



# National Native Title Tribunal

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

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## In this bulletin:

The Australian Government endorses the Principles Communiqué on Indigenous Fishing. The ninth meeting of the Natural Resource Management Ministerial Council adopts a report recommending a nationally co-ordinated response to ensure that harvest of turtles and dugongs is sustainable. In Australia's northern region, coastal Indigenous communities join the push to protect the nation's fish stocks in the fight against illegal fishing.

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## National Indigenous Fishing Technical Working Group (NIFTWG) update

On 4 August, the Australian Government agreed to formal endorsement of the Principles Communiqué on Indigenous Fishing.

The Principles represent a commitment from stakeholders to:

- recognise customary fishing as a sector in its own right;
- to integrate and protect customary fishing within fisheries management frameworks in a manner that protects customary fishing;
- to provide assistance strategies to engage Indigenous people in fisheries-related business; and,
- to expedite processes' to increase Indigenous involvement in fisheries management and vocational training.

You can read more about the endorsement of the Principles in the September edition of the Tribunal's quarterly newsletter, *Talking Native Title*: <http://www.nntt.gov.au/publications/newsletters.html#1>

In June 2004, at the last formal meeting of the National Indigenous Fishing Technical Working Group (NIFTWG), it was agreed that the group would reconvene to discuss progress on implementing the Principles and share experiences in relation to successful practical initiatives. This final meeting was to occur at or around the Seafood Directions Conference in Sydney, September 2005.

Given the recent whole-of-government endorsement of the Principles by the Australian Government, and initiatives occurring in various other jurisdictions, the Tribunal has proposed that the national Indigenous fishing stakeholders meeting be postponed to occur early-2006. In the meantime, the Tribunal will continue to provide subscribers with updates on the progress of the implementation of the Principles.

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

### August 2005

#### **Tas: Traditional fishers undeterred by court ruling, 8/8/2005**

Former ATSIC commissioner Rodney Dillon has vowed to continue to exercise his cultural right to take abalone, despite being fined \$2240 in the Hobart Magistrates Court for abalone fishing offences.

Source: [http://www.themercury.news.com.au/common/story\\_page/0,5936,16197591%255E3462,00.html](http://www.themercury.news.com.au/common/story_page/0,5936,16197591%255E3462,00.html)

#### **Qld: Another native title win for Torres Strait Islanders, 15/8/2005**

The Federal Court of Australia has recognised native title over eight uninhabited islands in the Torres Strait region. The Torres Strait Regional Authority said there were still six outstanding claims outstanding over uninhabited islands in the region as well as a Torres Strait regional sea claim.

For more information, see the Tribunal's media release: [http://www.nntt.gov.au/media/1124072263\\_3308.html](http://www.nntt.gov.au/media/1124072263_3308.html)

#### **NT: Minister highlights importance of Indigenous aquaculture schemes, 17/8/2005**

The Northern Territory's Fisheries Minister, Kon Vatskalis, says Indigenous aquaculture schemes are vital to the Government's plans for the sector. The minister's made the comments during a report to the Territory Parliament where he outlined plans for the northern fisheries over the next five years.

Source: <http://www.abc.net.au/news/newsitems/200508/s1439404.htm>

#### **NSW: Landmark abalone fishing case resumes in Narooma, 18/8/2005**

Radio stations in Bega reported that a landmark court case, involving eleven Aboriginal men from the New South Wales south coast who are being prosecuted by NSW Fisheries for abalone poaching, resumed in the Narooma Local Court. The men are facing more than 20 charges relating to abalone poaching under the NSW Fisheries Management Act and could face jail terms if convicted.

#### **NSW: Decision reserved on landmark abalone case, 24/8/2005**

An announcement is expected soon on a long-standing abalone case in Narooma Local Court involving eleven Aboriginal men charged with abalone poaching. It is the first time that Aboriginal religion has been used as a defence. The Magistrate accepted that there are Aboriginal religions, but the barrister for Fisheries Department maintained the defendants' abalone practices were not religious and they had no native title rights in the matter. The Magistrate reserved his decision.

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### September 2005

#### **Qld: Objection to sea sponge farm 'unlikely', 8/9/2005**

The National Native Title Tribunal says objections are unlikely to an Indigenous land use agreement that paves the way for the development of a world-first commercial sea sponge farm on Palm Island. If no objections are received during the notification period, the agreement should be registered by the end of the year.

Source: <http://www.abc.net.au/news/newsitems/200509/s1456610.htm>

#### **Vic: Historic gathering on natural resource management, 15/9/2005**

The Bendigo Advertiser (15/9/2005) reports that a gathering of representatives from 13 indigenous groups stretching from Bendigo to Mildura have met for a two-day forum on natural resource management. The workshop was held in Bendigo to discuss how traditional owners could meet their aspirations regarding natural resource management in relation to land, water, environment, cultural heritage, repatriation, art, education and native title.

For more information about Indigenous involvement in natural resource management, go to the NRM website: <http://www.nrm.gov.au/indigenous/>

**Qld: Illegal fishers increase in number in Gulf region, 22/9/2005**

The Gulf Fishermen's Association has called on the Federal Government to fund Australian fishermen and Aboriginal communities to conduct surveillance in the region in the fight against illegal fishing in Australia's northern waters. A briefing paper by the Australian Fisheries Management Authority has revealed that the number of foreign fishing boats in Australian waters has increased 50 per cent over the past two years.

Source: <http://www.abc.net.au/worldtoday/content/2005/s1466084.htm>

**NT: Indigenous marine rangers on the lookout for illegal fishers in the NT, 28/9/2005**

The Northern Territory Government has announced that Indigenous marine rangers from six remote communities around the Territory have joined the battle in detecting illegal fishing. The rangers are working as part of the Northern Territory Government's Marine Ranger Program, which has been developed in collaboration with coastal communities, the Northern Land Council's Caring for Country Unit, and the Tiwi Land Council.

See the media statement for further information:

[http://www.nt.gov.au/ocm/media\\_releases/2005/09%20September/20050928\\_VatskalisMarineRangersII.pdf](http://www.nt.gov.au/ocm/media_releases/2005/09%20September/20050928_VatskalisMarineRangersII.pdf)

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**October 2005****NT: Seafood council welcomes native title ruling, 12/10/2005**

The Federal Court has handed down its decision on native title over Blue Mud Bay in East Arnhem Land, granting the traditional owners existing rights over the land area but non-exclusive rights on the water. The decision allows both traditional hunters and commercial fishermen continued access to the tidal rivers that flow over Aboriginal-owned land.

Source: <http://www.abc.net.au/news/items/200510/1480213.htm?darwin>

**NT: Blue Mud Bay decision to be appealed, 14/10/2005**

Native title claimants in the Blue Mud Bay case have instructed the Northern Land Council to appeal the case. ABC's *Stateline* program (NT) reported on the case, giving the various perspectives of the parties involved, including the traditional owners, the Northern Land Council and the commercial fishing industry.

The transcript is available at the following link: <http://www.abc.net.au/stateline/nt/content/2005/s1482823.htm>

**NT: Fishermen concerned about Blue Mud Bay appeal, 15/10/2005.**

Commercial fishermen have voiced concern over an appeal to the Federal Court that could bar them from fishing tidal rivers on Aboriginal land. The Seafood Industry Council of the Northern Territory says commercial fishermen rely on having access to those zones.

Source: <http://www.abc.net.au/news/newsitems/200510/s1483054.htm>

**WA: Illegal fishers caught poaching on Brue Reef, 25/10/2005**

Authorities have arrested 21 Indonesian fishers after the Bardi people from the remote One Arm Point community in WA's west Kimberley discovered them allegedly poaching precious trochus shell from their traditional fishing grounds. The fishermen were apprehended off Cape Leveque after their boat run aground on Brue Reef.

Source: <http://www.news.com.au/story/0,10117,17022827-1245,00.html>

**WA: Community calls for closer patrols to catch illegal poachers, 26/10/2005**

The One Arm Point Aboriginal Community on WA's Dampier Peninsula has called on the Government to 'get tough' to stop illegal poachers stealing trochus shell from the state's north coast. Trochus shell is a vital source of income for the local Bardi people and community members are concerned that if illegal fishermen continue to steal the trochus, there will be nothing left for future generations.

Source: <http://www.abc.net.au/news/newsitems/200510/s1490941.htm>

### **NT: Indigenous marine rangers ignored in illegal fishing crackdown, 27/10/2005**

The Federal Government says it has no plans to fund the Northern Territory's Indigenous marine rangers to monitor for illegal fishing boats in Australia's northern waters. Rangers at the remote community of Maningrida helped fisheries authorities catch four illegal fishing boats in the space of a week but won't get a share in any of the \$88 million allocated recently by the federal government to fund a crackdown on illegal foreign fishers.

Source: <http://www.abc.net.au/news/newsitems/200510/s1491598.htm>

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## **November 2005**

### **NT: Indonesian fishers may be visiting burial sites on Grooyte Eylandt, 4/11/2005**

Aboriginal marine rangers on the remote island of Grooyte Eylandt, east of Darwin, say Indonesian fishermen may be coming ashore to visit the burial sites of their Macassan ancestors. The rangers discovered footprints around Macassan graves on the island and have made calls for the Federal Government to step up its efforts to control illegal fishing in the region.

Source: <http://www.abc.net.au/news/newsitems/200511/s1497442.htm>

### **Qld: Fisherman unhappy with net confiscation, 10/11/2005**

An Aboriginal man who had his fishing net confiscated for alleged illegal netting has demanded an apology from Queensland authorities. Late today, the Queensland Boating and Fisheries Patrol decided to return the confiscated net to Elwyn Mann of the Darumbal tribe of Rockhampton in a gesture of goodwill.

Source: <http://www.abc.net.au/news/newsitems/200511/s1501679.htm>

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## **Issues in brief**

### **Landmark reforms announced for Torres Strait fisheries**

The Torres Strait Protected Zone Joint Authority (PZJA) has announced a raft of landmark reforms for Torres Strait Fisheries, described as the most significant in the region's history. The reforms were agreed in principle at the July PZJA meeting with a decision now confirmed after each of the PZJA Members sought the backing of their respective governments.

Chairman of the PZJA, Australian Fisheries Minister Ian Macdonald, said the reforms seek to resolve long standing conflicts in the region and provide for a new way to sustainably manage fisheries resources.

"The shift will provide for greater economic and employment opportunities for Torres Strait Islander communities from one of the few natural resources available to them," Senator Macdonald said. "This process will also grant non-Islander fishers seeking to leave the fishery an avenue to do so with dignity and fair remuneration."

All stakeholders are being encouraged to attend port visits this week in Torres Strait and Cairns to learn more of the details about the changes. The PZJA has released a detailed project plan for the delivery of the new arrangements, which is publicly available at the PZJA website: [www.pzja.gov.au](http://www.pzja.gov.au)

For more information, see Fisheries Minister Ian Macdonald's media statement: <http://www.mffc.gov.au/releases/2005/05222m.html>

### **Sharing the Fish Conference- call for papers**

The call for papers for the *Sharing the Fish – Allocation Issues in Fisheries Management 2006 Conference* closes on 15 November. Submissions are being invited for conference abstracts as either an oral presentation or poster display that adhere to the three main conference themes:

- allocations across jurisdictions - including governmental, regional and multi-lateral issues;
- allocations within sectors; and
- allocations between sectors.

The conference will be held at the Esplanade Hotel in Fremantle, Western Australia, from 26 February to 2 March 2006. Early bird registration closes on 15 December 2005. See the website for further updates:

<http://www.fishallocation.com/>

### **Natural Resource Management Ministerial Council meeting**

Primary Industries, Natural Resources, Environment and Water Ministers from across Australia met in Launceston on 27 October 2005 to attend the ninth meeting of the Natural Resource Management Ministerial Council.

At the meeting, the Council approved the report, *Sustainable Harvest of Marine Turtles and Dugong - A National Partnership Approach*. The report provides a basis for further work to ensure that harvest of turtles and dugongs is sustainable by outlining how governments and Indigenous communities can work more closely together to increase the effectiveness of the protection and conservation of dugongs and turtles.

The Council also committed to progress its Indigenous Reconciliation Action Plan through the Primary Industries and NRM Standing Committees. The Committees had identified nine "themes" as the basis for further progress on advancing reconciliation.

To view the Ministerial Council communiqué in full go to: <http://www.maff.gov.au/releases/05/NRMMC9.html>

### **Indigenous groups seek international recognition for Paroo River wetlands**

The Baakandji and Budjiti people of far western New South Wales are working with the NSW Department of Environment and Conservation to progress the nomination of Nocoleche Nature Reserve and Peery Lake in Paroo-Darling National Park to the List of Wetlands of International Importance under the Ramsar Convention.

The Convention recognises wetlands for their significant ecological and hydrological values and also recognises that sustainable traditional uses of wetland resources have created landscapes of significant value to wetland conservation.

The Convention also encourages parties to consider Indigenous peoples' values for wetlands in designing and implementing wetland management, through active participation of Indigenous peoples and local communities. A management group of 10 Baakandji and Budjiti people (five each) has been established to assist with the Ramsar nomination. Four of these 10 representatives will be part of a delegation that will travel to Uganda this month to put their case to the next Ramsar Convention meeting.

For more information see: <http://www.deh.gov.au/water/wetlands/publications/wa13/paroo.html>

### **NZ Government vows to resolve foreshore and seabed issues**

New Zealand's Government vowed to work with Maori people to conclude agreements on foreshore and seabed issues. In a ceremony marking the formal opening of parliament on 8 November, Governor-General Dame Silvia Cartwright delivered a speech from the Throne which sets out the government's programme for the next three years. The government-prepared speech said the agreements will demonstrate that the Foreshore and Seabed Act does both protect the interests of the general population and recognise the special interests of Maori groups.

The speech also said that many opportunities for Maori people will emerge from the implementation of the Maori Fisheries Act 2005, which was given its royal assent in September this year after more than a decade of negotiation and compromise. The bill allows Maori, through Aotearoa Fisheries, to become owners of one of New Zealand's largest commercial fishers.

To view the address in full go to: <http://www.scoop.co.nz/stories/PA0511/S00104.htm>

For more information about foreshore and seabed issues in New Zealand, see:

<http://www.justice.govt.nz/foreshore/>

## Useful links

### Conferences

Coast to Coast 2006: <http://www.iceaustralia.com/coasttocoast2006/index.html>

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/>

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/](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](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](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](http://www.dfo-mpo.gc.ca/home-accueil_e.htm)

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