

**Australian Government****Department of the Environment and Energy****Finn Pratt AO PSM
Secretary**

Ref: EC19-000134

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 inviting the Department of the Environment and Energy to provide a submission to the Environment and Communications Legislation Committee Inquiry into the *Environment Legislation Amendment (Protecting Dugongs and Turtles) Bill 2019*.

The Australian Government is committed to the protection of dugongs and turtles and acknowledges the Native Title rights of Indigenous people to hunt on their land and sea country in accordance with the *Native Title Act 1993*. To ensure that the most appropriate arrangements are in place to protect these iconic species, the current approach is to work with Indigenous communities to develop community-led strategies to sustainably manage turtles and dugongs through mechanisms such as Community-based Dugong and Turtle Management Plans in the Torres Strait and Traditional Use of Marine Resources Agreements in the Great Barrier Reef Marine Park.

The Torres Strait supports one of the largest populations of dugong in the world and this population is considered to be stable.¹ The size of the dugong population along the urban coast of Queensland is believed to be much less than at the time of European settlement and the greatest threats to dugongs are those that reduce seagrass and cause the death of adult dugong.²

¹ Marsh, H., Grayson, J., Grech, A., Hagihara, R., Sobotzick, S. (2015) "Re-evaluation of the sustainability of a marine mammal harvest by indigenous people using several lines of evidence." *Biological Conservation* 192: 324-330.

² Marsh, H., Hagihara, R., Hodgson, A., Rankin, R., Sobotzick, S. (2018). "Monitoring dugongs within the Reef 2050 Integrated Monitoring and Reporting Program - Final report of the dugong team in the megafauna expert group, July 2018". Townsville, Great Barrier Reef Marine Park Authority: 73pp.

In the *Recovery Plan for Marine Turtles in Australia (2017)*, the Indigenous take of marine turtles for their meat and eggs is identified as the lowest of nine actionable threats, placing it behind climate change, marine debris, chemical discharge, international take, predation, fisheries bycatch, light pollution and coastal development.

Schedule 2 to the Bill proposes increased custodial penalties for aggravated offences committed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) related to turtle and dugong offences from two to five years imprisonment. As stated in the Explanatory Memorandum for the Bill, the purpose of these amendments is to deter persons from committing offences such as illegal killing, injuring, taking, trading, keeping or moving of dugong and marine turtle in Commonwealth waters.

In 2015, the EPBC Act and the GBRMP Act were amended by the *Environment Legislation Amendment Act 2015* to triple financial penalties for various offences and civil penalties relating to dugong and marine turtles. Since these amendments came into force, the Australian Criminal Intelligence Commission completed an extensive investigation into the practice of illegal killing, poaching and transportation of turtle and dugong in north Queensland and the Torres Strait. The investigation found that the poaching and sale of meat was minimal and usually opportunistic, and that there was no substantive evidence to suggest an organised commercial trade existed in Queensland or the Torres Strait. It is unclear what additional deterrence would be provided by the proposed amendments to custodial penalties.

Schedule 3 of the Bill provides for various Commonwealth agencies, including the Department of the Environment and Energy and the Great Barrier Reef Marine Park Authority, to report annually on investigation and enforcement activities relating to turtle and dugong offences under the EPBC and GBRMP Acts. The Department already reports annually on activities relating to the administration of the EPBC Act under Section 516(1).

The Bill also addresses animal welfare concerns. Animal welfare issues are primarily the responsibility of state and territory governments and all jurisdictions have animal welfare legislation in place.³ In Queensland, the relevant legislation is the *Animal Care and Protection Act 2001*, which was amended on 12 September 2012 to ensure animal welfare obligations apply to acts done under Aboriginal tradition or Torres Strait Islander custom.

³ Export provisions are one exception.

Given existing arrangements through Queensland and Commonwealth legislation, Management Plans, and the Traditional Use of Marine Resources Agreements, which take into account issues relating to sustainability and humane treatment, it is unclear what additional benefits would be achieved by the Bill's proposed amendments. There is no clear evidence that existing arrangements are not working effectively.

Thank you for considering this submission as part of the inquiry.

Yours sincerely

Finn Pratt

12 March 2019