




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 13 May 2021

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

 **Mr WEIR** (Condamine—LNP) (11.17 am), continuing: I will continue from where I finished last night. The bill did not progress to a second reading and lapsed on 6 October 2020 with the disillusion of the 56th Parliament. On 3 December 2020, the bill was introduced to the Legislative Assembly and referred to the committee for examination. This bill is identical to the one previously considered by the former committee.

In November 2019, the Federal Court of Australia made a native title consent determination recognising the Quandamooka people's native title right on Moreton Island—Mulgumpin, as it is known to the Quandamooka people. As part of the native title claim process, the state of Queensland and the Quandamooka people negotiated a number of settlement outcomes. This included an agreement to work towards joint management of protected areas on Mulgumpin.

The primary objective of the bill is to provide the legislative framework for the implementation of the joint management arrangements. Specifically, the bill amends the Aboriginal Land Act 1991 to give prescribed protected areas on Mulgumpin the status of transferrable land so that they may be granted as Aboriginal land; inserts references to Moreton Island in relevant sections of the ALA to recognise the Indigenous management agreement between the state and QYAC and facilitate the declaration of an Indigenous joint management area; amends the NCA to provide for the declaration of an Indigenous joint management area over the national park and conservation park on Mulgumpin; and amends the Recreation Areas Management Plan 2006 to ensure consultation with QYAC and other requirements as specified in the IMA are met before certain permits and authorities are granted within the jointly managed area.

As parts of the Mulgumpin claim process, an Indigenous land use agreement and an IMA were negotiated between the Queensland government and representatives of QYAC. These documents included an agreement to work towards joint management of the protected areas on Mulgumpin. ILUAs, by their nature, are controversial given the secrecy which surrounds them. This one is no different. This was raised during the committee hearings. The adequacy of consultation was raised by several inquiry participants, who indicated the confidential nature of the ILUA and the IMA made it difficult to understand the possible future impacts of the joint management arrangements and the bill. Business, tourism operators and residents expressed their concerns stating—

The secretive nature of the ILUA, the IJMA, the decision making and the future decision making between QYAC and Queensland Government for the use of the island has been and remains very concerning to many.

Not being granted access to the ILUA was of some concern to the committee and this was expressed in the statement of reservation. The question was asked as to the need for so much secrecy with regard to the agreement. Julie Brogan, the director of Land and Native Title Services, Department of Resources, also added that the Commonwealth Native Title Act 1993 required ILUAs registered with the Native Title Tribunal to be kept confidential in instances where parties do not wish details to be

made public. The ILUA and the IMA in this case were registered on 29 May 2020. Ms Brogan further advised that the Native Title Act did not place any constraints on the publication of ILUAs and IMAs; however, the registered ILUA contained a confidentiality clause agreed to by all parties.

I listened with interest to the comments of the member for Bundaberg, who said that it would be in breach of the federal act to release the details of an ILUA. The advice I referred to was contained in the committee report. Either the member for Bundaberg did not read the submissions or he has not read the report of the committee of which he is a member. They directly contradict the contribution he and several others on the other side made.

Given that QYAC will be the entity which will either approve or not approve both existing and future commercial activities on the island, some of which may be in direct competition to QYAC businesses, this is causing great concern to established stakeholders. I made comment on that last night. A confidentiality agreement between two parties is a common process; that is true. In this case, there is a confidentiality agreement between the state and the management of the island.

Other entities will operate businesses on the island under a contract and be subject to an agreement that sits under their contract—an agreement that they have no access to. There may be nothing in that agreement that would affect their businesses, but one would surely think that they should be allowed access to that agreement, even if they had to sign a confidential agreement. At least they would know what is in that agreement. To not have access to that agreement is the issue that the member for Bonney and others on this side have.

It was inferred last night that people on this side of the House were making racist statements and that is what I took offence to last night. Nobody is going to call me that in any manner, fashion or form. My concern is that if someone is signing an agreement they should have access to all parts of that agreement. The lack of detail made available to residents is concerning. There is very little information provided as to the time and conditions of the permits granted.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Walker): Pause the clock. There is a lot of side chatter. I ask the member for Hinchinbrook to go back to his seat. There are clear directions on where members should sit. COVID rules apply in the House.

Mr WEIR: Some residents are concerned that this legislation would override the rights they have as freehold owners. I am staggered that that has not been explained to them because that is not the case. This legislation does not override their freehold title rights. That should be explained to them. The fact that there are still concerns about that out there goes to the consultation process. We are not opposing this bill, but those are the issues that we have concerns about. I ask the government to take them on board.