COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:
Ms CP McMillan MP—Chair
Mr SA Bennett MP
Mr MC Berkman MP
Ms JE Pease MP
Dr MA Robinson MP
Mr RCJ Skelton MP

Staff present:
Ms L Pretty—Committee Secretary

PUBLIC FORUM—INQUIRY INTO THE PATH TO TREATY BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 20 March 2023

Weipa

MONDAY, 20 MARCH 2023

The committee met at 2.47 pm.

CHAIR: Good afternoon, everyone. I would like to thank you all for having us here this afternoon. First and most importantly, I am going to ask Mr Ernest Madua to welcome us to country.

Mr Ernest Madua then gave a welcome to country.

CHAIR: Mr Madua, I thank you on behalf of the committee, and certainly on behalf of the government, for having us. This is a really important conversation. It is a conversation that is 240 years overdue and a conversation that is timely. I believe it is the right time to rectify, resolve and address some of those hurts, pain and damage of the past. It means a lot to our committee, Mr Madua, for you to welcome us, and we certainly thank you.

Good afternoon, everyone. I feel very honoured to be here, as does the committee. I declare open this public forum for the committee's inquiry into 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 our respects to elders past and present. We acknowledge Mr Madua for his very significant welcome to country.

We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we are all now so lucky to share. My name is Corrine McMillan. I am the member for Mansfield, which is on the southern side of Brisbane, and I am chair of the committee. With me here today are: Mr Stephen Bennett, the member for Burnett and the deputy chair; Mr Michael Berkman, the member for Maiwar; Ms Joan Pease, the member for Lytton, who is standing in for Ms Cynthia Lui, the member for Cook and your local member—Cynthia is in the Torres Strait today at a cost-of-living round table with the Premier and she sends her sincere apologies; Dr Mark Robinson, the member for Oodgeroo; and Mr Robert Skelton, the member for Nicklin.

The purpose of this forum is to assist the committee with its consideration of the Path to Treaty Bill 2023. I also acknowledge Mr Mick Gooda, who is on the interim treaty board and has done a lot of work in preparing the bill to come to the parliament. The Path to Treaty is a negotiation process between the Queensland government, Queensland's First Nations peoples and non-Indigenous Queenslanders. It may also be a negotiation process that happens between Indigenous groups and between Aboriginal and Torres Strait Islander peoples. The Path to Treaty is whatever our First Nations families and communities wish it to be.

The bill proposes to establish: a First Nations Treaty Institute to support Aboriginal and Torres Strait Islander peoples to develop and provide a framework for Aboriginal and Torres Strait Islander peoples to prepare for and then commence treaty negotiations with the Queensland government; and a Truth-telling and Healing Inquiry to inquire into, and report on, the effects of colonisation on Aboriginal and Torres Strait Islander peoples. As we know, that colonisation has caused a great deal of hurt, a great deal of harm and a great deal of trauma to our First Nations families, and we acknowledge that as a government. We are here today in Weipa to hear your views and suggestions on the next steps along the path to treaty. Please take this opportunity to share with us. We are here to hear you, we are here to listen to you, and we want to understand what a path to treaty will mean for the people of Weipa.

The committee is a committee of the Queensland parliament and, therefore, its hearings are subject to the rules of the parliament. These proceedings are being recorded by our Hansard reporter—thank you, Bonnie—and will be published on the parliament's website in due course. If you have any concerns about this, please talk to our committee secretary. Media may be present and are subject to the committee's media rules and to my direction at all times. You may be filmed or photographed during these proceedings, and images may also appear on the parliament's website or on social media pages. I ask that you turn your mobile phones off or to silent mode.

What I would like to do this afternoon is have a relatively informal dialogue or yarning opportunity where those who wish to speak can share their views. We have a little over an hour together this afternoon, and we will try to provide everyone who wishes to speak on the bill and give feedback with that opportunity. I will be keeping track of time just to make sure everyone gets an

opportunity to have a few words. Without further ado, I ask those of you who wish to speak to please feel free to do so. I will invite the first brave person to share any feedback you may have on the Path to Treaty Bill. Mr Madua, I am looking at you because I thought you might start, if that is okay.

MADUA, Mr Ernest, Private capacity

Mr Madua: Okay, where do I start? I have grown up here all my life, being a community boy, and I think there is a lot to be said, to be addressed. However things are currently working in our favour in governance, I always reflect back—everything needs to come from the grassroots. When we talk about the issues that affect community and our livelihood, we live with the baggage of generational trauma if we are going to take it that far back.

There are too many things, a lot of things, that we can question, but slowly things are changing and things are working in the community, things are working in favour when it comes to determination for First Nations people and key areas that we talk about with health, employment and ageing. Then of course you look at the negative things that stem off it, which is a dysfunctional state of living and poor health outcomes. Education is still on the back foot when it comes to communities as such. I have always had it in my head over the last few years that I wish I was in parliament because there are a lot of things—

CHAIR: We wish you were too, Mr Madua.

Mr Madua: There are a lot of things that need to be heard. If it is said coming directly from rafts of people and we have that role there that is in place, a lot of things can be fast-tracked when we talk about improving the livelihood of our people and the opportunities from an economic level. We want more employment for our region and for our people. We want to play a role in that economic space where we have our own businesses and we are thriving in our own space. It is about establishing ourselves where we show a positive mirror for others to follow suit.

In recent years I was working at the Western Cape College. I can see that there is still struggle in that space. In regards to levels of academic achievement, where it is expected that our young ones are graduating, it is a struggle still in that area. We want our young people to be strong and vocal and to not be afraid, because we all grew up with that shame factor in our lives. That is probably why a lot of us—it has failed us, in a sense, for whatever we wanted to achieve for each individual. Collectively, to have a true voice and to be part of the treaty, it is definitely needed, to be coming from a community viewpoint. There are communities, local government and state governments, so everything feeds through a system. You talk about things that are not working in community that we really need, in the social space more so, because there are a lot of detriments in that area where our people are impacted. On a personal level, I really feel that that should be one of the many focus areas that need to be addressed and to be a priority for change for the betterment of our people.

When you look at all the elements that come with it, it is not just about dealing with it now; we cannot help but revisit what has happened in the past, to build on that, to encourage resilience for our people to say it is okay to reflect on that because what happened then will only make us stronger to move forward collectively.

I always take it back to our young people. For our younger generations that are coming through the system—more so through education—I have always pushed the agenda for a cultural curriculum to be embedded as part of the mainstream education system because it is the one thing that will definitely help our children feel a lot more comfortable in school whilst they get an education, because a lot of them are still on guard; they hold back from who they really are. For example, a nephew that I was working with in student support was making out that he was struggling with his education, but after a while I realised that it was the distractions that are there—that being his own cousins, his own peer group that he hung around with, which obviously created issues at times. It was taking away from him an ability as an individual to meet the expectation where education should be a priority. After sitting with him, listening to him and helping him with his studies, I was dumbfounded because this young fella, who was only 15, is actually smart, but it is just the way they operate whilst at school and within their groups. Discipline is obviously an issue not just with our kids but every kid—even adults, all of us. It is human nature to play up. However, from the school perspective, yes, it has always been a conversation in community over years that education is a priority and a must for our kids to graduate.

We have had a lot of success over the last three years where we have had 20-plus local Indigenous students graduate. Comparatively, when I graduated in 1994 there were only five Indigenous students in year 12. Last year there were 56. The year before that there was 40-something. It is a good thing that they are graduating, but it still does not sit well with me the fact that many are not at the level where they can graduate. Something needs to happen in that education space.

I have a background in health as well. I used to be a paramedic. I have my Uncle Rex here who has been in the health industry for way longer than I was—probably since I was a little fella. We see the impacts in the health area. We all know how it is with the mortality rates of our people and chronic disease and such. Of late, I have had a real worry with respect to mental health. Mental health is the silent killer that is happening in community, along with high blood pressure, heart attacks and cancer. Cancer in our communities has spiked tremendously over the last 15, 20 years or so.

If we take it all back, past those few decades and before that, when we talk about health impacts in our people's lives, a lot of things could have happened back then, 20 or 30 years ago. For instance, if we had dialysis here 20 or 30 years ago, we would have some of our family—our uncles, aunties and grandparents—still with us today. I lost Mum to cancer. The awareness of cancer in our Indigenous health stream was not a primary focus back then, but it is now. Going back two or three decades where a lot of things that we are going to discuss today moving forward and what we have always had in our mind, these are the discussions that should have happened back then.

From a community level, it is like a bowl—we all live in a bowl—and I think when it comes to politics and health, it obviously relates to it all. It isn't much of a conversation in community at a local level, at a community level, but there is awareness through the health organisations, like Queensland Health and Apunipima, but the message is not really getting across for our people to understand that these are the key areas that need to be talked about and to be a priority, along with all the other things that impact on our livelihood—health, cost of living. Everything is a stress factor. It is something that is in every aspect of your life.

When you talk about community issues and the forced movements back in the early days, if I take it further back to before time, each clan group lived in their own respective countries, in their own space, and they had their own lives. But over the years, everyone was forced together, and when the missionaries came into the picture, they imposed religion on us. My grandmother passed away in 2012 at 83 years of age. She said that when she was in that school, with Sister Mary at old Mapoon, they were not allowed to speak their native tongue. It really hurts because, for me, I would love to speak and to welcome you in our native-tongue language, but it is language that we have lost, along with a multitude of tribes across this nation. If anything, moving forward, it is about reviving all of that: language, along with the education that comes with it from a cultural perspective.

The discipline we had obviously was different to the mainstream discipline. When you are looking at two cultures clashing—the mainstream and our culture—it created an issue on top of an issue, a problem on top of another problem, so compounding issues grew from it. These are the things we have to reflect on now and how to reverse those areas that have created these issues. We more or less have to backtrack ourselves. It is not just one thing. You lose count of it when it comes to identifying such issues that are impacting on us in every shape and form.

Anyway, in our view, life today with our two cultures is now an opportunity to come together so that the non-Indigenous nation can learn and understand, hence why I push the issue at the school about the cultural component as part of the curriculum. It is important; it is needed. We talk about health factors, housing, education and employment—opportunities which a lot of community members have had in the past but they shied away from it. That is another area.

We look at opportunities like in the sporting world. One of my nephews, who is living in Atherton now, had an opportunity to play for the North Queensland Cowboys; my other nephew had an opportunity to play for the Brisbane Broncos. However, the first thing they said to us was—the older nephew said, 'I couldn't do it because I didn't have the family support.' When he said 'family support', I automatically thought, 'What is the issue there with the family support?' It is pretty much all of these things that I have spoken about now that impact on opportunities.

There has to be a window of opportunity created for every area—with health, education and sporting achievements. We all know that sport brings everyone together. The focus needs to be shifted where what we put on the table is something that community wants. If we shift that mentality and put it on a piece of paper here, along with the treaty bill, I see that a lot will benefit from it, but more so the fast-tracking when it comes to real change, real outcomes and expectations for ourselves, particularly for our future generations. I will stop talking now.

CHAIR: Thank you, Mr Madua. You have raised a lot of very important issues that need to be resolved. It is that period of 240 years where it is inequitable and wrong that our First Nations people have the outcomes that they experience. Can I turn to another member of the Weipa community for some comments or thoughts? Do we have someone else who would like to offer their thoughts about Path to Treaty?

CHARGER, Ms Florence, Private capacity

Ms Charger: I am expecting that Hansard would have a lot of the information that Ernest raised and other reports over the course of time would have recorded the things that have happened from then until now. Is that being taken into consideration, to move towards revisiting the fact that many Aboriginal people, every one of us here, the local ones that work here and the ones that visit, tie ourselves up to healing—trying to heal—hurting communities? I cannot help but think of the cycle of poverty that we are in. Where do the records from the past stand with what we are doing here and how we move forward? I know that we have had significant government assistance, but it has only been short term when we are looking at intergenerational trauma. Is that something that is being considered in this all of this?

CHAIR: That is a really good question. There is recognition through the Path to Treaty Bill and through this process or through the intent of the government wanting a path to treaty. We are recognising that the earlier policies, practices, laws and rules of governments since colonisation have brought poverty against our First Nations people and that those policies, practices and laws have resulted in the context we have today. I am sure Mr Gooda, who is from the Interim Truth and Treaty Body, which has been responsible for developing the bill, will have something to contribute. There are many evidence bases or mediums through which we can gather that evidence around the impact it has had on our First Nations peoples.

Interestingly, when the Premier introduced the bill into the parliament she spoke about the fact that when she was studying as a student she read a little bit about colonial history in the British library in London, not in a Queensland classroom where such history should have been taught. Interestingly, she read some court documents and she has never forgotten what she read. Essentially, deep in these documents were directions from the British Colonial Office to make treaties. Reynolds points out the contradiction between the British treatment of Indigenous peoples in Canada, North America and New Zealand and what happened here in Australia. Interestingly, in those countries—Canada, North America and New Zealand—when colonisation happened treaties were formed. One of the great disappointments that the Premier talks about is the fact that back then, in 1800, it was recommended by the British to form a treaty with the First Nations people in Australia, but that never happened. Here we are 240 years later and we are now committed to that process.

To answer your question, there are many academics, many people who work within this policy area, who are digging up the elements of what has contributed to our First Nations people being oppressed over hundreds of years. I will hand to Mick.

Mr Gooda: When we constructed this there was a real co-design between the Interim Truth and Treaty Body. It is a real co-design; it is the first time I have ever done it like this. Generally, government develops a bill and you are not allowed to look at it. Mind you, we had to sign our firstborn away if we spoke about it during the process. Once it was tabled, it was easy to talk about it. There are a couple of issues. There is a preamble to this bill that sets a tone, and preambles are used to interpret bills. If there is any doubt about what is happening in a particular section of a bill, the experts go back to what the preamble says. There are a few parts in the preamble that talk about trauma. It says at part 8—

> The process of truth-telling will help inform the Queensland community generally and help heal the trauma suffered by Aboriginal peoples and Torres Strait Islander peoples as a result of colonisation.

That sets the tone for how the bill will be interpreted. Trauma is dealt with in a few places. One is there and there is a bit more in the preamble about it. Then when you go to the truth-telling inquiry that is going to be set up from this legislation, we have been totally cognisant of the need for the truth-telling to be done in a trauma informed way. One of the principles being put into our recommendations around the terms of reference for the truth-telling inquiry is to do no more harm. That is a principle. Even people have told us during our consultations, 'I don't want to participate in truth-telling because it's so hard to talk about what happened to my mum, my dad, my grandfather, my great-grandfather and mother.'

The ITTB and the drafters of the legislation have been really careful to make sure we deal with trauma properly, even to the point of saying it in the preamble. It is not the be-all and end-all, but it is like any bill that gives the skeleton; we have to put a lot of meat on that skeleton as we talk to people and ask, 'What do you want? What do you think trauma informed approaches should be in your community?' for instance when the truth-telling inquiry comes.

CHAIR: Florence, thank you for your contribution. It certainly is very helpful and means a lot to helping us understand your needs and certainly what is important to the First Nations people here in Weipa. Does anyone else have anything they would like to contribute?

Ms Charger: I did have a bit more.

CHAIR: Sure.

Ms Charger: Within a treaty per se there would be, I imagine, a whole heap of different items on an agenda that covers the whole sphere of what we are trying to achieve as a country together—am I correct?—so that there would be an amount of negotiation. I am seeing this as a negotiation or making a start towards that. I really got a lot out of the consultation that happened when Cheryl Buchanan and Dr Chris Sarra came and the information. That was all new to us, being a part of this process that we were not really aware of. Has the agenda been set or is the agenda still being set?

CHAIR: The agenda has not been set. The agenda is set by our First Nations communities. The treaty for each different First Nation community will look different. The treaty that your community has with the Queensland government could be quite different to the First Nations groups where I live. The treaties will be negotiated between First Nations groups and the Queensland government. It may be a treaty that is negotiated between First Nations groups. We are here to really talk to you about, and seek your feedback around, the establishment of the Truth-telling and Healing Inquiry, which will go on for about three years—am I right, Mick?

Mr Gooda: Yes, and possibly extended.

CHAIR:—with the possibility of it being longer. Then the role of the treaty institute is in managing the paths to treaty that are established between First Nations communities and the Queensland government—

Mr Gooda: To get the communities ready for those negotiations.

CHAIR:—and to get the communities ready for those negotiations.

Ms Charger: Are we talking communities or regions?

CHAIR: Yes. Jump in, Mick.

Mr Gooda: We do not know, because the communities have to decide what they want. If you think about a treaty party, we already know what the other side of the treaty party is and that is government. It all depends how you want to form your own treaty. What the institute does—and this is how we have constructed it in the legislation, although there is a bit more we have to find out—is support community, one, to make a decision about who is the treaty party and, once you do that, do you want a treaty? Then if you say yes, what do you want to put in a treaty?

We do not know what is going to be in the treaty, and the government has been really open about this. I have said to the Premier, 'What's on the table?' She said, 'Everything's on the table.' If we do not come to an agreement, there is no treaty. Other jurisdictions in Australia are doing things that are restricting what they can talk about, but we are not. We are saying to you in your community, 'What do you want?'

Madam Chair, I think it is really important to point out here the role of the institute. It is important to point out one of the roles the institute cannot have. The institute cannot negotiate treaties; it is in the legislation. When we constructed this organisation we did not want it to be the boss of everyone. We wanted the community to be the boss and to make decisions. In the legislation it specifically says—

To remove any doubt, it is declared that it is not a function of the Treaty Institute to—

(a) be party to negotiations for a treaty; or

(b) act on behalf of a party to negotiations for a treaty.

Everything we have done, from the working group to the Eminent Panel to the Treaty Advancement Committee and now to the Interim Truth and Treaty Body, is to push decisions down to communities. My advice would be: if you want something in the treaty, put it on the table and see what happens. The treaty institute will provide resources for you to get together and start working out what you want to do. That is what we have in there at the moment.

Ms Charger: Can I put something on the table then? I think it is important that we talk about our country, which is the most important thing to us because that is where we come from. In accordance with our customs and lore, our country is probably the biggest part of who we are and where we have come from. It connects us all together and we all relate at one level or another, but tenure of land is always something that is big on the agenda for us. I hope that is something that will be considered.

CHAIR: Thank you, Florence. The issue of land tenure and native title came up this morning when we were in Cairns as well, so it is very good to have it come up again here in Weipa, so thank you. Is there anyone else who would like to make a contribution and talk about what a treaty could

involve, who should be making a treaty, how important truth-telling and healing is as part of the treaty process? Mr Madua spoke about recognising and acknowledging the past in order to be able to go forward.

Mr Madua: Down the track with the treaty, once we have selected our members for our region that represent the community, I just wanted to ask a question about legislation and policies that sit with organisations that are in community. Will we be in the position where we can advocate for changes that need to be made under local legislation that are not really working in our favour, especially with health outcomes for our people, and those three key ones—health, education and employment? Of late we have had a lot of issues with youth crime and such and, like I said, they are our future, so the judicial system as well. I feel that we really need to have a say in those key areas that are really impacting our communities in a way that it is not really helping change or support outcomes that we see do not really favour us as First Nations people because it is still part of a mainstream system. That really needs to change, so that is pretty much what I am directing it at. When we talk about education, we need to encourage and force the issue of making that change now. You mentioned that this is something that has been happening over three years.

CHAIR: As part of the Path to Treaty Bill, in the bill it is suggesting or recommending that we engage as a state an inquiry into hurt and healing—that truth-telling process—in order to all be clear as Queenslanders that this country was never ceded, that Queensland was never ceded, and that there are a whole range of things that happened that are not talked about that need to be talked about in order to be able to go forward and recognise why it is that First Nations peoples have the experience they have in terms of their life outcomes.

Mr Madua: That is what I looking at. We are focusing on one thing here, but we need these other components to sit with it at the same time to move along with it to actually create that outcome at the same time. Like everything else in community, when there is opportunity for changes that we want in community it tends to drag on and our people get really frustrated. They lose hope and they lose interest in such things that could benefit them, primarily employment. There are impacts of the judicial system where they have obviously got themselves in deep water, so the blue card is still an issue. If someone who had time in jail wants to apply for a groundsman job, they are told all of a sudden, 'You have to have a blue card,' but they cannot and they cannot work there. It is pointless applying for that job, so just little things like that.

With truth-telling and this process here, the question is: is there an opportunity to have a subsidiary body that would be part of creating that process as well at the same time, rather than having to wait for this process to finish, because otherwise things are always ongoing and you never get anything out of it? The real hurt we get out of it is when we see a lot of our elders pass on, because they are the ones that are really yearning to see the change. They want to see something before they leave this earth, because too many of them have passed away and we want to honour them in the right way and initiate and have that cultural priority.

CHAIR: As Mr Gooda said, the Premier has made it clear that everything is on the table, but it is also important to recognise that one of the really significant philosophical underpinnings of the bill is the notion of self-determination. So that is a very strong underpinning in the bill. Thank you, Mr Madua.

GANE, Ms Jaime, Private capacity

Ms Gane: This is the most I have heard about it so far, so it might be a dumb question. I want to understand more what treaty will actually mean. Like Ernie and Aunty Flo have said, what tangible difference, I guess, will it make to the people on the ground and how will it actually empower communities to get better outcomes and to have better land tenure arrangements that work for them? I do not understand what it actually does—that is, what the physical implementation will be and how it is actually benefiting people.

CHAIR: I might make a couple of comments and then I will hand to some of the more learned folk in the room. First and foremost, it is about educating our Queensland community around what has happened for over 240 years and acknowledging the 60,000 years that our First Nations people owned and occupied this land.

Ms Gane: So your truth and truth-telling, as you say, for the next few years, would that include rewriting the history of what actually happened and then teaching that in schools as education?

CHAIR: Absolutely.

Ms Gane: Does it include that, because I think that is—

CHAIR: Yes. Like you, Jaime—

Mr SKELTON: It is not rewriting; it is actually telling the truth.

Ms Gane: Yes.

Mr SKELTON: They controlled the narrative. The colonising powers already controlled that narrative from the very get-go, so like most people of my generation I had no idea of the actual truth of what has happened in our state and in our nation. I have since become more educated, but there are a vast number of people in this country who are not and they need to be.

Ms Gane: Yes, absolutely.

CHAIR: Your question really is about how things will be different and what will be different, so the first thing is that we have to take our Queensland community with us. There is a small population who get it and who understand why and how our First Nations peoples are where they are today, but the large majority of Queenslanders, through, in many ways, no fault of their own, are not aware. So first and foremost it is about the opportunity for our non-Indigenous community to hear and understand and listen and also to share some of what they experienced. There will be non-Indigenous people who worked in our prisons and who worked in our education system, including me, who have a story to tell about what happened to our First Nations peoples and there will be many non-Indigenous people who will experience and understand and want to share the hurt that they saw and that they felt on behalf of our First Nations communities. So that is the first thing. In order for life to be different for the next 240 years for our First Nations peoples, we have to share that story. Can I hand over to you, Mick, just to elaborate around your views of then how things would be different?

Mr Gooda: I think truth is always subjective. My truth on something is different to yours, so what we talk about is the complete truth of Queensland. In setting up the inquiry, we have actually been very careful about how we set that inquiry up in the legislation. I made a speech a while back, at the launch of this in August last year, and there is an old saying that the truth will liberate you. I think the truth will liberate non-Indigenous people more than liberate us because it is then okay to talk about stuff. I just think it will be so great to sit down, and I look at things. I have been around a bit.

If ever you get the chance to go to Myall Creek in New South Wales, that was where the first whitefellas were hanged for killing Aboriginal people. When you go there now, both sides of that—the people who got killed and the perpetrators—come together with something beautiful. It is the most beautiful thing to go to. There is no rancour. I think about this place and in the Northern Territory—I will have to think of the name of it—where a massacre took place and a couple of years ago we got native title, and the first person they invited to celebrate with them was the granddaughter of the policeman who led the charge. The people up there just said, 'We're joined together forever because of that incident,' and I still get goosebumps when I think about it. It is at Coniston. It is halfway between Tennant Creek and Alice Springs.

These are the things that join us together. These incidences join us and we cannot separate from them but we can move on. Coniston and the Myall Creek massacre—we have got it around Australia—show that people move on from it straightaway and we can get rid of that burden. I think a lot of white people carry a burden around with them and say, 'We can't deal with this because we knew people were here before. We sort of know we brutalised them, but we can't come to grips with that.' I think this process will let them. Madam Chair, we have any number of non-Indigenous people coming to us saying, 'We want to tell our story,' and they are great stories.

I could tell you a story of where I come from in Central Queensland, Woorabinda. There is a family that has been there ever since it was established, but my people predated Woorabinda, so that is our country. In 1926 people came from Taroom to settle Woorabinda and there were rules about paying award wages. You could not pay award wages to Aboriginal people such as stockmen. There is a family that sticks with us out there that always paid award wages and would just tell the government, 'Oh, we're only paying them this share.' So when they wanted the money to go into the stolen wages, they had to put that little bit in. So we got to tell those stories. We have to tell all of the stories in Queensland because we have become a better society because of that.

When you ask what are the outcomes of that, I think we have to look at a place like Myall Creek and Coniston and how they have moved on and they are better for it. In encouraging people like Florence, Ernie and Rex to sit down and negotiate treaties on their terms, it empowers them.

I have written about lateral violence. I went to Tennant Creek and they told me straight-up, 'We fight here a lot, the blackfellas.' I said, 'That's not an Aboriginal thing.' They said, 'What do you mean?' I said, 'That's a power thing.' I will take you to any society in the world where they have been oppressed and the first thing the oppressed people do is fight each other. Do you know why? Because it is not safe to fight the oppressors. It was a men's group and as soon as I said that it was not an Aboriginal thing or a Tennant Creek thing, they sort of sat up straighter because it is not them; it is the situation they find themselves in. Once you empower people, wonderful things happen. That is what this is about. This is about a voice for people locally to negotiate with government and all the institute does is support people to do that. It does not run anything. It is not allowed to run negotiations.

I think you have to take a long view of this. You have to take a long view of the trauma we have suffered and how we sort that out. I tell people that I would love to get over things. They say, 'You mob have to get over it.' I say, 'I'd love to get over it. I really want to get over it.' I want to get over the fact that my mum's money was taken as a domestic on those properties around Central Queensland, but then the government goes to the Northern Territory and introduces income management, so they are still managing people's money. I want to get over the fact of the stolen generation. We have more kids in care now than we had when Mick Dodson reported. I would love to get over it but I cannot. Some things like this can make us get over it.

Mr BENNETT: Jamie, just to help you, I think your question was: what would you actually see in a possible treaty? I refer back to the work that Mick Gooda and others have done since 2019. There is a fact sheet where the department has summarised a lot of that work in terms of what Queenslanders are saying. It is just a guide of what they have probably heard to date. I encourage you to read some of the documents. It talks about social justice, compensation and a whole heap of issues. Some summary documents have been produced that might give you some guidance to your question, if that helps you.

Ms Gane: It sounds great in theory. I am sure these guys know far better than I do that there have been plenty of government initiatives to try to change things. How will this actually make a difference and how will it actually change outcomes? What will it look like if they decide to go ahead with treaty? What does that look like and how does it change things?

Mr Gooda: The situation is not bad. There were two things we asked for in 2020 when we reported and one was commitment from government. I have done more consultation than anyone and I keep saying t people are fatigued and cynical about consultation. They are fatigued—they are tired—and cynical because nothing ever happens. We asked two things. We said we want the government to demonstrate its commitment by legislating. That is not the be-all and end-all. Any other government could change this legislation, but because it is legislation it has to be done publicly. They cannot do it behind the scenes. The second thing we said we wanted was resources to make sure this happens.

A couple of us wanted to be really out there and say, 'I think it should be about $100 million that we ask for. Let's push the envelope.' In the end it was a $300 million treaty fund which will produce around $20 million every year, which the government has already agreed will be with the institute to do this work. We guarantee the resources to continue for a long time. For me, having done a lot of things, that is all we can ask at this stage. The rest is up to us. The framework has been set.

CHAIR: Jamie, for me as a non-Indigenous person and a member of the government and somebody who spent my entire life as a teacher and school principal before being elected, I am well aware of the intent and commitment by government over the last 50 or 60 years to change the outcomes for First Nations people, whether it be health outcomes, incarceration or educational outcomes. If we look at the Closing the Gap report, not much has changed. For me as a non-Indigenous person, I see this as an opportunity to right the wrongs and to approach this whole issue of oppression and poverty of our First Nations communities differently.

It really is about giving our First Nations communities—you—the voice, the power and the ability to negotiate with government around how you want things to be different in the hope that the outcomes will be different. For me, that really is about the fact that we do not want young people incarcerated. We do not want our First Nations kids to be over-represented in our jails. We do not want the expected age of mortality to be different for our First Nations peoples compared to our non-Indigenous peoples. It is 2023. We cannot continue to live these different outcomes for another 240 years for one reason and that is that the colour of our skin is different. We cannot continue to experience those outcomes. Why? Because it is not fair. It is inequitable. It is unjust and it is not fair. Would somebody else like to make some comments? We would love to hear you.

BURKE, Mr Rexie, Private capacity

Mr Burke: I will just reiterate what Ernest said, what Florence said and what you have just said. We all talk about this. Closing the gap is a big issue and it is not only for health; it is for everything: racism, alcoholism, no work and education for our kids. They are the main things. My time is almost finished with talking about land. We are getting older. We can try to teach our young people to start to do these things, come work with us.

Florence was asking about community things. One thing we forget is the Wik agreement has been signed by all these Indigenous people in this area—in central, the northern and the southern area. In relation to this treaty with this mob up here, you are really halfway there because of the Wik agreement and what you are setting up now. We just need to keep going down the same track you went down with the Wik mob.

I worked with Cape York Land Council at that time and that was my job of getting the Wik agreement signed. It was signed in 2000. I say about the land council that the ropes are getting shorter with us mob; they are going to hang themselves soon. For that mob to say to me, a traditional owner, that I am not from that country there and my country is down at—my mother's country is Archer River and you have anthropologists and white men telling this blackfella that he is not from that country. This is where we lost that. It has already been put into the thing with the PBCs, so we lost that. I do not know how we are going to get that back. I do not think the treaty will allow for that.

Ms Charger: We did not lose it; it was taken.

Mr Burke: Yes, they took it from us, like before.

Ms Charger: I really thank you because, if anything, what we want and what we want our children to grow into is knowing that there is hope and that they are able to find peace within themselves. At the moment they are attacking their own bodies through drugs, alcohol, hurting each other and fighting. That is not part of our culture. That is what we see on a daily basis.

We need to heal, and that feeling has to be a big part of what we talk about, what we negotiate or however we go through our discussion, because our children at the moment are feeling like maybe they are not fitting in at all or maybe they are like an apple tree trying to thrive in an orange tree. They are being grafted into a society and no matter how they try to change, they are not going to be an orange; they are always going to be an apple. I am sorry about that; I just love analogies, and I think I am good at it! No.

Ms PEASE: I love it. That was fantastic. I was thinking I must write that down.

Ms Charger: While they are thinking and growing in this way, they are never going to have the life chance that is there for them. That is what I feel. That is why I cry for our young ones coming up because what future do they have?

Mr Madua: Can I add one more thing? Referring to what Florence said about tenure, land is one of the key areas of this whole outcome—what we want at the end of the day. We are landlocked with a 100-year mining lease with Rio Tinto. When we talk about opportunities, I am a strong believer that our people will only heal when they go back to country. If we get our young generations to go back to their respective countries and if it is that country where the land has been entirely relinquished from Rio Tinto and the state back to the traditional owners, First Nations people, it is then that we will have complete control of what we want to do, of what outcomes we want to develop, what aspirations we see moving forward that will heal our children and give them the freedom to run around. If we take things back to pre colonisation, that is exactly what our ancestors were doing: they were running freely on known countries, doing whatever they wanted to do. They had their own lore—L-O-R-E, not today's law—their own discipline, their own council, their own chief. We need to bring back that authority, which is our cultural protocol, where we can discipline our children.

Today we say, rather than being incarcerated or going to a detention centre, the trust can help fund outstations and establishments. It is already happening; it has happened already. If we can have something like that that will cater to the whole clan groups, it is then we will see change in our young people. I always say we are in community. As much as we love our own community at Napranum, we have five different clans living in one community. It could be seen as a recipe for disaster because you have five clans that are conflicting with one another at times. It is no different to a suburb in Cairns, like Manoora, where you see two family groups clashing in a suburban setting. In a remote community, it has more of an impact because everyone still stays in that community and they do not want to leave because it is their home. We have accepted the fact that this is where the other four clan groups are living now because it is how it is.

My great-great-grandfather probably did not have a say in that matter when all these other clan groups were coming to live in Weipa and they would be forced to move in a community. Whether he had a say or not, I do not know. Back then, that was white man not acknowledging our lores and rights for country—who should be there and who should not be there. They had the right to displace people who broke cultural lore within the clan groups.

It is happening today but if I say, 'This is my country. You need to go from here,' it cannot happen because of such legislation that obviously will not agree with me if I put it to the courts that deal with having people removed from communities. It is something that we want to try to manage on our own to protect the welfare of our people, because everyone is stuck in a system that still operates in a way that does not allow healing in that aspect as well. Again, I am really for change in legislation if we could have that voice to create that. This is where I am coming from with this healing process at the same time as part of this going forward.

With 100 per cent ownership of country, it would definitely bring back our lore and entitlements to govern our own people. It would have to be part of the mainstream law. If you take it back again, our lores, people who did really bad got put down. If we do it today, we go to jail for first-degree murder or manslaughter.

CHAIR: Thank you, Mr Madua. I am conscious of time. I am particularly interested if any other women would like to contribute, in the spirit of equity. We would love to hear from women and perhaps then from our police officer.

YAMASHITA, Ms Carol, Private capacity

Ms Yamashita: I grew up on Thursday Island and my family is from here. I have just come back down to help my cousins with the land issues and things like that. What we are finding is we have been impeding on the Alngith people. This is their area. We really want to go out and do something on country but we cannot because we have been told, 'It's run by the council. You can't do this. You can't do that.' We have got our native title and we are still not able to get country back.

We only have a short window of time before the mining goes. It will go across the river. It will still be here but it will not be as big as it is now. I believe if we do not start getting our lands back and try to build something to sustain us, it will be very difficult for our families to survive. They are struggling now as it is. We really need to be able to go out and work the country. We are so remote that if the boat goes down or the roads go down we cannot get fruit and veggies up here, even meat. It is here right at our fingertips but we are told that we cannot touch it. It is sitting on our country getting fat for nothing, unless we go out and some people hunt them illegally.

Our families are stuck and the kids are coming through with that mentality that they cannot do anything, and that is just not helping anybody. This land thing really needs to be sorted and allow us to go back on to country and do something. Give us a little bit of support. It is remote out there. Even if they give us a little bit of training on how to set up water systems—all those basic things for you to be able to live out there—I am sure people would move and not be such a burden on the Alngith people here. They have been pretty good to us to now. Housing is limited. All our kids are coming through so it is really hard for them. There is population growth.

Ms Charger: That is why we do welcome to country and we take it so seriously. Our homeland is very important to us because it is just like our home—four walls, yard. People who want to come through and set up a tent in our backyard would not be acceptable, yet we have been, as Carol was saying, encroaching on the Alngith people because this is not our country. We are just visitors here. By being here, we are crowding a space that does not need to be crowded. We have got our own homes, but what is happening with our homes? Why can't we go back into our homeland?

It is exactly the same thing and that is why we keep it so important. If somebody walked into your front door, desecrated your heirlooms that were hundreds and thousands of years old and were passed down generation to generation, how would that impact on you? The integrity should be given to us as families being able to stand and hold our own. One of my trainers in cultural awareness always said, 'It would be just like if I went into your home, opened your fridge and helped myself to your milk and juice and helped myself to your bedroom.' It is exactly the same thing. That is why a welcome to country is so important and that is why our land is so important, because our old people have been born there, run the country and died there.

CHAIR: You have confirmed what many others in Cairns were saying—that land is the greatest asset and land provides security and family identity.

LOBAN, Mr Fritz, Private capacity

Mr Loban: I will reinforce what was said by brother Ernest, brother Rex, Aunty Flo and even Carol. They said all these things which all come together as one. There are certain things that the treaty might want to put in. One is a long-term commitment of doing things—not just a three-year program or a two-year program and see how it goes. They should just start with a program that will stay and work and keep it—not think when the new government comes in, 'No, we're changing this,' and then when the other government comes in say, 'No, we're going to change it like this.' If it works here, leave it and we just tweak it. That is what has been happening.

We say something on the ground here, but when it goes up to certain levels it filters different. Then when it comes back to us, we say, 'Hang on. We didn't ask for that.' This is the problem that we have with government. This is the thing we have with capital cities of Brisbane and Canberra. We send people down there. Sometimes we send the wrong delegates and they get disorientated from certain things—the environment or what has been happening to them.

With this treaty, there should be something sustainable to say there is a long-term factor. If they are going to move back to the country and have outstations, people should be there, services should be coming here, not on a fly-in fly-out basis, or parameters should be set on how to teach us. We want them to provide the service how we want it so we can teach our kids and everybody else to build on our land, on their land.

I was talking to my older brother over there about outstations and programs but I have to jump through all these hoops just to talk to someone. Then next door to me to get the right platform, I have to go through all these hoops. I see the bad side of the community on a day in, day out basis. It is terrible. It is hard to get Indigenous people especially in my role because you have to enforce the law. Once you start doing that, then the community do not really like you as much as normal, but we need people like that in community. We need to get our kids trained up to be police officers, nurses and doctors and to come back to country, to come back to their land, because at the moment they see Cairns and Brisbane with the big lights and, boom, they are there.

This is what happens if the services do not come to remote communities and the glamour is not there. They think, 'We don't want to stay. It's too remote.' The services are lacking. We need something to put in place that you are going to go there or this is going to happen. I worked in my previous role in WA and the NT, in the middle of the desert. It is all about the remoteness. They do not want to go there. If we find the right people, we try to keep them there with the right benefits, the right everything. That is very lacking. Trust me, it will not go off if you do not look after the right people and get them to stay on land.

That commitment has to be put into the bill. If you are going to have something out there on country, we are going to have to have the services there 24/7. It could be kids helping build roads, getting cattle stations going, getting a farm going on each different country so they can be self-sustainable or even provide for the cape or the Torres Strait. At the moment, on TI meat is $60. I have to get a hassle on to get a steak, if you know what I mean, but we have all these cattle running around here.

One of the things that needs to be put in is what things are being reported to government and how it is filtered back to the government and back to the community. We do not want to say, 'We want this,' and then the next minute something different comes up. If something works, leave it as is. Do not have the next government come along and say, 'We're going to change it.'

That is what is causing disputes in remote communities. They get angry and their spirits are let down. I get asked this question every time people visit: why are the communities so unhappy or like this? I say, 'Can you imagine all the decades people have come in? They are seagulls and steal their money.' They have done a good job, they want to stay on but they are told, 'You have to go now.' They go and the build-up that they had drops back to zero. How can a community get ahead? One of the things with reporting to government is that if something is working leave it in place and we can tweak it with new policies or whatever.

CHAIR: So it is the importance of self-determination again?

Mr Loban: Most people do not like the other things.

CHAIR: Fritz, thank you for your valuable contribution. I am glad you had a few words to say. Thank you so much. I thank Ms Carol as well for her contribution.

Sadly, our time together has come to an end. This will be a beginning of our time together, though, as the institute is established and the Path to Treaty inquiry and the Truth-telling and Healing Inquiry occur. There will be more opportunity to contribute and have your say. Sadly, we do have to

close the forum. I thank everyone who came along and everyone who contributed today. We very much appreciate what you have had to say. We know that without you, your support and your commitment there is no path to treaty. The government and committee very much appreciate the time you have taken to contribute to this very important process.

I thank our Hansard reporter, Bonnie. A transcript of these proceedings will be available on the committee's webpage in due course. Thank you again, everyone. I now declare this public forum closed.

The committee adjourned at 4.17 pm.