



Living on Saltwater Country:

Goulburn Island to the QLD Border
Sea Country Management
Needs and Issues



REPORT PREPARED BY NORTHERN LAND COUNCIL

TITLE:

LIVING ON SALTWATER COUNTRY:
GOULBURN ISLAND TO QUEENSLAND BORDER
SEA COUNTRY MANAGEMENT, NEEDS AND ISSUES

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The information and views presented in this literature review reflect the best efforts of the consultants and the Northern Land Council.

This report was prepared by the Northern Land Council as an input to the scoping phase of the Northern regional marine planning process. The views expressed in this report are not necessarily those of the Australian Government. The Australian Government does not accept responsibility for the contents of this report.

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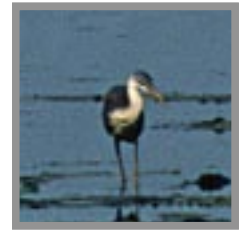
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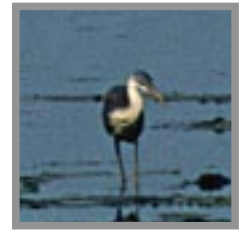
Undertaken by the Northern Land Council in collaboration with the Northern Territory Government and the National Oceans Office as part of the development of the Northern Regional Marine Plan.



CHAPTER 1: AIMS AND METHODOLOGY

“10 years of talking too long, we will all die, we need to take action and the government needs to put money into it”

Quote from Traditional Owner of Saltwater Country, Consultations 2003



CHAPTER 1: INTRODUCTION

Important: Where there are references to particular local issues or priorities this report provides a general guide only. Any management actions or plans which could affect any particular subregional or local area should only be developed in conjunction with Traditional Owners of sea country for that area and other affected Aboriginal people with traditional interests in the area through a properly consultative process.

Background

The National Oceans Office, an Australian Government executive agency responsible for overseeing the implementation of Australia’s Ocean Policy, is currently engaged in developing a series of Regional Marine Plans incorporating all marine environments within Australia’s Exclusive Economic Zone. The process of regional marine planning involves facilitation of input from Australia’s saltwater Indigenous peoples and others with an interest in the future of Australia’s oceans.

As part of the development of the Regional Marine Plan for the Northern Planning Area, comprising waters of the Gulf of Carpentaria and Arafura Sea, the National Oceans Office funded the Northern Land Council, the Carpentaria Land Council and Balkanu Cape York Development Corporation to undertake consultations with saltwater peoples living along the Arnhem Land coast, lower Gulf of Carpentaria and western Cape York Peninsula, respectively. This report summarises the results of consultations undertaken by the Northern Land Council within the Northern Territory (NT) sector of the Northern Planning Area. The Northern Land Council as well as being the statutory body responsible for consulting with Aboriginal Traditional owners under the terms of the Aboriginal Land Rights (Northern Territory) Act 1976, is also the Native Title Representative Body for all NT coastal areas and islands in the Northern Territory under the Native Title Act 1993.

This consultation report complements a literature review of saltwater Indigenous interests and issues prepared by the Northern Land Council, funded by the National Oceans Office.

Both the consultation report and the literature review are part of the Scoping Phase of the planning process. Information contained in these reports will be utilized in the development of the Draft Regional Marine Plan, due to be completed during 2005.

Methodology

During May, June and July 2003, representatives of the Northern Land Council¹, accompanied by staff from the National Oceans Office² and the Northern Territory Government³, held consultation meetings with Traditional Owners and key Aboriginal organisations involved in coastal land and sea management. Location and timing of consultation meetings are shown in the table below.

| LOCATION | DATES |
|---|------------------|
| Galiwinku | 28/30 April 2003 |
| Ngukurr | 19/20 May 2003 |
| Numbulwar | 21 May 2003 |
| Anindilyakwa Land Council, Angurugu, Groote Eylandt | 22 May 2003 |
| Umbakumba, Groote Eylandt | 23 May 2003 |
| Alyangula, Groote Eylandt | 23 May 2003 |
| Maningrida | 10-13 June 2003 |
| Ji-mardi | 13 June 2003 |
| Borrooloola | 24-27 June 2003 |
| Manangoora, Wearyan River | 26 June 2003 |
| Milingimbi | 7-10 July 2003 |
| Ramingining | 9 July 2003 |
| Nhulunbuy Dhimurru Land Management | 21/22 July 2003 |
| Marngarr | 22 July 2003 |
| Layna Homelands Resource Centre | 22 July 2003 |
| Yirrkala | 23 July 2003 |
| Yilpara | 24 July 2003 |

The communities selected for consultation meetings provided a spread of geographic locations and environments and a diversity of population and cultural groups. Logistical constraints prevented coverage of every outstation and community in the region.

The brief of the project was to provide an overview in the context of a scoping exercise. This report should not be considered to fully and comprehensively cover all of the marine-based concerns and issues of all saltwater people in the Northern Territory but provides most value in identifying general themes and issues.

The Northern Land Council (NLC) holds information about Traditional Ownership within its Anthropology Section. If information is needed for a particular

¹ By Paul Josif (all locations) and Patrick O’Leary (Borrooloola region and Marngarr and Dhimurru), Daniel Leo (Galiwinku), Amy Mosig (Ngukurr, Numbulwar, Groote Eylandt, Borrooloola) ² Ilse Kiessling ³ Ursula Zaar



purpose, a new request relating to that purpose will need to be submitted. The NLC continually updates this information with the aim of ensuring consultations are held with the right Aboriginal people as required by the Aboriginal Land Rights (Northern Territory) Act 1976 and the Native Title Act 1993. All processes of identification relating to land also apply to the sea. These people generally identify themselves as saltwater people.

As part of the Oceans Policy Scoping Consultations the NLC made a series of requests for identification of key, senior Traditional Owners of the marine and coastal areas covered by the NT sector of the Northern Planning Area who could speak with cultural authority for sea country in the region.

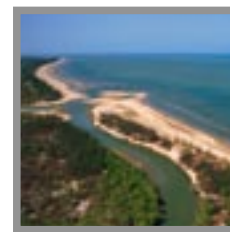
This was done as a sequence of smaller requests for the local coastal areas covering the region. The requests were not intended to be exhaustive as, given the nature and logistics of this particular consultation process it was neither possible nor sensible to consult every individual with rights and interests.

Key knowledgeable Traditional Owners who could speak with suitable authority for sea country in the region were sought for consultation and every effort made to speak to them face-to-face. This was not possible in all cases due to a range of local circumstances. NLC staff anthropologists conducted the identifications and supported the on-ground consultation process with some assistance from contracted regional specialists in some areas and local language experts where appropriate.

The meetings involved the presentation of information about the regional marine planning process by the National Oceans Office (NOO) and Northern Territory Government (NTG) representatives. This was followed by an NLC facilitated discussion of issues, concerns and recommendations relating to the recognition of Aboriginal rights, responsibilities, and interests in marine management, including the protection and sustainable use of marine resources.

The meetings were independently documented by the attending Northern Land Council, National Oceans Office and Northern Territory Government representatives. Summaries of issues raised at the meetings are based on collated documentation from all of these sources. The information and analysis are presented in the following sections:

- Section 2 summaries issues across the region in the following categories: Sea Country, Governance, Planning, Management, Commercial Fisheries, Aquaculture, Pollution, Marine Debris, Species Decline, Species Death, Access, Tourism and Recreational Fishing, Sacred Site Protection, Marine Protected Areas and Conservation, Capacity Building and Information Sharing, Gender, What Works;
- Section 3 provides a discussion and conclusion covering the issues and themes arising from consultations highlighting matters of particular relevance to the next stage of the regional marine planning process.



CHAPTER 2: REGIONAL ISSUES

Aboriginal marine issues in the Northern Territory are mostly local issues, in that particular saltwater Traditional Owners have knowledge, rights, interests and management responsibilities and obligations in relation to particular areas of saltwater country, as determined by traditional law. However, creation stories, Dreaming tracks, kinship relations, resource-sharing arrangements, mutual dependence on migratory species, the subjugation of Aboriginal laws and customs to regional, national and international laws and administrative arrangements, all provide a regional context to Aboriginal saltwater issues. Furthermore, many locally described issues are in fact common across the region under consideration and hence have the potential to be addressed through the regional marine planning process.

This section summarises issues raised at the local meetings under ten categories. This division into categories is for ease of presentation and analysis, and does not necessarily represent categories used during the consultation meetings. The categories are not mutually exclusive; for example, issues of governance are related to the concept of sea country, which are also related to issues of management. The categorization of Aboriginal marine issues is intended to explore and communicate, rather than challenge, the holistic view of country that Aboriginal Traditional Owners typically express.

2.1 UNDERSTANDING SALTWATER COUNTRY

In many of the consultation meetings, Traditional Owners introduced their particular marine issues or concerns with a general description of their connection to saltwater country, often emphasizing that this connection was ongoing and should form the basis of all marine governance, management and resource use. Extracts from meeting notes have been divided into several sub-headings to further explore the meanings of saltwater country across the region. Text in italics indicates a direct quote from a Traditional Owner.

Significance of the sea, saltwater country and culture

The following extracts highlight the interconnected and holistic nature of Aboriginal culture and saltwater country, and the impact on people when the marine environment is subject to negative impacts or damaged.

- *The sea is very important. The sea is my knowledge like the land.*
- *Here in Arnhem Land we have a very strong culture from doing things right way – Dhuwa and Yirritja.ⁱ*
- Saltwater country is a Living Cultural Landscape.
- The water is not one. *Ringitj* is in the water. With different waters, there are different responsibilities. Management and decision-making should be culturally appropriate.ⁱⁱ
- *While the land is hurting, Yolngu are hurting too*
- *The land and sea is related to us. People get sick when bad things happen to the land*
- Underpinning everything is the cultural landscape. It is a living cultural landscape and seascape.
- Manbuynga ga Rulyapa (Yirritja and Dhuwa) are currents in the seaⁱⁱⁱ
- *We think about where the clouds come from, we sing for that area, it is our Dreaming.*
- Rarrakala Island to Yirrkala to the horizon and beyond is clan country.
- The ocean is his Mari – mother's mother.^{iv}
- There is that lone rock which is the Dhuwa connection.
- People dance and imitate the water, people know the currents.
- The east wind takes the current.
- When clouds come, Mala wulkghunmi the clouds change to human being.^v
- *We sing songs about the connection of the tides to the Torres Strait, New Guinea.*
- Each ceremony needs to be perfect, no mistakes. Djalu (name) has the story for the Yirritja side. It is all a part of management.
- If you don't sing, you still have the sea.
- People pass on the ceremony to the next person.



- Every ceremony tells a story about creations
- When it's calm, people use the current to get to where they want to go.
- When the wind blows, Rulyapa is a bit dangerous.
- We dance about *gapu* in our ceremony.^{vi}
- Rock (particular rock referred to in this consultation) in the sea represents all of the Duwa connections.
- The swirling waters show the way to Ranaka Island, the water is singing out, making the sound, when Yolngu dance they imitate the sound.
- Yolngu understand all of the currents.
- South-east wind brings the Rulyapa; Manbuynga current goes up to Papua New Guinea.
- The songlines, tracks of the ancestors "Dreaming tracks" ie. Dhukarr or Djalkiri – all need to be looked after, Gamunungu (sacred art).^{vii}
- Need to include the actual sea water/column as part of sea country.
- There is ringitj for fishtraps and agreements in sea country.
- We have many songs and dances about the sea, tides and dugong hunters.
- *We started from where the clouds are rising from and we can sing that.*
- *Different names for the watermarks and the currents in the sea, like Balanda have names, we have names.*
- *Our names are through songs and our descendants.*
- The watermarks have names and fit in the Dhuwa and Yirritja moieties – this means particular people belong to particular places, on the sea and the land.
- Knowledge of sea country is not in a book, but in our mind and passing on.
- *We name children after the sea, clouds, rocks, seabirds, even the mangroves, the shell's ... everything in the sea.*

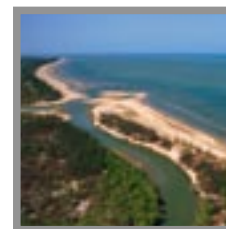
Ceremony has to be perfect for the sea water. We have the authority so we can't make any mistakes.

- *It is our home, its our life and its our system. It goes in a circle and we have been living on it in a way that goes from generation to generation. It is a system of life that we are depending on.*
- *Aboriginal people come from the saltwater and it binds people together. We lose that and we lose our society and our culture.*
- All things start in the sea and end in the sea this is for all kinds of "Dreamings", they travel from places like Port Keats/Warruwi and come through their country and then go back to the sea.
- All ceremony is intact and being looked after.
- *We thinking/singing that area – where the clouds come up.*

Connection between land and sea

These extracts highlight the connection between land and sea, freshwater and saltwater and inland people and saltwater people – they capture the essence of Aboriginal peoples' holistic understanding of country:

- There are links between fresh and salty water from the catchment out to the sea – kinship relationships. This is how the sea should be managed.
- *Water comes from the land – you cannot separate the land from the water. Even if you have a policy for the salt water, it has to be for the land too.*
- Yolngu have strong cultural connection between saltwater and freshwater.
- Saltwater country is both land and sea
- Can't separate inland from saltwater people because they have Junggayi and Darlyin, "we all connected" especially through ceremony.^{viii}



Extent of saltwater country

It is clear from these extracts that Aboriginal Traditional Owners know that their saltwater country extends beyond the coastal waters in which most subsistence resources are obtained. The extent of saltwater country is explained in various ways, some relating to distance in kilometres, others relating to meteorological phenomena such as clouds, while others relate to stories, Dreaming tracks or canoe journeys.

- *Our concern is from the Blyth River to the Glyde River out to 30km including the oceans. This is where the boundary is.*
- *The area of concern goes even beyond 200 nautical miles. The turtles and whales do not stay within this international boundary – all this area is part of the songlines.*
- *From the low water mark to the horizon there are cultural links to the sea, and beyond the horizon, to where the clouds rise.*
- *We paddled the canoe a long way, we paddled to the Wessel islands. Dry season, wet season.*
- *You can't put a limit of miles on this at 200 nautical miles, but for Yolngu goes beyond this – the whales, the water, turtles etc ... go beyond this – they are all Dhuwa and Yirritja.*
- *Our songlines go beyond the Torres Strait*
- *Links from inland to the sea by water from the clouds travelling to the sea.*
- *200km not fair, we follow history when a death or sacred ceremony even circumcision, that point is bigger than this – (After discussion and map shown, it was agreed that this was ok, i.e. all of Gulf covered as it covered the sacred site areas off shore and out to sea, including ceremony paths).*
- *Aboriginal people got the land but we own the sea as far as you can go.*
- *The extent of aboriginal sovereignty extends beyond “3km” (sic refers to 3 nautical miles) but includes seabed/saltwater/sea animals that travel beyond the 3 km (sic) limit.*
- *Yolngu sea interests extend to Indonesia and Papua New Guinea and East Timor – “the two kilometres is not enough” – our stories lay on the seabed for a long way. (the “two kilometres” in this instance refers to the sea closure provisions of the Aboriginal Land Act 1978)*

Significance of species

While Traditional Owners made it clear that they had a kinship relationship with the sea, currents, animals and plants, some species were described as having special significance.

- *Whales are very important for Yolngu people.*
- *Today Yolngu don't fish for dolphin but maybe a long time ago they did.*
- *The dolphin is important to us, like the whale.*
- *A Traditional Owner was certainly wild when he heard that an Indonesian fishing boat had been caught with dolphin meat they were using for bait (Refers to 2003 capture of Indonesian longliner off the Wessel Islands))*
- *Whale story a long way from the land – very important for Waramirri clans, from my mothers' mother. That's why I paint that whale for Nanydjaka area (Cape Arnhem) – it is very important. Everyone should keep away.*
- *Whales go through. They are important for Yolngu people Warramirri clan. Whales are really important and dreaming is important for whales. Important areas might be closed if whales die or wash up in an area – people should keep away. Because the whale dreaming beaches are closed for a number of years if there is a dead whale. After 3 years one was open again.*

Lack of understanding

The notes indicate that many Traditional Owners expressed frustration that government agencies and the wider community did not seem to understand the very different meaning and importance of saltwater country to Aboriginal people as opposed the importance attached to “the Sea” by non-Indigenous people.

- *The government doesn't understand sea country*
- *The Commonwealth Government needs to know the story.*
- *We see the ocean as Duwa and Yirritja but Balanda see one thing.*



2.2 GOVERNANCE

Many discussions focused not only on particular management issues, but on overall marine governance, consistent with Traditional Owners' views of their authority over, rights to, and responsibilities for their saltwater country. Records of the consultation meetings demonstrate that Aboriginal concepts of governance over country, including saltwater country, have not altered significantly despite over 200 years of imposed colonial, Australian, South Australian, and Northern Territory administration and legislation.

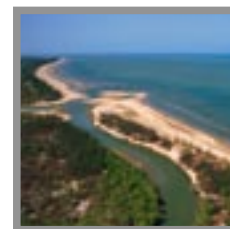
The extracts below reveal the two realities that exist in the current governance of the Northern Planning Area, presenting a huge challenge in developing a Regional Marine Plan that truly reflects the governance responsibilities and interests of the Traditional Aboriginal owners. Traditional Aboriginal Owners own most of the coast as inalienable freehold title under the Aboriginal Land Rights (NT) 1976 Act, and comprise the majority of the local population throughout most of the region. The existence of two governance realities, however, (non-Aboriginal and Aboriginal governance systems) also presents an exciting opportunity to embrace an Indigenous marine governance system that has nurtured the northern coastal and marine environments for millennia and one that has withstood the imposed cultural, economic, physical and administrative pressures of colonisation for two centuries. The regional marine planning process provides an opportunity to support rather than deny the robust cultural and social governance mechanisms that are maintained throughout the Planning Area.

Extracts from consultation meetings are divided into two sub-headings dealing with recognition of Aboriginal governance, and suggestions for changes to current marine management.

Recognition of Aboriginal governance of saltwater country

The following extracts are a plea for recognition of continuing Aboriginal governance, following on from Traditional Owners' descriptions of the concept of saltwater country.

- *The government does not understand tribal lands or Indigenous management of country – we are not lawbreakers of the government, but they are lawbreakers for us.*
- Aboriginal laws have to be recognised by white people. Aboriginal laws are currently being broken, and they (Traditional Owners) want a stop to this.
- Aboriginal people are the owners of the sea – this isn't always recognised.
- The ocean is (Aboriginal) people's resource.
- Cultural responsibility to care for water, we just need the legislative and practical support to do it in the 21st Century.
- It doesn't make sense to have title over land and not sea.
- Traditional owners have never been consulted about sea boundaries. They get a shock when they find out.
- *Aboriginal people were once owners and controllers of the land and sea governed by ancient law. It should be this way now.*
- Aboriginal people own the land and sea and they are the caretakers already. Aboriginal people must develop the story now, but there is a communication problem between the Government and Aboriginal people.
- All people (both Balanda and Yolngu) must ask permission to go to and fish on sea country.
- The Territory government only humbug people
- Balanda/government view is very small/narrow about the sea.
- Before old people fighting for the land, now we fighting for the sea.
- Our licence is through Dhuwa and Yirritja.
- We are seeking full control over the bays through Native Title, but we should have full control over the bays and our seas.
- *There is connection between land and sea and the traditional law is not open for negotiation or discussion.*
- Aboriginal law and custom endures in the marine environment – this needs to be very important consideration in any future management planning.



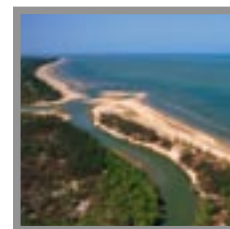
Suggestions for improved marine governance

Suggestions for improved marine management include a spectrum of mechanisms ranging from Traditional Owner autonomy over saltwater country, to some form of shared authority with Government, including via sub-regional management committees. It is important, however, to note that there was a clearly expressed frustration at participating in committees which gave Aboriginal people little direct control or power over the management of their own sea country. It is clear also from notes of the consultation meetings that the proposed committees related to comprehensive management of saltwater country, not merely management of fisheries or other individual aspects of marine management. Once again, the holistic approach to management of country is evident, presenting a challenge to all governments who typically assign responsibility for different issues to various departments or agencies under a plethora of legislation. Frustration is evident at the various consultative processes which have resulted in little or no positive change to the fundamentals of sea country management from the perspective of Traditional Owners. Clearly there is little in the legislative and policy frameworks currently in place in the planning region that adequately, from an Aboriginal perspective, recognises the reality of Aboriginal customary marine tenure and connection to sea places in the Northern Territory. It is this fundamental mismatch between current non-Aboriginal and Aboriginal management systems that is still strong in this region and underpins the majority of conflict and concern expressed by traditional owners.

- There should be a group established under Commonwealth and NT legislation, that enables Aboriginal saltwater Traditional Owners to have direct input into decision-making about all aspects of sea country management – “We need to make a body that manages the marine environment. White people can be involved but Aboriginal people should be important in making decisions”
- Aboriginal people should have more involvement in making decisions about sea country management, and more management control – “Sea-country management has been about reinventing the wheel. We need a better platform to be making decisions about what should happen”; “Aboriginal people need to join the management and government bodies”, “the (NT Government) Aboriginal fisheries consultative committees were no good. People listened to Aboriginal people but did not do anything about what (Aboriginal) people talked about”.
- People want Yolngu Rom (Law) to be respected and followed; and to be included and consulted about the management of their sea country.
- They all (Galiwinku area) strongly affirmed the previous work, which culminated in a document produced in 1994, on Yolngu saltwater country. This document was called *Manbuynga ga Rulyapa*. However, other *Bapurru* (clan is one of a number of levels of meaning for this term) members had a problem with these two words as, of course, their own *Bapurru* had their own name for these elements of their sea country. (Note: the naming or mapping of any areas of the sea is of particular relevance and sensitivity to local aboriginal traditional law and should always be the subject of thorough consultation at the local level to ensure it is in accordance with local culture.)
- Those assembled (at Galiwinku) are pleased that non-Yolngu listened to that document’s call for Yolngu to be consulted. They want ‘recognition first’ and then management issues and systems can be addressed (but remember, they have their own long standing management system under Yolngu Rom). They want their vast knowledge recognised (as in university-level acceptance) and used in accordance with Yolngu Rom.
- The Yolngu consulted at Galiwinku will consider whether there needs to be any additions or alterations to the recommendations of the *Manbuynga ga Rulyapa* strategy and advise the Northern Land Council of this. Otherwise, the recommendations in this Strategy represent the current wishes of the Yolngu people living in the Elcho Island region.
- They don’t want specific boundaries drawn into the sea without the involvement and consent of Aboriginal people. No one Yolngu or *Bapurru* owns it; rather, it is owned collectively. In this sense, sea country is different from land as the actual waters are not divided up. Rather, there is a mixing of waters, and fresh water that flows into the sea cannot be excluded from the understanding and management of saltwater.
- Need to revive *Manbuynga ga Rulyapa* and need for partnership between Yolngu and government agencies now; not just words but action.



- To establish the Ginytjirrang Mala as a Manbuynga committee^x
- Discussion on jurisdictional responsibilities. (Note: a diagram of responsibilities of Aboriginal people, NT government, Commonwealth government would assist)
- *This is our home, our life, it's a circle – from generation to generation – we believe it's the system of life we will be depending on. There is a pattern. We need to live by nature. We are in a new generation, and we need to deal with two-way education. The exchange of information. Bininj law needs to be included in white law. Need our own constitution Act (ie. legislation). Act together, work together.^x*
- Basically there needs to be more exchange between Traditional Owners and government. Government policy is misleading on land and sea ownership. *We solve problems by sitting around and talking till its fixed – not on a time frame like Balanda.*
- Junction Bay to Cape Stewart – propose to have Traditional Owners look after sea country and use it. Look after the environment, enterprise, culture.
- Need a change in legislation so Aboriginal people can have economic control over water, amend the Fisheries Act and Aboriginal Land Act.
- *If we have the NT and Queensland and Commonwealth governments all working together, we should have more control on what is going on.*
- *A two-way management structure is what we need – it has to come from Yolngu but the Government has to understand it.*
- *There should be a regional agreement made between the NLC, Traditional Owners and Regional Councils and the NT Government, also including fisheries. This should be about self-management, self-sufficiency and self-determination.*
- *With fisheries, we need to give them an area plan where there are areas that fisheries should care for the ocean.*
- *We should work with Indonesia to manage the environment.*
- *There is a need for a management committee that is set up in proper management and company structure. Traditional Owners should have representation on this Committee that includes all the proper clans and levels of authority.*
- Torres Strait (Regional Authority) provides a good model of management for the Yolngu people according to some Traditional Owners.
- In the long term the government needs to recognise that Yolngu can manage sea country
- Need to make the Aboriginal Land Rights Act (ALRA) strong and keep it strong – land rights and sea rights.
- Dalkiri and Ngapatji (European or Balanda) laws meet here, they could not recognise each other – they brought that law with paper and pen, Dhakiyarr (senior Aboriginal law man who speared a policeman on Woodah Island in the 1933 who had chained up Dhakiyarr's wife) had no paper and pen but he knew how to sing the country.^{xi}
- People emphasised that such any structures such as committees would need involve real power for people over their sea country not just talking and be underpinned by proper processes of consultation and traditional law. Aboriginal culture, law and tradition should not be undermined.
- *We want government policy makers to recognise the cultural importance of the sea to us by incorporating our cultural management practice into policy and planning.*
- *We recognise and understand Balanda names, but we have our own names and want to use them.*
- People pointed out that they have been looking after country both inland and offshore since before European arrival, and stressed the need to have their views about caring for sea heard and listened to. People were talking about how it's good for both ways (Aboriginal and non-Aboriginal) to work together, and they want to be included in sea country management.
- People want their ownership of the sea recognised. They also want to make it clear that the sea is their life and their future, and that they live on the coast and that their children's children will continue to live on the coast. They don't want people who live far away to make decisions about their sea country without their involvement. They also want the (legal) authority to supervise commercial fishing and crabbing so that they can take control of their sea country and leave something behind for their children's future. They also want all of us together, both cultures together, to deal with this problem.



- People discussed the Torres Strait islands model of sea management and there was strong support for this model amongst some Traditional Owners (TOs). They want a similar form of management from Queensland to Warruwi (Goulburn Island), with everyone together controlling the sea.
- Cultural connections between Aboriginal people mean that we should not just talk to individual Traditional Owners but must work with all countrymen who have cultural responsibilities for a region, based on cultural relationships (for example to include *Junggayi* social, cultural and economic relationship and responsibility to mothers country)^{xii}
- Aboriginal people want to have a much greater involvement in making decisions about management of sea country and development of law governing sea country – *we want to be part of the law in how sea country should be managed.*
- *We need to find ways of protecting the oceans. Protection should go all around the Gulf of Carpentaria, especially the Limmen Bight. Sea Rights should be granted for the intertidal zone.*
- Aboriginal people are looking for a change in the law; ‘the people who are making the law do not actually see what is happening in the sea’.
- Government needs to listen to Yolngu – Yolngu need government to take notice and listen
- *Government put the money in and let’s work.*

The question of permission

The issue of permission-seeking is one which arose in almost all consultation meetings, and which appears in this report under several headings, including governance, management and commercial fisheries. This is because the concept of seeking permission from a Traditional Owner prior to entry into their saltwater country is central to Aboriginal peoples’ understanding of traditional law, respect and customary authority. Despite the failure of governments, commercial fishers and others to recognise and act on this fundamental aspect of Aboriginal peoples’ relationship with the sea, the desire and expectation for the reinstatement of this respect has not diminished over several generations.

The notes from the consultation meetings indicate that the demand by Traditional Owners to be asked to give permission before strangers (and other Aboriginal people) enter and use resources from their saltwater country should not be confused with a demand for exclusive use of saltwater country. While this may be the case in some instances, the overwhelming message from the

meetings is that Traditional Owners wish to reassert their customary role as decision-makers and permission-givers within the context of shared access to saltwater country and resources.

- If one goes out on a boat you need to ask permission first.
- All non TOs need to get permission to get shellfish, all outsiders need to get permission.
- There are too many people using the islands without permission.

2.3 MANAGEMENT

In this context, management means operational decision-making and access to resources to adequately care for saltwater country, as well as management through the conduct of ceremony and the exercise of customary law. Operational decision-making is perhaps central to the notion of being able to give (or withhold) permission. The power to grant access is understood to be central to management, and TOs are aware that currently only the government has this power (for example, manifest by the permission granted to access any sea country through fishing licences).

Many of the consultation meetings included discussions on issues relating to the employment, training and resourcing of Aboriginal sea rangers and the Aboriginal land and sea management agencies that have been established in several Aboriginal communities within the Planning Area over the last decade.

Aboriginal sea rangers, working under the direction of Traditional Owners, and often in partnership with research institutions and/or government agencies, are a contemporary expression of Traditional Owners’ assertion of customary authority over saltwater country and are directly linked to Aboriginal aspirations and demands for recognition of their rights and responsibilities in the sea.

Traditional Owners view sea rangers as being able to address broad concerns about sea country and not just operating in the scope of any one particular agency. More support is sought to fund these programs over longer time periods and recognise the value they contribute to marine and coastal management. Proper partnership arrangements and protocols are needed to ensure the ranger programs can work effectively with outside agencies and groups.



Sea rangers

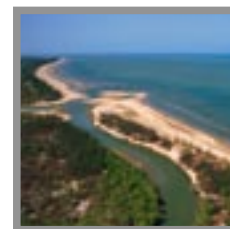
- There are not sufficient sea rangers, resources or a large enough boats to properly patrol and manage sea country.
- Mabunji Aboriginal Resource Centre requires more resources (especially funding) and a larger, safer boat to increase the capacity, robustness and strength of the sea ranger program, as well as to improve access to opportunities. The sea rangers should also be far more involved in sea management issues – “if we are talking about Oceans Policy, we need to get the rangers more involved”.
- Sea rangers don’t have any power of enforcement. They need police support and also their own power to enforce.
- *We feel powerless to police and prosecute fishermen. We want to have the power to approach fishermen and let them know that they are on Aboriginal land/ sacred sites. Sea rangers could have this job.*
- Need more funding for sea rangers to allow them to patrol right up to Limmen Bight.
- Need more sea rangers – need both men and women rangers to watch sacred sites.
- People spoke of the need to have sea rangers to make sure crabbers don’t take too much.
- Sea rangers to watch dugong and turtle, check pots (ie crab pots that have been alleged to contain dugong and turtle meat as bait, and for pot numbers in excess of the licence allowance).
- The ranger program needs more support – both financial and other.
- *We don’t have camera and good boat - Get a big boat not just a tinny.*
- Employ Yolngu to look after land and sea - 4 or 5 Yolngu plus training and equipment.
- Big question is How to fund this? Who will fund this? Rangers with authority (i.e. accredited training for enforcement).
- How do we pay people (especially senior Traditional Owners) to do this work?
- Fisheries are giving Maningrida Djelk Rangers money for their sea ranger program. (This funding is part of an electoral promise made by the NT Government, and has been granted to a total of four ‘sea ranger’

groups: Djelk, Thamurrurr, Tiwi and Mabunji; it is not known for how long the funding will be recurring at the time of writing. One group is 60% dependant on the funding).

- Development of a sea ranger program that will enable local people to become involved in surveillance and management of country as well as provide job opportunities for local people. Links with Customs, Defence and Quarantine should be developed as part of any sea ranger program.
- The development of a sea ranger program should be investigated further and could form part of a marine management strategy for the Galiwinku – Marthakal (homelands resource centre) region. (Note: Traditional Owners through the Marthakal resource centre have progressed work on this at the time of writing with the assistance of NLC Caring for Country program, and government agencies).
- Need the power to monitor crabbers and to move them on if they’re in the wrong place.
- *Nets in rivers, what can we do about the fishing boat, people stealing fish?*
- Sea rangers have cut the fishing nets where they have found them in illegal places. Fishermen are tying their nets to trees.
- The rangers come in and pick up the nets, heaps of them (also nets as marine debris).
- *We want to see sea-rangers looking after the country properly.*
- *Funds must be available for people in communities to work – employment for land and sea management.*
- *There should be a fund so that there is money to look after all the oceans and animals.*
- *Young people are our future, they have all sorts of jobs, look after bush animals, and strangers – cane toad and crazy ant.*
- There is significant concern over the lack of management responsibilities and rights that Aboriginal people are able to exert in the intertidal zone.

Inadequate enforcement assistance⁴

Issues relating to the activities of sea rangers included the need for statutory authority to give effect to their role in managing saltwater country, including enforcement powers. Concern was also expressed about inadequate responses by Police to provide enforcement assistance to Traditional Owners.



- Tried to prosecute but not successful as people not identifiable and skipper of boat would not say who the people were.
 - *There are incidents but people walk off free, police don't do anything.*
 - Aboriginal people are not able to get any help to stop people behaving illegally or to prosecute people who have done the wrong thing. Even when Aboriginal people have contacted the police with evidence of illegal fishing activity, the police have not done anything about it.
 - In 2002, two fishing boats were observed (by Coastwatch and local rangers, and video footage was taken) illegally operating in a sacred site area upstream in the Blyth River. Many dead fish, crocodiles, dugong and turtles were also found on the beach from their fishing. However, the fishermen were never prosecuted due to difficulties in identifying the individual fishermen involved in the incident (their faces were not clear on the video footage).
 - Fisheries patrols need to provide better policing of activities. Local people can only do monitoring and surveillance of activities. Fisheries patrols are required to actually prosecute people.
- Sustainability, Indigenous knowledge and conservation**
- Management issues discussed included the need to protect, preserve and sustainably use marine environments and resources, including through the application of Indigenous knowledge.
- People/Yolngu want to protect the sources of life.
 - The sea is *like a farm*, a place to harvest.
 - Need to keep the knowledge about sustainably using the sea.
 - Need to protect it as well as use it.
 - People want turtle breeding areas, such as Dalumba Bay (Groote Eylandt), protected.
 - The sea is an important source of food and people mustn't take it all at once.
 - Yolngu people have knowledge about the sea.
 - Yolngu people already have a system of management.
 - Rangers should have power to prosecute fishermen who are misusing the sea.
- Need to start a committee to give guidance to the sea rangers.
 - *Hopefully sea rangers can do something regarding law and order.*
 - *Yolngu people are the best indicators for change.* For example, rangers have observed many more jellyfish (box jellyfish and irukandji) in places where they have never been observed before.
 - *There was a 9 day patrol with customs with our people involved.*
 - *With coastal surveillance, customs – we need some sort of report, feedback.*
 - *Coastal surveillance was started in the '70s, there used to be our own people involved.*
 - The “management” through the passing of ceremony /song /painting is maintained.
 - Yolngu use the power of the sea currents to get around the boats.
 - Yolngu cultural management represents relationships – management – connections, we can talk to each other.
 - Very beautiful coral reefs near Sandy Island (approximately 25km offshore from Numbulwar) are threatened by speed boats, fishing nets and fishing boats. Sandy Island is also completely covered by nesting seabirds and turtles at certain times of the year. Coral reefs and seabirds at Sandy Island are the most important concern for the Numbulwar community: ‘this is the place of jewels for the community’.
 - Check options for and establish a ‘protection policy’ for Sandy Island and its surrounding coral reefs to make sure that they are protected from damage. This area should not be designated as a sacred site – what is required is a policy like that for the Great Barrier Reef, that will protect the place for all time.
 - We want a share and we want to conserve it (ie. Fish stocks).

⁴ At a meeting at Maningrida on 12 June 2003, the issue of inadequate police responses to requests from Traditional Owners was raised with the NT Fisheries Minister Mr C. Burns, who undertook to refer the matter to the Police Minister. Minister Burns is no longer the Fisheries Minister, he moved in a recent cabinet reshuffle to Infrastructure, Planning and Environment.

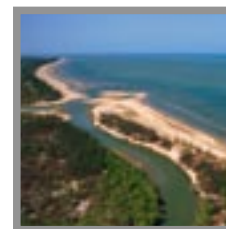


- We also need to educate ourselves and do the right thing in traditional way of management.
- Need to have the capacity to look after and manage saltwater country into the future.
- Better management of the oceans and greater involvement of local Aboriginal people in planning and decision making – What we want is good management of the ocean that involves Aboriginal people.

Management recommendations

Specific management recommendations included targeted actions, such as modifications to fishing equipment, and various options for collaboration between Traditional Owners, government agencies and commercial fishers.

- Drift nets (and others) fitted with mechanism to make them sink, jobs for people to collect and remove them, and designs to stop by-catch (turtles and sharks mentioned in particular).
- You could have a local TO come on board to liaise with fishermen and other TOs.
- A local Traditional Owner (an Aboriginal Liaison Officer) should be identified for each region where commercial fishing is undertaken to work and liaise with the fishing industry. These local Aboriginal Liaison Officers should go on board fishing boats when they come to fish in an area, and advise the fishermen where they can fish, ensure that they operate legally, and get good information on what fishermen are doing. Liaison Officers could also encourage/ensure that fishermen take rubbish fish back to the local community for local consumption and for local people to sell. This arrangement will give Aboriginal people good information on what fishermen are doing and where they are operating. It has the potential to bring money to the community (from sale of rubbish fish within communities) and prevent waste of rubbish fish, and it could also assist the fishing industry in 'building bridges' with local Aboriginal communities.
- The Navy and others should do offshore surveillance of the marine environment, but local Traditional Owners should undertake inshore surveillance, management and policing.
- *We want to get reports back from coastal surveillance (ie. Customs).*
- *We need more patrolling, management of sea country. Look for refugees, illegal fishermen.*
- One big voice and one aim – Yolngu and non-Yolngu to continue to work together to keep seas clean.
- Need greater strength for Aboriginal Areas Protection Authority (AAPA) in the sea (ie enforcement capacity) and beyond the NT sea boundary.
- Strongly support a coordinated Indigenous sea ranger program for the entire Yolngu area.
- The sea rangers program would monitor the sea regarding sacred sites, fishing etc.
- Need to manage from rivers to sea – they have to be together – fresh water and salt water.
- We need to manage the oceans together with landowners etc.
- Yolngu and Balanda working together as equal partners in management of the sea.
- Need to negotiate commercial and management agreements.
- Sea management must include Junggayi, not just traditional owners (ie those with primary cultural, economic and management responsibilities for their father's country).¹³
- In order to properly police fishing activities in the area, Aboriginal rangers should have the power to prosecute people who are doing the wrong thing. They also need to be able to improve surveillance of the coastline and to get good training and good backup – many fishermen now carry guns and there can be very dangerous situations for fisheries patrols. A permit system also needs to be introduced that will enable easy checking whether people are doing things legally or illegally in the marine environment.
- *We need to bring a power and an authority to each community. If committees and groups don't have real power over where or how people fish and use sea country they are not worthwhile – people are sick of being consulted but no action taken.*



2.4 COMMERCIAL FISHERIES

Many discussions during the consultation meetings focused on the impact, activities and management of commercial fishers. More than any other marine stakeholder, commercial fishers highlight the conflicting realities of government and Traditional Owner management of saltwater country. From the government perspective, licenced commercial fishers are authorized to access Commonwealth and Northern Territory coastal waters, including intertidal waters, and to extract fish and other marine resources for sale according to prevailing fisheries policies and regulations.

From the perspective of Traditional Owners, commercial fishers have not sought nor been granted permission to enter saltwater country, or to remove resources, and hence are trespassing on country and stealing Traditional Owners' property for personal profit. That these acts of trespass, theft and profiteering are sanctioned by the Australian and Northern Territory Governments only adds to the sense of outrage felt by Traditional Owners.

Records of the consultation meetings document this conflict, but also demonstrate a willingness on the part of Traditional Owners to collaborate with governments and commercial fishers on developing ways to share the resources of the sea in ways that are respectful of customary law and authority. The development of the Regional Marine Plan presents an opportunity to explore these options for respectful collaboration, rather than maintain the inequitable marine management regime that has developed from the colonial era.

As indicated by the extracts below, additional sources of outrage felt by Traditional Owners relates to the evidence they have seen of wastage of marine resources, such as discarded and dead undersized barramundi, by commercial fishers, the incidental deaths of turtles, dugongs and other animals by net entanglement, concerns about the unsustainability of current fishing practices and the lack of opportunities for Traditional Owners to benefit economically from commercial fisheries undertaken in their saltwater country.

Unsustainable fishing

- *The commercial barra fishermen put nets in the river mouth and take fish which are wanting to breed. The fish will learn to go around the net next year. The species will be wiped out if don't do something soon.*
- *Fishermen moor the boat further out at sea and then use a dingy to come into the river (Blyth) and put a net right across it.*
- *Fishermen damage the underwater vegetation, the seagrass which is food for the turtles because they drag those nets and kill all that seagrass. This planning needs to stop this damage.*
- *All the research and information gathering is welcome. It is just the commercial fishermen are the problem. They are ripping up the oceans and taking all the resources without giving TOs anything. We need to talk about compensation and payment for taking these resources and ruining the place for Aboriginal people.*
- *Major increases in fishing activity is a real concern – there are many more fishermen, and they are fishing much closer to the shore as well as in places where they have never been seen before.*
- *There is an overall pressure on crabs and fish.*
- *Fisheries – commercials don't care for the ocean – pollution in nets.*
- *There is a strong concern that too many fish are taken. They want to be part of the fishing enterprises and decision-making processes to ensure that they don't take it all. Fish stocks need to be preserved for the future.*
- *Same boats every year. The time will come when people take action it will be too late – all will be gone. Aboriginal people can't get licence, but when the area is empty then we might get a licence but it will be all fished out – even the food they eat is being destroyed as well such as sea grass, reef coral.*
- *All the coral reefs are being damaged and destroyed by fishing boats.*
- *People stressed the need to regulate fishing, to make sure that not too much is taken at any one time so that there is plenty for other people too. They said that there is not enough protection for the fish. They have seen turtles caught in nets.*



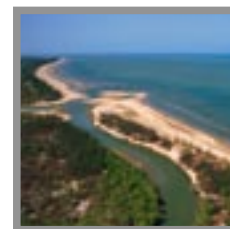
- Prawn trawlers, in particular, are damaging everything under the water in the oceans. Barramundi fishermen are also killing many animals (crocodiles, dugong, turtles) and are wasting many, many fish, including fish that are good for eating: 'to throw fish away is a big waste and it also attracts crocodiles'. Dead fish, and many dead animals are found all along the coastline near Maningrida, from the Blyth River to Cape Stuart. Fishermen are also sometimes settings nets across the whole river and are removing all the breeding fish out of the system so that 'the ecology is changing'. Aboriginal people are concerned about the amount of fish that commercial fishermen are taking, and that there is no idea about the number or species of fish that are being caught. Where fishermen are catching fish that they do not want (rubbish fish), those fish should not be thrown overboard but should be given to local Aboriginal people: 'Aboriginal people should be able to use those rubbish fish'.

"Trespass and theft"

- Fishermen don't care about TOs and land. They are just here to fish, they don't talk with TOs.
 - The commercial fishers come very close to the land and hang nets to the trees.
 - TOs feel commercial fishermen are taking their fish.
 - *Lots of fishing is coming to an Aboriginal creek and they don't accept the Aboriginal law.*
 - *When the fishing boats come in and make a dollar but the land owners don't, that makes me worried. These fishermen just come in and help themselves to fish without asking permission.*
 - *The fishermen are putting the fishing nets in the river when no one is looking.*
 - *Commercial licence people go anywhere, go into our creek, come to our border and make a mess.*
 - *Fishermen don't ask permission.*
 - *Traditional Owners get no benefit from commercial fishing in their waters.*
 - Fishers are catching fish out of their land and taking this money away. The local people don't get anything.
 - Fishing boats are netting rivers 'here comes trouble whitefella coming in...without respect'.
- There is much trespassing on to Yolngu country. People from Tonga are taking clams from Yolngu islands. Local Indigenous people are also sometimes going places where they should not be going and harvesting animals (dugongs and turtles) and wasting the animal and not sharing them properly with people.
 - Crabbers are trespassing. They don't get permission to put down crab pots or tie up at mangroves. This should be stopped.
 - Fishermen can't go on Aboriginal land without a permit, but they do hop off their boats and put crab pots on the bottom of the sea.
 - Major concern that many people (especially employees from the mine at Groote Eylandt) are accessing areas without permits or permission. Many employees from the mine own boats, and use them to get to areas where they do not have permission to go.

Crabbing

- *Catch 22 re crabs; some crabbers have been given permission to fish by TOs, crabbers have been adopted into the family and it leaves us powerless. The Traditional Owner Group preferred proper agreements under the Land Rights Act or other mechanism to ensure that crabbers had the consent of all relevant Aboriginal people to fish an area rather than just one individual under an informal arrangement.*
- Crabs have been taken in huge quantities.
- There was a lot of concern about the severe decline in crab numbers. There are very few crabs left, and those remaining are too small as they get taken by crabbers before they have time to grow big. There are too many crabbers and in 2-3 years there won't be any crabs left. There should be an enforced limit and some seasons the ocean should be closed.
- Crabbing a very sore point – back door deals, loss of crab stocks.
- Crab numbers are very low, even the crabbers are saying no crabs left.
- Crabbers – they have no respect and are fishing in the intertidal zone, they leave a mess.
- Crabs are disappearing. People continually reported not being able to find any crabs. Crabbers leave rubbish from camps on the beach and then move on. They catch dugong and turtle and just leave them.
- Crabbers build houses where they shouldn't. And they come in and make money from our land and take it away.



Trawlers

- The worst enemies are the trawlers and the ships for the mines.
- Trawling is a big problem for the bottom of the oceans and for the turtles.
- Trawlers, commercial fishermen are the real worry. They are stealing our resources.
- Prawn trawlers are ripping up all the reef. Two or three months ago trawlers stopped at the Crocodile Island for 2 days fishing all the time. These fishermen are not respecting the sacred sites or Aboriginal land.
- Prawn trawlers come close in - they think Aboriginal people are stupid.
- Trawlers' nets are destroying everything underneath. It takes years for coral reefs, and sea grass to grow back. They shouldn't destroy the sea grass, as it is the country of the dugongs. Nets dragged behind boats are also destroying the coral reefs not far from Numbulwar. All kinds of species live and grow on these reefs and they want them protected. Sandy Island is a particularly important nesting ground for birds and turtles, and there's a lot of concern about the number of boats that go past this reef.
- Fishermen are coming to Milingimbi and shopping in the ALPA store – this should not happen, it is illegal because they do not have a permit, but people can not do anything about it.
- If we talk and ask questions they get wild.
- Very strong concern amongst Aboriginal people that fishermen know that we are here, but they don't give a damn. They just take all the fish and go. They just take whatever they want, they just go in. We are landowners, but they don't talk to us. Also that: they are undermining our law and they are getting away with it. Fishermen know that they are not allowed to step on Aboriginal land without permission so that they anchor the large boats below the low water mark and use small dinghies to travel far upstream in rivers, but are sure that they remain within their boats on the water so they cannot be prosecuted.

Wastage

The dumping of trash fish, by-catch and unwanted carcasses after the removal of fillets is regarded as being disrespectful to the sea itself.

Relationships with Traditional Owners

The relationship between Traditional Owners and commercial fishers differs from place to place, from individual to individual and from fishery to fishery. Fisheries, such as crabbing, which often require access to land, offer opportunities for close relationships to be established, but also sometimes result in major adverse impacts.

Sometimes, private deals between fishers and individual Traditional Owners which do not follow formal processes under the Native Title or Aboriginal Land Rights Acts can cause difficulties with other Traditional Owners who are affected by the arrangements.

- Barramundi fishermen are (allegedly) making sneaky deals with local Traditional Owners that many other local Traditional Owners are not happy about.
- Some people get benefit from the fishermen who are using their sacred lands. I am not sure.
- Some crabbers have been adopted into the Yolngu family and undertake crabbing in their area. Laynhapuy (Homeland Resource Centre) cannot do anything about this.
- The barge is welcome – they come in and drop the food but then they go away. But the commercial fishermen are not welcome.
- All the fishermen waste the fish. There are now (thought to be) more fish in the McArthur River since the closure was there, but netting in other parts of the coastline is the real concern – it catches all the other types of fish as well as dugong. Line fishing is better because there is not so much wastage and people just catch enough for a feed.
- Fish carcasses on beach – fish thrown away/wasted. Fish are discarded that are good for eating. Net fishing is particularly bad as they kill all the other fish that they don't want too.
- Impact of commercial fishing (particularly prawn trawling) on species and habitats in inshore waters, and the inability of local Indigenous people to control where and when commercial fishing boats operate.
- Commercial fishermen throw fish away and they die or are dead.
- It is a great waste to have commercial fishermen throw undersized fish overboard. Resources need to be shared. This wastage attracts crocs. One can see the dead fish float back to shore. By-catch should be given to the community to sell.



- When commercial fishers are approached to complain the reply has been that they (the Traditional Owners) are not rangers so they cannot complain.
- *Lots of fishing boats come in to the rivers to fish; people are worried about it, talk about it, especially for the sacred sites and ceremony side from getting too many fish, old people could get sick. That sacred site could be old people's Dhuwa and Yirritja dreaming and too much fishing there could be making people sick.*
- Fishermen are wasteful, even amateur fishermen, throwing the frames and fish they don't want away – that is why we need to work together (learn from each other), but mostly to share.
- The commercial fishing is destroying the hunting. The sea is for us to hunt in, not for taking everything. We need to be part of controlling the fishing and crabbing.
- The barra boats are throwing fish – instead of feeding Aboriginal people they are feeding crocodiles and sharks.

Incidental catch

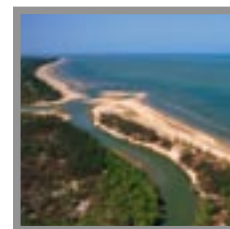
- Fishers killing dugong.
- Dugongs caught in nets.
- *Whatever the fishermen do not want, they just throw them away. Crocodiles are getting caught in fishing nets and are then found dead on the beach. Local people then have to bury them; Aboriginal people do not just throw things away. They dispose of the fish they do not want properly. If you just throw things away improperly, it will mean that shellfish and other things will not grow.*
- They catch dugong and turtle and leave them – mainly on the mainland, they use any meat they find.
- They have caught turtle, shark, porpoise in the nets.
- I heard dolphin have been caught by fishing line.
- There have been many complaints on inshore issues. Dugong and whale. Nets. There has been a lot recorded to Fisheries but no action.
- Nets catching all kinds of sea animals.
- *Many complaints about the inshore area. Turtles and Dugongs and whales have been tangled in nets. We report these things to Fisheries but there is no action.*

- *When I go to my outstation I see barra fisherman after rain, they get crocodile and dugong and throw them away. They set their nets from land to sea. We see (dead) dugong a couple of times floating in the sea.*

Aboriginal commercial fishing licences

Issues relating to Aboriginal access to commercial fishing licences were discussed at several consultation meetings. Community fishing licences are generally regarded as unsatisfactory because of the restrictions on species that can be sold, and open licences are prohibitively expensive.

- Aboriginal people can't get fishing licences – they want to be able to.
- Opportunities to obtain commercial fishing licences (particularly mud crab licences), even if only to allow for sale of catch through the local store.
- Development of job opportunities (associated with marine resources involving local people).
- We need the licences, proper licences (ie not Aboriginal community licences) Want to sell to other stores.
- Have tried through Bawinanga Aboriginal Corporation (BAC) to obtain a fishing licence – but it is very expensive.
- We are interested in commercial fishing.
- Licences cost too much, \$300,000 or more.
- Need the licence – it is power.
- We need to be able to sell fish and have the commercial licence, need to sell all over – restaurant, everywhere.
- We all resident of Australia so we should be able to have licence to sell everywhere.
- We have a crabbing agreement, but we should have the landowner holding the licence, not those outsiders/Asians and Balanda, especially Asians in crabs.
- Aboriginal people cannot currently buy commercial fishing licences – they are too expensive and there are none left to buy; *licences will only become available when there are no fish left. If we can have the authority to supervise all the fishing, we can be sure we leave something behind for our children's future.*



- The Bawinanga Aboriginal Corporation (BAC) is investigating commercial fishing enterprises. BAC currently owns a community fishing licence, but this licence does not permit people to catch barramundi, mudcrabs, mackerel, or any other species of fish that is currently caught/managed commercially. BAC would like to have the option of trading and selling all species of fish through the local community store.
- Access to a non-transferable, but fully commercial community based mudcrab licence is an option much discussed. Support for this initiative should come through the reissuing of forfeited boats and equipment.
- Changes to the existing community-based fishing licence that will enable sale of fish catch (including managed/commercially exploited species) through the community store.
- Community fishing licence only taken out in the person's name. That person can sell to others but not the shop. And they are not allowed to catch barramundi etc. It is desired to sell and catch all fish so the licence need to be changed.
- People like the Community Development Employment Project (CDEP) fishing project through an Aboriginal community fish licence.
- A non-transferable licence is wanted – one that cannot be sold to anyone.

Respectful and sustainable commercial fishing

The following suggestions for improving fisheries management arrangements were documented.

- It would be better if commercial fishers let TOs know where they are fishing and get permission.
- We need a permit system for fishermen to operate, like the permit for people to drive in Arnhem Land.
- Fishermen should come on land and discuss agreements with TO. There is a need for a permit system for the sea. We should have the right to say who can come onto our seas. If rangers find a problem then a licence can be suspended to the fishermen for 6 months.
- Require licence so the money stays with the community.
- Barramundi licences require a lot of work and there is little return. It would be better to close the river and encourage tourism.

- *When fishermen get a licence for fishing, TOs should be informed of this licence and actually should be consulted who gets the licences and where they go, and what they catch.*
- *There should be compensation for taking fish from Yolngu seas.*
- *We want the authority to supervise commercial fishing and to have licences; we make sure we leave something behind.*
- *Identify management arrangements for commercial fishing activities (such as closed seasons and catch limits) that set boundaries on where, what and when they can fish.*
- *We have got to be recognised properly because of our strong cultural connection to the sea – enterprises or whatever, other Australian people benefit and we need to have sharing – all to benefit.*
- *Seeking restrictions to commercial barramundi fishing operations (fishing times, locations, closed areas).*

2.5 MARINE DEBRIS

Traditional Owners are clearly concerned and knowledgeable about the extent and impact of marine debris in the Northern Planning Area. The extracts below indicate a strong desire to take action in removing marine debris and collaborating with others to prevent its occurrence.

- Marine debris is a huge issue in the area (Borroloola region). Mabunji will be working with the World Wildlife Fund (WWF) during 2003 to do a clean-up of a small area of the Sir Edward Pellew Islands. *“This work should be expanded and could end up being a clean-up of all the islands”.* Rubbish is coming from a long way away, but could also be coming from the local fishing charters – much fishing line washed up at Bing Bong port and is probably from tourists on fishing charter boats. The Mabunji sea rangers have worked with Dhimurru (through the sea ranger training) to learn about what they have done at Nhulunbuy and what can be done to address marine debris issues.
- Marine debris clean-up work should be expanded throughout the Sir Edward Pellew Islands – *we need to be part of the puzzle when it comes to marine debris work.*



- Impact of debris originating from both Australian and foreign vessels on marine species.
- Drift nets and gas bottles washing ashore are a big problem.
- *Marine debris is a huge problem. Nets are washing ashore from all different places, Japan, Asia. Currents bring them in. Most rubbish is from Indonesia.*
- Net, bottle, rubbish lying around along the beach, anything from the boat.
- There is rubbish from overseas, turtles get caught in the nets.
- The currents bring the rubbish into the coast – does bad damage – we need to identify where the rubbish is coming from and then talk with them to stop it.
- *We want to ask the commercial fishers do they take their rubbish on the boat or do they throw it away – we would like to meet the licencee face to face.*
- There is an old barra net at Grindell Bay – just left. It has now been pulled up on the beach. No one claims it.
- Lots of old nets and drums are dumped. This is very unsafe, and people want it cleaned up.
- There is a lot of rubbish and fishing nets washing up all along coast and all year round. The rubbish includes trawlers' nets, old gas bottles, bottles, glass – dangerous things. These things come from prawning boats and ships and they don't rot, they stay in the ground. They've also seen heaps of dead turtles and dugongs. They would like to see a Landcare program to pick up the rubbish.
- Lots of trawlers' nets have washed up on the beaches. Industrial waste, pollution, and other rubbish from prawn trawlers are also problems. Trawlers leave oil filters, empty gas bottles, baskets and other rubbish and this washes up onto the beaches, mostly on the eastern side of (Groote) island. Rubbish accumulation is particularly bad after a cyclone.
- Ghost nets (especially prawn nets) are washing ashore in great numbers and are entangling many animals. Many dead animals (turtles and dugong especially) are found on the beach. Most of the rubbish comes from prawn boats and shipping, although sometimes nets and bottles float from a long way away. Debris washes ashore at all times

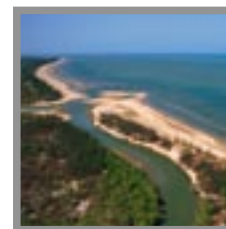
of the year and people believe that the Numbulwar area receives more junk washing ashore than any other area of the coastline in the NT. Yugul Mangi (Ngukurr region) Landcare is involved in cleaning up and burning rubbish on the beaches in the area three times per year. Local people are involved in this work and also recycle some of the nets, ropes and other things. More work like this needs to happen across the coastline, but there is no workforce to do the work, or resources to pay for it.

- Large amounts of marine debris, especially fishing nets (green and blue nets from Indonesia and Taiwan) and gas bottles, are washing ashore around Groote Eylandt – more than ever before. Many animals have been found entangled in fishing nets on beaches, including sharks, turtles, and feral deer (which live on Northeast Island). Much of the rubbish comes from prawn trawlers, so that marine debris is mostly an issue during the prawning season. Rubbish also tends to wash ashore in the greatest amounts during the cyclone season. WWF is working with the Anindilyakwa Land Council to clean up beaches in certain locations.
- Submerged barra nets are a danger to local Aboriginal people – several people in boats have run over the nets and nearly been killed.
- The crabbers go right into 'mangroves and they leave big mobs junk.
- There is more marine debris, more than 25 years ago.
- Pollution problem as people throw clothes into the sea. Also dinghies are left in the water. Old people are very upset about the rubbish. The rubbish comes from the community.

2.6 POLLUTION

Traditional Owners' concerns about other sources of marine pollution are focussed mainly on chemical spills and runoff from mining operations, and ship-sourced chemical pollution.

- Pollution from the mine (spills from the barge and dust from the ore on land) could be harming the environment and poisoning the animals that people eat – *people are frightened to eat the turtles and dugong because of the mine; Lead does not come out of your body. Pollution from the mine could be a real killer for people.*



- There's concern about the barge at Bing Bong spilling material (ore from the McArthur River Mine) and killing the sea grass.
- Turtle and dugong meat is no longer any good to eat here (Bing Bong).
- Turtles don't have much fat on them. People are frightened they can't eat turtle.
- Sea grass at Bing Bong isn't growing so well, not enough sea grass for the dugong to eat.
- There's (a perception of) more pollution now, with ships and the mine.
- Pollution of coastal waters and possible contamination of marine species from mining operations, especially Alcan at Nhulunbuy.
- Pollution of coastal waters and contamination of marine species by toxicants contained in anti-fouling on ships.
- Old boats being left rotting on beach.
- There is concern that oil is leaked from shipwrecks causing pollution problems.
- There have been things like hawksbill turtles that have always been poisonous or not good for people to eat. But now there are things that have never been poisonous before that are making people sick: At Dhambaliya (Bremer Island), pollution comes in there and there are bad fish that make people sick. We need research to know if there is pollution inside the miyapunu (turtles) and shellfish and shark that people are eating.
- 'Toxic waste' is a major concern – an overflow of Alcan's caustic pits occurred around 3 years ago. Shellfish were affected. Turtles, dugong and stingrays are also in this area. There is no real understanding of the full extent or impact of the spill.
- We want our sea country to be clean.
- With increase in mining activity at Gove, McArthur River and Groote Eylandt, people are very concerned at the increased potential for pollution and shipwrecks in the region.

2.7 MARINE PESTS / FERAL ANIMALS

There is a growing awareness and concern about the potential for the introduction of various ship-borne marine pests, adding to the existing problems of feral animals on land.

- There is big concern about ballast water and the potential for introduction of marine pests. *Big ships for the mine and many small boats could be coming to the area that will bring pests with them in their ballast water.*

Ballast water from big international ships is a major concern, because of the potential for introduction of marine pests. Many ships travel near the Wessel Islands, so this could be a place that is particularly threatened by marine pests.

- Feral animal invasion – especially cane toads and pigs (Note: Feral pigs destroy marine turtle nests and eat the eggs).

2.8 SPECIES DEATHS / INJURIES

Throughout the Planning Area Aboriginal people reported incidents of finding dead or sick animals, or animals in poor condition, washed up on the beach or floating in the sea. Factors believed by Aboriginal people to be responsible for these incidents include the impact of commercial fishing, poisoning from mining operations, boat strikes, ingestion of marine debris and changed environmental conditions.

- Many turtles found floating, unable to dive – nine found in one day around Sir Edward Pellew Island
- Beach at Bing Bong port was littered with bones of turtles and some dugong.
- Sick turtles in large numbers from about two years ago in Borrooloola region, and many harvested turtles are very skinny and or have been found with *all the green fat black inside them and their guts are like jelly.*
- Turtles don't have much fat on them. People are frightened they can't eat turtle.
- *Turtle and dugong meat is no longer any good to eat here.*

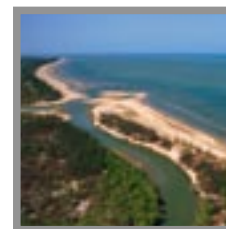


- Factors believed to be responsible for turtle sickness, death and low numbers in the Borroloola region include:
 - o starvation – two large wet season floods over recent years have damaged large areas of coastal sea grass beds;
 - o ‘poisoning’ from the dust and spills of ore from the mine – *there could be some spills from the mine and maybe turtles are eating the pollution;*
 - o ingestion of marine debris (especially plastic bags);
 - o some turtles are regularly killed and injured by the barge as it manoeuvres at Bing Bong port (turtles feeding in the narrow channel at the port are hit by the thrusters and propellers of the barge as it docks at the ore offloading station);
 - o turtles and dugong are also sometimes used for bait by mudcrabbers when they are caught in their bait nets.
- Sick and dead dugongs found in larger numbers than ever before in Borroloola region.
- Sea grass at Bing Bong isn’t growing so well, not enough sea grass for the dugong to eat.
- Oysters sometimes good, sometimes bad.
- Saw fish dead on the beach at Blyth River – Yilan (outstation). There were dolphin, crocodile, dugong all dead on the beach.
- Dead fish were all along the coast from Yilan to Cape Stewart. Some dead and drowned crocodiles too.
- Around 20 dolphins washed ashore dead on Elcho Island some time ago. No one knows why they died. Researchers from Darwin came to take samples and analyse why they died. They corresponded with Terry Yumbulul about their work, but as yet no one has heard any results of the researcher’s work.
- *In ’95 prawn fishermen dumped dead shark on our coast. Told people but nothing was done.*
- *Very wild about dolphin being used as bait and caught.*
- There needs to be investigation/research to better understand where turtles are coming from and going to (with satellite trackers), and why so many sea turtles are sick and dying.
- There’s less meat and fat on turtles; Dugongs are smaller.

2.9 SPECIES DECLINE

Notes from the consultation meetings reveal that Traditional Owners from across the Northern Planning Area have observed a decline in abundance of some key marine species, including turtles, dugong, fish and crabs. There is one report of dugong numbers increasing.

- Turtles in lower numbers than usual over last couple of years.
- There is some concern that local Aboriginal people are also not doing the right thing. For example, Aboriginal people are taking too many turtle eggs, and have butchered turtles on the beach but then left them there, so that crocodiles have been attracted to the area which is a danger for everyone else.
- Same places where turtle laying eggs now there are more goanna which are eating eggs.
- Hardly any turtle nests.
- *Turtles are nesting and too many people are taking too many eggs. We need to stop this happening.*
- The number of dugong has declined generally in the last couple of years. This is attributed to the two large wet season floods that damaged large areas of coastal sea grass beds. As the sea grass that was damaged by the floods has begun to come back more dugong are beginning to be observed.
- Dugong numbers seem to be improving around Umbakumba.
- Most mud crabs are gone – only very small numbers of very small crabs are left. Most local mud crabbing camps have been abandoned because there are no more mud crabs to be found (at least in commercial quantity). Local Aboriginal people are very concerned that mudcrabbers take too many crabs, that the crabs they take are increasingly too small, crabbers have more than the legal number of pots, and they put pots where they are not allowed to.
- *No fish left for local people* in the Borroloola region. There are now more fish in the McArthur River since the closure was there, but netting in other parts of the coastline is the real concern – it catches all the other types of fish as well as dugong. Line fishing is better because there is not so much wastage and people just catch enough for a feed.



- Even wildlife that people do not eat or catch accidentally is disappearing such as the poisonous stingrays, jellyfish, soldier crabs and blue crabs in the mangroves – *millions of jellyfish have always been there but now there are absolutely none. All the species of stingrays are now all gone very suddenly too, even where we have caught them always.*
- This general disappearance of marine wildlife has been observed along the coast from Rosie River south to Bing Bong port, the Foelsche River and maybe the Queensland border, but it is not known in any other parts of the NT coast. It has also occurred quite suddenly. Jellyfish started to disappear about 5 years ago and stingrays started to disappear about 4 years ago.
- There could be many reasons for species decline but most concerns centre on the perception that there are too many fishermen (both commercial and recreational) taking too many fish, and the belief that there is toxic and systemic pollution from the mine – *all the fish are dying in the water from the poison from the mine.*
- Knowledgeable, senior Traditional Owners acknowledge that natural seasonal fluxes and the impact of major flooding on coastal seagrass beds could explain the disappearance of some wildlife, but are also concerned that such a widespread decline in most species across such a large area has never been observed in living history.
- There needs to be investigation/research to understand why all the fish and marine wildlife are disappearing.
- *The (numbers of) people are growing, but the fish are getting lower.*
- *There used to be lots of porpoises in the Blyth River, but now there are hardly any. Perhaps this is all changing by lots of things, by nets, by nature, by spirit of the land.*
- *I could not find any more crabs at all – there are none for local people to be found.*

2.10 TOURISM AND RECREATIONAL FISHING

Tourism and recreational fishing is emerging as a significant management issue for many Traditional Owners and communities in the Northern Planning Area. Concerns include the impact on subsistence fish resources, trespass on Aboriginal land and the protection of sites. In some areas Aboriginal people have indicated that they do not want any tourism, in others the desire is for better management and control, while some Aboriginal groups are keen to develop their own tourism and recreational fishing enterprises.

- Large numbers of tourists visit the Borroloola/Sir Edward Pellew Islands area – many of whom come and go wherever they choose on the coast and in the water without asking appropriate permission of the owners of the land or the sea.
- The main problem is that there is “no legitimate recognition that Aboriginal people actually own land and have responsibility for management” – “this year we have seen more tourists than ever before. We can not stop them but we should be able to manage them better”.
- Need to control the tourism better so that there are enough fish to go around every year. Sea closures around the mouth of the McArthur River have not helped control the impact of recreational fishing activity on land or fish stocks, because these closures have only “closed the area for commercial fishing boats but not for the hundreds and thousands of dinghies that are out there”.
- Hundreds of recreational fishing boats are operating throughout the McArthur River, coastal waters and islands with little or no regulation or knowledge of the catch or impact that they are having. More than 40 dinghies were counted on the river near King Ash Bay on Monday of this week.
- Some Aboriginal land owners are making their own decisions about admitting tourists to their land, without the approval of other Traditional Owners and without managing country properly.

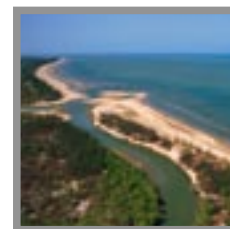


- There is also much potential for Traditional Owners to develop tourism ventures, especially fishing charters, although current fishing activity will need to be managed better so that there will be enough fish for everybody in the future, and people will need to have ownership/control over land to be able to set up businesses properly – *CDEP is not going to last forever, so we need to find things to get away from CDEP - from money from the government; We need to keep the environment healthy so that we can attract tourists – properly managed – to the area.*
- There needs to be better management and control of tourism – where people go and what they do – *Tourists should have a permit system with Aboriginal people to show that they have paid money and have permission to go to the right areas. There needs to be a similar system like Dhimurru here (Borrooloola).*
- Caravans just go where they want with dinghies – can't stop them.
- Tourism – has to be controlled so they don't take all the fish.
- BAC will have a tourism business next year – taking over from a fish tour operator working under agreement with Bawinanga.
- Don't want people to enter river system.
- *Lots of tourists are coming in without a permit.*
- People do not want to see tourism developed on Groote Eylandt – nobody would like to see more people coming to the island and interfering with Aboriginal land.
- Staff of Gemco (Groote Eylandt) have a lot of boats and they can go anywhere, they help themselves. (See access permission section)

2.11 AQUACULTURE

Traditional Owners are generally enthusiastic about exploring options for aquaculture, utilizing oysters, crabs, trepang and sponges. In some areas the aim is to integrate aquaculture with other marine management activities, while some Traditional Owners (on Groote) have indicated that they do want to encourage a new industry onto their island.

- There is a lot of potential for aquaculture in the region – a PhD study is being conducted by a researcher living in Borrooloola (Josh Coates) that is examining the potential for growing black-lipped oysters commercially.
- Very keen to integrate sea management work with aquaculture. Want to engage in sponge research and development project still.
- Interest to breed barra, mud crab, trepang, oyster, sponges. Would like a commercial fishing licence for barra and crab.
- Last week Fisheries was here and spoke about aquaculture for crab, putting a fence around the water.
- Sponge aquaculture – should ask for help from the government like other enterprises get help from the government.
- Trepang can be grown in tanks and then put out to sea to grow up and that area would be closed to other trepang fishermen.
- All trepang fishing licences are owned by one company. Hence need aquaculture licence.
- Pearl aquaculture and oyster farms are good enterprises for local people; *trepang farming is welcome.*
- Explore trepang aquaculture as a development opportunity – *trepang fisheries provide an opportunity for Aboriginal people – old people still have the skills for processing trepang.*
- Representatives from Tasmanian Seafoods (who currently own all of the 6 trepang licences in the NT) have been talking to a couple of people on Groote Eylandt about developing trepang aquaculture. However people do not want to change things or to bring more people to the island by starting aquaculture businesses.
- Trepang lease and technical assistance and support for development of trepang aquaculture/harvesting enterprise.
- Aquaculture enterprises are an important opportunity for Aboriginal people in the region. For example, Djelk rangers have been working with Graeme Dobson for the last 2 years testing the viability of growing and selling black lipped oysters, and an agreement has recently been made with Australian Institute of Marine Science (AIMS) to look at developing sponge aquaculture in the region.
- Technical and infrastructure support for development of a sponge aquaculture/harvesting enterprise.



2.12 MARINE PROTECTED AREAS

The only marine protected area in the Northern Planning Area is the marine component of the Dhimurru Indigenous Protected Area (IPA) in north-east Arnhem Land. The concept of protecting significant marine areas was raised at several meetings, including proposals to establish new marine IPAs. Overall better protection of the marine and coastal environment was a strong theme in all meetings. The challenge for management agencies in the region is to develop models of marine protected area management and marine conservation that are supported by Aboriginal people and not perceived to be undermining culture, local authority or future opportunities.

- Establish a closed area to commercial fishermen at the mouth of the Wearyan River to prevent dugong being caught in fishing nets there and the killing of large numbers of fish in bycatch that people like to eat.
- Dhimurru IPA undertaken through Commonwealth NT legislation – all agreed on the IPA. It goes out to more than 3 nautical miles (the basis of the sea areas of the IPA are formed by the registered sacred site boundary in this area due to the large number of registered sacred sites in the sea).
- People want parks in the ocean to protect sacred sites.
- We need support in protecting important breeding areas for turtles on the eastern side like Dalumba Bay.
- Laynhapuy would like to establish an IPA (Indigenous Protected Area) for land and sea management in this area. Cape Arnhem is Yirritja. Bremer has Dhuwa sea. Some Traditional Owners would like to see management capacity at Laynhapuy building up in their area. (Note: this IPA is being actively planned for now).
- People/Yolngu want to protect the sources of life.
- Need to keep the knowledge about sustainably using the sea.
- Need to protect it as well as use it.
- The sea is an important source of food and people mustn't take it all at once.
- Very beautiful coral reefs near Sandy Island (approx 25km offshore from Numbulwar) are threatened by speed boats, fishing nets and fishing boats. Sandy Island is also completely covered by nesting seabirds and turtles at certain times of the year. Coral reefs and seabirds at Sandy Island are the most important

concern for the Numbulwar community: *this is the place of jewels for the community.*

- Check options for and establish a *protection policy* for Sandy Island and its surrounding coral reefs to make sure that they are protected from damage. What is required is a policy like that for the Great Barrier Reef, that will protect the place for all time.
- We want a share and we want to conserve it (ie. Fish stocks).
- Need greater strength for Aboriginal Areas Protection Authority (AAPA) in the sea (ie enforcement capacity) and beyond the NT sea boundary.
- The Navy and others should do offshore surveillance of the marine environment, but local Traditional Owners should undertake inshore surveillance, management and policing.
- Strongly support a coordinated Indigenous sea ranger program for the entire Yolngu area.
- The sea rangers program would monitor the sea particularly sacred sites, fishing etc.
- Need to manage from rivers to sea – they have to be together – fresh water and salt water.
- *We need to find ways of protecting the oceans. Protection should go all around the Gulf of Carpentaria, especially the Limmen Bight. Sea Rights should be granted for the intertidal zone.*

2.13 SEA CLOSURES

Several coastal areas within the Northern Planning Area have been subject to “sea closures” under Section 12 (1) of the *Aboriginal Land Act 1978 (NT)*, whereby marine areas out to 2 km from the low tide mark adjacent to Aboriginal land are “closed” to outsiders. Traditional Owners who raised this issue at consultation meetings indicated that this mechanism, which involves expensive legal proceedings, had not resulted in effective management of their sea country, because existing fishing licences appear to be exempt, and commercial fishers don't ask permission as they are meant to under the provisions of the Act. Additionally it does not necessarily confer management resources or support to local Aboriginal people.

- *The sea closure is not enough. It does not bring good management.*



- Closure issues – closure at Blyth and Liverpool River could cost \$500,000 or more for closure (ie. to buy the offending fishing licence, if it was available).
- There is a sea closure that has been established, which means that there are not as many fishermen around any more. But even with the sea closure, fishermen are still doing the wrong thing, and both overseas and domestic fishermen are doing the wrong thing.

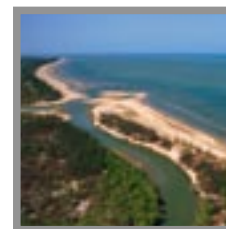
2.14 ECONOMIC DEVELOPMENT

Traditional Owners expressed strong interest in economic development as part of their vision for managing their land and sea. They cited current fisheries legislation as one of the barriers as it restricted them from continuing their long tradition of trading in marine resources.

With government support and training, Traditional Owners are contemplating economic development opportunities through fishing, aquaculture, tourism and servicing marine management.

- Local people need to have more control of what is going on and have training to set up enterprises, *The economic needs of Yolngu communities have to be met. Yolngu and Balanda economies have to be tied together.*
- *Young people can not going on getting welfare all the time. This is an opportunity for young people to get jobs through looking after country.*
- *Now we are living on dollar signs. Before people looked after country without getting paid. But times have changed and now people want employment for managing sea country properly. This could be the same thing that happened for land – building ranger programs and advising the Land Council.*
- *Yolngu need to be employed to check on the coastline. For policing and for enterprise bargaining.*
- *There needs to be a way of making the community grow and use money for development like fish farming and fishing cooperatives.*
- *With the Commonwealth Government and the NT Government, you have to be careful. One thing that happens is that Yolngu are ripped off economically.*

- *What we need to do is make job opportunities and enterprise – tourism, saltwater country tours, aquaculture, fishing charters, access to licences – in a cultural way and seasonally. We want to learn about what other Indigenous people are doing for management and enterprise, in America and in Torres Strait.*
- *Some Yolngu, like my youngest boy, make a business farming like cattle, crocodile farm, make money. Ask for rupiah from the Commonwealth government, who support us. We need to make business and make jobs.*
- *Talks about making business/enterprise – need to make a business to make money. Commonwealth supports us to make business, we asked and they help.*
- *We need to make business to do some work on our community – to grow up money and make jobs.*
- *People clearly want to be part of economic development in coastal regions.*
- *Economic development was linked to the recognition of Aboriginal rights to the sea. They said they want to go into commercial fishing but white laws don't recognise their rights. Before European arrival Aboriginal people traded internationally, with the Macassans. When Europeans arrived everything changed and their right to trade and other rights to the sea have been disregarded. Today it's hard for Aboriginal people to get fishing or mud crab permits and they can only catch what they eat, they can't get a permit to sell what they catch. It was expressly stated that this legislation needs to be changed.*
- *People clearly stated that they want legislation changed to allow Aboriginal people to have commercial licences. They want to start their own businesses. Economic development was closely linked to the desire to make sure current fishing practices are sustainable and businesses can be set up in the future.*
- *They are thinking about economic development, as they want to own something, and to have some business to pass on to their children. The main problem they see is securing money and machinery to start it. Tourism is not wanted on the island (Groote).*



- Existing laws are preventing opportunities for economic development for Aboriginal people. Aboriginal people would like to get involved in commercial fishing, even just trading and selling at a very small scale (i.e. through the local stores), but current laws do not allow this and Aboriginal people are not involved in being able to change these existing structures and laws.
- Commercial enterprise is very important, but most developments are currently focused on freshwater activities. There is not enough money to obtain the infrastructure ('machinery') to start proper commercial businesses.

2.15 PLANNING

Many Traditional Owners expressed the view that they had been consulted many times over many years in various planning processes but had seen little or no outcomes. Despite this, many welcomed the current regional marine planning process and looked forward to feedback and repeat visits. This history of disappointment, and willingness to cooperate with the current process, places very high expectations on the National Oceans Office (NOO) and partner agencies to deliver meaningful outcomes on this occasion.

- People don't want to tell the same stories again. They want to make sure that past research/work is listened to.
- *We not talking for nothing, are government going to listen? They just sit in their office, they need to come out and talk to us.*
- *Ten years of talking is too long, we will all die, we need to take action and the government needs to put money into it.*
- Aboriginal people have been saying the same thing for many years and no one is listening. How often do we have to say these things.
- Yolngu are sick of talking and want to get to action.
- Aboriginal people have been talking about the need for sea management, and for the need for rangers to manage sea country, for more than 20 years.
- People get fed up from talking. We think NT Fisheries play games on us.
- There needs to be ongoing discussion – people need time to think about how issues need to be addressed. NOO/NLC should come back at different times in the future to talk through the issues with people and how we should work towards resolving them.
- *For the last 30 years we have been wanting this to happen, and now this sea country management is actually happening.*
- *I am happy to have this story (kinship relationships) told for these things because we want to work side by side and work together.*
- *This process (i.e. regional marine planning) should help Aboriginal people to get back the power of the old constitution and control of sea country – it should be a law process.*
- *People need to come together to talk about the safety, health and care. These are the main issues.*
- *With fisheries, we need to give them an area plan where there are areas that fisheries should care for the ocean.*
- *We don't have a short thinking.*
- *Yolngu have got to stand up and do some work, there are lots of Aboriginal people doing nothing.*
- *I worry about leadership.*
- *The NT government flew in the chopper about 2 years ago to look at putting in forestry. They asked me, but I said no to the idea. Maybe forestry is no good for the animals, the animals need their environment just like the fish.*
- *We need to look at other countries and other Indigenous people.*
- *When we are singing we are talking about everything – things are getting damaged.*
- Several people said that it's hard to come up with ideas on the spot, and they want to think about it and talk about it again later. People also said that they want NOO/NLC to bring back what they've written so that it can be checked.
- People were pleased that the government has started talking about saltwater. They also said it's good that everyone's involved now, as in the past, they've been left out. However, people also asked whether the government would really listen to them now? Some also said that they've been talking for too long, and they want to make sure that something happens this time.
- *This is the first time that there has been this sort of planning process. We have never been consulted like this before. It is a privilege to be here and we are grateful that you have come to talk to us.*



- Any management arrangements should coincide with ceremony connections and should provide a 'voice for everybody', as well as a forum for trade and for bringing decision-makers together to discuss and provide guidance on how sea country should be managed better.
 - There is a need to establish 'an ongoing process of communication starting now' During the Planning Phase, a large meeting could be convened so that everyone can share their concerns and learn about how other groups would like to improve management.
 - In implementation of the Regional Marine Plan, there should not be separate management activities happening in separate areas – everyone should be thinking about the same policy, everyone should be doing things that are consistent, and everyone should know about what everyone else wants to do and how things should be managed.
 - Develop a newsletter about what is going on for Aboriginal people in management of country. Aboriginal people want more/better information about what is happening for other Aboriginal people in other parts of Australia and the world – *we want to be informed and get ideas about what is happening elsewhere so we can make our own ideas.*
 - We (NLC, NOO) should return to Ngukurr in the future when people have had time to think about issues and develop a response to our queries.
 - The Northern Planning Area is a good area for planning – it is big enough to cover all the areas that need to be thought about for planning and management of the oceans.
 - We (NLC, NOO) need to return to listen to the stories of the old men and to learn more about the coast and marine environment. We have been invited to return and spend time with the old men at outstations along the coast.
 - This planning will help us because there is "nothing now" except our law which has been over ridden and this planning gives us a chance.
 - Can't separate inland from saltwater people because they have Jungayi and Dalyin, "we all connected" especially through ceremony. Need to bring these groups together as well as them meeting together – for implementing plan.
- *Really good to see NLC, NTG and Commonwealth working together. Good to be able to tell government what we want, because we need to be listened to, good that government is concerned about the sea and old people worried about the sea.*
 - Now Commonwealth Government decided to talk to us about the sea – Government should set up a committee to make us part of things. Management together after the scoping side is done.
 - We need to make a future for ourselves, you can't keep studying us forever, we are left behind, we want a chance to be part of this (out to 200 nautical miles).



CHAPTER 3: DISCUSSION AND CONCLUSIONS

Notes from the consultative meetings with Traditional Owners across the Northern Territory's Arnhem Land and Gulf coasts during May – July 2003 present a snapshot of Aboriginal views, aspirations, concerns and demands in relation to marine management and resource use in the Northern Planning Area. They reinforce findings of earlier studies, reported in the literature review, *Living on Saltwater Country*, that there are significant and long-standing discrepancies between the way Aboriginals wish to manage and use their saltwater country and the way it is currently being managed and used.

Many of the issues raised in this report were brought to the attention of the Resource Assessment Commission's Coastal Zone Inquiry in 1992/93, but little has changed in the subsequent decade. In particular, little progress has been made in addressing Aboriginal peoples' assertion of their continuing customary authority over their saltwater country. The establishment of regional fisheries advisory committees for some coastal areas was a step towards establishing a role for Aboriginal people in the management of fisheries, but this mechanism fails to recognise Aboriginal peoples' holistic view of their rights and responsibilities to their saltwater country and is weak on its capacity to deliver on the kind of management outcomes sought by Aboriginal people.

The recognition of Native Title in the sea has been a significant development in recent years, but this alone is not sufficient to address the fundamental issues of customary authority and equity raised during the consultation meetings. Indeed, it could be argued that a focus on a minimalist legal interpretation of Aboriginal sea rights through the Native Title process by governments has distracted marine policy makers from seriously negotiating satisfactory management arrangements, enterprise partnerships and equitable resource sharing.

The current planning process presents a fresh opportunity to seriously address the issues summarised in this report. Despite a history of frustration and disappointment from previous planning and consultative processes, Traditional Owners involved in the regional marine planning meetings have been prepared to participate in the hope that their concerns will finally be addressed. It is clearly essential that their goodwill and confidence not be abused or simply ignored on this occasion,

and that their willingness to discuss resource sharing and collaborative decision-making should be welcomed.

Effective responses to issues raised in this report will require a substantial rethink on how marine environments are managed, while maintaining current government goals of conservation and sustainable multiple use. The required responses fall into two related categories:

- 1 Recognising customary authority; and
- 2 Achieving equity.

Recognising customary authority

While this may be a daunting task for governments that have inherited colonial concepts of public ownership of the sea and marine resources, it is also an opportunity to celebrate and welcome the survival of an ancient decision-making and management regime, despite generations of denial and marginalisation. As a first world country that has participated in global practices of unsustainable marine resource use and management, Australia can be grateful that it still retains Aboriginal cultures whose saltwater people maintain clan estate or sea country-based management practices that can enrich and strengthen the ability to care for our coasts and oceans.

This will require legislative and policy reforms that give due recognition to the Aboriginal reality of local ownership and control over saltwater country at local and sub-regional scales. This, in turn, will involve developing communication and decision-making procedures that will enable commercial fishers and other marine stakeholders to seek permission to access and use saltwater country, through a negotiated process that may involve benefit-sharing, training, employment, and ultimately a future for Indigenous sea country owners.

It should be noted that the calls for a return to, or integration of, customary authority over saltwater country has not been accompanied by demands for exclusive use of marine resources. Aboriginal people are demanding a legitimate role in decision-making about their country and their resources, on the understanding that land, sea and resources can also be shared with others.



Achieving equity

Parallel with a return to customary authority over saltwater country, in collaboration with governments and other stakeholders, Aboriginal people are demanding equity in other important aspects of life, including training and economic development. In the region under consideration, Aboriginal people are the majority of the population, yet they are amongst the most economically disadvantaged in the country. Records of the consultation meetings show that Traditional Owners of saltwater country are enthusiastic about economic development opportunities, as well participating in caring for the marine environment.

Many Aboriginal communities have demonstrated their capacity to combine environmental management and enterprise development through the establishment of land and sea management agencies, Indigenous Protected Areas and tourism management arrangements. The Regional Marine Plan presents an opportunity to build on and strengthen this capacity, contributing to economic and social development in ways that are respectful of Aboriginal peoples' continuing connections to saltwater country.

Endnotes

Some explanations of Aboriginal Terms used in this report follow. Please note that all such terms are intimately connected to the cultural and geographic context in which they are used and generalisations should not be made across the Northern Territory planning region or language groups. It should also be noted that Aboriginal saltwater culture is highly sophisticated and that this report does not attempt to provide detailed explanations of underlying cultural matters. The explanations and definitions here are aimed at clarifying some comments made relating to discussion of sea management only.

i "Here in Arnhem Land we have a very strong culture from doing things right way – Dhuwa and Yirritja".

Dhuwa and Yirritja are moieties in the Aboriginal culture of the area the quote was taken. In this instance North East Arnhem Land. Moieties are the symbolic division of Aboriginal life into two parts. This affects kinship, marriage, ceremony and most other aspects of Aboriginal life.

ii The water is not one. Ringgitj is in the water. With different waters, there are different responsibilities. Management and decision-making should be culturally appropriate".

Ringgitj is a name site linked to specific ancestral activities always with linkages to a number of different clan groups.

iii Manbuynga ga Rulyapa (Yirritja and Dhuwa) are currents in the sea.

Manbuynga refers to some Yirritja parts of the sea and Rulyapa is Dhuwa sea.

iv The ocean is his Mari – mother's mother

This quote comes from Yolngu speaking areas of North East Arnhem Land. This explains the relationship of people to places. Mari is possibly the most important of all kin.

v When clouds come, Mala wulkghunmi, the clouds change to human being.

This word was checked with the Yolngu adviser/translator on this consultation Mr Walawirritja Yunupingu from Dhimurru Land Management based at Nhulunbuy. He felt it may have been transcribed incorrectly and was likely to be mala wulkghunmi meaning clouds that come from the ocean and change into human forms.

vi We dance about gapu in our ceremony.

Gapu in this instance is a Yolngu term for water – in this case sea water.



- vii *The songlines, tracks of the ancestors “Dreaming tracks” ie. Dhukarr or Djalkiri – all need to be looked after. Gamunungu (sacred art)*

Dhukarr can be translated as ‘pathway’. Djalkiri as footprint or foundation.

- viii *Can’t separate inland from saltwater people because they have Junggayi and Darlyin, “we all connected” especially through ceremony.*

Junggayi and Darlyin are people who have strong links to particular areas of country through their mothers and are integral to ceremonial relationships to land and sea areas.

- ix *To establish the Ginytjirrang Mala as a Manbuynga committee.*

Ginytjirrang is based on a Macassan word for rudder or tiller and so in this instance suggests steering committee appropriate to saltwater matters. Mala is a word describing a group.

- x *The exchange of information. Bininj law needs to be included in white law. Need our own constitution Act (ie. legislation). Act together, work together.*

Bininj is the West Arnhem word for Aboriginal people.

- xi *Djalkiri and Ngapaki (European or Balanda) laws meet here, they could not recognise each other – they brought that law with paper and pen, Dhakiyarr (senior Aboriginal law men who killed a policeman on Woodah Island in the 1930’s) had no paper and pen but he knew how to sing the country.*

Djalkiri is Aboriginal (Yolngu speakers in this instance) foundational law. Ngapaki is non-Aboriginal or European law. Dhakiyarr is the name of a famous saltwater leader from the region.

- xii *Cultural connections between Aboriginal people mean that we should not just talk to individual Traditional Owners but must work with all countrymen who have cultural responsibilities for a region, based on cultural relationships (eg. to include junggayi – social, cultural and economic and management responsibilities for their father’s country)*

Explains the need to involve all people with significant cultural links to sea country in management.