

# Path to Treaty Bill 2023

## Explanatory Notes

### FOR

## Amendments during consideration in detail to be moved by the Honourable Craig Crawford MP

### Title of the Bill

Path to Treaty Bill 2023

### Objectives of the amendments

The objectives of the amendments are to address recommendations and issues raised in Report No. 30 of the Community Support and Services Committee (the Committee).

### Achievement of the policy objectives

To achieve the policy objectives, amendments are proposed to clauses 1, 19, 37, 42, 55, 60, 87 and to the Schedule (dictionary) in the Path to Treaty Bill 2023 (Bill).

As recommended in Recommendation 10 of the Committee Report No. 30, clause 55(1)(d) will be omitted. This omission will remove a mandatory disqualification of a person who has previously been convicted of an indictable offence from becoming a member of the Treaty Institute Council or senior executive officer of the Treaty Institute. To give effect to Recommendation 10, consequential amendments to clauses 19, 37, 42, 55, 60 and Schedule 1 (Dictionary) in the Bill are also required.

As recommended in Recommendation 15 of the Committee Report No. 30, clause 87 will be amended to include provision for a review at 12 months after the commencement of the Truth-telling and Healing Inquiry (the Inquiry) to ensure the powers of the Inquiry continue to support the effective gathering of information that reveals the full impact of colonisation on First Nations people of Queensland.

Page 42 of the Committee Report No. 30 noted the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships' commitment to amend the relevant clause to clarify the policy intent that the powers of the Inquiry to compel information will

apply to the Commissioner of Queensland Police Service. An amendment to the definition of *government entity* in Schedule 1 (Dictionary) will achieve this.

## **Alternative ways of achieving policy objectives**

There is no other way to achieve the objectives.

## **Estimated cost for government implementation**

There are no additional costs to government in implementing the amendments.

## **Consistency with fundamental legislative principles**

The proposed amendments are consistent with fundamental legislative principles.

## **Consultation**

Consultation has occurred with the Interim Truth and Treaty Body who support the amendments.

## **Consistency with legislation of other jurisdictions**

Not applicable.

## **Notes on provisions**

**Amendment 1** amends clause 1 (Short title) to remove ‘Path to Treaty Act 2022’ and replace with ‘Path to Treaty Act 2023’.

**Amendment 2** amends clause 19 (Treaty Institute Council members) to insert a new sub-clause (*aa*) *if, under section 60, the Minister receives a report about the person’s criminal history—the report*. This new sub-clause provides the Minister must have regard to a person’s criminal history when considering whether to recommend a person for appointment as a member to the Treaty Institute Council.

**Amendment 3** amends clause 37 (Appointment) to include a new sub-clause (2A) *In considering whether to appoint a person as the Treaty Institute CEO, the Treaty Institute Council must, if under section 60, the Council receives a report about the person’s criminal history, have regard to the report*. This new sub-clause provides the Treaty Institute Council must have regard to a person’s criminal history when considering whether to recommend a person for appointment as person as the Treaty Institute CEO.

**Amendment 4** amends clause 42 (Appointment) to insert a new sub-clause (2A) *In considering whether to appoint a person as the Treaty Institute secretary, the Treaty Institute Council must, if under section 60, the Council receives a report about the person’s criminal history, have regard to the report*. This new sub-clause provides the Treaty Institute Council

must have regard to a person's criminal history when considering whether to recommend a person for appointment as person as the Treaty Institute secretary.

**Amendment 5** amends clause 55 (Disqualification of Treaty Institute Council members and senior executive officers) to omit (1)(d) to remove the automatic indictable offence criminal history disqualification provision.

**Amendment 6** amends clause 55 (Disqualification of Treaty Institute Council members and senior executive officers) to omit the words 'persons term of office' and replace with 'term of the person appointment'.

**Amendment 7** amends clause 55 (Disqualification of Treaty Institute Council members and senior executive officers) to omit the words 'Note— For the requirement to give notice of a change in a person's criminal history, see section 61'.

**Amendment 8** amends clause 55 (Disqualification of Treaty Institute Council members and senior executive officers) to insert a new sub-clause (2A) *A person is disqualified from continuing as a member of the Treaty Institute Council or as a senior executive officer if, during the person's term of office, the person is convicted of an indictable offence.*

*Note— For the requirement to give notice of a change in a person's criminal history, see section 61.*

**Amendment 9** amends clause 55 (Disqualification of Treaty Institute Council members and senior executive officers) to omit the words 'Also, a person' and insert 'A person'.

**Amendment 10** amends clause 60 (Criminal history reports) to omit the words in sub-clause (1) and replace the words in sub-clause (1) with '*This section applies if a relevant official is making any of the following decisions—*

- (a) whether to recommend a person for appointment as a member of the Treaty Institute Council;*
- (b) whether to appoint a person as a senior executive officer;*
- (c) whether a person is disqualified from continuing as a member of the Treaty Institute Council or a senior executive officer.*

And inserts in clause 60 (Criminal history reports) a new sub-clause (1A) *The relevant official may ask the commissioner of the police service for—*

- (a) a written report about the criminal history of the person; and*
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history.*

**Amendment 11** amends clause 60 (Criminal history reports) to remove the definition criminal history contained in sub-clause (5). The definition of criminal history has been moved to Schedule 1 (Dictionary).

**Amendment 12** inserts a new clause 87A (Report to Minister about particular provisions) *(1) The Inquiry must, within 12 months after the Inquiry is established, give the Minister a written report on the operation and efficacy of part 3, division 3, subdivisions 3 and 4.*

*(2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.*

*(3) The Minister must, as soon as reasonably practicable after tabling the report, prepare a response to the report and give the response to the Premier.*

**Amendment 13** amends Schedule 1 (Dictionary) to insert a definition of ‘criminal history’ that was removed from clause 60.

**Amendment 14** amends Schedule 1 (Dictionary) definition of ‘government entity’ to expand the definition to include the Queensland Police Service.