

Path to Treaty Bill 2023

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Submitted by:	Local Government Association of Queensland (LGAQ)
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Submitter Comments:	

17 March 2023

Ms Corinne McMillan MP
Chair
Community Support and Services Committee
Member for Mansfield
Email: cssc@parliament.qld.gov.au

Dear Ms McMillan,

RE: LGAQ Submission – Path to Treaty Bill 2023

The Local Government Association of Queensland (LGAQ), as the peak body for Queensland's 77 councils, welcomes the opportunity to provide feedback to the Queensland Government's Path to Treaty Bill 2023 (the Bill).

Queensland local governments, including 17 First Nations councils, service and support over 237,000 Aboriginal and Torres Strait Islander people in Queensland. Understanding the significant legal, social and cultural responsibilities within their communities, local governments are committed to supporting First Nations peoples and strengthening community relationships on the path to reconciliation.

The LGAQ and Queensland local governments understand the imperative to take meaningful action towards reconciliation and are supportive of the State Government's commitment to introduce legislation formalising a Path to Treaty within Queensland. Establishing a First Nations Treaty Institute and Truth-telling and Healing Inquiry will be important initial steps to progress beyond symbolic gestures to concrete actions.

Although the Path to Treaty is recognised as an important component of the journey, local government in Queensland do broadly seek that State Government considers the following:

- Develop appropriate material for Queensland communities on each of the three elements of the Uluru Statement from the Heart (Voice, Treaty and Truth) so the public can understand the proposals and make informed decisions, particularly noting how the State's Bill links to the elements of the Uluru Statement from the Heart.
- Conduct meaningful consultation with local governments, including First Nations councils, to ensure frameworks for treaty negotiations consider the potential impacts on their legislative and reporting requirements.
- Ensure meaningful consultation is conducted with local governments on the proposed strategies to engage with local Aboriginal and Torres Strait Islander People in empowering and supporting them through treaty negotiations where appropriate, noting that local governments are the closest level of government to local communities.
- Consider local government representation on Advisory Committees, as noted within the legislation. Noting that to date, there has been a lack of consultation and advice sought from local government and the sector's elected First Nations community leaders.
- Ensure that membership protocols for the Institute Council, Treaty Institute and Truth-telling and Healing Inquiry include appropriate frameworks that have the necessary rigour to effectively capture grassroots feedback from the community, reflecting the diversity across the regions.
- Timelines should be carefully considered and clearly communicated for the Bill so that considered and detailed feedback can be provided by local government and local communities.

Local government in Queensland's commitment to reconciliation is reflected in the [LGAQ Policy Statement](#), with Queensland councils committed to:

- Acknowledging the links to country, knowledge, rights and roles of Traditional Owners and seeks to build stronger partnerships with First Nations people for the delivery of shared goals in natural asset management.
- Acknowledging and supporting the recognition, protection and conservation of First Nations cultural heritage.
- Supporting streamlined operational processes and procedures associated with the recognition, protection and conservation of First Nations cultural heritage to ensure they are practical, effective and cost efficient.
- The development of First Nations protocols or other measures that assist in integrating cultural heritage values into local planning instruments and development assessment processes.
- Seeking provision of appropriate housing for First Nations communities under a continuing National Partnership Agreement on Remote Indigenous Housing (NPARIH) that is environmentally appropriate, encourages home ownership and is cost efficient.
- Supporting capacity building of local individuals and groups including First Nations communities, artists, cultural organisations, businesses, community groups and other local and regional stakeholders to build a competitive visitor experience based on a destination's authentic natural and cultural assets, events and experiences.
- Supporting the establishment and maintenance of Indigenous Knowledge Centres (IKCs) in discrete and remote First Nations communities as hubs for library, cultural and social services within the communities.
- Seeking State Government's continuous support for subsidised air fares for residents of remote and discrete First Nations communities to travel to the nearest regional centre.

The commitment of local governments in Queensland to walk alongside First Nations people was again solidified when our members passed the following resolution at the 2022 LGAQ Annual Conference:

- *Resolution 29 - The LGAQ Support the Uluru Statement from the Heart, an Indigenous Voice to Parliament and the Makarrata Commission.*

In preparing this submission, the LGAQ has also received detailed feedback from Mayors and CEOs in response to proposed legislation. This feedback is captured in **Attachment 1**.

If you have any questions regarding the contents of the submission, please contact Megan Forrest, Project Manager on [REDACTED].

Your sincerely,



Alison Smith
CHIEF EXECUTIVE OFFICER

ATTACHMENT 1 – Specific Local Government Feedback

Please note: The following verbatim comments from the local government sector have been received by the LGAQ in preparing this submission. It should be noted that the below does not necessarily reflect the views of all Queensland councils or a whole-of-council endorsed policy position but does reflect the knowledge, expertise and insights of professional officers within Queensland councils.

Education and Communication

- One of the biggest challenges is that a lot of people (public and local government) don't know what the Treaty is and where it has come from. Although council was involved in initial consultations in Cairns two years ago, there was never a follow-up to provide a consultation report and key findings. The lack of closing the loop meant that there is real uncertainty as to where the concept of specifically establishing a Treaty Institute or Truth-Telling Inquiry came from. Noting that the proposal seems more reflective of SEQ rather than all the regions more broadly.
- Another key area of confusion is how this State Treaty interacts with the Federal Voice. The lack of clear communication around these elements (and lack of consultation) is resulting in many to not know about the Treaty unless explicitly involved in the process.

Local Government Engagement

- There has been a real lack of consultation with local government, in particular First Nations councils. Much of the consultation, that the group is aware of, occurred in major centres.
- Local government requirements and the additional complexities of First Nations councils requires more detailed and meaningful engagement to ensure treaty negotiation frameworks and processes consider implications. Local government is at the coalface of service delivery to local communities.
- Timelines are currently not conducive to being able to provide appropriate input into the process. Additionally, the lack of clarity and communication on the proposed timelines of the treaty process is a risk for success. Local government would need clear timelines to be able to plan effectively.

Membership Considerations

- With the Institute Council having a membership of only 10 people, how many Aboriginal and Torres Strait Islander people will there be? From where? Is it just people from the SE who identify as First Nations or will there be representation from First Nations communities? How is a small council going to effectively feedback to communities (not just to Councils, but to the people in the community)?
- Noting the model used for the Health Equity Plans that Queensland Health undertook, the department had prescribed stakeholders that they had to consult including Traditional Owners and Aboriginal and Torres Strait Islander community. There was a framework there to ensure the buy in of the community. It appears that there isn't a similar model or framework for the Path to Treaty. A framework would help also identify what is the expected role of local government involvement.

Legislative Considerations

- There is recognition that the Constitutional Amendment by Queensland Government in 2009 didn't go far enough to recognise Aboriginal and Torres Strait Islander people.
- Treaties are agreements made between individual groups and because our communities are so diverse there will be multiple treaties. These could be treaties about land use, health, economic development, etc. Our worry is that there is agreement with a specific group, there will then be another hurdle for councils to jump over (for example, a Traditional Owner decide they want an agreement with State Government through a treaty related to economic development, of which local government is part of. Which agency is going to pay for and do the work for us to be part of that agreement? Will this be yet another element that local government has to resource? Who is looking at Local Government involvement?
- There is a need to also understand the existing legislative complexities and expectations on First Nations councils. To highlight this, looking at any DA application and approval, councils must work on and consider Native Title requirements, including the "Future Acts" amendments as well as Cultural Heritage arrangements for reporting and monitoring. There are also Federal requirements for the 'Close the Gap Report' that are expected from local government.