



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
12th Assembly

Petition

Registration No.	21
Title	No Permits for the Finnis
Presented on	Wednesday 28 August 2013
Presented by	Mr Higgins (Member for Daly)
Referred to	Minister for Primary Industry and Fisheries (Hon Willem Westra van Holthe)
Date referred	28 August 2013
Response due	4 December 2013
Response received	14 October 2013
Response to be presented	15 October 2013

Petition

No Permits for the Finnis

Fee free fishing for all Australians – not a select few

We the undersigned demand that recreational fishing on the Finnis River system be permit free for ALL to enjoy

Response

In July 2008, the High Court of Australia ruled that permission is required for all commercial and recreational fishers and other water users to enter waters overlying Aboriginal land. In what is known as the Blue Mud Bay case, the High Court also confirmed that the *NT Fisheries Act* applies in those waters. In effect, the decision recognises that Traditional Owners may control access to inter-tidal waters overlying Aboriginal land.

In recognition of the impacts of this decision and the practical difficulties it presents, the Territory Government is working with Land Councils and Traditional Owners to establish agreements that will benefit everyone – Indigenous Territorians, recreational and commercial fishers, and other water users.

Earlier this year, Traditional Owners from the upper tidal reaches of the Finniss River made a decision not to allow access for recreational fishers and commercial fishers, including fishing tour operators. The decision followed extensive negotiations between the Traditional Owners, the Northern Land Council (NLC) and the Northern Territory Government. While an agreement was not able to be reached, Government respects the lawful decision taken by the Traditional Owners. Government also continues to work with the NLC to hear the concerns of the Traditional Owners involved in the decision and to find a way forward that may provide a more practical and better outcome for all Territorians.

It is important to note that while the decision precludes access to tidal waters in the upstream section of the Finniss, many of the popular fishing sites on the river are located below this line and continue to be accessible.

Government is currently negotiating with Traditional Owners from individual Land Trusts across the Territory to reach agreements for access to all NT waterways, with a preference for no individual permits for recreational fishers. While negotiations are continuing, temporary arrangements are in place to allow continued access to waters overlying Aboriginal land, apart from the upper tidal waters of the Finniss River.

Government is maintaining an open and transparent negotiation process and will continue to provide public updates on discussions as relevant.