



# **COMMUNITY SUPPORT AND SERVICES COMMITTEE**

**Members present:**

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

**Staff present:**

Ms L Pretty—Committee Secretary

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

### **TRANSCRIPT OF PROCEEDINGS**

**Tuesday, 21 March 2023**

**Thursday Island**

## TUESDAY, 21 MARCH 2023

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**The committee met at 9.09 am.**

**CHAIR:** Good morning, everyone. Can I wish you a very good morning. I will ask Mr Aaron Fa'Aoso to acknowledge country.

*Mr Aaron Fa'Aoso then gave a welcome to country.*

**CHAIR:** Thank you, Mr Fa'Aoso. We acknowledge and welcome your acknowledgement and we thank you for welcoming us to this land. Can I say just how much it means to the committee to be here in the Torres Strait and particularly here on Thursday Island. I declare open the public forum for the committee's inquiry into the Path to Treaty Bill 2023. I would like to respectfully acknowledge the traditional owners of the land on which we meet this morning and pay my respects to elders past and present and, of course, to Emily, who is one of our emerging leaders. We welcome you, Emily, and we thank you for being here. Our young people give us great hope. Well done, and we acknowledge you as a traditional owner of the land on which we meet. I also welcome and acknowledge Cynthia Lui, the first Torres Strait Islander to ever represent community in an Australian parliament. We are so lucky to have her as a member of the Palaszczuk government. We are proud of her and I know that the people here in the Torres Strait are also very proud of Cynthia. We are very fortunate, as we know, to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we are all so lucky to share.

My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. With me here today are Ms Cynthia Lui MP, member for Cook; Mr Stephen Bennett MP, the deputy chair of the committee and member for Burnett; Mr Michael Berkman MP, member for Maiwar; Dr Mark Robinson MP, member for Oodgeroo; and Mr Robert Skelton MP, member for Nicklin. I also acknowledge a number of other very important dignitaries here today: Torres Shire Council Mayor Yen Loban—thank you, Yen, for being here; CEO Ms Dalassa Yorkston—Dalassa, it is great to see you again; Torres Strait Island Regional Council Mayor Phillemon Mosby; Mayor Patricia Yusia of Northern Peninsula Area Council, welcome to you; and members of the Interim Truth and Treaty Body Aaron Fa'Aoso and, of course, Sallyanne Atkinson, former Lord Mayor of Brisbane and a member of the Interim Truth and Treaty Body that has done a great deal of work in preparing the bill as we see it today.

The purpose of this forum is to assist the committee with its consideration of the Path to Treaty Bill. Path to Treaty is a negotiation process between the Queensland government and Queensland's First Nations people and non-Indigenous Queenslanders. The bill is quite simple: it is the beginning of a long journey of a path to treaty over the next few years. The bill proposes two things. One is to establish a First Nations Treaty Institute to support Aboriginal and Torres Strait Islander peoples to develop a framework for Aboriginal and Torres Strait Islander peoples to prepare for and then commence treaty negotiations with the Queensland government. The second part of the bill is that we establish a Truth-telling and Healing Inquiry. The purpose of the Truth-telling and Healing Inquiry is to outlay all of the effects that colonisation has had on our First Nations peoples. The Queensland government believes that in order for us to go forward as a united state with our First Nations peoples we need to acknowledge the hurt and the damage and the tremendous ill-effects of colonisation over the last 235 years. Without doing that, we cannot go forward. Many of us in the room, both Indigenous and non-Indigenous, were never taught the real story around what happened during colonisation. Many of us non-Indigenous people are completely ignorant, through no fault of our own, as to what really happened 240 years ago and the effect that has had on generations that followed. In order for us to go forward as a society in Queensland we need to be true and we need to tell the truth about what happened all those years ago and what has happened since.

The bill proposes that we establish a truth-telling inquiry so that we are all clear as Queenslanders about the history of Queensland. Then the bill proposes that we establish a First Nations Treaty Institute that will help communities throughout Queensland develop a partnership or a treaty with the Queensland government. Treaties will look different all over Queensland. Treaties will look different between different groups. There may be treaties between groups and the Queensland government. There may be treaties that happen between Aboriginal groups. There may be treaties that happen between Aboriginal and Torres Strait Islander groups. The treaties will be

whatever our First Nations peoples believe them to be and want them to be. The bill really is the first step in a journey of about three to five years. I am sure that will become clearer as we move through the morning. We are here on Thursday Island to hear your views and very soon I am going to close my mouth and make sure that we give you the opportunity to speak.

It is important that we understand that the committee is a committee of the Queensland parliament and its hearings are subject to the rules of the parliament. These proceedings are being recorded by Hansard, and we thank Bonnie for being here, and they will be published on the Queensland parliament website. If you have any concerns about this, please talk to our committee secretary. Media may be present and will be subject to my directions at all times. You may be filmed or photographed during the proceedings this morning and these images may appear on the parliament's website or on social media pages. Can I ask that we check that our mobile phones are turned off or to silent mode, just so we do not have any interruptions.

Some of you may or may not be familiar with the bill, and that is okay. We do have Aaron and Sallyanne here who played a significant role in establishing the bill, so I am sure they will be able to answer any questions that we as a committee cannot answer. Essentially, we would love to hear your feedback about the path to treaty. Here are a couple of questions that may help you. Do you feel we need a treaty? Does Queensland need a treaty? What could a treaty involve for you? Who should be involved in making a treaty—so who should be representing your community? Is truth-telling and healing an important part of that treaty process for you? What support do you believe you need to help you on the way to develop the treaty? The Queensland government has committed \$300 million to the treaty process over the next five years which will mean that about \$20 million going forward for the future numbers of years well into the future will be used every year to help First Nations communities establish their treaties or treaty. I might just hand over to someone who is very brave to make a comment or to just generally provide some feedback to the committee about what all this means to you.

**LOBAN, Mr Yen, Mayor, Torres Shire Council**

**SAGIGI, Mr Robert, Private capacity**

**TAMWOY, Mr Robert, Private capacity**

**Mr Tamwoy:** Thanks for coming and thanks for being here. I acknowledge the traditional owners of the land where we sit today, the Kaurareg nation; thank you for having us here. I also acknowledge—we call him Bruiser—Aaron Fa'Aoso, a Seisia boy. My question is: when you say 'groups', is it individual clans you are referring to, or what do you mean when you say 'groups'? With the partnership or treaty between government and the groups, can you define what the word 'group' means?

**CHAIR:** Thanks so much for your question. That was my error. I was referring to clans, but Aaron might be able to add a little bit more to that.

**Ms Atkinson:** He is just doing a radio interview. He will be back.

**CHAIR:** Would you like to make a comment around that?

**Ms Atkinson:** I would rather wait for Aaron because he will do it more effectively from a genuine place.

**CHAIR:** I guess what I was more referring to was clans of traditional owners. I am well aware that in many areas around Queensland a number of clans make up a particular area. That treaty may be clans with the Queensland government, individual clans, collective clans; it may be treaties that happen between clans. I hope that answers your question. I am sure Aaron will be able to add a little bit more.

**Mr BENNETT:** I think it is really important from the get-go that the traditional owners, the Indigenous people of this state, run this process. That is why I think it is important that all those options can be something that may or may not go forward, but it has to be driven by the communities that need to get this thing done. Let us remember that it is not about government talking down to you. We want to make sure that this goes up from the communities. The chair is right: you may get different groups, clans up here who want to do a treaty with government that might want to do it individually, but it has to be your choice so remember that.

**Mr Sagigi:** If I could step in on that, I am Robert Sagigi. I am Waikaid lad from Badu Island—First Nation, not an organisation. If you want to talk about First Nation, find out the true, proper First Nation. Don't come in as an organisation and say, 'I represent this place; I talk on behalf' without Thursday Island

consulting us. It has been happening too long. We live in trauma since colonisation. If we are going to do this properly, let us do it properly and talk to traditional owners. Help the traditional owners to set it up. Don't set up something and then come through there.

**Mr BENNETT:** Like I said, when Aaron gets back he will be able to explain what has been happening for the last three years, which is important, and the consultation process going forward.

**Mr Sagigi:** You say three years, but we never hear of this. It is only the last couple of weeks we hear about this. Just because \$300 million is coming through, if some body wants to set up to manage those funds on our behalf, without our consent or our input into it.

**CHAIR:** That is really great feedback, Robert, thank you. Do we have someone else who would like to contribute?

**Mr Loban:** Firstly I acknowledge the traditional owners of this land that we are having this meeting on, the Kaurareg nation, and pay my respects to elders past, present and emerging. I acknowledge our member for Cook, Cynthia. I really appreciate you coming up to explain to our people what the treaty is going to mean and what we want out of it. It is a long time coming. I think everybody sitting around here is asking questions of how the treaty will work. If you could give us some format on the information you have so we can have something to give back to you. I for one think it is a long time overdue and the truth will have to be told. The question I have is: how far do you go back? Do you want to go back to when Captain Cook first sailed through here? Is there a place you are going to cut off and say, 'We go from there'? because if you are going to tell the truth we will have to tell it from right back. Our saying is: you have to know the past before you can go to the future. Thank you.

**Ms LUI:** Esso, Mayor Loban, for that comment there. I totally agree with you that we need to go back to the past to fully understand the future, especially if we are going to plan for where we want to go in the future. I think the whole intent of this bill, the Path to Treaty Bill, is so that we could build that relationship with First Nations people, and that is Aboriginal and Torres Strait Islander people, right across Queensland. We acknowledge as a government that that relationship since colonisation has never existed. We also acknowledge that there were events that happened in our past since colonisation that have had a huge effect on First Nations people in this state.

What we also acknowledge is that Queensland has a history, but two very different histories. There is the white history and then the Indigenous, the Aboriginal and Torres Strait Islander, history. I think what Path to Treaty aims to achieve is to bring our past into our future because for a long time it was kept away; it was archived. No-one knew about it. There was no education about our past. We are at a time now where we want to acknowledge the trauma, the hurt, that was bestowed upon our First Nations people, but more so creating a new narrative for us as a nation of people, as a state of people moving into the future.

There are two pretty significant concepts to the Path to Treaty Bill. The first one is establishing a truth treaty institute, and it is at that treaty institute where the negotiation will happen between First Nations traditional owner groups with government. There is then a truth and healing inquiry. In terms of that truth and healing inquiry, once the treaty institute is established then there will be all of this work to get voices and stories from community to feed into this inquiry.

I think it is really important for us as First Nations people to own this journey because it is about us forging a new relationship into the future but also forming this new narrative where we have shared history moving into the future. In saying that, Mayor Loban, I just wanted to get your insight or the insight of anyone in this room around your thoughts around the truth and healing inquiry. Do you think this is a good thing for us moving forward? With the treaty institute, do you have any ideas or recommendations on how government can make this work for Aboriginal and Torres Strait Islander people?

**CHAIR:** Thank you, Cynthia.

**DAVID, Mr Ned, Private capacity**

**Mr David:** Morning, everyone. Ned David, Chair of GBK.

**CHAIR:** Lovely to meet you.

**Mr David:** Likewise, ma'am. Once again, like everyone else, I want to acknowledge Mr Milton Savage, the Chair of Kaurareg Native Title Corporation, and of course the Kaurareg people once again holding a very important forum on their land. I wanted to respond to a couple of things that the member for Cook has raised and I will go straight into it. We have tendered or submitted a submission on behalf of GBK. There are a couple of elements. I will not go into the whole document that we have presented, but I will touch on a few things. The preamble of the bill states—

The colonisation of Queensland occurred without the consent of Aboriginal peoples and Torres Strait Islander peoples and often against their active resistance.

I do not believe that we can be fully confident the bill articulates a governance structure that, through the institute council, is actually capable of addressing the needs for adequate investment in the work that both politics and communities of Torres Strait and Aboriginal people need to do to be treaty ready. So that is point No. 1. I want to articulate a little bit around the notes on sovereignty. I think there is an absolute lack of understanding of the two concepts of sovereignty that exists in the jurisdiction now known as the nation state of Australia, so there needs to be substantive engagement between representatives of traditional owners and political leadership from the state to settle our shared understanding of each other's claim to sovereignty.

This path to treaty making I think needs to start from a firm position—a position that transcends clause 4 in the preamble of the bill where it states—

Aboriginal peoples and Torres Strait Islander peoples assert they have never ceded their sovereignty over their lands, seas, waters, air and resources and they continue to assert their sovereignty.

I think rather it needs to state that 'Aboriginal peoples and Torres Strait Islander peoples have never ceded sovereignty over their lands, seas, waters, air and resources and they continue to enact their sovereignty'. So I think that is part of it.

I want to get to the treaty institute as well. The bill states that the minister recommends Aboriginal and Torres Strait Islander persons to the council if satisfied that they are appropriately qualified. For the purpose of transparency, I think we ask that the bill makes reference to the required qualifications, given that we require a combination of skills, knowledge and experience that reflects a very particular pursuit, one that combines technical skills with necessary social and political capital—and I underline 'social and political capital'—to enact the responsibilities and functions of a unique institute for the actual unique bill. This is not the same as a service delivery entity, and I think that is really important. There are a few other bits to what we have tendered, but I think those are probably the main aspects that I wanted to share with the committee today. That is all.

**CHAIR:** Thank you, Mr David. That really provides excellent feedback. Certainly after reading your submission, you were able to clarify for me some of your suggestions. But that is tremendous feedback, and that is exactly what we are looking for, so thank you. Mayor Mosby, would you like to say a few words?

**MOSBY, Mr Phillemon, Mayor, Torres Strait Island Regional Council**

**Mr Mosby:** Thank you, Chair. Before I proceed I would like to acknowledge Uncle Milton of Kaurareg, traditional owners throughout our lands, and I would like to acknowledge our great creator for the opportunity to be part of today's journey with our people and with government.

I understand some of the topics that have been raised here, particularly from our brother Robert Sagigi in terms of engaging with traditional owners, but I am probably talking from the perspective of local government having the mandate to represent all people in the region, particularly in my footprint. I want to particularly raise here today some of the fantastic work or the outstanding work of better regional governance models for the Torres Strait, and what we are seeking through this process through a treaty—an agreement—is a commitment from the state or from government to reactivate that conversation about the regional governance model.

There has been fantastic work that has been done by my predecessor Fred Gela and other mayors before our time. I also acknowledge there are mayors around this table here, but at the moment our region is over-represented politically. It is very heavily bureaucratically driven. There is a lot of red-tape process and I think we need to be smart about a more improved governance model for the Torres Strait, but this cannot happen—and history speaks for itself—without government support and investment. With that, this matter is going to lay on the table, and we have been talking about regional governance models for a very long time. There are only a few elders and leaders here today, and one of the main reasons this has not gone forward is that we do not have an agreement with government to support where the Torres Strait sees itself now and moving into the future. In August last year the Torres Strait people were able to put forward a fresh declaration on this legacy—an aspiration for a better governance model through the Masig Statement that aligns to articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous People for self-determination, sovereignty and autonomy.

At the moment, if we can address the governance model for the Torres Strait we will address a lot of the social determinants in the region. So what I am hoping to achieve through the treaty on behalf of our region is to get an agreement or a bipartisan agreement similar to the bipartisan agreement that happened in 1997 with the House of Representatives in the new deal report on greater autonomy for Torres Strait Islanders. I am not talking new stuff here. I am asking for what our elders and leaders have spoken to previous governments about and the agreements between those governments and our councils, but nothing really substantial has come out of it. So I am hoping that the treaty will provide us an opportunity to have real, tangible agreements that will drive this issue for the Torres Strait. Thank you.

**CHAIR:** Thank you, Mayor Mosby. Can I say how encouraged I am by how clear you are about what you would like to see in a treaty, and that is the sort of leadership that is needed from both government and First Nations communities to produce treaties that are really meaningful and that are going to allow your community to progress and to set a really strong and positive path for the future for your people, so well done. Mayor Loban, did you want to say something more?

**Mr Loban:** No. I just want to leave it up to the floor to get more information coming out of the people who came here today. I have my chance to say something off to the side.

**CHAIR:** Thank you.

**Ms LUI:** I have a question for Mayor Mosby, if that is okay. You mentioned the region being over-governed and you also mentioned the Masig Statement. In relation to the treaty institute, I ask you to share your thoughts around the establishment of the institute and the Masig Statement in terms of how we could probably work to better understand the Masig Statement, the visions and aspirations for the region and how government can incorporate maybe some of your views and thoughts when we are establishing the treaty institute.

**Mr Mosby:** Thank you, member for Cook, for the question. I believe that through the institute it would be able to provide some level of guidance to the people of the Torres Strait—the leaders and elders of the Torres Strait who are the spokesmen and women—in terms of addressing some of the social justice issues under the current regime of governance model at the moment in community, because people feel like a level of autonomy has been taken away from community and decision-making is made outside of the community. It reminds a lot of people about some 60 or 70 years ago, and we only have a few elders who reflect on a time when they used to line up at the old courthouse here on TI and wait for the office to open for the controller to say whatever is best for the Torres Strait.

Even in this day and age, say, five years ago, the elders—there are only a few who are now left—were saying, ‘This form of governance we’ve got in the Torres Strait is where we have no say, where all decisions are made outside for simple things,’ like even getting general house repairs and maintenance. People feel oppressed in communities. More of the jobs in the Torres Strait exist outside of the Torres Strait and people feel like it is being dominated from outside and we are just cattle here in the Torres Strait. So I am hoping that we are able through this process to capture some of those stories, because that regime of governance still exists here in the Torres Strait. I hope I answered your question because a lot of people do not understand today, even the younger generation, what existed some 70 or 80 years ago and it is still here. Thanks.

**Ms LUI:** In terms of strengthening or wanting this new relationship with government, how do you envisage this form of relationship working? How can government work better with communities to form this strong relationship moving into the future, especially around our paths to treaty? I will put that question to you, Mayor Mosby, and anyone else in the room. I think it is really important for us to have a clear understanding of what Torres Strait is saying, because a big part of the bill is about reframing relationships with Aboriginal and Torres Strait Islanders right across Queensland.

**Mr Mosby:** Thank you, member for Cook. The conversation that happened some 20 or 30 years ago, even from the 1997 Lieberman report and then following up to some of the most recent work with Bamaga Accord, suggested a couple of models. There are people in here who have been part of that process. One of those models recognised our culture and custom and the place of elders and traditional owners in a governance model that works hand in hand—not just a provision within the Local Government Act that suggests we ‘may’ recognise Aboriginal and Torres Strait Islander custom. One of the models in Bamaga Accord recognised the equal place of governance for elders/traditional owners. I think, moving forward, if we want to address it there needs to be the whole of this region in governance. Esso.

**CHAIR:** Thank you, Mayor Mosby. Does anyone else want to make a contribution? In the spirit of equity, are there any women in the room who would like to make a contribution? Anyone up the back?

**Mr Loban:** I think we should bring Aaron in and he can explain more, Indigenous wise.

**CHAIR:** Aaron is just doing a radio interview and he will join us shortly.

**Mr Loban:** He has had three years doing it. We want to know where he has been and what he has done. What are the outcomes of his three years of being on the panel?

**CHAIR:** Sallyanne, do we have—

**Ms Atkinson:** I am encouraging my sisters to speak up.

**CHAIR:** Are there any others who would like to contribute? By all means, come forward.

**Ms Atkinson:** Actually, I just have one comment. Following on from what Phillemon said, I think it is really important for us all to understand the concept of regional government for the Torres Strait, which is something that you have been talking about for a long, long time. The treaty will help towards that but it is only one part of it.

**CHAIR:** Yes, that’s true.

**NAI, Mr Fraser, Private capacity**

**Mr Nai:** Good morning, everyone. I am Fraser Nai. I have a comment. I do not know much about the treaty, excuse my ignorance. But just from listening to the conversation so far and some of the questions, I am thinking about the negotiation between the state and the bigger idea of treaty and what it does, especially for our part and how it empowers us. That is fundamentally it, at the end of the day. My question is more around whether it fits into this part and how it is captured. It is about the economic part. I think that is a big part of empowering people up here. We know for anywhere, if you do not have that you have apathy and every other derivative of that part comes out in social issues and every other thing.

I think stitched into the treaty, if it fits there, is empowering local businesses. For example, I have a travel agency but we cannot get government jobs. This is a highly public servant sector, for example. Mayor Mosby kind of touched on it a bit. A lot of the businesses that are doing a lot of the stuff in the Straits are from outside, for numerous reasons, whether we do not have the capability or the capacity. Those things are understandable and that is the development part, but then there are things within the region. There are businesses within the region that cannot capture those opportunities.

I think when it comes down it, there is a massive piece around the economics part with investment. It is not the idea of people going, 'We've invested \$300 million into the region,' but when you look at mainly infrastructure a lot of that money does not stay in the region. The finished product stays here but the money goes back out of the region. I think when we want to see real empowerment and lives changed, it does massively help people when the money stays within the pockets of mums and dads and younger people in the region who are really having a go and wanting to participate and contribute and solve problems.

I think that is an important piece. I do not know if the treaty captures that, but I would like to say that, from an economic perspective, there needs to be a piece around how it captures that in this treaty negotiation so that businesses within the region that can provide the services, from a procurement part, are given the opportunity to do that. You see that really clearly in the building stream. You see people getting onto the procurement list for tenders and stuff. It is kind of mainly just heavily in that part, not right across.

I think there is a conversation, for example, as I have just mentioned personally. We cannot get any government agencies to book because the state government is booking using a contractor down south somewhere who is doing all of that. You have local Indigenous businesses that are trying to get into that space as well. There is a massive influx with the transit of public servants coming in and out of the region and travelling everywhere in the state, but you cannot get a look-in to that. I am just touching on it from personal experience, but I think it is much broader than that right across. There needs to be a piece that advocates for local businesses in that area.

**CHAIR:** Great work, Fraser. Fraser has raised a really great issue. It was an issue that came up in Weipa yesterday as well with the First Nations community around economic sustainability and ensuring economic stability in order for communities to be empowered. Well done, Fraser.



## **SERIAT, Mr Harry, Private capacity**

**Mr Seriat:** My name is Harry Seriat. I would just talk—not so much talk; this is more of an observation. I am trying to get an understanding around what we are all trying to accomplish here. My understanding of a treaty is that it is between two sovereign nations. For example, we have the Torres Strait Treaty, which is a treaty between PNG as a sovereign nation and Australia as a sovereign nation. PNG as a sovereign nation has its own laws. They have their traditions and their custom. Australia as a nation has their own laws, their traditions, their customs.

If a treaty were to exist between government and First Nations people, we always hear the term that people refer to First Nations people as 'sovereign people', so I always ask the question. I like to question things and I ask myself the question and then I go and try to find the answer to it. That's just how I operate.

When I look at that word 'sovereign', what makes you a sovereign? The foundation for sovereign law of an Indigenous person is the traditional lore and custom. That is what makes us who we are. That is part of our identity. We have a traditional lore structure. We have a traditional governance structure. A lot of that has been taken away from us through organisations that demand that they are the ones that represent our interests.

I come from a clan. There are two other members sitting here who come from a clan as well. We have other Indigenous people in this room who know where they come from, what their clan is and what their tribe is. Now, the issue we have is that we are talking about sovereign to sovereign. We are talking about a treaty between one sovereign people and another sovereign people. Yet when you sit down here we see the state government sitting on top of the local government. Is that one sovereign talking to another sovereign or is this just the same sovereign taking to itself?

This conversation needs to be with tribal people. It needs to be with people who still practise traditional lore and custom. That is what makes you who you are. That is part of your identity. If you use the Native Title Act as an example, Australia has laws to protect protected species within this country. Dugong and turtle are vulnerable species close to the endangered list and they are protected under Australian law. As Indigenous people, we are allowed to take the turtle and dugong. Under the Native Title Act we are exempt from prosecution as long as we do it according to our traditional lore and custom. That is in law. That is an Australian law. Every Indigenous person here today knows what happens if we have broken that lore. But who is going to hold the people who break these lores accountable, because that authority comes from the tribe? That authority comes from the elder, from that clan.

For the clan sitting outside in the fringes watching organisations talk to organisations, making decisions on their behalf yet under the United Nations Declaration on the Rights of Indigenous Peoples they give rights to the same people who are sitting outside to have a voice. That is why, when we are having discussions like this we need to really, I suppose, come up with what we are trying to say here or what the treaty is going to look like. It is confusing because my understanding is that Australia is a sovereign country so you have sovereigns living in a sovereign. We have got all this stuff happening with the Constitution and the Voice and trying to have Indigenous people recognised in there.

Before—I should not say 'before'. During colonisation, (indistinct) we were considered flora and fauna. You even had eradication. It is like you are going out there trying to spray weeds or something. That is what Indigenous people looked like when Australia was colonised. That is part of truth-telling. My people have been at the front line. I hear that aunty—(indistinct); sorry. We hear about truth-telling and colonisation 240 years ago. For my people it was 100 years ago. My old fella passed away last year. His mother and father were part of that forceful removal from here—on Hammond Island too. It is only recent. It is not that far off for my people. The reason we came back to country is because of our traditional lore and culture and our custom. We cannot practice that lore in the other place. We had to come back. That is the decision our elders were making back then and then we came back. We are now here today.

We have published a lot since then but we are slowly, slowly losing out on all those rights again because the representation of organisations. Organisations are not tribe. If you are going to have a proper discussion about treaty, we have to talk more to proper people, people in place, people where they come from, descendants, headman come down. Esso.

**CHAIR:** Thank you very much, Mr Seriat. Certainly there is some tremendous feedback there. We certainly acknowledge that colonisation began in 1788 or around about that time. We are well aware, as a government, that executive governments over that time made laws and policies that have impacted severely on our First Nations communities. That has happened throughout the past 235 years. I will hand over to the member for Cook.

**Ms LUI:** Esso. You have raised some really good points there. Just for clarification around consultation and speaking directly to First Nations traditional owner groups or traditional groups in the region, I think the purpose of today is that this is a parliamentary inquiry. I wanted to clarify the two processes that we will undertake as a committee, the Community Support and Services Committee. The bill was introduced into parliament by our Premier two or three weeks ago. This is the process now we all have to follow. We come out, we do public hearings and we listen directly from community. Then we go back to parliament and then it gets passed through as legislation. I think that first part of this whole Path to Treaty process starts with passing this legislation.

All that stuff there you have said I think is relevant because it will certainly go into all the recommendations and feedback that we hear from community. Everything anyone says here today goes into a report. When it goes to parliament, we pass it and it becomes legislation. We set up the treaty institute. We run the truth and healing inquiry. That is going to come from the legislation. Then there will be extensive work. I am not sure if Sallyanne wants to add to this, but there will be more work after legislation is passed. I imagine there will be that direct contact with traditional owner groups right across.

I totally agree with you: organisations and government should really just be sitting back and taking information from community. When we talk about strengthening relationships, how do we do that? How do you want us to do it? How do you see it happening into the future?

**CHAIR:** Ms Atkinson, do you have anything to add?

**Ms Atkinson:** Thank you, Madam Chair—only just to reinforce what Cynthia has said, that you are a parliamentary committee and will be making a formal report to parliament. The committee which I chair—I call it the Path to Treaty Committee—is more informal. Our task is really to monitor progress towards the establishment of a truth and healing institute, which is so important for the wider Queensland community to understand the truth of our history, including, if I might say, the demands from this region for a regional government, which are not new. When I first was elected to council and became friends with Mayor Alison Woolla, all those many years ago, we talked then about regional council. One of the things we in local government have talked about is constitutional recognition of local government, which has not yet happened, but that is a matter for another sphere of government.

Our other task, apart from the truth-telling inquiry, is the establishment of the institute which will help various areas throughout the state negotiate treaties either with government or with each other, and that is very important to the treaties with each other. We had a meeting last year with the Girringun people, up around Cardwell. There are nine groups, clans and tribes that have come together and they are all working together. They will probably have a treaty among themselves as well as treaty with government. It is all very much a work in progress, and I think that is probably true of your committee.

Apart from the fact that I am talking, which I probably should not be because we are really here to listen, Aaron and I—when he comes back from doing his media commitment—are two members of a 10-person committee, and we will be here from 12 o'clock onwards and hopefully talking to and hearing from the wider community. As I said, apart from the bill going to parliament and becoming law in May, fingers crossed at this stage, everything is really by negotiation and by what we hear from all of you. Does that clarify?

**CHAIR:** Thank you, Ms Atkinson—very eloquent as always.

**YUSIA, Ms Patricia, Councillor, Northern Peninsula Regional Council**

**CHAIR:** I now welcome Councillor Patricia Yusia.

**Ms Yusia:** I wanted to say thank you to the committee for coming to Thursday Island to give us the opportunity to voice our opinion. I wanted to voice my opinion on the current policies we have in place. It could be in line with many different areas, but in particular I want to mention that there is a policy established in Queensland regarding empowering the community control within communities. This has been going on for a while. However, it has not come to evidence where the government actually transitioned the resources over to community control, particularly in the health space. That has not happened. In order for the community to empower—I am talking about the organisation—the organisation committees are actually appointing Indigenous First Nations people on the board and it is empowering them to also provide a service to the community on the place base. This has not happened. There has been talk about it for a while. However, when the commitments are made, the full extent of resources are not actually transferred over to community control.

There is an opportunity in Queensland, in a thriving community probably, where we could all line up all the policies and work in collaboration to empower communities, empower the Indigenous people in the community. There are mixed messages about different things. I know treaty has a space for many different things and it gives us the opportunity to voice our opinion on whatever area that is impacting on us right now. In order for us to empower our own people, we need the policies that are established in Queensland in partnership with the feds, that they have to legitimately follow through, and resources have to transition over to community to actually provide those services.

There is a lot of commitment and there are a lot of promises, but actually overall it has not happened in Queensland. We would very much like to see that, if that is the policy of the government for that particular time, please, we want to make sure that it is actually followed through, especially in this policy space. It needs to be followed through and it needs to be fair dinkum to our people so that we can actually get that benefit on the ground to empower our own people on the ground. Thank you.

**CHAIR:** Thank you, councillor. That is very good feedback.

**ABEDNEGO, Mr John, Private capacity**

**Mr Abednego:** Good morning, everyone. I want to firstly acknowledge the Kaurareg families. We have our discussion here this morning—the Kaurareg families—and all other traditional members who are clans sitting down and meeting, too. Condolences to the families who are bereaved and are hearing my talk here.

My name is John Abednego. I am with the Torres Strait council. I welcome the idea that there is a group to come up and talk about treaty. I do not know much about it, only what I see on the news and all that stuff. When I hear treaty, I hear what brother Harry talked about, the Torres Strait treaty; that is the only one I can relate to. It is between two sovereign nations. It was signed off in 1978, ratified in 1985, and it covers areas on the seabed, fisheries and culturally appropriate protocols and principles between the two countries. We want to as well capture that. There is that treaty in place. That is something that we want to use to draw.

Treaty (indistinct). I think (indistinct). We need to tailor our design to suit our area—not only Thursday Island, but NTA, Torres Strait—so that it is right at the doorstep. We have commonalities in problems. We do not have to talk about the history. We are the problem. We are the history (indistinct). We need to regionalise or localise those committees, not from you come up from south, talk, then go away again. We know that history of fly in and fly out. We want people to be here, on ground, where we can talk one-on-one, not through this kind of thing (indistinct). It is important that the communication is strong and effective so that when we start the whole process we start from the same level playing field, not waiting for Canberra; everybody sit down.

I do not like this setting (indistinct). This is not a culturally appropriate setting where one sits on the (indistinct). Everybody should be equal. You (indistinct) speak (indistinct) not all sit on (indistinct) normal setting (indistinct). We need to move forward. We know the history. We are the history. Move forward now.

We support what our Aboriginal brothers and sisters do down south. When ATSIC was in place, we followed the Torres Strait (indistinct) plan (indistinct). They are close to Canberra; they are close to the people in power (inaudible) so we want similar arrangement. One of them from down south is (indistinct) Torres Strait, NTA and Torres Strait Islands. We need to do that.

If you are looking at setting up a committee, by all means—a local committee so that the communication is clear and it moves on, otherwise we have to wait for the next visit—thy kingdom come, thy will be done. So (indistinct) for the whole process, communication, transparency, accountability—it needs to start here before you go through the whole process so that we have a good, meaningful outcome at the end of the process and everybody has an input. That is very important. Even that Torres Strait and myself, I have a voice these days. Esso. I go now.

**CHAIR:** Thank you, Mr Abednego. The member for Cook has a question.

**Ms LUI:** Esso. Three critical points I pick up this morning. You mentioned local people being more involved and being part of this process. You mentioned that we need to come and sit down. We are traditional owners and not this organisation and I think that is really important, so we do not leave anyone outside of this important conversation. Then also Mr David mentioned about not being treaty ready. I was wondering if the three of you can possibly comment on how we can make sure that we get that local voice, that local input, and also that we do not miss out on traditional owners who are not part of any organisations to be part of it and how we connect and engage traditional owners who are not part of any organisation. Also GBK, when you said before about not being treaty ready, how can we bring community along on this journey to be treaty ready?

**Mr Sagigi:** About 20 years ago, my girl, I was a chair for the island coordinating council under state legislation 1984, Community Services Act. We consulted all TOs, all elders, on Badu and from there, 10 days later, we went to Masig. It was led by me. We were the island coordinating council back then. Everyone on Badu, the traditional owners, everyone in the community, was involved. Ten days later we went to Masig, on 23 August 2004. That was a position that we took down to premier Beattie back then, but when premier Beattie heard I am going down, he wasn't there. He left his adviser, Dr Leo Kelleher, to come and sit with us. We told him what our position was. It was to absolve all functions of federal, state and local. That was a territory move. I have one of my nephews sitting with me. He was with me down there as translator. When I went there we went upstairs in the executive building and Dr Leo Kelleher and all the Queensland—what do you call them?—were sitting there waiting for us.

Mayor Pedro Stephen was a chair for the Greater Autonomy Steering Committee back then. They were going to pass it at the next COAG meeting the next month. There was a thing from everyone on Torres Strait. Straight after that I came back. They got rid of me and abolished the Community Services Act. That was the economy. People elect people under state legislation—1984 Community Services Act. Your dad was involved in this one back then. Then we go backwards now.

I am sorry I have got to say that local government, their roles and responsibilities are roads, rubbish and rates, but the economy was taken out of us again. We went for independence back in 1988. In 2004 I went for a territory. We cannot do that because of white man law. We practise our customary lore now. It is under legislation; it is under the United Nations declaration of indigenous people's rights. I am the head man of my tribe. You come to our country, you must get permission. When we go to see the minister we need 10 days notice to visit him, but when you come to our country you must give us notice too that you will visit our land and what benefit do we get out of it. There is practice in place. There is lore. We can work that lore and it will protect and prevent outside influence to come into our country. When you abuse that, that is when we stagnate.

Where is the treaty? You say First Nations. I am a tribal person. My grandfather was Chief Sagigi, or Chief Doreke of the Waikaid tribe of Badu. There are three tribes on Badu. If you want a treaty, have the treaty with us, not an organisation, because you are going to create another ATSIC, I am sorry to say. The dollars will come from federal, come to state and by the time it gets to us we only get five cents or one cent to manage whatever we got. I am sorry: I have got to say it so you will understand the struggle we went through. We are still struggling. You talk about treaty here. If people want to do it, let us do it properly. If you say you are going to talk to First Nations people, talk to us and work with us and resource our tribes so we can manage our destiny, our inheritance. Let us talk about tax. You say we have to pay tax. You do not pay tax to use our country. That is our inheritance. I will leave it like that. Thank you for listening to me. I think I answered your question.

**CHAIR:** A very good question and some great feedback. Thank you.

**Mr David:** You wanted me to clarify something?

**Ms LUI:** In your statement you mentioned being treaty ready. You did not feel like this bill was going down that path of getting community ready for Path to Treaty. Do you have any words or thoughts around how we could be treaty ready?

**Mr David:** I do. I am not sure if you have got enough time for that, but I will do my best to be as succinct as possible. A couple of things come to mind I will mention for everyone's benefit. I notice you have got the coded stuff on the paper there where you can see all the submissions. I have just had a quick look myself and our submission is No. 19, for those who are interested in going on the site and having a look. I do believe that a lot of what we have in our submission covers a lot of things that people have raised today. There is a provision within the submission that alludes to being treaty ready. I think I go to where I think there have been insufficient consultations done. I know we are having a conversation now. I do believe that many have already raised before that a consultation must include visits to as many communities as possible in person. I know that is hard, but I think if we are genuine about doing this exercise then you have to afford everyone an opportunity to come before the committee.

A lot of people have raised some of the histories around the aspirations for this region to gain some level of independence or greater autonomy. I think the current headline for the movement right now is regional governance. Basically, they are all the same thing: we want more control of our affairs. I do believe that a treaty, if it is done appropriately, will achieve a great deal of that. What I might add to the narrative today is: many of, I guess, the seminal points within the narrative up to date, including what Mayor Mosby mentioned with his Lou Lieberman report, a new deal for Torres Strait—that was a point in time in the late nineties. There has been a lot of water under the bridge since then. By that I mean that about 99 per cent of this region has been part of native title determinations. A lot of our land is now exclusive native title. A large part of our sea country is non-exclusive native title. We now have native title recognise a significant chunk of the Great Barrier Reef that we share with our Aboriginal brothers and sisters. I think that is a chunk of the narrative that is missing. There has been an evolution in the political development for First Nations people to assert their rights and interests.

Many have already raised before that some of the current legislation that is in place does not necessarily afford everyone everything. It is not perfect, but I think what is being proposed here with a treaty is an option that, if we do it properly, we can get right, and that is what I mean by treaty ready, member for Cook. In the lead-up to this, I note my disappointment that we were caught off-guard with the introduction of the legislation. I thought maybe someone from some of the determination groups would have been afforded an invite, but that is something I think we can work on. Of course, the state

itself, we must admit, does not afford the recognition the Commonwealth does for the determinations. We are in the state in Australia, the only state in the planet that serves Aboriginal and Torres Strait Islander people. It is the only state where Eddie Mabo took it to court and won. I think we should be building on that rather than finding all the impediments to stop that evolution to catch up with everything else. I am not sure if I have answered your question, but that is my 50 cents. Esso.

**CHAIR:** Thank you so much.

**Ms LUI:** Thank you, Mr David, for that feedback. By all means, we need to get this right and how we do it comes from your feedback into this public hearing today. I esso for your views and I will be looking forward to when we have to get down to all the hard work.

**CHAIR:** Mr Fa'Aoso, would you mind talking about the journey from 2019 to here around the work that helped produce the bill?

**Mr Fa'Aoso:** Throwing me straight under the bus, are you?

**Ms Atkinson:** Also the question that was asked earlier about clans and tribes and groups and how we arrived at that.

**Mr Fa'Aoso:** I want to esso for all the words of those who have spoken thus far. I think there is certainly a lot of hangover and frustration from many, many years of lived experience of acts and policies that, if we have not experienced it ourselves, certainly our forebears have experienced. Treaty is to really unravel the impacts of colonisation and to tell the truth about the historical impacts of colonisation and those policies and legislations that existed in those acts that have impacted upon our people, particularly here in the Torres Strait region.

I think we have heard quite passionately from some people whilst we have been here. But in 2019 the government made a commitment in regards to moving forward in regards to the Path to Treaty. At the time Jackie Trad headed this up and there were various interim bodies that were formed to basically go out from 2019 to gauge the barometer on whether there was an appetite from First Nations peoples throughout Queensland for a treaty, but also in the greater community whether there was an appetite for treaty. COVID hit on the back end of 2019. It stalled everything. Everyone had to hang up their boots, so to speak. Unfortunately, during this process the Torres Strait region was not able to be accessed; neither was the Cape York region. We are all well versed in terms of the holdup that COVID had caused. Moving forward, a report was put up from those interim bodies to move forward as a key recommendation to develop legislation, and part of that process was to develop a Truth-telling and Healing Inquiry. That was the pathway.

Prior to August 2022, a public expression of interest went out to basically put your hand up to see if you wanted to engage with this new interim body. I elected to put my hand up because I wanted to engage, not only as a mainland Torres Strait Islander but also as an advocate for a voice from Torres Strait Islanders, because from my experience as a film and television practitioner I was basically sick and tired of the lack of inclusion and visibility from a film and television practitioner point of view and, given my history and my family's history in advocacy for their people and pioneering the movement from Saibai to Bamaga and then Bamaga to Mabuiag, I am well versed in regards to the advocacy and historically where my forebears have advocated for their people as such.

Taking that into account and taking into consideration that I put my hand up, I was chosen to be part of the interim body that was to develop, create and co-design the legislation. At the end of the day, we were playing by the rules of the state—make no bones about that. We were playing by the rules. We were given the time frame to work within to develop and create the legislation. By the time we came on board and I was appointed to the legislative subcommittee, there were four versions of the legislation developed. By the time we finished in late November, 44 versions had been created.

What I am want to impress upon you today is that Aboriginal and Torres Strait Islander practitioners like myself and Mick Gooda went through the legislation with Michael Lavarch, our trusted legal counsel, along with DATSIP's legal counsel. We combed through the legislation and created legislation where we felt we embedded and pushed the envelope with regard to First Nations people's rights and customs and they were seen to be represented in the legislation.

The preamble had not been created. We created that preamble. At the top of the preamble it states that Aboriginal and Torres Strait Islanders have not ceded sovereignty. We also embedded the human rights declaration. Whilst that is a declaration internationally, by embedding that declaration within the legislation it now becomes active. It now becomes a tool. It now becomes a benchmark for government legislation—not only our treaty bill but also other bills that will come after this, I believe. That is my opinion. Other parts of the preamble state that we recognise Aboriginal and Torres Strait Islander law and lore and Ailan Kastom.

That is where we are at the moment. The bill was introduced in February 2023. We were hoping that the bill would be introduced in the last sitting last year in December. Unfortunately, that did not occur so we had to wait until February 2023 for it to be introduced. That is where we are now.

Whilst the public parliamentary hearings take place throughout Queensland, we are also engaging in community consultation to have the community involved and consulted with regard to how we set up the treaty institute. We are asking: how will we choose the 10 board members; what type of characters will they be; what will the criteria be to choose them; what will the representation be on that board; will there be two Torres Strait Islanders and one Kaiwallagal representative given the diversity of the Torres Strait region; how do we break that up; how is that representation reflected as we move through the state; how will Cape York be represented; and how will the north-eastern Queensland, south-eastern Queensland, central eastern Queensland and Western Queensland be represented? That is where we are today.

We would hope that the treaty bill is passed in May. That is yet to be determined. We hope that that will occur in May. If that occurs in May, it will give us the time to set up the institute and set up the truth-telling inquiry but also start the truth-telling community engagement. When I think about that I think about the Kaurareg people and the work that we will lead from the ITTB. As an example, the truth-telling needs to occur in the Kaiwallagal region. How does the Kaiwallagal nation want the truth-telling to occur around colonisation and the impacts of colonisation?

This will occur through every community throughout the state of Queensland. The treaty institute will roll out that work in collaboration with the community. It will come from the community how they want to administer and create that truth-telling process. This is all about community-led solutions. This is all about community-led outcomes. That is where we are now. That is all. I think I have gone over time.

**CHAIR:** Thank you, Mr Fa'Aoso. Are there any other people who would like to contribute? We will start with Mr Savage and then go the Aunty Nazareth.

**SAVAGE, Mr Milton, Private capacity**

**Mr Savage:** Good morning everyone. (Aboriginal language spoken). That is my blood line. I am a First Nation Aboriginal of this country. I just want to share with everyone what this treaty model will look like. We have 500-plus language groups in this country. What will it look like? Are we establishing a treaty with the Commonwealth of Great Britain or the Commonwealth of Australia and the First Nation Indigenous people of this country? What will that treaty look like? Is this treaty going to be based around infrastructure or development of the Commonwealth?

Before Mabo we were regarded as flora and fauna. I think Mabo proved the case to the British Commonwealth that we are people. We are human beings. This is our boundary. This is our land. Where is yours? Common sense, truth (Aboriginal language spoken). We have to address everything in good faith but truthfully. Everybody lives in fear. There is also the misinterpretation of languages and the misunderstanding of the misinterpretation of languages. There is a perception of superiority. This is the truth. We need to accept the truth. Only the truth can set you free.

I am looking at this model. Are we establishing a treaty because of the infrastructure like the modern houses that we live in now? Do we have to draw up a treaty with the Commonwealth because we now live in modern houses? Going back to sovereignty, British sovereignty was claimed on our country—on our land. We are still the sovereign people of this country. I think the treaty should be based on sovereignty between the Commonwealth and First Nation people.

**CHAIR:** Thank you, Mr Savage. That was tremendous feedback. My only comment is that Path to Treaty is with the state government, not with the federal government. This is a state government relationship-building process. You are absolutely right in much of your feedback so we thank you.



**ADIDI, Ms Nazareth, Private capacity**

**Ms Adidi:** Good morning. Esso. Thank you to everyone who made this lovely day today to open our minds to make good decisions. I just remind young people, colleagues and brothers and sisters from down south that we are First Nation people—yes. Are we Indigenous people? Yes. You must keep in mind that we are Torres Strait Islanders and Aboriginals are different. (Indistinct). We have all been at meetings together with other country people—I always call them country people because my blood line runs from Burketown to Normanton—but we must keep in mind that we have different ways. When I lived in Perth for 10 years I had to learn the culture—what they do. This woman came up to talk with her husband. I cannot talk with her husband. I have to talk with a woman—yarn—otherwise there is jealousy. There is that kind of culture and lore. I talk about Noongar people because I have been to Perth, Western Australian.

We talk about the treaty between (indistinct) and Papua New Guinea. Governments learn (indistinct). Even my grandson has to talk about the things he wants to have input on with the treaty. You promised to tell grassroots people. You have to sit down with elders so you can learn because when you are down there you know nothing about nothing. I speak nothing about nothing. I have been a (indistinct) respect, relationship or (indistinct) for the soul. We had the first meeting at the TAFE. I can remember that because John was there. We had the first treaty meeting there. I want you to keep in mind we are different.

You may not all think it, but we are the same people. Aboriginal people, you and me, all Torres Strait Islanders and New Guinea people: we are the same. We are not different. We have different ways. We know (indistinct), but this is the second time now I can think of when you have come and talked with us. All the time all they talk about is Aboriginal people. They are not different people. You and me have to see the grassroots people. (Indistinct) or Torres Strait Islanders. (Indistinct) people of mine and their kind. They see me as one nation people because really because of history you and me have been joined since the nineties or want to join you and me and Aboriginal people. So you have to respect. When we make talk with them together, we must respect. That is all I want to say.

**CHAIR:** Thank you, Aunty Nazra, for some really good advice. We do appreciate your contribution and your thoughts, so thank you. Over to you, Mr Wigness.

### **WIGNESS, Mr Willie, Private capacity**

**Mr Wigness:** Thank you, Chair, committee and families. I am so glad you gave me the opportunity to talk to our families. I sit down here and I think that there has been a lot of information go around. I ask the committee: have you any knowledge of cultural structures—maternal, matriarchal and patriarchal? What do you know of that to make a decision that goes straight to parliament for legislation? Or is it just a glitch you hear from here, here and here and you say, 'We'll fix the problem'? Clans and tribes, patriarchal, matriarchal: it does exist. What you have done here again government has done. You have cornered us again. You have put us in a corner where we have no option to just go on and just to survive. You have done what your predecessors have done.

I hear key words from the mayors. The answers are in there. They are telling you that. Mayor Mosby said 'institution'. He talked about standing in front and they see us getting paid. We are the ones who are standing there getting paid. There are others around the room that have done that. That is institutionalised. Mayor Yusia hit the nail on the head. They are taking elders—senior elders, heads of tribes and clan—and making them sit as a member within that process. They are discriminating against that position of that man and woman because that man and woman—the elder—is a cultural parliamentarian but gets treated as below that. That is discrimination again. So what do this committee and the government know about patriarchal and matriarchal laws of sovereignty of a clan and tribes?

I do not blame my (inaudible). I do not blame Mayor Yusia and Mayor Mosby. They are enshrined in that invisible obligation that they cannot move and manoeuvre. Their obligation is to follow rules of I-a-w. They bend it to how far they can bend it, but when they see the cracks they stay within that confine. So where do we go from here? I am from the patriarchal heritage structure—so was Harry—not matriarchal. We are the cultural parliamentarians, but are we treated as such as you sitting around the table? No. We sit in silence on the side.

You are directing all your inquiries to institutions and organisations. Where do we go from here? Are you going to put these guys here after they have done all this work? You want to pass treaty first and then they will come and say we are fixing that with the truth-telling? That is just really venting the will from before. Me and my brother here sit on in the elders that passed. They do not want treaty; they want free association. We want free association with any nation because we are sovereign people. Treaty has been dead for 50 years. Why all of a sudden it pops up just because of (indistinct)?

In terms of regional governance, I was on the council, me and the good mayor. That idea popped up when mayor Pedro was there. We were talking about it: 'Wouldn't it be good to have a supercouncil and join the three together?' I am out of council, I am retired and they are doing it now. Government have a very good habit of making things die out and then pop up again. All this is reoccurring over and over again. It is a trend. Will treaty go under? Is there any idea of getting all of the heads of all of the tribes in the Torres Strait together in one room—First Nations—and sit with them, not organisations—First Nations—and helping them and structure them so you deal with us as sovereign people, not as an organisation? So that is the theory there. We have a solution for this, but nobody is sitting with us. Government and local government and the three tiers of government are still running to institutions—running to them—and you are feeding off what they tell you. Thank you.

**CHAIR:** Thank you, Mr Wigness, for that very good feedback. I think the member for Cook has some comments or a question. I am just conscious of time. We will hand to Mayor Loban and then we are going to have to wrap up, so we probably have about two minutes each.

**Ms LUI:** Esso. That was really good insight. I just want to talk about this process here again. I am not too sure if you have been here when I have been explaining this parliamentary process. I think Aaron mentioned when Aaron gave his opening statements about the work involved with how we got to this point. Jackie Trad, when Jackie Trad was the minister for DATSIP, initiated the start of this process to where it is now and then three weeks ago the Premier introduced it to parliament. Any bill that comes to parliament goes through this part of that parliamentary process where all the different committees in parliament then take carriage of the bill. The Community Support and Services Committee took carriage of this bill and it is the whole reason we are here.

I take your point that we do this—we come, sit and talk—and we do not talk directly to traditional owners. I think the whole intent of this parliamentary inquiry was to open it up for community to come and sit down and share their thoughts and concerns—whatever they are—and insights about this bill. So what government is doing and the work that we do here is we collate all that information, and I thank you for the feedback you gave here today. It is all relevant. We take that information and then we collate it with Lynda, the secretary here, as well as our chair. We collate that report and then we present it back to the parliament with all of the recommendations and then it goes on for the bill to be

passed into legislation. That is probably the most critical part, just to get it to that point. Once it is passed as legislation then that big work will be carried out, and with that committee there were very good insights about how we can work directly with local people. We need to have local knowledge. We need to engage better with traditional owners. We need to be treaty ready, so all of the things will be taken on board today.

When those recommendations go back and we pass it through, the two purposes for the bill are to set up a treaty institute and also to set up or establish the truth and healing inquiry. Once that happens, the bill will not stop there but they will come out now and sit directly with traditional owners right across Queensland. The point that I want to make here is: it is going to be a very complex process for all of us, because in the Torres Strait itself we have too many clan groups. Right across Queensland I think we counted hundreds of clan groups out there, so it will be the committee now that are the people that will do this important work. They will go out and engage in all different clan groups. So everything you said here I think will simply go into shape how it works when we go out to do that main body of work and how we approach that situation, because, like I said, it is going to be very complex, but your insights and your input into this public hearing will go into what comes out at the other end after it is passed into legislation.

**CHAIR:** Thank you, member for Cook. We literally have about 1½ minutes each, so I will ask Councillor Kitty if you would not mind sharing your thoughts.

**GEBADI, Ms Kitty, Deputy Mayor, Northern Peninsula Area Regional Council**

**Ms Gebadi:** Thank you, Madam Chair. My name is Councillor Kitty Gebadi. I am one of the councillors for the Northern Peninsula Area. I just have one question. The bill was introduced in February—correct me if I am wrong—and the final report is due in April, which is around about two months. Is there the possibility for an extension given the feedback that you are receiving now from the public in order to entail more information in the sense that you are having to put it into legislation once legislation is passed? As the member for Cook stated, then there will be extensive work carried out. We also know or understand to a point that once the legislation is passed we want to make sure, if I am hearing correctly, that a lot of this information or extensive consultation is carried out, so is there a possibility for an extension with the date for the final report to be presented to parliament?

There is just one last thing, given that you have already identified that you have consulted in a lot of areas in clusters, including the Torres Strait. We would like to also invite some hearings like this to the Northern Peninsula Area, given we are the northernmost part of Cape York. The NPA is the only region where we have two of our Indigenous cultures that sit in the one region, so we would like to invite—

**CHAIR:** What region is that?

**Ms Gebadi:** The Northern Peninsula Area, which consists of five communities—Injinoo, Umagico, Bamaga, New Mapoon and Seisia. We have four traditional owner clan groups—the Gudang, Yadhaykenu, Anggamuthi and Atambaya clan groups. We would like to invite a consultation like this to come to our region also.

**CHAIR:** I will just respond quickly to that. Firstly, we hope to meet the April deadline because we really would like to debate and pass this bill during the Cairns regional parliamentary sitting. The whole of parliament is going to Cairns in May so we would really like to pass that bill in May in Cairns in front of many, many First Nations people.

The second thing is that this bill is not where the onerous work is. There has been a lot of work done on this bill, but essentially immense consultation will happen for three or so years after the bill is passed. There will be immense consultation happening in those three years. The committee recognises your invitation to the north and we would be very happy to come here in the coming months to visit Bamaga and your area and your people. Once the bill is passed, the institute will do a lot of that work around consultation and I am sure they will be very keen to visit.

## **GELA, Mr Fred, Private capacity**

**Mr Gela:** I am from Kirriri, Hammond Island community. Based on the conversations and the sentiments in the room here from a number of organisations and key traditional owners groups, I want to pay tribute to and acknowledge the Kaurareg families of the land on which we gather here as a community.

The sentiments are there. I want to commend the Palaszczuk government in terms of this position of moving forward with Tracks to Treaty. The objective is excellent. However, with the good piece of work that is ahead and the journey ahead, when the bill is introduced into the House it becomes legislation; it becomes law. Then on the back of that, you will have the regulation being developed to regulate that law.

I am glad Councillor Gebadi made the point in terms of looking at requesting a potential extension because, as Aaron pointed out, COVID has basically stalled a lot of consultations that should have occurred but did not occur. We need to get something this important right, because once it becomes law there is no going back on it; otherwise, you will end up chopping wood for practice. It is much harder to reform legislation than it is to adopt it in the first instance and introduce it in the House—especially given the fact that, in the state government setting, you do not have an upper house like the Commonwealth so you have limited restrictions in terms of getting the bill passed. The pointy ended question is the institute. That is the question; that is the concern. When you look at it, the objective of the bill is—

... 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 ...

That negotiation framework is fine; it is the actual institute, and Ned hit it on the head with the hammer from GBK. It begs further consultation and an extension of time, essentially to really narrow down and focus on what the institute is going to be made up of, how it is going to be established and the composition itself. That is all I need to say.

**CHAIR:** Thank you for that very valuable feedback. Your feedback will be passed to the government. I also acknowledge Councillor Kitty for your feedback.

**Mr Loban:** My question is the same as Fred Gela about the institute. Who is going to sit on there? What sort of criteria or qualification do you need to sit on the institute? That is my concern. If you are not putting the right people on the institute, you will not get the right information.

**CHAIR:** Mr Fa'Aoso or Ms Atkinson, would you like to respond to that? We are very short of time.

**Ms Atkinson:** Aaron has just asked me, as chair of the ITTB, to talk about that. It is written in the legislation that there will be 10 members of the council, of the institute, but the methodology of how they will be chosen has not yet been set in stone and that is what we are doing consultations about. There will be lots of opportunity for input. In response to Fred's question, and I would love to talk to you about it, the actual date of the establishment of the institute has not been set. We have to do all of these things first. It is really important that everybody understands and that you report back to parliament that nothing is yet fixed in stone. We are very much in the consultation phase and that is why we want to hear from everybody.

**CHAIR:** That concludes the time you will have with our committee this morning. I understand there is going to be a short break and then Ms Atkinson and Mr Fa'Aoso will continue to consult with you and talk to you about a lot of what Ms Atkinson has just mentioned—that is, the composition of the institute, who will sit on the institute, when it will be established, the qualifications et cetera. Ms Atkinson and Mr Fa'Aoso will talk to you about that. We will take a short break and then Ms Atkinson and Mr Fa'Aoso will work with you for a couple of hours this afternoon.

That concludes our forum this morning. I thank each and every one of you for your interest, for your engagement and for your commitment. The Palaszczuk government looks forward to a path to treaty very soon, whereby we hope that our future will be better than the past. I declare the meeting closed.

**The committee adjourned at 11.07 am.**