

Path to Treaty Bill 2023

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Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane Qld 4000
By email only: cssc@parliament.qld.gov.au

Submission regarding the Path to Treaty Bill 2023 (Qld)

Dear Committee Secretary,

About our organisation and sector

Community Legal Centres Queensland ('CLCQ') is the peak body representing 32 funded and unfunded community legal centres ('CLCs') across Queensland. Our vision is for a fair and just Queensland. Our mission is to be a voice for the sector, to lead and support CLCs to deliver quality and accessible services to vulnerable and disadvantaged people, and bring about change. CLCQ relies on and appreciates the direction and expertise of the CLCQ First Nations Reference Group, made up of First Nations representatives from members of Queensland CLCs.

CLCs are independently operated, not-for-profit, community-based organisations that provide free legal advice to disadvantaged and vulnerable Queenslanders, including First Nations peoples as a priority client group under the National Legal Assistance Partnership Agreement (NLAP), to which the Queensland Government is a signatory.

Thank you for the opportunity to provide feedback on the Bill, and for the extension.

Contact: Rosslyn Monroe, Director

We pay our respects to the Aboriginal and Torres Strait Islander ancestors of this land, their spirits and their legacy. We acknowledge the Traditional Owners of the Jagera and Turrbul lands on which this submission was written, and pay our deepest respects to Elders past and present, and their continuing connection to lands, waters, and communities, and acknowledge that sovereignty was never ceded. We walk together on a shared journey of reconciliation where the diversity of Aboriginal cultures and communities and Torres Strait Islander cultures and communities across Queensland are fully recognised, respected, and valued by all.

The importance of Treaty

Queensland's colonial history and the associated violence inflicted upon Aboriginal and Torres Strait Islander Peoples, Communities, and culture, continue to have a profound contemporary impact. Queensland must take strong steps to address the systemic and structural disadvantages First Nations Peoples and communities continue to face. Treaty is a strong foundation for this work.

CLCQ encourages and supports all steps towards Treaties as a vital step in recognition and reconciliation with First Nations Peoples. The First Nations peoples of the lands now known as Queensland have distinct identities, cultural traditions, and histories going back 65,000+ years.

Following the arrival of European colonists, and forceful establishment of their systems, oppressive laws and regimes were introduced which: restricted where First Nations peoples could live, hunt, subsist and travel, and who they could marry; forced First Nations peoples from Country and on to missions and reserves, dispossessing peoples of, and stealing, lands; established the Queensland Native Police in 1864, which over its forty-year existence were directly responsible for the deaths of 40,000 First Nations men, women, and children, and turned a blind eye to the murder and massacres of thousands more; limited or stopped rights to employment and wages and self-determination; prohibited the practise of culture, cultural lore, and use of traditional languages; violently removed children from their families and Country, resulting in the Stolen Generations and the marginalisation and destruction of First Nations social structures.

The use and misuse of law and legal proceedings against First Nations peoples and communities implemented and embedded structural disadvantage and oppression, fed intergenerational trauma, and is associated with contemporary overrepresentation within the legal system. CLCQ submits that Treaty is an important step in addressing the disadvantages experienced by and inflicted upon First Nations peoples in the Queensland justice and legal systems.

Barriers for First Nations peoples accessing legal assistance services include distrust of the system. More must be done by systems to dismantle these barriers through demonstrating a commitment to meaningful work and safe support. Treaty is an important foundation for this work by the government. This work must be meaningful, and in genuine partnership with First Nations communities. It is no longer acceptable for systems and services to misunderstand and overlook First Nations peoples' strong and interconnected cultural bonds to kin, culture, land and Country.

CLCQ, in representing community legal centres across the State who work with the most vulnerable and marginalised people and community, sees the profound impacts of colonisation from oppressive laws, and policy initiatives that did not consult or consider the needs of local First Nations people. CLCQ notes the responsibility and commitment of the Queensland legal assistance sector to address the unique disadvantages First Nations peoples experience and are subjected to in our legal system. Our support for this Bill reflects the Queensland Legal Assistance Strategy 2020 – 2025 which acknowledges:

- First Nations peoples often experience multiple layers of disadvantage, having a compounding effect on vulnerability to legal problems
- The multiple layers of disadvantage First Nations peoples experience often compound the challenges with accessing justice to address legal problems
- First Nations peoples are almost twelve times more likely to be imprisoned than non-Indigenous people

Strong, foundational work through Treaty is needed to rebuild systems that centre culture, and which respect and recognise lore as well as law. CLCQ defers to the specialist legal and content knowledge of our members and Reference Group, who see the impacts everyday of the disconnection from land and culture that has continued to devastate in contemporary legal processes.

In preparing this submission CLCQ sought advice, including from the CLCQ First Nations Reference Group. Comments emphasised the importance for Treaty in how the government determines:

- Amendments to Youth Justice which disproportionately impact First Nations young people;
- Decisions to challenge or support 'connection to land' in Native Title applications; it needs to be recognised that repeated government opposition to Native Title claims will inevitably detract from the intentions of the path to Treaty and reconciliatory pathways.

Other comments concerned the risk of breaching trust with communities through siloing the Treaty from all other actions of the Government. CLCQ is supportive of the efforts of the Queensland Government in the Pathway to Treaty process and Bill. However remains cautious of the risks that Treaty may be considered as a policy or approach in isolation to other laws. Treaty must be central to all decisions made, and safeguard against a climate where policy is designed and implemented inconsistently with the reconciliation pathway.

CLCQ also supports this Bill as it reflects the *Human Rights Act 2019* (Qld). The *Human Rights Act 2019* specifies that First Nations peoples hold distinct cultural rights as Australia's first people, and recognises the significance and special importance of self-determination for the Aboriginal and Torres Strait Islander peoples of Queensland. Treaty will ground the intentions of the *Human Rights Act 2019* in hearing and understanding the truth about our history, and engage in genuine negotiations for acknowledgment and to pathways forward.

A First Nations Institute to support Aboriginal and Torres Strait Islander Peoples to develop and provide a framework for Aboriginal and Torres Strait Islander peoples to prepare for and then commence treaty negotiations with the Queensland Government:

CLCQ supports this.

A Truth-telling and Healing Inquiry to inquire into, and report on, the effects of colonisation on Aboriginal and Torres Strait Islander peoples:

An understanding of colonisation and the impacts is essential in order to meaningfully recognise the contemporary challenges for First Nations peoples, to avoid contributing to the associated discrimination and disadvantage, and to work against systemic oppression established as part of colonisation.

CLCQ supports this.

The rights and history of Aboriginal and Torres Strait Islander peoples are acknowledged and responded [to] in accordance with the *Human Rights Act 2019* (Qld) and the United Nations Declaration on the Rights of Indigenous Peoples:

CLCQ supports this.

The Treaty Institute Council and members are required to have particular regard to the interests of Aboriginal peoples and Torres Strait Islander peoples:

CLCQ supports this.

The Treaty Institute CEO must be an Aboriginal or Torres Strait Islander person, and the appointment of Treaty Institute Council members must have regard to the cultural diversity of Aboriginal and Torres Strait Islander peoples:

CLCQ supports this.

The Truth-telling and Healing Inquiry members must have at least one Aboriginal person and one Torres Strait Islander person, and the majority of members are Aboriginal or Torres Strait Islander:

CLCQ supports this.

The Truth-telling and Healing Inquiry members are required to have particular regard to the interests of Aboriginal peoples and Torres Strait Islander peoples:

CLCQ submits that the Truth-telling and Healing Inquiry members must have regard to the interests of Aboriginal peoples and Torres Strait Islander peoples, not only particular regard.

Otherwise, CLCQ supports this.

The Truth-telling and Healing Inquiry must have regard to Aboriginal tradition or Ailan Kastom during truth-telling session:

CLCQ defers to the knowledge, expertise and preferences of the membership of First Nations peoples regarding the suitable practices to enhance cultural safety of the Inquiry.

We ask that the Community Support and Services Committee recommend this Bill, with full consideration of the submissions from First Nations representatives, advocacy groups, and community members.

Yours faithfully



Rosslyn Monro
Director

