

Path to Treaty Bill 2023

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**Submission to the Community Support and Services Parliamentary Committee on
the *Path to Treaty Bill 2023*****Introduction**

Cairns Regional Council welcomes the opportunity to make a submission to the above inquiry. Council recognises the significance of the Path to Treaty Bill 2023. Not only is it the first legislation to be produced in Queensland through a co-design process with First Peoples, but the Path to Treaty also gives formal recognition of First Peoples as the original owners and custodians of their land and waters.

Cairns Regional Council has a long and proud tradition of contributing to regional efforts towards national reconciliation and fully recognises the *Path to Treaty Bill 2023* as another important step in the national reconciliation journey.

A pre-requisite to success will be enabling the efficacy of all stakeholders to participate equally and meaningfully. This agenda requires dedicated consideration and resourcing to create a 'Treaty-Ready' environment. As outlined below, considerations should incorporate place-based nuances as well as systems level developmental investment.

1. Accounting for Place in Truth Telling and Treaty Process Design

There are over 50 First Nations language groups across Queensland, indicating the rich cultural heritage within the state (QG, 2022). The Cairns region is unique in this respect, being home to the largest number of individual Traditional Custodian groups, each with their own unique laws, traditions, languages, culture and traditional knowledge, and highest population percentage of First Peoples in a Local Government Area (LGA) in Australia (excluding First Peoples Council areas). The total resident population for Cairns in 2021 was 166,943, and of that 16,153, or 9.7% of the population, identify as First Peoples. This compares to the State average of 4.5% and 3.2% nationally (ABS, 2021). This cultural diversity has been recognised by the inclusion of the region's Indigenous heritage values within the Wet Tropics of Queensland National Heritage register in 2012.

The unique context highlights the significance of the Cairns region as a focal point for treaty-making and truth-telling in Queensland. This context also highlights the need for flexible and nuanced approaches capable of adapting to local needs (including advocacy needs, timelines, political systems, and resource requirements).

Recommendation:

- *That regions be supported to implement a process that is reflective of their unique characteristics. This includes flexibility in the extent, format, resourcing, and technical support needed to facilitate a process that ensures the perspectives of all stakeholders affected by the Bill are heard and accommodated.*



2. Supporting 'Treaty-Readiness'

Council believes that success of the process is reliant on the adoption a systems approach to 'treaty-readiness' to maximise the efficacy of treaty and truth-telling efforts under the legislation. Participation in truth-telling and treaty negotiation will be a new concept for many, if not all parts of the system. Equitable access to resources, information and coordination supports will be key.

2.1 Local Government's Capacity

Local Government continues to face insurmountable resource and capacity constraints in the post COVID-19 environment. In addition, as outlined above Local Governments will face differing levels of expectations and resourcing demands dependent on their local contexts (the Cairns region has almost double the State's population average of First Peoples).

The treaty-making process and coordination of truth-telling efforts as it is described at this point time, potentially represents a significant additional servicing and coordination commitment for Local Government. Of particular concern is the level of investment that may be required from local Councils in situations of protracted or intractable treaty negotiations and the associated cost burden.

For Local Government to fulfil their potential obligations to this process, it essential that dedicated resources and specialist advice (including legal, research/data analysis, GIS technical services) are available to facilitate this involvement and are proportionate to need.

Recommendations:

- *The Queensland Government provide full disclosure on what supports will be forthcoming to allow Local Government to meet the requirements of this legislation, including a timeline describing when these supports can reasonably be expected to be available.*
- *Local Government are provided with access to specialist and technical expertise and coordination support to ensure that meaningful treaty negotiations are undertaken in a manner that reflects that described in the bill.*
- *The Queensland Government considers the provision of mediation and other forms of dispute resolution should treaty negotiations not result in a favourable outcome for any/all parties or those that face protracted resolution.*
- *That Queensland Government adequately resource the Queensland Local Government Association to represent/advocate on behalf of the cross-cutting or shared issues affecting individual Councils.*

2.2 First People's Capacity to Engage with Local Government

As outlined above, the Cairns LGA has a significant population of First Peoples with an enduring cultural connection to the region. However, recent research by James Cook University and Cairns Regional Council related to COVID-19 impacts and responses in the Cairns LGA, has highlighted that there is a critical capacity gap due to the absence of a local coordination mechanism to ensure inclusion of perspectives from First Peoples within the region (CRC, 2022).¹

Additionally, the Treaty and Truth Telling process has the potential to be highly complex. Engagement in these types of issues may be unfamiliar to many First Peoples, including representative bodies and indigenous community organisations, and navigating this system may be challenging.

To ensure all parties can participate in a meaningful and equitable manner, in addition to resourcing, adequate and coordinated supports must be made available to ensure all parties are 'treaty-ready'.

¹ *Impact of COVID-19 on the Cairns Local Government Area*. 2021. James Cook University, Cairns.
Cairns Regional Council

Recommendations:

- *First Peoples, including Traditional Owner groups, are provided with access to capacity building, governance, and resourcing support to navigate the treaty-making process.*
- *That a regional coordination mechanism be established to provide advice and carryout tailored engagement to ensure the full spectrum of First People's perspectives are captured, accounting for those most often marginalised from such processes.*

2.3 An Appetite for Treaty

As highlighted above, the Path to Treaty Bill 2023 represents a commitment that is beyond existing service delivery for Local Government. Local Governments are directly accountable to all members of their local communities – and are particularly held to account in challenging times such as the current fiscal environment in which there are multiple and competing demands.

It is vital that ratepayers and the broader community have access to clear and objective information about the legislation and the treaty and truth-telling processes and the potential obligations and requirements of Local Government in these processes. This information will help to create a more informed community narrative and foster community receptiveness to participation. This approach will also assist in mitigating unforeseen adverse effects, such as a decline in community cohesion.

A clear and concise public awareness campaign will help to build community appetite for treaty and to maintain clarity should concurrent processes occur, such as the national referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

Recommendation:

- *The Queensland Government deliver a broad and far-reaching public awareness campaign to provide the general population with clear information about the legislation to assist in managing community expectations and concerns relating to the treaty and truth-telling processes. This should include defined responsibilities for both the State and Local Government while preparing for and participating in treaty negotiations and truth-telling processes.*

We thank you for your consideration of the recommendations above and we would welcome the opportunity to discuss the matters outlined in more detail. Should you have any further enquiries or require additional information, please contact Destry Puia, Director of Lifestyle & Community, Cairns Regional Council on [REDACTED] or via email at [REDACTED]

Yours sincerely



Cr Bob Manning
Mayor