


Path to Treaty Bill 2023

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Submitted by:	Robert Heron
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From: 
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To the land pirates,

A treaty is a list of grievances and demands required to satisfy a non-violent resolution. A good example is the Indigenous and Tribal Peoples Convention, 1989 (No. 169).
Deconstructing the treaty:

Article 1: the sender

Article 2: The recipient

The grievances follow:

Article 3: stop treating us as subhuman

Article 4: stop the genocide

Article 5: Nothing about us without us

Article 10: concentration camps

Article 11: slavery

Article 12: provision of lawful avenues of redress

Article 14: land back

Article 15: land back

Article 16: displacement (land back)

Article 17: land back

Article 18: land back

Article 19: land back

Article 20: slavery

Article 21: education

Article 22: slavery misrepresented as education

Article 23: education

Article 25: healthcare

Article 31: stop teaching your children that our children are subhuman

s13(1a)

to develop, in consultation with the State, a framework
(the treaty-making framework) to assist the State and
Aboriginal peoples and Torres Strait Islander peoples
to—

The meaning of, "in consultation with the State," requires clarification. Does the council offer its advice or can its advice be blocked by indefinite consultation as is the case with the processes of the H.R.C.?

s19

I suggest the following for the purpose of complying with Article 32 of the convention to which Australia has not ratified, "Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields." Not disputing that the council consist of 10 members. The appointed members should be limited to 7. The composition of the board should be specified to include three special positions that are selected by the appointed board and afforded diplomatic protection. One Coroner with international experience investigating and reporting on cases of genocide that has contributed to multinational conflict resolution or the deliberations of international tribunals. Two international Indigenous experts of their choosing with experience in a treaty design or negotiation processes. Examples include inviting applications from past members of the Indian Brotherhood of the Northwest Territories, Office of the Treaty

Commissioner, Saskatchewan, Treaty Relations Commission of Manitoba, Sámi parliaments, Persons involved in the development of the Indigenous and Tribal Peoples Convention adopted at the 76th International Labour Conference in Geneva, 1989. Remuneration for these positions should be decided on the basis of equitable remuneration with consideration of similar positions the person is qualified to hold that are competitive with the role and with preference to a favorable hiring process given the selection of the council.

s21(2) renders the Treaty Institute Council meaningless. The Crown is effectively invested with absolute power over the body, who may perform the role of the board members and what they may do. This effectively creates the illusion of an indigenous controlled body negotiating the manner in which treaty negotiations may take place but vests absolute authority over this body in The Crown. At the very least, council members should be afforded the capacity to publish minority reports and opinions. Power of The Crown to be restrained by a provision of a term basis for proclamations of modifications of terms and conditions and/or a requirement of open publication of the terms and any exercise of power over the council so that their advice may be better understood.

This bill to create the terms for the discussion of the terms of a treaty process is simply a stalling tactic. It only requires a list of easily found grievances that are common knowledge. The thing about a treaty is that one party creates it while the other party is consulted then either agrees to a final negotiated treaty or doesn't. The bill should be modified so that the Treaty Institute Council can proceed to the development of a treaty, free of obstruction by The Crown.

Robert Heron

