



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

**Members present:**

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

**In attendance:**

Hon. SJ Stewart MP  
Mr N Dametto MP

**Staff present:**

Ms L Pretty—Committee Secretary

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

### **TRANSCRIPT OF PROCEEDINGS**

**Wednesday, 22 March 2023**

**Townsville**

## WEDNESDAY, 22 MARCH 2023

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**The committee met at 3.10 pm.**

**CHAIR:** Good afternoon. I declare open this public forum for the committee's inquiry into the Path to Treaty Bill 2023. I am going to now ask Ms Linda Saltner to give a welcome to country. Thank you, Linda.

*Ms Linda Saltner then gave a welcome to country.*

**CHAIR:** Thank you very much, Ms Saltner, for that welcome to country. It means a lot to our committee and to each and every one of the members who make up our committee. I also acknowledge Ms Saltner's mother, Aunty Virginia Wyles. It is nice to have you here, Aunty, and thank you for your contribution. I respectfully acknowledge the Wulgurukaba people and thank them for having us on their land. I also acknowledge the Bindal people and other Indigenous groups who live here in Townsville.

I acknowledge all of the elders who are in the room this afternoon and I also acknowledge those who have passed before us and sincerely thank them for their careful custodianship over countless generations of the lands, winds and waters that we are all so lucky to share. I also respectfully acknowledge all other traditional owners and elders in the region and those who are here today. I acknowledge my good friend the member for Cook, Cynthia Lui, who is the first Torres Strait Islander to represent any parliament in Queensland or in Australia. Thank you, Cynthia, for your great leadership.

As we know, we are very fortunate to live in a country with two of the oldest continuing cultures, the Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we are all so lucky to share. My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. With me here today is the deputy chair of the committee, Mr Stephen Bennett, the member for Burnett; Ms Cynthia Lui, the member for Cook; Dr Mark Robinson, the member for Oodgeroo; and Mr Robert Skelton, the member for Nicklin. We also thank Mr Nick Dametto, member for Hinchinbrook, for joining us. I also welcome and acknowledge Minister Scott Stewart, member for Townsville, who is here today.

The purpose of this forum is to assist the committee with its consideration of the Path to Treaty Bill 2023. I also wish to acknowledge Mr Mick Gooda and Ms Seleena Blackley who are here from the interim treaty board. We welcome you both and thank you for your great leadership. The Interim Truth and Treaty Body and the board have been responsible for producing and developing the bill to date. I also acknowledge Commissioner C'Zarke Maza who is here today. It is good to have you here, Commissioner Maza, and we look forward to any contribution you make.

As many of you would know who have been involved in discussions with Mick and Seleena earlier today, the Path to Treaty is a negotiation process between the Queensland government and Queensland's First Nations peoples and non-Indigenous Queenslanders. It may also be a negotiation process that happens between First Nations peoples, whether that be different clans of Aboriginal people or Aboriginal and Torres Strait Islander peoples. There are many parts of the process and it may involve treaties between a number of groups.

I also acknowledge that the Path to Treaty process is a very important process for the Palaszczuk government. The bill acknowledges that over 235 years our First Nations peoples have been impacted by colonisation. Our First Nations peoples continue to be impacted by colonisation and what happened since 1788. That past needs to be shared. The truth needs to be told. For many of you in this room, like me, we have never been told the truth. Non-Indigenous Australians and First Nations Australians have never been told the truth. In order for us to go forward and ensure that the next 235 years is different to the past 235 years that truth must be told. We must understand the past before we can move into our future.

Part of this bill is to establish a truth-telling and healing inquiry. The bill recommends that the Truth-telling and Healing Inquiry be established and that it lasts at least three years. We would hope that around three years is enough time to tell the story of our First Nations peoples. Many of our First Nations peoples have a story, but there are certainly non-Indigenous Queenslanders who can

contribute to that story, and there would have been many, many things that non-Indigenous Queenslanders saw over that 235 years that we are not proud of. Those stories need to be told. The bill recommends a truth and healing inquiry be established and be established quickly.

The bill also recommends that an institute is formed to support First Nations communities to develop their treaties and to help First Nations communities work towards and establish, rise and develop their treaties, whether that be with each other, other clans or whether it be with the Queensland government or both. They are the two aspects of the bill that we are talking about this afternoon. The committee would really appreciate your feedback on those two main parts of the bill.

I must share with you that the Palaszczuk government plans to debate this bill in Cairns in May. We are moving our whole parliament to have a regional parliament in Cairns from 9 to 11 May where we hope to debate the Path to Treaty Bill 2023. The Palaszczuk government is incredibly committed to a Path to Treaty and we want to see this done, we want to see it done well, we want to see it done right and we recognise that there is only one chance at this, and we want to do it well and do it right.

I am going to hand over to a brave person to get the discussion started this afternoon. I know that many of you have registered to speak. We have about an hour and 40 minutes together, so I would really encourage our First Nations men and women and our young women and men from our community to contribute to this discussion because we know that it is our young people who are going to benefit the most from this treaty. I could talk on and on about the impact of colonisation on our young people, but I will not. I am going to stop there and ask for one of you to come forward to begin our discussions this afternoon. Thank you.

### **AKEE, Mrs Angelina, Private capacity**

**Ms Akee:** Thanks very much, Madam Chair. My name is Angie Akee. I am Bindal and I am also Juru. My mum is from the Torres Strait—Darnley Island. I need to congratulate Mick. I have known Mick for a number of years. I congratulate him, his team and staff with regard to where we are today. I did have a couple of good sessions in the last couple of days with our elders as well, but I just want to say that I feel very privileged that the Premier has given us the mandate to go forward with treaty. It is so important for us because of our past history and colonisation. I am also a descendant of James Morrill, the first white man who was shipwrecked in my Bindal-Juru country. I am a descendant of his through my apical ancestor, my grandmother, Ginny Ross Hegarty. I am very proud to be here. I am an active member of this community as well and sit on various statewide committees and national and international committees representing the interests of both Aboriginal and Torres Strait Islander people.

With regard to the treaty, there are a few issues that I wanted to bring in particular. One was about native title, which is so important in terms of land. As far as I am concerned, the state still has a lot of say with regard to our native title rights and interest to our land. If we are going to move forward in terms of treaty, then the state government needs to lift a lot of the policies that are impacting upon our traditional owners and our native title rights and interests. We are not saying lift the policies. We want our land back, but we want all conditions that the state government puts on us lifted so that we can live in harmony, we can develop our economic base and that the land is going to be there for our future generations.

I also sit on the North Queensland Land Council. I am the deputy chair of that committee. I find it very frustrating when you hear our elders, the traditional owners within our footprint, saying, 'Yes, we have native title, but what is native title really doing for us?' We are placed on conditions in regards to what we can and cannot do. If the state government is going to be genuine in regards to treaty, then look at colonisation. Our land was taken from us. The history speaks for itself. I for one will always advocate for our people, both Aboriginal and Torres Strait Islander people.

The treaty is the future; it is moving us forward. When we went through the bill this morning—and I sat up until about one o'clock or two o'clock in the morning reading all the paperwork so that I was pretty familiar with it all—I just want to say that, yes, there are a lot of issues around the social problems that we have with our people, the lack of housing and the lack of recognition for our Aboriginal and Torres Strait Islander people in this community. Funding is being allocated to mainstream services. We have a large population here of Indigenous people, First Nations people, not only from the traditional owners but from the diversity of our people coming into our city for medical services. Our incarceration rates are very high as well. The high incarceration rate of our people is mainly because we did have a legal service that was in North Queensland, but it was taken away from us and now there is only one legal service that works out of Brisbane. It is not working for us in North Queensland. What I would like to see is that the Palaszczuk government starts looking at bringing a North Queensland legal service back on track.

In terms of the issues we have here with our young kids, our youth, around the crime rates that are happening here with stealing cars and breaking and entering, a lot of our kids are on drugs. A lot of our kids are (indistinct). There is no institution here where our kids could go to detox. We look at the hospital system. There is nothing there. Years ago we negotiated that we would have beds available for our adults who were going through detox. Today we do not even have that for our young people. That is why a lot of our young people are also committing suicide. That is a great concern for people like myself and our elders in this community.

I could go on and on, but I am sure there are a lot of other people who want to speak. I just want to say that housing is one of our biggest issues as well in this state. A lot of funding that was given to community controlled housing was given by the Commonwealth government back in the days of ATSIC, and we have not received any funding for our housing organisations since the demise of ATSIC. We have established now a statewide peak body that will represent the interests of community controlled housing. In the news over the last few days, there was an announcement about a housing summit and looking at the high rates of rents that people and non-Indigenous people are paying. We are looking also at the homeless issues. All our community controlled houses are overcrowded because we do not have enough housing stock in our community right throughout the state to house our people. The housing stock that we do have needs major repairs and maintenance, and we cannot even get that. Our housing organisations are selling their assets because they do not have enough income coming in to pay for their rates. If the government is serious about providing accommodation, then they need to look at the Aboriginal and Torres Strait Islander communities as well. I will leave it at that. I am sure there are quite a few people who need to talk. Thank you very much.

**CHAIR:** Thank you, Angie. It is wonderful to have Minister Scott Stewart here who, as your local member, is listening to those concerns. Angie, I acknowledge you as a female leader in our community in Townsville. Yours was such an articulate contribution. It certainly makes me very proud to hear someone like you sharing so passionately and so knowledgeably the issues that all contribute to the state of living for our First Nations people. Thank you, Angie, for your feedback.

**NAHOW, Mr David, Private capacity**

**Mr Nahow:** I am David Nahow. I am Juru. What I would like to find out is that you talk about a treaty, but a treaty has to go through the grassroots of everybody, of all our tribes on our land. The reason is that it is also about housing and everything, like Angie said. Why do we have to pay rent and rates on our land when they kick us off the land and then they want a treaty? How are you going to get a treaty like that? This is what I am asking. Are we going to get a treaty if they are kicking us off our lands? They did it to me twice on two of my houses. This is why I am here today to let you all know. They cannot get the land council to come and pester our people to do any signing because they should not be doing it. They should be going to the grassroots. This is not only for our tribe; it is for all tribal people on this land that they call Australia. That is all I have to say. I will let someone else talk.

**CHAIR:** Thank you. That is good feedback. We know that housing and land is the greatest asset of any human being and it is certainly an issue that needs to be addressed.

**Mr Nahow:** It is also about that no-one can talk for our country. We can only talk for our own country. You cannot nominate someone to talk for our country. It has got to be us.

**CHAIR:** That is right.

**Mr Nahow:** It has got to come from us. That is where it has got to come from. When you do a treaty they have a treaty with you too, but they have got to give something to you. It is a treaty with them.

**CHAIR:** Thank you. Would someone else like to contribute?

### **ONUS, Ms Florence, Private capacity**

**Ms Onus:** My name is Florence Onus. I am from the local Birrigubba Bindal clan. I was born and bred in Townsville. I have connections to Central Queensland as well. I am a very proactive member of the community here in social justice issues. I attended the session yesterday with Michael and the team and we raised a number of issues there. We have all said that we have had that many inquiries, royal commissions, reports and recommendations that are all still collecting dust on the shelf. You can understand why there is a lot of scepticism about treaty, but we know that this is an opportunity and we have to start from somewhere and it is not just going to happen overnight; it is going to be generational shifts and changes. We all know about the impact of colonisation. Every black fellow in this room here lives and breathes it every day of our life. The list is long. We have all been impacted by that.

In regards to treaty, as I said, I spoke yesterday. Like the Voice to Parliament, I would like to see as part of the treaty process in Queensland that we have a voice to parliament as well in the Queensland parliament as well as representation in local government. Our voices are never heard in local government and in the parliament of Queensland. We have tried lobbying for many years. We come from families from social justice backgrounds. Our forefathers were members of the Labor Party and other parties. We have been down that pathway as well. We have tried to encourage the local parties to put up Aboriginal representation, but it has never happened. I would like to see our voices represented in the Queensland parliament as well as the local government.

We have been talking about this impact of colonisation. As I said, we all know the stories. You all know the stories, and many of you have been part of the process for a long time. We keep talking and saying that we have the solutions. The community do have the solutions to all those issues that Auntie Angie just spoke about and brother and everyone else here, but our voices are not being heard. They talk about youth crime and all the social issues. We have said time and time again at a local level, state level and federal level that we do have the solutions but they fall on deaf ears. Our solutions are not being considered at all or resourced. We know that there was a big shift of Aboriginal funding into the NGO sectors. We want that funding directed back into our community controlled initiatives. There are a lot of good people in this room and outside of this room who do a lot of good work in the community—all voluntary—to support our mob. We are all very committed to that.

We have the solutions. We know what will work for our mob but no-one is listening to us, so I hope this treaty bill will consider that and give us a voice at the table around policy reform. We need to be at the table for every policy reform regarding our people and beyond that.

I am the former chairperson of the inaugural Healing Foundation that has been operating now for 14 years. The biggest issue was the intergenerational trauma. The Healing Foundation has been operating for 14 years. I lobbied when I finished my term to establish a healing service here in Townsville because of the intergenerational trauma. I got all these empty promises from state and federal. They did not want to fund any new initiatives; they wanted to top up all these NGO programs. I had a number of NGO programs and agencies come to me when we had a pilot program here in Townsville. They wanted to refer all their Indigenous clients to our voluntary women's groups and men's groups. I said, 'We are not a referral service. We are a voluntary program supporting our mob. If you want to hand over all your funding for all the Indigenous clients to us, then you can refer all the clients to us.'

As I said, we have the solutions. We need to sit at the table around the policy reform. With housing, I know the first policy review was held in 1992 because I sat on that review to ensure that we had adequate, culturally appropriate and quality housing for our people. That is how we got the four- and five-bedroom houses that had basic things like floor coverings, fans and screens. We have the policy around providing women and families escaping domestic violence with the ability to move into a safe house as well. I do not know when the last review was of public housing. In regards to anything around policy reform, we need to have our people sitting at the table and making these decisions about our lives. That is all I want to say.

**CHAIR:** Thank you, Auntie Florence. There are a number of issues that you raised during your contribution that I learnt. I am sure many other policymakers here in the room learnt a lot too. Thank you for your feedback. I remind everyone that everything you say today will be captured in the *Hansard* and we will look at all of the material as the committee writes our report to the government. We will be drawing on a lot of what you say to write the recommendations and complete the report. Does someone else want to speak?

**GERTZ, Ms Janine, Private capacity**

**Ms Gertz:** Thank you for your acknowledgement, Chair. I would like to introduce myself as Janine Gertz, a Gugu Badhun woman who lives and works on the unceded territories of the Bindal and Wulgurukaba people here in Townsville. The Gugu Badhun lands and territories are located west of Townsville, centred in the Upper Burdekin region of North Queensland. I acknowledge all my countrymen here in the room today.

My comments relate to the UN Declaration on the Rights of Indigenous Peoples which was adopted and endorsed by the Australian government in 2009. The declaration is a universal framework of minimum standards for the survival, dignity and wellbeing of the Indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to Indigenous peoples.

The articles and the principles within the UN Declaration on the Rights of Indigenous Peoples provide an important framework for Aboriginal and Torres Strait Islander political dialogue and advocacy with the state. The right to self-determination and the recognition, observance and enforcement of treaties, agreements and other constructive arrangements are affirmed in the UN Declaration on the Rights of Indigenous Peoples in articles 3 and 37, the right to negotiate treaties. When read in conjunction with preambular paragraphs 14, 15 and 24, the United Nations Declaration on the Rights of Indigenous Peoples underscores the importance of partnerships between Indigenous peoples and the states and the governments based on mutual consent and good faith. Article 27 addresses Indigenous people's right to participate in fair, independent, impartial, open and transparent processes, article 28 speaks to the right to compensation and redress, and article 40 conveys the right to fair procedures for the resolution of conflicts and disputes.

These articles provide a framework for states implementing article 37, the right to negotiate treaties in full partnership with Indigenous peoples. This includes the processes that can help resolve conflicts or disputes about the violations of treaties and treaty rights during negotiations and during implementation. The United Nations Declaration on the Rights of Indigenous Peoples principles of self-determination—participation in decision-making that is supported by free, prior and informed consent and good faith; respect for and protection of culture; and equality and non-discrimination—also provide guidance on the practical implementation of the United Nations Declaration on the Rights of Indigenous Peoples, article 37. The establishment of an independent institute or a treaty body commission, as called for by previous treaty discussions across Queensland by Indigenous people, will be integral to the processes of monitoring and facilitating fair and just treaty negotiations across Queensland while ensuring that each treaty is negotiated through the guiding articles and principles of the declaration but most importantly through the principle of free, prior and informed consent.

There I conclude my comments on the declaration but move to more general comments, Madam Chair. My comments relate to my concerns that treaty discussions so far have defaulted to Australian or Queensland citizenship rights through things that Aboriginal and Torres Strait Islander people are entitled to if we are included in the business of the state. Treaties are a recognition of Aboriginal and Torres Strait Islander people's inherent sovereign rights, and treaties need to recognise each and every Aboriginal and Torres Strait Islander's sovereign rights to their lands and to their cultures. In terms of the treaty discussions, these negotiations need to include some sort of conference of powers and delegations between all of the parties and they need to also address fair and reasonable compensation for the impacts of colonisation. That concludes my comments. Thank you.

**CHAIR:** Thank you, Ms Gertz. I have a couple of comments in response. Firstly, while you were speaking I could not help but think that in the report that I author back to the parliament on behalf of the committee we need a whole chapter on the declaration of human rights. I think that is going to be really important. Also, there were a number of statements that you made through your contribution that I think would be significant recommendations to the government, so thank you. It was very good and has certainly got me thinking about how we might shape the report, so thank you.

## **WYLES, Aunty Virginia, Private capacity**

**Ms Wyles:** Good afternoon, everybody. I am Virginia Wyles, connected to country here and a little bit further north. I find this quite overwhelming, as I am sure others do. Firstly, I would certainly like to second Janine's comments that our rights as far as the United Nations charter of human rights and our inherent sovereign rights need to be incorporated in this process somehow. I do not know how that happens, but we certainly do need something that is also secure so that the next government that might come in cannot rip the carpet out from under us.

We have been put through the grill with the native title process. I think for many communities this has had much impact, not only for the mainstream but also for our people's families and communities, but I guess, given that the government has had to start somewhere, it has been a leverage tool that we are able to utilise with regard to some rights on country. With this whole process, we need to hear more where this voice is going and treaty, and hopefully it is going to be something really meaningful and not tokenism. We have had that many inquiries and commissions over time, like the royal commission into black deaths in custody. I think most of those recommendations are still sitting there on the shelf waiting to be implemented, because that is a big impact on our people and communities.

Even though there have been many commissions and inquiries, if our people are not in the know then they do not get to know about it, so things have gone by which many people in our communities have missed out on. One area was the stolen wages scenario. I know for a fact in our area here there were many families who did not get their entitlement simply because it had come and gone and was done and dusted by the time they got to find out or else there was a loophole that people could not get their claims in because their parents had passed before the time that was set in the criteria for those claims, and this happens time and time again. There needs to be proper information off the ground.

I suppose overall I just want to say that, even with this native title process, it has restricted our communities as to what they can do on their own country. For example, we were told in the north here that if we wanted to bottle water to sell we cannot do that. Also, is native title going to be a secure process? Are voice and treaty going to be a secure process that does not change with the changing of whatever governing body is in place?

I am just reading quickly this pamphlet here and am not understanding it. It says that resourcing of the institute's operations comes from an annual allocation from the earnings of the \$300 million Path to Treaty Fund. My daughter tells me that I missed out on the session where that was explained, but I suppose what I am trying to get to here is that countless money is spent in our communities. There are royal commissions and inquires and so forth. Say in the last 10 years, for example, with the money spent on Closing the Gap and whatever service delivery, I am really interested to find out if there is a researcher with the stats. How much money is that per Aboriginal population in this country? I believe it is quite a huge figure compared to what our population is and there must be a better way of coming to some proper, good resolutions.

As most people in this room and around this table see and hear in the news, there is so much despair happening in our communities and across this country. I believe there are other big issues. I do not know why all these young ones are going off. Maybe they are angry. There are some people we know who have alcohol or drug problems. From my, I guess, perception of the community, I see a lot of despair and people just simply being in poverty. It is a battle. A lot of people in our communities have not had the opportunity of a full-time job simply because of maybe just simple literacy skills. If they cannot fill out that dole form or answer their Centrelink obligations then they just get chopped off and they have no money.

I do believe for a lot of young ones out there, especially in the more remote areas, and even with our community here, where we do have a large population, people are coming from remote communities either because they have a family member in jail or for hospital reasons and people do not have very much money, so financially it is a big struggle—and I imagine more so with some people who have to deal with what they call the cashless card or something. Heaven knows what the answer is, but we somehow have to come up with a solution in amongst this.

Just reading this treaty stuff, one paragraph there is saying 'conducting research and assisting First Nations people to gather and record information on the impacts of colonisation that can inform treaty negotiations'. Well, I do not know. I think there is a lot more in the archives probably than what a lot of our people have today in knowledge because of the generations that have passed. We might be lucky with a few in that there might be a number of families who have been lucky to record their family stories, but there are a lot of others who are going to miss that because people, for example,



have been removed away from their country and family. How is that area addressed, although I do believe that there may be some better archives still around for this truth-telling stuff to happen, and it has to happen? For example, if you go one hour up the road—it is in the Herbert River archives there—I know when the last Sunday hunt was. I guess everyone knows what a Sunday hunt is? It was where people went out and shot down an Aboriginal. The last recorded one in the *Herbert River Express* archives—hopefully it is still there—was 1954. I do not know where I am going now with all this, but there is just so much to be taken into consideration, and somehow for our people and communities there has to be a better way. Thank you.

**CHAIR:** Thank you, Aunty Virginia, and thank you for your courage. I can also concur that it is nerve-racking, so I appreciate how hard it would have been for you. Thank you for sharing just a little bit of some of the history of your people. As you were speaking I was thinking that we have a shameful past and those stories do need to be told. The member for Cook has a couple of comments.

**Ms LUI:** Aunty Virginia, you touched on some critically important points. First Nations issues are very complex. They are complex throughout the state of Queensland and they are even more complex with geography. The communities that I look after are quite remote and quite isolated so it becomes even harder when we talk about social issues.

I wanted to acknowledge the points that you raised today. For me personally as a Torres Strait Islander Indigenous woman in this state, I think Path to Treaty now sets that path for us to start that conversation with government. What we are trying to achieve here is to build a stronger relationship—a relationship that was never there in the past. It is timely for all of us—Indigenous and non-Indigenous—to come to the table. As hurtful as it will be, through the Truth-telling and Healing Inquiry we need to start telling our truth because it is part of our healing process. At the same time, it is about educating wider society about our history. I am excited and sad at the same time because I will be learning about my history through all of this.

I concur with all the points raised today. I note Aunty Florence's comments about solutions. You are right: communities have solutions and we know how to work around the complex issues because we understand and we have the experience. There are Aboriginal and Torres Strait Islander issues and we know how complex they are. We live this every day.

Path to Treaty sets the pathway for all of us to be part of this conversation together. It is no longer an Aboriginal and Torres Strait Islander issue, an Indigenous issue or, if you come from remote communities, a remote issue; it is a societal issue. I think what we are putting on the table today is that we all work together towards better outcomes for not only our First Nations communities but Queensland as a whole.

**CHAIR:** Thank you member for Cook. That was well said. I acknowledge two people who entered the room. One is Mr Les Walker, the member for Mundingburra. Welcome, Les; thank you for being here. The other is Aaron Harper, the member for Thuringowa. It is great to see that we have four parliamentarians from this area of Queensland here and hearing vital feedback from their communities. Thank you again, Aunty Virginia.

### **NAHOW, Ms Ramona, Private capacity**

**Ms Nahow:** I am a Darumbal woman from Rockhampton. I want to read out something that outlines what the community is not sure of, but let this negative time be a positive for us.

Is the Voice to Parliament a poisoned chalice? Is it simply a beverage filled with honey to sweeten up the gullible and ask them to trust and then sell out the future generations of the original tribal nations' children just for a seat at the table or to keep their snouts in the trough? This country has many voices protesting, singing, marching and asking them to be heard, but history has shown that the original tribal nations of this land called Australia still are not being heard. What is more unbelievable is that some original tribal nations of this land called Australia are being used to sell out their own kinfolk, like the black tracker employed by the government to help find, capture and relocate the original tribal nations from the land.

How easily the original tribal nations of this land called Australia forget the work of those camped out at the tent embassy—Charles Perkins, Neville Bonner, Oodgeroo Noonuccal, Archie Roach and other voices who have struggled to be understood and heard. Kevin Carmody joined with Paul Kelly and wrote a song about hope. Yes, we are still waiting for something wonderful to grow out of the land. The only tree that can grow is the sovereignty tree and it has to be planted, deep rooted and nurtured, and protected within the Australian Constitution.

It is regretful that the original tribal nations have not been heard all these years, but that they have also become invisible and irrelevant is quite exasperating. The poisoned chalice is asking for the original tribal nations to trust others to make the right decisions. Until sovereignty is embedded in the Australian Constitution, that cannot happen. 'Always was and always will be' are the words that should be uttered by every Australian.

These are some questions that should be asked of the original tribal nations who are voting yes. Quite simply, these questions are based on the basic needs—food, water, clothing, shelter and love; every little thing. They are not too difficult to answer. Food: when you were younger, did you have enough food to eat? Was there enough food in your house? Did you always have food to take with you to school? Were you able to have well-balanced meals—all food groups ticked? Sadly, these problems are still happening. Children do not go to school if they have no food in the house. This leads to gaps in their education or they go to school but are tired and hungry and cannot concentrate.

Clothing: did you have enough clothes? Did you have warm clothes? Did you have shoes? Were your clothes for school always clean? Sadly, these problems are still happening. Shelter: do you live in a house? Did you live in a rental house? Did you live with extended family? Did your parents own their house? Was there enough room for everyone in your house? Were you able to have a place to study or complete homework? Sadly, these problems are still happening. Love: did you feel love? Were there difficult times when you knew that people were suffering and unable to give love? When you attended school did you feel you belonged, comfortable and visible? Were there times when you felt really alone? Sadly, these problems are still happening.

If you vote yes to a voice, can you guarantee that there will be better living conditions for all the original tribal nations and future of the original tribal nations? Can you guarantee that original tribal nations' children will be able to access different trades for work and have pathways to experience success? Can you guarantee the original tribal nations' children will be able to attend universities and not pay HECS fees? Can you guarantee that the original tribal nations' children will be able to live in homes that are affordable? Can you guarantee the original tribal nations' children that their elderly families will be respected, safe and well cared for? Can you guarantee original tribal nations' children that they will be heard and seen by those who have all power and privileges? Sadly, I do not think so.

These social issues are evident in many generations and, unfortunately, there is no quick fix. Welfare is not a destination that we must aspire to—a hand up not a handout. It seems that every other cultural group is being heard and seen. Why is the Australian public more tolerant of them than the origin inhabitants of this land? The Voice is a poisoned chalice and sovereignty has to be addressed and written into the Australian Constitution first; otherwise, we are giving away the identity, culture and land of our children and future children to squatters.

**CHAIR:** Thank you, Ramona. Would you mind providing a copy of that to the committee? That was very powerful. We greatly appreciate that feedback, thank you.

**Ms Saltner:** I just wanted to follow up on sovereignty. The Path to Treaty process says that we are not going to cede sovereignty, but I think it also needs to be included in the Voice. I was a bit sceptical of the Voice at first, but we have to start somewhere. I am sceptical about Toowoomba and

Townsville. When we had the last referendum for Aboriginals to be able to vote in this country and recognised as citizens, the two per cent of the population who voted no were in Townsville and Toowoomba.

I talked earlier this morning at the community forum about the need to do some media monitoring. Our First Nations people need to have a hold of media monitoring. If we are talking about the Voice, First Nations radio stations need to be given proper resources. People in remote areas, rural areas and metropolitan areas all get a voice, yet our First Nations radios cannot get funded. Media monitoring is important and has to be addressed, because we are talking about our path to treaty. Mick Gooda said this morning that we do not want to retraumatise our people over and over again. The reality is that we need to. I will take a back seat. We are supposed to be the superior race, yet we are still the ones educating mainstream society. Why as First Nations people do we have to educate the rest of society and go through that trauma over and over again? There is not an understanding of the generational trauma.

Members of parliament from this area—local, state and federal—are here today and also the member for Hinchinbrook. Nick, the biggest backlash in this community is not doing anything about youth crime. Yes, we are aware that we have to do things about youth crime but there are no facilities for rehabilitation.

Talking about housing, it is a national disgrace that not only First Nations people but also people of all races across the country are homeless. It is a national disgrace. We keep looking for solutions for our mob. That is why I say to our local members of parliament today: still remember to come back to us because we know the grassroots problems. Stop looking from the top and going down because it is not working.

In this town there is a big backlash from media. We are getting a lot of backlash in the mainstream community about the Voice. Townsville has not had proper consultation about the Voice. That was raised earlier as well. We are being told to make decisions and that we have to take what we have. We are always told to take what we can get. We need real solutions.

It was back in 2001 that we had the first reconciliation council of Australia. It was 10 years after that that we had Reconciliation Australia. How many years do we have to reconcile? How many years do we have to have native title still in process? At the beginning the media was saying that we are going to have blackfellas taking away people's backgrounds. Native title has done nothing but create a lot of division for our people. At the same time, with true native title you have the right to do traditional practices on the ground but you do not have the chance to have economic capacity. We need economic capacity so we do not have welfare dependency.

**CHAIR:** Thank you, Ms Saltner. That was very well articulated and you raised some important issues that the committee will certainly consider for the report. Thank you.

**SMALLWOOD, Ms Josephine, Private capacity**

**Ms Smallwood:** I would like to talk briefly and say thank you to the Queensland government and the parliament for this opportunity and for bringing this to us. After many years of a very neglectful recognition and acknowledgement of Aboriginal and Torres Strait Islander people through government policies, we welcome this opportunity. I feel that there is a lot of goodwill in both non-Indigenous and Indigenous communities.

I thank our members of parliament for being here—you all know who you are—and the wonderful relationships. I acknowledge and thank you for your efforts. Thank you, Aaron, Nick and Scott. I am glad sister over here mentioned Neville Bonner, because I am thinking of him today—the great senator Neville Bonner, our only Aboriginal politician from Palm Island. He would have really cherished this moment. When we talk about honouring our ancestors, I feel we are doing that today for him. Unfortunately, he was in a time and a government that just was not right and did not value us. We all sound very emotional when we speak because we have been so impacted and affected by the policies. Even truth-telling is going to be a very hard process, so I am glad you will set that up properly to be supported.

We are tired of telling the stories, especially the ones who have a bit of age on them and have lived under the Aboriginal protection act. You only have to look at the acts that have been in Queensland starting from 1897, which was the Aboriginals Protection and Restriction of the Sale of Opium Act. That was actually strengthened along the way over the years in 1899, 1901, 1928, 1934, 1939 and 1946. That was strengthened to marginalise and oppress us and control us even more. We do not need to tell you our stories because some people in this room were born in those years. They actually repealed that only in 1969, and a lot of us would have been children at the time. I think we are in a good place at the moment and I thank you for the opportunity.

**CHAIR:** Thank you, Aunty Josephine, for your contribution. We all in this room recognise the laws, policies, rules and procedures of government since 1788, and you are right that they did nothing other than to oppress our First Nations peoples, deliberately or otherwise.

**MAZA, Mr C'Zarke, Commissioner, Office of the Commissioner (Meriba Omasker Kaziw Kazipa)**

**Mr Maza:** I suppose I want to come here to say that I pretty much generally support the mechanics of the bill that I have seen and read and what I have heard through some of the community consultations. I will give a quick general background for some of the people who are here today who do not know me. My name is C'Zarke Maza. My father was Bob Maza. In the early days, he was a kind of civil rights activist at the Aboriginal Tent Embassy. He was there during those days, advocating for our rights. When I sit here today and see where we have come from back then, I think of our parents and grandparents who experienced the hardships and injustices back in the old days and if they could sit here today to see and recognise how far we have come. I say that loosely, because I know there are a lot of things that are yet to be improved, but if they could see how far we have come. There is now a bill that is passing a treaty.

I would ask Queenslanders to, if you are not informed about the bill and the act that is about to be passed, make a concerted effort to read it and understand it. I think of the magnitude of where we are today, and I am not sure whether it is really being appreciated. I am a bit spellbound. It is historic. I sit here very proud of Cynthia Lui, the first Torres Strait Islander woman in parliament in Queensland and Australia. Times are changing. I think we are on the precipice of change, whether we appreciate or understand that or not. It is huge.

There are certainly some challenges on the road ahead with the IIB establishing this treaty body and setting up a council of 10 members. From what I have heard in some of the discussions, the community are wondering how that is going to be set up, how it is going to be representative and how it is going to be made up so that it has community endorsement. These are big questions and big challenges in that process. I think of the calibre of the people who are leading it—like Mick Gooda and Seleena—and I thank them for taking on the task. It is not an easy one. I certainly do not envy you. I do not envy those 10 members in the council. They have a big job ahead of them.

This will make a huge change in Queensland. It is certainly our responsibility to all be a participant. The healing inquiry, that truth-telling process, is a vital part of that. A lot of people, as it has been pointed out, do not know the history of Queensland, let alone Australia. As I was saying, my father was from the Tent Embassy. My grandfather was from Murray Island, and he was forcibly removed at the age of 21 from the islands. From what I was told—and I would certainly love to dig more into the history—he was forcibly removed for not following the governance of the day, and he was thrown on Palm Island. My father was then born on Palm Island.

He was eventually allowed, through obviously his good behaviour, to get an exemption to get off the island. The Aboriginal protector of the day, from what I have heard from my family, said, 'Who would you like to marry? You can take one of these women here'—that is how it was back then—'If you like that one there, you can marry her,' and then he sent them off the island. My grandmother is Yidinji from the coast of Cairns. That is how my grandparents got together. That is their story. I think truth-telling is very important; it is a shared history. Everyone needs to know about our history. It is certainly going to be the next step towards addressing some of those huge injustices that so many Torres Strait Islander and Aboriginal people experience daily.

I am privileged to be here today. I certainly give it my vote of confidence. The time is right. We have had a lot of false starts. You have heard that, yes, we were going to enter a treaty and there was a treaty song, but here we have a government that has made a certain stand, a commitment, and the whole government is on board. I was there on 16 August and I heard that commitment and I really thought it was very genuine. I was convinced and I still am. I think this government is on board and it is our responsibility as community to jump aboard too in good faith. I certainly understand the cynicism, the scepticism, and why shouldn't you have that? We have had a harsh history. The transgenerational trauma that each family experiences is so real, but there are outcomes that can come from the treaty.

Obviously, the negotiations are going to be the hardest work. We are just talking about the mechanics to actually get there. I understand we are not talking about the Voice that is run by the federal government. We are talking about a treaty mechanism to establish a treaty body and create a truth-telling body which will then launch us into those negotiations which we all will play a part in. Again, I want to thank all the members for coming here today.

**CHAIR:** Thank you, Commissioner. You made a comment that the process will not be easy and that it will be a difficult road ahead. As I have mentioned in other forums I have spoken at and chaired in the last few days, anything in life that is easy probably does not bring the same outcomes as those things in life that are hard. We know that when the road is hard and the journey is hard, usually the reward is great. We know it will not be easy, but we believe the reward will be great.

**SAYLOR, Mr David, Private capacity; and Solicitor, Saylor Legal**

**Mr Saylor:** My name is David Saylor and I run my own legal practice here in Townsville. I appear before the committee today as David Saylor personally and I also appear as David Saylor the solicitor. David Saylor the person is a product of the stolen generation. My mum was sent to Palm Island when she was six and her brother was four. Sadly, my mum has now passed away. My mum's younger brother is still alive. You talk about trauma. I grew up witnessing that trauma in the household, watching my mum go to psychiatric institutions for weeks, sometimes months, at a time because of the trauma she was put through of being taken away from her mother. She was not allowed to go to her funeral on Palm Island; she was buried in an unmarked grave on Palm Island and who knows where her remains are now because of climate change. I address you in that capacity, and also as a legal practitioner working in Aboriginal and Torres Strait Islander legal and social justice issues for more than 20 years. I now practise in the native title area largely but I do other work as well.

There are a number of points I would like to make to the committee. My acknowledgements go to member Lui. I should add on from the commissioner's points about that second term in parliament. Well done. Hopefully, there are more terms in parliament and more Indigenous people in parliament.

I would like to make some comments about the preamble to the bill. I raised these this morning in the information session and I was encouraged by Michael Lavarch to raise these with the committee today. Firstly, in relation to preamble item No. 2, I have some suggested wording. It is a suggestion. I am not seeking endorsement or anything; it is probably for more consultation.

**CHAIR:** Mr Saylor, if you would not mind sharing that with the committee when you have finished, that would be great.

**Mr Saylor:** You might not want to see some of my notes on there. I can do an amended copy for you, if you like, and I can send it through to the committee. In preamble item No. 2, I would suggest that the words 'successfully governed their lands ... for at least 65,000 years prior to British colonisation of Queensland' be removed and be replaced with words to the effect of 'Aboriginal and Torres Strait Islander peoples were the traditional owners of their land, seas, waters, air and resources since time immemorial'. That is what Mabo said. Traditional owners have been here since time immemorial.

At item 5 of the preamble, on the fourth line where it says 'continuing responsibility', include the words in there 'to manage and protect lands, seas, waters, air, resources under Torres Strait Islander law and island custom'.

At preamble item No. 6, add words, on the second line after the word 'lands', so that it reads like this: 'the colonisation of Queensland and the dispossession of the lands and the forced and illegal removal of Aboriginal and Torres Strait Islander people from their land' to be included in that area. I am happy to provide the amendment so that it is clear for the committee.

One of the ladies who was at the information session this morning, Ms Gladys Willis, had to return to work. She has asked me to read this and perhaps it can be tabled as well. It states—

I am also concerned about point 10 to the preamble and how it talks about 'measurable' economic and so forth benefits to First Nations people. I would like to make sure that the preamble/treaty accounts for reforms that reach a more just society for First Nations people and allows for dispossession as well as for reparations for land taken, sites destroyed and culture lost.

Could I table that?

**CHAIR:** Mr Saylor has sought to table a number of documents. All those in favour? Leave is granted.

**Mr Saylor:** The second point I would like to make, Chair, is about the stolen generations. I looked through the treaty documents and there is not a lot of detail in there about the stolen generations and how a reparation scheme or something might happen. The stolen generations have a very sad and tragic history. As a legal practitioner, I feel compelled to bring a class action against the state of Queensland. Do you know what this means? More trauma.

I have been interviewing people on Palm Island. You leave those interviews with your heart broken. People go through tears to talk about how they have lost their culture, the intergenerational effects of being stolen from their parents and taken from their land. They try to go back to their traditional owner meetings and they are kicked out: 'You're not from here. Go away!' My mum had an experience, after the *Bringing them home* report. She is Waanyi. She went back to Waanyi country as part of this. She and my grandfather, Les Stewart, who was the chairperson of Cherbourg for some 20 years, went back. They were told in no uncertain terms, 'Get out! You're not part of us. Go!' That is the cruelty that they have to put up with. The point I am trying to make here is: please, committee, address this issue of the stolen generations. No more trauma. We are tired of it. Please, no more trauma.

A strong theme that runs through this treaty bill and the treaty process itself is healing. Healing could potentially be the cure or the remedy to trauma. We urge that this process goes about but we need true healing. I asked some of the people I have interviewed in relation to the evidence I am collecting for this class action, 'What would you like the government to do for you?' They said, 'We would like our language back. We would like the area on Palm Island where our ancestors are buried in unmarked graves noted as a special area, a memorial area. We would like ongoing support. We would like a whole range of things.' No-one talked about money. No-one has talked about money. Yes, in any personal injury money will make your life better, but you will not heal. It will not fully heal the person.

The other point that I would like to make is that there has been lots of trauma with stolen generations. There has also been trauma with native title claims. I work in this area. I was a solicitor on the record for the Torres Strait Islanders in their sea claim. The Queensland state government and the Commonwealth government rigorously opposed that claim to the point where Torres Strait Islanders, 26 people, had to give evidence on their islands and in Cairns to demonstrate that they were legally the owners of the sea, the seabed and the subsurface and also that they were a single society. For whatever reason or wherever it comes from, these people go through trauma giving evidence. The people bringing the claim go through trauma bringing the claim. They are ground down by their own mob: 'What's happening?' It creates lots of politics. I think it was Aunty Virginia or someone who said that it brings a lot of division. No more trauma. These things bring about trauma.

With the Torres Strait sea claim it was a joyful day on 2 July 1999 when the judge handed down his decision and everything was in favour of the Torres Strait Islanders. Queensland and the Commonwealth said, 'Let's appeal it.' Trauma again for the people bringing the claim. At the full court, we lost. They said, 'No, you don't own the resources and you can't take the resources for any purpose. We don't care that you've been doing it from generation to generation.' Then it went to the High Court. Five judges of the High Court ruled in favour of the Torres Strait Islanders and what they always knew: we are the owners of our sea. It was a joyful day, but there is still trauma for those people who had to give evidence on their community.

The last point I would like to make, Chair, is about some lessons learned over the years. I can say that the law is an inappropriate and very blunt instrument to bring about social change. We have looked at things like the *Bringing them home* report. I think it was 1991 to 1995 when that report was done. Many recommendations were made, but still there is nothing for the stolen generations in Queensland—nothing. Those people went through and gave their evidence as part of that inquiry, but nothing has been done. In the Northern Territory, they had to actually bring a class action to force the Northern Territory into settlement negotiations. In Queensland we can learn lessons from the stolen wages. A class action had to be brought for that. The class action was settled through a court process and a very complex regime was put in to help people to be compensated for money that was taken from them.

In terms of implementing the treaty process, we need some good, strong indicative time lines as to how it is going to be done, when it will be done and what the change will be. Some good measures: reporting back to the community on the results so that people can be comforted that the actual process is working; perhaps review every two years with results to go back to the community; and more input on how it could be improved. Those are my submissions, thank you, Chair.

**CHAIR:** Mr Saylor, thank you. It is a really great submission. We appreciate all of the work that you have done to prepare for this and to provide a very comprehensive submission and feedback to the committee. Thank you very much. We have quite a number of people who wish to speak this afternoon. I propose that we try to stick to around two to three minutes per person so that we can ensure that everyone who would like to speak is given that opportunity. We will turn to Ms Hough for your contribution.



## **HOUGH, Ms Tracey, Private capacity**

**Ms Hough:** Thank you for allowing me to speak here today. I would like to acknowledge and probably reiterate everything that the aunties and uncles have said here today. They have had a long fight ahead of them and I have just started this fight here. It is really good to see that there is some movement towards treaty as everyone is sceptical, as am I. I have been working for a very short time dealing with government, state and federal, just in the last year and I have had a massive learning curve on how to navigate that path.

My mother's mob land is in Mithaka, which is down in the Lake Eyre Basin, between Windorah, Birdsville and Bedourie, in that area of the Channel Country. That is my mum's side. On my dad's side it is Gangalidda in the lower gulf region or Burketown area.

For the last four years I have been working as a director for my mum's mob with the PBC there. I am doing a lot of work in that region, trying to get some protections for the land and water there. I have found it a really difficult area to navigate. With the treaty I am hoping that will change a lot. As Auntie Florence mentioned, you have all these NGOs that get a lot of money when they work with Indigenous people, but we come up with great ideas. As Auntie has been doing in her community for years, we have the solutions but nobody funds us to do those things. If they do fund you then it is only to get set up and you do not have then the resources to continue that work. Therefore, we fail. Then the narrative in the community is, 'Blackfellas failed again, so why do we keep giving them money?' Sorry: I will speak plainly.

That is a big frustration, because in all our different communities we do have so many solutions because we know our land, we know our country, we know our people and we know what programs we can put in to help support them, to help with their mental health issues, to help them get jobs, to help our children learn more about our own cultures, which we have lost a lot of. In my mum's country, my uncles are probably the last people who have that knowledge. They are in their seventies now. It is that process of trying to reinvigorate our culture using scientists and that, trying to find and dig up our past to find where we fit. We have had the problem obviously, as most others have, that aunties and grandmothers were taken. My great-granny was taken to Palm Island with one of her younger sons. We only reconnected with that family just last year. They were lost. Like everybody has said, there are these traumas. It is not 200 years ago; it is now. People are still living with that. Aunties have said that they have gone through all those processes of stolen generations, of not being paid for the jobs that they did, of trying to bring up their families with very little support. I will go on and on here.

I want to talk about housing. Housing is an issue, as we know, throughout the state of Queensland. My mum's country is a very rural and remote country. The closest town is about 300 kilometres away. That is Longreach. If you want to build a house at Windorah, it will probably cost you more than \$500,000 because there is no real transport. You have to get a truck to get out there. You have to pay pretty much double to get stuff out there. I think there is a black tax on everything. If you say you are with a prescribed body corporate then you can double that price. That is really unfair. That is something that we have to deal with as native title prescribed body corporates when we are trying to become self-sufficient and become self-determined, but we always have these barriers in front of us.

Housing is a massive issue. I did request a meeting with the Deputy Premier. I got a response back which was a little bit lame, I will say. In the response it said that in March 2022, \$200,000 was given to fund 22 of the 45 rural and remote councils under the Rural and Remote Councils Compact to deliver local housing action plans. What is an action plan? That is not a house. To date in 2023—another year gone by—six action plans have been done. That still does not mean that anybody has got any housing out in those remote locations. Nothing is being done. All this talking and employing people to do action plans is not getting to the grassroots, which is what we are always worried about. They say, 'We have this much money for here and this much money for there,' but it never gets to the grassroots. \$200,000 will not even buy a donga to go out on that property because then you have to pay for the freight and you can double that price.

We have this native title group out here. We are doing so much work on an oily rag. A lot of us work for nothing, as Auntie said. We all have to volunteer our time to do all this stuff. That means to understand native title. It means to understand how to operate a business and then navigate all the different legislation in-between such as the cultural heritage act to look after our cultural heritage and stuff. You do not seem to have that support.

There is another question: if this treaty is enacted in legislation, how can we be sure that it is protected from changes of government? We know what happens when things come in. Us Murriss think, 'This is probably going to be good. This will help us.' But the next minute an election cycle comes along and then everything gets changed again and you have to learn a whole new way of doing and being. Governments only work in election cycles. We want to talk generationally, because that is how we think, and governments only think in election cycles. You need to be thinking longer term to actually give people some outcomes.

I have a number of issues with regard to the green energy push, environmental offsets et cetera. I am having conversations about these sorts of issues in state and federal arenas. My fear is that blackfellas are going to be shafted again. In our country, if you look at where the catchments are for the Lake Eyre Basin, they start in the Georgina. If you are going to be mining up there, it is going to affect all of our water that comes down, right into South Australia. It is good to be going green but at what cost? We are the ones who are going to be shafted again with our water being contaminated, our cultural lands being ripped up for mining et cetera. We understand that growth has to happen. We are not trying to stop that. We want the government to start thinking about the generational impact it is going to have. The people who are in power now are going to be long dead and gone by the time our children even recover from those sorts of things—if they ever do—from heavy metals getting into water et cetera.

These are my really massive concerns. What is treaty going to do for us with regard to that? We get asked to sit on different boards all the time as the token blackfella and we never really get heard. I am sure everybody here has done the same thing. It is like, 'Can you come to this meeting and sit on it? Oh yes, we have ticked our box,' and then they go away and you never hear from them again. How many times have we all done that? Plenty. You get asked all these questions and you get promised the world, but then you do not get spoken to for the next six months, even after meeting request after meeting request; there is nothing.

I guess that is how government works. I do not know. I am learning that. It is very disheartening when you are not heard. This is a passionate thing for us. This is our people and our land and, of course, we are all going to be passionate about that. It would be nice for someone to listen, just once.

**CHAIR:** Thank you so much. You raise some really important issues. I will just make a couple of comments. Firstly, I cannot speak on behalf of future governments, but I can say that treaty has bipartisan support, so both the two major parties support the Path to Treaty. That is one thing that I can say, although I cannot speak for future governments.

The other comment I will make is the state government allocates funds to local councils to support housing initiatives, hence the reply you would have received from the Deputy Premier that state government funds are allocated to councils. Tracey, if you were to have a chat to Minister Scott Stewart, I am sure the minister could get a little bit more information for you to help you with that particular issue. I now turn to Ms Donah Illin.

**ILLIN, Ms Donah, Private capacity**

**Ms Illin:** Good afternoon. I would firstly like to say thank you for the invitation to this sitting. I acknowledge my elders who are present in the room. I went through this last night—the same as Angie, who spoke before. I was looking at what Queenslanders have to say about treaty: inclusion, reconciliation and the treaty-ready process. I thought about partnership arrangements. We all live in different communities throughout Queensland.

I volunteer with an organisation that is only funded to provide NDIS services. We find it very hard to work in partnership with any of the other providers. NDIS is a competitive market when it comes to client base. I am hoping that treaty in some way will work in partnership with some of the mainstream agencies and get it out there about what treaty is all about. I fully support treaty. I read quite a few last night through Google.

The other thing I wanted to raise was that my father was an ex-serviceman. He died at the age of 48. He was in the 2/31st Battalion and served in the Far East. He was not even recognised as an Australian citizen when he went to war. He was 17 years of age. He put his age up to support his mother, his family, his wife and children, being the eldest son in the family. In the healing process I would like some recognition towards our ex-servicemen as well as current servicemen and their families.

I know that the Torres Strait are currently celebrating the 80th anniversary of the light infantry. I also had a great-grandfather who was in the light infantry. I would like some recognition of them and their families in terms of treaty as a whole. I thank you for this opportunity.

**CHAIR:** Well said. That last comment sounds like a significant recommendation that the committee could make in the report. As I am listening to your stories and, as the committee travels all around the state and listens to the stories, I always felt—in my former life I was a schoolteacher and a principal—that I was relatively informed of the history of our country. However, as I listen to your stories, I realise that we have a lot of baggage as well as a lot of stories and a lot of history that need to be told. Thank you very much, Ms Illin, for your contribution.

**Mrs Akee:** Donah is my sister, by the way. My father served in World War II. When he came back, a lot of Indigenous servicemen were promised a house and that never happened. It did happen for some—some interstate people and some in Queensland. Some non-Indigenous soldiers got housing, and that was the commitment from government in terms of their contribution to the war.

I just want to say that we are sick and tired of begging for funding. We have been having meetings in this community about the 80-year celebration of the light infantry in the Torres Strait. A lot of our men came down from the Torres Strait to Townsville as well. A lot of our families—my mother and her family, too—were shipped off Hammond Island to TI and down to Brisbane during the war. It was very painful that that happened but I would not be here today because she met my father when she came down here.

I just want to go back in terms of the war. Our men did not get the support they needed for the impact of the war, and a lot of that impacted upon the wives, who had to be the parents. Even some of our men who went to Second World War—and one particular member of our community here had his leg amputated. He was so traumatised that he never got the help he needed and his wife never slept at night because all he could do was scream and scream. But no-one worried about her in terms of her and her children. I just wanted to raise that in terms of how much of the impact the war had on our men and also on our women back home.

**CHAIR:** Thank you, Angie. I think the history of our First Nations communities was hard enough, but when we think about the compounding impact of the wars as well—the recurring wars between 1930 and up until recently—the issues for you as First Nations members are compounded even more.

### **PASSI, Mr Genus, Private capacity**

**Mr Passi:** Thank you also for the opportunity to sit here and speak. I want to reiterate what all the elders have spoken about previously. For me, working across this community for many years in different spaces has allowed me to experience and witness. What I want to speak briefly on today is the healing component of this. A couple of speakers have spoken about the healing. I think that is really important in terms of—if we talk about the cost of living, that is a form of trauma for our people. Our people cannot afford to live in the community today. Then when you start talking about family—and I know a lot of speakers have spoken about the housing crisis—a lot of people are not even housed. We have a space behind the Cleveland Youth Detention Centre called Happy Valley. There is some movement at the moment about the residents of Happy Valley being moved out of there and that place being flattened. There is a lot of healing that needs to happen in this community prior to this, in my opinion.

I worked in the juvenile justice system for about 16 years. I want to make a comment that we focus on the current young people who are causing the crime, but we forget there is a next wave in terms of a generation coming through the primary schools who are suffering because their families cannot afford the food to go to school and so they do not turn up to school. In my experience of working in the juvenile justice system for 16 years, the young people coming into that system are getting younger and younger. You probably already know that.

These are the things for a focus on healing for me. Like I said, a lot of speakers have spoken before me about true healing and the housing crisis. Youth crime impacts everybody—not only the Aboriginal and Torres Strait Islander population but the whole community. I was taught as a young boy in the Torres Strait using the analogy of a bamboo. In the Torres Strait, when the bamboo is green we can warm the bamboo on a fire and straighten it to make a spear. When the bamboo turns brown it is a bit too old and we cannot bend it or shape it. I use that analogy with our young people. While they are young we need to bend them and shape them, because the moment they get a little bit older, when we are talking act 14-, 15- and 16-year-olds, it is a little bit too difficult then.

I keep going back to a few of the elders who have said we are the experts of our own people. We need to have more of a voice in the way things operate and the way decisions are made from a bottom-up process rather than top-down. There are a lot of experts in this room. I sit here as a local—I do not say elder because I am not old enough—emerging leader to support all the elders who sit in the room. These are real localised things I am talking about, so they are from this community. I know we have a few representatives and members of the parliament sitting in and I would really like to have a conversation at some point. Thank you.

**CHAIR:** Well done. Thank you, Mr Passi. They were tremendous comments, particularly about our young people and how impressionable they are when they are young. We have three remaining speakers. We are running out of time very rapidly. Technically, we have about two minutes left. We do have three speakers. We have Mr Ben Gertz, Ms Fay Gee-Hoy and Mr Tyson Cassady and then the last speaker will be Natasha Parsgaard. Over to you Mr Gertz. Could you try to stick to about two minutes, please?

**GERTZ, Mr Ben, Private capacity**

**Mr Gertz:** To you, Madam Chair, to you, Deputy Chair Bennett, to Dr Robinson, to Ms Lui: welcome to Townsville. To you, Mr Skelton, welcome home. I know you are a good Cowboys fan and I bet you are enjoying being back here in the good sunlight. To my arm-wrestling partner, Mr Dametto: always good to see you, brother. My name is Ben Gertz. Before I continue, I would like to acknowledge the Wulgurukaba and Bindal people, the traditional custodians of the land on which we are meeting today and the lands on which I live and work. I acknowledge my elders who are also here in the room today with us. I am here today in my capacity as an individual and someone who has worked in Indigenous engagement for most of his professional life. I have also had the privilege of working in Indigenous public policy development for a previous Aboriginal and Torres Strait Islander partnerships minister here in Queensland. I am here today to talk more broadly about my support for the Path to Treaty platform.

When you go back to talk about the history of the state of Queensland, and even when you take into consideration how the Federation of Australia works, the treaty processes in a country like Australia are probably best operated by the states, given that they are the main service providers. Even though the federal government has overarching power, it is the states that often are left delivering the health, the education, the road construction—the actual tangible on-the-ground delivery, which makes the states and territories the better place for service delivery when it comes to providing treaty options.

I also sit here today as the grandson of a member of the stolen generation. My grandmother was taken from her mother in Cairns and put into a dormitory on Palm Island, where she grew up. I also sit here today as the grandson and great-grandson of two Aboriginal Gugu Badhun men who had their money taken as part of the act. My great-grandfather was in the fortunate position, compared to most people, that he received five pound—and that was on his wedding day. When you understand that history—first the colony of Queensland and then the state of Queensland—when you talk about the history and the truth-telling side of things, it is very much that the state of Queensland is the best place to rectify some of those injustices of history, and also when you consider the contemporary nature of state governments it is the best place to deliver on those treaty obligations.

As I mentioned before, my background is in Indigenous engagement and public policy development more broadly, so I have a very overarching view of what happens across the country. I think Queensland is currently in the privileged position where I think we started our treaty process a bit later compared to South Australia, Victoria and even the Northern Territory. When you look at what is happening in Victoria—I think it was Aunty Linda who mentioned the voice to parliament at a state level—obviously Victoria's treaty process ended up with the First Nations Assembly, where they sit in the upper house of the Victorian parliament. Also, the South Australian process is getting restarted now under the new South Australian government. When they talk about individual treaties with different traditional owner groups, South Australia has led the process where they had the Narungga Agreement put in place before the 2018 election. It was a basic model that was basically saying, 'We are looking at having a templated treaty process but a process that also extends to the individual traditional owner groups more individually.'

When you look at those lessons from those other states and territories, I think they are good models for Queensland to look at as well. They are the points I wanted to come here and say. More broadly, I support the Path to Treaty platform. As a local member of the Townsville community and also a Queenslander, I support what you guys are doing. Thank you again for being here today.

**CHAIR:** Thank you, Ben. It is really great to hear from you and great to hear that feedback. We will now turn to Ms Gee-Hoy.

**GEE-HOY, Ms Fay, Private capacity**

**Ms Gee-Hoy:** Thank you for the opportunity. First of all, I would like to acknowledge the traditional owners, the Wulgurukaba and Bindal people, of these lands we are meeting on today. I acknowledge

**Gee-Hoy:** Like I said, tell the truth. The true history needs to be in all the curriculums in the schools across this nation. Tell the truth. I know my grandmother's tribe was massacred. I know that story of my grandmother and when she was taken.

**CHAIR:** Thank you. We do acknowledge how hard that was for you, so thank you.

**CASSADY, Mr Tyson, Private capacity**

**Mr Cassady:** I am a Nywaigi and Mungalla man. I have worked 30 years across the board at the coalface with our people. I have worked in rehabs, youth detention, jails, residential. I have worked for federal and state government and now work in the NGO sector, but again still working with our people at the forefront, on the coalface, helping them overcome the issues of hurt and trauma or intergenerational trauma from the effects of past government policies. I am working with people all the time in terms of trying to heal that hurt with them, trying to get their lives back on track. A lot of that hurt has caused addictive behaviours: drug use, alcohol use, gambling and violence.

When we talk about healing in this format, we need to look at what are the practical terms of getting people to heal. I have been in the industry for 30 years and I am pushing the proverbial uphill. What does healing look like in a practical sense when we talk about treaty? That healing is healing from past government decisions. What does it take to heal? What is it going to take for us to heal from the decisions and the hurt and the trauma and the pain that our ancestors have gone through and that my people are still experiencing? My own grandmother was a product of the stolen generation. She was raised in Neerkol orphanage, one of the worse orphanages in Australia. The stuff that was done to those young kids in that orphanage was horrific. Not only that, we have lost connection to family, to kinship, to tribe, to culture, to custom—all that sort of stuff as well.

Let's be real about what we are talking about here because Queensland was once known as the Mississippi of Australia. Joh Bjelke-Petersen and his policies that worked against us as Aboriginal people—we do not have to talk about Mapoon to settle that argument. In terms of what is it going to take for us to heal, what does the government have to do or what resource does the government have to allocate to us in order for us to heal from what has happened in the past?

We talk about good faith in this document and about disclosing documents and stuff for stuff that was done. Why do we have to go through this process for that to happen? You have evidence there. Why are you fighting it now? Why do we have to go through this process to get those documents? That is not good faith to me. Good faith is, 'We're going to own up before we go into this process.' That is a sign of good faith for me. As Aboriginal people, we have all seen where governments cut us off at the pass for the greater majority. How they swing that now with this to say, 'We're going to do this, this, and this for Aboriginal and Torres Strait Islander people at the expense of the majority.' I will be interested to see how that plays out.

**CHAIR:** Thank you, Mr Cassady. I just want to make one comment in relation to that, and Mr Gooda may want to comment, but my understanding of the Truth-telling and Healing Inquiry is around the opportunity to bring all Queenslanders with us on the journey, and my understanding is that, for many non-Indigenous Queenslanders, we have only been taught one side of the story. My understanding is that it is not about questioning the validity of your stories; my understanding is that it is about a truth and healing process and making sure that every Queenslanders has the opportunity to know the history of Queensland and its First Nations peoples. We can talk more about that.

**Mr Cassady:** Should that not be part of the curriculum?

**CHAIR:** Yes. I envisage it will be.

**PARSGAARD, Ms Natasha, Private capacity**

**CHAIR:** I turn to you, Natasha.

**Ms Parsgaard:** Good evening. My name is Natasha Parsgaard. I am a traditional owner for Manbarra, (indistinct), Nywaigi and Tulua. I am related to Tyson Cassady. To reiterate what Genus and Tyson said earlier with regard to the juvenile justice system, I have also worked in that area for a long time, and I am aware that the amount of funding per head for a young Indigenous person to be kept incarcerated for a year is roughly about \$128,000.

**Mr DAMETTO:** Sorry to interrupt you, but I think you have grossly underestimated that. It is about \$1,700 to \$1,800 a day.

**Ms Parsgaard:** Okay. I am just wondering with that kind of funding—and everyone is worried about the youth crime that has spread everywhere—maybe they need to look at redirecting some of those funds and getting rid of the system that they are protecting with the amount of money that goes per child. Put it into a program that actually works. Like Aunty Flo and everyone has been saying, they know their children, they know their families and they know the people, so put the funding in where it should be. That is one thing.

The other thing is the red tape involved with the state government and the local councils. When people are trying to start businesses, especially Indigenous people of the communities, we go out there, we are trying to start our own businesses, but the red tape prevents us from getting anywhere in life. There are always these big costs that go along with starting a business. There is no support; there is really no financial support. You have the likes of nepotism going on within the departments and in the council. You have the likes of NDIS where people want to start businesses, but they have to go along with all these already established organisations that do not know anything about our Indigenous people or how to care about them. The sad thing about it is: I can go in and see my mum and I walk in every second day and there is some foreign person in my mum's home.

The other thing is employment. They are employing other people from different nationalities rather than employing our own people. They need to stop employing the other people. Just opening up a shop, it is like going to Africa or India. I do not mean to sound like I am racist or anything, but it is sad that we, as Indigenous people, cannot start up our own businesses. I walk into the Willows two months later and there is PNG and then there is Africa and India and then there is China or Philippines. Where are our Indigenous shopkeepers to sell our local products? They are going out selling our prints, they are walking around in our government jobs, wearing our prints all over them, and they come from a different area. We are not lazy people. We want to get out and work.

As far as this committee is concerned, I suggest that maybe there be subcommittees because Queensland is a very large state. Like someone said earlier in the other session, it is like that crab in the bucket: we will all be fighting over whatever is in there. So my suggestion is to have subcommittees. That is all I have to say for today. I do not know if I made sense but—

**CHAIR:** You did very well. Thank you very much, Natasha. You made some really great suggestions, thank you. Aunty Flo, you have one minute and then we will give one minute to Arika and then we need to finish.

**Ms Onus:** I just wanted to say that prior to this session and the session that we had with the group with Michael yesterday, we had not seen this bill. This is the first time I have had a copy of it today. I just want to support what Darryl was saying about the preamble—could we add point 11 in regard to the acknowledgement of the stolen generations in Queensland. I understand that the Truth-telling and Healing Inquiry hopefully is going to address a lot of that, but it still needs to be in the preamble as an acknowledgement of forced removal of our children and the ongoing intergenerational trauma that has been suffered throughout the communities. Thank you very much.

**CHAIR:** Thank you, Aunty Flo, and thank you for being so quick.



**APPLEBY, Ms Arika, Private capacity**

**CHAIR:** Arika?

**Ms Appleby:** Good afternoon. I will not keep you for too long. I am a proud Gudjala woman from Charters Towers and also Gugu Badhun. I have been listening this afternoon and there have been some really great points raised here today. As a young person, I have felt really inspired and also very appreciative of the stories that our old people have shared here today. I would like to pay my respects to those elders who are here today, past, present and emerging.

I would like to raise a couple of considerations to have for our people. Quite a few of our people are from Townsville and the surrounding area, but there are a lot of people who come from out of this state and their treaty process is quite different. Some do not even consider a truth-telling component. I am looking at New South Wales and those sorts of things. In some ways it can be quite conflicting for those individuals who are spread out quite diversely within different clan groups, and that is something to take into consideration when you are going through these processes.

Within our communities at the moment we have a lot of traction with the Thriving Communities initiative, the Voice and now this process with the treaty. A few things I have been thinking about are how that can sometimes be a little bit conflicting, because when we are starting to talk about the Voice and the referendum coming up, how will that affect our process with our pathway to treaty and how will the First Nations people cope with that as well as non-Indigenous people? Is that going to create a bit of conflict when we start to do our truth-telling component? Are we going to be considered whingeing and carrying on? Is that going to affect the vote when it comes to the referendum? These are a few of the things that I have been thinking about as we have been talking. I have raised that quite a few times in various conversations.

As I sit next to my mother, she also raised a very important point to me. She works at headspace and knows a bit of psychology and matters like that. She is around that trauma space quite a lot. A point she made to me is that trauma is 24/7, not 8 am to 4.30 pm, so how are we healing and what supports do we put in place for those people? I think that was a very good point, because quite a lot of programs are run in between that 8.30 am to 5.30 pm period but not too many after 5.30 pm to 12.

Those are just a few considerations that I thought would be quite important. I do agree with the lovely lady who was here before who spoke about subcommittees. I am part of the First Nations Youth Council and we have found that the Townsville First Nations Youth Council has worked really well having the subcommittees that work in little action groups. Thank you for allowing me to speak.

**CHAIR:** Well done. Ladies and gentlemen, I want to acknowledge the elders who were present today and thank them for the wisdom they offered. With your indulgence, I would like us to put our hands together for Arika. Arika is a young woman—she is a woman and she is young—and she certainly provided some really tremendous feedback. Can we give Arika a round of applause? It certainly makes me very proud, Arika. The issues you raised are very valid. You made tremendous sense and it gives me great hope for our future that young people are so engaged with the journey that we are on and you are so aware of the struggles and the challenges. We need you, we need your support and we need you to be engaged. Thank you very much.

Ladies and gentlemen, that brings us to the end of our session today. The committee is a bipartisan committee made up of a number of different members from a number of different parties—Greens, LNP and Labor. We really thank you for your time today. We acknowledge the contributions that you have made. I learned a lot and I am sure that my colleagues have learned a lot. We will make sure that we capture your feedback in our document and that we make some very serious considerations around some of those recommendations or points that you have made. Thank you very much for this afternoon. Thank you for having us in Townsville. We know it is a very beautiful place, and we acknowledge the time that we have had here. I declare the public forum closed.

**The committee adjourned at 5.29 pm.**