



## Quandamooka Yoolooburrabee Aboriginal Corporation RNTBC

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**3 August 2020**

Dear Committee

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

Thank you for the opportunity to provide a submission, address the Committee and host a visit to Mulgumpin on the importance of the Nature Conservation and Other Legislation (Indigenous Joint Management – Moreton Island) Amendment Bill 2020 (Bill). The Bill will further secure a glad tomorrow for the Quandamooka People. For the first time in the history of the colony, Quandamooka ownership of land on Mulgumpin will once again be recognised, and further secured through Aboriginal Freehold Land covering 98% of the Island, providing for a significant increase in the protection of the rights of the Quandamooka People. Quandamooka People lodged their original claim for Moreton in January 1995, as part of the broader Quandamooka Country claim.

This Bill secures the State Government commitments made and authorised as part of the consent determination of the Quandamooka People #4 QUD 601/2014 native title claim. The determination was made on 27 November 2019 in *Anderson on behalf of the Quandamooka People (Mulgumpin/Moreton Island Claim v State of Queensland (No 2) [2019] FCA 2001*.

Through its implementation, the Bill represents a significant opportunity to redress the many injustices which occurred during early colonisation of Mulgumpin, including the massacres of Quandamooka People. Quandamooka People look forward to working on a more inclusive future for Quandamooka People on Mulgumpin, which respects them as owners and keepers of

the knowledge and stories of Mulgumpin. While the Bill is only a beginning, QYAC submits that when the North Stradbroke Island Protection and Sustainability Act 2011 was considered in Committee, none of the recent track record of QYAC delivering self-determination through native title was proven. The Committee can now have confidence when recommending to pass this legislation that QYAC has a proven track record of taking Native Title and working to deliver real outcomes, for culture, nature and our community. Self determination has many pathways, and for Quandamooka People, native title has delivered significant positive outcomes.

### **Quandamooka People**

The Quandamooka People are the Aboriginal Peoples (Nunukal, Ngugi, and Goenpul) of the Moreton Bay and Bay island (Quandamooka) area. They are people of the land and sea (Yoolooburrabee).

*Wanyayi ngali yadni Quandamooka Budjong Djara. Yura nariba bing wanga, Quandamooka Dege gingin gorumba.*

### **Quandamooka Country**

The Quandamooka territory (see Map), known as “Country”, comprises the waters and lands of and around Mulgumpin, Minjerrabah, the southern Moreton Bay islands and South Stradbroke Island. It includes the mainland from the mouth of the Brisbane River, Wynnum, Chandler, Lytton, Belmont, Tingalpa, south to Cleveland and the Logan River. Parts of Quandamooka “Country” exist in four Queensland local government areas – the Brisbane City Council, Redland City Council, Logan City Council and Gold Coast City Council.

### **QYAC**

Quandamooka Yoolooburrabee Aboriginal Corporation RNTBC (**QYAC**) is the prescribed body corporate authorised by the Quandamooka People as agent to protect and uphold their native title rights, appointed by the Federal Court on two occasions, 4 July 2011 and 27 November 2019. QYAC is widely recognised as one of the larger, more successful prescribed body corporates. It has a high rate of native title holder participation with over 800 members. QYAC has never had a qualified audit, and recently was a national finalist in the AIATSIS Governance awards 2018.

QYAC is the registered Aboriginal Cultural Heritage body under the *Aboriginal Cultural Heritage Act 2003 (Qld)*.

No other organisation has been authorised by Quandandamooka Traditional Owners to represent the Quandamooka People's native title rights and interests, nor does any other organisation have a statutory role in protecting Quandamooka Peoples' cultural heritage.

### **Native Title Funds**

All of the Quandamooka Native Title funds have been held in trust in a separate financial bank account and accrued interest since receipt. Every QYAC audit report has reported on the increase in funds, and the fact that none of the capital or interest has ever been spent, as there has been no authorisation for expenditure. This is reported upon annually in our Annual Report and is publicly available and reported through the ORIC website. QYAC has not traded at a loss. QYAC is not insolvent, nor has it traded while insolvent, a fact that is abundantly clear on its audited annual financial statements which are publicly available.

It is damaging to QYAC's reputation to have a member of this Committee, Mr Krause, say on public record as part of the transcript for this committee:

*"I refer to the latest financial report for the corporation QYAC from its AGM, **which showed they are \$1.6 million in the red**"*

It is not clear how this conclusion is reached nor what information has been sourced to enable this view to be formed. To say QYAC is in the red damagingly misrepresents QYAC's financial position and demonstrates a lack of understanding on how to interpret the financial statements of a prescribed body corporate where members funds are held on trust until authorisation is obtained to direct QYAC how to manage these funds.

The auditor personally attended and spoke at our AGM to our audited financial statements and took questions from members present. The audited financial statements tabled at our AGM clearly shows QYAC was profitable, QYAC subsidiary entities traded at a profit, the balance sheet of QYAC and QYAC's subsidiaries are a net asset position.

QYAC formally requests that our submission be referred to the Speaker in accordance with Part 10, Standing Rule 280(1) of the Queensland Parliaments' Standing Rules and Orders for appropriate response in the Committee report, and any such further appropriate action to be taken with respect to the members bringing the financial reputation of QYAC into disrepute without any factual basis. Our audited annual financial statements are a matter of public record, and there is no such statement in our annual financial statements, or anything like it. QYAC requests that the member seriously consider withdrawing the statement.

The emphasis of matter in our 2018 – 2019 financial statement, relates to the over \$8 million held in member liabilities, not general liabilities. They are not tax, credit or trade liabilities, and are not able to be called upon without the appropriate authorisation. The remainder relates to bookings held in advance for camping, but not yet taken. This is why there was no qualification of our audit as our auditor understood the technical nature of the matter, unlike some in the

press or Parliament. The bottom line is that our audited financial statements demonstrate an organisation with plenty of assets and cash at hand, and far from “\$1.6 million in the red”.

### **QYAC Strategic Priorities**

QYAC has a Strategic Plan developed through member consultation which articulates the clear priorities of the members, and ensures that the assets and funds of the corporation are applied to those priorities in accordance with the Rulebook of the corporation. This applies to all funds, including those which are not native title funds.

The priorities are:

- Secure the Quandamooka Estate
- Engage the Quandamooka People
- Nurture Quandamooka Knowledge
- Encourage Innovative thinking

QYAC’s annual report provides detailed information on the implementation of the above strategic priorities.

### **Quandamooka People and Mulgumpin Environment**

Quandamooka People hold the creation stories for Mulgumpin, the stories of its changes through geological time. Quandamooka People have cared for and interacted with the landscape throughout that time, and the scale of the middens and culturally managed landscapes bear testimony to that relationship.

The Quandamooka People have a cultural responsibility to protect and manage Mulgumpin, and have always advocated for the highest possible standards of management, noting the cultural significance of Mulgumpin and key cultural locations on the island. When the cultural and natural values of the Mulgumpin coastline were threatened by an oil spill, Quandamooka People acted quickly to ensure that the Quandamooka rangers, as led by their Elders participated in the clean up, and Quandamooka rangers have been employed on Park, and in Marine Parks over many years.

Recently QYAC has worked with the Queensland Government to jointly prepare a tentative list nomination for Quandamooka Country (including Mulgumpin and Minjerribah) to be recognised with World Heritage listing for its outstanding natural and cultural values. QYAC has worked with World Heritage experts to articulate clearly the unique relationship between Quandamooka People and their environment through enormous fluctuations of sea level, and hydrological changes, as documented through their knowledge and cultural heritage.

QYAC has enjoyed success in working with fire management agencies, land managers, and local government to reduce fire (Jahlo) risk across Minjerribah and to introduce best practice Township Fire Management Strategies. QYAC has recently hosted Mulgumpin residents, environmental representatives and business operators to experience first hand the nature of those works on Minjerribah and consider supporting a similar improved fire management outcome for Mulgumpin.

Utilising the best available science and technical information is important for QYAC and accordingly QYAC works closely with the University of Queensland, Griffith University and over 100 scientists, archaeologists and social scientists to clearly document the values and attributes of Minjerribah, and Quandamooka. QYAC facilitates discussion between scientists and Quandamooka People on key priorities to support effective natural and cultural outcomes on Quandamooka Country. This considered land and sea planning and management is supported through guidance from a Land & Sea Management Committee chaired by Emeritus Professor Darryl Low Choy.

QYAC has MOU's in place with each State agency with land management responsibilities on Minjerribah as well as the region's Natural Resource Management Body, Healthy Land & Water. These collaborations see QYAC participate in a wide range of environmental management programs, including the Local Disaster management Group, Local Biosecurity committees, Reefcheck, Mangrove Watch, Seagrass Watch, and Coastal Adaptation Planning. We are a [positive and proactive contributor to cross agency and community based decision making.

QYAC submits that this best practice approach, working collaboratively with community and leaders in their fields has enhanced the management of Quandamooka Country over the last 8 years, and been reciprocal, in enhancing appreciation of Quandamooka culture and priorities.

To visit Mulgumpin today there is little information celebrating that Quandamooka Peoples' relationship with Mulgumpin and its natural values. Even the Management Plan for the Park and local publications talk about the relationship in the past, rather than the present. There is a small plaque in a reserve and a small display within the Cape Moreton visitor centre, but little else which celebrates our unique and ancient relationship with this landscape.

On Minjerribah, QYAC has worked with QPWS, RCC, and Redlands Chamber of Commerce to create an enhanced experience where the cultural values of Minjerribah add to the unique tourism experiences being offered. This is seen as high demand in the tourism market for both in bound and domestic tourists. QYAC has consulted with the island community and key to their requests for additional experiences is high quality cultural experiences, and nature based experiences such as walks. QYAC has taken that consultation and included Mulgumpin in their planning for a Three island great walk, starting at Cape Moreton.

QYAC notes that a high end ecocultural tourism facility is a key priority and will work to enhance that offering as an adjunct to the existing tourism opportunities on Mulgumpin.

## Quandamooka People and Cultural outcomes

Uncle Bob Anderson, the Native Title Applicant, has written extensively on the cultural values and relationships of the Quandamooka People with Mulgumpin, and has led the call for the renaming of the Moreton Island National Park to Giibalam Cunungaay (Moreton Island) National Park.

Uncle Bob Anderson, and Uncle Ian Delaney, supported by many other Quandamooka Elders led the recovery of a skeleton immediately prior to the consent determination. A wide range of younger Quandamooka rangers, as well as the QALSMA cultural heritage unit were also present during this recovery. QYAC is working with the University of Queensland to investigate dating of the recovered bones, and inform appropriate repatriation.

The Island landscapes are of significant archaeological significance including an ancient stone quarry and other components of a cultural complex at Cape Moreton, and the extensive coastal middens on the western side of the island. These significant cultural features require improved management so that they are preserved for future generations rather than used as parts of roads which is sadly the case in some circumstances.

QYAC, and the Quandamooka Elders, have prioritised Cultural Heritage surveys, and ecological surveys to inform the proposed new Management Plan for Giibalam Cunungaay (Moreton Island) National Park.

The future visitors to Mulgumpin will have access to more information and quality experiences to enable them to share a cultural appreciation of the natural beauty which is Mulgumpin.

Rate for 15-64 yrs old	Employment	Participation	Unemployment
Redland Islands Indigenous	0.364	0.455	0.15
Redland City All population	0.611	0.644	0.052

## Quandamooka People and Socio economic outcomes

Regrettably, the ABS Survey of Income and Housing does not identify Indigenous status and therefore cannot be used to estimate poverty among Aboriginal and Torres Strait Islander people.

Markham & Biddle (2018) have estimated the rates of poverty in Aboriginal and Torres Strait Islander communities in different parts of the country, using census data. They use the 50% of median income poverty line and the OECD equivalence scale. They measure poverty before housing costs which usually results in poverty rates that are a few percentage points lower. Markham & Biddle caution that accurate measurement of poverty in these communities is hampered by non-declaration of income and the complexity of family structures and income-sharing arrangements (which mean that the standard equivalence scales used in poverty research are unlikely to be appropriate). Non-declaration of income is likely to result in under-

estimation of poverty in Aboriginal and Torres Strait Islander communities. Their key results show that the poverty rate for Aboriginal and Torres Strait Islander people is 31%, while poverty is twice as high in very remote communities (54%) as in major cities (24%).

Low employment rates among Aboriginal and Torres Strait Islander people contribute to their high poverty rates. According to 2016 census figures, 47% of Aboriginal and Torres Strait Islander people aged 15 to 64 years were employed compared with 72% for non-Indigenous people. Poverty gaps for Aboriginal and Torres Strait Islander people (in proportion to the poverty line) are consistent across the country, from 67% in major cities to 65% in remote areas.

A likely reason for the limited variation among poverty gaps is the role of the social security safety net in sustaining incomes among Aboriginal and Torres Strait Islander people who are out of paid work. For example, while Aboriginal and Torres Strait Islander people comprise 3% of the population, they represent 13% of those receiving Newstart Allowance and Youth Allowance (other) and 15% of Parenting Payment Single recipients.

Minjerribah (North Stradbroke Island) is within Redlands Shire Council, and Logan and Redlands Development Authority Region. It is classified by the Australian Government as remote, <https://aifs.gov.au/publications/families-regional-rural-and-remote-australia/figure1>.

Poverty in Minjerribah is therefore a function of two well understood causes of poverty in Australia, remoteness and aboriginality. As above, statistics of poverty in remote and Aboriginal areas are not very reliable and can be understood as being an underreporting of the real situation.

Based on the Regional Development Australia Roadmap figures, Quandamooka People have identified the most strategic response they can have to improving poverty in Quandamooka People living on Minjerribah is to provide stable employment, and training to ensure that the employment outcomes are transferrable.

The rates of participation in the formal labour market are lower for Aboriginal people than for non-Aboriginal. The comparison for Indigenous residents of the Redland Islands and the entire population of Redland City is 156,863.

A calculation has been made of the extra personal income that would accrue if the employment rate among Dunwich Aboriginal residents was equal to that of the entire residents of Redland City. The assumptions involved are:

- The current employment rate at Dunwich is assessed at 36.4% and at 53.4% compared with the 61.1% for Redland City
- Employment will be at the rate of average weekly earnings (AWE) (\$1,177.7 at May 2016)<sup>1</sup>
- The increase in income (marginal increase) will be the AWE less the median personal income at Dunwich (\$545 per week Census 2016)

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<sup>1</sup> ABS, - Average Weekly Earnings, Australia, May 2016, Cat No 6302.0

- A growth rate in earnings of 1.7% per annum

In the 8 years QYAC has been working to deliver outcomes through the previous ILUA and IMA, the employment outcomes are:

Team	2011	2019
QPWS	4	8
QYAC NBD	0	6
QYAC Community		5
Minjerribah Camping Rangers	0	3
IAS/EHP	0	9

*Minjerribah Camping – QYAC owned business*

Year	Total staff	Indigenous Staff	Quandamooka Staff
2012	23	12	11
2017	38	26	23
2018	44	23	20
2019	39	23	20

QYAC and Minjerribah Camping have between them delivered an additional 35 Aboriginal staff, living locally. This generates over \$1.35 million in additional income for Dunwich, and Redlands Shire each year and over 5 years close to \$7 million. The multiplier effect to the local economy is approximately \$15.5 million. In a remote economy with a historically dispossessed community this is a significant public good outcome, and allows those families to be more secure, suffer less stress and create a stable environment for their children and make a positive contribution to their local and broader communities.

QYAC expects that the economic outcome through the Indigenous Management Agreement arrangements alone will ensure similar stimulus is provided to the Mulgumpin economy, which will be further added to when the Management Plan, and cultural tourism infrastructure is developed, and more Quandamooka People choose to make Mulgumpin home. Already there is a commitment for 50% of island based QPWS Rangers to be Quandamooka people. From the first year of the legislation passing, an additional \$227,000 will be brought to the local economy, and it is reasonable for the Committee to expect a similar growth rate in additional income to the local economy to that delivered on Minjerribah.

QYAC has encouraged State investment in the Minjerribah economy through advocacy for an Economic Transition Strategy. This successful advocacy, which was declined to be matched by the LNP in the election, was instrumental in ensuring that the end of mining did not create an economic crisis for the workers, or the island economy. Minejribah Ganaba, the training and knowledge hub established by QYAC, will help ensure that Minjerribah delivers Aboriginal Natural Resource Management, Native Title Governance, Tourism and Cultural Heritage programs. It will create a supported centre for island learning, and allow community transfer of knowledge and skills.

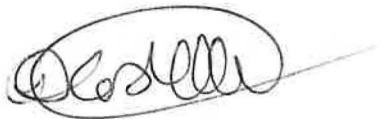
## **Conclusion**

QYAC submits that the Bill should be recommended to be passed primarily because it reflects the outcome of a determination in the Federal Court of Australia, and the Indigenous Land Use Agreement registered by the Native Title Tribunal. It delivers on recognition of rights held by Quandamooka People.

Each and every resident of Moreton Island, and any business were entitled to be Respondents to those proceedings, and be a part of the negotiations, and many people did. They had their day in court, as have the Quandamooka People and the Parliament is upholding that determination by passing this legislation. It is long past time when this recognition should have occurred, justice delayed, is justice denied. Should the Parliament choose to delay this legislation, it would represent a significant injustice to the Quandamooka People, and represent a significant impairment of their legal rights.

QYAC notes that Parliament can consider the considerable benefits passing the Bill, will bring not only the Quandamooka People, but also the broader island community. This Committee has the opportunity to note the significant cultural, environmental and socio-economic outcomes native title have brought Quandamooka People and the way in which they have shared those outcomes to also significantly improve land and sea management. We believe Joint Management will benefit all residents, and businesses, and we confidently predict a similar outcome to Minjerribah where Quandamooka People are empowered to play a critical role in progressing a sustainable and vibrant future. To our children's children, a glad tomorrow.

Kind Regards

A handwritten signature in black ink, appearing to read 'Cameron Costello', enclosed within a hand-drawn oval. A horizontal line extends from the right side of the oval.

Cameron Costello

Chief Executive Officer

