

COMMUNITY SUPPORT AND SERVICES COMMITTEE

Path to Treaty Bill 2023

Ministerial response to the recommendations in Report No. 30, 57th Parliament Community Support and Services Committee April 2023

Recommendation 1

The committee recommends the Path to Treaty Bill 2023 be passed.

Ministerial response

The recommendation is noted.

Recommendation 2

The committee recommends the responsible Minister considers including a reference to the Masig Statement – Malungu Yangu Wakay (Voice from the Deep) in the preamble of the Path to Treaty Bill.

Ministerial response

The recommendation has been considered. However, in consultation with the Interim Truth and Treaty Body (ITTB) it is not accepted.

The current wording of the Preamble reflects the sentiments expressed through extensive community consultations across 2019 -2021.

Recommendation 3

The committee 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.

Ministerial response

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the Department) has and will continue to work with the ITTB, First Nations Consultative Committee (providing advice on a Queensland Indigenous Voice model), the Local Thriving Communities Joint Coordinating Committee and other key co-design partners to develop information materials for the community that addresses this recommendation.

Recommendation 4

The committee recommends that the Queensland Government continues to support the resolution of Native Title matters that will assist to facilitate the making of Treaties.

Ministerial response

The preamble to the *Native Title Act 1993* (Cth) (NTA) says, The people of Australia intend:

(a) to rectify the consequences of past injustices by the special measures contained in this Act ... for securing the adequate advancement and protection of Aboriginal peoples and Torres Strait Islanders; and

(b) to ensure that Aboriginal peoples and Torres Strait Islanders receive the full recognition and status within the Australian nation to which history, their prior rights and interests, and their rich and diverse culture, fully entitle them to aspire.

In response, Queensland seeks to resolve native title determinations by consent, and enter into Indigenous Land Use Agreements reflecting the principles of free, prior and informed consent.

The Queensland Government has a record of resolving native title matters by agreement, so that that Aboriginal peoples and Torres Strait Islanders receive the recognition of their native title rights and interests.

The Queensland Government will continue to seek resolution of native title matters by agreement, and is committed to supporting native title claims processes that support the goals and aspirations of Aboriginal peoples and Torres Strait Islanders.

Recommendation 5

The committee recommends 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 (gathered around state borders), local community interests and displaced First Nations people.

Ministerial response

This recommendation will be actioned as part of the development of the Treaty Making Framework by the Queensland Government and the First Nations Treaty Institute.

Recommendation 6

The committee 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 5 years. The committee recommends an amendment to clause 88 of the Path to Treaty Bill to include a requirement that the Inquiry report to the Minister before the expiration of 3 years, to allow for a further 2-year period of operation (as required).

Ministerial response

The recommendation is not accepted as it is considered the Bill already allows to the term of Inquiry to be extended.

Clause 64 already allows the Minister to extend the term of the Inquiry: (a) if the Inquiry gives the Minister a notice (i) asking the Minister to extend the term; and (ii) stating the proposed period of the extension; and (iii) stating the reasons for the extension; or (b) on the Minister's own initiative. This can occur anytime during the three years.

Recommendation 7

The committee recommends those responsible consider the New Zealand Waitangi Treaty framework and principles, among other jurisdictions, as models to inform the Queensland Treaty process.

Ministerial response

This material has been considered to date to inform the planning, and the recommendation will be further actioned as part of the development of the Treaty Making Framework by the Queensland Government and the First Nations Treaty Institute.

Recommendation 8

The committee recommends those responsible establish the Queensland Treaty framework from a positive position of equity, opportunity and self-determination, to recognise and value the aspirations, knowledge and skills of First Nations people for the betterment of Queensland and the broader Queensland community.

Ministerial response

This recommendation will be actioned as part of the development of the Treaty Making Framework by the Queensland Government and the First Nations Treaty Institute.

Recommendation 9

The committee recommends that the responsible Minister reconsider the use of the word 'institute' in the First Nations Treaty Institute and the Treaty Institute Council, and consider renaming the First Nations Treaty Institute and the Treaty Institute Council.

Ministerial response

The recommendation has been considered and the ITTB has been consulted. The recommendation is not accepted as the preference is to retain the current terminology in the Bill.

Recommendation 10

The committee recommends clause 55(1)(d) of the Path to Treaty Bill be omitted. The committee recommends that a new provision be included in the Path to Treaty Bill providing that a person's criminal history be taken into account in making appointments to the Treaty Institute Council and senior executive.

Ministerial response

This recommendation is accepted.

Recommendation 11

The committee recommends clause 49 of the Path to Treaty 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.

Ministerial response

This recommendation is noted. However, it is not accepted as this requirement already exists under section 63 of the *Financial Accountability Act 2009*.

Recommendation 12

The committee recommends the terms of reference for the Truth-telling and Healing Inquiry should explicitly recognise the relationship between truth-telling and treaty.

Ministerial response

This recommendation will be considered during the course of the development of the Terms of Reference for the Truth-telling and Healing Inquiry, including seeking advice from the ITTB as this is a co-design process led by the ITTB.

Recommendation 13

The committee acknowledges the important role education plays in creating an accurate historical discourse and in normalising language and culture and recognises that it is the Queensland Government's responsibility to educate the Queensland community. The committee recommends the Queensland school curriculum reflects the shared history of the State of Queensland.

Ministerial response

Accepted. This recommendation will be achieved through delivery from 2024 of the updated Version 9 Australian Curriculum and relevant Senior Secondary curriculum.

Recommendation 14

The committee acknowledges the importance of the evidence provided throughout the Truth-telling and Healing Inquiry as a key resource in capturing Queensland's shared history and that it should be published as a legacy for future generations.

The committee recommends that the recording of this evidence during the Inquiry process be managed appropriately, reflecting trauma informed approaches, cultural sensitivities and protection of intellectual property, and with respect for personal requests for anonymity.

Ministerial response

This intent of this recommendation is reflected in current Institute planning, and will be further considered in consultation with the ITTB during the development of the implementation requirements for the Truth-telling and Healing Inquiry.

Recommendation 15

The committee recommends the responsible Minister consider amending clause 87 of the Path to Treaty Bill to include 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 of Queensland.

Ministerial response

This recommendation is accepted.

Recommendation 16

The committee recognises the decentralised and expansive geography of Queensland, including traditional owner groups and the mass displacement of peoples during the 235 years of colonisation, and recommends that the Treaty Institute be organised according to representative geographical regions.

Ministerial response

This recommendation will be considered as part of the development of the implementation requirements for the First Nations Treaty Institute.

Recommendation 17

The committee recommends that the Queensland Government conduct a broad and far reaching public awareness and public 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.

Ministerial response

This recommendation will be actioned by the Department in consultation with the ITTB, including with reference to the 2023 Path to Treaty market and social research that was designed to establish a baseline understanding of the perceptions, attitudes and behaviours of the broader Queensland population and provide insights to assist in identifying opportunities for increasing awareness, understanding and engagement.

Recommendation 18

The committee recommends the responsible Minister considers amending the Path to Treaty Bill to include a parliamentary oversight provision.

Ministerial response

The recommendation is noted. However, in consultation with the ITTB, the recommendation is not accepted, so that the independence of the Treaty Institute can be preserved. It is noted that through the administering department, the ITTB can be requested to participate in relevant parliamentary processes.

Queensland Legislative Assembly

Number: 5723T604



09 MAY 2023

Tabled ☒

By Leave ☐

MP: Hon Crawford

Clerk's Signature: [Signature]