



4 August 2023

Dear Expert Panel,

**Re: Review to Inform a Better and Fairer Education System**

Thank you for the opportunity to make a submission on the National School Reform Agreement Consultation Paper about the key challenges and opportunities facing the Australian education system.

We provide this submission as Queensland's independent Interim Truth and Treaty Body (ITTb) – a Ministerial appointed body with the primary responsibility to co-design the Path to Treaty reform in partnership with the Queensland Government. We hope the following will be informative for your final report considerations.

**Truth and Treaty and the Queensland Government's commitment to reframing relationships with First Nations peoples.**

In response to the Uluru Statement from the Heart<sup>1</sup>, and encouragement from the former Federal Minister for Aboriginal Affairs, Ken Wyatt for States and Territories to progress Treaty while constitutional reform is progressed at the national level, the Queensland Government committed to embark on the Path to Treaty in 2019.

The Path to Treaty responds to generations of calls from First Nations Peoples in Queensland for a formal agreement – treaties – which offers an approach to recognise Aboriginal and Torres Strait Islander Peoples as the original owners and carers of their land and waters and delivers substantive and meaningful outcomes.

At the heart of the Treaty dialogue is the need for all Queenslanders to acknowledge, understand and accept Queensland's shared history to address the ongoing disparity and systemic consequences of colonisation that Aboriginal and Torres Strait Islander peoples experience. These are also sentiments of the Uluru Statement from the Heart.

The link between education and truth telling has been a key theme since the Path to Treaty reform was initiated in 2019 by the Queensland Government under the broader Queensland Government commitment to reframe relationships with First Nations peoples<sup>2</sup>. Feedback from community consultations, led by a Treaty Working Group and an Eminent Panel, found that Queenslanders broadly supported proceeding on the Path to Treaty and the importance of truth to support the treaty process.

In 2020 the Eminent Panel recommended that resources, materials and testimony gained from the truth-telling process should be used to inform popular and academic understanding of First Nations and the history of colonisation as well as to be used as source material for the development of

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<sup>1</sup> Uluru Statement from the Heart 2017, petition made by Aboriginal and Torres Strait Island leaders, [View The Statement - Uluru Statement from the Heart](#) [last accessed 27/07/2023].

<sup>2</sup> Queensland Government, *Statement of Commitment*, July 2019, at: <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/tracks-to-treaty-soc.pdf> [accessed 3/08/2023]

mandatory educational curricula.<sup>3</sup> The Queensland Government agreed in principle to the Eminent Panel's recommendation, stating:

*It is anticipated that the Queensland Government would support Queensland schools to access and use resources generated through a truth telling process as source material to support teaching Aboriginal and Torres Strait Islander histories and cultures.*

*It is anticipated that the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) and the Department of Education (DoE) would work with Queensland Curriculum and Assessment Authority to update the Aboriginal and Torres Strait Islander Perspective Statement 2017–2020 and explore options for truth telling resources, material and testimony to be made available to Queensland schools.*

*It is anticipated that DATSIP and DoE would advocate for the truth telling process to be incorporated into the Australian Curriculum.<sup>4</sup>*

To further co-design implementation of the Eminent Panel recommendations, the Treaty Advancement Committee report, handed to the Queensland Government in October 2021, furthered the design of the Inquiry objectives and connections to community awareness and education. In August 2022, the Queensland Government publicly launched their response to the Treaty Advancement Committee report recommendations<sup>5</sup> and re-affirmed commitment to developing legislation and the institutional framework necessary to support progression of treaty and truth.

### **About Queensland's ITTB and the *Path to Treaty Act 2023***

In response to the Treaty Advancement Committee recommendations, the Queensland Government committed to establishing four entities as part of the institutional framework to progress truth and treaty, with one of the entities being the ITTB.

The ITTB is a temporary administrative entity with a focus to maintain momentum until the legal structure – the Institute – is established. Key responsibilities include:

- co-design with the Queensland Government the *Path to Treaty Act 2023* – to legally establish the First Nations Treaty Institute (Institute) and the formal Truth-telling and Healing Inquiry (the Inquiry) - and operationalisation of these structures
- design and deliver local truth telling and healing activities
- conduct pre-institute research and community engagement activities.

The ITTB has 10 members appointed for 12-18 months with a majority Aboriginal and Torres Strait Islander persons membership. The initial focus of the ITTB was dedicated to co-designing the *Path to Treaty Act 2023* (the Act); the foundation legislation to establish the key structures to enable a formal process of truth-telling and treaty negotiations. Development of the Act was informed by community views and consultations that were conducted in the earlier phases of the Path to Treaty Reform.

The ITTB held community consultations and targeted stakeholder conversations across the state between March-June 2023 to seek community views about the Bill as well as on key components

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<sup>3</sup> Queensland Government, *Treaty Statement of Commitment and response to the recommendations of the Eminent Plan*, August 2020, p 6, at: <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/path-treaty/treaty-statement-commitment-august-2020.pdf> [accessed 24/07/2023]

<sup>4</sup> Queensland Government, *Treaty Statement of Commitment and response to the recommendations of the Eminent Plan*, August 2020, p 6, at: <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/path-treaty/treaty-statement-commitment-august-2020.pdf> [accessed 24/07/2023]

<sup>5</sup> Queensland Government, *Queensland Government Response to the Treaty Advancement Committee Report*, August 2022, at: <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/path-treaty/ptt-response-tac-report.pdf> [accessed 3/08/2023]

to support establishment of the Inquiry and the Institute. Feedback from the community consultations conducted by the ITTB (as well as previous Path to Treaty bodies) overwhelmingly supported the need for Inquiry recommendations to consider how the Inquiry research and outcomes will be incorporated into and mandated in school curriculum to inform public understanding.

On 22 February 2023, the *Path to Treaty Bill 2023* (the Bill) was introduced into the Queensland Parliament. and on 10 May 2023, the Queensland Parliament, with bi-partisan support, passed the Bill. Following receipt of Royal Assent on 17 May 2023 the Bill became an Act of Parliament. The following sections talk through the key considerations that could inform the Expert Panel deliberations in relation to the opportunities facing the Australian Curriculum.

### **First Nations Treaty Institute (the Institute)**

As provided for in the Act, the Institute will consult with, support and empower Aboriginal and Torres Strait Islander peoples and representative entities in relation to scoping, initiating and participating in treaty negotiations with the State of Queensland. Developing a treaty-making framework is a priority function for the Institute to help guide the treaty negotiations.

Truth-telling is an ongoing function to support and record the impacts and effects of colonisation on Aboriginal and Torres Strait Islander peoples and communities to build understanding, support healing the reframing of relationships, and to inform First Nations peoples participation in treaty negotiations. This function will continue throughout and after the formal Inquiry to build acknowledgement and understanding about the importance of treaties to address the unfinished business.

The Institute also has the function to provide advice to the Minister on, and assist in, implementing recommendations contained in the findings report prepared by the Inquiry (discussed below). This could include responsibilities relating to findings and outcomes relating to education curriculum development and implementation. Treaty provides another avenue to make stronger the progress towards achieving life outcomes equal to all First Nations Queenslanders and non-Indigenous Australians.

The ITTB recommends that the Expert Panel considers treaty and truth-telling developments for Australian Curriculum developments, as well as other truth-telling and treaty avenues being pursued in other State and Territories, and the opportunities and impacts these will have on the Australian Education system in the near future. More information is provided below.

### **Truth-telling and Healing Inquiry (the Inquiry)**

The Act provides for the functions of the Inquiry to document the impacts and effects of colonisation on Aboriginal and Torres Strait Islander Peoples and to research and promote community awareness as well as the general public's shared understanding of the history of Queensland. The Inquiry is expected to commence early 2024 and be established for a term of three years. However, there are provisions in the Act for the Minister to extend the term of the Inquiry, if required.

To give effect to the Inquiry's purpose, the information gathered throughout the term of the Inquiry will be used to promote awareness within Queensland communities, and particularly through education about the complete and holistic history of Queensland, particularly as told from an Aboriginal and Torres Strait Islander perspective. This helps to create a deeper understanding within the Queensland communities of Aboriginal and Torres Strait Islander Peoples' cultures, histories, and the need for treaty-making in Queensland.

Before the term of the Inquiry ends, the Inquiry will provide to the Minister a written report on the Inquiry findings, which may include recommendations that the Inquiry considers appropriate. This

could include recommendations about how the Inquiry's findings, outcomes and records should be best gathered as source material to inform the Australian Curriculum.

### **Education material - use of oral history**

The two main intents of the Inquiry will be to document the impacts and effects of colonisation on Aboriginal and Torres Strait Islander peoples and to promote community awareness and education about settlement from the perspectives of Aboriginal and Torres Strait Islander peoples.

Documenting the impacts and effects of colonisation will be conducted by hearing their truth, through lived experiences, expressed in accordance with traditional methods of recording and transferring knowledge. The passing on of knowledge and story through Aboriginal tradition and Ailan Kastom has traditionally been done via oral transfer. This has continued, particularly with the knowledge transfer of elders, many of whom have the direct lived experience of colonial policy and practice.

This has meant that Indigenous knowledge systems, culture, law and historical experiences of colonisation are passed down and taught to following generations, through story, art, dance and song, rather than through written documentation, which has preferred and legitimised western knowledge holding systems and underpinning the historical account generally.

The material collated through the Inquiry will be used to promote community awareness and will be disseminated in a way that recognise the biases and perspectives that have influenced the creation and documentation of history discourse to date. The records that have been created are not neutral in nature, rather they possess white colonial assumptions and prejudice.

Non-Indigenous viewpoints are thus privileged in the collection of material and outlined a certain way and method of interpreting and recording research. This must be understood and recognised by the Inquiry when examining and disseminating information for community awareness, and the resulting need to apply a critical and decolonisation lens when documenting colonisation and its subsequent effects.

Since 2019 communities have voiced the need for Inquiry outcomes to be considered by the education system when developing curriculum, including the need for the recognition and rectification of the inherent bias evident within current and past education materials.

### ***The role that education plays***

As the Consultation Paper outlines, 'education transforms lives - it is the key to unlocking the ability of individuals to reach their full potential, contribute to society and engage in the workforce. It is the key to improving social equity and lifting social and economic outcomes for individuals and their families and communities.'<sup>6</sup>

Given the significant role that education plays and has played in the history of Queensland, and Australia more broadly, recognition must be given to the content and subsequent impacts of the teaching education curriculum. The enduring impact and influence of deficit thinking, assimilationist ideologies, and race-based assumptions are all built on the legacies associated with dispossession and the ongoing denial of Indigenous sovereignty, which is evident within the education system and serves to perpetuate the historical perspective and understanding of First Nations peoples.<sup>7</sup>

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<sup>6</sup> Australian Government, Department of Education, *Review to Inform a Better and Fairer Education System - Consultation Paper*, 2023, p3, at: [Better and Fairer Education System - Consultation Paper - Department of Education, Australian Government](#) [accessed 25/07/2023]

<sup>7</sup> Morrison, A. Rigney, L. Hattam, R. Diplock, A. *Toward an Australian culturally responsive pedagogy: A narrative review of the literature*, 2019, p 51, at: [apo-nid262951.pdf](#) [accessed 25/07/2023]

Further, the impacts of colonisation have had the effect of demoralising generations of Indigenous people through various Government policies, including the requirement to engage with an education system that has largely denied their claims of legitimacy, history and culture.<sup>8</sup>

There is an opportunity presented, where education is well positioned to play a decisive role in critiquing the historical, social, economic and political narratives and structures that underpin inequitable relationships within Australia between Indigenous and non-Indigenous people.<sup>9</sup> The findings from the Inquiry can be used, disseminated and taught to provide a holistic analysis and account of the history and contemporary impacts of colonisation, and to assist in reframing and rebuilding the relationship between First Nations and non-Indigenous peoples.

### ***Benefits of culturally informed education systems and programs***

The ITTB notes that an area that the Review will advise Education Ministers on is targets and reforms to drive real improvements in student outcomes, with a particular focus on students who are most at risk of falling behind and in need of more assistance - this includes First Nations students.

It is important to highlight that the Australian Education system is based on a Eurocentric model of schooling that aligns pedagogy and curriculum to the cultural norms and values of the colonisers, imposing top-down solutions on Aboriginal and Torres Strait Islander peoples, with little or no consideration for their voices, needs, values, circumstances, interests or aspirations.<sup>10</sup>

Effort should be made to address this issue and explore ways of ensuring education is provided in a culturally safe and appropriate manner. Learnings from the Inquiry could help facilitate the development of content that is culturally embedded and sensitive. For example, the Inquiry needs to be conducted in a way that needs to be considerate of Aboriginal law and traditions and Torres Strait Islander law and traditions and 'trauma-informed and responsive'.

Trauma-responsive and culturally appropriate methodologies may be developed by the Inquiry which could be used to inform culturally responsive pedagogy for the Australian Curriculum. From our understanding, culturally responsive pedagogy is an approach to teaching and learning that uses 'the cultural characteristics, experiences, and perspectives of ethnically diverse students as conduits for teaching them more effectively'.<sup>11</sup> As discussed further below, with a key focus of this review being the improvement of student mental health and wellbeing, ensuring that all Australian students, Indigenous and non-Indigenous, are being taught a full, truthful and accurate history is critical, but even more so is ensuring that this is done within a culturally safe and sensitive, trauma-informed framework and learning environment.

When academic knowledge and skills are situated within the lived experiences and frames of reference of students, they are more personally meaningful, have higher interest appeal and are learned more easily and thoroughly.<sup>12</sup> As a result, the academic achievement of cultural and ethnically diverse students will improve when they are taught through their own cultural and experiential filters.<sup>13</sup>

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<sup>8</sup> Lowe, K., Tennent, C., Moodie, N., Guenther, J., Burgess, C., *School-based Indigenous cultural programs and their impact on Australian Indigenous students: a systematic review*, 2021, *Asia-Pacific Journal of Teacher Education*, p84, 49:1.

<sup>9</sup> Morrison, A. Rigney, L. Hattam, R. Diplock, A. *Toward an Australian culturally responsive pedagogy: A narrative review of the literature*, 2019, p 51, at: [apo-nid262951.pdf](#) [accessed 25/07/2023]

<sup>10</sup> Morrison, A. Rigney, L. Hattam, R. Diplock, A. *Toward an Australian culturally responsive pedagogy: A narrative review of the literature*, 2019, p 6, at: [apo-nid262951.pdf](#) [accessed 25/07/2023]

<sup>11</sup> Gay, G, *Preparing for Culturally Responsive Teaching*, 2002, *Journal of Teacher Education*, Vol 53:No.2, p106.

<sup>12</sup> Gay, G, *Preparing for Culturally Responsive Teaching*, 2002, *Journal of Teacher Education*, Vol 53:No.2, p106.

<sup>13</sup> Gay, G, *Preparing for Culturally Responsive Teaching*, 2002, *Journal of Teacher Education*, Vol 53:No.2, p106.

## Healing and wellbeing

A key area of focus for the review is to contribute to improving student mental health and wellbeing by addressing in-school factors, while acknowledging the impact of non-school factors on wellbeing.

It is anticipated that through the Inquiry, hearing First Nations' stories, acknowledging, respecting and accepting the truth about their experiences, and developing a shared understanding of the intergenerational impacts of those experiences will prove critical to healing, justice and wellbeing for both First Nations Peoples and non-Indigenous Queenslanders.

Shared understandings are also critical to healing the wounds of the past, and reframing the relationship between First Nations, non-Indigenous Queenslanders, and the Queensland Government. The acknowledgement and teaching of First Nations peoples' experiences, as taught from their perspective, including the teaching of positive stories of resilience and strength, are likely to assist in bettering First Nations student wellbeing.

Literature has demonstrated that without ongoing cultural competence and safety development by educators, there is considerable risk that schools and classrooms will not appropriately support the social and emotional needs of Indigenous students, and thus may create a negative impact on the wellbeing and learning outcomes of Indigenous students.<sup>14</sup>

## Conclusion

The ITTB has highlighted the developments occurring regarding Truth and Treaty in Queensland, and the role and impact these processes may play on the Australian education system in the coming years.

This Review provides a critical opportunity to ensure that the foundations for education and its enabling environment is reformed, taking into consideration national and state and territory approaches to truth and treaty. Undertaking this work now, will facilitate the smooth integration of outcomes arising from these processes as they progress, without the need for further review and reform down the track. We encourage you to consider this opportunity to create this foundation as part of this review process.

It is likely that the Inquiry in particular, will be a key opportunity or driver to support challenging the way research has been conducted and interpreted in the past. As a result, the findings and recommendations and key outputs of Path to Treaty could provide opportunities to leverage change, and to decolonise and challenge the information and the teaching in Australian Schools. We hope this information is of assistance to the Expert Panel to further their review of the Australian Curriculum.

Yours sincerely



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<sup>14</sup> Dobia, B and O'Rourke, V, Commonwealth of Australia, *Promoting the mental health and wellbeing of Indigenous children in Australian primary schools*, 2011, p17, at: [\(PDF\) Promoting the mental health and wellbeing of Indigenous children in Australian primary schools. \(researchgate.net\)](#) [accessed 15/07/2023]