

**Blue Mud Bay Stakeholder Consultancy
(NTG - D08-0553)**

Final Report - July 2009



Prepared by



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This consultancy could not have taken place without the support of the stakeholder groups and individuals who provided their valuable time, knowledge and input.

This project was funded by the Northern Territory Government and the support and ongoing feedback through the Project Steering Committee assisted the consultants in developing this final report.



The Consultants



Chris Calogeras is the founder of C-AID Consultants and has 30 years experience in the seafood and fishing industry. This includes 20 years experience in fisheries and resource management and administration with the NT Government and six years senior operational experience in the seafood industry.

He has worked as a fishing industry, natural resource, environmental management and people development consultant since 2001.

Chris's formal qualifications include a Masters in Marine Resource Management, a Graduate Diploma in Fisheries Management, a Diploma in Environmental Science and a Certificate III in Seafood Processing. He is completing his Business Doctorate. Further information can be found at www.c-aid.com.au.

John Christophersen, of Reef-2-U, was a partner with C-AID Consultants in this project. John is from Cobourg Peninsula and has over 20 years involvement in stakeholder consultation through his various roles with the Northern Land Council (NLC) and Cobourg Peninsula Sanctuary and Marine Park Board.



John has been part of the NLC's Full Council since 1986, was Executive Member for the West Arnhem region for fourteen years and was employed by the NLC as the senior Sea and Marine Policy Officer, and later as the A/CEO. He was also the Vice President of the World Council of Indigenous Peoples.

John has worked extensively with Blue Mud Bay (BMB) claimants and other affected groups and has a high level of understanding of the BMB case and its implications for aquatic resource use and management. John has extensive networks across government at all levels, industry groups and with Indigenous people across the NT.

Glossary

Acronym	Description
Act	NT Fisheries Act (1988)
AFANT	Amateur Fishermens Association of the NT
AFMA	Australian Fisheries Management Authority
ALC	Anindilyakwa Land Council
ALRA	Aboriginal Land Rights (NT) Act
BMB	Blue Mud Bay
C-AID	C-AID Consultants
CEO	Chief Executive Officer
DCM	Department of Chief Minister
DRDPIFR	Dept of Regional Development, Primary Industry, Fisheries and Resources
ESD	Ecologically Sustainable Development
FPGIIMM	Fishing Principles to Guide Indigenous Involvement in Marine Management
FRDC	Fisheries Research and Development Corporation
FTO	Fishing Tour Operators
IK	Indigenous Knowledge
MAC's	Management Advisory Committees
MPA's	Marine Protected Areas
NIFTWG	National Indigenous Fishing Technical Working Group
NLC	Northern Land Council
NPF	Northern Prawn Fishery
NRM	Natural Resource Management
NT	Northern Territory
NTCFA	NT Crab Fishermans Association
NTG	Northern Territory Government
NTGFIA	Northern Territory Guided Fishing Industry Association
NTSC	Northern Territory Seafood Council
NZ	New Zealand
NZ delegation	FRDC Final Project No. 2008/31. NT Fishing and Seafood Industry Delegation to NZ.
OCS	Offshore Constitutional Settlement
PSC	Project Steering Committee
TAC	Total Allowable Catch
TLC	Tiwi Land Council
TO's	Traditional Owners

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1. INTRODUCTION

In line with the Northern Territory Government's (NTG) commitment to consult with key NT stakeholders, as part of moving forward from the Blue Mud Bay (BMB) High Court decision of July 2008¹, C-AID Consultants (C-AID) was contracted to undertake stakeholder liaison to assist in the development of key elements of this strategy.

The project sought to build on the key principles developed as a result of a successful Fisheries Research and Development Corporation (FRDC) supported Northern Territory (NT) multi-sector stakeholder delegation to New Zealand (NZ) in 2008, which investigated Indigenous participation in the NZ fishing and seafood industry² (the NZ delegation).

Although the consultants' brief had a focus on Indigenous issues, it was felt that it was impossible to deal with these in isolation, so a holistic approach was taken, which encompassed all stakeholders.

This report provides the NTG with the consultants' findings arising from the stakeholder consultations, with a focus on issues surrounding customary fishing, improving Indigenous involvement in fisheries management, and identifying options for increased Indigenous economic development in the fishing and seafood industry. The report also outlines a series of recommendations and proposed actions for the NTG and stakeholders, to assist in developing processes to further progress BMB consultation and negotiations.

During the project's life the consultants held over 70 meetings and engaged with approximately 600 individuals, without whose cooperation and input the project could not have taken place.

The consultants acknowledge that in attempting to achieve a people-based win/win outcome, the BMB consultation and negotiation process may take longer than some stakeholders would wish, but believe ongoing engagement has the potential to deliver the optimal long-term outcomes for all parties.

The report provides background and methodology of how the consultants undertook the project task. Six key themes became evident from the consultation and discussions, and recommendations on each of those themes form the bulk of the report. Each of the key themes is dealt with in a similar manner, by;

- providing details on the current status of information collected
- analysing the issues that came to light
- providing findings, recommendations and/or proposed actions.

By providing the information in this report the consultants' aim is to see stakeholders empowered and engaged with each other and the NTG so as to develop people-based

¹ The High Court decision of 30 July 2008 can be found at www.austlii.edu.au/au/cases/cth/HCA/2008/29.html.

² FRDC Final Report Project No. 2008/31. 'Moving to a common vision and understanding for equitable access for Indigenous, recreational and commercial fishers:-Northern Territory fishing and seafood industry delegation to New Zealand'.

outcomes that allow the NT's fishing and seafood sectors to operate optimally, with significantly increased Indigenous participation.

It should be noted that during the life of the consultancy some of the proposed actions or recommendations put forward in this report have already been fully, or partly, addressed or resolved. In many instances this has arisen from the consultants' feedback to the NTG and stakeholders.

2. BACKGROUND AND SCOPE OF CONSULTANCY

The NTG contracted C-AID to assist in developing key elements of the NTG's strategy to move forward from BMB through stakeholder liaison. John Christophersen of Reef-2-U was engaged by C-AID to collaborate on the project. The key output from the consultancy is this Final Report, which builds on the NZ delegation's findings and provides advice to the NTG, which can be used as a key input into the formal negotiations between the NTG and stakeholders regarding BMB.

The consultancy had clear boundaries and these were to disseminate and collect information, provide options and undertake discussions on issues raised. The consultants had no negotiation role.

2.1. CONSULTANCY OBJECTIVES

The project had three key objectives, these were to identify;

- a possible framework for enhanced recognition and management of Indigenous customary or traditional fishing rights
- options for greater involvement of the Indigenous sector in fisheries management, including a possible consultative and decision-making framework
- options for meeting the economic development aspirations of the Indigenous sector within the fisheries sector, with reference to the principles of Ecologically Sustainable Development (ESD) and fisheries resource allocation.

The consultants' brief also allowed consideration of other relevant matter(s) in line with directions from the NTG. During the initial meetings and discussions with stakeholders, it became apparent to the consultants that a number of other matters needed to be worked through before the key project objectives could be fully addressed and a framework developed. These matters are covered in sections 5.1, 5.2, 5.3 and 5.4.

2.2. PROJECT SCOPE

The consultants' role was to liaise broadly with relevant stakeholders, including the three relevant Land Councils (Anindilyakwa, Northern and Tiwi), Traditional Owners (TO's) in liaison with the Land Councils, Northern Territory Seafood Council (NTSC), Amateur Fishermen's Association of the NT (AFANT), NT Guided Fishing Industry Association (NTGFIA) and the NTG, while developing its advice.

The project had regard to the following overarching NTG principles;

- ecological sustainability of fisheries across the NT

- continued commercial fishing at optimum level
- continued recreational fishing (including by tourists)
- substantive/substantial Indigenous involvement in fishing
- single/seamless/simple regulatory framework
- real Indigenous involvement in the management of fisheries
- maximisation of economic and regional development through fishing.

In addition to the above, the consultants were to take into account the guiding principles and processes developed through the NZ delegation (Appendix I).

The consultants also took cognisance of the Fishing Principles to Guide Indigenous Involvement in Marine Management – December 2004 (FPGIIMM) (Appendix II). The FPGIIMM were developed by the National Indigenous Fishing Technical Working Group (NIFTWG) which comprised representatives from the seafood industries, recreational fishing, Indigenous fishing, native title, and state and federal governments. The principles encourage governments to protect and recognise the traditional fishing practices of Indigenous people and support greater Indigenous involvement in marine management and related businesses. The principles are based on recognition of both Indigenous traditions related to freshwater and saltwater environments, and contemporary commercial aspirations.

2.3. GOVERNANCE

The project was overseen by a NTG Project Steering Committee (PSC) which included representatives from the Department of the Chief Minister (DCM), the Department of Justice (DOJ) and the Department of Regional Development, Primary Industry, Fisheries and Resources (DRDPIFR).

2.4. OUTPUTS

The project had two major outputs;

- a mid-project status report, which was submitted to the NTG in April 2009, along with a presentation to stakeholders on the project's progress and future actions; and
- a final report to the NTG against the project deliverables.

3. METHOD

The major focus of this project has been to assist the NTG to achieve a people-based win/win outcome through a high level of engagement with stakeholders, whilst taking on board the principles and processes developed by the NZ delegation (Figure 1) and the NTG. The consultants believed that there was a need to develop an 'Agreed Process and Timeline' to enhance the NZ delegation's process, so this has been added to

Figure 1. The consultants sought to achieve outcomes that lead to sound management in an inclusive manner. The project's proposed methodology and process is provided at Appendix III, with the project's proposed timelines at Appendix IV.

The methodology consisted mainly of face to face meetings with various stakeholder representatives, individuals and groups, in which information was provided by the consultants, with formal or informal feedback and discussions taking place. Key outcomes were noted by the consultants for further action.

During December 2008 through to mid January 2009 the consultants developed appropriate material for the consultation process, undertook meetings with the Land Councils, NTSC, AFANT, NTGFIA, relevant NTG agencies and PSC, and arranged community and regional meetings.

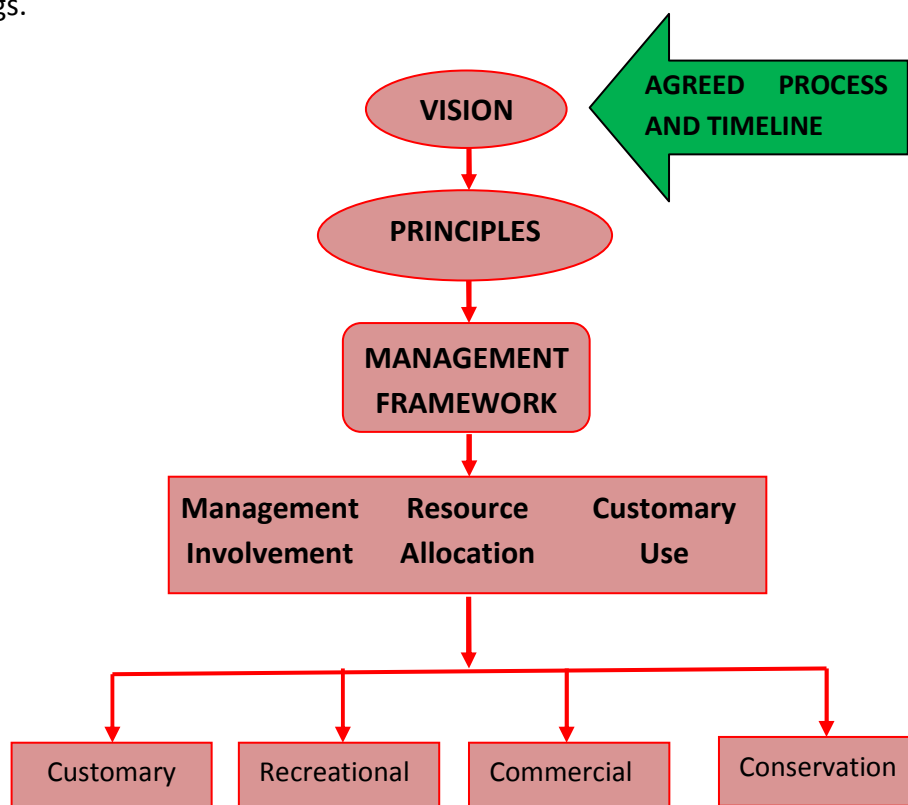


Figure 1: Process for consultation developed through the NZ delegation and adopted by NTG to guide the BMB process. (Note: consultants' addition - Agreed Process and Timeline)

From February to late April 2009³ the consultants undertook a large number of community and regional meetings, and provided formal feedback to the NTG through a formal status report and a presentation to peak stakeholder groups (Table 1, Table 2).

During the course of the project the consultants provided ongoing feedback to the peak stakeholder groups and PSC regarding meeting outcomes and subsequent identified issues.

³ Due to scheduling problems and logistical difficulties a small number of meetings we deferred to June 2009.

The information collected from all meetings, along with feedback from stakeholders, the NTG, and through the consultants' experience, formed the basis for the information provided in this final report.

4. CONSULTANTS' MEETINGS

The consultants held over 70 formal and informal meetings with NTG representatives, peak stakeholder groups, stakeholder office bearers and representatives, as well as individuals, across the NT. At these meetings the consultants provided information and collected feedback from almost 600 people. The number of formal and informal meetings held with each stakeholder group is shown in Table 1, and a summary of the areas where meetings were held and the stakeholder groups involved is shown at Table 2. Significantly, in many instances, the information provided by the consultants was breaking new ground for participants and the consultants' presence was well received.

Meetings where a full presentation took place, based around the format and agenda provided at Appendix V, or where meetings were scheduled with the PSC, the NTG or all stakeholder, were classified as formal meetings.

In most instances formal stakeholder meetings were supported by PowerPoint presentations (a sample presentation is shown at Appendix VI). Where PowerPoint was not practicable, such as at some community meetings, maps, butchers paper and sand drawings were used. The depth of discussion for each agenda item was determined by the particular group's level of understanding of the BMB decision, and their exposure to earlier discussions around it. When possible the consultants sought to have Land Council regional staff attend community meetings.

All other meetings were considered informal meetings and covered a wide range of matters, including feedback from regional meetings, other peak stakeholder groups, and the NTG.

Table 1: Summary of Peak Stakeholder Group¹ Meetings Held

Peak Stakeholder Group ¹	Formal Meetings ¹		Informal meetings ¹
	Number of meets	Approx no's participants	
AFANT	3	50	8
ALC	2	20	2
NLC	16	450	11
NTG ²	6	20	10
NTGFIA	2	5	3
NTSC	4	20	6
TLC	2	20	1
TOTALS	33	585	41

1 These meetings were undertaken with the peak stakeholder group or with groups or individuals that the peak stakeholder group represents.

2 This includes the PSC, DCM, Indigenous Policy and DRDPiFR.

Table 2: Where Meetings Were Held and an Indication of Attendees

Region or Area	Key Organisations and Attendees
Borroloola	King Ash Bay Fishing Club (President, Committee, visitors) NLC Office representatives, TO's and Mabungi marine rangers NT Crab Fishermen Association (NTCFA) members and fishers
Daly River	TO's, marine rangers, other interested non-Indigenous people
Darwin	AFANT (EO) ALC (CEO, Chair, TO's, Consultant) DCM (Minister and advisors) DRDPIFR (Director of Fisheries and senior staff) Northern Land Council (Chair, CEO, Deputy Chair, and Senior Policy Officers) NT Opposition (leader) NTG Indigenous Policy (Minister and advisors) NTGFIA (Chair, EO, Executive members) NTSC (Chair, CEO and Board members) PSC (NTG officials) Tiwi Land Council (Chair, CEO, Executive, TO's and advisors)
Galiwinku	TO's, marine rangers and NLC staff
Gapiwuyak	TO's and NLC staff
Goulbourn Is	TO's, marine rangers, police, shire and contract staff
Gove Area	Dhimaru Rangers (CEO and marine rangers) Gove Game Fishing Club (President and senior members) Laynhapuy Homelands (CEO, Board, TO's, marine rangers and community members) Ski Beach (Galarwuy Yunupingu and community members)
Groote	ALC (CEO, Chair, Consultant, Council and TO's)
Kakadu	West Arnhem NLC Regional Council (Regional NLC representatives, TO's) NLC staff Cobourg Board members
Katherine	AFANT (President) Katherine, VRD, Borroloola Barkly, Ngukurr NLC regional representatives NLC staff
Maningrida	Bawinaga (marine rangers and staff, TO's) Aboriginal coastal licence operators Commercial crabbers FTO (operators)
Peppermanati	TO's, marine rangers
Port Keats	TO's, marine rangers
Wanyamari	Land and Sea Rangers Conference, marine rangers, NLC staff
Yilpara	Principal BMB claimant, TO's, marine rangers and ANU staff

4.1. COMMON ISSUES FROM MEETINGS

The consultants collected a large body of information during the consultation rounds. Initially, meetings focussed on identifying ways to ensure that the BMB consultation process had the best opportunity to achieve the project's desired outcome; i.e. having an agreed understanding of the decision, developing a common vision and agreed principles, and

identifying issues that the NTG or stakeholders could act on to improve or clarify the process. These matters are discussed further in Section 5.

The discussions were far ranging at each meeting and often had a different focus, depending on the particular group, but six key themes consistently arose;

1. The need for a common vision for the final outcome of the BMB process
2. A need for greater understanding of what the BMB decision means
3. Stakeholder needs for comfort and security with the total BMB process
4. Customary fishing
5. Indigenous commercial and development opportunities, including those arising from access to Aboriginal land
6. The desire to have increased Indigenous input and participation in management, including the recognition of existing Aboriginal management practices.

5. BUILDING A FRAMEWORK

The following section addresses and discusses each of the six key themes. The consultants felt that there was a greater chance of adoption of their findings if the key issues were kept succinct. As such they will be dealt with by following a simple, similar format. For each issue there will be a section on;

- current status and information collected
- analysis of issue
- findings, recommendations and actions (that the NTG and stakeholders can utilise).

This was considered the best approach to deal with the myriad issues that this consultancy identified. A fairly common response from stakeholders was that this is a large, complex issue, and as such it would be difficult to deal with all the issues at once. The consultants made a decision to address the issues in manageable portions, as well as to develop a framework that allows a staged approach to reaching a final outcome. This is especially important as some issues can be dealt with relatively simply, whilst others will require extensive and ongoing information exchange, consultation and negotiation, before a final outcome is likely to be achieved.

For the required outcomes to be achieved, the consultants are of the view that all stakeholders will need to identify their specific values, requirements and aspirations (without this it can be similar to a game of cards where no one is prepared to make a first bid). This information could be obtained relatively simply by undertaking meetings with each group in a safe, non-threatening environment. Once this information is identified for each group, a common set of key principles could be developed, along with a process to progress the consultation and negotiation. Issues not agreed to by all stakeholders can be resolved through a negotiation process, with a view to reaching consensus based outcomes.

The consultants believe they have been true to their project brief of trying to build on the NZ delegation's key principle of 'Openness, Transparency, Clarity and Trust', and seeking a win/win, people-based outcome.

Each of the 6 themes is discussed in the following sections.

5.1. DEVELOPMENT OF A COMMON VISION

5.1.1. Current Status and Information Collected

This matter is one of those mentioned previously that is outside the key project objectives but the development of a common vision was a key step identified by the NZ delegation. The consultants' brief was to consider that strategy (Figure 1), and as such they believe the framework could not be comprehensively developed unless the matter was addressed.

Although stakeholders had consistent views on ensuring sustainability of the resource, there was no agreed common vision.

5.1.2. Analysis Of Issue

The consultants believed there was a need for stakeholders to develop and adopt a common vision and this was a key component of discussions with stakeholders.

To achieve this, stakeholders needed to be clear about what a vision statement is. It is a big picture aspirational statement, describing a desired end-state, is general in scope, is not restrictive, and importantly is more than simply the current scenario with all problems solved. It is also about articulating dreams and hopes, is future-oriented, idealistic, appropriate, inspirational, purposeful and ambitious.

To provide some guidance the consultants developed a vision for consideration by the NTG and stakeholders. After a small number of iterations the following vision was used by the consultants in all presentations, including to a combined stakeholder⁴ meeting in May 2009, where the status report was presented. No negative feedback has been received in relation to the following vision, although no stakeholder group has specifically endorsed it.

"The marine and coastal environment of the Northern Territory, and the aquatic resources within, is managed for the benefit of all in an inclusive, innovative and sustainable manner"

5.1.3. Findings, Recommendations and Actions

To move forward in a common way, the vision above should be discussed, revised and a common version adopted, as a clear statement of intent as to what stakeholders believe the BMB process is seeking to achieve. All stakeholder groups must participate in this process if there is going to be a common understanding of the direction of discussions.

- a) A common vision should be developed and endorsed as a matter of high priority for the NTG and stakeholders as it is a key component of the proposed consultation process shown in Figure 1.

⁴ At this meeting the TLC were not represented. The ALC were not present for the consultants' presentation but participated by way of a telephone hook up after the consultants left the meeting.

This could be achieved by stakeholders either providing input through written communication or an independently facilitated workshopping process could be undertaken to achieve a common vision (Figure 2).



Figure 2: Process to Develop Agreed Stakeholder Vision

5.2. DEVELOPMENT OF AGREED PRINCIPLES

5.2.1. Current Status and Information Collected

This is another matter that fell outside the key project objectives and for the same reasons as outlined in section 5.1, the consultants believe the framework could not be comprehensibly developed unless the matter was considered.

The consultants were guided by two key sets of guiding principles when undertaking this project, those of the NTG, and those from the NZ delegation, as outlined in section 2.2. In addition, the FPGIIMM were considered.

The consultants requested that all stakeholders provide relevant principles, from which a common set of guiding principles could be developed to help guide the process, put clear boundaries around the discussions that were to take place, and to provide some level of comfort to participants. To assist in generating discussion the consultants put forward a set of general guiding principles to stakeholder representatives, but no formal responses were received.

Although discussions took place with stakeholders regarding the development of principles no clear set of common principles were enunciated by the stakeholders. It is unclear why participants didn't embrace this concept, but it was intimated that some groups were waiting to see what other groups were proposing.

5.2.2. Analysis Of Issue

Notwithstanding the lack of agreed principles the consultants felt it would be beneficial to develop a set of principles, built from those proposed by the NTG, NZ Delegation, FPGIIMM and from discussions with stakeholders. There were two aspects to consider when discussing the principles, those relating to the consultation/negotiation process and those relating to a negotiated outcome.

Many of the proposed guiding principles are really a commonsense approach for those seeking a people-based win/win outcome. Without agreement and commitment to a common set of principles however, it may prove difficult for all stakeholders to move

forward with the process. In addition, by agreeing to a set of agreed principles it will allow some processes to be dealt with in different timeframes by different sectors, with all stakeholders confident that the outcomes will be determined within an agreed framework.

As such, the consultants suggest the following guiding principles as a starting point;

5.2.2.1. Process Guiding Principles (i.e. how to undertake the consultation and negotiations)

- a) All participants will strive to achieve a win/win outcome, with good fisheries management in mind.
- b) Discussions and negotiations are to be inclusive and transparent.
- c) All groups will provide, and be provided with all the relevant information, to allow informed decision-making.
- d) All parties will show mutual respect and strive to understand and recognise the rights, aspirations and values of other stakeholders.
- e) Decisions should be reached by consensus, and if that is not possible, an agreed dispute resolution process used.
- f) People who have a mandate will be involved in the process.
- g) To achieve optimal results, sufficient time should be given to reach decisions without duress, but this should not be used to delay achieving outcomes.
- h) All groups are to be adequately resourced to enable them to prepare for and attend all meetings, discussions and negotiations.
- i) Stakeholders will develop an agreed common vision and guiding principles.
- j) Existing closures and fishery management arrangements in place for sustainability purposes will remain.
- k) Cost efficiency considerations must be built into any proposed management reforms.
- l) Outcomes should seek to improve on the status quo.
- m) Agreed Government mechanisms should provide benefits to Indigenous owners in recognition of allowing fishing to continue in waters over lands affected by the BMB decision.
- n) If necessary, consultation and negotiations may take place through a staged approach.

5.2.2.2. Outcomes Guiding Principles (i.e. what the outcome should look to achieve)

- a) Ensure there is a strategic framework for the continued ecological, social, cultural and economic sustainability of fisheries and associated aquatic life in all NT waters (including stakeholders aspirations and needs), with a view to achieving intergenerational benefits for all.
- b) Development of a single/seamless/simple regulatory and compliance framework.

- c) All arrangements should strive to minimise the negative impact on all fishing and seafood stakeholders and to optimise opportunities for all sectors, especially Indigenous participants, through economic and regional development and involvement in the fishing and seafood industry.
- d) Develop an effective mechanism for compensation, or industry adjustment, in all cases where there are commercial losses or disadvantages associated with the resolution of BMB.
- e) Ensure a resolution process is in place to deal with any disputes that may arise from the implementation of any final arrangements.
- f) All major stakeholders are genuinely engaged in any future management structure or arrangements.
- g) There is appropriate resourcing for the effective and efficient operation of all management, monitoring, compliance agencies, organisations and groups.
- h) Outcomes have bipartisan support.
- i) Final arrangements should provide certainty into the future for stakeholders associated with the NT fishing and seafood industry.
- j) An agreed framework is established which includes fair and agreed methods to allocate and reallocate resources amongst stakeholders.

5.2.3. Findings, Recommendations and Actions

To move forward, the proposed guiding principles above should be discussed, revised and an agreed set adopted as a clear statement of what stakeholders are seeking to achieve through the BMB process. All stakeholder groups must participate in this process if there is to be a common understanding of the direction for future discussions. To achieve this;

- a) A common set of guiding principles should be developed and endorsed by the NTG and stakeholders as a matter of high priority as it is a key component of the proposed consultation process shown in Figure 1.

This could be achieved by stakeholders either providing input through written communication or through an independently facilitated workshoping process (see Figure 3). This could be undertaken in conjunction with a visioning workshop (see section 5.1.3).



Figure 3: Process to Develop Agreed Stakeholder Guiding Principles

5.3. UNDERSTANDING WHAT THE BMB DECISION MEANS

5.3.1. Current Status and Information Collected

This matter is also outside the key project objectives and for similar reasons as outlined previously, the consultants found that the framework could not be comprehensively developed unless the matter was addressed.

The consultants found that a number of representative groups and communities had little or no comprehension of the BMB decision, its potential impacts and what areas were affected. Peak stakeholder groups indicated that it was important that all parties clearly understood the implications and impacts of the decision on their sector, as well as the affects and interaction between all sectors.

It became clear to the consultants that without a common understanding of the decision, or a version that people could discuss, it was going to prove almost impossible to move through and develop a framework of any kind. Initial discussions with stakeholders were therefore, to a large extent, focussed on seeking clarification of the meaning of the BMB decision.

The process was assisted when the NTG provided a précis of its interpretation of the decision. The following, based on the NTG précis, was used for discussions at all subsequent meetings;

“the water lying over Aboriginal land should not be treated differently from the land itself

that Government licences and permits to fish do not give the people who hold them any permission to go onto water over Aboriginal land

the Territory's Fisheries Act is valid and that licences and permits to fish issued by the Territory Government are valid”.

As previously noted, some of the consultants' recommendations have already been actioned, and the NTG has advised that the issues surrounding the BMB decision précis have been adequately addressed by all stakeholder groups.

5.3.2. Analysis Of Issue

For many stakeholders there has been a major focus on what physical area the decision relates to. This has been so they can visualise or draw a line in the water and identify a column of water covered by the BMB decision.

In many instances people believed the decision covered a much greater area than it actually does. Many Indigenous stakeholders thought they had won the right to extensive sea country which extended well beyond the intertidal area. The consultants spent some time explaining the difference between inherent rights and legislated rights. The consultants clarified that although the decision covered very important waters, it extends only as far as Aboriginal land, as defined under the Aboriginal Lands Rights Act (ALRA); i.e. to low water.

In addition, one stakeholder group indicated it had received advice that the decision's impacts differ, in some aspects, from the NTG version. This is a cause for some concern, as

without a common understanding of the decision it will be very difficult to reach consensus on all issues, which will make forward progress challenging.

The consultants, who have extensive Natural Resource Management (NRM) expertise, attempted to ensure that stakeholders understood the difficulties and practicalities of trying to manage a thin strip of undefined waters along part of the coastline, in a manner differently, or separately, from the waters adjacent to them. As such the consultants' focus was on generating discussions on possible ways to be part of a single, seamless management regime, in line with the NTG principles, not so much on the actual area covered by the decision.

As part of moving forward there may be merit in all parties acknowledging that the litigation process is over and all parties have moved into a negotiation phase. The major benefit of such an approach is that although litigation and negotiations are both difficult processes, the outcome of negotiations is of mutual benefit to all parties⁵.

5.3.3. Findings, Recommendations and Actions

The consultants believe that it would be beneficial if the NTG précis of the decision was endorsed by all stakeholders as a clear statement of what the decision covers. This would then provide common ground for future discussions. As previously noted, the NTG has advised that this issue has been addressed.

However in the event that divergent views emerge, the following process could be followed (see Figure 4). Stakeholders could either provide input through written communication, or the NTG could meet with each sector and;

- a) Seek to resolve differences with the respective group(s).
- b) Share the outcomes with all groups (and revise précis if necessary).
- c) Seek each stakeholder group's endorsement, or otherwise, of the revised précis.
- d) Seek all stakeholders' formal agreement on the matters covered by the decision.

Demonstrated support for a common interpretation from all stakeholder groups will facilitate discussions in any future consultation and negotiations, and the consultants believe it is a critical component of jointly moving forward on BMB.

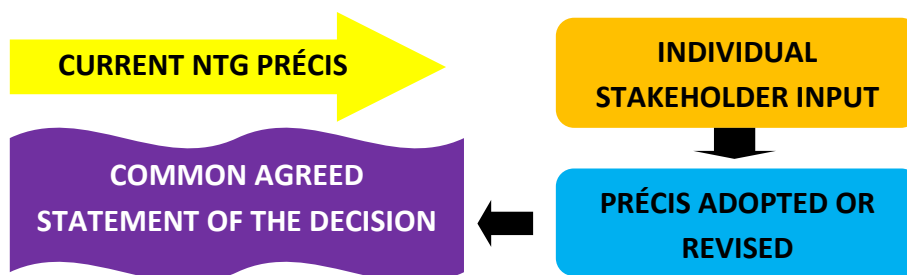


Figure 4: Process to Develop a Common Understanding of the BMB Decision

⁵ This view of negotiated outcomes was expressed in 'We are the stewards. Indigenous led fisheries innovation in North America'. I. W. Record 2008.

5.4. STAKEHOLDERS' COMFORT AND SECURITY WITH THE NEGOTIATION PROCESS

5.4.1. Current Status and Information Collected

This is the final issue dealt with in the report that falls outside the key project objectives, and for similar reasons as those outlined previously, the consultants found that stakeholders weren't able to fully commit to the consultation process without these matters being addressed.

Each group expressed, to some extent, a degree of discomfort with aspects of the BMB process, including a lack of clarity regarding roles, responsibilities and timelines. There was a clear need for each group to have an adequate sense of security to comfortably continue to participate in the consultation and negotiations process. This became more obvious as it became evident that the long-term resolution of all the issues surrounding the BMB decision would become a much longer process than may have been initially expected by some stakeholders.

In addition, there was some ongoing confusion by many stakeholders about the overall process of consultation and negotiation. Many stakeholders felt there were a number of processes taking place concurrently; i.e. the consultants' work on behalf of the NTG, the larger stakeholder groups' discussions, the NTG's role, and what were often termed 'other negotiations taking place in the background', without a clear understanding as to how they all fitted in together.

Comments received recently were that "uncertainty and confusion can sow the seeds of distrust". Similar sentiments were expressed to the consultants from a range of stakeholder groups. There was a feeling that there would be benefits for all parties if ongoing dialogue was taking place between stakeholders, not for them to just attend meetings.

Each stakeholder group had some stakeholder specific concerns which aren't covered in this report; however there were a number of common themes, these being;

- a) The need for adequate resources (financial and/or human) to participate fully and equally in the BMB process, so that organisations still have adequate resources to undertake day to day roles, as well as undertake longer term strategic planning.
- b) Certainty that any changes to existing access rights will not leave any party worse off, without adequate recompense.
- c) Certainty that there will be a place for each stakeholder group in the fishing and seafood industry and at the management table.
- d) A need for increased, inclusive and transparent stakeholder participation in the negotiation and decision-making processes.
- e) A lack of clarity surrounding the consultation and negotiation protocols, processes and timelines.

As previously noted, some of the matters raised by the consultants' have already been actioned and the NTG has advised that a number of the matters above have already been discussed with stakeholder groups.

5.4.2. Analysis Of Issue

The consultants believe that the groups are, in many instances, at different stages of the consultation/negotiation cycle, as shown in Figure 5, both with their own constituents and with the larger stakeholder group. It is therefore understandable that there are some concerns. To a large extent, without iron clad guarantees from the NTG and other stakeholders, a level of anxiety will remain, and this can inhibit the development of optimal outcomes.

The consultants feel that if there is comfort and security provided to all stakeholders through the process, and with a set of agreed and endorsed principles, it will simplify the consultation and negotiation process by allowing focussed discussion to take place. Each group will then be free to attend meetings, if they wish on an as needs basis, with the larger group coming together for key meetings. Without clarity, groups often try to find or present solutions or resolutions prematurely, and due to a lack of agreed process, these can often be rejected.



Figure 5: Stylised Consultation – Negotiation Cycle

5.4.3. Findings, Recommendations and Actions

In most instances the adoption of a common and agreed set of guiding principles will address many of the concerns expressed by stakeholders. A means to achieve this has been proposed earlier. The NTG has advised that some of the matters raised in this section have already been actioned, but any issues that are still outstanding can be addressed through the following process;

- a) Stakeholders clearly indicate to the NTG any verifiable resourcing requirements necessary to continue to participate fully in the consultation – negotiation process, and the NTG to co-ordinate and liaise with the federal Government for such resourcing.
- b) NTG and/or the Commonwealth agree to provide recompense for any party that is 'worse off' as a result of a negotiated or mandated outcome, unless the parties agree to such changes. For this to take place the existing status will need to be identified.

- c) The development of agreed consultation and negotiation protocols, processes and anticipated timelines.
- d) An agreed position by all stakeholders and the NTG that there will be a place for each stakeholder group in the fishing and seafood industry.
- e) An agreed process developed for any allocation and reallocation.

These actions should be undertaken as soon as possible to resolve any outstanding issues. The consultants believe this is a critical component of jointly moving forward on BMB and as such included 'Agreed Process and Timeline' as an additional component in the proposed consultation process (see Figure 1).

5.5. CUSTOMARY RIGHTS

5.5.1. Current Status and Information Collected

All groups mentioned the issue of customary fishing in some context. It was of particular interest to the NTG fisheries management agency and to Indigenous representatives. The current situation for addressing Indigenous fishing in the NT is covered in the *NT Fisheries Act* (the Act) under Section 53: Aboriginals, which states;

'....nothing in a provision of this Actshall limit the right of Aboriginals who have traditionally used the resources of an area of land or water in a traditional manner from continuing to use those resources in that area in that manner' and further 'nothing shall authorise a person toengage in a commercial activity'.

It is unclear as to what these rights actually allow, who is allowed to undertake an activity, and where and when that activity can take place. Therefore Aboriginal people may not be able to readily assess whether they are asserting their Aboriginal rights under the Act unless they are charged with an offence and their rights are subsequently upheld.

The Indigenous people who the consultants met were strongly of the opinion that fishing to fulfil their sustenance, cultural as well as existing trade and barter, within and external to their own communities, should be of primary importance when discussions take place surrounding their use of the marine and aquatic resource. For them it is a way of life, not a lifestyle choice. Other sectors were concerned that any additional commercial activity (without adjustment) may impact on the resource and be difficult to enforce.

Discussion with Indigenous groups also focused on the fact that they already have long-held management arrangements with clear roles and responsibilities in place at a personal, family, clan, regional and wider level. Therefore it appears people at all of these levels should take part in any discussion on customary fishing. The consultants were advised that all land, waterways, flora, fauna and marine life (i.e. the total environment) is subject to Indigenous social/cultural practices through dance, song, art and oral history (yirritja and dhuwaha).

It was also noted that customary activity is evolutionary and over time practices change. Evidence of this evolution was seen at Goulbourn Island where some paintings now depict outboard powered vessels as fishing platforms.

Although there was general support for further defining customary rights, some concerns were expressed by Indigenous people over the potential impact on their rights and the possibility of the imposition of excessive red tape surrounding any defined system.

A number of communities suggested that the use of 'fixed' fish traps, the take of lobster and shellfish, and an expanded community licence should be considered as part of their customary rights.

5.5.2. Analysis Of Issue

From their discussions, it became apparent to the consultants that Indigenous people believe that customary take involves much more than sustenance, and includes using the resource for cultural, recreational, social and trade purposes. The inclusion of a commercial aspect varies from the definition of customary fishing in the Act, the FPGIIMM, and what other stakeholder groups would generally consider to be customary fishing.

One of the major issues therefore relates to understanding, or defining, what is considered 'customary' fishing. That is whether it should focus on the method of take (i.e. spears, hand harvest etc -v- rod, reel, net etc), the reason for the take (i.e. customary purposes which include - sustenance, cultural obligations, recreational, commercial etc) or some combination.

It was evident that Indigenous fishing is evolutionary and as such it would be impractical to try and restrict customary fishing to historical methods. However, as with all aspects of these discussions, sustainability of the resource is a key principle and will need to be carefully and appropriately considered during future discussions on this issue.

Indigenous rights to the resource for customary purposes needs to be clearly defined. It was felt that customary fishing was more about the rationale for fishing, rather than the method. Customary rights need to be defined as a distinct sector, as it is not recreational or commercial, as defined under the legislation. If however, Indigenous peoples' take was considered recreational, measures would need to be considered as to how to incorporate their views into the current recreational fishing management discussions.

Those Indigenous people consulted believe that discussions on what constitutes customary take, how it should be managed and what the roles and responsibilities are, should be developed through a bottom up, not a top down approach, acknowledging existing long-term Indigenous management arrangements. Indigenous people also feel customary rights should be of primacy when discussions are taking place on resource access.

Resolving this issue may be a lengthy process, but for genuine buy-in, adequate time and resources will need to be available to allow Indigenous people to fully discuss the matter, and for the other sectors to have real input. Defining customary use should take as much time as is required and include all sections of the coastal Indigenous community, to ensure outcomes are respected and adhered to by all the parties, and also as a means of protecting customary rights and responsibilities.

The Act and supporting legislation, the decision-making processes and the compliance roles surrounding customary rights will need to be further examined, with a view to developing appropriate, acceptable and agreed legislation and management arrangements.

The concept of developing modified fixed fish traps, the take of lobsters and shellfish, as well as revising the existing community licence, has merit and may provide a stepping stone to other fishing operations and importantly be a vehicle to provide quality protein to communities and surrounding areas.

5.5.3. Findings, Recommendations and Actions

The need to clearly define customary rights, to include it into the overall fisheries management process as a separate sector, and to have an identifiable allocation, was a clear finding by the consultants. The existing legislation is inadequate in dealing with customary fishing activities, as Indigenous people believe their customary rights are much broader than merely for subsistence. However, care must be taken to ensure that overall and local resource sustainability remains a priority and the sustenance and cultural requirements of Indigenous people are not diminished by any management arrangements developed to address any broader definition of customary fishing.

The consultants clearly felt that this is an issue that needs to be resolved by Indigenous people and that adequate time should be made available to allow the full process to develop to its end point.

The many issues surrounding the clarification and development of customary fishing can be addressed by the following means (see

Figure 6 for a possible consultation process);

- a) Developing a clear definition of what constitutes customary rights.

Although a bottom up approach is optimal, due to the large number of constituents it may be more practicable and timely to develop a brief 'Customary Fishing Discussion Paper' for the Land Councils and NTG to promulgate and undertake discussions with the coastal Indigenous communities. Issues that would need to be explored include;

- i. Is it a methods and/or purpose based approach, (acknowledging that if a broader concept of customary fishing is adopted this may have implications for Indigenous communities and other sectors)
- ii. What areas should it operate in
- iii. What species should be included
- iv. How do you incorporate existing customary practices and Indigenous resource management arrangements into any system
- v. Should there be an explicit or implicit allocation - if an allocation is decided on what process should be used to determine the % of any Total Allowable Catch (TAC) or tonnage allowance
- vi. Who manages the allocation and is a co-management approach feasible (see Figure 9 re: Co-management concepts)
- vii. What reallocation principles are required and who should fund it
- viii. Who develops the rules
- ix. Who enforces the rules
- x. What customary fishing rights and responsibilities come with any allocation
- xi. How can a system be implemented in a way that it is not overly complex or burdensome to the NTG and Indigenous people, and is relatively red tape free.

- b) Utilise a representative group of elders, who have a mandate to develop the broader parameters and principles for what should constitute customary fishing.

From meeting with coastal Indigenous people it became very apparent that coastal people, at a personal, family, clan and regional level, want to be involved in deciding what constitutes customary usage.

A common view was that a larger group of representative elders should be used to set the general parameters and principles for what should constitute customary fishing, and then a smaller group of elders could develop the final definition for endorsement by coastal Indigenous people and other stakeholders. The Land Councils would be in the best position to co-ordinate this so as to maintain their roles under the ALRA in this process.

- c) Develop an outline of what a proposed customary fishing sector would involve, for all stakeholders to comment on.

Although this could be seen as an Indigenous issue, the potential impacts on the resource could affect all sectors, and therefore any proposed final outcome should come back to all stakeholders for endorsement.

- d) Customary fishing legislated as a specific sector within agreed stakeholder parameters.
- e) Customary fishing to be incorporated into mainstream fisheries management regimes and viewed as a distinct, but interrelated, sector in all Management Advisory Committees (MACs) or other fishery management forums.
- f) Identify and resource mandated people who will represent the views of Indigenous people on customary fishing issues on MAC's or other fishery management forums.
- g) Adequate resourcing and ongoing management assessment and R&D provided to enable a review of the performance and impacts, of and on, the customary fishing sector on a regular basis.

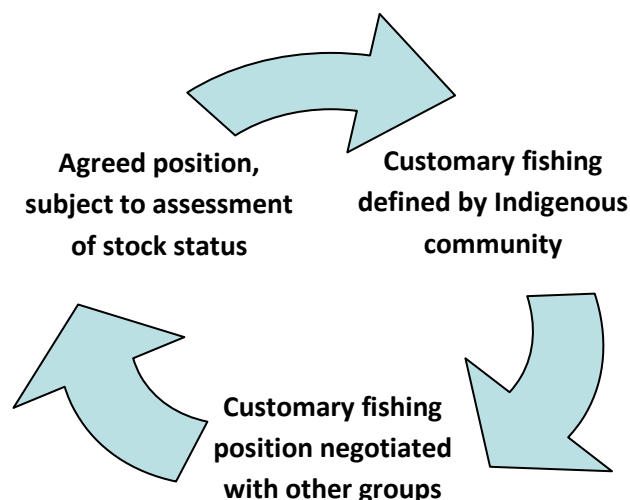


Figure 6: Diagram Depicting a Possible Customary Right Consultation Process

5.6. INDIGENOUS COMMERCIAL AND DEVELOPMENT OPPORTUNITIES, INCLUDING THOSE ARISING FROM ACCESS TO ABORIGINAL LAND

5.6.1. Current Status and Information Collected

Currently there is very limited Indigenous activity in the commercial usage of coastal and marine resources of the NT. However all stakeholder groups expressed a desire to see increased Indigenous commercial development opportunities, and in many instances identified opportunities that could arise from the discussions taking place around BMB.

The Non-Indigenous sectors indicated that a desired key outcome from the BMB process was to see their sectors in a position to continue to operate in an as unrestricted, but sustainable way as possible, to be able to maximise profitability for the commercial sectors, and to optimise the experience of fishing for the recreational sectors. It was felt that long-term commercial opportunities for Indigenous people would be enhanced if all fishing and seafood sectors were strong, secure, vibrant and sustainable, especially as Indigenous commercial interests grow.

Indigenous groups advised the consultants that coastal Indigenous communities of the NT had a long history of conducting commercial activities for trade and barter, both within and external to their own communities, and there is strong interest in becoming re-engaged in the commercial utilisation of aquatic resources. Historical examples were given of exchanging trepang and trochus for goods with Macassans, allowing the setting up of trepang processing camps and undertaking commercial fishing operation along the coast, such as at Maningrida.

To date the major commercial focal point has been on the development of opportunities to increase Indigenous participation in the existing commercial fishing industry, and to a lesser extent the FTO sector.

The potential to expand access for recreational fishers into new areas was also identified as a major opportunity by the recreational sector and a number of Indigenous representatives. The opportunity for Indigenous people to develop controlled access areas through their land to facilitate recreational fishing was seen as a significant, but a relatively financially low cost commercial opportunity. It however may have a cost in terms of social, ecological and cultural impacts to communities that may need to be considered.

The development of aquaculture through joint ventures, or stand alone Indigenous operations, was raised by a small number of individuals, but no specific projects were identified.

The majority of Indigenous people who expressed interest about operating in the commercial fishing and seafood industries appear to have little understanding of what this would involve and there seems to be limited capacity to operate in many of the existing fisheries on a commercial basis.

5.6.2. Analysis Of Issue

The consultants believe there are significant opportunities to develop commercial fishing and seafood enterprises for Indigenous people. This will require major investment and a

long-term commitment to training and capacity building, most likely before any of the existing commercial fisheries could operate profitably completely outside of the existing business structures.

It is unrealistic to expect Indigenous people to have a massive initial take up of fishing licences that they would fully operate themselves. This lack of take up should not come as a surprise as in the general population only a very small number of people are suitable, or willing, to work in commercial fisheries (estimated to be somewhere in the vicinity of 0.1%⁶ to 0.3%⁷ of the working population). In many instances, for those already involved in the fishing and seafood industry, there is long-term family or community involvement, through which training and mentoring has taken place. Many people also tend to forget that each commercial fishing operation is in fact a small business (it is more than just catching fish) and has all the same requirements and challenges as any other business.

Indigenous expectations may also be overestimated in relation to the profitability of the commercial fishing industry⁸, current capabilities, access to plant, equipment, facilities and licences. However with improved training, the acquisition of licences and the establishment of infrastructure, there is a strong likelihood of sustainable and profitable Indigenous commercial fishing operations being achieved.

The consultants believe there are extensive opportunities for TO's and the Land Councils to develop commercial opportunities along the entire supply chain associated with commercial fishing (eg transport, processing, marketing, retailing and hospitality), not merely the activity of catching fish. This can provide significant opportunities, as estimates for employment opportunities arising from supporting, or as a flow on, are equivalent to at least double⁹ the number of those actually fishing. Vertically integrated supply chain business models have been successfully adopted by a number of Māori seafood enterprises in NZ.

The opportunity to expand access for recreational fishers into new areas is another major commercial opportunity and would address one of the recreational sector's' strongest wishes – increased access. Indigenous people could develop controlled access areas through their land to facilitate recreational fishing, utilising relatively inexpensive low key setups, possibly including shelters, showers, toilet facilities, rubbish collection and boat launching options. A co-ordinated 'recreational fishing trail' could also be developed under such a scenario. As with commercial fishing and fishing tour operations, developing an understanding of the operational and logistics required for such operations, and clarifying roles and responsibilities, will require capacity building and training for both fishers and Indigenous people.

An important aspect of developing commercial opportunities will be to identify areas that have commercial potential. This is very important, as not all areas are suitable to undertake

⁶ This estimate is based on ABARE's 2008 report 'Australian Fishing Statistics – 2007' which indicates approximately 4,000 commercial fishers in Australia and DEWR's 2007 report "Australia Jobs – 2006" which gave an estimate of the Australian working population as being around 10 million. $\therefore 4,000/10,000,000=0.04\%$

⁷ This estimate is based on Agrifood Skills Australia 2009 Environmental Scan of the Agrifood Industries which estimated that 30,000 people are employed in the harvesting sector $\therefore 30,000/10,000,000=0.3\%$

⁸ In 2006 the NT wild harvest fisheries grossed ≈\$29M, of which approximately 50% was from inshore waters

⁹ ABARE's 2008 report 'Australian Fishing Statistics – 2007' indicates approximately 6,200 people involved in the wholesaling and processing fields.

fishing operations, and in addition, many areas suitable for commercial fishing may not be ideal for recreational pursuits, and vice-versa. Therefore it will be important to identify what areas may have potential for Indigenous people to become engaged in the various commercial opportunities that arise.

The Māori representatives made it very clear to the NZ delegation that it was their experience that there was a much greater chance for business success, in the fishing industry, if there was a clear separation of business from the political aspects of the organisations involved (see Figure 7 for a simplified example).

The development of commercial opportunities for Indigenous people will be dependent on a number of factors, including;

- a) Identifying potential commercial opportunities on a regional basis.
- b) Identifying existing Indigenous capacity.
- c) Developing and resourcing appropriate training and mentoring programs to build capacity over the long term, including all aspects of the commercial fishing sector, FTO's, recreational access programs, and fisheries management.
- d) Enhancing the understanding of Indigenous people about what is involved in operating (in a profitable way) in fishing and seafood industries.
- e) Determining the most appropriate business model for developing Indigenous fishing businesses (i.e. whether Indigenous commercial rights should be held individually, by a co-operative, or by an independent body on behalf of coastal Indigenous communities, similar to the NZ model).

Another key economic development opportunity could arise with Indigenous people seeking to take on a greater role in the management of the resource and sea country through commercial ventures, such as a properly trained and resourced marine ranger program.

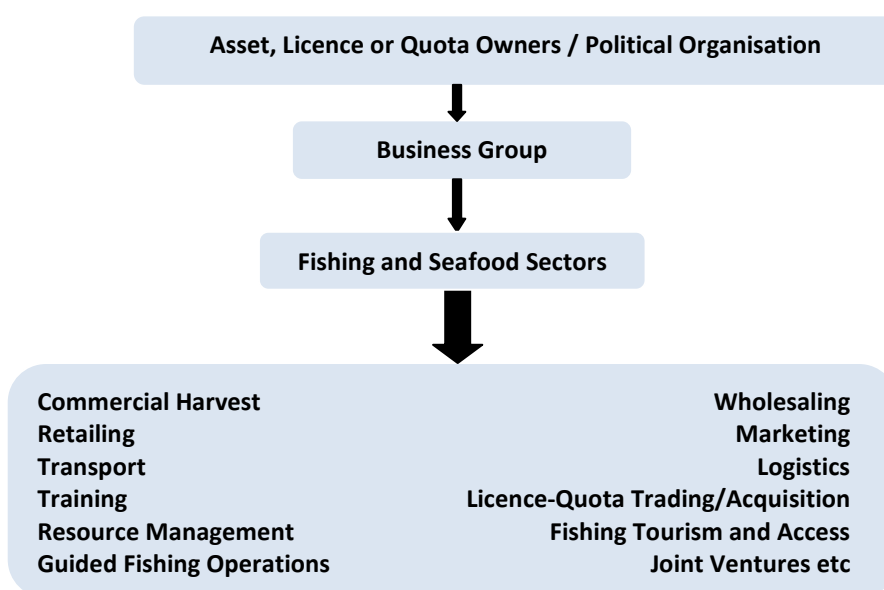


Figure 7: Simplified Example of the Māori Business Model

5.6.3. Findings, Recommendations and Actions

Unlike some of the other themes previously discussed, this one can be undertaken in a staged approach, so long as the vision, principles and processes are agreed to. Uptake in the commercial sector by Indigenous people will require a model for big picture and longer term development, and may also require a degree of preparedness and adaptability, to cater for future commercial opportunities as they become available.

Key issues and a process to further Indigenous commercial participation in viable and profitable fishing and seafood industry operations is shown at Figure 8 and includes;

- a) Identifying the optimal business model for Indigenous people for the acquisition, holding and managing of fishery assets.

To a large extent the business models adopted by the NLC, ALC, TLC and coastal Indigenous people, to manage their fishery assets, will determine what the best business arrangement will be. Whichever model is finally chosen, there may be merit in having an overarching NT organisation that has a role similar to Te Ohu Kai Moana (TOKM) and Aotearoa Fisheries Limited (AFL) from NZ, who provide high level support for overall Indigenous fishing policy direction and management, which can be adjusted to meet each group's needs. This was found to reduce the requirement for smaller less efficient duplicate set ups. Figure 7 shows a simplified example of the NZ model¹⁰.

For Indigenous people to make an informed decision on the best model there would be merit in seeking 'best practice' examples of Indigenous commercial fishing enterprises, to gain a greater understanding of the options available. Undertaking discussions with representatives from the Torres Strait Fisheries in Australia and/or a revisit to Māori groups in NZ may provide cost effective information.

- b) Identify commercial opportunities for Indigenous people.

As not all areas along the NT coastline are suitable for all fishing types there would be a benefit in identifying areas that would provide optimal (as opposed to marginal) commercial opportunities for Indigenous people. This would include potential areas for FTO activities and recreational access areas, and could also identify if certain areas were suitable for particular commercial fishing activities. This could be best achieved through co-operative work between the Land Councils and the NTG, NTSC, AFANT and the NTGFIA.

To assess potential aquaculture opportunities, suitable sites and logistic hurdles could be identified through collaborative work between the Land Councils, NTG, the aquaculture industry and pearl farmers.

- c) Investigate economic development opportunities arising from Indigenous involvement in resource management, including education, monitoring, compliance and enforcement.

¹⁰ Further information on NZ Māori fishing and seafood business models can be found in FRDC Final Report Project No. 2008/31, at the TOKM website (www.teohu.maori.nz) or the AFL website (www.afl.maori.nz)

A key economic development opportunity could arise from Indigenous people taking on a greater role in the management of resources, through commercial ventures, such as an adequately resourced marine ranger program.

- d) Develop training, mentoring and capacity building programs, to increase Indigenous participation in profitable commercial fishing enterprises.

Training, mentoring and capacity building will be key ingredients in any increase in Indigenous participation in profitable commercial fishing enterprises. As part of capacity building it would be valuable to have an audit of capacity in Indigenous communities, from which appropriate customised training programs can be developed in a targeted way. Utilising existing industry people in mentoring and/or training roles could provide real, on the ground, experience for Indigenous people, and allow the fast-tracking of industry opportunities.

Training should not merely focus on fishing, but be more extensive to provide skills along the entire supply chain and in all sectors including, FTO's, recreational access programs, and fisheries management, including marine rangers.

Sound business planning, governance structures and subsequent roles and responsibilities that flow from the governance roles, will be essential to the success of any new commercial opportunities taken up by Indigenous people.

- e) Undertake training for Non-Indigenous stakeholders so that they better understand Indigenous cultural responsibilities and what is considered acceptable behaviour in an Indigenous environment.

Those from the Non-Indigenous sectors who wish to develop commercial opportunities should receive training to better understand how to interact with Indigenous partners.

- f) Development of an Indigenous strategic business plan that addresses the points above and outlines potential business models, commercial opportunities, a licence acquisition program, training and capacity building, roles, responsibilities, timelines and funding options.

To bring about Indigenous commercial development opportunities there will need to be significant resourcing, including financial, to develop a business program in a co-ordinated manner through the development of a strategic business plan.

Clarifying the funding and resources required should be a key priority for stakeholders so as to provide some certainty, and to allow the development of new opportunities as well as support ongoing operations.

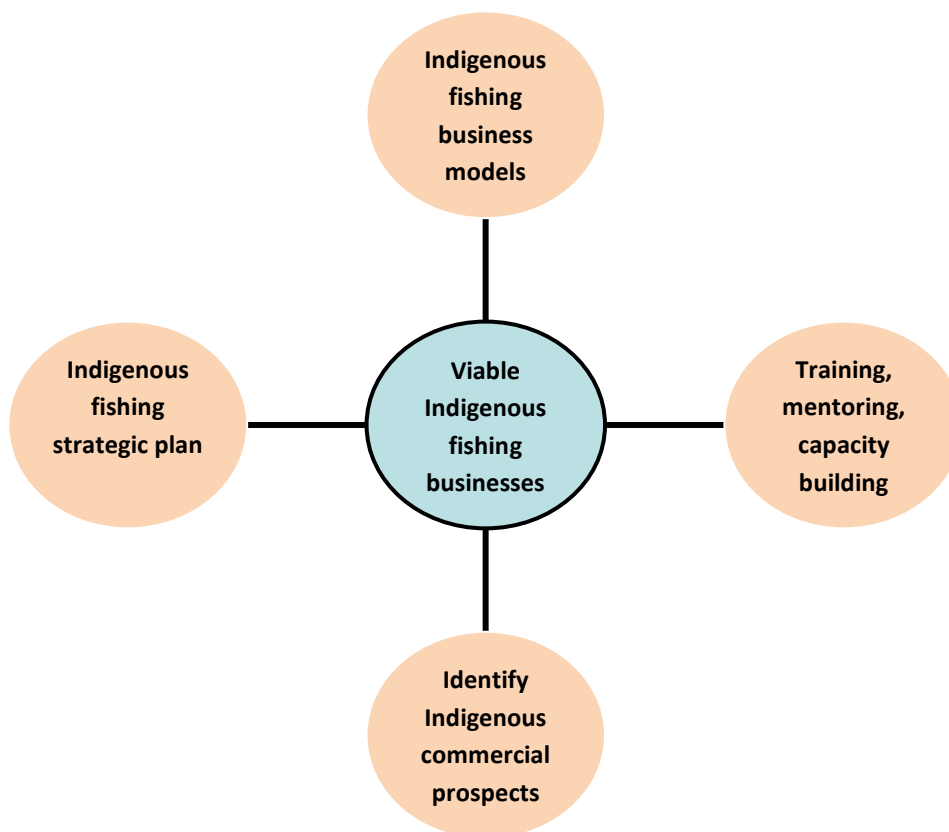


Figure 8: Initial process to further Indigenous commercial participation in the NT fishing and seafood industry.

5.7. INCREASED INDIGENOUS INPUT AND PARTICIPATION IN MANAGEMENT

5.7.1. Current Status and Information Collected

A common theme expressed by all stakeholders was a desire to ensure that the resource was managed in such a way that their children, grandchildren and future generations could enjoy and use the resource to at least the same standard that they currently experience, and if possible, for it to be improved. The sustainability of the marine resources was generally not in question, but a few individuals expressed concerns regarding perceived seasonal overfishing in specific areas, issues relating to bycatch and the long-term potential for reduced species availability, or amenity, in heavily fished areas.

Two fundamental issues were identified by many stakeholders; the need for sound, timely and sustainable management of the resource; and the politics of fishing. It was felt that by focussing on sustainable management, political issues could be readily addressed.

A range of management possibilities were discussed as part of the development of a long-term management framework. These options included maintaining or tweaking the existing system, a significant empowering of the MAC process, all the way through to the development of a fully independent board or fisheries authority. During discussions no clear preference was indicated (possibly because many stakeholders have little idea of the current regime), but all stakeholders indicated a desire to have greater real input and say into the

management of the NT's aquatic resources, and for decisions to be made in the interest of sound management based on the best possible advice.

Indigenous interests strongly expressed the views that there was insufficient acknowledgement paid to the long-term Indigenous management practices currently in place for coastal and marine resources. These practices expressed in song, dance, oral history and painting, form a key component of Indigenous people's interaction with the resource and the environment. There was a desire to have this Indigenous Knowledge (IK) incorporated into the day to day decision-making processes. The frustration with the general lack of understanding of Indigenous management practices came through very clearly at all meetings held in Indigenous coastal communities. The concept of utilising a representative group of elders, who have a mandate, to participate in the general fisheries management process was put forward by a number of Indigenous communities.

The importance of having timely, effective and well resourced education, monitoring, compliance and enforcement capacity was espoused by all stakeholders, as a means of ensuring sustainable resource use and management.

The Indigenous people consulted expressed a strong view that the roles of the marine rangers needed to be enhanced so that they could play a greater role in the management of the NT's marine and aquatic resources. Other stakeholders wished to ensure that, before the marine rangers' roles were significantly increased, their capacity was built through endorsed and recognised training programs, to allow them to undertake an expanded role. Regardless of who undertook the role, so long as they were well trained and resourced, improved education, monitoring, compliance and enforcement capacity was generally supported.

It was found that most coastal Indigenous communities, as did many other stakeholders, had difficulties coming to terms with what may be alternative management practices, as many do not know what the current ones are. The consultants explained that fisheries management is really about the management of people's behaviour and as such needs to be addressed by all sectors to ensure that a holistic approach is taken when dealing with the protection, or harvesting, of aquatic resources.

5.7.2. Analysis Of Issue

It was very heartening that the concept of intergenerational sustainability came through so strongly from all sectors. This should ensure that sound fisheries management is a key outcome sought by all groups. However it was clear that few stakeholders have any real understanding of what fisheries management regimes are currently in place in the NT, or what options are available to develop and maintain sustainable fisheries. The desire by Indigenous groups to have IK incorporated into the day-to-day decision-making processes for fisheries management will add another layer of complexity for those who don't understand it, but will assist Indigenous communities to participate.

This lack of understanding of the existing fisheries management regime across the board meant that it was very difficult to have meaningful discussions around any possible revised management framework. It is considered prudent that a comprehensive education program on the current management practices, and possible management alternatives, is

undertaken. In that way robust discussions can take place on what future management practices and regimes could be implemented in the NT, with better informed stakeholders having a major input.

Notwithstanding this knowledge gap, there was a clear message from all stakeholders that they wished to have a greater say in the management of the NT's aquatic resources, for decisions to be based on sound management, and for decisions to be implemented in a timely manner. For some sectors this led to the call for an independent body to be responsible for fisheries management, whilst other groups would prefer to see a beefed up, inclusive and empowered MAC process, where the views of the MAC's are treated as non-discretionary and are for the Minister's endorsement, not as an advisory process to the Director of Fisheries. To facilitate discussion on this within acceptable boundaries, the NTG could provide stakeholders with an indication as to what level of control they would be prepared to devolve to stakeholders, and under what circumstances; i.e. is a fully delegated model¹¹ an option (Figure 9).

The concept of utilising a representative group of mandated elders to develop Indigenous positions and as a means to transfer appropriate IK to other sectors, and the NTG, was put forward and strongly supported at nearly all Indigenous meetings. The fact that the long-term and sustainable nature of Indigenous fisheries management practices is ignored in the day-to-day management of fisheries resources was of major concern to TO's and means should be developed to incorporate IK where possible.

Ensuring that there was adequate resourcing for education, monitoring, compliance and enforcement was another key matter raised by all stakeholder groups, especially with the potential for a broader range of activities to be undertaken in remote areas of the NT as a result of any redistribution of fishing effort that may arise from the BMB negotiation process. Marine rangers are ideally placed to fill this void, but to undertake these roles adequately they need to be trained so that their activities meet consistent standards, comply with legislative requirements, and meet the standards of evidence required to achieve convictions for illegal activities. This will require a co-ordinated approach to training and capacity building for marine rangers. This should be undertaken through a clear and transparent staged process so that marine rangers will be able to achieve the various levels required to have some, or all, of the powers of a Fisheries Officer under the Act. This would be a major task at this stage, as many marine rangers do not have an adequate level of understanding of what is required to address the existing fishery management arrangements (and those that may further develop as a result of the BMB process) which underpin all monitoring, compliance and enforcement.

Another common concern expressed by Indigenous people was their inability to easily identify all vessels fishing in areas adjacent to their lands, as many did not have any markings.

Some questions were indirectly raised relating to jurisdictional responsibilities for fishing activity in NT waters under the existing Offshore Constitutional Settlement (OCS)

¹¹ Further information on the devolution of management is provided in FRDC's 2008 report, Project # 2006/068; Co-management: managing Australia's fisheries through partnership and delegation.

arrangements. The implications of inter-jurisdictional issues that may arise from possible outcomes of the BMB process should be clarified.

Concerns were also raised as to the activities of trawlers operating in the Northern Prawn Fishery (NPF), which are under the management of the Australian Fisheries Management Authority (AFMA), and whether this fishery would be a part of any agreements reached.

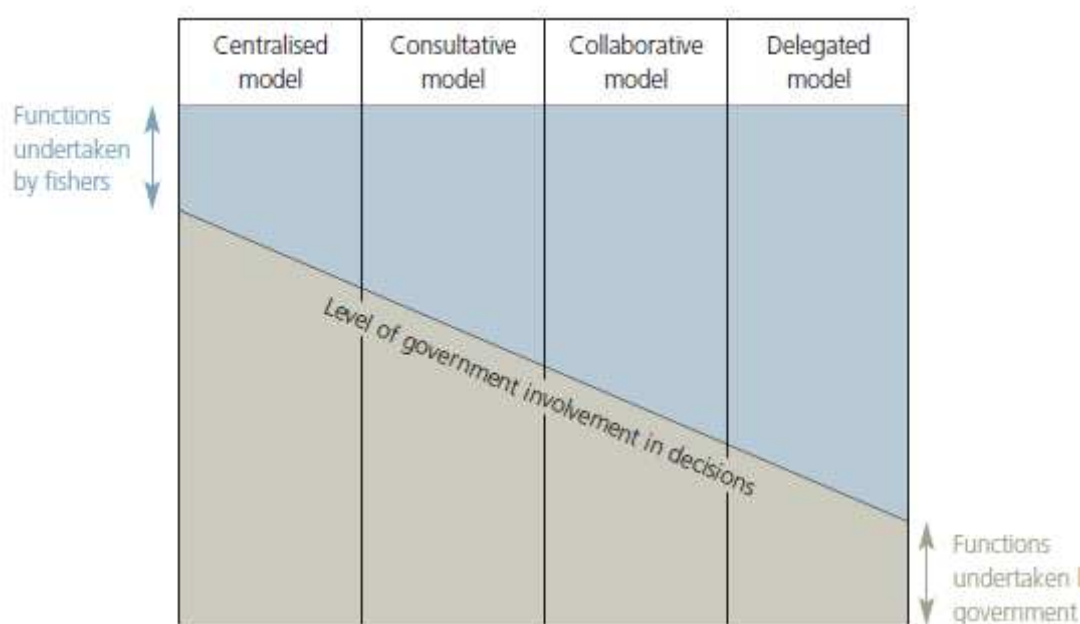


Figure 9: Level of Government Devolution under Various Decision-Making Models¹²

5.7.3. Findings, Recommendations and Actions

The consultants' view is that stakeholders strongly indicated a wish to see greater responsibilities devolved to them in the decision-making process, however no one clear model was universally accepted. To progress open and robust discussions on this, a number of key considerations need to be addressed (see Figure 10), these are;

- The NTG should indicate what level of responsibility they are prepared to devolve to stakeholders and under what circumstances.
- Stakeholders need to be educated as to what the existing fisheries management arrangements are and what options are available, as part of any discussion and/or negotiations regarding future management structures or arrangements.

This should not only include NTG management arrangements, but should be expanded to provide information on current Indigenous management practices and IK, so as to identify options for inclusion in aspects of fisheries management.

¹² Figure 9 is based on an Environment and Natural Resources report and is shown in FRDC's 2008 report, Project # 2006/068; Co-management: managing Australia's fisheries through partnership and delegation

- c) Comprehensive discussions, preferably independently facilitated, should take place between stakeholders and the NTG, to advance stakeholders' desires to see processes that lead to:
- i. Sound and timely management, based on best practice fisheries management
 - ii. A regime that allows key stakeholder groups to sit at the management table with the NTG and participate in the decision making process in an inclusive, transparent and timely manner
 - iii. Greater stakeholder consultation and input into the decision-making process with agreed outputs implemented by the NTG, not merely provided as advisory recommendations¹³
 - iv. A management regime that can meet stakeholders' aspirations, the NTG's requirements and the broader community's expectations
 - v. Means to ensure that Indigenous representation and engagement in the resource management consultative process is optimised, including considering:
 - developing and resourcing a number of Indigenous people who can assist the NTG and stakeholders in the making of informed resource management decisions
 - ensuring Indigenous representatives have a major seat at the management table, including consideration of possible formal legislative recognition
 - holding regular meetings in communities, to allow people from regional areas to be involved
 - ensuring meetings are inclusive, purposeful, provide options, are of sufficient time for adequate discussions to take place, and encourage decisions to be made that lead to tangible outcomes
 - there is real and ongoing support for Indigenous and other stakeholders to participate in the process
 - working with the Land Councils to build on the existing consultative structures they have as part of their ALRA role.
- d) The NTG and Land Councils should investigate options, including adequate resourcing, for developing the concept of utilising a representative group of mandated elders to develop Indigenous positions, and as a means to include and transfer appropriate IK to other sectors and the NTG.

From this process, appropriate persons can be identified to provide an Indigenous perspective to any fisheries management arrangements developed. The need to develop legislation that facilitates the delivery of opportunities for Indigenous participation in fisheries management, and the incorporation of IK, should be investigated as well.

- e) The NTG and Land Councils should develop a planning paper that provides a costed and resourced framework, with timelines, to enhance the capacity of Indigenous marine rangers, which can lead to them undertaking a greater role in education,

¹³ Even in the most devolved management model (see Figure 9), the Minister retains powers to override decisions, but this usually must be done in a formalised way, addressing certain criteria.

monitoring, compliance and enforcement of the Act. This process will need to address the following:

- i. Identification of resourcing options
- ii. Ranger education regarding current management arrangements in force
- iii. The development of a co-ordinated approach to activities and capacity building, across ranger groups.
- iv. Develop a process for rangers to become Fisheries Officer under the Act, through a staged approach, and in such a way that it is accepted by stakeholders and the broader community
- v. Provide cultural training and engagement skills for Non-Indigenous stakeholders.

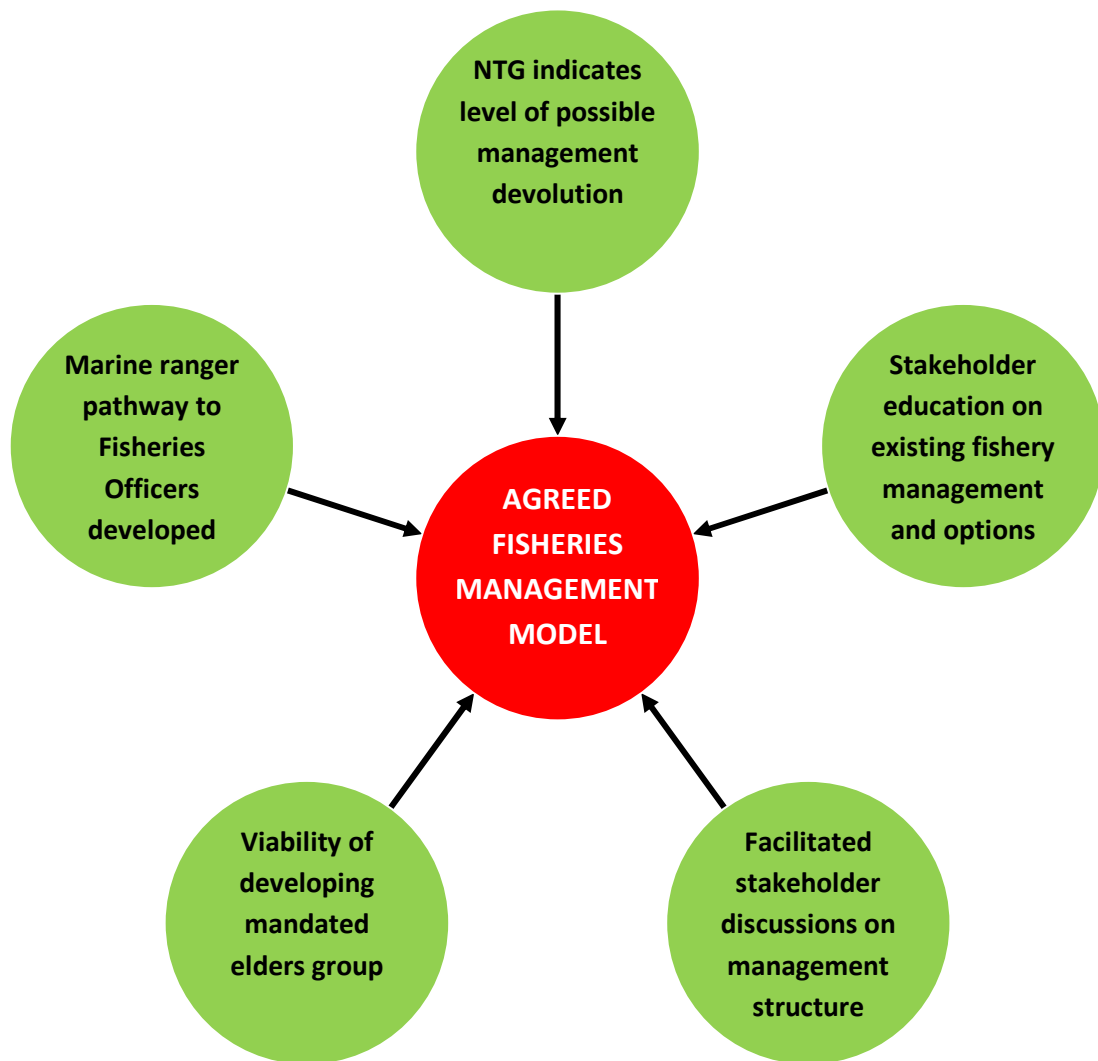


Figure 10: Simplified process to develop an agreed fisheries management model

6. OTHER ISSUES

Although the key themes identified during the course of the project have been addressed in Section 5, a range of other matters were raised by various stakeholders or individuals. Although the consultants do not intend to take the matters further in this report, these issues may need to be addressed at some time in the near future so they are identified below.

- Potential compensation for Indigenous people arising from the BMB decision – past and future, and how it would be funded. Two categories of compensation were raised; those arising from events prior to the BMB decision; and those arising from events after the decision, and in respect to any agreement that may come into force.
- Industry, and other stakeholders, believe they should not be responsible, or liable, for any payment, penalties or compensation arising from the BMB decision
- Possible impacts of climate change and global warming
- The need to acknowledge and understand the extensive consultation that Land Councils have to undertake under the ALRA and that it involves a large number of people, is expensive and can be a time consuming process
- What impact sacred sites in the water will have on any agreed outcome
- How will safe anchorage be dealt with (not just life threatening instances)
- Concerns raised by Indigenous people relating to impacts arising from boat wake in river systems, especially where there is a high level of usage (eg Daly River)
- Acknowledgment that a large number of groups, especially non extractive stakeholders, have not been included directly in this consultation process; including;
 - Pearl farmers
 - Aquaculturists
 - Environmental groups
 - Those involved in developing MPA's
 - Divers
 - Recreational boaters, such as sailing boat users
 - Enforcement agencies
 - Commonwealth managed fishers, such as the NPF.
- Resource security is an issue for all groups. It could be of considerable importance to Indigenous people in respect to any commercial allocation they may obtain, (as a direct result of the BMB negotiation process), in exchange for allowing access by other stakeholders to the area affected by the BMB decision. Without pre-empting the outcome of negotiations, difficulties could arise if any future changes in fisheries

management arrangements decrease the overall value of Indigenous peoples' initial holdings, or investments, obtained as a result of any agreement.

This specifically relates to a possible situation where the number of licences, or access to any TAC, is reduced to a level below their initial allocation level. Such a situation could occur if restrictions or closures were imposed due to the declaration of MPA's, spatial or temporal closures due to sustainability concerns of target species or interactions with other species, reallocation to other sectors, or reductions in the TAC or licence numbers in commercial fisheries for any other reason. These factors have the potential, in theory, to see the value of Indigenous peoples' initial allocation diminish, as they may have negotiated a settlement, based wholly or partly, on ongoing commercial access as a long-term investment. The NTG needs to be aware that Indigenous people may need reassurance as to the status of their investment over time, and may seek security before they commit to a substantial investment in commercial fisheries.

6.1.1. Findings, Recommendations and Actions

The issues identified above should be systematically addressed by the NTG and stakeholders and appropriate actions determined.

7. CONCLUSION

This consultancy has shown that the resolution of the issues surrounding the BMB decision is complex and is new territory for all involved. To achieve a win/win outcome, the NTG and all stakeholders, need to be committed to achieving a people-based outcome. Building on the principles developed by the NZ delegation, together with actioning the recommendations in this report, is a sound, commonsense approach toward achieving this. Such an approach will also allow for greater Indigenous involvement in commercial fishing opportunities and management.

During meetings in Yilpara, Djumbulwa Marawili told the consultants that he felt it was time for all people to talk, but that people needed to understand that talking includes listening to each other. Maintaining and enhancing real communication between all participants involved in the process will lead to better outcomes, and importantly better Indigenous outcomes. A holistic approach which builds relationships across and between sectors and the NTG, by ensuring all participants have an understanding and acceptance of each other's position, along with a common clear vision, guiding principles and process was seen as the optimal way to maximise outcomes.

The consultants acknowledge that in attempting to achieve a people-based win/win outcome, the BMB consultation and negotiation process may take longer than some stakeholders would wish, but believe ongoing engagement has the potential to deliver the best possible outcomes for all parties.

By providing the information in this report the consultants' aim is to see stakeholders empowered and engaged with each other and the NTG, so as to develop outcomes that allow the NT's fishing and seafood sectors to continue to operate optimally, with significantly increased Indigenous participation.

The report provides a series of recommendations and proposed actions, some of which may be seen as hard-hitting by some stakeholders but it is believed they will assist the NTG and stakeholders to progress the BMB consultation and negotiation toward a positive solution.

Importantly during the life of the consultancy the NTG and stakeholders have already fully, or partly, addressed a number of the recommendations and actions identified in this report.

8. SUMMARY OF RECOMMENDATIONS

Key Theme	Recommendations and Actions
A Common Vision (Section 5.1)	<ul style="list-style-type: none"> • A common vision developed and endorsed by the NTG and all stakeholders
Agreed Principles (Section 5.2)	<ul style="list-style-type: none"> • A common set of guiding principles developed and endorsed by the NTG and all stakeholders
Understanding the BMB Decision (Section 5.3)	<ul style="list-style-type: none"> • A clear summary of the BMB decision developed and endorsed by the NTG and all stakeholders
Stakeholders Comfort and Security with Negotiation Process (Section 5.4)	<ul style="list-style-type: none"> • Any issues of concern for stakeholders surrounding the negotiation process identified and resolved
Customary Rights (Section 5.5)	<ul style="list-style-type: none"> • The concept of using a mandated representative group of elders to develop the broader parameters and principles for what constitutes customary fishing assessed • Clear and endorsed definition of what constitutes customary rights developed • Customary fishing incorporated into all mainstream fisheries management regimes as a distinct, but interrelated sector • Mandated Indigenous people identified and resourced to represent the views of Indigenous peoples on customary fishing issues in NT fishery management forums • Adequate resourcing to regularly review the performance and impact of the customary fishing sector
Indigenous Commercial Development Opportunities (Section 5.6)	<ul style="list-style-type: none"> • Identification/development of an optimal business model for an Indigenous fishing and seafood industry • Training, mentoring and capacity building developed and implemented, to increase Indigenous participation in profitable commercial fishing enterprises. • Training for non-Indigenous stakeholders implemented to enhance cultural awareness • An Indigenous strategic business plan developed that outlines potential profitable commercial opportunities (including those arising from resource management roles), a licence acquisition program, training and capacity building, roles, responsibilities, timelines and funding options

Key Theme	Recommendations and Actions
Increased Indigenous Input and Participation in Management (Section 5.7)	<ul style="list-style-type: none"> • Comprehensive discussions between all stakeholders and the NTG to advance stakeholders' desires to have a management regime that meets stakeholders' aspirations, the NTG's requirements and the broader community's expectations, but especially those of Indigenous groups • Mandated Indigenous representatives identified and resourced to present the views of Indigenous peoples on NT fishery management issues and to transfer appropriate IK to other sectors and the NTG • A planning paper prepared that provides a costed and resourced framework, with timelines, to enhance the capacity of Indigenous marine rangers to allow them to have a greater role under the Act
Other Issues (Section 6.0)	<p>The issues identified in this section should be systematically addressed by the NTG and stakeholders, and decisions made as to what actions are required; i.e.</p> <ul style="list-style-type: none"> • Potential compensation for Indigenous people arising from the BMB decision – past and future, and how it would be funded • Possible impacts of climate change and global warming • Confirming that Industry and other stakeholders' will not be liable for the payment of any compensation arising from the BMB decision • The potential impacts of sacred sites in the water • Acknowledgment that a large number of groups, especially non extractive stakeholders, have not been included in this consultation process • Assessing the long-term security of Indigenous allocations arising from any negotiated agreement or settlement

9. APPENDICES

9.1. Appendix I: NZ Delegation Guiding Principles¹⁴

1. Management arrangements must be developed in line with the principles of ESD
2. A strategic framework should be developed to deal with the whole management 'process' (including stakeholder aspirations and needs covering economic, cultural and social matters)
3. Stakeholders must ensure that a clear and agreed vision, goals and principles are developed
4. As allocation and reallocation of resources for all user groups is complex, an agreed framework must be established as part of any management regime and must include fair and agreed methods to allocate and reallocate resources amongst stakeholders
5. Cost efficiency considerations must be built into any management reforms
6. Stakeholder groups must have, or must develop, sound governance structures
7. All parties need to understand and recognise the rights, aspirations and values of stakeholders utilising the fisheries resource, particularly that of traditional owners
8. Poor or unreliable data, although often an impediment to decision-making, should not be a stumbling block to change as lower risk scenarios can be used to overcome data deficiencies
9. Openness, transparency, clarity and trust continue to be paramount in any process surrounding development or changes to the NT's fisheries management regime
10. Stakeholders must identify the right people to speak with knowledge and who have a mandate to represent them and negotiate on their behalf in any management discussions
11. The differences between recreational and customary fishing needs to be understood by stakeholders and the public
12. Particular species may require a specific allocation of any TAC based on that species importance to a sector, not on some generic allowance across all species
13. Management may require a regional and/or a staged approach.

¹⁴ From FRDC Final Report Project No. 2008/31. 'Moving to a common vision and understanding for equitable access for Indigenous, recreational and commercial fishers:-Northern Territory fishing and seafood industry delegation to New Zealand'.

9.2. Appendix II: Fishing Principles to Guide Indigenous Involvement In Marine Management – December 2004

The Principles were developed by the National Indigenous Fishing Technical Working Group (the 'Working Group') as an outcome of the Indigenous Fishing Rights Conference held in Perth in 2003. The principles are not legally binding but provide for a greater recognition of traditional fishing practices and indigenous involvement in commercial fisheries, charter fishing and eco-tourism activities.

The Working Group was comprised of experts from the seafood industries, recreational fishing, indigenous fishing, native title, and state and federal governments, chaired by members of the Native Title Tribunal.

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.

9.3. Appendix III: Proposed Project Methodology and Processes

- I. Develop meeting schedules and arrangements.
- II. Produce appropriate materials for consultative meetings, taking cognisance of each group's needs and requirements (i.e. PowerPoint, electronic and hard copies). This material to include;
 - collation of previous discussion held between stakeholders
 - NZ delegation's findings
 - NTG information
 - BMB decision details and explanations
 - current management, research and compliance arrangements
 - maps showing relevant details.

III. First round of meeting with Chairs/Executives of peak stakeholder groups and PSC
Reengage and built on outcomes developed during previous stakeholder discussions, including those arising from the NZ delegation. At these meetings information was to be gathered, collated and put into a form that can be used in the development of the status report, the final report and for the PSC to review and utilise.

IV. Second round of consultation with regions and TO's
This was to be undertaken through community engagement with TO's on Country, and other stakeholder groups through regional meetings. This consultation round was to be wide ranging, with a view to meeting with TO's from Borroloola, Ngukurr, Numbalwar, Groote Eylandt, Gove, Yilpara, Elcho Island, Lake Evella, Millingimbi, Ramingining, Maningrida, Goulbourn, Cobourg, Darwin, Daly, Port Keats, Victoria Rivers region, Bathurst and Melville Islands. These meetings were co-ordinated in consultation with relevant Land Councils.

At the conclusion of each meeting, the consultants will summarise the outcomes. This proved to be an excellent method during the NZ delegation experience, allowing the capture of any relevant information for inclusion in any reports to be prepared, and assisted in providing feedback to stakeholders. If requested sensitive information was not to be shared with other groups.

Where appropriate, and possible, meetings with community groups were to be held in such a way that multiple communities could come together. However, it was considered important that these meetings were not 'piggy backed' onto meetings organised by other groups. In many cases where such an approach has been used the meeting focus has not been clear and sub-optimal outcomes have arisen. Commercial, recreational and fishing charter operators in Gove and Borroloola were to be met separately from the meetings scheduled with TO's of the area. At all of these meetings information was to be gathered, collated and put into a form to be used in the development of the status and final report. Peak stakeholder groups and PSC can also review and utilise the meeting information. This round of consultation is proposed to be completed by mid April 2009.

V. Third round of consultation
Following the presentation of the status report the consultants will again meet with individual peak stakeholder groups (if required) to provide feedback from the community consultation rounds. Where appropriate, and if time permits, these meetings can be expanded to include a broader range of peak stakeholder group members (eg Land Councils' Executive and/or Full Council, or with all commercial industry associations through the NTSC or AFANT). At these meetings information will again be gathered and collated for peak stakeholder groups and the PSC to review and utilise. This round of consultation is proposed to be completed by mid May 2009.

VI. Fourth consultative round

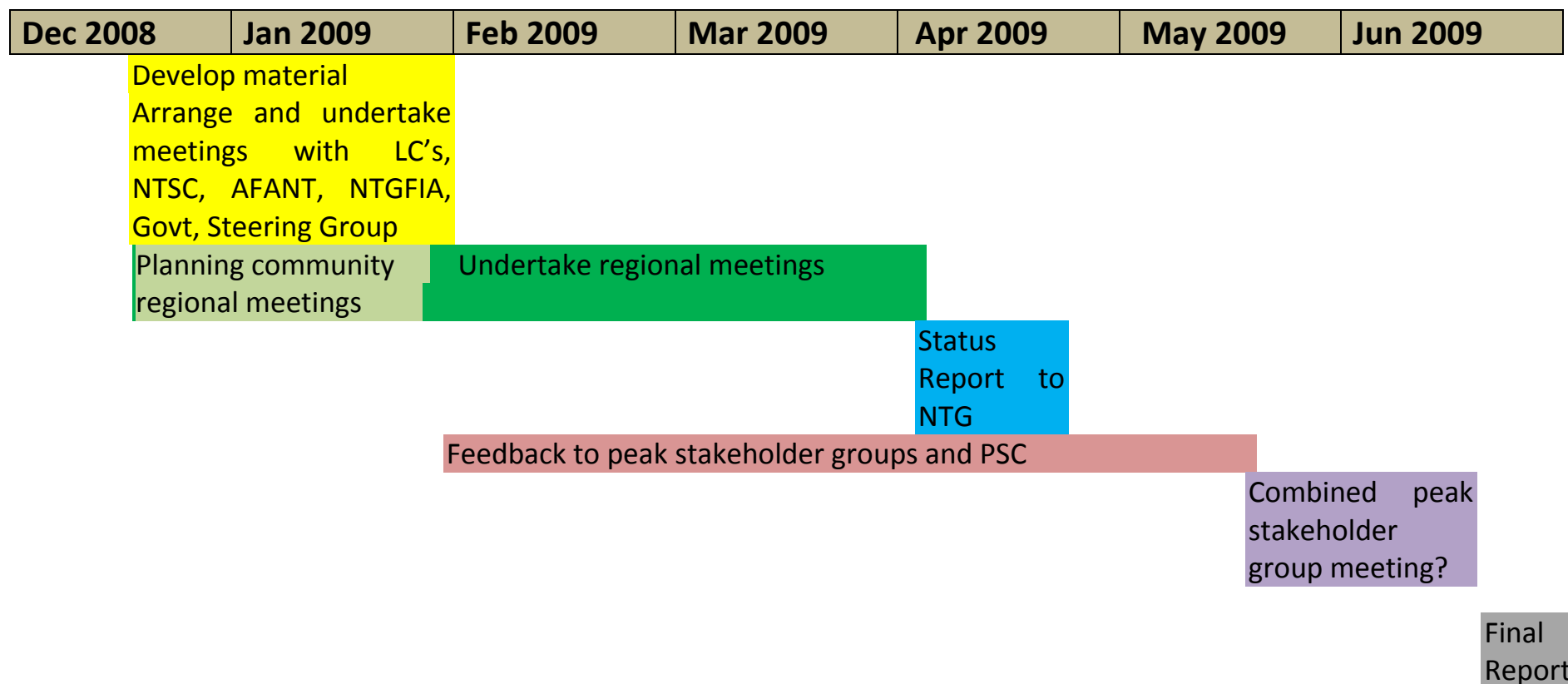
Subject to outcomes arising from consultation rounds 1 to 3, the consultants plan to bring the peak stakeholder groups together for one meeting to provide a summary of the information obtained to date and provide final input to the overarching principles, in line with the project's objectives and scope. This round of consultation is proposed to be completed by early June 2009.

VII. Final report

A final report outlining the results from the consultations will be prepared by the end of June 2009, and will focus on;

- a framework for enhanced recognition and management of Indigenous customary fishing rights
- a seamless and simple regulatory framework, including Indigenous involvement in fisheries management
- real economic development options for the Indigenous sector across all elements of the supply chain, including opportunities arising from access
- maintaining commercial, recreational and fishing tourism, and increasing Indigenous participation.

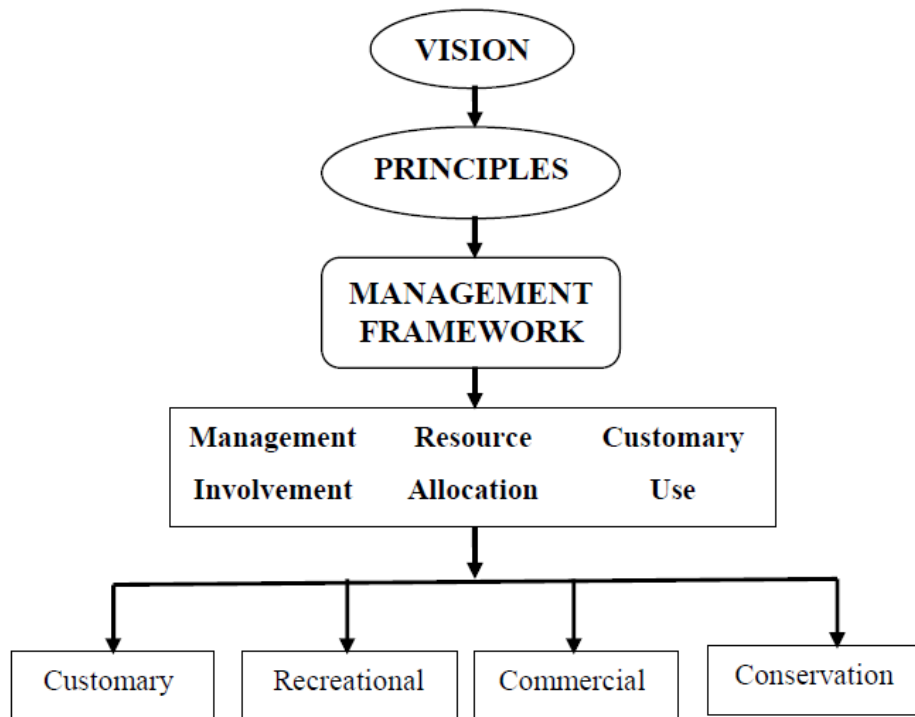
9.4. Appendix IV: BMB Consultancy Timelines



9.5. Appendix V: Generic BMB Consultancy Meeting agenda

- 1. Introduction**
- 2. Outline scope of our project and consultants will do (include discussions around)**
 - a. Framework for customary fishing rights
 - b. Management involvement, consultative and decision-making framework
 - c. Economic development aspirations in line with ESD.
- 3. The Blue Mud Bay decision**
- 4. The existing industry in the NT (all sectors)**
- 5. Flow chart (copy attached)**
 - a. Vision
 - i. What is a vision
 - ii. What your vision could incorporate
 - iii. A Vision for the NT
 - iv. What's your Vision
 - b. Principles
 - i. Overarching principles
 - ii. Other groups principles
 - iii. Develop this stakeholder groups principles
- 6. Management Framework and Topic Themes (copy attached)**
 - a. Customary Fishing
 - b. Management
 - c. Resource Allocation
 - d. Commercial opportunities
 - e. Access
- 7. Discuss NZ and other countries experiences**
- 8. Capture and revise meeting outcomes**
- 9. Where to from here**

Flow Chart Developed by NZ Delegation



Topic Themes

MANAGEMENT <ul style="list-style-type: none"> – Realistic expectations – Seamless arrangement – Inclusiveness – Compliance – Decision-making processes – Responsibilities 	COMMERCIAL OPPORTUNITIES <ul style="list-style-type: none"> – Realistic expectations – Licences/fishing rights – Commercial fishing supply chain – Fishing tourism – Recreational access – Support services
ACCESS <ul style="list-style-type: none"> – Realistic expectations – Commercial – Recreational – Fishing tourism – Indigenous people – Others 	TRADITIONAL FISHING <ul style="list-style-type: none"> – Realistic expectations – Species included/covered – Controls and management – Local use – Compliance – Responsibilities

9.6. Appendix VI: Generic PowerPoint Presentation Used By Consultants

Slide 1



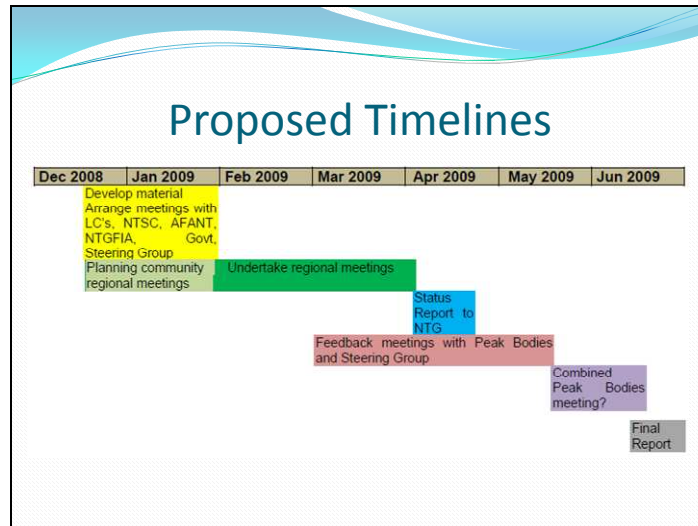
Slide 2

A presentation slide with a light blue wavy header. The title "Introduction" is in a large, dark blue font. Below it is a bulleted list with two main items, each preceded by a teal dot. The first item is "Who we are". The second item is "Scope of project", which has four sub-bullets, each preceded by a blue dot. The background of the slide has a fine, light grey dot pattern.

Introduction

- Who we are
- Scope of project
 - What we are doing
 - What our roles are
 - What is hoped to be achieved
 - How we plan to do it

Slide 3



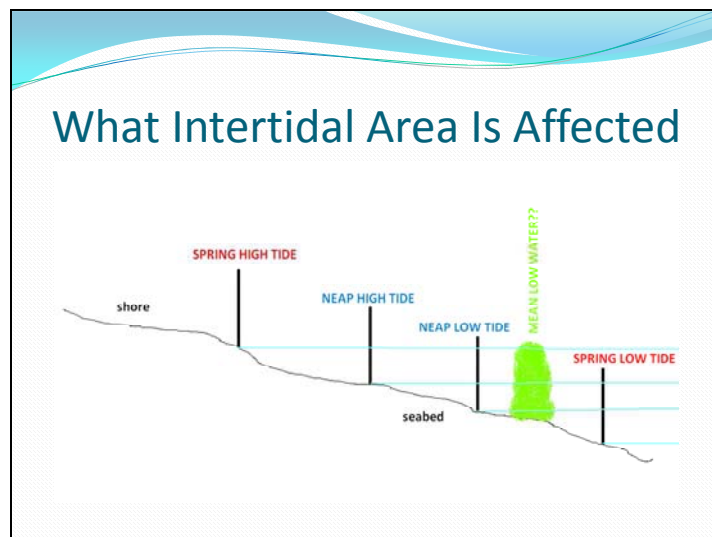
Slide 4

The Blue Mud Bay Decision

The High Court decided and this is now law:

- that the water lying over Aboriginal land should not be treated differently from the land itself
- that Government licences and permits to fish do not give the people who hold them any permission to go onto water over Aboriginal land
- the Territory's *Fisheries Act* is valid and that licences and permits to fish issued by the Territory Government are valid.

Slide 5



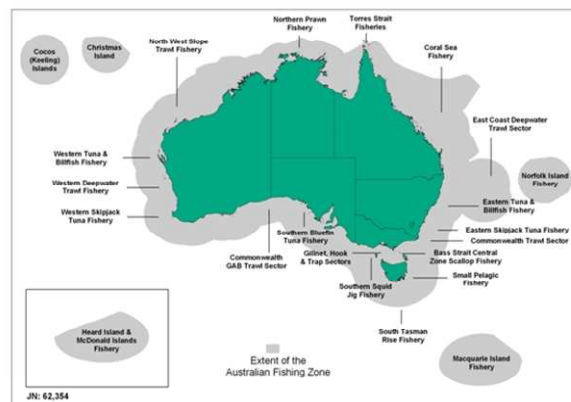
Slide 6

What Area Is Covered



Slide 7

The AFZ

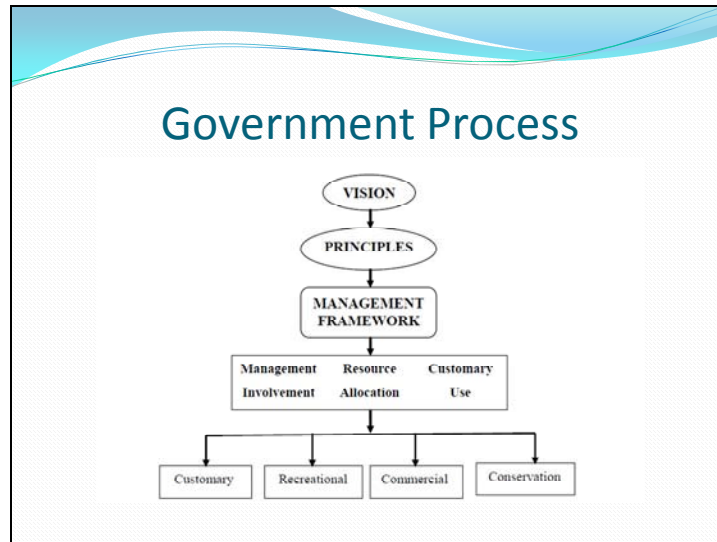


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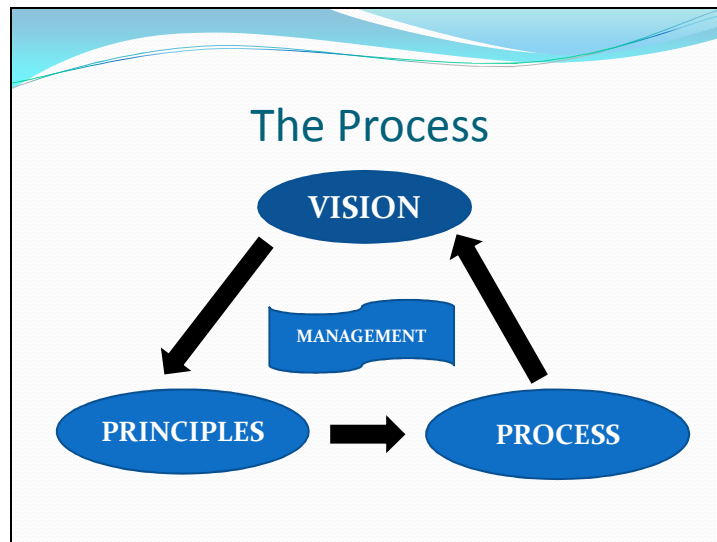
The NT Fishing Industry

- Commercial
- Aquaculture
- Recreational
- Fishing tour operators
- Indigenous

Slide 9



Slide 10



Slide 11

Vision

- What is a vision
- What your vision could incorporate
- A Vision for the NT

"The marine and coastal environment of the Northern Territory, and the aquatic resources within, managed for the benefit of all in an inclusive, innovative and sustainable manner".

- What's your VISION?

Slide 12

Principles

- NT Governments
- NZ delegations
- Other stakeholders
- Your groups key principles

Slide 13

Management Framework

- Customary fishing
- Management involvement
- Resource allocation
- Commercial opportunities
- Access

Slide 14

Key Themes

MANAGEMENT <ul style="list-style-type: none">– Realistic expectations– Seamless arrangement– Inclusiveness– Compliance– Decision making processes– Responsibilities	COMMERCIAL OPPORTUNITIES <ul style="list-style-type: none">– Realistic expectations– Licences/fishing rights– Commercial fishing supply chain– Fishing tourism– Recreational access– Support services
ACCESS <ul style="list-style-type: none">– Realistic expectations– Commercial– Recreational– Fishing tourism– Indigenous people– Others	TRADITIONAL FISHING <ul style="list-style-type: none">– Realistic expectations– Species included/covered– Controls and management– Local use– Compliance– Responsibilities

Slide 15

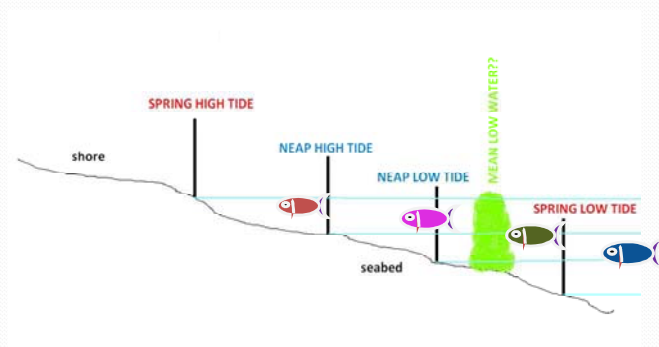
Where To From Here

Capture and revise meeting outcomes

- What did we discuss
- What can we agree to
- What did you want followed up
- What do you need to do
- What happens next

Slide 16

What Fish Do?



Slide 17

Some Key Contacts

- For further information you can contact.
 - C-AID Consultants info@c-aid.com.au
 - Anindilyakwa Land Council richard@anindilyakwa.org
 - Commercial fishers ceo@ntsc.com.au
 - Fishing tours operators info@ntgfia.com.au
 - Northern Land Council fishing@nlc.org.au
 - N T Government - Fisheries fisheries@nt.gov.au
 - Recreational fishers afant@afant.com.au
 - Tiwi Land Council tiwilc@bigpond.com

