

Path to Treaty Bill 2023

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Aboriginal law, Aboriginal tradition, Torres Strait Islander law and Ailan Kastom”; and “the importance of equality and non-discrimination.”²

The intentions and broad goals of the Bill are consistent with the *Human Rights Act 2019* (Qld) (the ‘HRA’), and will be conducive to a rights respecting culture in Queensland. The HRA preamble recognises that the right to self-determination is of particular significance to Aboriginal and Torres Strait Islander Peoples in Queensland. The HRA also recognises the distinct cultural rights held by Aboriginal and Torres Strait Islander Peoples.³ First Nations-led truth telling, healing and treaty processes could assist in the deeper realisation of these and other rights for First Nations communities in Queensland.

QCOSS understands that the establishment of the First Nations Treaty Institute and the establishment of the Truth-telling and Healing Inquiry form just part of the broader holistic Reconciliation and Tracks to Treaty work areas of the Queensland Government. QCOSS welcomes the progress made in that space.

In particular, we note that the Queensland First Nations Consultative Committee is due to “report back to the Queensland Government on the outcomes of their co-design work and recommended Indigenous voice model...”⁴

In order to give full effect to the goals of the truth telling, healing and treaty processes, QCOSS encourages the Queensland Government to remain active in this area and responsive to the recommendations of the Consultative Committee. It is vital for Queensland to develop better mechanisms to ensure law and policy reform honours and empowers the self-determination of First Nations Peoples.

We further note that the Bill also provides for changes to the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (the ‘JLOM Act’). The Bill’s Statement of Compatibility⁵ and Explanatory Notes⁶ outline that the Bill removes or amends out-dated provisions from the JLOM Act, as they 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.”⁷ Relevant rights in this respect particularly included the right to equality before the law,⁸ the right to property,⁹ and the right to privacy.¹⁰ QCOSS welcomes these rights respecting reforms.

QCOSS is not in a position to provide detailed comments on technical aspects of the Bill including the establishment of the First Nations Treaty Institute, the Truth-telling and Healing Inquiry, and amendments to the JLOM Act. We do, however, highlight the importance of co-design and consultation. In this respect, we are pleased to see the Committee will be holding public forums across a range of areas throughout Queensland. We encourage the Committee to approach this Inquiry with open minds and thoughtful engagement with Queensland’s diverse communities.

² Ibid.

³ *Human Rights Act 2019* (Qld) s 28, (‘HRA’).

⁴ Queensland Government, [Indigenous Voice](#), Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, webpage last reviewed 7 July 2022. Accessed 6 March 2023.

⁵ State of Queensland, [Path to Treaty Bill 2023 Statement of Compatibility](#), Annastacia Palaszczuk MP Premier and Minister for the Olympic and Paralympic Games, p 10, (‘Statement of Compatibility’);

⁶ State of Queensland, *Path to Treaty Bill 2023 Explanatory Notes*, pp 1-3.

⁷ Statement of Compatibility, p 3.

⁸ *HRA* s 15.

⁹ Ibid s 24.

¹⁰ Ibid s 25.

Principles of free, prior and informed consent, derived from the United Nations Declaration on the Rights of Indigenous Peoples should be used as a framework for engagement. We also encourage the Committee to adopt similar mechanisms to consultation and co-design which underscored the development of the Bill, particularly if any potential amendments are to be proposed.

QCOSS is fundamentally committed to supporting the Path to Treaty and the full realisation of human rights of First Nations Peoples. We strongly support and warmly welcome the Bill.

Thank you again for the opportunity to provide our submission on the Bill. If you have any questions, please contact Aimee McVeigh, Chief Executive Officer at [REDACTED].

Yours sincerely



Aimee McVeigh
Chief Executive Officer