




Speech by

John Hathaway

MEMBER FOR TOWNSVILLE

Hansard Wednesday, 12 September 2012

ANIMAL CARE AND PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr HATHAWAY** (Townsville—LNP) (6.02 pm): I rise today to speak in support of the Animal Care and Protection and Other Legislation Amendment Bill 2012. Townsville, as many of my learned colleagues know, enjoys having a significant portion of its boundary as tropical coastline. Although the honourable member for Whitsunday may not entirely agree with me, Townsville also enjoys the benefit of having some of the most beautiful and magical tropical islands like Magnetic Island and the Palm group, which also includes Orpheus Island. It is these archipelagic waters of the Townsville seat that are home to and the nursery areas for many dugong and turtles. I note that we recently experienced the tragic deaths of some dugong, largely as a result of degraded sea grass beds due to cyclone and storm action and significant rain events over the last 18 months.

Most important to me with regard to this legislation, however, is that the lands on which the Townsville electorate are based have been the home of the traditional owners of the Wulgurukaba people—meaning canoe people—and the Bindal people for over 10,000 years. These traditional owners were there long before white man came along, and they have made their home and living from these surrounding waters. Therefore, a key consideration of this legislation for me is the potential impact to the current generation of traditional owners and subsequent generations, and this has given rise to my need to speak.

I noted in the committee's report that the bill attempts to balance animal welfare with traditional hunting rights. The bill does not withdraw any permission for traditional owners to hunt in accordance with Aboriginal tradition and Islander custom that remain guaranteed under Queensland or Commonwealth law, nor does it extinguish their native title rights to hunt. It simply provides the means to regulate the application of those authorisations and rights.

I note that the committee's review established that, in exercising their rights, traditional owners must ensure that they are effected in a way that does not involve killing an animal in a manner that causes pain that is unreasonable in the circumstances. I also note that there was some discourse within the committee and clarification sought from the department with regard to the potential subjectivity or vagueness of the reference to 'killing an animal in a manner that causes pain that is unreasonable in the circumstances'. While I note the committee is satisfied that the amendment in clause 10 is sufficient to provide protections to those who give effect to their rights with the full intent of the bill, personally I remain concerned that this still may give rise to an offence where the emotions and media factor have a far greater influence and impact. Accordingly, I welcome the Minister for Agriculture, Fisheries and Forestry's notice in the House today that he will amend clause 10 and that the revised section 41A will be debated during the detailed consideration of this legislation. I believe this will give our Indigenous communities some guidance and, it follows, protections when exercising their rights.

It is also for this reason that I strongly support the committee's recommendation, as part of the bill's implementation and communication program, that there be a 12-month grace period for enforcement of the Animal Care and Protection Act 2001 in respect of acts done under Aboriginal tradition or Torres Strait

Islander custom. I welcome the fact that the minister foreshadowed endorsement of the grace period. Finally, and given my previous commentary, I also support and highlight the need to review this legislation within 12 months after commencement.

Prior to me resuming my seat, I must comment on the member for Dalrymple's contribution to this debate this afternoon. I was somewhat confused by his contribution. I note for the record that he is a member of the portfolio committee that scrutinised this bill, and I would assume that he would therefore be aware of the committee's recommendations with reference to clause 3, which deals with section 61 of the act and the consumption of meat, and know that the minister has already submitted an amendment to this clause that gives effect to the committee's recommendation. So the member for Dalrymple will obviously be surprised when he next attends a cultural meal of take under this legislation outside of a community area to find that it may taste remarkably like dugong or turtle.