the importance of mob-led news organisations, journalists at NITV reflected on their role as truth-tellers, and the toll it has taken on them.<sup>38</sup>

Steve Mungindi Ellis: 'One thing I've had to learn working at the NITV newsroom is how to separate myself. I've become desensitised to seeing black men killed at the hands of police. Because I'm editing it year in year out. That's hard, for a black man to be editing stories of my people and I'm seeing them take their last breath. [...] I still gotta turn up every day and do that.

[...] It's my birthright to continue putting my people's voices and stories out there. My ancestors struggled overtime. My ancestors struggled, so I have to shine overtime.'

Shahni Wellington: 'Is it different to how other journalists do it? I think yes. You don't have the person's mother calling you late at night to see what's going on with the story. And we have an obligation to answer those calls. It's a complete privilege to be in that position, to be able to tell those stories for those families. [...] But at the same time, it does take a toll on you. We should be telling our own stories, a newsroom is absolutely a place for a blackfulla.'

### *Truth-telling at a family and local level*

There are, internationally, truth-telling practices taking place at highly localised levels. This includes at the level of family and descendants of atrocities. Settler colonial families are coming to terms with the violence of their families and what it means for them to inherit this as a legacy (and sometimes, as a land holding). Methods for understanding and sharing this history include plays, direct reparations, settler genealogical research, apologies and land returns.<sup>39</sup>

Reconciliation Australia report that there is also appetite from local councils to engage in truth-telling, but require cultural preparation, relationship building, and a sense of permanency rather than making truth-telling into an event.<sup>40</sup>

As truth-telling commissions become more real, so too do concerns that they might re-centre the authority of settler governments over Indigenous stories. Diversifying sites of truth-telling, and increasing localisation<sup>41</sup> may mitigate this risk.

<sup>36</sup> Rhianna Patrick (2022), *New report shows Australia's media reckoning can't come soon enough*. *IndigenousX*, 23 December. Available at: [indigenousx.com.au/new-report-shows-australias-media-reckoning-cant-come-soon-enough/](https://indigenousx.com.au/new-report-shows-australias-media-reckoning-cant-come-soon-enough/)

<sup>37</sup> Alanna Myers, Lisa Waller, David Nolan and Kerry McCallum (2021), *Expanding Boundaries in Indigenous News: Guardian Australia 2018-2020*. *Journalism Practice*, 16(8). Available at: [tandfonline.com/doi/full/10.1080/17512786.2021.1874484](https://doi.org/10.1080/17512786.2021.1874484)

<sup>38</sup> You can watch the documentary for free online. NITV (2022), *The Truth-Tellers: 10 years of NITV News*. NITV. Available at: <https://www.sbs.com.au/ondemand/watch/2121843779674>

<sup>39</sup> Victoria Grieves Williams (2021), *Truth telling and giving back: how settler colonials are coming to terms with painful family histories*. *The Conversation*, 9 February. Available at: [theconversation.com/truth-telling-and-giving-back-how-settler-colonials-are-coming-to-terms-with-painful-family-histories-145165](https://theconversation.com/truth-telling-and-giving-back-how-settler-colonials-are-coming-to-terms-with-painful-family-histories-145165)

<sup>40</sup> *Reconciliation Australia (2019), Truth-telling and Reconciliation: A report on workshops conducted with local councils to support truth-telling and reconciliation at a local level in Australia*. Reconciliation Australia. Available at: [reconciliation.org.au/wp-content/uploads/2022/08/Reconciliation-Australia-Local-Government-Truth-Telling-Workshops-Report-2019.pdf](https://reconciliation.org.au/wp-content/uploads/2022/08/Reconciliation-Australia-Local-Government-Truth-Telling-Workshops-Report-2019.pdf)

<sup>41</sup> Vanessa Barolsky (2022), *Truth-telling about a settler colonial legacy: decolonizing possibilities? Postcolonial Studies*, DOI: 10.1080/13688790.2022.2117872.

## The emergence of truth-telling commissions

In the last three years, we have also seen the emergence of truth commissions at a state and territory level. These are the product of years of mobilising by First Nations and Aboriginal and Torres Strait Islander communities. For a partial summary (as of August 2022) of truth-telling practices, see this chronology prepared by the Australian Parliamentary Library.<sup>42</sup>

### *Yoorrook Justice Commission*

The recent start of the Yoorrook Truth-Telling Commission has attracted insightful commentary and strategising from First Nations and Aboriginal and Torres Strait Islander communities impacted. [You can read more on how the Yoorrook Commission functions here.](#)<sup>43</sup> Critical features of the Commission that may be adapted by other jurisdictions include:

- Guidance by an expert committee
- Indigenous data sovereignty as a key safeguard
- Social and emotional wellbeing protocols and links to services
- Multiple hearing formats and audiences, and opening for written submissions

While it is too early to write extensively on how the Commission is doing its work and evaluate its success, there are some initial key insights from community and government responses to the Commission's formation and first hearings.

Time periods are crucial, as is community control over timing. As First Peoples' Assembly Co-Chair Marcus Stewart remarked in early hearings:

'How in a three-year period do you unpack 200-plus years of the impacts of colonisation? Although we held the pen... at no point in time did we have any decision-making over how long this should run.'<sup>44</sup>

The function, design and strategy of truth-telling about the past and present are also connected to our future legal and political aspirations. This includes treaty and reparative justice measures. Fellow Co-Chair Aunty Geraldine Atkinson remarked:

'We can't have a treaty without the truth being told. We want a commission to make recommendations to ensure we get a good outcome for the Aboriginal community. It's about looking for justice for the Stolen Generation and all those people who were misplaced, for the genocide that was committed.'<sup>45</sup>

There has also been some attention on the role that Yoorrook truth-receivers play in ensuring that Elders can share their stories safely and justly, over however much time it takes. Tara Fry, one such truth-receiver, told *The Age*:

'We go out into community and families and work with people to bring their truths to the inquiry in the form of a submission. We start off with social and emotion wellbeing support, then together we work out what they want to say and which way they want to say it.'<sup>46</sup>

The Yoorrook Justice Commission has issued an interim report.<sup>47</sup> In it, the Commission describes the process of establishing itself through listening to Elders, especially on questions of design and responsibility. The design itself is complex and is best read in the Commission's own words, and the words of the Elders who guided it, but the Interim report itself offers a few urgent lessons:

- A formal, state-initiated process requires a plural understanding of law and legal mandate, especially as it 'critically examines its own colonial foundations and assumptions' and wants to deliver transformative change;
- Commissions must inform themselves in diverse ways, find diverse ways to inform community of its activities, and proactively seek Elders' and communities' trust and priorities. They should also acknowledge prior and local truth-telling work;
- Indigenous epistemologies are central in how a Commission will receive and understand truth-telling, and that includes interpreting a Commission's scope. First Nations' research and sources should be prioritised over settler research and sources;
- Even when constrained by settler colonial law that generally constrains, Commissions should consider their role in assigning responsibility and accountability;
- Commissions must remain alive to evolving policy, law, events and 'opportunities for impact'.

In preparation for state-based truth-telling processes, Indigenous organisations and structures have produced their own bodies of knowledge. The First Peoples Assembly, as an example, reported to the Yoorrook Justice Commission about Victorian Aboriginal hopes for the process. This included linking truth with justice, a full, comprehensive and connected story of colonisation to date, safety in truth-telling, and guarantees of Treaty and reform. These were gathered through a direct community engagement process.

We encourage any readers of this report to also read the *Tyerrri Yoo-rrook: Seed of Truth* report<sup>48</sup>, which has similar insights and heard from many people in the specific Victorian context.

#### *Queensland Treaty Advancement Committee recommendations*

The Queensland Treaty Advancement Committee has recommended the development of a Truth Telling and Healing Inquiry, a bespoke and co-designed institution. There is not a lot of detail presently available about that model, but:

'The heart of the formal truth-telling process should be about healing from the past, restoring dignity of First Nations and assisting a respectful and mutually beneficial relationship between First Nations and the state. This reframed relationship must include First Nations in the design of the Inquiry and this is best delivered through a bespoke process.'<sup>49</sup>

The Queensland Government has agreed to a two-step process of local truth-telling, followed by this formal Inquiry.

<sup>42</sup> Emma Vines (2022), *Voice, Treaty, Truth? The role of truth-telling in Australian, state and territory governments' reconciliation processes: a chronology from 2015*. Research Paper Series 2022-23, Parliamentary Library. Available at: [apo.org.au/sites/default/files/resource-files/2022-08/apo-nid319029.pdf](https://apo.org.au/sites/default/files/resource-files/2022-08/apo-nid319029.pdf)

<sup>43</sup> <https://yoorrookjusticecommission.org.au/key-documents/>

<sup>44</sup> Marcus Stewart, quoted in Jack Latimore (2022), *Truth-telling should take up to a decade, says Indigenous leader*. *The Age*, 5 May. Available at: [theage.com.au/politics/victoria/truth-telling-should-take-up-to-a-decade-says-indigenous-leader-20220505-p5airx.html](https://theage.com.au/politics/victoria/truth-telling-should-take-up-to-a-decade-says-indigenous-leader-20220505-p5airx.html)

<sup>45</sup> Aunty Geraldine Atkinson quoted in Adeshola Ore (2022), *'Don't muck it up': First Nations communities are closely watching Victoria's truth-telling commission*. *The Guardian*, 27 March. Available at: <https://www.theguardian.com/australia-news/2022/mar/27/dont-muck-it-up-first-nations-communities-are-closely-watching-victorias-truth-telling-commission>

<sup>46</sup> Jack Latimore (2022), *'Truth receivers': The listeners who help Indigenous people share their stories with the Yoorrook inquiry*. *The Age*, 4 December.

<sup>47</sup> Yoorrook Justice Commission (2022), *Yoorrook With Purpose: Interim Report*. Available at: [yoorrookjusticecommission.org.au/wp-content/uploads/2022/06/Yoorrook-Justice-Commission-Interim-Report.pdf](https://yoorrookjusticecommission.org.au/wp-content/uploads/2022/06/Yoorrook-Justice-Commission-Interim-Report.pdf)

<sup>48</sup> *First Peoples' Assembly of Victoria (2021), Tyerrri Yoo-rrook: Report to the Yoo-rrook Justice Commission from the First Peoples' Assembly of Victoria*. Available at: [firstpeoplesvic.org/wp-content/uploads/2021/09/Tyerrri-Yoo-rrook-Seed-of-truth-Report-2021\\_Final.pdf](https://firstpeoplesvic.org/wp-content/uploads/2021/09/Tyerrri-Yoo-rrook-Seed-of-truth-Report-2021_Final.pdf)

<sup>49</sup> Queensland Treaty Advancement Committee (2021), *Treaty Advancement Committee Report*.

Available at: [dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/path-treaty/treaty-advancement-committee-report.pdf](https://dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/path-treaty/treaty-advancement-committee-report.pdf)

### *The NT Treaty Commission recommendations*

The NT Treaty Commission recommended the establishment of a Truth Commission within the Treaty Commission, to 'progress truth-telling work'.<sup>50</sup> This is necessary to 'uncover or highlight previously unknown or ignored truths that will affect the nature and scope of [...] reparations.' The Commission suggests that the function of truth-telling body here includes:

'recording evidence of past injustice from the older generation [and] conducting ongoing education and awareness programs, including through school curricula. [...] Truth-telling should lay the foundations for treaty-making, and truths should not be negotiated as other parts of a treaty may be.'

The model proposed was not otherwise specific, except that the truth-telling commission should be legislatively enshrined.

Since the report in mid-2022, the NT Government has closed the NT Treaty Commission and rejected its recommendation for a Truth-Telling Commission. It will instead, while it starts a new round of consultation about treaty, have its Aboriginal Interpreter Service record stories from communities as a form of truth-telling process.<sup>51</sup>

### *The Tasmanian Pathway to Truth-Telling and Treaty Report*

The Tasmanian Government commissioned a Pathway to Truth-telling and Treaty Report in 2021, which recommended the establishment of a Truth-Telling Commission, which would:<sup>52</sup>

- Create a permanent and official historical record of the past, including 'quashing the extinction myth and recording and explaining the resilience and survival of the Aboriginal people'
- Provide an opportunity for story-telling and preserving the memories of Elders
- Educate the general public
- Make recommendations for healing, system reform and practical changes to law, including matters relevant to future treaty negotiation, and
- Address the eligibility of Aboriginal representatives to enter into negotiations for treaty.

The report further recommended that a Truth-Telling Commission should be majority Tasmanian Aboriginal, produce outputs in a range of formats, and have flexible procedures and processes to ensure that the 'process is a healing and cathartic one.' In 2022, the Tasmanian Government announced an Aboriginal Advisory Group to 'design a process for Truth-telling and Treaty'.<sup>53</sup>

<sup>50</sup> NT Treaty Commission (2022), *Final Report*. NT Treaty Commission, Darwin.

Available at: [treatynt.com.au/\\_data/assets/pdf\\_file/0005/1117238/treaty-commission-final-report-2022.pdf](https://treatynt.com.au/_data/assets/pdf_file/0005/1117238/treaty-commission-final-report-2022.pdf)

<sup>51</sup> Office of Aboriginal Affairs (2022), *NT Government response to NT Treaty Commission's Final Report*. Office of Aboriginal Affairs.

Available at: [aboriginalaffairs.nt.gov.au/our-priorities/treaty/nt-government-response-to-treaty-commissions-final-report](https://aboriginalaffairs.nt.gov.au/our-priorities/treaty/nt-government-response-to-treaty-commissions-final-report)

<sup>52</sup> Kate Warner, Tim McCormack and Fauve Kurnadi (2021), *Pathway to Truth-Telling and Treaty*. lutruwita/trouwunna.

Available at: [dpac.tas.gov.au/\\_data/assets/pdf\\_file/0029/162668/Pathway\\_to\\_Truth-Telling\\_and\\_Treaty\\_251121.pdf](https://dpac.tas.gov.au/_data/assets/pdf_file/0029/162668/Pathway_to_Truth-Telling_and_Treaty_251121.pdf)

<sup>53</sup> Roger Jaensch (2022), *Media Release: Advisory group to guide process for Truth-telling and Treaty*. Aboriginal Affairs.

Available at: [premier.tas.gov.au/site\\_resources\\_2015/additional\\_releases/advisory-group-to-guide-process-for-truth-telling-and-treaty](https://premier.tas.gov.au/site_resources_2015/additional_releases/advisory-group-to-guide-process-for-truth-telling-and-treaty)

## Tent Embassy Anniversary

In 2022, fifty years on from the Tent Embassy's establishment, the Aboriginal and Torres Strait Islander community at large had a chance to reflect on truth-telling.

Jennetta Quinn-Bates, reporting for IndigenousX, interviewed three of the initial Embassy founders: Billy Craigie, Tony Coorey and Michael Anderson (Bertie Williams, another founder, has passed).

Coorey spoke to truth-telling as part of the Embassy's purpose, especially the importance of being heard in the assimilationist policy era where Aboriginal and Torres Strait Islander voices were ignored.

'We were at the Aboriginal Medical Service and we decided (there was Michael Anderson, Billy Craigie and myself) to go down to Canberra and protest by going on a starvation diet to try to capture the Australia's attention to the deplorable conditions that Aboriginal people were living in, subjected to.'<sup>54</sup>

Speaking to the Canberra Times, Anderson said: 'We're talking about truth-telling, because it shows that there has been a constant resistance from then, and it's still a resistance now.'<sup>55</sup>

But Aboriginal and Torres Strait Islander attention is not just called to the past. The Embassy continues to stand, and as Lynda-June Coe and Bronwyn Carlson note, it stands as 'an acclaimed site of our continued resistance to the continuity of colonial rule.'<sup>56</sup> It continues as a truth-telling institution and 'reminder of the successive failures of subsequent governments to address the demands for justice represented by the embassy and its people.'<sup>57</sup>

It is also a reminder of the historic and current resistance by settler governments to truth-telling work, with some coverage of the fifty-year anniversary focussing on later violent police efforts to remove them.<sup>58</sup> Reflecting on the role of the Embassy, Michael Andersen wrote for NITV:

'The Embassy has been deafening in its silence. But it's an eyesore to the oppressor. They don't like it because everybody is saying, why is it still there? And that's the question the Australian public needs to ask the Parliament, ask the politicians. Why is there still a need for the Embassy?'<sup>59</sup>

The fifty-year anniversary inspired reflection from Aboriginal and Torres Strait Islander people and settlers alike. It serves as a reminder of the truth-telling institutions that we build, staring back at the halls of colonial power, to not only tell the truth about colony but to seek justice and change once the truth can no longer be hidden.

54 In reply, Anderson said: 'We couldn't think of anyone who'd go on a starvation diet, we really couldn't because we like our tucker, us Murrils' Jennetta Quinn-Bates (2022), A milestone for Black sovereignty in this country: celebrating 50 years of the Tent Embassy. IndigenousX, 20 January. Available at: [indigenoux.com.au/a-milestone-for-black-sovereignty-in-this-country-celebrating-50-years-of-the-tent-embassy/](https://indigenoux.com.au/a-milestone-for-black-sovereignty-in-this-country-celebrating-50-years-of-the-tent-embassy/)

55 Steve Evans and Sarah Basford Canales (2022), Aboriginal Tent Embassy marks 50 years but the struggle for rights remains. The Canberra Times, January 26. Available at: <https://www.canberratimes.com.au/story/7594743/a-beacon-of-resistance-tent-embassy-marks-50-years-but-struggle-remains/>

56 Bronwyn Carlson and Lynda-June Coe (2022), A short history of the Aboriginal Tent Embassy: an indelible reminder of unceded sovereignty. The Conversation, 13 January. Available at: <https://theconversation.com/a-short-history-of-the-aboriginal-tent-embassy-an-indelible-reminder-of-unceded-sovereignty-174693>

57 Bronwyn Carlson and Lynda-June Coe (2022), A short history of the Aboriginal Tent Embassy: an indelible reminder of unceded sovereignty. The Conversation, 13 January. Available at: <https://theconversation.com/a-short-history-of-the-aboriginal-tent-embassy-an-indelible-reminder-of-unceded-sovereignty-174693>

58 Lorena Allam (2022), Fifty years of resistance: Aboriginal Tent Embassy began with an umbrella and became a symbol of sovereignty. The Guardian, 26 January. Available at: <https://www.theguardian.com/australia-news/2022/jan/26/fifty-years-of-resistance-aboriginal-tent-embassy-began-with-an-umbrella-and-became-a-symbol-of-sovereignty>

59 Ghillar Michael Anderson (2022), Ghillar Michael Anderson reflects on starting the tent embassy 50 years ago. NITV News, 26 January. <https://www.sbs.com.au/nitv/article/2022/01/26/ghillar-michael-anderson-reflects-starting-tent-embassy-50-years-ago>

## Plurality in truth-telling

Reviewing Indigenous responses in the Reconciliation Barometer from Reconciliation Australia, Rowse cautions that our understanding of truth-telling, particularly what is truthful and what should be publicly told, is not necessarily homogenous – even on very broad facts. ‘If Indigenous public intellectuals are to assume cognitive and moral leadership in truth-telling, then we need to appreciate the complexity of Indigenous views of the past.’<sup>60</sup>

This is a view shared by some scholars who argue that there are plural truths within Indigenous experiences of colonisation, rather than a single discernible and authoritative record.<sup>61</sup> To do otherwise may make ‘Storytellers feel alone in this history and experience... [T]hey don’t feel included in history-telling, they don’t fit into the narratives of Aboriginal history that have been made available to them.’

It may also be the case that our understanding of historical events may shift in a truth-telling process. Truth-telling can help us understand our place within a history and use that understanding to turn our focus on colonisation, rather than focussing the lens on ourselves. Professor Irene Watson, for example, recently observed that the shared memory of Indigenous people being considered flora and fauna under settler law tells us about how settler colonies don’t understand our relationship with Country, and thought of themselves as above it and us.

‘We need to understand and know the sacredness of all of our selves and our connections to the natural world in the fullness of all of that [as a lawful relationship]. [...] [I]t’s almost an impossible conversation to have. We’ve been trying to have it for how long and things are worsening. For me the only truth is people need to get it, need to get it fast, and to know it.’<sup>62</sup>

The story behind how we come to know and interpret a truth is important. This is especially the case when that shared memory is rhetorical, rather than historical, and when Aboriginal and Torres Strait Islander communities have brought it to prominence through repetition and political action. The Flora and Fauna Act claim does not refer to an act on the books of settler colonial law. It is a claim that first emerged in the 1970s, at meetings where attendees thought it was ‘meant [...] in a metaphorical way’, ‘we were not classified under the ‘flora and fauna act’ but we were treated as animals.’<sup>63</sup> It was an important symbolic claim that underscored the treatment that our communities experienced.

As Vernon Ah Kee reframes it in light of the flora and fauna act claim not being historical fact:

‘Blackfellas jokingly say that we weren’t considered people so we must be part of the flora and fauna act, but that’s not even true. The fact is that we didn’t exist at all.’<sup>64</sup>

This raises an important question: how much of truth-telling is about finding the truth rather than presenting, controlling and reframing it? Can we also use truth-telling to reveal what stories settler colonies tell about us, and what stories we tell about ourselves to counter them? What does that say about settler colonies, and what does that say about us? It’s not just that there may be multiple truths, but these truths have relationships to each other that are more than about finding a rigid set of historical facts. The story about how truth is lost, regained and explored may often have its own value to us, as Reynolds writes: <sup>65</sup>



'[H]ow did Australia forget the truth about the killing times and the violent frontier? It had once been common knowledge. Part of the answer is that with the Aboriginal peoples relegated to an 'anthropological footnote,' almost all the domestic violence dropped out of sight with them. And even when discussed, it was with reference to the early years of settlement, suggesting that it had all happened a long time ago. There was a deep attachment to the story of a society whose history was uniquely peaceful. [...] Leading historians took pride in their belief that Australians have been 'remarkably slow to kill each other'. But there was also a conscious endeavour to hide the shocking truth about the long history of bloodshed. In numerous books there are references to the need to 'draw a veil over the sad picture' or to draw the curtain over it all. The celebrated ethnographers Baldwin Spencer and FJ Gillen wrote that there were parts of Australia 'where it is well to draw a veil over the past history of the relationship between the blackfellow and the white man'.

[...]  
Truth-telling is now more important than ever. What has been a personal choice is now a national imperative. We need to return to the tough-minded honesty of our ancestors. Men like the pioneer of the North Queensland town of Bowen, who wrote to the local paper the Port Denison Times in 1869 admitting that 'We know that our own town at least had its foundations cemented in blood.' Denialism is no longer a viable option. A wall of scholarship built by many hands over the last fifty years stands in the way.'

In a broader body of research, Jonathan Tjandra observes that Royal Commissions (not exclusively those over Indigenous affairs) are increasingly becoming truth-telling, rather than just fact-finding, institutions.<sup>66</sup> This is an adaptation of Royal Commissions for 'restorative justice'.

'They may result in matters being referred to authorities for further investigation. However, the most significant aspect is that it is not a judicial process. Instead, it is focussed on ensuring that victims are listened to and restoring trust in the public institutions that have historically betrayed them. A careful balance needs to be struck between restoring dignity to victims and administering justice to the perpetrators. After the evidence is heard, a report may be written summarising the evidence and proposing recommendations for moving forward, such as redress or restitution. Consequently, truth-telling inquiries should not focus solely on forgiveness of past wrongs but also on shared strategies for 'moving forward together'.'

This is, however, not without drawbacks, as Tjandra observes. It can involve great expense to do it right and can retraumatise victim-survivors. Royal Commissions do not bind non-government entities, they do not result in mandated compensation, consequences or findings of liability or guilt, and governments routinely ignore their recommendations without redress.

But, the shift from understanding the distinction between a truth-telling purpose and a fact-finding one can help us appreciate the nuance that drives why we as First Nations and Aboriginal and Torres Strait Islander people tell the truth in the first place – not always to learn something new about ourselves or what has happened, but to heal and seek justice.

60 Tim Rowse (2021), *Telling truths: What will emerge from an Indigenous-led process of truth-telling?* Inside Story, 10 September. Available at: <https://insidestory.org.au/telling-truths/>

61 Julia Hurst (2022) *How do we tell the truth about Australia?* Naarm, Australian Centre. Available at: [youtube.com/watch?v=z07wpGukH4w](https://www.youtube.com/watch?v=z07wpGukH4w)

62 Irene Watson and Stewart Motha (2022), *The History of a Lie: the Mabo case after 30 years.* Countersign Podcast, 31 May.

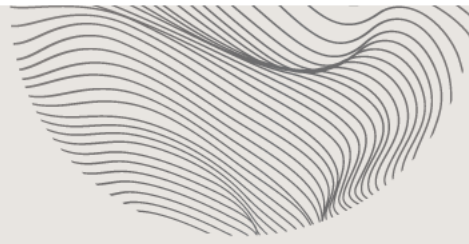
Available at: [countersignsapodcast.com/podcasts/the-history-of-a-lie-the-mabo-case-after-30-years/](https://countersignsapodcast.com/podcasts/the-history-of-a-lie-the-mabo-case-after-30-years/)

63 Marcia Langton, quoted in Sushi Das (2018), *Fact check: Were Indigenous Australians classified under a flora and fauna act until the 1967 referendum?* ABC News, 20 March. Available at: [abc.net.au/news/2018-03-20/fact-check-flora-and-fauna-1967-referendum/9550650](https://www.abc.net.au/news/2018-03-20/fact-check-flora-and-fauna-1967-referendum/9550650)

64 Vernon Ah Kee, quoted in Sushi Das (2018), *Fact check: Were Indigenous Australians classified under a flora and fauna act until the 1967 referendum?* ABC News, 20 March. Available at: [abc.net.au/news/2018-03-20/fact-check-flora-and-fauna-1967-referendum/9550650](https://www.abc.net.au/news/2018-03-20/fact-check-flora-and-fauna-1967-referendum/9550650)

65 Henry Reynolds (2021), *Truth-Telling: History, Sovereignty and the Uluru Statement.* NewSouth Publishing.

66 Jonathan Tjandra (2022), *From Fact Finding to Truth Telling: an analysis of the changing functions of Commonwealth Royal Commissions.* UNSW Law Journal, 45(1).



## A final note on the state of knowledge

We are publishing this Report and Framework in a fast-moving environment. By the time it is published, our communities have no doubt learned and shared more. But the knowledge that has already been put on the record shows us that truth-telling is more complicated than simply putting our stories onto a public record.

There is contention about how truth-telling sits alongside other changes that also give us political power, including treaty-making, justice and advisory bodies. We are seeing increased attention on how truth-telling and fact-finding could direct us towards policy changes and reparative justice, and how they have sometimes failed to do so.

First Nations and Aboriginal and Torres Strait Islander communities are also not waiting for the settler state to start truth-telling, justice and healing. We are doing it ourselves, and have been for some time. Recently, we have observed a growth in truth-telling projects driven by us – holding sites and presences, utilising research methodologies, using archives and objects of significance, documenting and creating, and building highly-localised processes.

Over the last few years formal truth-telling processes have built momentum. In Victoria, we have seen the Yoorook Justice Commission open space for truth-telling and for our communities to have a significant role in designing truth-telling and holding it accountable. We have also seen the work necessary to ensure, as much as possible, that these processes don't traumatise Elders and other evidence-givers.

While in early stages, the abolition of the NT Treaty Commission after it recommended a Truth Commission demonstrates the vulnerability of truth-telling to settler government policy and budgets. Preliminary reports from Tasmania and Queensland's Treaty Advancement Committee indicate a clear vision from community about their goals for truth, justice and healing, and we will be attentive to what happens next. As we always do, our communities will adapt and grow in these practices and work strategically within and outside of them.

While the existing evidence shows us a complicated relationship between truth, justice and healing and all the assumptions behind them, it also expands our sense of possibility. In the spirit of that possibility, we offer you the following Framework.

## The Framework

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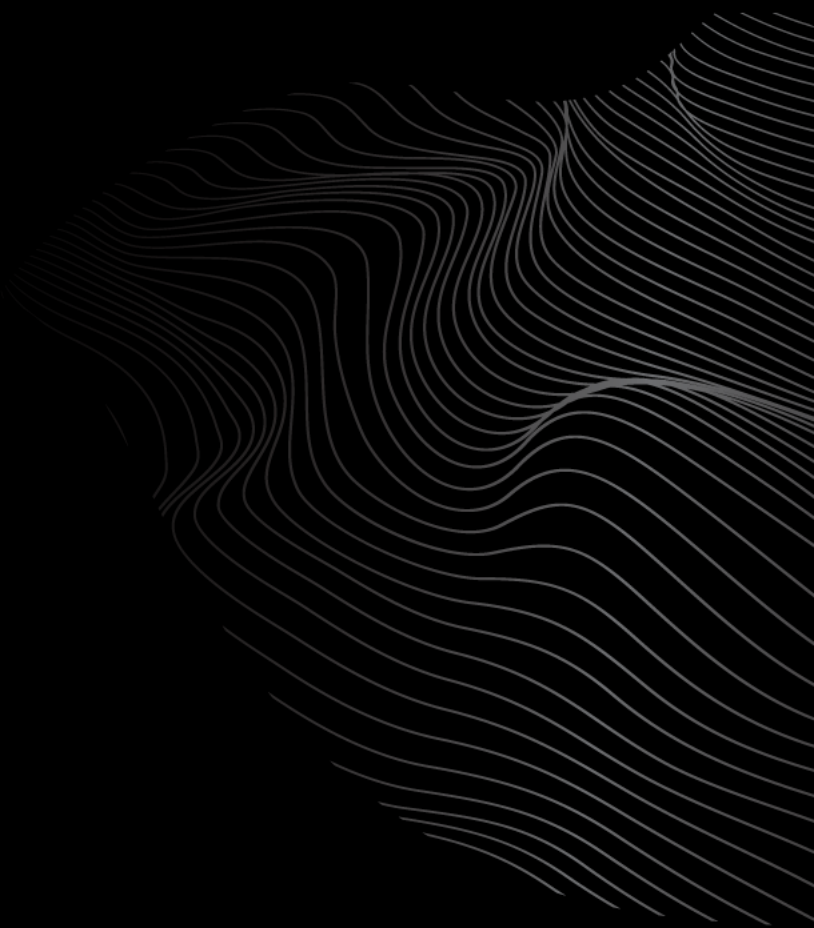
*In 2022, staff and Board members of the Ebony Institute and staff from the Jumbunna Institute met on Boon Wurrung Country to bring these pieces of research together in a draft Truth, Justice and Healing Framework.*

We discussed the three components (truth, justice and healing) of a truth-telling process from our earlier research and existing literature – and later expanded our inquiry to include the preparatory steps, outcomes, and principles that would make truth, justice and healing possible.

Based on what we knew at this meeting, and what we learned from the existing research and what we heard from interviews and consultations, we suggest this Truth, Justice and Healing Framework.

We explain each part of the Framework below.

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# Truth, Justice + Healing Framework

	HIGH PRIORITY		COMPLIMENTARY PRIORITY	
FOUNDATIONS	HEALING		JUSTICE	TRUTH
NEVER AGAIN	Scale		Compensation	Necessary but not enough
	Prioritising survivors + descendants, but including perpetrator + beneficiaries		Substantive change	Multiple formats
ONGOING RENEWAL + REVIEW	SEWB supports for participation + ongoing trauma		Memorialisation + education	Multiple sites (local, government, institutional, epistemological, cultural)
	Validation		Land + cultural rights	Wide scope + wide powers
SOVEREIGNTY – CULTURAL, LEGAL/ POLICY, EPISTEMIC	Memory		Moving to dual governance	Thinking past, present + future
	Apology		Adaptability + ongoing accountability	Accepting multiple accounts
MITIGATING HARM	Assurances of non-repetition		Acknowledgement	Making whiteness + coloniality visible
	Healing Centres + our own healing practices		Apology with action	Verification + nuance

## Setting the foundations

As you will see, in any truth, justice and healing process, we think that truth-telling is actually the lowest priority.

The most important part of any Framework is the values it is built on. These are our Foundations. We think that there are four principles every truth-telling process needs. A just and healing truth-telling process can't happen without them.

### *Sovereignty*

They must move from the understanding that First Nations sovereignty exists. That sovereignty is legal and political. It is also about a sovereign culture and knowledge, a way of thinking, being and remembering that is core to us as Peoples. Sovereignty includes a right to refusal, and a right to control how a process runs and what it shares publicly. Sovereignty requires that our communities control these processes in a meaningful, early and ongoing way.

### *Mitigating harm*

These processes are dealing with knowledges and events that are traumatic. They must do right by that initial trauma and also mitigate any new trauma that might occur through these processes.

### *Ongoing renewal and review*

These processes must be alive, which means they can change and they may not end. Truth-telling isn't just about the past. It is also about the present and the future. These processes must be open to change, be accountable for their own impact, and think about their ongoing future.

### *Never again*

All processes must also understand that their role is to tell and share truth in part to prevent future atrocities.

## After the foundations are set

When designing a truth, justice and healing process, it is crucial that harm minimisation and healing supports ensure that communities who participate do not leave the process wounded. This should be the first concern: how we will safely, and with cultural integrity, walk the path of truth.

Following this, it is important that justice is built in as the goal of any truth, justice and healing process. Mob have experienced too many truth-telling processes that offer no justice – either as the truth is told or after the truth is told. To put mob on the path of truth-telling without a destination is to undermine the reason we are telling the truth: justice.

Healing and justice will look different across contexts, but we think they can be united by a few guiding principles and questions. You might notice that there are shared principles and questions between justice and healing – that is because these concepts are closely interrelated.



# Healing

## Healing from truth-telling requires:

**Validation:** where the truth that a participant is sharing is affirmed by those who are hearing it

**Memory:** where the truth is committed to a kind of memory (an archive, art, place-based memorial, curriculum, cultural memory) so it doesn't have to be repeated by the participant and so it can be remembered, retold and shared where appropriate

**Apology:** where perpetrators and beneficiaries, whether as individuals or as institutions, acknowledge the atrocity and harm done and offer a sincere and specific sorry without qualification. This apology must be first given directly to truth-tellers impacted and then, where appropriate and with the consent of the truth-tellers, issued to the First Nations community and made public.

**Assurances of non-repetition:** where perpetrators and beneficiaries, whether as institutions or individuals, make assurances to the truth-tellers impacted that there will be no repetition of the atrocity and harm done. The assurances must include an accountable proposed plan for the changes necessary so that those atrocities and harms won't happen again.

**Our own Healing:** directed by communities and Nations, but funded by any truth-telling process that's being led by a state or a settler organisation. These may apply our own models of healing not only to the original trauma, but to the trauma that might arise out of testifying to it. Our healing models are relevant not just as social and emotional wellbeing supports for individuals, but in the significant role they play in community healing and reckoning.

Truth-telling processes must also prioritise harm minimisation: doing our best to make sure that telling the truth does not create new trauma. This will require social and emotional wellbeing supports, cultural supports, as well as clinical psychological supports for anyone who is participating: truth-tellers, staff and truth-telling commissioners, survivors and descendants, and First Nations and Indigenous communities.

For truth-tellers in non-government truth-telling forums, it may also include legal harm minimisation (e.g., for defamation or contempt of court issues). It may also require general social and emotional wellbeing supports for the public, and for perpetrators and beneficiaries. The priority for these supports, however, go to survivors and descendants.

*Healing also requires a sense of scale. Is the process local, regional, or continent-wide? This will change how both healing and harm minimisation take place – and the cultural and clinical frameworks within which they operate.*

# Justice

Justice from truth-telling requires:

**Acknowledgement and apology:** as outlined previously underneath Apology and Assurances of non-repetition. However, justice requires apology and acknowledgement with action. This is not only action that ensures non-repetition, although this is essential. It is action that makes positive redress, offers consequences (sometimes, not always, with a retributive element). It may often not, however, because of the nature of inquiries and truth-telling processes, be able to offer both the truth and formal prosecution or litigation, but instead offer referrals or general findings of accountability.

**Memorialisation and education:** where the truth-telling proceedings are distributed through public education (in schools and beyond), physical public reminders (memorialisation), and public discourse, art and events. These processes are as much about the creation, interpretation, sharing of, and learning from history as much as they are about fact-finding.

**Adaptability and ongoing accountability:** where justice adapts to new knowledge and circumstances as they arrive. Something that these processes can do is focus on the past and the idea of resolving it. But colonisation is an ongoing structure, so the wounds are present and will continue into the future. Any justice from a process must understand that justice is ongoing and may require revisiting. It also requires an accountability mechanism by which recommendations, reparations, substantive change and moving to returned governance can be measured.

**Compensation and reparations:** where material resources are given by perpetrators and beneficiaries in acknowledgement of harm caused, to reverse the material consequences of the wrong as much as is possible. While compensation can apply to individuals or small communities, reparations may also apply to Aboriginal and Torres Strait Islander Peoples as a whole, or to Nations, to restore what has been taken in the colonial project. Compensation and reparations must be given without strings attached and must not replace settler government funding of civic services like hospitals, infrastructure or schools.

**Substantive change:** where there is a meaningful commitment to, and execution of, changes that would prevent the atrocities from recurring. This requires ongoing monitoring and accountability mechanisms direct to First Nations and Aboriginal and Torres Strait Islander Peoples.

**Land and cultural rights:** where land is returned to First Nations along with a suite of protections, assurances of non-interference, and active resourcing of cultural revitalisation.

**Moving to returned governance:** where by some agreed arrangement between a perpetrator/beneficiary and a First Nation or Aboriginal and/or Torres Strait Islander political formation, the sovereignty of First Nations is meaningfully recognised. This means ending and reversing government and non-government incursions on existing First Nations sovereignty and engaging in nation re-building projects that support and resource that sovereignty. This may also mean Aboriginal and Torres Strait Islander representation in settler legal and political systems, as an accountability mechanism and as an equitable citizenship right.

# Truth

Once our foundations, healing and justice have been accounted for, we can look at truth itself, which requires:

**An understanding that truth-telling is necessary, but not enough:** every process must start with an acknowledgement that telling and hearing the truth must happen, but that it will never be enough. This means that truth-telling may continue to be needed for a long time. Truth-telling itself will not be a resolution. Truth-telling must, as we have said above, be focussed on healing and justice above all else.

**Multiple formats:** truth-telling must give those involved different ways to submit their evidence. This may include art, dance, song, video, site visits, written statements, recordings, and giving live evidence.

**Multiple sites (local, government, epistemic, institutional, cultural):** Truth-telling should consider the role of many institutions, and should involve them as listeners, audience members, and locales. It must also crucially incorporate physical spaces and the protocol that comes with that. In addition to the healing significance of culture, it is also not possible to properly do truth-telling without adequate ceremony and adherence to protocol.

**Wide scope and wide powers:** No one thing on this continent has occurred in isolation. Wherever possible, the scope of any process should consider all connected matters. It should also, where possible, retain wide powers of compellability (for state and private institutions) so it can inform itself on all relevant matters.

**Thinking past, present and future:** Truth-telling is not just concerned with the past. A process should also consider the present circumstances of Aboriginal and Torres Strait Islander people. It should also hear the truth about projected futures if nothing changes, and Aboriginal and Torres Strait Islander aspirations for the future.

**Accepting multiple accounts:** Truth-telling may mean receiving and giving evidence that either contradicts other evidence or provides a different angle. Truth-telling must have procedures for accepting multiple standpoints, including considering the role of a critical view of existing historical records.

**Making whiteness and coloniality visible:** Truth-telling should turn scrutiny back onto dominant power structures, including whiteness and colonisation, not just problematise mob.

**Verification and nuance:** What does a truth look like? Where there are competing versions of the truth revealed in a process, it must distinguish between truths that it can hold in contradiction and those that must be verified to arrive at a singular truth. This is a very complicated line to draw. Attention must be given to justice and healing concerns when thinking about whether to interpret with nuance, whether to accept contradiction, and when to verify facts or evaluate credibility.

In all parts of this process, but especially in truth-telling, continually returning for guidance to Elders and First Nations, as well as local Aboriginal and Torres Strait Islander communities, will be critical.



## Conclusion

This Truth, Justice and Healing Framework has been developed in a rapidly growing and contested public conversation. As more and more formalised and informal truth processes happen, our collective insights as an Indigenous public will also grow.

Ultimately, this Framework is also a growing tool. We know that it can't possibly answer everything or fit every context – and also that it does not reflect every standpoint in our diverse communities. We encourage anyone who reads or uses this Truth, Justice and Healing Framework to question it, refine it and build on it.

Truth, justice and healing – whether together or separately – are all ongoing responsibilities for everyone on this continent, and are intimately related. They are responsibilities that must be taken carefully and seriously. We hope this Truth, Justice and Healing Framework, by providing a map of strengths and risks, is useful as we all navigate these responsibilities.

We strongly encourage communities to ensure the evidence and our findings here are considered, namely:

- The truth must be told from the perspectives of, and answering to the needs of, First Nations Australians, not others' political or social limitations;
- The truth must be told in a way that accounts for the readiness and social and emotional wellbeing – the healing – needs of individuals, families, communities and the whole nation;
- There must be strategic thought put into what happens after the truth is told – 'so what?' – how will stories be preserved and honoured, and more critically, what will telling the truth do for justice?

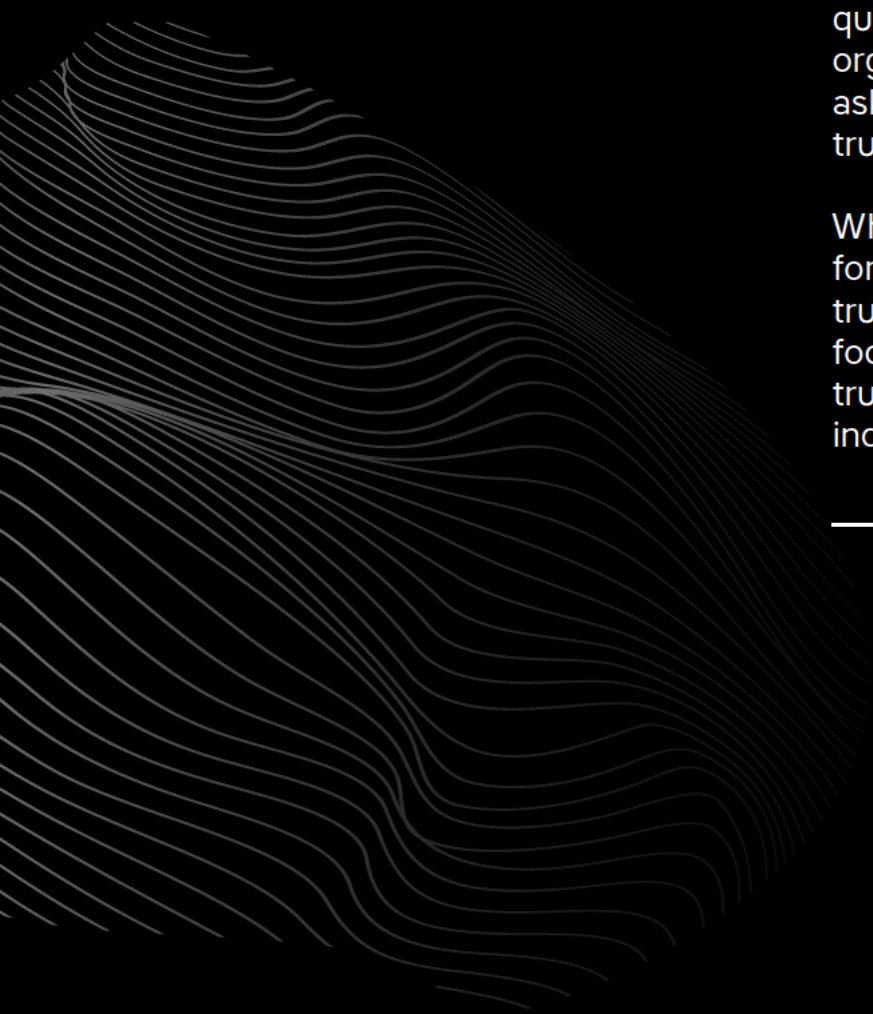
*The path that you take with it is ultimately yours. We wish our communities well in our ongoing struggle for truth, healing and justice, based on our sovereignty as land owners and custodians of 60,000 years of science.*



## Applying the Framework

We've developed a series of questions that communities, individuals, organisations and governments should ask themselves before they start on their truth, justice and healing process.

While the questions are largely similar, for mob who are looking to engage in truth, justice and healing processes the focus remains on the appropriateness of, trust in, and control over what happens – including in healing and justice.



For mob seeking to engage in truth, justice and healing (not driven by them).

## Foundations

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What is this process?

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Why would we engage in it?

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Who is running this process? If it's not us, what is our prior relationship with them? What do we want that relationship to look like in future?

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As truth is told, how will it be presented and shared? What is the end product?

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Whose Country will this project take place on? How will this process understand and respect that sovereignty? If this project isn't happening on our Country, how will we respect that protocol? Should we consider other protocols and responsibilities related to what and who the process is about?

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Who will be able to access this information? Who will control how this process runs? Who decides what it hears and how?

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How do we balance our wellbeing while acknowledging that it won't be possible to tell the truth without some pain? How will we know when we've struck the right balance? When will we know that it's time to pause and prioritise care? Is it different for different people (Elders, descendants)?

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How will this process change if we need it to? Could we make it change or put pressure on it to change?

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How will we make this process accountable for its impact?

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How can we make sure this process links to our present and future, as well as our past?

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How will parties with power in this process make changes to stop these things happening again? Will they be bound to what we ask them to do?

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If no party in this process has policy- or law-making power or resources, how do we want them to make change?

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## Healing

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What risks can we see for truth-tellers in this process?

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What risks can we see for those listening to this process?

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What do we need to prevent as much harm as possible?

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What services can we link into to ensure mob are supported? How do we make sure that this process doesn't put strain on community-controlled services? Are there resources to set up healing centres/programs specifically related to this process?

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What social and emotional wellbeing supports are built in to the process?

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How do we relate this process to the descendants of perpetrators, current perpetrators, or those who have benefited from what happened?

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Are apologies on the table? Who should apologise, to whom and in what format?

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Are assurances of non-repetition on the table? Who should offer them, what for, and how do we keep them to their word?

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How do our healing practices sit in this process?

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If someone shares their story, how will this process acknowledge and support it?

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How will this process care for the memory of their story, including how it's stored and shared?

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If this process ends one day instead of becoming an ongoing process, are there plans to continue care for truth-tellers and listeners after?

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## Justice

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What possible compensation or reparation could this process put on the table? Can there be more if this process hears more than it expects? Are there any strings attached?

What possible changes could this process put on the table? Can there be more if this process hears more than it expects? Are there any strings attached?

Who do we hold accountable for reparations and change during this process, and how?

How will this process contribute to a future where our sovereignty is respected, where we can self-determine, and share in Australian decision-making powers?

## Truth

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What is this process telling the truth about? Do we want it to tell or hear these stories? Is there more that it needs to cover?

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Whose truth is it? Who should tell it and who should they tell it to? How do we want it told?

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Is it the right time to tell the truth? Should this process be happening alongside something else? How does this process connect with our other work for justice and healing?

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Should this process look at existing records and documents, and seek evidence from perpetrating organisations or governments? Does it have the power to make them give evidence or documents?

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How will our truths be remembered and shared outside of this process?

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How can we make sure that we are not the ones under scrutiny in this process?

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Will this process let people share stories anonymously, in private, on Country, or in a specific place? Will it accept stories that are shared from a cultural or creative process rather than just written or spoken? How do truth-tellers want to be heard?

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Do we want this process to arrive at a single truth? If we do, how do we want it to decide what that truth is? If we don't, how do we want this process to hold these truths together?

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For non-mob seeking to engage in existing or new truth, justice and healing processes  
(run by anyone)

## Foundations

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What is this process?

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Why are we doing this?

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As truth is told, how will it be presented and shared? What is the end product?

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Who is the 'we' in this process? Who is running this process?

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Whose Country will this project take place on? How will this process understand and respect their sovereignty and the sovereignty of other Indigenous people involved?

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How does that sovereignty help answer these questions: Who will be able to access this information? Who will control how this process runs? Who decides what it hears and how?

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How do we balance the wellbeing of participants while acknowledging that it won't be possible to tell the truth without some pain? How will we know when we've struck the right balance? Is it different for different people (Elders, descendants)?

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How will this process change if we need it to?

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How will we be accountable for its impact?

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How can we make sure this process links to the present and future, as well as the past?

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How will parties with power in this process to make changes to stop these things happening again?

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If no party in this process has policy- or law-making power or resources, how will our process help stop these things happening again?

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## Healing

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What risks can we see for participants in this process?

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What risks can we see for those listening to this process?

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How will we try and prevent as much harm as possible in this process?

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What services and cultural practices can we link into to ensure mob are supported? How do we make sure that we don't put strain on community-controlled services? Are there resources to set up healing centres/programs specifically related to this process?

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How do we embed social and emotional wellbeing supports into the process? How do we make this process as safe as possible for survivors and descendants? How do we relate this process to beneficiaries, perpetrators or descendants?

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Are apologies on the table? Who should apologise, to whom and in what format?

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Are assurances of non-repetition on the table? Who should offer them, what for, and how do we keep them?

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How do First Nations healing practices sit in this process?

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If someone shares their story, how will we acknowledge and affirm it?

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How will we care for the memory of their story, including how we will sensitively store and share it?

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If this process finishes instead of becoming an ongoing process, what is our ongoing care for the trauma truth-telling hears about and may cause?

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## Justice

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What compensation or reparation is on the table? Can that expand if this process hears more than it expects? Are there any strings attached?

What changes are on the table for after the truth is told? Can they expand if this process hears more than it expects? Are there any strings attached?

Who do we hold accountable for reparations and change, and how?

How will this process contribute to respected First Nations sovereignty, self-determination and shared governance?



## Truth

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What are we telling the truth about? Can we look wider if we need to?

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Whose truth is it? Who should tell it and who should they tell it to?

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Is it the right time to tell the truth? Should this process be happening alongside something else? How does this process connect with other community efforts for justice and healing?

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Where else are we looking for truth? Do we have archival resources or organisations/government departments that may have documents relevant to us? If so, how can we get them?

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How will these truths be remembered and shared?

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How can we make sure that Aboriginal and Torres Strait Islander people are not the ones under scrutiny in this process?

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Will we let people share stories anonymously? Will we accept stories that are shared from a cultural or creative process rather than just written or spoken? How else can we share stories?

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How else will we hear the truths that people share with us?

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Do we need to arrive at a single truth? If we do, how will we know what that truth is? If we don't, how will we hold these truths together?

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## Acknowledgements

The Ebony Institute's Truth, Justice and Healing Project, of which this report and Framework is one part, is informed by:

- 60,000 years of excellence, wisdom and dreaming;
- hundreds of years of resistance and resilience;
- decades of activism and organisation; and
- the many tears and healing yet to come.

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We thank every person who spoke to us in the development of this report and Framework, and every person who gave us a submission.

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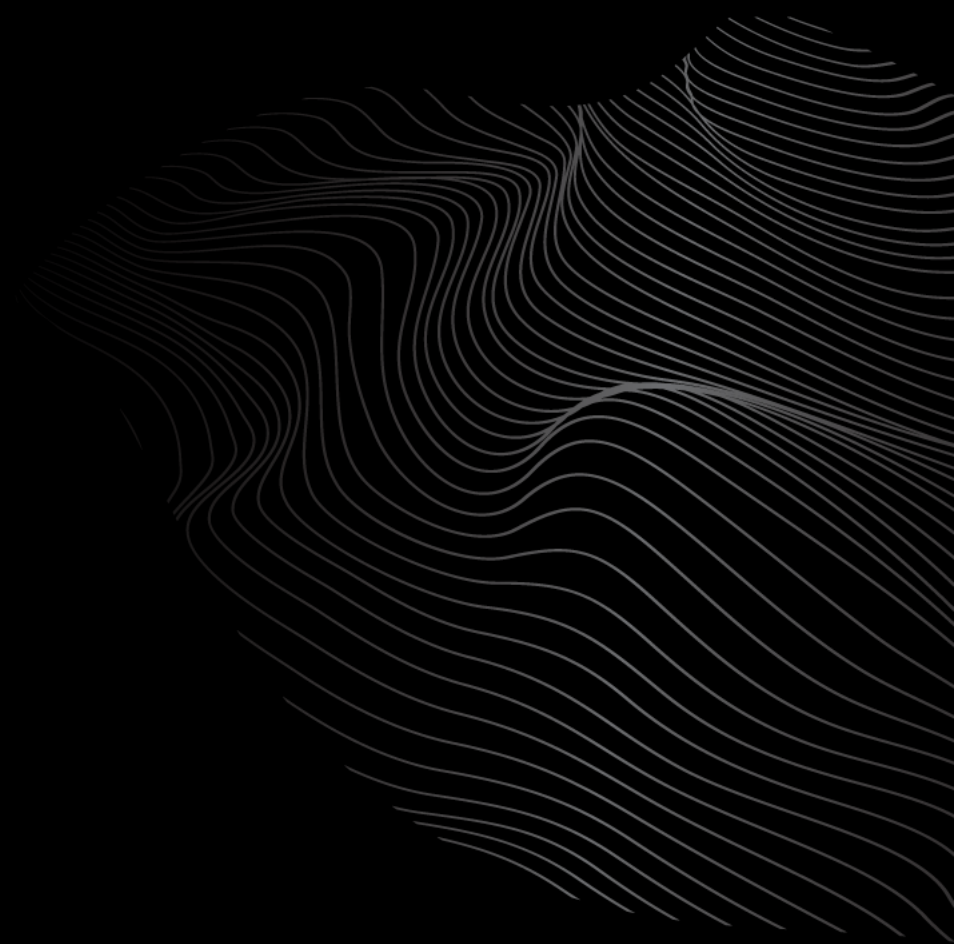
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