




Speech By  
**Ann Leahy**

**MEMBER FOR WARREGO**

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### **PATH TO TREATY BILL**

 **Ms LEAHY** (Warrego—LNP) (4.51 pm): I rise to contribute to the debate on the Path to Treaty Bill 2023. I would like to thank the members of the committee from both sides of the House for their consideration of the bill and the staff who assisted the parliamentary committee. Given that this is the first bill of its kind in Queensland, they had a significant task to consider this legislation within eight weeks. Before going into detail on the bill, I would like to also acknowledge the mayors and councillors of the 17 Indigenous councils who service and support over 237,000 Aboriginal and Torres Strait Islander people in Queensland. These people need support in their communities, just as any other town or any other community in Queensland needs support.

I have also had the pleasure of meeting regularly with the Torres Cape Indigenous Council Alliance which consists of 15 local government authorities from across the Torres Strait, Cape York and the gulf region of Far North Queensland about their challenges and suggested solutions to those challenges. One of the great challenges they face is housing and ageing infrastructure issues with water and sewerage. As the shadow minister for local government, I have visited a number of these Indigenous councils—Yarrabah, Doomadgee, Palm Island and Woorabinda. My parliamentary colleagues the members for Whitsunday, Surfers Paradise and Everton have also visited the community of Mapoon on the Western Cape. My other parliamentary colleagues the member for Gregory and the member for Nanango have discrete Indigenous communities in their own electorates. I, too, have a significant number of Indigenous people who live in my electorate.

I want to touch quickly on recommendation 13 of the parliamentary committee report. It says—

The committee acknowledges the important role education plays in creating an accurate historical discourse and in normalising language and culture and recognises that it is the Queensland Government's responsibility to educate the Queensland community.

There is a school in my electorate, St Patrick's School in Mitchell, where the children, Indigenous and non-Indigenous, have been learning Gunggari language. The teachers give instructions in Gunggari, they say their morning greetings in Gunggari, they say their school prayer translated into Gunggari and other prayers like Our Father. The children also participate in Anzac Day, reading parts of the service in Gunggari language. This is all due to the influence and work of a local elder whom I was privileged to know, Aunty Irene Ryder, who sadly passed away in 2015. The community of Mitchell and St Patrick's did not need a treaty or a school curriculum changed; they just did it. For the last nine years they have been teaching that language in their school.

I return to the explanatory notes. Path to Treaty is a shared journey between the Queensland government, Aboriginal and Torres Strait Islander peoples and the non-Indigenous Queenslanders, a key reform with the ultimate goal of negotiating treaty or treaties that will reclaim and strengthen the relationship between Queensland's First Nations and the wider community.

The path to treaty is going to be complex. It may not be one single treaty; it may involve hundreds of treaties between various First Nations people and between First Nations people and the state government that will likely take a very long time and significant additional funding to achieve. This raises a question particularly for Indigenous people who have already negotiated ILUA agreements over pastoral land and Crown lands. There are ILUAs in my electorate and I know there are many here in North Queensland. In summary, an ILUA is a voluntary agreement between native title parties and other people or bodies about the use and management of land and/or waters. Perhaps in the summing-up the minister might advise the House where the ILUAs will sit in the Path to Treaty going forward so that we can all be clear on where these contracts sit within the new legislation in the future. Path to Treaty must be open and transparent so that all Queenslanders have awareness of its implications for them.

A further matter which I have questions about is the timing of the bill and its links to the Uluru Statement from the Heart. Why is the Path to Treaty Bill, which we are debating here today, happening before the referendum later in the year? Should the referendum be successful, will there be implications for this legislation? Will this legislation have to be amended in the future?

The LGAQ raised similar concerns in their submission to the committee. They said—

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.

Perhaps the minister could provide some advice to the House on this question, as it is of interest to all Queenslanders. How does this treaty legislation link into that Uluru Statement from the Heart?

I also note that the timings have resulted in some difficulties for stakeholders. The statement of reservation referenced the following—

When we look at the community visits, the forums, the committee inquiry, the ongoing work of the Interim Truth and Treaty Body, I detect some consultation fatigue.

The statement went on further to say—

At most public forums participants expressed frustration at the lack of notification of the committee's inquiry and our attendance, in particular the committee experienced poor attendance in Weipa, Longreach, Woorabinda and Inala.

Path to Treaty must focus on practical measures to close the gap and deliver real outcomes for Indigenous Queenslanders. I note that there is a significant amount of feedback from the local government sector received by the LGAQ during their preparation of their submission. These views are from councils. They are not endorsed policy positions of the LGAQ, however they need to be brought to the attention of this House. Council has expressed concern that—

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 a real uncertainty as to where the concept of specifically establishing a Treaty Institute or TruthTelling Inquiry came from. Noting that the proposal seems more reflective of SEQ rather than all the regions more broadly.

The councils have also said that there is a lack of consultation with local government, in particular the First Nations Council. Much of the consultation that the group was aware of occurred in the major centres. The local government requirements and the additional complexities of First Nations councils require more detailed and meaningful engagement to ensure the treaty negotiation frameworks and processes consider implications. Local government is at the coalface of service delivery to local communities, as are those 17 Indigenous councils.

They also raised the question: with the Institute Council having a membership of only 10 people, how many Aboriginal and Torres Strait Islander people will be there? Where will they be from? Is it just people from the south-east corner who identify as First Nations, or will there be representation from First Nations communities? How is a small council going to effectively provide feedback to their communities—not just to the councils, but also to the many thousands of people who live in their communities?

The councils also raised issues around the treaties and the agreements that will be made between individual groups. Because their communities are so diverse, will there be multiple treaties? These could be treaties about land use, health or economic development. Their worry is that if there is agreement with a specific group, there will be another hurdle for councils to jump over. For example, if a traditional owner decides that they want an agreement with the state government through a treaty related to economic development which the local government is part of, which agency is going to pay for and do the work for them to be part of the agreement? Will this be yet another element for local government to resource? Who is looking at the local government involvement?

There is also a need to understand the existing complexities and expectations on First Nation councils. To highlight this, just look at any DA application or 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. These concerns have come from councils. I ask that the government engage better with this sector and ensure that their concerns are appropriately addressed.