




Speech By
Hon. Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 12 May 2021

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

Second Reading

 **Hon. MAJ SCANLON** (Gaven—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs) (12.46 pm): I move—

That the bill be now read a second time.

May I start by acknowledging the traditional owners, the Quandamooka people, of the land to which this bill relates, Gheebulum Coonungai, and pay my respect to elders past, present and emerging. I particularly acknowledge the presence in the gallery today of Uncle Bob and his partner, Cathy Boyle, and I know Aunty Val will also be joining us today.

I would like to thank the State Development and Regional Industries Committee for its inquiry into the Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020 and for its report on the bill, which was tabled in parliament on 8 March 2021.

This bill was previously introduced during the last term of government by the then minister for employment and small business and minister for training and skills development, the Hon. Shannon Fentiman, and I would like to acknowledge the work undertaken by the former State Development, Tourism, Innovation and Manufacturing Committee prior to the bill lapsing upon the dissolution of the last parliament. I would also like to thank those individuals, businesses and organisations that made submissions to the committee about the bill.

The committee's report makes three recommendations, and I am pleased to table the government's response to the committee's report.

Tabled paper: State Development and Regional Industries Committee: Report No. 5, 57th Parliament—Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020, government response [627](#).

Almost 30 years ago, the High Court of Australia rejected the notion that Australia was terra nullius, or land belonging to no-one, at the time of European settlement. The court also determined that the common law of Australia recognises a form of native title that reflects the connection to land and sea country of the first inhabitants of Australia in accordance with their laws and customs. In recognition of the High Court's decision and, to its great credit under the leadership of then prime minister Paul Keating, the Australian parliament enacted the Commonwealth Native Title Act 1993 to, among other things, provide a process for native title claims over land and sea to be made and for the formal resolution of these claims to be determined by the Federal Court of Australia.

The claims process under the Commonwealth Native Title Act recognises that the Aboriginal and Torres Strait Islander peoples of Australia were the original inhabitants of this land of which they were subsequently dispossessed. These claims are determined by the Federal Court following a thorough legal process and determinations are either imposed by the court or determined by consent between the parties. This government's preference is to negotiate a consent determination.

On 27 November 2019, the Federal Court made a consent determination recognising the native title rights of Quandamooka people over Moreton Island, or Mulgumpin as it is known to the Quandamooka people. Mulgumpin is the second largest sand island on the earth and is an amazing place right on Brisbane's doorstep. It has natural and cultural significance and is enjoyed by many thousands of people a year, and now these visitors will have the opportunity to better connect with the oldest continuous living culture on earth.

I want to thank the Quandamooka people for their patience, goodwill and commitment as we worked through the lengthy and complex processes to get to where we are now where we formalise in law the outcome of all of that hard work. I am proud to be part of this government that keeps its word and to be the minister to deliver this outcome.

The primary purpose of this bill is to enable the Palaszczuk government to deliver commitments made during the native title determination process and enshrined in the Indigenous land use agreement regarding the joint management of prescribed protected areas on Mulgumpin. The commitment to jointly manage the prescribed protected areas on Mulgumpin is aimed at delivering land justice and facilitating a recognition and awareness in the broader community of the significant connection that the Quandamooka people have to their country and the important role they have in the management of protected areas on Mulgumpin.

The bill delivers the legal framework necessary to support the joint management of prescribed protected areas on Mulgumpin. This management will occur between the Queensland Parks and Wildlife Service and QYAC. This organisation is the registered native title body corporate under the Commonwealth Native Title Act for representing the Quandamooka people's native title rights and interests.

The prescribed protected areas included in the joint management arrangements are the recently renamed Gheebulum Coonungai National Park and the Cape Moreton Conservation Park, apart from some small areas that support Maritime Safety Queensland and Australian Maritime Safety Authority facilities for navigation safety purposes. The new name of the national park connects to a Quandamooka creation of life story and, when spoken in the traditional language of the Quandamooka people, it means the 'lightning's playground'. We have so much to learn from these creation stories and the knowledge built up over many generations of our First Nations people. This initiative is one step of that partnership.

To facilitate joint management of the prescribed protected areas on Mulgumpin, the bill will amend the Aboriginal Land Act 1991, the Nature Conservation Act 1992 and the Recreation Areas Management Act 2006. Amendments to the Aboriginal Land Act will give prescribed protected areas on Mulgumpin the status of transferable land and formally recognise an Indigenous management agreement that has been prepared for the joint management of prescribed protected areas between QYAC and QPWS.

Once land survey work has been completed, the amendments in this bill will allow further steps to be taken to prepare deeds of grant and seek Governor in Council approval to have the prescribed protected areas granted to QYAC as Aboriginal freehold land under the Aboriginal Land Act. Once granted, the land will be held in trust by QYAC for the Quandamooka people and is required to be managed as part of Queensland's protected area estate.

Once the land is granted to the Quandamooka people, the amendments to the Nature Conservation Act in this bill will provide for Governor in Council approval to be sought to declare an Indigenous joint management area over these protected areas. Following such approval, the formal joint management of prescribed protected areas on Mulgumpin between QYAC and the QPWS will commence. Joint management of Mulgumpin will allow the traditional knowledge of the Quandamooka people to be incorporated into management activities to enhance the natural and cultural values of the area for the benefit of all Queenslanders and anyone who visits the island.

I now move on to the amendments to the Recreation Areas Management Act. These will require the Department of Environment and Science to meet requirements in an Indigenous management agreement before issuing certain permits in recreation areas that form part of an Indigenous joint management area. This can include a requirement to consult with or obtain consent from the Indigenous landholder before it grants permits to carry out certain activities on land within a recreation area that is also an Indigenous joint management area. These amendments to the Recreation Areas Management Act will also ensure consistency with the Nature Conservation Act, which already contains provisions requiring consultation with an Indigenous landholder in relation to the grant of certain permits and authorities over jointly managed protected areas. QYAC is committed to working closely and respectfully with permit holders on Mulgumpin and looks forward to meeting with commercial tourism operators in the near future to move forward together under joint management arrangements.

In relation to funding to support joint management arrangements on Mulgumpin, the Palaszczuk government has allocated funds to support six new QYAC positions as well as a number of community rangers on a project basis. These employment opportunities will provide benefits to the Quandamooka people and the people of Queensland through an expanded capacity to manage Mulgumpin. The government's funding is also providing investment in capital works for a new ranger base, workshops and ranger accommodation on Mulgumpin to increase the presence of rangers on the island and provide improved facilities to assist with management of the island, including improved presentation of the Quandamooka people's culture, conservation, visitor and fire management outcomes.

Importantly, as we continue to rebuild our tourism industry after the impacts of COVID-19, it is anticipated that visitor experiences will be enhanced through new projects and activities that seek to increase awareness and appreciation of Indigenous cultural heritage and through development of new ecotourism products that engage with the Quandamooka community. With the investment underway by the Palaszczuk government to attract more visitors to Brisbane and the Gold Coast and support our tourism industry, this enhanced visitor experience will be very well received. Mulgumpin's protected areas will continue to offer the unrivalled camping, fishing and four-wheel driving adventures that so many families currently enjoy.

Secondary purposes of this bill are to make amendments, unrelated to joint management, to clarify the operation of existing provisions and provide consistency across related legislation. Amendments to the Nature Conservation Act will clarify the independent relationship between a number of sections that provide for the grant of a lease, agreement, licence, permit or other authority over state land protected areas, Indigenous joint management areas, national parks, Cape York Peninsula Aboriginal land and special wildlife reserves. Amendments to the Aboriginal Land Act and the Torres Strait Islander Land Act 1991 will clarify the preservation of existing interests on land granted under these acts and will provide consistency across the related legislation.

The State Development and Regional Industries Committee made three recommendations in its report on the bill. The first recommendation made by the committee is that the bill be passed, and the government welcomes this recommendation. The second recommendation made by the committee is that the Department of Aboriginal and Torres Strait Islander Partnerships consider developing training, education and professional development mechanisms on native title processes for a range of stakeholders. The government supports this recommendation in principle. While the recommendation identifies the Department of Aboriginal and Torres Strait Islander Partnerships as the delivery agency, the lead agency for native title in Queensland is the Department of Resources.

The Department of Resources has advised that both the Australian government and the Department of Resources have a wide range of information available on native title processes to assist a range of stakeholders. The Queensland Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships also provides information to the community about cultural heritage management and legislation. If members of the community are interested in learning more about land ownership, native title and cultural heritage in Queensland, they are able to readily access the wide range of information provided by either of these two state government departments through their websites.

Native title determinations will continue to be a common occurrence in Australia, as they should be, and I would encourage anyone who is seeking to better understand these processes to further investigate the information provided on the websites provided by the Queensland government in addition to material provided on the website of the Attorney-General's department in the Australian government.

The third recommendation made by the committee is that the Department of Environment and Science and QYAC give consideration to establishing consultative activities with businesses, residents and other stakeholders. The committee also recommended that the department complement statutory consultation requirements for the preparation of the draft management plan for protected areas on Mulgumpin with additional accessible consultation activities. The government supports this recommendation, which will address requests from residents and business operators for more information regarding future management arrangements for the protected areas on Mulgumpin.


The Department of Environment and Science will be working in partnership with QYAC on a new draft management plan for the protected areas and recreation area on Mulgumpin. Once the draft management plan has been prepared, community consultation will occur in accordance with existing statutory requirements under the Nature Conservation Act. A notice will be published on the Department of Environment and Science's website to advise that a copy of the draft management plan is available and invite written submissions about the draft management plan. Consistent with the recommendation from the committee, the Department of Environment and Science is committed to working in partnership

with QYAC to incorporate further consultation activities into the planning process for the new management plan to provide the community with the opportunity to better understand and have input into the future management of the island.

I would now like to take this opportunity to address some matters raised by stakeholders during the committee process. Firstly, some submissions made during the committee's consideration of the bill highlighted the confidential nature of the Indigenous land use agreement and the Indigenous management agreement that were negotiated as part of the native title consent determination through the Federal Court. The confidentiality of Indigenous land use agreements is not unusual. Much like commercial contracts entered into between parties, Indigenous land use agreements often contain sensitive information, and to protect this information the documents include confidentiality clauses which all parties to the agreement must respect. This is standard practice for such agreements and the Queensland government applies this process during resolution of native title claims.

A summary of the Indigenous land use agreement has been published on the National Native Title Tribunal website, which is available to be viewed by the community. The government has entered into these agreements with QYAC as the registered native title body corporate under the Commonwealth Native Title Act responsible for matters relating to the Quandamooka people's native title rights and interests. Native title is not about giving land back; it is about the Federal Court of Australia's recognition of what was always Quandamooka land and waters. We should be honoured, having utilised those lands and waters for as long as we have, sometimes to the detriment of Quandamooka peoples' rights and interests.

Sitting suspended from 1.00 pm to 2.00 pm.

 **Ms SCANLON:** Despite this historical fact, the Quandamooka people are prepared to work with everyone respectfully. Can we say the same? The state and QYAC are working together in partnership to deliver the Indigenous land use agreement and this is occurring within an appropriate framework of corporate governance, internal control mechanisms and specific reporting protocols to ensure that outcomes are delivered consistent with expected standards. The committee indicated that it was satisfied that the Department of Environment and Science's governance arrangements are relevant and appropriate.

With regard to ongoing arrangements for existing commercial activity permit holders on Mulgumpin, I can advise that these businesses have recently had their permits reissued consistent with the Indigenous land use agreement. Before granting future permits of this nature on Mulgumpin the department will consult with QYAC, which is entirely appropriate, to ensure the proposed activities are consistent with the native title rights and interests of the Quandamooka people and consistent with the management intent of the protected area.

I am very pleased to advise the House that a new tourism operator has also recently been approved by the department and QYAC to provide glamping based overnight accommodation on Mulgumpin. This new operator adds further to the diversity of experience available to visitors. The consultation requirement between the state and QYAC ensures a genuine partnership and reflects existing arrangements for other Indigenous joint management areas and jointly managed national parks in the Cape York Peninsula region and Minjerribah. This bill will provide consistency across the legislation and is particularly relevant to Mulgumpin because the protected areas are also a declared recreation area under the Recreation Areas Management Act.

It will be no surprise to many members that Mulgumpin is well known and loved by Queenslanders as a popular family-friendly tourism destination. Over the last three years in excess of 23,000 camping and vehicle permits have been issued each year to visitors accessing Mulgumpin. Joint management will not change permitting arrangements for visitors other than the permits are now being issued by a new QYAC business called Mulgumpin Camping. The visitor experiences are diverse and include opportunities for self-reliant visitors to camp, explore, fish and enjoy other forms of recreation. Other visitors may access private accommodation or holiday homes or choose to book with well-run tourism businesses providing day tours or integrated accommodation and tours. Visitors using the private accommodation and townships will be unaffected by the bill and will continue to have access to diverse tourism offerings.

It is well known that tourists have a strong desire to learn about Aboriginal and Torres Strait Islander culture and this will be more and more important for the tourism sector, particularly when international visitors return. That is why the Palaszczuk government has supported this year being the Year of Indigenous Tourism. The joint management arrangement provides the basis for tourism experiences to be enriched as the Quandamooka people develop new cultural tourism offerings and support existing operators to provide their customers with access to the unique Quandamooka cultural history.

The joint management model has been operating effectively across Cape York Peninsula in 28 jointly managed national parks and, as the member for Cook can attest, Cape York has continued to grow as a tourism destination with many people including a trip to the cape as a must-do travel experience, so much so that the Cook Shire Council is hosting a tourism focused Cooktown and Cape York Peninsula Expo next month. By way of example, the Olkola people have established partnerships with tourism entities that provide visitors with a genuine First Nations people's led tourism experience. I am confident that tourism opportunities on Mulgumpin will continue to grow and diversify with the new opportunities provided by working in partnership with the Quandamooka people.

I now turn to the amendments that the member for Bonney has circulated with respect to this bill. Those opposite have frankly failed to consult with the traditional owners in circulating the amendments they have. The very object of this bill is to deliver commitments made during the native title determination process to be enshrined in the Indigenous land use agreement regarding joint management of prescribed protected areas on Mulgumpin. How can those opposite be taken seriously on matters of native title when they failed to consult with the very community and appointed native title prescribed body corporate that this bill relates to? There are also some very genuine constitutional concerns with the amendments circulated by the member for Bonney on matters pertaining to native title in federal law. Ultimately, the amendments proposed by those opposite fail to meet the standards we expect of government in consulting with the very people these amendments will impact and fundamental legislative and contractual principles and may indeed be in conflict with the Commonwealth Native Title Act.

In summary, this bill provides the framework for the rightful return of land on Mulgumpin to the Quandamooka people. As a minister for the state of Queensland, I am extremely proud to stand here today and present this legislation, which is about providing land justice to the Quandamooka people following their native title claim being filed in the Federal Court. The Palaszczuk government delivers on its commitments, and this bill's primary objective is to deliver those commitments made during the native title consent determination process. It will facilitate the implementation of the joint management of protected areas on Mulgumpin with the Quandamooka people. This government is meeting those commitments and will continue to ensure consultation activities occur in relation to the future management of Mulgumpin.

I again thank the Quandamooka people for their commitment to this partnership. I look forward to continuing to work with all members of the community to deliver arrangements that continue to ensure the protection of the natural and cultural values of the island and the opportunities available to the community to enjoy it. Lastly, I want to read a passage from the poem *A Song of Hope* by Oodgeroo Noonuccal for this occasion—

To our fathers' fathers

The pain, the sorrow;

To our children's children

The glad tomorrow.

I commend the bill to the House.