

## Path to Treaty Bill 2023

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17 March 2023

Committee Secretary  
Community Support and Services Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Community Support and Services Committee

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is the peak body representing, advocating for and supporting over 35 members who are Aboriginal and Torres Strait Islander community controlled organisations delivering child protection and family support services in Queensland. We work with communities, practitioners and policymakers to promote and advocate for the rights, safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and their families.

We are pleased to provide this submission in relation to the Path to Treaty Bill 2023. We recognise the Queensland government for the substantive work that has been undertaken to achieve such a monumental change for Queensland. As an Aboriginal and Torres Strait Islander Peak Body, engaged with our members across the state we know that government recognition and support of self-determination is essential to ensure that we can address many of the complex issues we face including the ongoing impacts of intergenerational trauma.

In Queensland we have been fortunate to have developed the Our Way Strategy a generational strategy for Aboriginal and Torres Strait Islander children and families. Our Way is a 20 year whole of government strategy to close the gap in life outcomes for Aboriginal and Torres Strait Islander children and families. It seeks to set the foundations for change across the whole of government including child protection in Queensland to support Aboriginal and Torres Strait Islander children to grow up safe, loved and cared for in family, community and culture. Its ultimate goal is aligned with that of many of the Close Gap targets including reducing the over representation of Aboriginal and Torres Strait Islander children in care by 2030.

Unfortunately, despite many of our efforts the numbers of Aboriginal and Torres Strait Islander children entering out of home care have grown in the past five years from being 41.6% of all children on child protection orders in 2015 to being 43.7% of all children on child protection orders in 2020. These figures mean too many of our children do not live at home with their families, with both Aboriginal and Torres Strait Islander children and their families experiencing the deprivation of contact and cultural connection as result.

A recent evaluation of the Our Way Strategy in Queensland found that the intent of Our Way will only be achieved following the breakdown of bureaucratic barriers leading to improvements across the social determinants of health and wellbeing for Aboriginal and Torres Strait Islander peoples in Queensland.

There are many factors that result in poor social determinants for our families, but one of these is the failure to address many of the drivers of poverty and inequality that are acutely experienced by our families largely because of the generational impact past government policies including the forced removal of their children and the forced withholding of wages for generations of our people within Queensland.

Breaking the cycle of intergenerational trauma and poverty is the key to being able to reduce the numbers of our children entering child protection systems. We know that cultural continuity, living in stable and loving homes and having a strong identity enable children and young people to grow up and be able to participate in education and employment, growing the productivity of our state and country.

One of the greatest problems in getting whole of government commitment to addressing these overarching drivers is the lack of insight about how present challenges faced by First Nations children's young people, families and communities is deeply rooted in the past.

Not surprisingly the Treaty Working group found in their work in talking about treaty with communities that it "revealed a limited understanding amongst non-Indigenous Queenslanders about the history of their state and a deep desire for awareness about the historical treatment and experiences of First Nations peoples to be strengthened"<sup>1</sup>

It is therefore heartening that the Treaty legislation introduces a Truth-telling and Healing Inquiry to inquire into, and report on, the effects of colonisation on Aboriginal and Torres Strait Islander peoples. This will be an important first step across our state in gaining a deeper understanding not only of the past injustices laws and processes that led to the forced removal of our children and decimation of our communities, but how the state and its actors such as police, education and child welfare were the means to ensure that these laws were upheld.

Unfortunately, our history and our continued failure to address this in a meaningful way has resulted in many of the past racially discriminatory practices being systemically still embedded in many of the policies of our institutions in the present and only with truth telling and education can many of these issues finally be highlighted and changed. The truth telling and healing inquiry will play a significant role in both not only hearing these issues but formulating the broader suite of changes and policies that will need to be enacted to ensure effective treaties can be negotiated.

We are deeply supportive of the process of treaty making for our communities. We see it as an important means to build our children's futures to ensure their cultural continuity and that they are given every means to have a strong and proud identity. This is critical to their social, emotional, spiritual, physical and cultural wellbeing.

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<sup>1</sup> Path to Treaty Report, 2020, pg. 5

However, much care needs to be taken to ensure our children and young people's voices are heard in this process and that they too get to tell their truths not just about the past but also about what is happening to them in the present. Unfortunately, too many of our children and young people are subject to racism in their schools, communities and in many cases in the state-based institutions that are meant to support them such as out of home care facilities and youth detention facilities.

Our children and young people will also be not only the beneficiaries of treaties but will be the future of upholding and delivering on the treaty aspirations of their community, so we urge the inclusion of the voices of our children and young people in these discussions and suggest that the legislation is amended to enshrine that one of the treaty council is a young person.

Our young people have worked with QATSICPP to develop a guide to support governments, research institutes and organisations to understand how to best engage them in the development of public policy. The Solid Voices of Tomorrow Guide<sup>2</sup>, co-authored with our young consultants, sets out a framework to support the ways to ensure our young people are included, heard and their voices create improved responses.

As our young people point out in the introduction to this guide "We are the solutions" and we therefore seek for greater involvement of them and the place they have in guiding their own future in this legislation.

The Queensland government has committed to the Close the Gap agreement and to implement the four priority reform areas of building and strengthening formal partnerships that empower Aboriginal and Torres Strait Islander peoples to have self-determination; increasing investment and building a strong community controlled sector; transforming government organisations, increasing their accountability to First Nations people and enabling systems to uphold indigenous data sovereignty including increasing data sharing .

The treaty negotiations are a significant opportunity to align these agreements and we commend the government on the legislation as a means to upholding many of these commitments including the government's commitment to building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments to accelerate policy and place-based progress against Closing the Gap.

Given that many of the targets are not on track or in some areas such as eliminating the over-representation of First Nations children in child protection, worsening, aligning the treaty legislation and treaty commissions objectives to uphold these four priority areas will be an essential objective to being able to turn the tide on years of decision making that has sidelined Aboriginal and Torres Strait Islander knowledge and wisdom in policy and expenditure decisions.

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<sup>2</sup> <https://coe.qatsicpp.com.au/wp-content/uploads/2022/11/Solid-Voices-of-Tomorrow-Guide-FINAL-NOVEMBER-2022.pdf>



For QATSICPP at the foundation of our organisation is the commitment that our children have the opportunity to fully realise their rights and have access to all of the resources that they require to live a full and happy life.

For too long service systems have not been tailored to meet our need despite Aboriginal and Torres Strait Islander children being our most disadvantaged in Australia, with gaps noted across socioeconomic indicators including health, education and safety.

The introduction of the Path to Treaty Bill and the establishment of the First Nations Treaty Institute to support our communities to commence treaty negotiations alongside the establishment of a truth and healing inquiry will go a long way to finally address many of these issues.

Self determination is the key ingredient to empowering our communities with the resources, voice and processes to ensure their children's future on their own terms. This bill is an important step in realising this outcome.

Yours sincerely,



GARTH MORGAN  
Chief Executive Officer