



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

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

Staff present:

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

PUBLIC HEARING—INQUIRY INTO THE PATH TO TREATY BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 13 March 2023

Brisbane

MONDAY, 13 MARCH 2023

The committee met at 10.45 am.

CHAIR: I now declare open this public hearing for the committee's consideration of the Path to Treaty Bill 2023. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today 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 all share. I also acknowledge Ms Cynthia Lui, the member for Cook, as the first Torres Strait Islander person to enter an Australian parliament. We acknowledge her and thank her for her custodianship.

On 22 February 2023 the Hon. Anastacia Palaszczuk, Premier and Minister for the Olympic and Paralympic Games, introduced the bill into the Queensland parliament. On the same day the bill was referred to this committee, the Community Support and Services Committee, for its detailed consideration. The purpose of today is to assist the committee with its examination of the bill.

My name is Corrine McMillan, the member for Mansfield and chair of the committee. With me here today are: Mr Stephen Bennett MP, the member for Burnett and deputy chair; Mr Michael Berkman MP, the member for Maiwar; Ms Cynthia Lui MP, the member for Cook; and Mr Robert Skelton MP, the member for Nicklin. Dr Mark Robinson, the member for Oodgeroo, is unable to attend.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of this parliament. Proceedings are being recorded by Hansard—thank you, Hansard—and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note it is possible you may be filmed or photographed during the proceedings. Images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or to silent mode.

Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings under the standing orders, any person may be excluded from the hearing at my direction or by order of the committee. I also ask that any responses to questions taken on notice today be provided to the committee by 5 pm on Monday, 20 March 2023. The program for today has been published on the committee's webpage and there are hard copies available from committee staff.

As I introduce the Interim Truth and Treaty Body, I acknowledge their great work as a group. I acknowledge their leadership. This is groundbreaking work here in Australia and certainly in Queensland. The committee and the government acknowledge the work that you do, your commitment and passion to ensure that the truth be told about the sad history of this great country. We acknowledge you and thank you for your leadership. We as a committee look forward to working with you closely as we embark on this journey to a Path to Treaty. Thank you for appearing before the committee today.

ATKINSON, Ms Sallyanne AO, Co-Chair, Interim Truth and Treaty Body

BUCHANAN, Ms Cheryl, Co-Chair, Interim Truth and Treaty Body

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

LAVARCH, Professor Michael, Board Member and Chair of the Legal Advisory Committee, Interim Truth and Treaty Body

CHAIR: I invite to you make a brief opening statement, after which committee members, I am sure, will have many important questions for you.

Ms Buchanan: Thank you, Madam Chair and members of the parliamentary committee, for the opportunity to provide our insights into the significance and value of the Path to Treaty Bill 2023. I begin by acknowledging and paying my respects to the traditional owners of the land on which Parliament House is built and all of our elders past and present. Without their work and resilience we

would not be here as First Nations people. We have two other board members who are here, Mick Gooda and Bianca Beetson, whom I would like to acknowledge, and other members of our secretariat. The acknowledgment recognises the truth that there were societies—and there are societies—of people here before the colonisation of what today is known as Queensland.

Aboriginal and Torres Strait Islander peoples are still here; our sovereignty was never ceded. Recognising this truth and making the more than 200 years of wrongs right is what this treaty process is all about. We believe the Path to Treaty Bill represents one of Queensland's greatest opportunities to reconcile our challenging past with a hopeful future—that is what we are doing; we are selling hope—that ensures First Nations people's right to self-determination and to have a real and meaningful say in the decisions that affect our people, our communities, our culture and our country.

The Interim Truth and Treaty Body, ITTB, was created to take the truth and treaty processes forward and to act in place of the structures that will be established by the bill. With my co-chair Sallyanne Atkinson and the other eight members like Professor Lavarch, we have an important but limited mandate to get the structures in the bill—we are feeling that pressure every day, I can assure you—the First Nations Treaty Institute and the formal Truth-telling and Healing Inquiry, off the ground. This is only possible because the Palaszczuk government showed leadership and willingness to respond to the many decades—many decades—of calls from the First Nations peoples of Queensland for treaty. In doing that, I thank the government.

I also understand that on the committee we have representatives of political parties across the spectrum of opinion. We thank you for being here today and your engagement in this important dialogue our state is embarking on. The path to treaty will not be finished in this parliament and there will be future governments of different beliefs, but I truly hope this journey can be seen as being beyond the day-to-day political debate and embraced by all. The participatory process to co-design this legislation between our board and the Queensland government was unique and is an example of how we can reframe relationships and form partnerships that challenge norms and seek to do things differently. This is when we know we are doing things better.

The bill is founded on ideas that originate from First Nations people and many non-Indigenous Queenslanders. It started with the voices and views of Queensland communities and has been the culmination of work and engagement with many Queenslanders over the last four years. I was a privileged member in 2019 of the Treaty Working Group, the Eminent Panel. Consultation was attended by more than 1,000 people in 24 locations, including 250 stakeholder individuals and 331 online surveys. In addition, 38 written submissions were received. It is a very different approach that we have here in Queensland because at the Treaty Working Group consultations we had both First Nations and non-Indigenous Queenslanders participating. It is a very different approach to other states. The Eminent Panel and Treaty Working Group heard there is a strong desire for treaty making amongst both non-Indigenous and First Nations Queensland and recommended that an independent First Nations Treaty Institute take this process forward.

The Treaty Advancement Committee formed in 2021 and was tasked to provide advice on how to implement the Treaty Working Group and Eminent Panel recommendations. The Treaty Advancement Committee further detailed the architecture for the treaty process in a way that recognised a shared understanding of truth which is central to the process and will create greater opportunities for a more cohesive and united Queensland. It was during the Treaty Advancement Committee considerations that recognition was paid to the need for a separate truth and healing process to build understanding of our collective history and its impacts and support the process of treaty making. This emerged from understanding best practice international experience and the dedicated focus required of truth-telling to truth making and treaty making. The bill therefore contains a dual purpose: to establish the institute and to separately establish a Truth-telling and Healing Inquiry.

The institute's principal purpose is to support First Nations people to enter into and participate in treaty negotiations. The inquiry will look into and document our history and report on the impacts and effects of colonisation on Aboriginal and Torres Strait Islander peoples. Through a number of ways the bill ensures these main purposes and structures are grounded in First Nations peoples' laws and customs. Importantly, the journey of treaty making will be supported by returns from the \$300 million Path to Treaty Fund that will support the work of the institute to make sure that First Nations peoples are ready to enter treaty negotiations with the government on a more equal playing field, which of course is where we want to be.

Although not typically contemplated as the most significant provision of the bill, the preamble to this bill is one of its landmark features. The acknowledgment of intergenerational trauma caused by colonisation, the recognition that Aboriginal and Torres Strait Islander Queenslanders have never

ceded their sovereignty and the conception of what is required for us to move forward are critical to advancing reconciliation in this state. The bill provides integral building blocks for the future of Queensland, but as we have all acknowledged—and will continue to acknowledge on this journey—there is still much more work to do. First Nation people and Queensland communities will be asked for their input to support the establishment of the institute and inquiry, and our board will work with communities to facilitate these discussions. We will be asking communities how we should be selecting institute council members so that the institute's governance is community led and endorsed. Community input will also be asked to inform development of the inquiry's terms of reference as well as a selection process for inquiry members.

Our board recognises that this journey will not be an easy one. To help prepare communities, locally led truth-telling activities with Queensland public institutions will be enabled to begin building the critical importance of truth for the success of future treaties and treaty making. All of this work is being conducted in order to ensure the success of this journey for First Nations people and non-Indigenous Queenslanders. This bill marks a fundamental milestone and stepping stone for building a better future. Our board is here with the expectation that this bill should be passed, and we ask that parliament commit to begin to address unfinished business—that is what it is: unfinished business—by supporting this bill. Treaty is something that we do not want to see politicised. Treaty is about creating a state identity that we can all be proud of.

If anyone has any questions or has any reservations, I encourage you to reach out. We are here to listen and hopefully give you some direction and positive answers into the future. Again, this is not an easy journey and we cannot be timid. Rather, let us build strength and courage together as we walk on this path to treaty. As I said to somebody this morning, while it is a path to treaty, I think it might be a bit of a rocky road with a few potholes in it as well.

CHAIR: Thank you, Ms Buchanan. The committee thanks you for your great leadership. I can assure you that any road we take in life that is easy is nowhere near worth the roads that we take in life that are hard. We look forward to journeying that path with you regardless of how many rocks and how many potholes. Congratulations on your great leadership. The committee looks forward to working with you.

Ms Buchanan: Thank you, Madam Chair.

CHAIR: I will turn to the deputy chair for his first question.

Mr BENNETT: Thank you, and welcome. In light of the bill and the significant work that has been done to date, is there anything that is not in the bill that you believe should be? I reference your committee's report in 2021 and the government picking up 18 of the recommendations, not all. I am curious as to whether there is anything else that you may feel should have been included in this particular bill.

Ms Buchanan: I will ask Michael if he can address that question.

Prof. Lavarch: The government did accept either in full or in principle all of the recommendations.

Mr BENNETT: That is true.

Prof. Lavarch: The bill, I think, as developed through the co-design process between our body and the department's legal team and Parliamentary Counsel, is a very genuine transfer of the recommendations of the TAC report into the legislation. There are some parts that were recommended which could not be finalised through the legislation itself and that is in part a reflection, if you like, of the limitation, if you like, of the co-design process. By its nature, a legislative process is within the control of the executive and then ultimately the parliament. It is kept to be an in-confidence process—that is, the board was not able to undertake consultations on the bill as it was being developed. We all had to sign confidentiality obligations, for instance. This means that some parts of the bill require further consultation.

So the bill sets out the architecture, but some further detail needs to be fleshed out through further consultations. The obvious element of that is, firstly, how the members of the First Nations Treaty Institute should be appointed. There will be a further consultation process around that. Importantly, two components of the Truth-telling and Healing Inquiry—that is, the terms of reference for the inquiry itself—need further consultation with the Queensland community, particularly First Nations communities, and also the selection process for the members to conduct the inquiry. This is not like a mine disaster and the government comes forward with a commissioner to inquire into it and really it is a little bit mysterious how that person gets appointed. This has to be a process which is understood, which is transparent, where there is a sense of ownership across the community. That

is why we believe that, while the formal appointment of the members of the inquiry will be on the minister's recommendation to the Governor in Council, the minister needs to be informed through a process of consultation as to how the members should emerge. It is on those further items that the bill sets out the framework, but the flesh to be placed on that framework has to be conducted through a further process of consultation, and that is what our board will be doing over the next three to six months, undertaking those processes of consultation.

Ms LUI: I really appreciate your time for this very important hearing. The committee notes that you, Ms Buchanan, Ms Atkinson and Professor Lavarch, have all been involved in the Eminent Panel, the treaty working group, as well as the Treaty Advancement Committee. Can you outline for the committee the progress made to date in relation to the path to treaty?

Ms Buchanan: I think the consultation process that we began with the treaty working group really laid the foundation. It was definitely hearing the voice of our people throughout this state, and what became obvious to all of us was that people want to hear the truth. They want the truth to be told about what has happened within this state, how it has shaped their lives, how it has affected their lives, especially our First Nations mob. When I look back at it I think that if we had not had that consultation process we would probably be in a very different space than we are in now because we heard from both non-Indigenous, as I said earlier, and First Nations people about what was required.

With truth-telling comes a huge obligation as well, and I think that is yet to take place, with the localised truth-telling to begin very soon. We have already started that process with the institutions. Because the government has taken that commitment and has taken on board the recommendations of the Treaty Advancement Committee as well and originally the Eminent Panel, I think we are all in a very good place to be able to go out and begin a process again asking for people to participate in the process. People want their stories to be told. They want to be heard. They also want to ensure that these stories are put into curricula so that things will change within this state. Everyone is very conscious that from early childhood right through to university people have only been told the colonial history and only in very recent times had the First Nations people's voice within the history books. That is all about to change very significantly. I might ask other panel members, either Sallyanne or Michael, if they would like to comment.

Ms Atkinson: Not really. I would not have much to say because Cheryl has said it so well. I think it was important that as we went around doing our consultations—and I was only a member of the Treaty Advancement Committee last year so I am a bit of a Johnny-come-lately to the process, and then this year—we heard from non-Indigenous people, particularly so they understand that this is a treaty for all Queenslanders. This is to enable Queensland to be a better place, to have a better society.

I just wrote down the note 'the shared understanding of truth'. Truth can be very subjective, but it is a matter of understanding that somebody else's truth is as valid as your own truth, and I think that is why the consultation is such an important part of the bill. We are leaving how various members of the various bodies will be chosen to the consultation process, because people do need to have ownership of the process. We are not inflicting this upon them from on high, and that is why I think it is important that our committee is referred to as independent. Much as we love all of you, we want people to know that we are independent of government people, listening to them and making recommendations to government.

CHAIR: Thank you, Ms Atkinson. I am so glad that you made that remark. It is important that non-Indigenous people hear from people of your standing in our community. We thank you for your leadership and your guidance.

Mr BERKMAN: I really appreciate your time here this morning and especially thanks for the opening statement, Ms Buchanan. I kind of want to get straight down to brass tacks and ask you for the ITTB's view on funding. I think you were all here before for the question and answer from the department that the \$10 million minimum annual funding commitment will come from the Path to Treaty Fund. Can you speak to the committee, I guess quite broadly, about the adequacy of that amount, mechanisms for the institute to seek additional funding if it is necessary and any other observations you have around the sustainability of that funding model?

Prof. Lavarch: There is no doubt that the decision to establish the Path to Treaty Fund was a very significant step taken by the government in the previous year or the year prior to that's budget because it does give a degree of stability and certainty to the funding of the process outside of the argy-bargy of the annual budget process. It is also a very clear statement of longevity in terms that this is not a process which will be completed in the term of a single parliament; it will have a life over several parliaments at a minimum.

The \$300 million and the \$10 million figure probably need to be unpicked a little bit. The \$300 million was the nominal amount of the fund. There were a number of other funds established in that same budget. The earnings from the fund are based on a Queensland Treasury deemed return on the amount of the fund. The \$10 million is very much the floor. It is not the ceiling; nor is it the amount that will be made available through that fund. Where we see references to \$10 million both in the TAC report and in the explanatory memorandum to the bill, very much understand that that is a floor, nothing more than that.

The TAC in its report also noted that the calculation of what would be required by the First Nations Treaty Institute is a separate exercise to what the earnings of the fund might be—that is, there is no magical correlation between what the fund might earn and what the process might require. The work that is being undertaken more recently through the work of this body has gone down the path of more thoroughly coming to a view as to what the funds that might be required are to enable this to go forward. That has been fed in through the department into the budget process so we are not really at liberty to start citing figures at you.

I suppose the takeaway message is that the fund is a very important development, it does give stability and it does take it out of the annual budget process in that sort of each year going in for an individual bid thing. The earnings of the fund and what might be available is a separate thing to what actually might be required. Certainly there can always be additional annual bids through the budget process if the institute, looking forward, once the institute is established, believes that it requires further funding beyond the earnings becoming available from the fund. Then as the department mentioned in their evidence, there are also staging posts of formal reviews which the legislation refers to which would also be a trigger for looking at the funding question. All I will say is that the \$10 million is simply a floor and not a ceiling in terms of what might be available and certainly is not a statement of what is actually required.

Mr SKELTON: Ms Buchanan, we note from materials on your website that you are conducting a local truth-telling process, Community Yarns. Can you please explain to the committee what Community Yarns involves and what kind of feedback you are getting from communities?

Ms Buchanan: We have not gone out for engagement yet with communities. I want to say, though, that I think people forget that truth-telling has already begun and it has been going on for quite a long time. To see this, you only have to turn on SBS or go to a concert and listen to some of the musicians and some of the stories they are telling. I think what we are doing is drawing on that and continuing that process. What we are hoping is that people who have not had a voice before will be encouraged to come forward and to share their stories. There are a number of different ways that can occur. We have Indigenous knowledge centres as well. There are about 26 throughout the state. People are already attending those centres and sharing their stories, both orally and through audio and visual ways. As we progress, once we get out into the communities again, we will probably then determine what the best approach to make is.

At this stage, it is kind of early days. There are a whole lot of assumptions on our part and there are a whole lot of perceptions out there in the community, so it is kind of matching those two. At the end of the day, I think it will be a really positive experience because people will be very much encouraged to think that they will tell something that will be respected, that will be acknowledged. There will be cultural safety, and that will be put then into curricula. That is the promise we have made to people and I think, through some of the early discussions we have had with government, that will take place.

Ms Atkinson: I will add to that, particularly drawing on Ms Lui's use of the word 'yarning'. One of the things we have understood as we have gone around is that it is easier for people to be informal rather than front a formal inquiry. We are very cognisant of the fact that there will be people who simply want to have a yarn, have a chat, and might be a bit inhibited about presenting. This is part of what we have been doing and what we will continue to do—the informal as well as the formal.

Mr BENNETT: Ms Buchanan, you did mention your observations of the Victorian model and the significance of Queensland's endeavours. Are there any other observations from other jurisdictions that might be important for the committee to hear? You have acknowledged that it is early days, but you have done a mountain of work already. I am curious to hear about other jurisdictions in Australia that might be of interest to the committee.

Ms Buchanan: I will ask Michael to comment, but I will make a quick comment. I think the approach, certainly of me as a co-chair is—we were reminded by some of our board members that Queensland is unique in the way it has presented itself historically. We are taking that on board—not

having too much noise out here and trying to just focus and concentrate on what it is that exists and has existed in Queensland as a state and the way the people have responded historically to what has happened here. That is how we intend to move forward.

Prof. Lavarch: Each Australian jurisdiction now, bar New South Wales and Western Australia, has embarked on treaty and truth processes to some extent. Victoria is the most advanced—you could say it is two to three years further down the road from where Queensland is—but there are also processes in each of the other states. We have been mindful throughout the process to try to take a holistic view of what has occurred in the other states, to look at the research papers and the like that have been produced in those other jurisdictions. We have also been informed, as earlier questions alluded to, by New Zealand, given the closeness between our two nations. British Columbia is also regarded internationally as a comparable and good model to look at.

We have had a look at all of those different models and that has influenced some of the thinking. For instance, why three years for the truth-telling inquiry? That was informed by some of the international experience that it was advantageous for there to be a time frame for the formal inquiry—you needed a bit of flexibility, hence the ability to seek an extension—but that the focus and the public attention, to be a little bit brutal about it, is probably best concentrated by having a definitive time frame around the formal inquiry.

By the same token, truth-telling will probably be an ongoing process. If you look at clause 13(1) (d) of the bill, there is the capacity for the institute to play an ongoing role outside of the end of the formal inquiry in terms of working with local First Nations groupings in terms of the recording and the use of their history to help inform treaty negotiations. We have been speaking about localised truth activities through the institutions of memory—libraries, galleries, museums and the like and the work we are doing on those fronts now. All of this has been informed by looking at what is out there and trying to get some inspiration from that, but, as Cheryl very correctly points out, Queensland is unique. It has its own story within Australia. Obviously in the Torres Strait, amongst other things, we have two very distinctive First Nations communities in this state, so we need to very much customise the models that we are proposing to work for Queensland.

Ms Buchanan: What we have here are over 150 First Nations. People always talk about Victoria; we are very different. I think there may be 35 or something. It is geographically a much bigger area as well. As Michael just pointed out, there are two very distinct cultural groups who have law, custom, language and so on. We have over 150 languages and language groups potentially in Queensland as well, so it is quite different.

Mr BENNETT: That is really helpful. Considering Ms Buchanan raised it—it was going to be a question of mine later on—there are 150 First Nations groups identified, but within those 150 I guess there may be capacity that we have to negotiate even further down within those First Nations groups to make sure we have an inclusive negotiation.

Ms Buchanan: It could be. As you know, we have a native title process that is taking place here. For example in New Zealand, they have not had that process at all. What we have seen in some of the northern communities, for example, is that some are very much clan based, so it is not just within a nation context at all.

Mr BENNETT: And family based as well, to be fair.

Ms Buchanan: It could be that clans come forward and want to sign treaties. There are also discussions about First Nations signing treaties with each other potentially, before we get to the process of signing treaties with government. I welcome that in some ways, because we talk about healing in this process as well. In terms of healing there could not be a greater thing, because what native title did was divide families. Brothers and sisters did not talk to each other and so on. It has a huge negative impact on people. There were some positives, but there is a lot to be mended in terms of how that native title process has affected our First Nations groups.

Mr BENNETT: Thank you. That is very informative.

CHAIR: Ms Buchanan, you spoke about the rocky road ahead. The government department spoke about how the path to treaty and the truth-telling process will be hurtful and quite difficult. What advice do you give to the committee around how we might navigate the hurt and the process? It will most definitely be tremendously difficult for First Nations peoples but perhaps for non-Indigenous people as well?

Ms Buchanan: People talk about the fact that we were here for 65,000 years prior to colonisation beginning, so what you also have to acknowledge in the process as you are going around is that that is in our memory. That is in our memory bank; that is in our DNA. That is in all of the stories

that have been passed down to us as individuals, families, clans and nations. In bringing that forward, that then becomes part of the 200-year story of colonisation. It is a very traumatic process because, as we know, we have only just started to talk about massacres and some of the atrocities that occurred. We are living day-to-day with statistics that are horrific. Closing the Gap—two things have been done.

If we look at the number of people who are coming into our juvenile system, the number of our men and women coming into the adult correctional centres, these numbers should not be occurring in 2023—if people had done their job and had actually listened. Moving forward, my best advice would be that you have to have ears really open not only to listen to people but also to listen to the hearts, soul, and spirit of this country and of the people who are sharing those stories. That is going to be difficult. We have talked quite a lot at the board level about the trauma that will be associated with that and the need for us to ensure that whoever is in this process is well aware of the trauma that will come as a result of either beginning or continuing those discussions and that truth-telling that has started. I think that is probably the best advice I can give you.

CHAIR: Thank you, Ms Buchanan. Ms Atkinson or Professor Lavarch?

Ms Atkinson: I am sure both of us will have things to say. The healing will be just as important as the truth-telling, and we recognise that. There is no use setting in place a truth-telling process without really addressing the trauma that will come from it, and we certainly are doing that. I think it is important, too, to recognise that as a society we have really only just started being open about our history. When I went to school—I am older than anybody here—I knew nothing about the history of Queensland. In one of our community gatherings a young person said, 'How many Aboriginal people did you know growing up?' I said, 'Not one,' but we have come a long way from that. For my children and grandchildren it is all just a normal part of life, so I am given a great deal of hope from that.

I look around at the panel and know where you come from: Michael Berkman from my old stomping ground of Indooroopilly, Burnett, Nicklin—even your part of the world, which is perhaps a little bit more understanding than some of the people that you come across and that you come across. We have a great deal of explaining and selling to do. Ever since I started this work last year I have been constantly not defending it but being attacked and then having to explain, and I think that is very important. However, we must never lose sight of the fact that there is a great body of people out there who still have wrong ideas and who still begrudge the attention that we are putting onto this process. That is legitimate for them, but it just means we have to work even harder at it.

CHAIR: Professor Lavarch?

Prof. Lavarch: I do not think I could add anything more valuable than my colleagues.

CHAIR: I think both Ms Buchanan and Ms Atkinson were incredibly eloquent in the way they described how we might navigate our path forward. We still have some time.

Mr BERKMAN: I have run out of battery, so I am flying blind a little bit. I am interested in your views on some of those eligibility restrictions for members of the council. There are some limitations, and we have heard some concerns raised about the human rights implications of requiring a council member to step down if they are charged with certain indictable offences in the context of extraordinary over-representation of First Nations people in the criminal legal system. Is that something that the ITTB or previous bodies considered in the framing of the bill?

Prof. Lavarch: That is a fair observation. There was some discussion that occurred during the co-design process about how we got the configuration right here. At the end of the day, while the statutory body has been appropriately shaped to fit its unique purpose—for instance, the body does not represent the state or the standard statutory body in Queensland. That is one of its core things, that it is a statutory body and it is representing the state. This body does not represent the state. Equally, the public interest requirement, which again rests with statutory bodies—that provision has been modified in this case so that the public interest is to be understood with a particular regard to the position and interests of Aboriginal and Torres Strait Islander peoples. However and equally, we have had some discussion about the processes which might lead to the selection of members to the council. There are, however, other statutory requirements which cannot be walked away with in terms of operating within the frame of a Queensland statutory authority. The accountability regimes and the like are appropriate; they apply across statutory bodies. Indeed, the board in its thinking very much welcomed that level of transparency both to First Nations communities and to the broader Queensland community.

The issue about being disqualified to be a council member based on criminal record and the like is a tricky one for the point that you identified. Obviously we know statistically that during the interplay with the criminal justice system this impacts more severely on First Nations people than it

does on the broader community. The offences are serious offences that are prescribed in the bill. They are not lower level offences. There are provisions in terms of things in a misspent youth, if I can put it in those terms, about convictions being spent and that should not be a disqualifying factor. We did think about it. We think the bill has the balance right in terms of accountability, transparency and credibility but at the same time recognising the particular circumstances of First Nations peoples and those who may ultimately seek to serve on the institute council.

Ms LUI: During the last panel session the member for Mansfield asked about voice and treaty. I know in my electorate there has been some confusion around voice and treaty. I was wondering if you could speak to some of the differences about what is happening in the federal space that makes it a bit different from Path to Treaty and if you have any advice moving forward around these two very significant initiatives?

Prof. Lavarch: It certainly is a complicating environmental factor, if I can put it that way. The Commonwealth government now has embraced the Uluru themes of voice, treaty and truth. They have not so much—at least publicly—announced what might be emerging in terms of the second two themes of treaty and truth. We have been very conscious throughout this process—and you will see references through the earlier reports and the like—of the need for the Queensland process to be sufficiently adaptable to take into account what might emerge federally, if for no other reason than you do not want to be reinventing wheels or stepping on each other's toes and the like.

Where the two processes can very directly intersect, for instance, is if the voice proposal federally emerges, is successful and is buttressed—that is, the national voice is buttressed—by regional structures which are feeding into the national voice. If you pick up the Calma-Langton report, which is the most advanced piece of work on that at the moment at the federal level, you could see those sorts of structures informing the Queensland voice—and we heard a little bit earlier from the department on that—and that could inform the way in which people emerge on to the council or the institute. We do need to be sufficiently adaptable for things to be self-supporting rather than in opposition to each other.

In relation to the truth and treaty component of it, there was always going to be a need for both the Commonwealth and the state governments to be involved in treaty processes because of the differing domains of the two levels of government. The state is central in terms of service provision: the criminal justice system, the child protection system and the way in which a whole range of self-determination and governance arrangements might emerge through the treaty process. However, there will be the need for the Commonwealth ultimately to also be involved. Again, that is why we have always stressed the need to be flexible and adaptable to see what is happening at the Commonwealth level and to fit those components in.

It adds a bit of difficulty in your messaging at the moment. As we go out and speak to people, people have heard about the voice, naturally. They have not so much heard about the truth and treaty process in Queensland. We have not been able to be in the field for quite a while now. We are about to go out into the field. There is a bit of complication there. I am sure the committee, as it does its consultations, will also pick up that same level of confusion. They are mutually informed by each other. There will be components where they can fit together, but the Queensland process has its own life and its own area of responsibility in terms of what the state can legitimately discuss with First Nations people, so it is not to be abandoned by the Commonwealth now doing something. Rather, they are to inform and work together with each other in an ideal situation.

Ms Buchanan: With our body we have such a short time frame to do a whole range of things. The first one was delivering the bill, which is what we have done. The next thing, of course, is setting up the structures for the First Nations Treaty Institute, the local truth-telling, the inquiry and so on. We are only here for a very short period of time, so we have to remain true to what we are attempting to do in this period and to stay very focused. We all believe, of course, there has to be a voice and those voices are very important. At the same time, there is a committee in Queensland who will begin to articulate where the state can go and give the advice on that.

As Michael said, we have had a lot of soul-searching and a lot of those really deep and meaningful discussions between us. I think we have allowed that kind of flexibility into the future so that, in terms of the design of the First Nations Treaty Institute and so on, those things are not set in stone at all. There is an opportunity, once the interim council comes on board and once the institute is set up, for them to take on board all of those things that we will then have collected over those couple of years from the local truth-telling and the inquiry. That will be a different space then.

CHAIR: Thank you, Professor Lavarch and Ms Buchanan. I think it is going to be incumbent on all of us in our separate roles to remain focused on the very narrow aspect of the bill or the issues that the bill identifies and similarly for you with your work. Deputy Chair, we have time for a quick question.

Mr BENNETT: You did allude to this. I was going to ask about the time lines going forward and you have touched on it. We started in 2019. Is there any other comment you would like to make about the time line? I did appreciate you talking about short periods of time. Considering how complex and important this work is, I am a bit surprised that we assumed we were going to compress this important work. My question is about the time lines going forward.

Ms Buchanan: We are deadly people. What do you expect?

Mr BENNETT: One hundred per cent; that is why you are here.

Ms Buchanan: That is why we are here. I think we are looking at a point towards the end of the year in terms of having the First Nations Treaty Institute being established as well as the secretariat. There is opportunity for the council to be established as well. We want to ensure we get it operational as soon as possible, because it has to be supporting people on the ground—for people telling those stories, people capturing those stories and so on. If we do not have that in place, we do not want to have a big gap like the COVID gap that we saw existed. It is pretty imperative that we stick to those kinds of tight time frames.

I would like to say to the committee that the important thing here is to acknowledge that we have two very distinct cultural groups in terms of First Nations; we have law; we have language; we have heritage; we have everything that defines us in terms of our identity. This is probably the first opportunity—not the last, I would hope—to really articulate the sense of the impact that it has on our lives. We are very aware of the legacy that we want to leave for our future generations. We have a great deal of responsibility culturally. In law we had to make sure that, for example, our rivers were clean and pristine so that when the river flowed our neighbours would have good drinking water. That is kind of the essence of our law.

We want to make sure that people are empowered in a real sense during this process as well and that those non-Indigenous people who want to come forward and share some of the horrific stories can—and there is an age gap happening now. As people have gotten older, we are finding that people are telling stories on their deathbed. They are calling family members in and saying, 'You have an Aboriginal or Torres Strait Islander person in your family,' that they may not have known about. Within all of this there is a mixture of emotion and of having to deal with a whole lot of new knowledge as well.

We have been waiting for this moment as First Nations people. We have been waiting for this moment. Treaty has not been talked about in the last couple of years. It has been something that has echoed for a very long time. We are now going to embrace that and take that on board. I am really pleased we have this different approach in this state, that we are going to encourage non-Indigenous Queenslanders to come forward, because we need to hear those stories as well, not just something that has been told to us. All of that oral history that has been passed on to us needs to be acknowledged as well to move forward as peoples.

Thank you very much for giving us as a board and particularly as a First Nations person myself, a Guwamu woman from South-West Queensland, a real opportunity to be involved in something. As I said at the institution memory workshop we had the other day, everything we do from now on is history making. We are actually history making and we have to take on that responsibility with a good heart and a good spirit. At the end of the day, the truth will set all of us free.

CHAIR: That was well said, Ms Buchanan. On behalf of the committee I thank the board and each and every one of you for not only your collective leadership but also your individual leadership. It is fair to say that without people like you, Ms Buchanan, Ms Atkinson, Professor Lavarch, Ms Kiss—without your leadership, direction, vision and passion—we would not be able to look forward to a better Queensland. Thank you for your time. Thank you for your dedication. The committee has a significant role to play now and has a significant responsibility to ensure that we consult widely and deeply and that we listen carefully. We look forward to doing that. We will endeavour not to disappoint you. We look forward to continuing our discussions.

That concludes this hearing. On behalf of the committee again I would like to thank each and every one of you for your attendance today. I thank our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public hearing closed.

The committee adjourned at 11.48 am.