




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 14 July 2020

NATURE CONSERVATION AND OTHER LEGISLATION (INDIGENOUS JOINT MANAGEMENT - MORETON ISLAND) AMENDMENT BILL

Introduction

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Employment and Small Business and Minister for Training and Skills Development) (11.53 am): I present a bill for an act to amend the Aboriginal Land Act 1991, the Nature Conservation Act 1992, the Recreation Areas Management Act 2006 and the Torres Strait Islander Land Act 1991 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Natural Resources, Agricultural Industry Development and Environment Committee to consider the bill.

Tabled paper: Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020 [1137](#).

Tabled paper: Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020, explanatory notes [1138](#).

Tabled paper: Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020, statement of compatibility with human rights [1139](#).

I am pleased to introduce the Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020. On 27 November 2019, the Federal Court of Australia made a native title consent determination recognising the Quandamooka people's native title rights on Moreton Island, or Mulgumpin as it is known to the Quandamooka people. As part of the consent determination process, a number of settlement outcomes were negotiated between the state of Queensland and representatives of the Quandamooka people. These are recorded in the Quandamooka people 10-year resolution Indigenous land use agreement for Mulgumpin which was registered with the National Native Title Tribunal on 29 May 2020.

The bill will amend the Aboriginal Land Act 1991, the Nature Conservation Act 1992 and the Recreation Areas Management Act 2006 to allow this government to meet the commitments it has made to work towards the joint management of protected areas on Mulgumpin. Amendments through this bill will also make a small number of minor amendments to the Nature Conservation Act and Aboriginal Land Act to provide clarification about the operation of existing provisions. It also amends the Torres Strait Islander Land Act 1991 to provide consistency with an amendment being made to the Aboriginal Land Act.

Mulgumpin is a beautiful part of the world, and many Queenslanders enjoy staying, camping and spending time on the island with their families. Protecting the beautiful environment and monitoring its ongoing use, hand in hand with the traditional owners, will mean that the island is protected for all Queenslanders to enjoy for generations to come. Our experiences with joint management across Queensland, be it in Cape York Peninsula or on Minjerribah, have shown that the intergenerational knowledge and skills of traditional owners creates better visitor experiences and increases community awareness of the significant connection First Nation peoples have to their country.

A key government commitment through the consent determination process was to work towards the joint management of protected areas on Mulgumpin between the state and the Quandamooka Yoolooburrabee Aboriginal Corporation, known as QYAC, similar to existing joint management arrangements with QYAC on Minjerribah, or North Stradbroke Island.

Joint management is a specific model of protected area management under the Nature Conservation Act that provides for the management of national parks, Cape York Peninsula Aboriginal land in the Cape York Peninsula region and Indigenous joint management areas in the North Stradbroke Island region to occur jointly between Queensland Parks and Wildlife Service and the Indigenous landholder, the trustee for the land granted under the Aboriginal Land Act. Land management decisions made by the two parties occur consistent with an Indigenous management agreement entered into between the state and the trustee before the land is declared a national park, Cape York Peninsula Aboriginal land or and Indigenous joint management area.

Amendments to the Aboriginal Land Act, the Nature Conservation Act and the Recreation Areas Management Act are required to support joint management on Mulgumpin. Amendments to the Aboriginal Land Act will designate prescribed protected areas on Mulgumpin as transferrable land. Apart from some small areas used by Maritime Safety Queensland and the Australian Maritime Safety Authority for navigation infrastructure, prescribed protected areas will include most of the Moreton Island National Park and Cape Moreton Conservation Park, as well as some additional unallocated state land proposed to be added to the protected area estate in the near future.

Work is already underway on Mulgumpin to survey these lands to allow the relevant areas to become transferrable land under the Aboriginal Land Act and protected area under the Nature Conservation Act. Subject to the passage of this bill, subsequent processes will be able to occur to seek Governor in Council approval to facilitate the land being granted to QYAC, the registered native title body corporate representing the Quandamooka people, in the form of Aboriginal freehold land. Upon such grant, the land will be held in trust for the Quandamooka people and continue to be managed as part of Queensland's protected area estate. This will facilitate greater self-determination for the Quandamooka people and provide opportunities for the economic, social and cultural aspirations of the traditional owners of Mulgumpin to be achieved.

Amendments to the Aboriginal Land Act will also provide that an Indigenous management agreement, prepared between the state and QYAC, for the joint management of protected areas on Mulgumpin through the consent determination process, is formally recognised under the Aboriginal Land Act. Subject to the land being granted to QYAC and formal recognition of the Indigenous management agreement, amendments to the Nature Conservation Act in this bill will allow the declaration of an Indigenous joint management area. This outcome will deliver joint management arrangements between Queensland Parks and Wildlife Service and QYAC, consistent with commitments recorded in the Indigenous land use agreement and Indigenous management agreement.

Joint management on Mulgumpin will reflect similar joint management arrangements that have been in place between the Queensland Parks and Wildlife Service and QYAC on Minjerribah following a previous native title determination and declaration of an Indigenous joint management area over Minjerribah in 2011. The declaration of an Indigenous joint management area on Mulgumpin will promote the cultural rights of the Quandamooka people by providing for continued connection to country and access to cultural sites for cultural practice.

Funding provided by the state for joint management will allow QYAC to employ six full-time staff and a number of rangers on a project basis. This will provide an opportunity for traditional skills and knowledge to be incorporated into the management of protected areas on Mulgumpin and the recording of Aboriginal cultural sites and values to provide for the further protection of areas of high cultural and spiritual significance and enhancement of the island's natural and cultural resources and values. The Queensland Parks and Wildlife Service will also work closely with QYAC on a research and monitoring program, reviewing existing management plans and maximising local employment and skills development associated with the construction of a new ranger base, workshops and accommodation.

The transition to formal joint management has already begun. Earlier this year, the purchase of camping and vehicle access permits for Mulgumpin was transitioned from the Department of Environment and Science to a booking system operated by QYAC called Mulgumpin camping. I encourage everyone to have a look at the information available on the Mulgumpin camping website and plan your next trip to Mulgumpin. It is anticipated that joint management will provide opportunities for the Quandamooka community to increase their involvement with tourism and the development of ecotourism products on Mulgumpin. It will allow appropriate Indigenous cultural heritage information to be provided in signage and interpretative information, and also be presented to visitors by representatives of the First Nation people of the island.

Amendments will also be made to the Recreation Areas Management Act to ensure that consultation occurs with QYAC on certain permit applications for activities within the Indigenous joint management area. Depending on the type of activity, the Department of Environment and Science will seek comment or consent from QYAC before granting permits for activities. This will align with similar requirements that already exist for permit applications made in relation to jointly managed national parks in the Cape and on North Stradbroke Island under the Nature Conservation Act. The amendments will provide consistency across the Nature Conservation Act and Recreation Areas Management Act.

The bill will also make a number of minor amendments to provide clarification about the relationship between several sections of the Nature Conservation Act that relate to the grant of a lease, agreement, licence, permit or other authority over state land protected areas, Indigenous joint management areas, national parks and special wildlife reserves. These aim to remove a risk that would adversely impact on permission holders if the permissions were found to be invalid by an interpretation contrary to the intent of the legislation. Technical amendments will also be made to the Aboriginal Land Act and Torres Strait Islander Land Act to clarify the preservation of certain existing interests on land granted as Aboriginal land and Torres Strait Islander land and provide consistency across this related legislation.

In 2011, the Federal Court determination provided land justice to the Quandamooka people, recognising the enduring connection with the land and sea of Minjerribah. Following that decision, joint management has provided local employment opportunities for the Quandamooka people, ensuring that the traditional owners are at the forefront of the protection and management of significant conservation and cultural values. We now have an opportunity to continue the positive work with the Quandamooka people on Mulgumpin.

Working side by side with the Quandamooka people will help in bringing the diverse and rich cultural history of the Quandamooka people to the many visitors to Mulgumpin each year. The work with QYAC at Minjerribah has demonstrated that joint management leads to better outcomes for all Queenslanders—with the knowledge of the Quandamooka people playing a large role in the development of the fire management strategies, approaches to land management and conservation.

The bill delivers on this government's commitments in relation to the historic determination of native title over Mulgumpin last year and represents a continuing commitment to work with First Nation peoples to facilitate greater self-determination and provide opportunities for the economic, social and cultural aspirations of traditional owners to be achieved over their lands. I commend the bills to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Employment and Small Business and Minister for Training and Skills Development) (12.04 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Natural Resources, Agricultural Industry Development and Environment Committee

Mr DEPUTY SPEAKER (Mr Stevens): In accordance with standing order 131, the bill is now referred to the Natural Resources, Agricultural Industry Development and Environment Committee.