




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

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

 **Mr NICHOLLS** (Clayfield—LNP) (6.20 pm): I thank the member for Lytton for her graciousness in allowing me to stand up. I think she was ready to jump.

To my mind, there are three immutable facts we must acknowledge in this debate about this bill: firstly, in Australia native title under traditional Aboriginal laws and customs is part of the law of the land, and this was made clear in the decision in the Mabo case in the High Court in 1992; secondly, Mulgumpin—or Moreton Island—is a magnificent natural gem abundant in wildlife, native fauna and flora and surrounded by seas rich in marine life; thirdly, Moreton Island is much loved and treasured by all Queenslanders, Indigenous and non-Indigenous alike. From these three facts all other questions about land use, land management, access and enjoyment arise.

In this respect Moreton island is much like its larger siblings Minjerribah—also known as North Stradbroke Island—and K'gari, also known as Fraser Island. Like those other islands and surrounding waters, Moreton Island is part of a native title claim—in this case by Quandamooka—and that claim has been resolved via consent orders made in the Federal Circuit Court in November 2019. I welcome the proper and due recognition of the traditional owners' entitlements and rights. This is the law of our land, and we must as a parliament and as Queenslanders support the proper—and in some cases overdue—application of our laws and the recognition of native title.

Ties to country, heritage and history are important to us all but are especially so for Indigenous Australia as custodians, inhabitants and original peoples whose history and traditions span the years. It is also important that this determination and recognition of native title provides the opportunity for empowerment and economic security of the traditional owners. Like all of us, having a say in the use of the land and enjoying the responsibility of its upkeep and management, as well as taking advantage of opportunities, both economically and socially, are significant obligations. This bill attempts to put a framework in place around those opportunities, responsibilities and obligations.

I want to see Moreton Island and its management as a beacon of success in that regard. It needs to be the standout, the example from which others can learn. Like thousands of Queenslanders, I love Moreton Island. Along with North Stradbroke Island, it holds a long and enduring place in not only my heart but that of my family. Stories abound at our place of lengthy camping trips taken by my father-in-law and his friends in the 1950s, 1960s and 1970s when you had to hire your own barge to get a vehicle over to the island, often on the return journey grounding on sandbars and having to wait for the tide to turn to come back; having to take all of your food and water and carry it enormous distances. In the days before modern camping gear, once the ice melted the diet became one of fresh fish caught off the cape, tinned food, toast and fruit. If you did not get a good catch it was short rations indeed. As my son keeps telling me, 'Dad, that's why they call it fishing, not catching.'

Stories of surviving huge storms that flattened tents on the cape, when shelter was found with the lighthouse keepers who still manned the lighthouse at that time until the weather improved and you could get out and re-establish your base; of the goats that used to roam freely along the northern part of the island, now thankfully removed—

Mr Healy interjected.

Mr NICHOLLS: I am not sure who the member for Cairns is referring to when he refers to goats, but I will let that one go. Goats used to roam freely along the northern part of the island, one of which my sister-in-law actually brought home and shipped back to Taringa, which proceeded to do enormous damage to their garden. It did not last long. Who knew what was in the stew? Thankfully, now they have been removed and the cliff faces around the cape and the lighthouse are now far better than they were and are being revegetated.

Stories—and I was there at this time—of watching the then few remaining humpback whales as they ever so slowly recovered in numbers after whaling finished in 1962. Stories of camping trips with my own kids where fishing, collecting pipis, swimming and exploring took up days and nights, and even up to today where a camping trip to Moreton is still high on the list of great weekends away. For anyone who is thinking of going over and getting to Yellow Patch this weekend, I can tell you that it was booked out three weeks ago. I looked and I checked.

Moreton Island holds a place in many people's hearts, but there is a huge amount of uncertainty about how joint management will operate in practice because of the lack of visibility on the ILUA and the IMA. For many people vitally interested in the future of Moreton Island that uncertainty is causing concern. Visitors, campers, tour and business operators, and freehold landowners alike have all voiced their concerns. Any reading of the committee reports, both the first and the second, highlights these concerns and considerable doubt about the department's response. Much of the response refers to outcomes on North Stradbroke Island under similar arrangements.

The story about North Stradbroke, Minjerribah, is still being written. There is an enormous amount of community disquiet from residents, nonresidents and the traditional owner community. Questions abound about allegations of land clearing, closure of parts of the island, restrictions on access and approvals, disquiet about the Whale on the Hill project at Point Lookout and, importantly, accountability to traditional owners and transparency about the expenditure of taxpayer funds. On Minjerribah success about joint management is still a hotly contested question.

This is the great fear for many with this bill: secrecy, a lack of transparency, an absence of candour and incomplete and insufficient reassurances are all leading to resistance to, and questions about, the government's management of this process, and that is a shame. All of this is unnecessary. All the government and QYAC have to do is release the terms of the ILUA and the IMA and their proposed actions under those documents. Until this occurs the natural reaction of everyone is, 'What's the big secret?' It is not as if there are any other commercial competitors for this agreement. There is only the state and QYAC. In each case both are—or are supposed to be—elected representatives for their constituencies, yet both refuse to tell those constituencies what is in the documents.

If the benefits are so good, if the outcomes will lead to all the positives we are told, then why hide them behind the wall of confidentiality? It is a complete whitewash to simply claim the information cannot be disclosed because that is what the ILUA and the IMA say. There is no statutory requirement for secrecy, as the committee report points out. It is a term of an agreement between parties. They can decide to apply it or not. They could have left it out entirely if they wanted to.

What is the big secret? Do not tell me it is confidential just because it says it is confidential. Why? What is being protected? Why is it so important that taxpayers spending \$30 million, businesses looking for certainty and clarity and Indigenous owners seeking an understanding of their own rights cannot view these documents? If permit holders or business operators on the island have nothing to fear, why not show that to be the case? The member for Bundaberg was completely wrong. It is not an order of the Federal Circuit Court that requires confidentiality; it is a term of the agreement itself. It is nothing to do with the court's decision in relation to it.

In particular, clause 23 of the bill causes enormous concern. In effect it appears to give a right of veto to an application to QYAC. We are asked to take on trust the assurance of Mr Klaassen, the deputy director-general of parks and wildlife, that there is a process of equity and fairness. That is like saying to a taxpayer, 'You just take the word of the tax commissioner on how much you have to pay.' Who is going to accept that? No-one. We have no oversight of it. There is no clarity. There is no fair process. We have to take the word of Mr Klaassen. I do not know whether he will be there next week, next month

or next year. As for an appeal to QCAT, what small business can do that because of the delay, the time and the money? It is farcical that this government expects a small business operator to go down that path.

These are serious concerns that have not been adequately addressed by the government, nor have they been adequately addressed in the committee report. Quite frankly, more needs to be done. While this is a start—and, as our shadow minister has said, we will be supporting this bill—there are very real questions about how this management agreement will work and what it will deliver. We hope it does. Moreton Island, Mulgumpin, Quandamooka deserve the best that they can out of this arrangement.