



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

QUESTION ON NOTICE

ELIZABETH KIKKERT MLA: To ask the Minister for Aboriginal and Torres Strait Islander Affairs

Ref: Budget Outlook, p. 2; Output class 1.3 (Community Services Directorate)

In relation to: Treaty process

1. It was stated in hearings that the Arabena Treaty Report was just one step at the beginning of the process and that the government is 'working on other conversations to be had'. What forms might future 'conversations' take, and when can we expect additional consultations to begin?
2. It was stated in hearings that structures need to be in place in order to make sure that future consultations fully engage all Traditional Owners. What sorts of structures does the minister have in mind, what might they look like, who will be designing them, and how?
3. What steps will the government take to guarantee that the treaty process genuinely engages all people who claim a traditional connection to the ACT, including those who identify as Ngambri and Ngarigu people?
4. It was stated in hearings that UNEC may not represent all Ngunnawal families. How will the government guarantee that Ngunnawal people who do not feel represented by UNEC will be fully engaged in the treaty process?
5. What is the government's plan to facilitate the community healing that was mentioned in hearings is necessary to 'ready community' for treaty, and who will design and/or implement such a plan?
6. It was stated in hearings that truth-telling needs to precede treaty ('the why before the what'). Can the minister please provide an update on any current or planned efforts to clarify genealogy, claims to connection with the ACT, and/or related matters?
7. Has the minister been told of the need to engage anthropologists in the truth-telling and healing processes, and does the ACT Government have any plans to use such anthropologists?

MINISTER STEPHEN-SMITH MLA: The answer to the Member's question is as follows: –

1. A Treaty process must be led by Traditional Custodians and those who have a connection to the lands within the ACT. The experience in other jurisdictions has shown that Treaty conversations take time, and there will be challenges along the way. The Government will continue to work with Traditional Custodians to ensure that future conversations take place in the appropriate manner and in the timeframe which is suitable for Traditional Custodians in the ACT.

2. Other Australian jurisdictions have shared that conversations regarding Treaty ideally occur “at arm’s length” from government to ensure cultural safety and trust is established in the process. Other jurisdictions have also explained that there is considerable healing which needs to occur before a treaty process can commence. Appropriate structures to facilitate healing might look similar to those that have been successfully undertaken in other jurisdictions. They will be designed in close consultation with Traditional Custodians in the ACT and region by responding to the views of the ACT Aboriginal and Torres Strait Islander community.
3. The Government has had recent conversations with a range of community members, including Traditional Custodians, who have expressed concern that government was rushing into a Treaty process without facilitating the healing and deep conversations that will be required. The Government will ensure that the next steps consider how – through the Healing and Reconciliation Fund – we can facilitate a productive and healing conversation with Traditional Custodians and the wider Aboriginal and Torres Strait Islander community to help address these very challenging issues. This will include all people who claim a traditional connection to the ACT and wish to be involved.
4. The Government will ensure all Ngunnawal families are given the opportunity to engage in a process around a healing and Treaty process.
5. The Government has been working with other jurisdictions to understand the different approaches being carried out across Australia to facilitate healing and Treaty processes. The ACT will work with Traditional Custodians to finalise the design and implementation of any plan to take the next steps.
6. The term truth-telling generally refers to processes which inquire into the historical and ongoing injustices faced by a group of people or peoples. In the context of Treaty, a truth-telling process would be very different from any process that explores genealogy and connection to country. The potential role of any truth-telling process in the ACT is a matter for ongoing discussion with Traditional Custodians and the broader Aboriginal and Torres Strait Islander community.

The Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) is continuing to progress the ACT Genealogy Project. Family trees have been developed based on information provided to the genealogists for the project from the families involved.

7. There are various views on who to engage in the truth-telling and healing processes, and the Government is listening to all views. We recognise that whatever comes next will require sustained effort, resourcing, and expertise.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:



Date: 12/9/22

By Minister Rachel Stephen-Smith, Minister for Aboriginal and Torres Strait Islander Affairs