



NORTHERN
LAND COUNCIL

MEDIA RELEASE

Our Land, Our Sea, Our Life

Striking a fair balance between traditional owners' sea country rights and access for recreational fishers

1 March 2021

From 1 March 2021 to 31 December 2022 recreational fishers will be able to access the Territory's fishing spots across nearly 2,000km of Aboriginal sea country under a simple and free registration process.

These arrangements are in addition to Long Term Access agreements that have been in place since 2013 that allow for access to fishing areas along 1,100 kilometres of Aboriginal sea country.

This means that to the end of 2022 recreational fishers will have permit-free access to more than 3,000 kilometres of Aboriginal sea country in the NLC area by completing a simple and free registration process at www.nlc.org.au.

NLC CEO Marion Scrymgour said, "As I promised last year, NLC has been out consulting widely with traditional owners of sea country about what they want to do with their land and sea country. Aboriginal land and sea country is privately owned. Like any land owners, they have the right to say who can and who cannot come onto their country. There are some areas where, for cultural, environmental or commercial reasons, traditional owners want to restrict access."

"The Northern Land Council has statutory responsibilities to assist Traditional Owners to manage their country and we take those responsibilities very seriously. The NLC has been talking to and sharing information with all the other stakeholders – the NT government, AFANT, the Seafood Council and the Guided Fishing Tour operators but at all times we have to put the interests of traditional owners first. And that's what we do.

"Contrary to the report in the *Sunday Territorian* yesterday, recreational fishers in the NT will enjoy permit-free fishing across more than 3,000 kilometres of Aboriginal sea country. That report and the *Sunday Territorian* Editorial were wrong, speculative and unhelpful to both recreational fishers' continuing access to the Top End's wonderful fishing spots and to traditional owners of sea country who want to ensure that their country is managed properly for the future and for all Territorians to enjoy," said Ms Scrymgour.

NLC Chairman, Samuel Bush-Blanasi noted the long history of the battle for sea country in the NT. "That struggle didn't just start with Blue Mud Bay in the High Court, we had the Croker Island case before that and sea country traditional owners have been fighting for their country for many, many years."

"We came close when the Land Rights Act was first introduced by the Whitlam government in 1975. Back then the Land Rights Act would have given us two miles of sea country out from the shore.

But when the Land Rights Act was re-introduced to the Australian parliament by the Fraser government the next year those sea country rights were gone. We've never stopped fighting for our sea country and we never will," said Mr Bush-Blanasi.

ENDS

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Attachments: Intertidal Zone Frequently Asked Questions

Blue Mud Bay *Code of Conduct*

Tidal Waters Access Map



Intertidal Zone FAQs

1 March 2021

What is “Blue Mud Bay registration”?

From 1 March 2021 the NLC will introduce permit-free access to extensive areas of the intertidal zone – also known as Aboriginal sea country - on the Northern Territory mainland by a simple process of on-line registration that is quick, simple and free and will give recreational fishers access to many areas of tidal Aboriginal land until 31 December 2022.

It is called the Blue Mud Bay registration process in recognition of the historic decision by the High Court of Australia in 2008 that recognises Aboriginal ownership of tidal Aboriginal land – sometimes called the “intertidal zone” - in the Northern Territory.

Your Blue Mud Bay registration starts here www.nlc.org.au. You will automatically receive your documents by return email and that will include maps and Terms and Conditions.

Where do I need Blue Mud Bay registration for?

You will need Blue Mud Bay registration for the Blue Mud Bay Access Area that is marked in yellow on the Tidal Waters Access Map at www.nlc.org.au.

You will not need registration from the NLC for access to areas subject to Long Term Agreements that are marked in green on the Tidal Waters Access Map at www.nlc.org.au.

The areas marked in red on the Tidal Waters Access Map map are Restricted Areas. These are the subject of continuing access consultations by the NLC or where for cultural, environmental or commercial reasons, traditional owners want to restrict access.

Where can I fish in the Finniss River?

You can fish the northern bank of the Finniss River up to a point approximately 5km upstream from the mouth of the river, i.e. to GPS points 130.3737689S – 12.885346E. Access for recreational fishing on the Delissaville/Wagait/Larrakia Aboriginal Land Trust beyond that point is currently restricted. See the Tidal Waters Access Map at www.nlc.org.au.

Where can I fish in the Roper River?

You can fish in the Roper River up to a point 145 kilometres from the mouth to just southwest of Mount Birch at GPS points 134.6648987S – 14.7589457E as part of Blue Mud Bay registration. See the Tidal Waters Access Map at www.nlc.org.au.

Where can I fish in the East Alligator River?

You can fish in the East Alligator River up to Cahills Crossing at the boundary of the Kakadu National Park and the Arnhem Land Aboriginal Land Trust. No access is permitted to the Arnhem Land Aboriginal Land Trust on the eastern bank of the river. See the Tidal Waters Access Map at www.nlc.org.au.

What is the intertidal zone?

The intertidal zone is the area between the high tide and low tide water marks. In relation to Aboriginal sea rights stemming from the *Blue Mud Bay* decision, the intertidal zone is the area between the mean high tide and the mean low water marks.

How did NLC derive the mean low watermark on Aboriginal Land Trusts?

The NLC has based intertidal zone mapping on information from the Northern Territory Government survey plans for each Aboriginal land trust and the National Intertidal Digital Evaluation Model (NIDEM) (<https://beta.nationalmap.terria.io>)

The NLC has used the NIDEM model to plot the mean low watermark (MLWM) but that model does have some limitations and the NLC has used a conservative approach. It is expected that Land Trust boundaries will be revised by the NT government in due course the NLC will then apply any new information at that time.

If I have a Blue Mud Bay access permission do I also need a transit permit if I'm travelling through Aboriginal land?

Yes, Blue Mud Bay registration only allows you to access Aboriginal tidal waters by boat. If you need to travel through Aboriginal land to access Aboriginal tidal waters, you will need a separate transit permit. To apply for these visit www.permits.nlc.org.au.

We're travelling in a convoy of boats, does each person in each boat need to register?

Yes. Each person travelling on a boat requires registration, except children under the age of 18 whose parent(s) are travelling in the boats and have Blue Mud Bay registration.



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Blue Mud Bay Code of Conduct

You must comply with the following principles when entering tidal Aboriginal land:

1. Recognise the cultural and spiritual connections of Traditional Owners to their land and waters.
 - Respect Aboriginal cultural activities and ceremonies and observe restricted access to temporarily closed areas.
 - Do not land ashore without first obtaining an access permit from the Northern Land Council.
 - Be courteous to other water users and those who belong to the local Aboriginal community.
 - Take care when boating to avoid damaging sensitive areas.
2. Observe all fishing regulations.
 - Report any suspicious fishing activity to the local ranger group, the Northern Land Council or water police (Fishwatch Hotline 1800 891 136).
 - Stay safe on the water and always observe rules and safety standards.
3. Respect Traditional Aboriginal Owners' waters.
4. Respect the role of Aboriginal rangers carrying out sea country management activities, including fisheries compliance.
 - Aboriginal ranger groups operate across most of the Northern Territory coast delivering a range of management services.
 - Respect rangers with authority as fisheries inspectors to carry out fisheries compliance measures in accordance with the Fisheries Act.
 - Some sea country is managed as Indigenous Protected Areas
5. Be CrocWise.
 - Saltwater crocodiles inhabit estuaries and coastwaters in the Northern Territory. Be CrocWise and do not swim in any water or approach the edge of waterways. Clean fish away from the water's edge. See becrocwise.nt.gov.au

Tidal Waters Access Map (at 1 March 2021)

