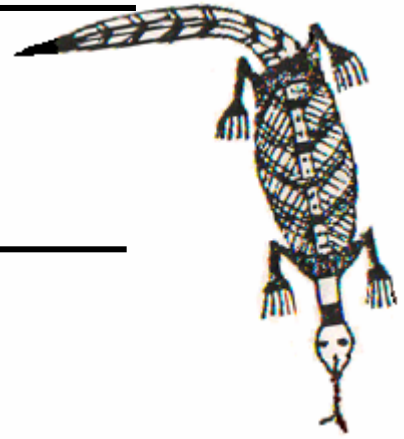

**Bawinanga Aboriginal Corporation
Maningrida**

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**Senate Rural and Regional Affairs and Transport
Legislation Committee**

re: National Animal Welfare Bill 2005

November 27th, 2005.

Chairman of the Committee,

On behalf of the members of the Bawinanga Aboriginal Corporation, I am writing to register concerns about the National Animal Welfare Bill.

The Bawinanga Aboriginal Corporation is an organisation which primarily supports some 800 Aboriginal people living on 32 outstation communities in the Maningrida region of Arnhem Land. The majority of these people pursue a customary lifestyle, which includes daily hunting activity.

It is reasonable to say that Aboriginal people in such remote areas are undoubtedly oblivious to the proposed Bill; but they should be very concerned about the potential for the provisions of the Bill to interfere with their customary rights to harvest wildlife on their country. An appropriate consultation process should be observed before the Bill is passed in order to enable Aboriginal people to voice their concerns, and suggest amendments to the Bill in accordance with customary requirements.

Whilst there is no suggestion that Aboriginal people have any vested interest in visiting cruelty upon animals; determinations regarding offences appear to be discretionary powers of the Authority's inspectors. Inspectors may well not have the cross cultural experience or communication skills to make informed decisions in cases involving customary hunting or handling of animals. The keeping of companion animals by Aboriginal people promises to be singularly problematic, and the Bill could easily render Aboriginal people criminally negligent for simply continuing to act as they have for thousands of years.

Additionally, the commercial utilisation of wildlife by Aboriginal people is seen as a valuable means of engagement with the mainstream economy, particularly in areas where the conventional job market is non existent, and where there is no mining, agriculture or manufacturing to provide a future free of Government welfare. The proposed Bill gives extraordinary powers to inspectors whose acts of intervention, despite good intentions, may well be entirely inappropriate, offensive, or ill informed; and which have the potential to destroy the opportunity presented by commercial utilisation.

I strongly advise the Committee to give cognisance to the unique relationship that Australia's indigenous people have with their wildlife and their companion animals, and to give consideration to admitting corroboration which elevates the understanding of our

lawmakers, in order to avoid the inadvertent perpetration of yet another act of racial discrimination against Aboriginal Australians. Perversely, the Bill has the potential to require conditions of care for animals that are not enjoyed by many Aboriginal people in this country.

It seems clear that uniform enforceability is simply not possible, and a “one size fits all” approach is discriminatory. The Committee should consider the context in which these laws are being framed from an Aboriginal perspective. I have requested further expert advice on these issues, and would welcome the opportunity to meet with the Committee should they convene in the Northern Territory.

Yours Sincerely

Ian Munro
CEO