



Community Based Management of Dugong and Turtle Fisheries

Safe-guarding culture for future generations — joining together to protect dugong
and turtle fisheries for the Torres Strait.

Summary of TSRA Torres Strait Dugong and Marine Turtle Project Governance and Policy Review

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October 2007



Why support community-based involvement in planning for and managing the Torres Strait Dugong and Turtle Fisheries?

Community based involvement and planning of the fisheries allows each island community to shape the way that dugong and turtle hunting in that community is carried out. At the heart of community based management is the principle that those people affected by decisions should participate directly in the decision making process. Community based management means that all community members, including women, elders, youth and hunters have the opportunity to decide how the plans are made and how they will be carried out.

Community based involvement and planning can keep the resources in the control of the individual island communities and lets each community decide which approach is best for them. With everyone's help, the traditional fisheries and custom can stay in local hands.

Torres Strait is home to the world's largest population of dugong and is also an important foraging, breeding and nesting area for 6 of the world's 7 species of marine turtles.

Torres Strait Islanders, like mainland Aboriginal people, traditionally hunt dugong and turtle and have been practicing this custom for many thousands of years. In Torres Strait dugong and turtle play an important role in Ailan Kastom. These species need to be carefully looked after to ensure they are available for future generations of Islanders and also the international community. Torres Strait Islander and Aboriginal people must be centrally involved in the management of these species if it is to be successful.

Unlike other parts of Australia, in Torres Strait, dugong and turtle are classified as fisheries. Recently, new laws were passed for the Torres Strait that mean the dugong and turtle fisheries will be regulated as are other fisheries. Community based management allows communities to decide for themselves how to best manage or regulate the traditional fisheries.



The Legal Review

What is the legal review?

The legal review looks at the current laws and policies relating to dugong and marine turtle fisheries in Torres Strait and find out the opportunities and obstacles to supporting community based management of the fisheries. The review was conducted by the James Cook University School of Law, with input from internationally acclaimed staff in dugong and marine turtle research, members from the Torres Strait Regional Authority Land and Sea Management Unit and others.

The full title of the legal review is “Desk Top Review: Current Legislation and Policy Supportive of Sustainable Community Management of Dugong and Turtle Fisheries in the Torres Strait.”

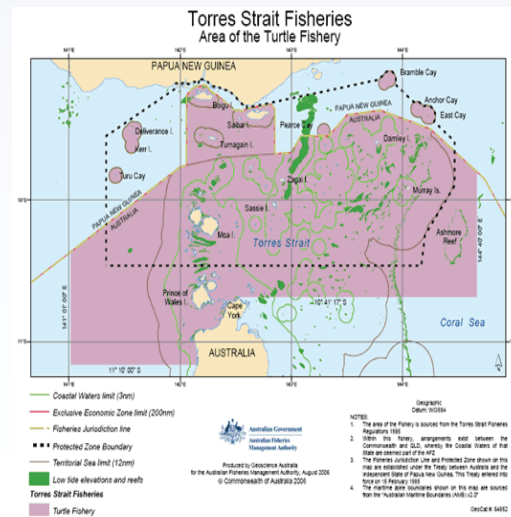
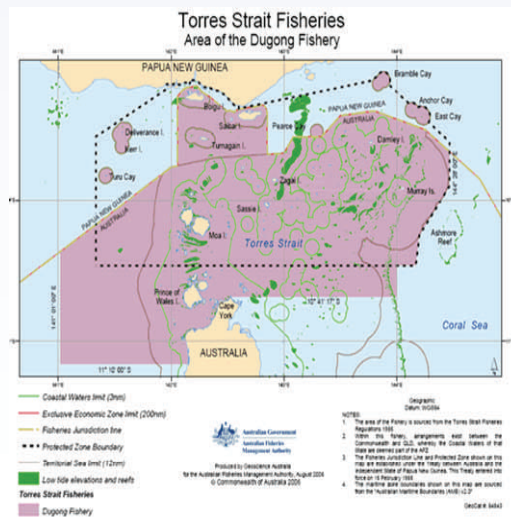
Who wanted to legal review?

Traditional Owners attending a dugong and turtle workshop in late 2006 at Gau-buth, Badu Island supported a resolution to undertake the legal review:

“That a legislative framework be formulated and implemented to empower and support suitably qualified Traditional Owners in those areas of natural and cultural resource management in Torres Strait requiring enforcement powers and that Traditional Owners are resourced to do this work”

What area does the legal review cover?

The legal review covers the area of the Torres Strait Protected Zone dugong and turtle fisheries. This area is larger than the Torres Strait Protected Zone. It extends just south of Crab Island on western Cape York, taking in Waibene and Muralag Islands and south to the northern Great Barrier Reef Marine Park on eastern Cape York. The turtle fishery extends further east than the Protected Zone past Ashmore Reef.



How is the review to be used?

Australian law is very supportive of traditional fishing rights but also requires that dugongs and turtles do not decline in numbers. The review explains the complicated environmental and fisheries laws that are unique to the Torres Strait.

The review will be used to help the Torres Strait Regional Authority and island communities in the Torres Strait establish inclusive community management groups that protect their Treaty rights to traditionally fish and protect their traditional fisheries. The review may also be used to help the Torres Strait Regional Authority to negotiate with other government agencies to support community based management of dugongs and turtles.



Community based management plans are here to stay

The main finding of the legal review is that there is nothing stopping community based management plans being made within the existing legal and policy arrangements. The Torres Strait dugong and turtle fisheries can be managed by community based management groups established by the Fisheries Minister or his officials under the amended *Torres Strait Fisheries Act*. It is recommended that the dugong and turtle fisheries be managed in accordance with the objectives of the *Torres Strait Fisheries Act*, Australian environment laws and wildlife conservation plans for dugongs and turtles.

The second recommendation is that a sub-clause be added to the *Torres Strait Fisheries Act* to ensure the Minister fully consult with community based management groups for input on social, ecological and economic factors before authorising plans that impact upon traditional activities.

The third recommendation is that the Torres Strait Regional Authority set up a Torres Strait region-wide community based management program. The program will require ongoing funding for staffing the community based management groups, Torres Strait Regional Authority Land and Sea Management Unit and the Protected Zone Joint Authority. Funds should be used for scientific and operational support for the management groups. The overall Torres Strait scheme should have traditional owner participation as its foundation and be guided by environmental laws, themselves supportive of Indigenous traditional hunting and fishing rights.

It is further recommended that the community management groups be backed by government enforcement agencies, such as the Queensland Parks and Wildlife Service.

The government enforcement should assist with addressing breaches of the community plans if local remedies from the management plan are ignored.

The Torres Strait is unique in that it is governed by many complex laws which are administered by many government agencies. Commonwealth and State laws reflect the Torres Strait Treaty, but recent changes to the *Torres Strait Fisheries Act* put a greater emphasis on protecting the marine environment and indigenous flora and fauna. The new laws make conservation plans for species in need of conservation a major objective, and that any conservation plan is to minimise the effect on traditional fishing.



The Torres Strait Regional Authority aims to improve the lifestyle and well being of Torres Strait Islanders. The Torres Strait Regional Authority is a partner on the Protected Zone Joint Authority, which administers the different Torres Strait fisheries. Enforcement, compliance and management of the Torres Strait fisheries are undertaken by the Australian Fisheries Management Authority and Queensland fisheries agencies. Only in the Torres Strait are dugongs and turtles considered a fisheries issue – throughout the rest of Australia, they are protected by State and Commonwealth conservation laws.



What about the Treaty and PNG visitors?

Commercial fisheries operate in the Torres Strait, as does traditional fishing as recognised by the Treaty. Dugong and turtle are part of traditional fishing and this means their meat or body parts can not be bartered or sold. Traditional fishing is shared with Papua New Guinean traditional inhabitants and these people also have rights under the Treaty to fish and hunt within the Torres Strait Protected Zone. There is concern that some dugong and turtle ends up in commercial markets in Daru. This activity is illegal.

According to the Treaty any community based management plans that place restrictions on traditional fishing must be applied equally to both Australian and Papua New Guinean traditional inhabitants. PNG stakeholder involvement in dugong and turtle management on the PNG side of Torres Strait is being assisted by a project being run by the Australian Government.

What about the Native Title Act?

Torres Strait Islanders' rights to traditional fishing and hunting are recognised by the Treaty and *Torres Strait Fisheries Act*. It is important to realise that neither the Treaty nor *Torres Strait Fisheries Act* are inconsistent with native title rights but do not allow for too much dugong and turtle hunting. They support traditional sustainable hunting, so that dugong and turtle populations stay strong for future generations.



Both the Treaty and Act allow for some form of restriction if hunting pressure is too great. This means it is important for community groups to make plans that keep dugong and turtle populations strong and that help elders reinforce traditional values. The Torres Strait Regional Authority Land and Sea Management Unit can help communities make management plans together that will maintain custom and keep traditional fisheries strong.

The African Connection and Community Based Natural Resource Management in the Torres Strait

Many Torres Strait elders feel there are fewer dugongs and turtles in the Strait now than there were a few decades ago. They are concerned that young hunters are not practicing tradition and custom, and are killing too many animals. There are parallels to the dugong and marine turtle fisheries to what is called the 'Bushmeat Crisis' in Africa.

'Bushmeat' is the term given to meat from African wildlife, from elephants to monkeys to cane rats. Many Africans are very poor and must eat what they can, including wild animals; many other Africans living in cities want to get back to culture, so they eat bushmeat to feel close to their family and roots.

Many Africans think that the forests are so large and can never be depleted, and that the forest resources are there for the taking. Now in Africa many of the animals that were traditionally hunted have disappeared, and some forests now have no large animals because they have all been hunted out.

Did you know that one of the Dugong's closest relatives is the elephant?

Many development and conservation agencies are now working with African community groups to find common ground for the sustainable use of wildlife. Some models of community based natural resource management have been successful in arriving at sustainable solutions to traditional hunting.

Some Torres Strait Islanders think similarly - that the sea is so vast and there are plenty of resources there for the taking - that there is no problem. Like Islanders, African people are also skeptical about outsiders who say that they are hunting too much. This is why it is so important for local people to be centrally involved in the development of community based management plans.

The African bushmeat experience shows that public awareness campaigns, education and enforcement of the management plans by the local people are very important in helping communities sustainably manage their natural resources. Community based management of dugong and turtle fisheries in the Torres Strait is critical to their sustainability.

In many other countries around the world research into hunting of endangered and vulnerable wildlife for subsistence needs has found that hunting is sustainable if it is heavily regulated low-level hunting. There must also be plenty of alternative meat sources available to the people. Hunting is considered sustainable if the animals do not show consistent population decline, the animals don't become vulnerable or endangered through the hunting and the populations must remain high enough to continue to be a significant resource to people.

Where to go for further information

For further information about where community based management groups are being formed, and how to become involved in community planning of dugong and turtle fisheries, please contact:

Frank Loban or Lachlan Sutherland at the Torres Strait Regional Authority Land and Sea Management Unit on:

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The full version of the Legal Review is available at:

www.tsra.gov.au/...