

Traditional Owner aspirations towards co-operative management of the Great Barrier Reef World Heritage Area: community case studies.

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A report funded by CRC Reef Research Centre Ltd.

CRC Reef Research Centre has a mission to provide research solutions to protect, conserve and restore the world's coral reefs. It is a knowledge-based partnership of coral reef ecosystem managers, researchers and industry. Members are the Association of Marine Park Tourism Operators, Australian Institute of Marine Science, Great Barrier Reef Marine Park Authority, Great Barrier Reef Research Foundation, James Cook University, Queensland Department of Primary Industries and Fisheries, Queensland Seafood Industry Association and Sunfish Queensland Inc. The University of Queensland is an associate member.



*Established and supported
under the Australian Government's
Cooperative Research Centres Program.*

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© CRC Reef Research Centre Ltd.
National Library of Australia Cataloguing-in-Publication entry

Bibliography.
Includes index.
ISBN 1 876054 36 0

1. Marine parks and reserves - Queensland - Great Barrier Reef - Management. 2. Environmental management - Queensland - Great Barrier Reef. 3. Great Barrier Reef Marine Park (Qld.) - Management. I. Ross, Helen, 1952- . II. CRC Reef Research Centre. (Series : CRC Reef Research Centre technical report ; no. 56).

333.78309943

This publication should be cited as: Ross H, Innes J, George M, Gorman K. (eds). 2004. Traditional Owner aspirations towards co-operative management of the Great Barrier Reef World Heritage Area: community case studies. CRC Reef Research Centre Technical Report No 56. CRC Reef Research Centre, Townsville, Australia.

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Published by CRC Reef Research Centre Ltd., PO Box 772,
Townsville Qld 4810 Australia.

FOREWORD

This report is part of a series produced by the CRC Reef Research Centre, Co-operative Management Research Task. It follows the report *Managing sea country together: key issues for developing co-operative management for the Great Barrier Reef World Heritage Area* (George, Innes, Ross, 2004). That report explained the concept of co-operative management (co-management) and the ways in which it can be implemented, outlined the history of discussions towards the possibility of co-operative management between Indigenous people and the Great Barrier Reef Marine Park Authority (GBRMPA), and set out a number of key issues that would need to be addressed if co-operative management arrangements were developed.

The first stage of the Co-management research task was managed jointly by a committee comprising two representatives of the Southern Great Barrier Reef Sea Forum (an Indigenous forum, www.seaforum.org), a representative of Balkanu Cape York Development Agency, two representatives of the GBRMPA and the research team. The research team was: Professor Helen Ross, School of Natural and Rural Systems Management, The University of Queensland, Gatton (phone 07 5460 1648, hross@uqg.uq.edu.au); Mr James Innes, Manager of Social Science, Research and Monitoring Coordination Unit, GBRMPA; and Ms Melissa George, research assistant, Wulgurukaba Traditional Owner and (in 2002) member of the Sea Forum working group. The research committee concept is itself an experiment in the co-operative management of research, because it brings the users of the information together with the researchers to jointly decide the research directions (Innes and Ross 2001).

The purpose of the research is to promote informed decision-making about co-operative management by providing research, information and knowledge-building services to the parties considering designing or negotiating co-management. The formal objectives are:

- To provide information and relationship-building support to the GBRMPA and Indigenous Traditional Owners who wish to be involved in developing a process and structure for co-operative management of areas and natural resources within the Great Barrier Reef World Heritage Area (GBRWhA).
- To help develop a framework for co-operative management and other forms of partnership in management of the GBRWhA, suited to Indigenous management and potentially future participation by other stakeholder groups.

The emphasis of the research task is on *providing information* and supporting *mutual learning* that will contribute towards the best possible design and implementation of future co-operative management arrangements or other forms of partnership between Indigenous Traditional Owners and agencies. The project does not attempt to collect or disseminate Indigenous traditional ecological knowledge. Such detailed information is not necessary for the design of co-operative management systems, though it is highly important to respect that Indigenous people hold such knowledge. Indigenous participation is important to the research design and fulfillment of its aims. Indigenous Traditional Owners of the Great Barrier Reef area participate in the co-operative management research task in a number of ways:

- Involvement in the project decision-making through Indigenous membership of the Research Management Committee,
- Involvement in the research itself through Melissa George's appointment, and
- Management of 'case study' tasks for which budgets were provided to Indigenous people.

ACKNOWLEDGEMENTS

We thank the authors and team members of the case studies contributing to this report: Mervyn Jukarn Johnson, Norelle Watson, Melissa Nursey-Bray, Chris Roberts, Roland McLean, and the Gooreng Gooreng, Girringun and Ambiilmungu Traditional Owners. We also thank Arturo Izurieta and Leesa Young of The University of Queensland for their assistance in preparing the manuscript for publication.

We acknowledge the previous work undertaken by Sea Forum and CSIRO in producing a discussion paper on co-operative management for government consideration (see Sea Forum 1999). We thank the CRC Reef Research Centre, and particularly our Program Leader Professor Helene Marsh, for recognising the need for a research project on co-management.

We thank the other members of the project's research management committee, who have included Ms Pat Leedie and Mr Ricco Noble (representing Sea Forum), Mr Chris Roberts (Balkanu), Mr Andrew Skeat and Ms Leanne Sommer (representing the Great Barrier Reef Marine Park Authority).

We also give credit to the efforts Sea Forum and other Indigenous organisations, the GBRMPA and other state and federal government agencies, are putting into creating bonds and finding new ways of managing this special place, the Great Barrier Reef.

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INTRODUCTION

This collection of ‘case studies’ has been prepared as part of the CRC Reef Research Centre project *Supporting the development of co-operative management in the Great Barrier Reef World Heritage area, by the Great Barrier Reef Marine Park Authority (GBRMPA) and Indigenous peoples*. It illustrates Traditional Owner and Indigenous community interests in aspects of co-operative management and how a set of Traditional Owners, communities and organizations would like to contribute to co-operative management.

These projects were first nominated in April 2002, during a joint meeting between the Southern Great Barrier Reef Sea Forum Working Group and the research project’s committee. Those invited responded with specific proposals explaining what they would like to contribute, and how they would like to do the work. The case studies were conducted entirely by the individuals and organizations concerned, using a combination of funding from the research project and their own time and resources. The working arrangements were made under an innovative ‘plain English’ research agreement which protects Indigenous intellectual property in the work while still enabling the research project to use the results (Appendix 1).

The first case study was presented by Mervyn Jukarn Johnson on behalf of the Gooreng Gooreng Traditional Owners. The case study is presented as a video recording, made with the assistance of his daughter Norelle Watson, of stories which document Indigenous connections at locations throughout the Gooreng Gooreng coastal country (see map on page 14). This case study illustrates the contributions long-term observational knowledge could make to the knowledge-base for informed co-operative management, and the depth of Traditional Owner feeling for significant places and commitment to their care. Mr Johnson documents his people’s awareness of how water quality and the coastal and marine landscape have changed over a long period, and the cultural heritage values of the places discussed. He provides historical background at a number of the locations. He demonstrates their strong interest in sharing the management of their sea and coastal country with government agencies. A particular

opportunity exists with respect to Mon Repos turtle breeding area where Traditional Owners currently have no involvement and there is so far no acknowledgement of their knowledge and interests in the presentations made to visitors. It is not possible to convey the rich content of his video in this written report, but Mr Johnson has provided a supplementary written report which is included here, with a summary of the video content prepared by the editors.

The case study by Girringun Aboriginal Corporation focuses on tourism impacts in the Hinchinbrook channel and Cardwell area. The project consists of an analysis of all current tourism permit applications (current to March 2003) and interviews with selected community members about their observation of tourism impacts and concerns about these. The GBRMPA currently issues tourism permits on a case-by-case basis, and there is no mechanism for assessing their cumulative impacts or of identifying when thresholds of manageability and impact have been reached. The community is consulted about each permit application, but is also obliged by the procedure to consider each application individually rather than in cumulative terms. Impact information such as provided by this case study would enable the GBRMPA and Girringun to take a more planned approach to tourism development, through knowledge of the impacts of different types of activity and with forewarning of when acceptable limits of impact are approaching. A more planned and informed approach should also benefit the tourism industry, which would be in a better position to judge the types of application likely to succeed. The case study makes a set of proposals for managing the impacts.

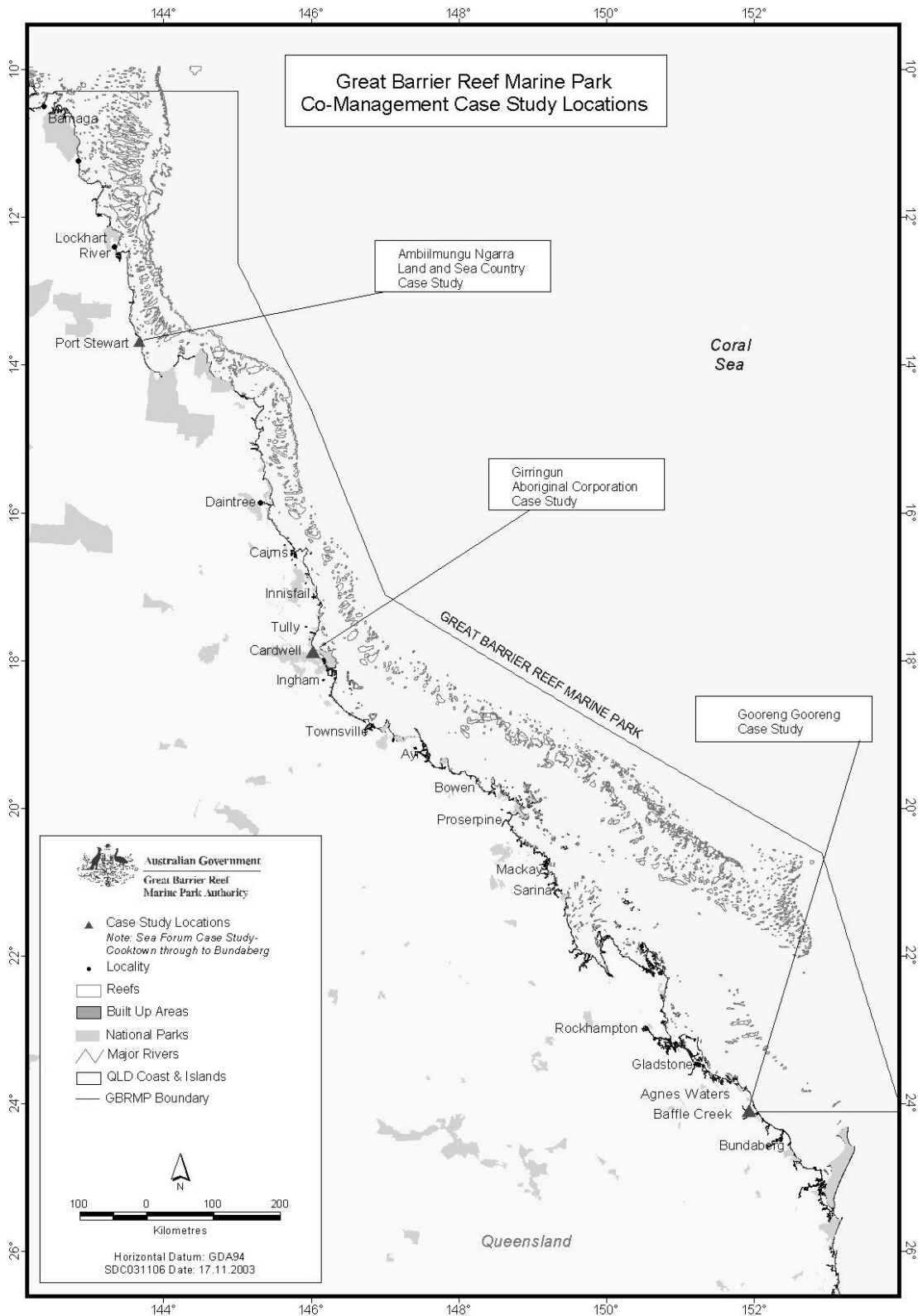
Ambiilmungu Ngarra Aboriginal Corporation and Balkanu Cape York Development Agency have together written a case study which provides a starting point for possible co-operative management of an area of land and sea country in Cape York Peninsula (see map on page 74). It lists management issues significant to the Traditional Owners of the area, documents a history of Indigenous and management agency interactions with respect to these and related issues, and then examines a set of legal and management options under which co-operative management could be developed.

Together, the case studies illustrate the strength of Traditional Owner interest in co-operative management of their sea country, and their frustration at times with the weak levels of inclusion. They illustrate the depth of knowledge and strength of commitment Traditional Owners, and their organizations, could bring to a co-operative management arrangement, as well as the locational advantages of Traditional Owners providing management services on their own country. As a set, the case studies also illustrate the ways in which co-operative management could develop with a focus on issues (such as tourism in the Giringun case study, and turtles within the Gooreng Gooreng elders case study), or on multiple issues within areas of land and sea country (all three case studies). They highlight a possible workable scale for management partnerships to be developed with Indigenous people – that of traditional clan estates or small groupings of such estates.

We, and the case study authors, would like the studies to be used in two ways

1. each in their own right, as starting points for discussion of co-management with GBRMPA and other agencies engaged in aspects of managing the GBRWHA
2. as a set illustrating the nature of Traditional Owner aspirations towards co-management, issues of concern, and ways of developing complete or partial co-management regimes.

We leave readers to hear directly from the Traditional Owners and their organizations in the following studies, then draw some general conclusions.



Locations of Case Studies

(Map prepared by GBRMPA).

GOORENG GOORENG SEA COUNTRY CASE STUDY

Mervyn Jukarn Johnson

1. Introduction

The following report is an account of the significance of land and sea country to Gooreng Gooreng people. It traces the traditional knowledge and oral histories in relation to Gooreng Gooreng country as told by the writer, Mervyn Jukarn Johnson, a Gooreng Gooreng Elder. The report discusses and interprets the problems which Gooreng Gooreng people have encountered due to such factors as historical events and developments that have changed and re-shaped country and Aboriginal traditional life.

The land and the sea, the resources we take from it and what we give back to it, how we regulate it, the practice of hunting, the keeping of our laws, the rights of passage over all areas of country, these are customs which have continued over countless generations. It is our obligation and the right of our people to continue living from the land and the sea. We have withstood the tests of time, invasion, drought and change, and the tides of time have not washed away our sovereignty rights over country which we lawfully inherit from our forefathers.

The people of the Gooreng Gooreng nation have practiced their customary rights of hunting and fishing, the social and traditional rights within their country boundaries over many generations. Gooreng Gooreng were accustomed to the practice of Aboriginal Lore, which defined the Marriage laws, Totems, and Kinship Systems that affected the core of Aboriginal society. These rules of society affected family and community (and are still significant in contemporary Indigenous society); the Council of Elders; oral histories; and rules of conduct such as respect and sharing within community. The present Elders of the Gooreng Gooreng were witness to and lived by these customs and still pass down this knowledge to young people today.

The European invasion in 1788 began the forced removal of Gooreng Gooreng people

from their homelands, and the other hundreds of Indigenous nations throughout the continent, from their traditional lands (the very land they had hunted on, practiced their religious beliefs, customs and culture for hundreds of thousands of years) and their subsequent emplacement on government reserves and church missions, and for many a life on fringe dwelling settlements, as well as the onslaught of diseases. The most recent impact, the land and sea development (such as commercial fishing, housing development, mining, agricultural, etc.) on traditional country has severely affected Indigenous people in maintaining their customary rights in relation to fishing, hunting and visitation to significant sites upon the sea and river systems within country.

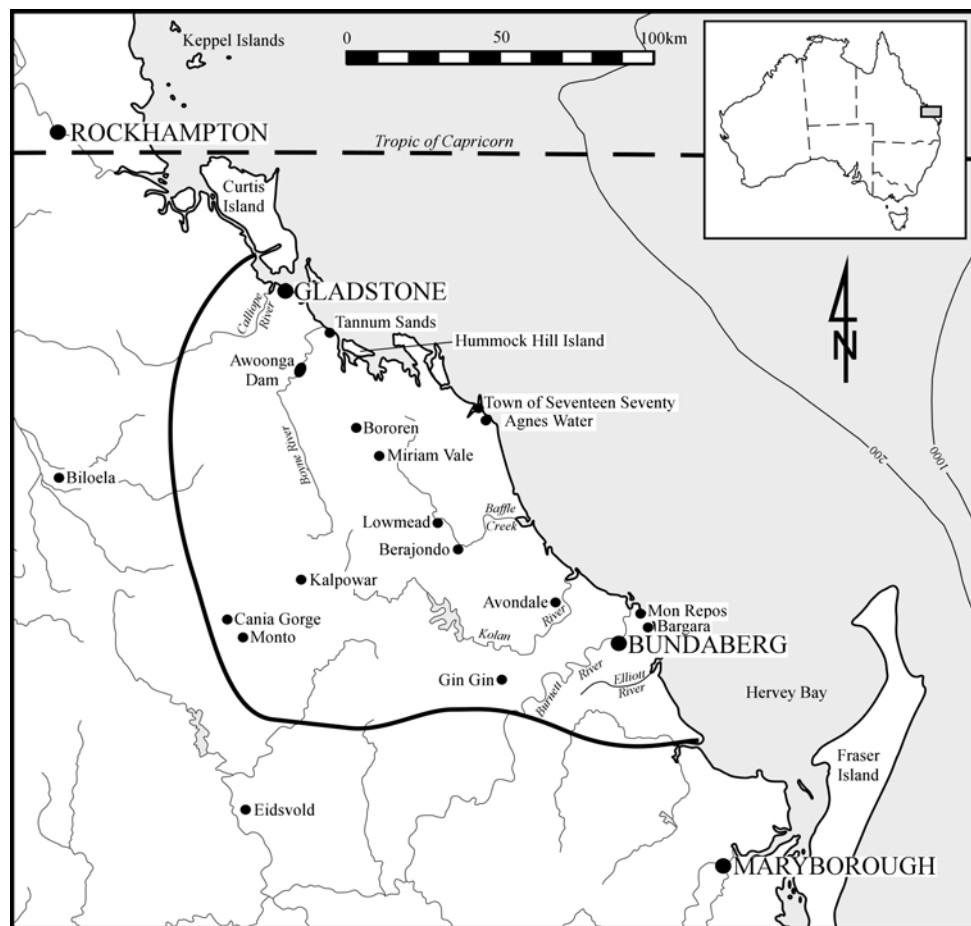


Figure 1. Map showing general Gooreng Gooreng area, showing recorded cultural places

(Map by Sean Ulm, The University of Queensland).

Significant sites include:

- Baffle Creek
- 1770
- Agnes Waters
- Tannum Sands
- Gladstone - Barney Point
- Coloured Sands
- Mon Repos
- Bargara
- Cania Gorge
- Burnett River.

As in traditional times, the significance of the river systems still exists today. Our traditional art forms, dance, song and rock art, all depict and tell stories to translate the importance of river and sea life in their various forms. The Gooreng Gooreng traditional markings which are depicted on the Gooreng Gooreng dancers clearly define the five river systems (photo supplied with original report, unable to be reproduced here). The five rivers traced upon the Gooreng Gooreng traditional dancers represent the river flows, some of the major food resource areas of the Gooreng Gooreng people: Elliott River, Burnett River, Kolan River, Boyne River and Calliope River.

The dots depicted on the dancers are the 'trade routes' lines which outlined the trading and bartering systems which were used to exchange and barter tools, goods and resources throughout the many neighbouring and distant Aboriginal nations, such as the Wakka Wakka, the Kubbi Kubbi and Batjala peoples. Taylor (1967) as cited in Williams (1981) refers to a traditionally historical Aboriginal meeting place which was an integral path of the trade routes which occurred throughout Queensland and practiced at the Bunya Mountains,

"In the mountains forming the watershed between Wide Bay and Burnett districts (the Bunya Mountains), there grew a species of pine, Araucaria Bidwilli, which was peculiar to the district -

the now famous Bunya Pine. During the months of January and February, it produced a large, heavy cone, which contained the Bunya nuts. Natives from afar afield as the Richmond, Clarence, Macintyre and Dawson Rivers, used to gather annually to harvest the crop. This annual migration of Aborigines seems to have continued well past the 1870s until the best part of the forests were cleared by timber getters. For the squatters of the Wide Bay and Burnett districts it meant that during January and February, there were many groups of natives moving through their runs and requests for the Native Police to disperse congregating natives were most frequent during these months. "

2. Water quality

The rivers do not hold the abundance of turtles and fish witnessed by the Gooreng Gooreng people fifty years ago. The problem of pollution due to the dumping of garbage (which is prohibited by law) and rubbish such as discarded fishing lines and plastic bags is a major problem on our coast.

Threats such as boat strikes from fishing vessels, commercial ships and recreational craft to marine animals are also a problem. Coastal development along the east coast, such as high rise buildings, and degradation of natural habitat also contribute to decreased water quality and impacts on the sea life and marine animals.

My family were brought up on the land, and our father taught us how to live off the land and the sea. We lived near the coastal areas of Bundaberg, and Gladstone and our father took us hunting and fishing. My brothers and I compare the way we fished and the "easy catch" of mullet and bream where numbers have now declined so noticeably due to the impact of commercial activity in and along the coastal regions of country.

The area of Baffle creek is very culturally significant to the Gooreng Gooreng people. Marine animals such as dugong and turtle are prominent in the area, but due to such factors as commercial fishing and illegal netting there is a concern amongst Indigenous people of the rapid decline in numbers of marine animals as well as reduced fish stocks.

Also there is a marked reduction in sea grass areas due to trawling in shallow water by commercial fishermen.

There has been a decline and marked contrast showing less abundance of seafood, such as fish, oysters, crabs, turtle, etc., within our coastal regions.

3. Access to resources

There are obstacles and barriers, which inhibit usage and benefit to Gooreng Gooreng people and Indigenous people are not always able to control access to water activities such as fishing, and sea hunting.

For example, in relation to the Burnett River, there is concern about new development upon the riverbanks and within the coastal zone, particularly regarding sewage/pollution and access issues, therefore, social and cultural practices of Aboriginal people are significantly restricted.

Another area of concern is Mon Repos where there is little recognition of Traditional association with the area.

According to Tsamenyi et. al (2000: 5-6) there are two types of related but distinct rights in fisheries. These are now understood as open to Indigenous people as part of Indigenous rights to self-determination. These are:

- The customary fishing rights; and
- The commercial fishing rights.

While customary fishing rights speak to rights of cultural self-determination and the preservation of a distinctive identity, commercial fishing rights are an important part of the right to economic self-determination.

The current situation of Aboriginal and Torres Strait Islander commercial fishing rights is:

- There is no recognition for Indigenous people in legislation or in court decisions of a legal right for Indigenous people to participate as distinctive commercial actors in Australia's commercial fisheries.
- There is an overwhelming focus on the right of Aboriginal and Torres Strait Islander peoples and communities to use marine fisheries resources for 'non-commercial' purposes.
- There is broad agreement at policy levels in both Commonwealth and State administrations that negative ecological and socio-economic impact of commercial fishing on Aboriginal and Torres Strait Islander communities and their customary fishing practices, areas and rights should be minimised.
- Aboriginal and Torres Strait Islander commercial participation has been reduced to:
 - (i) A scheme of limited licenses in some parts of the country for Aboriginal and Torres Strait islander communities to undertake restricted commercial fishing;
 - (ii) Participation of Aboriginal and Torres Strait Islander people as workers and labourers in the industry (Tsamenyi et al 2000:5-6).

4. Past history of co-management

The Gooreng Gooreng people were skilled in the use and construction of implements and tools for gathering and hunting.

Marine Fauna: The types of seafoods that Gooreng Gooreng people hunted and gathered in traditional times were abundant and varied. Ulm and Lilley (1997:62) state that "common marine fauna found along the Curtis Coast include a number of whale species (including the humpback *Megapeterna novaeangliae*), four species of dolphin, dugongs, and turtles (including loggerhead *Caretta caretta* and green *Chelonia mydas*). Rodds Harbour supports the largest dugong population along the Curtis Coast (QDEH 1994-66).... A total of 148 species of fishes from 69 families is recorded for the Curtis Coast (QDEH

1994:68).... The larger fish species were dominated (in order of abundance) by the fish-tail mullet, sand mullet, whiting, blue tail mullet, sea mullet and garfish..."

According to Roth as cited in Gooreng Gooreng Culture and History (1996),

"At Miriamvale, the framework of a net is made of two switches lashed together, and bent into the shape of a bow by a stout chord stretched across to free ends, which will extend as much as five feet apart. Two such nets are employed simultaneously, a frame held in each hand, and the fish caught in between

..... the harpoon formerly employed throughout the district (from Bundaberg to Shoalwater Bay) both for fish and turtle consists of a dart, shaft and connecting rope. The shaft from ten to eleven feet long gradually increases in diameter from butt to tip into the extremity of which a hole is drilled: the dart, by means of the coil of fibre at its base, moistened for the purpose, is thus jammed tightly in.

... When the animal is struck, the impact of the blow frees the dart from the shaft, all being hauled in again by the rope."

The fibre used for making the net was made from wattle bark. This was used for both deep-sea fishing and surface fishing especially in the case of mullet. According to Cecelia Johnson (Mervyn Johnson's mother), her grandmother, Lexie Horton, and her mother Lena Horton stated that line was used to catch fish from the Burnett River and moss was used as bait in the latter part of the 1800s and early 1900s.

During excavations as part of cultural heritage management studies shell middens, stone artefact scatters, fishtraps, and burial sites have been found. These significant sites have both spiritual and social significance to the Gooreng Gooreng people. These are the remains of seafood feasting as well as indications of activities with food preparation.

These sites were used season after season and over long periods of time. During a recent archaeological excavation at Bundaberg Port in 2002, a number of archaeological finds, such as skeletal remains, flakes, grinding stones, axes, shell middens and other artefacts

were discovered.

5. Current application of co-management

The current application of co-management is exercised in the following ways:

- SEAFORUM is an Aboriginal community based alliance of approximately thirty-three Traditional Owner groups. Its intention is to negotiate a framework agreement for co-management of the Southern Great Barrier Reef. Following a range of creatively organised discussions and forums a discussion paper was prepared that outlined the major issues of concern. These included:
 - The degree to which Aboriginal interests are marginalised by the sheer weight of other interests in marine resources;
 - The complexity and lack of integration of the management arrangements covering sea estates;
 - The significance of resource problems;
 - The lack of effective recognition of existing Indigenous rights and interests;
 - The social and economic impacts accruing from limited Indigenous involvement;
 - The lack of progress toward co-management (Seaforum 1999).
- Traditional Owners have cultural authority over who is allowed to hunt in their particular sea country under the Zoning plans of the Great Barrier Reef Marine Park and anyone who wishes to do so must first obtain a permit for traditional hunting. The issuing of the permits by the Queensland Parks and Wildlife Service is a way of managing hunting and traditional rights, however it is a concern that there should be more Indigenous involvement in the process of authorising permits.

The Great Barrier Reef Marine Park Authority, through its Indigenous Policy and Liaison Unit, provides support to community based management initiatives at a local scale.

6. Conclusion

As a Gooreng Gooreng Elder it is hopeful to witness and be involved in the steady progress and recognition of Gooreng Gooreng people's traditional rights in managing coastal country and sea interests. Our coastal areas and river systems hold very significant contemporary, traditional and historical cultural value to our people.

Listed below are recommendations that would benefit Gooreng Gooreng people towards co-management and more active roles in the management of Aboriginal traditional country.

1. More involvement with the management and use of marine and coastal areas.
2. The development of commercial projects using the resources of the area.
3. The operation of tourism ventures (for example, camping facilities and tour guides for tourists).
4. National park management activities in conjunction with government departments (for example, Indigenous Park Rangers). Career opportunities and employment, specifically in terms of providing ranger positions for Indigenous people.
5. Involvement with commercial fishing and management of fisheries resources.

7. Reference list

Gooreng Gooreng Culture and History, 1996.

Lilley I, Ulm S, Williams M. (eds) 1999. The Gooreng Gooreng Cultural Heritage Project: Preliminary Results of Archaeological Research, 1993-1997. Queensland Archaeological Research, vol. 11. The University of Queensland, Brisbane.

QDEH. 1994. Curtis Coast Study: Resource Report, Department of Environment and Heritage Rockhampton.

South East Queensland Regional Framework for Growth Management, 2000. SEQ 2001 Regional Resource Unit, Queensland Government Department of Communication and Information, Local Government, Planning and Sport, Brisbane.

State Coastal Management Plan - Queensland's Coastal Policy, August 2001. Queensland Government Environmental Protection Agency, Brisbane.

Tsamenyi M. 2000. Towards Greater Indigenous Participation in Australian Commercial Fisheries: Some Policy Issues, July 2000, Aboriginal and Torres Strait Islander Commission, Canberra.

Ulm S, Lilley I. 1999. The archaeology of the Southern Curtis Coast: an overview. In: Lilley I, Ulm S, Williams M. (eds) The Gooreng Gooreng Cultural Heritage Project: Preliminary Results of Archaeological Research, 1993-1997. Queensland Archaeological Research, vol. 11. The University of Queensland, Brisbane.

Williams M. 1981. Traditionally, my country and my people. M. Phil. (Qual) thesis, Griffith University, Brisbane.

8. Summary of Gooreng Gooreng Sea Country video

Location	Significance of site	Issues	Vision/Aspirations	Co-management status
Coloured Sands	Trading site for region and district. Ochre collection site, Stone tool artifacts.	Development is encroaching on the site.	The Traditional Owners would like to see the site protected but find the path needed to achieve this unclear. They feel it is important to teach both traditional and historical people about the past way of life.	Has been documented as a site but is on private land.
Barolin Rocks	Bora ring	The council has destroyed this site by making it a park and building infrastructure over the top of it.		
Hummock	Name for area is Booggar, which refers to the smell associated with the volcanic activity in the area.			
Milliquin Sugar Mill	Milgawarn - Name stands for spear cut eye, relating to a story in interracial marriage and then the man facing the punishment of spearing. A spear cut though his eye but he did not die.			

Location	Significance of site	Issues	Vision/Aspirations	Co-management status
Mon Repos	Significant site for turtles (loggerhead). Fish traps and shell dumps which run for approx 1km.	No mention of Indigenous history in the information centre.	That the Indigenous knowledge of the area is displayed and taught to visitors	There are Aboriginal trainees with QPWS but no jobs for them to go into afterwards
Burnett Heads - 12km east from Bundaberg	Fish traps dated to 3000 years old.	Not protected, being buried by silt.		
Burnett Heads	Crabbing and fishing spot.			
Burnett River	An important living site. Groups lived up and down the river, fishing and crabbing.	Weirs have interrupted the traditional way of life (mullet can no longer migrate up the river).	It is hoped that the cultural heritage survey planned will show connection between the group and the land.	A cultural heritage survey planned to be conducted in the region.
Paddy's Island (Burnett River)	Officially recorded site of massacre where 1000 Indigenous people were killed by vigilantes in 1850.	Considered a mourning site.		
Cedars Ridge	Rock art site.	Rock art was removed.		
Bundaberg Port	Burial site, where the 300yr old remains of an Aboriginal woman (Moonigoolarn - beautiful woman) were uncovered during development.	The whole area is considered sacred and spiritual as it is not known where the remains are. However development is encroaching on the area and may disturb the site.	The spiritual nature of the site should be respected.	
Goodnight Scrub	Burial site/cemetery.			

Location	Significance of site	Issues	Vision/Aspirations	Co-management status
Avondale	Living site (Mr Johnson used to live here), tribal land along the Kolan River (called Gillan to Indigenous people meaning fishhawk). A lot of the families worked on the sugar plantations and lived in little huts made of bark and tin.			
Mouth of the Kolan (White rocks)	Very big crabs (Gakin) Important camping/fishing spot.			Sites recorded by UQ cultural heritage survey
Kolan River	Middens in the area show the history of how tribal groups moved around.	The weeds are killing the river and destroying fishing spots.		
Baffle Creek	Significant creek, living site. Used for fishing (spearing mullet), middens, crabs and oysters. Dreamtime story of a turtle (Milbi) coming up the creek and a little boy jumping on his back and going out to sea. This explains why sea turtles always come back to the same site. At the mouth is a turtle nesting site.			

Location	Significance of site	Issues	Vision/Aspirations	Co-management status
Wartburg	Where German settlers first settled			
Rules Beach "Waterview station"			Will be a site where children from the towns will go to learn about traditional ways of living/stories etc. Want to get the kids out of the towns and keep history alive.	
Lowmead (Lillyvale)	Living site. Mr Johnson's grandfathers property, some families still living in the area.			
Berajondo should be Berajondo	Name means running water. Burial and gathering site.			
Euleilah Creek	Name means wild locust or butterfly. Use the larval grubs (buyum) as a food source – also known as witchity grubs.			
Agnes Waters	Site of a freshwater spring which the local Indigenous people showed Captain Cook.			

Location	Significance of site	Issues	Vision/Aspirations	Co-management status
Tom Jeffrey Park	Mr Johnson's grandfather worked for Tom. Grandfather survived Coliseum Mountain massacre, and was an athlete and tracker.			
Hummucky Island "Mundoolan"	Means Pandanus nut. Seeds used traditionally as a basis for damper after treatment by washing in fresh water and then drying for a week. Cook killed his pigs by feeding it to them untreated.			
Yurimbulah	A special place. Where Cook first saw smoke coming from fires and stopped.			
Town of 1770	Living site, site of Cook's landing.			

Location	Significance of site	Issues	Vision/Aspirations	Co-management status
Miriam Vale	Gooragan means sandy loams. A living site, with strong Indigenous population. In early 1930s there was an Indigenous curfew (6pm). Mr Johnson's uncle fought to have this lifted. Continuing connection is shown by Aboriginal names on war memorial (including Mr Johnson's cousin Charlie Roe).			
Boyne River	400 sites (documented through a cultural heritage survey of the sites).			
Bulgoyne Park	Mangrove Flying fox (this was a totem animal).			Name of park is recognised as coming from Gooreng Gooreng on the sign.
Barney Point	Historical gathering place for the clan. Mr Johnson lived here in 1945/46, a long family history with family members still living there. Fishing, oysters.	Area has undergone significant development since the 1950s.		
Curtis Island	Place for hunting turtle and dugong.			

SEA COUNTRY AND TOURISM: GIRRINGUN ABORIGINAL CORPORATION

CASE STUDY

M. Nursey-Bray, P. Rist and Girringun Aboriginal Corporation

1. Introduction

This report presents options for the Aboriginal Traditional Owners of the Girringun area to cooperate with GBRMPA in the management of marine park tourism activities.

The Girringun area comprises the waters between the landward points of Mission Beach and Rollingstone (see map on page 40). These estates occur in the Great Barrier Reef Marine Park and World Heritage Area and adjacent land areas within the State of Queensland.

This proposal forms part of the Co-Management Task commissioned by the CRC Reef Research Centre, and is one of a number of case studies chosen to explore the different dimensions of co-management in different Indigenous contexts.

In this context, Girringun chose to look more closely at the issue of tourism and the ways in which co-management options can be explored in the Cardwell/Hinchinbrook Shire area. This is a major issue for Girringun Traditional Owners. Their traditional area not only falls within two World Heritage regions - the Wet Tropics and the Great Barrier Reef (and which naturally attract many tourists), but in particular includes Hinchinbrook Island, one of the highest visitation spots along the entire reef.

Consistent with the Terms of Reference for the case study for the Co-Management Task for the CRC Reef Research Centre, this report has three aims:

- To initiate a data base of information about how many tourism permits were issued in the Girringun area;
- To identify Girringun's main concerns in relation to tourism and the permit system

- To document Traditional Owner ideas for management of tourism in this area, and in particular suggest ideas in relation to the procedure for permit assessment that could be implemented by Girringun in partnership with management agencies.

The report also provides a brief history of co-management initiatives.

2. Methodology

In order to obtain the information for this report the following actions were undertaken:

- Meetings with GBRMPA staff including the tourism unit to identify tourism issues and make a request to obtain the information about permits granted in the report area.
- A number of meetings at Girringun with various Traditional Owners, in particular Phillip Rist, Chief Executive Officer.
- Desktop and internet search literature review to canvas the main issues relating to the issue of cumulative impact and tourism
- A process of endorsements and iterative feedback was developed in conjunction with Girringun members who reviewed draft and final reports before presentation to the CRC Reef Research Centre Task Management Team.

History of co-management initiatives along the Great Barrier Reef

Cooperative Management was a concept endorsed during the planning process for the Great Barrier Reef and resulted in the 25 Year Strategic Plan for the Great Barrier Reef Marine Park Area, 1994. This plan included a specific objective: "to establish cooperative management arrangements between Indigenous People and stakeholder agencies in the area". All management agencies with responsibility in the GBRWHA agreed to participate and facilitate implementation of objectives of the plan, including co-management. In particular these objectives included

- To establish a legislative basis for co-operative management arrangements;

- To establish co-operative management arrangements for specific areas
- To provide for Aboriginal Torres Strait Islander representation on management boards and advisory committees. (Appleton, P: 2001)

Since then, a number of reports and initiatives have contributed to discussion of co-management for the Great Barrier Reef.

- A Paper was developed by Cape York Land Council (and submitted for NHT Funding) to establish a Sea Council. (CYLC: 1996)
- A draft discussion paper was prepared by Sea Forum, a Traditional Owner representative group for the southern Great Barrier Reef stating the need for co-management frameworks, primarily in relation to turtle and dugong hunting and management (Sea Forum: 1999).
- In July 1999, the Ministerial Council for the Great Barrier Reef (MCGBR) requested that:

The Great Barrier Reef Marine Park Authority (GBRMPA), Queensland Environmental Protection Authority (EPA), Department of Primary Industries (DPI) and Aboriginal and Torres Strait Islander Commission (ATSIC) prepare a multi - agency strategy, with costing for the development and implementation of cooperative agreements with Indigenous people for natural resource management, particularly turtles and dugongs

- Appleton, P (2000) Report: An Indigenous Co-Management Strategy. This outlines a five stage proposal to GBRMPA on how to develop and implement a costed co-management strategy for the whole of the southern Great Barrier Reef.
- Concurrently, CRC Reef established a co-management research task, to examine the key issues for developing co-operative management for the GBRWHA. This has resulted in the publication: George M., Innes J, Ross H. 2004. Managing sea country together: key issues for developing co-operative management for the Great Barrier

Reef World Heritage Area. CRC Reef Technical Report no. 50. CRC Reef Research Centre Ltd, Townsville.

3. Management of tourism in the Great Barrier Reef

There are many different people who want to use the Marine Park for a variety of reasons. These uses may conflict with each other and damage the reef itself. Tourism is the most significant of these uses. It comprises the largest commercial activity in the Great Barrier Reef Marine Park, and generates over A\$844 million per annum (KPMG, 2000). In this context, the marine tourism industry is a major contributor to the local and Australian economy.

However, the Great Barrier Reef is under pressure and the cumulative impact of tourism along it is of concern. In the Cardwell Shire region, which falls within Giringun traditional country, the impact of both direct and latent tourism use needs addressing and effective implementation of management mechanisms to occur.

The Great Barrier Reef

The Great Barrier Reef World Heritage Area consists of the world's largest system of coral reefs together with lagoon, sea grass, mangrove and estuarine communities. Stretching over 2000km along Australia's north-east coastline and comprising more than 2900 reefs, some 940 islands and surrounding waters, the Great Barrier Reef is the largest natural feature on the earth. The Great Barrier Reef World Heritage Area covers more than 38 million hectares (equivalent to approximately 38 million football fields). It represents one of the most complex and biologically diverse systems on earth and contains critical habitats for a number of rare, threatened and endangered species.

In 1981, the Great Barrier Reef Marine Park and adjacent coastal areas and islands were inscribed on the World Heritage List, in recognition of their outstanding universal value. The Great Barrier Reef World Heritage Area approach to management is perhaps best

reflected in the development of the 25-year Strategic Plan for the Area. Coordinated by the Great Barrier Reef Marine Park Authority, the Strategic Plan was developed as a result of representation by over 60 user and interest groups, Indigenous peoples and government agencies. The Plan sets out a 25-year vision for the World Heritage Area and details long-term and short-term objectives to achieve that vision.

The vision, which focuses on a healthy environment, multiple use and maintenance of values, together with strategies outlined in the plan, provides direction for the managing of the Great Barrier Reef World Heritage Area. (Information GBRMPA website <http://www.gbrmpa.gov.au>: 2003).

4. Background about GBRMPA management of tourism and how it deals with permit assessments

The GBRMPA currently undertakes a number of management actions in relation to the management of tourism. Given that tourism is the most important economic activity, there needs to be significant management of its impact. Some of the issues GBRMPA responds to daily are the increasing demand and potential conflict over the marine park's use, particularly in high use areas and at sensitive sites. Accordingly a number of tools have been developed to cope with this impact. A synopsis of these follows:

Legislation	The Great Barrier Reef Marine Park Act 1975 and its regulations. The Queensland Marine Park Act 1990.
Zoning plans	Under the GBRMPA Act 1975, a number of zoning plans are developed that determine the types of activities that are allowed, not allowed or allowed with permission in the Marine Park. The Queensland State Government also has zones.

Plans of Management and Site Plans	Plans of Management (POMs) act as an overlay to zoning plans but deal with finer scale issues. This is especially in relation to the type and level of use in sensitive areas, particularly those of high tourism use. Site specific management issues are dealt with through site plans.
Policies	GBRMPA has a range of policies on tourism and recreational use of the Marine Park. This includes policies on anchoring, mooring, bare boats, infrastructure, cruise ships and motorised water sports.
Tourism Program Permits	Tourism program permits are required under the zoning plans, and are the primary way that GBRMPA manages commercial tourism use of the Marine Park.
Environmental Management Charge	All those with permits for use of the Marine Park and some other commercial operators are required to pay an EMC, which is calculated on the number of tourists taken into the Marine Park. The funds are used in direct management of the Marine Park and in supporting research by CRC Reef Research Centre.
Training and Accreditation	A number of training and accreditation courses have been developed by TAFE i.e. the Great Barrier Reef Tourism Staff Accreditation Certificate and others in conjunction with GBRMPA to ensure a high level of service and delivery for tourists while protecting the reef.

Best Environmental Practice	There is a set of Best Environmental Practices that have been developed for activities along the GBRMP. They outline environmentally sustainable ways for individuals to behave and ensure people and agencies use the reef wisely and appropriately. Some sectors in the tourism industry and some recreational fishers and groups have developed voluntary codes of conduct.
Enforcement	GBRMPA and State Parks and other relevant agencies, work together to undertake an extensive enforcement and surveillance network along the reef.

5. Types of and numbers of permits issued in the area

The Great Barrier Reef Marine Park Authority issues a number of permits each year for tourist related activities. In 2002 there were approximately 730 permitted tourism operators and 1500 vessels and aircraft permitted to operate in the Great Barrier Reef Marine Park. Tourism attracts approximately 1.6 million visitors each year.

There is a diverse range of tourism operations in the Great Barrier Reef. These include:

- Day tours
- Overnight and extended tours
- Diving and fishing charters
- Long range roving tours
- Aircraft or helicopter tours
- Bare boats (self-sail)
- Cruise ships
- Beach hire
- Water sports
- Passenger ferries.

There are also a number of activities: -

- Activities associated with film and photography
- Bare boat hire
- Beach activities
- Boom netting
- Coral viewing
- Crabbing
- Coral reef viewing
- Cruise ship activities
- Dinghy hire
- Fishing
- Fish feeding
- Interpretive tours
- Joy riding
- Kayak/canoe/surf activities
- Mooring
- Motorized hire activities
- Motorized water - general
- Netting
- Personal watercraft tours
- Water crafting
- Reef watching
- Scuba viewing
- Sail training
- Sailing
- Scenic cruises
- Snorkels
- Swimming

The tour vessels used by operators range in size from small sailing vessels, which typically take fewer than 20 people, to the large luxury wave-piercing catamarans, which carry up to 400 people. There is also an increasing number of cruise ships and super yachts cruising the reef. Around 40% of Great Barrier Reef tourists are serviced by the 10 largest operations. Destinations include a variety of coral reefs, continental islands and coral cays. Over 85% of visitors go to the offshore Cairns/Port Douglas and Whitsunday areas which make up less than 10% of the Great Barrier Reef Marine Park.

In Cairns, the tourism industry focuses on day visits to pontoons and moorings and extended diving and fishing charters to offshore reef destinations. There are also aircraft and helicopter over-flights. The Whitsunday operations focus largely on visiting resorts and island bays. Australia's largest bare boat yacht fleet operates in the waters around the Whitsunday Islands.

Girringun Sea Country falls within the Central Section of the Great Barrier Reef Marine Park. In this area and according to current public permit records (GBRMPA Web site: April 2003), the following types and numbers of permits have been successfully granted.

<i>Types of permits issued as at March 2003</i>	<i>No.</i>	<i>% of central section total</i>
Roving program	96	10.0
Standard Cruise Operation Class 1	3	0.3
Standard Cruise Operation Class 2	15	1.6
Standard Hire Operation Class 1	4	0.4
Standard Hire Operation Class 2	15	1.6
Standard Long range Roving Program	29	3.0
Tourist Facilities	6	0.6
Tourist Program	794	82.5
<i>Total Permits granted for Central Section associated with Tourism</i>	962	100
<i>Total Permits granted in Great Barrier Reef Marine Park for all activities</i>	1473	

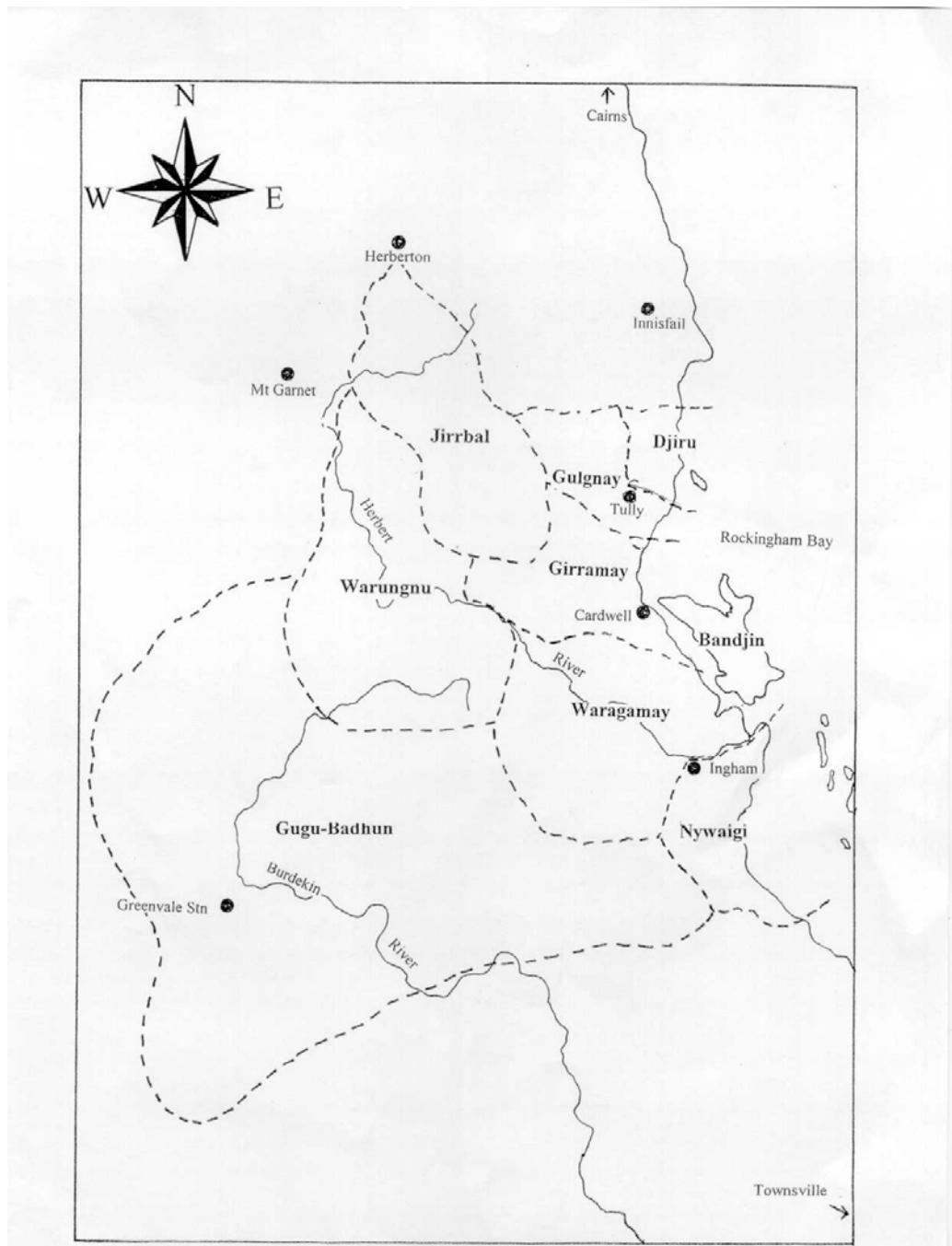
6. Information about Giringun Aboriginal Corporation (GAC)

Giringun Aboriginal Corporation represents the land and sea interests of nine Traditional Owner groups – Bandjin, Gulgnay, Jirrbal, Nywaigi, Waragamay, Girramay, Warungnu, Djiru, and Gugu-Badhun (see map).

The traditional country of these groups extends from Rollingstone, across to the Valley of Lagoons, and northwest to Ravenshoe, including all of the flood plains and coast from the Tully River to Rollingstone, The offshore islands and waters surrounding Hinchinbrook, Goold Brook, and the Family Islands are also included in this area.

A Governing Committee that is comprised of an Elder and an elected representative from each of the nine tribal groups manages Girringun. This Committee sets the policy and direction of the organisation according to the aspirations and desires of the Traditional Owner membership.

When Girringun was first established in 1995, its core areas of activity included Native Title and Cultural Heritage protection. However, in the past 18 months, the organisation has expanded the scope of its activities to ensure the representation of Aboriginal interests in all facets of land and sea management.



Map of Girringun Area

Girringun now facilitates training and employment programs for Traditional Owners in land and sea management and has now developed a comprehensive GIS database of known cultural heritage sites and values in the Girringun region.

7. Girringun aspirations for management of sea country.

Introduction

The Traditional Owners of Girringun Sea Country have already outlined their aspirations for co-management in their document: Girringun Saltwater Ranger Unit: A Co-Management Proposal (2002). This outlines the vision, objectives and program activities asserted by Girringun as being of high priority for the effective management of their country.

It is within the context of these base line principles that Girringun puts forward its suggestions for co-management of tourism in its area. The Vision and Objectives are as follows and are consistent to achieving Girringun objectives for tourism. The programs for fishing, tourism and Aboriginal culture and heritage are also important indicators of Girringun's commitment to co-management in this area. These three sections are as follows:

Vision

To establish ongoing and collaborative whole of government management approaches to ensure effective and holistic management of the Girringun community of land, sea and people.

Objectives

- i. To develop an ongoing and effective land and sea management regime, through the establishment of partnerships and collaborative programs between Girringun and relevant management agencies.
- ii. To build local capacity and initiatives in the Girringun/ Cardwell/Hinchinbrook region, to address specific land/sea management needs and aspirations of Traditional Owners in the region.

- iii. To facilitate mechanisms and programs that will ensure the ongoing protection and management of the cultural and environmental heritage of the area.
- iv. To have indigenous management rights and interests recognised by government.
- v. To be integrally involved in the management of our country and be a core part of the on the ground management presence in the Cardwell/Hinchinbrook marine area.

Programs relevant to co-management and tourism

Program One: Aboriginal Values and Cultural Heritage
<p><i>Aim:</i></p> <ul style="list-style-type: none"> • To maintain and support the management of (where appropriate) traditional use and cultural activities • To develop educational and environmental action programs that will ensure the transmission of cultural knowledge and practice about our land and sea area, and the need to care for it, to the younger generations • To develop strategies that will maintain and protect Aboriginal food chain/semi – subsistence economic values and regimes • To work towards the protection of and prevention of further damage to important cultural sites and artefacts, including (but not limited to), burial sites, sacred sites, fish traps, hunting tools, middens, rock art sites, and stories. • To monitor and control development of any sort of sport regarding cultural and social impact.
<p><i>Activities (examples only):</i></p> <ul style="list-style-type: none"> • Implementation of Hinchinbrook Island Fish Traps Management Plan • Ongoing liaison with Traditional Owners /interested groups on priorities and projects • Protection of and prevention of further anchor damage to fish traps at Goold and Scraggy Point

- Maintain 'No Anchoring' markers, Scraggy Point
- Photographic monitoring of Scraggy Point fish traps
- The protection and conservation the values of Hull River Mission
- Development of management guidelines for traditional use, hunting and subsistence activities
- Work with our local language groups to develop appropriate programs that will contribute to cultural heritage management
- Cultural site protection – dance, story, medicine and hunting sites
- Bush tucker programs
- Education regarding traditional connections and values and law.

Program Five: Fishing

Aim:

- To reduce the impacts of recreational fishing and use in the region
- To reduce and monitor professional crabbing activity in the Hinchinbrook Channel
- To limit the impact of professional netting practice on turtle, dugong and fish stocks
- To significantly reduce the impact of fishing competitions on fish stock

Program Seven: Tourism

Aim:

- To reduce the impact of tourism on social and cultural values

Activities (examples):

- Develop cultural knowledge marine tours
- Establish cross cultural training workshops for tour operators
- Train rangers and other interested people in Heritage and Interpretive Tourism
- Establish volunteer program for long term tourist/backpackers working with Girringun Saltwater Rangers on marine/tourism issues
- Support management agencies in permitting, and clean up activities

8. Types of tourist activity in the area

Girringun Traditional Owners have identified a number of specific 'hot spots' of tourist activity and concern in their area:

- *The boat cruises that operate around Hinchinbrook Island especially the Haven Fish trap and Coral Sea Wreck area*

One of the major tour operations in the Hinchinbrook Shire region area is the number of boat cruises around and within the Hinchinbrook Island. In particular the boats often anchor in the bay where the Haven Fish Traps are. These fish traps are of extremely high cultural significance to the Traditional Owners in the area, and the ongoing protection and management of the fish traps is of priority concern. Managing the impact of visitors to this region is currently under negotiation with cruise ship companies and the managing agencies. The Coral Sea Wreck, which attracts tourist interest especially divers, is a similar concern.

- *Impact of visitation to Gould and Brook islands*

Girringun rangers and Traditional Owners have identified that a large number of visitors go to Gould and Brook Islands. Determining the level and implications of visitation impact is a high priority for Girringun.

- *Impact on species and sites by recreational fishers*

Recreational fishing is one of the main activities undertaken by tourists in the Girringun area. However, the impact of the recreational fishing industry - which outside of boat cruise visitation is one of the prime motivators for tourist activity and visitation in the area - is also one of the hardest to measure. This is made more complicated by the fact that many locals also fish recreationally.

Girringun peoples would like to understand how to monitor and determine the effect of recreational fishing on local fish and other marine species populations. Moreover, as recreational fishers will tend to 'wander off' to find a 'good fishing spot', there is concern that cultural site disturbance is happening, and in ways difficult to control or manage.

The impact of recreational fishing by tourists in relation to the ability of Traditional Owners of the area to undertake their own traditional use activities is also a concern.

- ***Impact of tourists going on 'dugong watching' tours -***

In the last five years or so, especially since the Hinchinbrook Marina Development, dugong-watching tours have become popular with tourists especially as dugong are an iconic species for the Great Barrier Reef Marine Park. Again quantifying the effect of these tours on the dugong species is of concern to Girringun, particularly as Indigenous peoples in this area have agreed to suspend hunting in order to facilitate recovery of numbers in the region.

- ***Cumulative impact of 'latent' tourism, especially the roving permit operations***

This issue is of special concern given the sheer numbers of permits issued for the Central region (759) and that fall within the Girringun boundaries. Quantifying exactly *how many* of these permittees are working in the region or *intend to*, is of vital interest and concern to the Girringun peoples, as the spectrum of possible and negative impact is vast. There is a lack of knowledge about *how many* permits are being issued, *for what* and their *effect* on Girringun country.

- ***Impact on cultural story and cultural heritage sites***

There are a number of culturally significant sites in the Sea Country region that tourists may visit and potentially damage without even being aware of this. Maintaining control over and protection of these sites and stories is an integral part of cultural practice, and Girringun is keen to minimise tourist and visitation impact in this arena.

- *The interface between land and sea tourism and the ways that is being managed*

Girringun country covers both land and sea, rainforest to reef areas. However both areas are subject to differing legislation and government agencies managing them. Girringun views the land and sea interface as being all one continuous country and sees the necessity to manage the country accordingly and holistically. Given most tourists visiting the area will visit both land and sea country belonging to Girringun peoples, it would be good sense to integrate tourist management strategies in innovative and effective ways.

- *The biological impacts on species and island ecology of tourism visitation*

A large part of Girringun Sea Country includes a number of islands - the most well known of course being Hinchinbrook Island. Hinchinbrook Island is world renowned for its unique beauty and high conservation significance. Gould Island and Brook Island groups are others. Despite the fact that a quota for visitation is applied in Hinchinbrook, nonetheless the impact of visitors on the species and island ecologies is of major concern to Girringun. There are also many cultural sites on the island that need protection from ongoing visitation, especially if that visitation - the 'latent' factor - becomes more intense. Moreover, there are a number of plants and animals that have traditional uses and significance attached to them, and Girringun Traditional Owners are keen to see those species maintained and protected for cultural as well as ecological reasons.

- *Lack of understanding by the tourism industry of the area being a Traditional Owner domain*

As seen from the map shown previously, much of the Central region of the Great Barrier Reef falls within the traditional domain of Girringun Traditional Ownership. However due to the ways in which tourist operators present the reef, the level of understanding of the area as being a Traditional Owner domain is very limited. It is the view of many people within Girringun that the tourism industry needs to engage more coherently

with this reality and develop ways to include and/or incorporate not just Indigenous interests in tourist enterprises, but the Traditional Owners in presenting the country to the tourists. This could include cross-cultural training for the tour operators, fee for service operations with the Traditional Owners, or interpretive tours run by Giringun.

9. Co-management of tourism in Giringun sea country - ways forward

In the context of the above concerns, and in light of the large numbers of permits issued and high potential for ongoing impact, Giringun proposes a three tiered concept of co-management of tourism in its sea country area.

These include:

- (i) The development of principles for the Co-management of Tourism i.e. mutually agreed 'rules for country',
 - (ii) Identification of a number of management actions and
 - (iii) Development of and amendment to current assessment and permitting procedures for the issuing of tourist permits and conduct of tourist activities.
- These are outlined in detail in the next section.

(i) Principles for co-management of tourism - rules for country

In conjunction with the responsible managing agencies and the relevant tourist agencies and authorities, (and building on the proposed principles from the Co-operative framework put forward by the Tourism and Recreation Reef Advisory Committee, see Appendix to this chapter) Giringun recommends that the following principles for co-management be adopted:

That:

- Equity of access to sea country is provided and opportunities for sustainable use are maximised for Traditional Owners

- Management of tourism activities along the Great Barrier Reef region and within Girringun traditional boundaries, is conducted in partnership with the Traditional Owners
- Management of tourism activities and programs in the Girringun area, maximizes, where possible, the opportunities for capacity building and empowerment of Girringun Traditional Owners
- Feedback mechanisms to and flexibility of involvement are provided to Girringun members in any established tourism venture
- Indigenous interests are fostered, and native title rights and responsibilities recognised
- Open and transparent management is attained through publicly available information and involvement of Traditional Owners in decision making and resolution of disputes
- An accurate and accessible data-base of tourism use and activity is publicly available to Girringun Corporation and Saltwater Ranger Unit.

(ii) Management options

Girringun has a number of ideas relating to the development of procedures and management options that will help facilitate measuring and managing the cumulative impact of tourism in their area. This section outlines a suite of co-management activities for tourism that could be adopted in conjunction and consultation with management agencies and tourist operators.

Exclusive Use zones

In areas of high cultural significance to Giringun it is suggested that managing agencies work with Giringun to create a new type of 'Exclusive Use Zone' and establish a number of these. Such a zone would give Giringun exclusive access to certain areas - such as on Hinchinbrook, and where tourists, unless specifically invited would be prohibited. This would enable Giringun members to undertake ongoing cultural activities without being disturbed.

Exclusive Access zones

Consistent with the Principles of Equity and Access outlined above, it is suggested that Girringun in conjunction with Managing Agencies and tour operators define and be granted some exclusive access zones (another proposed new category), within which they may conduct tourist activities of their own.

This would enable Girringun members not only to generate some monies out of the tourism industry but facilitate the dissemination and ongoing practice of culture.

Cultural permits

Some members of Girringun suggested it would be appropriate to develop a *Cultural Permit System* that would be distributed through the Girringun Saltwater Ranger Unit. This would be consistent with current practice in DOGIT and Native Title areas elsewhere where tourists must purchase a 'permission to enter country'. Such a 'cultural permit', while not having legislative status, would nonetheless be advantageous to Girringun in that it would enable Traditional Owners to develop a data base of tourist numbers to country, and create a forum through which to educate non- Indigenous peoples about Girringun and cultural issues. It would also cover some of the core costs of the GAC in co-managing the tourism activity in the area.

Focussed research programs

One of the main issues relating to tourism for Girringun members is the fact that there is very little information available to them about the impact, use, types or numbers of tourists visiting the area. This is confused by three additional factors:

- (i) The issue of latency (permits being issued but not necessarily in active use), and the inability to determine therefore when and where *specific* site activity and impact may occur
- (ii) Lack of clarity over the proportion of local recreational fishers to tourists undertaking recreational fishing activity

- (iii) The fact that many tourists to the area are visiting the reef *and* rainforest yet management of those areas fall within different legislative jurisdictions and managing authorities.

In this context, Girringun proposes that a solid research program be initiated addressing the above issues.

For example, this could include a number of collaborative research programs between the Reef and Rainforest CRCs and that could be niched within the current catchment to reef joint program.

Other research projects could include -

- (a) the mapping and assessment of cumulative impacts,
- (b) various cultural heritage and site assessment activities
- (c) documentation of cultural knowledge about the area
- (d) oral histories pertaining to the evolution of tourist activity in the area,
- (e) survey of recreational fishers, and many more.

Cultural Awareness programs

Information Management is an important aspect of ensuring tourists are informed about the cultural heritage values of sea country as well as contributing towards the ways in which tourist activities can be guided and controlled.

Some ideas Girringun have suggested that could be developed in conjunction with Management and Tourism Agencies include:

Interpretation services

Negotiating with the Cruise Ships and other tour operators to have a member of Girringun on board to offer interpretive services to the tourists would be an effective way to co-operatively involve Girringun Traditional Owners in tourism activities and impact. This would have an important two-way benefit; to the operator by enhancing

the tour's value and interest; and to the Traditional Owners through facilitating cultural exchange, dissemination and rejuvenation.

In this context Girringun would also like to develop some cultural tours that could be anchored to existing tourism activities. Again this would have a two-way benefit to both Girringun and the Tour Operators while contributing positively to management of Girringun Sea Country.

In particular the links between Girringun land and sea country could be explored further, and in a way that would facilitate rainforest to reef management practice in relation to tourism and its impacts.

In this sense Girringun could act as a conduit between the Wet Tropics and Reef Management agencies to facilitate cross-sectoral management activities.

Cultural Heritage Assessment activities

Girringun elders, rangers and young people could contribute to ongoing cultural assessment activities, and help make decisions about tourist access to that country and sites of special significance.

This could include training in cultural heritage site management, and identifying the various sites in the area. This would include but not be limited to: middens, fish traps, walking tracks, various camp sites and bush tucker areas, and help in relocating old tracks, and facilitating the passing on of culture today.

Signage

Girringun rangers and others have been involved through a Coastcare program to erect signs that help define and educate tourists and visitors about the cultural heritage importance of sea and land country to Girringun and the need to look after it.

Girringun believes that an ongoing signage program linked to other management activities would be an important step in controlling and managing tourism impact and

visitation on and to their country. This would include signage over the islands, at boat ramps and also along well used spots such as recreational fisher walkways.

Development of interpretation and extension material

Developing interpretation and extension material, such as leaflets, is one way Girringun could facilitate the education of tourists about culture and the impact of visitation on it. Such leaflets could also advise tourists on actions they could take to minimise their impact, and introduce them to the Girringun Saltwater Ranger Unit and its activities.

Recreational fishing activities

Girringun is very concerned about the impact of recreational fishing. This is one of the major tourist activities in the region but also one of the hardest to control. How many people visit the area to fish, where they go, and what proportion are tourists to locals are some of the key questions that Girringun wants addressed. This is not only because of the possible and yet unknown impact on cultural sites and areas, but also in terms of the implications for Traditional Owner use of those resources. Girringun would like to see both a management process put in place to manage the impact of recreational fishing in the area, but also the establishment of a program that will identify what the use of the area is.

Negotiation tables

Girringun would like managing agencies and tourist operators to consider the possibility of creating and being part of a Negotiating Table for Tourism. This could be an active and ongoing forum that would facilitate the resolution of key issues and activities in relation to tourism.

For example, Girringun would be interested in investigating the opportunities that may be available to Girringun to work collaboratively with the tourism industry and management authorities to establish some of the following:

- Procedures in relation to Girringun involvement in Future Acts Notifications

- Fee for Service Activities
- A cultural tax or subsidy that could be incorporated into existing permit procedures and create a fund which could go back into the Girringun Saltwater Ranger Unit for tourist and site management of Girringun Sea Country.
- Joint evaluation and monitoring activities, where Girringun Sea rangers are pro-actively involved in the ongoing management of tourist activity in the region, and facilitate the establishment of ongoing monitoring mechanisms such as photo-pointing programs, site monitoring and protection, and enforcement of permit regulations.

(iii) Implementation program

That management agencies and tour operators in conjunction with the Girringun Saltwater Ranger Unit develop a spectrum of permit assessment and related activities for inclusion into the current permit assessment procedure and or amendment to current permit forms.

This may include but not be limited to the following:

- Requirement to notify Traditional Owners of activities undertaken by tourist operators, if undertaken in Girringun Sea Country - and independent of the status of permit i.e. site specific or roving
- A mutually agreed quota to numbers undertaking tour operations or activities in Girringun Sea Country
- Addition of a new "cultural notification" section to the existing permit document, to be signed off by Girringun Corporation prior to a permit being granted
- Requirement to have a "cultural access or permission" permit in specific areas deemed of special significance to Girringun Traditional Owners
- Involvement in Native Title Notification Process, through established forums such as a Negotiating Table

- A permit Assessment Fee which would go towards Girringun as a contribution for their involvement in the management of tourism
- Reporting and Review Process - involvement by Girringun in the determining of whether or not permits should be renewed, the scope of activities occurring in the area and monitoring reporting and review requirements of permittees.

10. Benefits of undertaking co-management for tourism

There are a number of benefits that will be generated from the establishment of Co-Management Activities as suggested by Girringun in this document:

- The establishment of a working model for indigenous involvement and participation in tourism management along the Great Barrier Reef
- The opportunity for Traditional Owners to build skills and capacity in the arena of tourism and management, while maintaining and building on cultural practice
- The minimisation of latent and actual impact of tourists on the Great Barrier Reef Marine Park, ensuring the ongoing protection and maintenance of the regions natural and cultural values for future generations
- The development of best practice and codes of conduct that would provide a baseline for innovative and environmentally sustainable ways for management of tourist use and which would reflect world best practice
- The documentation and building of an important and crucial information and data base, at a local, regional and international levels on the issue of tourism, tourist management, and impact on reef systems and culture.

11. Summary

Girringun country falls within key world heritage reef and rainforest sites which attract high impact visitation and interest by tourists. This includes Hinchinbrook Island and the coast along the central reef region. Tourist use of the area is diverse, from cruise ship visitation, eco- tourist ventures such as walking Hinchinbrook and dugong watching, to recreational fishing along the coast.

A review of current (2003) GBRMPA permit records indicates that there are over 700 active and primarily roving permits granted by GBRMPA to the Girringun sea country region. Determining the actual numbers, types and specific impacts of this use is at present almost impossible as the destinations of those with permits are largely unknown. Identification and management of tourism impacts represents a serious concern to the Traditional Owners. Impacts on cultural sites of significance and the general Girringun sea country region, and the potential 'latent' impact is potentially devastating for both cultural and natural values.

This report has reviewed and documented the major concerns and areas about tourism and its impact that Girringun has so far identified as being of high priority for management. This includes disturbance to sites, disruption to traditional use and activities in sea country and obvious impact to specific sites such as the Haven Bay Fish Traps on Hinchinbrook Island.

On reflection about these issues Girringun members felt that developing a suite of activities and a collaborative permit assessment process would go a long way to meeting some of their concerns. In this context, much work has already been done to initiate many of these processes already, e.g. signage work through Coastcare grants and most particularly the recent Girringun Saltwater Unit Co-Management Proposal presented by Girringun to the GBRMPA Executive and Management Board in 2002.

Building on that work, and on consideration of the potential to build a co-management template for management of tourism along the Great Barrier Reef Marine Park, Girringun recommends the following:

- (i) That co-operative management activity undertaken by all stakeholders in relation to tourism be consistent with the principles of co-management for tourism (rules for country) set out by Girringun in this report
- (ii) That Girringun members, particularly the Girringun Saltwater Ranger Unit, Day to Day Management Agencies and tour permittees, work collaboratively to

- implement a suite of management mechanisms that will enable ongoing management of tourist activity *and* impact in the Girringun region.
- (iii) That these activities address issues of latency of permits, allocation and tenure in ways that resolve Girringun concerns about activity and impact of tourism in the region.
 - (iv) That such activities might include (but not be limited to):
 - Establishment of Exclusive Use Zones
 - Implementation of cultural permits
 - Focused research programs (i.e. rainforest to reef, latency, relationship of impact - tenure etc)
 - Cultural awareness programs (including interpretation activities, cultural tours, site surveys and assessments)
 - Joint surveillance, patrol and enforcement activities
 - Evaluation and monitoring.
 - (v) That Day to Day Management agencies work collaboratively with Girringun to establish appropriate mechanisms of involvement in the permit assessment procedures and forms.

This may include but not be limited to the following inclusions/additions/amendments to permit forms or assessment procedures:

- Requirement to notify Traditional Owners of activities undertaken by tourist operators, if undertaken in Girringun Sea Country - and independent of the status of permit i.e. site specific or roving
- A mutually agreed quota to numbers undertaking tour operations or activities in Girringun sea country
- Addition to existing permits of a "cultural notification" section to be signed off by Girringun Corporation prior to permit being granted
- Requirement to have a "cultural access or permission" permit in specific areas deemed of special significance to Girringun Traditional Owners

- Native Title Notification Process
- Reporting and Review Process.

Maintaining the line between appropriate tourist use and maintenance of cultural practice is difficult at the best of times. The effective resolution of the needs of both will be the primary benefit of co-management initiatives such as this.

Only then can agencies, tour operators and Traditional Owners work together to find the balance between tourism and sea country, and the ways forward to an environmentally sustainable and culturally appropriate future.

12. References

- GBRMPA. 2003. Managing Tourism Permissions to Operate in the Great Barrier Reef and adjacent Queensland Marine Parks (including permit allocation, latency and tenure), Draft Policy. Unpublished document, GBRMPA, Townsville.
- Great Barrier Reef Marine Park Authority. 1994. The Great Barrier Reef, Keeping it Great: A 25 Year Strategic Plan for the Great Barrier Reef World Heritage Area 1994 - 2019, GBRMPA, Townsville.
- Nursey-Bray M, Rist P. 2002. Girringun Saltwater Unit - A Co-Management Proposal, Girringun Aboriginal Corporation, Cardwell, Qld.
- Tourism and Recreation Reef Advisory Committee. 2002. A Co-operative Framework for the Sustainable Use and Management of Tourism and Recreation Opportunities in the Great Barrier Reef Marine Park, TRRAC, GBRMPA, Townsville.
- Tourism Review Steering Committee. 1997. Review of the Marine Tourism Industry to the Great Barrier Reef World Heritage Area, A report to the Great Barrier Reef Ministerial Council. TRRAC, GBRMPA, Townsville.

13. Acknowledgements

The authors would like to acknowledge the following:

- The CRC Reef Research Centre for funding this report
- The CRC Reef Research Centre task team for the co-management task: Professor Helen Ross, The University of Queensland; Mr. James Innes, Program Manager, Research GBRMPA; Melissa George; Research Officer and Traditional Owner
- Staff from the Great Barrier Reef Marine Park Authority Tourism Management Unit
- Ms Leigh Pentecost, Anthropologist, Girringun

14. Glossary

ATSIC	Aboriginal and Torres Strait Islander Commission
CRC	Co-operative Research Centre
DOGIT	Deed of Grant in Trust
DPI &F	Department of Primary Industries and Fisheries (Qld)
EMC	Environmental Management Charge
EPA	Environmental Protection Agency (Qld)
GAC	Girringun Aboriginal Council
GBRMP	Great Barrier Reef Marine Park
GBRMPA	Great Barrier Reef Marine Park Authority
GBRWHA	Great Barrier Reef World Heritage Area
GSRU	Girringun Saltwater Ranger Unit
NHT	Natural Heritage Trust
POM	Plan of Management
QPWS	Queensland Parks and Wildlife Service
TRRAC	Tourism and Recreation Reef Advisory Committee

15. Appendix

Principles for a Co-operative Framework for the Sustainable Use and Management of Tourism and Recreation Opportunities in the Great Barrier Reef Marine Park, by the Tourism and Recreation Reef Advisory Committee (TRRAC).

- Equity of access is provided
- Opportunities for sustainable use are maximised
- Management is conducted in partnership with the stakeholders
- Innovation and industry flexibility and competition is provided
- Predictable management and certainty of tenure is provided
- Self management, especially through best practice and training is fostered
- Good performance is encouraged and recognised
- Feedback mechanisms and flexibility is provided
- Indigenous interest are fostered
- Clear policy and guidelines are available for decision making
- Administration is cost efficient and simple, easy to follow
- A revenue base that is returned to Marine Park management
- Fees and charges are consistent and equitable
- Emphasis in self regulation through monitoring performance with a regulatory backstop
- Open and transparent management is attained through publicly available information and involvement in decision making and resolution of disputes
- An accurate and accessible data base of use is publicly available
- A risk management approach is adopted

CAPE YORK CO-MANAGEMENT CASE STUDY: AMBIILMUNGU NGARRA COUNTRY

C. R. Roberts, R. McLean and C. Flinders, Balkanu Cape York Development Agency and
Ambiilmungu Ngarra Aboriginal Corporation

1. Introduction

This study is part of a co-management research project initiated by the CRC Reef Research Centre in Townsville. It offers an opportunity to document Traditional Owner interests in and proposals for developing co-management over their land and sea country, and to lend support to Traditional Owner desires to get co-management agendas moving. The CRC Reef Research Centre Co-management project involved development of a scoping paper (George et al 2004); Balkanu provided comment on some aspects of that paper.

The Ambiilmungu Ngarra Traditional Owners' country on Cape York Peninsula consists of the islands, waters, reefs and land of eastern Princess Charlotte Bay, Bathurst Heads, Cape Melville south to Lookout Point, on Eastern Cape York Peninsula (see Maps 1 and 8).

This case study is intended to engage Ambiilmungu Ngarra Traditional Owners, located up to 6 hour's drive from Cairns, in the research process rather than be a purely desktop study. Cape York is very large and remote, and the Ambiilmungu Ngarra country is close to the main government hubs in relative terms with key people available in Cairns for the time being. This study aims to indicate an interest on the part of Traditional Owners to consider co-management, and to galvanise funding sources (particularly agencies with statutory obligations in the area) into providing for initial negotiation and co-management allocations from within their own budgets as a tangible commitment to co-management.

1.1 What the Ambiilmungu Ngarra Traditional Owners are saying

The study was conducted through discussions and a meeting with Traditional Owners, and desk analysis including preliminary legal advice. As was the intention of this study, resources were provided directly to Traditional Owners for part of the work. The following views were recorded by Mr. Roland McLean (Traditional Owner) in interviews with Traditional Owners. Chris Roberts (Balkanu) also spoke with Traditional Owners.

Ambiilmungu Ngarra Traditional Owners are seeking

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

Further detail is provided later in this report.

The Traditional Owners' wishes listed above are simple, unambiguous, practical and sensible requests. They also conform well with agency aspirations, we would argue,

apart from the degree of power sharing. There is nothing new here, but we feel that in 2004 there may just be enough political will to have Aboriginal people doing more of the business of caring for country rather than agencies having the lion's share of formal responsibility and control. Ideally, Traditional Owners want government to devolve as much responsibility as possible to them.

There is something to be said for a key statement made by George et al (2004) relating to co-management

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

The Aboriginal people concerned do recognise the benefits of sharing the job but also aspire in the longer term to have the major management role in this remote region of Australia. It is recognised that capacity will need to be built in some areas. As far as the reasoning behind management direction is concerned (rationale) and practical ways of accomplishing outcomes, Traditional Owners have on many occasions and in many ways said, "we must combine white man and blackfella knowledge and skills". This is a clear statement of a desire to work together. Current GBRMPA direction focuses on bioregional and ecosystem models where Aboriginal aspirations perhaps are looking more to more immediate social and cultural outcomes via a collaborative management model whilst respecting the need for strong natural systems to sustain economies. Aboriginal people do contemplate joint advisory, scientific and management structures to manage country. The issue is that governments haven't taken the plunge on equity and handing over responsibility.

At the outset we can say that negotiation of shared land management (as opposed to sea) has been an uphill battle with significant sticking points relating to composition of management boards, payment for leasebacks to the Queensland Parks and Wildlife Service (QPWS), and the requirement for mainstream training as required by law to look after country, in order to gain recognition.

As the sea is currently a “tenureless” expanse according to prevailing legal thinking, there are attendant problems in arguing for Aboriginal management rights. However, Professor G. Meyers (pers. comm.) and colleagues have made the observation that native title provides fishing and hunting rights, and argue that these rights provide a right to ensure that there are resources to catch or use and therefore there is a right to manage them (see Nettheim et al 2002). We support such an argument.

We believe that a more serious attempt to establish a management regime that involves Aboriginal people on Cape York should be made by established agencies. We acknowledge the Appleton (2000) report as a sign of good faith from the Ministerial Council for the Great Barrier Reef but need to consider the State jurisdiction as well as the Commonwealth because GBRMPA jurisdiction ends at the low water mark. The area between the high and low water marks comes under State legislation. These areas are in some cases large and crucial in some fisheries. Fishermen are able to fish in the intertidal area without having to concern themselves with the GBRMPA Act. It is in these nearshore areas that frictions between users often arise. A commercial fisherman can for example set a net between high and low water mark, directly in front of an outstation or tourist or Traditional Owner camp regardless of GBRMP zoning.

Queensland and Commonwealth waters are regulated under different Acts and definitions of jurisdictions are confusing. Co-management of this remote area on Cape York with a strong presence of Aboriginal people having hunting and fishing rights which other users do not have, should be a strong incentive for agencies to find mutually agreeable terms to care for country.

Aboriginal organisations on Cape York have evolved to a point where a fair and realistic co-management regime is a real option facilitated through structures including Cape York Partnerships, Balkanu Cape York Development Corporation, Cape York Land Council, ATSIC Peninsula Regional Council and in this case primarily the Ambilmungu Ngarra Aboriginal Corporation which embodies the Traditional Owner interests of the case study area. It is envisaged that a negotiation table process be established triggered by the Traditional Owners concerned. For a description of the roles of the organisations mentioned above see <http://www.capeyorkpartnerships.com/project/beg/index.htm>. A “negotiating table” is intended to bring government parties and Traditional Owner interests together at the local and also at the State levels. In the case of the Great Barrier Reef Marine Park (GBRMP) there is a clear Commonwealth interest as well.

Important roles were played in stimulating a co-management debate by moves to create a Cape York sea policy committee in 1996 and the Southern Great Barrier Reef Sea Forum established in 1997. The Southern Great Barrier Reef Sea Forum, with the assistance of ATSIC in the early stages, worked with CSIRO to produce a significant discussion paper (Sea Forum 1999).

We have sought and obtained legal advice on the Great Barrier Reef Marine Park Act section 39ZA towards identifying co-management options that are available to Traditional Owners of Cape York. This led to a preliminary investigation of other options listed at section 5. However it was decided not to elaborate on these in preference to seeking practical solutions involving activities in the selected management area. The reasoning is that investigation of statutory tools will be complex and expensive, and discourage rather than encourage Aboriginal people who have been burned by legal detail and uncertainty in the past. Community people are not confident in what appears to be shifting policy and legislation. Hostile and unstable co-management policy has made it difficult for Traditional Owners to project a vision into the future. This has led Traditional Owners to focus on management actions and they

are more responsive to material developments on their country than trying to negotiate legislative solutions.

The Traditional Owners of Cape York have had dealings with the Great Barrier Reef Marine Park Authority (GBRMPA) for some time and also with Department of Environment and Heritage (DEH), Environmental Protection Agency (EPA) and Queensland Parks and Wildlife Service (QPWS) as day-to-day managers of the GBRMP. This case study recounts selected interactions with these and other agencies operating in the Cape York region, since these are instructive for an understanding of current relationships and ways forward.

We will profile the strategies being employed by Cape York organisations to deliver land and sea management on the Cape, and a history of developments since 1995 for the information of other Indigenous peoples and organisations.

The funding provided for this case study was also intended to fund a meeting of Traditional Owners and staff of Cape York Land Council (CYLC) and Balkanu to discuss potential co-management directions in the region under consideration, initially targeting the legal options. A formal opportunity did not arise to discuss the legal options in detail and is best left to a second phase if required, that is if non-legislative remedies do not provide results for parties. We did however contribute to an Ambilmungu Ngarra annual general meeting and gained a mandate to pursue co-management options.

An extract from the CRC Reef Research Centre letter of offer pertaining to this study reads

“ The case study seeks

- To document and share thinking and experience towards developing aspects of co-management of sea country in Queensland
- To provide funds for Indigenous individuals, communities and organisations to participate in the research, in a way of their own choosing and under their control

- To provide opportunities for the case study writers to conduct an activity useful to themselves.”

As the funding provided was modest and we believe the consideration of co-management to be important, we have sought to extend the value of this study with other resources, amongst these significant in kind contributions from the CYLC. We anticipate that this case study will identify a path for a more comprehensive process and in keeping with its intent as quoted above at dot point three, are treating it to some degree as a pre-proposal. We hope to attract the interest of the CRC Reef Research Centre to gain second phase funding and then the interest of agencies, the political will of government and bipartisan government support for a process that will not be jeopardised by changes in policy as has occurred so frequently in the past. We are also aware that there has been inconsistency in Aboriginal groups’ contact with government.

It is important to consider the scale at which outcomes are sought and how to represent country. There are significant governance issues and these are part of a much greater debate. We believe the Ambilmungu Ngarra corporation area is a good scale to consider at this point.

There is a temptation to be cynical about co-management and dwell on past frustrations at the agency level, Traditional Owner level and Indigenous organisational level. We believe that agencies are themselves frustrated in efforts to “do something” in relation to Indigenous issues.

The desire to be recognised at least as stakeholders and more appropriately owners and therefore managers, is effectively part of the reconciliation process which stretches back to the time of European settlement. Joint management (acknowledging many and various descriptions) might be seen as a process of natural and cultural resource management reconciliation.

We are wary of taking a “black armband” approach in parts of our analysis but in some cases Aboriginal people have had little option but to retreat to basic human rights arguments and marshal support from “outside” in order to be heard. With this in mind there has been a need for Aboriginal people to rely on political good will at all levels, and that has been very slow in coming. There are legitimate unresolved matters that remain not only from the distant past but also from recent dealings (post native title or since 1993). Native Title is very demanding on claimants and their legal resources. There is a view held by some Aboriginal leaders that the intent of Native Title has also been misinterpreted by the courts (Pearson, 2003), and that native title rights have been steadily eroded over time by unsympathetic court decisions. Generally native title routes appear to have generated discontent and limited outcomes for Traditional Owners, particularly in relation to water rights and sea claims. Co-management might offer better, cheaper, more flexible and more practical options for Traditional Owners and agencies. Native title does however offer some strong rights that will need to be accounted for in any event.

1.2 Introduction to study

As an organisation supporting a subregional unit such as Ambilmungu Ngarra, Balkanu has to mesh dealings with agencies at the local scale and the State offices of those same agencies and translate those for Traditional Owners. At the same time Balkanu needs to cater to State and Commonwealth agendas as they play out at the case study and other scales. Aboriginal people expect us to deliver results for them and they expect timely and practical solutions. As an organisation we would like to see Aboriginal people in boats patrolling sea country and being paid the appropriate rate to do it. We need to avoid complexity and go for the simplest solutions possible. Our view is to “do” now and sort out the legislation later as far as possible. Aboriginal people are past waiting and natural and cultural resources are under severe pressure.

We have found that Aboriginal people in many instances have said what they want to say and are reluctant to do more “planning and consultation” that does not lead to

anything tangible. By tangible we mean paid work, ability to look after their domain for themselves and others, and the ability to keep others out if that domain is being damaged by those people.

In spite of resistance from some Traditional Owners, we have urged Aboriginal people to embark on this process of outlining their wishes and seeking progress again, in the hope of finally achieving Traditional Owner aspirations that have been expressed for a long time. We are pensive about recommending engagement for fear of misleading Traditional Owners about the commitment of government. We further seek bipartisan commitment.

Fourmile and Marrie (1996), Smyth (1999), Sea Forum (1999) and Smyth (2000) provide good key references relating to this study. They contain many pages of recommendations from numerous consultations, which for the most part remain unimplemented. We advise reading these rather than restating them here. They represent a powerful collection of aspirations. We are not aware of a single Indigenous representative in the entire nation that works exclusively on sea matters at a strategic level and would be able to pursue the recommendations already on record. We do however acknowledge Commissioner Rodney Dillon's role in representing Indigenous sea issues as an ATSIC board member. Balkanu has tried for three years to get funding for such a person just for the Cape York region, that has over 2000 km of coastline, a rich diversity of cultural groups, enormous tracts of ocean and reefs and considerable interest in economic development.

Indigenous peoples certainly cannot be accused of not trying very hard to gain a substantial place in saltwater management as is laid out in a chronology of initiatives mentioned above (Smyth 2000). They can be accused of losing faith in a system that has either not provided implementation resources or reallocated funding as political pressures have changed. This has had serious repercussions reaching into the core of

Indigenous society and has severely compromised desires to cooperate with agencies and reinvest energies.

Indigenous people now have the challenge of finding a place within power structures governing management that have developed in their absence from the decision making arena. Meanwhile in many instances the practical capacity to become fully fledged managers and/or rangers (as required by mainstream processes) has been a victim of those circumstances and delays in engagement. George et al (2004) have captured a long held Aboriginal desire in their approach to the CRC Reef Research Centre Co-management task by alluding to “starting as you mean to continue”. We have heard this expressed many times by Traditional Owners but in terms that have fallen on deaf ears. “This is our country, we know our country, we know what we think is bad for our country, we have plans for our country, we want to look after our country. Why don’t they tell us when they start, not when they are finishing?” We have seen agencies come up with ideas, some good ideas, but then they are forced on the very people the agencies are going to rely on to have effective protection and sustainable development. There is a belief held by some that agencies come to communities only when they need something. Consultation and negotiation processes are frequently under budgeted and subject to impractical political timelines, generally to do with election promises.

We believe that there is a deal of philosophical ground to be made up in Australia. It is an unfortunate reality that while joint management of wildlife and fisheries was being discussed in Canada the right for Aboriginal people to vote was being discussed here. It appears that agencies have at least to some extent evolved a degree of guilt and/or recognition of Indigenous people in recent years. The issue now seems to be entrusting Indigenous people and their organisations with responsibility, possibly because government is afraid that any investment they make will be insecure. We believe agencies have to take that risk, at least to some extent. Everything else appears to have met with limited success so far. Agencies have not been able to patrol their estates very well in the far north.

On the positive side Balkanu recognises significant shifts in government institutional thinking. Some of this shift we feel is precipitated by new thinkers and thinking within organisations with government management mandates. This change partially is generated simply by people actually listening to what Traditional Owners have been saying for a long time, reengineering it and making it available to policy makers and the public in a form to which the latter are accustomed. Traditional Owners continue to appeal to the bureaucracy with some result because they are insistent, they have obligations to care for country and it is a just cause. Some senior managers are being influenced by younger officers coming through the ranks as well as taking fresh approaches themselves as they become aware of Indigenous circumstances and know how and what is offered by some traditional management approaches. Some changes in agency attitudes are purely in response to increased recognition of Indigenous rights by the courts. A possible example of the latter is the legal existence of section 211 hunting and fishing rights under the Native Title Act and exemptions under the Fisheries Act 1994. Policy makers and advisors are coming to the realisation that management partnerships are not out of the ordinary in other countries and are not mediocre outcomes nor excessively compromising mainstream management aspirations. These are central issues in a policy environment where agencies want to manage fisheries, listed species and biodiversity. Prioritising co-management negotiations with native titleholders is important if “no take” protected areas can only exist if the Traditional Owners relinquish their rights or are compensated for losses. Traditional Owner compliance is in many instances voluntary. It would seem that arrangements beneficial to those with rights and interests should be very high on agency agendas. The need to enter into solid management partnerships has been visible for well over a decade yet co-management has been slow in coming.

It appears that the tide is turning slowly in favour of Aboriginal management involvement although vast amounts of time, energy and knowledge have been lost while Indigenous people have been waiting and fairly ungenerous government attitudes

have persisted in relation to the Indigenous share of marine wealth and management. Pockets of support are emerging in academia and in government. Some agreeable statements are being made by the CRC Reef Research centre Co-management task through their paper (George et al 2004), and talk about partnerships in the “Looking after country together” (DNR&M, 2003) is supportive although as an organisation we believe the latter is firmly anchored in the government arena whilst borrowing heavily on Indigenous intellectual effort. These acknowledgements are good but more responsibility and recognition needs to shift to community people and their representative organisations. Indigenous people want “more black faces in the brain storming and decision making crowd”. (We refer the reader to Pearson 2000).

In the previous paragraph we mention that Balkanu as an organisation recognises a shift, a willingness to improve Indigenous participation by some within management agencies if not whole agencies. However it is not we as an organisation that needs to be impressed or assured, it is Aboriginal people on the ground. That has not been achieved. The past is littered with the wrecks of policy shifts and top-down management attempts, and this effort by the CRC Reef Research Centre we believe is a better process than most. The chief reason for our involvement in this research project was the approach taken, the time provided and of critical importance, the engagement of an Aboriginal research assistant.

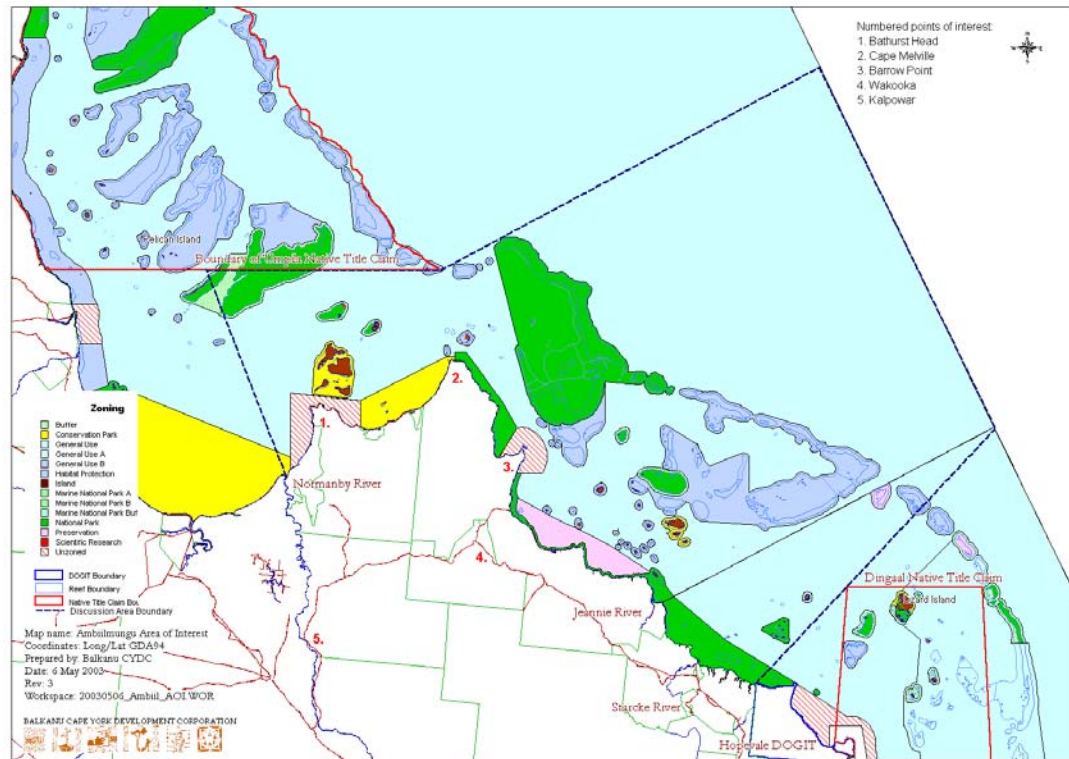
In taking on this case study with Ambiilmungu Ngarra we considered that it involved risks. The risk for Balkanu is engaging the community in an idea that may not be supported by its originators or partners in the long term and the risk for the Traditional Owners is agencies going back on commitments. There are also risks for agencies in having a solid commitment at the Indigenous end, and these commitments would need to be secured through negotiation. We are mindful that this study may well trigger an expansion of the project; in fact we are keen for that to happen pending Traditional Owner sign off.

1.3 The case study area

It is our experience that the larger the scale of the representative process the more costly, complex and political it becomes, and as such vulnerable to both lowest common denominator outcomes and manipulation. At the same time it is useful to agencies to have a hierarchical Indigenous representative system where they can go to a peak body or one person and do business. This is an ongoing problem for agencies. Aboriginal people find it difficult to conform with western style representative structures. There comes a time when Traditional Owners want to break away from processes they believe are compromising their interests, and this includes individual clans within larger amalgamations. Clearly the best results will come from situations where the regional and local aspirations accord with each other but this is not always the case, nor should that be expected to be the case. Better outcomes might be expected if groups are given the information, consultation and negotiation resources, then left to develop outcomes. The Ambiilmungu Ngarra area provides an example where there is general consensus across a large area of land and sea country. Clans and families are free to choose how they move in and out of processes that suit groups at the time. Indigenous groups have their own ways of discussing these matters. Balkanu's role is facilitation.

In the case of Ambiilmungu Ngarra the chief decision making power rests with the executive of the corporation which has seats for each of its component clans.

The area under consideration in this study extends from the Normanby River in Princess Charlotte Bay, to Pelican Island to the north and intersects a nominal line describing the Umpila native title sea claim. The area follows that claim boundary and then extends northeast to the eastern boundary of the marine park, follows that boundary south and then follows a line south west to Lookout Point so that it touches the corner of the Dingaal sea claim. (See Map 1)



Map 1: Ambilimungu Ngarra area of interest in detail. (Dotted line)

Importantly, the area as described includes part of the Far Northern Section of the Great Barrier Reef Marine Park, and the Cairns section. As the Cairns Section has a plan of management already there might be complications if Traditional Owners were to maintain their desire to consider the region as a single unit, as described here. *The area described is not intended to imply the maximum extent of indigenous interest in the region. Native title has been interpreted legally as potentially penetrating to the full extent of Australian sovereignty which would include the Exclusive Economic Zone (EEZ) (Gary Meyers pers comm.) and therefore a management right. These are academic questions which have not been considered in any detail here.*

2. Context of the study and the area of interest

2.1 Introduction

The case study area has been chosen for a number of reasons. First and foremost, the Traditional Owners are concerned about their sea country; they have voiced their

concerns and consider that there has been more talking than action. Several protected areas have been declared over their lands and seas already. (Lakefield National Park, Cape Melville National Park, Starcke River National Park and a number of island national parks). Many of the persons at the State level are known to each other.

The Ambiilmungu area represents one of the most important dugong habitat and hunting areas in Australian waters and indeed the world. Traditional Owners are concerned about dugong, but not only dugong. Hunting has been the primary driver of interactions between themselves and the agencies rather than agencies finding broader solutions to broader sets of issues through co-management. Traditional Owners are concerned that if the dugong and turtle issue is solved politically for agencies, that other aspirations of Aboriginal people will be dropped. Traditional Owners are not satisfied with the current ability of agencies to care for native titleholders' legal inheritance and want to do it themselves.

There has recently been work done by Balkanu and Cape York Land Council on what has become known as the 'Kalpowar aggregation' bounded to the west by Lakefield National Park and to the east by Cape Melville and Starcke National Parks. Kalpowar (a cattle property as Lakefield was) is currently unallocated state land. This area has been selected for property planning and also the State expedited tenure process which seeks to reach outcomes for land management and ownership in the region, including a negotiated agreement on which areas become national park and which areas become Aboriginal freehold. Balkanu and CYLC are undertaking this project with significant progress being made in negotiations with QPWS/EPA. QPWS also have major interests in state marine jurisdictions and islands within and adjoining the GBRMP. Some islands are subject to claims under the Aboriginal Land Act or have been successfully claimed. This should provide significant inducement to agencies to make some serious attempts to provide benefits to Traditional Owners through co-management arrangements in their favour.

Traditional Owners have recently reoccupied the Kalpowar homestead that had fallen into disrepair since 1995 and are actively managing the land. The Lakefield, Melville and Starcke National Parks have been the subject of considerable work and successful claim by Traditional Owners and the anthropology is relatively well understood and has significant links with this case study area. The expedited tenure process provided further anthropological information that could support the authorisation processes required for certain co-management agreements. We are aiming to value add to that work by selecting candidate areas with the fewest obstacles to a co-management process and where some lead work has been done. We hasten to add that land is different from sea, and that further work may be required.

A further reason for selection of this area is that Ambiilmungu Ngarra Traditional Owners are seriously engaged in government negotiation processes and speak directly with agencies about these matters. Links between Balkanu and CYLC staff and the parties are well established and each is aware of the others' position. Balkanu and CYLC have other formal links with Ambiilmungu Ngarra Traditional Owners. The Ambiilmungu Ngarra peoples have been proactive in finding funds for land and sea management bases at Kalpowar and Wakooka and are seeking further support for centres at Bathurst Bay, Cape Bowen and Jeannie River in order to exercise some control over their country. These constitute significant contributions to a potential management partnership.

Ambiilmungu Ngarra has been proactive in establishing a regional Community Development Employment Program (CDEP) with set work plans. These work plans could be extended to saltwater activities under a co-management or even sole management arrangement. The CDEP initiative is further supported by a hard won Community Job Program that acts to top up the two days of CDEP to provide a full week's work for some people. If these programs were further supported by agency contributions the makings of co-management appear to be there. However, one Traditional Owner made it abundantly clear that agencies themselves have a major

responsibility to find funds and it is not the role of CDEP and other indigenous funds to prop up core agency obligations.

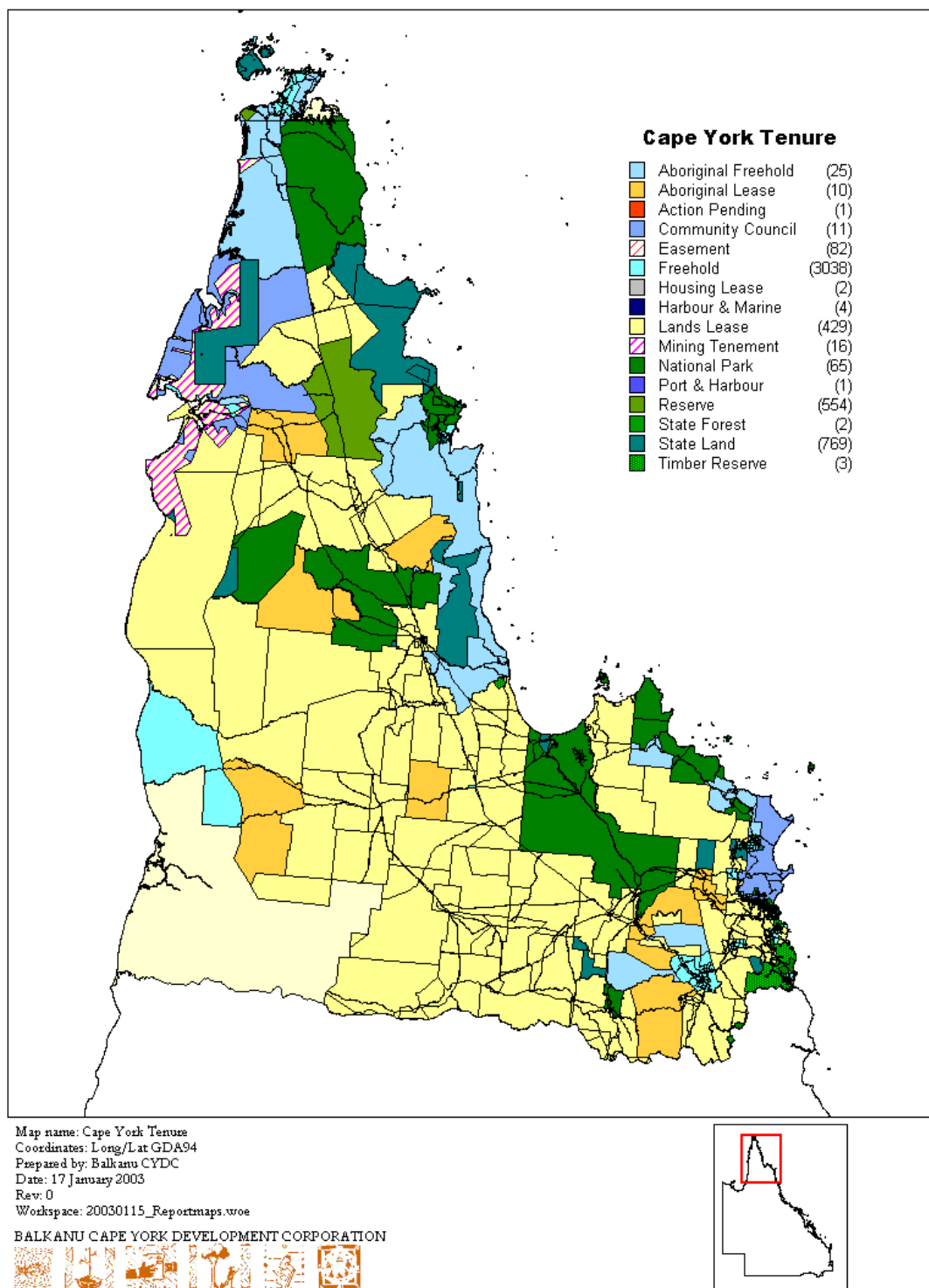
Traditional Owners hope to value add to the considerable achievements to date relating to land interests. They are working with the same ideologies on land and in the sea. A deal of the philosophy and intellectual direction involved in relation to co-management on land is already known to the QPWS and can in turn be relayed to GBRMPA for application to the sea.

Balkanu, Cape York Land Council and NHT have been working together on the establishment of subregional strategies and are well down the path of developing ideas for land and sea centres in the Ambiilmungu Ngarra region.

One of the most important dugong areas left in the world is to be found in the Ambiilmungu Ngarra region and is the subject of a major management effort. We believe that a good co-management outcome for the region as a whole will significantly reduce Traditional Owner, agency and researcher concerns and further that the tactics used by each need to complement each other.

Traditional Owners are mindful that providing outcomes solely for hunting might compromise their negotiating power where they are seeking broader outcomes because they have grown accustomed to processes based on political agendas being pursued only to the point that they satisfy politicians and are then dismissed. They have been witness to much planning and talk and not much implementation. The clear shortfall in management capacity on the ground and water in both QPWS and GBRMP estates is testament to this (Gall 1994).

2.2 Extent of Aboriginal lands

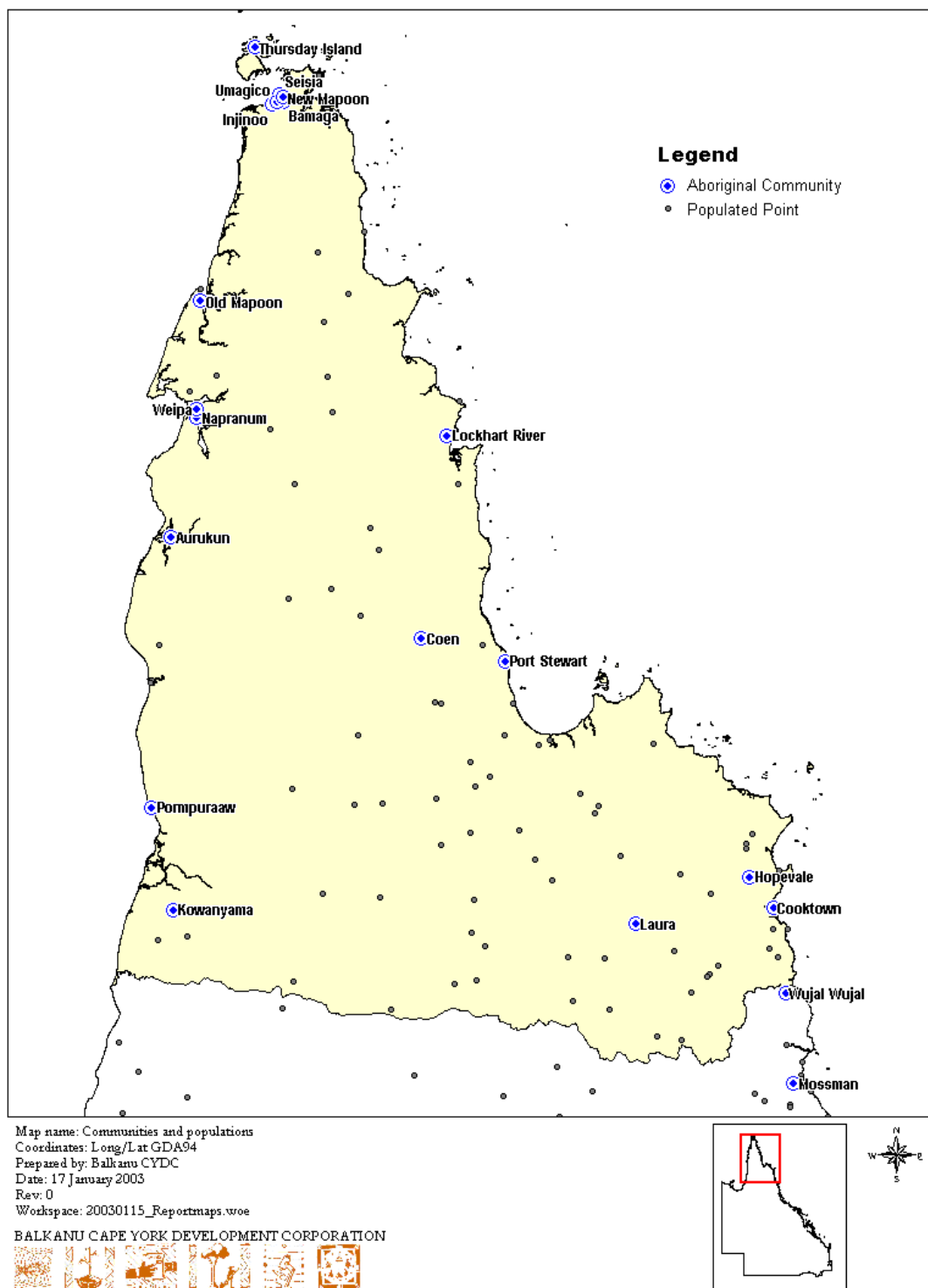


Map 2: Cape York land tenures

A large proportion of Cape York is claimed or claimable land, and control of that land can potentially regulate access to waters. Importantly, control does not mean preventing access, a perception that has been abused politically and in the media causing unnecessary friction in the broader Australian population. Aboriginal people seek fair dealing and participation. Cape York has a majority Aboriginal population which is not adequately reflected in political, consultative and negotiating structures. In the majority of cases they are the only people on country and justifiably argue for significant roles in caring for country and voices in mainstream management.

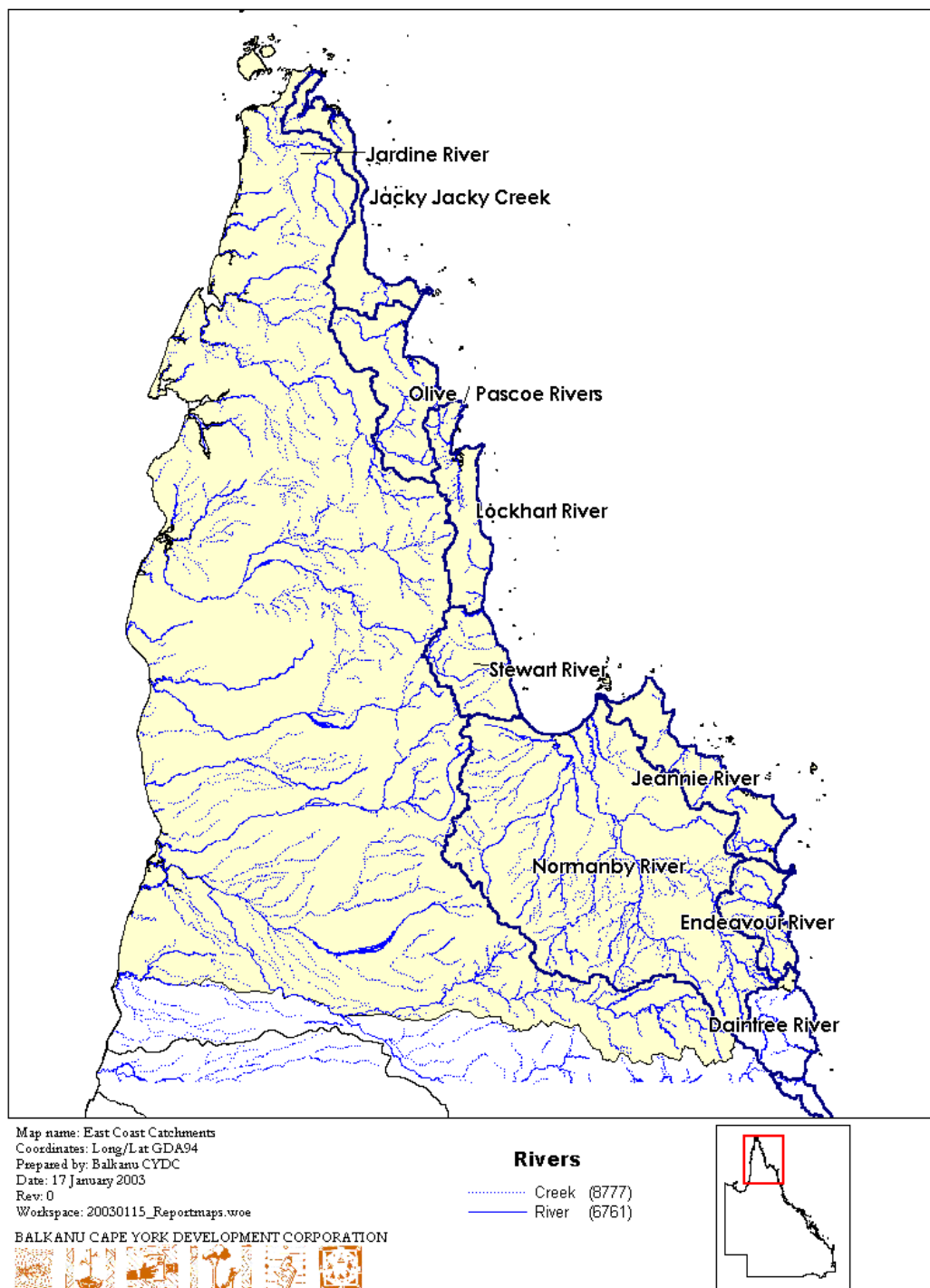
2.3 Communities and populated points

Map 3 shows communities and populated points on Cape York. The majority of the named communities are Indigenous communities. They are a long way from agency administrative centres and are supported by other infrastructure, and thus are well positioned geographically to provide subregional co-management hubs.



Map 3: Communities and population centres

2.4 Catchments



Map 4: Catchment boundaries of Cape York, showing the relatively small surface area influencing the GBRMP. The Normanby catchment into Princess Charlotte Bay is exceptional.

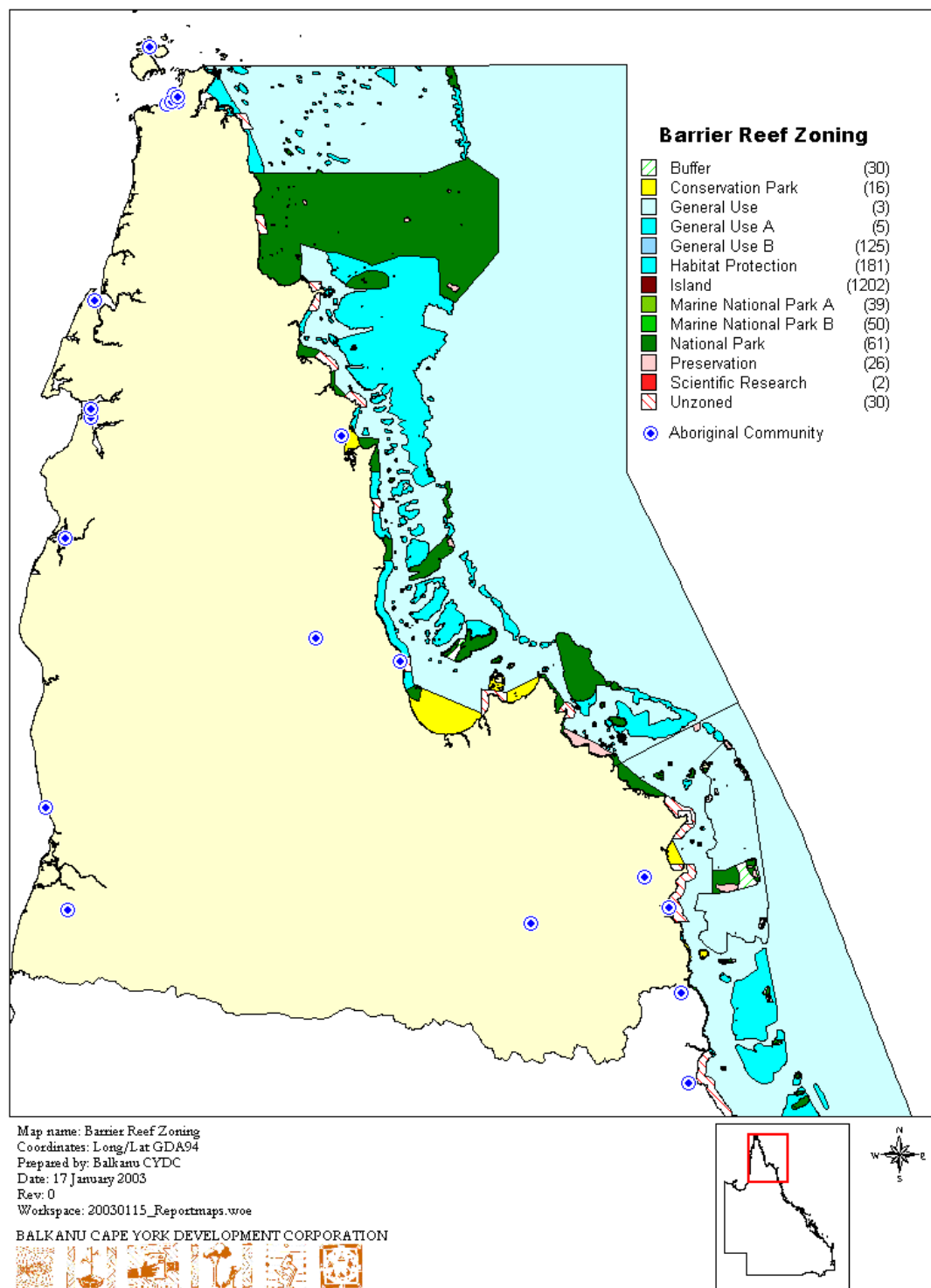
We include this map to demonstrate an understanding of the hydrodynamics of the region. Aboriginal people acknowledge catchment-based rationale and are alert to the consequences of land-based activities on the sea. The relationship between land and sea is central to the holistic view of country taken by Aboriginal peoples generally and concerns about water quality, fisheries and the environment.

2.5 Roads



The roads shown in map 5 are often impassable in the wet season. The point being made is that vast regions of the coast are only accessible by boat and once again the relevance of Aboriginal people in operational management is clear. The ability to patrol the sea is important, and resident Aboriginal communities provide an excellent opportunity to increase the extent and quality of marine management.

2.6 GBRMPA zoning

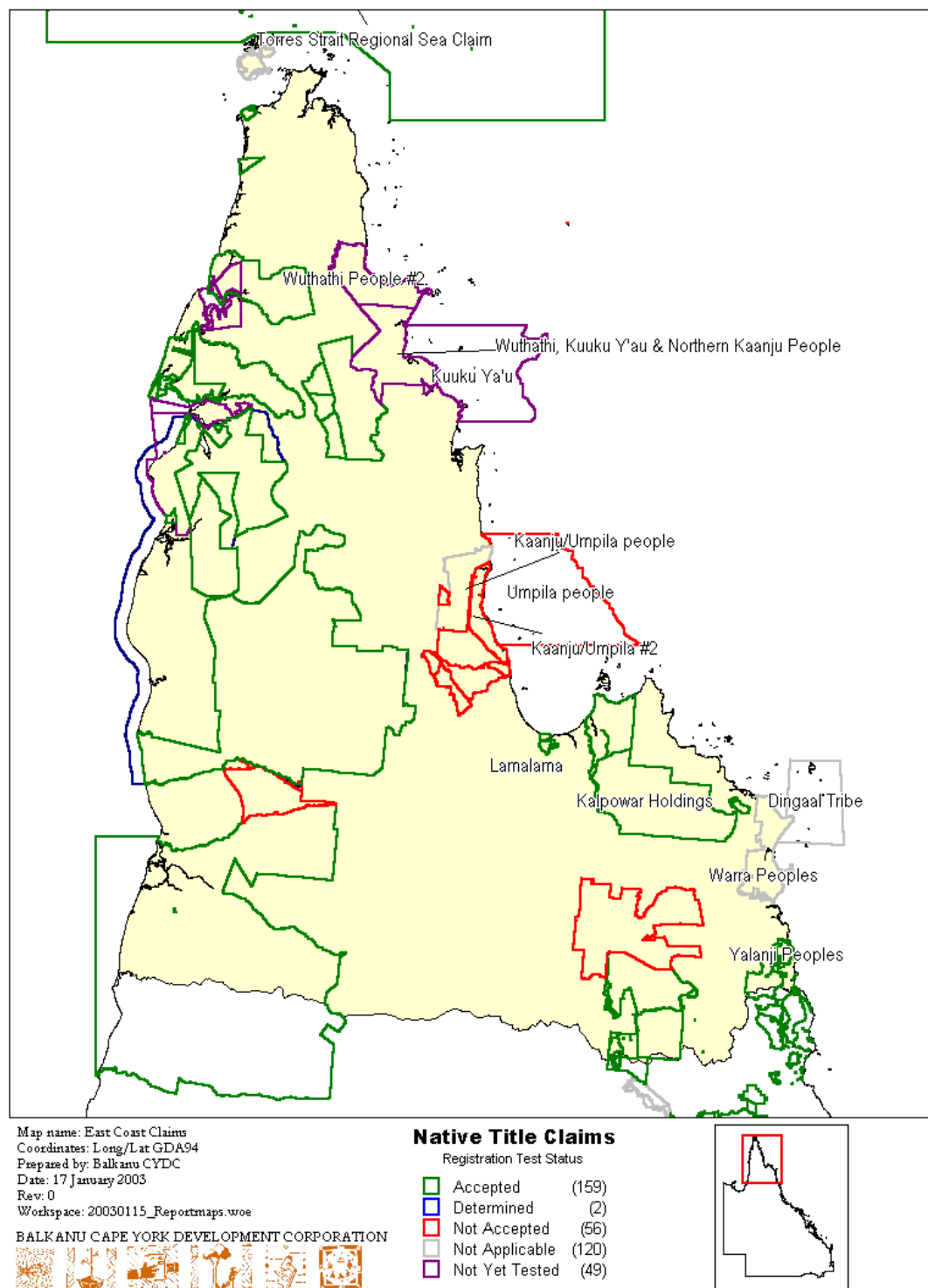


Map 6: Zoning of the GBRMPA in the Balkanu/CYLC region (as at 2003, prior to the Representative Areas Process).

In 2003, 17% of the Far Northern Section was in highly protected areas. This was approximately 12% more than in other sections but 7% under the GBRMPA ideal as suggested by the Representative Areas Program (RAP) at the time.

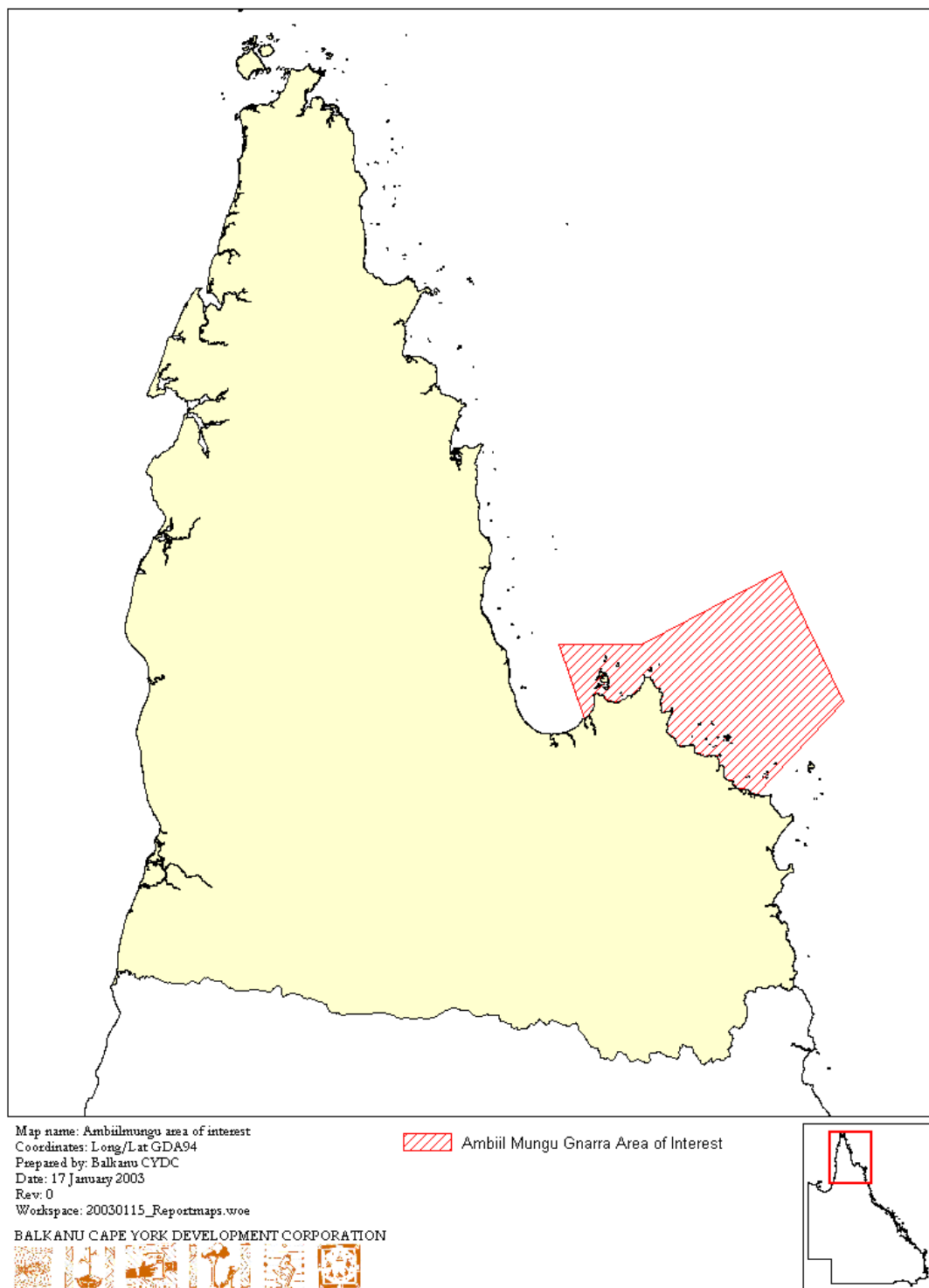
In relation to the Ambilmungu Ngarra area there are certainly some issues to be discussed on this subject, in addition to those concerning anchorages, water quality and hunting. We have in the past been critical of issue based reviews and consultations and believe it is time to consider a holistic or integrated view of a particular cultural and geographic space.

2.7 Native Title Claims



Map 7: Native Title claims on Cape York and Torres Strait (as at 2003)

2.8 Area of Interest



Map 8: Cape York context of Ambilmungu Ngarra area of interest.

The dimensions of the Ambiilmungu Ngarra area of interest (Map 8) are approximately 140 km in a north south axis and 180 km in an east west axis. This covers an area of some 12,140 square kilometres. It is worth contemplating the sea conditions that would be encountered and the boats required to patrol this area according to season, distance offshore and distance between land bases.

Importantly this area of interest contains a number of island national parks successfully claimed already and islands claimable under the Aboriginal Land Act. , There is a very important dugong area in this region, and a number of other characteristics such as estuaries, mangroves with their fisheries, that will have to be considered in any co-management plan. It is noteworthy that areas that do not allow commercial activity, or severely limit extraction for economic gain (such as green and yellow zones) take up almost the entire coastal sea area of the Ambiilmungu Ngarra region. During the RAP process we argued that a RAP zoning plan which may recommend new highly protected areas, would need to respond to economic development aspirations. Achieving this would have been much easier in a co-managed environment. We believe that there is a case to reduce protection in some of these areas to accommodate Ambiilmungu Ngarra commercial aspirations in the sea. A complicating factor though is that if areas are opened then all users will be allowed to access the resource as the law now stands. This raises the issue of exclusive use areas for Traditional Owners who clearly have a special interest in the area, the part such arrangements might play in sustainable use and biodiversity protection and the practicalities of targeting such outcomes through agreement or new zoning categories.

3. History of dealings with agencies, and some Cape York co-management issues

3.1 Introduction

Although it would be tempting just to forget about the negative experiences documented here we believe retelling some of them will be useful in this case study because they are important background in the struggle to share management. They

address the first dot point in the list of case study aims by sharing experience. Another reason to retell some of the history is that many of the agency staff involved in this promised “new era of management” have limited corporate history, so this document may serve to brief them on what has gone before. The only permanence in these processes is in the form of Traditional Owners themselves, whose presence is unchanging.

Cape York has a long history of government involvement in Aboriginal affairs and management of resources on Cape York. The past has been written about at length and new ways of proceeding have been instigated on Cape York (see www.capeyorkpartnerships.com, www.balkanu.com.au and Pearson 2000). The outline of government dealings here will focus briefly on the GBRMPA, EPA/QPWS and the Queensland Fisheries Service (QFS). As we explained in our introduction, we believe it is useful to recount this history to explain the degree of cynicism of many Traditional Owners, and to assist with the inevitable losses in corporate memory which result from turnover among agency staff.

The eastern seaboard of Cape York comes under the jurisdiction of the GBRMPA and the QPWS. The QFS is responsible for state fisheries under the Queensland Fisheries Act 1994. Commonwealth fisheries exist off shore. At some time we expect the National Oceans Office (NOO) management planning process to begin on the east coast.

Both the GBRMPA and QPWS have Indigenous liaison staff and DPI&F (QFS) has employed Indigenous trainees but we are not aware of any Indigenous staff in the senior management sections of the latter.

3.2 The Great Barrier Reef Marine Park Authority (GBRMPA)

The Authority was established in 1975. An Indigenous Liaison Unit within the GBRMPA was established twenty years later, in 1995, and was renamed the Indigenous Policy and Liaison Unit in 2001. The GBRMPA has had a very strong focus on dugong and turtle

management, largely to the exclusion of broader Indigenous interests and management solutions until relatively recently.

A review of Marine Park Authority decisions might be useful in throwing some light on the evolution of the handling of Indigenous issues at the Board level but perhaps it is best to move on and spend the money on the ground. The legal and political landscape has changed substantially since 1975 and indeed since 1995, which has tempered the ability and will of the GBRMPA to take actions that might have positive or negative repercussions for Aboriginal peoples on Cape York.

3.2.1 Far Northern Section rezoning process

During the Far Northern Section rezoning process starting in 1994 the ILU (Indigenous Liaison Unit), aware of the strong Aboriginal presence and the desire of those people to participate and voice their opinions, developed the idea of creating a “senior policy group” which would provide the core consultative mechanism for the rezoning. It was our understanding that some funds had been put aside for its establishment and function. However for various reasons at about the time of the 1996 federal election, the GBRMPA decided to reallocate those funds. The concept however was taken up by Cape York Land Council because it had been supported to some extent by the GBRMPA. CYLC modified the concept to appeal to a new funding source and put an application to Coastcare. Coastcare found the required funding to run the initiative beyond them and referred us to the Natural Heritage Trust (NHT - at that time this was the National NHT as opposed to the Cape York specific NHT). This proposal would have seen eleven senior Traditional Owners from recognised east coast clan groups and/or incorporated expressions of those clans, meet regularly with the chair of the GBRMPA, chair of the then Queensland Fisheries Management Authority (QFMA), Executive director of the then Department of Environment and Heritage (DEH) and the Director of the then DPI Fisheries.

Along with letters of support from those agencies, the application was put to the NHT and after initial approval, was withdrawn by the Federal minister for unknown reasons, leaving Aboriginal people with no Cape York regional sea issues forum. The GBRMPA did however dedicate significant resources to Indigenous consultation towards the review of the Far Northern Section of the Great Barrier Reef Marine Park which included a Marine Park Authority decision to fund two management plans, one in the Injinoo region (in the northern part of the park) and one in the Hopevale area, the very area which is the subject of this study. Both the groups of Traditional Owners and CYLC were looking forward to perhaps progressing on some co-management issues. These funds were however withdrawn for unknown reasons while the MPA board undertaking to fund these two management plans remains to this day as far as we are aware.

The rezoning of the Far Northern Section began in 1994 with various undertakings being made by the GBRMPA chairman at the time, and with some fanfare in the Northern Peninsula Area (NPA) (which falls within the lands and waters of peoples now mainly based at Injinoo at the top of Cape York).

Cape York made a bid for some of the GBRMPA FNS rezoning funds to buffer what was seen as a potentially one sided interaction, driven by a strong conservation philosophy with the statutory authority which was keen to make the most of the marine park's icon area, the Far Northern Section. The GBRMPA would have direct access to Traditional Owners in what the Cape York Land Council perceived to be a difficult political climate and where Traditional Owners did not understand the rationale for the zoning - at least not to the extent that Cape York Land Council, charged with responsibilities to their constituency, were comfortable with.

The Land Council was keen to engage in management to stimulate agreements in favour of Aboriginal peoples of Cape York and provide comfort to government that Aboriginal people recognised the values of broader Australia as well as wanting to bring their own

values to the management mix. Native Title was quite new with the Commonwealth Native Title Act passed only in 1993. The Land Council was experienced with Indigenous people and was after some coaxing engaged to consult with Injinoo and Lama Lama peoples (Port Stewart). The GBRMPA concentrated on Lockhart River and Hopevale.

The rezoning was to proceed in concert with the DEH because the DEH, as well as being the day-to-day managers of the Marine Park, had complicating areas of jurisdiction which included the so called “exclusion zones”, areas between high and low water mark and areas upstream from lines closing certain bays and rivers, following what is known as the “baseline”. Whilst the intention was good the DEH and GBRMPA diverged a couple of years into the process with DEH returning at the end with a single and largely unconsulted zoning recommendation for their jurisdiction.

At the time, 1994-96, it would be fair to say that the general thrust of Aboriginal intent and aspirations was to keep outside interests and pressures away from their local areas so that they had access to subsistence resources in a non-competitive setting, to promote conservation and to protect cultural interests. Since then some very significant events have occurred which we will detail later, except to say that local economies have become important (Roberts and Wallis, 2002).

After significant delays in the rezoning process a draft was eventually presented to the federal minister who saw fit to unilaterally change some of the GBRMPA planners’ zoning recommendations. The minister also insisted that the east coast trawl fishery, under the jurisdiction of the QFMA (later QFS), be restructured. The minister was concerned that trawling was not sustainable and that it was a questionable activity in the GBRMP. The minister declared that trawlers would need to seek permits to fish in the GBRMP unless the industry reduced fishing days significantly. It fell to the QFMA to accomplish this complex and very political task.

The Far Northern Section was eventually gazetted in April 2002 after eight years in the making. In the meantime the Aboriginal people of Cape York had been waiting patiently for their recommendations to be implemented and felt somewhat betrayed by the delays, and by decisions from Canberra that rode roughshod over what they had understood to be a process that was to be consulted in full. The issue of Traditional Owners requiring permits to fish and hunt in their country and the declaration of a full yellow zone (a zone disallowing aquaculture and allowing commercial net fishing below the low water mark in this case) in the Princess Charlotte Bay area were part of this perceived betrayal.

A contributing factor to Traditional Owners' disenchantment was a full turnover of GBRMPA Indigenous liaison Unit staff and little commitment to keep Aboriginal people informed. CYLC and Balkanu were placed in an invidious position and could not gamble on being parties to such unpredictability. Unfortunately GBRMPA officers bore the brunt of this disenchantment. It would be fair to say that staff of CYLC and Balkanu involved in this work were also compromised and were in some instances seen as collaborators in a trick.

It transpires that for a few years prior to the gazettal of the Far Northern Section in 2002, the GBRMPA had also been working on what is known as the Representative Areas Program based on the development of a system of no take areas that is representative of each bioregion in the marine park. This program could only be officially advanced once the rezoning of the Far Northern Section had been gazetted because the RAP includes the Far Northern Section. This meant that Aboriginal people were waiting for their rezoning recommendations, GBRMPA was waiting for settlement of the trawl issue in order to gazette the rezoning, and the RAP was waiting for the gazettal of the FNS to officially embark on the Representative Areas Program. All the while Aboriginal people were not aware of these issues. This was further complicated by the complete turnover in Indigenous Unit staff alluded to above. Balkanu knew full well what the implications

of the RAP could be and could have brought the process to the communities early had they received the funding they had asked for.

3.2.2 Representative Areas Program

The Representative Areas Program (RAP) was for all intents and purposes a zoning review of the entire GBRMP based on bioregional mapping, maintenance of connectivity of biological processes and to a lesser degree we believe, seeking social outcomes. As an organisation we had been lobbying GBRMPA for more than two years about the RAP. We had warned of potential problems that could upset some quite sensible government ambitions if the program was not rolled out appropriately. We sent an expression of interest and quotation to the GBRMPA in an attempt to inform our constituency, including the Ambilungu Ngarra group, early in the process. We were in a situation where we would have liked to encourage management partnerships on one hand but were not sure at all of what the RAP might recommend. We were assured that funds would be set aside for Cape York Indigenous involvement in the RAP. We had been concerned that expectations of the RAP will go the same way as the funds set aside for investigating co-management in the Injinoo and Starcke River regions during the rezoning of the far northern section (1994-2002, see above).

We had argued long and hard for the resources to be available to translate these important RAP concepts to Aboriginal people, and also to capture the knowledge of Aboriginal people with a view to informing the representative areas process. It is noteworthy that the rezoning of the Far Northern Section (FNS) of the GBRMP took 8 years in spite of the efforts of dedicated GBRMPA staff. Fortunately and unfortunately the priorities of coastal Aboriginal people and their support organisations have changed substantially over that period. Fortunately, because Aboriginal people hope to have the opportunity to develop realistic and sustainable multiple use at the “sea country” scale, and unfortunately because they are disenchanted with agency management, political processes and broken promises. “When will you come back” is a common concern.

In summary, we have seen a strong interest in turtle and dugong management from GBRMPA. There have been efforts to accommodate Indigenous interests in the GBRMPA structure and there has been some commitment to co-management although funding has waxed and waned. The Representative Areas Program (RAP) is now complete, although Traditional Owners are not satisfied that they had the opportunity to fully contemplate economic aspirations in the context of the new protective overlays nor contribute traditional knowledge. The Indigenous Policy Liaison Unit (IPLU) is functioning at full capacity again and in recent months the potential of Traditional Use Marine Resource Agreements (TUMRAs) has been proposed. These may provide an additional mechanism for addressing co-management. However, the Amibiilmungu Ngarra Traditional Owners are wary and will be looking for tangible benefits as an indication of commitment from agencies.

3.3 Department of Environment and Heritage, Environmental Protection Agency and Queensland Parks and Wildlife Service.

The Queensland Department of Environment and Heritage, now the Environmental Protection Agency (incorporating the Queensland Parks and Wildlife Service) have been what are called the “day to day managers” (DDM) of the Great Barrier Reef Marine Park. Their role in the Marine Park overlaps to some extent with the role of national parks on land, particularly in the Cape York area. Aboriginal people would like to be involved in and paid for a day-to-day management role in State and Commonwealth jurisdictions as they pertain to the Great Barrier Reef and its catchments.

The history of the EPA/QPWS is indicative of the absence of long-term dependable policy direction and commitment from governments for Traditional Owners or their organisations. The organisation has been subject to restructuring at almost every state election and occasionally with change of Director’s general. Aboriginal people find it very difficult to make arrangements on such shifting sands and do not know where to invest their energies. It is our view that this lack of certainty brought about by political

inconsistency has created distrust at a serious scale. Some of the major changes are listed here.

The QPWS marine Indigenous liaison function pre-dated the land function with the establishment of a two-person facility in Cairns dealing almost exclusively with hunting permits. This again demonstrates the political primacy of turtle and dugong hunting and perhaps a reluctance to take on the whole co-management question. In the past there have been Aboriginal rangers on Lakefield, and infrastructure at Cape Melville that has been removed and has not been replaced at this time.

In 1991 a land unit was established in the Cairns office, which addressed issues pertaining to the Aboriginal Land Act and claimable national parks. Activities continued for several years with impasses relating to the structure of boards of management and instant rent free leasebacks, still major sticking points generally and particularly topical in the case of current Ambilungu Ngarra land negotiations. This makes the Traditional Owners sceptical about what might be achievable in the sea. The Indigenous function of the Cairns office of the then DEH was later named the Aboriginal and Torres Strait Islander Land Interest Unit, with two staff being engaged as DDM staff.

In 2000 the Land Interest Unit amalgamated with the Indigenous DDM liaison staff to become the Indigenous Joint Management Unit. The implications of the name were apparently inconsistent with the development of Indigenous Land Use Agreements after 1998, and the name was “not working” politically. The Department created the Indigenous Conservation Coordination Unit.

Subsequently the whole of the QPWS was rearranged to have a district focus which created staff movements and changes in line responsibilities. In early 2003, the coordination unit joined up with the Cultural Heritage arm of the EPA in Cairns to become the Indigenous Engagement Unit, which has a parallel in Brisbane.

All the while the department has provided support, if limited, to groups on the ground by way of safety gear for boats etc. However there are clearly shortfalls and constant changes in the Indigenous liaison interface. These reflect the changes in government attitudes to co-management. Traditional Owner frustration is inevitable.

Traditional Owners are concerned that talk of co-management in the sea is just more of the rhetoric that they have become accustomed to. There is therefore a danger of “consultation” becoming real drudgery for all concerned. Generally the view is that unless parties see practical benefits from participation, there are real questions about the value of seeking more opinions. Meanwhile legal solutions to co-management are also still a way off.

3.3.1 State marine parks

As has been mentioned above, there was an intent by the State to keep pace with the GBRMPA FNS rezoning but that never quite came to be. We have been told that this relates to agency resourcing problems. We are aware of reports that make it clear that the State, whilst having good intentions, is perhaps over extended in its ability to manage national parks on land and that there is reason to have the minister concerned recognise this and additionally seek joint initiatives with the Commonwealth including funding (Gall 1994).

Clearly the role of Aboriginal people as potential on-ground managers is important here and could fit very well with the current drive for jobs on Cape York. Some moves are being made in that direction but greater efforts are required. We believe that the State government should concede that it does not have the capacity to handle its estate and should outsource some of that work in the form of management partnerships.

The so called “Exclusion Areas” or white areas excised from the GBRMPA zoning plans to be available for port development have been incorporated into the GBRMPA representative areas process. Two of these are in the Ambilmungu Ngarra region, one at Bathurst Head and the other at Barrow Point.

The State has designs for State Marine Parks on both the east and west coasts of Cape York, propelled by election promises. The latter is not a good reason for a marine park per se and there is a risk of generating more, not fewer, problems. On the west coast we presume that such parks could conceivably extend from the high tide mark to three nautical miles offshore and on the east coast from the high water mark to the low water mark where the jurisdiction of the GBRMPA takes effect although there appears to be some uncertainty about this. This might be a complicating factor when considering the interaction of State and Commonwealth legislation to arrive at a co-management arrangement. We need to consider if such problems can be avoided by having non-statutory management strategies that do not require the legal structures to be perfect from the outset.

Aboriginal people of course remain bemused by these jurisdictional issues that have no apparent relevance to the realities of “country” which includes land, sea, sky and spirit and fish that migrate up and down the coast and move from shallow to deep water.

In 2000 the EPA published a draft marine protected areas framework which for the first time that we are aware of in a state document, suggested that clan estates rather than bioregions might form the basis of marine protected area placement (EPA, 2000). This is in essence a good idea on Cape York although the scale of management area might need reconsideration. The EPA did make the point of saying that this was more relevant on the west coast of Cape York and Torres Strait than the east coast. We believe that this was a quantum leap in the agency vision for marine protection and that it has merit. It seems that the agency did not want to explicitly apply the same rationale to the east coast. This is probably for two reasons (1) the east coast has a significantly greater non-indigenous population further south and (2) there are some issues between the State and Commonwealth and the State may have wanted to restrict their comment to areas where there would be fewest complications.

We have always held to the view that if Aboriginal people could have the opportunity to do informed planning prior to government coming in with zoning, protected area and management arrangements, the process would be a whole lot easier for all. This amounts to Aboriginal people being able to have a proposition on the table for consideration rather than having to accommodate some really important issues later after a government mindset has developed. There has never been money for that.

3.4 National Oceans Office

The National Oceans Office (NOO) is charged with the responsibility of developing regional marine plans at the national scale. Although the South East Marine Plan (dealing with waters of Victoria, Tasmania and areas of New South Wales and South Australia) is not yet complete work has begun on the Northern Regional Plan which extends from Coburg in the Northern Territory, through the Gulf of Carpentaria, up the west coast of Cape York to the southern Torres Strait.

At some stage the NOO will logically be considering the North Eastern region where it will need to engage with the GBRMPA. There has been some mention of the jurisdiction of the GBRMPA being extended to the Exclusive Economic Zone. As mentioned elsewhere in this case study, we would expect that co-management with Indigenous peoples would be an issue to the full extent of Australian sovereignty.

3.5 Fisheries Research and Development Corporation

The Fisheries Research and Development Corporation (FRDC) provided the funds for what we consider to be the most important marine collaborative study yet on Cape York, the Injinoo Jewfish study (Phelan and Roberts, 2002). We have applied to their Human Capital program for a number of years for a Cape York Sea Issues Coordinator who would be useful in promoting arrangements such as Co-management. The FRDC however has not considered our request a priority, as funds are limited.

We do however see a possible future with FRDC and would look to progress matters of interest generally and in relation to Ambilungu Ngarra. One such matter might be resource assessments, and matching these with commercial aspirations. This would no doubt involve other agencies.

3.6 Indigenous Rangers

The issue of rangers has seen a long and mainly disappointing series of initiatives on the Cape generally. In the Ambilungu Ngarra region there are significant physical access issues, making agency surveillance of the seas difficult and costly, and giving a logistical advantage to local Aboriginal communities. By the same token most of the tourism activity is in the dry season when roads are open. Traditional Owners are concerned about visitors accessing cultural sites, driving over grave sites, damaging the environment through uncontrolled access and collecting and catching more marine resources than they need.

Agencies have been concerned about how compliance with fisheries and marine park legislation would work out in practice. A question plaguing enforcement personnel without knowledge of Indigenous local people and their affiliations is: "How is a Traditional Owner differentiated from a native title holder, from a Torres Strait Islander from another Aboriginal person or indeed from a Pacific Islander?" Currently the rights of these categories of Indigenous people are described differently in various sets of legislation. If Traditional Owners were on the water as rangers, much of the problem of distinguishing individuals and their resource rights might be overcome. This may assist in identification of people but agencies are also concerned about the legal and procedural training required to enable successful prosecution.

There are further questions relating to what types of penalties might be applied and to whom. Traditional Owners have their own ways of dealing with offenders, which may be preferable. The mere presence of Traditional Owners on the water may itself be a significant deterrent regardless of the official authorisations required by law to make an

arrest. It is further unlikely in a community situation that Traditional Owners would choose sanctions that would create excessive hardship for other community people. In the case of offences by non-Indigenous people, conventional processes could run their course.

The idea of honorary rangers has been contemplated on a number of occasions. Six rangers were appointed along the northern Great Barrier Reef in the late 1990's but provided little other than media coverage for GBRMPA as they were in practice powerless and had no resources. One described the situation as having a "horse with no legs". As far as we know none of these rangers are doing any ranger work and they are now disenchanted with dealings with agencies.

The Australian Customs Service at one stage had an arrangement which we thought had merit. This involved seven trained customs officers in the Torres Strait mentoring seven trainees who were able to exercise some powers under the Customs Act within 12 months (Christine Hyser pers. comm.). Each of these teams had a vehicle and a boat with which to exercise their authority, something that has not happened on the Cape to our knowledge. The 51st Battalion of the Far North Queensland Regiment also has longstanding partnerships with Indigenous peoples in northern operations and we would like to see management agencies follow their example.

Stumbling blocks to the establishment of a marine ranger program include acquiring legal powers of seizure, general licensing (coxswains tickets) and the cost of setting people up with the equipment to do the job. We would however like to point out that powers of seizure might not be necessary from the start. Rangers who wished to train to have full powers could do so over time. In the meantime Traditional Owners could accompany existing enforcement officers and acquire skills requiring shorter term training. The problem in the Ambilungu Ngarra area as it relates to working with existing surveillance and enforcement capacities, is that scheduled surveillance is

intermittent. We believe that in many instances a mere presence of Traditional Owners on sea country would be a deterrent.

A number of issues have led to less than favourable outcomes in the area of “rangers”. These range from lack of resources for implementation from agencies, inability of trainees to keep up training for various reasons, no real hardware provided to do the job required and perhaps an incorrect conceptualisation of the role of a ranger as it relates to Indigenous communities. Perhaps Indigenous rangers do not all want to be “enforcers” and would prefer monitoring or other roles. There is likely to be a continuum of aspirations that fits well with the concept of equity in compliance involvement, while other parties perform different roles.

3.7 Oil spills

There have been a number of incidents that have seen the need for agencies to interact with Traditional Owners of the areas affected by ship groundings. The Department of Transport was engaged in an oil spill contingency plan that was considering the provision of sheds, boats, training etc at key sites with airstrips. Such infrastructure could have been conscripted for other purposes also, including compliance. Nothing has come of this yet however a potential remains. Emergency services have also considered the possibility of regionalised facilities on Cape York and have a trial project in Lockhart River.

Aboriginal peoples are very concerned about the potential consequences of groundings and Balkanu have summarised some of these concerns in a paper delivered to the Spillcon Conference in Cairns. See <http://www.balkanu.com.au/media/papers/gp-cr-8-98.htm>

We see here a need again for departments to co-ordinate, as advocated by Cape York Partnerships.

3.8 Fishing

Fishing constitutes a very major interest for Aboriginal peoples on Cape York whether it is subsistence fishing, commercial fishing or conservation of fish. The QFS, formerly the QFMA, manages Cape York inshore fisheries. This agency is of major relevance to Aboriginal fishing interests, having been involved in the administration of the Queensland Aboriginal and Torres Strait Islander Fisheries Strategy.

It required a good deal of persuasion by Cape York Land Council to eventually get at least the Queensland strategy on the QFMA table in Jan 1999 (Smyth, 1999). The process has a chequered history starting with the establishment of the National Indigenous Coastal Reference Group (a 1993 National Coastal Zone Inquiry recommendation), since unilaterally disbanded by the Liberal/National government. The QFMA Board was also disbanded in mysterious circumstances at the height of the east coast trawl restructure. The East Coast trawl restructure was linked to a Commonwealth ministerial desire to decrease trawl effort in the Far Northern Section of the GBRMP, which was under review at the time. The QFMA was reconstituted some time later as the QFS.

Unfortunately the QFS has not assumed any responsibility to implement the Aboriginal and Torres Strait Islander Fishing Strategy developed under the auspices of the QFMA. This represents a classic case of dropping what was potentially a good initiative because of departmental restructuring and State policy change. All the while Cape York Land Council, Balkanu and Traditional Owners wanted to know what was happening about the 60 or more recommendations made in the document, a number of which related to co-management, representation and aspirations of the Cape York Indigenous constituency. The QFS has however been proactive in consideration of a Cape York Fishing Company concept which itself will interface with the more local aspirations of Ambilungu Ngarra Traditional Owners. In relation to other initiatives relating to Indigenous people and fisheries that have yielded generally disappointing results, we refer readers to Smyth 2000.

The Commonwealth, the GBRMPA, QFS and to some extent QPWS have a confusing set of responsibilities relating to fishing in the region. Traditional Owners of this significant and important fishing area have no direct representation in fishing matters concerning their country.

Provisions in the Fisheries Act of Queensland 1994 allow the QFS some discretion to enable co-management by area and/or species. We believe that these have positive potential in the case of Ambiilmungu Ngarra Aboriginal Corporation.

3.9 Permitting

As a consequence of the Native Title Amendment Act 1998, permits to be exercised in the Cape York region are subject to the future act notification process. These notifications allow 28 days for Traditional Owners to comment on activities requiring permits. Such activities include exploratory fishing, research activities, tourist activities, charter fishing and anchoring of cruise ships.

The Future Acts Notification process is fraught with problems and appears to be short of capacity at both the agency and native title representative body ends. A 28-day period in which to merely comment hardly constitutes a fair opportunity to consider the permit or do anything about it. The trend has been for the permit to be issued regardless of comments provided. Additionally, no resources are provided by anyone to inform, consult or negotiate with Traditional Owners. A co-management arrangement coordinated with the resource centres or ranger offices that Traditional Owners want, would go some way to addressing these issues.

There is a requirement for Aboriginal people to hold permits to hunt listed species such as turtle and dugong but arrangements and enforcement have been inconsistent. The hunting issue is a co-management debate of some magnitude and whilst being very important is not considered in any detail in this study except to say that the tools that are chosen by the Traditional Owners to address co-management will be of use in decisions about who should be eligible for hunting permits and permit endorsement

generally. We would like to point out that important complications have arisen as a consequence of inconsistent descriptions of Aboriginal people in legislation. The distinction between native title holders and their rights under section 211 of the Native Title Act and the rights of other Indigenous people living in communities is a key compliance issue. It is imperative that solutions are socially acceptable and practical in community environments. Permitting perhaps highlights the chasms that have to be bridged for proper co-management to become a reality. Again the presence of Traditional Owners on sea country may go a long way to solving some of these problems without having to resort to regulation.

3.10 Water quality

Water quality is affected by a number of factors, many of which are land based. Aboriginal people favour a holistic “country” based approach to management and this would include consideration of activities in catchments. This is another reason that Ambilungu peoples are keen to coordinate onshore and offshore activities in their plans for country. There is a desire to develop ways of generating income and people are also keen to retain the relatively unspoiled nature of the environment.

Cattle and tourism are the main economic prospects for the area, and Traditional Owners would seek an approach that does not damage their country. We would encourage everyone to support them in those aspirations. Roads and access are important considerations in relation to erosion, as are watering points for cattle. Roads are expensive to build well and to maintain.

3.11 Monitoring

We are not aware of sea grass or water quality monitoring occurring in the area although that would be useful in relation to dugong and as part of the State/Commonwealth water quality initiatives. There is a sediment monitoring station in the Normanby River and sampling done by Lakefield National Park Rangers (Miles Furnass pers. comm.). Monitoring of fisheries and research is being undertaken to some

extent by DPI&F in Cairns and other organisations (Rod Garrett pers. comm.).

Traditional Owners might like to play a role in gathering information that can be incorporated into the management strategy for the area. In time this can lead to the establishment of databases and bring action planning closer to the local level. A start has been made through the subregional process.

When discussing these matters it is worth remembering that agencies have a very limited ability to conduct monitoring because of remoteness and the expense of getting there. Agencies will be balancing the management gains and financial efficiencies to be made by having Traditional Owners do these jobs against retaining funding within the agency.

3.12 Jewfish

We make brief mention of the Injinoo Jewfish study which is a co-operative research project and a substantial start to potential joint management of a species. Traditional Owners recognised a problem over a period, with fewer and smaller jewfish being caught in the Injinoo region. They sought assistance to document these changes and describe the biological characteristics of the stock. They enlisted the support of Balkanu, DPI&F and James Cook University. The community participated in an investigation that established that most of the fish that were caught were one and two years below breeding size. The Traditional Owners immediately declared a two-year voluntary ban on Jew fishing even though they had a legal right to take them, and initiated legislative changes to relieve pressure on the stock. Under co-management arrangements we would anticipate that such partnerships would be much more frequent and would assist with sustainable use and management of marine species. The QFS was asked by Traditional Owners to close the fishery to Indigenous fishers also, but they said they were unable to do so for legal reasons. Again, if there was an Aboriginal ranger presence on the water, we believe that jewfish could be effectively protected.

4. Cape York strategies

4.1 CYPLUS

1991 saw the start of the Cape York Peninsula Land Use Study (CYPLUS). This phase was called the resource assessment program or RAP. One community, Kowanyama opted to be excluded as they were concerned that the process might bring pressures that the communities were not equipped to deal with. It is one thing having an understanding of resources provided by investigators from urban centres but another to have the capacity to benefit from them once assessed in the face of well-prepared developers and conservation lobbies.

We believe that information gathering in itself is an issue for management generally, and has proved to have created barriers in coming to co-management arrangements on both land and sea. There is an imbalance in management information available to parties, the form in which the information is presented, the weighting of various types of information in relation to developing management priorities and the ability to gather and store information independently. Many departments and individual consultants participated in the CYPLUS process. Aboriginal communities were at the mercy of CYPLUS contractors who chose to engage Indigenous people or otherwise. 1996-97 saw the progression of CYPLUS II and the development of an implementation strategy comprising over 600 actions, once again with many departments participating. At this point Cape York Land Council and Balkanu Cape York Development Corporation made a concerted effort to promote some Indigenous outcomes amongst the vast array produced and was supported by the Cape York Peninsula Development Corporation with a broader stakeholder base and non-Indigenous stakeholders.

In 1998 CYPLUS III, the implementation phase of the CYPLUS program, proceeded. This is called CYP2010 and is steered by the Cape York Regional Advisory Group (CYRAG). The structure is currently under review. Cape York Indigenous organisations and Traditional Owners have had an issue with this multi agency, multiple stakeholder

arrangement since the beginning and are fearful of their voice being lost amongst others with higher political profiles even though the major portion of the Cape York population is Aboriginal.

Sea issues were hardly dealt with at all in the CYPLUS studies apart from some work on marine vegetation and the nomination of potential Fish Habitat Reserves, one of which centred on the Starcke River. This absence of sea issues is most unfortunate. The famous Mabo case, which precipitated native title recognition in Australian law, was a land not a sea case. Since 1991 we have seen the establishment of Land Councils, the Indigenous Land Corporation, Land Trusts and so on with the sea, intertidal and rivers taking a back seat whilst equally important from a resource sustainability point of view and in the eyes of people with sea country. The lack of capacity to engage in marine matters at all scales is a great concern to us.

4.2 Cape York Heads of Agreement.

In 1995 a Heads of Agreement initiated by Aboriginal people of Cape York was signed by pastoral, Indigenous and conservation interests supporting a number of concessions and arrangements made by the parties. This was a major achievement but was very negatively received by the Queensland government of the day. The Cape York Land Council nevertheless approached the federal Labour government at the time for funds to support the Heads of Agreement and CYPLUS. \$40 million was promised for allocation for acquisitions and management across Cape York.

4.3 Natural Heritage Trust

Prior to the 1996 federal election, Aboriginal people were concerned that bipartisan support would be needed to implement the agreement that they had gone to such lengths to achieve. To that end the Liberal party was approached and they made an undertaking to contribute up to \$40 M to Cape York matters including CYPLUS and the Heads of Agreement implementation.

The Liberals won the 1996 election and the government sold half of Telstra which generated \$1.4 billion for a national NHT account, \$40 million of which was earmarked for Cape York. At the same time the DEH and other agencies were very interested in these developments and worked hard to shift the actual strategic programs on which money would be spent in favour of the government. Instead of the \$40 million focusing fairly squarely on the 3 parties involved in the Heads of Agreement, it became the Cape York NHT “bucket” and the target of anyone who could write a submission, including Shire Councils, government agencies, catchment management groups and others.

Aboriginal leaders knew that their efforts had been severely compromised by this arrangement and some departments were keen to get hold of this money for what we and some other stakeholders considered in many cases to be core departmental business. All NHT applications were subject to the approval of a regional advisory panel (CYRAP) and were scrutinised directly by the federal minister. To add insult to injury, the advisory panel initially consisted of two indigenous representatives and seven non-indigenous representatives in spite of the clear primacy of all things Aboriginal on Cape York, including land holdings, claimable land, Aboriginal numbers and just plain fairness.

In the early stages of Cape York NHT the Department of Primary Industries and Fisheries (DPI&F), which has responsibility for Fisheries Habitat Areas (FHA), successfully applied for significant funds to negotiate what they thought were the best 3 FHAs identified during the CYPLUS process. One of these is the Starcke area which lies within the Ambiilmungu Ngarra region. We believe that these funds would have made a sizable contribution to a co-management regime as opposed to placing an area that was already well within an Indigenous sphere of influence within the legal jurisdiction of the Fisheries Act. As an organisation we went to great lengths to make the point that better and bigger and more comprehensive things could have been done with the funds. As it was and is, the area below low tide line was already in a highly protected

GBRMPA national park zone (Green zone) which offers Indigenous people more resource protection than FHAs.

The lesson to be learned here is that agencies are sometimes uncoordinated and do not understand the strategic thinking required for broad outcomes at ground level. It is also of concern to us that Traditional Owners are complicating and possibly diminishing their control in certain areas by signing agreements they might not fully understand. We are not convinced that Traditional Owners understand the FHA scenario fully and chose to go down that path based only on government advice. We consider the FHA process, in this instance, to have missed a good opportunity to advance co-management and have written numerous letters on the matter.

4.4 Land and Sea Centres

Even before the NHT implementation funds had been secured, Aboriginal leaders had been contemplating a basis for compartmentalising land and sea interests on Cape York, particularly Indigenous interests, and were taken with the Kowanyama Aboriginal Land and Natural Resource Management Office concept developed by the Counsel of Elders and Kowanyama Council. Mr. Viv Sinnamon, who had been in the community for some 20 years was instrumental in developing this idea. This provides also an indication of the dedication and commitment required to provide solid results with communities.

Based on past experience, funds made available for programs like NHT frequently became channelled disproportionately into government priorities and/or spent piecemeal on small and non-strategic projects. Cape York was adamant that at the end of the day they wanted land and sea coordinators and centres in each subregion. We are pursuing the same rationale in the sea and are supporting the Ambilmungu Ngarra subregion as the jump off point for co-management in the sea.

5. Co-management options for the Ambiilmungu Ngarra subregion

We have listed a number of options for co-management which reflect communications with a number of people. There will be quite an amount of work in considering which single management tool or permutation of tools will be appropriate for the Ambiilmungu Ngarra region. Selecting the least complex, most cost effective and most beneficial to Traditional Owners is the intent.

We recognise that agencies may have priorities and preferences that accord with their jurisdictional and legal obligations but would urge governments to consider hybrids. We believe that developing the legal package will take significant time. Issues relating to State and Commonwealth water boundaries are complicated and have been the subject of some controversy. In the interim we would urge all concerned to get something happening on the ground. Traditional Owners simply want to be given the wherewithal to do the job on behalf of themselves and indeed the rest of the nation, and to be trained to nationally accredited standards to do so.

Options and policy instruments we have considered are discussed briefly below. These might not represent all the options. We have not gone into any detail in the belief that that might be the next step in the process. Indeed, if agencies so choose, it might be possible to circumvent considerable legal investigation relating to the letter of the law, and proceed to design a co-management strategy or statement of intent and attend to any legislative adjustment later (Col Bishop, QFS pers. comm.).

5.1 Indigenous Land Use Agreements (ILUAs)

Indigenous Land Use Agreements are possible under section 24 of the Native Title Amendment Act (1998). Our legal advice suggests that the process is potentially costly and time consuming. Consequently we could anticipate that the government might expect to tie Traditional Owners to a long term commitment, which may be beneficial if the initial basis for the agreement is soundly negotiated. George et al (2004) argue that ILUAs can be negotiated independently of the native title process, and later ratified

under the Native Title Act if desired. ILUAs present a good authorisation mechanism. There do not appear to be any jurisdictional constraints to the application of an ILUA.

5.2 Indigenous Protected Areas (IPAs)

Indigenous Protected Areas are agreements between the Commonwealth and Indigenous groups. They are not currently tied to legislation but there are apparently moves to do that by incorporation into the Environmental Protection and Biodiversity Conservation Act. Currently IPAs can be established on the basis of an “effective means” to implement management. These could include tools like Council by-laws on land or agreements endorsed by Traditional Owners. IPAs can be applied to local, Queensland and Commonwealth jurisdictions. IPAs come with the incentive and benefit of funding which is an attraction and at least provides for some initial activity. We have heard conflicting opinions on the application of IPAs to marine areas but are aware of at least one example of an IPA with a sea component. There is some potential for friction with State aspirations and these should be considered early so that Traditional Owners are not caught in a bind.

5.3 Commonwealth Conservation Agreements.

This is a new potential. None have been negotiated at this time. Again, we are unsure of the interaction of such arrangements with State legislation or whether the State would support them in areas of State jurisdiction.

5.4 Section 39ZA of the GBRMP Act

Provides for regional agreements to be negotiated. These appear to be quite flexible but would have no effect above low water mark. Again, no Section 39ZA agreements have been negotiated that we are aware of. The process would require two rounds of public participation, as does any form of management plan on the GBRMP and as such may prove to be expensive and complicated.

5.5 Community based fisheries management or other initiatives.

There are no facilities in the Fisheries *Act* specifically, but ministerial discretion exists to enable mutually beneficial agreements. This is a potentially flexible opportunity, for example the closure of the jewfish fishery in the Injinoo area, but would appear to be restricted to matters concerning fisheries resources as opposed to broader co-management issues.

5.6 Coordinated Conservation Agreements (State).

Agreements are possible within the jurisdiction of the Nature Conservation Act. Their use should not be underestimated in the intertidal area and on the State islands within the case study area. There will however be a requirement to interface with Commonwealth legislation below the low water mark to achieve complementary management across the land sea boundary.

5.7 Community By-laws.

Potentially useful above the high water mark in relation to processing dugong and turtle, controlling access to sea country by tourists and regulation of activities in Council controlled areas.

5.8 Outsourcing on ground (sea) management to Traditional Owners.

This is the preferred option, to focus on what can be done now within the mandate of ministers and within the constraints of existing legislation. To that end these potentials must be identified and skills developed to maximise opportunities. This can further be invigorated by the first regionalised CDEP program to be rolled out on the Cape and the short term Community Jobs Program currently coordinated through Balkanu. This is not something that can happen immediately to its full potential but it is certainly a favoured long term outcome.

5.9 Resourcing Traditional Owners and agencies jointly.

This has been attempted but the day-to-day managers appear to be short of operational funds which leads to irregular surveillance and coordination difficulties. If agencies are short of funds themselves, it is unlikely that they will be ramping up Aboriginal capacity and participation as a priority.

5.10 Aboriginal Management Areas under the State Marine Parks Act are possible.

We are aware of the Yarrabah example (south of Cairns), but the process does not appear to have led to changes desired by either party. No Aboriginal Management Areas have been declared that we are aware of.

5.11 Traditional Use Marine Resource Agreements (TUMRAs).

This concept was introduced during the second public participation phase of the Representative Areas Program (2003). It is a very recent concept and shows some promise as a “vessel” that might contain a number of the aforementioned tools.

6. Research (collaborative and co-managed)

There is scope for socio/economic research, conventional marine and fisheries R and D, and saltwater ethno ecology, using fresh models such as this CRC Reef Research Centre model (Innes and Ross 2001) and the serious reading, adoption and acknowledgement of contemporary Indigenous ideas.

Indigenous peoples are keen to remind current managers about knowledge other than mainstream knowledge that can contribute to management. We believe it is important to document such knowledge even though some of it has been lost. This documentation is a specialist art but it is very important so that Indigenous managers find a cultural basis for participation in co-management arrangements and further that it has real practical application. (We would refer the reader to the work of Victor Steffenson and Nick Smith at Balkanu.)

7. Integrated co-management

7.1 Introduction.

Aboriginal people do not differentiate land from sea. GBRMPA is concerned about water quality and therefore land use. GBRMPA is using QPWS as its day-to-day managers although QPWS has a solid land interest. Agencies are focussing on ecosystem management. There are strong common aspirations and visions here and some practical management solutions should be identifiable given serious consideration. Cooperation in this remote area is not only sensible but vital to the sustainability of people, culture and resources. In the case of Ambiilmungu Ngarra, both land and sea are involved and coastal rangers can have a mandate on land and in the water, fresh and salt.

There are large quantities of information available and still being gathered by various agencies and organisations. These must be exchanged for good management to occur and for parties to respect each other's management intentions and values. Strengths and weaknesses should also be acknowledged. There is potential for cross-cultural exchange and partnerships with a large range of organisations and programs, even to the point of impracticality and confusion. Traditional Owners need to select the parties that get involved.

Integration requires more than integration of land and sea, catchments and rivers, mainstream knowledge and traditional knowledge. It also requires rationalisation and prioritisation of service delivery, governance structures, social and health programs and business development. Ambiilmungu Ngarra is working on all of these facets of a working Aboriginal entity.

The challenge is to work out what is needed, who does what, when and how. Aboriginal people have always held that solutions for Aboriginal people are at a cultural scale or "country" scale. The subregional strategy of Cape York is a compromise on a number of determinants. The boundaries of these subregions are still evolving but centre on common interests in a geographic region including non-indigenous interests. The

Ambiilmungu Ngarra area is therefore the target of an integrated solution at the subregional level.

The following extract from a letter to GBRMPA from Cape York Land Council dated 22/05/02 in relation to the RAP explains our philosophy:

“We believe that an integrated approach is necessary and that it will be necessary to engage a project officer to deal with the raft of issues involved and provide for the funding of legal drafting and advice. This process will be driven at grass roots level and significant meeting costs must be considered. We believe an appropriate budget and resources are required if this is to provide

- 1. a conduit for Indigenous knowledge into management rationale.*
- 2. a way for the GBRMPA to honour its management planning undertakings in the FNS*
- 3. a co-management arrangement that will provide real work for people along the Cape coast through implementation and creation of the plan*
- 4. better compliance outcomes through ownership, co-development and understanding of both the plan, the RAP and the Indigenous position*
- 5. a mechanism to attend to the imperatives brought by the RAP whilst providing for wise use*
- 6. support for NHT directions as they relate to subregional process*
- 7. for reengagement of the GBRMPA with Indigenous people who have been waiting patiently for a zoning plan, which is in some cases, obsolete in the context of structural and political developments over the last 3 or 4 years. (These relate particularly to sustainable economic development).*

There are clear opportunities for governments to outsource service provision in the Ambiilmungu Ngarra area. The country covers extensive areas of Princess Charlotte Bay which is of major fisheries importance and includes prawn-trawling areas, gillnet fisheries, mud crabs, garfish, mackerel, reef line and recreational fishing. There are areas of major cultural significance and excellent potential for tourism on land and in the sea.

There is a perception by some that everything has to be just right before things start to happen. Any tendency to want to engineer a perfectly integrated outcome before starting might delay or even jeopardise sustainable management.

7.2 Process and parties

There appear to be two possible routes for engagement on co-management. The first is a solution based on changes to legislation, with those changes providing a mandate for the grass roots involvement in co-management. The second is employing currently available routes to support grass roots involvement, in other words, what can be done now and having legislative responses follow. We support the second option, since timely solutions are required.

7.2.1 Establishing a presence on the water

We would like to suggest first and foremost that boats and communications equipment are purchased to patrol areas that have people qualified to use them. Safety is a primary consideration. People are not asking for boats to be given to operators who do not have boat licenses and lack training in shipboard safety. Processes must also be put in place for servicing of equipment, and reporting. It is our view that Traditional Owners even without official ranger status will be able to precipitate some changes in the behaviour of reef users although Traditional Owners have expressed their desire for accreditation of rangers they have chosen to national standards.

Where capacities do not exist yet, training programs must be put in place. This is already underway to some extent through the Balkanu Business Unit that is working with Ambiiilmungu Ngarra people. We believe that it would be reasonably straightforward to negotiate training packages immediately for those needing training and some already have qualifications. A boat by itself is of little use with no vehicle to tow it, no maintenance schedule, no safety gear and no communication equipment. There should be enough resourcing to allow for a practical and substantial presence on the water. This

should be coordinated with land bases and the Traditional Owners are well down that path.

The issue of powers of seizure is relevant but at this stage secondary. We believe that presence on the water is the best and most practical start. The value of Aboriginal people as the eyes and ears in the remote north is greatly under utilised. There is a strong case for more joint operations at the outset with powers moving to Indigenous people as they gain experience and legally recognised qualifications. These should be tied into long term on ground management programs as opposed to the stop start efforts of the past.

7.2.2 Developing a co-management agenda

It appears to us that following the establishment of a presence on the water consideration should be given to a commitment by parties to pursue a funded co-management agenda.

The source of funds to drive the process is an issue, and agencies whilst willing to identify themselves as having the management mandate simply do not appear to have the resources to do the job. Ambilungu Ngarra needs to decide if they can contribute. We are counting on a second phase coming from the CRC Reef Research Centre co-management research project to explore these matters.

The two issues (getting people on the water and getting people qualified) we believe have very important implications for negotiating a more comprehensive management arrangement on paper. Practical outcomes are needed to develop the good will on both sides required in the long run to look after country.

The actual formal co-management arrangement will take a good deal of time and resources to develop but that should not stop us from looking after country today.

7.3 Costings

We concede that in this study we have glossed over the detail of potential joint management arrangements and that a deal of work would have to be done to determine which tools best suited the circumstances of the Ambiilmungu Ngarra peoples. Much of it requires straightforward legal consideration, determining the complexities of reconciling outcomes in terms of State and Commonwealth legislation and which combinations suit Traditional Owners best. We anticipate that the State and Commonwealth and agencies within them will have issues relating to which tools might be used for co-management and that each will have preferences. The Aboriginal people concerned seek certainty, bipartisan commitment and guaranteed funding for the duration. They also expect governments to be examining funding sources such as environmental management charges, recreational fishing licenses and the like.

The matter of funding is always contentious. It would be safe to say that the Ambiilmungu Ngarra have made their intentions clear by substantial in-kind contributions to looking after their country. These intentions are manifested through deployment of NHT funds fought for by them strategically in the establishment of land and sea centres. This is augmented by negotiation of a regional CDEP with the Hopevale Council and ATSIC. There will be attempts to capitalise on tourism traffic which currently has unfettered access to fishery resources, oyster beds, camping areas and cultural sites in the region - where their country is not taken up in National Parks and will be returned to them. Traditional Owners are clearly not able to charge people who visit national parks but they can charge visitors to Aboriginal freehold land. When this happens, Traditional Owners would expect the State and Commonwealth to provide at least complementary funding. In fact Traditional Owners expect that now, without them having to set that precedent.

It is the view of Traditional Owners that there should be some mechanism in place where visitors enjoying their sea country should at the very least contribute to its upkeep and care. This might be through a portion of the environmental management

charge currently paid to GBRMPA or some other method. It is clear that management requires funding and IPAs are attractive for that reason.

We are aware that a consultant has produced a costing for co-management on the GBR and that costing is substantial (Appleton 2000). As for the Ambilungu Ngarra region we would suggest that developing co-management would require in the order of \$500,000, the bulk of which would be salaries and expenses of project officers over a three year period and legal advice if the legal route was chosen. We are mindful that the government does not want to hear demands for money but certainly some will be required and a start should be made on investigating existing budget allocations and what part Aboriginal people can play either as staff or in operations in the area or both.

Our initial thoughts are that there is a need for a government project officer coordinating GBRMPA, QPWS, QFS and other departmental interests, an Indigenous organisation project officer and a Traditional Owner project officer, the latter being the most relevant because the aim is to have the Traditional Owners fully across the development of management arrangements and the implementation stemming from them.

The costs of each of the possible co-management options will no doubt vary and we would have to do a deal of work with Traditional Owners and agencies before they decide which option to pursue.

Some good examples of co-management arrangements are available in Canada as mentioned in the scoping paper of this CRC Reef Research Centre study (George et al 2004) and by Marsh (2003) which lean towards the conservation of the “relationship” between Indigenous people and their environment as opposed to conservation of the environment in isolation.

Ambilungu Ngarra peoples are open to the possibilities of engaging organisations such as the CSIRO in advisory and support roles as they have a number of divisions with expertise in relevant areas. Balkanu has linkages with CSIRO through the CRC for

Tropical Savanna Management that can be expanded, and this small project with the CRC Reef Research Centre might encourage a closer association with agencies collaborating with GBRMPA and engaged in saltwater, social and governance matters as they relate to co-management.

Balkanu has already worked successfully with DPI&F in Cairns and is keen to continue this relationship. However Traditional Owners should not be smothered by the aspirations of partners.

8. Conclusions

The Ambilungu Ngarra area is a core recreational, natural resource and cultural area for all Australians but particularly for the Traditional Owners, and its maintenance relies absolutely on Traditional Owner engagement. The question is no longer “if” but “when”.

This study indicates a keenness on the part of Traditional Owners to consider co-management and aims to impress on funding sources that Aboriginal people are well placed to manage country, that they want to be recognised co-managers, that they want to be part of decision making bodies, that they need some assistance to achieve this and that it would be sensible for agencies to back them in these efforts.

Traditional Owners have reason to be cautious in dealings with agencies in light of past experiences. However they are keen to try again in what looks to be a new political environment.

An obstacle to co-management has been government policy running hot and cold on Indigenous involvement in management, and Traditional Owners not knowing if co-management is a government priority at a particular time. We are concerned that even this project will follow the route of so many others. The GBRMPA as a statutory Commonwealth Authority is in a better position than most organisations to provide leadership and long term commitment.

There are several options for co-management and we will also use the words “management partnerships” as they appear to have political significance at this point in time. Traditional Owners simply want results and results with the fewest disadvantages for themselves. Traditional Owners require the process to focus on outcomes, not kudos for individuals or agency legislative tools. Processes requiring agreement by too many parties should be avoided.

As can be seen in section 5 the potential to get bogged down in jurisdictional issues, political one-upmanship and statutory management planning is considerable and thought might be given to establishing an Indigenous co-management strategy or intent and deal with legislative change at a later date.

At this point in time an Indigenous Protected Area (IPA) process to be worked up with the Commonwealth and State appears to be attractive. An IPA in the Northern Territory has been declared in an area belonging to Yolgnu people (Nanikiya Munungurritj pers. comm) and has delivered outcomes for those people. IPAs do not have a statutory basis at the moment and come with some negotiation and implementation funds.

There are a number of structures servicing Cape York that can be brought to bear on the issue of co-management. Resources must be provided to develop a strategy based on options and then funding to implement the best option or combination of options. Ambiilmungu Ngarra have gone to considerable efforts to set themselves up for taking on responsibility. Agencies need to understand these and make some serious decisions about using Indigenous potential to deliver management.

Ambiilmungu Ngarra clans and families have substantial aspirations and some of these are now tangible. The corporation is prepared to extend the hand of management partnership provided there is commitment, resulting in Traditional Owners being able to look after their country and learn new skills as necessary to do so, rather than an endless trail of intermediaries who come and go.

There is an imbalance in management information and management sharing and we believe agencies are beginning to recognise this as evidenced by this CRC Reef Research Centre task.

We believe that matters of joint management or partnerships are a matter of political will and later public education. More than one author has mentioned that in Australia arrangements with Indigenous peoples are seen as very risky politically and yet overseas management partnerships with Indigenous peoples are well established and well accepted.

In our experience on Cape York we feel that consideration of co-management by governments to date is more a case of “have to in response to rights as opposed to want to in response to practicality.” We would urge a strong, positive and lasting commitment by agencies to realistic management partnerships. This might start with equipment for qualified operators, joint compliance exercises and identification of training needs. Getting people on the water is probably the best indicator of commitment by agencies.

In our view the agencies GBRMPA and QPWS are stuck in a rut which suggests to Traditional Owners that they do not trust Aboriginal people with their own country. The unendorsed actions of the radical few perpetuate that belief. The agencies have been unable or unwilling to confront those people and Traditional Owners have no means to look after country.

By the same token senior Indigenous people believe that young people have to be more responsible and reinvigorate a latent respect for country (Mr. Jimmy Hart, pers. comm.).

We have seen vast amounts spent on consultations and the like and very little where it matters, getting people on the water. We believe that a start should be made and that Ambilungu Ngarra people are a good place to begin.

9. Recommendations

Phase 1

1. Balkanu staff discuss the outcome of this report with CRC Reef Research Centre team.
2. That this report be more widely circulated and discussed by Ambiilmungu Ngarra and their support organisations by a funded project person. Yarrabah, Babinda, Cairns, Cooktown, Kalpowar, Hopevale, Balkanu, Regional ATSIC, CYLC and Cape York Partnerships (4 weeks)
3. Discussion with agencies about this report and intended directions of parties.
4. That funds are provided irrespective of above to get Traditional Owners on the water, either on their own, where required training exists, or in the company of QPWS or staff of other agencies, with a view to addressing hunting in the season and between now and then.
5. That numbers of patrols are increased irrespective of above, focusing on different pressures at different times. eg Princess Charlotte Bay in the dry season (tourism season) and dugong areas, Starcke and Jeannie Rivers in the wet season or as conditions permit in the southeast weather (predominantly associated with dry season.) These can be coordinated with land-based exercises. This will immediately be of practical use to all concerned. Cultural sites are being compromised on the Princess Charlotte Bay coast as we speak.
6. That Ambiilmungu Ngarra consider to what degree they can contribute to training and hardware to contribute to sea comanagement from other sources that they have negotiated. Preliminary enquiries suggest regional Community Development and Employment Program, Community Jobs Program, Structured Training Employment Programs and other programs can potentially be brought to bear. This should be discussed by the Ambiilmungu Ngarra executive, Balkanu management team and Balkanu Business Unit staff.
7. That a program of skills transfer from qualified officers begins immediately with the assistance of training providers.

8. That training needs be reviewed, delivery mechanisms and candidates chosen and training started to promote staged competency achievement.
9. That there be a period for the above to bed down in a practical sense through activity on country.

Phase 2

10. Having established some on ground actions, that agencies, Balkanu and CYLC meet to discuss the directions in which each would like to move to support Ambilimungu Ngarra practically and strategically into the future.
11. That an agreed statement of intent is developed and committed to by all parties.
12. That an assessment is made of how far practical on ground management can be implemented outside of legal processes eg straight out budget allocations for surveillance, training and equipment.
13. If legal remedies are required, identify which tools or combination of tools should be used to achieve the ends desired by the parties.

Phase 3

14. Negotiate a formal co-management agreement.
15. Agree on implementation funding and on-going resourcing.
16. Negotiate outsourcing management services to Aboriginal people.
17. Identify new subregions for developing co-management partnerships.

10. References

- Appleton P. 2000. An Indigenous Co-Management Strategy for The Great Barrier Reef World Heritage Area. The Great Barrier Reef Marine Park Authority, Townsville.
- DNR&M. 2003. Looking after country together. A proposal for a partnership agreement to improve Indigenous people's access to and involvement in the management of land and sea country. Draft Discussion Paper.
- EPA. 2000. Marine Protected Areas in Queensland – a draft planning framework. Environmental Protection Agency, Brisbane.

- Fourmile H, Marrie A. 1996. Indigenous community involvement in the management of the Cairns area marine parks, Cairns Section of the Great Barrier Reef Marine Park. Bukal Consultancy Services Pty Ltd, Gordonvale, Qld.
- Gall B. 1994. A Review of the Adequacy of Resourcing of the National Parks on Cape York. Report to the QNPWS.
- George M, Innes J, Ross H. 2004. Managing Sea Country Together: Key Issues for Developing Co-operative Management for the Great Barrier Reef World Heritage Area. CRC Reef Research Centre Technical Report No 50, CRC Reef Research Centre, Townsville, Australia.
- Innes J, Ross H. 2001. Co-managed research as a strategy for informing the development of Indigenous and government management partnerships over the Great Barrier Reef. Paper presented at International Association for the Study of Common Property Inaugural Pacific Regional Meeting, Brisbane, QLD, 2-4 September 2001. Available at <http://dlc.dlib.indiana.edu/documents/dir0/00/00/07/03/index.html>
- Marsh H. 2003. An integrated framework for the conservation of dugongs and dugong hunting cultures in northern Australia. Final Report. GBRMPA/JCU Final Report, Townsville, Australia.
- Nettheim G, Meyers G, Craig D. 2002. Indigenous Peoples and Governance structures: A Comparative Analysis of Land and Resource Management Rights. Aboriginal Studies Press, Canberra.
- Pearson N. 2000. Our right to take responsibility. Noel Pearson and Associates, Cairns Queensland.
- Phelan M, Roberts C. 2002. Fishery biology and management of Black Jewfish (*Protonibea diacanthus* Scianidae) aggregations near Injinoo community, Far Northern Cape York. Report to the FRDC.
- Roberts C, Wallis A. 2002. Aboriginal Cultural Sub-regions as Surrogates for Biodiversity Mosaics in Cape York, Australia - towards reconciliation of management values and on ground realities. In Proceedings of the World Congress on Aquatic

- Protected Areas, Cairns, Australia. Edited by J.P. Beumer, A. Grant and D.C. Smith. University of Queensland Printery, St Lucia, Qld. Australia.
- Sea Forum. 1999. Aboriginal involvement in management of the Southern Great Barrier Reef: Discussion Paper. Available at <http://www.seaforum.org/>.
- Smyth D. 1999. Towards an Aboriginal and Torres Strait Islander Fisheries Strategy in Queensland, Report for the Queensland Fisheries Management Authority, Brisbane.
- Smyth D. 2000. Fishing for recognition: The search for an Indigenous Fisheries Policy in Australia. Indigenous Law Bulletin, Vol 4, 29. Special Issue Water Rights. University of New South Wales, Sydney.

11. Glossary

ATSIC	Aboriginal and Torres Strait Islander Commission
CDEP	Community Development Employment Program
CYLC	Cape York Land Council
CYPLUS	Cape York Peninsula Land Use Study
CYRAG	Cape York Peninsula Regional Advisory Group
CYRAP	Cape York Resource Assessment Program
DDM	Day to day management
DEH	Department of Environment and Heritage (Qld)
DNR&M	Department of Natural Resources and Mines (Qld)
DPI&F	Department of Primary Industries and Fisheries (Qld)
EEZ	Exclusive Economic Zone
EPA	Environmental Protection Agency (Qld)
FHA	Fisheries Habitat Area
FNS	Far Northern Section (of Great Barrier Reef Marine Park)
FRDC	Fisheries Research and Development Corporation
GBR	Great Barrier Reef
GBRMP	Great Barrier Reef Marine Park

GBRMPA	Great Barrier Reef Marine Park Authority
IEU	Indigenous Engagement Unit
ILU	Indigenous Liaison Unit
IPA	Indigenous Protected Area
IPLU	Indigenous Policy and Liaison Unit
ILUA	Indigenous Land Use Agreement
NHT	Natural Heritage Trust
NOO	National Oceans Office
NPA	Northern Peninsula Area
QFMA	Queensland Fisheries Management Authority
QFS	Queensland Fisheries Service (in DPI)
QPWS	Queensland Parks and Wildlife Service (in EPA)
RAP	Representative Areas Program of the Great Barrier Reef Marine Park; also the Resource Assessment Program of CYPLUS.
TUMRA	Traditional Use Marine Resource Agreement

CONCLUSIONS

The case studies show the strength of interest in co-operative management in three coastal and inshore areas of the Great Barrier Reef. The case studies ranged the length of the GBR with one towards the south of the reef, one in the central section of the reef and one in the far north. This suggests likely interest from a wider set of Traditional Owners, of quite varying historical backgrounds and sets of opportunities. It confirms the degree of interest shown by the Sea Forum processes, in which some 30 clan groups from throughout the southern GBR (south of Cooktown) participated (see Sea Forum 1999 and George et al. 2004).

Further, the case studies have proved a useful method for the systematic collection and documentation of Traditional Owners' concerns and the identification of the management issues associated with these concerns. They list Traditional Owners' ideas as to ways forward, which can be used as a basis for mutual discussion between themselves (and their supporting organisations) and marine and coastal managing agencies. Such discussions would be enhanced if the managing agencies, particularly the GBRMPA, were also to set out their issues and ideas for discussion.

The case studies show a range of different potential approaches to co-management, showing how co-management could be operationalised in practice. The Gooreng Gooreng elders case study focuses on knowledge of and commitment to areas. While it does not progress to design ideas for a co-operative-management approach, it is clear from Mr Johnson's video that either an area-by-area approach, focusing on priority locations such as Mon Repos (where marine resources are already specifically managed) or a whole-region approach with multiple issues, would be options to explore. The Ambilungu Ngarra case study clearly advocates an area-based approach to co-management, like a regional agreement, but suggests building this on a learning-by-doing basis starting with the Traditional Owners' priority of equipping Traditional Owners with the resources to allow Indigenous marine rangers to patrol the seas. The Giringun case study, meanwhile, shows how an issue could become the focus of a co-

management activity. However the progress towards their marine ranger initiative suggests the Giringun elders may also advocate a regional basis for co-management, in which particular priority issues are targeted as required.

The variety of possible directions for cooperative management highlighted in the case studies shows that co-management needs to be developed in a way that recognises Aboriginal people's aspirations and values. It also demonstrates how Indigenous aspirations may differ in nature and priority from those of the GBRMPA and other agencies participating in the management of the GBRWHA. The GBRMPA, like many government agencies, tends to take an issue-by-issue approach, with more commonality with Indigenous approaches arising only at a broader level - from the vision of the GBR as a sea estate that needs to be kept in good condition for posterity, with threats which need effective management. The different approaches are further highlighted with the Ambiilmungu Ngarra case study, which takes a regional approach by focusing on all perceived issues for an area. Within the regional framework the issues are distinguishable, but are inter-related in a broader context that takes priority. Aboriginal people see healthy sea country – indeed healthy conjoined land and sea estates – as a holistic, integrated priority. Therefore for Indigenous groups, management issues emerge from threats to the health of the country. Within this concept of healthy country, akin to the scientific concept of 'ecosystem health', Aboriginal people focus on people-country relationships, and seek to manage sea country in accordance with their customary law responsibilities. This merges the ideas of cultural heritage management and natural resource management, which tend to be treated separately in non-Indigenous management and institutional arrangements.

It is important to accept that the Aboriginal groups seeking co-management are different in many ways, and to understand each group accordingly. It will become important to avoid pre-conceived ideas as to how co-management should work out in each area, and to avoid imposing a one-size-fits-all approach to co-management. Because of the diversity of Aboriginal groups, and the diversity of ecological situations and uses of the

Marine Park, both issues for management and appropriate management strategies will have to be customised for each area.

While these case studies focus on management issues specific to the GBR, it is important to recognise that the individuals and organisations which have written them have a range of responsibilities besides environmental management. The same organisations are responsible for economic development and employment in their regions, and Girringun also provides health services. This means that the Indigenous parties to future co-management may favour management strategies that solve environmental problems in ways which provide multiple benefits, for instance employment for local Aboriginal people.

Traditional Owners' desire to exercise control over their sea country is well expressed through the three case studies. The ultimate question of governance, which is at the heart of the co-management issue, however hangs as a yet unresolved challenge between the GBRMPA and Traditional Owners. For the GBRMPA governance is a complex issue. The GBRMPA is responsible for managing to protect the biodiversity of the GBR whilst providing multiple use opportunities for private and commercial interests (Wachenfeld et al. 1998). Taking account of and acknowledging the interests, rights, desires and needs of Traditional Owners challenges many of the precepts that have guided the development and management of the Great Barrier Reef Marine Park to date. The case studies herein provide an opportunity for the GBRMPA and other management agencies to learn other ways to approach the complex issue of marine management in partnership with Traditional Owners. Finally, the case studies suggest the reality of developing co-operative management for the GBR will be 'learning by doing'. Since initiative towards a comprehensive framework agreement for co-management (Sea Forum 1999) has lapsed, and the Australian government and the GBRMPA favour instead the development of local, practical initiatives such as marine rangers, co-management is likely to grow in the immediate future as a set of separate initiatives according to local demands. This is notwithstanding the GBRMPA's new

initiative, linked to the Representative Areas Program, to negotiate Traditional Use of Marine Resources Agreements (TUMRAs) with Traditional Owners and communities. This provides opportunity for flexibility, and for building co-management systems progressively by trial and error. It also provides opportunity for regions and localities to learn from one another, much as the system of terrestrial joint management has evolved as parks learn from one another. Ironically, the current arrangements for managing the Marine Park are the result of marine scientists, conservationists and government learning by doing over the last thirty years. Co-operative management therefore extends the opportunity for Traditional Owners to do and learn. Co-management needs to be grasped an exciting and challenging vision that offers the greatest range of opportunities for people to live sustainably with the marine environment.

REFERENCES

- George M, Innes J, Ross H. 2004. Managing Sea Country Together: Key Issues for Developing Co-operative Management for the Great Barrier Reef World Heritage Area. CRC Reef Research Technical Report no. 50. CRC Reef Research, Townsville.
- Innes J, Ross H. 2001. Co-managed research as a strategy for informing the development of Indigenous and government management partnerships over the Great Barrier Reef. Paper presented at International Association for the Study of Common Property Inaugural Pacific Regional Meeting, Brisbane, QLD, 2-4 September 2001. Available at Digital Library of the Commons, <http://dlc.dlib.indiana.edu/documents/dir0/00/00/07/03/index.html>
- Sea Forum 1999. Aboriginal Involvement in Management of the Southern Great Barrier Reef. Discussion paper. Sea Forum, Brisbane.
- Wachenfeld DR, Oliver JK, Morrissey JI. 1998. State of the Great Barrier Reef World Heritage Area 1998. GBRMPA, Townsville.

APPENDIX 1

Text of 'Plain English' agreements

The following agreement was customized for each case study, giving details of the particular tasks, timelines and payments agreed. It was accompanied by a short covering letter which started:

I attach a short, 'Plain English' research agreement to give a contractual arrangement between yourselves and the CRC Reef Co-management research task, managed by the University of Queensland. This is to make the basis of our working arrangements clear, and to cover both parties in the event of non-completion or dispute (we hope neither of these arise).

Others are welcome to use or adapt this wording, with the compliments of the University of Queensland and the CRC Reef Research Centre, but please note the following disclaimer since legal precision has to some extent been reduced in the interests of plain English and the cordial nature of the relationship we sought to build.

Disclaimer:

The University of Queensland has reproduced the attached agreement as a sample and for general information only. The University makes no statements, representations or warranties about the accuracy or completeness of the Application or its capability to achieve any purpose and you should not rely on any information contained in the Application disclosed to or made available to you by the University.

RESEARCH AGREEMENT

BETWEEN THE UNIVERSITY OF QUEENSLAND (“THE UNIVERSITY”)

AND [PARTY NAME INSERTED].

1. University Ethical Clearance

This study has clearance from the Behavioural and Social Sciences Ethical Review Committee of the University of Queensland in accordance with the National Health and Medical Research Council’s guidelines. The clearance number is: You are free to discuss your participation in this study with any member of the research team, Professor Helen Ross on (07) 5460 1648 or 0408-195423, hross@uqg.uq.edu.au; Mr James Innes on (07) 47500895, jamesi@gbrmpa.gov.au; or Melissa George (07) 47816930, M.George@jcu.edu.au). If you would like to speak to an officer of the University not involved in the study, you may contact the Ethics Officer on (07) 3365 3924.

2. Task

2.1 You have undertaken to

2.1.1 conduct a case study on [specific details inserted for each case study]

2.1.2 provide a written report containing this information.

3. Timing and Reporting

3.1 This Agreement will begin when signed by both parties.

3.2 You will :

3.1.1 Provide a short progress report to the research team no later than

[date inserted – this clause applied only to some agreements];

3.1.2 Provide your final report no later than [date inserted]

3.1.3 The final report should also be sent on computer disk.

3.3 The final report should:

[details inserted]

4. Payment

- 4.1 The total budget for this project is \$.
- 4.2 Payment will be made in the following instalments:
 - 4.2.1 \$upon signing of this Agreement;
 - 4.2.2 \$
 - 4.2.3 a final payment of \$
- 4.3 Please provide us with a tax invoice to initiate payment.

5. Intellectual Property

You and those you interview will probably use “Background IP” (pre-existing or independently developed Intellectual Property). You may develop new IP in conducting this case study, which will be your intellectual property.

In signing this agreement you agree to the University of Queensland’s research project team using and referring to your case study in the reports, articles and conference papers of the CRC Reef Co-management Research Project, with complete acknowledgement of your contribution. The Research Project team will consult you about the wording of these reports. The team will also consult you before making any other uses of the material (none are currently intended).

6. Inability to complete the project

If you are having difficulty completing the project, please contact a member of the research project team to renegotiate timelines and assist you with other aspects of your difficulties.

If you are not able to complete the project, we will require you to refund any funds not already spent.

7. Disputes

We sincerely hope disputes will not arise, but need to make provision in case they do. The Parties will co-operate with each other and do their best to resolve any differences between them relating to the case study and this Agreement, by mutual agreement.

If a dispute arises between the parties then:

- (a) the party alleging the Dispute must notify the existence and nature of the dispute to the other Party (or parties) within 30 days of the dispute arising;
- (b) on receiving a notification of dispute the parties must ask their authorized representatives and the Director of Office of Postgraduate and Research Studies (in the case of the University) or their nominees to resolve the dispute;
- (c) if the dispute is not resolved in this way within 30 days of receiving the notification then any party may refer the dispute to mediation. They must do so before starting any proceedings in a court or tribunal to resolve the Dispute;
- (d) the parties may agree on a suitable mediator, or agree to refer the dispute to The Institute of Arbitrators and Mediators Australia ("IArbA") to be conducted in accordance with the Mediation Rules of IArbA; and
- (e) if the Dispute is not resolved within 60 days of referral to mediation any party is free to begin proceedings in a court or tribunal in respect of the dispute.

8. Sub-contracting

If you require assistance in conducting this case study you may engage staff to help you. If you use a subcontracting arrangement for these staff, you must ensure those subcontractors are bound by the terms of this agreement.

9. Insurance

If a subcontractor is used, and causes loss through their own fault, they will make good that loss to the University.

Signed:

 Director,
 Office of Research and Postgraduate
 Studies
 The University of Queensland

 [signatory and party details]

Date _____

Date _____