



# ***COMMUNITY SUPPORT AND SERVICES COMMITTEE***

## **Members present:**

Ms CP McMillan MP—Chair  
Mr SA Bennett MP  
Mr MC Berkman MP  
Ms CL Lui MP  
Dr MA Robinson MP  
Mr RCJ Skelton MP

## **Staff present:**

Ms L Pretty—Committee Secretary  
Dr S Pruim—Assistant Committee Secretary

## **PUBLIC HEARING—INQUIRY INTO THE PATH TO TREATY BILL 2023**

### **TRANSCRIPT OF PROCEEDINGS**

**Monday, 17 April 2023**

**Brisbane**

## MONDAY, 17 APRIL 2023

---

**The committee met at 4.45 pm.**

**CHAIR:** I declare open this public hearing for the committee's consideration of the Path to Treaty Bill 2023, a momentous occasion in Queensland's history. I would like to respectfully acknowledge the traditional custodians of the land on which we meet this afternoon and pay my respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we are all so very lucky to share. I acknowledge my colleague Cynthia Lui, the member for Cook, as the first Torres Strait Islander member elected to any Australian parliament. I appreciate her collegiality, guidance and stewardship of our country over many years. I acknowledge those First Nations peoples in the room: Cheryl Buchanan, the co-chair of the interim treaty board, Katie Kiss and any other members in the room who are of Aboriginal and Torres Strait Islander heritage.

On 22 February 2023 the Hon. Anastacia Palaszczuk, Premier of Queensland and Minister for the Olympic and Paralympic Games, introduced the bill into the Queensland parliament. On the same day the bill was referred to the Community Support and Services Committee, a committee that I am lucky to chair, for our detailed consideration. The purpose of today is to assist the committee with its examination of this bill. My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. With me here today are: Mr Stephen Bennett, my esteemed colleague the member for Burnett and the deputy chair of the committee; Mr Michael Berkman MP, member for Maiwar; Cynthia Lui MP, member for Cook; Dr Mark Robinson MP, member for Oodgeroo—welcome to you, Mark; and Mr Robert Skelton MP, member for Nicklin.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard—thank you very much, Hansard, for staying behind tonight—and will be broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from the committee staff if required. All those present today should know that it is possible you might be filmed or photographed during the proceedings by media and that images may also appear on the parliament's website or on social media pages. If anyone has any issues with that, please alert the secretariat. I ask everyone present to turn mobile phones off or to silent mode.

Only the committee and invited officers may participate in the proceedings tonight. As parliamentary proceedings under the standing orders, any person may be excluded from the hearing at the discretion of the chair or by order of the committee. The program for today has been published on the committee's webpage and there are hard copies available from committee staff. I now welcome representatives from the Interim Truth and Treaty Body who have been invited to brief the committee.

**ATKINSON, Ms Sallyanne AO, Co-Chair, Interim Truth and Treaty Body (via teleconference)**

**BUCHANAN, Ms Cheryl, Co-chair, Interim Truth and Treaty Body**

**KISS, Ms Katie, Executive Director, Interim Truth and Treaty Body**

**LAVARCH, Emeritus Professor Michael AO, Board Member, Interim Truth and Treaty Body**

**CHAIR:** Ms Cheryl Buchanan, I acknowledge you as the co-chair of the Interim Truth and Treaty Board. Thank you very much, Cheryl, for your great stewardship of our country but also for your leadership of this very important moment in Queensland's history. I acknowledge Dr Sallyanne Atkinson, co-chair of the Interim Truth and Treaty Board. Welcome to you, Sallyanne. It is always good to have your presence and it is certainly wonderful to have your leadership and support on such a very important issue for all Queenslanders. Welcome to Emeritus Professor the Hon. Michael Lavarch AO, board member, and Ms Katie Kiss, Executive Director of the Interim Truth and Treaty Body. Thank you both for the work that you have been doing to progress treaty here in Queensland since 2019.

We greatly appreciate all the work that you have done to bring the bill to the point where it is today. We appreciate your leadership. We appreciate your insight. We appreciate your knowledge of culture, of traditions and of colonisation and its impacts on our First Nations peoples here in Queensland. I invite you, Cheryl, to make a brief opening statement, after which committee members, I am sure, will have many important questions. I am not sure whether Sallyanne has a contribution to make as co-chair, but we will leave you to manage that. We will hand over to you, Cheryl, and thanks again for your great leadership.

**Ms Buchanan:** Thank you, Madam Chair, and members of the parliamentary committee for the opportunity to provide additional insights into the Path to Treaty Bill 2023. I begin by acknowledging and paying my respects to the traditional owners of the land that Parliament House has been built on and to elders past and present and all First Nations peoples.

As you are aware, since the introduction of the Path to Treaty Bill to the Queensland parliament on 22 February 2023, the ITTB has been consulting with Queensland communities to support the community-led design of the First Nations Treaty Institute and the Truth-telling and Healing Inquiry. To date we have visited 14 locations across the state, conducting 24 community consultations including community yarns as well as targeted stakeholder meetings. A number of the ITTB consultations have been conducted in parallel with the committee's inquiry process. As part of our consultations we also took the opportunity to seek feedback on the bill. This has informed the ITTB's supplementary submission and our submission to you here today.

While the ITTB was central to co-designing the bill, this consultation process was the first opportunity for the ITTB to hear and listen to the views of Queensland's communities on the bill. While we were able to draw on community input provided to the Treaty Working Group, the Eminent Panel and the Treaty Advancement Committee, the limitations of government processes meant that the ITTB could not consult or test drafting with Queensland communities during the drafting phase or prior to the bill's introduction into the Queensland parliament. While it is clear there is overwhelming support for the bill and the creation of the First Nations Treaty Institute and the Truth-telling and Healing Inquiry—the primary structures advancing truth and treaty—the ITTB is cognisant of community suggestions to improve and refine the bill. Queenslanders know what is best for Queensland communities.

Based on the input provided by Queenslanders, the ITTB would like to recommend three crucial amendments to the bill prior to its passage by parliament. The first amendment deals with the need to make absolutely clear that the Queensland Police Service and local governments are subject to the compulsion powers of the inquiry. A critical component of truth-telling will be access to records and materials held by all government entities at all levels and the requirement that government produce documents and answer questions in response to the inquiry. To ensure this element of the inquiry is not limited, the ITTB recommends a minor change to the definition of 'chief executive officer' in schedule 1 of the bill.

The second recommendation the ITTB proposes relates to the term of the inquiry. The evidence and submissions provided to the committee argue that a term of three years is an unrealistic and insufficient time frame for the inquiry's operation. In particular, concerns have been raised that sufficient time be provided for the inquiry to establish trust within the community and to enable sufficient time for those wishing to present to the inquiry to prepare for their participation, including to prepare personally, from a trauma response and ongoing impact perspective but also in terms of accessing and organising relevant information to support their full, genuine and meaningful participation for what will be an important step in the truth-telling, healing and treaty process and in the experience of people whose lives have been devastated by the historical and ongoing impacts of colonisation.

Ensuring the foundations for this Truth-telling and Hearing Inquiry are solid from the outset is crucial in reframing the relationship in this state. Building trust is crucial to reframing the relationship in this state and sufficient time will be required to facilitate that. This was also evident in the arguments provided by the Yoorook Justice Commission, which has had its initial three-year commission time frame extended by 12 months. Given this, the ITTB recommends that the term of inquiry be five years, rather than three years, with a proviso that the inquiry report at the three-year mark to advise the government as to whether the additional time will be needed. This outcome will give the inquiry certainty that it has the time to do its complicated and demanding work and give the government surety that the inquiry is maintaining momentum and staying on track.

The ITTB has heard and listened to concerns about whether the compulsion powers of the inquiry should be extended beyond government. This is in recognition that private individuals and non-government entities, including faith-based bodies, have been key actors in the colonial history of Brisbane

Queensland. The inquiry is designed to be non-adversarial and culturally led and, by being so, seeks a model of cooperative and open participation of non-government bodies and private individuals to comprehensively examine and record Queensland's full history. The aim is to heal and build a shared community understanding of why First Nations experience continuing disadvantage and the reasons closing the gap is challenging and complex.

The ITTB remains of the view that this model is preferable to the involvement of lawyers and the formality of a royal commission, but the assumption of open participation and voluntary supply of documents and information will only become known after the inquiry commences. It is for these reasons that the ITTB is recommending that clause 87 be amended to expressly provide for the inquiry to report to the minister on the functions, operation and powers of the inquiry no later than 12 months after its commencement. This will allow the inquiry the opportunity to seek further powers if operational experience shows that they are needed.

The committee inquiry process has been a valuable opportunity to sample community opinion on the Path to Treaty and identify suggestions and comments on improving the bill. The truth and treaty process will not be easy and, as we all are aware, the bill is breaking new ground for Queensland. Invariably there will be differing opinions on how the bodies created by the bill—the institute and the inquiry—should be best configured and empowered. The ITTB believes that the bill should proceed to debate in May, as currently proposed, and that the amendments proposed by the ITTB will resolve any ambiguity as to the scope of government to be subject to the inquiry's compulsion powers. The additional time for the inquiry and the strengthened review points deal with core critiques of the bill. The ITTB reiterates the need for us all to have courage and strength on this journey and asks that the committee respectfully consider the recommendations made by the ITTB.

Madam Chair, we thank you for this opportunity and we thank you for your work with our communities, to hear their input and ensure their views are reflected in this history-making legislation. I would also like to take this opportunity on behalf of the board to thank all of those community people who have participated as we have gone around and done consultations. Thank you.

**CHAIR:** Thank you very much, Ms Buchanan. Similarly, the committee acknowledges and thanks the communities that we visited. We acknowledge the courage and we acknowledge the strength of the individuals who have begun sharing the truth around the past. It is a truth that our government and this committee believes should be afforded to every Queenslander. Every Queenslander should know the truth of Queensland's history. With the deputy chair's indulgence, I will turn to the member for Cook, Cynthia Lui MP, for her first question.

**Ms LUI:** Thank you, Chair, and thank you panel. In your opening statement you spoke about extending the time frame from three to five years. Do you think that will give the First Nations community enough time to prepare for the negotiation process and whatever? I am interested to hear your insights on lengthening the time frame.

**Prof. Lavarch:** We still are very much of the view that the inquiry should be for a set time, for the same reasons which were originally recommended that there be a three-year time frame. We are also very conscious that the first area of work for the institute will be negotiating with the government and fully developing the treaty-making framework, which will be the ground rules by which negotiations will take place. Realistically, one suspects there will be some years involved—and looking at the experience in Victoria—in developing the treaty-making framework. I think the two things will dovetail. I do not expect that there will be treaty negotiations commencing prior to three or so years after the institute is commencing. That probably would be the earliest, to be realistic about it. We have listened to the suggestions about extending the time. We think the additional time will allow communities to prepare and engage.

Equally, if there is an issue about the model and the argument about the need for the more extensive reach of the compulsion powers, that should become clear within the first 12 months. If people are saying, 'Look, talk to the hand. We don't want to engage in this,' and, 'It's going to be very difficult,' we are very much of the view that that will not be the case. We think people will wish to engage voluntarily in the process. If that proves to be optimistic, the additional time frame will allow that to be coped with and the inquiry still to progress. Then we have the safeguard that we are suggesting: after three years let there be a full report, and if it is not necessary to go to five years then let that be identified at that time. That balances up, we think, the various considerations.

**CHAIR:** Thank you. Sallyanne, did you have a comment there?

**Ms Atkinson:** No. I support everything that has been said. Of course, the statement that Cheryl read has been passed by the subcommittee, which Michael leads. He was so integral to the drafting. One of the terrific things is that we have been around talking to people and we have received feedback. You, your committee and the government have allowed for flexibility for the adjustments that might be necessary.

**Mr BENNETT:** I refer to recommendation 1 about changing the CEO for definitive clarity. I remember a submission, but I do not think it came from the floor at any of our inquiries. Is that something you were hearing with your inquiries? I always assumed that the police and faith-based organisations would be active participants.

**Prof. Lavarch:** Certainly assume that they would be active participants. The drafting process, I can say from our side—and I think from the government legal team as well, to be honest—very much assumed that the intent was that the Police Service, for instance, was going to be included and captured by the compulsion powers. In fairness, I do not think there was any thought on behalf of the police that they would not be included in that—equally with local government. The point was made, I think by the Human Rights Commission but by some others in the submission, that potentially it was too narrow and there was some ambiguity. That may not be the case, but we are saying: just to make it absolutely clear, just amend it.

**Mr BENNETT:** You are right: it was the Human Rights Commission. I recall that now.

**Ms Buchanan:** One of the things that has been raised is about the participation of the churches in this. As you are aware, when the DOGIT—deed of grant in trust—communities were formed, many of those were church-based. A lot of the atrocities and a lot of pain and grief that our people went through directly related to church participation.

**CHAIR:** When I read the bill—obviously the committee knows it quite well, as you do—it appeared clear to me that the Police Commissioner as the chief executive of the Queensland Police Service would be compelled to provide evidence to the inquiry. Are you suggesting more than the Police Commissioner? We do not tend to engage public servants—

**Prof. Lavarch:** No. I think the issue is whether the notion of a chief executive officer actually captures the Police Commissioner, because of the particular status and circumstances of that role. As I say, this is not about changing the scope of the thing; it was always intended by both sides of the co-design that the Police Commissioner and the Police Service would be in there. As I say, I do not think there is anyone lurking out there thinking in some way, 'You beauty. The police are out of it.' That is not the intent. If I were advising the committee, it would be just to double-check with Parliamentary Counsel. My understanding is that an amendment could be made that would be consistent with the frame of the bill which would completely end that suggestion that somehow the police were not being captured.

**CHAIR:** I appreciate what your recommendation 1 suggests. I appreciate what you are saying. Having worked in the Public Service for 28 years, in the last five years as an elected member of parliament, my understanding—and for me it is quite clear, because I have that knowledge of the Public Service—is that the Police Commissioner is a member of the executive of government and that the Police Commissioner is compelled to provide evidence on behalf of the Queensland Police Service. Thank you for your feedback around particularly 1. The other aspect was the local government entities. The Public Sector Act indicates that local government is not an entity under Public Sector Act. Do you want to speak to the local government entities?

**Prof. Lavarch:** Again, as we said in our original submission, the co-design was genuine and had good intent, but it had some limitations. One of the limitations was that it was a closed process; there was no chance to say, 'Have a look at this, please, and make sure that we have the drafting right.' No exercise like that was allowed. From the ITTB's input into the process, we understood that the outcome was that local government was to be captured. If the drafting outcome is not achieving that, we would suggest—again, I think that has come up a couple of times in comments—that you double-check with Parliamentary Counsel. If it is rephrasing that particular part of the definition and the like, just do that in order for that clarity to be provided.

**Dr ROBINSON:** In terms of what that captures, you mentioned church groups. Where do you draw the line with that when you are talking about private organisations—for example, pastoralist groups that worked alongside of government? It is more the concern of how wide this will become.

**Prof. Lavarch:** We are not proposing that the scope of the compulsion powers at this point goes beyond the discussion we have had about government. Government as understood—the state, the police or local government—is within the range of the compulsion powers. We are saying in terms

of the faith-based church: do not do that at the moment. Do the report after the 12 months. See if the model as designed is working effectively. Our understanding and expectation is that the church groups and broader community will engage in it very openly and in a full way. Only if that is proving not to be the case, within the 12 months just strengthen that review point in clause 87 so that there is a specific report then coming back to the minister and through the minister to the parliament to say, 'Unfortunately, it has not quite worked out as we hoped it would.' There needs to be at that time consideration of expansion. We are not suggesting it now. All we are suggesting is the strengthening of the review point after 12 months, just to test that the model as anticipated is actually delivering.

**CHAIR:** Should there be provision for a review 12 months after the commencement of the inquiry to ensure the powers of the inquiry, do you see that that recommendation would capture the Police Commissioner and the local government entity as well?

**Prof. Lavarch:** No. We think that should be clarified now as an amendment to the bill at this point. Effectively, that goes to the definition provision around 'chief executive officer'. You would deal with it in looking at schedule 1, where the definitions are contained, because that is capturing or describing who is within the compulsion powers. The second thing—unrelated to the police and local government—is: after 12 months let us just reflect. Has it worked out the way we were envisaging? Do we have good, open participation in it? Is the lack of the compulsion powers proving to be a barrier in its being effective? If so, revisit it at that point. We would like the model to be given a fair go. We did not want a royal commission. We did not want lawyers at 20 paces and the like. We wanted a different sort of model to emerge. We are very hopeful that that will work effectively, but some people have raised concerns. Let's just test it. We will not know until we have operational experience. Twelve months really should tell the tale.

**CHAIR:** Thank you, Professor Lavarch, Dr Atkinson, Ms Kiss and Ms Buchanan. We appreciate your intellect. We appreciate the knowledge that you have of the bill and the work that you have put into this process. We look forward to continuing our journey to a Path to Treaty for all Queenslanders. We acknowledge the tremendous benefit of that journey for every single one of us. We appreciate the great work that you have done and certainly the collegiality that you have shown. Thank you very much for appearing before us tonight. We wish you well and look forward to seeing you again soon.

**BAUWENS, Mr Shannon, Toowoomba Traditional Owner and Toowoomba LDMB member (via videoconference)**

**CRUMBLIN, Ms Kerry, Community Aboriginal Community Health Organisation Cunnamulla and Forum Member (via teleconference)**

**FARD, Mr Rouz, UniSQ and Forum Member (via videoconference)**

**GREGG, Mr Matt, Principal Stakeholder Relationships Officer, Office for Rural and Regional Queensland, Department of the Premier and Cabinet (via videoconference)**

**HIMSTEADT, Ms Leonie, First Nations Community Member (via videoconference)**

**JUDGE, Ms Louise, Chinchilla Community Centre Manager and Forum Member (via videoconference)**

**KELLER, Ms Charlene, Red Cross Regional Manager and Forum Member (via videoconference)**

**LAWTON, Ms Kelly, Private capacity (via videoconference)**

**PATTERSON, Ms Rachelle, Chief Executive Officer, Lifeline Darling Downs and QCOS Board Member (via videoconference)**

**RIX, Ms Jenny, DDSW Director for Regional Development Australia (via videoconference)**

**ROWE, Mr Charlie, General Manager of Community Outreach, Carbal Medical Services, Recognised Person on the Murri Court Panel and Toowoomba LDMB Member (via videoconference)**

**SMITH, Ms Kirstie, Criminal Lawyer, Aboriginal & Torres Strait Islander Legal Service (via videoconference)**

**VENABLES, Ms Kate, Chief Executive Officer, Catholic Care DDSW and Toowoomba Chamber of Commerce Board Chair (via videoconference)**

**WARD, Ms Raylene, Chairperson, Goolburri Community Health; Researcher and Lecturer, UniSQ; and Chairperson, Toowoomba Local Decision Making Body (via videoconference)**

**WENITONG, Mr Adam, Adapt Mentorship, Black Coffee and Forum Member (via videoconference)**

**ZITA, Ms Binge, First Nations Community Member (via videoconference)**

**CHAIR:** Welcome. We certainly appreciate the great lengths you have gone to to create this opportunity. We are very sorry that we were not able to visit the Darling Downs. As you know, we did our very best to get to as many communities across Queensland as we could. Time is always of the essence. I acknowledge how important every single community is here in Queensland, but there are certainly limitations on all of us. My apologies.

I respectfully acknowledge the traditional custodians of the land on which you meet and the land on which we meet. We pay our respects to elders past, present and emerging. I would also like to acknowledge the traditional owners of the Darling Downs and South-West Queensland communities. They are very important and valuable to us and to our Queensland community.

I wish you all a good evening. Thank you so much for being with us tonight and, again, thank you for your immense organisation to bring together your communities to talk to our committee. We would love to have been there in person, but this I guess is the second-best thing. I invite you to make a brief opening statement, after which our committee will have many important questions for you. We look forward to hearing your contribution and receiving your feedback about the bill.

**Ms Ward:** Thank you for the opportunity to present from a First Nations, grassroots and community perspective. I would like to acknowledge the traditional custodians of the land and waterways from where we originate and participate as First Nations people. I would like to pay my respects to our ancestors who have paved the way for us. I pay my respects to those who are no longer here and to those who are present in our community.

I am a proud Aboriginal Kunja woman and a traditional owner of Cunnamulla and surrounding areas on my late grandfather's side and my late grandmother (indistinct) elder from South-West Queensland. I have been an Aboriginal nurse for more than 30 years, hospital and university trained, and I originate from the south-west. I have seen many changes in not only my community but also many others affecting the people and I continue to see the impacts. I have listened to the stories demonstrated through the determination of my late grandmother, who advocated for many Aboriginal and Torres Strait Islander people.

Through my grandparents' tenacity to achieve native title, the Kunja people are now officially recognised as rightful people of the land. It took 26 years to gain that recognition, and they have not seen that. I have been in the university sector for over 15 years, graduating with three degrees—a passionate one in Aboriginal suicide. My research is Aboriginal-led, community driven, undertaken independently—funded and commissioned research in the area of suicide. I remain a strong advocate in ethical research and conduct with First Nations people in both leading and reviewing research projects as a member of a human research ethics committee.

I am looked upon to support non-Indigenous people and organisations in understanding history and contemporary perspectives of Indigenous people on all issues. In my current role as the lead knowledge broker, First Nations engagement for the Southern Queensland and Northern New South Wales Drought Resilience Adoption and Innovation Hub at USQ, I advocate and engage First Nations people and traditional owner groups and rightful people, ensuring their perspectives, knowledge and participation are integrated by leading knowledge-sharing drought responses. My networks and relationships are longstanding, meaningful and effective with Indigenous and non-Indigenous people and are highly respected in the Aboriginal community controlled health sector.

Under the UN Declaration on the Rights of Indigenous People, which Australia endorsed in 2009, Aboriginal people have the right to self-determine and to be compensated for the wrongs imposed upon them. Through the deliberate negotiation of a treaty, our rights can be fully realised. We can work through our painful history and we all can move forward as a nation with peace and justice. As a treaty is a legally binding outcome of a negotiation, it acknowledges Aboriginal people as the first and sovereign people of this land, to have self-governance over our own affairs to have economic independence and to have land.

Australia is the only Commonwealth country without a legally binding treaty with its first people. A treaty would provide an opportunity for First Nations people and the Australian state to speak to one another, not only in Queensland but also across the country, for the first time as sovereign to sovereign. It would radically reshape the relationship between First Nations people and other Australians, beginning with an acknowledgement of a simple truth: sovereignty of this land was never ceded.

A treaty is ultimately a peace agreement. Until sovereignty is recognised, there can be no lasting peace. Without a treaty, the many injustices suffered by Aboriginal people since the First Fleet cannot be properly addressed. The invasion of this country is the first and fundamental injustice that occurred on this continent. It is a deep and enduring stain on this nation. A treaty will make Australia more equal, just and peaceful and therefore more united and cohesive.

There have been many years in the making of referendums and councils that have undermined Indigenous sovereignty and treaties. This would not be the first time this country has considered the importance of a treaty as a means of achieving justice for First Nations people. It has been over 30 years since the Hawke Labor government adopted as its official policy support for a treaty between the Australian government and the Australian Aboriginal and Torres Strait Islander people and committed to a negotiated treaty after being presented with a document known as the Barunga Statement. In this statement, First Nations people called on the Commonwealth parliament to negotiate with us a treaty, recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom. Unfortunately, this did not eventuate, with successive government parties delaying the treaty process and sabotage.

Over time, the commitment to acknowledge the sovereign rights of Aboriginal people through a treaty and government proposals to achieve justice for First Nations people have become less ambitious. Treaties must first be achieved by a truth-telling process that fully reveals the extent to



which Aboriginal people have suffered and continue to suffer since the First Fleet. These can be addressed. A treaty and a truth-telling are needed to make sure any changes to the Commonwealth Constitution—from what I hear from people at a grassroots level—occur state by state and in the territories rather than in legislation. We have already seen the watering down of the original plans for a Voice to Parliament and being noncommittal on constitutional recognition. The denial of a treaty for First Nations remains an injustice in this country. It denies us land, the means to achieve economic independence, self-governance and proper freedom to live in accordance with our culture and even proper recognition of our identity.

The priorities for inclusion in treaty negotiation should be led by Aboriginal and Torres Strait Islander people. We need to reconceptualise and define Aboriginal sovereignty. It needs to be understood by the broader community that it is not a threat to state sovereignty but in fact enhancement of that sovereignty and something that is mutually beneficial. Making consistent, committed efforts in listening to First Nations grassroots communities is the key in the demand for justice, mutual aids, community education and solidarity—more than a Voice to Parliament. We need to: listen directly to Indigenous communities that have always been expressing their truths; learn to prioritise the humanity, rights and the demands of Indigenous communities and organisers over the white status quo and racist opinions; and understand that true sovereignty would not require a settler colonial government advisory board to seek on behalf of and attempt to represent over 300 nations or less than in the state of Queensland. First Nations people have always had their voice and sovereignty and have never had this ceded. Thank you very much.

**CHAIR:** Thank you, Ms Ward, for that great contribution. While I was sitting here listening to you, I could not help but think how eloquently you spoke about some horrendous aspects of Queensland's history and certainly the history, both politically and otherwise, of our country. You did it with such eloquence, so thank you very much for your contribution. I know that I, as well as, I am sure, other committee members, learned so much from your words. Thank you sincerely.

Before I ask the Chinchilla community to begin with a brief opening statement, I acknowledge our Cunnamulla community who have had trouble dialling in tonight. I know that they are watching on the parliament TV. Our apologies to the Cunnamulla community. I hope that we can connect soon. I will turn to the Chinchilla community for a brief opening statement. Then I am sure the committee will have some questions for you all.

**Ms Judge:** We are not actually able to make an opening statement. Our representative was unable to participate, so we are here to value the importance of these proceedings but not to add at this point.

**CHAIR:** That is fine. Thank you for letting us know. If you have any contributions throughout, just indicate to me and I will be happy to turn to you to respond to any of the questions that the committee may have. With the indulgence of our deputy chair, I will turn to the member for Cook, Cynthia Lui, who will ask the committee's first question.

**Ms Lui:** Thank you, Ms Ward, for your opening statement. I really appreciate your time with us this evening. Given that Queensland is such a vast state, with First Nations groups scattered right throughout the state, do you have any insights into how we as government make sure that all voices are heard?

**Ms Ward:** Looking at the history and teaching the history to largely our non-Indigenous population here in Toowoomba, I have learned a lot through interactions and conversations with not only non-Indigenous but also my own people. What I hear from them is that they want to have their own sovereignty around their nation groups. They want to be able to self-determine how their input is fed back through any processes regarding the treaty. They are very much in line with their cultural protocol, their Aboriginal lore—making sure that history is recognised and put into this historic moment from each First Nations group. We need to be able to facilitate and make sure they lead the decisions and also decide what it looks like hereafter, and that it is not coming from other perspectives.

**Ms Smith:** I think you have already covered some of answering that question in the objectives of the treaty bill. There is already discussion of the institute's establishment and how that would be formulated and who would sit on that, and that goes a lot to ensuring our own people's voices are heard. I think it is unrealistic to expect that any one community speaks as one voice, let alone all of the communities across Queensland—that any community at all in the world speaks as one. There is a lot of discussion particularly in the media at the moment about Aboriginal voices not being united. I think that is unrealistic, that the institute would provide a space that is culturally protected and supported for those voices to be heard and negotiations to happen in community and then amongst communities before it makes it to government.

**Ms LUI:** The leading question from that is: how do you suggest that would happen with community, and how do you propose that would happen with the treaty institute? With regard to getting communities treaty-ready, there has been some body of work happening up until this point. Once we pass this legislation, it will set up the treaty institute as well as establish the healing inquiry. Some of the feedback from community has been around how we get community treaty-ready to start this negotiation process when we start implementing this initiative. Do you have any thoughts or ideas that you want to contribute here today on how we could possibly get communities ready to take this journey with us?

**Ms Ward:** I have read the documents which outline the objectives around where to from here and reference to the institute. We welcome the engagement and consultation efforts that have occurred so far across the state, but I truly believe that we need to do more across Queensland to engage and hear the stories from specific individual groups that we cannot represent here and speak on their behalf.

**CHAIR:** I will turn to the deputy chair, who I am sure has a question. After that question, I know that Mr Rowe and Ms Smith would like to make a statement as well.

**Mr BENNETT:** In the interests of the hearing and the effort that has been put in by the communities, I am very happy to deflect to Mr Rowe or some of the other participants to make their contribution. This is about listening to you as well—less of us, more about you. I will let Toowoomba or Chinchilla speak for themselves.

**Mr Wenitong:** Just getting back to that last question about consultation (inaudible) each community needs that connection to the institute. What is their role within each community? There are already services in this group that could distribute that information. From talking to a lot of people on the ground, there is not enough information out there. I think the community's already existing services and organisations can be utilised. It will be up to the institute to engage us guys so we can feed that information out. My biggest fear is that there is not enough information out there for the people on the ground, the people we work with. They do not understand what Path to Treaty is and they have not had an opportunity to have that conversation within our community, with us as service providers and as community members. There is a 'yes' and a 'no', but they do not know which way to go because they do not know all of the facts. I think it is up to the institute to engage us on the ground in each community. There are community organisations willing to distribute that information, both Indigenous and non-Indigenous. I just think it is about those guys finding them.

**CHAIR:** Thanks, Mr Wenitong. We will turn to Charlie.

**Mr Rowe:** Thanks for the invite to talk about what I do and who I am as a person. I am a proud Kamilaroi man. My grandfather is a proud man from a little mission called Toomelah in northern New South Wales. We are proud Kamilaroi. I have been working in this community now for 11 or 12 years. I am all about giving our mob or peoples a voice and that self-determination. I think this aligns with the Path to Treaty—that it is all about giving our people the chance to have a voice and speak about what their concerns are, about what they are going to put forward to the government, about their say in a treaty. There is a lot of trauma that is still passed on in generations around the colonisation of Australia, and it is very hard to work with these guys because it has given them the understanding and education about what happened when the removal happened, the stolen generation and so on. Thank you again for allowing me to speak and put my thoughts across.

With the consultation, I agree with these guys here. There needs to be more education out there about what this actually means for our people. We have to put our heads together and work out how we do that so that the people in this community can sit down and have the confidence in a cultural, safe way to have their voice listened to. I think the very important thing after that is the feedback that our community gets. I know we have had consultations around Path to Treaty once before here in Toowoomba, and I have not heard anything back from it. Feedback would be wonderful.

**Ms Smith:** In terms of the practicalities, you have already reached out to communities. You have already got links with people and people who have come and spoken and presented, so you do not need to reinvent the wheel. You have already started consultation processes and those can be used in ensuring that links are made with different communities to then have a voice within the institute. I think that process has started.

Obviously, there are a lot of people who would like a bit more opportunity to speak or more information, but I think this is the start of getting that all underway. So we need to protect those objectives and make sure they are followed through, not just in the institute but obviously in the truth-telling. That will then also link you in with new communities, new members, who may not have felt comfortable linking in with government directly but may come along to the truth-telling part and have

their voice heard. That can then be fed through the institute and used in various ways perhaps by people who are comfortable and willing to give us that information. In terms of actually linking in different communities, I think you have started that process already so I would just keep going.

**CHAIR:** Thank you for your encouragement, Ms Smith. We do appreciate that. As I said at the start, it would have been ideal for our committee to be able to travel to every square metre within our state, but, as many of us understand, this state is incredibly vast, diverse and decentralised. Even to get from location to location requires a lot of driving and flying back and forth to reach every one of our remote locations, but we certainly value the importance of every community and its peoples, particularly our First Nations peoples across our vast state. Did anyone in Chinchilla wish to make a comment at this stage?

**Ms Judge:** No, thank you.

**Mr BERKMAN:** We really appreciate you being there, as has been said. It is a shame we cannot speak in person but I appreciate you taking the time to come online. You are familiar enough with the bill to know there are two key parts: the institute and the inquiry. With the inquiry, the bill does not provide any details around the terms of reference. Those are yet to be developed by the minister. I am interested to hear your thoughts on what you think are the most important features of those terms of reference. What is absolutely essential in your minds to make sure that inquiry does the job that we would hope it does in painting the full and sometimes really uncomfortable and troubling past of colonisation in Queensland?

**Ms Ward:** I am happy to start. When we are referencing the objectives and what the Path to Treaty will look like, I think the terms of reference should speak to those as well, and also that we should give communities and the whole state the opportunity to determine who sits on the institute. I think locally some of those terms of reference should include making sure there is proper engagement, that there are alternative processes rather than just face to face, that the committee can engage locally. I think having an ongoing process of open, transparent communication should be one of the key terms of reference.

**Mr BERKMAN:** I am interested in anyone else's thoughts.

**Ms Smith:** I think it is important for community that there is a space for discussion around past events, present realities and future hopes. I also think there needs to be space within the terms of reference that make it clear where the institute or where the groups of people in that institute have relevance when it comes to new legislation or what they will have input into. It needs to be clear, because we need to know where we have a say. It is just going to set people up with an expectation that they are going to have a say in everything if it is not clear. It will create more bad blood, in my view, if it is not clear that this is why the institute is here and this is what they will have a say in or have a view on or be consulted about.

I said that there needs to be space for discussion around the past. That needs to happen in order to then move on, but I do think it is important that the reality for people right now—and you have already referenced the fact that Queensland is quite large—if it is impossible for us to get to places to get their views, it is impossible for those spaces to have any technologies that are required for closing the gap, for example. There is a lot of space for change and recognition that those gaps still exist. It does not need to be covering off on the past. I think it is clear to have some scope for moving forward.

**Mr Rowe:** I think, as with everything, when you come into consultation with the community there should be terms of reference around what protocols we need to follow—who to organise, who to yarn with—and to seek advice on who you get around the table. I think every community has protocols around how to do that, especially when you are dealing with our mob.

**Mr Wenitong:** I echo my brothers' and sisters' words. I think it is utilising who is in the communities. We are doing the job in the community now, so utilise us. We have the connections. Also, it is about creating that safe space where we can have those uncomfortable discussions. In that space there has to be some support around it, because you are asking people to bring up those memories again as well. It should be part of the terms of reference to have some support around that, to have safe spaces and to utilise connections in our community as they stand at the moment.

**CHAIR:** Mr Wenitong, just to pick up on your point around creating a safe space, we were in Inala this morning on our way to Parliament House. The issue of culturally safe spaces came up quite a bit. We recognise as a committee, as a government, that the Interim Truth and Treaty Body has done a lot of the groundwork in preparing the bill. We recognise the importance of having a culturally safe environment and context, particularly through the Truth-telling and Healing Inquiry. It will be

incredibly hurtful and traumatic for our First Nations communities and people, and also for many of the non-Indigenous communities and people who have worked in government or alongside government over many years. There are many people who have committed their life to public service who have seen some atrocities through the colonisation period. Can you talk to the committee about some of the characteristics of a culturally safe environment or a culturally safe space? Could you talk us through that a little bit?

**Mr Wenitong:** I think for the safe space you have to have people in there who know what they are doing and probably have that lived experience as well. Those of us sitting in this room have these safe spaces. We already work in these safe spaces. It is about using each community and using the resources and the people within our communities to create those spaces as well. Every community is different. There are different cultures and different mobs in each community, so each space is going to look different. It has to be tailor-made for each community. That is why we need people on the ground to tell us what they need. Hopefully that answers your question.

In our service delivery, every day we try to create these safe spaces. As I said before, the institute needs to come and talk to us in each community. Then we can get the ball rolling and put those steps in place—to have those levels of support and that information out there. Each community has people in it just like all of us who are ready to help and be part of the process. I think it would be a community-by-community question.

**Ms Smith:** Safe spaces do not need to be created. Safe spaces do not need to be built or made by placing flags around the workplace. We have those spaces. We make them because of who is there. I meet with people in my office, which is an institutional building that is scary, but it is still a safe space because of who is there. I think particularly for the people in Inala—if that is clearly an issue that has to be addressed for their community, they need to have those people who form those places that are safe. Perhaps there are practical reasons that is a really big concern for a number of the places that they need. For us here, we have many culturally safe places that could be suggested as meeting places that we already use, depending on how many people are meeting.

**CHAIR:** Our thanks go to people like Ms Ward and our academics in Queensland and right across Australia. We have some great research around trauma informed practice, which we know is starting to permeate through our education systems, through our health systems et cetera. We have that tremendous body of research now that is building around what is trauma informed practice and how we can best cater for and support those who have endured, in this case, 235 years of trauma through colonisation.

**Mr BENNETT:** Adam mentioned a lot of things about consultation. Has the interim body discussed this with anyone on the Downs, to your knowledge? Has there been any work done that you are aware of?

**Ms Ward:** No.

**Mr BENNETT:** That is interesting. They have been in operation since 2019. We are trying to gauge—this bill has to be put in place before we start. Thanks for that feedback.

**Ms Ward:** If I may, I would like to add to the last question around cultural safety with some of our learnings and teachings here at USQ and also the need to support non-Indigenous organisations to better work with Aboriginal and Torres Strait Islander people. With cultural safety that we deliver here within some of our courses at USQ, but also within the local community, we have been able to adapt some of the learnings and the teachings from New Zealand, because that is where cultural safety originates from. It is not only about making sure our people are safe when retelling their stories but also about supporting non-Indigenous people in having those conversations and how to ask a particular question.

**CHAIR:** Thank you, Ms Ward. It is interesting, because we have spoken a lot throughout our hearings about the fact that many of our First Nations people are not aware of their history. Their history has been lost for whatever reason. We have also heard from a number of non-Indigenous people throughout the course of the consultation around the bill that they were never informed. Their knowledge of our history does not exist. There is that absence of knowledge and therefore that lack of being informed. You do not know what you do not know—that is what I am trying to say. We really appreciate your time. We have time for one more question.

**Mr SKELTON:** My question is a logistical one. We always talk about the tyranny of distance and getting messages out to the most remote parts of Queensland and also making sure those messages are on target for the audience so that they understand what we are trying to achieve. Obviously we can use the local communities on the ground, but what about having some sort of

concerted campaign through local community radio stations? As we have already heard, there is no signal and digital media is patchy. Some people are not even able to use digital media. I would be interested in your feedback on that. Would that be a useful way of promoting the consultation and what it actually entails?

**Ms Ward:** Certainly through that kind of media that is something we do at USQ. With the vastness of the Darling Downs south-west, we have media avenues where we can get key messages out. As an example, we have a radio station in Charleville. We have one in Cherbourg. We have them located around different areas. Radio is one way of getting messaging out. I think it is also about tapping into the key people who live and work in those communities. We can sit at a computer and think we know who is who in the zoo, but it is not until you are actually in the community that you understand the dynamics and who are the right people are to speak with. That is my experience.

**Ms Smith:** I think the radio suggestion is useful. A lot of communities already have some of those stations in language as well. There is that avenue available. I think the ABC has things like 'Little Yarns' that are played on some of those local stations as well. There are podcasts. They might not be strictly available but, if you tap into some of these podcasts that are already available that are created by our community, they can also be played through those radio stations.

**Mr SKELTON:** Thank you. That is a comprehensive answer. Being a fellow firey, I want to compliment Mr Wenitong because he is wearing a shirt with crossed axes on it.

**CHAIR:** There are no further questions. Ladies and gentlemen, thank you for taking the time out of your busy Monday night to spend time with the committee. We are really encouraged to see so many of you in the room and so many of you engaged in this really important process. It gives us great hope of the journey that will come for us as Queenslanders but, most importantly, the journey that we hope will result in a better 235 years in the future than the past 235 years. We really do appreciate your engagement and the level of commitment that you have shown, the level of interest and your contribution, both academically and from a perspective of the work that you do on a daily basis to support your local people. Thank you immensely for your time tonight.

Please remember that this is just the start of the consultation process. It is phase 1 of the bill to a Path to Treaty. There will be more iterations. There will be more consultation and more opportunities to engage, to frame and to shape the work of the institute, as well as what the Truth-telling and Healing Inquiry will look like. There will be many opportunities to engage in the coming months, if not years. We are really encouraged to be working with you.

Thanks again for all that you do to support local First Nations peoples in Toowoomba, in Cunnamulla and in Chinchilla. They are the richer for your work, so thank you for the great job that you do and for the service you give to your local communities. The government and the committee very much appreciate all that you do. Thanks again for your time.

That concludes this hearing. On behalf of the committee I would like to thank all who attended tonight. Thank you to our Hansard reporter for giving up their time after hours. We do appreciate it. A transcript of these proceedings will be available on the parliamentary webpage in due course. I now declare the public hearing closed.

**The committee adjourned at 6.02 pm.**