

# The Drift

## The NTGFIA Official Newsletter

### Feb 2009

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## Presidents Report

*By Robert Marchant*

Happy New Year to all and a timely welcome to the first bi monthly news letter published by the N.T.G.F.I.A. As we speak the wheels of government are slowly going back to work after the festive season. The team and I have been involved tirelessly in the development and formation of the Management Plan. Fisheries have been able to arrange a basic draft from recommendations of the November 2 meeting. For those that could not make this meeting we will bring a final draft to you as soon as it is available.

Other issues such as the Blue Mud Bay ruling have been consuming several hours of committee members time and a seamless transition for all fishing guides is the paramount position we are trying to obtain. In a nut shell we want the statues quos to continue as it was before the ruling.

As we move into this year I am hoping that the season brings us plenty of work and mind blowing fish of every species .This year we will be visited by the water police and a professional approach when we are dealing with them will help to galvanize us as the professionals that we are.

I hope that this is the first of many issues to come and I would like to impress upon you that we need all up to date emails addresses and phone numbers for us to be an effective. You will be contacted by Graeme Williams, Membership Officer, and he will be calling all Fishing Tour Operators to become members of the NTGFIA. He will also be the conduit for any problems or issues that we can take up on behalf of the industry so please speak freely

## Social Gatherings

Saturday 14<sup>th</sup> February 2009

3pm

Darwin Trailer Boat Club

Champagne available for the ladies

Bring your partner/family/valentine and get together with other members/FTO'S.

Pool and playground available for kids - bring bathers

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## Membership News by Graeme Williams

Memberships are still belatedly being returned, I can only encourage you to become members of the association, primarily to keep abreast of developments and be able to advocate your say, in addition the government want to ensure that we represent the majority, if you haven't filled out the paperwork please do so now and send it off, if you need a new form you can download it off the website or ring me directly on Mob 0412481592 Home 0889456658.

Currently there are 134 licenses held by 95 individuals, indications are there will be a higher than normal proportion of nil catch returns this year, we suspect that is due to a prospecting element who are reacting to rumors that the license may be moving towards a closed fishery value.

If this occurs then existing licenses will be probably vetted to show performance levels before they are renewed, obviously if there was no such determination everyone would buy as many licenses as they could before the close off date.

Realistically this is a long way off and there are many aspects of the fishing tour industry would have to come into play for it to happen, with the license heading to \$600.00 this next renewal period you could be in for a serious wait on this presumption.

We do not encourage speculation of this nature and it's in the best interest of existing FTO's to discourage this practice.

Responding to a question from a new applicant, at present there is no pro rata period within the license year, this means if you pay for a license on the 28<sup>th</sup> of June it will be due in full again on the 1<sup>st</sup> July. Fisheries licensing have stated that this will not change.

Remember the membership is only \$10.00 so take the time to send it off.

### **REMEMBER: FIRST AID CERTIFICATES ARE A LICENCE REQUIREMENT**

## Kenbi Land Claim by Graeme Williams

You would be all aware of the government's decision to finalize the Kenbi Land Claim. It was with some trepidation Lloyd Browne and myself went to a meeting with Fisheries to explain the outcome, the reason for our disquiet being the lack of up to date consultation with FTO's prior to this decision being suddenly taken.

We met with Senior Fisheries management officer Steve Sly who ran us over the decision. Thankfully the negotiating team who finalized this decision had their wits about them. When I first saw the map, shaded areas claimed, yellow cultural sites and red no go zones, I thought here we go, this didn't look good.

The fact as it turns out is truly complimentary, in a nutshell we are being asked to respect cultural sites but are not barred from visiting them. There is an area between Tapa Bay and Ida\_bay which they ask us not to land on, I know this area and other than access into Ida bay you wouldn't want to land there. Bare Sandy has been left alone other than the condition that we do not light fires, otherwise camping/fishing is unrestricted. Knife Island and Crocodile Island (opposite Crab Claw Fishing Lodge), we have been asked not to land on, that really wouldn't bother anyone. We have also been asked not to land on Roche Reef, I wouldn't contemplate trying that anyhow. There are a number of sites around the Harbour and on Indian island listed as culturally sensitive without restricting fishing or access.

Within Darwin Harbour there are no issues south of Talc Head and these are only respect for the cultural sensitivities not restrictions on fishing, landing etc. This agreement needs to be ratified by the Commonwealth.

I personally operate in these waters and do not find any issue to be a problem; they have foregone the rights to the intertidal zone, which is a timely precedent on compromise in the current Blue Mud Bay decision.

If this sort of attitude continues we will all benefit at the end of the day.

## Blue Mud Bay – an update from Graeme Williams

The High Court of Australia and its decision relating to Blue Mud Bay, The Appeal by The N T Government and the Courts final decision is now all out in the open.

Members are starting to voice their concerns over what impact will this have on future FTO operations, the short answer is nobody is 100% sure what the outcome will be. Instead of dwelling on this ridiculous situation where our Captains of Justice threw a Pandora's box right in front of every traditional owner with lands abutting waterways. We are going to demand a protection of the fiduciary rights to your license fee.

There has been a lot of misinformed claims by various groups and Traditional Owner's as to what this means for them.

Firstly the facts

They have been granted the land down to the mean low tide. The appeal process determined the N T Fisheries act applies in the waters over the mean low tide area the determination does not state ownership of the transient fish population within, this is a view held by nearly all Aquatic user groups and we understand this is the Governments view. Any changes will result in very strong argument.

Secondly, Under the Land rights act trespass on aboriginal land is a criminal act not a misdemeanor as we normally know trespass to be.

Therefore two things in law must apply.

Firstly you can only be charged by a Federal Police Officer or his nominee (N T Police.) Occasionally this happens, tour operations infringing Kakadu and Journalists at Wadeye come to mind. The other very important point is that you have to have a definitive line, you cannot cross without permission, it must be signposted. Surveying mean low tide, which might occur twice a year, would be near impossible. In other words about here or about there is not legal it has to be set in concrete,( funny how the law can work both ways).

It is obvious to us that the relevant Land Councils will have to explain clearly to the huge numbers of Traditional Owners what this all means, given the size of that task we don't expect any overnight decisions.

The NTGFIA believes along with other AUG's that it is the government's role to negotiate and consultate for an identifiable and transparent agreement that respects everybody's rights, they have formed a steering committee and we are in constant discussion. The association has drafted a position that states where we stand a copy is in this newsletter and can also be read online

We believe that there can be many positive outcomes, such as certain places could have camping grounds to access waterways normally out of reach, like any commercial operation, we could pay for camping.

The association is not in favour of permit fees in general.

So far all preliminary talks are indicating an easy way forward the Association envisages that we will be monitoring this issue for some time to come, therefore there will be an approach to Government for additional funding to cover costs such as legal opinions transportation etc.

## PRESIDENT BLUE PAPER 2008 from 2 November 2008 meeting

There are a number of points that should be raised about licence limitation and are very important to the future of a managed guided fishing industry. Therefore I would request that the following points be included into the minutes of the meeting.

1. Licence limitation is the basis or starting point for a managed fishery;
2. A managed fishery means a fishery established under the fisheries act;

In my opinion the industry needs what other managed commercial fishing industries have or what they are going to get

- Sector Shares - Catch quotas
- Unitization
- Real market value for licence
- Advisory Committee that meets formally and at regular intervals to discuss the relevant management issues relating to this industry.

## NTGFIA POLICY POSITION IN RESPECT TO BLUE MUD BAY DECISION

The principal aims of the NT Guided Fishing Industry Association's charter are the enhancement of the economic viability of the fishery and the sustainability of its target species.

In line with these principles the NTGFIA supports the development of a framework which will enable the continuation of Fishing Tour Operations at their current level; and which will also provide for the expansion of the industry in tidal waters affected by the Blue Mud Bay decision which are not currently being fished.

The Association supports the development of a single regulatory framework, which will apply to all NT waters and which is both equitable and transparent. More specifically, with respect to the NT Guided Fishing Industry, such a framework should incorporate

- (i) a mechanism to provide for financial compensation or other commensurate assistance for loss of fishing areas currently worked by FTOs.
- (ii) a commitment to minimize such effects and dislocations on the industry
- (iii) a consultative mechanism whereby areas open to FTOs (and other Recreational Fishermen) may be mutually agreed on.
- (iv) a guarantee of long term access to such areas.
- (v) a justification process (eg economic, cultural) for the declaration of exclusive areas, which is both equitable and transparent
- (vi) a dispute resolution process.
- (vii) a set of protocols which will facilitate the implementation of joint venture fishing tour operations with Traditional Owners and/or Community Associations.

## Auction

End of year auction - November 2009  
Do you have any goods for sale? If so keep them and auction them  
Association receives 20 % commission.

## Wanted

Do you know a decent welder? Willing to be involved with repairs to the fishing industry.  
Email Lloyd?

## Discounts

Fishing World \$10 classic lures full range.

## Off the Hook. Lloyd Browne

### The Managed Fishery: the one that got away?

As NTGFIA Executive Officer I represent the interests of the Guided Fishing Industry at the following five Commercial Fisheries Management Advisory Committees (MACs): Timor Reef, Spanish Mackerel, Mud Crab, Barramundi, and Coastal Line. It is at these MAC meetings that all the important fishery management rules are formulated and the voices of industry representatives have the most effect. The NTGFIA currently has no Mac

Over the past year considerable progress has been made at the first four MACs towards the introduction of resource sharing and trading as a proprietary right of licencees. Effectively this means that following the per capita apportionment of the commercial sectors' total allowable catch an individual licencee will be able to trade or lease specified minimum quantities (shares) of his allotted catch quota just as if he were trading on the stock market. A separate arrangement (called unitization) will apply in the Mud Crab Fishery, where each individual 60 pot licence is divided into two units of 30 pots each. A single unit can be sold or leased to other Mud Crab licencees but must be combined with one or more other units to constitute a legal operation.

As a designated sector in each of these five commercial fisheries the Guided Fishing Industry will have catch quotas allocated to it, but individual FTOs will not be able to capitalize on these quotas in the same way as individual commercial licencees because

- (i) there are currently no administrative processes in place to enable our industry to do so, and
- (ii) there is no consultative mechanism or forum in place (e.g. a Fishing Tour Operators MAC) to enable us to develop such processes.

Commercial fishery MACs are established under the Managed Fishery provisions of the Fisheries Act. Theoretically, the same provisions are also available to our industry, It is for this reason that the association has sought managed fishing statues for the industry.

The refusal to grant managed-fishery status to the Guided Fishing Industry will not necessarily block the flow-on of such entitlements but it will make them infinitely harder to attain. FTOs will be much better positioned to benefit from the introduction of these new concepts if they have both a management plan in place and a functioning Management Advisory Committee.

**So where to from here??** The decision as to whether or not an FTO Managed Fishery will be declared ultimately rests with the Minister. He will be influenced by the response to the public comment phase of the Issues Paper (the subject of discussions at the November 2 General Meeting) and by the advice of the Fisheries Department. We can only wait and see.

## FOR SALE

Greg Trouchet has a 5 metre barra boat for sale contact him on 0407612972

If you have any items for sale contact the Executive Officer for inclusion in the next newsletter.

## Reidys lure factory.

Caught a good fish on a Reidys call in and show Collin and Karen .Staff will show customers around for free and arrange a replacement lure as a bonus. Drinks available.

Collin has asked if you have any ideas come and help this product or color come to life in the factory you may even be able to name it Open 8.30am to 5.pm

## Recipe of the Month

Robs favourite fish dish.

- Serves many
- Fillet fish cut into fish finger portions, any fish
- Tandaco Fish Seasoning 2 packets.
- Good BBQ or Fry pan.
- Clean Plastic bag
- Garlic/ Ginger to taste
- Oil BBQ or fry Pan and turn onto medium heat, add garlic and ginger
- Place tandaco seasoning into Plastic bag, add small quantities of fish and shake bag until all portions are covered

Cook until golden brown

Sweet chili dipping sauce is a great accompaniment

Enjoy with a bottle of Sauvignon Blanc or cold beer.

Great finger food cold but hide away from kids as they will eat it all before you get home.

Got a good recipe or idea to make fish great submit it and share the love.

**We need a logo got any ideas See Lloyd or Graeme  
Next comitee meeting Thursday April 2 2009**

### NT Professional Guided Fishing Industry Association

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### NTPFGIA Committee - 2009

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