



Cape York Land Council Aboriginal Corporation
ICN 1163 | ABN 22 965 382 705

Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000

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Dear State Development, Natural Resources and Agricultural Industry Development Committee

The Cape York Land Council (CYLC) is the Native Title Representative Body (NTRB) for the Cape York region. In our NTRB role we fulfil statutory functions under the *Native Title Act 1993* (Cth). In our broader Land Council role we support, protect and promote Cape York Aboriginal peoples' interests in land and sea to positively affect their social, economic, cultural and environmental circumstances. In this capacity CYLC welcomes the opportunity to comment on the Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018 (the Bill).

CYLC recognises that amendments proposed by the Bill are part of a broader suite of actions outlined in the Queensland Sustainable Fisheries Strategy 2017 – 2027. CYLC also acknowledges that the Bill provides for actions, such as the preparation of a series of harvest strategies, which could potentially support Cape York Aboriginal peoples' fisheries aspirations. Overall however, the Bill is disappointing in that it has not used this statutory reform opportunity to recognise the growing interests of Indigenous people in fishing, and to promote these interests. These important Indigenous interests have not been accommodated in the Queensland Sustainable Fisheries Strategy 2017 – 2027 either.

CYLC notes that the *Green Paper on fisheries management reform in Queensland* proposed that an Indigenous Fishing Strategy be prepared to provide a focus for Indigenous fishing issues. Despite this proposal, an Indigenous Fishing Strategy has not been prepared, and this may be the reason that important Indigenous interests have not been identified and addressed by the Bill. CYLC requests that the SDNRAID Committee recognise the omission of many issues of interest to Indigenous Queenslanders from the Bill, and recommend that the Bill be amended to introduce additional provisions regarding Indigenous fishing interests. The SDNRAID Committee should also recommend that an Indigenous Fishing Strategy be prepared.

CYLC proposes that the Bill is amended with the following issues in mind:

Native title – CYLC has registered native title claims over sea country around the northern end of Cape York and intends to register further sea claims over remaining Cape York sea country. Other Queensland Native Title Representative Bodies already have or are likely to register sea claims, so in the foreseeable future much of Queensland waters will be under a native title claim or have determinations that native title exists.

As part of our native title claims, CYLC will seek, and is likely to achieve, commercial rights to fisheries resources, similar to the outcome of the Akiba claim in Torres Strait. In anticipation

of this outcome, CYLC proposes that the Bill should make provision for an Indigenous quota and fishing licences.

The Indigenous quota should operate whereby a proportion of the fisheries resources available for commercial harvest should be allocated to an Indigenous quota, and fishing licences made available at no cost to Indigenous fishing companies to harvest this quota. If Indigenous fishing companies are not in a position to utilise the quota and licences immediately then they should have the option to lease their licence and associated quota to another party until such time as they have capacity to fully utilise their licence and quota.

Indigenous Community Use Areas – Anecdotal evidence from Cape York Aboriginal people indicates that commercial fishers are operating legally and illegally around Cape York Indigenous towns and the level of fish take is seriously impacting the ability of local people to catch fish for their domestic purposes. This causes hardship in communities that have a major reliance on fishing to provide for their daily food needs.

CYLC proposes that the Bill be amended to extend the concept of the existing land-based Indigenous Community Use Areas (ICUA), as provided for under *the Cape York Peninsula Heritage Act 2007*, to sea country. In declared Sea ICUA areas, which on Cape York would probably be centred on Aboriginal towns, fisheries management would be the responsibility of Traditional Owners. Traditional Owners would develop a Sea ICUA management plan to identify fisheries management priorities, such as recreational, commercial or tourism activities, and may include for example Net Free Zones to exclude commercial fishers, as has been done for the Cairns inlet and around other towns on the Queensland coast.

Indigenous rangers – In remote areas such as Cape York fisheries regulation is minimal and illegal fishing occurs with little chance of prosecution. The Queensland Indigenous Fishing Strategy 2017 – 2027 Progress Report Year 1 identifies that 20 new compliance officers have been recruited but little evidence of improved compliance on Cape York has been observed. However, Aboriginal people living on Cape York are willing and able to be involved in fisheries regulation and could vastly improve the regulation of commercial, recreational, charter and traditional fishing in remote areas.

A network of Aboriginal rangers already exist on Cape York to manage land, and their responsibilities and powers could be extended to fisheries regulation. Local people would need all the powers and support (boats etc) available to fisheries officers including powers to board vessels and investigate suspected illegal fishing. Aboriginal fisheries officers could also have a role in regulating turtle and dugong hunting. CYLC proposes that the Bill be amended to make provision for the recruitment of Aboriginal people on Cape York to enforce compliance with fisheries regulations.

If you wish to discuss any aspect of this submission please do not hesitate to contact me.

Yours sincerely,



Richie Ah Mat
Chair
Cape York Land Council