

20 October 2011



Research Director  
Legal Affairs, Police, Corrective Services and Emergency Services Committee  
Parliament House  
George Street  
Brisbane QLD 4000

*(Email: [lapcsesc@parliament.qld.gov.au](mailto:lapcsesc@parliament.qld.gov.au)).*

Dear Sir or Madam,

**RE: Submissions ~ Criminal and Other Legislation Amendment Bill 2011 –**

**Ref: Old Animal Care and Protection Act 2001. [“The ACT”] & Indigenous Abuse  
Re: Dugongs and Sea Turtles.**

At the outset, my submission represents Bob Irwin, myself and thousands of others; including Australians at large from all walks of life.

In short our plea to the Government of the day **is to pass Regulations** that overcome an appalling gap in the above Legislation, viz that so called *traditional owners* may, hunt inter alia, dugongs and sea turtles in any fashion they like, without limitation.

There is video evidence, and first hand testimonials that certain indigenous groups embark upon a style of hunting that is no better than feral savagery. It is open, out in the public and can be viewed on various video links. **[Available upon request]**.

It is beyond reasoning that in this modern age, such primitive cruelty exists. HOW can the various Governments of the day, allow such animal abuse, and at the same time ‘encourage’ what is described as ‘white and black’ reconciliation.

If a non-indigenous person was caught mutilating a sea turtle alive, or hacking into a stranded dugong calf with an axe...*he or she would be jailed*. This is what has and is being done by the above. **Where is the balance and equality here?**

There is no issue in effectively passing regulations to overcome the imbalance, and at the same time make a huge step toward saving these threatened species. Mr. Geoff Beveridge of counsel has provided an advice on the subject, and it is convenient to reproduce it here. **It also includes an example of draft regulations that may be considered in this submission.**

18 October 2011



Mr. Colin Riddell

(By Email: [Redacted])

Dear Colin,

**Re: Indigenous Cruelty and Hiding Behind Prehistoric Principles: ADVICE**

I have endeavoured to outline below, the prima facie means Parliament can overcome the indigenous cruelty that exists, particularly to dugongs and turtles. It beggars belief you have certain members from the Government in particular 'Hamish' from Minister Mulherin's office and others, maintaining that *it can't be done in the face of the Cwlth. Native Title Act 1993*.

It can not be argued from any quarter, that the hunting methods of some so-called *Traditional Owners* need overhauling in this day and age. As thousands have observed, they can only be described as acts of feral savagery, and must be stopped.

In the event any party requires enlightenment, *refer them some of the video links, and youtube* that you have shown me.

As I wrote to the current Queensland Minister for Environment; Parliament's spirit and intentment at the outset would not have been drafted to allow otherwise protected animals to endure excruciating pain, mutilation and carnage. This would certainly be the case with respect to any Commonwealth or State Legislation that deals with so-called traditional owners *or any other group for that matter!*

In logically arguing the above, it is convenient to refer to the *Queensland Animal Care and Protection Act 2001*. [ "*the ACT*" ], *and the relevant sections*.

**Sec 3... THE PURPOSES of the Act**

The purposes of this Act are to do the following--

**(a) promote the responsible care and use of animals;**

**(b) provide standards for the care and use of animals that--**

**(i) achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals; and**

**(ii) allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals;**

**(c) protect animals from unjustifiable, unnecessary or unreasonable pain;**

**(d) ensure the use of animals for scientific purposes is accountable, open and responsible.**

Sec. 3. (c). Does not require expanding: It's focus is as obvious as much as it is otherwise obvious, that many of these so- called *traditional hunters* simply ignore it, preferring to hide behind unfortunate gaps in the Legislation.

So, with that in mind as to the **purpose** of the Act, and to the extent under Section 5 aboriginals ARE included, [see immediately below], **the Legislation is missing it's purpose!**

**Section 5... the Act BINDS ALL PERSONS**

(1) Subject to sections 6 to 8, **this Act binds all persons**, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

(2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.

**How would the Government achieve the Act's purposes?**

By passing regulations. [See immediately as follows.]

**Section 4... HOW PURPOSES are to be primarily ACHIEVED**

**The purposes are to be primarily achieved by the following--**

**(a) providing for regulations about codes of practice for animal welfare;**

**b) allowing regulations to require compliance with codes of practice;**

**(c) imposing a duty of care on persons in charge of animals;**

**(d) prohibiting certain conduct in relation to animals;**

**(e) requiring a person using an animal for scientific purposes to comply with the scientific use code;**

**(f) providing for the registration of certain users of animals for scientific purposes;**

**(g) providing for the appointment of authorised officers to monitor compliance with compulsory code requirements and the scientific use code;**

**(h) providing for the appointment of inspectors to investigate and enforce this Act;**

**(i) allowing the Minister to establish an animal welfare advisory committee or another body to advise the Minister on animal welfare issues.**

The power to make regulations is found under **section 217 of the ACT** headed 'Regulation-making power,'

### **Has the Government the power to make Regulations?**

#### **Sec. 217 Regulation-making power**

(1) The Governor in Council may make regulations under this Act.

ETC...ETC.

With respect to the observation that the *Cwlth. Native Title Act 1993* somehow acts as a bar to State Legislation/ Regulations; as I also said to Minister Darling, that is rubbish.

#### **Section 8. of the Commonwealth Act is clear.**

#### **"Effect of this Act on State or Territory laws."**

**This Act is not intended to affect the operation of any law of a State or a Territory that is capable of operating concurrently with this Act. [Which is submitted, would be the case.]**

The following are examples of regulations that would:-

- (a). Achieve the purposes of the Act,
- (b). Introduce a balanced measure of fairness and control for all groups, and above all,
- (c). Stop the senseless widespread indigenous cruelty to (inter alia), sea turtles and dugongs.

#### ***ANIMAL CARE AND PROTECTION ACT REGULATIONS***

**This Regulation applies to and affects acts or omissions made by an Aborigine under Aboriginal tradition, or a Torres Strait Islander under Island custom, and outlines codes of practice to be followed in the taking of any wild animal from the sea or the land.**

#### **(1). Any person who -**

- a.** wounds, mutilates, tortures, abuses, or terrifies an animal, or causes it to die slowly or in unreasonable pain;
- b.** captures an animal by way of any net or trapping device that may cause prolonged suffering to the animal; or

- c. kills an animal in any way that is inhumane, or causes it to die slowly or in unreasonable pain; or
- d. conveys an animal, or confines an animal in circumstances which are likely to cause the animal pain or suffering; or
- e. sells, offers for sale, purchases, or otherwise uses an animal for commercial purposes; or
- f. takes an animal from its natural surroundings for a purpose other than for immediate consumption, or slaughters any animal without reasonable cause such as for non personal use; or
- g. engages in traditional or non-traditional hunting methods of a barbaric nature that causes an animal to suffer unnecessarily or unreasonably.

**IS GUILTY OF AN OFFENCE UNDER THE ANIMAL CARE AND PROTECTION ACT 2001**

**Maximum penalty--- 20 penalty units and or 2 years imprisonment**

**(2) IN THIS REGULATION:**

"**animal**" is as defined under section 11 of the Animal Care and Protection Act 2001

"**reasonable**" means fair, appropriate and rational in the circumstances

"**unreasonable**" means not reasonable in the circumstances and includes senseless, excessive, unjustified and unwarranted

"**unnecessarily**" means pointless, non-essential and avoidable

I trust the above will assist you, and the thousands of others supporting your most worthy cause.

*Sincerely,*

Geoffrey Beveridge  
Barrister at Law.



**In essence, the submission and the advice sum up the concerns of thousands of Australians, *that something must be done and how to do it!***

We would welcome the submission in its entirety (as with Mr. Beveridge), being openly published, and in the event any party requires further information, I would be delighted to assist.

*Yours faithfully,*

*Colin Riddell*

[Redacted signature]

[Redacted contact information]