

Unhappy hunting grounds

- *Sarah Elks, North Queensland correspondent*
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Aboriginal hunter Phil Rist, in the sea at Goold Island, shows where seagrass beds used to feed dugong before Cyclone Yasi. He believes Aborigines must be seen as responsible traditional custodians. Picture: Brian Cassey *Source: News Limited*

PHIL Rist is a proud Aboriginal man and hunter who is worried about walking down the street in his north Queensland town.

It has been nearly a week since confronting footage emerged of indigenous hunters on the Torres Strait slaughtering and butchering a protected turtle and dugong.

The turtle is flipped on its back on the sand and hit about the head with a concrete block, and is apparently still alive when the hunter slices off its flippers.

The images were filmed secretly by activist Rupert Imhoff more than 1000km north of Rist's home in Cardwell, 180km south of Cairns, but still he worries.

How will he convince people in the street that this brutality makes him feel sick and that his Nywaigi people are committed to protecting turtles and dugongs?

And how will he explain to them that traditional hunting is an indigenous birthright, correctly protected by the Native Title Act, in the wake of animal activists screaming for the practice to end?

"As we know, Aboriginal issues are already suffering," he says, his voice cracking with emotion. "This is just another whack in the back of the head."

The furore surrounding traditional hunting is intensifying, just one of many rifts across Australia where indigenous cultural rights are clashing with mainstream and green sensibilities. And it is another example of native title holders fighting to preserve their hard-fought prerogative to make their own decisions about the use of their traditional lands.

In the Kimberley, in Western Australia, the stoush has been vitriolic. Aborigines who support Woodside's \$30 billion gas hub have been racially abused as "coconuts". And on Queensland's Cape York Peninsula, influential Aboriginal leader Noel Pearson has led a strong campaign against the green movement's support for the state's wild rivers conservation laws, which he claims destroy indigenous economic prospects.

Rist isn't a high-profile Aboriginal leader such as Pearson, but he is chief executive of Girringun Aboriginal Corporation, which comprises six saltwater clan groups, including his own, Nywaigi.

And months before Imhoff's footage was making headlines across Australia and the globe, Rist was quietly leading his people to the decision to temporarily stop hunting turtles and dugongs.

It began in the wake of Cyclone Yasi, which devastated north Queensland in February last year, destroying hundreds of hectares of seagrass beds along the Queensland coast.

As seagrass is the main food source of the protected animals, Rist's decision was an easy one. "It's important that we are seen as very responsible traditional custodians," Rist said late last year, as he showed *The Australian* where the seagrass beds used to be.

"For us to make the decision to stop hunting, even though we can under the native title legislation, says a lot."

His fears about the destruction of seagrass beds were not misguided. Last year, 183 dugongs were

found stranded and dead in Queensland waters, compared with 87 the year before. The situation was worse for turtles, with 1413 stranded (276 were released alive), compared with 805 stranded the previous year.

So far this year, five dugongs have been found stranded and dead, compared with three for the same period last year, and 92 turtles have been found stranded (16 released alive) compared with 49 for the same period last year. Many of the beasts were malnourished.

Rist says the hunting suspension will remain until the seagrass beds regrow and the numbers of dugongs and turtles stabilise.

The efforts of Rist's group -- and others that are actively managing their traditional hunting practices up and down the Queensland coast -- are universally applauded. Of the 70 saltwater clan groups in the Great Barrier Reef region, 20 have signed up to voluntary agreements to limit hunting and monitor species numbers. But these actions are not enough for some. In the wake of Imhoff's footage, there have been widespread calls for changes to be made to the legislation and for a moratorium on all traditional hunting.

Warren Entsch, the Coalition's chief Whip, is the federal member for Leichhardt, the massive electorate that takes in Cape York and the Torres Strait.

For Entsch, enough is enough.

"I absolutely support the right for taking these creatures for appropriate cultural reasons, but there is no excuse for cruelty," he says. "The reality is, if we don't look at having some sort of moratorium and working with the traditional owners . . . we'll be allowing extinction to occur.

"There's no better way of extinguishing a native title right than sitting back and allowing the extinction of target species."

The influential group Animals Australia -- which helped collect the footage of abuses of Australia's cattle in Indonesian abattoirs -- agrees. It's determined to heighten the profile of the issue before the Queensland election, on March 24. Executive director Glenys Oogjes says the group has launched an internet campaign for the state's law to be changed. "There are few acts of cruelty as overt or as appalling as the slow slaughter of dugongs and turtles in north Queensland," she says.

"Many indigenous leaders in north Queensland have recognised this and have put their own moratoriums on these killings, so it makes no sense for their efforts not to be supported with tough animal welfare legislation."

The Liberal National Party has found itself on the side of environmentalists in this particular debate. If elected, LNP environment spokesman Andrew Powell has promised to close a loophole in Queensland's animal welfare legislation that exempts traditional hunting from animal cruelty provisions.

But Premier Anna Bligh argues the state government is powerless to intervene, as traditional hunting is enshrined under the federal Native Title Act.

Last week Bligh ordered an investigation into the allegations of cruelty arising from Imhoff's footage but has refused to change her position on the law.

North Queensland-based lawyer Rebecca Smith says Bligh is wrong. Smith was commissioned by the Torres Strait Regional Authority in 2007 to review the law relating to hunting. She says Queensland could follow the lead of the Northern Territory and WA and change state legislation to outlaw cruelty.

This, Smith says, would not violate native title rights.

Under the Native Title Act, Aborigines and Torres Strait Islanders have the right to hunt protected species, but only on their own country. Hunting for commercial purposes is banned.

Smith says that under the Native Title Act, hunters can use any method to catch and kill their prey -- even modern technology, such as a motorboat.

It's here that emotions run particularly high: if a motor boat can be used, then why can't more modern -- more humane -- methods of killing dugongs and turtles be used? Are traditional methods still appropriate?

Conservationists such as Bob Irwin, father of Crocodile Hunter Steve Irwin, say they are not. Last year, Irwin appeared in a television campaign calling for an end to the "cruelty and unregulated slaughter" of traditional hunting. He told *The Australian* the practice was the biggest threat to turtle and dugong populations.

"If you look at what traditional hunting was when it was truly traditional, they were hunting dugong and turtle out of dugout canoes with spears," he said.

"The take was very tiny then, compared to what it is now. They have access to aluminium boats and GPS and everything else you can think of. You've got to be living in cuckoo land if you think that is traditional."

But pre-eminent dugong researcher Helene Marsh, a conservation biologist with James Cook University, rejects the idea traditional hunting is the main cause of deaths. "A moratorium on hunting will do nothing to reduce dugong deaths from commercial fishing, poaching, vessel strike or the coastal development impacts on the dugongs' food source: sea grass meadows," she wrote in *The Cairns Post*, before the latest footage was aired.

Her most recent research, conducted before Christmas, reveals dugongs may not be as endangered as previously thought.

The study into dugong diving behaviour revealed the animals spent more time underwater than first believed, making them more difficult to count.

Marsh says that means previous tallies of dugong numbers have been underestimates.

It's estimated there are 10,000 dugongs on the east coast of Cape York and between 12,000 and 14,000 in the Torres Strait.

The Australian has spoken to several indigenous leaders since Imhoff's footage aired.

Most have agreed that the techniques shown broadly align with traditional custom with one key difference: the animal is supposed to be dead before butchery begins.

Torres Strait Islands Regional Council mayor Fred Gela, whose constituents were secretly filmed by Imhoff, is furious at suggestions his people were doing anything wrong.

He does concede he will have to talk to some island communities about killing techniques, but staunchly defends their right to hunt.

"This hunting practice . . . is part of our culture. It's our island custom; we have practised it for generations. Because of the high cost of living up here, it's a matter of survival."

Subsistence is a key issue and is why the debate deepens the farther north you travel.

South of the Torres Strait on remote northeast Cape York, Rodney Accoom is the mayor of the Lockhart River Aboriginal community, a picturesque speck on the peninsula and a 750km drive from Cairns.

Accoom says he will not countenance a hunting ban in his community, where there is only one government store, which regularly runs short of fresh fruit, vegetables and meat. Even when those essentials are in stock they're costly.

"If they (want to ban hunting), they should pour a lot of money into the community to give our people a decent job so they can feed their families," he says.

For Accoom, hunting is an essential way to provide food and a crucial part of passing his culture on to the next generation.

For some indigenous people, hunting a turtle or dugong is a rite of passage. For others, it's an important way to mark a special occasion, such as a tombstone unveiling or marriage.

"Up here in Lockhart, I'm a hunter myself, and we do it the traditional way. We use a harpoon, or we'll chase (dugong) around, jump on their back and tie a rope around them," he says. "I learned from my grandfather and my father."

"I'm now teaching my younger kids and my grandkids. I wouldn't like to see our tradition get lost."