

Welcome to the first edition of the National Native Title Tribunal's Indigenous fishing bulletin.

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National Indigenous Fishing Technical Working Group (NIFTWG) update

The National Indigenous Fishing Technical Working Group (NIFTWG), chaired by the National Native Title Tribunal, was formed after the October 2003 conference, [Indigenous Fishing Rights: Moving Forward 2003](#). NIFTWG is responsible for progressing the conference resolution 'that local, regional, state and national structures be established to develop indigenous fishing strategies,' as agreed under the group's [Terms of Reference](#).

The working group is comprised of representatives from Northern Territory and State Government agencies, the Australian Government, as well as representatives from peak industry and recreational bodies and Indigenous representative groups.

The National Native Title Tribunal has convened three NIFTWG meetings since the Indigenous fishing rights conference and in that time NIFTWG has developed and unanimously endorsed a [preferred pathway](#) towards increased opportunity for Indigenous involvement in commercial fishing-related activities and recognition of Indigenous customary fishing. Currently the group is working towards a set of nationally endorsed principles to guide policy and strategy in relation to Indigenous fishing-related issues.

For more information about NIFTWG please go to: <http://www.nntt.gov.au/media/Projects.html>

Indigenous fishing in the news:

NSW: Cape Byron Marine Park plans spark concern

Draft plans to re-zone the Cape Byron Marine Park have sparked concerns amongst recreational anglers and professional fishers who, according to a recent Byron News article, believe the adoption of proposals put forward by the traditional owners in the area — the Arakwal People — would discriminate against them and would lock them out of a large part of the marine park. The Arakwal Corporation have stated publicly that the whole community will have the opportunity to comment on the plan and that they do not begrudge the right of people to fish for recreational purposes or to make a living from commercial fishing.

Source: Document leak angers Arakwal, 1 July 2004, *Byron Shire News*, p. 1.

Qld: RSPCA to investigate dugong cruelty claims

It has been claimed that four Indigenous fishers mutilated a dugong off Woodgate Beach, south of Bundaberg in Queensland, during a recent hunting trip. Police and RSPCA officers raided the property of an Aboriginal man who was said to be involved in an incident whereby a dugong was allegedly harpooned and had a chunk of meat cut out of its head while it was still alive. It is reported that the RSPCA has called for an end to traditional indigenous hunting rights.

Source: Dugong's grisly fate spurs traditional hunting row, 30 July 2004. *Courier Mail*, p. 1 & 6.

Qld: Indigenous fisher denies dugong cruelty allegations

Bruce Little, one of four Aboriginal men accused of mutilating a dugong off Woodgate Beach near Bundaberg, has denied claims that the dugong was alive when a large chunk of meat was cut from its head. Mr Little said that the dugong was harpooned then drowned in a traditional way and has accused the RSPCA of interfering with indigenous hunting rights.

Source: RSPCA confrontation over dugong, 31 July 2004. *Courier Mail*, p. 8

Issues in brief:

Australasian Aquaculture 2004 biennial conference

Indigenous aquaculture will be on the agenda at this year's Australasian Aquaculture biennial conference, which will be held from September 26–29 in Sydney. A range of presenters will highlight the benefits of the development aquaculture in Indigenous communities across Australia.

More information, including the conference brochure, is available to download from the Australian Aquaculture Portal web site:

<http://www.australian-aquacultureportal.com/conference.asp>

NIFTWG and sea country planning on the agenda at annual native title conference

The annual native title conference, organised by the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS), was held in Adelaide this year from 2 to 4 June. **Kelly Crossthwaite** from the South Australian Fisheries Management Agency summarised what had been agreed following a meeting that week of the National Indigenous Fishing Technical Working Group (NIFTWG) involving industry, state and federal government and Indigenous representatives. In a major outcome, there was unanimous support for a strategy that allows for a 'limited definition of customary fishing' that is not to include any

commercial activity but will allow traditional exchange. Directors of fisheries from each State also agreed to pursue the strategy through the Ministerial Council.

Indigenous sea rights and resource management in oceans and waterways was discussed in a joint presentation entitled 'Sea Country Planning.' **Rowan Wylie** of the National Oceans Office (NOO) spoke about the Australian Oceans Policy (1998), which aims to involve Indigenous people in planning around traditional sea country. NOO has been involved in establishing a south-east Australia regional marine plan that covers 2 million square kilometres. The plan has involved extensive consultation, has nine regional objectives and 90 actions — the Indigenous objective has involved the establishment of an Indigenous Reference Group.

Jeremy Clark from the Framlingham Aboriginal Corporation and **Heather Bulth** from the Wina Mara Aboriginal Corporation discussed the process of planning with NOO, which led to the establishment of the Deen Maar Indigenous Protected Area — one of the first of its type in Australia. Priority issues included the involvement of local people in sea country issues, economic opportunities for local groups and consideration of environmental impacts. The plan proposes joint management of marine coastal park and extending Deen Maar while exploring new marine industries like whale tourism.

The 'Sea Country Planning' presentation is available in PDF format from the AIATSIS Native Title Conference 2004 web site: <http://www.aiatsis.gov.au/rsrch/ntru/conf2004/papers/papers.html>

PZJA meeting postponed

A meeting of representatives from the Protected Zone Joint Authority (PZJA) scheduled in the Torres Strait for 27-29 July has been postponed due to the unavailability of Queensland Fisheries Minister Henry Palaszczuk. A January meeting of the PZJA had previously been postponed because of the Queensland State election, and the Torres Strait Regional Authority elections. An alternate date has yet to be decided upon, and may be dependent on the calling of the Federal election.

The PZJA manages fisheries in the Torres Strait and consists of Minister for Fisheries, Forestry and Conservation Senator The Hon. Ian Macdonald, Mr Palaszczuk and the Torres Strait Regional Authority chair Mr Toshi Kris.

Source: <http://www.mffc.gov.au/releases/2004/04142m.html>

Public comment sought on WA recreational fishing strategies

Western Australia's Minister for Agriculture, Forestry and Fisheries Kim Chance is calling for public comment on the draft south coast recreational fishing strategy and the draft recreational fisheries management strategy for the Pilbara/Kimberley region. The respective strategies have a specific section on Aboriginal fishing and make reference to the draft Aboriginal Fishing Strategy* and recognition of customary fishing practices.

A series of public meetings will be held in the major towns in each region over the next two months to gain feedback on issues raised by the paper and interested parties are encouraged to prepare written submissions.

The full strategies are available at the Department of Fisheries web site at <http://www.fish.wa.gov.au> and members of the public can also access a copy of the paper from the department's by phoning (08) 9482 7333 during office hours.

* Aboriginal Fishing Strategy: Report to the Minister for Agriculture, Forestry and Fisheries by the Hon E. M. Franklyn QC, Chairman of the Aboriginal Fishing Strategy Working Group, May 2003.

Landline: Aborigines test sea rights law

A report aired on 11 July on the ABC's Landline program entitled "Aborigines test sea rights law" discusses the case of 11 Aboriginal men from the New South Wales south coast who are being prosecuted by NSW Fisheries for abalone poaching. The men, who are from the same extended family, have been charged with offences under the NSW Fisheries Management Act 1994. The trial, which is likely to go all the way to the High Court either by referral or on appeal, will continue in August.

Quoted in the Landline report are:

- Keith Nye, one of the 11 accused Aboriginal men and co-accused Joe Carriage;
- Constitutional and human rights lawyer Bruce Levet, who is representing the 11 men;
- John Smythe from the New South Wales Abalone Management Committee; and
- NSW Opposition Fisheries Spokesman Duncan Gay.

A full transcript of the report is available from the ABC web site:

<http://www.abc.net.au/landline/content/2004/s1148417.htm>

Fiji to introduce a draft Customary Fisheries Bill

The Fijian Government is compiling a draft Customary Fisheries Bill or 'qoliqoli' to protect the usage rights of traditional owners, President Ratu Iloilovatu Uluivuda revealed at a joint parliamentary sitting on 26 July.

'It will provide for a management regime that is fair and equitable both to the owners and users, including the public and commercial interests. This draft legislation will be referred for wider consultations with all interested parties in the community before it is introduced in Parliament after clearance with the Great Council of Chiefs,' he said.

The controversial bill proposes to transfer the ownership right of traditional fishing grounds — from the seabed to the high water mark — from the State to Indigenous Fijians.

Source: http://www.fiji.gov.fj/publish/page_2894.shtml

BC Supreme Court rules separate native fishery not discriminatory

The Supreme Court of British Columbia has ruled that a native-only commercial fishery, which allows only Aboriginal people to access waters to fish for commercial purposes on certain days of the season, does not discriminate against non-native fishers. In his ruling, Justice Donald Brenner said that native Canadians only took a small fraction of the total fisheries haul when compared to non-native commercial fishers and that the economic plight of the native people must be taken into consideration.

The reasons for the judgement have been published on the B.C. Supreme Court web site:

<http://www.courts.gov.bc.ca/jdb-txt/sc/04/09/2004bcsc0958.htm>

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