

Have your say about Path to Treaty - Path to Treaty - online submission

The purpose of this online survey is to collect your comments, opinions and ideas about a treaty or treaties. This survey is being conducted by the Queensland Government.

Please note: There is a 45-minute time limit for completing this survey from the time you start filling it out.

1. TELL US A LITTLE ABOUT YOURSELF

D1. Do you identify as an Aboriginal or Torres Strait Islander Queensland? non-Indigenous

D2. Age? 45-54 years

D3. Gender Female

D4. Postcode 4001

D5. Are you responding personally or on behalf of an organisation? Organisation

2. WHAT COULD BE IN A TREATY?

Although we are just beginning of the journey for the Path to Treaty, it is important to talk about what a treaty means for Aboriginal and Torres Strait Islander Queenslanders and the broader Queensland community. Guided by the principle of self-determination, the Queensland Government won't determine who a treaty is with or what it will be about. The Queensland Government can only agree to what is within its own Constitutional powers.

Agreements or treaties founded on mutual respect and recognition and speaking the truth about our shared history are an important way to reset the relationship and to negotiate a new way of working in partnership for the Queensland Government and Aboriginal and Torres Strait Islander Queenslanders. We believe that a treaty will have benefits for all Queenslanders to help promote reconciliation, foster a shared pride in Aboriginal and Torres Strait Islander culture and help heal the wounds of the past.

Q1. What does treaty mean to you? As noted in the Discussion Paper, Australia is now the only Commonwealth nation that does not have a treaty with its Indigenous peoples. Having no historical treaty, or treaties, has been a significant disadvantage in our relationship with Aboriginal and Torres Strait Islander peoples, but also offers an opportunity to negotiate a new treaty within a contemporary context. In that context, we are empowered to acknowledge how unfair and unjust policies and practices have impacted on the health of our First Nations peoples, cultures and communities and envision new ways to move toward a shared future founded on mutual understanding. Any contemporary treaty must therefore, promote reconciliation, foster a shared pride in Aboriginal and Torres Strait Islander culture and help heal the wounds of the past.

Q2. Who needs to be involved in the path to treaty journey? 1. All Queenslanders

Q3. What would you like a treaty to achieve in Queensland? In an ideal world, a treaty between our First Nations peoples and the Queensland Government, would set the stage for a new era in race relations where First Nations citizens enjoy full and equal participation in the social, cultural and

economic elements of contemporary Queensland life, without having to forego their deep engagement with traditional cultures and practices.

Q3A. What would you like to see included in a treaty in Queensland? Involvement of First Nations peoples is an essential element of any contemporary treaty. It is imperative that any treaty be developed in collaboration with First Nations people from throughout the state. It is also essential that Government, as the elected representatives of the people, take a key role in elucidating, evaluating and harnessing the goodwill of the general population to ensure that a treaty has meaning and relevance in day to day life. Ideally, all Queenslanders should have the opportunity to participate in the treaty process at some level and, in this context, we note that the Queensland Government survey is open to all Queenslanders.

Q4. What needs to be done to support truth telling as part of this path to treaty? One of the most powerful potential impacts of a treaty between Government and First Nations people is a resetting of the relationship to focus on a shared future, distinct from the inequities and injustices of the past. As we already know that our First Nations people suffer significant disadvantage, any treaty must look toward actions that are able to reverse that disadvantage. This means a treaty must acknowledge the true history of colonial Queensland and the ramifications of that for later generations.

On a practical note, it may be useful to establish formal truth telling forums, with voluntary public participation. In our context as a union of teachers in non-government education institutions, we would also argue that schools have a key role to play in ensuring that young Queenslanders are taught the truth of our colonial history and that Government has a key role in developing curriculum and resources that allow schools to do this with accuracy and integrity.

3. HOW HAS IT HAPPENED ELSEWHERE?

The process of treaty as a means of recognising past wrongs and reframing relationships for the future has seen progress in Canada, Finland, New Zealand, Norway, Sweden and the United States. More recently states and territories in Australia have also begun their own processes.

British Columbia in Canada provides an example of a path to treaty for a modern treaty process. The British Columbia Treaty Commission is the independent body responsible for facilitating treaty negotiations.

The British Columbia Treaty Commission and treaty negotiation process were established as a result of recommendations made by the British Columbia Claims Task Force in 1991.

The Task Force was made up of 2 representatives each from the Canadian Government, the British Columbia Government and three First Nations representatives (appointed by leaders from First Nations across British Columbia at a meeting called the First Nations Summit).

The Task Force was asked to define the scope of negotiations between the parties, the organisation and process of negotiations, including the time frames for negotiations.

Q5A1. Are there elements of treaty reform in British Columbia you think could work in Queensland?
1. Yes

Q5B1-Y. Which elements of the approach taken in British Columbia would suit the Queensland landscape. The establishment of a Treaty Commission is a useful mechanism for progression of the treaty process.

Q5B1-N. Which elements of the approach taken in British Columbia would not suit the Queensland landscape.

In **Victoria**, an independent Treaty Advancement Commission has been established. The Commission's job is to maintain the momentum of the treaty process, and set up an Aboriginal Representative Body which will work with the government to develop and agree to a treaty negotiation framework.

The Advancing the Treaty Process with Aboriginal Victorians Act 2018 sets out how the Aboriginal Representative Body and the government will work together to progress the treaty process including:

- agreeing the treaty negotiation framework (this will set out the 'ground rules' for example, what is on and off the negotiating table, and who can negotiate etc.)
- establishing a Treaty Authority which will administer the treaty negotiation framework, and be an 'independent umpire' to mediate future negotiation processes.

Q5A2. Are there elements of treaty reform in Victoria you think could work in Queensland? 1. Yes

Q5B2-Y. Which elements of the approach taken in Victoria would suit the Queensland landscape. As in the case of British Columbia, the establishment of a Treaty Commission is a useful mechanism for progression of the treaty process.

Q5B2-N. Which elements of the approach taken in Victoria would not suit the Queensland landscape.

In the **Northern Territory**, the Northern Territory Joint Land Councils and Northern Territory Government signed the Barunga Agreement (which is a Memorandum of Understanding) paving the way for consultations to begin with Aboriginal People about a treaty.

An independent Treaty Commissioner has been appointed to lead the consultations with Aboriginal people and organisations across the Territory, and develop a framework for treaty negotiations. Legislation is being developed to support the Commissioner's role.

Q5A3. Are there elements of treaty reform in Northern Territory you think could work in Queensland? 1. Yes

Q5B3-Y. Which elements of the approach taken in Northern Territory would suit the Queensland landscape. Formalising the processes and procedures to be followed in development of a treaty is essential to progress. Rather than being led by a single individual however, it might be more effective to establish a multiperson Treaty Commission.

Q5B3-N. Which elements of the approach taken in Northern Territory would not suit the Queensland landscape.

In **South Australia**, an independent Treaty Commissioner was appointed to undertake broad consultation on a suitable framework to further treaty negotiations between the South Australian Government and Aboriginal people, and provide advice to the Minister on a framework.

Following a change of government the treaty process did not continue. There is no path to treaty in place.

Q5A4. Are there elements of treaty reform in South Australia you think could work in Queensland? 3. Don't know

Q5B4-Y. Which elements of the approach taken in South Australia would suit the Queensland landscape.

Q5B4-N. Which elements of the approach taken in South Australia would not suit the Queensland landscape.

Q5A5. Are there elements of treaty reform in other locations you think could work in Queensland?

1. Yes

Q5B5-Y. Which elements of approaches taken in other locations that would suit the Queensland landscape. A key element of New Zealand's Treaty of Waitangi was a promise, by the Crown, to protect Mori culture and to enable Mori to continue to live in New Zealand as Mori. Any treaty negotiated in Queensland should similarly pledge to protect First Nations cultures and enable Aboriginal and Torres Strait Islander people to continue to live on their home country, without being excluded from the full social, cultural and economic benefits of contemporary Queensland life. This means a treaty alone is insufficient to secure a prosperous future for Queensland's Aboriginal and Torres Strait Islander people and must be accompanied by other programs and initiatives such as development of rural, regional and remote economies, in consultation with those who live and work in those communities.

Q5B5-N. Which elements of approaches taken in other locations that would not suit the Queensland landscape.

Q6. What are the key issues in establishing paths to treaty we need to consider? One of the most powerful potential impacts of a treaty between Government and First Nations people is a resetting of the relationship to focus on a shared future, distinct from the inequities and injustices of the past. As we already know that our First Nations people suffer significant social and economic disadvantage, any treaty must also point toward actions that are able to reverse that disadvantage. This means a treaty alone is insufficient to achieve reconciliation and must therefore be supported by other government and community programs and initiatives designed to correct historical imbalances by returning power to First Nations peoples and their communities and enabling them to engage with the full social, cultural and economic benefits of Queensland life.

4. WHAT WOULD QUEENSLAND'S PATH TO TREATY LOOK LIKE?

The development of Queensland's Path to Treaty will be up to all and there are many things to consider such as:

- a treaty may mean different things to Aboriginal and Torres Strait Islander Queenslanders
- the voices of Aboriginal and Torres Strait Islander Queenslanders in urban, regional and country towns, and remote areas need to be heard in the design of the pathway
- supporting all Queenslanders to be part of this journey, as the Path to Treaty provides a significant opportunity to promote reconciliation for all Queenslanders
- how to best keep momentum going on the Path to Treaty.

Q7. What are your priorities for the next steps for the path to treaty in Queensland? In developing a treaty, it is vitally important that Government engage with Aboriginal and Torres Strait Islander people to enable them to take a full and active role in determining the next steps. The process of drafting a treaty should, therefore, involve considerable community consultation, throughout the full geographic range of the state.

Q8. *How would you like to keep the conversation going about the path to treaty?* To have maximum positive impact on relations between First Nations citizens and other community members, any treaty would need to be developed through extensive community consultation. As an organisation with an active Reconciliation Action Plan and a commitment to issues of social justice more broadly, our union would welcome the opportunity to participate in stakeholder consultations regarding the content of a draft treaty.

Q9. *Do you want a path to treaty in Queensland?* 1. Yes

10. *Do you have any final thoughts you would like to share?*

The Queensland Government is bound by the Information Privacy Act 2009.

The information you provide on this form will only be used for the purpose of informing the State Government's final position on **Path to Treaty - online submission**. We will not share your name or contact details with anyone without your consent. This consultation is a public process and any comments you provide may be published online or elsewhere and may be transmitted outside of Australia. You may wish to bear this in mind when providing your comments.

You are not obliged to provide comments and if you do so it is under the condition that you agree that your comments may be published including on the internet. We will not publish your name or contact details.

Your comments may be moderated according to our acceptable use policy.

Read our privacy statement for details.

Contact details

Contact name Path to Treaty team

Phone

Email treaty@datasip.qld.gov.au

Web address www.datasip.qld.gov.au/treaty

Publishing your response

Publish my response