




Speech By
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MEMBER FOR BONNEY

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

 **Mr O'CONNOR** (Bonney—LNP) (2.06 pm): It is an honour to lead the opposition's contribution to the second reading debate of the Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill. From the outset I would like to acknowledge the Quandamooka people and their continued care and custodianship of the islands we are discussing today and their surroundings. I pay my respects to their elders past, present and emerging.

The LNP will be supporting this legislation, but I will raise some concerns we have and put forward a minor, sensible amendment to address them. For over 20,000 years the Quandamooka people have held a continuous connection to the land and waters of Moreton Island. In their Jandai language it is called Mulgumpin, and that is how I will predominantly refer to it today. I do apologise in advance for my pronunciations in this language during the course of my contribution. I will do my best.

Mulgumpin means place of sandhills, an apt name for one of the three largest sand islands in the world at 37 kilometres long and 10 kilometres wide. The Indigenous people of Mulgumpin are known as the Ngugi and the island lies within the Quandamooka coast. Fish, shellfish, dugong, turtle and crustaceans formed a major part of their diet as well as bungwall fern, midyim berries, pandanus and honey. The Moreton Island National Park was recently renamed Gheebulum Coonungai, which means lightning's playground, and it is an incredible environmental asset with sand dunes, incredible beaches, creeks and lagoons, wild flowers and wildlife.

This is why the Federal Court decision in November 2019 to recognise the native title rights of the Quandamooka people is worth celebrating. It was a long time in the making. As Cameron Costello, the then CEO of the Quandamooka Yoolooburrabee Aboriginal Corporation, or QYAC as I will refer to it, said when describing the meaning of that day—

This is a jubilant occasion for the Quandamooka people. On 27 November, and after many, many years, the Federal Court recognised the Quandamooka people's—more importantly the Ngugi people's—connection to country on Mulgumpin and their native title rights and interests. Significantly, the 4 July determination on Minjerribah was not a grant of anything to the Quandamooka people; it merely recognised what they always had, which was a continuous connection to country and a continuous right to manage their lands.

This native title determination gives the Quandamooka people the right to live and be present on the determination area, conduct traditional ceremonies, take, use, share and exchange traditional natural resources for traditional practices, conduct burial rights, teach about the physical and spiritual aspects of the area and to maintain places of importance and areas of significance.

The majority of Moreton Island is classified as protected area and will remain so. There will be a joint decision-making role between the Quandamooka people and the government about how the area is managed, with more opportunities to become involved in overall planning and operations in a way that is consistent with their traditional customs. The main objective of the bill is to provide for this joint management of those protected areas on Mulgumpin. This is a specific model of protected area management. In Queensland, the joint management occurs between Queensland Parks and Wildlife

Service within the Department of Environment and Science and the Indigenous landholder who is the trustee of the land. The Quandamooka people voted at authorisation meetings of the Mulgumpin native title claim for QYAC to have the authority to negotiate outcomes for Mulgumpin.

It will also facilitate the creation of the Indigenous joint management area by making amendments to the Aboriginal Land Act, the Nature Conservation Act and the Recreation Areas Management Act. These amendments will: include provisions to give prescribed protected areas on Moreton Island the status of transferable land under the ALA so they may be granted to QYAC as Aboriginal land provided that the IMA prepared for the management of prescribed protected areas on Moreton Island is recognised under the ALA to facilitate the declaration of an IJMA under the NCA; provide for the declaration of the IJMA over prescribed protected areas to deliver joint management arrangements with QYAC on Moreton Island consistent with commitments in the ILUA; and ensure consultation and other requirements as specified in the IMA are met before certain permits and authorities are granted under the RAMA.

This will happen through amending or mirroring existing sections of the NCA and ALA that currently apply in the Cape York Peninsula region and the North Stradbroke Island region. Around 98 per cent of Mulgumpin is dedicated as protected area as national park, conservation area under the Nature Conservation Act and as recreation area under the Recreation Areas Management Act. It is one of our most precious environments in South-East Queensland.

As part of the Mulgumpin claim process, an Indigenous land use agreement and Indigenous management agreement were negotiated between the Queensland government and QYAC. We are told in the committee report that these agreements include interim management arrangements, ministerial and trustee responsibilities, details on how a management plan will be developed, areas where public access may be restricted, infrastructure management and how existing and future interests in the land will be created and managed.

It is important to note that the Aboriginal Land Act, section 172, states that an IMA or an IJMA must not result in a decrease, in the aggregate, in the public rights of access that existed in relation to the national park immediately before it becomes a national park or an Indigenous joint management area. I want to reiterate that, as part of the resolution of this native title claim, Moreton Island will continue to be managed as a protected area. This land is not granted to QYAC for exclusive use. This gives some piece of mind that locals and tourists will not be cut off from large sections of Moreton Island, although it does allow there to be some change in access.

Around 200,000 people visit this island each year and it holds a special place for many Queenslanders. To raise just one example of this from my local electorate, a couple of weeks ago I ran into Paul and Tracey who live across the road from me in Parkwood. On our tram trip into Southport we got talking about their wonderful holiday experiences over on Moreton, having gone there for the last 27 years. Tourists like them visit the amazing sand dunes, the Blue Lagoon and Champagne Pools and see the dolphins and the abundant wildlife, with over 1,200 species on the island. It is a precious asset that we should all be very proud of.

The questions regarding access to the island and what the changes will mean have caused much stress and concerns for residents, visitors and business operators, especially given the lack of communication from the government. I will speak more to this later, but I will start by running through some of the benefits that this new arrangement will hope to achieve. Firstly, environmentally: with a managerial interest in the land the Quandamooka can care for their country as the cultural and wildlife sanctuary that it is. They are already working on having Mulgumpin recognised as a World Heritage site for its outstanding natural and cultural values. As part of the agreement, the residents of Mulgumpin will receive a dedicated budget for their national park. If properly managed, this has the potential to provide significant benefits for biodiversity conservation. They already have plans in place to increase fire trails and have better fire management. The amendment I will move seeks to provide more transparency about how this funding is spent and the outcomes it is achieving. More openness is not something the government should be afraid of. I wrote to the minister to clarify the reporting requirements and about several other issues in the bill. While I thank her for her clarification on these matters, I believe there is an opportunity to ensure the best environmental outcomes are achieved and further accountability would help with this. This is vital to properly managing our environment and is an openness the government should not be afraid of.

Beyond the environmental benefits, the IMA marks an important step in the continual recognition and integration of Indigenous culture in our state. The joint management arrangement not only allows for what has the potential to be a higher standard of conservation but also is an important tool for community development. It advances the interests of the Quandamooka people by integrating QYAC in the management of the area and protecting the land that is the basis of their cultural identity. Providing

more control of the land to the Quandamooka people will help protect the immense cultural significance of the area. As the committee report states, Mulgumpin 'contains the undisturbed and diverse range of archaeological evidence for the relationship Aboriginal people have with a coastal wallum environment in South-East Queensland'. There is also the ancient stone quarry and extensive coastal middens of archaeological importance, and it has been acknowledged these require improved management so that they can be preserved for future generations. I sincerely hope the government and QYAC also look at how to ensure the Second World War era bunkers on the island can be protected as well, knowing the importance they have for our history, our veterans and their families. The framework provided by the agreement ensures these areas with cultural significance receive the special management they need and are preserved for future generations. The joint management arrangement is so important to helping avoid the potential for a dual tragedy of ecosystem and cultural loss.

In terms of the economic benefits, the joint management arrangement facilitated by the bill also has the opportunity to boost Indigenous employment on Mulgumpin and provide broader economic impacts through tourism. Minjerribah, or North Stradbroke Island, is helpful to inform our expectations for the rollout of this management in Mulgumpin, having gone through a similar process. Over eight years QYAC and Minjerribah Camping have added an additional 35 Aboriginal staff, all living locally. They have reported this adds \$1.35 million in additional economic income to the Dunwich and Redlands shire each year. For Minjerribah Camping, 59 per cent of the employees were Indigenous, with 87 per cent of these being Quandamooka people. These additional jobs added almost \$7 million to that local economy.

Providing stable employment and developing transferable workplace skills was a key strategy in reducing Indigenous poverty in the Redlands region, where the Indigenous unemployment rate was three times higher than the rest of the population. There are promising signs that similar results will be experienced on Mulgumpin. There is already a commitment for 50 per cent of the rangers to be Quandamooka people and QYAC's vision to develop the area into a global eco, cultural and tourism hub brings the prospect of future job growth. With such great aspirations it is crucial that operators in the area have a stable operating environment as well as as much openness and transparency as possible. Again from the example of Minjerribah, we have seen some of the further benefits of this arrangement. This is not only in economic, environmental and culture benefits but also in the increased respect and recognition they have seen from private operators, government agencies and commercial companies.

Just as we learn from the positives of Minjerribah we need to recognise and learn from some of the issues it has faced since its own joint management arrangement came into effect. In February the ABC reported that locals have found that the \$36 million tourism fund, Minjerribah Futures Program, has completely missed the mark. This was meant to transition the island from an economic reliance on resources from its sandmining days to cultural and ecotourism revenue. Millions are being spent on an art museum and the Whale on the Hill project, but essentials such as disability access, footpaths and showers have been overlooked.

Whilst the minister stated that small-scale public infrastructure was the responsibility of local government, the council has stated that the strategy was not collaborative. The Whale on the Hill project, having been given a ministerial infrastructure designation, thereby streamlining planning processes and taking away appeal options for residents, continues to cause concern for Indigenous and non-Indigenous locals. Quandamooka elder Maureen Myers stated that had she did not believe QYAC's plans were representative of both Indigenous and non-Indigenous residents. She said—

You've got all young people and people who don't live here deciding on this. It hurts so much—QYAC are descendants, yes, but they don't understand because they've never lived here.

Over 40,000 people have signed the petition against that project and on broader local issues. A major part of the issue is that many feel they were not part of the decision-making process.

Associated land clearing is another concern raised by Quandamooka locals. Again all these issues need to be considered as this joint management is realised. We cannot overlook the complexities that can arise as we implement this on Mulgumpin. The government should not just pass this legislation and put funding behind it, and then not assess the actions of the department and QYAC as it is rolled out. Tracking the KPIs and publicly reporting them is important to ensuring Mulgumpin is managed as best as it possibly can be.

At Minjerribah the project has pitted Indigenous communities against one another, with some blaming the government for that. The government is responsible for putting in place structures to ensure the right processes and accountability are in place so that all Quandamooka people to whom native title was granted are appropriately represented by their trustee, QYAC. The government needs to ensure that something similar does not happen on Mulgumpin. They need to support QYAC by adequately

working with them to represent the entire community. We need to make sure this is a positive step forward for all Indigenous people on the island and not just those actively involved in QYAC. Again this is why I believe the amendment I will move is a worthwhile addition to the bill.

I move on to another major discussion point on the bill, the renewal or granting of new permit applications. The bill amends the RAMA to require the department to issue a permit to carry out certain activities in the IJMA only if all requirements relating to issuing the permits are satisfied. That includes consulting with the Indigenous landowners and obtaining prior written consent. I support this as an important amendment to recognise the Quandamooka people's rights over Mulgumpin. However, as QYAC has its own commercial operations it will be signing off on its competitors' permits, which creates a very complex situation for existing or potential operators. It is difficult to assure businesses there will be fairness and transparency in those decisions.

Operators have sought clarity on the new conditions around the renewal of permits, including cultural training, land access and the involvement of Indigenous guides on the island. They have also asked that the term be extended to enable more business investment, acknowledging that the department confirmed with QYAC that existing permits were to be extended for a period of two years from the registration of the ILUA and the IMA in May 2020. In her response to my letter the minister clarified that these permits were renewed on 31 March 2021. This will give an initial grace period as the agreement and management plans come into place, but operators rightly want more assurances for their future. There has been very little detail released to them.

In terms of how the assessment process on commercial activity permits would be fair, the department said that there were established assessment processes in place. The Deputy Director-General of Queensland Parks and Wildlife Service and Partnerships said—

There is a process there. We have, through the Indigenous management agreement, some parameters we and QYAC will deal with which we cannot be specifically public about.

It is unclear why there is a need for secrecy at this point. If there are parameters to ensure fairness—great. I urge the government to work with QYAC to publicise those parameters to give certainty to local operators.

Mr Fergus from Sunover summed up the frustration—

There has been no correspondence. There has been no conversation. There has been nothing. We are just a side thought. It is very frustrating. Sitting here, I am getting more and more frustrated because nobody knows anything and nobody is telling anybody anything so then the rumour mill starts. Then there is innuendo, hearsay and Chinese whispers. It has all got out of hand. Could we just be consulted? All we are trying to do is run a business and trying to survive and this is just making it infinitely harder. Do the ferry fees go up? Do the commercial activity agreements go up? Do we even get them anymore? Who knows? Let us know what is going on. We are happy to work with anybody and we will. We will follow any guidelines you give us, but please let us know what these guidelines are.

You can hear his uncertainty and he is not alone.

Other submitters raised the issue of conflict of interest and the uncertainty over the lengths of their permits. Mr Wilson, of Moreton Island Tourist Services, said—

We just want some certainty in the length of our permit. Our permit is due for renewal in May, and we just do not know what will happen in the near future. Since February we have been unwilling to invest any money in our business. I am not going to go and get a \$100,000 loan to continue our business when I do not know what is going to happen in March or May of next year, when our permit potentially renews. QYAC is the overarching body that has several businesses that sit underneath it, like Mulgumpin Camping. How are QYAC able to make an unbiased decision to provide consent about permits when in the near future they will potentially be our competition in business and tourism? We see this as a conflict of interest.

The department has said that when a business is unhappy with a decision there is an internal review process and then they can go the QCAT if they are still not satisfied. That was confirmed in the minister's response to my letter. However, in the case of QYAC refusing a permit it was not clear whether the specific reasons why it was refused would be required to be communicated to the applicant. There needs to be an enshrined process around this matter to bring more certainty, fairness and transparency.

Requiring the reasons for the refusal of consent by an Indigenous landholder to be included in the information notice is covered by the second part of the amendment I will move. There is a strong chance that these information notices will be vague and bureaucratic, which does not help with transparency or accountability. For argument's sake, you could have a permit refused for environmental reasons only for QYAC to start a similar venture. I am not saying that is going to happen, but it is a fear some operators have that could be easily alleviated by more transparency, leading to a better outcome for all. It is good for everyone if we can eliminate those fears and if an applicant is refused by QYAC they can be given the direct reason for that refusal of consent. That means, if possible, they will be able to rectify the concerns of the Indigenous landholder for future applications. It is important to

acknowledge that none of these submitters, any members on this side or, indeed, I think anyone in this House is against the bill or the right of the Quandamooka people to be given custodianship of what is rightfully theirs. What many do want is better communication and more openness about the changes.

The confidentiality of the agreement is one of the major concerns raised in the assessment of the bill, which again comes back to a seemingly unnecessary lack of communication and transparency. The ILUA and IMA have been kept confidential. The Deputy Director-General of Queensland Parks and Wildlife Service and Partnerships explained that in Australia it is common practice for the contents of ILUAs to remain confidential. That is important while negotiations are underway and allows the native title discussions to occur on a confidential and without-prejudice basis. However, once they are confirmed other states do allow their publication on a regular basis. In New South Wales, South Australia, Victoria and Western Australia you can view the ILUAs for various areas and in some cases the full ILUA is not published but individual sections are. It is only when you search for Queensland ILUAs that confidentiality is more commonplace. Therefore, releasing more of this agreement, even just parts of it, would not be out of the question.

I understand that ILUAs registered with the National Native Title Tribunal must be kept confidential when the parties do not wish their details to be made public, as is of course the case with similar agreements struck between two parties on many other matters. When we see the general subject matter of those agreements, it seems to make no sense for them to be kept confidential. It was disappointing that even the committee assessing the bill was denied the opportunity to see the agreement confidentially. I wrote to the chair stating the case for committee members to be allowed access to it. That lack of access made their task more difficult.

Confidentiality aside, what matters is the lack of communication with the community on the impacts the agreement will have and the ensuing mistrust and negativity about this process. This is disappointing because it has caused unnecessary fear and uncertainty about something that should be an overwhelmingly positive thing. Instead of celebrating the decision and this enactment with the Indigenous community, many residents have gone into panic mode about what it all means. We heard that again and again in the committee's hearings. Ms Paula Gill, the President of the Koorinal Land Owners Association, stated—

There is a big portion of elderly residents who live in Koorinal. Some have had houses there for 80 years and so forth ... in fairness to our elderly community particularly but all of our residents, some transparency is required. The secrecy behind these scenarios has really bred fear and anxiety amongst our community to the point where I have had older people ringing me crying saying they cannot sleep at night. They have obviously made it into something bigger than it probably is, but if we could just get communication around the scenarios it would put them at ease.

She went on to say—

As you say, there are some scenarios where we cannot have an opinion and that is okay, but to be able to go back to them and say, 'Look, the ranger station is being built there'—whatever the scenario is—that would really help, because at the moment we have nothing and nothing breeds fear.

Mr Bill Golan, President of the Moreton Island Community Association Bulwer, echoed Ms Gill's words. He said—

... there has been no information given to us. The lack of information breeds fear and then after that it breeds distrust. That is what we need to pull back on. We need to bring it back to having an honest and open discussion.

Even if the government felt that the agreement needed to be confidential or if QYAC requested that it remain so, communicating regularly to the community or even giving some of the summary points from the agreement could have prevented much of this uncertainty. I commend QYAC for suggesting native title workshops to help locals understand what the process means and how they can be helpful in respecting it whilst being part of the conversation. This is the kind of positive action we need to see going forward, so I support this second recommendation from the committee's report.

It is clear that the government has recognised this oversight and given the third recommendation to go beyond the usual legislated level of consultation when formulating the management plan. Even the committee noted—

... it appears more can be done to support clarity and certainty, particularly around conditions associated with the renewal of commercial activity permits.

I support the recommendation by the committee that the Queensland government, in partnership with QYAC, complement the statutory consultation requirements for the preparation of the draft management plan.

There has been much said about QYAC's finances in the report and through the media, and I welcome QYAC's clarification on these matters and the minister's response to the member for Oodgeroo's question without notice in this regard in February, I believe. I understand that there will be

a number of governing instruments over the finances, that these funds are also subject to the usual corporate governance and internal control mechanisms and that the department is including a Queensland Audit Office review as part of the annual financial audits.

In terms of other measures to protect funds in this joint management arrangement, there will be a service agreement between the department and QYAC for camping, vehicle access permits and facilities. However, with around \$30 million going to QYAC as part of the Mulgumpin agreement, more transparency will be a helpful tool to assess how the agreement is working and where there is room for improvement, particularly when it comes to environmental management. Again, this is why I believe my amendment will be helpful as it creates more clarity around reporting requirements, particularly to make them public.

To conclude, I would like to thank the two committees for their excellent inquiries and reports into this bill and to thank all of the people who contributed to those inquiries. This is another day of celebration for the Quandamooka people. I support this bill and ask the House to support the opposition's amendment to improve it.