Speech By

Hon. Meaghan Scanlon

MEMBER FOR GAVEN

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

Hon. MAJ SCANLON (Gaven—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs) (3.23 pm), in reply: Firstly, I thank all members for their participation in the debate on the Nature Conservation and Other Legislation (Joint Management—Moreton Island) Amendment Bill 2020. The amendments in this bill will allow the Palaszczuk government to meet commitments made to representatives of the Quandamooka people as part of the Federal Court native title consent determination. This bill will deliver a commitment to support the joint management of prescribed protected areas on Mulgumpin between QYAC and the Queensland Parks and Wildlife Service.

I am proud to be part of a government that delivers on land justice for the traditional owners of Mulgumpin. I am saddened that Quandamooka people who are present here today to witness this significant milestone have had to listen to the negativity and comments of those opposite when a bipartisan approach could and should have been taken. Unlike those opposite who have used their time in this House to undermine, divide and self-centre, this government is acting on native title and delivering legislation to facilitate a partnership with the Quandamooka people that aims to provide a framework for increased self-determination and the ability to meet their cultural obligations to care for country and work with the wider community to improve the employment and business opportunities for traditional owners on the country of which they are the rightful owners.

I will address some of the issues that have been raised during this debate. The members opposite have continued to raise concerns about matters I already addressed in my second reading speech, but I will respond to them again. The confidential nature of the Indigenous land use agreement and Indigenous management agreement is prepared to support the Federal Court native title consent determination for Mulgumpin. It is not unique. There are many hundreds of Indigenous land use agreements across Australia and the content of those documents is often confidential between the parties that were part of the negotiations for the resolution of the native title claim. The negotiation of those agreements is an important tool to assist the successful resolution of Federal Court proceedings for native title determinations and are a common legal document containing the settlement outcomes reached between the state and First Nations people and their representatives.

Those opposite have been at pains to undermine the confidential nature of Indigenous land use agreements. May I remind those opposite that the principle of confidentiality in ILUAs was in place when the LNP were in government? Why the sudden outcry when for years under the Newman government ILUAs were confidential? The hypocrisy is stark.

Ensuring negotiations can be conducted in good faith with confidentiality maintained is a key principle that underpins our system of commercial dealings with traditional owners and they have every right to that principle, as does any other entity. An example of a confidential agreement that is never made public is a royalty agreement. That is a contractual agreement between the state, traditional

owners and mining companies and they are always confidential. I reiterate that the practice of maintaining confidentiality of ILUAs is not limited to this dealing. It has been made clear to me today that those opposite simply do not understand native title or how ILUAs operate. I suppose that is consistent with their opposition to the concept of native title since day one of the High Court ruling. Let me explain in detail, for the benefit of those opposite.

The Quandamooka people have a native title determination under Australian law that recognises and enshrines their rights. The purpose of this bill is to provide a state legislative framework over land covered by that determination to facilitate joint management of Mulgumpin consistent with the outcomes agreed and recorded in the legally binding Indigenous land use agreement between the state and the Quandamooka peoples consistent with their rights and interest under Commonwealth law.

The amendments proposed by those opposite can have the effect of modifying the rights and obligations under the ILUA, which has been developed under the Commonwealth Native Title Act 1993. Modifying the bill as proposed can create inconsistencies between state law, the Indigenous land use agreement and the Commonwealth Native Title Act 1993. State legislation must not be inconsistent with Commonwealth legislation. If it is then the state legislation itself, and any actions taken under it, may be invalid under the Constitution. Furthermore, the state has entered into these arrangements following extensive good-faith negotiations with the Quandamooka people, with the Indigenous land use agreement being the final result of this negotiated process.

Have those opposite genuinely consulted the Quandamooka people and secured their consent for these amendments? We have learnt that they have not. Is this the way those opposite seek to continue their form of colonialism; talk up their relationship with Aboriginal and Torres Strait Islander people until it becomes inconvenient and then legislate over the top of their aspirations?

The ILUA took decades of struggle, overcoming barrier after barrier and significant investment by the state, the Quandamooka people and the Federal Court. It was genuine consultation, genuine respect and genuine consent leading to a genuine partnership. Now, after all that work, those opposite want to unpick it. Why and for what gain? What advantage do they gain from further undermining the trust gained between the Quandamooka people and the state through this process? What advantage can they gain from undermining the agreement reached through the Federal Court determination process? This could put the whole agreement at risk and lead to years of court action and uncertainty. How does it help better understanding in the community when fearmongering and inaccuracies pepper their contribution to this debate?

Supporting legislative amendments that can have the effect of changing what has been agreed between the state and the Quandamooka people through the ILUA process is not how this government intends doing business. Such action would damage the state's reputation with First Nations people in Queensland, casting doubt on the security of existing and future agreements negotiated as part of settling native title matters and potentially leading to an increase in litigated rather than negotiated outcomes. Clearly, based on the comments made by those opposite, they have no regard for the native title processes and no respect for traditional owners, and if it were up to them we would go back to the old days of our colonial past. Thankfully, those days are past. We on this side of the House deliver on our commitments to respect native title determinations as the law of the land.

I now turn to the matters raised regarding commercial tourism operations on Mulgumpin. Let me be clear once more: the requirement to consult the registered native title body corporate on issuing permits is not new. Similar requirements already exist under the Nature Conservation Act to consult with the Indigenous landholders of Aboriginal land protected areas in the Cape York Peninsula region and Indigenous joint management areas in recognition and respect of the land being Aboriginal land. The bill will insert similar provisions into the Recreation Areas Management Act to ensure consistent requirements apply across the legislative landscape, particularly where a recreation area under the Recreation Areas Management Act is declared over a protected area under the Nature Conservation Act, as is the case on Mulgumpin.

There are many archaeological sites on Mulgumpin and probably many more that are yet to be discovered. These sites can be highly significant as elements of the Quandamooka people's cultural heritage. It is absolutely sensible and appropriate that QYAC be consulted on permit applications to ensure any impacts of the proposed activities on both cultural and natural values can be minimised or avoided and to assess the consistency of the activities with the recognised native title rights of the Quandamooka people. If an application is not able to be approved, existing provisions under both the Nature Conservation Act and the Recreation Areas Management Act provide internal and external review processes to a person who is dissatisfied with a decision. In summary, the requirement to consult the prescribed native title body corporate is not a new one and already occurs where existing joint management arrangements take place, such as Minjerribah and Cape York.

This is a concerted fear campaign being run by members opposite. I was appalled to bear witness to some of the speeches made by those opposite yesterday, particularly the member for Oodgeroo. It was a particularly distasteful speech when the member represents a seat named in honour of a proud and respected Quandamooka woman who made such a contribution to our understanding of Aboriginal culture. As my colleague and proud Quandamooka woman the Hon. Leeanne Enoch said in her speech to the House, the language employed by those opposite when referring to native title matters is, frankly, shameful. We heard this proud Quandamooka woman describe this bill as a light on the hill in terms of ensuring that First Nations people can have the hope that they will have their lands returned and that they will be trusted to manage their country. Those opposite seek to use fear to diminish that light and hope. The fear campaign being run is purposeful and an opportunistic attempt to undermine the very confidence of those they are purporting to support. Mulgumpin townships will be unaffected. Native title does not apply on freehold land. Members know that, but they are persistent with their fearmongering.

Tourism operators will flourish under this bill. A great opportunity exists for Queensland to broaden its tourism product offerings through cultural tourism and involvement by First Nations Queenslanders. It is the Year of Indigenous Tourism and the supposedly pro-business members opposite are trying to discredit these opportunities.

I am perplexed that neither the member for South Brisbane nor the member for Maiwar chose to contribute to this important debate. I thought the Greens political party were meant to stand up for our First Nations people, to support conservation, to support national parks, to support land justice for First Nations people and to stand up for people's rights. We often hear their self-righteous lectures that somehow they are not like other political parties, yet we know that they do preference deals with the LNP and remain silent when the LNP undermine the Quandamooka people and, indeed, the whole native title process and promote division in the community. I wonder how the Greens will vote on this bill; I really do. There seems to be a natural coalition emerging between the Greens and the LNP, so maybe they will endorse the comments of those opposite by voting the bill down. Their silence and their actions speak volumes.

As I informed the House yesterday, over the last three years in excess of 23,000 camping and vehicle permits have been issued each year to visitors accessing Mulgumpin. Existing commercial activity permit holders on Mulgumpin have recently had their permits reissued and a new tourism business has recently been approved by the department and QYAC to provide glamping based overnight accommodation. Visitors will continue to enjoy the island and thrive. Despite the misleading fearmongering of those opposite, all jointly managed national park campgrounds are open and, in peak times, full. 'Going gangbusters,' one tourism expert said recently about the island. I look forward to joining these visitors soon, enjoying and advocating for all the wonderful tourism opportunities that will be provided through new and existing businesses working in partnership with the Quandamooka people.

Let us not forget the purpose and intent of the bill before the House. It is to deliver land justice for traditional owners on Mulgumpin. Those opposite have lost sight of the bigger picture and have unfortunately focused on very narrow and distant hypotheticals instead of taking advantage of the opportunity to set the rightful course of this state, a course that respectfully includes the interests of First Nations people. Let us talk in realities instead of hypotheticals.

The member for Traeger, a member of the committee that inquired into this bill, said yesterday that when he went and met with members of QYAC on Mulgumpin he found them to be engaging and very reasonable and that they seemed intent on working effectively and participating in improving the cultural experiences and environmental conditions on Mulgumpin.

The member for Surfers Paradise raised a number of issues with respect to closures of areas and new fees in Cape York. The traditional owners on the cape own the land referred to as freehold. You cannot just go onto a farmer's land and decide that you are setting up camp. The member for Surfers Paradise has raised issues that do not relate to any arrangements that Queensland Parks and Wildlife Service has with partners for the joint management of protected areas. It is unrelated to the bill before the House and, frankly, yet another example of fearmongering from a person who is supposed to be the shadow minister for Aboriginal and Torres Strait Islander partnerships.

The opposition are always calling on government to dismantle red tape, except for when it relates to Aboriginal and Torres Strait Islander people. We have seen a lot of virtue signalling from those opposite in supposed support of First Nations people while in the exact same breath undermining native title and the legal body corporate representing Quandamooka people.

Let me remind the House that the traditional owners of Mulgumpin have lived on country on a permanent basis for thousands and thousands of years. Their connection with the land and sea has a strong spiritual basis. That is what this bill is about. It is about delivering on commitments made during

the native title determination process. 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.

I would also like to remind all members of parliament that we have traditional owners of Mulgumpin in the gallery today, as we did yesterday, during the debate. The rhetoric employed by those opposite has been a profound misrepresentation of the significant opportunity to redress the many injustices which occurred during the early colonisation of Mulgumpin. The fear campaigning by some of the members of this House has ignored the very fact that the land of Quandamooka people was stolen and massacres took place. Unlike those opposite, I want to tell the truth about our shared past and remove fear as part of a process of truth telling. I want to tell a truth that acknowledges the frontier wars, a truth that exposes the laws and policies of generations of stolen lands. We should be fearlessly confronting our history and be a truth teller in genuine commitment to reconciliation.

This bill represents us working together in partnership for the future of Mulgumpin which resets the Quandamooka people as the owners and keepers of the knowledge and stories of Mulgumpin. Joint management is one mechanism through which the state can seek reconciliation with First Nations people, in this case the Quandamooka people. Not only does the process provide for the return of ownership of the land to the original owners prior to their dispossession; it also delivers a framework through which QYAC and the Queensland Parks and Wildlife Service can work together to ensure the ongoing protection of the natural and cultural resources and ensure that the opportunities that make Mulgumpin such a special place to visit continue.

Joint management will facilitate enhanced presentation of the cultural values of the island. I encourage all Queenslanders to take an opportunity to visit Mulgumpin and enjoy the wonderful natural environment. I will read a statement submitted by QYAC regarding the benefits of joint management to the former State Development, Tourism, Innovation and Manufacturing Committee during its consideration of the bill—

> 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.

It is my belief that gaining knowledge and experiences builds greater understanding, which, in turn, I hope will facilitate a wider appreciation and respect for Aboriginal culture not only on Mulgumpin but also more broadly within our society. Joint management can help achieve this outcome, which will bring us closer together to a glad tomorrow.

I conclude by acknowledging and thanking all the staff from the Department of Environment and Science and the Department of Resources for their collaboration and work in progressing this bill as well as my own staff for their efforts. I would also like to acknowledge the work of the previous minister, the Hon. Shannon Fentiman, who introduced this bill last year as well as the work of the current and previous committees that examined the bill.

I would also like to particularly acknowledge the member for Algester, a Quandamooka woman herself, who made a powerful contribution yesterday. I acknowledge Uncle Bob and Cathy Boyle, Aunty Val, Darren Byrne, Daniel Crouch and all the Quandamooka people in the gallery today. I also acknowledge you, Madam Deputy Speaker as the member for Cook, and the member for Bundamba. I feel very privileged to serve alongside three First Nations people. I commend the bill to the House.