

QUESTION ON NOTICE

No. 1916

asked on Thursday, 28 November 2019

DR C ROWAN ASKED THE MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY (HON DR A LYNHAM)—

QUESTION:

With reference to the provision of 127 hectares of additional land granted on Moreton Island to the Quandamooka people—

Will the Minister outline (a) where this land will be (b) the reasons for its granting (c) the intended use for this land and (d) what consultation took place with affected stakeholders?

ANSWER:

When the Honourable Justice Darryl Rangiah brought down his determination in the Federal Court on 27 November 2019, the court recognised the Quandamooka people's continuing native title on Moreton Island, or Mulgumpin, as it is known by the Quandamooka people. Justice Rangiah said:

The Court is asked to make a determination that native title is held by the Quandamooka People in the claim area. By making that determination, the Australian community will collectively recognise that status.

But, it is important to emphasise that the Court's orders do not grant native title.

The Court is merely recognising rights and interests that have existed under the traditional laws and customs of the Quandamooka People since thousands of years before European settlement.

Over 90 per cent of Moreton Island is national park, and will remain so. The native title determination simply recognises the co-existence of non-exclusive native title rights with the existence and operation of the national park.

The native title determination identifies less than seven hectares of land where the Quandamooka peoples' exclusive native title rights and interests have survived unaffected by other interests. That information is publicly available in the maps that form part of the Federal Court's determination, and will also be publicly available from the National Native Title Tribunal when the determination is entered in the Native Title Register.

I can confirm that, under an Indigenous Land Use Agreement negotiated as part of the settlement, areas of unallocated state land will be included in the national park estate, which will be increased by approximately 120 hectares.

The Queensland Parks and Wildlife Service and the Quandamooka people have already jointly managed the protected areas on Minjerribah (North Stradbroke Island) and have done so since 2011, and the Indigenous Land Use Agreement extends this to Mulgumpin (Moreton Island) which is also part of Quandamooka country.

The resolution of the Mulgumpin native title claim involved four years of extensive negotiations between the parties and included two Indigenous Land Use Agreements.

Successive Queensland governments have strongly supported the settlement of native title proceedings without the need for trial wherever possible, and Indigenous Land Use Agreements are a common, lawful and binding way to document settlements reached between the various parties.

Under the *Commonwealth Native Title Act 1993*, native title claims are matters for the Federal Courts determination and negotiations on these claims are always conducted on a “confidential and without prejudice” basis between the parties, and this necessarily normally precludes broader public consultation.

Under the Act, the Federal Court’s determinations are made independent of broader public consultation. That said, the National Native Title Tribunal advertised the Quandamooka (Moreton Island) claim in May 2015, and members of the public, including Moreton Island residents, had three months to apply to become part of that process.

Officers from the Department of Natural Resources, Mines and Energy, the Department of Environment and Science, and the Department of Justice and Attorney-General briefed representatives of the three Moreton Island township associations on Monday, 2 December 2019.