

# Proclamation – *Path to Treaty Act 2023*

Explanatory notes for SL 2024 No. 42

made under the

*Path to Treaty Act 2023*

## General Outline

### Short title

*Path to Treaty Act 2023*.

### Authorising law

Section 2 of the *Path to Treaty Act 2023* (the Act).

### Policy objectives and the reasons for them

The policy objective of the proclamation is to commence the Act in full, to allow for implementation.

The purpose of the Act is to:

- establish the First Nations Treaty Institute to develop and provide a framework for Aboriginal peoples, Torres Strait Islander peoples and the State to enter into treaty negotiations, and support Aboriginal peoples and Torres Strait Islander peoples to participate in treaty negotiations; and
- provide for the establishment of the Truth-telling and Healing Inquiry to inquire into, and report on, the impacts of colonisation on Aboriginal peoples, Torres Strait Islander peoples and the history of Queensland.

Commencement of the Act will allow for the establishment of the First Nations Treaty Institute, the Truth-telling and Healing Inquiry, and the appointment of respective members.

### Achievement of policy objectives

The policy objective of the proclamation is achieved by fixing the commencement date of the Act as 26 April 2024.

## **Consistency with policy objectives of authorising law**

The proclamation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

Not applicable

## **Benefits and costs of implementation**

Commencement of the Act will allow for the establishment of the First Nations Treaty Institute and the appointment of its Council members, which will play a key role towards developing a framework for Aboriginal people, Torres Strait Islander peoples and the State to enter treaty negotiations and supporting Aboriginal peoples and Torres Strait Islander peoples to participate in treaty negotiations.

It will also allow for the establishment of the Truth-telling and Healing Inquiry to inquire into, and report on, the impacts of colonisation on Aboriginal peoples, Torres Strait Islander peoples and the history of Queensland.

The process of truth-telling will help inform the Queensland community generally and help heal the trauma suffered by Aboriginal peoples and Torres Strait Islander peoples as a result of colonisation. The process will inform treaty negotiations between Aboriginal peoples, Torres Strait Islander peoples and the State, highlight the resilience, enduring culture, law and knowledge of Aboriginal peoples and Torres Strait Islander peoples, and demonstrate how these strengths are priceless assets for Queensland.

The truth-telling and treaty processes will provide measurable economic, social, cultural and environmental benefits for Aboriginal peoples, Torres Strait Islander peoples, the Queensland community generally and the State.

The Queensland Government has established a Path to Treaty Fund as a major investment in reconciliation and healing, with returns from the fund to be used to progress Queensland's Path to Treaty.

## **Consistency with fundamental legislative principles**

The Act was developed having regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Extensive consultation was held with stakeholders, including peak bodies, local and state governments, and experts in different fields, across phases one and two of the advancement of the Path to Treaty.

The initial Path to Treaty consultation undertaken by the Eminent Panel and Treaty Working Group from 2019 focused on community engagement about what a treaty or treaties might mean to Queensland and whether there was support for treaty-

making. This included meeting with more than 1,000 Aboriginal, Torres Strait Islander and non-Indigenous Queenslanders, which included face-to-face engagements in 24 locations across the state.

In addition, the Interim Truth and Treaty Body has conducted 21 sessions across Queensland since March 2023 to gain community input into key design elements to support the establishment of the Truth-telling and Healing Inquiry and the First Nations Treaty Institute.