




Speech By
Amy MacMahon

MEMBER FOR SOUTH BRISBANE

Record of Proceedings, 9 May 2023

PATH TO TREATY BILL

 **Dr MacMAHON** (South Brisbane—Grn) (6.51 pm): Thank you to the representatives from the Yidinji people, the Yirrganydji people, Djabugay people, the Zagraeb Island Dancers and Reverend Van Den Broek Amber who welcomed us here today. We are privileged to meet on your country this week. I come here from Yagara country, and I would also like to pay respects to Yagara, Ugarapul and Turrbal elders who have been custodians of their country for over 60,000 years and who continue to fight for land rights, justice, language and culture. I have been privileged over the years to have spent time with elders on Yagara country in South Brisbane and at Deebing Creek. I would like to acknowledge the many elders, particularly some incredible matriarchs and women, who have shared their stories, insights and struggles with me—people like Aunty Dawn Daylight and Janine Kelly, whose stories I will share later in my contribution.

I and the Greens support the Path to Treaty legislation as a first step towards treaties in Queensland. When we say that we are on the lands of the longest continuing living culture in the world, it is worth remembering that this continued practice of culture and language on country is something that First Nations people have had to fight for and continue to fight for. First Nations people and their culture are alive today not through the good graces of government but in spite of governments. For this reason, many of the First Nations people I speak to have an understandable scepticism of governments, and their expectations for treaty processes are low. This scepticism is a significant barrier to a meaningful treaty process and truth-telling and healing inquiries. If we are to overcome this, we need to do much better than those who have come before us.

It is not enough to just have good intentions. Too many of the injustices against First Nations people in this state were the result of policies that were justified on the basis of good intentions. On the rare occasion where legislators have sought to listen, too often we have been unwilling to hear the truth when it is spoken let alone act on it. Thirty-two years on from the Royal Commission into Aboriginal Deaths in Custody, many of its recommendations are yet to be acted upon. Black deaths in custody are sickeningly common. We marched just a few months ago for Aubrey Donahue, who was shot to death by police. He was shot four times. There were 15 police officers present, none wearing body cameras.

Almost all of the First Nations people who made submissions on the bill commented on the hypocrisy of the government in introducing this bill in the same week that it introduced harsh bail laws for children which will only see more First Nations children locked up. Twenty-six years on from the *Bringing them home* report and 15 years on from the national apology to the stolen generation, First Nations children are 10 times more likely to be in out-of-home care. Land continues to be stolen, desecrated and cleared and sacred sites destroyed. This is happening in real time, on our watch. First Nations people are sleeping in tents in South Brisbane and right across the state. Colonial legal processes, including native title and cultural heritage protection frameworks, have led to division and conflict.

If we are sincere in our commitment to meaningful treaty then there needs to be more than just the platitudes and tokenism shown by the governments in the past. We need tangible change from the get-go. For a treaty process to be meaningful we need to address the economic and social injustices that First Nations people experience—overincarceration and lack of access to housing, health care, education and employment. In an incredibly wealthy state like Queensland, it is simply not good enough that First Nations people can expect to have shorter lives than any other Indigenous population in the world, that First Nations children will be 32 times more likely than their non-Indigenous peers to be put in prison or that 40 per cent of First Nations households are living below the poverty line. There is no treaty-making capacity for an incarcerated child, for those dying of preventable diseases or for families struggling to keep a roof over their heads. First Nations people have solutions to these challenges—solutions that need to be properly funded and supported. We should be redistributing the immense wealth of this state into First Nations housing, health care and education.

The principles set out in this bill to guide the application of this bill should also guide all legislation in this place: self-determination; free, prior and informed consent; respecting and protecting Aboriginal law, Aboriginal tradition, Aboriginal and Torres Strait Islander lore and ailan kastom; and the importance of equality and non-discrimination. I share the concerns of First Nations people that the promised funding for the Path to Treaty itself is insufficient to do the process justice—\$10 million a year will not go far. I call on the supporters of treaty in this government to ensure the process is properly funded.

For the many First Nations people I speak with, truth-telling is a key concern. Telling the truth of the history of this country—the violence and the resistance—is long overdue. I share concerns regarding the time frame. The experience of the Yoorrook Justice Commission of Victoria and the concerns voiced here tell us that the three-year time limit on the Truth-telling and Healing Inquiry is likely to be too short. All sides of politics should commit themselves to extending the inquiry upon any recommendation to do so.

Similarly, there is some concern around the inquiry's lack of power to compel information from non-government entities. I thank the minister for introducing amendments to include the Queensland Police Service in the inquiry, but, given the significant role of non-government entities in enforcing colonial genocide, if the inquiry recommends it be afforded the power to compel information from non-government entities then both sides should commit themselves to legislating this power.

Despite these concerns, many First Nations people I have spoken to have expressed their desire to be part of the truth-telling process. I have heard stories of violence at the hands of employers, teachers and caregivers, stories of sexual violence and rape, children removed at birth, destruction of country and deaths in custody. I spoke with Yamatji woman Janine Kelly, a documentary maker who has been on her own journey of truth-telling, gathering stories from elders in Cherbourg about the harm of ongoing child removals of First Nations children. She has documented the pain of forced removals, the lack of communication, the trauma and their struggle to reunite children with their families. She hopes that these stories of the ongoing impacts of child removal will be captured in the truth-telling process.

Aunty Dawn Daylight was placed at All Hallows' School as a domestic slave doing unpaid work. Aunty Dawn is an important part of the West End community and has devoted her life to this community. She has a painful story and unanswered questions. She writes—

At the age of 12, I was stolen and I sent to All Hallows' covenant—one of the wealthiest elite private schools in Brisbane. I was forced to work there as a domestic servant. At the time, the college was run by the Church, and more specifically, the Sisters of Mercy.

I remember being locked up at night and not being let out until morning. I remember the sound of the nuns' 'rosary beads as they walked on wooden verandas above our heads. I remember lugging big pots and heavy trays of food, baked custards and rice.

I remember not being with my family or any other Aboriginal people. I was not allowed to go home until I was 18 years old.

Despite the experience of Dawn and her sisters, the Sisters of Mercy have denied that Aunty Dawn was kept there, claiming that she was a paid day worker. Aunty Dawn writes—

I've held unanswered questions my whole life, and so have my sisters. To know in your heart that you were stolen by someone and put to work at such a young age, with no explanation from authorities—it provides no closure. It's very painful.

Asking these questions has never been about going for the jugular vein. It has always been about finally putting that feeling to rest. There is a hurt here, one that us Aboriginal people feel and will continue to feel unless there is a point of truth-telling. The next thing is to heal. For me, that is what I am trying to do. I am telling my truth and the easiest thing for people to do is listen.

It is stories like this and questions like this that I think we are all hoping the Truth-telling and Healing Inquiry will bring to light. The opportunities before us—for truth-telling and for treaty—will only be realised with a genuine commitment to justice, to redistribution of resources and to self-determination of First Nations people.