



Submission to the Inquiry into Truth and Justice Commission Bill 2024.

September 20, 2024.

Acknowledgement of Country

The Mental Health Lived Experience Peak Queensland (MHLEPQ) respectfully acknowledges and honours the Traditional Custodians of the Lands and Waters throughout Queensland. We thank the Elders—past, present, and emerging—for their wisdom and enduring strength.

We recognise that the legacy of colonisation has profoundly impacted First Nations peoples, contributing to unique and significant experiences of trauma within the mental health system. Colonisation has enforced systems of racism, stigma, and discrimination, leading to intergenerational social disadvantage and marginalisation. These historical and ongoing injustices have compounded the challenges faced by First Nations (Aboriginal and / or Torres Strait Islander) peoples, affecting their social and emotional wellbeing.

We acknowledge the enduring resilience and resistance of First Nations peoples in the face of these adversities. We respect their rights and autonomy to lead their own healing journeys, guided by their beliefs and traditional practices and connectedness to Country, family, and spirit. In honouring their wisdom and experiences, we commit to supporting their

self-determination and promoting equitable and culturally responsive approaches to mental health care.

Who are the MHLEPQ?

The Mental Health Lived Experience Peak Queensland (MHLEPQ) is an initiative funded by the Mental Health, Alcohol and Other Drugs Branch, Department of Health. Our organisation was created in July 2021 and moved to direct contracting with Queensland Health on January 1st, 2023 (formerly auspiced by the Queensland Mental Health Commission).

The MHLEPQ was established to provide advice and advocacy informed by people with lived experience of the Queensland mental health system with a specific focus on those who are socially disadvantaged and marginalised. Our work is based on the principles of equity, access, cultural safety, recovery, and human rights.

MHLEPQ is a member of the National Mental Health Consumer Alliance, where other state and territory consumer peak bodies meet to coordinate on shared issues, including issues relating to Commonwealth policy and government-funded services.

Recognition of Lived Experience

The MHLEPQ acknowledges and honours First Nations individuals who have lived with mental ill-health and suicidality, and who have experienced harm due to breaches of their human rights within culturally unsafe systems that they sought for support. We deeply respect the First Nations peoples who have persistently fought for Voice, Treaty, Truth and justice, and systemic change, advocating for their collective right to challenge the harmful impacts of these systems.

We are guided by the lived experiences and expertise of the MHLEPQ First Nations members, whose valuable recommendations have the power to create lasting change.

We are dedicated to advocating across Queensland for a human rights-based approach to the mental health system, ensuring it is both inclusive and responsive to the unique needs and rights of First Nations peoples.

Human rights statement

The MHLEPQ recognise the inherent right of First Nations peoples to be treated with dignity, protected from torture and cruel, inhuman, or degrading treatment, and to live free from discrimination and stigma according to their cultural determination. This right includes access to support addressing the social determinants of social and emotional wellbeing such as adequate housing, a clean and sustainable environment, and health services that are affordable, effective, and culturally safe.

Mental health is a fundamental human right and we are committed to advancing a just and equitable society where every individual can thrive, with particular attention to the unique social and emotional needs of First Nations communities. Human rights in mental health are both a constitutional and operational principle of the MHLEPQ and a central focus of our advocacy efforts. We examine the legal protections and policies affecting First Nations communities to ensure their rights are upheld and that they are not excluded or marginalised within the mental health system.

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Key recommendations

TRUTH AND JUSTICE COMMISSION ESTABLISHMENT PHASE	
1.	First Nations worldviews must underpin all aspects of the proposed Commission
2.	Actions must focus on the cultural shift to support the aspirations and cultural independence of First Nations peoples in Australia.
3.	Ensure truth-telling processes are designed with the principles of cultural safety; are trauma-aware and healing-informed. They must fully witness, hear and acknowledge people’s stories, and they must result in cultural change. They must be fully transparent about the connection to First Nations Community authorisation.
4.	Co-design guidelines and expectations for government’s involvement with truth-telling activities in partnership with First Nations communities that: <ul style="list-style-type: none"> a. Are representative b. Ensure fair access c. Consider First Nations’ entitlements d. Are human rights-based, and e. Allow for First Nations' self-determination and power-sharing.
5.	Build on the existing knowledge base and link to other contemporary and historical Truth and Reconciliation work in Australia and overseas, including: <ul style="list-style-type: none"> a. The ‘Yes’ referendum (Voice to Parliament) b. Uluru Statement of the Heart c. Productivity Commission’s review of the National Agreement on Closing the Gap (2024) d. Queensland’s Truth and Healing Inquiry e. Victoria’s Yoorrook Justice Commission (current) f. Aotearoa New Zealand’s permanent commission of inquiry, the Waitangi Tribunal, and the g. Aboriginal and Torres Strait Islander Commission (ATSIC) - established in 1990 and abolished in 2005.
6.	Consider amendment of the terms of reference “Appointment of members” (Part 2, 7) to include explicit recommendations about Commission membership:

- a. Representation must be diverse and inclusive, with some members identifying with high intersectionality.
- b. Members must have in-depth knowledge of how colonial racist ideology, laws and practices have underpinned Australian society and disadvantaged First Nations people since the first European settlers arrived.

TJC INQUIRY PHASE

1. **Community-authorized representation** must occur throughout the TJC. Partnership and connection with First Nations Communities must be transparent and visible. Engagement may require large groups with high intersectionality of gender, age, sexual orientation, Country and Nations, socioeconomic status, and lived experience.
2. **Examine and recommend the adoption** of all relevant international and national legislation specific to First Nations rights, including but not limited to the United Nations Declaration of the Rights of Indigenous People (UNDRIP), Indigenous Cultural and Intellectual Property (ICIP), and the Nagoya Protocol.
3. **Focus on the elimination of structural and institutional racism** and other determinants of ongoing colonisation through a structural critique that calls out the ongoing drivers of First Nations health inequity.
4. **Reform discriminatory policies and practices:** examine all social sector departments through an equity lens for ongoing racist structures, including discriminatory legislation, policy and programmes. Focus on the sectors with the highest First Nations inequities, for example, child safety and protection, criminal justice and healthcare.
5. **Inquire into the educational curriculum** to make comprehensive national curricula reform recommendations from primary through to higher education. Consider compulsory teaching of an accurate record of Australian First Nations and colonial history, including the impacts of colonisation and institutionalised racism.
6. **Consider support for community-controlled organisations** to establish culturally safe “one-stop-shop” comprehensive community hubs that will be a place where healthcare, cultural connection and celebration of significant days can happen.

7. **Prioritise cultural revitalisation and community engagement** as crucial for First Nations social and emotional wellbeing. Activities that celebrate Indigenous culture, dance, language, and identity should be designed in partnership with Traditional Owners.
8. **Inquiry deeply into** all social determinants of SEW and consider existing and novel affirmative actions on those determinants, for example, First Nations' homeownership through shared equity schemes and discounted home loans.
9. **Support the establishment** of relevant international and national legislation specific to First Nations rights, including but not limited to: UNDRIP, ICIP, and the Nagoya Protocol.

The MHLEPQ approach to this submission

An expression of interest invited First Nations MHLEPQ members to participate in a submission process to the Inquiry into the Truth and Justice Commission (TJC) by the MHLEPQ policy director (non-First Nations).

Participatory research principles were used, including but not limited to:

- A 'relationship first' approach
- Partnership and power-sharing with the people and communities most affected by the social issue
- Inclusion of multiple knowledges, perspectives and positions
- Prioritising diverse representation and intersectionality
- Collaboration on the submission, with participant's right to veto
- Power analyses of relationships, structures and systems, and
- Focus on political action.

A short relationship-building phase involved discussions with participants about the validity of various aspects of the process including engagement by a non-First Nations staff member; whether they felt the Inquiry process was worthwhile; and the suggested approach to consultation.

Members participated in individual interviews and were sent information including a "Working Together" document before our recorded discussions. The policy director held the interviews online, loosely aligning with 'narrative inquiry' methods. All participants received their written interview summary before themes were collated from all individual narratives into the final collective submission. All participants chose to be anonymised.

The organisational submission was drafted by the policy director, triangulating members' evidence with established First Nations knowledge bases and literature. The draft submission was sent back to the participants for their review, feedback and acceptability. Participants were advised that cocreating a collective submission meant representing their views more thematically than in their individual summaries. Verbatim participant quotes were included in the submission in green font.

The people we worked with

All three (3) participants identified as First Nations from different Countries and Nations across Queensland, including one (1) Torres Strait Islander. As members of the MHLEPQ, all identified as having a lived experience of mental ill-health, distress, and / or suicidality, while also acknowledging their different frames of reference compared with the MHLEPQs 'Western' concepts of mental health.

Their histories and experiences were varied, with all members describing the importance of understanding that there is no 'one First Nations perspective'; that deep respect for diversity and intersectionality were essential; and connection to Culture (including beliefs and traditional practices) Community, Lands and Kin were key to First Nations' Social and Emotional Wellbeing (SEW).

So you know, it's really big shoes that I have come to fill. And for me, I didn't grow up in Community or anything. I grew up in a white middle class household in Care.

All participants had vast experience working toward First Nations justice across multiple social sectors including, but not limited to criminal and youth justice; child protection and safety; and housing. Members had represented at all levels of government, in social sector departments, and on the front line of service delivery.

Introduction

I wonder what it would look like if we supported them [young First Nations people] to be able to go back home into Community and like actually cared about that connection to Country and Community in a way that was meaningful

The Mental Health Lived Experience Peak welcomes the opportunity to contribute to the Inquiry into Truth and Justice Commission Bill 2024 (the Inquiry) and agrees with the importance of continuing the First Nations' movement for self-determination and equity. We note the necessarily broad terms of reference required to address and rectify historical and ongoing injustices against First Nations peoples in Australia.

Australia is at a pivotal time in history to advance the rights of First Nations peoples. Many consider this time a period of post-referendum healing and momentum gathering to continue the work. There are many and varied First Nations perspectives about the pathways forward, but what is clear is that Indigenous rights must be placed front and centre and **acted on** for timely and meaningful progress toward First Nations equity.

Our peak body affirms the obligation of national, state and territory governments to partner with First Nations people with lived experience, and the crucial nature of power-sharing for impactful societal reform. The [Queensland Truth-telling and Healing Inquiry](#) was formally opened this week with the Ceremonial Healing that invited all citizens to listen and learn more about the historical and enduring impacts of settlers arriving in the state. We believe it is less important to ask whether everybody agrees with the Queensland Inquiry, because not everyone will. A more important question may be, “Why is the Path to Treaty in Queensland not assured in the face of a change of government?” First Nations rights in Australia must cease to exist as a political football.

First Nations people and communities experience health inequity and poorer SEW compared with non-First Nations people in Australia due to the historical and ongoing impacts of colonisation and intergenerational trauma.

I have always tried to stay active, and there was always a part of my brain, that even though I couldn't find love for myself on the day I was doing those horrible things, I always knew that someday I would be able to find some love for myself.

Systemic factors are major contributors to poorer outcomes for First Nations communities. These include governmental non-adherence to the principles of human rights including First Nations cultural rights to self-determination, and enduring Western-centric, racist and discriminatory

structures and practices¹. The participants believe that First Nations healing and justice are possible if the truth-telling processes are legitimate, new harm is prevented, and there is independent monitoring and accountability of reform activities.

This submission draws on the lived experience and expertise of MHLEPQ First Nations members and the Communities they connect to, describing many of the links between the broad determinants of First Nations SEW and the proposed Truth and Justice Commission. The participants who contributed to this submission have mixed feelings about whether the proposed Commission can contribute to the Path to Treaty / Voice to Parliament movement and First Nations rights more broadly.

What if we tell our stories and no one believes us? What if we tell our story and it makes things worse? Why are we telling our story? Is it for us? Is it for someone else? Will there be an outcome if we tell our story? Or will it disadvantage us in some way?

The MHLEPQ have authorisation from our members to offer “conditional support” for the Inquiry and request that participant recommendations be considered in-depth. Recommendations are supported by data and findings from organisations and inquiries such as the [Indigenous Mental Health & Suicide Prevention Clearinghouse](#), the Productivity Commission’s 2024 [Closing the Gap review](#), and the Healing Foundation’s [Make Healing Happen: It’s Time to Act](#) report at the beginning of the document.

The following sections are a summary of themes from individual interviews, under the three headings ‘overarching principles’, ‘broad system perspectives’ and ‘consider the process’. Members considered both the establishment methodology of the Commission, as well as what the broad focus of the Commission should be.

¹ Productivity Commission (2024). Review of the National Agreement on Closing the Gap. Study report, Vol. 1. Available at: <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report/closing-the-gap-review-report.pdf>

Overarching principles

1. **Worldview:** First Nations (Aboriginal and Torres Strait Islander) and multicultural worldviews frame this submission. There is no ‘single’ way of knowing and seeing and relating to the world in Indigenous ideology. Western worldviews do not work for First Nations peoples.
2. **Ongoing colonisation:** Colonisation is not historical. Australia is not in a post-colonial era, “we’re very much in the trenches of colonisation [...] it’s in your legislation, it’s in their policy, it’s in the practice”.
3. **Cultural shift:** a whole-of-society shift is required to support the aspirations and cultural sovereignty of First Nations peoples in Australia. This includes partnerships based on power-sharing and mutual respect for cultural identity and diversity.
4. **Human rights** frameworks must be embedded, including considerations relating to:
 - a. **Representation:**
 - i. Was the process representative?
 - ii. Were meaningful relationships formed with communities?
 - iii. Were common values and guidelines established for how First Nations communities were engaged?
 - b. **Access:** was it fair and equitable? Were the rights of those communities respected?
 - c. **Entitlements:**
 - i. Was a clear benefit obvious for the communities involved?
 - ii. Was the initiative community-led? Was the decision about whether the conditions were present for a safe process to share their stories made by the communities?
 - iii. Did the decision-making power for the outcomes of the project lie with the communities most impacted, with the potential for self-determination?

5. **Community-authorized representation:** appropriate partnership and connection with First Nations Communities must be transparent and visible.
6. **Common values, understandings and expectations** must be agreed between First Nations and non-First Nations peoples to establish a society that works for everyone.

With everything you do, ask yourself how is it looking after and helping Country?

7. **Valuing identity and diversity** supports respectful relationships and healthy boundaries: to each other, to organisations and institutions, and the environment.
8. **Truth-telling processes** must address the root causes of First Nations inequity, including the drivers of poorer SEW. Stress and trauma arrive for First Nations people because:

We are constantly compromising who we are [...] to maintain relationships with those people in positions of power and influence.

9. **Independent oversight and accountability:** systemic reform such as addressing institutionalised racism must be driven by an independent body with the power to investigate, recommend policy reforms and issue non-compliance notices. An evidence procedure that respects natural justice and jurisprudence should be resourced. All findings and recommendations should be publicly reported.

Broad system perspectives

1. **Political:** decision-making power and ideology continue to be dominated by Western models in government and across society. First Nations' sovereignty must not be used as a political football, which only results in tokenism or harm and uses taxpayers' money that could have been better spent in communities.

Why is the Bill being put forward by The Greens now? Is there an aspect of wedge politics to benefit The Green's position as they head into a 2024/25 Federal Election?

2. **Accountability of people in power.** The Federal Government is not on track to meet its obligations under the Closing the Gap agreement, a pattern that must be changed across governments. Commissioners Mokak and Siegel-Brown made four major recommendations in their Productivity Commission review², finding the progress overall as “insufficient”, including:
- a. Commitment to shared decision-making is rarely achieved
 - b. Government policy doesn’t reflect the value of the community-controlled sector
 - c. Transformation of government organisations has barely begun
 - d. Governments are not enabling Aboriginal and Torres Strait Islander-led data
 - e. Performance reporting provides only a partial picture of progress
 - f. Accountability for delivering on the commitments in the Agreement is lacking.

It is time for governments to be accountable for doing the hard work in partnership with First Nations Communities, or risk “performative allyship”. **Actions must speak for themselves.**

3. **Human rights:** strengthen existing conventions and legislation to support the necessary cultural shift to protecting traditional knowledge and culture. Consider related and relevant international and national frameworks such as:
- a. Indigenous Cultural and Intellectual Property (ICIP)
 - b. UNDRIP
 - c. The Nagoya Protocol
 - d. A National Human Rights Act as recommended by the Parliamentary Joint Committee on Human Rights Inquiry into Australia’s Human Rights Framework, notably the rights to culture
4. **Cultural safety** must underpin all activities including the establishment of the Commission and all work that comes from it. If Western, racist, and / or discriminatory structures continue to be

² <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>

developed for First Nations people without their authority, transformation will not be possible, and inequities will continue:

Law, policy and practice has been like used as a tool to further colonisation, and so things like having religious organisations delivering mental health services for First Nations people and communities probably isn't the culturally safe or appropriate thing to do.

5. **Partnership** between First Nations and non-First Nations requires extended phases of relationship-building and must be transparent about where the authorisation and decision-making powers lie.
6. **Support First Nations Social and Emotional Wellbeing** by addressing the social determinants of inequity, including but not limited to:
 - a. Addressing institutionalised racism.
 - b. Establishing culturally safe, community-based “one-stop shop” hubs, leveraging digital technologies and AI tools in alignment with Closing the Gap recommendations.
 - c. Nationally funded, First Nations-led educational campaign on the history and impacts of colonisation on First Nations peoples that continue to the present day, and the importance of social and emotional wellbeing initiatives.
 - d. Reforming the educational curriculum to include compulsory teaching of an accurate record of Australian First Nations and settler history and the impacts of institutionalised racism.
 - e. Strengthening government policy and resourcing of community-controlled organisations.
 - f. Supporting First Nations home ownership:

[...] initiatives should be tailored to the unique economic and social contexts of First Nations people, offering flexible and accessible pathways to stable housing. Stable housing is foundational to improving SEW, as it provides the security needed to engage with support services effectively

- g. Creating culturally safe workplaces.
7. **Community-led justice and recovery:** Increased funding and support for initiatives that address the over-representation of First

Nations people in the criminal justice system, with a particular focus on trauma and addiction recovery, are crucial. Initiatives must be culturally informed and involve restorative justice practices.

Recognising the deep connection between trauma, addiction, and the need for disability supports, the National Disability Insurance Agency (NDIA) should play a central role in designing and implementing these initiatives. This includes providing comprehensive disability support services that are tailored to the unique needs of First Nations people, ensuring that recovery is holistic and sustainable.

Considering the process

The participants shared their insights on the Commission's establishment and its principled approach throughout the life of the Inquiry.

They [consultation organisers] think representation is having like one person in a space for two people [...] well actually, if you were going to have First Nations representation that was actually representative of the Community, you would have a Sistergirl Aunty Elder. You'd have a Brotherboy Elder. So like two Spirit Elders, young people involved and then you'd go through every single intersection and two of all the age brackets or genders

1. **Commission methodology:** bring learnings forward from other truth-telling processes into the TJC if it is established. First Nations communities must take priority to decrease the chance of further harm:
 - a. Ensure full and diverse representation.
 - b. Decrease barriers to accessing support during the process
 - c. Remove barriers for First Nations people to share their story
 - d. Manage and prevent public misinformation / disinformation
 - e. Provide transparent information about who and where the concept of the TJC was derived and what the connections to First Nations communities were
 - f. Decrease the risk of harm to communities by securing bi-partisan support and refusing to use First Nations' matters as political footballs

2. **Member appointments to government:** there are issues concerning advisory committees being ineffective, becoming corrupt, or failing on their objectives. This is much more likely if diverse Community representation isn't present, and First Nations peoples aren't authorising the work.
3. **Partnership principles and co-design** must be applied during all phases of planning, implementation and evaluation. Engagement may require large groups with high intersectionality of gender, age, sexual orientation, Country and Nations, socioeconomic status, and lived experience.
4. **Build on existing First Nations knowledge bases** and lessons learned from other relevant work including:
 - a. The 'Yes' referendum (Voice to Parliament)
 - b. Uluru Statement of the Heart
 - c. Productivity Commission's review of the National Agreement on Closing the Gap (2024)
 - d. Queensland's Truth and Healing Inquiry
 - e. Victoria's Yoorrook Justice Commission (current)
 - f. Aotearoa New Zealand's permanent commission of inquiry, the Waitangi Tribunal, and the
 - g. Aboriginal and Torres Strait Islander Commission (ATSIC) – established in 1990 and abolished in 2005.
5. **There are large risks** to First Nations communities with truth-telling processes that involve conflict, legal involvement and further traumatisation.

These issues – using minority groups as political footballs – will cause harm. It's not a matter of if, it's a matter of when, and how much?

Foreseeing and mitigating risk to First Nations communities is an important task of Commission leadership and should be approached transparently with those communities. Findings from inquiries and research in other 'recently colonised' jurisdictions such as Aotearoa New Zealand and Canada, where First Peoples have

also experienced historical and enduring systemic harm across generations, will be important to connect to.

6. ***Protecting and maintaining stories and data*** with integrity is an important aspect of trust building, including data sovereignty.

Resources

1. Aotearoa New Zealand's Royal Commission of Inquiry into Abuse in Care and [Royal Commission of Inquiry](#) into Abuse in Care and Faith-Based Institutions, its [final report](#), [Redress](#) report, and [Māori-led reports](#).
2. Australian Institute of Health and Welfare [Indigenous Mental Health & Suicide Prevention Clearinghouse](#).
3. Canada's [National Centre for Truth and Reconciliation](#) at the University of Manitoba.
4. Healing Foundation's report [Make Healing Happen: It's Time to Act](#) (2021).
5. Truth and Reconciliation Commission of Canada's [website](#) and multiple reports including: [Honouring the Truth, Reconciling for the Future](#) summary report; [What We Have Learned: Principles of Truth and Reconciliation](#); [The Survivors Speak](#); and [Calls to Action](#).
6. Victoria's [Yoorrook Justice Commission](#) and multiple reports, including [Seed of Truth](#) (First Peoples' Assembly of Victoria), "Yoorrook with Purpose" [Interim Report](#) (2022), and the [Yoorrook for Justice](#) Report into Victoria's Child Protection and Criminal Justice Systems.

Communication

Future communication about this submission or associated matters can be made with:

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