

# Indigenous fishing bulletin



National  
Native Title  
Tribunal



NATIONAL NATIVE TITLE TRIBUNAL INDIGENOUS FISHING BULLETIN

SEPTEMBER 2008

## Indigenous fishing in the news

### September 2008

#### NSW: Aboriginal fishing recognised 10/09/08

The NSW State Government will amend the Fisheries Management Act 1994 to formally recognise the cultural significance of fisheries resources to Aboriginal people.

Minister for Primary Industries Ian Macdonald said the proposed changes complement the NSW Government's formal endorsement of the National Indigenous Fishing Principles which were developed to encourage greater Aboriginal involvement in commercial and recreational fisheries.

"The changes extend the objects of the Fisheries Management Act to recognise, protect and promote Aboriginal peoples' cultural, social, spiritual and customary association with the fisheries resource," Mr Macdonald said.

"Aboriginal cultural fishing – for personal, domestic, ceremonial, educational or communal needs – will be identified by law and clearly distinguished from illegal fishing activity."

Sources: Narooma News, p 47 10/09/08  
The Koori Mail, p 41 10/09/08

### August 2008

#### NT: Commercial fishing in NT not at risk 06/08/08

Northern Territory Seafood Council chairman Rob Fish has moved to assure the state's commercial fishing industry that the Blue Mud Bay decision will not affect commercial fishing licences – just access.

The High Court decision grants traditional owners control over 80 per cent of the Territory's coastline, including the right to determine where commercial and recreational fishing is carried out.

Mr Fish said discussions were continuing between fishermen and the Northern Land Council regarding the decision.

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The Tribunal invites all subscribers to submit any relevant fishing news or useful web links to [fishing@nmtt.gov.au](mailto:fishing@nmtt.gov.au). We will contact you about including your submission in the next edition of the bulletin.

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The bulletin is a collation of documents taken from the media and from other sources. It does not contain information provided by the National Native Title Tribunal, unless indicated.

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“Our licences are still valid,” he said. “The Northern Land Council can’t issue a licence, it’s just a matter of access.”

Source: Northern Territory News, p 22 06/08/08

## **July 2008**

### **NT: Blue Mud Bay decision 31/07/08**

Traditional Aboriginal owners have won exclusive control of more than 7000 km of Northern Territory coastline following a 5-2 decision in the High Court.

The Northern Territory government and the local fishing industry had sought to overturn last year’s Federal Court ruling that gave traditional owners from Blue Mud Bay in north-east Arnhem Land, the power to exclude fishermen from the intertidal zone.

The decision grants traditional owners authority under the Northern Territory Land Rights Act to decide how fishing is conducted along 80 per cent of the Territory’s coastline.

“It is a landmark victory for traditional owners and we have waited for over 30 years for our sea rights to be legally recognised,” said Northern Land Council chairman Wali Wunungmurra.

Mr Wunungmurra declared that current arrangements under which recreational and commercial fishers had obtained permits would remain in effect for at least a year.

Permission would be required for anyone wanting to enter Aboriginal land, including beaches and the sea from the high to low water mark.

Sources: Sydney Morning Herald, p 4 31/07/08

Australian Financial Review, p 4 31/07/08

Hobart Mercury, p 10 31/07/08

## **July 2008**

### **QLD: Marine conservation project wins Banksia Award 23/07/08**

The North Australian Indigenous Land and Sea Management Alliance (NAILSMA) has taken out the indigenous category at the Banksia Awards ceremony in Melbourne.

Environment Minister Peter Garrett presented the award to NAILSMA Executive Officer Joe Morrison for the Alliance’s Dugong and Marine Turtle Project.

Mr Morrison said the award acknowledged the stewardship of Indigenous land and sea managers over nationally and internationally significant ecosystems in northern Australia.

“The project has taken a practical approach to dugong and marine turtle management by creating new Indigenous ranger programs and supporting existing ones,” said Mr Morrison.

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Source: Torres News, p5 23/07/08

## July 2008

### **Canberra: Government to take flexible approach to native title over territorial waters 18/07/08**

Aboriginal leaders have praised the federal government's willingness to recognise native title rights in territorial waters as a great step forward.

Attorney-General Robert McClelland said the commonwealth would recognise that non-exclusive native title rights can exist in territorial waters up to 12 nautical miles offshore and that recognition would not affect existing interests such as fishing or oil exploration.

"Native title offers the opportunity of a new partnership with the Indigenous community. Recognition of legitimate rights can make a significant material contribution to closing the gap between Indigenous and non-Indigenous Australians." Mr McClelland said

Sources: AAP Newswire 17/07/08

The West Australian, p18 18/07/08

## June 2008

### **QLD: Rangers tackle 'ghost' nets problem 13/06/08**

Indigenous rangers in the Gulf of Carpentaria and Cape York have stepped up efforts to clear Australian waters of so-called 'ghost' fishing nets.

Project manager Ricki Gunn said she noticed a spike in the number of disused nets which average almost 30 metres in length.

"They usually arrive intact. I'm talking anything from two tonne to 10 tonne in one go," she said.

Source: <http://www.abc.net.au/news/stories/2008/06/13/2273640.htm>

## Issues in brief

### **Canada's Supreme Court rules on indigenous fishing test case 27/06/08**

The Canadian government's Aboriginal Fisheries Strategy was found to be constitutional by the country's Supreme Court in *R. v. Kapp*, 2008 SCC 41.

The strategy, an affirmative action plan, provides economic and fisheries management opportunities for Aboriginal people.

A communal fishing license was issued through a pilot sales program allowing Aboriginal fishers exclusive access to fish for salmon in the mouth of the Fraser River for a period of 24 hours.

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A group of commercial fishers who participated in a protest fishery were charged with fishing at a prohibited time. At trial, the commercial fishers argued that the communal fishing licence issued to Aboriginals and the subsequent exclusion of non-Aboriginals in the fishery was discriminatory under the *Canadian Charter of Rights and Freedoms*.

In a unanimous decision, the Court dismissed the appeal and held the communal fishing license as constitutional. In justifying the decision, the Court reasoned that the program serves a “remedial purpose” and fosters “progress towards self-sufficiency” for a group that remains socio-economically disadvantaged.

Source: <http://conservationreport.com/2008/07/01/fisheries-supreme-court-of-canada-says-british-columbias-aboriginal-only-fishery-constitutional/>

For more information on the case: <http://scc.lexum.umontreal.ca/cgi-bin/print.pl?referer=http://scc.lexum.umontreal.ca/en/2008/2008scc41/2008scc41.html>

### **New Zealand Maori tribes sign largest ever settlement 25/06/08**

Seven Maori tribes met in Wellington, New Zealand to sign the biggest settlement over grievances arising from the losses of lands, forests and fisheries in the nation’s history.

The NZ\$418 million Treelords agreement transfers ownership of 435,000 acres of plantation forest and forest rents from the central government to the seven central North Island tribes who include more than 100,000 people.

The settlement will provide an important source of income for local Maori, who will become New Zealand’s largest private forestry landowner.

Source: <http://www.independent.co.uk/news/world/australasia/a-163160m-apology-to-the-maoris-for-shameful-history-of-injustice-854333.html>

### **Canada offers apology to Indigenous people 10/06/08**

Canada has officially apologised to tens of thousands of Indigenous people subjected to abuses at boarding schools set up to assimilate them.

“The Government of Canada sincerely apologises and asks the forgiveness of the Aboriginal peoples of this country for failing them so profoundly. We are sorry,” Prime Minister Stephen Harper declared in the House of Commons.

Mr Harper said the schools were intended to assimilate children into the dominant culture on the assumption that aboriginal cultures and beliefs were “inferior and unequal”.

“The Government now recognises that the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on aboriginal cultures, heritage, and language,” he said.

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Beginning in 1874 and continuing for more than a century, 150 000 Indian, Inuit and Metis children were enrolled in 132 church-run boarding schools on behalf of Canada's federal government.

Source: <http://www.theaustralian.news.com.au/story/0,,23851342-2703,00.html>

## Other useful links

### Australian Government

Australian Fisheries Management Authority: <http://www.afma.gov.au/>

Australian Institute of Aboriginal and Torres Strait Islander Studies: <http://www.aiatsis.gov.au/>

Australian Institute of Marine Science: <http://www.aims.gov.au/>

Department of Agriculture, Fisheries and Forestry: <http://www.daff.gov.au/>

Department of the Environment, Water, Heritage and the Arts: <http://www.environment.gov.au/>

Indigenous Business Australia: <http://www.iba.gov.au/>

National Native Title Tribunal: <http://www.nntt.gov.au/>

Torres Strait Protected Zone Joint Authority: <http://www.pzja.gov.au/>

Wet Tropics World Heritage Area: <http://wettropics.gov.au/>

### State and Territory Government

Department of Primary Industries and Resources South Australia: <http://www.pir.sa.gov.au/home>

Department of Primary Industries and Water Tasmania:

<http://www.dpiw.tas.gov.au/inter.nsf/Home/1?Open>

Queensland Department of Primary Industries and Fisheries:

[http://www.dpi.qld.gov.au/cps/rde/dpi/hs.xsl/home\\_ENA\\_HTML.htm](http://www.dpi.qld.gov.au/cps/rde/dpi/hs.xsl/home_ENA_HTML.htm)

Northern Territory Fisheries: <http://www.fisheries.nt.gov.au/>

NSW Department of Primary Industries - Fisheries: <http://www.fisheries.nsw.gov.au/>

Victoria Department of Primary Industries: <http://www.dpi.vic.gov.au/dpi/index.htm>

WA Department of Fisheries: <http://www.fish.wa.gov.au/>

### Native Title Representative Bodies

Aboriginal Legal Rights Movement: <http://www.alrm.org.au/>

Cape York Land Council: <http://www.cylc.org.au/>

Central Land Council: <http://www.clc.org.au/>

Goldfields Land and Sea Council: <http://www.glc.com.au/>

Queensland South Native Title Services: <http://www.qsnts.com.au/>

Kimberley Land Council: <http://www.klc.org.au/>

Native Title Representative Bodies: <http://www.ntrb.net/>

Native Title Services Victoria: <http://www.nts.vic.gov.au/>

Northern Land Council: <http://www.nlc.org.au/>

South West Aboriginal Land and Sea Council: <http://www.noongar.org.au/>

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## Online publications

Hi ika - Indigenous fisheries magazine issued in New Zealand: <http://www.fish.govt.nz/en-nz/Publications/Hi+Ika+newsletter/default.htm>

Kantri Laif (coun-try li-fe) - twice-yearly newsletter produced by NAILSMA: [http://savanna.ntu.edu.au/publications/kantri\\_laif.html](http://savanna.ntu.edu.au/publications/kantri_laif.html)

CRC Reef Newsletter: <http://www.reef.crc.org.au/publications/news/>

## Education

Australian Maritime College: <http://www.amc.edu.au/>

Centre for Aboriginal Economic Policy Research (ANU): <http://www.anu.edu.au/caepr/index.php>

Desert Knowledge: <http://www.desertknowledge.com.au/>

Marine Education Society of Australasia: <http://www.mesa.edu.au/>

Reef Ed: <http://www.reefed.edu.au/>

Torres News: <http://www.torresnews.com.au/>

## International

Fisheries and Oceans Canada: <http://www.dfo-mpo.gc.ca/index-eng.htm>

New Zealand Ministry of Fisheries: <http://www.fish.govt.nz/>

