



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP (Chair)
Mr MJ Hart MP (via teleconference)
Mr RI Katter MP (via teleconference)
Mr JE Madden MP
Mr JJ McDonald MP
Mr TJ Smith MP (via teleconference)

Staff present:

Ms S Galbraith (Committee Secretary)
Ms R Stacey (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE NATURE CONSERVATION AND OTHER LEGISLATION (INDIGENOUS JOINT MANAGEMENT—MORETON ISLAND) AMENDMENT BILL 2020

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 17 DECEMBER 2020

Brisbane

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The committee met at 9.30 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020. Thank you for your attendance here today. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. Mr Jim McDonald, the member for Lockyer, is the deputy chair and he is with us today, as is Mr Jim Madden, the member for Ipswich West. Joining us by teleconference is Mr Michael Hart, the member for Burleigh; Mr Robbie Katter, the member for Traeger; and Mr Tom Smith, the member for Bundaberg.

On 3 December 2020 the Hon. Meaghan Scanlon, Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs, introduced the Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill 2020 to the Legislative Assembly. The bill was referred to the State Development and Regional Industries Committee for consideration and report by Friday, 12 February 2021. The purpose of today's briefing is to hear from departmental officers from the Department of Environment and Science and the Department of Resources to assist the committee with its examination of the bill. I remind committee members that officers are here today to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. Media may be present and will be subject to my direction. The media rules endorsed by the committee are available from committee staff. All those present should note that it is possible you might be filmed or photographed during the proceedings. I ask officials that if you take a question on notice you provide the information to the committee by 12 noon on Thursday, 13 January 2021. Finally, I remind everyone to turn their mobile phones off or put them on silent.

I welcome officers from the Queensland Parks and Wildlife Service and Partnerships branch within the Department of Environment and Science and officers from Land and Native Title Services within the Department of Resources. I also welcome members of the public in the gallery today.

BROGAN, Ms Julie, Director, Native Title Policy and Indigenous Land Operations, Land and Native Title Services, Department of Resources

DOUGHERTY, Mr Robert, Principal Land Officer, Indigenous Land Operations, Land and Native Title Services, Department of Resources

KELLY, Mr Todd, Manager, Parks and Forests Policy, Department of Environment and Science

KLAASSEN, Mr Ben, Deputy Director-General, Queensland Parks and Wildlife Service and Partnerships, Department of Environment and Science

CHAIR: I invite you to make an opening statement, after which committee members will have questions for you.

Mr Klaassen: I will make an opening statement on behalf of all of us. I start by acknowledging the traditional owners of the lands on which we gather today, the Turrbal and Jagera people, and pay my respects to elders past, present and emerging. I also pay acknowledgement to the Quandamooka people, whose lands we are about to discuss. Thank you for acknowledging my colleagues Todd Kelly, Julie Brogan and Robert Dougherty. We will be working collaboratively to answer any questions that the committee has. This has been a collaborative process across the two agencies.

Thank you for the opportunity to appear before the committee today. As you are aware, the Nature Conservation and Other Legislation (Indigenous Joint Management—Moreton Island) Amendment Bill was previously introduced into the Legislative Assembly in July 2020 but lapsed upon Brisbane

the dissolution of the 56th Parliament on 6 October, prior to the recent election. The bill had been examined by the former State Development, Tourism, Innovation and Manufacturing Committee and its report was tabled on 28 August 2020. The bill was reintroduced on 3 December 2020 with no changes.

As background information for the committee, Moreton Island is known as Mulgumpin to the Quandamooka people. The majority of the island is dedicated as protected area, national park and conservation park under the Nature Conservation Act 1992 and included in a recreation area declared under the Recreation Areas Management Act 2006. In 2014, representatives of the Quandamooka people lodged a native title claim over Mulgumpin in the Federal Court and the Queensland government worked with them to finalise their claim through a consent determination process. An Indigenous land use agreement and an Indigenous management agreement were negotiated between the state and representatives of the Quandamooka people ahead of the Federal Court consent determination, which occurred on 27 November 2019. These documents contain the commitments and settlement outcomes negotiated through the consent determination process.

While the contents of these documents are largely confidential, I can confirm that as part of the settlement arrangements the state has agreed to work towards joint management of the protected areas on Mulgumpin with the Quandamooka Yoolooburrabee Aboriginal Corporation, known as QYAC. Joint management of Mulgumpin will effect similar arrangements to those in place between the Queensland Parks and Wildlife Service and QYAC on Minjerribah, or North Stradbroke Island, following the resolution of a previous native title claim process for that island in 2011.

Joint management is a specific model of protected area management prescribed in the Nature Conservation Act. It provides for management of the land to occur jointly between the Queensland Parks and Wildlife Service within the Department of Environment and Science and the Indigenous landholder under the Aboriginal Land Act 1991. Land management decisions made by the two parties occur consistent with an Indigenous management agreement agreed between the state and the Indigenous landholder as the trustee for the land under the Aboriginal Land Act.

Before formal joint management can be established a number of steps must be completed, including: the national park and conservation park on Mulgumpin must become transferable land under the Aboriginal Land Act; deeds of grant must be subsequently approved with QYAC appointed as the Indigenous landholder for the land upon the recommendation of the minister responsible for the Aboriginal Land Act; and the minister responsible for the Nature Conservation Act must subsequently recommend that the Governor in Council make a regulation declaring the land to be an Indigenous joint management area.

Once the Indigenous joint management area is declared, formal joint management arrangements come into effect. The key policy delivered through this bill is to provide the legislative framework to facilitate the steps required to achieve formal joint management of Mulgumpin. The bill makes amendments to the Aboriginal Land Act, the Nature Conservation Act and the Recreation Areas Management Act to achieve this outcome. These amendments include: amending the Aboriginal Land Act to give prescribed protected areas on Mulgumpin the status of transferable land so that they may be granted to QYAC as Aboriginal land; inserting references to Moreton Island in relevant sections of the Aboriginal Land Act to recognise the Indigenous management agreement between the state and QYAC and facilitate the declaration of an Indigenous joint management area; amending the Nature Conservation Act to provide for the declaration of an Indigenous joint management area over the national park and conservation park on Mulgumpin; and amending the Recreation Areas Management Act to ensure matters such as consultation requirements with QYAC are met before certain permits and authorities are granted within the jointly managed area.

In relation to matters raised in public submissions during the former committee's consideration of the bill, several submissions contained reservations about the confidential nature of the Indigenous land use agreement and Indigenous management agreement. These submissions indicated that the confidential nature of the agreements made it difficult for people to understand what the future may hold for tourism operators, residents and visitors to the island. As with most of the Indigenous land use agreements registered in Australia under the Commonwealth Native Title Act 1993, the contents of these agreements are confidential between the parties because discussions usually occur on a confidential and without-prejudice basis as part of native title claim negotiations. The department is required to adhere to those confidentiality requirements while balancing the expectations of businesses and the community. It is working with QYAC to agree on a process of community consultation to address the concerns raised in submissions. For example, staff from the department met recently with representatives of QYAC to discuss organising a meeting with tourism operators on Mulgumpin to discuss future arrangements and operating requirements.

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I also note that submissions from some commercial tour operators commented about amendments requiring consultation with QYAC as the Indigenous landholder before the department can grant permits to carry out certain activities on Mulgumpin. I would like to clarify that the requirement to undertake consultation with the Indigenous landholders in relation to permit applications already exists in the Nature Conservation Act and currently applies for activities on existing jointly managed protected areas in places such as Minjerribah and the Cape York Peninsula region. This is a fundamental principle of joint management and it is entirely reasonable to seek the views of the owners of the land during the permit application process.

As the protected areas on Moreton Island are also within the recreation area declared under the Recreation Areas Management Act, the bill makes amendments to this act to mirror the existing consultation requirements under the Nature Conservation Act. This will ensure consistent consultation processes occur with the Indigenous landholder irrespective of which legislation a permit for activities on Mulgumpin is sought under.

In relation to matters raised in submissions regarding community consultation on the future management arrangements of Mulgumpin, the former committee's report on this bill recommended the Queensland government, in partnership with QYAC, complement existing statutory consultation requirements on the draft management plan for Mulgumpin with further accessible consultation activities, including community information sessions. There is an existing management plan for protected areas on Mulgumpin that will be reviewed, with a new draft to be developed, and the department is committed to community consultation when a draft management plan for the island has been prepared in partnership with QYAC.

There are existing statutory requirements relating to community consultation when a new protected area management plan is being developed under the Nature Conservation Act. These requirements include that a public notice of the draft plan be given on the department's website; the notice includes information advising that a copy of the draft plan is available and the location where the plan may be obtained; and the notice includes an invitation for members of the public to make written submissions about the draft plan to the minister within a period of not less than one month. In addition to those statutory consultation requirements, the department will incorporate further consultation activities into the planning process to address requests from members of the community and business owners for further information and consultation sessions in relation to the future management of protected areas on Mulgumpin.

While not directly related to the amendments in this bill, I would like to address other issues that were raised about governance issues and financial management arrangements related to QYAC in the context of delivering joint management. The Australian government includes an Office of the Registrar of Indigenous Corporations, which administers the Commonwealth Corporations (Aboriginal and Torres Strait Islander) Act 2006. The registrar offers supports and regulates corporations by ensuring compliance of those organisations with this act.

The report by the former committee was satisfied with the explanation provided by the chief executive officer of QYAC that the organisation is not insolvent and noted the letter supplied by the regulator to support this position. The Department of Environment and Science has established corporate governance practices, and internal control mechanisms and specific reporting protocols are in place to ensure that any funds provided for joint management are accounted for. This includes compliance with the Queensland government *Financial Management Practice Manual*, the Queensland Audit Office review as part of annual financial audits, and audit and risk committee oversight. A senior officer working group and operational working group also have oversight of the funds. The report by the former committee indicated that it was satisfied that the measures implemented by the department to safeguard state funding for the delivery of joint management activities are appropriate.

In summary, the primary purpose of the bill is to provide for the establishment of joint management on Mulgumpin which will result in consistency with existing joint management arrangements with QYAC of protected areas on Minjerribah and facilitate the delivery of this government's commitment in relation to this outcome. Thank you and we will be happy to take any questions that the committee may have.

CHAIR: Thank you very much. The committee most wanted to know about the consultation and the information that has gone out to all stakeholders since the former committee's report was tabled. You have indicated that QYAC is working with state agencies to agree on a process for consultation; is that correct?

Mr Klaassen: Yes, that is correct. We had a meeting with QYAC to agree on the steps for a meeting with tourism operators early in 2021 to discuss what the joint management arrangements mean in terms of their operations. That meeting is going to be arranged in the not-too-distant future.

CHAIR: You say the meeting will be in early 2021?

Mr Klaassen: We are aiming for February, noting that January is a busy period with holidays and so forth.

CHAIR: Have there been any other communications or consultations with stakeholders, formal or informal, or is it just the process of working with QYAC to establish that meeting?

Mr Klaassen: There has been informal consultation through our staff on the island talking to people as they are out and about doing their day-to-day activities. We have to be careful in terms of not getting too far ahead of pre-empting the parliament's consideration of the bill. There is a balance that we need to walk between not being pre-emptive and also giving information. There is information on our website that is available to members of the community about general principles of joint management and what it means.

CHAIR: When you say that you have staff on the island, for example, there are rangers. Is that who you are talking about on the island?

Mr Klaassen: That is correct. We have a ranger base on the island with between six and eight staff. QYAC now has up to four staff on the island. Members of the community interact with those people on a regular basis when they are out and about and they ask questions and get information. It is not necessarily a formal process, but it tends to be a good way for people to find out what is going on.

CHAIR: We talked about the statutory requirement for consultation which includes advertising, having a copy of a plan when it is ready being readily accessible and opening up a submission time. Is that the basis of the statutory requirement for consultation?

Mr Klaassen: Yes, that is with regard to the management plan.

CHAIR: The IJMA?

Mr Klaassen: Yes, the management plan for the IJMA. A departmental planner and a QYAC planner will be working on that, and once that is in a draft stage we will go to the public with a document that will be advertised and available for everyone to provide input and comment into what that document says.

CHAIR: Where are those statutory requirements for consultation? Are they in the Recreational Areas Management Act?

Mr Klaassen: They are in the Nature Conservation Act.

Mr McDONALD: I appreciate your brief, Mr Klaassen, thank you very much. You did cover a couple of the areas I was concerned about; however, there have been a number of opportunities identified for economic, social and cultural changes on the island, which obviously are welcome, but there has been some criticism around the lack of consultation, allegations around inappropriate aspects of land use planning and a number of other concerns raised by the community already. How can we as a committee going forward remove a number of those issues?

Mr Klaassen: I think the issues you might be referring to are more about Minjerribah and the land use arrangements over there, which are not within the scope of the current bill. What I can say in terms of consultation is that we recognise it is important and we will be doing that in 2021—balancing the need to manage the parliamentary process of approving joint management and ensuring the community is as informed as it can be within the constraints of the federal Native Title Act around what you can and cannot say in terms of native title settlement. That is probably not ideally what you wanted to hear, but that is the process we are going through and that is what we are committing to.

Mr McDONALD: With regard to criticism about the lack of consultation, you would have learned from the other processes that have been put in place at Minjerribah. What learnings have you taken from that that you can apply in this IMA?

Mr Klaassen: Minjerribah is somewhat different to what we are dealing with on Mulgumpin. The Indigenous joint management areas on Minjerribah largely do not have too much interaction with the general community. The southern part of the island is the largest part—it has been inaccessible to most people—and the townships are not impacted. What we know is that engaging the community and bringing them along as part of the process is important. Mulgumpin, or Moreton Island, has three Brisbane

important communities. We are aware of the community associations that exist over there. We have been talking to the local member, the Hon. Yvette D'Ath, about getting some consultation arrangements in place for those particular groups so they are engaged in the process. We have our plans and we will be implementing those in 2021.

Mr McDONALD: With regard to the confidentiality issues—I fully respect confidentiality in terms of commercial-in-confidence—what level of transparency is in place to make sure there is fairness for all to be involved in whatever agreements there may be, and how public are those versus the commercial-in-confidence nature of whatever agreement or contract might be in place?

Mr Klaassen: In terms of the commercial operators, there is an established process for permit assessment under either the Nature Conservation Act or the Recreation Areas Management Act which provides for transparency. If someone is not satisfied with a decision there is an internal review process, and then there is ultimately a QCAT process that someone can appeal to. 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, but I assure that they do provide a framework that ensures equity, fairness and overall objectivity in assessing applications that come before both partners.

Mr McDONALD: QYAC is obviously involved in both of the islands. I know that the CEO has recently resigned. How is the department managing those issues going forward?

Mr Klaassen: Which issues are you referring to, sorry?

Mr McDONALD: The CEO of the organisation has recently resigned. Are there continuation arrangements in place, or how is the department engaging with QYAC?

Mr Klaassen: Primarily through our agreement we set up what we call a joint management coordinator. That person has been in place largely since the start of joint management in 2011, so they are the primary point of contact for joint management. We have had a positive relationship with the CEO. He has a multitude of tasks that he has to do, but he is not involved day to day in joint management. We believe the relationship will continue to be solid. They are matters for QYAC in terms of how they proceed with replacing their CEO, but we do not see it causing any issues for joint management.

Mr MADDEN: My questions relate to the second paragraph in the explanatory notes where it says—

The primary policy objective of the Bill is to provide for the joint management of protected areas on Moreton Island (Mulgumpin).

Can you outline what are the protected areas on Moreton Island, what percentage of the island is protected and whether the protected areas go beyond the shoreline?

Mr Klaassen: There is Moreton Island National Park and there is Cape Moreton Conservation Park. They are the two primary protected areas that are there. I do not have an exact percentage, but it is around the 98 per cent mark. It is a very substantial part of the island. You have townships, which are freehold and under Brisbane City Council jurisdiction, and you have Tangalooma resort, which is a lease through the Department of Resources, so they are excluded. Pretty much most of the other parts of the island are protected area. That covers a large component of the island. I forgot the third part of your question.

Mr MADDEN: Does it go beyond the shoreline?

Mr Klaassen: No, the terrestrial protected areas do not, but you have a marine park that intersects there as well and there is a separate native title claim with regard to the marine park. The Recreation Areas Management Act can span the beach area as well, but the terrestrial protected areas are land.

Mr MADDEN: Can you give the committee a brief assessment of the economic, social and cultural impacts of this bill on the protected areas?

Mr Klaassen: The investment in joint management will create new jobs on the island for rangers. Between four and eight additional rangers will be based on the island. We have been allocated funding to potentially build a new base to support those additional staff, so that will create short-term construction jobs. Also, more people will generate a bit more local business and impact on the economy. We also believe that through the involvement of QYAC there can be a cultural tourism component and product that tourists are particularly interested in seeing, so there will be potential for additional tourism product that will benefit the economy as well. We are also working collaboratively on a range of other management activities that come with managing the area, for

example, additional pest and fire programs. Money that has been allocated for general management will also be invested on the island and potentially through to local contracts with smaller scale capital works. There is a range of benefits that will flow to the island from this particular initiative.

Mr HART: Mr Klaassen, you mentioned a few times that the parliamentary process is pretty important. Obviously this committee process is going to decide whether this bill should pass or not. Having access to all of the information is very important to us. Can you tell us if the IMA can be provided on a confidential basis to this committee and, if not, why not?

Mr Klaassen: No, the department cannot provide the IMA because we are bound by the Federal Circuit Court restrictions, which basically make that a confidential document. I can point you to the National Native Title Tribunal website, which has extracts of material on there. That is all that we can provide through the public availability of information. I will defer to Julie to see if she wants to add anything because they do manage native title across the state.

Ms Brogan: No, I do not have much more to add. It is a confidential agreement, as Mr Klaassen said. There are extracts on the National Native Title Tribunal website giving some information that is publicly available. All I can do is direct you to the same site.

Mr HART: Mr Klaassen, I am not talking about making it publicly available; I am talking about it being made available to a committee of the Queensland parliament to make a decision.

Mr Klaassen: I appreciate that, but we are still bound by the confidentiality provisions of the Federal Court.

Mr HART: To clarify again, Mr Klaassen, it is available to the government but not to this committee?

Mr Klaassen: No, it is only available to the department that is involved in implementing the joint management and the Department of Resources who negotiated it. We do not provide that document to any other agency of government.

Mr HART: So no member of the executive government has seen that document or been involved in the negotiation process?

Mr Klaassen: It has to be signed off by a minister binding the state. A minister would have executed the document.

Mr HART: Then the government has seen the document but it is not available to the parliament. Is that what you are saying?

Mr Klaassen: No, I am saying that the requirements are for a minister to commit the state, and that is normal process through these native title negotiations. It does not matter whether it is this agreement or any other agreement; they are all confidential through negotiations with the parties.

Mr HART: The minister has signed the government up for something that they have not read? Is that what you are saying?

CHAIR: I do not think that is what he is saying.

Mr HART: Let's just clarify that, Chair, please.

Mr Klaassen: I can say that the minister received briefing papers on the agreement and was regularly briefed on the process. I do not think it is fair to say a minister would have signed it without understanding it. The minister was briefed on it and had input into the process.

Mr HART: Which minister signed it?

Ms Brogan: Minister Anthony Lynham would have been the minister at the time who would have signed it, if we are talking about the recent ILUA.¹

Mr Klaassen: Minister Lynham, and we were working through Minister Fentiman, who had responsibilities for North Stradbroke Island and Moreton Island.

Mr HART: The member for Algeester was not involved at all?

Mr Klaassen: No, she was definitely excluded, as required. She had no involvement. We did not brief her at all.

Mr HART: Mr Klaassen, you said you could provide us with the part of the act that says this is confidential. Can you provide that to the committee in the fullness of time?

CHAIR: Is that the federal act you are talking about?

¹ In correspondence received 4 January 2021, Ms Brogan clarified that the transcript should read that Minister Fentiman also signed the ILUA document in addition to Minister Lynham as stated during the hearing.

Mr HART: Yes, a copy of the federal act and point to where it says this is not available to the Queensland parliament, please.

CHAIR: Extracts from the—

Mr HART: You can take that on notice.

CHAIR: It obviously would need to be sent through. You are wanting any extract of the federal act which points out how IMAs are dealt with and how they are negotiated? Is that right, member for Burleigh?

Mr HART: Yes, and that it is not available to a parliamentary committee. You can take that on notice. Just moving on—

CHAIR: We might clarify that later.

Mr HART:—the explanatory notes say that the state has allocated four years of funding to this management process and recurrent funding. Can the deputy director-general tell us how much that funding is, please?

Mr Klaassen: I do not have the specific number with me. I would probably take that on notice so I can give you the specific amount. It covers off things like additional rangers, the fire and pest programs and the capital for additional bases. I would need to come back to you with a specific amount.

Mr HART: The former committee heard that the management area must not result in a decrease in public access. Can you confirm that there has been or will be no decrease in public access to areas of the island as part of the IMA?

CHAIR: I think there was no decrease in aggregate. Would someone like to take that question?

Mr Klaassen: We are sort of straying away from the bill. The bill does not actually result in any changes that would result in that, but there are provisions through other acts that impact this. In terms of the bill, there is nothing in the bill that facilitates anything of that sort.

Mr HART: We have seen some of these agreements put in place, and you mentioned North Stradbroke earlier with the same joint management arrangement. Have we seen any decrease in public access when this has happened before? I point directly at a media announcement yesterday; there was a jetty closing on North Stradbroke Island. Is that the sort of thing we may see in the future on Moreton Island?

CHAIR: Member for Burleigh, I saw that. There are some issues with regard to maintenance, not anything regarding native title outcomes.

Mr HART: Maybe the director-general could explain—

CHAIR: I was about to say that I think you have understood the broad stroke of that question. Mr Klaassen, is there anything you want to add to that?

Mr Klaassen: The jetty is outside the joint management area.

Mr HART: It has its own joint management agreement though, doesn't it?

Mr Klaassen: No, it is a TMR managed jetty, I believe, from what I have read. I can confirm it is nothing to do with the Department of Environment and Science and it is not within the joint managed area that we are responsible for with QYAC. It is at Dunwich.

CHAIR: Member for Bundaberg, do you have a question?

Mr SMITH: No, not at this point. I think Mr Klaassen has covered any inquiries I had. I am quite happy with that at this stage.

CHAIR: In our briefing papers we talked about the fact that the transition to joint management is effectively or in some ways underway. As part of that transition—I think we touched on it in relation to QYAC staff on Mulgumpin—some management programs and maybe some more infrastructure are being jointly done. Is that the kind of transition that we talk about when we say that transition is underway?

Mr Klaassen: The transition has started with Mulgumpin Camping being established. The campgrounds are now being managed jointly with QYAC. The staffing is starting to come into place so we can get some of those early programs up and running. The formal joint management will not actually start until the bill is passed.

CHAIR: Are there any further questions from committee members?

Mr McDONALD: With regard to us going forward—and we want to do the right thing here and produce a good outcome—there has been some criticism of QYAC, rightly or wrongly, and going forward we are trying to remove that perception as best we can to produce a good outcome. Who is the joint management coordinator for QYAC?

Mr Klaassen: [REDACTED].

Mr McDONALD: Is he the same person who had allegations made against him for land clearing on North Stradbroke—

CHAIR: Wait. Bear with us, Deputy Chair. I think you are dealing with matters that are outside the bill. You are talking about people. We are not talking about individuals but positions. Can you be very careful with what you are saying? Do you want to rephrase that question perhaps?

Mr McDONALD: Sure. Again, perception is reality, and we are trying to produce a good outcome for the community in this sense. Has the department investigated issues or allegations against QYAC on Minjerribah that may affect this consultation process?

Mr Klaassen: I think we are getting a bit far away from the scope of the bill. I might seek some guidance from the chair as to how I respond to that.

CHAIR: Deputy Chair, I am struggling to see where this would be going.

Mr HART: Mr Chair, I think it is entirely reasonable that the committee enquires into the suitability of QYAC to be part of this joint agreement and, as such, it is very important to delve into the people who are actually involved. The deputy chair has a very valid question.

CHAIR: In terms of the basis of what you are talking about—the question of the suitability of an organisation—this bill is not looking into that. The fact is that the Queensland government and QYAC are parties to a legal agreement under a federal structure. The suitability or otherwise of organisations is outside the scope of this bill. It is something that we have no impact upon. I can understand where you are going; you are questioning some aspects of QYAC. I think it is a pretty thin thread to try to connect that with an examination of the bill. We want to look at how effective are those joint management proposals. I am not quite sure how to help you out with this particular question, Deputy Chair.

Mr HART: Sorry to interrupt, but this whole bill is about an agreement between QYAC and the government. It is entirely reasonable to ask about people in QYAC and how they have performed in the past or how they will perform in the future.

CHAIR: I do not agree with you, member for Burleigh, because we could end up questioning people at a federal government or state government level about their suitability as well. It is on that same basis. I suggest that staying away from personalities of who is currently in positions would be an appropriate way to go forward.

Mr McDONALD: I appreciate the sensitivity of it, but we would like to ensure that the community's best interests as a whole are protected. Perhaps I should say that senior QYAC officials have had a number of allegations made against them. How is the department progressing forward on this new agreement to mitigate those allegations and concerns?

CHAIR: I still think you have a problem there. You are talking about how the department is going to respond to allegations.

Mr McDONALD: Not respond, just manage the conflict.

CHAIR: I think you are, in terms of saying how do you manage, how do you respond to allegations? There are a number of hypotheticals there. I think it is a very murky area you are in when you are asking how the department will deal with allegations and how they will respond. I am not sure how we can go ahead with that line of questioning.

Mr HART: Mr Chair—

Mr SMITH: Chair, could I make a comment here?

CHAIR: We will go to the member for Bundaberg and then we will go to the member for Burleigh.

Mr SMITH: This amendment bill is about making amendments to pre-existing acts to make sure we can get a good joint management agreement. QYAC is a body that has been created under the Native Title Act. I am not sure how our consideration of QYAC here affects the amendments that need to be made to pre-existing acts, especially as they are already a registered body created under the Native Title Act. It is not our position to attempt to discredit them when the bill is about making sure that we get the correct amendments in place so that we can have a joint management.

CHAIR: Thank you for that. Member for Burleigh, you had a point as well?

Mr HART: The member for Bundaberg is completely wrong. Once he has been here for a little while he will understand, I think. This bill is about—

Mr SMITH: Chair, I take offence to that. Could the member please withdraw those comments?

CHAIR: Member for Burleigh, do you want to withdraw that?

Mr HART: I withdraw. This bill is all about a joint management agreement between QYAC and the government. The credibility of QYAC and their suitability to be part of this joint membership needs to be something that the committee looks at. I am sorry, Mr Chair, I do not accept your ruling on this. I think we need to have an answer to the question.

CHAIR: I understand, member for Burleigh, that that is an opinion. I think the majority of the committee would not agree with your interpretation of that. I have given guidance, perhaps, that those questions about suitability of people and suitability of an organisation are outside the scope of the bill. I do not see where we can go beyond that. I do not think your opinion is shared broadly across the committee.

Mr HART: I think the only way we can resolve that is a vote of the committee, Mr Chair. We are here to inquire into this bill. The question should be answered.

CHAIR: In that case I will rule that last question out of order and then we can deal with that during a private meeting.

Mr McDONALD: Chair, could I ask another question?

CHAIR: Certainly.

Mr McDONALD: Obviously QYAC is involved with both islands. What changes to the process have occurred in this consultation and development of the joint arrangement than happened at Minjerribah?

Mr Klaassen: It is hard for me to comment because I was not in the role in 2011 when that happened. All I can refer you back to is what I said in my opening statement: the department has, through the Commonwealth Office of the Registrar of Indigenous Corporations, validation that QYAC has met all its responsibilities federally. We have arrangements in place to ensure that QYAC meets its obligations to us in a contractual sense and we have financial practices in place to ensure that moneys are appropriately accounted for. That is what we put in place and that is how we manage to ensure public funds are used and accounted for appropriately.

Mr McDONALD: Public funds is key to this. With QYAC being the joint management group for both islands, has the department investigated QYAC in regard to land use clearing?

Mr MADDEN: I think again we are drifting into areas outside of what we are meant to discuss today, which is this bill currently before parliament, not the probity of individuals involved. We should be discussing the bill, not the participants.

CHAIR: I agree with the member for Ipswich West. I am going to throw to a quick question for the member for Ipswich West before we close the briefing.

Mr MADDEN: I just want to ask a question concerning an issue raised by business owners in the previous investigation by the previous committee. Business owners raised the issue of permits, in particular commercial permits, and business owners called for more information on how the permitting regime would work in practice, particularly in cases where QYAC did not consent to a grant or renewal of the permit in the event that this bill is given the assent of parliament—so not as it is now but in the future.

Mr Klaassen: There are a couple of steps to that. We have agreed with QYAC that we will be able to extend the existing permits for a period of two years from registration of the ILUA and IMA. As I sort of alluded to earlier, there are processes already in place in the Nature Conservation Act that provide for a review of a decision if the applicant is not satisfied and then ultimately there is an appeal process to QCAT where an organisation can have a full analysis of a decision. We are mindful of that and need to ensure there is adequate criteria and documentation that supports decisions should we end up at a QCAT process. That is probably all I can say.

Mr MADDEN: Does QYAC have the ability to stop a permit being reissued or extended?

Mr Klaassen: QYAC as the landholder has the right to approve or not approve certain types of permits.

CHAIR: Just before I close, member for Lockyer, do you have a short question?

Mr McDONALD: The group might like to take this on notice, but with the federal arrangements that are in place in Queensland, the administration aspects of that, what are the mechanisms of appeal regarding the federal issues and then the state issues? I know you just mentioned QCAT for some of those things. Could you outline to the committee what the appeals process is for each of those different aspects?

Mr Klaassen: There is no federal appeals process because it is completely state legislation that governs the joint management arrangement. There was an appeal process through the Native Title Act—Julie may be able to explain—in terms of people who had an issue with the native title process, but in terms of the joint management, that is a state process that is not dealt with in any federal legislation. I will hand over to Julie if you want more on that.

Mr McDONALD: Do the state matters go to QCAT?

Ms Klaassen: Correct. It is an internal review and then QCAT. Julie can talk about the native title registration and how people could have objected to that.

Mr McDONALD: That was a consent order anyway, was it not?

Ms Brogan: Yes, that is right. During the native title claim process parties have an ability to join and to make representations through the Federal Court. There is also a notification period that is run where people or groups are able to then put forward any issues or concerns they have which are then addressed at the time.

CHAIR: We have a couple of questions on notice. The question from the member for Burleigh was about the relevant sections in the federal Native Title Act regarding confidentiality. Then there was a question regarding funding.

Mr HART: Yes, four years of funding.

CHAIR: The time allocated for this briefing has now expired. If you could, please provide the answers to questions taken on notice to the committee by 12 noon on Tuesday, 13 January 2021. Thank you all for your attendance at today's briefing. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare the briefing closed.

The committee adjourned at 10. 22 am.