



Yamatji Marlpa
ABORIGINAL CORPORATION



Rangelands NRM
Western Australia



(Nyangumarta Country. Photo: Tobias Titz)

Pilbara Sea Country Plan

Pilbara Indigenous Marine Reference Group

March 2010



BIG ISLAND RESEARCH PTY LTD

Yamatji Marlpa Aboriginal Corporation

PO Box 3072, Adelaide Terrace
PERTH WA 6832

p: 08 9268 7000
f: 08 9225 4633
m: 0408 947 810
e: toneill@ymac.org.au

Rangelands NRM (WA)

PO Box 887,
Carnarvon WA 6701

p: 08 9941 9743
f: 08 9941 9748
m: 0419 126 437
e: bevang@rangelandswa.com.au

Big Island Research Pty Ltd

PO Box 490
Fremantle WA 6959

p: 08 9335 3733
f: 08 9335 9419
m: 0417 941 909
e: guywright@iinet.net.au

Copyright

This report and the information it contains is subject to copyright and may not be copied whole or part without written consent of Yamatji Marlpa Aboriginal Corporation.

Disclaimer

Big Island Research Pty Ltd is not responsible for omissions and inconsistencies that may result from information not available at the time this report was prepared.

Table of Contents

Part A: Developing an Integrated Indigenous Approach	4
Part B: Vision, Goals, Priorities.....	8
<i>Priority One: Develop Accredited Training, Apprenticeships and Skill Building.....</i>	<i>9</i>
<i>Priority Two: Develop Employment Opportunities - including but not limited to - Rangers, and Environmental/Cultural Monitors.....</i>	<i>10</i>
<i>Priority Three: Coordinate with Relevant Agencies for Improvement of Land Management Practices Where They May Impact Coastal or Marine Issues.....</i>	<i>12</i>
<i>Priority Four: Promote Indigenous Participation in Fisheries Management, including Explanation, Discussion and Negotiation of Customary Fishing Rules</i>	<i>13</i>
<i>Priority Five: Promote Better Management of Tourism to Lessen its Impact on Coastal Environments</i>	<i>17</i>
<i>Priority Six: Engage with Other Land-Users to Lift Restrictions to Traditional Owner Access to Coastal and Marine Environments</i>	<i>18</i>
<i>Priority Seven: Promote Better Acknowledgement of Cultural Practices and the Profound Significance of Cultural Sites through Better Awareness.....</i>	<i>19</i>
<i>Priority Eight: Investigate Opportunities for Aboriginal Groups to Take-Up Business Opportunities that are Marine and Coastal Related</i>	<i>21</i>
<i>Priority Nine: Lobby for Better Scientific Input about Coastal and Marine Areas, including about Fish Stocks.....</i>	<i>22</i>
<i>Priority Ten: Recognise Indigenous Traditional Environmental Knowledge (TEK) in Appropriate Ways</i>	<i>23</i>
Part C: Looking to the Horizon	25
Appendix One: Information on Apprenticeships and Traineeships	27
Appendix Two: National Indigenous Fisheries Technical Working Group – Principles	30
Appendix Three: List of Ngarla Fish Names	31

Part A: Developing an Integrated Indigenous Approach

This Pilbara Sea Country Plan developed from the realisation among Pilbara Traditional Owners that challenges affecting Indigenous rights and interests in the coastal and marine Pilbara region require a united and integrated Indigenous response.

With initial funding provided by Rangelands NRM (WA) the Yamatji Marlpa Aboriginal Corporation (YMAC) supported the establishment of the Pilbara Indigenous Marine Reference Group (PIMRG). This group met four times during late 2009, in order to establish a vision, goals, and priorities for the development of a Pilbara Sea Country Plan. Such a plan would provide a solid local basis for active engagement of Pilbara Traditional Owners in the stewardship of their coastal and marine rights and interests.

The PIMRG developed as a result of informal discussions led by Nyaparuu (Margaret) Rose, a Nyangumarta elder, and YMAC staff member, in late 2008 and early 2009. These discussions focused on the need to address the unique situation that is developing in the Pilbara region.

The Pilbara coastal and marine

environments are coming under extraordinarily rapid and intense pressure as a result of the resources boom, in iron ore, gas, and other commodities. The level of export of these commodities is expected to triple in the next few years. Major resources projects, such as Chevron's "Gorgon" gas project at Barrow Island – with an estimated construction-phase population of nearly 4,000 people – are announced with astonishing regularity. For local Indigenous people, the unprecedented pace of development in the Pilbara raises huge challenges. The coastal and marine zones are particularly challenging because of their fragile nature, the reduced capacity to understand their dynamic ecologies and the differences in legal and policy arrangements between land and sea.

In order to foster better engagement with the rapidly changing industrial and government scene on the Pilbara coast, Traditional Owners have realised that they need to work together across the region. By working together, Traditional Owners will be better able to develop the broad base of expertise needed to engage in discussion about marine and coastal matters. A coordinated approach will also enhance the capacity of individual groups to conduct effective negotiations with governments and industry. For these reasons, a regional approach was taken.

One of the results of the increasing industrialisation of the Pilbara coastline is the promotion

New Pilbara Port Sought

"MID-TIER iron ore miners and a Chinese heavyweight are again asserting their independence from the Pilbara's mining giants with plans to build a port just 10 kilometres from a Rio Tinto port.

Fortescue Metals Group, Aquila Resources and Metallurgical Corporation of China have submitted a concept plan to the West Australian government for a planned port at Anketell Point.

The multibillion-dollar development would be on the other side of the bay from Rio's Cape Lambert facilities. It would allow Fortescue, Aquila and MCC to export iron ore from their respective projects without relying on Rio to give them access to Cape Lambert" (Sydney Morning Herald – 6 March 2010).

by government of plans to offset the negative environmental impacts of development with an increased conservation estate. The Department of Environment and Conservation (DEC) is developing a framework for the establishment of a system of marine parks throughout the Pilbara and Eighty-Mile Beach areas. DEC has so-far been quite active and successful in engaging with native title groups relevant to its planning processes, which has been conducted on a group-by-group basis. However, it recognises the usefulness of developing common understandings across the Pilbara region, and supports the PIMRG process.

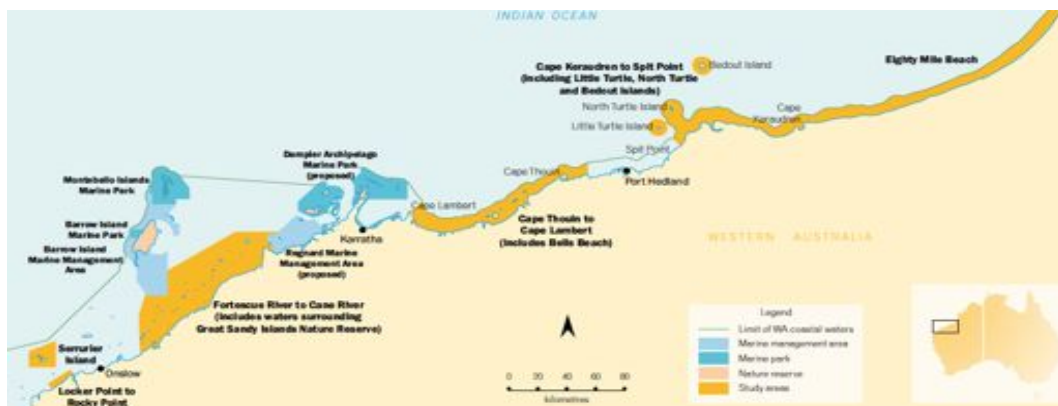


Figure 1. Map of marine parks and study areas for development of further parks in the Pilbara region (DEC)

The Department of Fisheries (DoF) is in the process of engaging the Indigenous customary fisheries sector in its plans to develop an integrated fisheries management (IFM) structure. DoF will need to develop negotiation frameworks with customary fishers, and for this reason supports the PIMRG process.

The DoF recreational fishery Pilbara bioregion was found to match the region that Pilbara Traditional Owners see as constituting the Pilbara coastline. This extends from the mouth of the Ashburton River, in Thalanyji Country, to the eastern end of the Eighty-Mile Beach in Nyangumarta Country. The Traditional Owners thought that the groups whose native title determined areas, and registered claim areas, straddle the coast and therefore have some sea country attached to them should form the basis of the PIMRG. Representatives from each of these groups were invited to the PIMRG planning meetings held in Karratha, Roebourne, Port Hedland and Dampier.

Native Title Groups

Within the Pilbara Sea Country Region (PSCR) are four countries for which native title has been determined. From north to south these are:

- Nyangumarta People
- Ngarla
- Ngarluma/Yindjibarndi
- Thalanyji

There are three claims for native title that are registered with the National Native Title Tribunal (NNTT), in areas that straddle the coastline, that have not yet been determined. These are:

- Kariyarra People (WC99/3)
- Kuruma Marthudunera (WC99/12)
- Yaburara and Mardudhunera People (WC96/89)

The PIMRG has had regular contributions and commitments from six of the above groups. These are the main coastal Aboriginal native title groups in the region. The Yaburara and Mardudhunera People (WC96/89) have not yet attended a PIMRG meeting. They are not represented by YMAC and it is unclear why they have not attended a meeting despite invitation. They are thought to be a significantly smaller group than the Kuruma Marthudunera people, whose coastal country overlaps theirs to a considerable extent.

There are two very small claims that touch the coast Kariyarra-Pipingarra (WC09/03), and Ngarluma People (WC08/2), that are also lodged for technical reasons. The people in these claims belong to the Kariyarra and Ngarluma groups, and are therefore represented on the PIMRG.

Two claims, the Yawinya and Nyangumarta Peoples claims (WC08/4 & WC98/65) straddle the coast in the vicinity of Anna Plains Station. It is understood that this overlap is a deliberate technical arrangement to negotiate native title arrangements between the Nyangumarta and Karajarri people over the Anna Plains station.

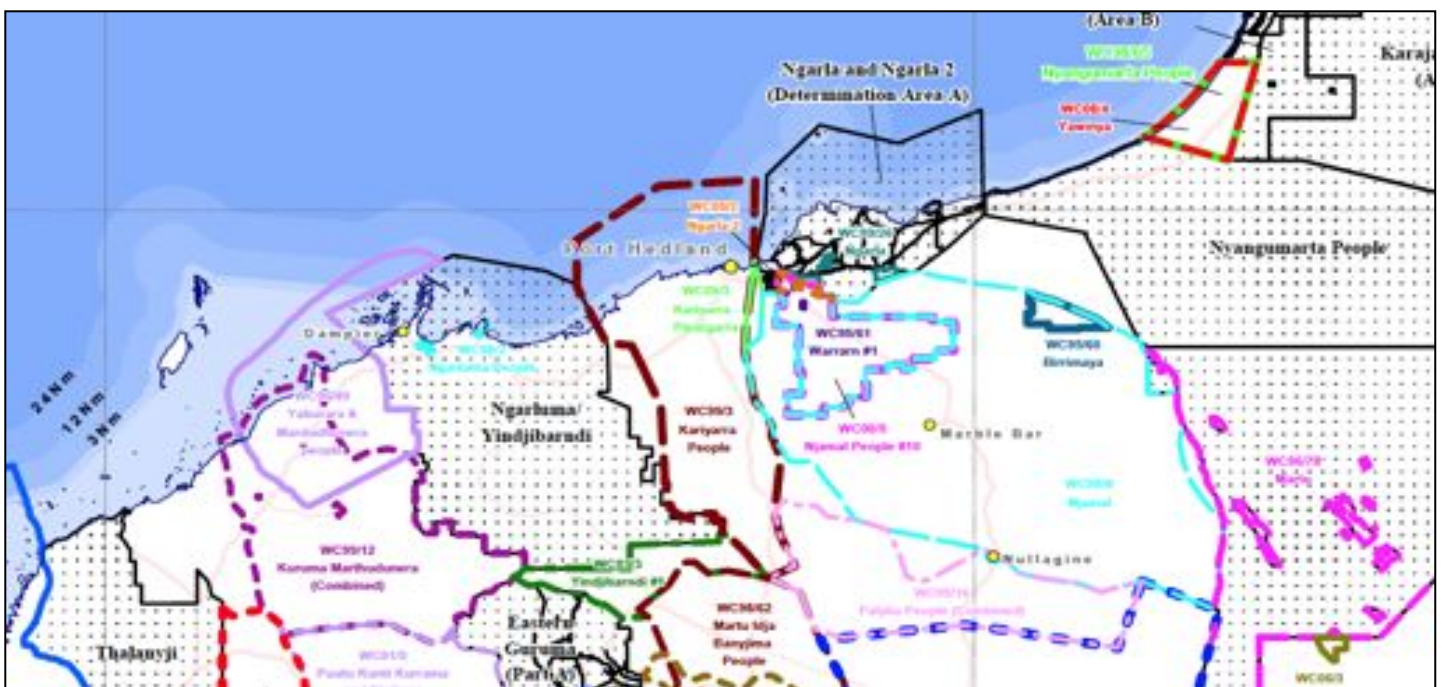


Figure 2. Native title claims and determined areas on the Pilbara coastline (NNTT)

Establishing Common Interest

Coasts and Critical Aquatic Habitats

“Australia's coasts and critical aquatic habitats are significant environmental assets which are also fundamentally important to the Australian lifestyle and economy. These assets face significant pressures including declining water quality (and quantity), climate change, dune erosion, habitat loss from urban development, land clearing and increasing traffic in our ports and marinas. Our coasts and aquatic habitats require better management and protection to ensure they are sustained into the future.” – *Caring for our Country website*

Native title in the Pilbara region has matured to the extent that about half the coastline is covered by areas where native title has been determined, and recognised by the Federal Court. In those areas that remain to be determined, the Kariyarra and Kuruma-Marthudunera claims stand out as substantial claim areas where much

of the work towards establishing native title is progressing well. The mining industry, other developers, and government, regularly engage with these groups as native title claim groups with procedural rights under the *Native Title Act 1993* (NTA).

Although some differences remain, between and among native title groups, there is now a general sense that most groups have coalesced into final forms that will, in future, be the groups that exercise rights and interests in their respective areas. Many of these rights and interests will relate directly to native title. However, there is also a more broadly based appreciation of the need to accept and discharge responsibilities for land and marine management within the native title areas regardless of whether native title *per se* is affected. In this sense, the native title claim groups and the prescribed bodies corporate that are established through the native title system are evolving into the key groups through which indigenous governance can be expected to develop in the future.

Early in discussions, it became clear that the PIMRG would be unable to be a “representational” group. This is because the native title prescribed bodies corporate, and the native title claim groups, would ultimately hold jurisdictional responsibilities for coastal and marine decision making within their respective areas. However, it was considered important that for coastal and marine issues there should be a forum and support group that could assist prescribed bodies corporate and claim groups in their decision making.

The four 2009 PIMRG meetings supported by the Rangelands NRM (WA) funding took place in:

- Karratha – 23 September
- Roebourne – 14 October
- South Hedland – 4 November
- Dampier – 25 November.

Each of the native title groups was encouraged to nominate two representatives to attend the meetings. The intention was to have a reasonably contained but well-rounded group of people who could bring a significant amount of experience to the table, further develop that experience around coastal and marine issues and have strong voices when they reported back to their native title groups.

Part B: Vision, Goals, Priorities

The Pilbara Indigenous Marine Reference Group (PIMRG) quickly determined its vision, goals and key priorities. In its second meeting a substantial priorities list was established, and this list remained essentially unchanged in the following two meetings, although priorities continued to be discussed and thinking on them was deepened. Following is a brief summary of the key priorities that were developed by the group. The priorities will then be discussed in context and in greater detail in the following section.

Vision

“Pilbara Traditional Owners are committed to speaking with one voice to achieve a clean and healthy coastal and marine environment for the use and benefit of current and future generations.”

Goals

The Pilbara Indigenous Marine Reference Group (PIMRG) aims to promote its vision through better coordination of participating groups with government and industry, for better integration and alignment with government departments and other agencies, to develop and enhance opportunities.

Freshwater management will be within the scope of the group’s responsibilities where the freshwater management has any impact on coastal or marine issues.

Priorities

The PIMRG will develop its vision and work to meet its goals by engaging the following priorities:

1. Develop accredited training, apprenticeships and skill building.
2. Develop Employment Opportunities - including but not limited to - rangers, and environmental/cultural monitors.
3. Coordinate with relevant agencies for improvement of land management practices where they may impact coastal or marine issues.
4. Promote Indigenous participation in fisheries management, including explanation, discussion, and negotiation of customary fishing rules.

5. Promote better management of tourism to lessen its impact on coastal environments.
6. Engage with other land-users to lift restrictions to Traditional Owner access to coastal and marine environments.
7. Promote better acknowledgement of cultural practices and the profound significance of cultural sites through better awareness
8. Investigate opportunities for Aboriginal groups to take up business opportunities that are marine and coastal related.
9. Lobby for better scientific input about coastal and marine areas, including about fish stocks.
10. Recognise Indigenous traditional environmental knowledge (TEK) in appropriate ways.

Priority One: Develop Accredited Training, Apprenticeships and Skill Building

Issues

The dominant concern of the elders, who form the PIMRG, is that young people are motivated, trained, and employed in ways that will promote and enhance their capacity to fulfil their stewardship roles in respect of the coastal and marine environments. If young people are engaged and motivated to protect their rights and their environment, both they and the environment will benefit. The PIMRG elders feel very strongly about the following issues in this respect:

- Any training should be established on a long-term foundation, with guarantees of follow-through so that trainees are supported through time.
- Training should be relevant to “mainstream” employment and not “Indigenous only,” although it is understood that a specific Indigenous program may be needed to start with.
- Apprenticeships and skill building should be practically oriented but there should be paths for advancement that take account of individual capacities, and every trainee should be encouraged to work to their capacity.

Existing Resources

There is already a substantial framework in place for apprenticeships and traineeships. This framework engages both state and Commonwealth governments, and non-government organisations such as Chambers of Commerce and Industry. In addition many Indigenous organisations offer specialised services in community development and training. (Appendix One contains an outline of training processes)

Action

Specific training arrangements that can lead to employment and careers in coastal and marine management and related need to be investigated. These training opportunities should be investigated, with guidance from the PIMRG, with the intention of developing a training package that is relevant to the range of activities expected by the PIMRG. Initially, the arrangements should be planned to fit well with the planned objectives of the State NRM Project Application “Action Planning to Implement the Pilbara Sea Country Plan” (State NRM Program 2009-10).

Priority Two: Develop Employment Opportunities - including but not limited to - Rangers, and Environmental/Cultural Monitors

Issues

There is a wide range of employment possibilities for engaging Indigenous people around coastal and maritime activities, including business development, working for companies, and working directly for government agencies. However, there are significant barriers for many Aboriginal people in taking up these opportunities. Although there are a number of Aboriginal people taking up significant roles in the mining industry, there are many who are less suited to this form of work, but who may be expected to take up the coastal care and management work of the Pilbara Sea Country Plan arrangements. These people should be engaged on the basis that there is genuine and valuable work to do. Careful mentoring and other strategies should be put in place so that participants are encouraged to develop their potential and to extend themselves into positions with increasing levels of responsibility.

The PIMRG proposed that a simple and robust program be developed around practical management issues as an initial measure. Small teams of Traditional Owners would be established in each of the native title countries. They would work on specific coastal/sea care projects such as the protection and stabilisation of landforms, including dunes; assisting the management of threatened species, feral animal control, weed control and the like. Each team would be responsible for specific projects in their respective country.

Agency Co-ordination

The third PIMRG meeting included local Pilbara representatives from the Departments of Fisheries, and Environment and Conservation, plus the Dampier and Port Hedland Port Authorities. It was clear from the discussions that there were substantial gaps between the expected responsibilities of these agencies and their capacity to deliver pragmatic results. The enormous distances involved the growing population, as well as the dramatic expansion of ports and shipping means that the small numbers of highly committed staff in these regional agencies are severely stretched. There should be opportunities for local Aboriginal people to provide assistance and support to agencies.

However, the PIMRG thought it would be inefficient and counter-productive for each agency to engage its own “rangers” or other Indigenous workers. This would promote the non-integrative “silo” approach to management that the PIMRG specifically wishes to reduce.

The agencies in fact exhibit a high degree of integration between themselves in the form of practical cooperation at a local level. A fisheries patrol boat that visits the region, for example, may be used for a range of other activities including customs and nature conservation that are not specifically fisheries focussed. Other lower level examples of cooperation between agencies were explained during the meeting.

The PIMRG imagines that a trained and experienced Indigenous workforce that is specialised in coastal and marine activities should be able to offer a range of services that would bridge the responsibilities of the various agencies. People experienced in coastal care and marine conservation activities, for example, may also be able to assist with fisheries compliance issues, or port management duties.

Independence of Operation

The capacity to bridge agency responsibilities implies that the Indigenous coastal and marine “rangers” (for lack of a better assignment) would be relatively independent in their operation. Potentially they could sub-contract their services on a consulting basis, offering government and other organisations services on a value-for-money basis based on their levels of expertise. Considerable further thinking on these issues is required, however.

Action

YMAC is applying to the Western Australia State Natural Resource Management office for funding to develop action plans and marine and coastal conservation projects. This project has the following specific objectives:

- Develop Traditional Owner capacity to assist in the management of marine and coastal conservation projects.
- Create small teams of Traditional Owners in each of the represented groups to deliver specific NRM coastal and marine conservation projects.
- Incorporate into action plans the range of practical Sea Country issues raised by Traditional Owners.
- Incorporate and integrate relevant existing marine and coastal strategies being developed by State and other agencies in the Pilbara to avoid duplication of effort.
- Identify further useful extensions of the method for future reference.

The first three of these objectives are designed to establish a core of Indigenous coastal workers engaged in practical management work such as:

- dune remediation,
- invasive species monitoring and evaluation,
- native fauna assessments,
- local level management (signage/ creation of car parking),
- community awareness building,
- identification and mapping of threatened and endangered species.

The core of Indigenous coastal workers would work on local projects, mainly within their home countries, but would be supported by the broadly based PIMRG, and linked with their counterparts from other groups across the Pilbara.

YMAC would be responsible for delivering this project, hopefully supported with funding through further Rangelands NRM (WA) projects and initiatives. The PIMRG would provide coordination, mentoring and direction to the project.

Priority Three: Coordinate with Relevant Agencies for Improvement of Land Management Practices Where They May Impact Coastal or Marine Issues

Issues

As Traditional Owners regain increasing levels of rights and responsibilities through their recognition in native title and other laws and policies, they will be required to play increasingly prominent roles in local land and sea management issues. Much of this fundamental responsibility stems from their Aboriginality and ownership of traditional rights in lands and sea; a significant part of the responsibility is also a result of their position as members of the local public. In a region of the State that is marked by fly-in-fly-out working relationships, and substantial levels of transience in the wider population, Indigenous people are truly local. Their lives are intimately tied to the land and sea and the regional environment. They therefore have a fundamental need to ensure that the health of that environment is maintained. This priority of the PIMRG reflects these facts.

Some land management practices, such as dune erosion from four-wheel drive access on coastal dunes, are relatively straight-forward and may be able to be remediated by the activities of the ranger groups working on projects developed under Priority Two above. Other practices are more complex.

For example, Ngarla people report that bull sharks are now being sighted upstream in the

De Grey River, well beyond the usual range for this salt-water species.¹ There is no traditional memory of this species venturing into the freshwater reaches of the river. Without adequate scientific explanations Traditional Owners are left to speculate as to why this environmental change has occurred. Has it been the result of a drawdown of the fresh-water table resulting in increasing levels of salt-water higher up in the river? Is it the result of inadequate prey for the sharks in the sea? Has climate change played a role in this?

The PIMRG elders considered that significant anthropogenic – man made – changes to the coastal and marine environment are happening now and are likely to increase in coming years as the extractive resource industries continue to develop. New harbours will be dredged, pipelines will be laid and mines will draw down water-tables from bore-fields. There will be increasing levels of human activity as the population grows and seeks greater recreational access to coastal areas. These activities affect the rights of Traditional Owners to use and enjoy their traditional lands and seas.

Action

Existing relationships with agencies such as the Department of Environment and Conservation (DEC) and the Department of Fisheries (DoF), should be enhanced. Agencies such as the Department of Water and others that have responsibilities for environmental monitoring and management affecting the coast should be contacted by PIMRG and invited to provide occasional briefings on environmental issues.

Partnerships with agencies who have environmental responsibilities should be fostered, and practical projects, some of which will be relevant to the project discussed under Priority Two above, should be developed where possible.

Priority Four: Promote Indigenous Participation in Fisheries Management, including Explanation, Discussion and Negotiation of Customary Fishing Rules

Issues

Western Australian fisheries management is moving to an Integrated Fisheries Management (IFM) program, in which the three sectors that have rights to portions of the fisheries resource the: customary, recreational and commercial sectors, will have allocations of the fish resource made to them. The allocations will, nominally, be made on the basis of existing catches of species that are also of interest for the other sectors. For example, on the Pilbara coastline, Indigenous customary fishers catch barramundi and threadfin salmon; recreational and commercial fishers also catch them. At some point it can be expected that the Integrated Fisheries Allocation Advisory Committee (IFAAC) – a committee that advises

¹ First reported to Dr Guy Wright by Alexander (Sandy) Brown and others during fieldwork for Fisheries Research and Development Corporation (FRDC) Project 2006/067 – See *Appendix Three*.

the Minister for Fisheries, will make allocation recommendations to apportion the resource between the three sectors.

Allocation decisions have already been made in respect of rock lobster on the west coast, and decisions are currently being considered for demersal – bottom dwelling – scalefish in the Gascoyne region. It will be important for Indigenous people in the Pilbara region to be knowledgeable about their fish catches, and organised in their ability to respond to these initiatives. A principle of “rights based” fisheries management, of which the IFM program is an expression, is that fish resources may be re-allocated, traded and otherwise dealt with between the sectors. So, for example, it would be theoretically possible for a commercial barramundi fisher to purchase customary fishing entitlements to barramundi stock and use it for commercial purposes. Even if these possibilities seem unlikely currently, there is a need for strategic thinking among Indigenous groups about how to best engage with this new system.

Representation in Allocation Debates

“It is essential in the medium to longer term that Aboriginal people have not only the opportunity, but also the capacity, to be involved in contemporary natural resource management, compliance and research fields to ensure effective representation in issues such as resource allocation debates.

The longer term vision ... is to provide opportunities for the development of Aboriginal people as future natural resource managers and leaders, a key outcome of the Aboriginal Fishing Strategy” – the late Hon. E.M. Franklyn QC – Aboriginal Fishing Strategy 2003.

An important part of the allocation process is that customary fishing entitlements should be appropriately defined. Quite a lot of work has gone into background preparation for integrating the customary sector. A large state-wide consultation project conducted in 2002 resulted in a draft Aboriginal Fishing Strategy (AFS) that was published in 2003. This document sets out detailed strategies covering three key elements necessary for the appropriate integration of the customary sector: definition of customary fishing, proposals for better engagement by Aboriginal people in fisheries management and strategies for assistance in fisheries-related economic development (Franklyn 2003). Although the AFS has not been endorsed as a program of action by the government, it does form the background to fisheries policy in respect of Indigenous fishing interests in Western Australia.

In general, the PIMRG elders support the elements contained in the AFS, but more regular updates on the state of play of changes to fisheries management arrangements are required.

Customary Fishing Definition

On 23 December 2009 the Chief Executive Officer of the Department of Fisheries (DoF) issued a statement in which he recognised customary fishing and outlined how fishing in the customary sector would be managed (see Appendix One for the full statement). The

statement said, in part:

“Customary fishing provides for the personal, domestic, educational, ceremonial and other non-commercial purposes of Western Australia’s Aboriginal people, who have maintained their tradition, customs and connection with land and waters” (Stuart Smith, DoF CEO).

Although there is room for interpretation, on the face of it this statement establishes that the DoF recognises that Aboriginal people who have ongoing local connections with the area they are fishing in are engaging in customary fishing, if the fishing is being done for the purposes specified in the statement.

This general recognition applies to all possible customary fishing in Western Australia; it is policy, not law. It is expected, however, that the government will move to legislate a definition of customary fishing along these lines in the near future.

Establishment of the new customary fisheries sector will mean that rules about customary practices will need to be negotiated. DoF personnel met with the PIMRG members in a preliminary meeting at Karratha in 2008 and outlined their need to continue to engage broadly with Indigenous people in order to roll out their customary fishing strategy. There will be an ongoing need to engage strategically across the Pilbara regarding the development of rules and regulations that may apply to customary fishing.

Better Engagement in Fisheries Management

As the AFS states:

“Consultation is a crucial part of managing fisheries in Western Australia. It can be an extremely effective tool for Aboriginal people to be involved with, and have some influence in, the management of fisheries in this State. The consultation process is how other stakeholder groups such as commercial fishers, recreational fishers and conservation groups participate in the management of fish resources” (Franklyn 2003:57).

However, it goes on:

“... the ‘Aboriginal fishing sector’ is not experienced in dealing with Government fisheries management processes, terminology and concepts because of a lack of engagement with Aboriginal groups in the past.” (Franklyn 2003:57).

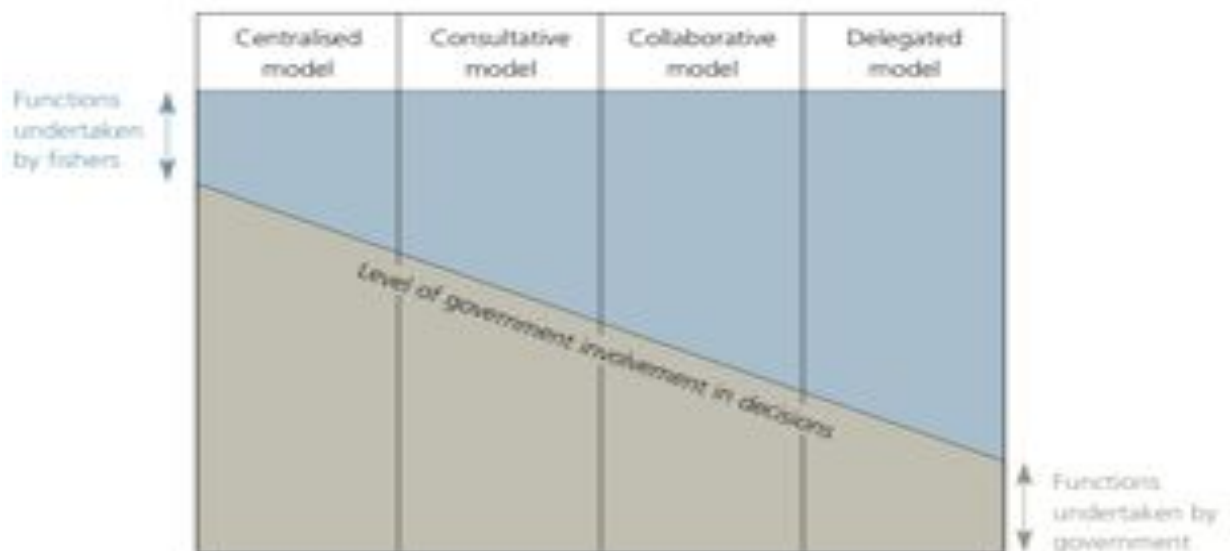
The PIMRG is the best vehicle in the Pilbara region to assist DoF to develop better engagement with Aboriginal fishers. The PIMRG elders have recognised that significant further responsibilities for engagement in fisheries management are coming their way. The elders have accepted these responsibilities and acknowledge that they may have important roles in informing and advising their constituent native title country groups in respect of the complex changes to fisheries entitlements that will affect them in the coming few years.

The thrust of the “rights based” agenda, the development of an integrated fisheries

program and the recognition of customary fishing is heading in a direction that the PIMRG elders thoroughly approve of. That is, the devolution of significant levels of responsibility from government to the community, including the Indigenous community. This ultimately results in “co-management” arrangements in which decision making responsibilities are shared among users of the resource.

The chart below is taken from a Commonwealth Government - Fisheries Research and Development Corporation (FRDC) report entitled: *Co-management: Managing Australia’s fisheries through partnership and delegation*. The full report is available at www.frdc.com.

The chart shows that the more involved and engaged people become in the management of their fisheries, the less that governments have to be engaged. Where people feel empowered to look after their own fishing interests, government can back off. There is less clumsy government interference, and more direct, flexible, and satisfying management. But it takes effort.



The figure shows the four types of fisheries management models ranging from the centralised model on the left (high on “command and control” by the government agency) to the delegated model (high on significant management delegation to fishers) on the right.

Figure 3. Levels of parties’ engagement in decision-making under the four types of fisheries management

Indigenous people in the Pilbara region have been provided with a confidential report based on work sponsored by the FRDC – *Discussion Paper: Pilbara area customary fisheries and marine management issues – prepared for Kariyarra, Ngarla, Nyangumarta, and Thalanyji Traditional Owners* (Wright 2009). Discussion of the issues contained in this paper, augmented with updates about the current state of discussion and negotiation around customary fisheries issues from the DoF should form a basis for PIMRG members to further develop their understanding of fisheries management issues and their opportunities to participate in it and influence it.

Fisheries Related Economic Development

The AFS recognised the opportunities inherent in fisheries for support of economic and business development. It proposed the establishment of a fund to purchase fishing licences that could be used by Indigenous people for developing fishing businesses. Unfortunately, Government has not supported this initiative.

Western Australia, together with the Government of Australia, most native title representative bodies (NTRBs) and a range of other senior representational agencies have signed up to the “Principles” of the National Indigenous Fisheries Technical Working Group (NIFTWG) completed in 2005. Both the WA Department of Fisheries and the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (now YMAC) were prominent voices in the discussions that led to this national agreement. A copy of the NIFTWG Principles is provided as Appendix Two.

The NIFTWG Principles resulted from an attempt to establish pragmatic solutions to native title interests in the sea. The potential for native title to extend to commercial rights in ocean fisheries was agreed to be restrained to match expectations about customary fishing – essentially similar in definition to that currently being proposed by the WA DoF.

The trade-off for the restrained “customary” definition of native title fishing rights was that government, the fishing industry, and other stakeholders would help Indigenous people to get into fishing and fisheries related businesses. Progress towards this goal is negligible.

Action

The PIMRG needs to be brought up to date about how changes in the structure of fisheries management in Western Australia will affect coastal Pilbara Indigenous people. Since the announcement of the DoF’s acknowledgement of a definition of customary fishing the IFAAC has begun to be more active in establishing allocations to the fisheries sectors, and they are currently dealing with demersal scale-fish in the nearby Gascoyne region.

DoF should be invited to attend a PIMRG meeting to explain the changes in fisheries management arrangements. This should be followed by a planning session in which the above mentioned FRDC project and its initial Pilbara report (Wright 2009) is discussed.

Priority Five: Promote Better Management of Tourism to Lessen its Impact on Coastal Environments

Issues

Together with the rapidly increasing population of Pilbara temporary workers there is increasing tourism in the Pilbara coastal region. Tourists and residents typically use the

coastal and maritime environment for the majority of their recreation. Major centres such as Karratha and Port Hedland have huge numbers of recreational boats per capita of population. Almost all the boats are pulled by four-wheel drive vehicles, either to boat ramps, or to coastal environments for beach launching.

The PIMRG elders see many opportunities to work with local governments, and others, in order to develop better management arrangements for recreational vehicle and boat use. For example, there may be opportunities to create more formal boat launching facilities. These may be used, in conjunction with creating restrictions on informal access arrangements, to stream tourists and residents into particular areas.

An allied concern is that some non-coastal Aboriginal and non-Aboriginal people come to coastal regions and go fishing. The coastal Pilbara Traditional Owners have complained that these people can be wasteful of fish resources and leave messes in country that is not their own. Some form of management, perhaps along the line of the successful Fisheries Volunteer (FV) scheme could be instigated. The FV program provides recognition to volunteers who receive basic training in environmental and fisheries issues. They are then asked to introduce themselves to recreational fishers and inform them, gently, of recreational fishing rules and entitlements. They do not have any coercive powers. It may be possible to develop a Customary Fisheries Volunteer scheme. This could have the benefit of providing an avenue to disseminate information and understanding about the new customary fisheries framework and its place in the IFM arrangements.

Action

The PIMRG should investigate the means to engage with local governments and others to actively participate in planning exercises aimed at streaming tourists and residents towards agreed places for their coastal recreation.

The PIMRG should hold a specific discussion about the appropriate way to handle fishing by non-coastal Aboriginal and non-Aboriginal people. Aspects of this discussion may be allied to the definition of customary fishing and its application in areas outside an Aboriginal fisher's own country.

Priority Six: Engage with Other Land-Users to Lift Restrictions to Traditional Owner Access to Coastal and Marine Environments

Issues

For many years Traditional Owners have been excluded from their coastal countries because of the need to gain access across station leases and other forms of tenure. Non-Indigenous holders of the tenure often feel they have a right to discourage or prevent

people from crossing their tenure. It is often unclear whether these are actual rights or whether they are simply accepted practices.

Sometimes, Aboriginal people who know station lessees and others make workable informal arrangements. However, these arrangements tend to rely on personal relationships. Those who do not have an easy relationship with the lessee find themselves – at best – in a situation where they feel less than comfortable accessing their coastal country. At worst, access is denied. The incidence of locked gates and purposefully-made difficult access appear to be increasing.

Increasingly, the large resource extractive companies, for convenience, are purchasing stations. Managers are engaged to operate the properties, and company regulations prevail on them. The easy relationships that might have existed for a private lessee evaporate. This has the effect of further alienating the legitimate rights of Traditional Owners to access their coastal country.

Action

The PIMRG should develop a proposal that could be put to lessees, owners, and managers of country that borders Pilbara sea country. The proposal should anticipate some of the issues that are likely to be raised in respect of permitting people to cross country that is used for business and other purposes, and offer some reasonable solutions. Robust and pragmatic arrangements should then be negotiated. The key features of these arrangements should be able to be applied generically across the Pilbara coastal region. This should result in an agreed code of practice that can establish a relatively uniform set of protocols for Traditional Owners to gain legitimate and appropriate access to coastal country.

Priority Seven: Promote Better Acknowledgement of Cultural Practices and the Profound Significance of Cultural Sites through Better Awareness

Issues

The PIMRG elders want people generally, but especially those in responsible positions, to have as thorough an appreciation of their culture and Law as is possible – so long as this appreciation includes an understanding that many cultural practices and the mythologies that underpin them, are closely guarded private matters relevant only to those who practice traditional Law. These sensitivities are best understood as the result of cultural training in some form. Most of the major resource extractive companies and government agencies have some form of cultural awareness training; however this is sometimes done in a perfunctory manner and there is not always the follow-up that should be hoped for.

'Stoning Fish?' A Hitherto Unrecorded Class of Stone Artefact from the Coastal Pilbara

Yodda-like stone artefacts from the coastal Pilbara region of Western Australia differ markedly from recorded yoddas and constitute a hitherto unrecorded Aboriginal Australian stone implement. I suggest that the implements were possibly used as missiles for killing or stunning fish.

For many years I have been engaged in examining the distribution of yoddas - a rare and unusual Australian tanged stone implement. In June 2002 while examining yoddas in the Western Australian Museum (WAM), I was shown a collection of 19 tanged implements that resembled crude, short-handled table-tennis bats ... originating from a site located on the mouth of Cowrie Creek, which lies between Cape Cossigny and Cape Thouin on the Pilbara coast..." (Kim Akerman Australian Aboriginal Studies, Vol. 2004, 2004).

Although much of Aboriginal culture is private, there are some stories that can be made available to a wider audience. The PIMRG has the appropriate contact with the relevant leaders in the Law – that operates across the Pilbara and across the boundaries of linguistic or native title defined groups. It may be possible, and desirable, to

gain permission to use some stories in an interpretive way to help inform the public about the rich heritage of Aboriginal belief as it relates to the Pilbara sea country.

There is an ongoing need to ensure that cultural sites are protected. For physical development this is typically done via ethnographic and archaeological surveys prior to ground-disturbing activities. However, for broad planning purposes it is more appropriate to gain broader understandings of the scope of cultural practices and sites so that they can be anticipated and built into the planning processes. DEC's planning process has gained praise in the PIMRG for asking about culturally sensitive areas at the very early stages. This attitude should be extended wherever possible.

Action

The PIMRG should consider a strategy for informing the public about certain aspects of Aboriginal culture in Pilbara sea country, and maintain links with senior people actively engaged in cultural Law.

Opportunities for the development of cultural awareness training and establishing of protocols should be sought.

The PIMRG could consider an approach to lessees and other tenure holders, explaining that some portions of the land they are responsible for contain sites of cultural significance. Appropriate management arrangements could be discussed with senior Law practitioners, and plans created to afford greater protection to these areas.

Priority Eight: Investigate Opportunities for Aboriginal Groups to Take-Up Business Opportunities that are Marine and Coastal Related

Issues

There appears to be no shortage of “intention” on the part of government and industry, including the fishing industry, to engage Aboriginal individuals and groups in employment and business opportunities. Priority Four above shows that the State Government’s draft Aboriginal Fishing Strategy (AFS), and the National Indigenous Fisheries Technical Working Group (NIFTWG) Principles (Appendix Two) actively encourage government and industry investment in providing opportunities for Indigenous participation in fisheries related business. However, there has been negligible follow-through, or take-up of these possible opportunities. Some of the problem results from the fact that it is much easier to establish the principle that Indigenous people should be better engaged in these activities, than to follow through.

A number of issues are immediately apparent. Both the AFS and the NIFTWG Principles rely on external agencies to “drive” the programs to engage Aboriginal people in fishing and coastal related business and employment. The AFS relied on substantial funding being made available from State Government, with the notion that this would be augmented with funding from agencies such as Indigenous Business Australia (IBA). The funding was not forthcoming from Government and despite good intentions – and positive actions by some – nothing has resulted. The NIFTWG Principles leave open the issue of who should provide the assistance. Not surprisingly, no one has yet taken up the challenge.

The PIMRG is in a good position to engage with both these policies. Because it is local to the Pilbara and the members of the group know the characters of the people within the communities they represent, PIMRG may be able to assist people on an individual level, and interested groups where they might emerge.

Fisheries and marine and coastal businesses are normally difficult and dangerous, both physically and financially. Generally speaking, people who are best suited to work in fishing or other maritime activities are enthusiastic about wanting the lifestyle that accompanies such work. They are willing to accept the risks that accompany the work and they work through the various qualifications and competencies that are required.

Discussion in the PIMRG meetings raised the fact that opportunities may be generated for individuals and groups who are well suited to, and interested in, marine and coastal work and business. The PIMRG felt that a good way to handle this issue was for people to seek out Indigenous people who may be interested in maritime and coastal business opportunities and work with them, in a mentoring capacity. Those who show inclination and aptitude for this type of work could then be assisted to make use of the range of available programs and development opportunities.

Action

The PIMRG should seek clarification from the Department of Fisheries about the status of the recommendations of the AFS that seek to establish a fund to assist in the development of fishing related businesses. The NIFTWG Principles should also be re-considered in light of possibilities for using the unfulfilled promises contained in them to lobby for increased action to encourage suitable Indigenous people to be trained and encouraged in marine and coastal related businesses.

The PIMRG should engage the Pilbara Aboriginal communities through its member's networks and seek out people who may be interested in business or working opportunities that are marine and coastal related.

Priority Nine: Lobby for Better Scientific Input about Coastal and Marine Areas, including about Fish Stocks

Issues

The PIMRG is aware that western science on marine and coastal issues is habitually under resourced. The PIMRG considers that this lack of resourcing of western science affects Indigenous rights and responsibilities to ensure that the marine and coastal environment is kept in as healthy a condition as possible.

According to the most recent census, the Indigenous population of the Pilbara region is 5,632, which is about 13.7% of the total population of 41,001. The PIMRG is a reference group that supports the land and sea rights-holding groups, who form a very significant portion of the population. These people are the permanent population of the Pilbara, and they and their descendents will remain as permanent Pilbara people – in a situation where much of the remainder of the population is relatively transient.

Increased Biosecurity Risk

“Another important ongoing issue for the North Coast bioregion is that of biosecurity. FMOs based in the north will be undertaking biofouling inspections of vessels coming into State waters for introduced marine pests such as the Asian green mussel.

The Port of Dampier and surrounding areas, such as Cape Lambert, have experienced greatly increased international vessel movement. The expansion to Cape Lambert and Cape Preston will see additional dredging vessels engaged to carry out the work. Dredging vessels involved in the port expansion are considered to be a high risk for the introduction of marine pests such as Asian green mussel and black striped mussel” (State of the Fisheries Report 2007/08 – Department of Fisheries p. 198)

Therefore, the PIMRG should be in a good position to insist that appropriate levels of expenditure are made, to ensure that the foundation of scientific information about the coastal and marine environments is adequate.

Large scale developments, harbour dredging, under sea pipe laying, large scale ship movements from overseas ports, and the like carry risks. These risks are additional and

cumulative to the existing risks of regular development. It seems appropriate, to the PIMRG that the increasing levels of risk are offset with increasing levels of basic environmental science that will provide better understanding about how the risks inherent in the major development of the coastal Pilbara can be ameliorated.

The PIMRG understands that there is a difference between scientific study, and scientific surveillance. Surveillance is an ongoing critical requirement, and significant responsibility falls to a range of both Commonwealth and State Government agencies including DEC, DoF, the Australian Quarantine and Inspection Service (AQIS) and others. Scientific study includes the need to develop and improve understanding of the natural world. Both aspects need to be enhanced in response to the increasing levels of threat that is inevitable with the rapid pace of coastal and marine development in the Pilbara.

At the PIMRG meetings representatives from DEC and DoF expressed interest in having Indigenous rangers and others assist with a range of science programs. It was thought that there was much scope for Indigenous people to assist with the practical elements of these programs. It was hoped that some Indigenous people would develop further enthusiasms for coastal and marine science and undertake further studies and training as a result.

Action

The PIMRG should make known to government, possibly through a letter coordinated between the respective native title country groups, that Indigenous people in the Pilbara region expect that the increasing levels of development in coastal and marine areas, will be met with increasing levels of scientific study and surveillance.

Opportunities should be pursued for members of the “rangers” program proposed under Priority Two to take on science-based work that may assist existing and future programs.

A relevant Department of Fisheries research scientist should be invited to a PIMRG meeting to explain the current state of fisheries science in the region.

Priority Ten: Recognise Indigenous Traditional Environmental Knowledge (TEK) in Appropriate Ways

Issues

Some Indigenous people in the Pilbara are known to hold very substantial levels of understanding of the natural world. Much of this information has been passed down through the generations from traditional times. Some of the information is mixed with western understandings based on scientific work. An example of the level of scholarship that is available among Pilbara Indigenous people is provided in Appendix Three. It is a list of Ngarla fish names, with many descriptions of the fish biology, habits, and usefulness as food. It is provided with permission of its author – a Ngarla scholar.

Attitudes of Researchers to TEK Management Systems

“Many biologists still have an ‘attitude problem’ when it comes to TEKMS. They dismiss the knowledge gained by indigenous peoples during centuries of practical experience as anecdotal and unsubstantiated. However, their own specialized knowledge is based typically on studies carried out over much shorter periods of time under conditions where being wrong does not entail the risk of going hungry.

But romantic and uncritical claims for traditional environmental knowledge and management practices represent an extreme which is almost as unfortunate.”

R.E. Johannes: *Integrating Traditional Ecological Knowledge and Management with Environmental Impact Assessment* – International Development Research Centre, Canada

The PIMRG knows that much traditional environmental knowledge remains in the minds of Pilbara Indigenous people. All of this information is interesting and deserves to be adequately recorded before it is lost forever. Some of this information will be very interesting to science and should be developed and synthesised in conjunction with appropriate western scientists, such as ethno-biologists. The information may be of significant use to marine and other scientists, as well as being important in its own right.

It is also possible that Indigenous people hold information that could lead to significant commercial or other development of species for pharmaceutical compounds and the like. Although this is untested, it is a significant prospect that was raised by the PIMRG elders. If such a “discovery” were made, considerable thought would need to be given to establishing the levels of intellectual property that might pertain to it.

Action

The PIMRG should discuss and seek sponsorship for a program to record the coastal and marine traditional ecological knowledge (TEK) of older members of the Indigenous communities. This information would be reported back to the native title prescribed bodies corporate, or to the native title claim groups, to whom the providers of the information belong. If the information about TEK is found to be not sensitive for current native title claims, or to include information that might be relevant to intellectual property issues, then it may be able to be more widely disseminated. The PIMRG would be the appropriate group to assist in this.

Part C: Looking to the Horizon

Top Priorities

The PIMRG elders consider that the top priorities for enhanced engagement of Indigenous people in the Pilbara coastal and marine regions are to get people actively working on practical projects. The group hopes that this will have a number of key effects. It will:

- Provide employment for a number of individuals in work that is satisfying and rewarding,
- Result in a cleaner, healthier, and better-managed coastal and marine environment,
- Generate a level of enthusiasm about marine and coastal issues,
- Establish that Pilbara Indigenous people are serious about working towards a cleaner and healthier marine environment.

The critical issue for the PIMRG elders is that the program provides solid follow-through so that individuals are supported and the project is maintained. It is therefore important to begin the program with realistic small steps. Initially, the elders envisage small teams of people working on practical projects within their own countries. These people should be supported with training that is relevant to their immediate tasks, but they should also be encouraged to develop their capacities through further education and training.

The next step is to look at similar successful programs.

The Western Desert Lands Aboriginal Corporation (WDLAC) appears to have developed a solid program that specialises in environmental monitoring and management – mapping of rare species, and feral animal reduction. It is administered through the Kanyirinpa Jukurrpa (KJ), and partners include Rangelands NRM (WA), Department of Environment (DEC) and Conservation, and the World Wildlife Fund (WWF). According to its September 2009 Stakeholder Report its key future objective – following the practical on-ground activities is to: “Further develop Martu’s ownership of the program to ensure long term sustainability of the land management past the short-term funding of specific projects” (See Kanyirinpa Jukurrpa (2009) *A Threatened Species Program Plan for Martu WDLAC Native Title Lands – Rangelands Region of WA: Stakeholder Report*).

Work in Other Countries - Noongar

“Creating training and employment opportunities for young Noongars is the focus of a new land care initiative by South Coast NRM, Department of Indigenous Affairs (DIA) and recruitment firm, Skill Hire.

Six young Noongar men have commenced work in Denmark and Albany on a biodiversity conservation project involving weed eradication and revegetation with native species. The men will undertake a Certificate II in Conservation and Land Management through Great Southern TAFE- skills that will equip them for a future career in land management (Southcoast NRM, 2009 – website).

The Southcoast NRM group has had a multi-faceted engagement with Noongar people, which has included a range of pragmatic coastal projects such as weed removal and waterway clean-up. The Southcoast NRM also ran a program called “Restoring Connections” in which Noongar people were engaged in restorative environmental work, combined with cultural engagement on their traditional country. Both these programs, and others, may have significant lessons to be learned by the PIMRG.

Sustainable Structure

The PIMRG elders are highly experienced in the administration of Aboriginal affairs in the Pilbara region, as well as being significant senior people in their own native title groups. Collectively, they are of the view that the structure of the PIMRG is the best way to ensure that realistic but far-sighted plans for the development of a Pilbara Sea Country Plan are delivered.

The two responsible elders from each native title country group should be able to commit to supporting and mentoring a small group of coastal and marine workers within their country. In turn, the Pilbara-wide PIMRG will support the elders. The PIMRG will have sufficient expertise and capacity to provide support and guidance for the individual country groups. This is critical to the success of the Pilbara Sea Country Plan’s top two priorities, which are about training and employment to deliver practical coastal and marine care outcomes.

In addition, the PIMRG will act as an agency with the capacity to deliver the leadership necessary for Indigenous peoples across the Pilbara to take their rightful place as peoples with substantial rights, interests, knowledge, and passion for improving and maintaining the health of their coastal and marine sea country.

Appendix One:

Information on Apprenticeships and Traineeships

Australian Apprenticeships and Traineeships – How it Works

The Australian Apprenticeship System is a national program whereby apprentices and trainees enter into a legally binding Training Contract with their employers. Clients negotiate with a training provider of their choice to deliver training to achieve a nationally recognised qualification. The training may be delivered at the premises of the training provider, at the workplace, by various forms of distance education, or by a combination of any of the delivery pathways. The training provider is funded for the training delivery through State Government “User Choice” contracts, and the employer is eligible to receive Commonwealth Government incentives.

Under User Choice, employers together with their apprentices and/or trainees are able to negotiate with registered training organisations (RTOs) on specific aspects of training within the requirements of the selected training package. Aspects of training open for negotiation include:

- Selection, content and sequencing of units of competence;
- Timing, location and mode of delivery;
- Trainer/facilitator;
- Who conducts the assessment; and
- How the training is evaluated

A Training Program Outline (TPO) detailing the key aspects of training and assessment will be negotiated between the employer, the apprentice/trainee and the RTO. This document will be signed by all parties (employer, apprentice/trainee and RTO) to signify their agreement to the stated arrangements and related obligations.

Funding incentives

To assist with apprenticeship and traineeship training, a range of Commonwealth Government incentives and subsidies are available to employers (indigenous traineeships, rural and regional incentives, skill shortage traineeships, mature-age training, AbStudy etc). For information on how to access the full range of incentives available, it is best to contact an Australian Apprenticeships Centre. We haven't done this yet because we need to ascertain that Atlas is interested in pursuing this basic pathway. Once the program is set up we expect the subsidy application process to be relatively straightforward.

Payroll Tax Exemption

Employers are exempt from Payroll Tax in respect to all apprentices and trainees. For further information contact the Department of State Revenue on 08 9262 1300.

Some of the Challenges to be Faced

Training in a remote region is always difficult. Literacy levels are generally low, access to a training provider is difficult and the level of work-readiness in prospective employees is generally lower than the accepted minimum standard required by the mining industry. There is therefore some effort required in preparing applicants for work. This holds for both the Indigenous and the non-Indigenous populations.

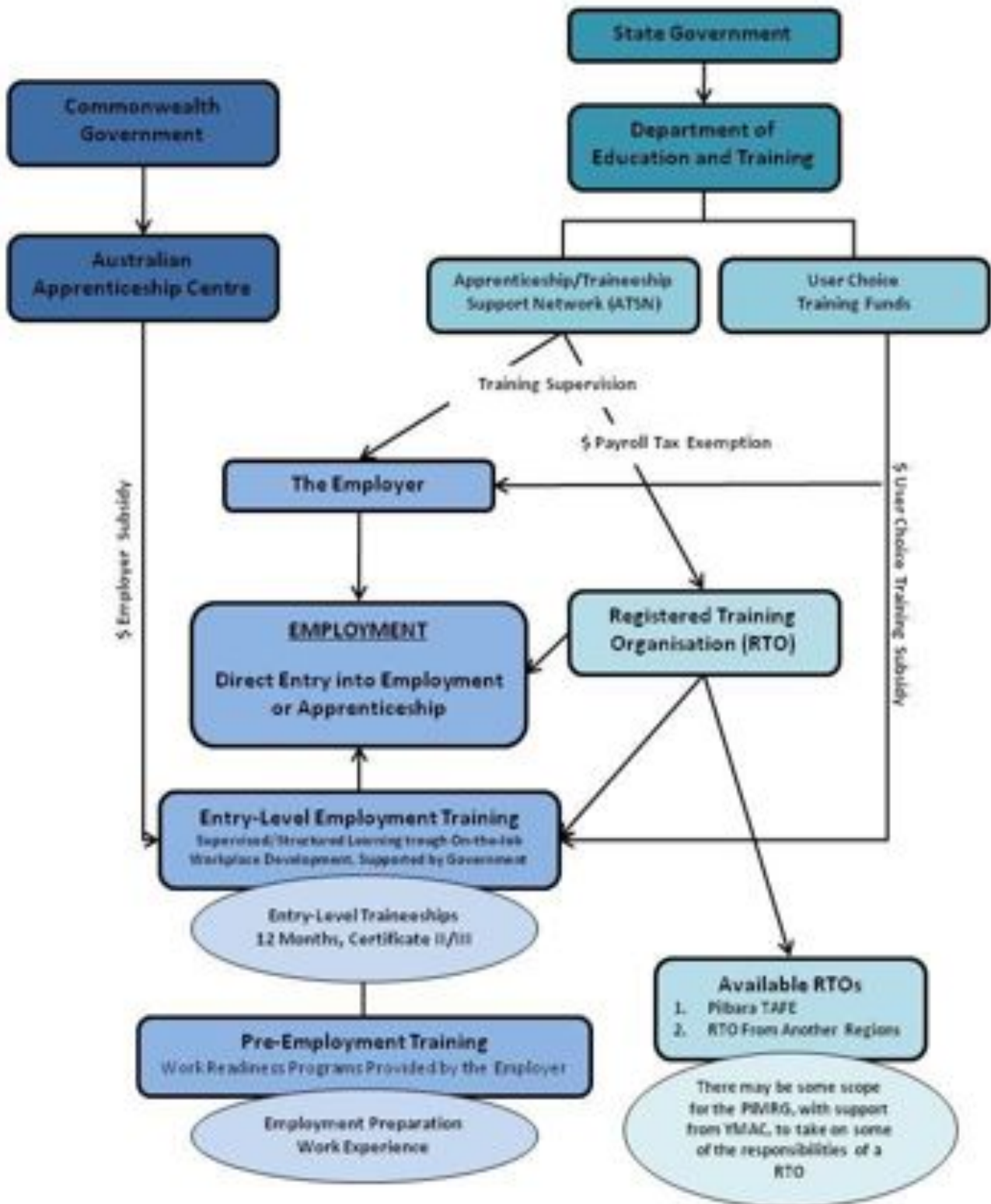
Other challenges include:

- entry level jobs are not very attractive, wages are low
- availability of suitable employees are limited (already been offered employment)
- skill gap
- industry/workplace culture
- fitness for work (health, drugs).

The diagram below describes the training framework that is currently in place through the Department of Education and Training, involving the four or five stakeholders concerned:

- the Commonwealth and State Governments
- the employer
- the training provider and
- the community

Apprenticeship and Traineeship Training Framework



Appendix Two: National Indigenous Fisheries Technical Working Group – Principles

THE PRINCIPLES COMMUNIQUÉ ON INDIGENOUS FISHING

PREAMBLE

This communiqué has been endorsed by representatives of:

- Indigenous bodies, including Native Title Representative Bodies and Aboriginal and Torres Strait Islander Commission (ATSIC) Commissioners;
- Most State and Territory Governments¹;
- National commercial fisheries interests; and
- National recreational fisheries interests.

This group of stakeholders evolved from the National Indigenous Technical Working Group (NIFTWG) which formed in October 2003 following a national Indigenous fisheries conference convened by the National Native Title Tribunal (NNTT).

In March 2004, the NIFTWG identified three possible pathways for progressing Indigenous aspirations linked to marine and fisheries management. The preferred pathway - Pathway 2 - involves the development of policies based on:

- (i) Defined customary fishing rights that exclude commercial activity
- (ii) Mechanisms that facilitate indigenous involvement in marine and fisheries related businesses.

The scope for Indigenous commercial participation includes new and established sectors of the fishing industry, including aquaculture, as well as the charter industry and other emerging opportunities in fisheries-related tourism and recreation.

This group proposes a set of general principles to guide the future development of Indigenous fishing strategies within the sustainability limits that currently apply to all other stakeholders. The Principles are an articulation of Pathway 2, a policy-driven response which is favoured over litigation.

Indigenous representatives' support for these Principles does not affect the legal rights of Indigenous people or limit their scope to pursue other options. However, it is considered that strategies that provide Indigenous people with (a) lasting recognition of customary fishing practices; and (b) increased opportunities for economic engagement in fisheries-related enterprises, have a greater capacity than litigation to deliver practical outcomes within the foreseeable future.

This group acknowledges:

- that the Principles are mutually dependent and informed by the Preamble, and
- that future communication between stakeholders will be central to long-term change.

PRINCIPLES

1. Indigenous people were the first custodians of Australia's marine and freshwater environments; Australia's fisheries and aquatic environment management strategies should respect and accommodate this.
2. Customary fishing is to be defined and incorporated by Governments into fisheries management regimes, so as to afford it protection.
3. Customary fishing is fishing in accordance with relevant Indigenous laws and customs for the purpose of satisfying personal, domestic or non-commercial communal needs. Specific frameworks for customary fishing may vary throughout Australia by reference, for example, to marine zones, fish species, Indigenous community locations and traditions or their access to land and water.
4. Recognition of customary fishing will translate, wherever possible, into a share in the overall allocation of sustainable managed fisheries.
5. In the allocation of marine and freshwater resources, the customary sector should be recognised as a sector in its own right, alongside recreational and commercial sectors, ideally within the context of future integrated fisheries management strategies.
6. Governments and other stakeholders will work together to, at minimum, implement assistance strategies to increase Indigenous participation in fisheries-related businesses, including the recreational and charter sectors.
7. Increased Indigenous participation in fisheries related businesses and fisheries management, together with related vocational development, must be expedited.

¹ This communiqué has been endorsed by NSW, NT, SA, Tas, Vic and WA governments. The Australian Government has actively assisted the NIFTWG process.

Appendix Three: List of Ngarla Fish Names²

Sandy Brown's Ngarla nomenclature of useful fish species				
English	Ngarla	Latin name or description	Comments	Reference
??	Kanmanyja	??	<p>Tiny transparent fish (like whitebait?) Hang around roots of Cajebut trees. "We need to scoop them out of the fine roots of the tree, scoop them up. Cook them on the hot sand under a fire. Move the fire off and lay fish in hot sand – eat by the handful.</p> <p>Caught in nets made of grass like lemongrass (smells) and made into twine by bashing and rendering into pulp and then into twine to make very fine nets – called <i>Nglasong</i> (Ref: Brown 2004:17)</p> <p>In modern times mosquito nets have been used.</p>	AB
Barracuda	?	Sphyræna barracuda		AFC ³
Barramundi	Marrumpara	Lates calcarifer	Not that popular – less popular than Mullet	
Bass (sand)	Ngakun	Psammoperca waigiensis		Allen 98/2 ⁴
Black Jewfish	Warajangu	Protonibea diacanthus		AFC
Bug (water)	Mayakura	Waterbug	Witchetty grub that transforms into moth, then falls into water.	
Butterfish (striped)	Mangkajinkin	Selenotoca multifasciata	Favoured freshwater fish – with Scat. Poisonous dorsal spines more painful than catfish.	Allen 55/2
Catfish	Karlkati	Sp?	Smaller catfish – more favoured because of size. 5-10 pounds is about right for this fish. Slender tail "like an eel". Not as plentiful now. "There seems to be less of all fish."	
Catfish (fork tailed)	Witan	Arius leptaspis	Do not eat that much because too big – can't roast in ground – have to chop up to fry	AFC

² Provided with permission of its author – Mr Alexander (Sandy) Brown – a Ngarla scholar

³ AFC means a reference from *The Australian Fishing Companion*, Penguin Books, n.d.

⁴ Allen and a number means a reference from *Marine Fishes of Tropical Australia and South-East Asia (3rd ed.)*, Gerry Allen, with Roger Swainston and Jill Ruse, Western Australian Museum, 1997. The numbers refer to the plate number first, and the number of the fish on the plate second.

Cockle	Yurntu	Vertically striated shell	Quite popular – lots on Finucane Island and in creeks.	
Cod (rock)	Nyamali	Epinephelus suilus	Favoured food fish	
Cone Shell	Nyangku	Snail – not a poisonous conus shell	Very popular – easy to pick from reef in front of Port Hedland.	
Cone Shell (poison)	Karrungurru			
Coral Trout	Mirnurru	Plectropomus maculatus		AFC
Crab (mud)	Jarpul		Very popular	AB ⁵
Crab (sand or blue manna)	Murrukura		Very popular	AB
Crab (hermit)	Muyu		Popular in olden days but not targeted now.	AB
Barramundi	Marrumpara	Lates calcarifer	Highly prized, sometimes caught in nets	AFC
Bream (yellow)	Kumurru		Both types of bream have the same Ngarla name – very popular to catch and eat. Available all year round	
Bream (black)				
Dart - swallowtail	Minyajangu	Trachinotus coppingeri		AFC
Dolphin fish & Samson fish	Nyirurru	Coryphaena hippurus &	Ngarla name the same for these species because they look similar.	AFC, AB
Eel	Majangarna	Sp?	“We get them in the river – good tucker” very good to eat. Catch with hook and line.	AFC
Eel (hairtail)	Karlkuny	Sp?	Pretty oily – can be eaten but AB has not.	
Emperor (spangled)	Puniyi (also place name near Pardoo on coast)	Lethrinus nebulosus	Very good to catch – with handline	AFC
Flathead	Mirnku	Sp?	Very popular - handline	AFC
Garfish	Wirrinykura	Hyporhamphus sp	Get a feed of them – we don’t go to look for them, but they’re ok when you get them.	AFC
Groper (Queensland)	Murrulyu		Often found around Condon. Big fish, need butchering. Smaller fish preferred.	
Grunters	Nyarntarrka	Sp?	Species indistinct but resemble those shown in Allen ref. Common Ngarla food fish.	Allen 98/11,12
??	Jantakunyja	Sp?	Similar to a giant herring but slimmer, about 300 mm. Can be eaten but no popular.	
Herring (giant)	Warntikarkara	Elops hawaiiensis	“Warnti” means tail, and “karlkara” means forked. Boney but good to eat.	Allen 6/1
Herring (hairback)	Wakanymarri	Nematalosa come	Has hair streaming from dorsal fin. Favoured food fish – especially in river where they grow very fat.	Allen 6/14

⁵ Alexander (Sandy) Brown – personal communication June 2008

Herring (oxeye)	Karlakulyu	Megalops cyprinoids	Soft and mushy – prefix Karla means “goeey- not solid” also word for “shit” – but a favoured food fish nonetheless.	Allen 6/4
Javelin Fish (spotted)	Jirrkanykura	Pomadasys kaakan Also “grunter – or Qld trumpeter	Plentiful in tidal creeks. “Seem to bite well.”	Poster, ⁶ Brown 2004 ⁷
Lobster	Jirtupapararra	Ornate crayfish - vegetarian	Old people used to eat them a lot. In early days in Port Hedland you could walk down to the reef (<i>pananmarra</i>) – and you could walk right out. Could catch them by putting live squid on end of a stick to frighten out of holes. Also could make a nest of seaweed and they’d make their home there, and then just take the whole thing.	AB
Long Tom	Wirriyirnkura	Strongylura leiura		AFC
Mackerel	Jirrpulu	Sp?		AFC
Mangrove Jack	Manyarrangu	Lutjanus argentimaculatus	Available most times. Easy to catch.	AFC
Manta Ray	Yamparna			
Marlin	Wirtangurru	sp?		AFC
Milkfish	Wakurlara	Chanos chanos	Plenty in the Ridley River. Good eating but boney.	Allen 6/3
Moses perch	Jarrkurn	Lutjanus russelli	Good to catch and eat	AFC
Mulloway	Warajangu	Argyrosomus hololepidotus	Don’t come here (closest Karratha)	AFC
Mullet ⁸ (sea)	Wirlurn	Mugil cephalus	All mullet are valued fish and mainstay of Ngarla traditional diet. Mullet is preferred over almost all other fish.	AFC
Mullet (blue tail)	Jilara			AFC
Mullet (diamond scale)	Putarrkuru	Liza vaigiensis		Allen 176/3
Mullet (sand)	Karta Warru	Myxus elongatus	Means “black under armpit” referring to the black spot under the fin.	AFC
Mullet (flat tail)	Warrja	Liza argentia		AFC
Mullet (juvenile)	Marnarra		Name for all juvenile mullets	
Mullet (mad mullet)	Mirrkamintu		Puts head out of water. Swims on top. Easy to catch and always “fat.” Mirrka = “head” mintu = “alert”	AB
Perch	Yirrakana	Freshwater perch	Very good eating. Can grow up to a foot long in Marble Bar country	
Pearl Oyster	Pirra-Pirra	Pinctada maxima	Used to eat the flesh and use the shell for trade and networking.	AB
Jellyfish	Papalyarri		Don’t eat	
Jipurr	Oyster	Rock	Eat from the rock, with knife and little fork	

⁶ Poster: Fishes of the Oceans and Reefs/ Indian Ocean Western Australia

⁷ Alexander (Sandy) Brown, with Brian B. Geytenbeek *Ngarla – English Dictionary* unpublished manuscript 2004, held by author

⁸ Wilurn is the name for Sea Mullet and a generic name for all mullet. There are six species of mullet with distinct Ngarla names.

Queenfish	Tijarri	Scomberoides commersonianus	Relatively popular – but quite big.	AFC
Parrotfish	Kukalykura		Refers to all parrotfish	AB
Prawn (sea)	Julumunyju	Sp?	Good eating – traditionally caught with net. Best time is in flood- for barramundi and prawn.	AB
Prawn (freshwater)	Mirntinya	Sp?	Catch in mosquito net in river – fine scoop net. In traditional times would weave a net using spinifex string made by pounding spinifex and making net from it. Also used net for catching birds which could be frightened into it. Eagles would also be caught – using a small kangaroo for bait.	AB
Red emperor	Puniyi	Lutjanus sebae	Used to get in the reef – but the reef has died out. Used to catch a lot of	AFC, AB
Sailfish	Jirrkany	Istiophorus platypterus		AFC
Samson fish	Nyirirji	Seriola hippos	Not many now	AFC
Scat (spotted)	Pukuru	Scatophagus argus	Favoured freshwater fish – boney but tasty	Allen 55/1
Shad (gizzard?)	Mungkarna	Anodontostoma chacunda (?)	Favoured fine-tasting but boney fish.	Allen 50/11
Shark (reef)	Pananyakurangu	Black tip reef shark		
Shark (Wobbeong)	Jirirka			
Shark (hammerhead)	karnururu	sphyrna spp.	Lot of hammerheads around Port Hedland	Allen 3/
Shark (tiger)	paperuru	Galeocerdo cuvier		Allen 3/1
Shark (bluntnose six gill)	Juparuru	Hexanchus griseus		Allen 1/8
Shark (bronze whaler)	Wirrkaruru	Carcharhinus brachyurus		Allen 2/5
Shark (bull, whaler)	??		No Ngarla name because he has only recently been found coming up the De Grey river. “A man eater” we don’t like them. “He can sure fight on the line!” (Result of environmental change?)	
Stingray	Kurangara	Coachwhip stingray	Eat the fat of stingray. Gudjari should not eat because it is his “kalyardu” – totem. Eat the soft part of the wings inside.	AB
Sweetlip (brown)	Mulyarri			
Sweetlip (grass)	Yilpirti	Lethrinus laticaudis		AFC
Sweetlip (red throated)	Mulyarri	Lethrinus liminiatus		AFC
Threadfin salmon (giant)	Ngurijangu	Polydactylus sheridani? and/or Eleutheronoma tetradactylum?	With mullet a dietary mainstay. In translation means “bark of paperbarck/hard sand”	AFC, Allen 69/10

Trevally	Martapurra	Caranx ignobilis and Gnathanodon speciosus	Trevally very popular eating fish. Same Ngarla name for the two species of Trevally.	AFC
Tuna	Jirtapurnura	Euthynnus affinis	Same Ngarla name is applied to all tuna	AFC
Turtle	Jajarruka	Loggerhead and green turtle (generic turtle)	Eat the eggs but not the turtle. Would catch as kids but would not kill them, but "We'll eat all the turtle eggs we can find."	AB
Turtle (Hawksbill)	Marniyarra	Hawksbill	Eggs a delicacy	
Turtle (Green)	Kupikala	Green turtle	Eggs a delicacy	
Turtle (Loggerhead)	Karrpukarra	Loggerhead turtle	Eggs a delicacy	
Turtle (leatherback)	Wanamarungka	Big leathery turtle	Eggs a delicacy	Brown 2004:
Whiting (sand?)	Jijilajangu	sp?	Name related to sand- like "a piece of meat all covered in sand"	AFC
Whiting	Jimarli	sp?		AFC
Whale Shark	Wannangurru		"Wannan" means huge – like a ship – not just big.	
Net	Jakurra	"n. net"		Brown 2004:4
Nets	Yirra murlal	Part of a traditional net	"n. top line of net, with some line beyond the net on each end, to pull on."	Brown 2004:104
Net	Parru-parru	"n. long net with the largest mesh, wire-netting. "Parru-parrurra panaluparrararna nyuru – 'they are checking their fishing nets right at the edge of the water'."		Brown 2004:73



Yamatji Marlpa

ABORIGINAL CORPORATION



Rangelands NRM

Western Australia

