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## FINAL REPORT

05 September 2007

### AS FAR AS THE EYE CAN SEE:

### Indigenous Interests in the East Marine Planning Region

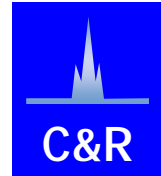


Len Zell ©

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for

Department of the Environment  
and Water Resources



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***A gentle reminder from the owners of the land***

*'For thousands and thousands of years, Koories have lived and hunted around Beecroft Peninsula and Wreck Bay, and down in the valley submerged by the ocean that is now called Jervis Bay. For all those years we cared for the land and its sites, for it is Koorie belief that the land falls into ruin if the sites are not properly cared for.*

*Now we have put in a claim on our traditional land on Beecroft Peninsula. Gubbas – even our friends – come and ask us what we will do with the land when it is ours once again.*

*That is a Gubba question! Land is not something to be used or something that you do things to. Sometimes it is special land and it is enough to be part of it, to be one with it.*

*Koories: the word we use for ourselves, the people who came here first, in the Dreamtime.  
Gubbas: the word we use for the people who started coming here 200 years ago.'*

Delia Lowe, 1989. Quoted in Lowe and Davies 2001

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## 1. EXECUTIVE SUMMARY

The literature provides strong material evidence of long-standing Indigenous interests in the coastal and inshore marine areas of south-east Queensland and New South Wales, including material culture, marine technology, and marine resource use. Coastal Aboriginal communities have always relied heavily on inshore marine resources for food, and to a lesser extent on resources such as turtles, whales, dolphins, and various species of fish, crustacea and molluscs, with offshore connections through their distribution, migration patterns, or their life histories. The approximate 20,000 year history of Aboriginal occupation adjacent to the East Marine Region (EMR) spans a period of significant sea level rise, during which Indigenous peoples were gradually forced to move inland and traditional occupation sites became submerged. This long-term history has implications for interpretation of Sea Country along this coastline.

To date there are no Native Title claims or determinations over waters in the EMR, though six current claims are potentially relevant. In NSW there are four claims by different representatives of the Bundjalung peoples over inshore waters in the Byron Bay area of NSW, with one claim only extending to the 12 nautical mile (nm) limit (the territorial sea line). In south-east Queensland, the Butchulla Land and Sea Claim extends into Commonwealth waters adjacent to Fraser Island, and the Quandamooka people of Stradbroke Island have registered a claim over areas of Moreton Bay. Though unsuccessful, the recent overlapping claim by the Noonukul people of Stradbroke Island, is evidence of enduring Sea Country interests in these areas. Common aspirations of east coast Aboriginal communities focus on continuation of traditional access rights, fishing and hunting, a role in marine planning and management, and opportunities for involvement in commercial use of Sea Country.

The strong Indigenous spiritual connection to Sea Country along the east coast is ongoing. It extends beyond the area of actual resource use, to the EMR (including outside the Great Barrier Reef Marine Park), through traditional stories recording ancestral origins from sea animals, flooded ancestral sites, and enduring totemic relationships with whales, turtles, dolphins and other wide-ranging marine species. The spiritual connections are not readily drawn on a map, and are best presented in the context of a broader Aboriginal cultural landscape that recognises the holistic Aboriginal view of a continuous land and sea Country 'as far as the eye can see'. Indigenous communities welcome the opportunity for engagement in the EMR planning process, based on respect and recognition of cultural values (tangible and non-tangible) and traditional rights, and appropriate use of traditional knowledge.

## 2. INTRODUCTION

*'The Dreaming lies at the core of Aboriginal spiritual belief - it has no beginning, no end, and does not recognise time linearly, as in days, months and years. It is a part of everyday life, encompassing totems, ceremony, the division of labour, social structure and storytelling'. (Organ and Speechley 1997)*

This literature review of Indigenous interests in the East Marine Planning Region (Figure 1) is one of the first steps in developing a Marine Bioregional Plan for the Commonwealth Waters off Australia's east coast (DEW 2007a). The East Marine Region is one of five marine regions around Australia managed under *Australia's Oceans Policy* within a framework of a Marine Bioregional Plan. In 2005 the program increased its focus on biodiversity conservation priorities, as well as protection of economic, social and heritage values, when it was brought under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (DEW 2007b).

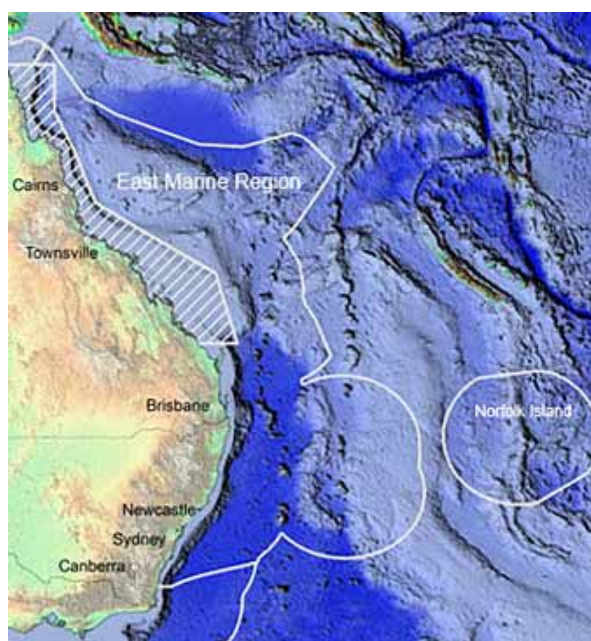


Figure 1: The East Marine Region, with cross-hatching for the Great Barrier Reef Marine Park. From DEW (2007a)

The *EPBC Act* recognises the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and promotes the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge (S.3f and g). Native title rights, in particular those covered by Section 211 (*holders of native title rights covering certain activities do not need authorisation required by other laws to engage in those activities*), are not affected by the *EPBC Act* (S.8).



## **2.1     *Scope of the report***

This literature review summarises information about Aboriginal interests in the East Marine Region (EMR), pre- and post-European contact, including community identity, marine resource use, past and current associations with the Region, current issues, and aspirations of these communities. Whilst the intended focus is Australia's eastern Commonwealth Waters (beyond 3 nm offshore), attention is also given to Indigenous interests in coastal and inshore areas of New South Wales and south-east Queensland, as an indication of likely interests in waters further offshore, and in recognition of Indigenous perceptions of the connectivity between land and sea.

The geographic scope of the report does not include the Great Barrier Reef Marine Park or the Torres Strait. Nonetheless it should be noted that the marine interests of Aboriginal communities adjacent to the Great Barrier Reef may extend beyond the outer boundaries of the Marine Park, particularly in the north. Likewise, Torres Strait Islanders have a rich history as seafarers, and are likely to have interests in the northern extreme of the East Marine Region.

## **2.2     *Information sources***

Information has been sourced from available printed and web-based material, including published reports and books, research papers, workshop and conference summaries, oral histories and Native Title registration test summaries.

There is a substantial body of literature relating to pre- and post-contact Indigenous interests in the east coast of Australia, adjacent to the East Marine Region, and on Indigenous involvement in coastal zone management. Early published literature is largely from archaeological, anthropological, linguistic and historical studies, while more recent publications include assessments of Aboriginal resource use, social structure, and oral histories that help to personalise the academic studies and provide a broader picture of the 'cultural landscape' in the East Marine Region.

Much of this material has been written with the help of Aboriginal people, but it is important to note that the Aboriginal way of passing information down through the generations is based on oral tradition. Contemporary coastal Aboriginal communities retain strong interests in the sea, and hold knowledge of marine resources, only some of which has been recorded. The project brief did not provide for extensive consultation. However, advice and guidance was sought from relevant Native Title representative bodies and Aboriginal organisations in respect for their relationship to the EMR, and their interests in future involvement in the planning process.

Any such report on Indigenous interests would be significantly enhanced with significant direct input from the people about whom it is written.

### 3. SEA COUNTRY OF EAST AUSTRALIA

#### Bundjalung Story

*'Long ago, Berrung, with his two brothers, Mommon and Yaburong, came to this land. They came with their wives and children in a great canoe, from an island across the sea. As they came near the shore a woman on the land made a song that raised a storm which broke the canoe to pieces, but all the occupants, after battling the waves, managed to swim ashore. This is how 'the men', the paigal black race, came to this land. If anyone will throw a stone and strike a piece of the canoe a storm will arise, and the voices of Berrung and his boys will be heard calling to one another, amidst the roaring elements. The pieces of the canoe are certain rocks in the sea.'*

Quoted in NSW CCA Aboriginal Cultural Heritage Data Audit (DEC 2005a)

#### 3.1 ***A Rich History***

The east coast of Australia has a rich history of Aboriginal occupation and marine resource use, believed to date back to between 20,000 and 40,000 years ago (Smyth 1993, Flood 1995). The geological time-span includes periods where the Ice-Age sea level was around 120 metres below today's sea level (Hopley 1982), and Aboriginal people lived on what is now the seabed of the Great Barrier Reef lagoon (Poynton 1995) and the continental shelf off New South Wales (Cruse et al. 2005). As the ice melted, rising sea levels created the Torres Strait and flooded the coastal plain, stabilising at the present level around 6,000 years ago (Smyth 1993). These waters are now part of the East Marine Region (EMR) and the Great Barrier Reef Marine Park.

#### 3.2 ***The First Saltwater People of East Australia***

The coming of Aboriginal people to east Australia from ancestors across the sea is told in Dreamtime stories from Queensland and New South Wales (Oodgeroo Nunukul 1999, Organ and Speechley 1997, Wesson 2005). Over 60 Aboriginal tribal groups – the first Australians – made up of numerous sub-groups, and speaking various languages, have been identified along the east coast adjacent to the EMR, their land boundaries recorded by pioneer Australian archaeologist Norman Tindale (Tindale 1974) (Figure 2). Tindale's map provides the basis for a new map of 'Self-identified Aboriginal Nation Groups of NSW' prepared as a 'draft for comment' by the NSW Department of Natural Resources in 2005, in conjunction with its Cultural Landscapes program (DNR 2007) (Figure 3).

The physical evidence of Aboriginal occupation is found in cultural heritage sites along the entire coastline. More than 11,000 sites (ceremonial, occupational, food gathering, and burial sites; art, artifacts, shell middens, fish traps, quarries and scarred trees) have been recorded on the islands and coast of south-east Queensland and along the coast of New South Wales (Ponosov 1967, McNiven 1985, Ulm and Lilley 1999, DEC 2005b). Some of the most significant coastal cultural heritage sites are found on the dunes of Stradbroke and Moreton Islands, and at Byron Bay, Ballina, South West Rocks, Jervis Bay, Bawley Point and Pambula, concentrated in the mouths of resource- rich estuaries (Ponosov 1967, McNiven 1985, Ulm and Lilley 1999, DEC 2005a). Radio-carbon dating tells us that sites just south of Jervis Bay, at Bass Point south of Wollongong, and just north of Newcastle are the oldest sites recorded along the current NSW coast (17,000 to 20,000 years old) (DEC 2005a) (Figure 4). At that time they would have been well inland of the coastline. Local Aboriginal people know of many more, including sites now on the seafloor of the East Marine Region. Other sites have been lost to coastal development and other land uses.



Figure 2: Norman Tindale's map of Aboriginal tribes at the time of contact in south-east Queensland and northern New South Wales (Tindale 1974).

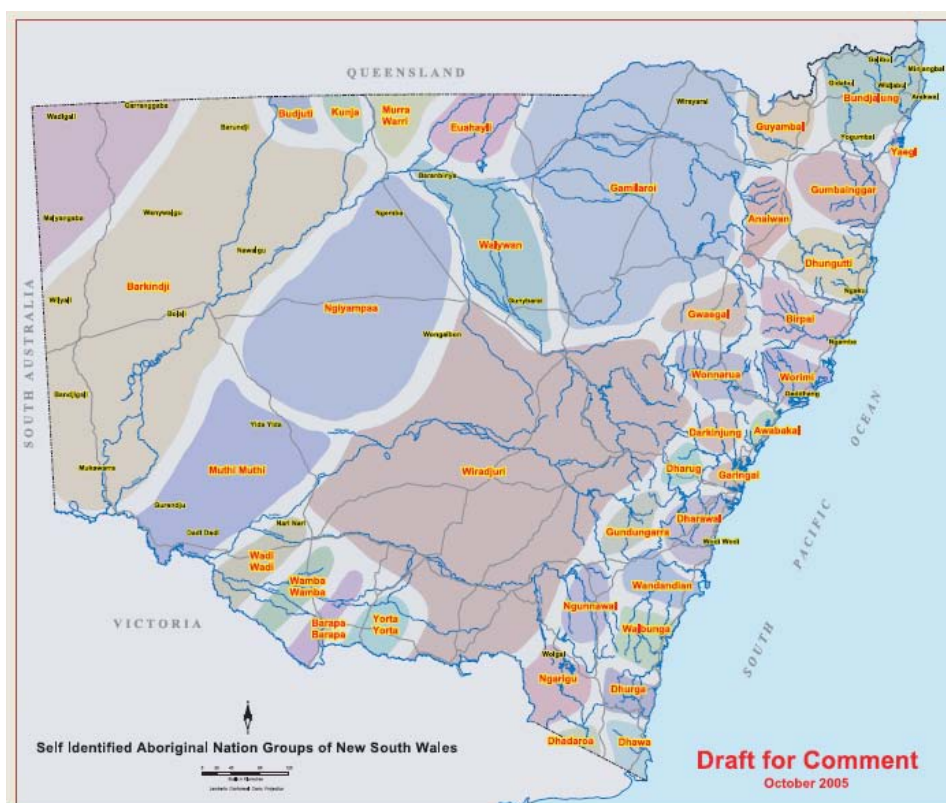


Figure 3: Self Identified Aboriginal Nation Groups of New South Wales. Draft map prepared by NSW DNR for comment, October 2005 (DNR 2007).

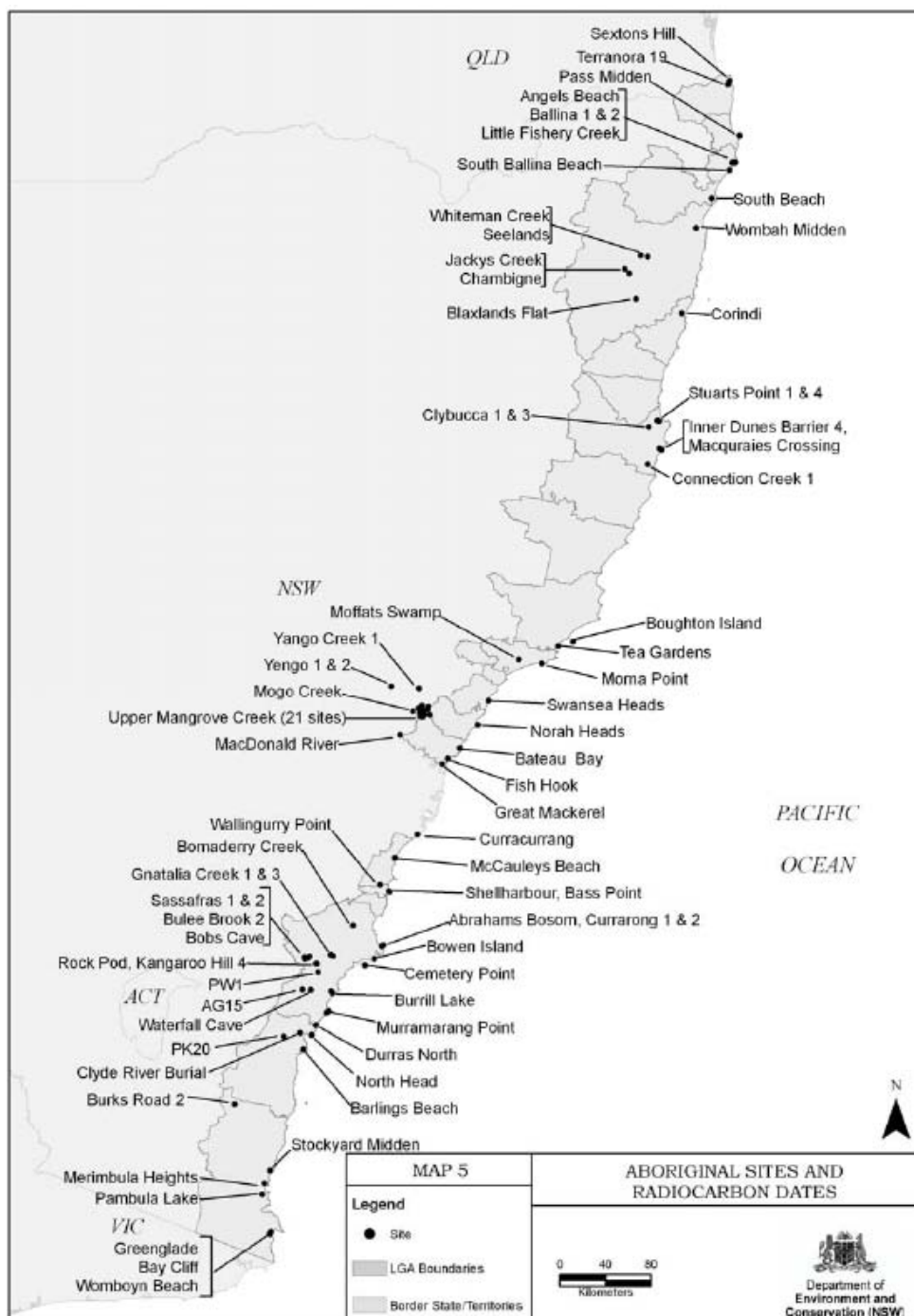


Figure 4: Aboriginal sites and radiocarbon dates on the NSW coastline (Map 5 in NSW Aboriginal Cultural Heritage Data Audit NSW DEC 2005a)





Figure 5: Cultural heritage of south-east Queensland - from Queensland's first cultural heritage map (NRW 2007).

Most of this cultural heritage material, now registered on the State Heritage databases, is relatively 'recent' – less than 5,000 years old – reflecting patterns of occupation and resource use that predominated once the sea level had stabilised (DEC 2005a). Queensland's Cultural Heritage Coordination Unit has just produced its first statewide cultural heritage map which lists more than 200 cultural heritage sites considered significant by Queensland's Aboriginal and Torres Strait Islander people (NRW 2007). The map includes fish traps, story places, shell middens, carved trees, contact sites, engravings and paintings along the coast adjacent to the EMR, with an indication of the coastline at about 18,000 years ago – now submerged by the waters of the EMR (Figure 5). It does not show exact locations due to the fragility of some sites.

### 3.3 A Cultural Landscape

*'An **Aboriginal cultural landscape** is a place or area valued by an Aboriginal group, or groups, because of their long and complex relationship with that land. It expresses their unity with the natural and spiritual environment. It embodies their traditional knowledge of spirits, places, land uses and ecology. Material remains of the association may be prominent, but will often be minimal or absent.'*

(Quote from US/ICOMOS 1996, in DNR 2007)

The New South Wales coastal cultural heritage sites, and broader *cultural landscape* have been mapped in a detailed Comprehensive Coastal Assessment, through the State Planning Department, and the Department of Environment and Conservation (now the

Department of Environment and Climate Change), through extensive engagement with local Aboriginal communities (Andrews et al. 2006), and other local projects (English 2002). The maps show complex patterns of Aboriginal interests along the coast and a network of tracks inland, reflecting the mobility of communities in response to seasonal availability of coastal and terrestrial resources, and reciprocal relationships between mountain and coastal peoples. A big coastal attraction was the seasonal appearance of whales as they migrated up the east coast – before the subsequent European whaling industry reduced their numbers. A beached whale was a regular sight in Twofold Bay (on the NSW south coast), worthy of a celebratory feast, and sufficient to feed Aboriginal people from a wider area (Goulding and Griffiths 2004).

No equivalent cultural landscape mapping has been completed in south-east Queensland, though the new cultural heritage map (NRW 2007) is a step in this direction.

The cultural landscape is a reflection of both past and *ongoing* connection with land and sea country by Aboriginal people. Aboriginal cultural heritage is an important part of the present as well as the past, and provides the basis for ongoing responsibilities, obligations, use, connection and economic and customary rights to Country, of contemporary Aboriginal communities.

### 3.4 **Food from the Sea**

Net fishing in the Moreton Region

*'Each man carries two semi-circular nets, one in each hand, and they run along the shore. Immediately they see the porpoises, which swim only a few metres from the water's edge, several of them rush into the water, form a circle, and each man joins his two nets, thus forming a circle of them. I never saw them come out without some fish in them. They dip their nets beneath the water and then join them, the porpoise the meanwhile not moving the least out of the way or showing any signs of alarm.'*

(Notes from Stobart's Journal, 1853, in Love 1985)

Shell middens and fish traps, in particular, provide clues to traditional use of marine resources, the availability of different shellfish, the preferred diets of island and coastal peoples, and changing patterns of fishing. Shellfish remains, more easily preserved than fish or crustacean remains, are the dominant content of shell middens, the kitchen 'dumpsites' of Aboriginal communities. In what is now southeast Queensland, the Kabi Kabi, Ngulungbara, Batjala (Butchulla), Undanbi, Ngugi, Nunukul (Noonukul) and Koenpal women gathered pipis (eugarie shell) from the exposed ocean beaches, and oysters, cockles, and whelks from the more sheltered shores (Ponosov 1967). The men fished for mullet with nets, spears or fish traps, and by driving them inshore from small bark canoes, or even with the help of dolphins, sharing the catch with other community members (Durbridge and Covacevich 1981, Love 1985, Smyth 2001). Traditional hunters – men of status in the communities – speared or netted dugong and turtle from canoes, a favoured food for traditional celebrations.

To the south (now New South Wales), the Bundjalung, Yagir, Gumbaingirr, Dainggatti, Biripi, Worimi, Awabakal, Kuring-gai, Tharawal (Dharawal) and Katung (Yuin) saltwater peoples gathered pipis and cockles (or bimbler) from the sand, and picked limpets, nerites, mussels, periwinkles and oysters off the rocks (Organ and Speechley 1997, Wesson 2005). They fished with spears and lines from rock platforms and canoes, for catfish, snapper, bream, cod, sea mullet, tailor and perch, introducing shell hooks about 700 years ago (Goulding and Griffiths 2004, DEC 2005a). Men dived for kelp, turban shells, abalone (muttonfish), lobsters and crabs. Community hunters caught turtle and the occasional seal for celebratory feasts (Wesson 2005, Australian Museum 2007). The small bark canoes of the southern Aboriginal people were used to carry people offshore to seabird nesting islands, to hunt mutton birds and little penguins, and to gather birds' eggs for annual feasts

(Organ 1990). All along the coast the people shared knowledge of the sea, and traditional stories of marine animal ancestors, such as whales, sharks, dolphins and different species of fish, which provided spiritual connections to offshore waters. For the Tharawal people the dolphin held special powers of protection (the 'policeman'), while killer whales (*murrara*), pelicans (*gurang-aba*) and white breasted cormorants (*berimbarmin*) had spiritual significance as totems (Wesson 2005). The importance of caring for a totem animal extended to safeguarding this animal's habitat and associated food chains, creating a spiritual stewardship of these environments that extended to their protection in the practical sense. All these elements formed the social, cultural, spiritual and economic basis for the connection between humans and the sea.

Wagonga egg feast:

*'One fine spring day a large group of about 150 excited adults of the Wagonga tribe paddled their 80 bark canoes across the glassy sea to Montague Island, four miles distant, while the women and children watched from the shore. It was the much-anticipated day of the annual egg feast picnic. After a successful day of egg gathering, the people headed back to the mainland in their flotilla of canoes, with much laughter and excitement. When the voyagers were barely half a mile from the home shore, a dark cloud from the south suddenly blew up into a violent storm, sweeping everyone into the sea while the terror stricken families looked on. Not one soul landed to tell the fearful tale.'*

Adapted from the full length story in Organ 1990, p. 353

Summaries of marine resource use by early Aboriginal people in the Sydney and Illawara areas (Wesson 2005, Australian Museum 2007) provide comprehensive lists of plant and animals valued by coastal communities. Many of the animals listed have connections to the East Marine Region (Table 1), and most likely to other regions further afield, through their wider distribution (e.g. whales, seals, turtles, dolphins, pelagic fish, seabirds) whilst many crustacea (lobsters, crabs, prawns), shellfish (abalone, cockles, topshells) and inshore fish species, have free-living larval stages which could potentially extend their distribution offshore.

Table 1: Marine resource use in the Sydney and Illawarra areas, with potential connections to the EMR (Wesson 2005, Australian Museum 2007).

MARINE/INTERTIDAL RESOURCE Dharawal, common and scientific names	SOURCE AND USE
<b>SHELLFISH</b>	
Rock Oysters <i>Saccostrea glomerata</i> , Mud Oysters <i>Ostrea angasi</i> Hairy Mussels <i>Trichomya hirsute</i> , Sydney Cockles (conk, bimble) <i>Anadara trapezia</i>	Flesh eaten.  Shells found in shell middens around Sydney Harbour, Botany Bay and Broken Bay. Cockles also found extensively in Illawarra middens.
Most common: Hercules Club Whelks <i>Pyrazus ebeninus</i> Limpets <i>Cellana tramoserica</i> Black Nerita <i>Nerita atramentosa</i>  Less common: Cartrut <i>Dicathais orbita</i> Turbans <i>Turbo torquata</i> & <i>Turbo undulata</i> Spengler's Triton <i>Cabestana spengleri</i>	Flesh eaten and used as bait.  Shells found in middens along the ocean coastline, with a greater range of species.
Periwinkle <i>Bembicium</i> sp.	Flesh eaten. Harvested at Shell Harbour, Bass Point.

MARINE/INTERTIDAL RESOURCE	SOURCE AND USE
<b>Dharawal</b> , common and <i>scientific</i> names	
<b>Walken</b> (Nullica language), Abalone, Mutton Fish <i>Haliotis</i> sp, <i>Notohalotis</i> sp.	Flesh eaten, shells used for fish hooks and jewelry. Gathered by hand and divers on south coast.
Top Shell <i>Trochus</i> sp.	Flesh eaten; shell used for artefacts.
<b>CRUSTACEA</b>	
<b>Yangah</b> , Spiny Lobster or Sea Crayfish <i>Jasus verreauxi</i> Blue Swimmer Crabs <i>Portunus pelagius</i> Mud Crabs <i>Scylla serrata</i> Eastern King Prawn <i>Penaeus plebejus</i> , Eastern School Prawn <i>Metapenaeus maclyeayi</i>	Lobster caught in small hoop nets in the Sydney region. Flesh eaten. Claws used to decorate men's hair, attached by gum.  Fragments of crabs and crayfish found in archaeological material in Sydney Harbour.
<b>FISH</b>	
Most common: <b>Woolimai</b> Snapper <i>Pugus auratus</i> <b>Karooma (Caroom-a)</b> Black Bream <i>Acanthopagrus australis</i>  Also present: <b>Birragullin</b> Tailor <i>Pomotamus saltatrix</i> <b>Wa-ra-diel</b> Mullet <b>Murray-naugul</b> Flathead <b>Kurrawinna</b> Groper + Morwong, Tarwhine, Leatherjacket, Yellowtail Kingfish, Australian Salmon, Trevally, Luderick, Wrasse/Parrot Fish, Whiting, Flounder, Catfish, Mulloway, Wirrah and Rock Cod	Flesh eaten.  Remains found in coastal middens.
<b>Kurranwall, Kurra-wah, Puppur</b> Stingray, <i>Dasyatis</i> sp.	Flesh eaten, dried skin used as sandpaper to sharpen utensils, and cutting into the hard skin. Spines used for spears. Also depicted in art and engravings in Dharawal coastal sites.
<b>Murra murra, Dibara</b> Sea mullet <i>Mugil cephalus</i>	Flesh eaten and used in fishing: 'mullet fat thrown in little pieces on the waves will make the water smoother while people are fishing'.
<b>MARINE MAMMALS</b>	
Common dolphin <i>Delphinus</i> sp.	Totemic animal. The policeman for the Dharawal people: 'We talk about being created from a dolphin. The dolphin is regarded as part of our ancestry.'
<b>Burri-burri, Murrara</b> 'killer whales':  Southern Right <i>Eubalaena glacialis</i> Humpback <i>Megaptera novaeangliae</i> Blue Whales <i>Balaenoptera musculus</i>	Blubber, meat and organs eaten. Bones used for implements; depicted in art sites; totemic animal.  Whales known to beach themselves along the NSW coast (June to October). A single whale would provide a feast for large groups of Aboriginal people, traveling from inland and along the coast.  Engraved whales found on rock platforms along the coast and around the shores of Sydney Harbour, e.g. at Balls Head, Waverton and Grotto Point at Clontarf.
<b>Wan yea-waur</b> , Seals Australian Fur Seal <i>Arctocephalus pusillus</i>	Small amounts of seal bones found in coastal shell middens, suggesting that they were hunted by



MARINE/INTERTIDAL RESOURCE Dharawal, common and <i>scientific</i> names	SOURCE AND USE
	Aboriginal people – probably not a major food item.  Seals were plentiful along the NSW coast to just north of Newcastle, prior to extensive hunting by Europeans in the mid-1800s.
Dugongs <i>Dugong dugong</i>	Bones unearthed at Sheas Creek in St Peters in the 1880s, have cut marks and scars on their surface, suggesting butchering. Dugong remains an important part of the Aboriginal diet in northern Australia and Queensland.
<b>REPTILES</b>	
Turtles: Green Turtle <i>Chelonia mydas</i> Leatherback Turtle <i>Dermochelys coriacea</i> Loggerhead Turtle <i>Caretta caretta</i>	Remains of turtles found at Balmoral Beach and Cammeray, on Sydney Harbour, suggest that turtles may have been captured and eaten.
<b>BIRDS</b>	
Mutton Bird, Short-tailed Shearwater <i>Puffinus tenuirostris</i>	Flesh and eggs eaten. Bones used as prongs for fishing spears. Fragments found in archaeological sites.  Mutton Birds visit Australia's east coast annually September - January to breed in sandy burrows. Birds and eggs harvested from the Five Islands. Still hunted and eaten by Aboriginal communities in south eastern Australia (NOO 2002).
Little Penguin <i>Eudyptula minor</i>	Flesh and eggs eaten. Bones used as prongs for fishing spears. Fragments found in archaeological sites.  Eggs harvested from the Five Islands (Illawarra).
Kurungabaa, Pelican <i>Pelicanus conspicillatus</i>	Totem animal.

Before the Europeans arrived in Australia, the subsistence economy and social fabric of coastal Aboriginal people was based on access, use, sharing and trading of marine resources. The sea provided essential food and materials for implements, utensils and decoration, and defined peoples' customary roles in a community (e.g. hunters and gatherers). Marine resources were also part of the spiritual wellbeing of coastal Indigenous people, through totemic relationships, ancestral stories and inherited cultural obligations.

## 4. IMPACTS OF COLONISATION

**When the sky fell down** – a Dreaming story to explain the coming of strangers.  
*'The solid vault of the sky rested on props placed at the extreme edge of the earth. News came that the eastern prop (near Sydney) was rotting and if gifts were not sent to the guardian the sky would fall, and the white-skinned ghosts or reincarnations of all the blackfellows who ever lived would break through from the spirit world to swarm over the land. The landscape and all of its Dreamtime associations would be transformed. Everybody would be killed.'*  
Quoted by Organ and Speechley (1997)

### 4.1 *The Coming of Strangers*

The arrival of white colonists on the east Australian shores in 1770 was a meeting of two very different cultures with conflicting laws about land and sea. Under customary laws, Aboriginal people have inherited ownership, rights of access and use, and responsibilities to 'care for their Country', which for coastal, or Saltwater, people includes the sea 'as far as the eye can see'. The rights of each group are respected by others, forming the basis for sustainable use and management of Country. The Europeans arrived, ignorant of the Aboriginal way, with the belief that the sea was for everyone and the land was for the taking. In just over 200 years the east coast Aboriginal people were dispersed and dispossessed of their land and sea country, their numbers decimated by conflict and disease (Smyth 1993). As the colonists spread north and south from Botany Bay they exploited marine resources that once belonged to the Traditional Owners, and introduced whaling, sealing and fishing industries. They took more from the sea than was needed for immediate consumption, to trade and sell. They also exploited, and benefited from, Aboriginal traditional knowledge and skills by employing Saltwater people, often in return for unsuitable processed foods. In the process, many of the survivors lost their physical connection to their sea country, but the spiritual connection endured.

### 4.2 *A New Way of Living*

Today more than half of Australia's Indigenous population (Aboriginal and Torres Strait Islander peoples) live in Queensland and New South Wales (3% and 2% of the respective State populations) (Australian Bureau of Statistics 2001). Almost a third of Indigenous people now live in cities along the coastline and amongst communities of 'new Australians' from different cultures, and less than a quarter of Indigenous people live in their traditional country and community structure (Australian Bureau of Statistics 2004). A national Aboriginal and Torres Strait Islander Social Survey in 2002 estimated that over half the Indigenous population still identify strongly with their clan, tribal or cultural group (Australian Bureau of Statistics 2004). Although the competing interests in marine resources, introduction of European foods and imposition of new laws have changed Aboriginal people's relationship with the sea, the spiritual and family connections to traditional country remain strong and carry with them ongoing obligations to look after Country.

Aboriginal people are more dispersed and more likely to live in remote locations than other Australians (Mommott and Moran 2001). Along the eastern North Queensland coastline, adjacent to the northern tip of the EMR, remote Aboriginal communities have more opportunity to maintain their cultural connection with the sea. Here Aboriginal people still hunt, fish and gather seafoods – but within management constraints such as zoning, permits, bag limits, and negotiated agreements with the Great Barrier Reef Marine Park Authority.

## 5. FISHING, HUNTING AND GATHERING

### 5.1 *Providing for All*

In spite of the loss of many traditional Aboriginal fishing sites to coastal development in south-east Queensland and New South Wales, fishing remains an important activity for Aboriginal people and a source of protein in their diet. It is customary to take sufficient for the family and community, but competition from non-Indigenous fishers and other Indigenous cultures has made it increasingly difficult for Aboriginal people to fish – and to eat – as they used to. Commercial interests have put a monetary value on certain fish and shellfish (Cruse et al. 2005), and all fisheries (recreational and commercial) are now subject to management by government agencies. In most cases new laws and regulations do not recognise ‘subsistence fishing’, and what was once a traditional right under customary law has become in some cases a criminal offence under common law (Smyth 1993, Moore and Davies 2001).

The sense of changing times is reflected in the memories of Saltwater women from Stradbroke Island, Queensland (Oodgeroo Nunukul 1999) and from the NSW towns of Nowra, Port Stephens and Wollongong (DEC 2004a, b, c). The documented interviews of NSW women capture the personal perspectives on life in the mid to late 1900s. The interviews record the continuing use of shellfish (oysters, conks *Anadara trapezia*, periwinkles *Bembicium* sp., pipis, muttonfish (abalone, *Haliotis* sp), cunjevoi, mudworms, crabs, prawns, lobsters and fish (mullet, groper, flathead, brim, whiting), as well as the loss of the traditional ways.

Memories of a Saltwater woman: Gwen Russell, Port Stephens

*‘There are still some Aboriginal lookouts around the Port where the Aboriginal men used to climb up to spot the mullet coming in. They would signal and let others know so they could get to put a net around the catch. They still do it today as a matter of fact. The fishermen today stand on the cliff to spot the mullet coming. Then they run a net out on the beach and get them all. So it’s still happening. It happens today with non-Indigenous fishermen.....All the community people fished. And when you got a big catch of fish you shared it. Sharing was a big part of life. They still do that sort of thing now. If someone went out and got a feed of fish, and if it were more than they needed, they’d share it with everyone in the community.’*

Extract from Aboriginal Women’s Heritage interview (DEC 2004c)

### 5.2 *Dugong and Turtle Hunting*

Hunting for dugong and marine turtle remains an important tradition in contemporary Aboriginal communities along the EMR (Information Box: *Dugong hunting in the EMR*) and is generally managed by the communities through customary law. The role of traditional hunter is well respected within a community, and assigns a certain social status. Dugong and turtle are culturally, spiritually and economically significant to Indigenous people in coastal Queensland where they are traditional foods and totemic animals. Once a regular food in Saltwater people’s diet, dugong and turtle are now more likely to be reserved for special occasions and ceremonies in southern Queensland.

The seagrass beds of Hervey Bay and Moreton Bay are a significant food source for marine turtles. Species most commonly found in the area include green turtles (*Chelonia mydas*), loggerhead turtles (*Caretta caretta*) and hawksbill turtles (*Eretmochelys imbricata*).

Leatherback turtles (*Dermochelys coriacea*) and flatback turtles (*Natator depressus*) also visit the bay occasionally (QPWS 1999). The largest mainland nesting site for loggerhead turtles is at Mon Repos, north of Bundaberg, just outside the boundary of the East Marine Region. To the south the Butchulla Nglungabara people of Fraser Island still hunt for loggerhead turtles in the waters to the north of the island.

Traditionally dugong were trapped in nets from bark canoes, but are now hunted from dinghies with outboards, using traditional spears (in Durbridge and Covacevich 1981). Such changes in technology present challenges to management, and are being reviewed through the National Partnership Approach for the Sustainable Use of Turtle and Dugong. An initiative of the Natural Resource Management Ministerial Council, the 'Partnership' enables Indigenous people to work with governments to develop ways to manage sustainable hunting of dugong and turtle in northern and eastern Australian waters (DEW 2007b).

#### Dugong hunting in the EMR

The seagrass beds of Hervey Bay and Moreton Bay provide the southernmost important dugong areas of Queensland's coast (UNEP 2002), and important traditional hunting areas. Today, dugong are hunted less frequently by local Aboriginal peoples, and used mostly for special feasts and cultural ceremonies. Some Aboriginal people (Butchulla of Fraser Island, Quandamooka of Moreton and Stradbroke Islands, and Noonukul of Stradbroke Island) seek the right to hunt turtle and dugong as part of their recent or current sea claims in the area (National Native Title Tribunal 2007), while others have chosen not to hunt: *Today, when the white man's food is eaten so widely by Aborigines, the tribe no longer hunts the dugong. They believe that to hunt dugong when their bellies are full would be to act against the natural law of 'kill to eat'* (Oodgeroo Noonukul 1999).

Archaeological and geological finds of dugong bones near Sydney suggest that coastal Aboriginal communities of New South Wales may have hunted dugong during periods of warmer climate 6,000 years ago, when the animal's southern limit extended further south (Haworth et al. 2004). The most significant contemporary record of dugong south of Moreton Bay was in 1992 following flooding in central Queensland that killed large areas of seagrass in Hervey Bay, forcing dugong to seek food outside their normal range (Allen et al. 2004). Dugongs tend to remain close to the coast, and rarely move offshore into Commonwealth waters, though long-distance movements have been recorded (Sheppard et al. 2006).

Now classified as 'vulnerable to extinction' on a global scale (UNEP 2002), dugong are under threat from habitat loss, fishing pressure, boat-related impacts and, in some cases, from hunting. Local management strategies in place include commercial netting restrictions in the Hervey Bay Dugong Protection Area, control of coastal runoff, 'Go Slow' boating areas in Moreton Bay Marine Park, a Moreton Bay 'Dugong Watch' monitoring program and seagrass monitoring. Moreton Bay Indigenous people are also working with governments to develop sustainable hunting practices under the new national 'Partnership' arrangements (Kwan 2007).

### 5.3 Indigenous Fishing Surveys

The only Indigenous fishing survey conducted on the EMR coastline, in eastern North Queensland, found that 93.3% of Indigenous people participated in fishing, and about 5% of the fishing occurred in waters further than 5 km offshore (Coleman et al. 2003). The technique used most often was line fishing (~70%), followed by diving and nets (~10% each), with a small proportion of hand collecting and trapping (~4% and 1% respectively). The most abundant species caught were mullet, snapper, bream, barramundi and mud crabs – some with larval connections to offshore waters.

There is no equivalent detailed survey of Indigenous fishing in south-east Queensland and New South Wales. The National Recreational Fishing Survey (Commonwealth of Australia 2003) identified New South Wales as the State with the highest number of recreational fishers, followed closely by Queensland. Most (76%) recreational fishing occurs in estuarine and coastal waters, and only 4% in offshore waters (in the EMR). It is likely that Indigenous people are included in this data, though they do not consider fishing to be a recreational pursuit, but an integral part of their traditional economy.

*'We are not recreational fishers. We are traditional owners of the country and its waters. We have fundamental, inherent indigenous rights to manage, use and protect our traditional country, including marine and inland waters. These rights arise out of our particular relationship to our country, our Native Title to our lands and waters..... We are not just another 'user group' of a limited resource.'*

Quote by Peter Yu, Director of the Kimberley Land Council, in Sutherland (1996)

A series of coastal fisheries discussion papers (NSW Fisheries 2001) summarised Indigenous fishing interests in eight coastal regions in NSW, listing the most active Aboriginal communities who still fish, using hand gathering, lines, rods, reels, nets, traps and spears, and the target species (Table 2). The fisheries review identified coastal and estuarine sites of potential recreational, Indigenous and commercial fishing conflict, and resulted in the creation of 30 Recreational Fishing Havens which are protected from commercial fishing, but do not include any specific provisions for Indigenous fishing. Most of the species listed are inshore species. The most likely fish species with connection to the EMR waters is Tailor, *Pomatomus saltatrix*, which spawns offshore (e.g. off Fraser Island), and is the basis for a commercial beach-netting industry along the east coast (Miskiewicz et al. 1996). Lobsters, mud crabs and swimming crabs also move offshore to spawn and have free-living larval stages in EMR waters.

Table 2: Indigenous fishing interests in coastal NSW, summarised from NSW Fisheries Issues Papers (NSW Fisheries 2001).

NSW COASTAL REGION	INDIGENOUS COMMUNITIES WITH FISHING INTERESTS	TARGET SPECIES
		All regions include: mullet, flathead, whiting, <b>tailor</b> , bream and blackfish.
<b>1. Evans Head north to the Queensland border</b>	Tweed, Fingal, Byron Bay, Ballina, Cabbage Tree Island and Evans Head, and some inland communities.	+ mud crab, oysters, pipis, beach worms and river worms - pipi gathering important.
<b>2. South of Evans Head to Woolgoolga</b>	Coffs Harbour, Evans Head, Yamba, Maclean and Corindi/Arararra. Also accessed by Coff's Harbour. Aboriginal community, as well as some inland communities including Coraki and Grafton.	+ mud crab, oysters, pipis, beach worms and river worms - pipi gathering important .
<b>3. South of Woolgoolga to Port MacQuarie</b>	Coffs Harbour, Nambucca Heads, Bellwood, Macksville, South West Rocks, Hat Head, Crescent Head and Port Macquarie.	+ mud crab, oysters, pipis, prawns, beach worms and river worms - beach worming important.

<b>4. South of Port MacQuarie to Seal Rock</b>	Taree / Purfleet and Forster.	+ mud crab, oysters, pipis, prawns, beach worms and river worms.
<b>5. South of Seal Rocks to The Entrance</b>	<i>No specific communities identified</i>	+ mud crab, oysters, pipis, prawns, beach worms and river worms – beach worming and shellfish gathering important.
<b>6. South of The Entrance to Wollongong</b>	<i>No specific communities identified</i>	+ mud crab, oysters, pipis, prawns, beach worms and river worms – beach worming and shellfish gathering important.
<b>7. South of Wollongong to Narooma</b>	Narooma, Bateman's Bay, Moruya and Ulladulla, and some inland communities.	+ mud crab, oysters, cockles and abalone – abalone harvesting extremely important.
<b>8. South of Narooma to Victorian border</b>	Narooma, Bermagui, Bega and Eden, as well as some inland communities.	+ crabs, lobsters, oysters, cockles, whelks, abalone and beach worms. Abalone, crab and lobster harvesting important.

One of the most enduring and controversial traditional fishing interests in southern NSW is the gathering of abalone (*Haliotis ruber*), known as mutton fish or *Walkun* in the language of the Nullica people from Twofold Bay (Information Box *Mutton fish – a dying tradition?*).

#### **Mutton fish – a dying tradition?**

*In traditional times, when Aboriginal people gathered food from the ocean, particularly mutton fish, it was a cultural thing that took place many years ago. But we know that from my forefathers, particularly from my dad and my uncles. They taught me how to gather mutton fish along the south east coast of NSW. The mutton fish were gathered for food and many times we gathered them to trade.....There was a special way of processing mutton fish...it was there on the rocks that the meat of the shellfish was taken out of the shell. And the shell was always left on the tidal line. The mutton fish was pounded on the rocks there to tenderise, and taken home and cooked... When we took mutton fish home we shared with others, that was the traditional thing.'*

Quoted by Ossie Cruse in Cruse et al.(2005)

For thousands of years, the shellfish abalone ('mutton fish' or Walkun) has been a traditional food of coastal Aboriginal communities in southern NSW. During the gold rush in the mid-1800s entrepreneurial Chinese miners, who considered mutton fish a delicacy, established the abalone fishing and trading business, employing experienced Aboriginal divers to work with them from beach camps on the south coast (Cruse et al. 2005). The mutton fish meat was sold to the Chinese and the shells to Europeans for the button industry. Some Aboriginal people were able to make a reasonable living from mutton fish as the markets opened up.

By the 1960s 'the Koori's long-ignored subsistence food, the humble mutton fish, was in demand and lives changed as divers came from all over Australia and New Zealand to grab what they could' (Cruse et al. 2005). The fishery grew rapidly from 18 tonnes in 1964-65, peaked at 1,200 tonnes in 1971, and dropped dramatically to 300 tonnes in 1977. Fishing controls were introduced in the late 1970s through fishing permits that endorsed collection of abalone, turban shells and sea urchin eggs. In 1980 the abalone fishery became a 'limited entry fishery' and permits were only issued to divers who could demonstrate catches above a defined limit, and prove that it was over half of



their income. This excluded most Aboriginal fishers at the time, and they must now comply with recreational size and bag limits (two abalone per day), or apply for a cultural fishing permit if they are to enjoy this traditional seafood. The first such permit was issued in 2003, and rigorous inspection and marking of the catch by Fisheries inspectors raised doubts in the minds of the traditional fishers as to the sincerity of the 'cultural concession' (Cruse et al. 2005).

Today the share-managed fishery is well out of the reach of most Aboriginal fishers. The lucrative industry, worth about \$5m annually, is heavily policed by NSW Fisheries. Several traditional abalone divers from the south coast have fought for what they believe to be their customary right to take as many abalone as they want and to clean them on the rocks, by way of their Aboriginal 'religion', and in so doing they have been prosecuted for 'poaching' (Cruse et al. 2005), restricting their chances of obtaining a licence in the future. Fisheries managers are currently targeting organised syndicates of illegal fishers along the coast (NSW Fisheries 2007).

In 2007 the fishery is facing an additional threat in coastal waters from Port Stephens to Wreck Bay, where a 'naturally occurring' parasite *Perkinsus* (possibly exacerbated by sewage discharge) has had a devastating effect on stocks around Terrigal, Sydney, Kiama and Port Stephens, causing abalone numbers to drop to just 5% of their former populations.

There are current doubts about the future of the NSW abalone fishery and options being considered include the development of an aquaculture industry with opportunities for Indigenous training and employment. Coastal Aboriginal people have aspirations for a community abalone licence, owned and managed by the Local Aboriginal Land Council for the benefit of the community (Cruse et al. 2005).

## 5.4 ***A Living from Fishing***

### *'The Blackfellow's Boat*

*It is some time since we drew attention to the fact that the aborigines of this district were to be presented with a fishing boat and fishing tackle by the Government. It is now our pleasing duty to chronicle the arrival at Port Kembla of the little craft referred to. On last Sunday three or four blacks accomplished a voyage from La Perouse to the Mount Kembla Coal Co's jetty in seven hours, having selected a day on account of the wind being favourable. The boat is a splendid one, fitted with every appliance, and a suitable net completes the outfit. It is to be hoped, now that their business in selling fish will bring the blacks frequently into town, the law prohibiting their being supplied with intoxicating drinks will be rigidly enforced.'*

11 April 1883: Wollongong Argus report on the purchase of a fishing boat for the Aborigines at Lake Illawarra (p. 342 in Organ 1990).

There are various records of early Aboriginal involvement in commercial fishing operations run by Europeans and even Chinese settlers, including participation in abalone fishing, and whaling operations on the southern NSW coast (Butler et al. 2002, Blay and Cruse 2004).

The first shore-based whaling station was established at Twofold Bay (near Bega) in the 1830s, attracting Aboriginal people to the bay for employment and for the offal that was available. By the 1840s, whaling had a strong influence on the patterns of Aboriginal settlement, with many Aboriginal people moving to live close to the whaling stations.

Aboriginal people lived as 'white men' during the fishing season and then returned to the bush once the whaling was over (Goulding and Griffiths 2004).

*'At Imlay's whaling station the natives make very good whalers and many of them are employed by Imlay who gives them slops, provisions etc. in return for their services... Their sight is better and they see the fish sooner than the white man...' (Oswald Brierly's notes, 1842)*

In the late 1800s to mid-1900s the government encouraged coastal Aboriginal groups to make a living from fishing, by subsidising fishing boats. However, Aboriginal commercial fishermen often attempted to continue to fish according to traditional and sustainable practices, but found that their methods were often rendered illegal by modern fisheries legislation (Hawkins 2004).

Enterprising Aboriginal people also used their fishing skills to support their own small-scale lobster and abalone trading activities:

*'Many is the time I came home to Yonga to find black gins waiting there with fish and lobsters for us. The first we might know was when we would see green lobsters alive scrambling around on the verandahs or covered way leading to the kitchen. Anyhow, business would be done, and beautiful big fish and lobsters would be traded in return for money or clothes and always a good feed for the gins thrown in'.*  
Jean Robertson 'An octogenarian remembers'.

Illawarra Historical Society Bulletin July 1978 (DEC 2005b)

In Jervis Bay, in the 1960s, Bundarwa and Berri-werri Aboriginal families were engaged in commercial estuarine and beach netting at Wonboyn (Lowe and Davies 2001), no doubt using fishing skills and knowledge passed on from generation to generation (Hawkins 2004).

In Queensland, under the State fisheries legislation, Indigenous people can apply for a community fishing licence, though the only successful Aboriginal commercial fishing enterprise to date has been at Mapoon (western Cape York) where a crabbing and gill-netting business was supported by Balkanu Development Corporation and Westpac Banking under the Cape York Partnerships Program (Barnett 2005).

The most likely opportunities for Indigenous involvement in commercial fisheries is in aquaculture. In 2003 the Australian Department of Agriculture, Fisheries and Forestry (DAFF) established the Indigenous Aquaculture Unit within the National Aquaculture Development Strategy for Indigenous Communities in Australia (DAFF 2007) to support various aquaculture programs, mostly in the north. There are several aquaculture programs currently under development in Queensland and NSW with Indigenous involvement, including:

- The Indigenous aquaculture program established by Queensland's DPI&F in the north, to progress business opportunities, with advice from the North Queensland Indigenous Aquaculture Working Group (NQIAWG)
- North Stradbroke Island (Queensland) sea cucumber (*bêche-de-mer*) farming industry and export fishery, with training and employment for 12 local Indigenous people, funded by the Australian Government (\$900,000) (Austasia Aquaculture 2005)
- NSW DPI partnership with South Coast NSW Aboriginal Corporation, SCNAAC (includes the eleven coastal LALCs between Wollongong and the Victorian Border), to explore funding opportunities for Aboriginal aquaculture enterprises, such as the Bodalla Local Aboriginal Land Council oyster lease at Wagonga Inlet (Ian Abbott, NSW Fisheries, pers. comm.)
- Wollongong Aquaculture Aboriginal Corporation feasibility study for a fish farm proposal at Bass Point (Shellharbour)



- NSW Fisheries developmental abalone aquaculture industry, based on a hatchery at Port Stephens Research Station, and an abalone farm at South Pindimar (NSW south coast, Great Lakes Council), proposed by Austasia Leefield Pty Ltd (Austasia Aquaculture 2005).

The small short-fin eel fishery (Information Box: *The Kooyang Connection*) which operates from Victoria to Queensland, is of greater spiritual significance to Aboriginal people in the South-east Marine Region than to those in the EMR – an example of external Indigenous interests in this Region.

#### **The Kooyang connection**

The Short-fin Eel (*Anguilla australis*), is one of the target species of small but valuable fisheries in Victoria, New South Wales and Queensland. The fisheries are Commonwealth managed because the eels spend part of their life in Commonwealth and international waters as they migrate from the South-east Marine Region, up through the East Marine Region, to spawning grounds in the South Pacific. The eel fishery is heavily regulated in all states; in Queensland it has been managed as a closed fishery since 1999, with non-transferable licences, and harvesting only allowed in impoundments such as dams (DPI&F 2007). The short-fin eel ('Kooyang') is also an important symbol, and the basis of a traditional economy, for the Gourditch-Mara Aboriginal people of South-west Victoria (Framlingham Aboriginal Trust and Winda Mara Aboriginal Corporation 2004). The eel does not appear to have the same level of significance to Aboriginal people in Queensland and New South Wales.

Overall, the competing interests of European commercial fishers, and of coastal development, and the unachievable costs of obtaining licenses, skills, business knowledge and basic equipment (Wanganeen 2003), has gradually meant that Aboriginal people have very little involvement in commercial fisheries (Moore and Davies 2001). There is widespread concern among coastal Aboriginal people that they are denied benefit from the commercialisation of marine resources that once belonged to them, and without their consent (Smyth 2001).

## 6. RECLAIMING SEA COUNTRY

### A new word

*'When Jerrinja people first heard about 'native title', it was a new word and we did not understand what it meant. Gradually we are coming to understand that it is the same thing we have fought for – our rights and interests as Aboriginal people in our traditional lands'.*

Delia Lowe, in Lowe and Davies 2001.

### 6.1 Representative Bodies

Contemporary Aboriginal and Torres Strait Islander groups in eastern Australia are represented by various government and community organisations, including Native Title Representative Bodies, established under State and Commonwealth Native Title legislation, to assist Traditional Owners with their land and sea claims (Figure 6); and various self-governing Indigenous organizations.

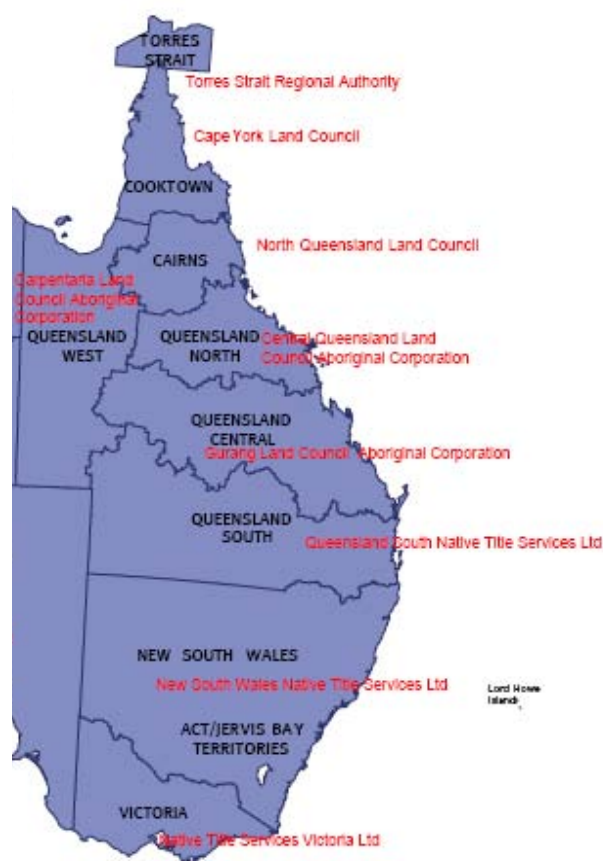


Figure 6: Native Title Representative Bodies of Queensland and New South Wales (NNTT website).

The numerous Traditional Owner groups – or ‘Murries’ – of coastal Queensland are represented by six Native Title Representative Bodies, or service providers, a good first point of contact for identifying local Aboriginal groups:

Torres Strait Regional Authority	Central Land Council
Cape York Land Council	Gurung Land Council
North Queensland Land Council	Queensland South Native Title Services Ltd.

At least 20 distinct Traditional Owner groups have been identified within the south-east Queensland region who still ‘have a relationship of mutual subsistence with the land, sea, water and seascapes of the region, and rights, interests and cultural obligations to their country’ (QEPA 2006). These are best identified through Queensland South Native Title Services Ltd.

In New South Wales where Aboriginal people refer to themselves as ‘Koories’, the hierarchy of Land Councils provides representation on State, Regional and Local levels. The Sydney-based New South Wales Aboriginal Land Council, established under the NSW *Land Rights Act 1983*, is a self funding statutory authority responsible for protecting and promoting the rights and interests of the Indigenous people of NSW. Within four Zones there are 13 Regional Land Councils (Figure 7) made up of 120 Local Aboriginal Land Councils, 34 of which are coastal.

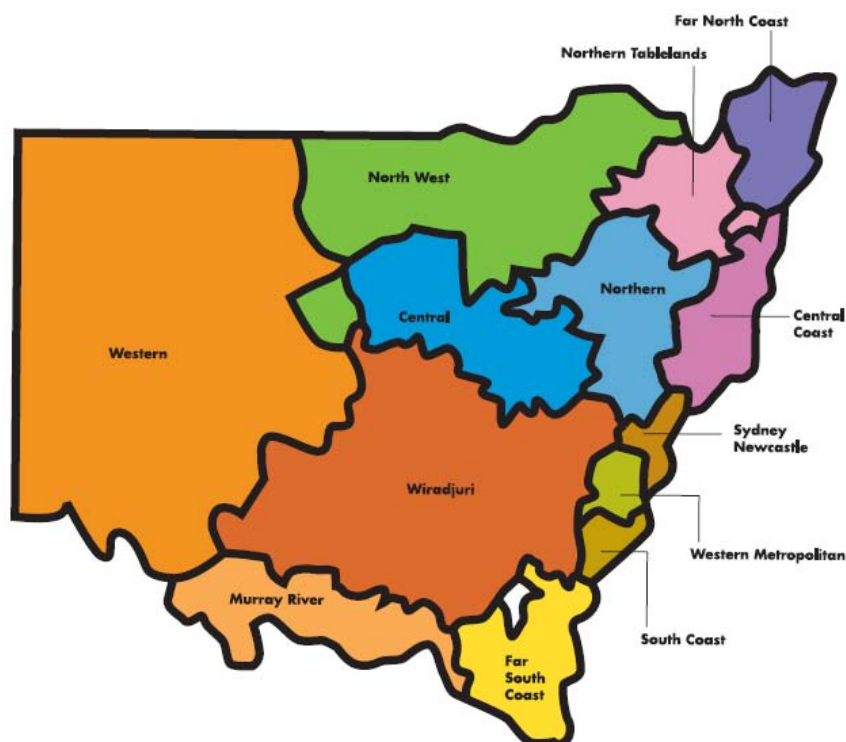


Figure 7: Regional Aboriginal Land Councils in NSW. NSW Aboriginal Land Council Fact Sheet <http://www.alc.org.au/resources/>

## 6.2 East Coast Sea Claims

*'Our connection to our land does not stop at the water's edge. To us, the land and sea are one. We rely on the sea, and inland waterways, for our sustenance. We have sacred sites and dreaming tracks in and under the sea, just like we do on land'.*

Galarwuy Yunupingu – National Press Club 1999 (in Lingiari Foundation 2002)

Despite the history of displacement, dispersal, and breakdown of community structure, coastal Aboriginal people maintain ongoing responsibilities and obligations to care for their Country. East coast Aboriginal communities retain strong interests in reclaiming access and rights to their Sea Country, including rights to participate in management, to exercise customary fishing activities and to be involved in commercial fisheries.

Traditionally, Sea Country includes the land and adjoining estuaries, beaches, reefs and oceans, often 'as far as the eye can see'. The extent is not clearly defined, and may vary with location, season and clan group, and may extend further than the immediate area of use for traditional hunting and fishing (Memmott and Trigger 1998 in National Oceans Office 2004a), and across the artificial lines separating State and Commonwealth waters under European laws.

With the guidance of relevant Native Title Representative Bodies (NTRBs or Aboriginal Land Councils) in Queensland and New South Wales, a number of Native Title claims have been made over the sea on the east coast. Only six current claims are potentially relevant to the EMR or adjacent State waters (Figure 8) (Table 3). In Queensland the Butchulla Land and Sea Claim, QC 06/4, extends over waters adjacent to Fraser Island and part of Hervey Bay; and the Quandamooka claim includes part of Moreton Bay adjacent to Stradbroke Island. As a lead up to the current native title claim, and in order to establish agreement between the parties, the Quandamooka Land Council Aboriginal Corporation, representing the Koenpul, Noonukul and Ngugi peoples, entered into an Indigenous Land Use Agreement (ILUA) with the Redland Shire Council (initiated in 1993), focused on North Stradbroke Island/ Minjerribah and its surrounding seas. In NSW there is a cluster of four sea claims in the Byron Bay area registered by different representatives of the Bundjalung (Bandjalang) people. The Bandjalang People's claim (NC96/16) over the beaches and coastal waters between Belongil Creek at Byron Bay and Jews Point on the North Coast of NSW is for recognition of rights over inshore and Commonwealth waters to 12 nm (the territorial sea line).

The granting of marine native title beyond the 12 nm limit, in Australia's EEZ is yet to be tested (National Oceans Office 2004a). In the 2001 Croker Island case (Northern Territory), the Yarmir people were granted native title over the seabed and sea but were not granted exclusive rights to the sea. Subsequent sea rights claims have been addressed on a case-by-case basis, and the limits determined by the court. Recent decisions in the Northern Territory have given Aboriginal people exclusive rights to the intertidal zone, but no such rights have been granted beyond the 12 nautical mile limit (Australian sovereignty), which would conflict with 'public rights of fishing and navigation or the international right of innocent passage' (AIATSIS 2006). The Cape York Land Council has pointed out the unresolved issue of geographical limits of sea claims in north eastern Australia, which in theory it believes 'may extend out to the full extent of Australian sovereignty. For this reason, CYLC believes that native title and its associated rights potentially extend to the Eastern Marine Region' (CYLC pers. comm. June 2007).

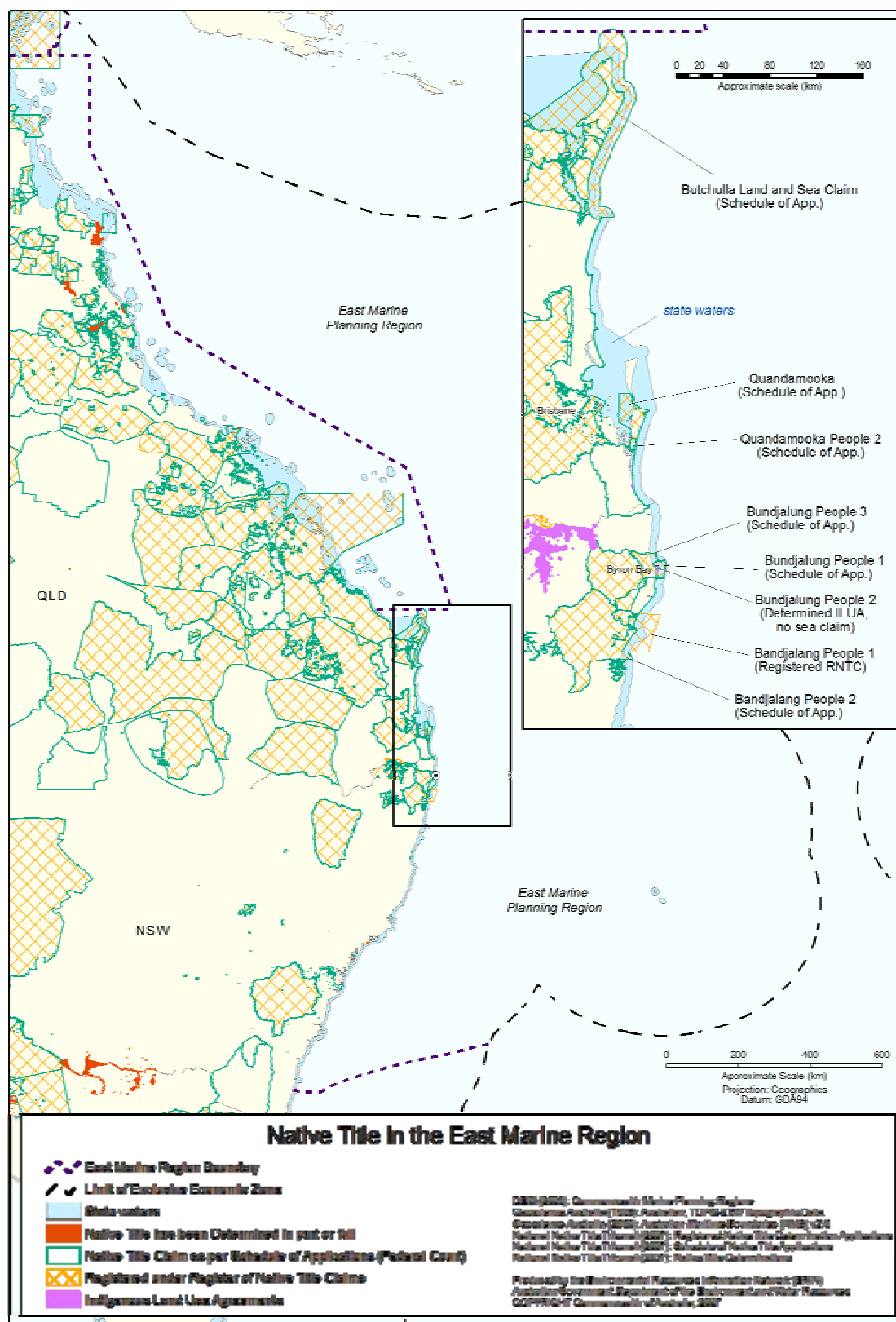


Figure 8: Current Native Title claims in/adjacent to the EMR (DEW map).

Table 3: Extracts from Native Title claims in or adjacent to the EMR (NNTT website)

NNTT file no.	Name, Area of Claim	Seaward extent of claim	Rights sought in claim
QC06/4 QLD	Butchulla Land and Sea Claim (Fraser Island and part of Hervey Bay).	12nm?	To hunt and fish on the land and waters. To access and move about on the land and waters.
QC06/12 QLD	Noonukul of Minjerribah (North and South Stradbroke Islands).  Covers Minjerribah, extends 8 nm out to sea, includes Quandamooka (Moreton Bay) to the MHW of any shoreline  <i>Not accepted</i>	8nm	Continue to live, hunt, fish, gather, travel through, camp, practice medicine, transit knowledge, perform ceremonies, protect sites and carry out other activities and business described above on the area of the claim and adjacent land and waters of Minjerribah and Quandamooka.
QC95/2 QLD	Quandamooka 'includes: <i>Koenpul</i> group (N & S Stradbroke Islands, and mainland coast from the Brisbane River to Logan River + the smaller islands of Moreton Bay), <i>Nunukul</i> group (North Stradbroke Island); <i>Ngugi</i> group (Moreton Island) Qld. (National Native Title Tribunal 2007)	3-8 nm?	To undertake traditional hunting and fishing 'Members of the group may refuse requests from outsiders to hunt turtle and dugong in Moreton Bay in order to prevent overharvesting of marine resources'
NC95/1 NSW	Byron Bay Bundjalung People	3nm	
NC96/16 NSW	Bandjalang People #1 Crown Land, beaches and coastal waters between Belongil Creek at Byron Bay and Jews Point on the North Coast of NSW including part of Broken Head Nature Reserve.	12nm	To own, access, possess, use and enjoy, make decisions about use of, control access of others, hunt and fish on or from the land and waters, and collect food from the land and waters.
NC98/19 NSW	Bandjalang People #2	3nm	To undertake traditional fishing and hunting: - fishing for catfish, snapper, bream, cod, mullet, tailor, perch, eels, crayfish, sand crabs, turtle - collecting pipis, mussels, oysters.
NC01/8 NSW	Bundjalung People #3 (Byron Bay)	3nm	To undertake traditional hunting and fishing.



In all sea claims referred to here, Traditional Owners are seeking recognition of their traditional rights to hunt and fish in their sea country, and to participate in management of Country. The Quandamooka claim also seeks the right to manage hunting of dugong and turtle in Moreton Bay by other Indigenous people, which is reflective of traditional management practices (NNTT 2007).

The effect of dispersal of Traditional Owners from their native country, cultural denial and competing interests in marine resources, has made it difficult for some Traditional Owner groups on the Queensland and NSW coasts to present a credible collective claim over their Country, and to demonstrate continued connection and practice of traditional marine resource use. Additional challenges occur where contemporary communities are made up of both Traditional Owners and people with historic connections to country, and where there are different approaches by Commonwealth and State governments (Information box: *Who owns Jervis Bay?*).

#### **Who owns Jervis Bay?**

There are two Aboriginal communities at Jervis Bay, originating from separate Aboriginal reserves – the Jerrinja people to the north, and the Wreck Bay Aboriginal Community to the south. In 1996 the Commonwealth Government handed back freehold title of Booderee National Park to the Wreck Bay Aboriginal Community under a joint-management lease agreement (Commonwealth of Australia 2002), providing opportunities for employment and shared income from park fees. At the same time the NSW Government (NPWS) consulted with the Jerrinja people in respect of management of both the Jervis Bay National Park (north of the bay) and the adjoining Jervis Bay Marine Park, declared under the NSW *Marine Parks Act* 1996. The Jerrinja Aboriginal people view the national park and the marine park as a single unit, their traditional Country, but they face significant challenges in this regard. The small size and multiple surrounding interests of Jervis Bay National Park, and the lack of provision in the *Marine Parks Act* for returning parks to the Traditional Owners, make joint management unlikely, and highlight the differences in Commonwealth and State arrangements (Feary 2001).

*It isn't greed that makes me and other traditional owners want to have our rights recognised. It's because the land, the water, the Commonwealth and New South Wales areas, all form one whole – ecologically and culturally. Because of the way Jervis Bay has been split up by governments, traditional ownership is the only thing that goes right through and which can provide the foundation for sound management of the whole region'.*

(Delia Lowe, in Lowe and Davies 2001)

## 7. MANAGING SEA COUNTRY

*'For centuries Indigenous people have managed their fisheries by looking after their country. They followed laws about who could fish where, which fish to take at different times of the year, and how many to take in different seasons. Indigenous fishing activities are the distillation of thousands of years experience and are a unique mix of experimentation, mythology and concentrated lore.....if they want an act to preserve fishing stocks and the environment they should listen to us, our people were doing it for thousands of years.'*

Quote from a NSW Indigenous fisheries workshop participant (in Hawkins 2004).

### 7.1 ***The Traditional Way***

Traditionally, marine environments were managed through a complex set of rights and responsibilities, based on customary laws and intimate knowledge of the environment, plants, animals, seasons, tides and sea state. The rights included clan control of entry to areas, seasonal harvesting, restrictions on use of marine resources based on gender and totem, and conduct of ceremonies. Biological and ecological knowledge of the target species guided traditional management systems to protect marine communities from overexploitation (Silvano and Begossi 2005). These strategies ensured sustainable use of marine resources and were respected by neighbouring Traditional Owner groups (Sharp 2002, National Oceans Office 2004a).

### 7.2 ***A Lost Economy***

The introduction of European ways in Australia has meant the loss of an Aboriginal subsistence economy, inextricably bound to spiritual beliefs, which had proved sustainable for thousands of years. Aboriginal people have not changed their beliefs, and still recognise ownership of sea country under customary laws (with or without Native Title), but they can no longer access marine resources as they used to. Population increases along the coast, and international markets, have brought new demands for fish, shellfish and crustacea, and controls imposed under European laws do not recognise subsistence fishing.

Artificial and inflated prices have made traditional seafoods largely unaffordable, and Aboriginal people derive no economic benefit from the widespread use and sale of commodities that they still believe are theirs. Unemployment in Indigenous communities (14%) is more than twice that of non-Indigenous communities (Australian Bureau of Statistics 2004, National unemployment 6%) and some remote communities are highly dependent on welfare support. Aboriginal people have generally been excluded from commercial fishing industries, due to the high costs of obtaining skills, fishing licences and equipment. The value of their traditional knowledge of the sea is not adequately recognised by researchers and fisheries managers. Spiritual beliefs and traditional knowledge form the core of Aboriginal relationships with the sea, but a price cannot be put on such values.

### 7.3 ***Indigenous Fisheries Management***

The loss of customary fishing rights and the lack of skills and resources for involvement in commercial fishing were identified in the 1993 Coastal Zone Inquiry, though there has been slow progress implementing the recommendations since.



In Queensland and New South Wales, Aboriginal people have argued for changes in fisheries management and policy, seeking better recognition of their traditional rights, training and business opportunities, and roles in the planning and decision-making. There is currently no formal Indigenous Fishing Strategy in Queensland, despite some moves in this direction by the Department of Primary Industries and Fisheries (DPI&F), mostly focused on the north. An Indigenous Fisheries Working Group advises on customary and commercial fishing issues, and commercial aquaculture opportunities and training in north Queensland are being progressed through an Indigenous Aquaculture Working Group (DAFF 2007).

A NSW Indigenous Fisheries Strategy was implemented in 2002, to engage Aboriginal communities in fisheries management and promote employment opportunities, based on four key platforms:

- Building respect for Aboriginal traditional culture
- Engaging Aboriginal communities in fisheries resources management
- Social and economic development
- Indigenous employment opportunities (NSW Fisheries 2002).

Since the funding ceased in 2004 the 'strategy' exists as a series of ongoing actions by NSW DPI and DECC. Achievements to date include the establishment by DPI of an Aboriginal Reference Group to advise on fisheries issues; new legislative provisions for Traditional Owner exemptions from recreational fishing fees, and for permits to exceed bag limits for special ceremonies; and community workshops to progress aquaculture and commercial fishing opportunities (Ian Abbott, NSW Fisheries, pers comm.). Formalising the ongoing actions into a new integrated strategy would add credibility to their objectives.

**National Indigenous Fisheries Technical Working Group Fishing 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.
- 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.
- 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.
- 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.

NNTT media release December 2004

Ten years after the 1993 Coastal Zone Inquiry recommended the implementation of a National Indigenous Fisheries Strategy, the National Indigenous Fisheries Technical

Working Group (NIFTWG) was established. With representation from seafood industries, recreational fishing, Indigenous fishing, native title, and state and federal governments, the NIFTWG announced a national policy framework in 2004, for involvement of Indigenous people in fishing and marine resource management, based on principles that recognise indigenous fishing traditions and contemporary commercial aspirations.

Engagement opportunities between Traditional Owners of sea country and the commercial fishing industry are improving and now include representation on commercial fisheries advisory committees and the Seafood Industry Advisory Council (SIAC) in NSW, and on fisheries Management Advisory Committees (MACs) and Zonal Advisory Committees (ZACs) in Queensland, which is the best avenue for Indigenous input to fisheries management plans, developed under the EPBC Act. Training opportunities in fisheries management, monitoring of subsistence fishing, aquaculture and commercial fishing techniques etc. have also been provided by Queensland's DPI&F and NSW DPI. The Australian Department of Agriculture, Fisheries and Forestry (DAFF) also launched the Rural Indigenous Engagement Pilot Programme in August 2007 to promote connection with industry mentors, and provide employment opportunities in the rural industries, including fishing.

## 7.4 ***Working with Managers***

In the past decade there have been some significant Traditional Owner initiatives directed at greater recognition of traditional rights to manage Country in a contemporary context (Ross and Nursey-Bray 2005). Cultural mapping, and planning for management of cultural heritage and sea country, in partnership with resource managers, have largely been driven by Traditional Owner organisations in North Queensland and south eastern Australia (Framlingham Aboriginal Trust and Winda Mara Aboriginal Corporation 2004, Wet Tropics Aboriginal Plan Project Team 2005). These initiatives have demonstrated that there is a collective interest by certain Traditional Owner groups to work with government agencies and research associations in order to articulate and realise their aspirations for a greater role in natural resource management. Native title claims lodged over parts of the sea are also an expression of interest in land and sea management.

In 2000 the national Indigenous Advisory Committee (IAC) was appointed to advise the Commonwealth Minister (then Environment and Heritage) under the EPBC Act, taking into account the significance of traditional knowledge of caring for Country. Other Commonwealth and State Government strategic initiatives also provide a framework for partnerships with Aboriginal communities to improve health, wellbeing and connection to country, such as the Queensland *Ten Year Partnerships Program*, and New South Wales' *Two Ways Together* (Barnett 2005).

Through the regional marine planning process, Australia's Oceans Policy recognises Indigenous people's responsibilities and interests in the ocean environment and seeks to provide opportunities for involvement in the regional marine planning and management processes (National Oceans Office 2003). Other national programs are emerging around Australia to involve Indigenous people in management of sea country, and to assist the integration of communities in commercial fisheries and aquaculture, including:

- the Department of Environment and Water Resources' (DEWR's) *Working on Country* programme that builds on Indigenous knowledge of land and sea management and funds Aboriginal employment on sea country projects
- the national network of Indigenous Land Management Facilitators, established under the Natural Heritage Trust to help Aboriginal people involved in regional land and sea management
- the Australian Department of Agriculture, Fisheries and Forestry's (DAFF) National Aquaculture Development Strategy for Indigenous Communities in Australia, which led to the establishment of the Indigenous Aquaculture Unit in 2003 (DAFF 2007)

- the DAFF Rural Indigenous Engagement Pilot Programme – to promote employment in the rural industries (including fishing) and to promote connection with industry mentors, launched in August 2007.

The Great Barrier Reef Marine Park Authority operates a progressive Indigenous Partnerships Program of Traditional Owner involvement in use and management of the Great Barrier Reef Marine Park (adjacent to the EMR) which includes implementation of the first two Traditional Use of Marine Resources Agreements (TUMRAs), with the pro-active Giringun Aboriginal Community at Cardwell and the Woppaburra tribal group of the Keppel Islands. The GBRMPA TUMRA model may be a useful reference for the EMR planning process.

The various State environmental and heritage management agencies, including Qld Environmental Protection Agency, Qld Department of Primary Industries and Fisheries (DPI&F 2005), Qld Department of Natural Resources and Water (NRW 2007), NSW Department of Environment and Climate Change (DEC 2005a, DECC 2007), NSW Department of Natural Resources (DNR 2007), NSW Department of Primary Industries (NSW Fisheries 2002), NSW Department of Planning and the NSW Marine Parks Authority, all have Indigenous engagement policies and activities, some more effective than others. Aboriginal representatives participated on advisory committees and in training activities linked to Queensland's coastal plans and national parks management plans (QPWS 1999), and to Moreton Bay, Batemans, Jervis Bay, Byron Bay, and the Solitary Islands Marine Parks, resulting in some recognition and protection of cultural heritage in these sites (Table 4).

Table 4: Indigenous engagement by the Qld EPA and NSW Marine Parks Authority (MPA NSW 2007) in Marine Park planning

Marine Park	Engagement mechanism and opportunities	Indigenous provisions in plan
Moreton Bay Marine Park, Queensland	Consultation with Quandamooka people by EPA.	Protection of Quandamooka cultural values at Swan Bay (Protection Zone) and recognition of spiritual values at Green Island.  Provision for traditional fishing, hunting and gathering in defined zones under a permit (QPWS 1999).
Batemans MP (2007) NSW	Membership on Advisory Committee.	No mention of Indigenous interests in Socio-economic assessment. <a href="http://www.mpa.nsw.gov.au/bmp.html">http://www.mpa.nsw.gov.au/bmp.html</a>
Cape Byron MP (2002) NSW	Byron Bay Bundjalung (Arakwal) Community membership on Advisory Committee.  Employment and training opportunities by DECC; Indigenous dive team (Page et al. 2007).	Special Purpose Zone at Belongil Ck and Tallow Ck for protection, traditional use and rehabilitation.  Sites of cultural significance to Indigenous people include Julian Rocks, Cocked Hat Rocks, Cape Byron and beaches around Broken Head. <a href="http://www.mpa.nsw.gov.au/cbmp.html">http://www.mpa.nsw.gov.au/cbmp.html</a>

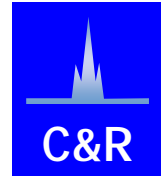
Jervis Bay MP (1998) NSW	<p>Membership on Advisory Committee.</p> <p>MPA and NSW Fisheries engaging with local Indigenous communities to identify cultural sites at risk.</p> <p>Work on Indigenous Fishing Strategy.</p> <p>Training opportunities.</p>	<p>Recognition of important sites for collection of marine animals and plants for traditional use at Long Beach, Bindijine Beach, Green Point (Groper Coast), Silica Bay, Boat Harbour, Callala Beach, Murrays Beach, Hole in the Wall – just outside MP in adjacent Commonwealth waters.</p> <p><a href="http://www.mpa.nsw.gov.au/jbmp.html">http://www.mpa.nsw.gov.au/jbmp.html</a></p>
Lord Howe Island Marine Park (1999) NSW	No Indigenous engagement.	<p>No record of Indigenous interests.</p> <p><a href="http://www.mpa.nsw.gov.au/lhmp.html">http://www.mpa.nsw.gov.au/lhmp.html</a></p>
Port Stephens–Great Lakes (2005) NSW	Membership (2) on Advisory Committee.	<a href="http://www.mpa.nsw.gov.au/psglmp.html">http://www.mpa.nsw.gov.au/psglmp.html</a>
Solitary Islands MP NSW	<p>Gumbaynggirr Nation membership on Advisory Committee.</p> <p>Local Aboriginal communities with strong cultural links to the MP are actively involved in conservation planning.</p>	<p>Traditional Owner management of Arrawara fish trap.</p> <p>(Australian Geographic 2007)</p> <p><a href="http://www.mpa.nsw.gov.au/simp.html">http://www.mpa.nsw.gov.au/simp.html</a></p>

Lessons can be learned from the NSW DoP's Aboriginal engagement processes in its Cultural Heritage Audit (DEC 2005a), and Aboriginal Cultural Heritage Landscape Mapping project (Andrews et al. 2006), part of the Comprehensive Coastal Assessment Program. The landscape mapping project identified, but did not record, Aboriginal knowledge and stories of sea country in the EMR as it was outside the scope of the NSW DoP study. Community concerns raised in the engagement process included the use of Aboriginal intellectual property without approval by the whole community, and uncoordinated, duplicated consultation by government agencies. These concerns must be addressed before communities are expected to share their knowledge of Sea Country, and for Aboriginal engagement to be effective. The cultural heritage audit recommends a model of community participation that emphasises the importance of community engagement at the outset of any such Aboriginal management and land-use projects.

## 7.5 **Sharing Culture**

Government tourism agencies – Aboriginal Tourism Australia, Tourism Queensland and New South Wales Tourism – all provide opportunities for Indigenous involvement in tourism activities, through support funding of cultural tourism programs, cultural awareness programs and training activities. To date there are no tours being conducted in the waters of the EMR, but several guided tours operate in coastal areas and protected areas adjacent to the EMR with input from local Aboriginal people, including:

- Cultural boat tour to Hervey Bay and Fraser Island with Butchulla people
- Cruise Maroochy Eco - wetland tour with Gubbi Gubbi people from south-east Queensland
- Aboriginal cultural tours in Gombemberri Country (Burleigh Headland) on the Gold Coast



- Cultural walks on Booderee National Park, with Wreck Bay Aboriginal Community members
- Ulladulla cultural trail 'One Track for All', developed with the help of the Budawang Aboriginal Landcare Group, and other South Coast Nature Tours (Shoalhaven), developed by local Aboriginal Noel Butler.

In recent years Local Aboriginal Land Councils on the east coast, with the support of NSW Parks and Wildlife Service, have offered cultural camps for Aboriginal families, to get them back 'on Country' to enjoy the natural environment, fishing activities, gathering bush-tucker, and sharing culture with the younger generation (Cruse et al. 2005).

## 8. DREAMING OF BEING ON COUNTRY

*'Indigenous people want to protect their sacred sites and traditional hunting grounds, and share the same interests as other groups in the national imperative to conserve and protect the marine environment and its resources, which have suffered poor management since colonisation.'* (Lingiari Foundation 2002).

Concerns and aspirations of Aboriginal people in Queensland and New South Wales, relevant to the East Marine Region, are focused mainly on recognition of traditional rights to Sea Country, subsistence fishing rights, involvement in commercial fisheries, management of culture and country, respect for traditional knowledge, recognition of Indigenous diversity, and greater cultural awareness by non-Indigenous peoples.

The Butchulla, Noonukul and Bundjalung Native Title claims reflect the strong desire by these Aboriginal groups to have their physical and spiritual relationship with the sea respected and recognised. These claims seek the right to access and use the application area for cultural and traditional activities, to hunt and fish in the waters, to share resources with kin and countrymen in accordance with traditions, to conserve the natural and cultural resources, and to help manage Country (National Native Title Tribunal 2007). Like all Aboriginal people, the coastal communities in eastern Australia are frustrated by the lack of understanding of, and respect for their culture, in particular the spiritual aspects (NSW ALC 2007). Aboriginal people do not separate land from sea, and the existing fragmented management, and inconsistent approach to land and sea tenure does not fit with Indigenous thinking.

Much of the Aboriginal material culture from the thousands of years of occupation has now been lost to coastal development, erosion and different land uses on the east Australian coast. There are other cultural sites from pre-sea level rise, now underwater in the EMR, to some degree protected by the sea. It is unlikely that these sites will be specifically identified, but the Traditional Owners ask that their existence, and the spiritual connections to them be respected and incorporated into a broader cultural landscape for the region (Lowe and Davies 2001).

The loss of traditional fishing rights is a significant concern for Aboriginal people with interests in the EMR, where abalone fishers have been convicted for exerting what they believe to be their customary fishing rights (Cruse et al. 2005). Existing laws in Queensland and New South Wales, and marine park management plans along the coast, make little provision for traditional fishing, hunting and gathering, other than through special permits. The coastal Aboriginal people want changes to the State fisheries laws to allow them to fish traditionally without the risk of breaking the law (Lingiari Foundation 2002, Hawkins 2004).

The valuable commercial fisheries off the Queensland and New South Wales coast now exploit marine resources that once belonged to the Traditional Owners. Aboriginal people want, and deserve, to be more involved with the industry, and ask for a greater advisory role in fisheries management, recognition of their traditional knowledge in this area, opportunities for training and development of business skills, and a sharing of the benefits (Smyth 1993). In Queensland, Aboriginal people are frustrated by the lack of an Indigenous Fisheries Strategy despite ongoing discussions on this subject (Smyth 1993, National Oceans Office 2004a, b). The Moreton Bay Aboriginal people want access to oyster leases in the bay where they have a long history of involvement (Altman et al. 1993). In NSW Indigenous people welcome the State and National Indigenous Fisheries Strategies – as long as they can deliver what they promise.

Indigenous aspirations for use and management of Country (land and sea) have been expressed in different contexts relevant to the East Marine Region, including native title claims, and consultation for State regional coastal plans, (QEPA 2006), marine and national park management plans (QPWS 1999, NPWS 2002, Marine Parks Authority 2007, QPWS 2007), Regional NRM and catchment management plans (Wet Tropics Aboriginal Plan Project Team 2005), protection and management of cultural heritage (DEC 2005a, Andrews et al. 2006), fisheries management plans (Altman et al. 1993, Sutherland 1996, Kailis 2003, Wanganeen 2003, Hawkins 2004, DPI&F 2005), and broader Oceans Policy (Smyth 1993, National Oceans Office 2002, 2004a, c). Coastal Aboriginal groups in NSW have expressed concern for poorly-timed or uncoordinated consultation by different agencies (DEC 2005a, Andrews et al. 2006). Their land and sea country is one – and talking about one without the other is not the Indigenous way. They are comfortable with some consultation processes, but not with others.

Traditional ecological knowledge is a precious resource to Aboriginal people, and defines the social standing of the knowledge-holders. It has guided Indigenous management of sea country for many years. Traditional knowledge has an important role in contemporary marine resource management, alongside western science, but it is not for the taking without permission from the relevant communities. Aboriginal people in NSW would like to share their knowledge of the sea, to extend understanding of their cultural landscapes, but they ask that correct protocols are followed in the process (Andrews et al. 2006).



## 9. SUMMARY

In keeping with the scope of the project, this literature review has concentrated on material relevant to the south-east coast of Queensland, the New South Wales coast, and the waters of the EMR, with only a cursory reference to the Great Barrier Reef and adjacent coastal areas. The 'Interests of Indigenous people in the EMR' have therefore largely been identified through the literature, and with only limited contact with representative Indigenous organisations.

The literature provides strong material evidence of long-standing Indigenous interests in the coast and inshore areas of south-east Queensland and New South Wales, including material culture, marine technology, and marine resource use. Coastal Aboriginal communities have always relied heavily on inshore marine resources for food, and to a lesser extent on resources such as turtles, whales, dolphins, and various species of fish, crustacea and molluscs, with offshore connections through their distribution, migration patterns, or their life histories. The approximate 20,000 year history of Aboriginal occupation adjacent to the EMR spans a period of significant sea level rise, with implications for interpretation of Sea Country.

Documented traditional stories and oral histories record the strong spiritual connections with the sea – the ancestral origins from sea animals, the flooded ancestral sites in the EMR, and the totemic relationships with whales, turtles and dolphins. The spiritual connections cannot be drawn on a map, other than in the context of a broader Aboriginal cultural landscape that recognises the holistic Aboriginal view of a continuous land and sea country 'as far as the eye can see'.

The arrival of Europeans on east Australian shores (now adjacent to the EMR) changed the lives of Aboriginal people forever, disrupting traditional social structures and destroying the coastal subsistence economy based on sharing and trading of marine resources. In 200 years Indigenous rights have been progressively eroded by competing interests of colonial Australians and through introduction of non-Indigenous tenures and laws, based on very different concepts of ownership, and with few benefits for the Traditional Owners.

Nonetheless, the Indigenous spiritual relationship to sea has survived and Aboriginal culture is still very much alive along the east Australian coast, where more than half of Indigenous Australians are now settled, mostly in urban communities. Aboriginal communities and Local Aboriginal Land Councils in coastal south-east Queensland and New South Wales are actively involved in protecting and promoting their traditional culture which has largely endured through the special relationship Aboriginal people have to Country – based on inherited responsibilities and obligations, traditional knowledge, and belief in customary rights to Sea Country. The ongoing spiritual and physical connections to land and sea country are an integral part of the cultural landscape of the EMR, which is not easily documented or readily understood by non-Indigenous peoples.

Contemporary coastal Aboriginal communities in the Region have expressed their concerns and frustrations over loss of access to Sea Country along a coastline dominated by urban and industrial development, with fisheries owned and operated by non-Indigenous peoples, complex management by Commonwealth and State governments, and uncoordinated Indigenous engagement processes by natural resource managers. The aspirations of Aboriginal coastal communities along the inshore boundary of the EMR include desires for greater respect and recognition of culture and traditional fishing and hunting rights, respect for traditional knowledge in biodiversity protection and resource management, opportunities



for involvement in commercial fisheries and coastal tourism, roles in management of country, and training opportunities for Indigenous peoples to develop relevant skills.

The marine-based economic opportunities for Aboriginal communities on the east coast are limited. Some families have sustained long-standing connections with the fishing industry, while some proactive communities and Local Aboriginal Land Councils are benefiting from the support of government and industry-sponsored training and employment in emerging aquaculture programs. The few cultural tourism programs, mostly initiated by Aboriginal people with industry partners, also have the potential to provide economic benefits for Aboriginal guides, and greater cultural appreciation by non-Indigenous participants.

For coastal Aboriginal communities to maintain their connection with the waters of the EMR there must be an increased commitment from all levels of government to provide genuine opportunities for engagement and involvement in planning and management – at a scale that recognises the diversity of Indigenous interests. Aboriginal coastal people of Queensland and New South Wales have many stories to tell. Some have been shared already in relation to previous planning activities, but not fully document. It is only through a sensitive and comprehensive engagement process that we will learn what we don't know about the rich history of Aboriginal connection to the East Marine Region.

*'We have spiritually important places which extend underwater. The sea was always there for us, even when the land had been carved up and sold off'.  
(Delia Lowe, in Lowe and Davies 2001)*

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