Path to Treaty Bill 2023

Statement of Compatibility

FOR

Amendments during consideration in detail to be moved by The Honourable the Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Craig Crawford, Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships, make this statement of compatibility with respect to amendments to be moved during consideration in detail for the Path to Treaty Bill 2023 (the Bill).

In my opinion, the amendments to be moved to the Bill are compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The Path to Treaty Bill:

- establishes the First Nations Treaty Institute to develop and provide a framework for Aboriginal peoples, Torres Strait Islander peoples and the State to enter into treaty negotiations; and support Aboriginal peoples and Torres Strait Islander peoples to participate in treaty negotiations;
- provides for the establishment of the Truth-telling and Healing Inquiry to inquire into the continuing impacts of colonisation on Aboriginal peoples and Torres Strait Islander peoples; and,
- amends other legislation, particularly the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to remove outdated provisions that do not support the achievement of the Queensland Government's policy objectives, in particular, the commitment to a reframed relationship and compatibility with human rights.

The proposed amendments arise from matters raised in Report No. 30 of the Community and Support Services Committee (the Committee Report) and in the submissions to the Committee.

As recommended in Recommendation 10 of the Committee Report, clause 55(1)(d) will be omitted. This omission will remove a mandatory disqualification of a person who has previously been convicted of an indictable offence from becoming a member of the Treaty Institute Council or senior executive officer of the Treaty Institute. To give effect to Recommendation 10, consequential amendments to clauses 19, 37, 42, 55, 60 and Schedule 1 (Dictionary) in the Bill are also required.

As recommended in Recommendation 15 of the Committee Report, clause 87 will be amended to include provision for a review at 12 months after the commencement of the Truth-telling and Healing Inquiry (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.

Page 42 of the Committee Report noted the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships' commitment to amend the relevant clause to clarify the policy intent that the powers of the Inquiry to compel information will apply to the Commissioner of Queensland Police Service. An amendment to the definition of *government entity* in Schedule 1 (Dictionary) will achieve this.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The proposed amendments do not raise any additional human rights consideration under the *Human Rights Act 2019*.

If human rights may be subject to limitation if the amendments to be moved to the Bill are enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (Section 13 *Human Rights Act 2019*)

The proposed amendments do not raise any additional human rights consideration under the *Human Rights Act 2019*.

Conclusion

In my opinion the amendments to be moved to the Bill are compatible with the human rights protected under the *Human Rights Act 2019*.

Craig Crawford MP
Minister for Seniors and Disability Services
Minister for Aboriginal and Torres Strait Islander Partnership

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