



Australian Government
National Oceans Office

Consultation
Report

Living on Saltwater Country:

Cape York Peninsula
Sea Country Management
Needs and Issues



PREPARED BY BALKANU CAPE YORK DEVELOPMENT CORPORATION

TITLE:

LIVING ON SALTWATER COUNTRY:
CAPE YORK PENINSULA SEA COUNTRY
MANAGEMENT, NEEDS AND ISSUES

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The National Oceans Office
Level 1, 80 Elizabeth St, Hobart
GPO Box 2139
Hobart TAS 7001
Tel: +61 3 6221 5000
Fax: +61 3 6221 5050
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CREDITS:

Design: design@naughtee.com
Printing: PML
Photos: Kerry Trapnell
Published by the
National Oceans Office

ISBN: 1-877043-51-6



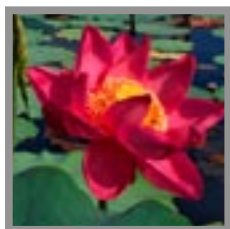
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ACKNOWLEDGEMENTS

We acknowledge the Traditional Owners of Cape York and the Muralug Archipelago (islands and seas of the Kaurareg Aboriginal nation in the southern part of the area known as Torres Strait) and thank them for their patience.

Balkanu would also like to thank staff of various agencies and the National Oceans Office particularly for their assistance as well as a number of individuals. Special thanks to Jim Monaghan who brought some “management unit” ideas into a regionalisation perspective for this report

GLOSSARY

CDEP	Community Development and Employment Program
CSIRO	Commonwealth Science and Industry Research Organisation
CYLC	Cape York Land Council
CYNHT	Cape York Natural Heritage Trust
CYP	Cape York Partnerships
CYPDA	Cape York Peninsula Development Association
CYPLUS	Cape York Peninsula Land Use Study
DEH	Department of Environment and Heritage (Queensland)
DPI NFC	Department of Primary Industries Northern Fisheries Centre
EBM	Ecosystem-based management
EPA	Environmental Protection Agency
GBRMP	Great Barrier Reef Marine Park
GBRMPA	Great Barrier Reef Marine Park Authority
GulfMAC	Gulf of Carpentaria Management Advisory Committee
MUSP	Multiple Use Strategic Plan
NHT	Natural Heritage Trust
NLC	Northern Land Council
NMP	Northern Marine Plan
NMPR	Northern Marine Planning Region
NMPA	Northern Marine Planning Area
NPA	Northern Peninsula Area
NTA	Native Title Act 1993 (Cth)
NPF	Northern Prawn Fishery
NRS	National Reserve System
QFS	Queensland Fisheries Service
SEMP	South East Marine Plan
TEK	Traditional Ecological Knowledge
TSRA	Torres Strait Regional Authority



EXECUTIVE SUMMARY

The Northern Regional Marine Planning (NRMP) process is one of many requests for engagement by Traditional Owners in various planning and consultation processes and needs to be cognisant of capacity of communities and regional organisations to deal with these matters amidst other demands on their time. This study overlaps with a number of property planning projects, native title negotiations, transfers under the Aboriginal Land Act, return to homeland projects and health and social justice programs.

This report is a summary of the key aspirations of Indigenous peoples within the Northern Marine Planning Area (NMPA). It reflects some central points of note for consideration within the planning process, and makes recommendations for future planning.

This report is divided up into sections as follows: -

- Context and background of information on NMPA
- Issues
- Values
- Management arrangements
- Recommendations

In particular we make the following recommendations:

- A management structure be developed that reflects integration between the natural, cultural, policy and subregional geographic boundaries;
- That a program is established to implement the development of cultural criteria to complement conventional CAR (comprehensiveness, adequate and representative) natural asset protection;
- That adequate resourcing of regional and subregional organisations be provided to enable the facilitation of the National Oceans Office process in the northern region;
- That the NRMP be developed in such a way that it incorporates Traditional Owner aspirations and involves Traditional Owners at all levels in decisions over sea country.

Our other recommendations are detailed in the main body of the text.

During and prior to our consultations three points have been made consistently by Traditional Owners:

1. Why do users of country generally not respect Traditional Owners?
2. What benefits do Traditional Owners get from activities in their country?
3. How can Traditional Owners gain more control over those activities?

From an organisational and procedural viewpoint, we are interested in the regionalisation of these matters and integrating uses and aspirations that support sustainable cultures. Our consultation methods and this report reflect our understanding. The desire to be recognised at least as stakeholders and more appropriately as owners and therefore managers, is a crucial part of the reconciliation process and provides a route for resolution of use conflicts and a planning process that supports protection and sustainability.

We believe it is crucial that research into Traditional Ecological Knowledge (TEK) and other knowledge be conducted by Traditional Owner-endorsed process.

Benefits of incorporation of Indigenous interests and knowledge into the NRMP include:

- It provides the information for cultural sustainability, passing on information to younger generations;
- It is simply useful natural resource management information which has not yet contributed fully to the total knowledge base required for equitable and proper management of Australian resources;
- It provides an Indigenous scientific component to a management plan;
- It provides a practical bridge between the social and environmental components of ESD management.



The *Oceans Policy* as a whole has no specific legal basis yet and relies on legislation that applies to marine and land use issues in existing law at the three levels of government (see also Literature Review). Indeed the State of Queensland has not committed to engagement with the Commonwealth beyond the scoping phase as far as we are aware. This is not easy to sell to our Aboriginal constituency who expect bipartisan and lasting political commitment and who have been waiting for something practical like a patrol boat or vehicles for decades. We would strongly encourage all agencies to deliver some tangible outcomes immediately. These are good indications of intent and goodwill for Aboriginal groups that are in many cases bored and frustrated merely talking about their issues.

Outcomes in this context will be even more complicated than stitching together sectoral data, identifying pressure points and resolving conflicts so that natural systems can function and be productive. Resolution of social/cultural issues across the planning region (from Darwin to Torres Strait) is going to be the dominant management criterion on which a marine plan will stand or fall.

ISSUES SUMMARY

Introduction

Given the above, a number of issues were raised by Traditional Owners. These included:

- (a) Desire for the National Oceans Office NRMP to acknowledge that Indigenous issues and opinions relating to marine management are an intrinsic part of mainstream land and sea management;
- (b) Indigenous peoples are frustrated by and saturated with consultation processes. There is a widespread incredulity that 'anything will get done'. Some tangible benefits accruing from the NRMP need to be identified;
- (c) Control of knowledge and other processes need to be formulated by Traditional Owners, their representatives and governments.

REGIONAL RECOMMENDATIONS

1. That a meeting is called by Balkanu/CYLC with senior Traditional Owners of each subregion* for a debriefing and to discuss negotiation tables and other possibilities as a way forward.
2. That an Indigenous project person is appointed (possibly jointly funded) and housed in Balkanu.
3. That Memoranda Of Understanding (MOUs) are developed between each subregion and Balkanu/Cape York Land Council (CYLC) and clarity established over any further contracts that might be let. These will include words such as holding information "in trust" as opposed to ownership. We would expect the National Oceans Office to adopt a parallel position with Balkanu/CYLC
4. That the range of assessment phase research projects be examined to see where communities can be involved.
5. That opinion about operationally funded marine protected areas be considered as an ongoing process for the Gulf of Carpentaria and coastal and riverine areas of west Cape York based on cultural units and majority Traditional Owner boards. These protected areas should conform with areas that Traditional Owners themselves want protected and allowance made for Traditional Owner-managed tourism and other sustainable uses to occur within these areas. Issues relating to section 211 of the Native Title Act (the right to hunt and fish for traditional use) should be negotiated and/or compensated as Traditional Owners see fit. Input into this process should be confined to those whose interests are directly affected by management and kept at the local scale.
6. That those communities currently lacking capacity be supported by Balkanu/CYLC with funding from government and other sources to develop more effective land and sea management functions within the already agreed subregional framework but not limiting Traditional Owner's independence. Current western Cape York subregions are:
 - Kaurareg
 - Injinoo Land Trust
 - Old Mapoon
 - Napranum
 - Aurukun
 - Pormpuraaw
 - Kowanyama

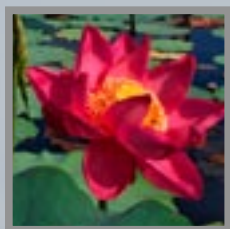
* See appendix 2 for proposed subregions

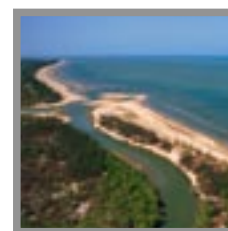


7. That funds be provided to Balkanu/CYLC to investigate mechanisms for marine management and protection in relation to Aboriginal rights and interests and that recommendations be made relating to which tools (State or Commonwealth, preferably both) might be mutually acceptable.

Options may include

- Indigenous Land Use Agreements (ILUAs)
 - Indigenous Protected Areas (IPAs)
 - Commonwealth Conservation Agreements
 - Co-management under the Fisheries Act (Queensland (Qld))
 - Coordinated conservation agreements (Nature Conservation Act, Qld)
 - Community By-laws
 - Resourcing Traditional Owners
 - Resourcing Traditional Owners and agencies
 - Aboriginal Management Areas (Qld Marine Parks Act)
 - Partnerships with industry
 - Local government legislation
8. The importance of recording traditional knowledge and ideas for management solutions cannot be understated and we would recommend a large investment in saltwater ethno-ecological research and research partnerships as this information will provide the substance for real management that Traditional Owners can identify with.





CHAPTER 1:

INTRODUCTION

Aims

The aims of this report are:

1. To provide some context for the planning process in relation to the Aboriginal world view and emphasise the primacy of Aboriginal people and interests on Cape York as part of the NMPA;
2. To catalyse and progress processes that support and maintain that reality, culturally, socially, economically and environmentally and identify roles for subregions, Cape York Land Council and Balkanu in the following phases of the NRMP process, including engagement with Northern Australian Indigenous Land & Sea Management Alliance (NAILSMA);
3. To provide information to the National Oceans Office about:
 - a. what Aboriginal people want for their saltwater country;
 - b. what the range of Aboriginal aspirations and interests is;
 - c. where Aboriginal people have got to in pursuing those desires;
 - d. what Aboriginal people need to fulfil those wishes;
4. To indicate how the above integrate with regional initiatives;
5. To contribute to the understanding and delivery of equitable management of resources;
6. To move on from what is known to practical action on-the-ground.

Rationale and Process

Good translation and representation of issues rely more often than not on long-term familiarity with communities, a good understanding of community dynamics and a great degree of trust. In short 'consultants' cannot easily be found for this type of work. To overcome some of these challenges we have chosen to try and devolve remunerated work to the subregional level and also to have Traditional Owners at the front of the process.

The various subregions of western Cape York have different capacities to address issues such as are required in this plan.

We adopted a two pronged approach. The first is provision of funds to each sub-region to progress the consultation process in a locally appropriate manner and the second is to participate in the former and produce this regional overview.

Balkanu had a draft contract drawn up and sent to each subregion along with the preliminary advice. Some subregions accepted the contracts as they were, some required changes and others rejected them. There were some important lessons learned during this process and in some instances this led to disruptions and delays in some of the subregions.

Whilst we encouraged subregions to 'do their own thing' we also provided a preliminary advice listing a number of headings and also provided suggestions to the subregions on what each heading might contain without colouring their view of what might be important to them. This was an effort to create some themes that might flow together later at the whole planning region scale and accommodate a desire by the National Oceans Office and QLD Environment Protection Agency (EPA) to work towards a themed approach.

Limitations of Project

While we have attempted to find a balance between the local and the regional scale, we have received criticism that the themed approach was too inflexible and does not allow for the freedom sought. On the other hand we have received criticism that not enough guidance was provided by the headings suggested. Where necessary or requested, we provided further suggestions to subregions.

We also found constraints in operating within an intense political framework; often with competing interests and had to work with the difficulties of both language and time constraints.

We have left it to subregional Traditional Owners as far as possible to determine the details that they are prepared to put on the record for this study but are mindful that subregions might be unaware of potential pitfalls. We have had to be particularly wary of legal matters pertaining to the changing demands brought by recent native title cases. Explaining these at the community level is time consuming and difficult.

We have not had that time, and in some cases, information has had to be withheld from publication as a precaution. Because of the different capacities and styles at the subregional level the subregional scoping documents vary accordingly. Some subregions have fully



developed GIS facilities and enough human resources while others have very little capacity. Some have excellent cultural data bases, others do not.

The fact that the English language is required for discussions may itself be a major obstacle to proper communication. In some cases the senior knowledge holders and decision-makers want a younger person who speaks English or an intermediary to translate for them. This has consequences when providing for sufficient engagement, namely having to transport and accommodate two people rather than one to meetings off country. We know that cost is a major concern for government but in some cases there are no alternatives and realistic allocations must be made in budgets for proper involvement.

Introducing the region: the study area

This scoping study area covers the region from the Staaten River in the south to Hawkesbury Reef in the north (see map 2) and aims to provide comment on issues penetrating into the Gulf of Carpentaria. Cape York is the size of Victoria and Tasmania combined and has a coastline measured in thousands of kilometres.

The sea country of the Kaurareg falls within the southern Torres Strait and within the jurisdiction of the Torres Strait Regional Authority (TSRA). The Kaurareg are Aboriginal people but have island homes and assert customary marine tenure over their seas. This will complicate the National Oceans Office desire to separate the Torres Strait from the Northern Planning region as it relates to process. The National Oceans Office should be aware that there are currently fora for discussing Kaurareg business in the context of the TSRA and there are matters of contention pre-dating the NRMP. These should be investigated by the National Oceans Office and discussed with the Kaurareg and Cape York Land Council, their legal representatives.

Frameworks of Understanding

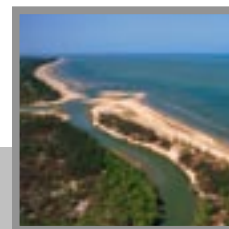
While Indigenous issues have been part of the political spectrum for some time now, it is worth re-stating the particular frameworks of understanding within which Indigenous peoples in our region are operating. In particular, dissemination of knowledge and notions of country, sea and native title differ, in some cases radically, from existing 'western' understandings of land and sea. This section outlines some of these understandings. It must be understood they crucially underpin everything else that follows in this report.

Country

It is important to recognise the holistic view that Indigenous people have of their 'countries'. The word country refers to both physical and non-physical expressions of Aboriginal inheritance.

This document focuses on the Northern regional marine planning process in relation to what Indigenous people call 'country'. The relevance of this concept is important in representation on advisory committees at various levels of government, in land and sea management and in western versus Aboriginal views of ownership and rights. It is appropriate that from the outset we acknowledge the intricacy, richness and centrality of this concept to the Aboriginal world view and consequently its relevance to proposed management regimes, particularly the current NRMP in what is undisputed Aboriginal domain. We also make the point that it is the Traditional Owners who maintain the monopoly on what the concept of country means.

Any vision for co-management or management partnerships will need to accommodate this Indigenous reality and this view of the relationship between people and their resources must contribute at least 'half' to a real management partnership with government. In an effort to clarify what the term 'country' means, we have chosen to quote from Langton *et al* (1999: 28-30) in full.



Land and Sea Country. (Langton, M et al (1999:28-30))

Indigenous people are born with an inchoate, inherited and transmissible right in a “country” which may be comprised of land and waters, “sea country” etc. Such rights to, and responsibilities for, land- and-water scapes, and natural resources therein, are governed by customary systems of land tenure and other jural realms. These rights are held in common with other members of the particular “clan” or local kin-based group.

Indigenous rights in land are inherited, usually according to descent principles, and often in conjunction with secondary rights obtained through ritual knowledge, long periods of residence, and adoption. Unless only one person of one of these descent-based groups survives, Indigenous land is owned by descent-based groups, sometimes referred to in the literature as customary landholding corporations.

Should the demise of such a customary land-holding group be suspected because of the death, or imminent death of sole childless heirs, neighbouring groups with strong ritual and kinship ties to the landowning group may begin negotiations for customary succession to the estate. Such succession processes may continue for many years, and may not, in the end occur, if a member of the group in jeopardy should bear appropriate heirs to the estate. The politics of succession to Indigenous estates are as byzantine as the history of dynasties elsewhere in the world similarly dependant on lineage, correct birth, family standing, wealth and power and prescribed marriage laws.

Extant Indigenous cultures in Australia regard land not just as a physical resource, but as a social resource. These customary estates, or “country”, are landscapes, imbued with spiritual power. They are perceived by their owners to be inhabited by ancestral presences, and shaped by these *a priori* spiritual forces. Country may include landscapes, seascapes and riverscapes, and may have one or more focal sacred sites. These sites may be terrestrial, marine or riparian. They are regarded as sacred because of the presence of powerful ancestral beings of a spiritual nature whose adventures in a marvellous, mythological past explain the biogeographical and physical phenomena of the landscape. These beings are said to be the ancestors of the landowners and are also said to [be] the ancestors of particular non-human endemic species of a particular estate or territory. The relationships between landowners and biogeographical and physical features of land, sea or waterscape are symbolised by the mythological stories and thus landowners and environments and biota are believed to be inter-related by virtue of the powerful metaphors of kinship and other human institutions that organise relationships, rules for behaviour, and responsibilities of the members.

The sacred knowledge pertaining to the mythological stories, their meanings and their associated sites, sacred objects and designs, rituals, songs and dances, is controlled by particular members of groups, often in conjunction with kinsmen or kinswomen from closely related groups conjoined in religious affairs. Such knowledge is subject to restrictions and severe penalties apply for the misuse or desecration of such knowledge.

Customary estates, whether comprised of land, sea, or fresh water, are determined by tradition. While the estates are bordered and relatively discrete, their features are also subject to intense negotiations from time to time, especially in circumstances where

the extent of a border may determine whether a group benefits from an economic development. Such negotiations are not arbitrary, however, and are based on the allegiance of the members of the landowning groups with their close kin and allies in neighbouring groups. Just as a customary estate may be subject to succession, so too estates are sometimes the subject of fission and fusion. An ambitious senior member of a group with responsibility for a significant sacred site may secede from his group of birth, and if he has sufficient progeny and other grounds for establishing a new lineage of which he would be the apical head, he could define his site focused estate and name it after the site for which [he] is responsible. Similarly, two groups may fuse, especially when there are sufficient intermarriages, but insufficient progeny to assert influence, and an absence of ambitious, competing leaders. Such fusion may be beneficial when groups are under environmental or other stresses. They would also be conjoined by religious interests, again site-based. Such sites may be joined by so-called “Dreaming” tracks, or mythological pathways of particular creative ancestors who played a part in establishing the biogeography of the territory.

Even in those areas of Australia where the frontier and post frontier impacts have been severe, whether in terms of dispossession and depopulation, or repression of cultural practices and languages, elements of the classical system of Aboriginal land tenure are to be found. Highly adaptive strategies for sustaining the key institutions and positions of authority of Indigenous societies have been employed throughout Indigenous Australia, an historical phenomenon not yet adequately understood, for instance, even in informed legal circles, and even less in government agencies with responsibilities for Indigenous land, heritage and related matters.



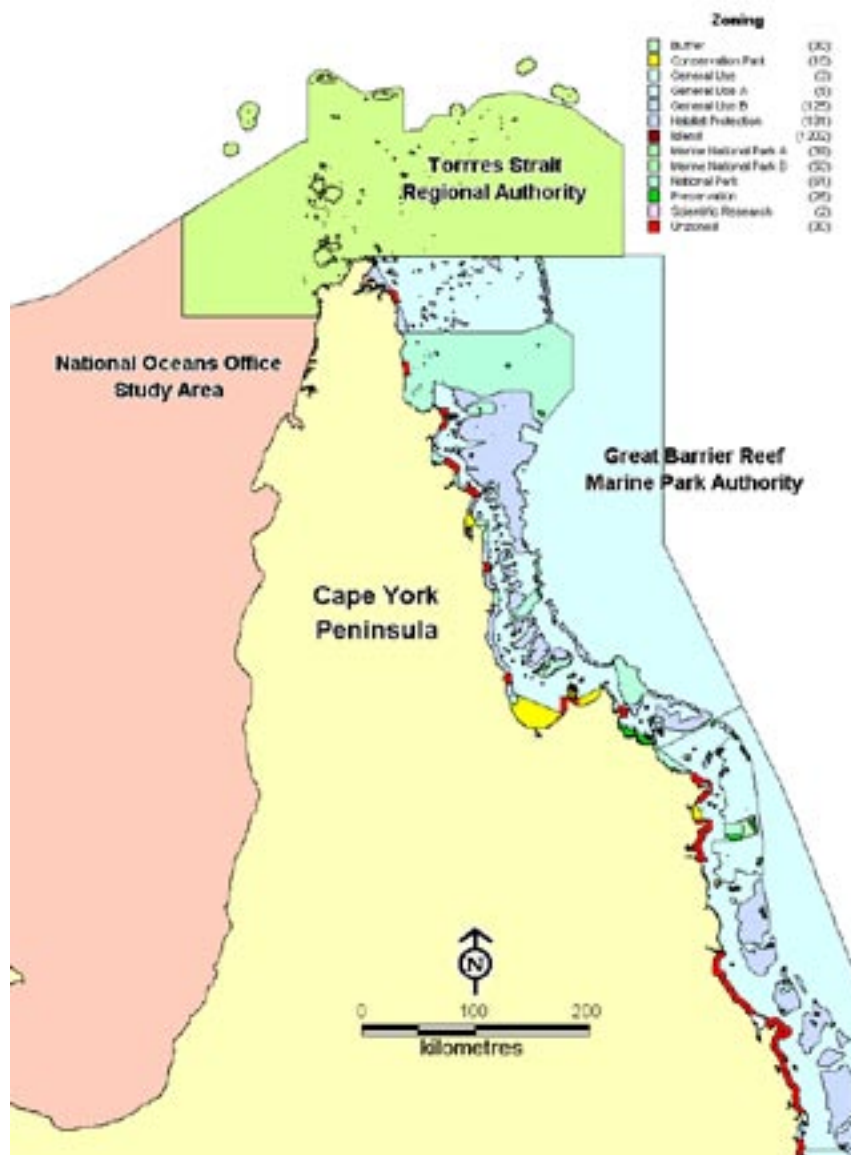
Increasingly, with the impact of high mortality rates, the various options for fusing highly localised small-scale kin groups into wider landowning groups are employed in order to ensure the survival of regional cultures, and in particular, language and linguistic information, such as site names, mythologies and sacred meanings. Many land claims have succeeded for such wider groupings who may identify as a Dreaming or language based group. Such wider group identifiers were always actively used in Indigenous societies, and any individual was able to claim simultaneous membership of groups constructed on principles related to clan structures, affiliations to river catchment or other large scale physical features of a region, language affiliation, ritual groups and so on. In the semi-arid regions with low

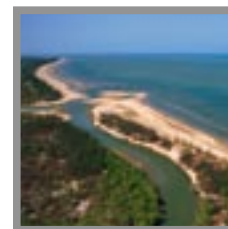
population densities and sparse resources, such high-level structures of landowning, such as language-wide groups, with authority over vast territories are the norm. In the well watered regions, where higher population densities have remained the case, lower level structures, such as clans, are more common, although as is more often the case now, replaced by language identification because of population loss through government removals, high mortality rates, imprisonment and dispossession.

Conservation projects and goals are subject to customary land politics, along with all other matters that come within the ambit of Indigenous laws for governance of land. This can be complex and require a long term commitment. The genuine consent and involvement of landowners is essential given the highly local small-scale and personality and kinship-based features of customary tenure.

Map 1 – Land and sea areas covered by this study

It should be noted that it is not the role of this document to determine the precise limits of rights, limits of sea boundaries or traditional land estates but to indicate the range of interests and concerns of Cape York traditional sea and land owners, in the NRMP area.





Knowledge Base

“All this white-man law. like tangle up barb-wire”

Gordon Pablo, Wuthathi Elder, Shelburne Bay, Cape York

Australia is up to 150 years behind some other countries in recognising native title. (Langton *et al* 1999: 34). Recognition of Aboriginal people has generally been contingent on legally recognised rights. This distinction is important in recognising what actually happens during consultation as opposed to the resultant government policy and legislation. Officers may be sympathetic while the law might be quite different and ministers can only respond to the law, not the ethical issues. Accepted Australian law is complex: the general public, some sectors of government and many Traditional Owners are unclear about what the legislation means in real terms. Having to rely on other peoples’ understanding of Australian law and the lack of recognition of Aboriginal law has left Aboriginal people in a very poor negotiating position over management and management rights. The fact that Queensland land and sea laws differ adds further to the problem of understanding the roles and responsibilities of departments and how they might interact in one particular sea country or geographic area and its resources owned by a particular Aboriginal group. There has been little moral argument forthcoming from senior levels of government as opposed to officer-level interaction.

Importantly this study has not sought or proffered traditional knowledge because we are persuaded by Traditional Owners that the processes and structures to keep it safe from exploitation do not yet exist. The management process must devolve all the way down to Traditional Owner level before it would be appropriate to expose such knowledge. Similarly, cultural site mapping is a sensitive issue. Aboriginal people are generally not in favour of their sites being mapped by authorities and archived in government data bases nor having them advertised in public documents. We have made suggestions on ways these problems might be overcome in relation to planning.

In this context, it is important to re-emphasise that practical outcomes are going to have to be based on respect rather than the letter of the law.

It is essential to remember that, for Indigenous peoples, native title exists whether it is recognised by the common law or not. The common law recognition does not alter the form of that title, it only alters the enforceability in Australian courts. Indeed, it is as a result of the continued observance of our laws and customs, independently of the acceptance of common law recognition by Australian courts, that native title continues today. It is those laws and customs of Indigenous peoples that have continued to exist, and their meaning to us, that should be recognised by the common law not a remodelling of that meaning by lawyers so that it can be neatly compared with interests they are familiar with or be understood in accordance with their own world views. Astoundingly, it appears to be assumed too eagerly by some that native title is allowed to exist “only because it is recognised in the common law”. This misconception is then used to legitimise the manipulation of Aboriginal concepts of land ownership to conform to western concepts

(Michael Dodson 1995)

Where is the sea?

In the world of Robinson Crusoe property rights play no role. Property rights are an instrument of society and derive their significance from the fact that they help a man form those expectations which he can reasonably hold in his dealings with others. These expectations find expression in the laws, customs, and mores of a society. An owner of property possesses consent of fellow men to allow him to act in particular ways. An owner expects the community to prevent others from interfering with his actions, provided that these actions are not prohibited in the specification of his rights. (Rigbsy quoting Demsetz: 1967:346)

While mainstream Australia generally accepts that Aboriginal people have connections to land, the public perception of that extension to water is less clear and aggravated by a European belief that the sea and its contents belong to everyone. Coastal and indeed inland Aboriginal peoples have very strong associations with rivers, estuaries and the sea and in the case of the west coast of Cape York associations with the sea appear to move further offshore as one moves further north, where at the top of Torres Strait and east Arnhem Land Indigenous interests merge with those of Papua New Guinea and West Papua (or Irian Jaya).



In relation to saltwater interests on Cape York, Cordell welcomes “the appearance of ‘sea,’ alongside land” in the terms of reference of the Cape York Peninsula Land Use Study as it pertains to Indigenous management.

Saltwater is very important to coastal Aboriginal people and is highly underrated in terms of funding priorities at all political levels. It has been afforded some attention since the Croker Island decision. The issues are immense, ranging from the Great Barrier Reef Marine Park Authority (GBRMPA) on the east coast, TSRA boundary issues in the north, Gulf issues in the west with multiple layers of jurisdiction in all areas.

Issues in the Sea - Negotiating over Sea Country

- Shipping traffic
- Potential marine accidents
- Mining
- Several types of aquaculture
- Recreational fishing
- Charter fishing
- Subsistence fishing
- Commercial fishing (several different types)
- Indigenous commercial opportunities
- Indigenous fishing and hunting
- Bycatch issues
- Land based tourism
- Coastal management
- Dune protection
- Access
- Cultural site management
- Weeds and feral animals
- Wetlands
- Catchment effects of fire
- Cattle grazing
- Tree clearing
- Cropping
- Erosion
- Water quality
- Enforcement

Native Title and Sea Country

It should be noted that the sea has featured as a very poor second in relation to Native Title claims progressed and management arrangements resolved. Saltwater food sources are extremely important to Aboriginal peoples on both coasts of Cape York and particularly in the Torres Strait (Johannes and MacFarlane 1991). Indigenous peoples witnessed the first native title case in 1992 – a case dealing with land rather than the sea even though the claim centred on an island. (*Mabo and others v.*

Queensland [no 2] 1992 175 CLR 1). We have seen the establishment of land councils as opposed to land and sea councils. The Indigenous Land Corporation (ILC) was set up with the objective of buying land back and supporting the management of purchased lands. Clearly the need to address land issues has resulted in the employment of specialist land expertise, land lawyers and so on.

As has been identified by Petersen and Rigsby (1998), property rights in the sea represent a significant “blind spot” in the consideration of Indigenous rights generally and that the consideration of customary marine tenure has only recently become a subject of interest as late as the 1980s.

Petersen and Rigsby note also what they describe as a “highly significant reference to ownership of seas in the Torres Strait, although it is consigned to a footnote. Anthony Wilkins noted:

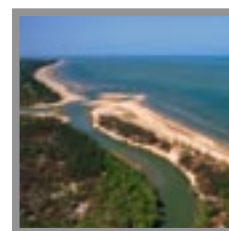
I think there is what may be termed a spatial projection of the idea of proprietorship. As foreshore rights of landed property extend not only over adjacent reef but to the water over it [emphasis added by Petersen and Rigsby] – as in the case of fish caught within the area- so the inhabitants of certain areas appear to have a pre-emptial right to certain distant fishing stations which lie off their part of the coast (1908: 167 fn1).

This appears to be widely true of Aboriginal marine tenure systems.”

The challenge

In this context, we do not want to use our involvement in this NRMP process to necessarily expound the virtues of western science and management, nor to persuade or guide Traditional Owners into a western construct or government-preferred management solution.

We believe that there are solutions but they must be negotiated not imposed. Whilst many mainstream science initiatives do have merit, our role is to assist in maintaining the aspects of ‘country’ as described earlier and to create entry points in the dominant structures (the existing governmental structures) and process drivers (eg bioregional modelling, ecosystem-based research) for very long established Indigenous values and understandings, at scales relevant to Traditional Owners



It is worth remembering that Indigenous people were granted citizenship of Australia as recently as 1967, Old Mapoon on Cape York was razed and its residents removed to New Mapoon in 1963, The Native Title Act was passed in 1993 and the Croker Island Case (finding limited non-exclusive sea rights and no commercial rights) was finalised only in 2002. The Native Title Act has been the main inducement for Australia to attend to its legal obligations in relation to land and sea. There are structures geared for land claims. The same cannot be said for the sea.

The status or hierarchy of certain groupings and the position of boundaries are extremely complex and are best left to Traditional Owners themselves to debate in the context of particular issues requiring resolution at the time.

ABORIGINAL CAPE YORK - REGIONAL DIRECTIONS

Cape York has a sophisticated and integrated vision emerging for Indigenous peoples and generated by Indigenous people. This plan conforms with the ATSIC regional plan, and establishes roles for Cape York Land Council, Apunipima Cape York Health Council, Cape York Partnerships, Cape York Institute and Balkanu with the potential of bringing other expertise and capacity to bear. Cultural groups include (see map below):¹

- Kaurareg
- Angkamuthi
- Warrangu
- Tjungundji
- Teapadhigi
- Yupungathi
- Thanakithi
- Peppan
- Anathangayth
- Alngith
- Wathayn
- Wik
- Wik Way
- Thaayore
- Yir Yiront
- Yir Thangedl
- Kokobera
- Olkola
- Kunjen
- Koko Berrin

Map 2 – Approximate distributions of groups on Cape York.

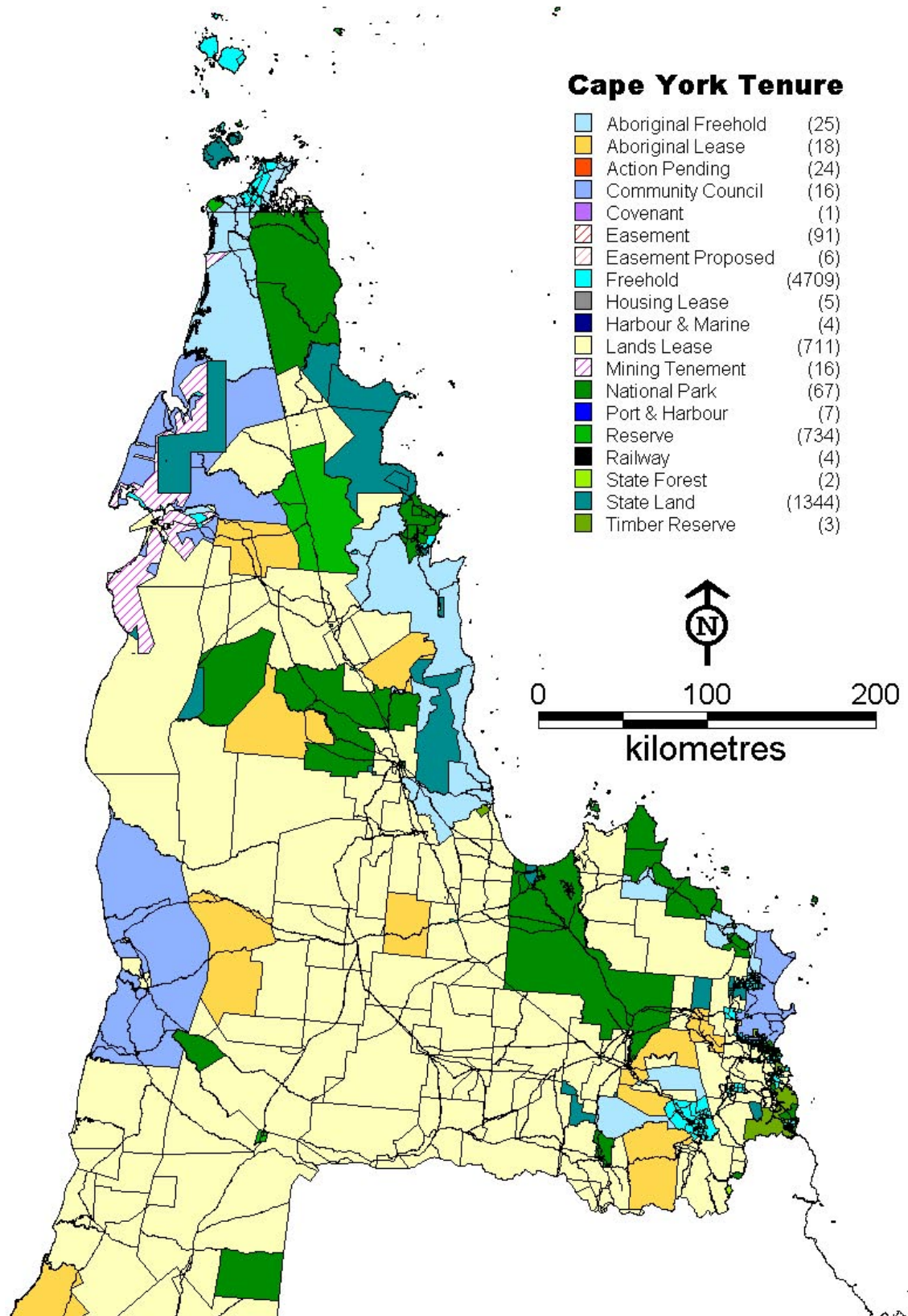


¹ This document sought to provide a vehicle for the following groups of Aboriginal people to express their views in the best way possible and this list may not be agreeable to all.

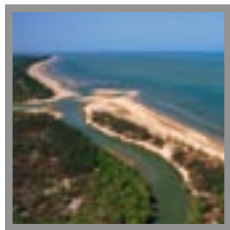


Map 3 - Cape York tenure

The vast proportion of the study area falls either into direct forms of Aboriginal tenure or areas in which Aboriginal people have substantial coexisting rights, such as on pastoral leases. The Aboriginal voice on matters outside of cattle per se may have an important bearing on property planning and therefore conservation and catchment use.



CHAPTER 1: ABORIGINAL CAPE YORK - WHERE ARE WE?



INSTITUTIONAL ARRANGEMENTS AND POLICY FRAMEWORKS.

Process Issues

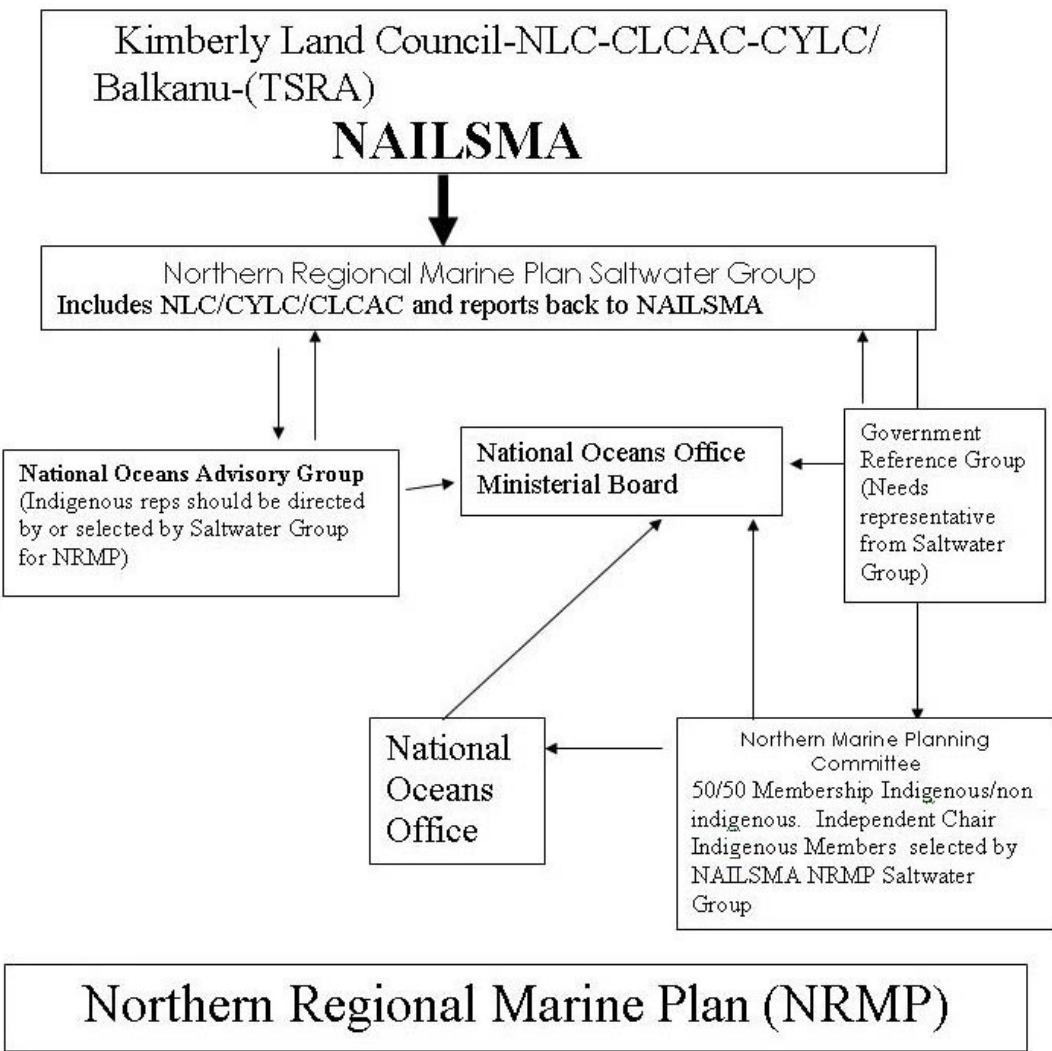
We do not recognise any Indigenous representatives on the three Department of Environment and Heritage (DEH) working groups. Efforts must be made to bridge these gaps and not only provide for Indigenous representation on existing committees but more importantly to develop Indigenous majority forums where people are comfortable to speak, and at which governments attend as guests, rather than hosts.

It is our view that the intent of the National Oceans Office processes can only benefit from the incorporation of Indigenous world views, processes and recommendations. The Indigenous view is by nature precautionary, conservative and has an important spiritual component which is perhaps more evident in the Indigenous realm and generates a strong land and sea 'caring for country' ethic. This is not to say that

non-Indigenous people are devoid of such sentiments but there is certainly room for further consideration of the relationship between human "connectedness" and resources when considering sustainability.

Early in the Northern regional marine planning process, the Cape York Land Council (CYLC), Balkanu, the Carpentaria Land Council Aboriginal Corporation (CLCAC) and the Northern Land Council (NLC) made the following suggestions in relation to institutional arrangements. These arrangements have not been accepted but warrant more discussion and might change if more local and immediate problems are addressed before the end of the planning process as has been recommended in this report. We are of the view that Indigenous people are the majority interest in the NMPA and institutional arrangements should reflect that.

Figure 1: Proposed institutional arrangements for NRMP





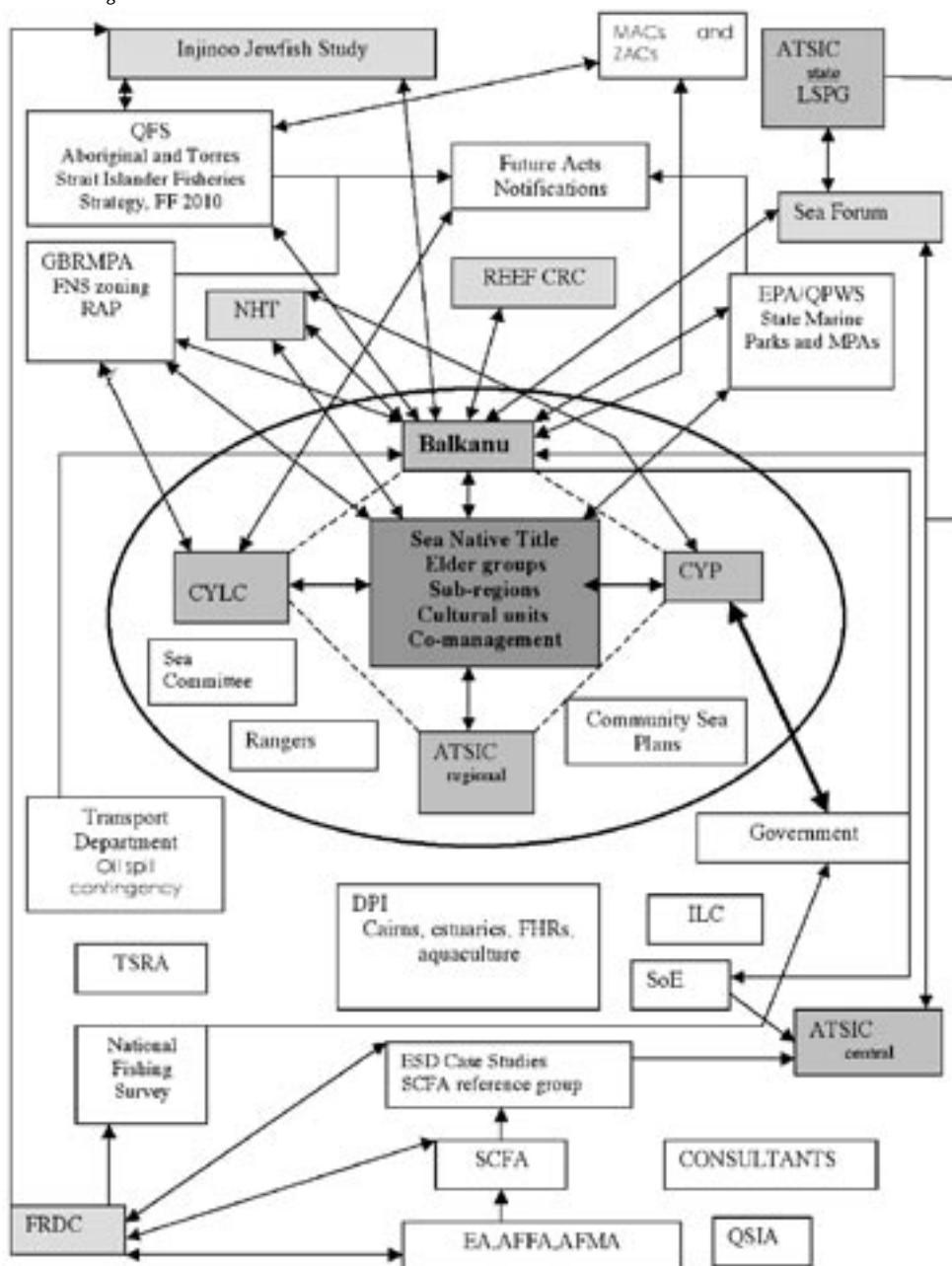
The chart below was prepared in 2001, nonetheless it provides an insight into process integration required by Balkanu and Cape York Land Council. The chart does not yet incorporate new ATSIC structures, Department of Aboriginal and Torres Strait Islander policy (DATSIP), National Oceans Office, NAILSMA and a number of other processes and organisations. Clearly there are a number of linkages that have to be made to organise regionally and provide for the embedding of large scale management plans such as the National Oceans Office NRMP.

Importantly the Traditional Owners at the centre need to understand its implications. This is no easy task with very limited regional staffing and in the interests of getting on with the job, most Traditional Owners would like to do some practical management and pick up the institutional linkages along the way.

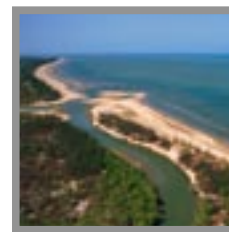
We are not aware of a single Indigenous representative in the entire nation that is exclusively devoted to working on sea issues.

As we have suggested on a number of occasions, we believe that it is important that Aboriginal people have the opportunity to speak with each other in private. This may then lead to the establishment of negotiation tables that could be “plugged in” to the eventual institutional arrangements configuration.

Figure 2: Process integration



CHAPTER 1: INSTITUTIONAL ARRANGEMENTS AND POLICY FRAMEWORKS



ECONOMY

There is a broad spectrum of economic aspirations both in type and intensity on the west coast of Cape York. It is clear that Aboriginal people are well and truly over hosting the exploitation of their land and sea, and surrounding land and sea which may affect their own country, by impacting on brood stocks, food chains etc. Off-shore gillnet, fish trawl and prawning industries are of particular relevance. There are potential impacts from shipping incidents particularly during periods of northerly and westerly weather; in fact any kind of spills in the Gulf are likely to impact on one or more of the three coasts in the planning region because of the gyre currents. In the event of petroleum exploration and industry development there may well be risks attached in these partially enclosed waters.

In general Aboriginal peoples have gained little or nothing from the commercial use of the Gulf and there is little reason for them to support developments which pose threats whether real or perceived (here alluding to the apparent improvement in Barramundi stocks in the Gulf signalled by Queensland Fisheries Service (QFS), where those unacquainted with recent trends might suspect otherwise, namely that Barramundi stocks are not improving). There is in some industries a sorry history of exploitation of Aboriginal labour in the region, the Beche de Mer industry, for example.

Cape York Aboriginal people have, through circumstances beyond their control, been economically marginalised. This has contributed to serious secondary effects including health and social challenges which form core targets for our indigenous partner organisations.

Responses to these challenges and signalling a significant shift in consciousness relating to Aboriginal participation in the 'real economy' were precipitated by Cape York Aboriginal leaders, in particular by the thoughts of Noel Pearson in his book "Our Right to Take Responsibility" (Pearson, 2000). The central aim is to shift from a welfare economy to a real economy supported by skills development and associated social initiatives such as alcohol management programs. The concept proved central in the development of Cape York Partnerships, a partnership with the Queensland Government. (see www.capeyorkpartnerships.com.au). The ensuing Cape York Justice Study in turn made recommendations on substance abuse and other matters.

The challenge is providing for sustainable real economies within cultural and environmental land-and-sea scapes that are valued locally and by broader Australia.

Commercial Industries

Many commercial aspirations in the planning region are similar in each Land Council area, as might be expected, with foci on practicality, low (or appropriate) technology solutions and labour intensive type developments which in some cases are not geared specifically or purely to achieve a high economic return. There are balances to be reached with other non-economic aspirations. There is further need to integrate potential economic alternatives in a way that protects culture and the environment. In a coastal area rich in cultural sites but also desperate to generate income, this poses challenges. It is important that good information is available to Traditional Owners and that development is well considered. Many of the communities have ideas but are wary of revealing them for fear of having them seized by opportunists who may have the wherewithal to capitalise on them before Traditional Owners can. During our research we sought and were provided with project lists which are being progressed by Cape York Partnerships, Balkanu Business Hubs and others. There was concern that some were commercial-in-confidence and therefore details are not provided here. This means that these potentials need to be discussed at the local level in order to resolve planning issues and possible conflicts between prospective development areas and areas of non-extractive or conservation use.



Tourism

Tourism, without doubt, shows a very good potential for most communities and a Cape York Tourism Heads of Agreement has been developed and is still evolving. Tourism has been a subject of debate at the regional, state and national scales with the Cape York Peninsula Development Association (CYPDA) active in that arena. Traditional Owners do however want to be sure about who owns the strategy applying to their country.

It is likely that all west coast communities could be 'fully booked' as far as hosting recreational fishing is concerned. What is required is site assessment by Traditional Owners, booking systems and control of areas which are currently overrun by visitors who are unaware of protocols, sensitive areas or management aspirations for saltwater country in each subregion.

Areas like Kowanyama have a long history of providing fishing camps for recreational fishers and are usually booked out each holiday season when the roads are open, (May-November). However, where tourism is new or Traditional Owners wish to sell new products, an Indigenous tourism network might prove useful.

Commercial Fishing

Most west coast communities also have an interest in commercial fishing. The challenge is fitting these desires into the existing permitting structures, negotiating fair allocations, skills development and accommodating cultural views of saltwater country and how those interface with regional Indigenous fishery concepts such as the Cape York Fishing Company developed under the auspices of the Cape York Partnerships program and Balkanu Business Hubs. There is still negotiation to occur on this potential but the intent is clearly there with funds available for licence purchasing. The existing industry should be aware of it and the government should be clear about its motivations. The Cape York Fishing Company is focused on reducing welfare dependence whilst recognising pressures on fisheries brought about by the cumulative take of all sectors operating in the region.

We believe that establishment of equity is going to have to involve a buy-out of existing non-indigenous fishing effort and its replacement with Indigenous fishing effort. The government must be prepared for this and the potential for ATSIC or its successor to contribute investigated. The social consequences are potentially significant as economic benefits accrue to local Aboriginal people.

Importantly, we would strongly suggest that governments do not take it upon themselves solely to develop the strategy to establish balance. It is absolutely essential to bring the people involved on the ground along with the process. Before any such matters are negotiated with parties, Indigenous leaders need to talk and they in turn need to talk with Traditional Owner groups. There is a very real possibility of inappropriate processes simply alienating parties such as commercial and recreational users rather than engaging them. People need to be ready to discuss these issues, not forced to talk for the sake of a planning deadline.

Aquaculture

Whilst there appear to be opportunities relating to aquaculture we believe that some caution is warranted.

Aquaculture has not got off the ground in a big way on Cape York at this stage although moves are afoot at Commonwealth and regional scales. The National Indigenous Aquaculture strategy was developed by Dr. Chan Lee (2001) and staff have been put in place in Canberra with a view to generating interest in aquaculture in Indigenous areas across Australia. An interim Indigenous Aquaculture working group has been established and is facilitated by the aquaculture unit at Department of Primary Industries (DPI) Northern Fisheries in Cairns.

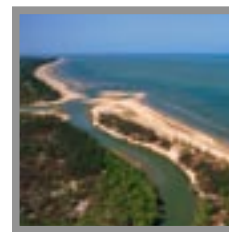
We are strongly of the view that aquaculture species need to be well chosen and that there needs to be consideration of generating negative competition between communities. Where the main source of product is Cape York, or if Cape York could develop an iconic aquaculture species, that might be a different matter.

The ability to compete with existing producers who are closer to the market is an issue in some cases. We have expressed some of our views on aquaculture in a paper presented to a workshop in Cairns in April 2002 (Aken and Roberts 2002).

Stephanie Golden (1995) provides an overview of potential of aquaculture and mariculture developments. This includes a map of areas suitable for pond aquaculture as calculated against soil type, flood events and pH. Opportunities for pond culture need to be assessed in relation to benefits sought and it should be understood that some of these benefits may be solely for local food production, training and involvement in an occupation of some sort.

There are numerous opportunities for cage cultures in a number of estuaries, but a broad view of risks and benefits should be taken, incorporating more than just economic indicators. Why grow barramundi, for example,

CHAPTER 1: ECONOMY



if a well managed river is full of barramundi and there are other barramundi farms much closer to cities and towns which could easily price communities out of the market? If barramundi are for community food, it might be better investing in the maintenance of local stocks. The public image of Cape York as natural wilderness might however provide some market advantage.

DPI Cairns is currently undertaking an aquaculture scoping study due for completion in 2004 which should further inform these matters.

Traditional Owners have seen significant problems occurring in waters and lands from being encouraged to 'try some development'. Weeds and feral animals, aerial seeding of exotic grasses into wet lands for cattle and similar influences have caused problems. In general our recommendation would be to grow products that are endemic and to start on a small scale. The latter would conflict with some types of aquaculture that require a critical mass to be economical and that in turn brings possible problems for areas rich in cultural sites. There will, however, be viable options.

Subsistence economy

The importance of the subsistence economy cannot be underestimated. There is a clear need to realistically consider exclusive use areas around outstations and recognised community-use areas. This potential has been caught up in the Native Title debate where only non-exclusive and non-commercial indigenous use has been recognised. However, opportunities exist for agreements to be made between users.

We have referred to government and societal responses to Aboriginal aspirations, rights and interests as being contingent on case law. This path is not likely to produce the results sought by Aboriginal people in the short to medium term. Aboriginal people want the ability to get food in a non-competitive setting in an area where they are the undisputed majority and really need food. Their competition is there either for recreation or profit. This, in our view, is totally unjust and agreements must be entered into in the true spirit of reconciliation.

Note. It is worth considering the utility of the Indigenous Subsistence Survey Kit or parts of it, in obtaining information on the use of marine resources. (This kit has been provided to the National Oceans Office). However we should bear in mind Traditional Owners' likely scepticism of unfamiliar people fossicking for such information, namely where the best fishing areas are, how much is caught at each and when. The success of the survey kit methodology is contingent on support and training in its use and also that information emanating from it is held and negotiated by the community concerned. It is intended to be a subregional and Indigenous regional organisational tool, not a government tool.

COMMUNITY

Introduction

Aboriginal people are by most measures a disadvantaged group in Australia. The mortality rates at comparatively young ages are particularly telling. Refer to Part B of the Living on Saltwater Literature Review for community histories. Relationships between people at the local scale are extremely complex and Traditional Owners themselves are best placed to advise on who should speak on issues and areas.

With the exclusion of Weipa, the vast majority of the population on the west coast is made up of Indigenous people and we provide more detailed information on demographics and social interactions in the accompanying document entitled Living on Saltwater Country: A Review of Indigenous use, management, needs and issues available from the National Oceans Office along with some tenure history. The subregions have also provided their own accounts of their communities in the subregional reports which may also be available from the National Oceans Office, depending on permissions. These documents should be consulted in conjunction with this report.

A summary of subregional issues as they pertain to the NMPR can be found later in the document.



Comparative basic social indicators for Australia

Table 1(a): Social indicators for western and northern Cape York Peninsula (ABS 2001)

National median age = 35

National indigenous median age = 20

National median weekly
individual income = \$300 - \$399

National weekly indigenous
individual income = \$200 - \$299

National mean household size = 2.6 persons

National mean indigenous
household size = 3.4 persons

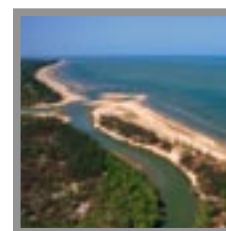
National median weekly
household income = \$700 - \$799

National indigenous median weekly
household income = \$600 - \$699

National Year 12% = 38%

National indigenous year 12% = 17%

National CDEP % = n/a

**Table 1(b):** *Social indicators for southern Gulf Lowlands* (ABS 2001)

COMMUNITY	Total population	Indigenous population	Indigenous median age	Indigenous median weekly individual income	Indigenous mean household size	Indigenous median weekly household income	Year 12 (%)	CDEP (%)
Kowanyama	890	820	26	\$160 - \$199	5.4	\$600 - \$699	13%	71%
Pormpuraaw	649	575	28	\$200 - \$299	4.6	\$800 - \$999	3%	88%

Table 1(c): *Social indicators for northern Gulf Lowlands* (ABS 2001)

COMMUNITY	Total population	Indigenous population	Indigenous median age	Indigenous median weekly individual income	Indigenous mean household size	Indigenous median weekly household income	Year 12 (%)	CDEP (%)
Aurukun	1047	945	24	\$120 - \$159	6.0	\$600 - \$699	6%	91%

Table 1(d): *Social indicators for Weipa/ Napranum region* (ABS 2001)

COMMUNITY	Total population	Indigenous population	Indigenous median age	Indigenous median weekly individual income	Indigenous mean household size	Indigenous median weekly household income	Year 12 (%)	CDEP (%)
Weipa	2487	299	31	\$700 - \$799	2.8	\$1200 - \$1499	24%	n/a
Napranum	727	676	23	\$160 - \$199	4.1	\$400 - \$499	8%	82%

Table 1(e): *Social indicators for Thursday Island and the Northern Peninsula Area* (ABS 2001)

COMMUNITY	Total population	Indigenous population	Indigenous median age	Indigenous median weekly individual income	Indigenous mean household size	Indigenous median weekly household income	Year 12 (%)	CDEP (%)
Mapoon	215	189	26	\$160 - \$199	6.1	\$500 - \$599	12%	n/a
New Mapoon	327	305	16	\$160 - \$199	5.1	\$500 - \$599	21%	73%
Injinoo	385	376	18	\$160 - \$199	5.0	\$600 - \$699	18%	48%
Umagico	254	237	20	\$160 - \$199	4.2	\$500 - \$599	21%	87%
Bamaga	774	638	19	\$200 - \$299	4.2	\$800 - \$999	33%	37%
Thursday Island	1049	809	18	\$400 - \$499	4.9	\$800 - \$999	25%	0

Table 1(f): *Basic social indicators for western Cape York Peninsula* (ABS 2001)

COMMUNITY	Total population	Indigenous population	Indigenous median age	Indigenous median weekly individual income	Indigenous mean household size	Indigenous median weekly household income	Year 12 (%)	CDEP (%)
Kowanyama	890	820	26	\$160 - \$199	5.4	\$600 - \$699	13%	71%
Pormpuraaw	649	575	28	\$200 - \$299	4.6	\$800 - \$999	3%	88%
Aurukun	1047	945	24	\$120 - \$159	6.0	\$600 - \$699	6%	91%
Weipa	2487	299	31	\$700 - \$799	2.8	\$1200 - \$1499	24%	n/a
Napranum	727	676	23	\$160 - \$199	4.1	\$400 - \$499	8%	82%
Mapoon	215	189	26	\$160 - \$199	6.1	\$500 - \$599	12%	n/a
New Mapoon	327	305	16	\$160 - \$199	5.1	\$500 - \$599	21%	73%
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Bamaga	774	638	19	\$200 - \$299	4.2	\$800 - \$999	33%	37%
Thursday Island	1049	809	18	\$400 - \$499	4.9	\$800 - \$999	25%	0

n/a = not available

* it is likely that the figures for Weipa include indigenous and non-indigenous individual income

Clearly being able to do anything much beyond surviving under current circumstances is difficult and it is for this reason that communities are keen to offer fee for service to agencies that have management responsibilities in these remote regions. However skills transfer is required in some cases where the ability

to apply Australian Law correctly is necessary. This necessity is disputed by many Traditional Owners. There are, however, opportunities to enlist Aboriginal observation and reporting powers before this point of full official endorsement is reached.



REGIONAL ISSUES

Introduction

This chapter provides an outline of the scope of different issues that we have been informed by Traditional Owners in the region comprise their main concerns about the National Oceans Office process - and on the community in terms of Land and Sea Country management.

It is divided into three sections - broad reflections on National Oceans Office which are summarised below and further detailed in Appendix One which is our analysis of the presentation by the National Oceans Office in 2002 to the three Land Councils in Cairns.

Secondly we present the scope of issues from a whole of Cape York regional perspective. This includes a broad discussion on issues such as conservation, ecosystem based management and transport.

The chapter concludes with the presentation of issues on a case by case basis of the communities in the NMP area.

Reflections on the National Oceans Office planning process

Drawing on a literature review of National Oceans Office documents which includes their website, the Ocean Policy and the presentation to the three Land Councils in 2002 on the concept of the Northern Marine Plan; we would like to make some comments.

Our comments are centred on the mechanisms, philosophies and policies relating to getting the Aboriginal message across within the frameworks developed to achieve such aims and goals. How many Aboriginal people are in the scientific, advisory and political machinery of these processes? What are the hierarchies? Which Aboriginal people should be involved? How are they appointed?

There is a need for properly resourced Indigenous representative structures dealing with saltwater issues at several levels. This again became very clear at the Waibene (Thursday Island) Maritime Summit 2001. It is unreasonable to expect the totality of representation of Aboriginal interests to be by way of a single representative, greatly outnumbered by non-indigenous interests, in a foreign meeting environment. Authorities seem baffled by the reluctance of Traditional Owners to sit on some committees. Such reluctance evaporates at Aboriginal meetings. Any sincere effort to get Aboriginal

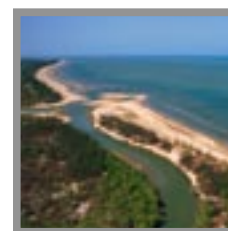
participation will require contemplation of Aboriginal only meetings, something that has never been a government priority and consequently not budgeted for.

The intentions of the National Oceans Office are good insofar as the data will be used to develop a management plan but it is terribly fraught for Aboriginal people who may not yet have:

1. Enough information and/or information services themselves to compete on an equitable basis with other parties;
2. Solid local processes as they relate to regional matters. Traditional Owners can deal very well with their own local issues;
3. Clear governance structures as they relate to representation on government committees;
4. The facilities and personnel to interpret and create secure data sets that the current planning processes might find useful;
5. A full understanding of the legal context in which consultations are occurring;
6. An understanding of the intent of the planning process from a government perspective; and
7. An understanding of the implications of providing certain information at this particular time.
(Information that might prove to be Native Title evidence in the future or information that might provide advantages for commercial operators.)

Fishing strategies

In the northern parts of Cape York there is an increase in the number and size of local community boats which allows access to marine resources further offshore in more safety and in less time. The increase in fishing effort is 'profitable' in one sense insofar as access to relatively rich resources is concerned but a further complication relates to the diversion of income to pay for these boats. If money is short to repay loans for boats then the natural tendency will be to use one's new found ability to catch food to do so rather than going to the local store to buy food where it is much more expensive. Some of the boats cost in excess of \$20,000 so it is in the interests of boat owners to try and make them 'pay'. Moving in this direction throws a different light on resource management and some caution is required so that it is not the resource or environment that is actually paying to maintain infrastructure that might not actually be necessary if people did not have to go far to get it. Hence the possibility of protecting Aboriginal food resources by exclusion of competition and therefore negating the need for bigger and better boats is raised.



There is a need for people to prepare themselves for the end result of such a scenario (the use of natural capital to support the boats to catch it) unless ways can be found to manage the situation, including possible food subsidies. Simply providing subsidies however is not straight forward because of the social and cultural aspects of food getting. For example, it may be physically and politically possible to offset the take of marine products with a load of beef but that might not be acceptable to saltwater people who have a taste for, and culture based around, certain marine species. Apart from that some species are believed to be nutritionally necessary. Catching fish in a breeding or pre-breeding state (when they are fat) is a common desire. Sometimes certain fish are reserved for certain people and fish size can influence the ease with which old people can eat them. Small fish are often considered sweeter and of better nutritional value.

Aboriginal people are seeking the opportunity and mechanisms to get their collective position clear and agreed to by Traditional Owners at various scales (individual, family, clan, group, subregion and region) before being pushed into multi-stakeholder meetings with totally different terms of reference, motivations and world views to Indigenous peoples.

There is some concern in Kaurareg and Injinoo country about the condition of bait fish stocks that used to swarm around the wharves at Horn Island and Seisia. There has also been an Indigenous fishing survey in Injinoo which indicates a very high participation rate and dependence on fishing for food.

It would be remiss of us not to mention some disappointments having been involved in the Aboriginal and Torres Strait Islander Fisheries Strategy. It required a good deal of persuasion by Cape York Land Council to eventually get at least the Queensland part of this strategy on the Queensland Fisheries Management Authority (QFMA) table in Jan 1999 (Smyth 1999). It remains unimplemented. We have heard two reasons for this. The first is that the current State fisheries organisation, the Queensland Fisheries Service (QFS), is not bound by initiatives promoted by its predecessor the QFMA, and the second is that any outstanding Fishing Strategy issues have been captured in arrangements relating to the development of a Cape York Fishing Company.

The Aboriginal and Torres Strait Islander Fishing Strategy has a chequered history starting with the establishment of the National Indigenous Coastal Reference Group (a 1993 National Coastal Zone Inquiry recommendation) unilaterally disbanded by the Liberal/National government in 1998. We believe that this was

a significant backward step since the Reference Group would have been useful to government precisely under these current circumstances, namely the development and implementation of Oceans Policy and Regional Marine Plans. A major meeting of Indigenous fishers argued for the need for National Indigenous representation at the Maritime Summit on Thursday Island (March 2001). There remains a significant consultation and negotiation gap at this level.

Balkanu was involved in the work up of the Commonwealth 2000 State of Environment report as a member of the expert panel. Unfortunately much of the Indigenous contribution and intent was edited out in the final report. That was a national document and as such there might have been excuse to take a lowest common denominator or *pro rata* approach (as a proportion of the total Australian population) to Indigenous issues. This would not hold for the current study where Indigenous people constitute the majority of “the public” in the NRMP (see Living on Saltwater Country Literature Review Part B).

In spite of the first national attempt at an Aboriginal and Torres Strait Islander Fisheries Strategy there is an indication that another attempt will be made. (DAFF, 2003). We are unsure about how this might differ from the first iteration and what the local connections for the process are intended to be. The Lingiari report on water rights also seems to have been shelved. Cape York was developing a fishing strategy under the auspices of Cape York Peninsula (CYP) 2010. This has been redirected into a working group process for political reasons. In summary there have been numerous attempts to develop fishing strategies but nothing much to show at this time.

Regional issues from a Balkanu/CYLC perspective

A serious attempt should be made to see that arrangements made between State and Commonwealth and each of them with Indigenous people conform across the lands and saltwater countries of Cape York from east to west and north to south. For this reason it is important to be mindful of a ‘whole of Cape York’ dimension as well as a purely ‘west coast’ dimension to negotiations at State and Commonwealth levels. The National Oceans Office and Queensland also have substantial interests on the east coast of Cape York.

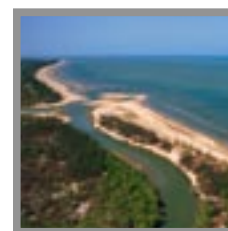
There should also be conformity between the marine jurisdictions (particularly non-Commonwealth jurisdictions) across the Gulf and into the Torres Strait as far as



fisheries are concerned. Strategies relating to marine protected areas on one side of the Cape should inform negotiations on the other side of the Cape - that is, the interaction between the GBRMPA (a statutory Commonwealth authority) and the EPA/Queensland Parks and Wildlife Service developing State marine parks will have parallels with interactions between the Commonwealth jurisdictions and State aspirations for marine parks on the west coast in the context of this National Oceans Office planning process. There is a need to coordinate arrangements between Commonwealth, States and Territory between themselves as well as with Indigenous organisations. The latter is a stated goal of the National Oceans Office. It is the role of whole of Cape York regional organisations to take on these challenges and integrate policy and management and, further, to contribute to strategic policy across northern Australia from Western Australia to Torres Strait. The resources required to do this are significant.

In particular we make the following observations:

- While there is a sound Cape York regional strategy in place, there is a shortage of resources for implementation. The capacity to think about and develop strategic approaches exists but either more staff are required or with current staffing more time is required;
- More opportunities are required to discuss matters at the whole of planning region scale (the three Land Councils) in private;
- There are important matters relating to Traditional Owner oversighting and understanding of documents provided to government on their behalf. This process can be very time consuming and demanding on human resources;
- It is important that Traditional Owners understand the drivers of the process. Some of these are difficult to justify especially in the absence of centralised Oceans legislation and it is also difficult to explain “western” planning jargon and rationale (eg. bioregional planning, ecosystem based management, etc.) There is some difficulty translating the aims of the planning exercise and the legislative framework into which it fits;
- There are no guarantees that the planning process will not be stopped by either the State or the Commonwealth changing political direction. This again makes some Traditional Owners reluctant to sit down and talk yet again with perhaps no benefits forthcoming;
- The fundamental principle that Aboriginal people do not differentiate land from sea is not fully understood by all parties or government legislative processes;
- There is a basic rejection in some quarters that traditional or any other Aboriginal rights extend to water;
- Regional coordination of subregions is required not just on the west coast but across the whole Cape because legal relationships between Commonwealth, State and Aboriginal people remain the same;
- The NTRB needs to be supported in developing consultation and negotiation structures for the whole of Cape York;
- There are many tenure resolution issues involved in the management of an area that covers catchments, coasts and seas as well as negotiation of Aboriginal rights and interests in those areas. Management is not entirely separable from Native Title;
- These processes require significant resourcing. The area is very large and Traditional Owner groups widely spread;
- More attention must be paid by government to existing Aboriginal strategies and internal strategic development rather than governments developing strategy for Aboriginal people;
- Management information from other sectors needs to get to Traditional Owners to allow for internal planning once their local structures are in place;
- Existing Aboriginal structures must be supported. There are sophisticated integrated visions and structures not only for land and sea management *per se* but the compulsory of cultural and social factors related to them. Governments should make the effort to find out about them and the Aboriginal organisations that work on them at the Cape York scale; and
- Further participation in planning processes should entertain the delivery of some practical demonstration of government intent and goodwill. This might be in the form of a practical piece of equipment (perhaps a four wheel drive vehicle, quad motor bike), a guaranteed number of seats on consultation groups or some other outcome that Traditional Owners can see as a material benefit to their management efforts. A large document is not a satisfactory outcome for Traditional Owners.



TRANSPORT AND COMMUNICATION

Cape York is characterised by heavy summer rainfall which isolates many communities. These communities are spread across the region and contact overland is difficult or impossible during the wet season with no sealed roads connecting communities. It is therefore important communities are self sufficient and able to manage saltwater country which is accessible to other users by boat.

Communities rely on marine and air transport in the wet season and marine, air and road transport in the dry season. By way of an example of how the Cape is isolated, the extent of wet season inundation in the Kowanyama region is presented in the Values and Areas section of this document. Airstrips are important for outstations and community hubs. The west coast is serviced by barges but some facilities are primitive and/or in disrepair. Air transport is very expensive and to some extent the development of subregional Land and Sea centres reduces reliance on Cairns-based operations. However there is still a significant need at this point in time for regular Cape York “circuits” to coordinate and support subregional initiatives. Road trips are very hard on vehicles which travel great distances on very bad roads. Broken windscreens, tyres, suspensions and other problems are common.

In an effort to boost communication between communities, Cairns and other centres, Balkanu initiated the development of a digital network which aims to introduce Traditional Owners to new technology and encourage its use. This forms part of a larger Outback Digital Network (ODN), (See www.cydn.com.au). Good communication systems are necessary for several reasons including coordination of emergency services during annual cyclone seasons. Some communities use radio communications locally for contacting rangers and out stations.

Transport and access to markets for the products of economic developments (timber, cattle, aquaculture product, fish etc.), is a major issue for Cape York Traditional Owners.

CONSERVATION

Introduction

Conservation stirs mixed emotions in Aboriginal communities. There have been various manifestations of the so called Green-Black alliance depending on issues and political circumstances at the time.

Whilst Aboriginal people are often seen as environmental defenders and stewards of the land and water, there

are nonetheless pressing needs to develop sustainable economies. Many potential industries are new to Aboriginal people and some caution is required particularly in regard to extractive and landscape modifying economic prospects. There is little reason for Aboriginal people to have any great confidence in land and sea management based on the past record of agencies, industry and government policy which appears to focus on historical industries operating in broader Australia which have established markets and do not all fit comfortably into the ‘caring for country’ ethic. We need only consider the state of some resources and the need to back pedal on latent fishing effort and tourism permitting for example.

In the context of the National Oceans Office process, it seems clear that Queensland is taking advantage of the opportunity to work towards their wish to see boundary-to-boundary State marine parks put in place. We must point out that considerable negotiation is likely to be necessary for Traditional Owners to entertain the idea and a public declaration of such an intent should be well considered by the Ministers concerned.

This is for a number of reasons:

1. Traditional Owners have been left in weak management positions in the past and will be on guard;
2. The rationale for these parks needs to be explained to people so that negotiable middle ground is created; and
3. The rights retained after gazettal will need to be spelled out sooner rather than later.

On a more positive note for government, Traditional Owners certainly have conservation interests and that should be clearly recognised. The essential elements for success will be negotiating the geographic areas of common conservation interest.

A successful management regime will be contingent on consideration of both cultural and natural criteria and we are left to the conclusion that Aboriginal people are not ‘safe’ enough to contribute all they know without considerable risk. For this reason we would recommend that management be negotiated in a way that does not require Traditional Owners to divulge information to third parties. This should be achievable at the local scale with Traditional Owners in confidence.



Bycatch

Aboriginal people use just about everything that they catch and are by extension very concerned about what is going on both within the inshore region, in rivers and lagoons and over the horizon in the sea. The GulfMAC has produced a bycatch paper to which the CYLC contributed. Although dealt with very briefly here, this is a very major concern of Aboriginal people and is mentioned by the majority of people spoken with.

Ecosystem-based Management

In recent years there has been a great deal of discussion of management at the ecosystem scale. This is an honourable ambition but we do not yet have the 'institutional arrangements' to deal with those things at the community level. That is, much of the research relating to ecosystems-based management is in-house at academic institutions and in agencies without the benefit of Indigenous knowledge of interacting species and Indigenous use of those species. Obtaining the latter would be a major undertaking. There is also perhaps more of a focus currently on the connectivity of food chains and life cycles within the sea itself, rather than the land and the sea.

The Indigenous view of the world considers ecosystems as well as adding a spiritual dimension to the whole. It should also be noted that Indigenous material culture impinges on ecosystem models, for example using the feathers of certain birds in dance and ceremony. Further, some species are used for medicine not consumption and discussions with Traditional Owners suggest that certain species eat what might be seen as unusual things for their own well being. For example dogs and cats eat grass on occasion; some seed eating birds eat shells for calcium. The point being that some species of plants and animals and types of physical habitat might be crucial even if those elements are rare. The 'ecosystem model' for a particular 'saltwater country' as an Indigenous concept might be very complicated indeed.

For Aboriginal people the physical connection to and interaction of people with country is very real and discounting them as an 'ecosystem factor' in a management scenario is fatal especially where they live off the land and sea. On Cape York the orthodox ecosystem is occupied by people that live within them.

Marine Parks

At present there are no State or Commonwealth marine parks on the west coast. However, there are State and Commonwealth fisheries jurisdictions and we have seen that Commonwealth powers under the Environment Protection & Biodiversity Conservation (EPBC) Act are substantial and can be brought to bear on States. On the east coast of Cape York the GBRMPA Act has primacy over State legislation as it relates to State and Commonwealth waters.

It is highly likely that both State and Commonwealth will be seeking marine protected areas within the Northern regional marine planning area. The State has had aspirations in that direction for many years and we have seen the installation of a cross shelf marine protected area in the South-east Regional Marine Plan.

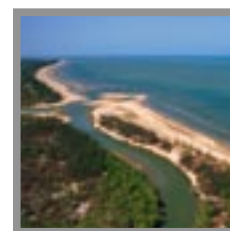
Balkanu is seeking support to develop thinking about saltwater protection and believe if done properly, mutually beneficial outcomes are possible. Again we request time to provide information to Traditional Owners, time for them to assess the pros and cons and encourage government not to be tempted to take the lead on these matters.

Fisheries Habitat Reserves

Fisheries Habitat Reserves are one of the very few tools employed in conservation on the west coast. In the early stages of Cape York Natural Heritage Trust (CYNHT), the Department of Primary Industries (DPI) that has responsibility for Fisheries Habitat Reserves (FHR), successfully applied for significant funds to negotiate what they thought were the best three FHRs identified during the Cape York Peninsula Land Use Study (CYPLUS) process. One of these was in the Aurukun region. The justification for FHR's in remote areas under Aboriginal control is questionable. One of the questions being "what is the threat?", another "why cede legislative control to the State in areas that are owned by Aboriginal people?"

The lesson to be learned here is that agencies are sometimes uncoordinated and too focussed on the implementation of measures under their own particular legislation and do not yet understand the strategic thinking required for broad outcomes at ground level. Even within the DPI there is a tension between promoting aquaculture, for example, and fish habitat protection. The reason is that fish habitat areas can prevent certain types of structures that might be required for developing economies and for Traditional Owners there is a danger that options for use might be removed before they are even known. Fish Habitat Reserves do not protect fish *per se* because

CHAPTER 1: CONSERVATION



commercial and recreational fishing are allowed and many Traditional Owners want outside fishing pressure removed rather than just habitat being preserved. Completely different arrangements are required to deal with what Traditional Owners really want and they are to do with allocations, access to fish and protected areas that include protection of fish from other users.

The Indigenous Subsistence Survey Kit was developed in 1998 via a Coastcare grant. It was a three way partnership with the DPI Northern Fisheries Centre (housing an Indigenous project officer at Balkanu's suggestion), the Commonwealth Department of Environment and Heritage and Balkanu. The intention was to create a survey methodology that Indigenous communities could use.

With the assistance of a facilitator this survey methodology appears to work well and might be suited to those communities that have land and sea coordinators in place and who are able to fit the surveys in amongst other priorities.

Inshore and offshore extent of management boundaries

There are reasons to consider how far inland a Northern Regional Marine Plan should extend.

We are of the opinion that these planning area boundaries have four components

- Cultural. There are cultural boundaries, sites, totems and story lines to be accounted for. They might cross catchment boundaries. Cultural rules may preclude some activities and access.
- Environmental. Catchment scale considerations, food chains and the extent of ecosystem, Indigenous food species ranges
- Social. Some Traditional owners are not resident on country for various reasons. Their contributions are, however, required and acknowledged.
- Economic. Trading and social linkages need consideration as do commercial operations outside traditional country (eg Indigenous people with normal commercial permits or authorities).

The above are difficult to separate.

We believe that for a full consideration of the forces at play in the NMPP that we need to deal at least with the areas that are covered with water during a major wet season and the areas of land that drain into that area, which takes the study area to the Great Dividing Range. Where cultural groupings go over the Divide they need to be included also because they will be part of the Traditional Owner group involved

in discussions relating to land use and waters flowing west into the Gulf of Carpentaria. We would anticipate some resistance to this suggestion from government agencies that generally have separate land and water functions and that these functions also vary across Federal and State and Territory levels. It is easy to see the attractiveness of management using cultural units or countries or to draw an analogy, a single department (the Traditional Owners of a particular country) dealing with a cultural or geographic space.

These concerns relate to the cultural landscape as much as they do to the physical landscape. Some coastal estates are narrow and parallel with the coast while others might reach far up rivers with little coastal frontage and no doubt evolved as a result of resource requirements and kinship relationships. Adaptation has occurred that needs to be accommodated in modern management arrangements and also a need for some pliable management options. As one old Aboriginal man eloquently put it, "We must walk forward but put our culture in our suitcase."

We believe that it is counter productive to dwell exclusively on the past (being pedantic about rights and boundaries) to formulate sustainable futures for Cape York. However, Australian Native Title law does present barriers to advancing management that is not the fault of Aboriginal people. We have seen the development of the Cape York sub-regional framework which is a contemporary manifestation of common interest. While these reflect strong Aboriginal commonalities there are other factors at play also.

It is important that Aboriginal economies develop and to that extent Aboriginal people are having to make some important decisions about what type of developments are appropriate and what effect those developments might have on their countries and culture. There are knock-on effects relating to developments in catchments (e.g. erosion and water quality) and if these developments conform with cultural rules.

The suggested approach to be taken is to consider all initiatives or issues occurring in one cultural space rather than one initiative occurring over many cultural spaces. The latter has been the intent of the Cape York Partnerships process. This is where we believe the subregional negotiation table model might be useful.



RESEARCH

To date, research has tended to focus on mainstream issues and priorities within the Aboriginal domain. Aboriginal people and knowledge have also been the subjects of research. Significant shifts in that tendency have been precipitated by CINCRM, the Key Centre For Wildlife, Balkanu's role in the Tropical Savannas Cooperative Research Centre (CRC) and the Reef CRC. As Aboriginal people shake off shackles, new rights have been recognised and Aboriginal values acknowledged. A far-sighted and rigorous debate is being led by Indigenous intellectuals resulting in new research partnerships and directions. (See Langton 1998).

The habits of data harvesting and storage in western academic institutions are changing as regional and local data handling facilities improve. Indigenous people and their organisations are developing partnerships with existing and new research organisations and cooperatives as well as developing their own research centres. This is not only appropriate but provides a negotiating position where previously information was simply taken away. Information also loses value if it is removed from its context. If information is held and analysed by people who belong to it, processes are likely to be seen as more meaningful and results as more durable.

As already mentioned in this document, the importance of recording traditional knowledge and ideas for management solutions cannot be understated and we would recommend a large investment in saltwater ethno-ecological research and research partnerships.

SUBREGIONAL ISSUES

This next section presents the profile of issues for each community/sub region. As will be clear while there are differences across subregions, there are key issues in common such as the need to resource on-ground management, and involve Indigenous peoples in such management programs.

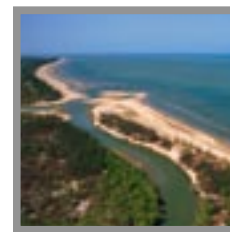
Kaurareg

- TSRA boundary issues
- Fisheries jurisdictions (complicated)
- Fishing licenses
- Aquaculture prospects
- Others fishing in Kaurareg area
- Advance existing plans
- Resourcing of management function (land and sea centre)
- Tourism opportunities

- Tourism options taken up by others
- Revisit strategies already developed
- Commercial fishing (desires to participate and issues with existing fishers)
- Information about CSIRO resource assessments should be provided
- Role in Fisheries Task Force
- No benefits to Traditional Owners for use of their country

Injinoo

- Netting (drag netting)
- Clarity on jurisdiction of Thursday Island Fisheries and Boating patrol required
- Commercial netting in Seven Rivers needs attention, (participation in and existing conflict issues)
- Access (by boat or vehicle) to country cannot be controlled
- Commercial fishing should happen well offshore
- Crab fishery issues, includes participation and issues relating to existing crabbers camp/s
- Tourists cannot be controlled
- No benefits to Traditional Owners for use of their country
- Rubbish on beach and camping areas
- Charter fishing boats using area without permission
- Fear of enforcement officers (seem to be more preoccupied with safety gear and registration than fisheries enforcement)
- Skardon Kaolin mine (environmental effects and mine staff use of country)
- Concerns about non-Traditional Owner take
- Crab Island turtle egg resource requires better management
- Fishing methods used. Which methods are seen as threats?
- Feeding of goppers, sharks and crocodiles by tour operators creates safety problems and in some cases negates catch and release arguments put by recreational and charter sectors.
- Want control of their affairs
- Traditional hunting and fishing in protected and other areas still unresolved
- Unendorsed camping on Injinoo lands
- Want some areas closed to fishing
- Need ranger bases/outstations for large areas under Aboriginal tenure
- Signage required in some places
- Capacity to lodge complaints and have them acted on is limited
- Fishing structures and permits. Local vs regional. Possible clashes.



- Cultural sites need protection
- Areas to which remains have been repatriated especially along coastal fringe
- Growth of resorts and accommodation using traditional lands to entertain guests
- Control structures/strategies required
- Planning generally required starting at Traditional Owner level
- Very bad roads

Old Mapoon

- Boat launching access
- Commercial fishing aspirations exist
- Ability to control access
- Ranger capacity
- Magpie geese. Management wanted by community
- Tourism issues many of which are a consequence of being close to Weipa
- Requires support for land and sea centre
- Want to develop community based tourism
- Traditional Owners wish to contemplate an Indigenous Protected Area

Napranum ²

- Traditional lands used for recreational camps of Weipa population
- Heavy recreational use of Aboriginal lands
- Heavy charter boat use of Weipa area
- Aboriginal use compromised by mining leases in some instances
- Dugong hunting issues. Traditional Owners are concerned
- Marine debris

Aurukun

- More integrated consultation is required. [Too many 'silo' departments in State and Commonwealth]
- Outsiders should consult with Traditional Owners about land and sea access
- Mining companies should consult directly with Traditional Owners
- Rubbish and marine debris
- New roads as a consequence of mining activities. Difficult to control outside access
- Problems with some commercial fishermen
- Not happy with nets in rivers and fishing overnight. By-catch and waste thought to stem from the latter
- No policing of illegal fishing practices
- Current commercial fishing believed to be unsustainable
- Commercial fishing should occur well offshore
- Only line fishing should be allowed in rivers

- Support needed for teaching culture
- Want to investigate sustainable commercial fishing
- Want young people to move to outstations and to develop small business
- Feral pigs are a problem
- Feral pigs could be processed for market
- More patrols of land and sea are necessary
- Cane toads are a problem
- Outsiders are also netting in lagoons and rivers in inside or "timber country"
- Freezer loads are being removed
- Want to stop all netting in these areas
- Rubbish left by campers. Number of nights should be set
- Campers need education about fires.
- Crocodile culling suggested. Too many. Products could be sold
- Training required in various skills. [mine revegetation, erosion control, water quality]
- Weeds issues
- Dugong and turtles
- Land and sea management centre needs more support
- Saltwater plan still in developmental phase
- Tourism aspirations, controlled fishing, camping

Pormpuraaw

- Emergency services
- Transport
- Crocodile farm, tourism, bycatch use, ranching potential
- There should always be enough for effortless subsistence
- Changes in fishing technology
- Lessons learned and price paid by community by boom and bust prawn fishery
- Commercial fishing. There are clashes with gill net fishers who fish near outstations
- Pormpuraaw have acquired fishing licenses and have aspirations
- Training is required
- Various tourist aspirations exist

² Will need to be checked with Napranum. Subregional report not provided. We offer the following that we will attempt to confirm and move into the next phase of the project pending National Oceans Office approval



- There is competition for resources and space in spite of Aboriginal ownership
- There is too much waste. Bycatch particularly is an issue
- Traditional Owners do not benefit from use of their country by others
- Desecration of coastal sites by recreational and commercial fishing camps
- Illegal camping
- Lack of control of fishing especially in areas traditionally associated with Aboriginal use
- Theft of outstation equipment
- Aboriginal people recognise marine areas have more than subsistence value
- Marine debris
- Commercial fishing kills rays and sharks which are food
- Potential for charter boat operations
- Feral pigs are recognised as a problem in some contexts
- Interruption of subsistence fishing by continuous recreational and commercial use

Kowanyama

- Have an existing process of consultation and planning
- Planning is at an advanced stage with full GIS capabilities
- Homelands are a prime interest
- High landscape values
- High cultural values
- Have an integrated planning vision currently addressing
 - o Cattle
 - o Clean water
 - o Feral animals
 - o Fire
 - o Roads and mining
 - o Fisheries
 - o Weeds
- Provides model for subregional Aboriginal management especially in fisheries
- Some nets found on Kowanyama land (they should not be there)
- Aerial monitoring is undertaken using camping fee monies
- Well organised tourism regulation
- Want more fisheries information

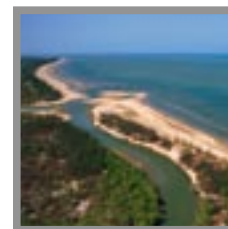
- Want to be involved in collection of that information
- Interest in commercial crocodile egg harvesting
- Would like visitors to provide fishing data
- Interest in aquaculture
- Tilapia (noxious fish near or in upper reaches of catchment) are a concern
- Questions that Kowanyama want answered through the National Oceans Office process.
 - o What is the effect of the commercial and recreational fishery in the Gulf on Kowanyama's subsistence fishery?
 - o Which homeland enterprises are feasible (financially and socially) and sustainable (won't harm sea or saltwater life)? These enterprises might include cattle, tourism and recreational fishing, aquaculture and maybe conservation.
 - o How can homelands help NRMP in the future?
 - o Are we getting an idea of the impact of roads, pigs, cattle and weeds on the ecological, biological and cultural values of coastal wetlands and other fish habitat (rivers, mangroves)?
 - o Which areas need to be conserved? How can any conservation management plans be implemented locally?
 - o Do mining exploration leases over the sand ridge country still exist?
 - o How can the extensive degradation of coastal and saltwater country by rubber vine be controlled?
 - o Will more effective control of rubber vine control enhance the conservation and marine resource value of this country for Traditional Owners?
 - o Maintenance for children of the future

VALUES AND AREAS

Marine resource values of the sea and of saltwater country in western Cape York Peninsula.

This section comprises a summary of the biogeographical and nature conservation values, and fishery areas of the west coast of Cape York Peninsula; all of which are referenced to the Marine Resource Use Regions and their constituent Surface Water Management Areas. This summary is largely based on those properties and values that have been recorded for the west coast as part of the Cape York Peninsula Land Use Study (CYPLUS) program. As compared to the rest of Queensland little other scientific work has been done in western Cape York Peninsula.

There remains a major place for cultural values which, in most cases, are well known for the subregions but not detailed in this study for reasons of confidentiality.



The planning process must devolve down to the subregional scale and discussions with Traditional Owners to address these matters. The challenge will be matching mainstream values with Indigenous environmental and cultural values to arrive at a protective and sustainable management outcomes where economic progress is possible.

It is relevant that the National Oceans Office notes additional cultural interaction information (how people move between communities and how they might be located some distance from their countries), demographics and tenure issues alluded to in the companion literature review for this project.

It should be borne in mind that Aboriginal people are pursuing opportunities for jobs and training to be able to contribute to the protection of values identified here. We would also refer the National Oceans Office to the subregional reports which highlight values, use and aspirations at the local scale.

Biogeographical and nature conservation properties of saltwater country

The following studies have been found to be particularly relevant to this review

- 'Lands of the Mitchell – Normanby Area' (Galloway *et al* 1970).
- 'National Parks for Cape York Peninsula' (Stanton 1976)
- 'Cape York Peninsula Resource Analysis' (Connell Wagner 1989).
- 'Coastal Environment Geoscience of Cape York Peninsula' (Burne and Graham 1995).
- 'Marine Vegetation of Cape York Peninsula' (Danaher 1995).
- 'An assessment of the conservation and natural heritage significance of Cape York Peninsula' (Abrahams *et al* 1995).
- 'Areas containing significant species or habitats outside the existing national parks and reserves network on Cape York Peninsula' (Whisson and Young 1995).
- 'Indigenous management of land and sea and traditional activities in Cape York Peninsula'. (Cordell 1995).
- 'Vegetation Survey and Mapping of Cape York Peninsula'. (Neldner and Clarkson 1995)
- 'Terrestrial Vertebrate Fauna of Cape York Peninsula'. (Winter and Lethbridge 1995)

More current information on the marine resource use values of the western Peninsula have also been obtained in e-mail correspondence with officers in the relevant Queensland government agencies.

Galloway *et al* (1970) provide a comprehensive overview of the landforms, soils and vegetation of southern Cape York Peninsula and the Upper Gulf country. Connell Wagner (1989) also gives a general summary of the biogeography of the whole Peninsula, and Abrahams *et al* (1995) describes the natural conservation properties of 36 different areas of the Peninsula. Danaher (1995) and Burne and Graham (1995) give summaries of the biological and geomorphological characteristics of the marine environment, respectively. Nevertheless, there is no information on the extent of saltwater country in the western Peninsula other than in the southern Gulf Lowlands where wet season inundation mapping has been undertaken from satellite imagery as part of community land use and landscape accessibility studies in Kowanyama and Pormpuraaw (Monaghan 2002, Monaghan 2003a). Maps 4 and 5 show the wet and dry season extents of surface water that have been recorded in the Kowanyama Deed of Grant in Trust (DOGIT) area (Monaghan 2002).

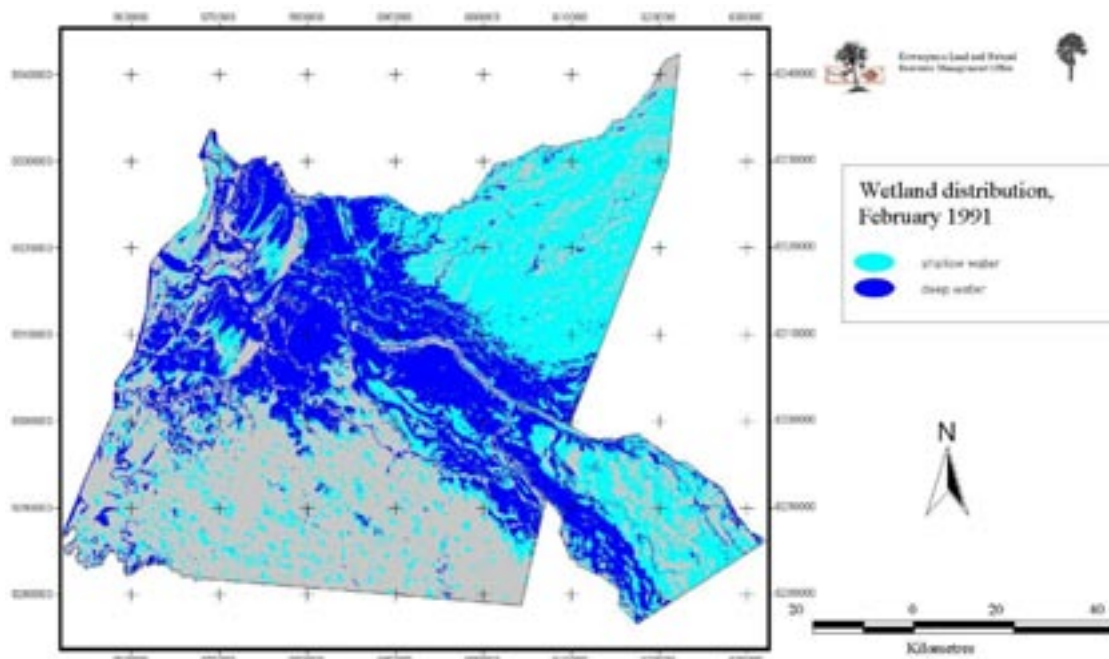


Saltwater biogeography

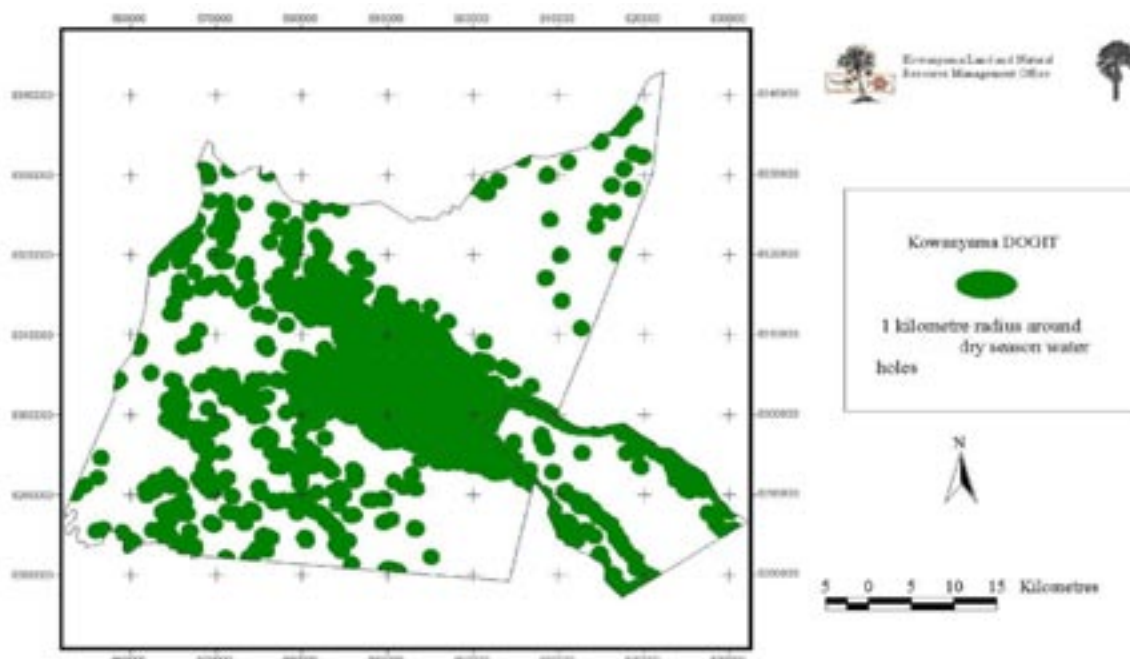
A first approximation of the extent of saltwater country has been made for each River Area in this study, based on the vegetation mapping and the broad vegetation group classification of Neldner and Clarkson (1995), and on proximity to the coast. Broad vegetation groups are used as indicators of tidal influence and of seasonal saltwater penetration into the coastal lowlands of the

study area. This classification of broad vegetation groups (BVG) into fresh and salt water areas has been made by comparing their distribution with inundation maps for the southern Gulf Lowlands and by the interpretation of their cultural and natural resource management values by Traditional Owners in Kowanyama and Pormpuraaw who have also applied their own local nomenclatures (mostly in Aboriginal English) to each BVG class as part of landscape mapping work in each community (Monaghan 2003a, 2003c).

Map 4: Wet season surface water distribution in Kowanyama (Monaghan 2002)



Map 5: Dry season surface water distribution in Kowanyama (Monaghan 2002)



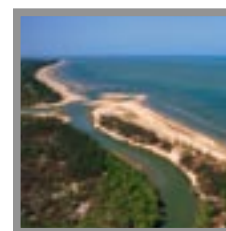


Table 2: Broad Vegetation Groups (BVG) in coastal areas of western Cape York (from Neldner and Clarkson 1995)

BVG	Description
3	Closed-forests of northern Cape York Peninsula and the Torres Strait Islands
4	Closed-forests of coastal dunes, dunefields and the Jardine River frontage
8	Woodlands and open-woodlands dominated by <i>Eucalyptus clarksoniana</i> , <i>E. novoguineensis</i> or <i>E. polycarpa</i> .
18	Low open-woodlands and low woodlands dominated by <i>Melaleuca viridiflora</i> on depositional plains
19	Open-forests and low open-forests dominated by <i>Melaleuca</i> spp. in seasonally inundated swamps
21	Tussock grasslands on marine and alluvial plains
24	Open-heaths and dwarf open-heaths on dunefields, sandplains and headlands
25	Woodlands and herblands on beach ridges and the littoral margin
26	Closed-forests and low closed-forests dominated by mangroves
27	Sedgelands, lakes and lagoons
29	Rocky and bare sandy areas, e.g. salt pans, sand blows and rock pavements

Nature conservation values

Stanton (1976) and Connell Wagner (1989) provided the earliest summaries of existing and proposed nature conservation values of the Peninsula; and Whisson and Young (1995), Driscoll (1995), Winter and Lethbridge (1995) and Abrahams *et al* (1995) provide the most recent review of these values and also identify potential nature conservation areas in their CYPLUS reports.

Whisson and Young (1995) identified:

- important areas for nature conservation;
- broad areas that should be sympathetically managed for nature conservation; and
- ecosystem types that are poorly conserved, samples of which could be managed for nature conservation on a cooperative basis; or which require further study.

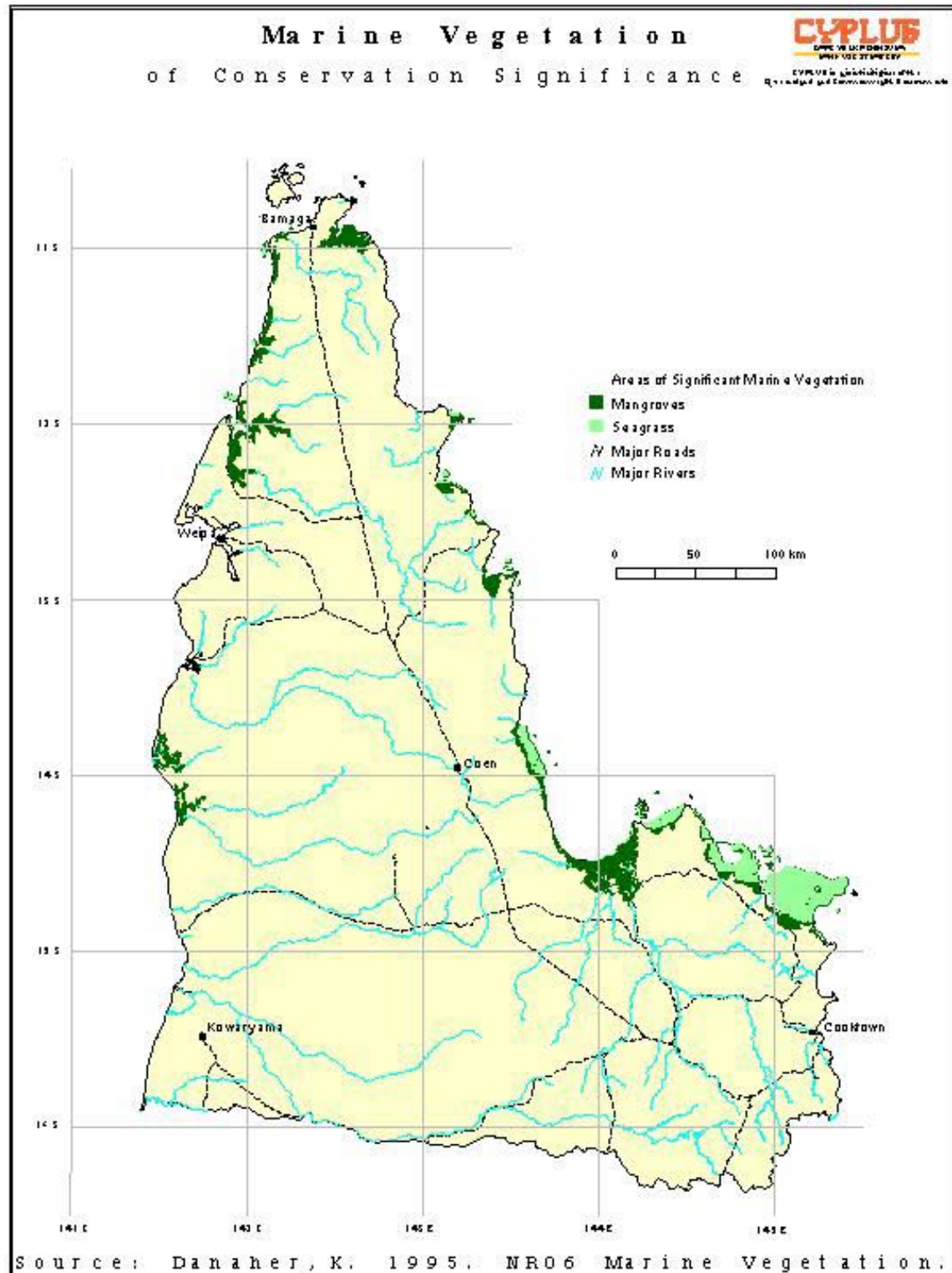
Driscoll (1995) identified wetland areas of conservation significance either because of the diversity of their vegetation and landforms, or because of their significance as faunal habitat. Winter and Lethbridge (1995) took a similar approach to the identification of habitats for terrestrial vertebrate fauna. Abrahams (1995) reviewed the natural heritage values of the Peninsula that are contained in the above, and in other CYPLUS literature, in light of

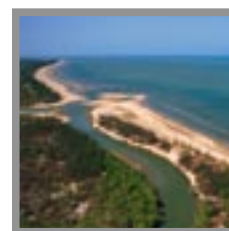
- their relative regional significance within Cape York Peninsula;
- their national significance within Australia; and
- their international significance.

Maps 6-11 show cartographic summaries of some of the outcomes of the CYPLUS study. These maps are approximate because of their scale and because there are omissions from them of certain areas that were identified as significant in the contributory reports for the study. As yet, no clear criteria have been found for the omission of these areas.

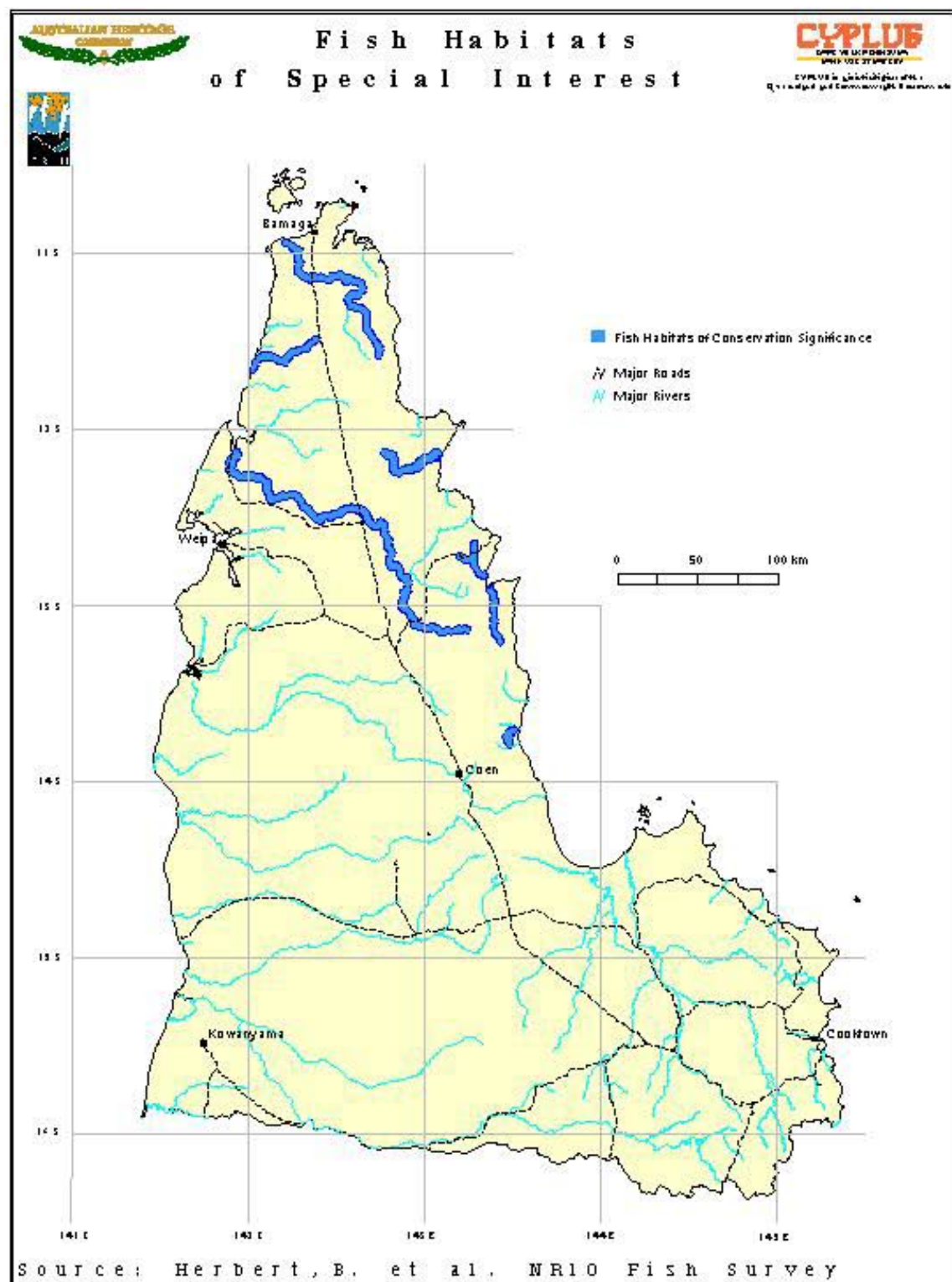


Map 6: Marine Vegetation of Conservation significance (Danaher 1995)



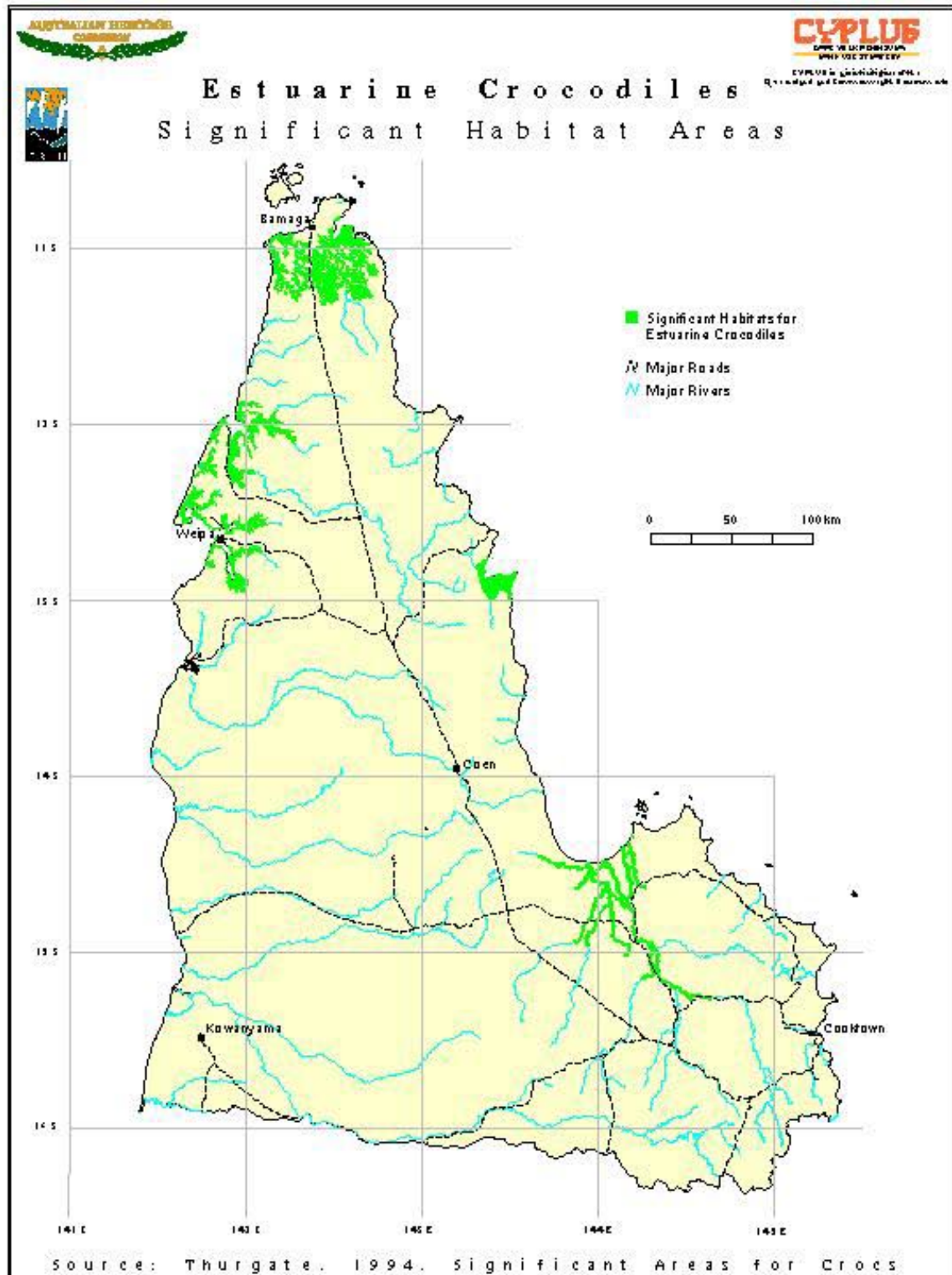


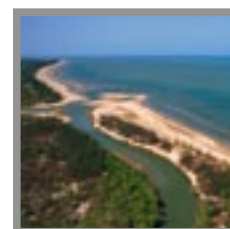
Map 7: Freshwater fish habitats of conservation significance (Herbert 1995)



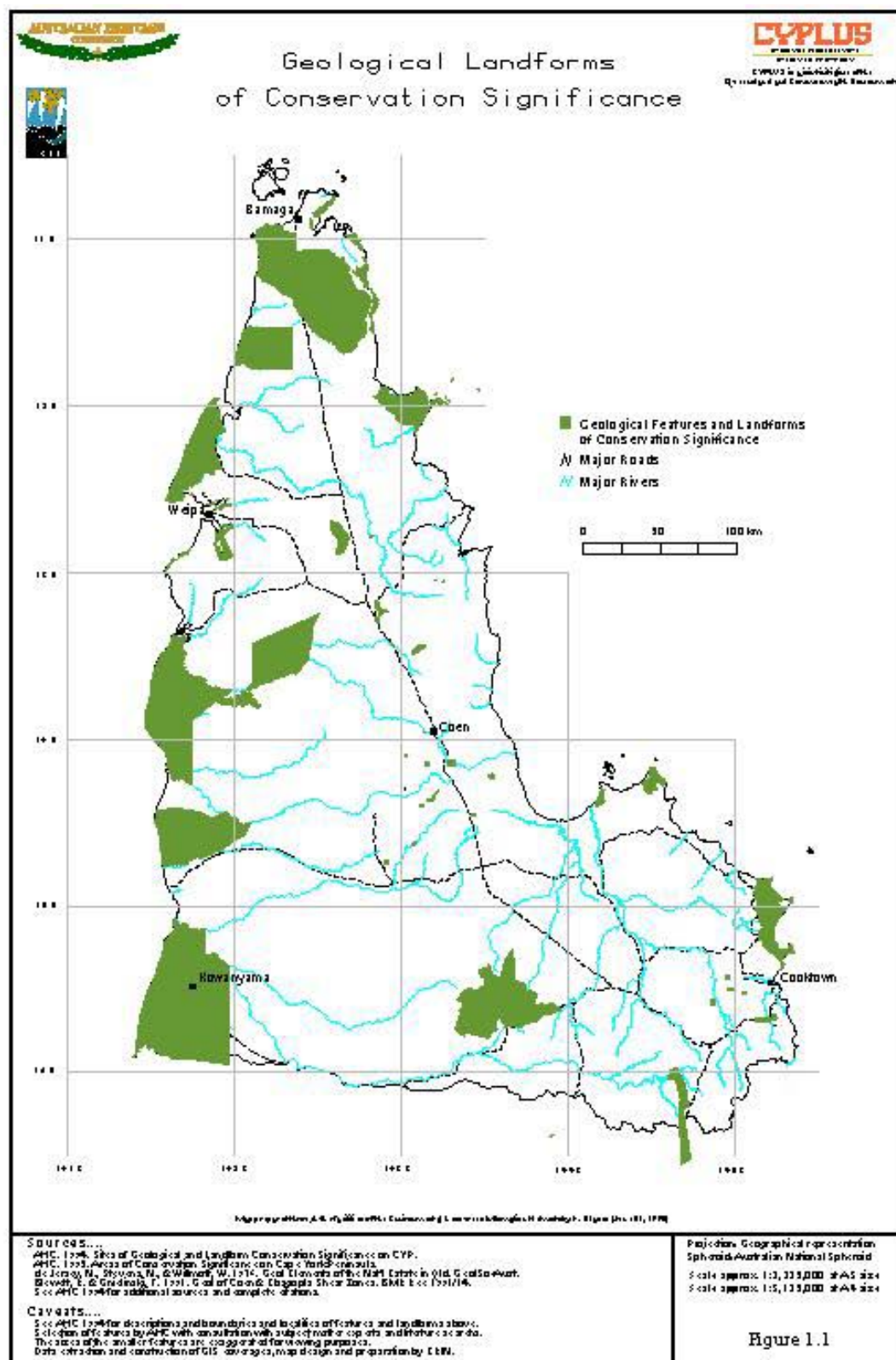


Map 8: Estuarine crocodile habitat of conservation significance (Abrahams et al 1995)





Map 9: Landforms of conservation significance (Burne and Graham 1995)





Map 10: Significant wetlands of Cape York Peninsula (Abrahams et al 1995)

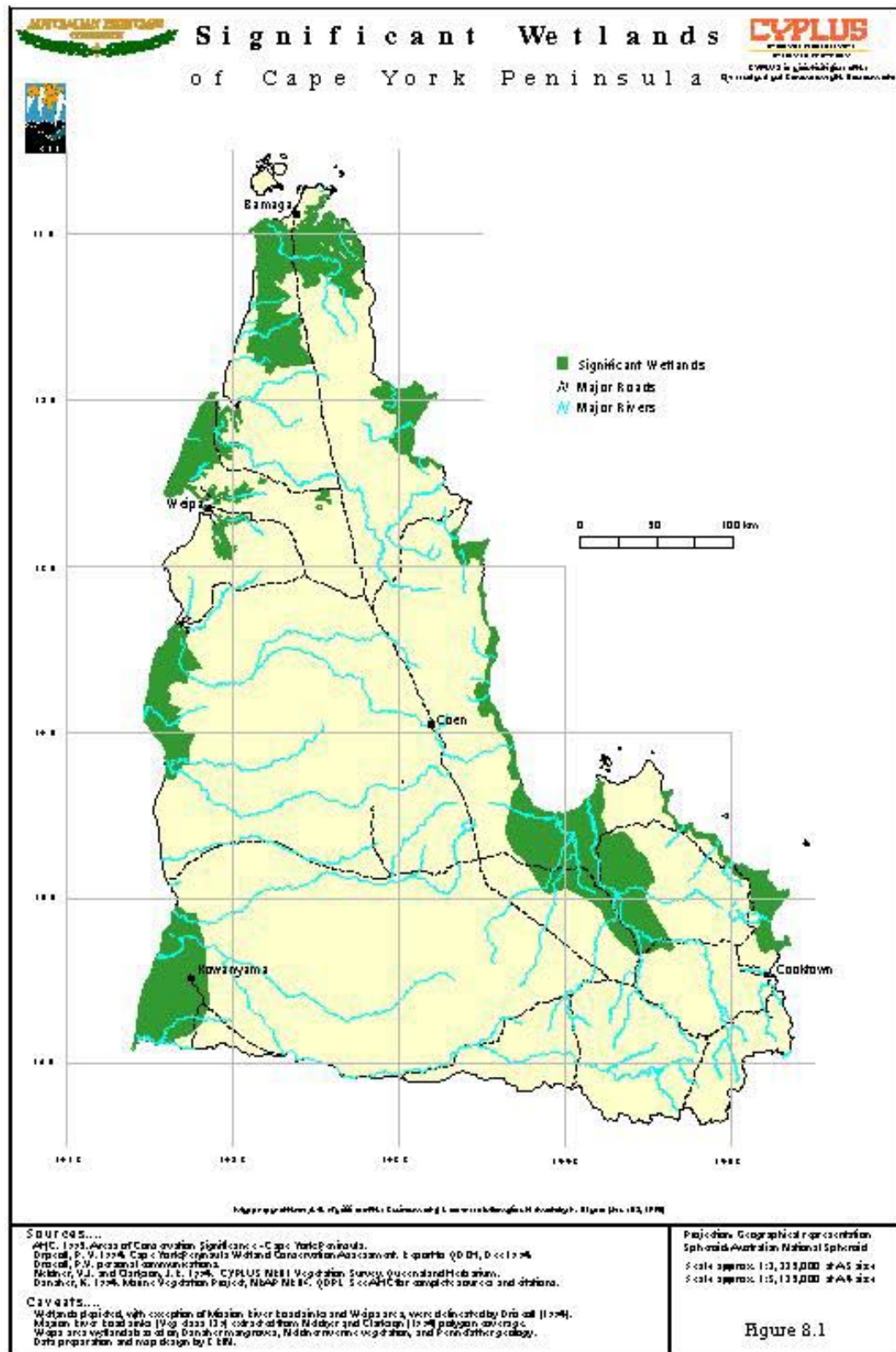
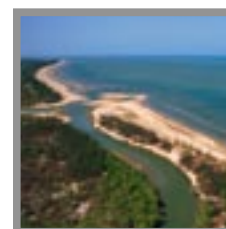
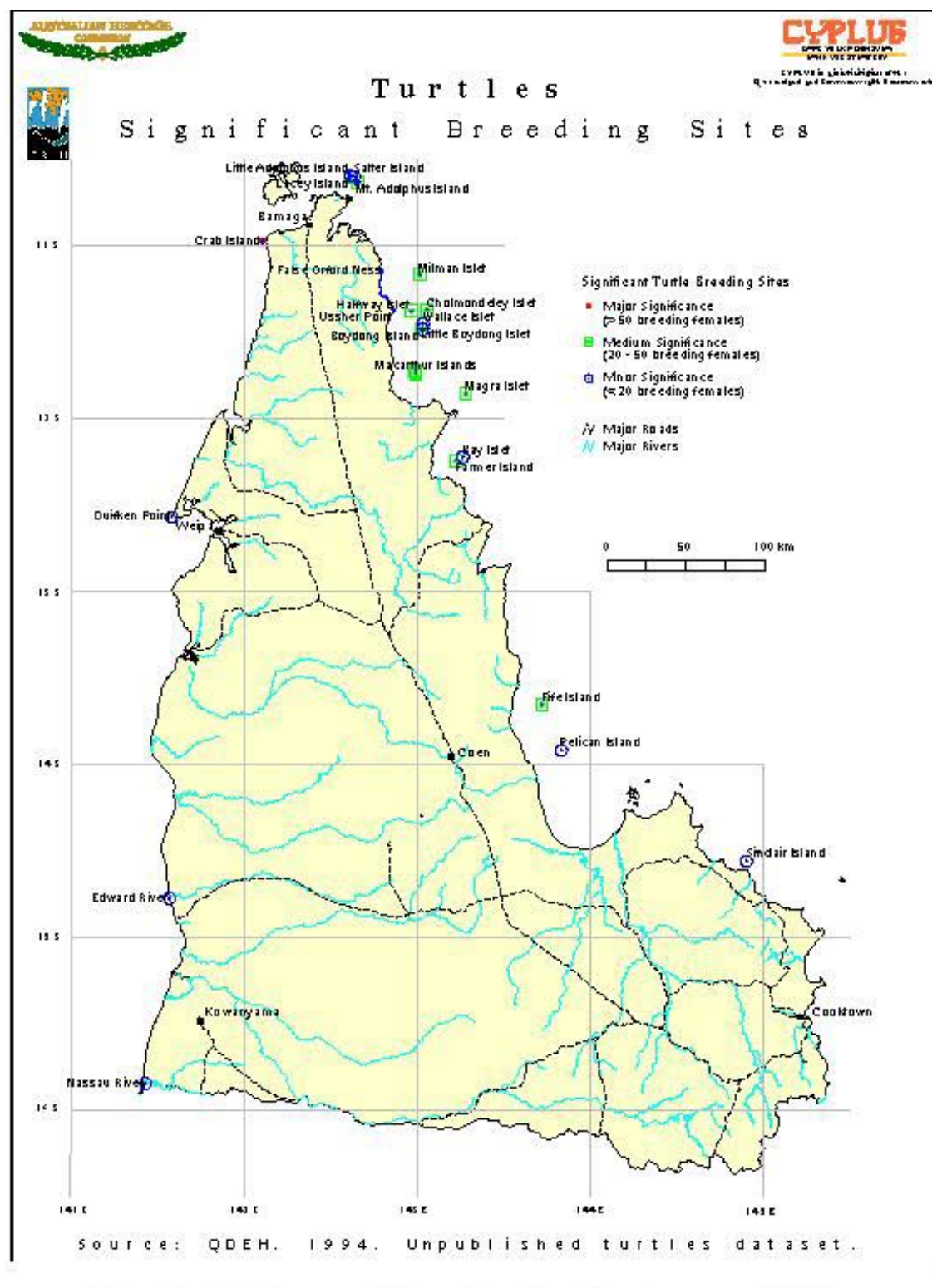


Figure 8.1



Map 11: Significant turtle breeding sites (Abrahams et al 1995)





Fishery reserves and commercial fish extraction

There are only two fish habitat reserves in the region at the mouth of the Nassau River and in the vicinity of the Staaten and Gilbert Rivers. Danaher (1995) proposed twelve new fish reserves for the Peninsula, nine of which are on the west coast.

The criteria that were used for their selection were:

1. size;
2. diversity of or specific habitat features;
3. existing or potential fishing grounds;
4. existing or potential fishing grounds;
5. levels of existing and future disturbances;
6. unique features; and
7. protected species.

(Danaher 1995, 50)

Table 3: *Application of Reserve criteria to potential Fisheries Reserves*
(Danaher 1995, 54)

Potential Reserve	1	2	3	4	5	6	7
Jardine River
Crab Island
Doughboy, MacDonald, Jackson Rivers
Wenlock River
Kirke River
Holroyd/ Kendall Rivers
Edward River
Melamen Plain

Cartographic summaries of commercial fish extraction are available from the Queensland DPI at their website. Two maps were extracted. Figure 3 shows total fishing catch in 2001 and Figure 4 shows total Barramundi catch for the same year. The recreational and subsistence fishery is discussed in the literature review.



CHAPTER 1: VALUES AND AREAS

Figure 3: Total fish catch 2001 (Qld DPI with annotation by J. Monaghan)

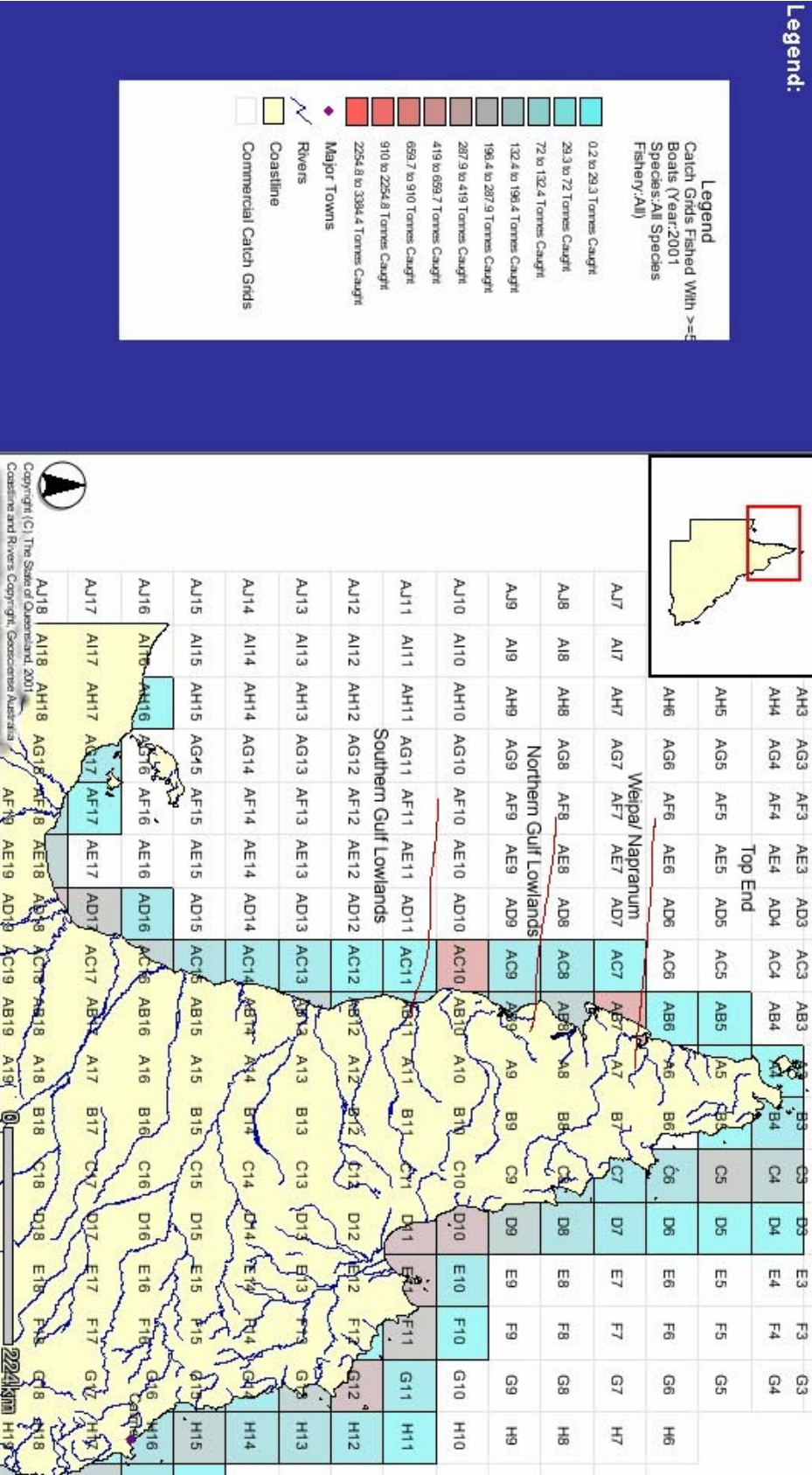
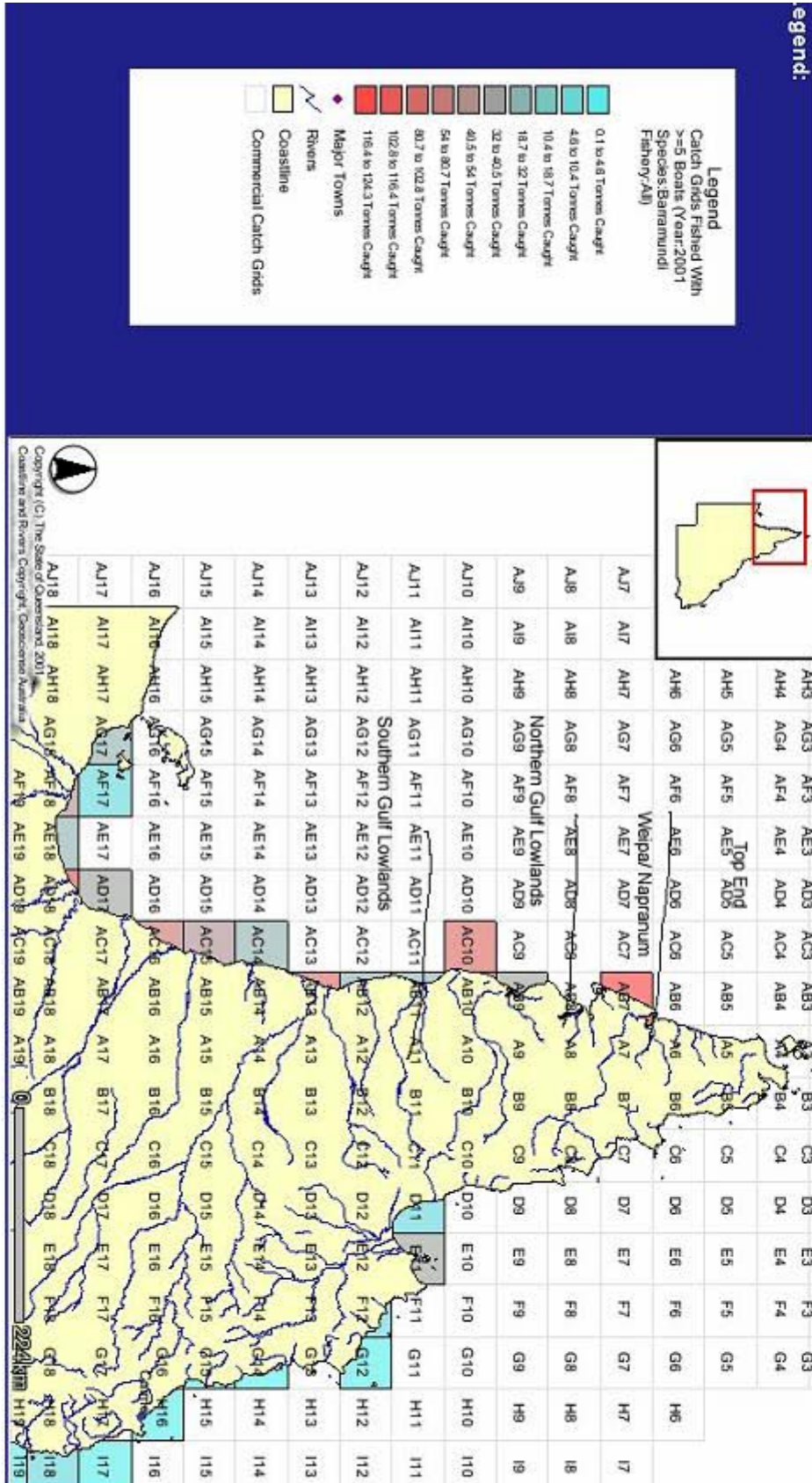
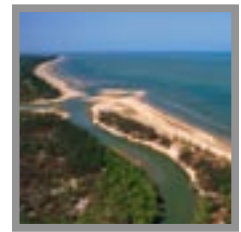




Figure 4: Total Barramundi catch in 2001 (Qld DPI with bioregion annotated by J.Monaghan)





REGIONAL DISTRIBUTION OF SALTWATER COUNTRY AND OF AREAS OF CONSERVATION SIGNIFICANCE

The approach taken below is structured as follows:

Bioregions, regions then rivers.

Gulf of Carpentaria bioregion

Southern Gulf Lowlands region

Mitchell River area

Coleman River area

Northern Gulf Lowlands region

Holroyd River area

Archer River area

Arafura Sea Bioregion

Watson River area

Weipa and Napranum region

Embley River area

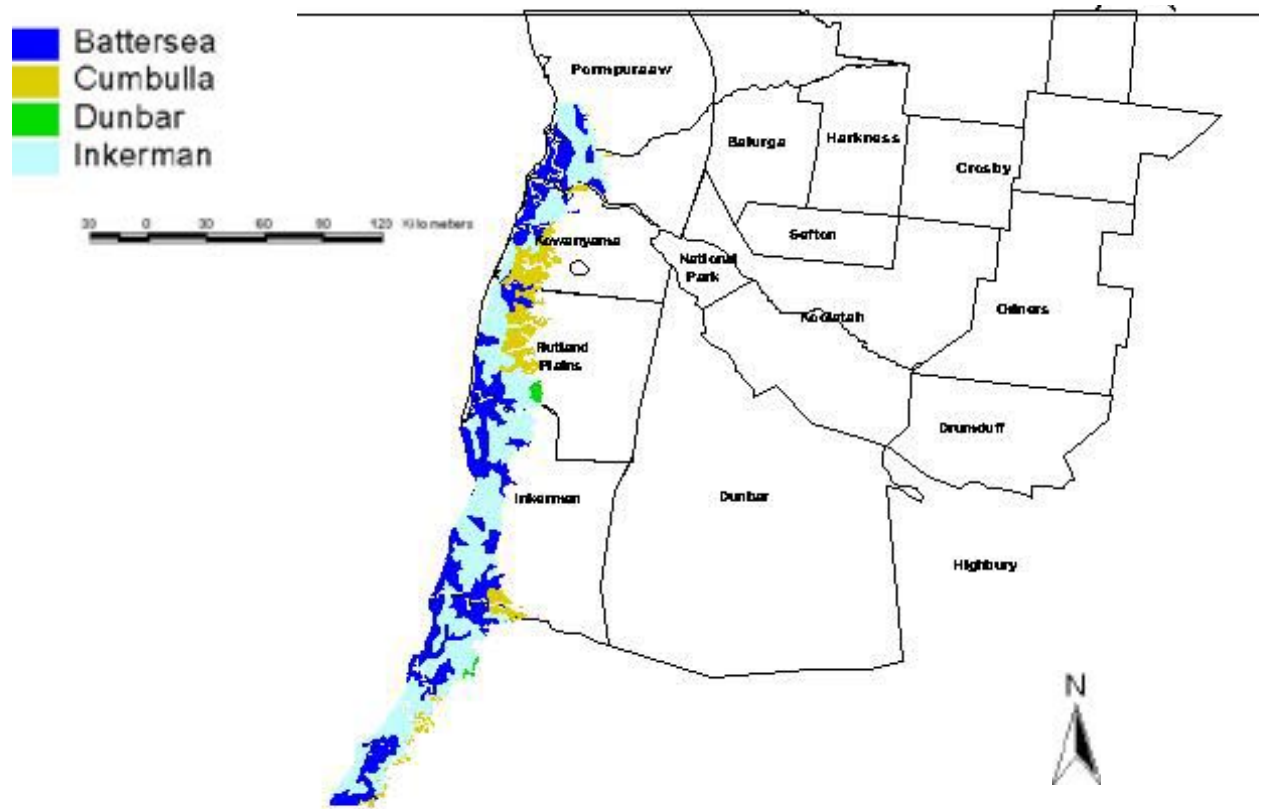
Wenlock River area

Northern Peninsula region

Ducie River area

Jardine River area

Map 12: Extent of saltwater country (Monaghan 2003 based on Galloway et al 1970)





GULF OF CARPENTARIA MARINE BIOREGION

Southern Gulf Lowlands region

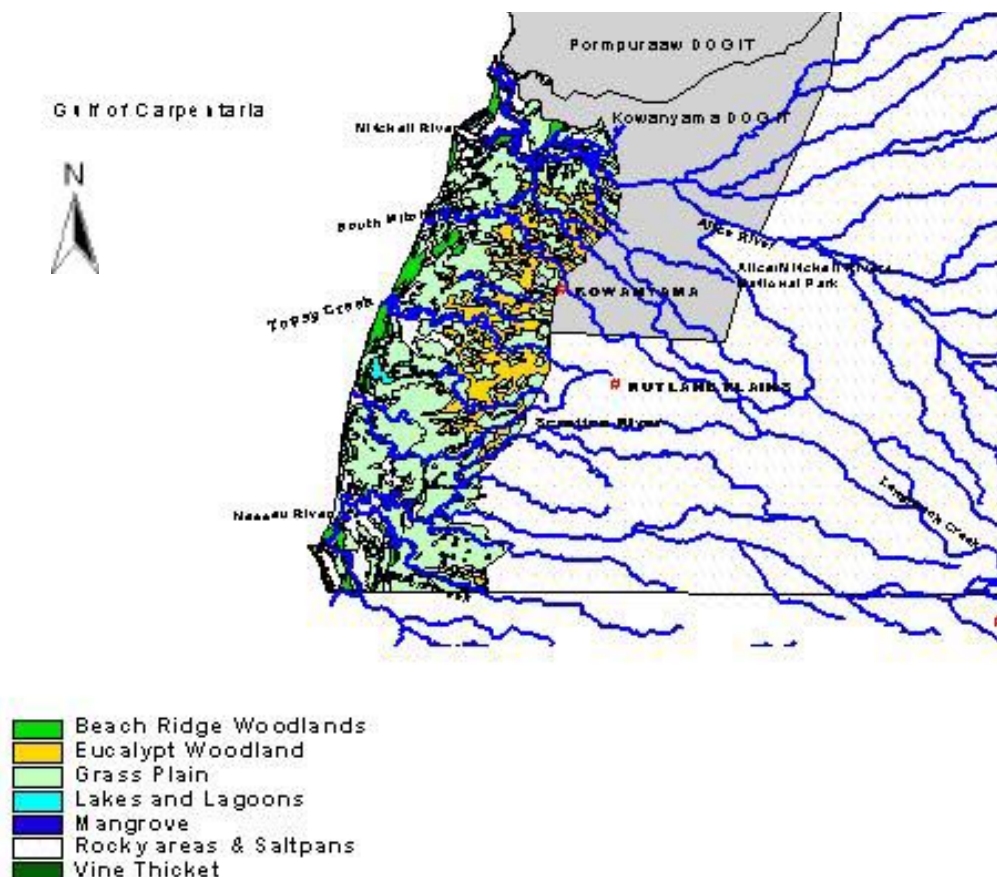
Mitchell River Area

The northern boundary of this drainage area is on the interfluvium between the Coleman River (the boundary between the Kowanyama and Pormpuraaw DOGIT) and the North Arm of the Mitchell River and Mottle Creek. The southern boundary is on the Inkerman pastoral property on the interfluvium between the North Arm of the Staaten River and Salt Creek. In all, the tenures contained within this extent are the Kowanyama DOGIT and the Rutland Plains and Inkerman pastoral properties. The other main rivers that drain this area are Topsy Creek, Scrutton Creek and the Nassau River.

The Kowanyama DOGIT contains the traditional homelands of Yir Yoront (Kokomunjen) and Kokoberra people on the coast, Rutland Plains also contains Kokoberra country and Inkerman contains the homelands of Kokoberrin people.

The Neldner and Clarkson (1995) vegetation mapping only extends as far south as Topsy Creek, the boundary between Rutland Plains and Kowanyama and the southern limit of the CYPLUS study. Map 12 shows the extent of saltwater country in the Mitchell River area based on CSIRO Land System units (Galloway *et al* 1970) and Map 13 shows the extent of saltwater country within the area of the Kowanyama DOGIT based on Neldner and Clarkson (1995). The difference in extent and detail between these two definitions of saltwater country is also because of the difference in scale between the 1:2 000 000 CSIRO mapping and the 1:250 000 CYPLUS mapping. Maps for the other regions are based on the latter.

Map 13: Saltwater country in the Kowanyama DOGIT (Based on Neldner and Clarkson 1995)



CHAPTER 1: VALUES AND AREAS



The Kowanyama DOGIT comprises almost all of the area of the Mitchell River Delta; Rutland Plains the area of the Nassau River Delta; and Inkerman the area of the Staaten River Delta. CYPLUS have recorded nature conservation and fish habitat values for the Mitchell River Delta as follows:

EXISTING CONSERVATION VALUES

- The fan deposits of the Mitchell River delta are amongst the best examples of this type of landform in the world;
- the coastal and deltaic deposits of the area provide important regional information on past climatic and landform processes;
- it contains a good example of an actively prograding coastline;
- the wetlands of the area have high biological and ecological integrity, and are important as an overwintering and stopover site for migratory waterbirds from south-eastern Australia; it is also an important staging area for many migratory tropical waterbird species such as the Magpie Goose, Brolga and Sarus Crane;
- it is a nationally important watershed and wader breeding habitat;
- the mouth of the Mitchell River supports a major breeding colony of the nationally endangered Little Tern;
- it is a regionally important dry season refuge for several species of waterbird;
- it includes a diverse array of wetland types with a variety of geomorphological origins, fluctuating salinities and water permanence, and diverse water plant communities;
- the Mitchell River Delta supports a regionally diverse fauna;
- it includes a regionally high diversity of deltaic and coastal landforms;
- it contains small patches of vine thickets and *Eucalyptus polycarpa* woodlands which are amongst the best examples of their vegetation class; and
- about 5% of the area consists of vegetation classes that are rare on the Peninsula, including notophyll vine forest, *Acacia crassicaarpa* woodland on dunes and *Eucalyptus polycarpa* woodland. (above from Abrahams *et al* 1995)
- Whissen and Young (1995) cite eleven inadequately preserved communities (faunal habitats) between the Edward River and the Nassau River but do not give their precise locations.

CONSERVATION STATUS

- The Mitchell River Delta has a very high conservation status in Connell Wagner (1989). Driscoll (1995) cites the Delta wetlands as of national conservation significance.
- The Delta is also a landform of conservation significance.
- The Nassau River is a significant turtle breeding site.

CURRENT FISH RESERVE

The Nassau River fish habitat reserve

PROPOSED FISH RESERVE

None

OTHER ISSUES

- There are high feral cattle and pig populations, and extensive areas of rubber vine infestation all along this coast which reduce its nature conservation value.
- Feral pigs, in particular, cause extensive and often irreparable damage to coastal wetlands and fish, turtle and flora habitat.
- The Mitchell River Delta is an area of very high cultural significance where there has been uninterrupted occupancy by its Traditional Owners who have maintained continuous ritual and management control of sea and saltwater country.
- The majority of those Traditional Owners of the Nassau River and Staaten River areas, who do not live in Kowanyama, live in Normanton.
- The nearshore waters of the Delta are a significant area of commercial Barramundi fishing.



Coleman River Area

The whole of the Pormpuraaw DOGIT is contained within this drainage area which has its northern boundary at the Holroyd River. The coastal area between the Coleman River and the Melamen Creek is Yir Yoront country, northwards to the Edward River is largely Kuuk Thaayore country, and north of the Edward River is 'Wik Mungkan' country. The latter is a generic name for a number of differing Wik language speakers. Some Yir Yoront people live in Kowanyama and some Traditional Owners of Wik country between the Edward River and the Holroyd River live in Aurukun and in Coen.

EXISTING CONSERVATION VALUES

- The area between the Coleman River and the Edward River is remarkable for its low merit in any consideration of the nature conservation values of Western Cape York Peninsula.
- The area to the north of the Edward River has been cited by Stanton (1976) as potential national park and by Connell Wagner (1989) as of high conservation value. The coastal reaches of the same area have been identified as a part of the Aurukun wetlands (Whissen and Young 1995), a wetland of national nature

conservation significance. This wetland area (from the Holroyd River to the Edward River) was omitted by Driscoll (1995) who identified only the Aurukun wetlands, north of the Holroyd River as of merit.

- Whissen and Young (1995) cite eleven inadequately preserved communities (faunal habitats) between the Edward River and the Nassau River but do not give their precise locations.
- The Coleman River/Edward River area is of inestimable cultural significance to its residents and has been cited in the academic literature worldwide over the last 70 years because of the outstanding cultural significance of its saltwater country.

CONSERVATION STATUS

- The area to the north of the Edward River is a landform of conservation significance
- The Edward River mouth is a significant turtle breeding site

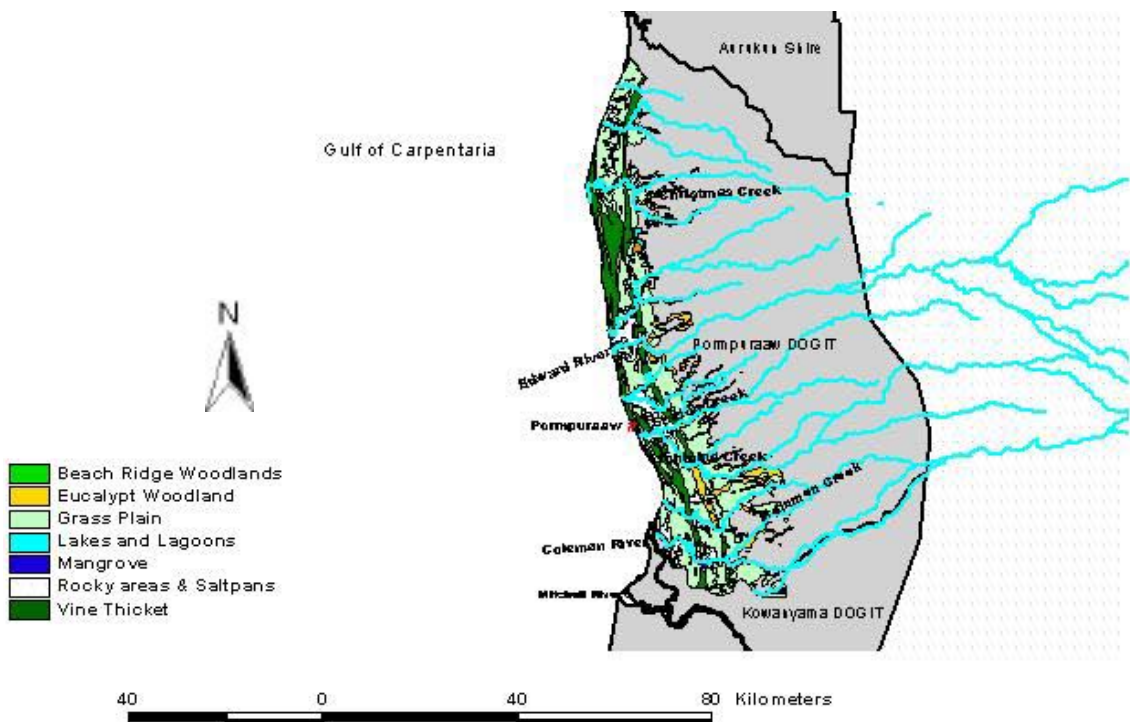
CURRENT FISH RESERVE

None

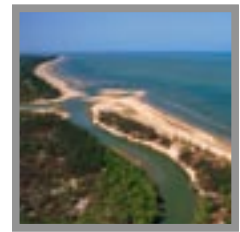
PROPOSED FISH RESERVE

Melamen Plain and Edward River (Danaher 1995).

Map 14: Saltwater country in the Coleman River area (based on Neldner and Clarkson 1995)



CHAPTER 1: VALUES AND AREAS



Northern Gulf Lowlands region

The whole of this region, the greatest part of which is in the Aurukun Shire contains wetland and landforms of national conservation significance (Maps 10 and 9).

Holroyd River Area

This is the country of Wik people who live at Pormpuraaw and more so of those who live at Aurukun. The northern boundary is on the interfluvium between Knox Creek and the Kirke River. This is one of the most remote areas of western Cape York Peninsula.

EXISTING CONSERVATION VALUES

- Mangroves of conservation significance (Danaher 1995).
- Archer River-Holroyd River area contains extensive and diverse wetlands that are little disturbed and are amongst the best examples of their type including freshwater lakes, broad shallow estuaries, swampy depression, saline mudflats, overflow swamps and seasonally inundated Melaleuca woodland.
- The area supports an extensive waterbird fauna and is considered to be the most important breeding area for several waterbird species on the Peninsula and is also an important habitat for migratory birds.
- Wetlands of national nature conservation significance.

(Abrahams et al 1995).

CONSERVATION STATUS

- The Aurukun coastal plains have waterfowl habitat that are of national importance for nature conservation (Whisson and Young 1995).
- The confluence of the Holroyd and Kendall Rivers contains areas of mangrove of conservation significance

CURRENT FISH RESERVES

None

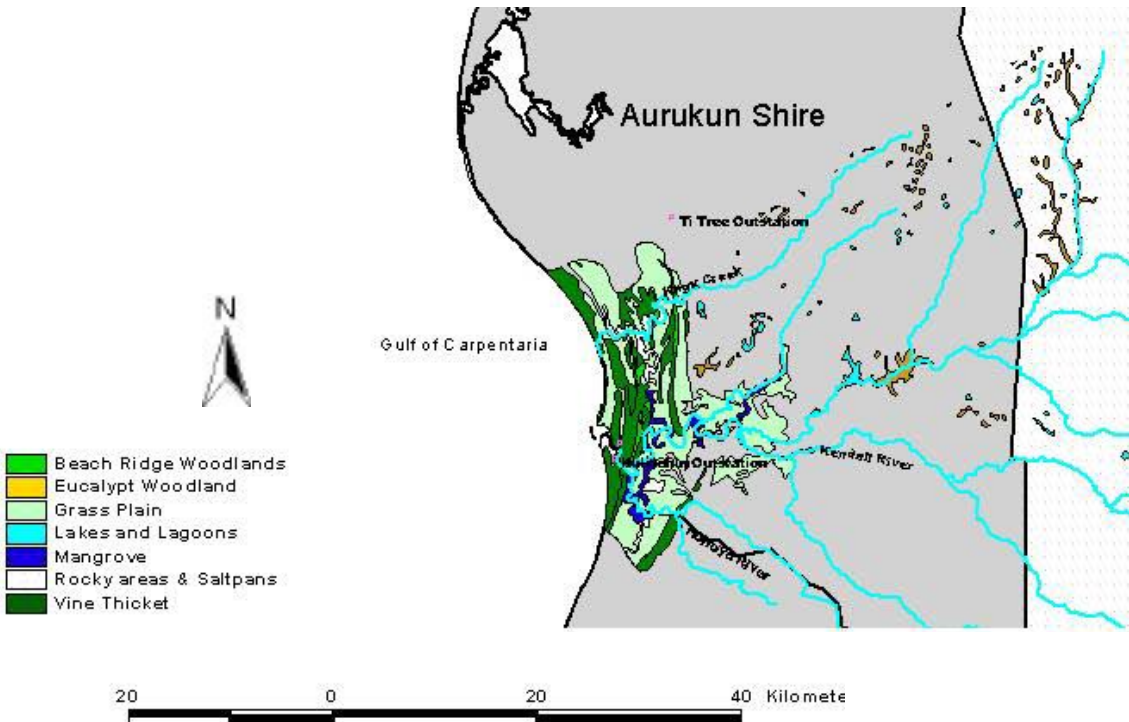
PROPOSED FISH RESERVES

Confluence of Holroyd and Kendall Rivers (Danaher 1995).

OTHER ISSUES

- This is an extremely remote area of the west coast of Cape York Peninsula which has very high nature conservation values for its Traditional Owners in Pormpuraaw and Kowanyama

Map 15: Saltwater country in the Holroyd River area (based on Neldner and Clarkson 1995)





Archer River Area

The Aurukun wetlands are the major feature of this area.

EXISTING CONSERVATION VALUES

- Mangroves of conservation significance (Danaher 1995).
- Archer River-Holroyd River area contains extensive and diverse wetlands that are little disturbed and are amongst the best examples of their type including freshwater lakes, broad shallow estuaries, swampy depression, saline mudflats, overflow swamps and seasonally inundated Melaleuca woodland.
- The area supports an extensive waterbird fauna and is considered to be the most important breeding area for several waterbird species on the Peninsula and is also an important habitat for migratory birds.
- Wetlands of national nature conservation significance (Abrahams et al 1995).
- 'Lower Archer River riparian corridor/ fringing forests; the Archer/Coen and Wenlock Rivers provide faunal corridors for rainforest species

such as the spotted cuscus, white-tailed rat, frugivore birds and palm cockatoo between the extensive rainforests of the east coast across the Peninsula to the west coast. Partly contained within existing protected area. Riparian corridor is being maintained under existing land use.

(Winter and Lethbridge 1995).

CONSERVATION STATUS

- The Aurukun coastal plains have waterfowl habitat that are of national importance for nature conservation
- The. Lower Archer River riparian corridor/fringing forests should be sympathetically managed for nature conservation

(Whisson and Young 1995)

CURRENT FISH RESERVES

None

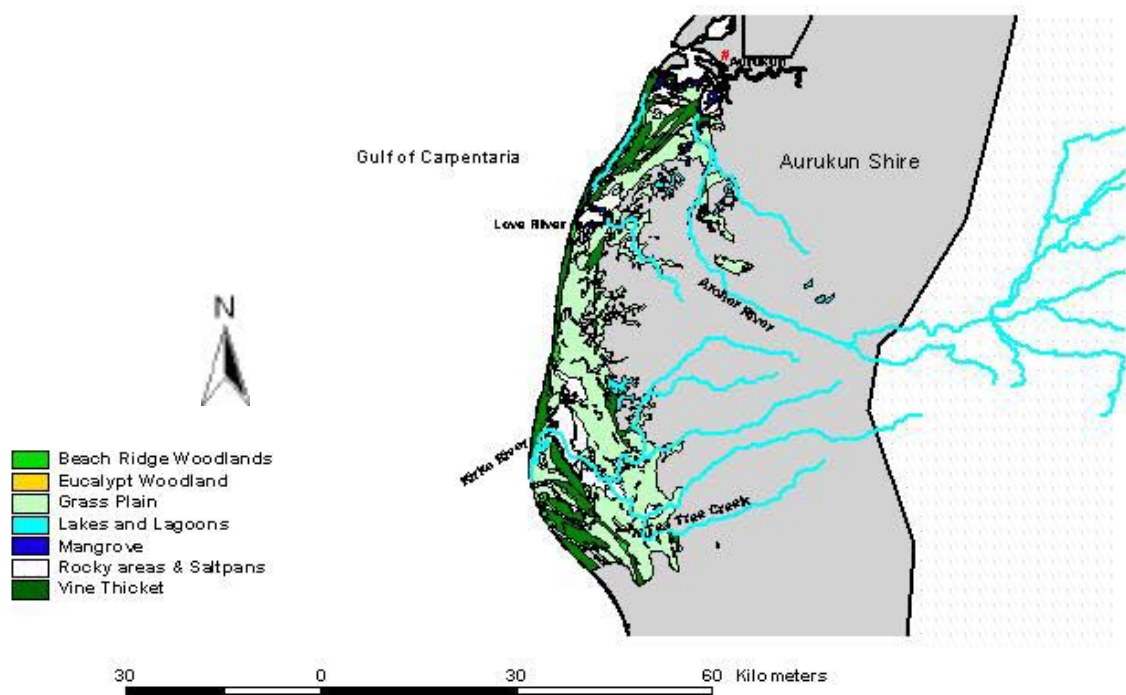
PROPOSED FISH RESERVES

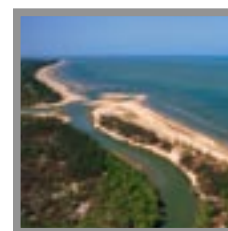
Kirke River (Danaher 1995). It has the highest rating for the west coast of Cape York Peninsula

OTHER ISSUES

The offshore waters are a significant commercial Barramundi fishing area

Map 16: Saltwater country in the Archer River Area (based on Neldner and Clarkson 1995)





ARAFURA SEA MARINE BIOREGION

Watson River Area

This is a small area that is close to the boundary between the Gulf of Carpentaria and Arafura Sea Marine bioregions. It has been placed in the latter category because of the characteristics of its saltwater country which, like elsewhere on the Arafura Sea coast, is confined to a narrow strip along the coast and the main river courses. There are no extensive areas of wetland comparable to those further south along the coast of the Gulf of Carpentaria. There are also significant differences in land tenure to those that are found further south with mining leases comprising the northern part of the area.

EXISTING CONSERVATION VALUES

- Amongst best examples of their type in Australia are the bauxite profiles at Pera head and in the Weipa area. Pera head is the most spectacular and extensive cliff line on the west coast of the Peninsula. Aesthetically significant and 60% very high wilderness quality.

(Abrahams et al 1995)

CONSERVATION STATUS

- Landforms of conservation significance

CURRENT FISHERIES HABITAT

None

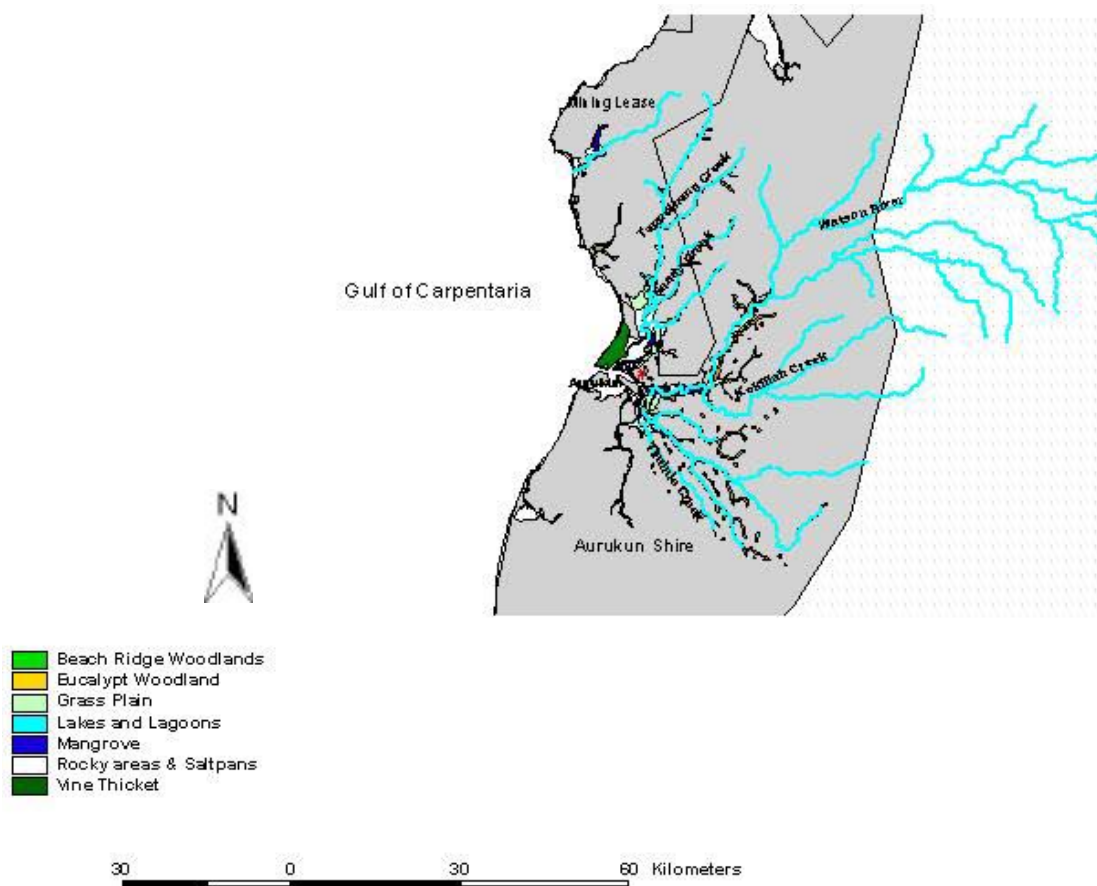
PROPOSED FISHERIES HABITAT

None

OTHER ISSUES

None

Map 17: Saltwater country in the Watson River area (based on Neldner and Clarkson 1995)





Weipa and Napranum region

This is the most densely populated region of western Cape York Peninsula and is dominated by the mining township at Weipa and mining leases that are intercalated with areas of Aboriginal land tenure.

Albatross Bay and Port Musgrave are major fish and prawn habitats.

Embley River Area

EXISTING CONSERVATION VALUES

- 'Pennefather – Duifyken' area. About 75% has very high wilderness quality. Swamps have rich frog fauna. Habitat of several species endemic to Cape York Peninsula. Regionally important dry season waterfowl refuge. Supports a breeding population of the endangered Little Tern (*Sterna albifrons*). South of Pennefather River is a good transect of coastal landform types from reef flat, transgressive dunes to Holocene and Pleistocene ridges
- Hay-Embley River areas have extensive shell mounds as well as cultural contain past environments. 70% very high wilderness value. Estuary of Embley River is the only known habitat of River Garfish (*Zenarchopterus buffonis*) on Cape York Peninsula.

- Major seagrass beds in Archer bay, Love River and Kirke River and significant habitat for estuarine crocodiles.
- Port Musgrave – Albatross bay area is important crocodile and dugong habitat with a large number of diverse and well developed freshwater swamps and tidal flats. It is an important regional fish and prawn habitat. (above from Abrahams et al 1995)
- Port Musgrave and Weipa wetlands including the coastal zone between the Wenlock and Pine Rivers are wetlands of national importance for nature conservation (Whisson and Young 1995)

CONSERVATION STATUS

- Estuarine Crocodile Habitat of conservation significance
- Landforms of conservation significance
- Wetlands of conservation significance
- Significant turtle breeding sites

CURRENT FISH RESERVES

None

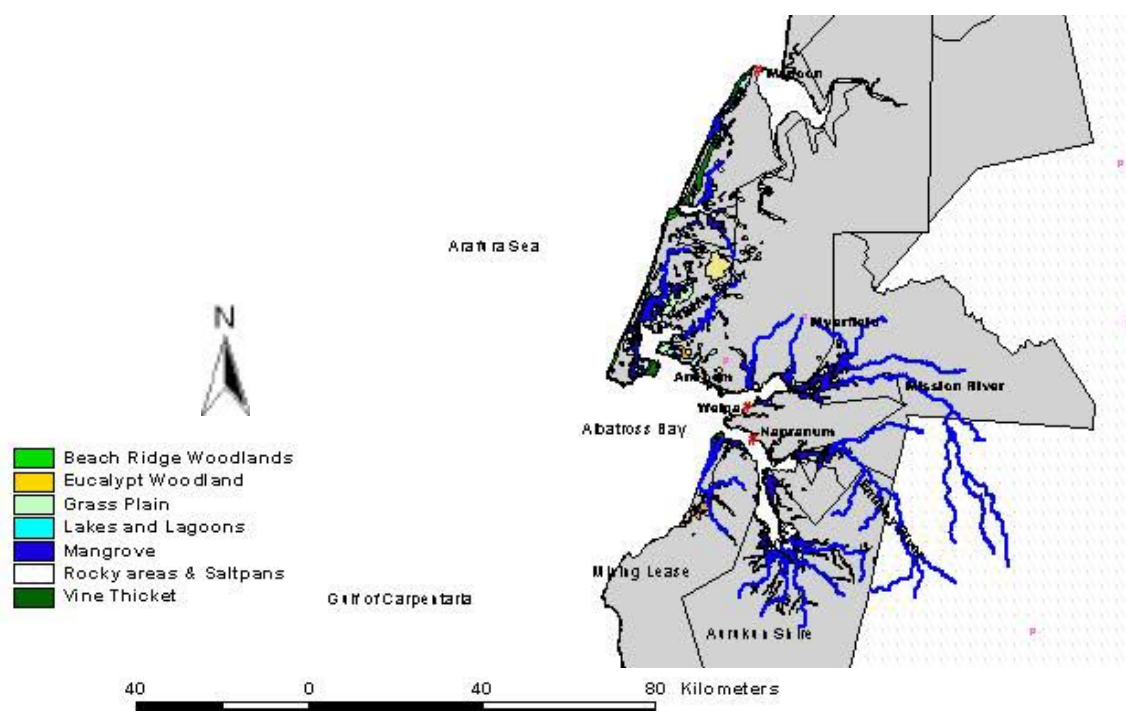
PROPOSED FISH RESERVES

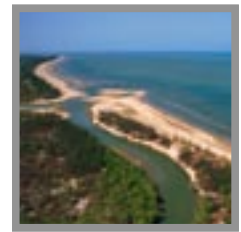
None

OTHER ISSUES

The northern part of this area is a significant commercial Barramundi fishery

Map 18: Saltwater country in the Embley River area (based on Neldner and Clarkson 1995)





Wenlock River Area

The mouth of the Wenlock River is at Port Musgrave.

EXISTING CONSERVATION VALUES

- A major fish habitat of conservation significance
- Riparian forest corridor is important for the dispersal of many species allowing movement between east coast rainforests and smaller sandy ridge rainforests on west coast. Contains the richest freshwater fish fauna of any river in Australia. Corridor supports many plant and animal species that are endemic to CYP.
(Abrahams et al 1995)
- Lower Archer River riparian corridor/ fringing forests; the Archer/Coen and Wenlock Rivers provide faunal corridors for rainforest species such as the spotted cuscus, white-tailed rat, frugivorous birds and palm cockatoo between the extensive rainforests of the east coast across the Peninsula to the west coast. Partly contained within existing protected area. Riparian corridor is being maintained under existing land use.
(Winter and Lethbridge 1995)
- Significant estuarine crocodile breeding habitat
- The Wenlock Corridor riparian habitat should be sympathetically managed for nature conservation
- Port Musgrave and Weipa wetlands including

the coastal zone between the Wenlock and Pine Rivers are wetlands of national importance for nature conservation

(Whisson and Young 1995)

CONSERVATION STATUS

- Area of significant marine vegetation
- Freshwater fish habitat of conservation significance
- Significant estuarine crocodile habitat area
- Significant wetland area

CURRENT FISH RESERVES

None

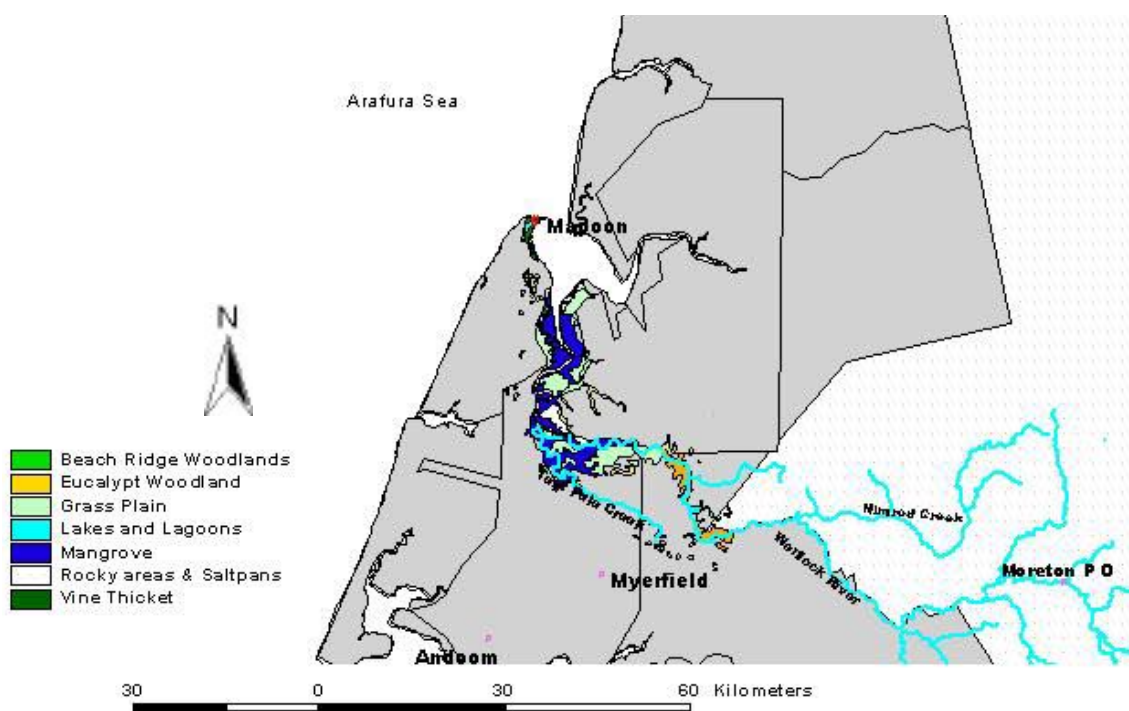
PROPOSED FISH RESERVES

Wenlock River. (Danaher 1995).

OTHER ISSUES

- The Wenlock is a river of major biogeographic significance
- This area is a significant commercial fishery

Map 19: Saltwater country in the Wenlock River area (based on Neldner and Clarkson 1995)





The Northern Peninsula region

This region has the Aboriginal community of Mapoon at its southern limit and the North Peninsula Area communities of Bamaga, Injinoo, Umagico and New Mapoon at its northern end. The intervening area between these settlements is one of the most remote and inaccessible in the Peninsula. Overall, this region contains a very high suite of nature conservation values in its saltwater country.

Ducie River Area

EXISTING CONSERVATION VALUES

- Significant estuarine crocodile breeding habitat. High wilderness quality, excellent condition
- Port Musgrave (Ducie and Wenlock) and Weipa wetlands (Embley and Wenlock) including coastal zone between the Wenlock and Pine Rivers are important wetlands for conservation (Whisson and Young 1995)
- Vrilya wilderness area. (Abrahams et al 1995)

- Doughboy River and Crystal Creek are fish habitats of conservation significance (Danaher 1995).

CONSERVATION STATUS

- Marine vegetation of conservation significance
- Freshwater fish habitats of conservation significance
- Estuarine crocodile habitat of conservation significance
- Landforms of conservation significance
- Wetlands of conservation significance

CURRENT FISH RESERVE

None

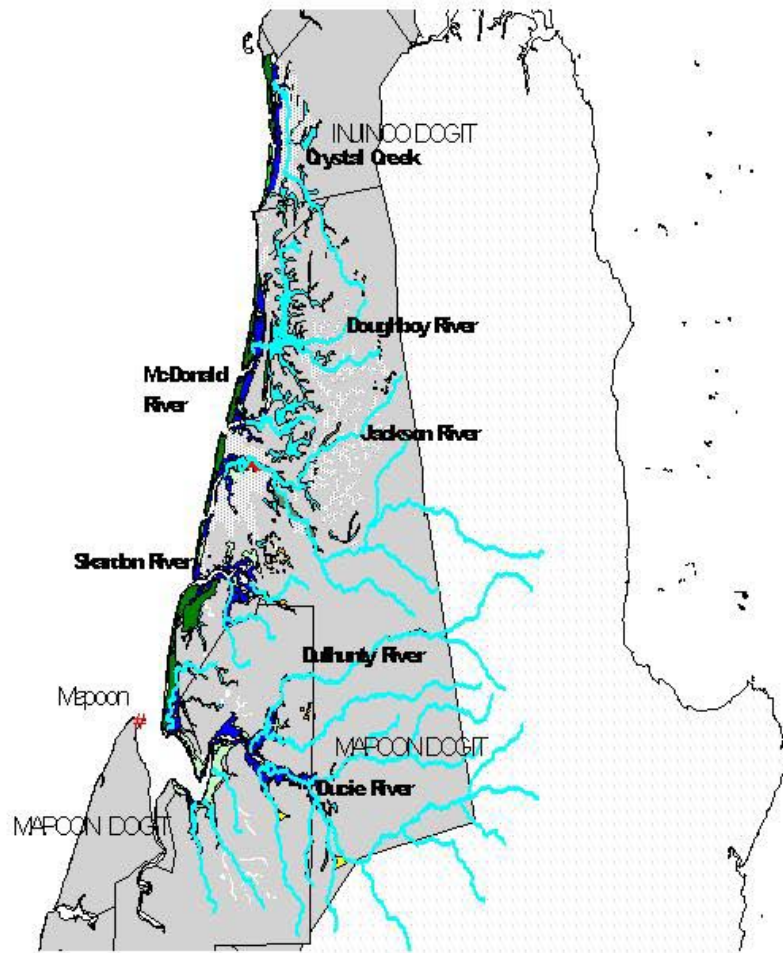
PROPOSED FISH RESERVE

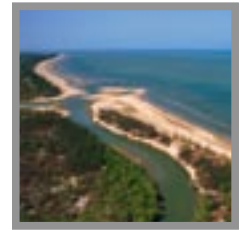
Doughboy River/McDonald river/ Jackson River (Danaher 1995). Crab Island (Danaher 1995)

OTHER ISSUES

Distinct biogeography

Map 20: Saltwater country in the Ducie River Area (based on Neldner and Clarkson 1995)





Jardine River Area

This area has an almost iconic nature conservation status.

EXISTING CONSERVATION VALUES

- Jardine Wilderness Area.
- Very high wilderness values
- Significant habitat for estuarine crocodiles. Important for large and diverse wilderness wetland area with nationally important representative sedge land and swamp communities. Biota of the area has strong links with New Guinea.
- A prime example of a river system in near natural condition. High diversity of coastal wetland types. Newcastle Bay has one of the most diverse mangrove communities in the world. Important habitat of rare, threatened and endemic insects, bats and fish.
- Largest and most widely spaced series of beach ridges on the Peninsula. Shelburne bay – Olive River dune fields. (Abrahams et al 1995)

- Largest breeding crocodile populations known in Queensland (Whisson and Young 1995)

CONSERVATION STATUS

- Marine vegetation of conservation significance
- Freshwater fish habitats of conservation significance
- Estuarine crocodile habitat of conservation significance
- Landforms of conservation significance
- Wetlands of conservation significance
- Significant turtle breeding sites

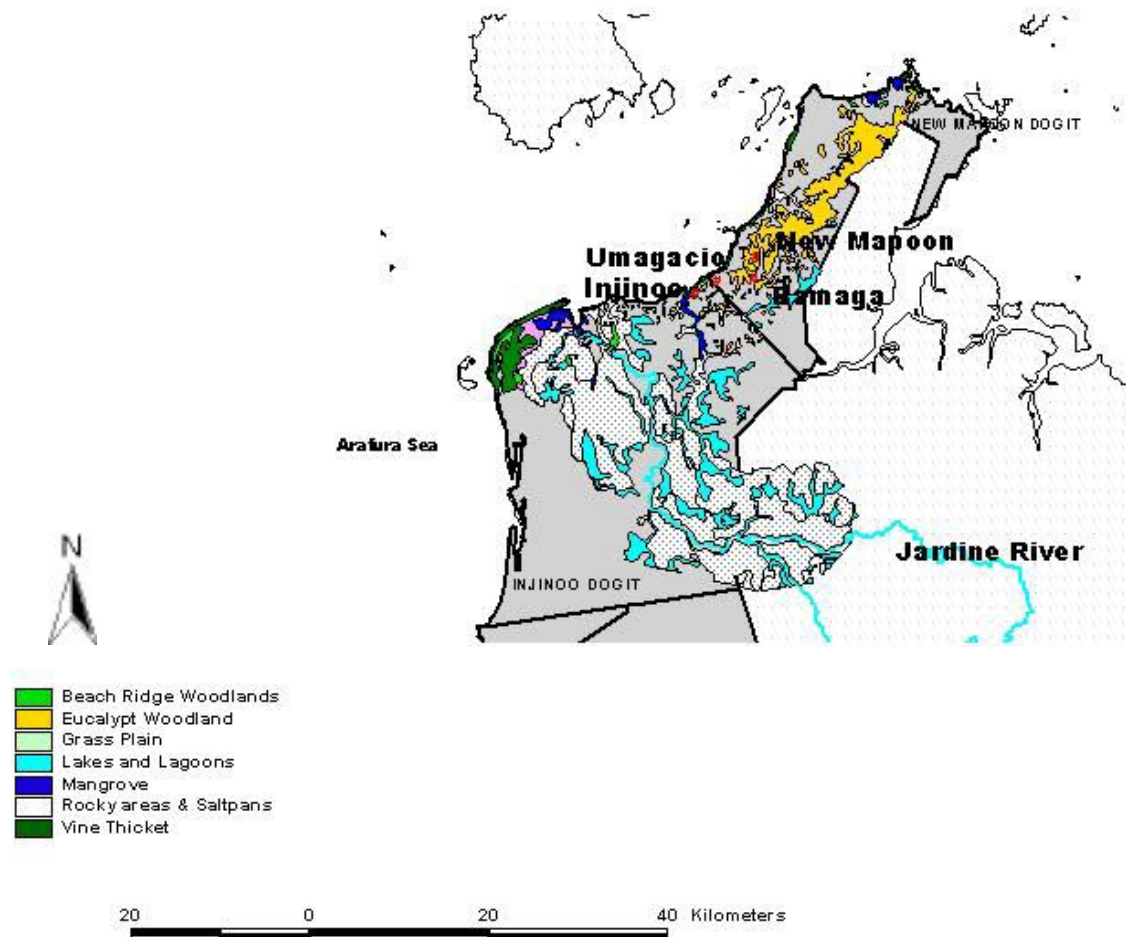
CURRENT FISHERIES HABITAT

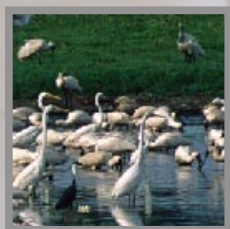
None

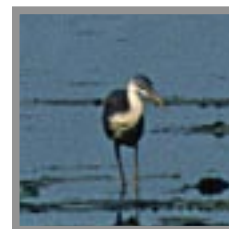
PROPOSED FISHERIES HABITAT

Jardine River (Danaher 1995)

Map 21: Saltwater country in the Jardine River area (based on Neldner and Clarkson 1995)







CHAPTER 2: MANAGEMENT CONSIDERATIONS

Introduction

As mentioned at the outset, three questions are continually asked:

1. Why do users of country generally not respect Traditional Owners?
2. What benefits do Traditional Owners get from activities in their country?
3. How can Traditional Owners gain more control over those activities?

Some sectors and individuals challenge the right of Traditional Owners to even ask these questions. The view of the non-indigenous user is often, “I have a right granted by the government (e.g. a fishing license or activity permit) and that is all I need.” Some sectors of the public, industry and government question the right of Indigenous people to ask what benefits from activities in their country might come to them or whether Traditional Owners should have any decision-making power in relation to management of those activities. The rights recognised at this point in time are much more a product of legal decisions than any desire of other parties to be genuinely and actively recognising the human dimensions of these issues. For Traditional Owners, Government and industry often appear to meet the minimum requirements in terms of recognition of rights required by the law where in reality more good will is required. It will become evident that both industry and government will need Aboriginal people to make plans work in these remote areas.

We believe it is reconciliation in the management sphere that will contribute most to addressing the challenges of sustainable resource use, including and particularly the management of the NMPA. Co-management or management partnerships are considerations in this context.

A key statement made by Innes and Ross 2001 relating to co-management is one we find useful here:

“We say ‘equitable’ rather than ‘equal’, to promote the idea that co-management arrangements can be agreed mutually and fairly, yet the allocation of roles may differ and may or may not be described as ‘equal’. The essence is that partners have balanced power relationships in decision-making according to their interests, priorities and capacities. In a situation in which either party needs to build up capacity over time, we see no reason against role allocations being negotiated to

take effect in stages, as the parties achieve readiness.”

We are of the view that at the end of the planning process Aboriginal people or representatives need to be in place and that management partnerships need to be contemplated as outcomes from the outset but also that benchmarks are set in place and that there is delivery on-the-ground on the way through.

As an example of how to answer the three questions Traditional Owners asked, we include some ideas for co-management which were raised and which the National Oceans Office and other agencies could consider in any further planning initiatives.

In short Traditional Owners want:

- a) Greater real involvement in management of land and sea;
- b) Aboriginal rangers put in place. These rangers should be trained to nationally accredited standards and chosen by Traditional Owners;
- c) Ranger control of hunting and other permits;
- d) Protective regimes for dugong and turtle;
- e) Building of resource centres/ranger stations in particular locations nominated by Traditional Owners;
- f) Control of visitors;
- g) Control of commercial fishing;
- h) To be part of the process determining how many fishermen should be in a certain place;
- i) Protection and patrolling of sacred sites;
- j) Support for outstations, explaining to the public that Aboriginal people are performing a service for the broader Australian community by protecting country; and
- k) Agencies to know that they understand that co-operation from both sides is required to make these things happen.

The above are simple, unambiguous, practical and sensible requests. They also conform well with agency aspirations we would argue, apart from power sharing.

It is recognised that capacity will need to be built in some areas. As far as the reasoning behind management direction is concerned (rationale) and practical ways of accomplishing outcomes, Traditional Owners have on many occasions and in many ways said, “we must combine white man and blackfella knowledge and skills”. This is a clear statement of a desire to work together.



Aboriginal people do contemplate joint advisory, scientific and management boards to manage country. The issue is that governments have not committed to establishing equity and handing over responsibility.

The Building Blocks

In considering how best to develop effective management structures for incorporation into the NRMP we argue that a number of 'building blocks' need to be in place and factored into the planning process. This section outlines a number of these including - Native Title, Management Units, Boundaries, Compliance, Resourcing and Access considerations.

Native Title

Native Title and management are not separable in a practical sense. At one interview we were asked if rivers and creeks were included in native title. The answer was that they were included in the claim but exclusive native title was subject to extinguishing acts, such as fishing licenses and tourism fishing permits. A charter boat can essentially do what they like under the law as long as they stay in boats. This of course makes no sense at all to Traditional Owners because as far as they are concerned that is their water and there is an arrangement to be made and a discussion to be had between them and the user. This applies equally to commercial fishing where practices are legally allowed but which do not make any sense from a traditional standpoint.

Aboriginal management information can often form native title evidence. This has created some difficulties in this project and will continue to do so in the future. While the National Oceans Office has been keen to establish what traditional practices are and keen to know where cultural sites are in order to include them in considerations, until Native Title processes have run their course or until Traditional Owners have weighed up other options for control and ownership of their lands and seas, this information remains with them. Insistence by funding providers on retaining copyright and intellectual property in this instance severely constrains ability to provide detail to the National Oceans Office. Native title is comparatively new legislation and public and bureaucratic perceptions have been slow to shift. Native title itself is generally not well understood by non-lawyers and communities and in some senses it is more practical to accept that Aboriginal people have inherited rights and significant legal rights. We therefore have to be prepared to bring processes to the Traditional Owner level and provide for secure information exchange.

Management Units - A Suggestion

Management according to traditional group, language group or perhaps clan group can deliver a management framework and is a process that could be mutually agreeable.

Indeed the EPA has progressed this concept and we attach a quote from their strategy in relation to MPA's to highlight some of these ideas.

Indigenous partnerships -

(Environmental Protection Agency, 2000: s.7 p.5).

Indigenous peoples of Aboriginal and Torres Strait Islander heritage have had cultural and subsistence relationships with the Australian marine environment for thousands of years. Indigenous peoples in many parts of Australia continue to have strong links with the sea, and regard coastal waters as part of their "country" or clan estates.

Acknowledgement of traditional interests is part of Queensland marine park zoning plans for the Cairns and Moreton Bay Marine Parks.

Under the Cairns Marine Park zoning plan, an 'Aboriginal Management Area' has been declared over Mission Bay. The objective of this management area is to progress the involvement of the traditional inhabitants in planning and management, including conserving the area's natural resources and protecting its cultural values.

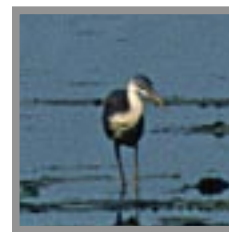
Similarly in the Moreton Bay Marine Park, one purpose of the South Passage area is to recognise Aboriginal interests in the planning and management of Moreton Bay, including conservation of the natural resource area.

In bioregions such as those in the Gulf of Carpentaria and Torres Strait where Traditional Owners remain predominant users of marine ecosystems, any measure for protecting the marine environment must be culturally relevant and respect traditional custodianship.

Indigenous peoples have suggested that approaching the planning of marine protected areas in some parts of Queensland from the perspective of traditional clan estates might be more appropriate than a bioregion basis. These suggestions have some validity.

For example, in the Torres Strait, traditional use of marine environments remains strong and moves are being made towards autonomy. In addition, special treaty arrangements between Australia and New Guinea are in place. These oblige both countries to protect the flora, fauna and marine environment of the Torres Strait Protected zone. Planning for marine protected areas in Torres Strait should go ahead in a context of relevant local custom, and bioregional boundaries might take second place to planning units that are culturally relevant.

CHAPTER 2: MANAGEMENT CONSIDERATIONS



Native title claims exist over many marine areas in Queensland. Resolution of these will be relevant to any measures that that might ultimately be adopted for protecting and managing the marine environment.

Native title issues and traditional knowledge of indigenous peoples need to be recognised and incorporated into any strategy for marine protected areas. In many cases, Traditional Owners will have a role in caring for the marine environment and its resources in continuity with their heritage and traditions.

These statements provide a very positive basis for engagement with the State, particularly bioregions³ being acknowledged as secondary to cultural units in the Cape York context of the NRMP.

The concept of a cultural unit basis for management, coupled with genuine and equitable management partnerships theoretically should deliver the outcomes required. We believe that these provide the makings of a real and necessary paradigm shift in management and that all parties need to navigate in that direction. There may well be significant flow-on effects such as regionalisation and subregionalisation of fisheries where all users have to focus on looking after their area, rather than being free to move when one area is fished out.

Boundaries

Boundaries can be particularly complicated and in many cases Aboriginal people have chosen to follow descriptions of their country that have practical relevance to what they are trying to achieve at the time. The Kimberley Land Council is contemplating Native Title management units in their “Saltwater Country”, (See also Roberts and Wallace 2002 regarding suggestions relating to artificial management boundaries or area management and discussion on subregional scale management). The idea has been prompted by the fact that in some instances Traditional Owners adopt boundaries that serve the purposes of the process currently underway. For example, in some cases native title claims follow pastoral lease or other boundaries rather than a traditional boundary, because it may lead to a practical outcome sooner. It is clear that prior to European settlement and current community centralisation it may have been necessary for people to move according to seasonal food and water availability and there were times when groups mixed to make use of plentiful resources or for cultural meetings. It is also clear that over longer times scales (tens of thousands of years) that landscapes and seascapes have changed phenomenally and of course Aboriginal society would

have had to adapt to such changes and changes are occurring now. It is worth contemplating that only 8,000 years ago the sea level was approximately 100 meters lower than it is today.

It is perhaps useful to think of individuals occupying physical and non-physical cultural space which might expand or contract depending on the relationships and interactions of that person over their lifetimes. There are inherited rights and rights that are gained or lost through marriage and cultural practice and that an individual's rights are in some cases just that, individual. These are complex matters upon which we are not qualified to comment and it will be for Traditional Owners to recommend how engagement might take place and at what scales. We do however believe that Traditional Owners will want to focus on local results for themselves and their groups and less on higher level outcomes whilst they do need to be integrated regionally to accommodate administrative processes and agency jurisdictions.

Compliance

A clear problem acknowledged by all sectors is that there is limited capacity by anyone to enforce the law as it stands despite the recent surveillance upgrades precipitated by the refugee crisis and people smuggling. The west coast of Cape York is not well provided for at all while the east coast is receiving some, if limited, attention because of the GBRMPA's priorities and political and social prominence in broader Australia. While there is some capacity for compliance organisations to synergise, there is still a large shortfall in the presence of people on the water along coasts and in rivers attending to saltwater management. It is in the field of operational management that Indigenous people can be of major relevance to the success of a management plan in this region. This is not a new concept; Aboriginal people have been making this point for decades.

Both State and Commonwealth have been reluctant to devolve management authority until the situation is in environmental or political crisis. The NRMP has the potential to determine a more stable policy environment than has been the case to date. Aboriginal people are well past consulting on many issues and are becoming desensitised to many government approaches no matter how willing and genuine they might be. Our recommendation is to get resources on the ground immediately and build capacity *in situ* rather than

³ The EPA (2000) shows two near-shore bioregions for the west coast of Cape York, the west Cape York bioregion (WCY) and the Karumba-Nassau (KAN) bioregion. Clearly using cultural management units may assist in higher resolution of protected areas because there are currently more cultural units than bioregions.



relying on the ephemeral nature of agency policy. Such developments need to be tied to income generation so that communities are not continually at the mercy of government change and reliance on government funding.

The aspirations of Aboriginal peoples have been variously appropriated by departments when it is clear that mutually beneficial outcomes could be forthcoming if these departments actually funded operatives in Indigenous organisations as well as maintaining departmental functions in remote areas. There has been more of a focus on the latter to date.

Resourcing Issues

Current management is being funded through part time Community Development Employment Projects (CDEP) and the NHT. It is neither sufficient nor appropriate that such funds are solely relied on to manage the vast areas that need to be patrolled and managed in the long term. It is therefore necessary to contemplate multi-source funding, using the wherewithal of all parties to contribute to outcomes and to identify the scales at which they can be applied to produce outcomes that are meaningful for Traditional Owners. We believe local and higher level negotiating tables based on the Cape York Partnerships model may provide a solution.

If funds are to be spent by agencies as a consequence of their obligations in any event, negotiation tables provide a method of strategic application of what is available. It is the resourcing of the negotiating tables themselves that is an immediate issue.

Although not well engaged in management, there seems to be an expectation that the sector of Australian society least able to do so should be fighting against considerable political odds to secure funds to look after country not only for themselves but for Australia as a whole. We would put it to the State and Commonwealth that in order to maintain the health of country, serious consideration needs to be given to raising funds for its management. It appears that the responsible agencies themselves are under severe pressure and there is little opportunity to devolve responsibilities further.

There are however some opportunities. Visitors can be charged for entry and use in some instances where ownership is acknowledged, Traditional Owners can apply for grants, as can agencies in partnership with Traditional Owners. In the latter case agencies can bring their political influence to bear based on agreed strategies developed at the negotiation tables which, in turn, are based on subregional Traditional Owner

priorities. There are employment programs and training funds that can contribute but it would appear that training and infrastructure and human resources have to reach a certain threshold if the initiatives are not to slide backwards again and start with another consultation process and/or new staff. Funds must be found to create the critical mass at the subregional scale and hold it there until they become self-sufficient. This means community people seeing their own communities as a place where they can work, live and be employed. The stop/start nature of political support and associated funding initiatives has not allowed that to happen.

Indigenous documents such as this one invariably point out that too much is expected from Aboriginal people for too little while government continues to seek department-centred outcomes.

Access - areas for exclusive use of Traditional Owners

There are no areas put aside for the exclusive use of Traditional Owners and many are relieved when the wet season sets in and makes roads to the south and into west coast communities impassable.

Australian Law does not yet allow for exclusive possession of water or the resources in it. However it is obvious that agreements can be made and if other users observed some form of voluntary exclusivity for the benefit of Aboriginal people, that would do wonders for sectoral relationships and relationships with government.

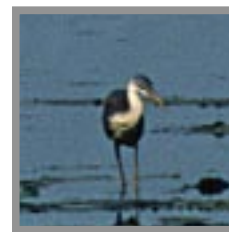
BRINGING IT ALL TOGETHER

Discussion

Cape York is an important land, sea and cultural scape in both Australian and global terms. The physical and non-physical dimensions of the area are vast. Cape York, the Gulf of Carpentaria and the Far Northern Section of the Great Barrier Reef Marine Park have been the subject of intense political, developmental and conservation debate. There are a number of studies that have been undertaken on the Cape. Many parties have 'plans' for the Cape ranging from broad acre farming to declaration of wilderness zones. Although clearly a region of undisputed Aboriginal primacy, Aboriginal peoples of the Cape have not, until relatively recently (post-Mabo), been included or even considered in management planning, resource access arrangements (allocations) or management implementation. These processes are still in their infancy.

As far as the National Oceans Offices' Northern regional marine planning process is concerned we are anticipating that a management plan will be developed.

CHAPTER 2: BRINGING IT ALL TOGETHER



We are anticipating a strong State position and that Queensland will want outcomes for their marine parks program as well as the State economy. We are anticipating government focus on conventional CAR (comprehensive, adequate and representative) biodiversity protection as part of the management solution.

Structural Frameworks for Management - Some Options

Given the 'building blocks' are established, there are a number of ways to approach the regionalisation of management. We provide the following as potential criteria for inclusion into the NRMP.

1. Population nodes (general population nodes)
2. Aboriginal population nodes
3. Aboriginal 'countries'
4. Cape York subregions (see management chapter)
5. Catchments
6. Bioregions
7. Shire boundaries
8. Native Title claim boundaries.
9. ATSIC boundaries

Each of these has advantages and disadvantages and can be greatly influenced by political pressures. In view of the Aboriginal focus on 'country' as a primary unit we suggest that incorporation of this local aspect of management is absolutely essential to any regionalisation and subsequent program delivery. To date many of these have not been developed in a marine/coastal context.

In thinking further about this and as a result of our consultations we now present a conceptual model of how the NRMP could be developed. This concept is one which integrates Western and cultural concepts of country, obviates the need to 're-invent the wheel' by using existing policy and cultural domains and is geographically placed to reflect the key values of the subregions.

The subregional approach

The subregional strategy of Cape York is a compromise of a number of determinants, namely native title claims, transfers and claims under the Aboriginal Land Act, prescribed bodies corporate, language groups, catchments, people catchments (and their involvement in subregional issues) and some political pressures. Bioregions are notably absent because they are secondary, we believe, to the actual ownership and delivery of management on the Cape. This has been recognised by the EPA in their planning framework for marine protected areas. Bioregions can however be catered for because the scale or grain of resolution

achieved by using 'countries' as a management unit appears in most cases to be smaller than bioregions currently identified. This means that there is likely to be more than one 'country' per bioregion which in turn augers well for representation of bioregional types within a "county" based management structure. The boundaries of these subregions are still evolving but centre on common interests in a geographic region including non-indigenous interests. The subregion is therefore the target for integrated solutions from our perspective. However there is also a need for whole of Cape York integration in dealings with the State and Commonwealth especially in relation to the roll out of NHT2 and its required whole of Cape Natural Resource Management plan and investment strategy. (Refer to Appendix Two).

Concept

Countries are clustered into subregions and subregions are clustered into four geographic regions containing catchments (with social and cultural components) forming two marine bioregions.

This provides for management at four levels and opportunities to allocate human and funding resources strategically in an environment where funds might be in short supply.

The regionalisation presented here is organised around a biogeographical and contextual framework which explores and arranges the many issues to do with marine resource use in western Cape York Peninsula. This framework integrates spatial trends in:

- Aboriginal and European tenures, and related notions of ownership or rights of use of the marine resource;
- the wide range of wet and dry season variation in the availability of the resource;
- the numerous Aboriginal language, tribe and clan affiliations and related cultural values in land and seascapes of the region; and



- the social and economic values of the Gulf of Carpentaria coastline and near-shore marine environment.

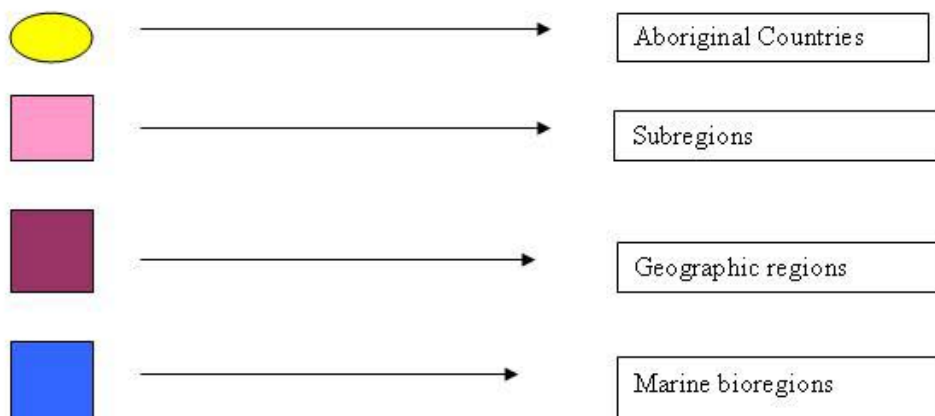
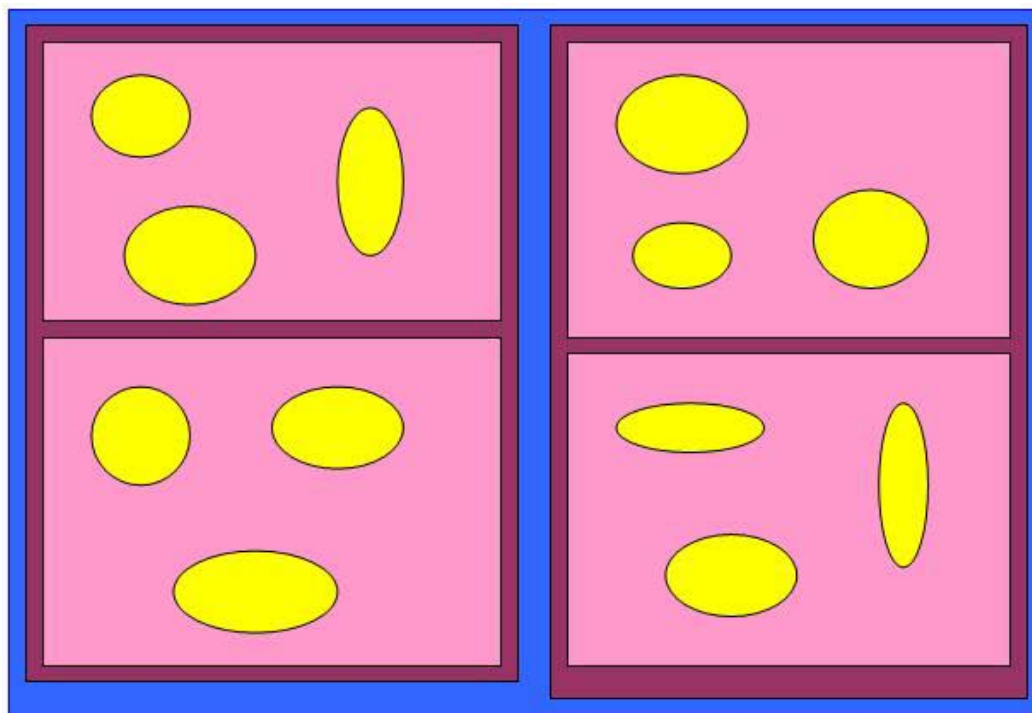
The regionalisation aims to provide a basis for ongoing strategic management in consultation and negotiation with Balkanu, subregions, partner Indigenous organisations (at Cape York and Northern Australian scales) and Commonwealth and State Governments.

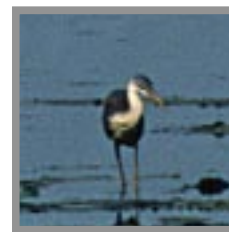
We present below our suggestion for a structural way to move forward and provide a strong basis of marine/coastal management in the North. It is based primarily on Aboriginal affiliations within which bioregions and catchment issues can be captured.

Rationale -

1. Will mesh well with existing national boundaries
2. Will provide cohesion with existing policy initiatives such as the Cape York subregional strategy, partnerships, native title and NHT
3. Will be a more accurate reflector of cultural boundaries and peoples

A Conceptual Regionalisation Framework for the Northern regional marine planning process; integration between the natural and cultural components





CONCLUSIONS

The National Oceans Office process has not been smooth sailing but the result is positive. Effective Indigenous engagement requires more time than this process has provided. There is a dearth of individuals capable of straddling the issues and concepts across cultures to deal with these matters.

Cape York, and indeed Northern Territory and Carpentaria Traditional Owners, have many common issues whilst at the same time being responsible for particular countries. There will be major challenges involved in representation of those local issues. We encourage the continuing use of Native Title Representative Bodies as a centralising structure for gathering information, holding it in trust for Traditional Owners and providing legal filters for Traditional Owners in a volatile Native Title environment.

Regional and Subregional Aspirations (saltwater plans)

We have elaborated many of our organisational aspirations already especially in the sections relating to institutional arrangements, values and areas section and management considerations.

They revolve around:

- Having time to explain initiatives to Traditional Owners whose understanding of management is totally different from Natural Reserve System and or bioregional processes;
- Having the funds to travel the vastness of Cape York;
- Having the human resources to do the job amongst many others;
- Having coordination capacity at different levels but within Indigenous structures not government structures;
- Having representation at the right places;
- Having Indigenous-only fora for free expression; and
- Having self determination.

Unity of purpose is required. Government needs to support mandated bodies and not vacillate. We would suggest that in order to establish a basis for management the following are required:

- Documentation of resources that are currently used by various sectors.
- Assessment of which resources can be used that are currently wasted or not used at all in a commercial context.
- Assessment of the status of resources used. Is increased use sustainable? Is re-allocation required?
- Are these subsistence resources, commercial resources or both?
- Is outside commercial and recreational activity threatening subsistence? If so, prioritise food resources and limit other uses.
- Test feasibility of current economic aspirations. Rule out those that are not feasible, develop other options and make provisions for future demand on resources if possible.
- Map all subsistence and commercial activities at the subregional scale.
- Superimpose commercial activities or potential commercial activities on cultural constraints if any.
- Map potential conservation areas at the subregional scale.
- Apply Indigenous and non-indigenous criteria for identifying and then selecting saltwater country protected areas.
- Negotiate uses in protected areas. These are in many cases not going to be 'no-take' areas except where Traditional Owners require or agree to total closure.

There is a general view held by Traditional Owners that everyone but Traditional Owners is benefiting from their resources. This is undeniable and it is high time this injustice was addressed rather than pretending it doesn't exist. As mentioned on numerous occasions, there is a distinction between non-indigenous parties recognising the letter of the law and working on partnerships of mutual respect regardless of legal precedent. The fact that native title has not been found in a particular area of land or sea does not mean that those wishing to use that land or sea, albeit legal, should ignore Traditional Owners.



The essential elements for success will be negotiating the areas of common conservation and use interest. It is important for Traditional Owners to have the opportunity to propose solutions first rather than to have to react.

This challenge asks us to consider how negotiation is occurring now and to change the convention to deliver results at the local or sea country or subregional scale. These are likely to vary in size and should be worked out by Traditional Owners and their Indigenous organisations.

The transient population in the west coast communities are generally highly skilled and well paid. There is a real need to support people who will stay for the long term, to acquire the skills required and help to prevent the major discontinuities that occur when the transient people leave. In short, capacity building and job security for local people is necessary.

People are seeking the opportunity and mechanisms to get their position clear and agreed to by Traditional Owners at various scales (individual, family, clan, group, subregion and region) before being pushed into multi-stakeholder meetings with totally different terms of reference, motivations and world views to Indigenous peoples.

We believe that it is essential to provide for long-term continuity at the subregional scale. This problem is best solved by mentoring programs, training geared to 'learning by doing' and the engagement of local Indigenous people (preferably) in key positions pending Traditional Owner approval.

We would suggest that the next phases of the National Oceans Office planning process seek to provide for the development of such partnerships and that the 'negotiations tables' model be implemented with the Cape York Land Council and Balkanu as lead agencies and with a view to management partnerships at the subregional scale.



CHAPTER 3: OTHER RECOMMENDATIONS

Current position

We have completed a scoping study. This has identified a number of issues. We have provided the necessary latitude (such as not enforcing contractual obligations and time lines on subregions) to limit disenfranchising people from the process.

This has caused Balkanu and the National Oceans Office some discomfort but that is the reality. Consultations are occurring in a highly charged political atmosphere involving a number of parties including the State and Commonwealth who themselves have points of tension.

Because of the lateness of the reports it has not been possible to provide a detailed synthesis of issues as originally intended but that can still be done and most of the broader issues are quite clear and unequivocal. More detailed matters will need to be dealt with *in situ* at the subregional scale through the proposed negotiation tables if we can find the resources to conduct them.

The regional report provides a general overview and importantly contemplates the mechanisms by which management might be achieved. The report acknowledges current processes, agency rationales and obligations and attempts to bring them into a Traditional Owners frame.

It is very clear that management information generally and Indigenous management information, in particular, is sparse in the published literature with some notable exceptions. Indigenous information has restricted access negotiated between anthropologists/consultants and Traditional Owners or as a consequence of unsettled tenure negotiations.

We have addressed a number of issues as a consequence of recognition of Balkanu as the peak Indigenous land and sea management organisation on Cape York and engagement in regional, State and Commonwealth processes.

Moving ahead

Having done the scoping study, there is now a need for some time to be set aside to discuss issues between Land Councils and revisit communities to explain where we have got to and explain management options that we have suggested on their behalf. This is complex and will need time.

As we suggested early in the scoping phase process, we immediately signal that more time be provided and

that progress of the planning process turn on mutual understanding rather than timelines for the sake of timelines.

We suggest subregional negotiation tables as the way forward. These will need funding.

Considerations for the next phases of planning.

Note: Where ever possible the subregions should be enlisted to do this work. Balkanu/CYLC is offering to coordinate such tasks with a view to aligning them with whole of Cape York responsibilities and arrangements with State and Commonwealth Governments

All studies and actions suggested below should be presented in plain English and be accessible to Traditional Owners.

Process

1. A possible assessment of the National Oceans Office process itself as it relates to Indigenous issues and engagement. This might inform the next regional marine planning process.
2. The wording of all contracts will need to change to accommodate Traditional Owners wishes. Both sets of contracts (the contact between the National Oceans Office and Balkanu and the contracts between Balkanu and subregions) triggered serious problems in practice. The subregional contracts had to reflect the desire of the National Oceans Office to own copyright and intellectual property. This became a major sticking point.
3. Workshops relating to institutional arrangements should be undertaken starting with discussions between Land Councils in private and funded by the National Oceans Office. Development of institutional arrangements appear a long way from settled and is a critical issue that we must try and resolve.
4. Develop a process agreement so that everyone is clear on what is happening and what their roles and responsibilities are.
5. Strategy, roles and responsibilities. We are continually reacting. Why? What is required for Indigenous people to be on the front foot? National Oceans Office must provide time and resources for Traditional Owners to digest issues and for Balkanu and CYLC to seek counsel from constituents.



On ground actions

6. An evaluation of on ground projects that can be undertaken immediately should be done. This suggestion is in order to show good will to Traditional Owners that something is actually happening on the ground besides more discussion. The human resources provided to attract funds to do them needs addressing, namely application writers/negotiators. Balkanu and partner organisations offer a seat for that person in their office. This might be coordinated with CDEP programs and training. Some of this is being done already through Cape York Partnerships and Balkanu Business Hubs. NHT 2 is waiting in the wings and in our scoping report we have provided a regionalisation that might be applied pending endorsement by Traditional Owners. The development of negotiation tables at subregional scale, we suggest, is the way to develop strategy which may be attractive to the NHT 2 strategic regional plans. This should be a private Indigenous affair to begin with, with other parties by invitation.

Aboriginal conservation priorities

7. As mentioned in the regional report there is a plethora of Eurocentric 'conservation significance' documents for Cape York. There is a need for parallel Indigenous documents to determine where common areas of Indigenous and mainstream significance might exist. It would also be for Indigenous people to determine what the criteria for valuation might be. We can say from experience that the ranking and weighting of cultural heritage and Indigenous natural values as often undertaken in computer-based Decision Support Systems are not likely to provide the outcomes required in this region in the short term. Decisions will come from senior traditional people based on their own assessments of the situation. It is important that those people have information.

Traditional knowledge

8. The importance of recording traditional knowledge and Indigenous ideas for management solutions cannot be understated and we would recommend a large investment in marine ethno-ecological research and research partnerships immediately. However this should be negotiated by Indigenous organisations, not taken and run with by tertiary institutions, mainstream researchers or agencies. Balkanu can

recommend a pathway for engagement pending discussions with Indigenous groups.

From an organisational point of view we believe it is crucial that research into Traditional Ecological Knowledge and other knowledge be conducted by Traditional Owner-endorsed process. Benefits derived from this include:

- It provides the information for cultural sustainability, passing on information to younger generations
- It is simply useful natural resource management information
- It provides an Indigenous scientific component to a management plan
- It provides a practical bridge between the social and environmental components of ESD management.

Subsistence economy

9. The value of subsistence use has not yet been quantified except in one study (see literature review). It appears to be substantial based on the outcomes of the Injinoo Subsistence Fishing Survey, general observation and personal communications. Attempts might be made to do this but if the former is accepted as fact obtaining the figures might be academic. However, history has shown that numbers are important in arguing allocations for example and will be important in calculating total catch. Balkanu, DPI and Qld Department of Environment and Heritage have produced a survey kit which might be of use in this regard.

Cultural mapping

10. We would recommend a study of cultural mapping that has occurred along the west coast of Cape York. This must remain strictly confidential and held in trust by the CYLC for Traditional Owners and each local group provided with their information where they have secure data storage systems. No other parties (including the National Oceans Office) have any rights to such information but it does need to inform planning. A subcontract to do this was precluded by the scoping study contractual conditions.

Tourism

11. We would recommend an overview of tourism studies and if necessary a study of the number of tour operations and tourists using saltwater country, including the benefits to Traditional Owners derived from those activities and the ownership of those operations. The focus should be on subregional outcomes for Traditional Owners.



Economy

12. A confidential review of economic aspirations should be undertaken by Balkanu Business Hubs and seconded business partners.

Torres Strait issues

13. Discussion of mechanisms relating to the interaction of TSRA and Kaurareg with Cape York Land Council, Torres Strait Treaty etc.

Legal issues

14. A study of the legislative interactions and roles and obligations of State and Commonwealth and workshops to explain those to parties and Traditional Owners. This should include an analysis of tools available for co-management and protected areas negotiation. This should be done by the CYLC.

Research

15. A study and review of Indigenous research priorities should be undertaken by Indigenous organisations
16. Biological research needs from an Indigenous perspective should be identified (Balkanu Caring for Country Unit and subregions)
17. Social research needs should be identified. (Cape York Partnerships, Balkanu and subregions)
18. Economic research needs should be assessed (Balkanu Business Hubs and Balkanu Caring for Country Unit and subregions)

Basis for management

19. Development of MOU with the State on the promotion of the marine protected areas framework referring to management along cultural management unit lines.

Monitoring

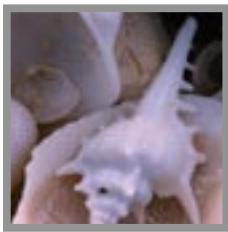
20. The status of Aboriginal participation in monitoring on the west coast should be assessed. This should include environmental monitoring and compliance monitoring. What are the opportunities and what training is required? Some of this work has already been done by Cape York Partnerships and Business Hubs.

Land use

21. Model wet and dry inundation for where it hasn't been done using vegetation types and landsat. An example of Jim Monaghan's work in Kowanyama is provided in the regional report.
22. A significant catchment based study needs to be done. This should include current and future use of catchments.

Fisheries

23. Traditional Owners would like to know the number, type and extent of commercial fisheries in the area of operation, what species are caught, the condition of those fisheries as well as market information. There should also be an analysis of the flow of benefits in these fisheries. DPI fisheries information provides a basis for analysing fisheries harvests on an area basis and could be followed up during the next phase of this planning process.
24. All species used by Aboriginal people should be listed for each subregion and research conducted on stock status and impacts from other use. Literature on each species should be reviewed (in each subregion if possible) and provided to Traditional Owners for their consideration. (Not a whole lot of language names collected and taken to a university or departmental computer)
25. Endorsement from the Injinoo Land Trust to publicise Injinoo fishing survey with a view to showing other communities the results.
26. Review of recreational fisheries, camping etc on western Cape York
27. A review of charter operations is required showing value and flow of benefits
28. Review and update aquaculture strategies, potentials, inform Traditional Owners of hazards and benefits. Some areas are simply unsuitable for certain species.
29. Keep abreast of development of the aquaculture scoping paper through DPI Northern Fisheries Centre.
30. Review fishing strategies in view of the Commonwealth Department of Agriculture, Fisheries and Forestry proposal to create another national Indigenous fishing strategy.



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APPENDIX ONE

This section comprises our thoughts and comments on the power point presented by National Oceans Office with the National Oceans Office part in italics.

- *Launched in 1998.* We are aware of ATSIC participation and submissions in the development of the Oceans policy although recommendations were not all taken up by the Commonwealth. Balkanu contributed to those ATSIC submissions. We identify the Oceans Policy Issues Paper #6 as a good statement of aspirations. Indigenous people however want some action on these matters.
- *Ecologically sustainable development basis.* We believe that this is an honourable stance but are seriously concerned that Aboriginal people are way behind in having their interests represented, although they have made every effort to do so. (See Smyth, 2000 who provides a chronology of attempts to contribute and participate). Ecologically sustainable development usually addresses three pillars, namely social, economic and environmental. Aboriginal people frequently have cultural considerations that may affect all three of those parameters.

Firstly, the number of Aboriginal people fluent in the language and rationale of the prevailing western management and scientific paradigms is limited although the concept of ESD is fundamental to Aboriginal lifestyles. Aboriginal know-how is regarded more often than not as being somehow less relevant to contemporary mainstream management. This must change through Aboriginal-led collaborative investigation. Balkanu is engaged in a number of collaborative projects and would like to progress these in the following phases. NAILSMA should also be consulted on policy relating to research partnerships.

Secondly, management must value alternative rationale and science equally and make way for its expression. This does however require its own process, structures and skills (we refer the reader to the excellent multi-media work being done by Victor Steffensen at Balkanu on recording traditional knowledge).

Thirdly, Aboriginal people have not or have not been able to elevate their values enough in the discussion to be considered in the ESD equation. A good example is what Richard Aken of the Kaurareg nation calls “spiritually sustainable development” (pers comm.) which is central to Aboriginal concepts of country and its management. For Aboriginal people there is little point in managing country unless this dimension is included.

Fourthly, existing commercial operators have a massive advantage in maintaining their position of superiority in the ESD debate. There is an absolute need for other sectors to concede that they have had that upper hand from the start. There is a need for other parties to recognise that they need to make concessions and for the Indigenous share to increase. Aboriginal people require management agencies to recognise and support that reality. Negotiations are necessary and compensation packages (to both existing industry operators and Aboriginal people) will be required to instate some semblance of fair access and participation in industry.

- *Ecosystem-based management.* This is a contemporary scientific phrase that is becoming well used, perhaps even worn. It appears to make intuitive sense, alluding to connectivity of natural systems, the need to consider food chains, relationships between species, migrations and movement according to stages in the lifecycle, seasons et cetera. This kind of thinking is of course central to the Aboriginal world view and extends even further to include themselves and their religion, sky, clouds and other components of country. A focus on ecosystem management also provides confirmation and support for considering the substantial and varied cultural and landscapes of rivers and deltas in the NMP area, particularly on the west coast of Cape York

The “social landscape” and endorsement of principles arising from it is crucial in making what might on paper be a good natural ecosystem perspective work in practice. Without effective compliance a good plan means little and it is for this reason that all efforts must be made to have the people who are expected to comply understand the objectives and the reasoning behind a strategy or plan.

- *Adaptive management.* This is presumed to mean reviewing and monitoring progress and changing management strategies as more options are identified. Aboriginal people have had to rely on their ability to cope with change and are quite familiar with changes in seasons of the year (and variations each year) requiring different survival and management strategies. We are aware of calendar trees indicating that certain species of fish are ‘fat’ for example (here fat relates to texture, taste, nutritional quality and so on). Longer or shorter wet seasons, severe dry seasons affect when flowers appear or shoots grow which in turn may indicate when resources are available. Such knowledge is clearly of management value and prescribed dates for management activities could be replaced by the recognition of and adaptation to environmental triggers and signals. An example is fish spawning closures. It is extremely relevant to collect such



information. The Aboriginal role in monitoring is potentially very significant because it is they who are there on country. It would seem that with some collaborative planning of monitoring arrangements there could be some good outcomes socially, environmentally and culturally.

- *Improved coordination between Commonwealth, States and Territory.* These are complex issues that are confusing for Traditional Owners and their organisations. What Aboriginal people do understand is that policy is subject to political change and that there is competition between local, State, Territory and Federal interests. The complexity of jurisdictional arrangements frustrates Aboriginal people and the discontinuities in legislation fly in the face of attempts at ecosystem-based management. Traditional Owners have remarked on numerous occasions that fish do not recognise legislative or jurisdictional boundaries.

Aboriginal and Torres Strait Islander Communities.

In the context of developing integrated oceans planning and management processes, the government will seek to ensure that:

- *Traditional conservation and use practices are valued.* If these practices are to be valued they must also be known. Some of this might be undertaken in the assessment phase. There are significant issues relating to intellectual property and complexities of privileged or secret information. There are real dangers of information falling into inappropriate hands. It is therefore necessary that mechanisms are in place that allow incorporation of information without its public exposure. An example is for Traditional Owners to lay out the route for a road without having to identify the sites around which the road might be navigating. Similarly, Traditional Owners, armed with their own knowledge and protocols can produce a list of appropriate activities in particular areas without having to declare the reasons for those decisions. Similarly we would encourage the National Oceans Office to support development of a process that allows Traditional Owners to develop plans with minimal interference, and provide them the opportunity to table a plan themselves.
- *That the reliance by many coastal indigenous communities on marine resources is treated as an important ocean use.* In the assessment phase it would be worth quantifying just how important reliance on these resources is. It is a key issue. In Kowanyama for example a rough estimate is that local people obtain three meals per week from the saltwater environment

(Jim Monaghan pers.comm). Our own observations confirm this to be true along the length of the west coast and elsewhere where Aboriginal people live near the water (salt and fresh). The Kaurareg Nation falls into a geographic region regarded as having the highest per-capita consumption of seafood in the world⁴.

- *That indigenous communities have opportunities to take up commercial activities related to oceans.* We need to consider what is required for this to happen, for example in cases where fishery resources are already being fished to capacity. What range of opportunities might Aboriginal people want to take up and how will they manifest themselves on the land and sea? How are balances to be struck between Aboriginal subsistence, Aboriginal commercial fishing, non-indigenous commercial fishing, charter fishing, hosted recreational fishing and so on? How will allocations be adjusted after long histories of one-sided commercial opportunities?

Regional Marine Planning

- *Each regional marine plan and its planning process will vary depending on the characteristics of the region.* This is agreed and we have made the case for Aboriginal primacy in this region, particularly in the near shore and onshore saltwater areas.
- *Provides a framework for future decision making.* To this end we will be working towards an endorsed structure and agreed set of principles with other Aboriginal groups at various scales.
- *Promotes ecologically sustainable marine based industries.* Consideration must also be given to culturally sustainable parameters in this planning region.
- *Integrated management of sectoral activities.* There are two issues here; integration of user interests (what is the cumulative effect of uses on the resources themselves and social relationships between sectors within a particular country) and integration of processes used to identify and negotiate them (what are the authorised negotiating fora that are to address integration?) We would suggest that the CYP Negotiation Tables model is a good working model already endorsed by the State.
- *Work towards consistency in management across jurisdictional boundaries.*

⁴ It is worth considering the utility of the Indigenous Subsistence Survey Kit or parts of it, in obtaining such information. However we should bear in mind Traditional Owners' likely scepticism of unfamiliar people fossicking for such information. The use of the survey kit is contingent on support and training in its use and also that information emanating from it is held and negotiated by the community concerned. It is intended to be a subregional tool, not a government tool.



It is appropriate in this particular circumstance to consider at least near shore management arrangements based on cultural criteria. Aboriginal people have always displayed consistency in demanding the right to control what happens in their traditional domain. Aboriginal freehold is inalienable and cannot be sold. Balkanu has promoted this central conceptualisation of Indigenous space (country) in a number of discussion papers (www.balkanu.com.au) and through advocacy generally. The coasts of Cape York and the Torres Strait (in fact right across Northern Australia from Western Australia to Cape York) provide a clear opportunity to consider management by 'country' or cultural unit so to speak.

- *Engender long term responsible use of oceans resources-stewardship.* Aboriginal people are familiar with so-called intergenerational equity, (or simply, "leaving something for their children") and the need to manage and protect for the future. This is a primary motivation for objecting to what they perceive as over-use of their homelands by others. Industry has become very widespread and efficient and its impacts need to be controlled. Industry also needs to develop more of a stewardship ethic (notwithstanding compliance with belated legislation such as the EPBC Act and increasingly demanding environmental guidelines, nor the potential market advantages of registration under the Marine Stewardship Council and development of codes of conduct and EMS).
- *First plan developed in the South-east of Australia, the second in the Northern Planning Area.* Clearly different parameters apply in the Northern Planning Area and the National Oceans Office recognises those. We would hope this translates to appropriate considerations in the next phases and within the institutional arrangements that will pertain to the NRM.

What does regional marine planning involve?

- *Identification of environmental, social, economic and cultural objectives by involving all interests in identifying their concerns.* Importantly Indigenous peoples do not confine their interest to cultural objectives alone. The other objectives need to find a position in culture. It is important for Traditional Owners to have the opportunity to propose solutions first rather than to have to react. While the NRM process is attempting to provide for this, successful outcomes rely on the possession and understanding of the agendas and aspirations of other parties, the ability to debate internally at various scales and to have advocates that understand the language and issues.

- *Facilitating a shared understanding of the region and of perspectives of each interest group.* We intend to provide such an understanding from this study for the early rounds of stakeholder meetings. However representation and preparation for such meetings is complex in view of the "inverse" nature of Aboriginal voice and responsibility for country compared with the western system of representation. Senior elders speak for their country but may have no desire to participate in hierarchies requiring them to speak for others or at regional fora.
- *Providing appropriate structures to enable all interest groups to participate and provide input through the various planning phases.* This is an issue for Indigenous peoples because the legislation authorising prescribed bodies corporate, NTRBs and other governance structures in Australian Law is relatively recent in relation to traditional protocol.
- *Provide sound information to aid development of shared perspectives and guide decision making.* This is easily said but in reality requires a major investment of time and resources especially across such a vast area where many do not like to fly in small aircraft and vehicles are not readily available. The alternative is an intense engagement community by community, which is costly. The cross-cultural communication issues described above also bear on the exchange of sound and useful information between parties. Outcomes are necessary at the 'country' scale and there is no alternative to that type of engagement. It is how this information moves into regional and larger arenas that is problematic at this stage. A regional organisation with a native title mandate is required to broker this.

In more detail: in each marine region the Regional Marine Plan will broadly:

- *Identify ocean resources and economic and other opportunities.* This raises some questions for Traditional Owners who have good ideas but no way of capitalising on them. We already know of some commercial-in-confidence studies underway which cannot be incorporated into the planning process until they are commercially safe and investors are secured. In this respect the planning process is a little ahead of its time.

Traditional Owners do not want economic options to be limited (e.g. by the gazettal of protected areas) before they are known. It must be clear (while keeping in mind the precautionary principle) that the order of priority needs to be:



1. Assessment of resources
2. Documenting aspirations
3. Determining feasibility of aspirations
4. Assessing the cumulative impact, should all aspirations be feasible
5. Prioritising opportunities
6. Declaration of protected areas

A number of these have been progressed to various degrees at the various scales.

- *Identify current and emerging threats to ecosystem health.* There is a considerable list of these and many are common across the west coast of Cape York. Again Traditional Owners have identified major roles for themselves in looking after country and assistance is sought to act on these.
- *Determine planning and management responses to threats.* Traditional Owners have excellent local knowledge and are clearly invaluable in planning and executing responses to threats. Some State Emergency Service reports have been prepared (eg for Pormpuraaw) and oil spill contingency planning has been undertaken on the east coast of Cape York.
- *Identify ecosystem characteristics and broad objectives for ecosystem management.* Again we refer to the relevance of the spiritual and customary ritual dimensions of country which need to be accounted for in management in order to be meaningful to the prospective co-managers or management partners, namely Indigenous people and others.
- *Identify conservation priorities and measures to meet them, including areas that should be assessed as possible marine protected areas.* There are a number of studies elaborating non-Indigenous or mainstream conservation targets on Cape York but we are yet to see an Aboriginal conservation plan for Cape York. Even though there is a strong focus on generating economies, conservation priorities are important to Aboriginal people and need to be acted upon.

Aboriginal people need boats on the water and patrol vehicles within the term of the NRMP process. We are of the opinion that the National Oceans Office has underplayed the protected areas aspect of the planning exercise, perhaps because of a fear of resistance to an expression of conservation interest by users. This is not necessarily the case but a very important caveat applies. Aboriginal people want to look after country their way. Aboriginal people do want to get on with the business of looking after country and agencies would do well to establish their credibility by doing practical things with Traditional Owners on country.

Regional Marine Planning

1. Specific Issues & Management Responses
2. A Planning and Management Framework for the Future:
 - *shared understanding of values.* It is important that stakeholders understand Aboriginal values, particularly in this Aboriginal-dominated planning region. Not only should they understand these values, but they should be recognised as primary values, tied to cultural survival of Australia's first nations.
 - *reduced conflict between sectors over resource allocation.* This will be partially resolved by a clear expression of expectations. Reduction of conflict should not be expected to be accomplished by an Aboriginal acceptance of current inequities despite being the major presence on the Cape. Other parties should also be mindful that Aboriginal people are disadvantaged in discussions, because of factors such as the ability to travel and basic social indicators such as living wages. It must be made clear that non-indigenous interests have the lion's share from the Gulf of Carpentaria.
 - *increased certainty and long-term security for resource users and marine based industries.* Increased 'certainty' was the catch cry of parties wanting to limit the effects of the Native Title Act during the Wik case in 1998. The idea of certainty was embraced by the general public to the detriment of Indigenous peoples. From the Wik case came the 1998 amendments to the NTA, which acted against native title interests. It is Aboriginal peoples, more than pastoralists or fishers, who require certainty particularly through multi-lateral political commitment.
 - *indicators of sustainability-monitoring, evaluation & reporting (a basis for adaptive management).* Aboriginal people have potential in this area given suitable training and the potential to report on criteria that are not yet accepted currently in mainstream management. The structures and formats for reporting must be reconsidered in the context of Aboriginal life. Ways must be found to tap into rich traditional knowledge without having to teach people English or be the subjects of researchers. Aboriginal people are practical and show great initiative and ingenuity. These aptitudes must find expression in management and new directions in dealing with these issues. We would recommend that indicators of Indigenous participation and benefit be developed for the NRMP.



APPENDIX TWO

Establishing Community Sub-Regions

A brief for 1999 Land Summits

Produced by Balkanu Cape York Development Corporation



Community Sub-regions

What is the purpose of this paper?

To talk about establishing Aboriginal Land and Natural Resource Management Office's (ALNRMOS) in each of the twelve proposed sub-regions of Cape York.

Governance Structures

What does that mean?

Governance structures are the organisations and departments that decide how things are done and who is in control of the decision making process.

What are the problems with existing structures?

They are not coherent (they don't follow on from each other)

Many of these structures are imposed by government and don't allow us to be represented and make decisions.

Many of them were established when land rights and self-determination were not imagined

They do not address the need for a holistic approach (looking at the big picture)

They do not get away from the welfare approach (they keep us dependant)

What about the Structures in the Cape?

The hundreds of Aboriginal organisations in Cape York have evolved *wali wali* (in an *ad hoc* manner). This has created competition and even conflict over access to resources and representation.

Why should it change?

We need to recover from the effects of colonial history and institutionalisation. To do this we need to create governance structures that will empower us.

What is the Challenge?

To develop structures for Indigenous control through which we

Make our decisions

And act on our decisions

What are the three levels of Aboriginal Governance?

Regional

The 'whole of Cape York' - the level at which Peninsula Regional Council, Apunipima, Balkanu and CYLC operate. They are owned and controlled by their members (Cape York people)

Sub-Regional

Communities - the community level. This is the level where most organisations and resources are located including Community Councils. This is the level at which management needs to be organised and at which ALNRMOS would operate. It is simply impossible for each Traditional Owner group to have their own management agency.

Local

The level of local Traditional Owner groups. The people who ultimately "have a say" over different areas of land. It is important that Traditional Owner groups work together to lead the sub-regional land and natural resource management agency.



What is the best level to operate ALNRM0s at?

Operating at this sub-regional level is the most effective way for land and resource management to take place.

Why do we need to plan?

So we use resources efficiently and so that Government can provide more effective support.

So we do it in an holistic way - we need to stop the business of every program in Cape York operating in isolation from every other program in Cape York

So that things are not done in the Welfare mode - the people on the ground need to be empowered to carry out the work.

Where do Regional Organisations fit in?

Balkanu and CYLC can provide support by:

Helping people plan and establish management organisations and systems

Helping agencies to get funding and other resources

Helping agencies deal with government departments and outside management agencies

Organising access to training

Providing support and exchanging information

Helping agencies network with other groups/people who are working in the same field

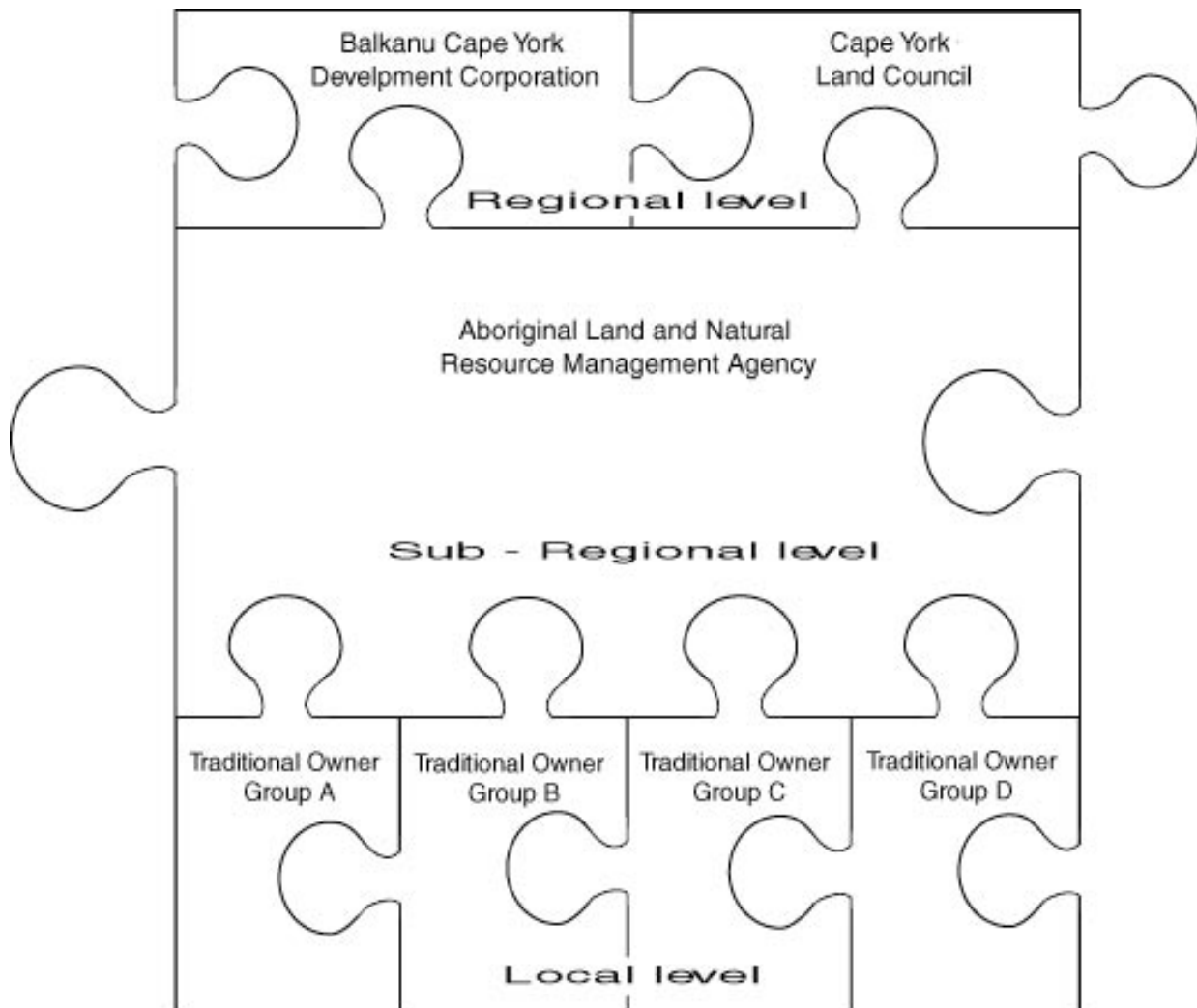
What is the relationship between Local Groups and ALNRM0s

Community Councils are relevant because:

They have resources to contribute to land and resource management such as CDEP

They currently employ Community Rangers

They have by-law making powers which are relevant to land and resource management.



Are there any existing ALNRMOs?

In 1991 Kowanyama established its own ALNRMO.

Since then they have had significant achievements, which include:

Purchase of two pastoral leases

Successful dealing with mineral exploration

Establishment of indigenous fishery

What are the Land Tenures within Sub-regions?

The land tenures included in each sub-region will be various but fall into three general categories.

Exclusive Aboriginal Land

Pastoral Lease Land

National Parks and Crown Reserves

What Issues should we consider?

The area of each sub-region

How to incorporate Sea Management Issues

Ownership issues

Capacity Building of ALNRMOs

The process of developing land

Training and Employment Issues

Management of National Parks and other Conservation Tenures

Developing Sub-regional Plans

The administration of the Cape York NHT Plan



PROPOSED SUB-REGIONS

The sub-regions proposed are only a draft for discussion

Kowanyama sub-region

This sub-region would be centred on Kowanyama Community and include the Alice-Mitchell River National Park and adjacent pastoral leases with which the Traditional Owner groups of Kowanyama are predominantly affiliated.

Pormpuraaw sub-region

This sub-region would be centred on the Pormpuraaw Community and include the adjacent pastoral leases with which the Traditional Owner groups of Pormpuraaw are predominantly affiliated.

Aurukun sub-region

This sub-region would be centred on the Aurukun Community and include western parts of the Mungkan-Kaanju National Park and adjacent mining and pastoral leases with which the Wik people are predominantly affiliated.

Napranum sub-region

This sub-region would be centred on the Napranum Community and include the adjacent mining leases and pastoral leases with which the Traditional Owner groups of Napranum are predominantly affiliated.

Old Mapoon sub-region

This sub-region would be centred on the Old Mapoon Community and include the adjacent mining leases and pastoral leases with which the Traditional Owner groups at Old Mapoon are predominantly affiliated.

Northern Peninsula sub-region

This sub-region would include the Aboriginal Communities of the Northern Peninsula, the Jardine River National Park and other Aboriginal Reserves and Crown lands with which the Traditional Owner groups of the Northern Peninsula are predominantly affiliated.

Lockhart sub-region

This sub-region would be centred on the Lockhart Community and include the Iron Range National Park and adjacent Crown lands and pastoral leases with which the Traditional Owner groups of Lockhart Community are predominantly affiliated.

Coen sub-region:

This sub-region would be centred on the Coen Community and include the Silver Plains and Rokeby National Parks and adjacent pastoral leases and Crown lands with which the Traditional Owner groups of Coen are predominantly affiliated.

Laura sub-region

This sub-region would be centred on the Laura Community and include part of the Lakefield National Park with which the Kuku Taipan people are affiliated and the adjacent pastoral leases with which the Traditional Owner groups of Laura are predominantly affiliated.

Lakefield/Kalpowa/Starcke sub-region

This sub-region would include most of the Lakefield National Park, Cape Melville, Kalpowa and Starcke areas.

Hope Vale sub-region

This sub-region would be centred on the Hope Vale Community and include National Parks, pastoral leases and other Crown lands with which the Traditional Owner groups of Hope Vale are predominantly affiliated.

Yalanji sub-region

This sub-region would be centred on the Wujal Wujal and Mossman Gorge Communities and include all of the eastern Yalanji traditional lands.

Kaurareg sub-region

This sub-region would be centred on the Horn Island Community and including all of the Kaurareg traditional islands.

