




Speech by
Curtis Pitt

MEMBER FOR MULGRAVE

Hansard Wednesday, 12 September 2012

ANIMAL CARE AND PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr PITT** (Mulgrave—ALP) (7.48 pm): Let me start by stressing the fact that absolutely nobody wants to see animals needlessly suffer. No-one could watch the footage aired in March on 7.30 of a turtle being killed and not be horrified. No-one disagrees with the intentions of this bill. However, it must be acknowledged that this is a culturally sensitive issue that should be addressed carefully. This bill has the potential to seriously affect native title rights. I do not believe the government has consulted widely enough or considered the issue carefully enough before bringing this legislation on for debate. In fact, after a conversation only late last week one stakeholder I spoke to was under the impression that there are assurances of further consultation to be undertaken by the government and that this bill was to be debated possibly in November.

I am confident that the vast majority of native title holders who exercise their traditional hunting rights can be engaged to improve animal welfare practices. Unfortunately, this government has done little to constructively consult. Much more could have been done—in fact, much more should have been done—to work out a real solution to this issue. First of all, it would have been wise to examine what steps could have been taken to educate more Indigenous Queenslanders in animal welfare and learn and understand what is culturally appropriate. The point has been made several times that we have had blanket bans put in place on a number of occasions, which is why, broadly, I do not support the legislation. It is important to note that, up and down the Queensland coast and into the Torres Strait, various different clan groups have different approaches and different methods of dispatching an animal. I think that that is the sort of thing that we need to pick up as a part of this debate. I certainly remember an issue in my electorate at Yarrabah when a turtle was left to bake in the sun. At the time, I made a statement along these lines—

Like most people, I found it very difficult to watch the footage on Seven News earlier this week of a turtle at Yarrabah left to bake in the sun.

From my perspective, this was a case of animal cruelty. Where it occurred or why is not the point. I don't know anyone who condones the inhumane activity like this, especially Traditional Owners.

While I did not agree with the then LNP opposition's proposal for changes and every aspect of their animal cruelty regulations, I did agree with the general principles behind them and I was on the record as saying so. That is why I supported the work that our joint Commonwealth/state task force on turtle and dugong was doing. It was committed to looking at whether there were any occurrences of perceived animal cruelty during traditional hunting and gathering that required tougher regulations. Tonight I am standing next to the member for Mackay, who was the previous minister responsible for this particular piece of legislation. I met with him and the former environment minister to talk about this very important issue. We did explore it. We explored it, but it was very difficult to do in a way that was not going to disadvantage a range of other people and impact on animals besides turtle and dugong. As we know, it is also complex because it relates very much to the Native Title Act itself. I will talk a little more about that later.

Another main reason for not supporting this bill is that I genuinely believed that there would be a greater amount of time ahead for consultation. I had planned a range of potential meetings with people to discuss how we may go further with this bill. I am disappointed in that regard. I am very disappointed that it

has been rushed through the committee process. The entire committee inquiry was conducted in only two weeks and only three organisations were sufficiently well resourced to provide submissions. Because of the timeframes, submissions were not able to be as detailed as the organisations would have liked. I understand that consultation will happen after the legislation has been introduced. That goes against the principles that I believe we should be upholding in this place. We should get it right. That is why the committee system is so important. We go through that process so any deficiencies in the legislation and any problems that it may cause will be identified and, through the consultation process, the most culturally appropriate way of going about it will be done.

I want to talk briefly about native title concerns. I am concerned about the interaction with native title rights and that the bill may severely curtail the ability of Aboriginal and Torres Strait Islander people living away from their traditional homelands to participate in cultural ceremonies and rites. A specific example of that is the community of Yarrabah. I have worked closely with the people in that community on a traditional hunters reference group. As we know, Yarrabah was a mission community and people who are not from the area were brought to the community against their will. They are never going to be traditional owners of that land, but of course, as part of their Aboriginality, they want to ensure they can continue what has been a customary practice for them. It poses significant issues for them in terms of their ability to actually partake in that in a way that does not breach the Native Title Act. All these additional concerns arise with this particular piece of legislation and I think it is part of a broader suite of programs that should be looked at. That is why more consultation is needed.

The member for Cairns talked about Colin Riddell being a champion for these issues in Cairns and Far North Queensland. It is important to note that for the past few years plenty of people have continued to make simplistic statements about what clearly is a complex issue, often as a means of cheap political point scoring or for other agendas. One such person is Colin Riddell. I do not doubt he believes in his campaign; I do not doubt that. However, as he has said it is as much about using wedge political issues to attack the Labor Party as it is about the welfare of turtles and dugong. You only need to look at the fact that his approach has been divisive and fairly and squarely focused on Aboriginal and Torres Strait Islander people, rather than all the potential threats to turtle and dugong populations. We have not heard him talk at length about boat strike and we have not heard him talk at length about habitat decline. Those are significant and very important issues that must be addressed. In December 2010, one of the leading dugong experts in Australia, Dr Helene Marsh, wrote a piece for the *Cairns Post* titled, 'Time to turn poacher into gamekeeper'. I table that article for the benefit of the House, because it is worth reading. It is a short piece. Dr Marsh talks about the fact that habitat decline and boat strike, in particular, are very important issues that must be addressed in terms of dealing with turtle and dugong survival and sustainability.

Tabled paper: Article from Cairns Post, dated 11 December 2010, titled 'Time to turn poacher into gamekeeper' [[1029](#)].

This bill is about the people dispatching an animal in a way that is humane and not cruel. As has been touched on a couple of times this evening, it is important to reiterate that there is certainly a spiritual connection for people who are hunting animals using traditional hunting rites in a culturally appropriate way. Of course, the direct parallel with that spiritual nature is areas around religious significance and religious killing. That is a very important aspect and there are exemptions under the act to allow for that. You could argue that, even away from traditional hunting rites, the religious and spiritual aspects are why this issue has to be treated so sensitively and in a way that is all about further consultation.

I believe that the blanket approach is not the best way to go. You only have to look at examples up and down the Queensland coast, including the Mamu people and areas of Wujal Wujal and others, where the people have put in place voluntary moratoriums because they believe that that is the appropriate thing to do.

Mr Cripps: That is controlling the take, though; it is not the method of taking.

Mr PITT: I take the interjection from the honourable minister. He is correct, but I am suggesting that these issues all need to be looked at as a package, as a suite of programs, to ensure sustainability and to ensure that we are not jumping to conclusions so that, perhaps in this case, an election commitment can be met. With further thought we could find a way of doing this that will result in the best outcome for the wonderful animals that we are talking about and, at the same time, for traditional hunting by Indigenous Australians.

Quite simply, this is a missed opportunity and it is why I would like to have seen longer consultation, so that we could have a proper conversation and engage people who have genuine food security risks in the Torres Strait. Of course, we need to consider people who are visiting an area or those who do not live in their traditional areas and will never be traditional owners, so straight away would be in breach of the Native Title Act. They want to know how they will be able to do this in a way that does not infringe on any rights. This bill needs much more consideration than it has been given. It needs to be considered as a broader suite of programs. That is why I am disappointed. We will not support the bill, although we do believe it has some merit. However, we are disappointed because we do not think that the consultation process has been fleshed out well enough. It could have been done in a much better way to ensure that we have a better outcome for all Queenslanders by getting a consensus view on what clearly is a complex issue.