

# The Institute and Inquiry



The *Path to Treaty Act 2023* (the Act) was passed in the Queensland Parliament on 10 May 2023. The first of its kind in Queensland, the Act builds the structures to support First Nations peoples to negotiate treaties with the Queensland Government and to conduct a formal inquiry into the impacts of colonisation of First Nations peoples. It does this by establishing a First Nations Treaty Institute (the Institute) and a board of inquiry to conduct a Truth-Telling and Healing Inquiry (the Inquiry).

## First Nations Treaty Institute

The Institute is a Statutory Body, independent of the Queensland Government, led by a Treaty Institute Council that will consist of Aboriginal and Torres Strait Islander Queenslanders.

The Institute's principal purpose is to support First Nations peoples to enter into and participate in treaty negotiations. In doing this the Institute has functions that include:

- developing a treaty-making framework with the State which will lay the foundation for treaty negotiations such as the legal enforceability of treaties, and how disputes will be resolved
- supporting and resourcing Aboriginal and Torres Strait Islander peoples to participate in treaty negotiations
- conducting research and assisting First Nations peoples to gather and record information on the impacts of colonisation that can inform treaty negotiations.

The Act provides the Institute with the appropriate powers and capacities to operate effectively while ensuring public trust, accountability and integrity in all Treaty Institute processes underpinned by respect for First Nations laws, customs, and cultures.

Resourcing of the Institute operations comes from an annual allocation from the earnings of the \$300 million Path to Treaty Fund. The Act ensures transparency and accountability of the Treaty Institute to both First Nations peoples and all Queenslanders for the expenditure of these funds.

The Institute will not negotiate treaties—negotiations will be led by First Nations communities with the Queensland Government. The Institute supports First Nations to be treaty ready and to participate in negotiations.

Treaties will be shaped through the process of negotiation and agreement-making and informed by the cultural, social, economic, and historical context of each First Nations community. The aim of treaties is to respect the sovereign right of First Nations to self-determination, and enable communities to work effectively with the Queensland Government to improve the status and life outcomes of First Nations peoples.

## Truth Telling and Healing Inquiry

The Inquiry's key function is to inquire into and document the ongoing individual, familial, cultural and societal effects of colonisation on the Aboriginal and Torres Strait Islander peoples of Queensland.

The functions and objectives of the Inquiry will be further detailed in its Terms of Reference. The Terms of Reference will be developed jointly by First Nations peoples and the State through a co-design process facilitated by the Interim Treaty and Truth Body.

The Inquiry will be conducted by five members, the majority of which must be Aboriginal and/or Torres Strait Islander people.

The Inquiry, while having a formal and legislative basis, is obligated to work in a way that is non-adversarial, culturally safe and appropriate as well as trauma-informed and trauma-responsive.

The Inquiry has the power to require government to produce documents and give evidence before the Inquiry. So the full role of government departments, bodies and agencies in colonisation will be within the Inquiry's remit. However, private individuals will not be compelled to provide information or appear before the Inquiry, and the basic model will be on voluntary engagement.

All Queenslanders can choose how best to share their history, stories, and experiences. Where requested, the confidentiality of an individual's information will be respected.

A written report on the Inquiry's findings will be provided to the Queensland Government and information collected will assist in the treaty making process and be a powerful resource for the future including in developing education and curriculum materials.



**INTERIM TRUTH  
AND TREATY BODY**