



Australian Government



TSRA
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26 June 2012

Ian Rickuss MP
Member for Lockyer
Chair of the Agriculture, Resources and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Animal Care and Protection and Other Legislation Amendment Bill 2012

Dear Mr Rickuss,

I would like to thank you for providing the Torres Strait Regional Authority with the opportunity to provide this submission to the committee for consideration in their examination of the proposed *Animal Care and Protection and Other Legislation Amendment Bill 2012*.

As you are aware, the proposed Bill will amend the *Animal Care and Protection Act 2001* to “ensure animal welfare obligations apply to acts done under Aboriginal tradition or Torres Strait Islander custom”. The traditional hunting of turtle and dugong is a practice carried out by Traditional Owners of the Torres Strait under Torres Strait Islander custom. These practices have been carried out by our ancestors for thousands of years and are vital for our cultural identity, cultural wellbeing and for our livelihoods. For this reason it is critical that we are meaningfully consulted and that our views and recommendations are considered in a meaningful way as part of this process.

The TSRA is of the view that meaningful consultation has not been undertaken in the development of this proposed Bill. In addition, the timeframes that have been set for the Inquiry into the proposed Bill, including the submission of comments, are not adequate to engage in meaningful consultation with the Traditional Owners – people who are potentially directly affected if the Bill results in requirements to change our traditional practices – and organisations that represent these groups.

The TSRA understands that the purpose of making a submission to the Committee is to put forward our views and recommendations relating to the expected impact of the proposed legislation and make suggestions for alternatives and/or changes. However, given the limited time available and the lack of consultation with Traditional Owners on what this piece of legislation will mean for us we are not in a position to provide the level of feedback that we think is necessary. We would welcome a decision to extend the timeframe for the provision of submissions or a decision to engage in more meaningful consultation with Traditional Owners potentially affected by this Bill to ensure the implications are rightfully considered, before the Bill is legislated.

Despite this, we have prepared the attached submission that we hope you will consider in full.

Yours Sincerely,



John T Kris

Chairperson
Torres Strait Regional Authority

Issues and views of TSRA:

The Queensland Government has failed to carry out an acceptable level of consultation with Traditional Owners and representatives of Traditional Owners, such as the Torres Strait Regional Authority, throughout the development of the proposed amendments.

- The Queensland Government has made no attempt to consult with Traditional Owners in the Torres Strait or the TSRA regarding the implications of the proposed amendments, specifically those implications for traditional hunting practices that are currently recognised under the *Torres Strait Fisheries Act 1984* and the *Torres Strait Treaty 1985*.
- It is not clear to the TSRA or Traditional Owners if, or how, the proposed amendments will impact on the cultural practices of Traditional Owners in the Torres Strait.
- The Queensland Government has not carried out any consultation with Traditional Owners in the Torres Strait to ascertain what traditional hunting methods are currently employed in the Torres Strait and whether there are animal welfare issues associated with these methods. It is the TSRA's view that this information is critical in the development of the proposed amendments.
- The TSRA is of the view that, without further consultation with experts, scientists and communities about what is already being done to address concerns of animal welfare issues, the proposed amendments could unintentionally or unnecessarily have negative effects on the cultural identity and wellbeing of Aboriginal and Torres Strait Islander peoples, including further damaging our reputation and undermining our traditional rights.

The TSRA is of the view that the Queensland Government is un-justly responding to recent media attention that has not accurately depicted traditional hunting practices conducted by Traditional Owners in the Torres Strait.

- It is the TSRA's view that recent media attention has not accurately depicted traditional hunting practices in the Torres Strait.
- This media attention has had significant negative impacts on the reputation of Torres Strait Islander communities and the traditional hunting practices they employ.
- It is the TSRA's view that the proposed amendments reinforce the unsubstantiated claims made in recent media and send a misleading message to the Australian public about the issue of animal welfare and traditional hunting practices in the Torres Strait.

Maintaining legal rights to carry out traditional hunting practices is vital to the cultural identity, cultural wellbeing and livelihoods of Traditional Owners in the Torres Strait.

- Traditional hunting by Aboriginal and Torres Strait Islander peoples has been practiced before colonisation and has been passed down through the generations. People have to appreciate, as in other seafaring cultures; meat has been processed this way for thousands of years. These hunting practices are therefore vital to the cultural identity and wellbeing and to the livelihoods of Traditional Owners in the Torres Strait.

Maintaining legal rights to carry out traditional practices, including the consumption and transporting of Traditional Owners living away from the Torres Strait is vital to the cultural identity, cultural wellbeing and livelihoods of Traditional Owners in the Torres Strait.

- The Bill proposes to restrict Traditional Owners from consuming traditional foods outside of community government of Indigenous Regional Council Areas.
- This will deny Traditional Owners of the Torres Strait currently living on the Australian mainland access to a resource that is vital to their cultural identity, cultural wellbeing and livelihoods.

- This amendment was not part of the commitments taken to the 2012 Queensland Elections and is a proposal that is not supported by the TSRA.

The intent of the proposed amendments and the outcomes the Queensland Government seeks to achieve through these amendments are not clear to the TSRA. Further to this, the public statements made by the Queensland Government on the intent of the amendments are inconsistent with expert advice. The TSRA does not support the proposed amendments.

- The traditional methods used to hunt dugong in the Torres Strait are supported by experts as the most humane, safe and effective way to hunt this species. Recent public statements by the Queensland Government about the intent of the proposed amendments, to bring a halt to these practices, are not consistent with this advice.
- The amendments make reference to it being an offence if traditional hunting is conducted in a manner that causes pain that is 'unreasonable'. Is there a legal position on what constitutes reasonable, taking into consideration cultural and practical outcomes?

The proposed Bill undermines the significant investments made by Aboriginal and Torres Strait Islander peoples and the subsequent improvements to turtle and dugong management, including improvements to animal welfare issues.

- In the Torres Strait, TSRA has worked with communities to actively support and encourage Traditional Owners to develop community-based management plans. These plans assist Traditional Owners to sustainably manage the turtle and dugong fishery, supported by western science and education.
- The process of developing these plans has had whole of government involvement and has involved consultation with Papua New Guinea and has also received the support of various research institutions.
- Traditional Owners in the Torres Strait and the TSRA have consulted with the animal welfare organisation, RSPCA, and other conservation agencies to assess whether the methods employed by Traditional Owners in the Torres Strait are considered humane and if not, what options are available to address these concerns while maintaining traditional practices.
- In some communities, Traditional Owners have implemented specific management actions that prohibit the keeping of turtles without proper care. TSRA Rangers set turtles free if such rules are breached or if they deem the turtle to be in distress for an unreasonable period of time. The TSRA is working with Traditional Owners, and with other stakeholders on further improving animal welfare relating to the hunting methods employed for the Green Turtle. These practices are currently being discussed for inclusion in the management plans.
- The effort and dedication put into these community-based management plans has led to significant conservation results and improvements to animal welfare, alongside the maintenance of a very important cultural practice. This approach demonstrates the effectiveness of a joint approach to community management of turtle and dugong and the commitment of Traditional Owners to addressing the concerns raised by animal welfare representatives.

- In addition, the TSRA is leading a project with other stakeholders on designing a prototype device, as an alternative option, that could humanely euthanize green turtles. The TSRA will be working with a number of stakeholders, including RSPCA on the matter.

Recommendations:

- That the proposed Bill is not legislated without further consultation with Aboriginal and Torres Strait Islander peoples who will potentially be affected by the amendments and subsequent policies.
- That the committee recognise that Aboriginal and Torres Strait Islander peoples, together with the Queensland Government, Australian Government, Papua New Guinean Government and animal welfare and conservation organisations are currently implementing effecting measures to manage turtle and dugong populations in the Torres Strait, including hunting methods.
- That the committee note it is our view that the proposed Bill is not a reasonable or effective response to the alleged animal cruelty issues associated with traditional hunting practices.