



Intertidal Zone Permit Waiver

What you need to know about access to tidal waters on Aboriginal land in the Northern Land Council (NLC) region for recreational fishing.

For recreational visitors

What is the intertidal zone permit waiver?

The intertidal zone permit waiver is an agreement between the Northern Land Council and the Northern Territory Government which allows all recreational fishers and commercial operators to access tidal waters over Aboriginal land for free without an access permit for a specific period of time.

Why was the intertidal zone created?

In 2008, the High Court of Australia – in a landmark case referred to as Blue Mud Bay – reconfirmed that the intertidal zone is ‘Aboriginal land’ as defined by the Aboriginal Land Rights Act where it falls within the boundaries of a coastal Aboriginal land trust, including when tidal waters periodically cover the terrestrial surface of the grant; and that Traditional Owners have exclusive access rights to ‘Aboriginal land’. Up until then, NT Fisheries had sought to control access to fishing in the intertidal zone. [Read this ABC](#) article for history on the decision.

How long is the intertidal zone permit waiver for?

The open access to intertidal waters has been negotiated to continue until 28 June 2019. After this date other arrangements will be in place. [Read the NLC media release](#) on the extension.

What areas does the intertidal zone permit waiver apply to?

The permit waiver only applies to intertidal waters over Aboriginal land within the Northern Land Council region. You still need a permit if you access Aboriginal land to get to these intertidal areas. See the [intertidal map](#) for details.

[Tiwi Land Council](#) and [Anindilyakwa Land Council](#) (Groote Eylandt) have different access arrangements for their intertidal waters. Visit their websites for more information.

What is the intertidal zone?

The intertidal zone is the area between the high water mark and the low water mark and includes tidal creeks, rivers and mudflats adjoining Aboriginal land. The coastline of the Northern Territory mainland and offshore islands is 7,200 km and around 84% of this is owned by Traditional Owner groups. The majority of coastline in the Northern Territory is therefore freehold land held by Aboriginal land trusts.

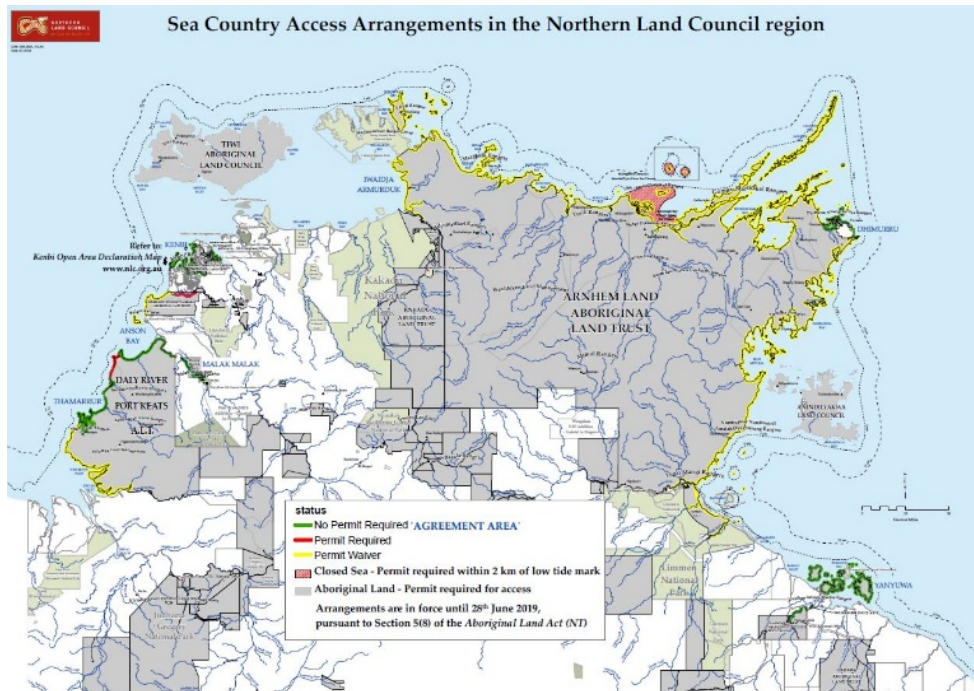


Figure 1: Sea Country Access Arrangements in the Northern Land Council region

Where can the public fish on Aboriginal land?

Permit free fishing access is permitted in:

- Permit waiver areas (see Figure 1); and
- Agreement areas, where the NLC and NTG have a long term agreement for permit free access.

There are also some “closed zones” where fishing is not permitted. These areas are subject to change.

Agreement Areas

Permit free recreational fishing access is permitted for:

- Thamarrurr (Wadeye/ Moyle River area) – intertidal waters from Dooley Point to a point south of the Old Mission including the tidal area of Docherty Island. See [visiting Wadeye and the Thamarrurr Region guide](#) for details.
- Anson Bay area – See [visiting Wadeye and the Thamarrurr Region guide](#) for details.
- Malak Malak (Daly River area) – possession limits apply and the area is closed between 1 October and 31 January. The Daly River mouth region consists of the coastline to the boundary of Mabaluk land within the Daly River/Port Keats Aboriginal Land Trust. See [fishing the Daly River guide](#) for details.
- Dhimurru (Nhulunbuy area) – See [fishing northeast Arnhem Land](#) guide for details.
- Yanyuwa (McArthur River and Sir Edward Pellew islands area) – See [McArthur River and Sir Edward Pellew island fishing guide](#) for details.



- Roche Reef, Middle Reef, Simms Reef, Charles Point and Talc Head during high tide only (Cox Peninsula) – See [Cox Peninsula and Bynoe Harbour Use and Access Map](#) for details.
- Grose Island, Beer Eater Island, Turtle Island, Quail Island, Dum-in-mirre Island, Bare Sand Island, Indian Island and residual coastline of the Cox Peninsula, except private lease areas and sacred sites – See [Cox Peninsula and Bynoe Harbour Use and Access Map](#) for details.

Can someone land on the beach in the intertidal zones?

Generally you can't land on beaches on the intertidal zone as the access is only granted for the intertidal waters. There are some areas on the [Cox Peninsula](#) where people can land on the beach.

Can someone camp on the beach in intertidal zones?

There are currently limited designated camping sites within the intertidal zones. There are some permitted camping areas on the [Cox Peninsula](#). People should only camp in designated camping areas and be croc wise.

Remember if someone is accessing Aboriginal land for camping they will need a recreation permit.

What fishing rules apply on Aboriginal land?

The same rules that apply to fishing in public waters apply to fishing in private waters. All fishers must abide by the rules set out in the following acts:

- NT Fisheries Act www.nt.gov.au/marine
- NT Aboriginal Sacred Sites Act www.aapant.org.au/sacred-sites

Recreational fishers should respect and recognise the cultural importance of these waters to Traditional Owners. More info about fishing on Aboriginal land can be found [here](#).

Where can't the public fish on Aboriginal land? What are the "closed zones"?

No fishing access is permitted at:

- Sacred sites or within 100m of sacred sites
- Cape Scott, within the Daly River Port Keats Aboriginal Land Trust
- Upper Finniss River, within the Delissaville Wagait Larrakia Aboriginal Land Trust
- Closed seas in the Milingimbi, Crocodile Islands and Glyde River area
- Closed seas in the Castlereagh Bay and Howard Island area
- Intertidal zone of Ida Bay, Knife Island and Crocodile Island on the Cox Peninsula area
- Private lease areas

For more information:

- NLC Permits Team, permits@nlc.org.au
- Call Head Office on: (08) 8920 5100