




Speech By
Hon. Craig Crawford

MEMBER FOR BARRON RIVER

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PATH TO TREATY BILL

Second Reading

 **Hon. CD CRAWFORD** (Barron River—ALP) (Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.45 am): I move—

That the bill be now read a second time.

We meet here today for this historic regional parliament in Cairns on the lands of Gimuy Walubara Yidinji people, to the north the Yirrgandji people and to the west the Djabugay people. It is a little known and conveniently forgotten footnote in the annals of history that in 1872 this place where we meet was known by the British as Battle Camp. This followed a violent confrontation between fishermen and local Gimuy people over a large freshwater well on the foreshore. Battle Camp was renamed Cairns in late 1876 after the then governor of Queensland, William Cairns. Today if you walk along The Esplanade you will see signage erected by the Cairns Regional Council and the history section of their website also refers to a local treaty. It states—

In 1898, a treaty between the Yidinji people and King's Counsel agreed that attacks would stop by both parties and that the governor of the day issued free food and blankets to the Yidinji people for as long as the people of the Commonwealth were to stay in their country.

My department has investigated reports of a treaty but has been unable to find any further details of the form of such treaty. According to our research, it appears that the 1898 treaty was focused on a ceasefire agreement whereby attacks would be ceased by both parties, meaning that this treaty was not as comprehensive nor did it contain the longevity treaties are anticipated to have. It is exactly these sorts of matters that will form part of the Truth-telling and Healing Inquiry as it progresses. History will inform future treaty negotiations.

As I earlier told the House, yesterday Guugu Yimithirr elder Fred Deeral flew from Cape York to Cairns to exchange with me the gift of a broken-tipped spear. Joined by local traditional owner Gudju Gudju Fourmile, we met for a small ceremony on the site of Battle Camp on the banks of Trinity Inlet just a few hundred metres from where we are today. As I stated in my ministerial statement, Fred, a Waymbuurr Warra clan leader, is the son of the first Aboriginal person in Australia to be elected to a state parliament: the former member for Cook, Eric Deeral. Fred is also a descendant of the Cape York Aboriginal leader known simply as the 'Little Old Man'.

In 1770 when Lieutenant James Cook sailed up the east coast of Australia he struck a reef off what is now known as Cape Tribulation, named by Cook's crew for that experience. After the *Endeavour* got off the reef it had to make land to conduct urgent repairs. The area where they landed is what we now know as the town of Cooktown in Far North Queensland. The Endeavour River, as we know, was logically named. It is a little known fact that when they sailed the *Endeavour* up the Endeavour River they turned to the left, or port in their language. That section of Guugu Yimithirr land was neutral territory; there was no war there. It was a meeting place and no blood was allowed to be spilled there. As a

result, Cook's crew was allowed to land there for a number of days before they had any conversations or interactions with Guugu Yimithirr people. One wonders what the story would have been had they turned to the starboard side and landed on the other side of the Endeavour River, which would not have been a peaceful place. We may well be speaking a different language.

For about 46 days the *Endeavour* lay on that riverbank, and the moment of reconciliation has been fantastically told and recreated by the Cook Shire Council—and I want to acknowledge Mayor Peter Scott for his leadership in this—on the 251st anniversary of the Cook landing. An issue evolved up there where the Cook crew had taken on board turtles. Green sea turtles at the time were out of season and it was of great shame and a great annoyance to the Guugu Yimithirr people that turtles had been taken without permission. They found the turtles on board the ship and they quickly went back to their elders, who then came down to the vessel. Some very strong and stern conversations escalated into some fighting, including some gunfire and bloodshed, that occurred on that land—and we have learnt this through Cook's journal that he wrote—and, as you can imagine, that intensified the situation even more.

One morning a few days later, after Cook's crew had confiscated all of the available weapons they could find from the Guugu Yimithirr people, Cook and some of his men were walking with a large collection of weapons along the foreshore a couple of hundred metres from the vessel, when out of the bush came a little old man who gestured to Cook with a broken spear. Cook recognised that sign which he had seen in the South Pacific as a sign of peace. A broken conversation commenced, and at the end of that conversation it was agreed by both parties that the Cook crew could take the turtles but the Guugu Yimithirr people wanted their weapons back because the weapons were not only for defence but also for hunting, and without hunting they could not eat. If you travel to Cooktown, that area is fantastically marked up there as Reconciliation Rocks. It is right next to the main street, and the Cooktown landing area is probably only about 300 metres from there. That is what we know to be the first occasion of reconciliation in this entire nation that has been recorded. As I said before, it was recorded in Cook's journals. Here we are now 253 years later and barely 330 kilometres away in Cairns talking about this incredibly important bill that is before us.

Today on behalf of the Guugu Yimithirr people I presented the gift of a broken spear to the Queensland parliament as we commence the debate on the Queensland Path to Treaty. I want to acknowledge the courage and commitment of our Premier, our cabinet and our government for supporting me in this process and getting us to the point where we are today. I want to thank the Community Support and Services Committee for its examination of the Path to Treaty Bill and for its report that it tabled on 21 April. I want to make certain mention of the member for Mansfield, Corrine McMillan, who cannot be here through illness. I know she will be absolutely devastated that she is unable to be here today and speak on a bill which is very important to her. She led the committee through some excellent community engagements as well as two international trips—one with the committee and one with me to New Zealand to better understand the Treaty of Waitangi and the process that the New Zealand government goes through. I think I join with all members in the House in hoping that she recovers quickly and gets back.

The committee made 18 recommendations. The first one was that the bill be passed. I appreciate the committee's bipartisan support of the bill and I will speak to the committee's recommendations in more detail shortly. I want to thank all the committee members and organisations who provided written submissions to the committee inquiry. I also thank the community members who appeared at committee hearings in Cairns, Weipa, Thursday Island, Palm Island, Townsville, Longreach, Woorabinda, Rockhampton, Inala and Brisbane. I note the significant support expressed from submitters for the passage of the bill.

I want to expressly acknowledge the Interim Truth and Treaty Body led by two amazing women co-chairs, Cheryl Buchanan and Sallyanne Atkinson, and the team they have led. It was a true partnership in co-designing this bill, with their dedication, their generosity in sharing their knowledge, their patience and their resilience. This bill honours the legacy of the Treaty Working Group, the Eminent Panel, the Treaty Advancement Committee and now the Interim Truth and Treaty Body. These bodies committed to developing and progressing Queensland's treaty journey. I acknowledge the work of all of them and what they have done which has been so pivotal in getting us to where we are today.

The Path to Treaty Bill 2023 is a landmark bill that demonstrates the government's commitment to reframing the relationship between Aboriginal and Torres Strait Islander peoples and the Queensland government. Under the bill, a First Nations Treaty Institute will be established to develop a framework for Aboriginal and Torres Strait Islander peoples to prepare for and then commence treaty negotiations with the Queensland government. It will also establish a Truth-telling and Healing Inquiry to inquire into and report on the effects of colonisation on Aboriginal and Torres Strait Islander peoples. The bill will

also amend certain provisions in the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 to better align with Path to Treaty objectives and repeal provisions that do not support the commitment to a reframed relationship.

Turning to the committee's report and recommendations on the bill, I acknowledge the work of the committee and thank the secretariat and stakeholders. I table a response to the 18 recommendations contained in the committee report.

Tabled paper: Community Support and Services Committee: Report No. 30, 57th Parliament—Path to Treaty Bill 2023, government response [604](#).

The committee recommended in recommendation 1 that the bill be passed, and I appreciate their support for the bill. Recommendation 2 of the committee report recommends that the responsible minister consider including a reference to the Masig Statement, the Voice from the Deep, in the preamble of the bill. This recommendation has been considered. However, in consultation with the Interim Truth and Treaty Body, our partners in design of the bill, it was considered not appropriate to add in specific reference to the statement at this advanced stage of the process, given the extensive consultation that informed the wording of the preamble. The current wording of the bill's preamble reflects the sentiments expressed through extensive community consultations across 2019 to 2021. However, as minister, I commit to work closely with Torres Strait Islander peoples to formalise a set of words that best reflects their views, and I will bring these words back to the government and back to the parliament.

Recommendation 3 recommends that those responsible develop information materials for the community to ensure there is clear understanding of the Path to Treaty process and its relationship with the Uluru Statement from the Heart and the progress towards a Voice to Parliament. This recommendation is of operational nature. It will be considered after passage of the bill. The department will continue to work with the Interim Truth and Treaty Body and other co-design partners to develop information materials for the community that address this recommendation.

Recommendation 4 recommends that the Queensland government continues to support the resolution of native title matters that will assist to facilitate the making of treaties. I note that the Queensland government has a record of resolving native title matters by agreement so that Aboriginal peoples and Torres Strait Islander peoples receive the recognition of their native title rights and interests. The government will continue to seek resolution of native title matters by agreement and is committed to supporting native title claims processes and supports the goals and aspirations of Aboriginal peoples and Torres Strait Islander peoples.

Recommendation 5 recommends that the Queensland government articulate a clear and transparent framework when negotiating treaties where there may be established native title prescribed body corporates, traditional owners, cross-border communities, as in around state borders, local community interests and displaced First Nations peoples. This recommendation is operational in nature and will be actioned after passage of the bill as part of the development of the treaty-making framework by the First Nations Treaty Institute and the Queensland government.

Recommendation 6 notes the strong advocacy by a number of submitters and recommends amending clause 64(2) of the Path to Treaty Bill to state that the Truth-telling and Healing Inquiry must be established for a term of not more than five years. The committee recommended an amendment to clause 88 of the bill to include a requirement that the inquiry report to the minister before the expiration of three years to allow for a further two-year period of operation. This recommendation is noted but not supported, as the bill already allows for the term of the inquiry to be extended. Clause 64 allows the minister to extend the term of the inquiry, either on their own initiative or if the inquiry gives the minister a notice asking for the minister to extend the term and stating the proposed period of extension and reasons for the extension. This can occur at any time during the three years of the inquiry, and the period of extension is also not specifically limited to provide sufficient flexibility. As we all know, there is a lot of hidden truth to be uncovered from Queensland's shared history. Though the inquiry has been established for three years initially, we know that the truth-telling and healing will be an ongoing practice for many years to come.

Recommendation 7 recommends those responsible consider the New Zealand Waitangi treaty framework and principles among other jurisdictions as models to inform the Queensland treaty process. This material has already been considered to date to inform the planning and will be further actioned as part of the development of the treaty-making framework by the First Nations Treaty Institute and the Queensland government. I can confirm to the House that I have had five meetings thus far with New Zealand government ministers around their treaty process and the Treaty of Waitangi. As I mentioned before, I travelled to New Zealand with the committee chair only a couple of weeks ago for some of those meetings.

Recommendation 8 recommends those responsible establish the Queensland treaty framework from a positive position of equity, opportunity and self-determination to recognise the value of aspirations, knowledge and skills of First Nations people for the betterment of Queensland and the broader Queensland community. This recommendation will be actioned as part of the development of the treaty-making framework by the First Nations Treaty Institute and the government.

Recommendation 9 recommends that the responsible minister reconsider the use of the word 'institute' in the First Nations Treaty Institute and Treaty Institute Council, and consider renaming the First Nations Treaty Institute and the Treaty Institute Council. This recommendation has been considered. After consideration and consultation with the Interim Truth and Treaty Body, the preference is to retain the current terminology in the bill.

Recommendation 10 recommends that clause 55(1)(d) of the bill be omitted and that a new provision be included providing that a person's criminal history be taken into account in making appointments to the Treaty Institute Council and senior executive. The government supports this recommendation and I intend to move amendments during consideration in detail to provide that a person's criminal history be taken into account in making appointments to both council and senior executive.

Recommendation 11 recommends that clause 49 of the bill be amended to include a provision that the responsible minister table a copy of the annual report of the Treaty Institute in the Legislative Assembly within 14 sitting days after receiving the annual report. I acknowledge this recommendation and note this requirement already exists under section 63 of the Financial Accountability Act 2009.

Recommendation 12 recommends that the terms of reference of the Truth-telling and Healing Inquiry should explicitly recognise the relationship between truth-telling and treaty. This recommendation is operational in nature and will be considered during the course of the development of the terms of reference for the inquiry, including seeking advice from the Interim Truth and Treaty Body who are leading the co-design process with government.

Recommendation 13 recommends that the Queensland school curriculum reflects the shared history of the state of Queensland. This is supported and will be achieved through delivery from 2024 of the updated Version 9.0 Australian Curriculum and relevant senior secondary curriculum.

Recommendation 14 recommends that the recording of evidence throughout the Truth-telling and Healing Inquiry be managed appropriately, reflecting trauma informed approaches, cultural sensitivities and protection of intellectual property and with respect for personal requests for anonymity. The intent of this recommendation is already reflected in current planning and will be further considered in consultation with the Interim Truth and Treaty Body during the development of the implementation requirements for the Truth-telling and Healing Inquiry.

Recommendation 15 recommends that the responsible minister consider amending clause 87 of the bill to include a provision for a review 12 months after the commencement of the inquiry to ensure the powers of the inquiry continue to support the effective gathering of information that reveals the full impact of colonisation on First Nations people in Queensland. This recommendation is supported, and I intend to move amendments during consideration in detail to provide for this review at 12 months. A consistent message we heard from the Treaty Working Group, Eminent Panel, Treaty Advancement Committee and the Interim Truth and Treaty Body was not to make the truth-telling inquiry into a royal commission. We wanted to provide the opportunity for non-state government organisations such as churches and local government to come to the table and join us on this journey to reconciliation. This 12-month review allows the government to do a systems check at that point.

Recommendation 16 recommends that the Treaty Institute be organised accordingly to represent geographic regions. This recommendation is operational in nature and will be considered as part of the development of the implementation requirements for the First Nations Treaty Institute.

Recommendation 17 recommends that the Queensland government conduct a broad and far-reaching public awareness information campaign about the importance of treaty, the roles of the Truth-telling and Healing Inquiry and the First Nations Treaty Institute, and how the community can engage with the treaty process. This recommendation is operational in nature and will be actioned by the department in consultation with the Interim Truth and Treaty Body.

Recommendation 18 recommends the responsible minister consider amending the bill to include a parliamentary oversight provision. In consultation with the Interim Truth and Treaty Body, the recommendation is not supported so that the independence of the Treaty Institute can be preserved.

In conclusion, I again want to acknowledge and thank the tireless work and advocacy of the Interim Truth and Treaty Body in developing the bill with the department. I will come to individual thank-yous in my closing speech for a large number of department people who have really gone over and above.

This bill marks an historic and significant milestone in the negotiation process undertaken by the Queensland government and Queensland's First Nations people and non-Indigenous Queenslanders towards a treaty or treaties. This will strengthen the reframing of the relationship between Queensland's First Nations people and the wider community, as well as recognising the process of colonisation and its ongoing effects on marginalisation and disempowerment of Aboriginal and Torres Strait Islander peoples. I also recognise that the Path to Treaty process is built on the enormous resilience of Aboriginal peoples and Torres Strait Islander peoples and the strength drawn from their rich history, their culture and their knowledge. I commend the bill to the House.