




Speech By
Hon. Craig Crawford

MEMBER FOR BARRON RIVER

Record of Proceedings, 10 May 2023

PATH TO TREATY BILL

 **Hon. CD CRAWFORD** (Barron River—ALP) (Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships) (3.36 pm), in reply: I thank honourable members for their contributions to the debate on the Path to Treaty Bill 2023. I would like to especially thank the Premier, Annastacia Palaszczuk, for her vision, courage and leadership. As the Premier said, each generation is called to make its mark on its age. A treaty with Aboriginal and Torres Strait Islander people is ours. The Premier noted that this moment here and now begins to put right centuries of wrongs.

It was only yesterday that I introduced to parliament a broken-tipped spear gifted to me by Fred Deeral, the son of the first Aboriginal person elected to the state parliament, Eric Deeral—and, yes, he was from the National Party. It is a potent symbol of Australia's first recorded act of reconciliation. The spear has sat side by side with the Speaker's mace for this entire sitting of parliament to date.

As I said during my second reading speech, the historic Path to Treaty Bill 2023 marks a 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 and sets in train a Truth-telling and Healing Inquiry to examine the impacts of colonisation and to facilitate healing and the establishment of the First Nations Treaty Institute.

Again, I would like to take the opportunity to acknowledge and thank all those who have contributed to this significant legislation as we journey towards a state where Aboriginal peoples and Torres Strait Islander peoples and non-Indigenous people thrive together. I would like to acknowledge the opposition leader in how he indicated his support. It has great significance that this bill be passed with such bipartisan support. Treaty is of such significance that it cannot be a political football. It must live through election after election. It must remain bipartisan; otherwise, the risk is too high to too many.

I would also like to acknowledge the wide range of views expressed in this House over the last few days. While there may be different ideas, perspectives and voices on the details along our pathway, this is a long-term commitment and I am heartened by the volume of support as we take these historic steps forward.

I acknowledge the support from the member for Surfers Paradise for the bill. I agree with his comments about the importance of ensuring First Nations voices are heard and respected in this important bipartisan move towards more inclusive and respectful communities. I further note and appreciate the points made about the importance of Path to Treaty in helping to achieve Closing the Gap targets.

I would like to clarify a few points made in relation to the inquiry in response to the member for Surfers Paradise. While the inquiry is similar to a commission of inquiry, it will not be established under the Commissions of Inquiry Act. It is being established under this new legislation—the Path to Treaty Act—to allow for a less legalistic and more culturally appropriate process. Also, rather than a single commissioner, there will be five inquiry members, with the majority of those members being Aboriginal

and/or Torres Strait Islander persons. I acknowledge the concerns and importance of ensuring First Nations voices are heard and respected in this important piece of legislation towards treaty and reframing our relationship. While it is important that we take time to get this right, I also reflect on the member for Maiwar's comments that we are starting 200 years behind and we have a lot of ground to cover.

I note that, in addition to the important conversations and hearings held by the parliamentary committee in recent months, this Path to Treaty journey has included extensive statewide consultation which commenced in 2019. Community engagement involved public consultation across the state from September to December 2019 and was attended by more than 1,000 people in 24 locations, including the Torres Strait. In addition, 250 stakeholders and individuals were consulted, 331 online surveys completed and 38 written submissions received.

The next stage was led by the Treaty Advancement Committee, which during 2021 held face-to-face and virtual meetings with communities and groups to receive feedback on phase 1 of Path to Treaty and outline important developments such as the creation of the Path to Treaty Fund. The Interim Truth and Treaty Body has continued to undertake community consultation, including in relation to proposals for implementation arrangements for the Truth-telling and Healing Inquiry and the First Nations Treaty Institute. I also note that when examining the bill the parliamentary committee visited Cairns, Weipa, Thursday Island, Palm Island, Townsville, Longreach, Woorabinda, Rockhampton and Inala. This parliamentary consultation was purely to test if the mechanisms of this bill achieve the next steps in the process. It was certainly not any form of treaty negotiation. Those steps are yet to follow.

More importantly, the bill sets in place key institutions to take Path to Treaty forward in conversation with all Queenslanders. I acknowledge the support of the member for Maiwar. I would also like to respond to and clarify a couple of the points he raised. With regard to the terms of reference for the inquiry, these will be co-developed with the Interim Truth and Treaty Body and will provide more detail to guide the work of the inquiry in this regard. The ITTB will provide advice to the Queensland government on the inquiry's terms of reference based on community engagement held over the last three months. I note the ITTB's latest community yarn was held yesterday here in Cairns. In relation to another of the member for Maiwar's concerns, the Queensland government's position is that First Nations people continue to assert their sovereignty. While we recognise that some sort of dispute resolution will be an essential element of the treaty process, this is a matter for the institute to lead further discussion and consultation on.

Under the Path to Treaty Bill, a function of the First Nations Treaty Institute is to develop a treaty-making framework with the state. This includes identifying and developing dispute resolution strategies to facilitate treaty negotiations. I note that Victoria took the approach of establishing a treaty tribunal as the third-party dispute resolution body. While I note that there was strong advocacy for a term of not more than five years in the legislation, clause 64 already allows the term of the inquiry to be extended to five years or another time period if required. This can be done by the minister 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 the reasons for such extension. This can occur at any time during the three years of the inquiry, and the period of extension is not specifically limited to provide sufficient flexibility.

Under the bill, the inquiry chair may work with the director-general of DATSIP to arrange staff. Inquiry staff are not required to be existing DATSIP staff, and recruitment processes will allow interested people to apply for roles at the inquiry; however, as with other arrangements for similar entities the department will provide an administrative support as host of the inquiry. The Queensland government is working with the Interim Truth and Treaty Body to consider arrangements for location and resourcing, including staffing for the inquiry.

Regarding the decision to not accept recommendation 2 of the committee's report in relation to the Masig Statement, we have weighed up the risk of possible unintended consequences to the treaty process and the lack of broad visibility of views across the community, including those of Aboriginal people in relation to the expression of their self-determination in the bill. With the changes proposed, I am advised there may be legal implications at this late stage which could filter through the interpretation of the whole bill. This bill recognises the self-determination of Torres Strait Islander peoples and the treaty process and will provide a concrete pathway forward for this issue and others to be further negotiated and agreed between government and the community. I am committed to further consultation, including working closely with Torres Strait Islander peoples on this matter.

I emphasise that Closing the Gap aims to improve the lives of Aboriginal and Torres Strait Islander Australians by ensuring we work in partnership with First Nations people to deliver change. The government continues to deliver on this important reform. Long have First Nations leaders wanted input into the policies that directly affect them. Treaty will provide one avenue; Voice will provide

another. The Queensland government is committed to coming to the table as true partners with our stakeholders. We are committed to reframing our relationship with Aboriginal and Torres Strait Islander Queenslanders, underpinned by the strategic reforms of Path to Treaty, Voice and Local Thriving Communities. These reforms address historical and ongoing economic and social injustices and recognise Aboriginal and Torres Strait Islander people's right to self-determination. We recognise that structural change in the way governments work with Aboriginal and Torres Strait Islander peoples is needed to close the gap. Treaty represents a very significant structural change that will require significant change across the breadth of the Queensland government.

Working in partnership with Aboriginal and Torres Strait Islander people to deliver Path to Treaty with the ultimate aim of achieving a treaty or treaties is consistent with the national agreement's aims to achieve self-determination and improvements to the wellbeing and lives of Aboriginal and Torres Strait Islander peoples and is one step closer to closing the gap. The truth-telling and treaty path will acknowledge and address mistakes of the past and ensure Aboriginal and Torres Strait Islander people and organisations play a central role in addressing key reform priorities and structural imbalances which impact on Closing the Gap outcomes to this day. The Path to Treaty approach has consistently emphasised the importance of co-design with Aboriginal and Torres Strait Islander people and is just one of many reforms towards closing the gap.

We know that First Nations Queenslanders have experienced barriers while engaging with the blue card system. The Queensland government is committed to making sure our blue card processes and resources are culturally appropriate and more accessible for our Aboriginal and Torres Strait Islander communities and organisations. The Queensland government's Safe children and strong communities strategy and action plan provides the opportunity for real change to assist Aboriginal and Torres Strait Islander peoples in Queensland accessing the blue card system. Like Path to Treaty, the strategy is about empowering Aboriginal and Torres Strait Islander people, organisations and communities by taking an innovative approach to providing greater support through each part of the blue card system. The strategy also aims to enable those working in the blue card system to embed real, sustainable change through enhanced decision-making and processes and by developing and fostering cultural capability within the system itself.

Path to Treaty benefits all Queenslanders by providing a shared understanding of the past so we can build a strong and equal future that is based on respect. Path to Treaty also supports all Queenslanders to participate in a process that promotes healing, justice and reconciliation. The \$300 million Path to Treaty Fund and the returns of this fund will be used to support all Path to Treaty actions. The resourcing available through the fund will support the establishment of the First Nations Treaty Institute and assure it can undertake its functions, which will include preparing Aboriginal peoples and Torres Strait Islander peoples to enter into and participate in treaty negotiations and supporting Aboriginal peoples and Torres Strait Islander peoples to record the impacts and effects of colonisation on their communities. Providing the resourcing to support this work ensures that Aboriginal peoples and Torres Strait Islander peoples are supported through this process to participate in treaty making and in turn ensures that all Queenslanders benefit from treaty on this land that we now share.

I would like to thank officials from the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships; namely, Jason Kidd, Tony Cheng, Emma Howel, Mel Cule, Byron Hunter, Laurel James and Suzie Barton, also Brian McFadyen from the Office of Queensland Parliamentary Counsel, for embracing a new way of working in the co-design of this bill.

I want to thank our hardworking members of the Interim Treaty and Truth Body, and many of them are in the crowd—Mr Mick Gooda, Ms Sallyanne Atkinson, Professor Michael Lavarch, Dr Bianca Beetson, Ms Seleena Blackley, Ms Cheryl Buchanan, Mr Aaron Fa'Aoso, Ms Margaret O'Donnell, Mr Ray Rosendale and Ms Natalie Siegel-Brown. I want to specifically mention the outstanding work of Sallyanne Atkinson and Cheryl Buchanan as chairs.

I want to acknowledge previous Treaty Advancement Committee members Josephine Bourne and Jackie Huggins, who put a lot of work into this process. I want to acknowledge all of the Treaty Working Group who came before them and who conducted extensive work across the state to advise our Eminent Panel on the way forward. I want to thank my staff—my chief of staff, Don Wilson, and advisors on this process Talitha Ware, Esha Sadhu and Peter Michael. I want to especially thank my ex-chief of staff, Katie Kiss, who I know is in the audience and is now senior executive of the Interim Truth and Treaty Body.

Finally, I want to acknowledge my parliamentary colleagues—the minister and member for Algerie, Leeanne Enoch; the member for Cook, Cynthia Lui; and the member for Bundamba, Lance McCallum—for their strategic advice, support, guidance and assistance. I could not have done this without you.

This government is proud to be taking such a significant step forward towards redefining its relationship with Queensland's First Nations peoples. All across this country in every single dialogue with government, both state and federal, three common themes have been echoed for generations, for decades—voice, treaty, truth. It has been a powerful and consistent call. Today the Queensland parliament, as we sit here in regional parliament in Cairns in Far North Queensland, delivers commitment to two out of three pillars of the Uluru statement. On this day, 10 May 2023, we pass into law treaty and truth. I commend the bill to the House.