



## Australian Government

### Department of the Prime Minister and Cabinet

ANDREW FISHER BUILDING  
ONE NATIONAL CIRCUIT  
BARTON

Ms Christine McDonald  
Secretary  
Environment and Communications Legislation Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Ms McDonald

Thank you for your letter of 18 February 2019 to the Dr Martin Parkinson AM PSM, Secretary of the Department of the Prime Minister and Cabinet inviting a submission to the Environment and Communications Legislation Committee's inquiry into the *Environment Legislation Amendment (Protecting Dugongs and Turtles) Bill 2019*.

The Department supports Indigenous Australians exercising their rights and interests under the *Native Title Act 1993*, including the right to hunt turtle and dugong for personal, domestic, or non-commercial communal needs in accordance with traditional laws and customs.

While the proposed amendments do not impair the exercise of native title rights and interests, and are consistent with the future acts regime under the *Native Title Act 1993*, the Department is concerned that the amendments may have unintended negative consequences.

#### *Potential Impacts*

The proposed legislative amendments, which place additional requirements on the accreditation of Traditional Use of Marine Resources Agreements (TUMRAs), may create disincentives for Traditional Owners to enter into new agreements with government to maintain sustainable turtle and dugong populations.

The requirement of monitoring and reporting the take could be a sensitive issue for some communities. This has the potential to diminish the effectiveness of education and community awareness programmes, compliance monitoring and self-regulation of capture rates, and may lead to the establishment of fewer TUMRAs. Together, these issues could have a negative impact on the conservation of dugongs and turtles in northern Australia.

The Department notes that in 2015, the Australian Government increased the sanctions for illegal hunting of dugongs and turtles as part of the Dugong and Turtle Protection Plan.

The Department understands that given the small number of prosecutions in this area it is difficult to determine the impact of increased sanctions.

### *Community-led Approaches*

The Department supports agreement-based and collaborative community-led approaches. Increased Indigenous involvement in the management of traditional sea country is likely to have a positive impact on turtle and dugong conservation, care and management.

The Department further supports Indigenous communities and Indigenous rangers to monitor and manage the sustainable customary use of turtle and dugong. The Department works with the Great Barrier Reef Marine Park Authority and the Torres Strait Regional Authority to manage the sustainable hunting of turtles and dugongs by raising community awareness and working to strengthen the compliance powers of Indigenous rangers.

The current TUMRAs encourage and support this involvement. The challenge is to ensure that these voluntary arrangements remain attractive and worthwhile to Indigenous peoples. The TUMRAs in the Great Barrier Reef Marine Park region, and the Community based Dugong and Turtle Management Plans in the Torres Strait have served as effective management approaches in managing the harvest of dugongs and turtles.

These community-led approaches have not only helped in the management of these iconic species but have also brought additional social, economic and environmental benefits to the Indigenous communities. Community-led approaches have enabled Traditional Owners to participate in management decisions related to their sea Country and to work in partnership with government agencies.

Parliament imposing a set of pre-determined conditions on TUMRAs risks compromising the integrity of an agreement negotiated between the Commonwealth, Queensland Government and Traditional Owners. This top down approach puts at risk previous successes achieved by community-led approaches and partnerships.

### *Consultation*

The Department is concerned about the lack of consultation regarding these amendments with relevant Traditional Owners and government agencies. This could cause further damage to the existing relationships between Traditional Owners and regulatory agencies, including through the current Indigenous Reef Advisory Committee and the Reef 2050 Plan.

Thank you for considering this submission.

Yours sincerely

Ray Griggs AO CSC  
Associate Secretary  
Indigenous Affairs Group

6 March 2019