



National Native Title Tribunal

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National Indigenous Fishing Technical Working Group (NIFTWG) update

The Principles Communique on Indigenous fishing has now been referred to the Natural Resource Minister's Ministerial Council for the final stage in securing National endorsement.

For background information about NIFTWG, go to the 'Current Projects' section of the National Native Title Tribunal's website: <http://www.nntt.gov.au/media/Projects.html>

Indigenous fishing in the news

June 2005

TSI: Islanders could go to court over sea rights, 8 June 2005

The *Torres News* reports that at the recent Mabo Day celebrations in the Torres Strait, TRAWQ Community Council chairman Robert Sagigi said the people of the Torres Strait would follow Eddie Mabo's example and go to court over sea rights if the issue dragged out like native title decisions.

Source: Go to court over sea rights if they drag on, *Torres News* (Thursday Island), 8 June 2005, p. 5.

TSI: Fishing truce under threat, 9 June 2005

The *Cairns Post* reports that the delicate truce over fishing rights in the Torres Strait was broken when Sue Island (Yorke Island) fishermen issued a seven-day ultimatum to commercial operators to get out of the region. But the commercial fishermen vowed to stand and fight for their rights against what they label as 'pirates' in response to the ultimatum, claiming traditional fishermen are trying to drive them out of the region.

Source: Fishing truce ended by Islander 'pirates,' *Cairns Post*, 9 June 2005, p. 2.

WA: Bardi and Jawi people rewarded after 10 year struggle for native title, 10 June 2005

Native title has been found to exist over parts of the Dampier Peninsula and surrounding ocean off north-west Western Australia in favour of the Bardi and Jawi peoples, of the Western Kimberley region. The two groups were found to hold exclusive possession over parts of the 1037 square kilometres of land claimed —

except for some islands to the north of the claim area and some other areas. Non-exclusive rights were proposed to be recognized over the intertidal zones and associated reefs and areas of water.

Source: Bardi and Jawi people celebrating after native title decision, AAP NewsWire, 10 June 2005

TSI: Police leave for Sue Island to settle fishing dispute, 12 June 2005

Brisbane's *Sunday Mail* reports that a boatload of police reinforcements will leave for Sue Island in the Torres Strait to help settle a row between commercial and traditional fishermen. The dispute escalated when a group of Sue Islanders issued commercial operators with a seven-day ultimatum to keep their distance from traditional fishing grounds.

Source: Police move in standoff over fishing, *Sunday Mail*, 12 June 2005, p. 47.

WA: Land council may appeal against Bardi-Jawi ruling, 14 June 2005

ABC News Online reports that the Kimberley Land Council may consider an appeal against the Bardi and Jawi native title determination due to serious concerns over the Federal Court's findings in the case, which covers a large area of land on the Dampier Peninsula and surrounding ocean, north of Broome in northern Western Australia. The court's decision has also brought a cautious reaction from the fishing and pearling industries which operate in the area.

Source: <http://www.abc.net.au/news/newsitems/200506/s1391509.htm>

TSI: Commercial Cray fishers prepared to leave Torres Strait, 16 June 2005

The *Cairns Post* reports that some commercial Cray fishermen said would rather leave the Torres Strait than continue a disagreement with traditional fishermen over exclusive rights to fishing grounds in the region. It reports that 70 Yorke (Sue), Yam and Poruma islanders staged a peaceful protest at Kirkaldie Reef, against commercial fishermen's activities in the region.

Source: Cray fishers prepared to leave Strait, *Cairns Post*, 16 June 2005, p. 11.

TSI: Islanders welcome hunting limits, 21 June 2005

Torres Strait Islanders say a new plan to limit the number of dugongs and turtles hunted by the region's traditional owners is a good idea. The Torres Strait Regional Authority says the regional action plan will monitor the number of dugongs and turtles caught in the area. TSRA chairman, Toshie Kris, says it will also teach traditional inhabitants about looking after the marine animal's habitat.

Source: <http://www.abc.net.au/news/newsitems/200506/s1396573.htm>

July 2005

TSI: PZJA meeting delivers strong outcomes, 6 July 2005

A recent meeting of the Protected Zone Joint Authority (PZJA) has addressed a number of issues important to Torres Strait Islander and non-Islander fishers. Issues regarding resource allocation were considered at length and will be further considered by board members.

Source: <http://www.mffc.gov.au/releases/2005/05128m.html>

Qld: MoU puts limits on traditional hunting, 6 July 2005

Traditional owners in north Queensland have signed an historic agreement protecting indigenous culture and Queensland's turtle and dugong populations. The Juru, Gia and Ngaro groups will stop dugong hunting in coastal waters between Ayr, Bowen and Proserpine and turtles will only be taken on key occasions for ceremonial purposes. It is the first multi-clan agreement developed in partnership with the Environmental Protection Agency and will ensure any hunting for traditional purposes is sanctioned by the community.

Source: <http://www.abc.net.au/news/newsitems/200507/s1408646.htm>

Further information: <http://statements.cabinet.qld.gov.au/cgi-bin/display-statement.pl?id=7520&db=media>

Qld: Elder calls for Fraser Coast dugong agreement, 8 July 2005

Indigenous elder Maree Wilkinson from the Butchulla tribe believes there is no need to take dugongs or turtles on the Fraser Coast off south-east Queensland and says dugongs and turtles need to be looked after. Ms Wilkinson has welcomed an agreement by three clans in north Queensland not to allow traditional hunting of dugongs in their region and said her people stated years ago they wanted a similar agreement.

Source: <http://www.abc.net.au/news/newsitems/200507/s1409955.htm>

Tas: Sea rights advocate wins top award, 10 July 2005

Tasmania's former ATSIC Commissioner, Rodney Dillon, has won the NAIDOC Aboriginal Person of the Year award. Mr Dillon has been honoured for his work for indigenous land and sea rights and as an international campaigner for the repatriation of Aboriginal human remains. Mr Dillon was chosen from more than 110 nominees throughout Australia and took the opportunity to highlight the need for the Tasmanian State Government's to improve protection of cultural heritage after receiving the honour.

Source: <http://www.abc.net.au/news/newsitems/200507/s1410747.htm>

Qld: Dugong hunting agreement draws mixed response, 11 July 2005

The Wide Bay Indigenous community, in south-east Queensland, appears divided over dugong hunting following an agreement from three Indigenous groups in north Queensland to stop traditional hunting for dugongs. The landmark agreement has been welcomed by Butchulla elder, Marie Wilkinson, but others say the decision takes away traditional rights.

Source: <http://www.abc.net.au/news/newsitems/200507/s1411154.htm>

Qld: Support for Indigenous fishers in north Queensland, 12 July 2005

During an Estimates Committee meeting at Queensland's State Parliament, Primary Industries and Fisheries Minister Henry Palaszczuk outlined the measures taken by staff in the Department of Primary Industries and Fisheries (DPI&F) to assist indigenous fishers in far north Queensland.

Source: <http://www.abc.net.au/message/news/stories/s1413433.htm>

Qld: Palm Islanders become sponge farmers

Traditional owners of the north Queensland Aboriginal community of Palm Island have signed an indigenous land use agreement (ILUA) as a first step towards the development of an Aboriginal owned and operated sea sponge farm. The agreement will provide access to traditional lands and waters surrounding Palm Island for the establishment of an indigenous aquaculture venture that will grow sea sponges for cosmetic sponge markets.

Source: <http://www.abc.net.au/news/newsitems/200507/s1422608.htm>

Issues in brief

Qld: Palm Islanders set to become Australia's first sea sponge farmers

As reported above, Palm Islanders are set to become Australia's first commercial sea sponge farmers. A unique Indigenous Land Use Agreement (ILUA) was signed on Palm Island on 26 July 2005, completing a critical stage in the development of an innovative commercial in-sea sponge farm.

This project represents a unique collaboration between the venture proponent, Coolgaree CDEP, Manbarra Traditional Owners, the Australian Institute of Marine Science (AIMS) and the project manager, State Development and Innovation Centre Townsville (SDICT). The project is based on extensive research

undertaken by AIMS into sea sponges and aquaculture farming technology.

The venture will grow and market 500,000 sponges per year when fully operational, employ 32 people on Palm Island, and create opportunities for skill development and transfer. However, the project still needs approval from the state government and Great Barrier Reef Marine Park Authority (GBRMPA).

For more information, see the AIMS media statement: <http://www.aims.gov.au/news/pages/media-release-20050726.html>

Qld: Agreements recognise traditional usage and look after protected species

Traditional Use of Marine Resources Agreements, or TUMRAs, are increasingly being used in the Great Barrier Reef Marine Park area as a means to establish how Traditional Owners will manage the traditional use of marine resources in their sea country, while protecting turtle and dugong populations in the region.

Importantly, TUMRAs help to ensure sustainable harvest of marine resources, especially dugongs and turtles, using culturally appropriate methods. In practice, TUMRAs can incorporate measures to help the recovery of turtle populations, including limits on the areas from which harvest may take place and the actual numbers of turtles to be harvested per year.

The voluntary agreements, developed by Traditional Owner groups and accredited by the Great Barrier Reef Marine Park Authority Board, do not bind all Traditional Owners within a group to the agreement, although for them to be workable, it is preferable that more than half of a Traditional Owner group agree to the TUMRA.

A PowerPoint presentation by Dr Helene Marsh that discusses TUMRAs and other sea country management issues is available on the James Cook University website: <http://www.jcu.edu.au/app/law/ntsc/index.cfm?fuseaction=info>

WA: Court recognises native title rights of Bardi and Jawi people, 10 June 2005

The National Native Title Tribunal has welcomed a decision from the Federal Court on 10 June, which proposes a determination of native title in favour of the Bardi and Jawi peoples. The determination covers a large area of land on the Dampier Peninsula and surrounding ocean, north of Broome in the Western Kimberley region of northern Western Australia.

The rights over areas of water include the right to use and enjoy the reefs and associated water; the right to hunt and gather, including for dugong and turtle, and; the right to use the resources for food, trapping fish, religious, cultural and ceremonial purposes.

The Kimberley Land Council, which represents the 900-strong native title claimant group, was reportedly considering appealing the decision following concerns over the fact that native title rights were not found to exist on surrounding offshore islands.

The Tribunal's media statement on the decision: http://www.nntt.gov.au/media/1118395426_2592.html

NSW: Iconic fish traps on national heritage list

The Brewarrina Aboriginal Fish Traps in New South Wales have been entered on the National Heritage List as a place of outstanding heritage significance to Australia. The National Heritage List comprises natural, historic and Indigenous places that are of outstanding national heritage value to the Australian nation. Each place in the List is assessed by the Australian Heritage Council as having national heritage values which can be protected and managed under a range of Commonwealth powers.

The Aboriginal fishery at Brewarrina, known as the Ngunnhu to the local Ngemba people, is rare in being a dry-stone fish trap located on a large river system which features a very complex design that exploits an unusual location. The site continues to be a significant meeting place to Aboriginal people with connections to the area.

Ngunnahu fact sheet: <http://www.deh.gov.au/heritage/national/sites/brewarrina-factsheet.html>

National heritage website: <http://www.deh.gov.au/heritage/national/index.html>

NZ: Agreement ends uncertainty over Maori aquaculture

The New Zealand Government has appointed Te Ohu Kai Moana, the body which took over the allocation of Maori fisheries resources to tribes from the Waitangi Fisheries Commission, to allocate aquaculture space to Maori people under the Maori Commercial Aquaculture Claims Settlement Act passed late last year. Under the act, Maori get 20 per cent of all aquaculture space in New Zealand, including existing as well as new space.

Te Ohu Kai Moana chairman Shane Jones and NZ Fisheries Minister David Benson-Pope signed the agreement on 26 July, ending the process of formally allocating fishing assets to Maori under the Treaty of Waitangi – a process that began more than 15 years ago. Mr Jones said the agreement was historic and promised the aquaculture allocation would not get bogged down in the same arguments that held up allocation of wild fisheries to Maori people for 12 years.

Source: <http://www.stuff.co.nz/stuff/0,2106,3357843a10,00.html>

NZ: Customary fishing rules tightened

New Zealand's Fisheries Minister David Benson-Pope recently announced that rules and penalties around customary fishing across the country are being toughened up in light of reports that suggested widespread misuse of customary fishing permits.

The alleged abuses sparked Mr Benson-Pope to undertake a review of the amateur fishing regulation providing for customary fishing – known as regulation 27 – with a particular focus on people issuing customary fishing permits. The regulation allows Maori groups to set aside size and bag limits if the fish or shellfish is for customary purposes, such as weddings. Though Maori groups control the process, anyone can apply for a customary permit.

After a 15-month investigation, the Government said it would bring in new offences under regulation 27 permits and that fines of \$10,000 would apply to people who issued the permits – which waive size and catch limits – without authority or for fisheries outside their area.

Source: <http://www.stuff.co.nz/stuff/0,2106,3340900a8153,00.html>

Useful links

Conferences

AIATSIS Native Title Conference 2005: <http://www.aiatsis.gov.au/rsrch/ntru/conf2005/index.html>

CLC National Indigenous Land and Sea Management Conference 2005:

<http://www.clc.org.au/OurLand/conference.asp>

The First International Marine Protected Areas Congress 2005: <http://www.impacongress.org/>

Rainforest Meets Reef: <http://www.reef.crc.org.au/about/events/jointconference.htm>

Sharing the Fish Conference 2006: <http://www.fishallocation.com/>

Australian Government

Australian Fisheries Management Authority: <http://www.afma/default.php>

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.dpie.gov.au/>

Department of Environment and Heritage: <http://www.deh.gov.au/index.html>

Fisheries Research and Development Corporation: <http://www.frdc.com.au/index.htm>

Great Barrier Reef Marine Park Authority: <http://www.gbmpa.gov.au/>
National Native Title Tribunal: <http://www.nntt.gov.au/>
National Oceans Office: <http://www.oceans.gov.au/home.jsp>
Torres Strait Protected Zone Joint Authority: <http://www.pzja.gov.au/>
Torres Strait Regional Authority: <http://www.tsra.gov.au/www/index.cfm>
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/index.shtml>
Department of Primary Industries Tasmania: <http://www.dpiwe.tas.gov.au/error/dpiferr.html>
Queensland Department of Primary Industries and Fisheries: <http://www.dpi.qld.gov.au/home/default.html>
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/>

Networks

Australian Aquaculture Portal: http://www.australian-aquacultureportal.com/About_Nac.asp
The Marine and Coastal Community Network: <http://www.mccn.org.au/index.php>

Online publications

Hi ika – Indigenous fisheries magazine issued quarterly in New Zealand:
http://www.fish.govt.nz/customary/hi_ika/
Kantri Laif (coun-try li-fe) – twice-yearly newsletter produced by NAILSMA:
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/>
James Cook University Native Title Studies Centre: <http://www.jcu.edu.au/app/law/ntsc/index.cfm>
Marine Education Society of Australia: <http://www.mesa.edu.au/>
Reef ed: http://www.reefed.edu.au/explorer/traditional_owners/index.html

International

Fisheries and Oceans Canada: http://www.dfo-mpo.gc.ca/home-accueil_e.htm
New Zealand Ministry of Fisheries: <http://www.fish.govt.nz/>