NIFTWG

Guy Wright,
John Catlin,
Bardy McFarlane,
Tom Weaver

National Native Title Tribunal
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Sharing the Fish 2006, Fremantle 2006
NIFTWG

- October 2003 conference - Indigenous Fishing Rights: Moving Forward
- Resolutions:
  - local, regional, state and national structures be established to develop indigenous fishing strategies, and
  - a technical working group – NIFTWG – be established
Possible Pathways to deal with Indigenous fisheries interests

1. Customary fishing rights that extend to “minor” commercial rights plus “primacy” in allocation decisions.

2. Customary fishing rights that specifically exclude commercial rights but include mechanisms to facilitate Indigenous participation in fisheries related businesses.

3. The status quo, of continued development of native title rights on a claim by claim basis.
The Principles

1. Indigenous people were the first custodians of Australia’s marine and freshwater environments: Australia’s fisheries and aquatic environment management strategies should respect and accommodate this.

2. Customary fishing is to be defined and incorporated by Governments into fisheries management regimes, so as to afford it protection.
The Principles

3. Customary fishing is fishing in accordance with relevant Indigenous laws and customs for the purpose of satisfying personal, domestic or non-commercial communal needs. Specific frameworks for customary fishing may vary throughout Australia by reference, for example, to marine zones, fish species, Indigenous community locations and traditions or their access to land and water.
The Principles

4. Recognition of customary fishing will translate, wherever possible, into a share in the overall allocation of sustainable managed fisheries.

5. In the allocation of marine and freshwater resources, the customary sector should be recognised as a sector in its own right, alongside recreational and commercial sectors, ideally within the context of future integrated fisheries management strategies.
The Principles

6. Governments and other stakeholders will work together to, at minimum, implement assistance strategies to increase Indigenous participation in fisheries-related businesses, including the recreational and charter sectors.

7. Increased Indigenous participation in fisheries related businesses and fisheries management, together with related vocational development, must be expedited.
Reports: 1984 to the present

- **1984:** “Aboriginal Fishing and Ownership of the Sea” – unpublished report commissioned by the Commonwealth Department of Primary Industries (author Belinda Lawson).
  - **1986:** Australian Law Reform Commission - Customary Law.
- **1998:** National Oceans Policy (committed to implement 1997 National Aboriginal and Torres Strait Islander Rural Industry Strategy (NATSIRIS) “as it is relevant to ocean-based industries”).
- **1998:** Oceans Policy Volume 1 & 2
- **2002:** Department of Agriculture, Fisheries and Forestry (AFFA) – Indigenous Strategy
- **2002-2003** National Oceans Office Annual Report
1986: Australian Law Reform Commission - Customary Law

1. a set of general principles be developed for indigenous fishing and [marine] gathering,

2. Commonwealth and State legislation inconsistent with the principles be amended,

3. as a matter of general principle, traditional fishing take priority over commercial and recreational activities,

4. traditional fishing not be limited to sustenance but include elements of barter or exchange within local communities, and

5. preferential rights to indigenous people for resource harvesting for commercial as well as community use might be desirable.
Palm Island sea sponge ILUA

[Palm Islanders] will be the first to develop an aquaculture model that incorporates training their community in transferable skills.

- Dr Ian Poiner, AIMS