



3 August 2020

Committee Secretary  
State Development, Tourism, Innovation and  
Manufacturing Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [SDTIMC@parliament.qld.gov.au](mailto:SDTIMC@parliament.qld.gov.au)

Dear Committee Secretary

## **Nature Conservation and Other Legislation (Indigenous Joint Management-Moreton Island) Amendment Bill 2020**

### 1. **INTRODUCTION**

The Koorringal Landholders Association welcomes the opportunity to make a submission on the Nature Conservation and Other Legislation (Indigenous Joint Management-Moreton Island) Amendment Bill 2020 (the **Bill**).

The Koorringal Landholders Association is a community based organisation representing the individuals who live in Koorringal on the south-west coast of Moreton Island.

The Koorringal Landholders Association's submissions about the Bill are set out below. The headings in this submission reflect the headings used in the Bill.

### 2. **PART 2 AMENDMENT OF ABORIGINAL LAND ACT 1991**

#### 2.1 **Indigenous management agreement**

The Koorringal Landholders Association understands that as part of the Quandamooka People's native title consent determination process that was finalised in 2019, the State and the Quandamooka Yoolooburrabee Aboriginal Corporation (**QYAC**) agreed a process to work towards the joint management of Moreton Island. This agreement was ultimately recorded in a confidential document between the Quandamooka People and the State known as the State Tenure Resolution Indigenous Land Use Agreement (**ILUA**).

Part 2 of the Bill proposes amendments to designate prescribed protected areas on Moreton Island as transferable land under the *Aboriginal Land Act 1991* (Qld) (**ALA**) so that the land may be granted to QYAC as Aboriginal land.

Clause 5 of the Bill amends the heading of Part 11 to include reference to Moreton Island. This part will provide for an indigenous management agreement (**IMA**) to apply to Aboriginal land that is a prescribed protected area on Moreton Island.

Clause 6 of the Bill proposes amendments to section 169 of the ALA to provide that land management decisions between QYAC and the State must occur pursuant to an IMA entered into between the State and QYAC about the management of the land as an indigenous joint management area (**IJMA**).

Once the area becomes an IJMA, the chief executive and QYAC will then be entitled to grant certain leases, agreements, licences, permits and authorities over land the subject of an IMA with each other's consent. However, any grant must be consistent with any management plan, ILUA and any IMA.

The Koorungal Landholders Association understand that a draft IMA has already been negotiated and agreed between QYAC and the State and forms a Schedule to the ILUA. However, the terms of this agreement are confidential and not publicly available for consultation or comment.

An IMA must include the matters set out in section 170(1) of the ALA, including:

- (a) how the land is proposed to be managed;
- (b) the process for developing a management statement or management plan for the land;
- (c) details of areas of the land to which general public access may be restricted; and
- (d) how existing interests in the land will be managed and how future interests in the land will be created and managed.

Further, under section 170(2) of the ALA, the IMA must not result in a decrease, in the aggregate, in the public rights of access that existed in relation to the national park before it became an IJMA.

The Koorungal Landholders Association is concerned about the fact there is no visibility about the terms of the agreement that has already been reached between QYAC and the State about how the land is proposed to be managed, and, in particular, those areas where general public access may be restricted.

The Koorungal Landholders Association have had no visibility over this process at all, and there has been no consultation about the proposed plans for the ongoing use and management of the Island.

The Koorungal Landholders Association is particularly concerned that restrictions will be imposed on general public access to popular locations such as Reeder's Point, Cape Moreton, North Point, Honeymoon Bay, The Desert, Blue Lagoon and various other locations enjoyed by the general public on Moreton Island.

The Koorungal Landholders Association is also concerned about the terms of the IMA, and how existing interests in the land will be managed and how future interests in the land will be created and managed.

## 2.2 **Management statement and management plan**

In accordance with s 111(1) of the *Nature Conservation Act 1992* (Qld) (**NCA**), the chief executive of the Department of Environment and Science, must prepare a management statement for the IJMA jointly with QYAC, and it must be consistent with the ILUA and IMA.

Further, under section 111(2) of the NCA, the Minister may prepare a management plan for the area if the Minister is satisfied it is appropriate in the circumstances having regard to:

- (a) the importance of the area's natural or cultural resources and values;
- (b) any significant or particular threats to the area's natural or cultural resources and values;
- (c) any significant public interest concerns for the area's natural or cultural resources and values; and
- (d) the nature of any proposed commercial or recreational uses of, and opportunities for, the area and the proposed management of those uses.

As stated above, as the terms of the ILUA and IMA are confidential, the Koorungal Landholders Association does not have any visibility in relation to the future land management of Moreton Island.

### 2.3 **Consultation on draft management plan**

The NCA provides that the Minister must publish a notice about a draft management plan on the Department's website, and ensure the draft plan is available for inspection. The notice must also state the area to which the draft plan relates, and invite members of the public, including landholders with an interest in the area, to make a written submission about the draft plan within 20 business days.

The Koorungal Landholders Association submit that the Minister should provide an opportunity for it, and other landholders, to provide written submissions in response to any draft management plan associated with the IJMA before the management plan is issued in final.

## 3. **PART 4 AMENDMENT OF RECREATION AREAS MANAGEMENT ACT 2006**

### 3.1 **Permits**

Part 4 of the Bill amends the *Recreation Areas Management Act 2006* (Qld) (**RAMA**) to create new consultation requirements with QYAC before certain permits and authorities are granted within the IJMA. Examples of these requirements include consulting with QYAC and obtaining the prior written consent of QYAC for the issuing of a permit.

The Explanatory Notes to the Bill (at page 9) provide that the proposed amendments will require the chief executive and any delegates to seek comment or consent from QYAC before granting permits for activities.

The Koorungal Landholders Association support the intent of the amendments to ensure that consultation occurs with QYAC, and to increase QYAC's involvement with tourism and the development of ecotourism products on Moreton Island.

However, the Koorungal Landholders Association is concerned about how the permitting regime will work in practice in circumstances where QYAC refuse to provide consent to the grant or renewal of a permit.

The provisions should be amended to make it clear that consent will not be unreasonably refused.

4. **CONSULTATION**

The Explanatory notes to the Bill (on page 4) provide that no consultation has occurred with landholders or the businesses on Moreton Island in relation to the proposed amendments.

The Koorungal Landholders Association accept that there is a degree of confidentiality in terms of the commitments made by the State and terms of the agreement reached with the Quandamooka People under the ILUA. However, further consultation should occur between the State, QYAC and interested stakeholders on Moreton Island prior to the passage of the Bill given the significant impact that the proposals will have on the Koorungal landholders, and other landholders, on Moreton Island.

The Koorungal Landholders Association would welcome the opportunity to answer any questions the Committee might have about this submission. The contact is Paula Gill on [REDACTED]  
[REDACTED]

Yours faithfully



Paula Gill  
President Koorungal Landholders Association