



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

**Members present:**

Ms CP McMillan MP—Chair  
Mr SA Bennett MP  
Ms CL Lui 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**

**Friday, 24 March 2023**

**Woorabinda**

## FRIDAY, 24 MARCH 2023

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**The committee met at 10.38 am.**

**CHAIR:** Welcome everyone, and good morning. I am going to ask Aunty Michele Leisha to welcome us to country. We have had a few little bumps in the road on the way here this morning. We have had a few little bumps as we came into the area, Mayor, so my apologies there. I ask Aunty Michele to welcome us to country.

*Aunty Michele Leisha then gave a welcome to country.*

**CHAIR:** Thank you, Aunty Michele. As I said, in light of the rocky start we have had, it means a lot to our committee to be welcomed by you. Thank you, Aunty Michele. The committee is very honoured to be here on your lands.

I declare open the public forum in relation to the committee's inquiry into the Path to Treaty Bill 2023. I too would like to respectfully acknowledge the traditional custodians of the land on which we meet, the Wadja and Gungaloo people. I acknowledge our elders, Aunty Michele and other elders, who are in the room this morning. I acknowledge all of the emerging leaders who are in the community as well. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we are all so lucky to share. I also acknowledge Cynthia Lui, the member for Cook. She is the first Torres Strait Islander elected to any parliament in Australia. I acknowledge Cynthia and I thank her for her custodianship, particularly in the Torres Strait area.

My name is Corrine McMillan and I am the member for Mansfield, which is near Mount Gravatt in Brisbane. It is a long way away from here. Thank you again for having me on your lands. I am the chair of the committee. With me here today are the highly competent and esteemed deputy chair, Mr Stephen Burnett, the member for Burnett. Mr Michael Berkman, the member for Maiwar, is unable to be with us due to family illness. Ms Cynthia Lui I have mentioned. Dr Mark Robinson, the member for Oodgeroo, is unable to be with us but the member for Nicklin, Mr Rob Skelton, is here. I understand that Mr Stephen Andrew, the member for Mirani, may be joining us. Has anyone heard? The member for Mirani is the local member here. He did indicate that he would try to make it.

I also acknowledge that we have here a number of people from the interim Path to Treaty board. We have the Hon. Sallyanne Atkinson, the former lord mayor of Brisbane, who sits on that board. Welcome, Sallyanne. We have Mr Mick Gooda, a local man from this area. It is good to have you with us, Mick. We also have Aaron—

**Mr BENNETT:** He is walking across the paddock over there.

**CHAIR:** Aaron is walking across the paddock. We welcome Aaron. I welcome Rachel from the treaty board as well. I also acknowledge Mayor Josh Weazel. Josh, it is really great to have you with us to have your advice, your leadership and your guidance. Thank you very much. Thank you for having us in your community.

The committee is here today to talk to you about the Path to Treaty Bill. For the Palaszczuk government, the Path to Treaty is 235 years overdue. When the Premier introduced the Path to Treaty Bill to the parliament, she said that, when she was looking at old English records from the 1800s or the late 1700s, it was very clear that the government of the day encouraged a path to treaty. Two hundred and thirty-five years later, we still do not have one. What we have are the terrible impacts and effects of colonisation over 235 years on our First Nations peoples. That has included displacement, the stolen generation, poor health outcomes, poor incarceration rates and poor education outcomes. We believe as a government that it is high time we had a path to treaty or treaties with our First Nations communities so that we can move forward together with a shared history.

There are two aspects of the bill. One is that we establish an institute to help with negotiations to establish a path to treaty. The second part of the bill is that we embark on an inquiry into truth-telling and healing. Many non-Indigenous and Indigenous Queenslanders do not understand our history. Through no fault of their own, many Queenslanders do not have an understanding of our history. There are individuals who know some of our history, both Indigenous and non-Indigenous, but generally speaking our history as Queenslanders has never been taught. As a white person, a non-Indigenous person, I have never been taught the history of Queensland. As a young person I

was only ever given one perspective. It is high time that Queenslanders knew of and understood our real history so that we can engage in some healing, share our history together, take ownership of the history and hopefully ensure that the next 235 years are much better than the past.

There are two aspects of the bill. One is to introduce a First Nations institute that will manage and help First Nations communities negotiate treaties with the Queensland government and with each other. The second part is that the bill proposes that we establish an inquiry into truth-telling and healing because there are many stories that have not been told and they need to be told.

Basically, the committee is here today to talk to and receive feedback from you about what you think. The interim treaty board members are going to stay for a little bit longer and talk with you in more detail about what the next three to 10 years will look like. The interim treaty board has been responsible for establishing the bill, for writing the bill, for providing guidance and for clearly detailing a path forward to treaties in Queensland. Do you want to say a few words, Mayor?

**Mr Weazel:** No.

**CHAIR:** I will open it up to the first brave person who might want to make a comment. Uncle, you had a fair bit of good advice for me earlier. Could I ask you to have a bit of a chat about what you think and any advice you have.

### **KUUNDABAR-SAUNDERS, Mr Wallabi, Private capacity**

**CHAIR:** Thank you for being so brave, Uncle.

**Mr Kuundabar-Saunders:** Firstly, I will introduce myself in my mother's language. (Language spoken). From hearing what you have presented so far, I believe the treaty will help us to live better. In this community here you have the TOs and other tribal groups here. It will allow us to live on this country and it would be good to have a treaty and to have a treaty amongst ourselves. Apart from that—

**CHAIR:** Uncle, if you could help me that would be good: do you feel it is equally as important for you to have a treaty with the clans in your area as well as a treaty with the Queensland government?

**Mr Kuundabar-Saunders:** It would be good because we are capable of governing our own community, our own people. We are very capable. We have been doing it for thousands of years. We have protocols that are put in place to allow us to navigate our government and our justice. It is very important to have that. With the government, we need to have that as well because of our independence. We can look after our own people.

**CHAIR:** Aunty Michele, do you have any comments?

**Ms Leisha:** Yes, I do.

**CHAIR:** Good. That is what we want to hear.

**LEISHA, Ms Michele, Private capacity**

**Ms Leisha:** I just want to say that today it was really overwhelming to hear that you were all coming and we only had a week's notice so I have been told. Friday is our day, the end of our week time. Lunchtime is our breakup for all the community so Friday is not a good day in our community. During the week is a better day for this to happen because then you will have more people coming. As you can see, you only have a small group of community people who have tabs on what is happening in our community. There are more, but the message stick was not put out properly. That would be one of my biggest conversations that you can take back to the government and just say, 'This is how we have to approach things.'

You have to remember that years ago the Northern Territory, New South Wales, all over the WA and Central Queensland Murris still have protocols. We still have protocols and we still carry them, like the welcome to country. Also, I would have done a smoking ceremony to keep you safe, for you not to bring anything on country and so you leave country with a good spirit. Those things still happen here in our community. We have protocols like all the other communities and I think they should be followed.

Because we are going through this treaty and this truth, that is the start of the story. That is the start of the storytelling. That is the start of the truth that you are going to hear. It is passionate. Our people have suffered for so long. It creates a generation of suppression and we need to break that. We need to break that, even within our people, our leaders and that. They cannot be talking and hitting brick walls. All of you parliamentarians and the government, you have to open up your wallet and you have to listen and look.

**CHAIR:** Auntie Michele, I want to publicly share my apologies. I apologise for this morning. It would have been very special to have a smoking ceremony. I do apologise. I guess we are all learning. Certainly, if I had known I would not have come onto your community without coming and seeing the mayor so I thank you.

Auntie, I am sure committee members might have some questions for you also. As I move around the parliament, and obviously being chair of the committee, a lot of members of parliament have asked me about intergenerational and transgenerational oppression as a result of colonisation. I do not want to upset you, but do you think you might touch on a couple of issues? I would like to include in our report back to the government and parliament something about the impact of colonisation. I would love to have a few of your words in that report. Without upsetting you, do you think you could share that?

**Ms Leisha:** I cannot help but be upset because it is in my blood. It is in my veins. It is every day I wake up and I walk out and breathe the country. People say you forget about the past, but we cannot because that suppression by government has been from generation to generation to generation and it is still happening. For us to go to work, we are a proud people because our campers work, work, work. We had a system. We had civilisation. It was taken away from us because we spoke a different language.

From my past with my family—not my past, but everybody's past—our old people suffered, but they were strong and they fought to get us where we are today. Then all of a sudden, something went down in time and now we are starting to stand up. When our community is suppressed by government policies and procedures, it is not good. You know what it does to us? Up here. It does us up here. As we go out to that wider community, we are looking over our backs. It has a big impact on us and we are trying to help our children.

As you know, it happens all over but I am talking about our community and the wider community: the crime rate is a big thing. People out in the wider community suffer, but we suffer too. We suffer here because when our justice does not help then we want to bring our lore—L-O-R-E. 'Oh, you can't do that.' 'No, we have to go through this. We have to do this.' They need to just to stop and listen. We have elders here who carry lore. We have elders here who carry it. That's what I can say.

**CHAIR:** Yes, Uncle?

## **GRAHAM, Mr Douglas, Private capacity**

**Mr Graham:** I want to take my council hat off today for this session. I am a council worker. I just want to let you know that. I am speaking on my own behalf at the moment, if that's okay with you.

**Mr Weazel:** Yes, you are a community person.

**Mr Graham** (Language spoken). I am a (indistinct) man from the Dawson River on Yiman country side. I want to carry on from what Wallabi was saying about our old treaties that have existed since time immemorial. That has been taken away because of practices by governments. A lot of our people knew treaties between each other in this country—just between ourselves—without resorting to something like this.

I have to say, you have been around this country and you have seen a lot of hurt and pain. People have expressed their views. It is no different here. The design of a treaty, I believe, has to come from us. Every Yiman person or Gungari people and elders that I speak on behalf of and that I have spoken to have said the same thing. We have to design it and say to the government that this is how we see things. It is not a government model. We do not want to fit into a government model. We have our own models that have been here since time immemorial. The Queensland government or the Commonwealth have to know that it is us who make the treaties and we invite anyone in who we think would help us further our causes and our governance on this country.

It has to come from our people. I read something the other day in the news about the treaty and they were saying it is what grassroots people want. That is not right. You cannot say those things unless you have spoken to people on the ground. Do you know for a fact how many tribes are in this country? I know it is a big job to go around to individual tribes and talk about this. You cannot speak to our people as a collective unless you have done that. I understand that you are going around to communities, but since 1925 over 84 different tribal groups were brought to Woorabinda under the removal laws. That is from research we got through the State Archives and state libraries. That is a lot of people, and that is just Woorabinda. I am not talking about Cherbourg or Palm Island or anywhere else. Some of the communities in Woorabinda have been resolved through the old records that people have gone to. For this treaty to happen, our people have to renew the old treaties we had between ourselves—Yiman, Gungaloo, Bidjara, Gungari and all that. We have to get back to that point before we speak with you, stand successful and united again as we used to be. Those are my thoughts.

That is going to be a long process. I think things will work if respect is given to our people. The policy is still alive today that keeps us controlled. I know the great work that a lot of people have been doing over the years towards this, especially Josh and the council and Uncle and a lot of other people around this table and the community who are not here today because, as Michele has said, this has been a bit rushed. For me, it reflects what is happening at the top in the Commonwealth. Things are being rushed. I know people have been talking about it for a long time, but for me with my mob the information is not being filtered down or filtered up properly.

You say you have not been taught a lot of history in school, but I grew up in school here and elsewhere that did. We had great teachers back in the days, the 1960s and 1970s, who said this is part of what happened. We never talked about policy and stuff. My mum and the old people taught us a lot of things, especially about the piece of paper you needed to go here and there. It is reflective of some overseas countries that do that stuff today. I like the idea of having a treaty, but there are things from our people and the grassroots that have to be sorted out between ourselves before we talk to government. Government should not be rushing but going back to the old time of us, getting back the Gungaloo and Wadja and Gunggari mob between ourselves first. That is the talk we have to have between ourselves before we come to the table and say to the Palaszczuk government or the Commonwealth, 'There are 84 tribes represented in Woorabinda, and this is what all of the community has said and this is what they want.' We have our own law—sovereignty, if you'd like to call it—and the people I spoke about for years, this is what we have to do. We have to sort ourselves out and come to an agreement before we even talk to the Commonwealth or the state. That is just me.

**CHAIR:** Thank you, Uncle. How long do you reckon that will take you? Is it a long process?

**Mr Graham:** These fellas here—I see them; we talk about this stuff all the time.

**CHAIR:** It is not that I am rushing you, but I was just interested to know.

**Mr Graham:** I would not have a clue. Maybe if all the Gungaloo and Wadja stood up and said, 'Let's have another meeting for this community and let's all talk.'

**Mr Kuundabar-Saunders:** You do not put a time on the healing process.

**CHAIR:** That is really good feedback, Uncle.

**Mr Kuundabar-Saunders:** It is very important that we do not look at the time to tell us what to think or do.

**CHAIR:** Without breaching any protocols, George or Marleen, do you have anything to add?

## **BLAIR, Mr George, Private capacity**

**Mr Blair:** Like Uncle said, there is a time for everything. I do not think it is a time to be pushing this agenda when it needs to be dealt with by the tribes first at grassroots level. I would like to ask a question. I do not have trust in governments. Years of oppression have made that decision for me. We are still being oppressed by government policy. When you talk about fixing all of our social problems, how do you see the treaty is going to fix these problems when we have government policies already in place to fix problems? I am talking about social problems like housing, drugs and alcohol in our communities—unemployment, which is still 80 per cent. We have drug and mental health problems. We do not even have mental health services here at Woorabinda. We are reliant on Queensland Health or the multipurpose health centre. We do not have infrastructure, industry development and all that stuff in Woorabinda. We do not have it in other communities either. We have had government policies for the last 100 and something years. We have had ministers sitting in government. Our housing minister is an Aboriginal woman. Why are we still homeless? How can we trust government based on the past?

**CHAIR:** George, I will try and respond to you the best way I can and then I am going to pass to my sister Cynthia to share her thoughts. Can I say at the outset that I do not look sadly or down on you for not trusting government. If I were you, I would not trust them either. That is the first thing. I do not expect the last 235 years are going to be fixed in the next short time. The second thing I will say is that the approach we are currently using is not working. We are not closing the gap. In fact, the gap between rich and poor is actually getting wider, not only in this country but also in many developed western countries. That is the second point I will make.

The third point I will make is that, the way I see it—and I will ask Cynthia to provide a better response—government has a lot of resources and a lot of access to people power, but we need to use those resources in a way that benefits and contributes to better outcomes for our First Nations communities. So far, 235 years of white law, rules and policies have done nothing to close the gap. In fact, our First Nations people continue to be oppressed. I am a school principal by trade. Over 23 years I have seen transgenerational poverty and oppression as a result of those laws, rules and policies over 235 years. I am not proud of that. To be fair, we have had some progress, but we need to do a whole lot more. I look forward to the future with optimism because I think the climate in Australia around the Uluru Statement from the Heart, the Voice to Parliament and the Path to Treaty is probably the most positive environment we have had for a long time—in fact ever.

**Mr Blair:** I think the apology put us on a bit of a healing pathway, really.

**CHAIR:** That is right: the apology was a really big step.

**Mr Blair:** That was a highlight.

**CHAIR:** I will hand over to Cynthia, who will have a lot better response than I did.

**Ms LUI:** Thank you, George, for your comment. I can understand where you are coming from about no trust in government, because as First Nations people and for the First Nations community it is our lived experience. We see it every day and it impacts the people we love dearly. You want to have hope for the future, you want to do better and you want government to come on board and support the First Nations agenda especially in moving forward so that we can all achieve a brighter future for everyone. In saying that, I also think the Path to Treaty gives us a good foundation where government acknowledges all the past hurts. We are finally at this point in time where we are saying that since the time of colonisation up until this very moment we have not had that relationship with First Nations people. I think a big part of this bill here now is to strengthen the relationship between government and First Nations people. I think once we establish that we will see the flow-on effects around social outcomes.

The conversations, the voice from community, needs to be louder. There needs to be more input from grassroots communities around issues that impact you the most. I think there has been a lot of good work happening in this space, especially around the Thriving Communities Partnership. I think Woorabinda probably has had some work done with the Thriving Communities Partnership. The Thriving Communities Partnership is an initiative we are implementing to give community more say around local decision-making processes because, again when you talk about not trusting government, it was always government making decisions, you follow, and then we try and achieve outcomes that way.

Our chair mentioned closing the gap. We have talked about closing the gap since forever. Have we closed the gap? Not even close. I think this is where we need this conversation about setting up treaties between traditional owners and government as well as setting up treaties, like Uncle was talking about before, amongst ourselves, because that conversation now needs to not only start

between us but it also needs to start between us and government. Our issues are very complex and without a good partnership, without that strengthened relationship, we are not going to achieve outcomes if we do not try and work together on certain things.

**Mr Blair:** It has been about 100 years since colonisation, but why now? Why now are we looking to fix problems when we have had the opportunity in the last 50 to 100 years to fix these problems? The problems lie with policymakers. When we say we want to govern ourselves, we really do want to govern ourselves. I speak for a lot of people—my family and communities. We do want to govern ourselves. We do not want to have the big-stick approach anymore. We have intelligent people in our communities, skilled-up people. I represent native title and jobactive services, and even with our native title that has been downsized or been kicked in the guts and changed since Mabo was passed in the High Court.

The Queensland government has been responsible for watering down our Native Title Act and now we still do not have whatever revenue that is made from our resources and our lands. We do not see that. It goes to the government; it goes to the mineral council; it goes to funding other things. A lot of that revenue that is made is from people that are living here, their tribal lands. We have all this revenue coming out of our resources—our lands, our gas, our oil, whatever. I am from the Yiman people, so you have a lot of gas wells down there on our country. The revenue you make from that goes to the minerals council and back to the government. Why do we not have infrastructure here in Woorabinda or Cherbourg? They are the same people from that country. They live here. They are not benefiting. We are not benefiting, just as in regards to native title we are not benefiting.

Like I said, I just do not have trust in the government until I see some good actions and meaningful actions and truthful dialogue. I do not want to be governed and I don't want my kids or future generations or family to ever be oppressed again. This is our country. We need to be given the rights to govern ourselves. When I say that, give us the money. We have the answers for our own problems.

**Mr Graham:** I think we would love that remedy. From the start, international law has been broken. No treaty was ever put on the table. International law was broken, so we as original peoples still hold title. Having some sort of policy and saying sorry does not bring remedy. What remedial suggestion that would happen out of this treaty has to come from the grassroots people. You cannot say sorry without any remedy. Things have not changed for me and my mob on the ground.

If you want to talk about a treaty, we have to look at that. Exactly as George says, mining and stuff has been done on our country since day one and nothing has been given back to the people. I want some land. I cannot get all of it back, but I want some land beside a creek where I can do our business, grow our farms or whatever and have some sort of set-up for the future generations. How does a treaty leave us? We have to make the treaties and present it to the government and say, 'This is our treaty.' Because you broke international law, you do not have title here. Even under your own law, colonial law, you do not have title at all. It is theft from day one and it is still happening today.

If they want a treaty, they have to have a treaty with every individual tribal group. We are not a collective like the governments. We never have been. We do not operate that way. We operate with our own governments, with our own tribes first and foremost. Then we can talk to government. That is the way I see it. Anybody can find that out. You all know that. You all know the law has been broken. There has not been remedy. Maybe there have been pockets of remedy in other people's country, but not in the way that we sense where we can build our schools, build our communities and not just be governed by policy that does not protect us, does not look after us. You can build a house in a remote community for \$600,000. If you go into the cities you buy a mansion; if you go out there it is a shed. We all know that. You have all read documents. Closing the Gap and the Bringing them Home report and that sort of stuff still happens today.

The point of all this is that if you are going to say sorry and you are going to do a treaty, where is the remedy? It is not just going to be a piece of paper that is going to sit on the parliament wall for eons and nothing changes. Control and the treaties have to come back to our people on the ground. We are not going there to ask you is this okay. No. We say this is the lore. This is our lore. We have been here since colonisers have come here. This is the way you have to act and treat us, not the other way around. We make the policies. You work for us; we do not work for you anymore. You have taken enough off this land. There is no such thing as taxpayers' dollars; it is all Aboriginal money. That is my thoughts.

**CHAIR:** Both of you made some really valid points. The deputy chair and I were just talking this morning over breakfast about the fact that obviously the Queensland government and the Western Australian government draw significant money from the mines and mining, but the



comparison of the money that government gets compared to the big companies is minimal. That money helps to build our roads, our hospitals and our schools and employ our teachers, our police and our nurses. We were talking about the fact that the large amount of money still goes to a very small number of people who are incredibly wealthy. The big mining companies are taking resources that belong to Australian people.

**Mr Graham:** Money is just a part of it.

**CHAIR:** Yes, that is right.

**Mr Graham:** It is the consent and the permission from the first time. You cannot keep taking and taking and taking without acknowledging the people. People put up the Native Title Act as a solution. No, it is not. George III signed a native title back in 1763 and Queen Victoria in 1875, except they have no jurisdiction. They are a monarchy. All the stuff the monarchy recognised before they come here. You know it is not a monarchy anymore; it is a private corporation. We are still dealing with business and government on our country that do not think they have to provide some sort of answer or remedy to our people. That is what it comes back to. You did not get consent in the first place so why are you still doing this? You are still breaking international law. You are still breaking our law on our country. If you want to be a representative of the government, those things have to be sorted out first under international law. We still hold the title—never been ceded. You all know that. That is why this process of treaty is coming about. We can work with that, but you have to listen to what the people are saying.

**YOUNG, Ms Marleen, Private capacity**

**Ms Young:** My name is Marleen. They call me Kunga. I am young. I never went through the dormitory process. I never seen what a lot of our elders have seen and gone through. My heart is not back there. It is a very big topic for me. My mother never spoke a lot. She was very silent about her trauma that she had experienced so I did not really get to hear her story either, so I am just trying to get my head around it. I know I am just learning. I just came down here to listen. A treaty is a legally binding agreement between government and other parties; is that right?

**Ms Leisha:** Treaty could be between different tribes. New Zealand has a treaty?

**CHAIR:** Yes, New Zealand has.

**Ms Young:** You said that you wanted to embark on truth-telling. Would having our languages spoken in every school across the country help close the gap—finding and employing Aboriginal men and women who know the language and have them put in schools to teach language? A lot of the tribes have lost their language and some are just getting it back and that is where tribes will have to sort out who can come onto country or not. We have to give everyone an opportunity who does know language to talk in our schools. We might have that conflict of 'they are not from here', but if we do not know our language, maybe it is just better to know our language anyway. That way, when you do cross over to their country you can talk to them in their language. I think that can be something that you want to embark on truth-telling across our country.

Another thing that I see a lot from being a young person is: I want to excel and move forward. I acknowledge my past and I have read books, but I do not know a lot like everyone else does. I am one of those people who was not taught my own cultural history, so that is a big barrier for me as well. I did see a guy by the name of Bruce Pascoe, who talked about the Dark Emu. What encouraged me and uplifted my spirit—and I did not even read the book—was how he spoke about Aboriginal people and how they harvested across our country. We need to hear more stories of that going all over our country, because it is the words that actually lift us up and encourage us.

I like going in and seeing our history around our community, but let us put some of those posters in of our men standing next to those harvests so we can see that instead, to take our mind off being oppressed and get that empowering spirit back into our mind and our heart of actually knowing who we were and who we really are. We are not lazy people. We are not people who sit around and do nothing. We are people who have strength. We are strong. What I love about my people is that we have humility. We really do. We really have humility. We are lowly people. You can say, 'But you are angry.' Yes, but we went through a lot of trauma. That is why we are angry, like any person. When you go through trauma, I do not know how you are going to act when you are not working in your position.

I think it is just about empowering us as a people. I am tired of seeing on our media that we are druggies and alcoholics and all of that kind of stuff. That makes me feel flatter. I go through the motions in my own community and then I put on the TV and I have to see that. When they talk about alcohol and violence, who do they put on there? They put Aboriginal ads on there and that makes me flat. That makes me feel I am just a drunk, that I am just no good. I think if you want to close the gap in our community then start from the very top, because that is where you sit: up the top. I think the way we portray our culture and our people through media will help close the gap, because that is how you are going to get everyone hearing at the same time, and speaking more truths about—like in the *Dark Emu* book—who we are so that we can start to embrace who we are as a people. I think that will help a lot. I am not sure about the institute. What is that? Is that going to be a big building?

**CHAIR:** I might pass to Mick Gooda, who is on the Interim Truth and Treaty Body. They have been responsible for dreaming about what the institute will look like.

## **GOODA, Mr Mick, Member, Interim Truth and Treaty Body**

**Mr Gooda:** I start by acknowledging your mum. She was so deadly here in Woorabinda. Listening to you, I can see where your passion comes from.

We are going to have a session after this about how we put this legislation together. Just to be quick, when we talked about how we take this forward within the Aboriginal and Torres Strait Islander community, we looked at Victoria. Victoria has an elected Aboriginal authority down there. We came and sat with our mob in Queensland. Queenslanders for some reason are not real keen on elections. They wanted to take the politics out of it. When we see elections we see politics, so we decided to recommend that a First Nations treaty institute be established. We are going to talk a bit this afternoon about some advice we need—not advice that the committee needs but that we need as the Interim Truth and Treaty Body—to say how we actually construct the council of that institute. There are 10 people who will be on the institute, so how do we have 10 people from around Queensland put on that institute?

We have to get used to two terms that we have started using. One is 'treaty party', so who is the treaty party? We know on one side who the treaty party is—that is going to be government—but who is going to be on our side? I was in Townsville early this week and the Mithaka people from around Bedourie and Birdsville are pretty good. They have a PBC. They have native title. They are almost ready to say, 'We're the treaty party. Mithaka want a treaty.'

In places like Rockhampton, it is not going to be that easy because you have Darumbal people and about 15 other nations who have been there for about three generations. If you have a treaty with the Darumbal people, how do we actually include the 15 other nations? That is going to take a fair while to work out. What the treaty institute does is resource their mob. They might say, 'We need some resources to help us work that out,' so the treaty institute does that. They provide the resources to that mob to do it.

Last year Rachael, Sallyanne and I went up to a place on the Atherton Tablelands, Woodleigh Station, and we met this group up in North Queensland. They have nine groups come together and some have native title and some do not, but they said that they might need resources to work out what governance they use for those nine groups so that every one of the people in those nine groups can have a say. The treaty institute might say, 'Okay, we'll have an arrangement with you guys to work that out.'

We identify the treaty party first and then the treaty party has to start making some decisions. The first question is: do you want a treaty? The second thing is: what do you want in a treaty? Some people might say, 'We need to go and think about what the mob is doing over in British Columbia,' because Canada are probably the best at the moment in doing modern treaties with Indigenous people. It is all run by First Nations people in Canada. They might go and look at them and see what they think. Rachael is head of the research area so we might say, 'What does that work look like there?' That is what the treaty institute does. There are a few of us who have been around a bit and we do not like the idea of these peak bodies taking over and being the boss, so we put this clause in the legislation that we think is really important to make sure the treaty institute does not become the boss of this. It is going to do a lot of things.

**Mr BENNETT:** It is separate from government, too.

**Mr Gooda:** It will be independent from government. As we described this, we started this process in 2019 and we were supported by DATSIP because we were just put together. That part finished and then another committee was formed—the Treaty Advancement Committee. We were still supported by government, but when we said we wanted to establish the Interim Truth and Treaty Body we did not want to be supported by government. The ITTB is just an entity—it is a committee—so we cannot employ staff and we cannot get money. We cannot do all of that. We have now stepped a little bit away from government and we are now with the library. It is not a government department; it is a statutory authority so we are a little bit away from it.

Once this legislation goes through and the treaty institute is established, we will step right away from government—even to the point where the people who work in the institute will not be public servants. They will be employed under this act we have here. It is really important, Michele, that it is separate from government. We fight every day with DATSIP about being independent from them mob. This afternoon we will talk about the money, which is going to be really important.

**Ms Leisha:** I will not be here. I have to go to work.

**Mr Gooda:** We will come back, and we said that to the mayor. This is a bit busy because we have to get the legislation through, but the independent body has about another six months to do work. We have given an undertaking to Mayor Weazel that the ITTB will come back and we will have Woorabinda

this big in-depth discussion, because there are things we have to ask you guys. The legislation is the framework, but we have to put some meat on that framework. We have decided that we have to go and talk to community about that advice we give to the ministers. I do not have it right in front of me, but this legislation will say that, for the purposes of clarity, the institute cannot be a party to treaties and cannot act on behalf of people and negotiate. If the institute tries to interfere in the negotiation of the Gungaloo treaty—because we are going to go and pursue a Gungaloo treaty—I will just say, 'You're not allowed to do that. Get away. Let us do the negotiations.' The treaty institute is going to be independent, but we have to make sure the process that the treaty parties go into for negotiating a treaty is also for them. You have to make the decisions.

**HILL, Ms Dianne, Private capacity**

**Ms Hill:** So you are the mouthpiece for us?

**Mr Gooda:** No. The only thing I think of, Di, is when I talk about Gungaloo stuff. I do not talk about Gubbi Gubbi stuff.

**Ms Hill:** I am talking about the whole of community here.

**Mr Gooda:** No. I am not the mouthpiece for Woorabinda. The mayor is the mouthpiece for Woorabinda.

**Ms Hill:** I am worried about what we have to do for the referendum. Do we have a referendum?

**Mr Gooda:** The referendum is different to what we are doing. We are not doing a referendum. That is national stuff; we are doing state stuff.

**Mr Blair:** I do not think you should be pushing legislation through until you have actually sat down with everybody and spoken to us. I know the legislation is going to drive the whatever, but you need to come and sit down with people before you push any legislation through. We need to know the wording of that legislation too, because we are fooled by words all the time. They need to be genuine words and meaningful words, not words used in the 'blacks laws' dictionary that benefits the government. We need to have genuine words in there where they are not misused. The English language is very ambiguous because there can be three meanings for one word. We need to look at the wording too, because that is where the honesty is going to come from.

**CHAIR:** George, when the committee finishes soon and we go and talk to some of the folk in Rockhampton, Sallyanne, Mick, Rachael and Aaron are going to stay on and talk you through and have a look at some of that wording.

**Ms Leisha:** Can I say that the word 'institute' to me is not good. That is supressing to us because we were institutionalised. Our parents were institutionalised. That word is not good.

**CHAIR:** What would be a good word, Aunty? I think that is really good feedback but can you have a think about what would be a good term to use?

**Mr Blair:** It has to be traditional—something that does not have meanings to other things.

**Ms Leisha:** It just means one thing. It has one meaning and that is what it means.

**CHAIR:** I completely understand where you are coming from.

**Ms Hill:** Gathering of clans, coming together.

**Ms Leisha:** I like gathering of clans.

**Mr Gooda:** We tried to come up with an Aboriginal or Torres Strait Islander word but there are about 150 language groups in Queensland, let alone the rest of the country. We had all this trouble. If we came up with a Gungaloo word, I am sure we would get kicked by everyone else.

**Ms Leisha:** The whole in general could come up with another word, like gathering of the clans or something.

**Mr Gooda:** I did some work in Bourke, that little town down there, and they have a Bourke Tribal Council. Because it is all run on clans and all that, there are no elections. They decided they needed an executive, like a committee, and they called it the Committee of Nations, their board.

**CHAIR:** What does New Zealand call their treaty institute? They call it the Waitangi Tribunal.

**Ms Atkinson:** Nobody has an institute.

**CHAIR:** True.

**Ms Atkinson:** We are pioneers in this field, and I think that is important. We are not following anybody's path. That is why it is important we hear from all of you, because we are in the designing phase still.

**CHAIR:** I think that is really good feedback, Sallyanne.

**Ms Atkinson:** The word 'institute' sounds a bit like an orphanage or something, doesn't it.

**Mr Blair:** We are institutionalised in dormitories; we are institutionalised in prison; we are institutionalised in mental health. That is why it is a horrible word. Do you have documentation about research you have done over in Canada? I think you mentioned you went to Canada to do some research around their treaty and how it works.

**Mr Gooda:** No. It would be one of the places we would go to. We have not gone there yet, but it would be one of the places.

**Mr Blair:** Canada or New Zealand?

**Mr Gooda:** They are the only places doing modern treaties.

**Mr Blair:** That would be the starting point for us to bring back that information. You could bring back one of the tribal elders from there to come and talk to us. If they are making their treaty work, we would like to make a treaty work.

**CHAIR:** George, that is another really good suggestion. Just for your information, in the report the committee writes back to parliament and the government around what we heard and talked about with all of the different communities, I have already decided that it will include a chapter about what treaties look like throughout the world. New Zealand do it very well and have done it very well for a long time. Canada do it very well. There will be a chapter in the report around how that works in Canada and New Zealand. The committee is travelling to New Zealand in a couple of weeks to talk to the minister and other entities, the tribunal, about what their experience has been. Before I hand over to Sallyanne, Mick, Aaron and Rachael, are there any other comments that people want to make directly to the committee?

**Ms Leisha:** Is the whole of Australia going to vote on this?

**CHAIR:** The parliamentarians vote on our bill, and we believe there is bipartisan support. We believe that everyone will vote for it in the parliament. The Uluru Statement from the Heart and the Voice to Parliament is a referendum that all Australians will vote on. That is a separate process that will run side by side with our treaty process. You have elected a local member and your local member will vote on this Path to Treaty. If you do not agree with it, you need to talk to your local member.

**Mr Blair:** We do not agree with you running two things side by side. That is very confusing.

**Ms Leisha:** Who is our local member here?

**Mr Blair:** Is it Michelle Landry?

**CHAIR:** She is the federal member.

**Mr Blair:** Is she the one we need to approach?

**CHAIR:** Is it Stephen Andrew or Lachlan Millar?

**Mr Blair:** Who has made that decision to run the voice and the treaty side by side? Are we trying to confuse our people?

**Mr Gooda:** The net result is confusion, whether we started off to try to do it—

**Mr Blair:** You are running two things at once.

**Mr Gooda:** It started at the federal level. Julia Gillard started it back in 2010 when she said, 'We want to recognise Aboriginal and Torres Strait Islander people in the Constitution.' That started it. That is a federal thing. The federal government can propose referendums. Only the people can change the Constitution. All of us get a vote.

**Mr Blair:** I am 50-something. I understand all that. I have studied law, too.

**Mr Gooda:** That was the federal area. Then in 2019 the state government said, 'We're going to embark on treaties.' It is a freak of timing that those two processes are now colliding.

**Mr Blair:** There is an agenda behind it. We want truth-telling.

**Ms Leisha:** I brought up the voting because there was an article in the paper about a discussion in Rockhampton, and it said that Michelle Landry—is she federal?—is going to vote no to this.

**CHAIR:** That would be the Voice.

**Mr Gooda:** She does not get a vote on this bill.

**Ms Leisha:** She does not get a vote on this bill? That is good. I just wanted to clarify that.

**Mr Blair:** Is that because she is Liberal?

**CHAIR:** I do not know. Michelle Landry is Liberal, yes. My level of government is state government. I am not really up to date with what the Liberals are doing federally. Yes, it is confusing. In a way it is not good. The fact that we are talking about a Voice, the Uluru statement and a Path to Treaty—there is good in that. It is a pretty momentous time in Australian history, but it is confusing.

**Mr Blair:** We are not stupid people, either. We have been through all this in the last 200 years and we are not stupid people. That is why we have to question why you are running these two campaigns side by side. One is a state one and one is a federal one, but you are still confusing our

people. We have a generation here who lack education. We have to go home and educate them about this because at the end of the day they will be living in the society, not us. We have to make sure it is right for our people. In 20, 30 or 40 years we will all be dead, but our young people will be still here. We need to make sure they are going to be safe and looked after and that they are going to be independent and sovereign to their own countries, their own lands. They have to have governance. They have to run their own communities. Like I said, it goes back to self-determination. We forget about that work. That work fell off about 20 years ago. We have to get back to self-determination, genuine self-determination. We want to govern ourselves and we have every right to govern ourselves under the international laws.

**CHAIR:** Are there any other final comments?

**Mr Weazel:** This is just my commentary. Being very respectful of First Nations people and our history here in Woorabinda, we are a community made up of a number of nations. I think 84 was the number said today. For us and in my capacity at the table as mayor, whilst I think we have to honour protocol and we have to honour our First Nations on our countries, we are a very diverse community. We spoke of Rocky with three nations and 15 other nations. We acknowledge in terms of our lands under Woorabinda Aboriginal Shire Council, we go through three countries, the Yetimarala people, the Wadja people and the Gungaloo people. Then there are all those other tribes that are here. The difficulty is what that treaty will look like for our community. We have a large historical number of people who live in this community who do not have that right or that advocacy when it comes to it.

In terms of the hat that I wear in my mayoral capacity and local government, local government is a tier of government. We talk of Commonwealth and we talk of state, but there is also local government. Whilst I will be an advocate for that tier of government, I think there are still better ways to work that system to our advantage as an Indigenous community in this state. I think we need to be very mindful of how the treaty impacts, takes away and enhances the operations of local government. It is an institute and I know it has negative connotations, George, but it is a tier of government. That is where our community get to vote in people they choose to be their leaders. Our current leadership comprises some First Nations people from our traditional lands and historical contingents there, too. That is a community voice that has spoken and has voted. I am very respectful of the fact that our First Nations people need to be acknowledged. I share a lot of sentiments that have been said today. We have processes running parallel that add confusion to our community. We have Voice and we have treaty.

I have had a bit of a look at British Columbia in terms of some of the things they focus on and I think that has influenced their Commonwealth or equivalent around policies. They have six particular principles that they focused on in terms of how the government was going to transact. My advocacy and my role as mayor and that of our council is in trying to take that advocacy up to state and federal government now. We sit at the coalface. Our community voted us in. Why can Commonwealth dollars not come to local government rather than jump to a middleman and then come to us? We know what our issues are. If treaty comes into play, we need to be very respectful of the tier of government that sits at the coalface, which is local government. We have had commitments. In my communication with Minister Burney she acknowledged that in relation to the Voice—and I know this might add to the confusion—they need to resource the tier of government that is closest to the people and that is local government. We do not know what that resourcing looks like.

I guess we need to really put out a clear indication of: if we are going to go down the path of treaty, these are the elements and this is the input we could see or the outcomes. I think our community also needs to measure what we see as success and define those indicators of success in terms of: if we are going to go into this treaty, this is what we want to focus on.

I do like the idea that, whilst we are walking an innovative path and developing an institute, we are not necessarily reinventing the wheel. Other nations and other international communities have done it. Whilst we have an interim body, I think there are some pivotal leaders in our discrete Indigenous communities who should be part of the convoy to see what these First Nations are doing in Canada and New Zealand.

**CHAIR:** Thank you, Mayor. Sallyanne, do you want to make a quick comment?

**Ms Atkinson:** Earlier you wanted us to make some comment perhaps about our role. I am interested in the mayor's comments. Some years ago there was a referendum on constitutional recognition of local government which failed. I think it is very important that local government is recognised. I do not know if I heard you correctly, but I thought I detected a concern that the treaty might be taking away from local government or supplanting local government. The institute's role will solely be concerned with treaty. The institute, as Mick has said, will not be making treaties. It will be

a structure to facilitate the treaties that will come from the community. Treaties can only happen if the people who are making the treaties want them. There may be some communities that do not want a treaty at all, and that is fine. That is purely the role of the institute or the gathering or whatever we decide it is called; it is a structure and a framework to support the making of treaties. It will have no other role at all.

**Mr Weazel:** I do not mean to make presumptive comments about it, but quite literally we are a tier of local government. We are First Nations people first and foremost, besides being councillors. The desires and aspirations of our traditional owners are mine, too. I am a historical person of this community. I do not want to leave out the tier of government that could still be very critical in addressing the social disadvantages in our community.

**Ms Atkinson:** We are hoping that everybody will be around for our conversation later on with Mick and myself. This committee, as Madam Chair has said, is a parliamentary committee which will report to the parliament on what everybody thinks about the bill, which hopefully will become an act and become law in May. Our role is quite separate. We are talking about the processes of truth-telling, healing and the formation of the institute. It is quite separate from government. It might be a bit confusing that we are all here today because we are all heading in the same direction, but we are taking different paths to that end in view.

We do want to hear from everybody afterwards. The committee, which we will talk about later, that I co-chair with Cheryl Buchanan, who may be known to many people here—we have one Indigenous and one non-Indigenous. Luckily we have two women, not that we are pushing that feminist thing; it just happened. There are 10 members of that committee, so it is quite a broad spectrum. Mick is busting to say something.

**Mr Gooda:** I take what you said, Michele. I know the committee has to move almost immediately. I am just going to suggest that once the committee make their way out we can continue this conversation for a little bit. I know that people are in a hurry to get going. I will say what I said earlier: we will come back. Sallyanne and I will commit to come back. Madam Chair, is that the best way to do this?

**CHAIR:** Yes, absolutely Mick. I will close the meeting. I just want to do something a little bit out of the ordinary and I want to acknowledge Marleen. I was really inspired by your words. When we move around communities and we see young people, particularly young women, speaking up it really provides great hope for our First Nations communities and for the community of Queensland. I just want to acknowledge you. I want to thank you and I want to ensure that we encourage you to keep being a strong voice for your community. I just wanted to say how impressed we were. Well done.

I am going to close the meeting now, but please stick around to talk to Sallyanne, Mick, Aaron and Rachael. They will continue getting your feedback and making sure that your voices are heard. Thank you, everyone. Thank you for having us here, Mayor Weazel. I now formally close the meeting.

**The committee adjourned at 11.59 am.**