

BEFORE THE ABORIGINAL LAND COMMISSIONER
ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976
LORELLA LAND CLAIM NO. 199 AND,
PART OF MARIA ISLAND REGION LAND CLAIM NO. 198 AND,
MARIA ISLAND AND LIMMEN BIGHT RIVER LAND CLAIM NO. 71
(REVIEW)

Statement of David Ciaravolo, Executive Officer, the Amateur Fishermen's Association of the Northern Territory (AFANT), PO Box 40694, Casuarina NT 0811.

1. I was appointed as the Executive Officer at AFANT in February 2017. Prior to that I worked as the Executive Director at RecFish SA, the South Australian recreational fishing peak body, for a period of 2 years.
2. As Executive Officer at AFANT, I have responsibility for the achievement of AFANT's mission/objectives and the management of AFANT's operations. I work with the Committee on the development and achievement of agreed strategy, and I represent AFANT on government and non-government committees, groups, projects and on other matters.
3. AFANT was formed in 1980 to represent NT recreational fishers on all matters of importance to recreational fishing. This includes fisheries management, development strategies, access to areas for the purpose of recreational fishing, and responding to project proposals which may influence the quality or access for recreational anglers in the NT.
4. This statement is intended to update issues raised in correspondence sent by AFANT to the previous Aboriginal Land Commissioner (Olney) in 2001. This updated statement is intended to provide the most contemporary evidence available to the Commissioner for consideration, and to bring focus to the matters AFANT now views as most relevant; particularly those arising by effect of the decision of the High Court of Australia in Northern Territory of Australia v Arnhem Land Aboriginal Land Trust [2008] HCA 29 on 30 July 2008 (the Blue Mud Bay decision)
5. The immediate effect of a grant of these Claims, without a negotiated open access agreement, would be that the lands and waters of the Claim areas would become Aboriginal Land and that access to the waters overlying those lands would be prohibited, in the absence of a permit.
6. AFANT are of the view that to inform usage and potential detriment issues, the data held by the Northern Territory Government, e.g., the results from the 2010 Recreational Fishing Survey, can be usefully be complimented by contemporary data collected about fishing activity at a finer scale; specifically, about fishing within the Claim Areas.

7. AFANT conducted a community consultation survey, the “**AFANT - Maria Island, Limmen Coast, Limmen / Cox Rivers, Lorella Springs Coast and Bing Bong Creek Land Claims Survey**” referred to hereafter as the AFANT – Claim Areas Community Survey (Appendix A), to ask recreational fishers about their activities in the Claim Areas.
8. Due to time and human resource constraints, the opportunity to participate in the survey was made available to fishers for only a 3-day period. It was sent to Members and made available online via AFANT’s social media accounts; 240 individuals participated in the consultation. Of these 32.5% identified as not being a resident of the NT, confirming views that this area is of significance to visitors / fishing tourism.
9. In preparing this statement, AFANT made contact with Lorella Springs Station and Limmen Bight River Fishing Camp. Conversations with staff verified that both venues are currently offering camping and boat launching facilities for recreational fishers to access and fish within the Claim Areas.

Recreational Fishing in the Northern Territory

10. Recreational fishing is an important social and cultural component of the Northern Territory lifestyle. It is also a major tourism drawcard and a significant contributor to the economy.
11. The [2010 NT Recreational Fishing Survey](#) (West *et al.*, 2012) indicates that more than 30,500 Non-Indigenous Territory residents went fishing in 12 months between April 2009 – March 2010. The Tourism NT, Fishing Segment Profile documents that there were over 40,000 fishing visitors to the NT in 2014 (http://www.tourismnt.com.au/~media/files/corporate/marketing/fishing-segment-profile_northern-territory-australia.ashx).
12. [NT Government Recreational Fishing Development Plan \(2012-2022\)](#), provides that 70% of recreational fishing in the Northern Territory occurs in regional areas, where it is often the primary economic and development driver.
13. In the 2010 NT Recreational Fishing Survey (West *et al.*, 2012), annual resident fisher expenditure was estimated at \$51M.
14. [The Fishery Status Reports 2012 \(NTG, 2014\)](#) estimates the NT guided fishing industry to contribute \$26M annually to the NT economy.

Recreational fishing in the region

15. The East Coast / Gulf Area region where the Claim Areas are located accounted for approximately 7% of all fishing effort by NT Residents in 2009/10. (West *et al.* 2012. p.33)

16. The East Coast / Gulf Area region where the Claim Areas are located, accounted for approximately 12% of all Barramundi caught by NT Residents in 2009/10 (West et al. 2012, p.47).
17. The Limmen National Park, a prominent visitor drawcard adjacent to a number of the Claim Areas (LC's 71, 198 & 199) advertises recreational fishing opportunities and launching facilities in the "What to see and do" section of the park information pamphlet:

https://nt.gov.au/data/assets/pdf_file/0005/200102/limmen-national-park.pdf

Recreational Fishing in the Claim Area(s)

18. Recreational Fishing is currently permitted in the Claim Areas without the need to obtain a permit or individual permission as the waters overlay Crown land.
19. Key locations where fishers are able to launch boats to fish waters overlying the Claim Areas include; Limmen Bight River (Barrett) Fishing Camp, Towns River, Port Roper, Lorella Station, Mule Creek and King Ash Bay.

Recreational Fishing in Maria Island and Limmen Bight River Land Claim No. 71 Claim Areas

Maria Island section

20. In the AFANT – Claim Areas Community Survey, 136 respondents said that they have fished in the Maria Island intertidal zone Claim Area (shown to respondents on a Map (figure 1) and highlighted in orange).

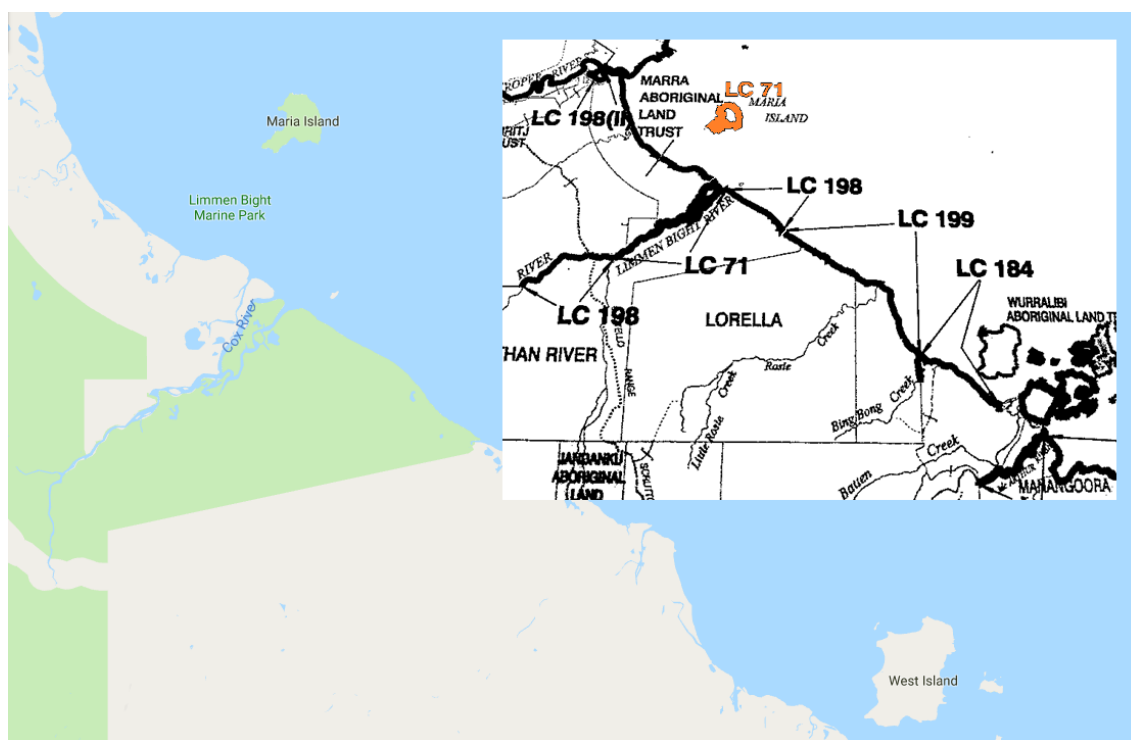


Figure 1: LC 71 (Maria Island Intertidal Zone) Claim Area from AFANT Survey

21. The Limmen Bight River (Barrett) Fishing Camp and the Roper River (Port Roper) boat ramps are the main access points for recreational fishing in the Island Claim Area. This is supported by the fact that 65 individuals or 44.5% of respondents, and 62 individuals or 42.5% of respondents in the AFANT Community Survey, confirmed that when fishing the Maria Island Claim Area, they launched at the Limmen Bight River Camp and Port Roper boat ramps, respectively.
22. Access to the Maria Island Claim Area may be significantly influenced by the resolution of, and subsequent access arrangements for the Limmen Bight River section of the same Land Claim, (as this is where the Limmen Bight River (Barrett) Fishing Camp boat ramp is located). Access to the Maria Island Claim Area from the Roper River may be significantly influenced by the resolution of LC70 and subsequent future access arrangements.
23. A small number of respondents also reported launching their boats at the Towns River and Mule Creek (Bing Bong) ramps, when accessing the Maria Island Claim Area for fishing.
24. The Limmen Bight River (Barrett) Fishing Camp and Port Roper are important camping / accommodation facilities for people who do recreational fishing in the Maria Island section of the LC 71 Claim Area. This is supported by the fact that 59 respondents said they stayed at the Barrett Camp, while 41 respondents reported camping at Port Roper.
25. Boat Camping at Maria Island (the intertidal zone) is also a common activity for people when fishing the Claim Area. This is evidenced by the written comments of 22 respondents referring to camping on their boat around the Island.

Limmen Bight River section (LC 71)

26. In the AFANT – Claim Areas Community Survey, a sum of 130 respondents said they have fished in the Limmen Bight River Claim Area (shown to respondents on a Map (figure 2) and highlighted in orange).
27. The Limmen Bight River (Barrett) Fishing Camp is the main access point for recreational fishing in the LC 71 (River) Claim Area. This is supported by the fact that 111 or 83% of respondents to the relevant question in the AFANT – Claim Areas Community Survey confirmed that when fishing the Limmen Bight River Claim Area, they launched at the Limmen Bight River (Barrett) Fishing Camp.
28. Respondents also reported launching their boats at the Nathan River road crossing (12). These reports are of special significance as they seem to contrast with a statement in the letter dated 18 July 2001 and titled “Claimants’ Proposals for use of the Claimed Land” (Appendix 4 of ALC Report 61) where it was stated under “Access Points” that; “*The claimants are not aware of any points (other than Mr Barrett’s block) along the Limmen Bight River where boats are launched*”.

29. Other respondents confirmed accessing the Claim Area of the river by traveling in through the river mouth -from the sea; having launched at Port Roper (5).
30. The Limmen Bight River (Barrett) Fishing Camp is an important camping / accommodation facility for people who do recreational fishing in the River (LC 71 & 198 Claim Areas). This is supported by the fact that 91 respondents (67% of those who reported fishing in the river) said they stayed at the Barrett Camp. Others, (27 individuals / 20%) reported camping “elsewhere in Limmen National Park”.
31. On-boat camping was also referred to by 10 respondents in their comments about where they stayed while fishing the Limmen Bight / Cox Rivers (LC 71 & 198 Claim Areas).
32. Map (Figure 2)

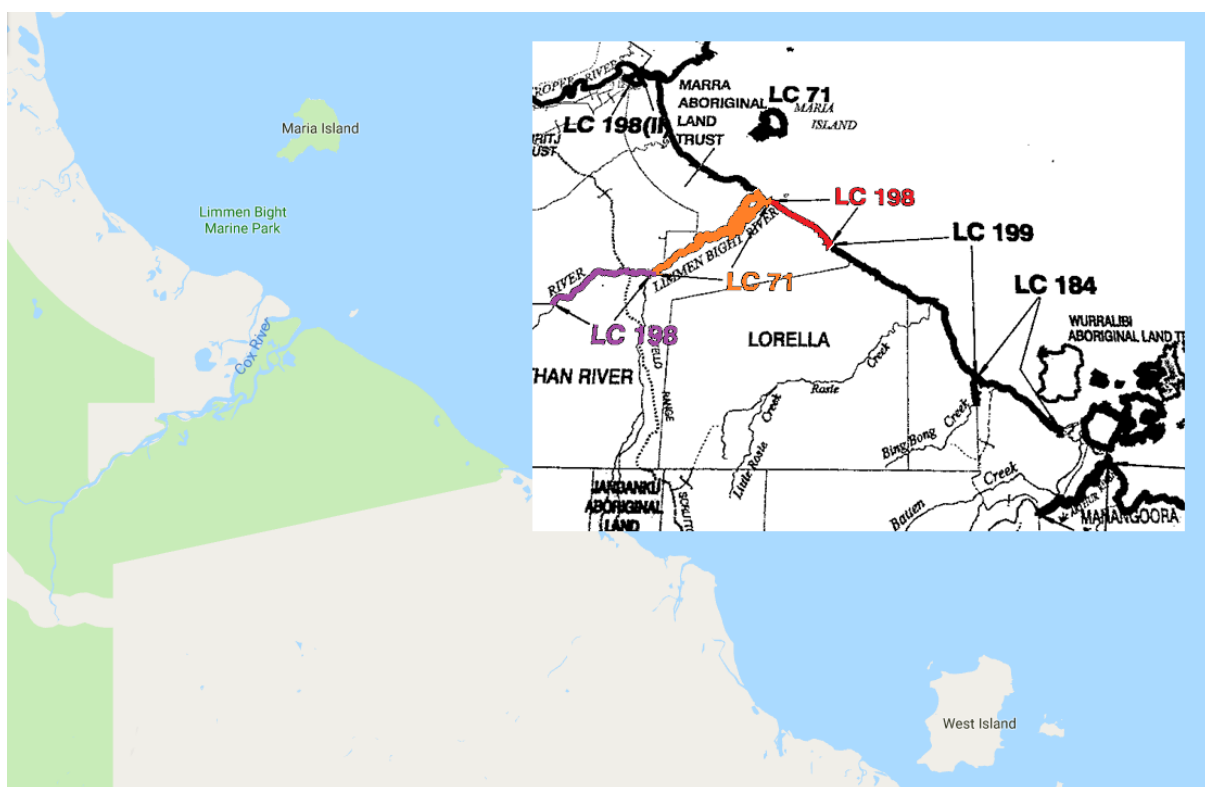


Figure 2: LC's 71, 198 (River) & 189 (Intertidal) Claim Areas from AFANT Survey

Recreational Fishing in the Part of Maria Island Region Land Claim (No. 198) Claim Area

River section

33. In the AFANT – Claim Areas Community Survey, a sum of 104 respondents said they have fished in the Maria Island Region Land Claim (river section) Claim Area (shown to respondents on a Map (figure 2) and highlighted in purple).

34. The AFANT – Claim Areas Community Survey supports the notion that the Limmen Bight River (Barrett) Fishing Camp is the most popular access point for recreational fishing in the LC 198 River Claim Area. One hundred and eleven, or 83% of respondents to the relevant question in the AFANT survey confirmed that when fishing the river Claim Area, they launched at the Limmen Bight River (Barrett) Fishing Camp’s boat ramp.

Coastline (intertidal zone) section (LC 198)

35. In the AFANT – Claim Areas Community Survey, 108 respondents said they have fished in the Maria Island Region Land Claim (No. 198) coastal (intertidal zone) Claim Area (shown to respondents on a Map (figure 2) and highlighted in red).
36. The Limmen Bight River (Barrett) Fishing Camp boat ramp is the main access point for recreational fishing in the Maria Island Region Land Claim (No. 198) coastal (intertidal zone) Claim Area. This is supported by the fact that 78 individuals or (68.5%) of respondents to the question in the AFANT – Claim Areas Community Survey, confirmed that when fishing this section of coastline, they launched at the Limmen Bight River Camp.
37. The other significant launching location for fishers of this section of Claim Area is Port Roper, with 24 respondents (21%) reporting launching boats at the Roper River. Other launching locations reported by fishers included the Towns River, Lorella Springs, Mule Creek and King Ash Bay.
38. As with other fishing in the region, the Limmen Bight River (Barrett) Fishing Camp is an important camping / accommodation facility for people who do recreational fishing in the Maria Island Region Land Claim (No. 198) coastal (intertidal zone) Claim Area. This is supported by the fact that 74 respondents (64% of those who fished here) said they stayed at the Barrett Camp. Others, (18 individuals / 15.5%) reported camping “elsewhere in Limmen National Park”.
39. Camping on the boat was reported by 16 respondents (14%) in their comments about where they stayed while fishing the LC 198 intertidal zone Claim Area.

Recreational Fishing in the Lorella Region Land Claim (No. 199) Claim Area

Lorella Intertidal Zone section

40. In the AFANT – Claim Areas Community Survey, 76 respondents said they have fished in the Lorella Region Land Claim intertidal zone Claim Area (shown to respondents on a Map (figure 3) and highlighted in pink).

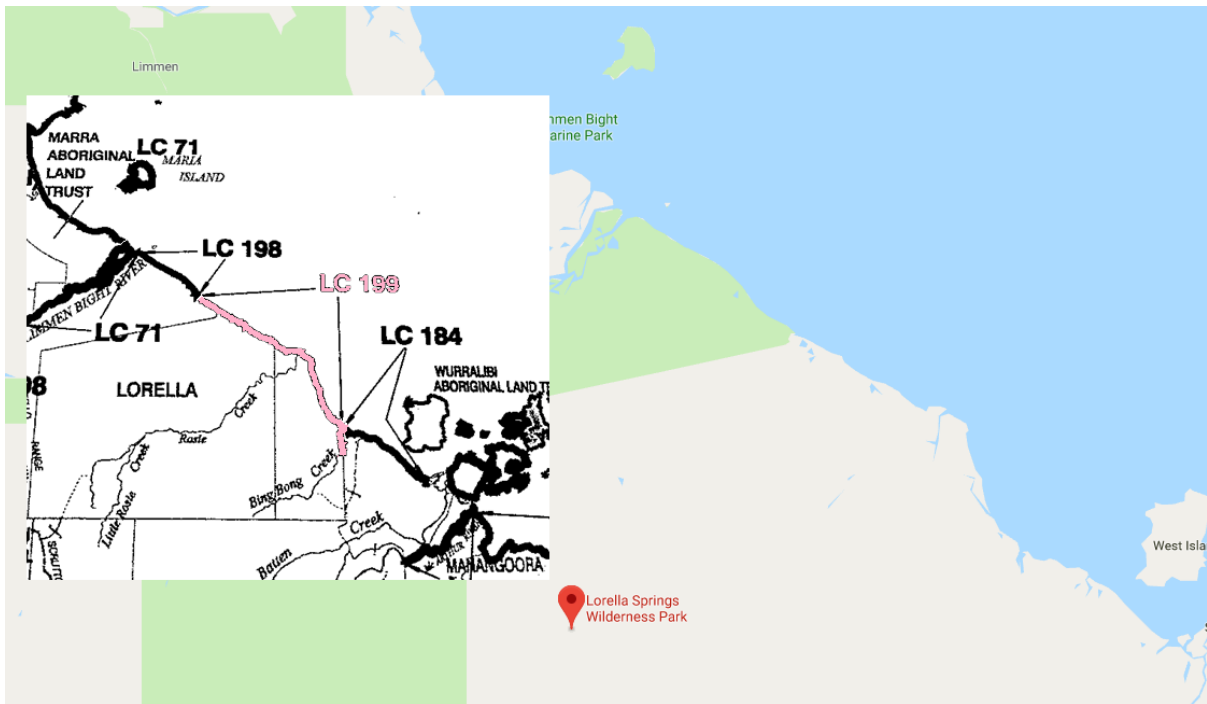


Figure 3: LC 199 Claim Areas from AFANT Survey

41. That the majority of people fishing the Lorella Region intertidal zone Claim Area launch their boats from the Lorella Springs property, is supported by the fact that 44 individuals, or 58% of respondents to the relevant question in the AFANT Survey, confirmed launching their boats at the Lorella Springs Station.
42. The Mule Creek boat ramp (sometimes referred to as the Bing Bong ramp) is another important launching area for recreational fishers when fishing the Lorella intertidal zone Claim Area. Eighteen individuals, or 24% of respondents to the relevant question in the AFANT – Claim Areas Community Survey, reported launching their boats at Mule Creek / Bing Bong. Other launching areas reported when fishing this Claim Area included Limmen Bight River, King Ash Bay and Port Roper.
43. A number of the boat launching locations reported are the subjects of other Land Claims; Mule Creek (LC 184), Port Roper (LC 70) and Limmen Bight (LC 198). And therefore, future access from these locations may be impacted by the granting of, or access agreements stemming from those Claims.
44. Areas where people stay in the region has bearing on where they launch their boats to fish the intertidal zone Claim Area. For example, 44 AFANT – Claim Areas Community Survey respondents indicated both staying at and launching from Lorella Springs Station. While, 13% of relevant respondents (10) reported camping on their boats in the intertidal zone and 16% of relevant respondents (12) reported staying at King Ash Bay / Borroloola.

Bing Bong Creek (bed and banks) section

45. In the AFANT – Claim Areas Community Survey, 80 respondents said they have fished in the Bing Bong Creek section of the Lorella Region Land Claim Area (shown to respondents on a Map (figure 3) and highlighted in pink).
46. The Mule Creek boat ramp is an important launching area for recreational fishers when fishing the Bing Bong Creek section of the Lorella Region Land Claim. This is supported by the reports of 35 recreational fishers (42% of those who have fished there) in answer to the relevant question in the AFANT survey.
47. Lorella Springs Station is another important launching area for recreational fishers when fishing the Bing Bong Creek Claim Area. Thirty-one individuals, or 37% of respondents to the relevant question in the AFANT – Claim Areas Community Survey reported launching their boats at Lorella Springs Station. The other launching facility reported when fishing the Bing Bong Creek Claim Area was the King Ash Bay Fishing Club ramp.
48. When fishing Bing Bong creek, both Lorella Spring Station and the King Ash Bay Fishing Club are important places where people stay. This is supported by the fact 29 & 29 individuals, or 33% & 33% of respondents to the relevant question in the AFANT survey reported staying at Lorella Springs and King Ash Bay. Other places people reported staying at included, on their boats, at Borroloola and “at home”.

Access through pastoral / private land and potential detriment

49. Accessing the water through private land / pastoral stations is an important way for recreational fishers to access parts of LC 198, and the LC 199 Claim Areas. This was evidenced in AFANT’s consultation by reports of boat launching and camping at both the Limmen Bight “Barrett” Fishing Camp and Lorella Springs Station.
50. If the effect of the Claims being granted, or a lack of future access arrangements, is to limit or prevent access through these properties, it reasonably follows that this would result in detriment to many recreational fishers due to the significant loss of amenity and access to the waters in question.
51. It is understood that fishers pay camping / access fees at private properties; while these fees vary and may be set by market forces, if the effect of a Grant or future access arrangements, is to increase the cost of access, or through exclusivity, decrease the options for access, it is possible that recreational fishers may suffer financial detriment though increased access fees.

On boat camping and potential detriment

52. Camping on the boat is practiced by recreational fishers in all of the Claim Areas that are the subject of this review. Evidence of this practice was collected from the sample of fishers who participated in the AFANT – Claim Areas Community Survey (22 people reported camping on Boats at the Maria Island area of LC 71, 10 people reported camping on Boats at the Limmen Bight River area of LC's 71 & 198, 16 people reported camping on Boats at the Maria Island Region intertidal zone area of LC 198, 10 people reported camping on Boats at the Lorella Region intertidal zone area of LC 199, and 5 people reported camping on Boats at the Bing Bong Creek area of LC 199.
53. If the effect of Land Claims being granted or future access arrangements, is to limit or prohibit such camping, it reasonably follows that the quality of the fishing experience and potentially, the viability of visitation would be impacted. This would result in detriment through the significant loss of amenity, social value and benefit.

Cumulative Impacts

54. It has been raised by AFANT in response to other Land Claims (167, 188, 189, 68, 184 & 185), that there is potential for cumulative detriment to arise/accrue as a result of the granting of a number of Bed and Bank, and Intertidal Zone Land Claims.
55. It has been put forward that cumulative detriment may occur should a system of permits be introduced resulting in the need for fishers to expend time and money obtaining permits for different areas. In addition, we have contended that either the introduction of permits, or the closure of areas to recreational fishing, could put pressure on the resources, and by extension, the fishing experiences in other areas. In our view, this consideration is also relevant to these Claims.

Cumulative (Social) impacts

56. The enjoyment of recreational fishing is about much more than just the catching of fish; for participants the activity is about the experience as a whole. The enjoyment, social and lifestyle values of recreational fishing experiences can be impacted by informal competition with, or the presence of, other fishers on the water. This is especially the case in regional settings where enjoying space on the water is usually an intrinsic part of the visitation experience.
57. Increased competition/ the presence of others, is one way that cumulative detriment from more fishers being squeezed in to fewer locations may be seen to extend beyond resource sustainability/availability, and to also impact upon on social and amenity values (the availability of a valued experience).

58. Of special relevance is the fact that recreational fishers value the amenity of the remoteness of Land (waters) in Claim Areas 71, 198 & 199. For example, in response to the final question in the AFANT – Claim Areas Community Survey, one respondent wrote:

The reason myself and a lot of others fish the area of Limmen Bight/ Maria island is its so remote; of course the fishing is great but to journey 3500km to such a remote destination and fish for 8 days without seeing another boat is surreal. If places like this are shut down we are stopping Australians from seeing and fishing there (sic) own country.

The effect of granting these claims (and other remote area Land Claims) without securing either Open Areas Declarations or alternative reliable access regimes for recreational fishing, could be forcing the recreational fishing community into smaller areas. While this may not entirely restrict fishers' ability to catch some fish, it would have serious negative impacts on the unique social values and benefits of remote fishing experiences in Northern Territory.

Permits

59. With respect to this Claim, and for other Claims before the Commissioner (167, 188, 189, 68,178, 184 & 185) it is AFANT's position that the financial cost, as well as the time taken to apply for and receive a permit may result in detriment.
60. It is also our contention that delays in processing a permit could, and the refusal of a permit certainly would, result in detriment to recreational fishers.
61. There may be no guarantee that the operation of a permit system will be sustainable, viable or even continued into the future, unless so explicitly agreed by the Claimants, before a Grant is made. In the absence of such guarantees, the state of uncertainty around access and potential for increased limitations, costs or conditions, could reasonably be seen as detriment to fishers when compared to the current situation which is the active right to access waters (overlying the lands) of the Northern Territory.

Invitation to comment on relations with Local Aboriginal Communities

62. AFANT is not specifically not aware of contact or relationships with the Claimants in LC 71, 198 or 199.
63. AFANT would be happy to engage with the Traditional Owners / Claimants of the Claim Areas. This includes working constructively on developing a Code of Conduct for respectful access and fishing practices, as well as to work together on any other matter relevant to recreational fishing or the aquatic environment.

Blue Mud Bay and ALC Reports 61 & 63

64. Many of the matters raised in this statement have been done so in the context of the Blue Mud Bay decision, which has significantly increased the potential for detriment to recreational fishers as the result of a "Bed and Banks" or

“Intertidal Zone” land claims being granted. It is the view of AFANT that some comments of the previous commissioner (Olney) require specific attention.

65. In Report 61 (at 87.) Commissioner Olney stated:

“Although a grant of title could give rise to restrictions being imposed on access to the Limmen Bight River, or parts of it, in practical terms it seems unlikely that this would occur particularly in view of the attitude of the claimants to the continued operation of Steven Barrett’s fishing camp”.

While AFANT hope that the Claimants attitude in this regard has not changed, this comment is a clear illustration of the context prior to the Blue Mud Bay Decision of the High Court, and that at the time, matters of detriment relating to recreational fishing rightly focused on access over the river bank. This was because once upon the water, there would be little or no (except possibly the right to anchor) other impact upon fishing. This is no longer the case and the claimants would now have to decide not only to allow Steven Barrett’s fishing camp to provide access to the water, but to also specifically to allow recreational fishers to remain upon the waters of the River.

66. Also in Report 61 (at 87.), Commissioner Olney Stated:

“It is fair to say that there is nothing in the evidence adduced on behalf of AFANT to suggest that in the past any difficulty has been encountered in fishing in rivers which are within Aboriginal land. It is clear that the Towns River, which flows through the land held by the Marra Aboriginal Land Trust, is a popular fishing destination.”

This too must be updated following the Blue Mud Bay Decision. AFANT, it’s members and many Territorians now have the experience of no longer being able to access the once enjoyed waters of the upper Finniss River for the purposes of fishing. Nor have we been able to negotiate terms for access. This we contend, has not been for a lack effort or desire on our part.

Further to this, on November 15, 2017 the NLC announced that from January 1, 2019 all waters overlying Aboriginal Land (except the 5 existing areas where the NT Government and the relevant Aboriginal Land Trusts have fishing agreements in place) will be off-limits to fishing without a permit. As yet, there is no reliable or practical permit system in place, and consultation with recreational fishers about the practicalities of a permit system has been limited. As such, future access arrangements for fishers to the waters of rivers (like the Towns) which flow through land held by an Aboriginal Land Trust, may be more accurately characterised as “uncertain”.

67. In Report 63 (at 80), commenting on the Lorella Region intertidal zone and Limmen Bight River, Commissioner Olney stated:

“From the material available it is not possible to make anything more than a vague assertion that the recreational fishing effort and catch in

the various areas claimed is very small indeed. The claimants say it is negligible which is probably a justifiable assertion given the absence of any real evidence.”

While this may well have been a justifiable position given the lack of evidence offered at the time, in AFANT’s 2018 consultation which occurred over only a 3-day period and is presented in Appendix A; 104 individual fishers reported fishing in the claimed section of the river and 76 individual recreational fishers reported having fished in the intertidal zone area. Access has been reported from a range of legitimate and now- well-known launching facilities.

Given the time-frame and other limitations (like overall reach and the requirement of being proficient in the use of technology) of the AFANT consultation, the numbers captured are likely to be only a fraction of the fishers who actually fish the LC 199 Claim areas. It is our contention that recreational fishing effort in the area is certainly more than “negligible”, especially when the significance of the activity is viewed from the perspective of those engaged in it. This is evidenced by their own efforts to participate in the consultation and to share it with other interested parties.

68. In Report 63, Commissioner Olney stated:

At 82. - *“The remoteness of the claimed area of intertidal zone from convenient points of access strongly supports the proposition that no significant recreational fishing takes place in that area.”*

And at 83. - *“It is unlikely that a grant of title to the claimed land would have any detrimental effect on recreational fishing activity.”*

It is AFANT’s sincere contention that in light of the information provided in this statement, and with the added considerations following the Blue Mud Bay Decision, there is genuine cause to review and update the report as it relates to the above.

I DECLARE that I have read this statement carefully before signing it, and that I believe it to be true and correct,

Signed

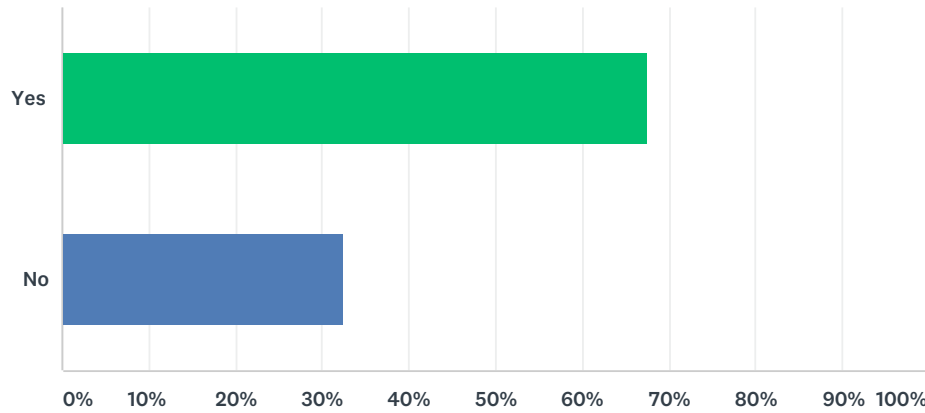


David Ciaravolo

Date: 24/04/2018

Q1 Are you a resident of the Northern Territory

Answered: 240 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	67.50%	162
No	32.50%	78
TOTAL		240

Q2 In what postcode is your home located?

Answered: 240 Skipped: 0

#	RESPONSES	DATE
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2	4307	4/24/2018 9:25 AM
3	4814	4/24/2018 8:12 AM
4	850	4/24/2018 7:09 AM
5	2321	4/24/2018 7:01 AM
6	850	4/24/2018 6:49 AM
7	2640	4/24/2018 6:11 AM
8	2321	4/24/2018 5:08 AM
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116	820	4/22/2018 6:49 AM
117	820	4/22/2018 6:48 AM

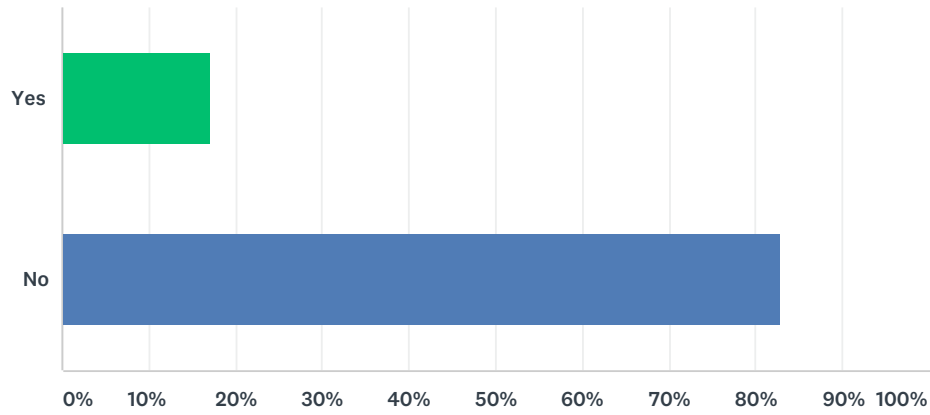
118	2536	4/22/2018 6:35 AM
119	830	4/22/2018 6:12 AM
120	852	4/22/2018 6:03 AM
121	4825	4/22/2018 6:00 AM
122	830	4/22/2018 5:48 AM
123	830	4/22/2018 4:21 AM
124	6271	4/22/2018 3:06 AM
125	832	4/22/2018 1:19 AM
126	801	4/22/2018 1:12 AM
127	850	4/22/2018 12:28 AM
128	3564	4/21/2018 11:05 PM
129	832	4/21/2018 11:03 PM
130	820	4/21/2018 10:54 PM
131	810	4/21/2018 10:53 PM
132	2640	4/21/2018 10:42 PM
133	852	4/21/2018 10:28 PM
134	832	4/21/2018 10:28 PM
135	832	4/21/2018 10:20 PM
136	3918	4/21/2018 10:20 PM
137	851	4/21/2018 10:07 PM
138	835	4/21/2018 10:03 PM
139	835	4/21/2018 10:00 PM
140	3181	4/21/2018 9:50 PM
141	850	4/21/2018 9:45 PM
142	836	4/21/2018 9:44 PM
143	836	4/21/2018 9:43 PM
144	836	4/21/2018 9:40 PM
145	820	4/21/2018 9:35 PM
146	4470	4/21/2018 9:35 PM
147	2444	4/21/2018 9:33 PM
148	836	4/21/2018 9:33 PM
149	850	4/21/2018 9:28 PM
150	4860	4/21/2018 9:27 PM
151	4712	4/21/2018 9:19 PM
152	850	4/21/2018 9:16 PM
153	5566	4/21/2018 9:08 PM
154	4750	4/21/2018 9:07 PM
155	850	4/21/2018 8:52 PM
156	810	4/21/2018 8:45 PM
157	820	4/21/2018 8:44 PM
158	4012	4/21/2018 8:39 PM

159	822	4/21/2018 8:35 PM
160	860	4/21/2018 8:29 PM
161	851	4/21/2018 8:23 PM
162	850	4/21/2018 8:19 PM
163	2333	4/21/2018 8:18 PM
164	832	4/21/2018 8:05 PM
165	3730	4/21/2018 8:05 PM
166	854	4/21/2018 8:03 PM
167	850	4/21/2018 8:00 PM
168	851	4/21/2018 7:54 PM
169	830	4/21/2018 7:47 PM
170	2476	4/21/2018 7:28 PM
171	3212	4/21/2018 7:28 PM
172	812	4/21/2018 7:25 PM
173	3756	4/21/2018 7:21 PM
174	2476	4/21/2018 7:21 PM
175	837	4/21/2018 7:19 PM
176	5333	4/21/2018 7:13 PM
177	4738	4/21/2018 7:12 PM
178	812	4/21/2018 7:11 PM
179	3690	4/21/2018 7:08 PM
180	820	4/21/2018 7:04 PM
181	836	4/21/2018 7:01 PM
182	810	4/21/2018 7:00 PM
183	2647	4/21/2018 6:53 PM
184	4343	4/21/2018 6:51 PM
185	850	4/21/2018 6:51 PM
186	850	4/21/2018 6:50 PM
187	810	4/21/2018 6:47 PM
188	834	4/21/2018 6:36 PM
189	3844	4/21/2018 6:36 PM
190	5680	4/21/2018 6:31 PM
191	832	4/21/2018 6:27 PM
192	810	4/21/2018 6:25 PM
193	820	4/21/2018 6:25 PM
194	4737	4/21/2018 6:24 PM
195	3585	4/21/2018 6:23 PM
196	851	4/21/2018 6:19 PM
197	612	4/21/2018 6:11 PM
198	3930	4/21/2018 6:09 PM
199	854	4/21/2018 6:06 PM

200	832	4/21/2018 6:04 PM
201	836	4/21/2018 6:02 PM
202	812	4/21/2018 6:02 PM
203	2716	4/21/2018 5:53 PM
204	4307	4/21/2018 5:49 PM
205	4800	4/21/2018 5:49 PM
206	4802	4/21/2018 5:47 PM
207	832	4/21/2018 5:47 PM
208	850	4/21/2018 5:44 PM
209	854	4/21/2018 5:37 PM
210	836	4/21/2018 5:35 PM
211	810	4/21/2018 5:32 PM
212	812	4/21/2018 5:29 PM
213	4350	4/21/2018 5:28 PM
214	850	4/21/2018 5:27 PM
215	3551	4/21/2018 5:27 PM
216	831	4/21/2018 5:27 PM
217	832	4/21/2018 5:24 PM
218	2400	4/21/2018 5:21 PM
219	4751	4/21/2018 5:21 PM
220	810	4/21/2018 5:20 PM
221	810	4/21/2018 5:19 PM
222	870	4/21/2018 5:17 PM
223	812	4/21/2018 5:17 PM
224	3579	4/21/2018 5:16 PM
225	810	4/21/2018 5:15 PM
226	836	4/21/2018 5:15 PM
227	4680	4/21/2018 5:13 PM
228	3878	4/21/2018 5:12 PM
229	2360	4/21/2018 5:12 PM
230	830	4/21/2018 5:12 PM
231	2710	4/21/2018 5:09 PM
232	854	4/21/2018 5:08 PM
233	803	4/21/2018 5:06 PM
234	820	4/21/2018 5:05 PM
235	2486	4/21/2018 5:00 PM
236	3916	4/21/2018 4:51 PM
237	832	4/21/2018 4:49 PM
238	830	4/21/2018 4:47 PM
239	850	4/21/2018 4:40 PM
240	835	4/21/2018 4:35 PM

Q3 Are you an AFANT Member

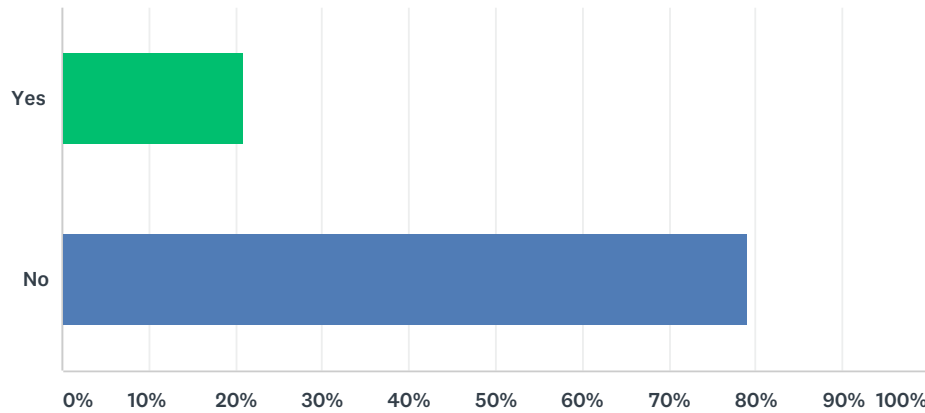
Answered: 240 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	17.08%	41
No	82.92%	199
TOTAL		240

Q4 Are you a member of a fishing club (eg King Ash Bay Fishing Club, Groote Eylandt Fishing Club, Nhulunbuy Regional Sports Fishing Club) - affiliated with AFANT

Answered: 240 Skipped: 0



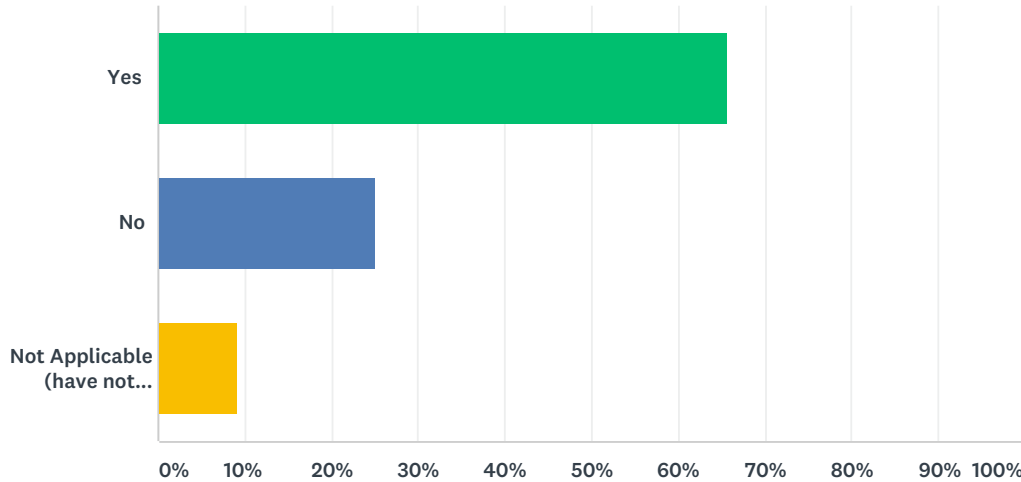
ANSWER CHOICES	RESPONSES	
Yes	20.83%	50
No	79.17%	190
TOTAL		240

#	IF YES, PLEASE TELL US WHICH CLUB(S).	DATE
1	Katherine game fishing club	4/24/2018 7:09 AM
2	Clarence Town fishing Club	4/24/2018 7:01 AM
3	Clarence Town Fishing Club	4/24/2018 5:08 AM
4	Nhulunbuy	4/23/2018 6:04 PM
5	King ash bay	4/23/2018 1:17 PM
6	Howard Springs fishing club	4/23/2018 12:47 PM
7	king ash bay	4/23/2018 9:24 AM
8	Katherine Game Fishing Club	4/23/2018 7:47 AM
9	Mataranka	4/23/2018 7:14 AM
10	Katherine	4/22/2018 9:17 PM
11	Katherine game fishing club	4/22/2018 5:46 PM
12	King Ash Bay	4/22/2018 4:45 PM
13	Mataranka	4/22/2018 3:17 PM
14	King Ash Bay	4/22/2018 12:31 PM
15	Darwin game fishing club	4/22/2018 11:19 AM
16	KAB fishing club	4/22/2018 9:19 AM
17	Kgfc	4/22/2018 8:55 AM
18	Darwin Flyrodders	4/22/2018 8:23 AM

19	King ash bay	4/22/2018 8:14 AM
20	Waterpark fishing club	4/22/2018 7:21 AM
21	Beach bums	4/22/2018 7:07 AM
22	King ash bay	4/22/2018 6:49 AM
23	king ash bay fishing club	4/22/2018 3:06 AM
24	Howlong anglers	4/21/2018 10:42 PM
25	Katherine game fishing club	4/21/2018 10:07 PM
26	Katherine Game & Fishing	4/21/2018 9:45 PM
27	King ash bay	4/21/2018 9:35 PM
28	KAB	4/21/2018 9:33 PM
29	Katherine game fishing club	4/21/2018 8:19 PM
30	King Ash Bay	4/21/2018 8:18 PM
31	KAB	4/21/2018 8:03 PM
32	Katherine Game Fishing Club	4/21/2018 8:00 PM
33	ANSA	4/21/2018 7:28 PM
34	Kgfc	4/21/2018 7:25 PM
35	King ash bay	4/21/2018 7:04 PM
36	Groote	4/21/2018 7:01 PM
37	DGFC	4/21/2018 7:00 PM
38	Groote	4/21/2018 6:51 PM
39	KGFC	4/21/2018 6:50 PM
40	K A B	4/21/2018 6:31 PM
41	king ash	4/21/2018 6:24 PM
42	Katherine Game Fishing Club	4/21/2018 6:19 PM
43	King Ash Bay	4/21/2018 5:37 PM
44	Kab	4/21/2018 5:21 PM
45	Darwin flyrodders	4/21/2018 5:20 PM
46	King Ash Bay	4/21/2018 5:17 PM
47	King ash bay	4/21/2018 5:13 PM
48	Darwin game fishing club	4/21/2018 5:12 PM
49	King Ash Bay Fishing Club	4/21/2018 4:47 PM
50	Katherine game fishing club	4/21/2018 4:40 PM

Q5 Do you or have you, fished the Inter-tidal zone at Maria Island, shown in orange in the map above? (including passing through this zone while fishing)

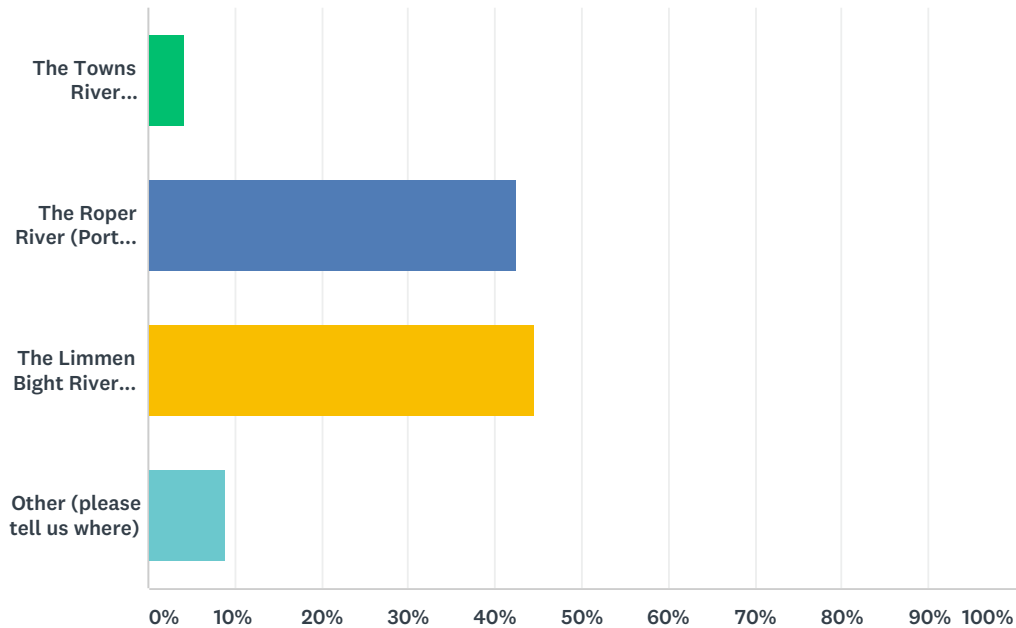
Answered: 207 Skipped: 33



ANSWER CHOICES	RESPONSES	
Yes	65.70%	136
No	25.12%	52
Not Applicable (have not fished here)	9.18%	19
TOTAL		207

Q6 If you answered yes to fishing at the intertidal zone of Maria Island, can you please tell us where you launched your boat from? (please skip if you have not been here)

Answered: 146 Skipped: 94



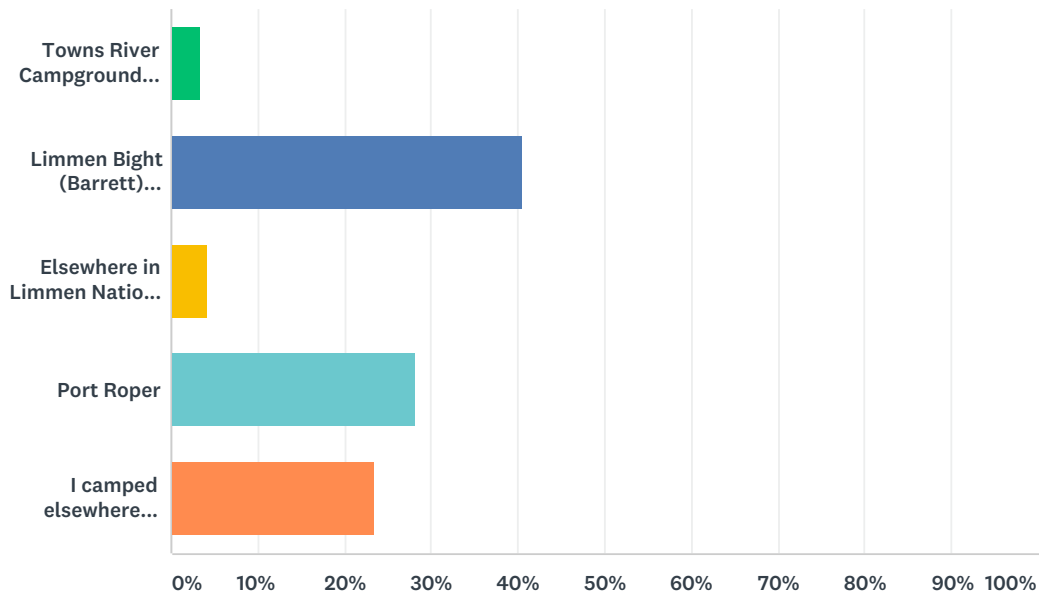
ANSWER CHOICES	RESPONSES
The Towns River Campground Ramp	4.11% 6
The Roper River (Port Roper)	42.47% 62
The Limmen Bight River (Limmen Bight (Barrett) Fishing Camp)	44.52% 65
Other (please tell us where)	8.90% 13
TOTAL	146

#	OTHER (PLEASE TELL US WHERE)	DATE
1	Groote Eylandt	4/24/2018 8:14 AM
2	Pine Creek	4/24/2018 5:12 AM
3	Tomato Tree Island	4/23/2018 7:24 PM
4	Lorella Springs	4/23/2018 3:19 PM
5	All of the above	4/22/2018 8:05 PM
6	Bing bong	4/22/2018 8:05 AM
7	All 3	4/21/2018 10:02 PM
8	Both the roper rivers and linen rivers	4/21/2018 8:21 PM
9	Groote	4/21/2018 7:02 PM
10	Bing bong	4/21/2018 6:08 PM
11	Mule Creek- Bing Bong	4/21/2018 5:39 PM

12	Bing Bong Creek	4/21/2018 5:14 PM
13	Cox river	4/21/2018 4:36 PM

Q7 If you answered yes, to fishing at Maria Island, please tell us where did you stay? (please skip if you have not been here)

Answered: 145 Skipped: 95



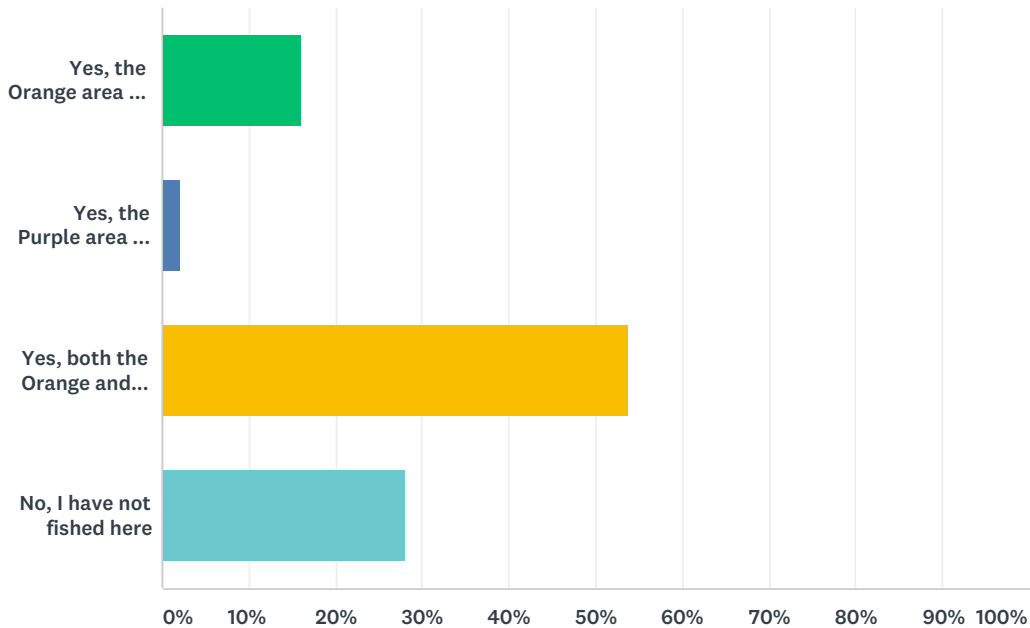
ANSWER CHOICES	RESPONSES
Towns River Campground (Limmen National Park)	3.45% 5
Limmen Bight (Barrett) Fishing Camp	40.69% 59
Elsewhere in Limmen National Park	4.14% 6
Port Roper	28.28% 41
I camped elsewhere (please specify)	23.45% 34
TOTAL	145

#	I CAMPED ELSEWHERE (PLEASE SPECIFY)	DATE
1	Camped on the boat	4/24/2018 8:14 AM
2	Pine Creek with permission from Aboriginal land owners	4/24/2018 5:12 AM
3	Maria Island	4/23/2018 7:24 PM
4	Lorella Springs	4/23/2018 3:19 PM
5	On the boat near Maria Island	4/23/2018 7:48 AM
6	Roper Bar	4/23/2018 7:15 AM
7	On boat	4/22/2018 9:33 PM
8	In my boat and at barretts	4/22/2018 8:05 PM
9	On boat	4/22/2018 4:50 PM
10	St Vigin	4/22/2018 12:33 PM
11	On boat at Maria	4/22/2018 9:58 AM
12	Nathan River Ranger Station	4/22/2018 8:30 AM

13	In boat sheltered around maria	4/22/2018 8:17 AM
14	On my boat	4/22/2018 8:06 AM
15	King ash bay	4/22/2018 8:05 AM
16	On the boat	4/22/2018 7:49 AM
17	Stayed on the vessel	4/22/2018 5:50 AM
18	on boat	4/22/2018 4:24 AM
19	On the boat	4/22/2018 12:30 AM
20	All4	4/21/2018 10:02 PM
21	camped on boat anchored off maria island	4/21/2018 9:18 PM
22	At Maria in boat, also inside the roper and linemen rivers	4/21/2018 8:21 PM
23	Camped in my boat off Maria Island.	4/21/2018 8:01 PM
24	In my boat	4/21/2018 7:56 PM
25	In boat at maria	4/21/2018 7:26 PM
26	Campes on boat near maria island	4/21/2018 7:06 PM
27	On boat	4/21/2018 7:02 PM
28	Lorella springs	4/21/2018 5:48 PM
29	On boat	4/21/2018 5:39 PM
30	Lorella Springs	4/21/2018 5:34 PM
31	Bing Bong	4/21/2018 5:14 PM
32	Low Rock	4/21/2018 4:50 PM
33	At Maria	4/21/2018 4:42 PM
34	Cox river	4/21/2018 4:36 PM

Q8 Do you, or have you fished in the Limmen Bight / Cox River, areas shown in orange and purple on the map above? (including if you have passed through these areas while fishing)

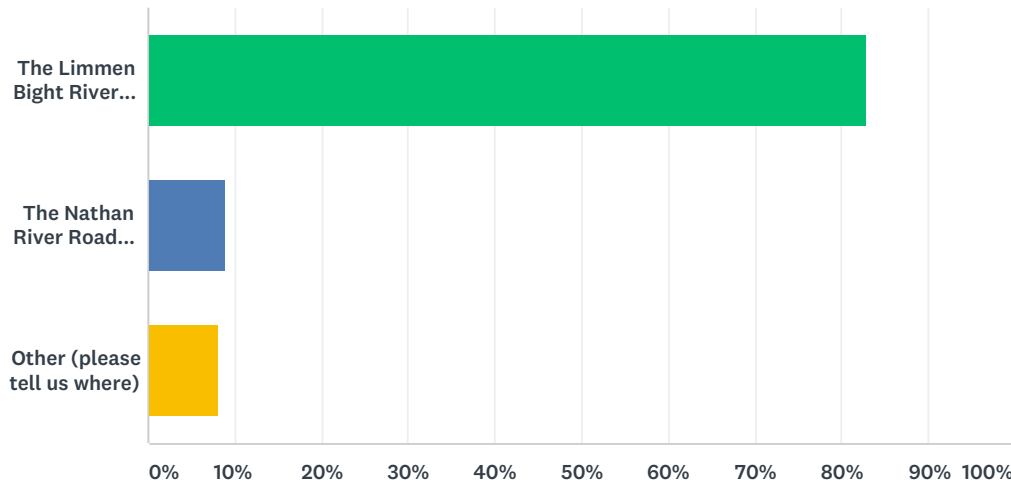
Answered: 186 Skipped: 54



ANSWER CHOICES	RESPONSES	
Yes, the Orange area (LC 71)	16.13%	30
Yes, the Purple area (LC 198)	2.15%	4
Yes, both the Orange and Purple areas	53.76%	100
No, I have not fished here	27.96%	52
TOTAL		186

Q9 If you answered yes to fishing in the Limmen Bight / Cox Rivers, can you please tell us where you launched your boat from? (please skip if you have not been here)

Answered: 134 Skipped: 106

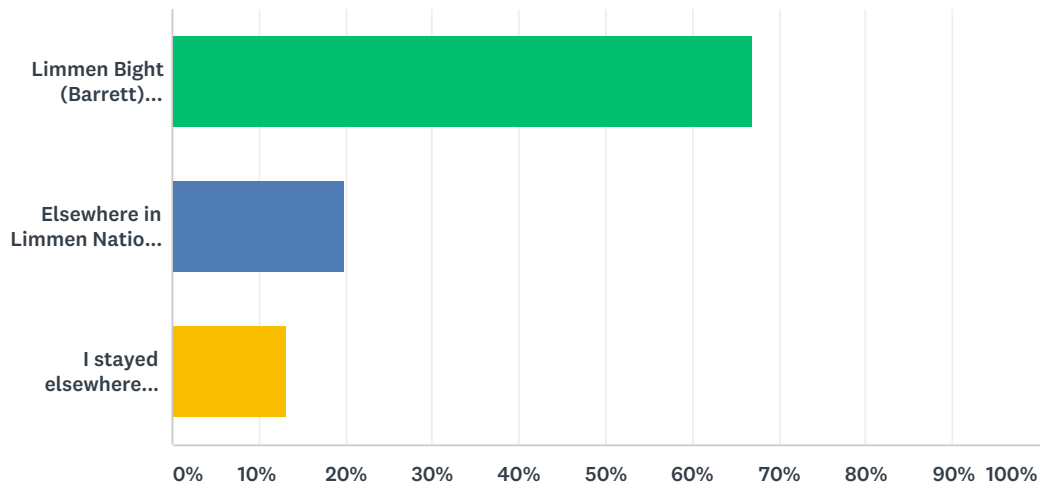


ANSWER CHOICES	RESPONSES
The Limmen Bight River (Limmen Bight (Barrett) Fishing Camp)	82.84% 111
The Nathan River Road Crossing	8.96% 12
Other (please tell us where)	8.21% 11
TOTAL	134

#	OTHER (PLEASE TELL US WHERE)	DATE
1	Groote eylandt	4/24/2018 8:15 AM
2	Fished of the bank on the crossings and down stream	4/23/2018 8:06 PM
3	Lorella Springs	4/23/2018 3:20 PM
4	Port roper	4/23/2018 12:50 PM
5	Land based and boat from the roper	4/22/2018 8:07 AM
6	Port Roper	4/22/2018 5:52 AM
7	Both areas	4/21/2018 8:22 PM
8	Roper	4/21/2018 7:03 PM
9	Bing Bong	4/21/2018 5:15 PM
10	Port roper	4/21/2018 4:43 PM
11	Cox river	4/21/2018 4:37 PM

Q10 If you answered yes, to fishing in the Limmen Bight / Cox Rivers , please tell us where did you stay? (please skip if you have not been here)

Answered: 136 Skipped: 104

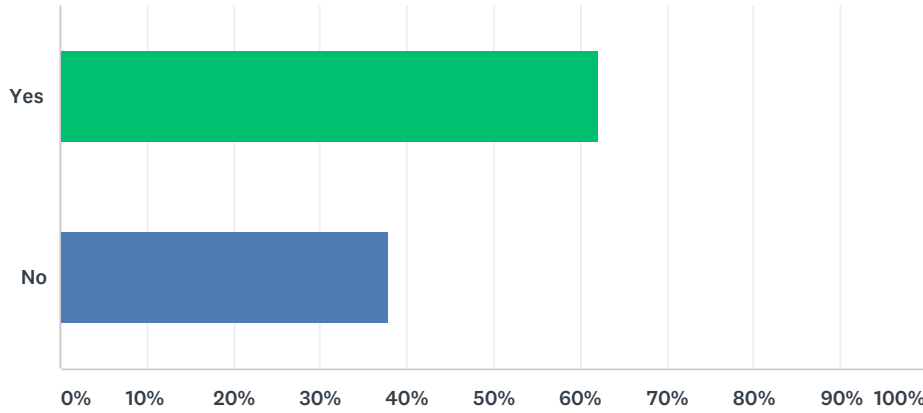


ANSWER CHOICES	RESPONSES
Limmen Bight (Barrett) Fishing Camp	66.91% 91
Elsewhere in Limmen National Park	19.85% 27
I stayed elsewhere (please specify)	13.24% 18
TOTAL	136

#	I STAYED ELSEWHERE (PLEASE SPECIFY)	DATE
1	Camped on the boat	4/24/2018 8:15 AM
2	Lorella Springs	4/23/2018 3:20 PM
3	on the boat	4/23/2018 2:22 PM
4	Port roper	4/23/2018 12:50 PM
5	On the boat	4/23/2018 7:49 AM
6	End camp	4/23/2018 6:36 AM
7	Both Barretts and Riverside camping and in the boat	4/22/2018 8:07 PM
8	Nathan River Ranger Starion	4/22/2018 8:31 AM
9	On boat	4/22/2018 8:07 AM
10	On the boat	4/22/2018 7:05 AM
11	Stayed on the vessel	4/22/2018 5:52 AM
12	Both batters camp and elsewhere	4/21/2018 8:22 PM
13	Camped on the boat in the limmen bite /cox rivers	4/21/2018 7:08 PM
14	On boat	4/21/2018 7:03 PM
15	Bing Bong	4/21/2018 5:15 PM
16	With Steve barrett	4/21/2018 5:10 PM
17	On the boat, various places	4/21/2018 4:43 PM

Q11 Do you, or have you fished in the inter-tidal zone of the Limmen Bight coastline, area shown in Red the map above? (including if you have passed through this area while fishing)

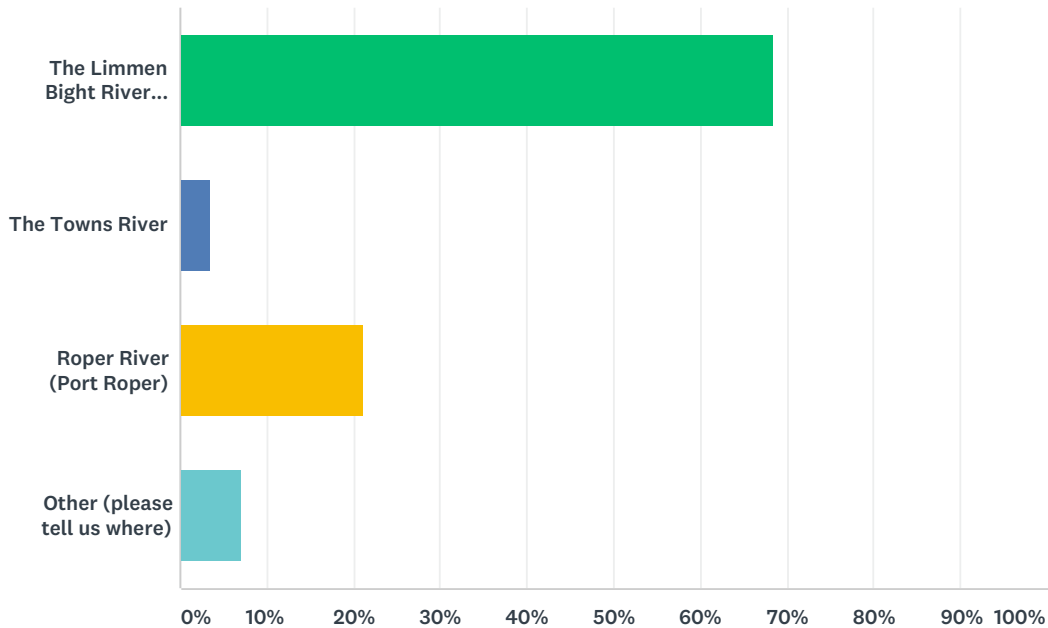
Answered: 174 Skipped: 66



ANSWER CHOICES	RESPONSES	
Yes	62.07%	108
No	37.93%	66
TOTAL		174

Q12 If you answered yes to fishing in inter-tidal zone of the Limmen Bight (shown in red) can you please tell us where you launched your boat from? (please skip if you have not been here)

Answered: 114 Skipped: 126

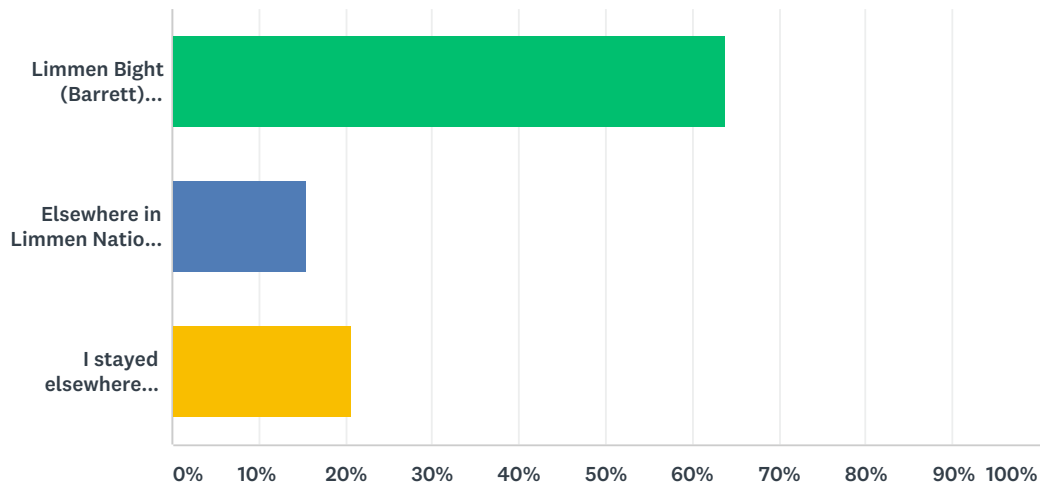


ANSWER CHOICES	RESPONSES
The Limmen Bight River (Limmen Bight (Barrett) Fishing Camp)	68.42% 78
The Towns River	3.51% 4
Roper River (Port Roper)	21.05% 24
Other (please tell us where)	7.02% 8
TOTAL	114

#	OTHER (PLEASE TELL US WHERE)	DATE
1	Lorella	4/23/2018 3:20 PM
2	End camp	4/23/2018 6:38 AM
3	All of the above and also from Bing Bong	4/22/2018 8:09 PM
4	King ash bay	4/21/2018 6:38 PM
5	Mule Creek- Bing bong	4/21/2018 5:42 PM
6	Lorella Springs	4/21/2018 5:35 PM
7	Bing Bong Creek	4/21/2018 5:16 PM
8	Cox river	4/21/2018 4:38 PM

Q13 If you answered yes, to fishing in the Limmen Bight coastline , please tell us where did you stay? (please skip if you have not been here)

Answered: 116 Skipped: 124



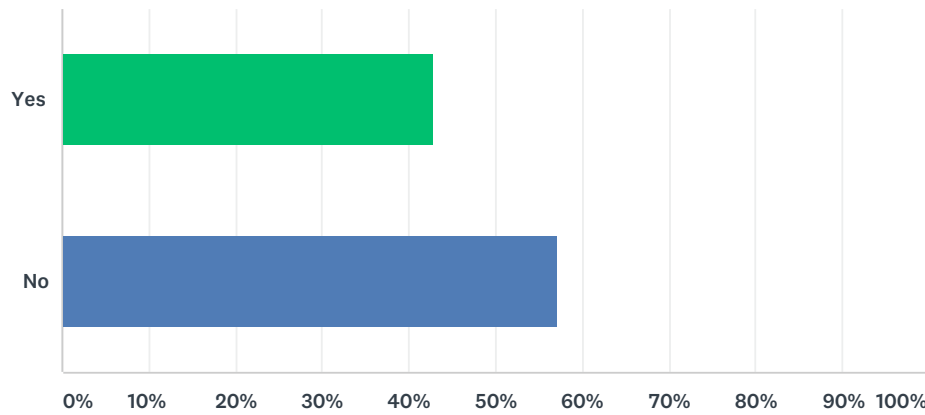
ANSWER CHOICES	RESPONSES
Limmen Bight (Barrett) Fishing Camp	63.79% 74
Elsewhere in Limmen National Park	15.52% 18
I stayed elsewhere (please specify)	20.69% 24
TOTAL	116

#	I STAYED ELSEWHERE (PLEASE SPECIFY)	DATE
1	In the boat	4/23/2018 8:01 PM
2	Lorella	4/23/2018 3:20 PM
3	on the boat	4/23/2018 2:22 PM
4	On the boat	4/23/2018 12:50 PM
5	On the boat	4/23/2018 7:50 AM
6	End camp	4/23/2018 6:38 AM
7	As above and in the boat	4/22/2018 8:09 PM
8	On the boat	4/22/2018 10:15 AM
9	On the boat	4/22/2018 7:51 AM
10	Lorrela Springs	4/22/2018 6:15 AM
11	on boat	4/22/2018 4:27 AM
12	On the boat	4/22/2018 12:32 AM
13	Onboard boat	4/21/2018 10:31 PM
14	camped on boat anchored in tidal creek	4/21/2018 9:20 PM
15	In boat in numerous rivers	4/21/2018 7:28 PM
16	Camped on the boat limmen bite coastline	4/21/2018 7:10 PM
17	On boat	4/21/2018 7:04 PM

18	On my boat	4/21/2018 6:54 PM
19	North island	4/21/2018 6:38 PM
20	Daytrip	4/21/2018 5:42 PM
21	Lorella Springs	4/21/2018 5:35 PM
22	Bing Bong	4/21/2018 5:16 PM
23	In the boat, mostly Maria	4/21/2018 4:44 PM
24	Cox river	4/21/2018 4:38 PM

Q14 Do you or have you, fished the inter-tidal zone along the Lorella Coast (shown in pink)?

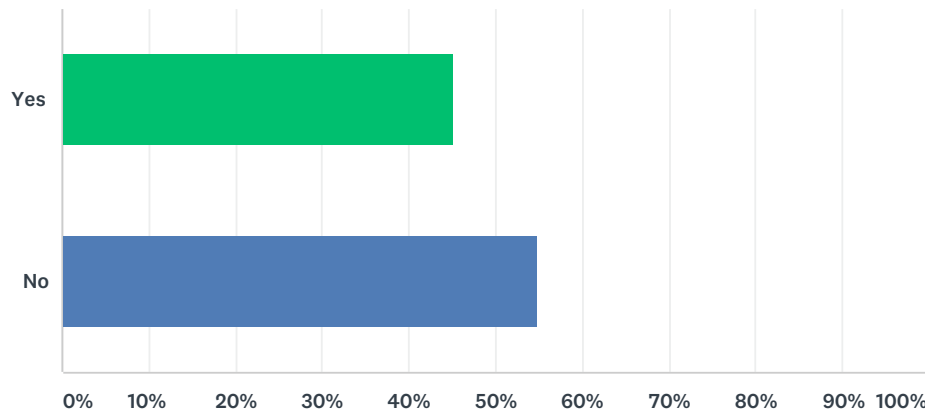
Answered: 177 Skipped: 63



ANSWER CHOICES	RESPONSES	
Yes	42.94%	76
No	57.06%	101
TOTAL		177

Q15 Do you or have you, fished the section of Bing Bong creek (shown in pink)?

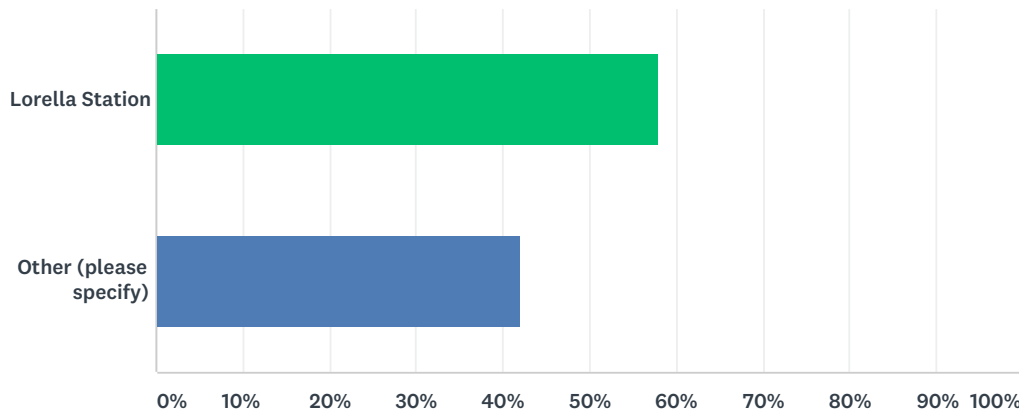
Answered: 177 Skipped: 63



ANSWER CHOICES	RESPONSES	
Yes	45.20%	80
No	54.80%	97
TOTAL		177

Q16 If you answered yes to fishing the Lorella inter-tidal zone, Where did you launch your boat? (please skip if you have not been here)

Answered: 76 Skipped: 164



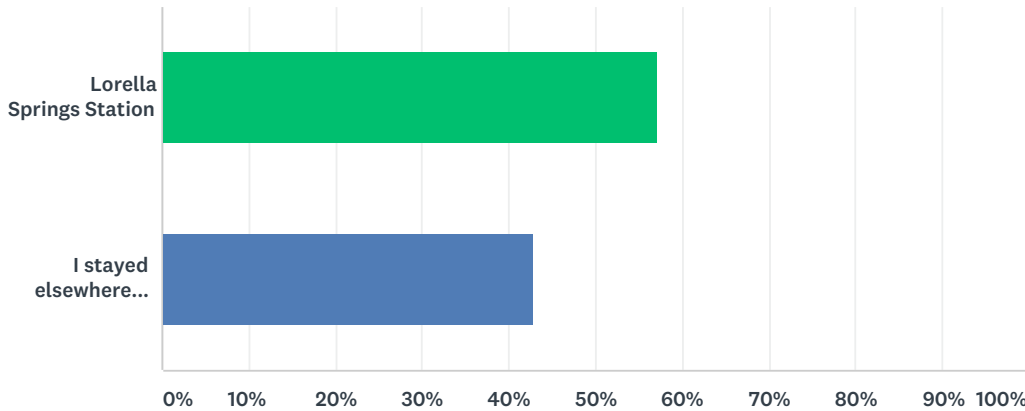
ANSWER CHOICES	RESPONSES
Lorella Station	57.89% 44
Other (please specify)	42.11% 32
TOTAL	76

#	OTHER (PLEASE SPECIFY)	DATE
1	Pine Creek	4/24/2018 7:06 AM
2	Limmen bight river	4/23/2018 2:23 PM
3	King ash bay	4/23/2018 1:20 PM
4	Port roper	4/23/2018 12:52 PM
5	big bong creek	4/23/2018 9:29 AM
6	bong bong	4/23/2018 8:19 AM
7	mule creek	4/23/2018 6:24 AM
8	Bing bong creek	4/22/2018 8:14 PM
9	Bing Bong and Steve Barretts	4/22/2018 8:13 PM
10	limmen	4/22/2018 8:29 AM
11	Mule Ck	4/22/2018 8:25 AM
12	Mule creek	4/22/2018 8:21 AM
13	Bing bong	4/22/2018 8:08 AM
14	Bing bong	4/22/2018 6:52 AM
15	Bing Bong creek boat ramp	4/21/2018 11:11 PM
16	Y	4/21/2018 10:10 PM
17	KAB	4/21/2018 8:08 PM
18	Bing bong	4/21/2018 7:30 PM
19	Port Roper	4/21/2018 6:55 PM

20	king ash bay	4/21/2018 6:40 PM
21	Shore fishing	4/21/2018 6:36 PM
22	Mule Creek	4/21/2018 6:25 PM
23	Mule creek	4/21/2018 6:10 PM
24	Bing Bong creek	4/21/2018 5:52 PM
25	Mule Creek	4/21/2018 5:43 PM
26	Mule Creek	4/21/2018 5:27 PM
27	Bing bong	4/21/2018 5:26 PM
28	King Ash Bay	4/21/2018 5:26 PM
29	Bing Bong Creek	4/21/2018 5:18 PM
30	Mule creek	4/21/2018 5:11 PM
31	King Ash Bay	4/21/2018 4:49 PM
32	Skip	4/21/2018 4:46 PM

Q17 If you answered yes, to fishing the Lorella coastline , please tell us where did you stay? (please skip if you have not been here)

Answered: 77 Skipped: 163



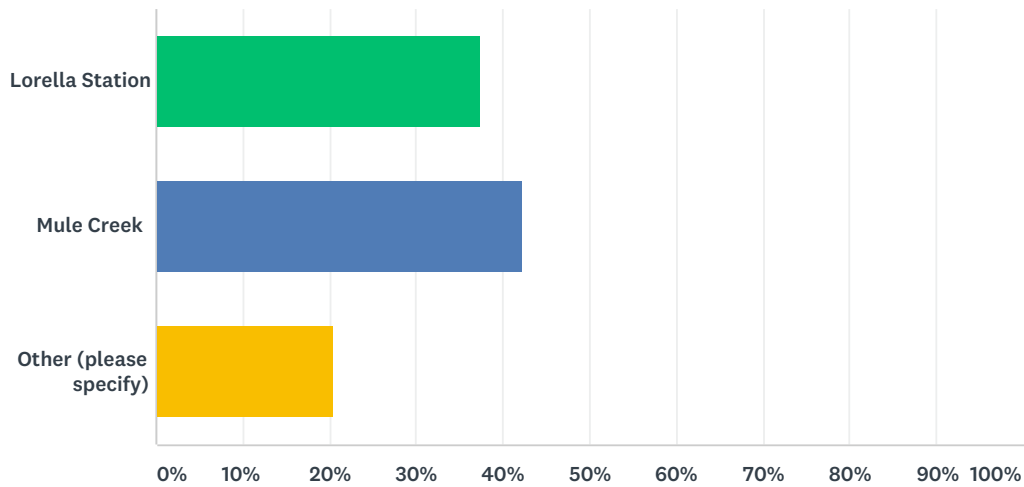
ANSWER CHOICES	RESPONSES	
Lorella Springs Station	57.14%	44
I stayed elsewhere (please specify)	42.86%	33
TOTAL		77

#	I STAYED ELSEWHERE (PLEASE SPECIFY)	DATE
1	Pine creek	4/24/2018 7:06 AM
2	on the boat	4/23/2018 2:23 PM
3	King ash bay	4/23/2018 1:20 PM
4	Onboard my vessel	4/23/2018 12:52 PM
5	king ash bay	4/23/2018 9:29 AM
6	bush camp	4/23/2018 8:19 AM
7	bing bong	4/23/2018 6:24 AM
8	King ash bay.	4/22/2018 8:14 PM
9	In the boat	4/22/2018 8:13 PM
10	On boat	4/22/2018 8:29 AM
11	King Ash Bay	4/22/2018 8:25 AM
12	At home Boroloola	4/22/2018 8:21 AM
13	King ash bay	4/22/2018 8:08 AM
14	On boat	4/22/2018 6:52 AM
15	King Ash Bay	4/21/2018 11:11 PM
16	Y	4/21/2018 10:10 PM
17	On Boat	4/21/2018 8:08 PM
18	Camped in my boat	4/21/2018 8:05 PM
19	In boat in coastal rivers	4/21/2018 7:30 PM

20	Camped on boat lorella coastline	4/21/2018 7:11 PM
21	On my boat	4/21/2018 6:55 PM
22	North island	4/21/2018 6:40 PM
23	Borrooloola McArthur River Caravan Park	4/21/2018 6:25 PM
24	Borralua	4/21/2018 6:10 PM
25	Camped	4/21/2018 5:52 PM
26	Private property	4/21/2018 5:49 PM
27	Day trip	4/21/2018 5:43 PM
28	Borrooloola	4/21/2018 5:27 PM
29	KAB	4/21/2018 5:26 PM
30	King Ash Bay	4/21/2018 5:26 PM
31	Bing Bong	4/21/2018 5:18 PM
32	In boat	4/21/2018 4:49 PM
33	Skip	4/21/2018 4:46 PM

Q18 If you answered yes to fishing the Bing Bong creek, Where did you launch your boat? (please skip if you have not been here)

Answered: 83 Skipped: 157

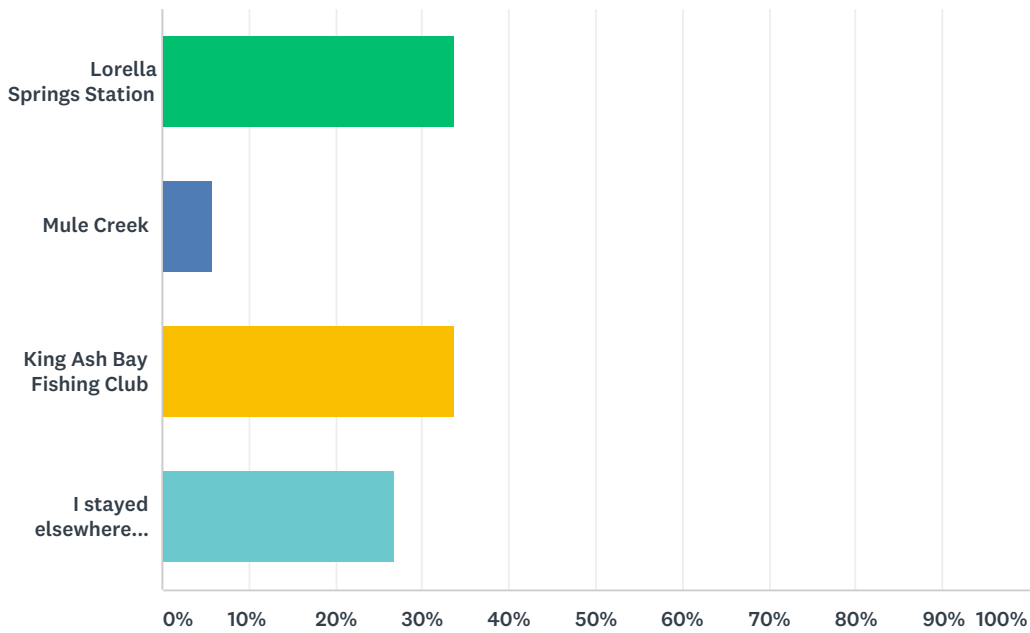


ANSWER CHOICES	RESPONSES
Lorella Station	37.35% 31
Mule Creek	42.17% 35
Other (please specify)	20.48% 17
TOTAL	83

#	OTHER (PLEASE SPECIFY)	DATE
1	on the boat	4/23/2018 2:23 PM
2	King ash bay	4/23/2018 1:20 PM
3	Port roper	4/23/2018 12:52 PM
4	bing bong	4/23/2018 8:19 AM
5	King Ash Bay	4/22/2018 5:06 PM
6	KABFC	4/22/2018 9:24 AM
7	Limmen	4/22/2018 8:29 AM
8	Bing bong stn	4/22/2018 7:16 AM
9	2nd boat ramp at the mouth of bing bong	4/21/2018 10:49 PM
10	U	4/21/2018 10:10 PM
11	KAB	4/21/2018 8:08 PM
12	King ash bay	4/21/2018 6:40 PM
13	Shore fishing	4/21/2018 6:36 PM
14	King Ash Bay	4/21/2018 5:26 PM
15	Houseboat from King Ash Bay	4/21/2018 5:20 PM
16	Borrooloola	4/21/2018 5:19 PM
17	Skip	4/21/2018 4:46 PM

Q19 If you answered yes, to fishing the Bing Bong creek, please tell us where did you stay? (please skip if you have not been here)

Answered: 86 Skipped: 154



ANSWER CHOICES	RESPONSES
Lorella Springs Station	33.72% 29
Mule Creek	5.81% 5
King Ash Bay Fishing Club	33.72% 29
I stayed elsewhere (please specify)	26.74% 23
TOTAL	86

#	I STAYED ELSEWHERE (PLEASE SPECIFY)	DATE
1	Borrooloola	4/23/2018 7:28 PM
2	on the boat	4/23/2018 2:23 PM
3	Onboard the vessel	4/23/2018 12:52 PM
4	bush camp	4/23/2018 8:19 AM
5	Boat	4/22/2018 8:13 PM
6	Onboat	4/22/2018 8:29 AM
7	At home in Borrooloola	4/22/2018 8:21 AM
8	Borrooloola	4/22/2018 7:16 AM
9	Borrooloola	4/22/2018 6:52 AM
10	Onboard boat	4/21/2018 10:32 PM
11	Y	4/21/2018 10:10 PM
12	Live on Vanderlin Island	4/21/2018 8:08 PM

13	In boat.	4/21/2018 7:30 PM
14	Borrooloola McArthur River Caravan Park	4/21/2018 6:25 PM
15	Borrooloola	4/21/2018 6:15 PM
16	Borralua	4/21/2018 6:10 PM
17	In the boat	4/21/2018 5:49 PM
18	Borrooloola	4/21/2018 5:43 PM
19	Borrooloola	4/21/2018 5:27 PM
20	Borrooloola	4/21/2018 5:19 PM
21	Bing Bong	4/21/2018 5:18 PM
22	My house	4/21/2018 5:11 PM
23	Skip	4/21/2018 4:46 PM

Q20 Is there anything else you would like to add about your fishing in these areas?

Answered: 42 Skipped: 198

#	RESPONSES	DATE
1	The reason myself and a lot of others fish the area of limmen bight/ maria island is its so remote; of course the fishing is great but to journey 3500km to such a remote destination and fish for 8 days without seeing another boat is surreal. If places like this are shut down we are stopping Australians from seeing and fishing there own country.	4/24/2018 6:20 AM
2	Fishing is for everyone not just TOs	4/23/2018 7:00 PM
3	We have been fishing at Limmen Bight for over 25 years, we support the environment and abide by the fishing rules	4/23/2018 3:11 PM
4	Whilst I am supportive of Aboriginal Land Rights, grants that exclude the following is what I believe average Australian considers isn't fair and reasonable. Grants that exclude people based upon their race, ancestry, birth place or family. Grants that include entire regions, bays, rivers, creeks and water ways. That when the above does occur the methods of fishing and hunting by the privileged s not limited to not limited to traditional methods. And that when the fishing and hunting methods are not traditional, that limitations in the law of protected species, seasonal closures and bag limits do not apply to the targeted fauna. Perhaps a better solution is to create Aboriginal fishing and hunting reserves owned and managed by Aboriginal people for access and use by all. They decide the methods and areas that can be hunted, for equal access. That includes transportation, roads and tracks, spear or shotgun, spear or rod. Sacred sites exclusions are limited to burial grounds and places of worship. All other areas are encouraged to be shared by store telling so that visitors will be respectful. Community area's remain the way they are with permit free access for people traveling to the hunting grounds. There has to be a common ground that does not take nor exclude which is fair and reasonable for all Australians.	4/22/2018 9:17 PM
5	This is a place important to me as I would like my children to experience the country like every other citizen	4/22/2018 8:48 PM
6	I plan to fish in some of these areas in the future, no allowing me is a discrimination based on the colour of my skin	4/22/2018 8:46 PM
7	Just that we have enjoyed 25 years of fishing in this area of Limmen Bight.	4/22/2018 4:43 PM
8	Soon there will be no areas that recreational fishers can use in the territory	4/22/2018 12:36 PM
9	I have encountered numerous fishermen at the Barrett fishing camp from all over the country . They respect the land and area and have limited impact on the area ! The Barrett's have run a great set up on the Limmen Bight River for many years and any changes to this would be a disgrace ! Steve and Patsy are both integral members of the community and I think they should be able to have their say about all this ?? I'm sure they would be happy with how things have been so why change it ?	4/22/2018 11:22 AM
10	What a great place for a get away	4/22/2018 10:37 AM
11	It is my birth right to fish the coast line anywhere in Australia why are my rights any different to people from down south	4/22/2018 10:07 AM
12	Closing areas off to fishing is unaustralian unless it is from a fish stock conservation perspective.	4/22/2018 8:37 AM
13	A lot of fisherman fish off the road at all of the crossings along the Nathan River Road. These people are rangers, locals and travellers. Much of the detriment would also apply to anglers from QLD as they actually outnumber Territorians in the area.	4/22/2018 8:36 AM
14	All waterways should be accessible to all people regardless of race.	4/22/2018 8:26 AM

15	Access to all of these areas should be provided to all people, either by a Territory wide permit or a localized one. Personally I think AFANT should (if possible) should work closer with indigenous groups in gaining access to these areas. Even if that means helping with land claims. A united front may help against degradation from fracking, mining, pests, over fishing etc. This might also help mitigate racist views on genuine claims/issues. I feel AFANT holds a lot of power in this space and can help with people's views on these topics. This shouldn't be a racial issue.	4/22/2018 7:56 AM
16	i have not fished these areas as yet but would like to know that sometime in the future access will still be available	4/22/2018 7:34 AM
17	Our easy going territory backyard is now just another casualty in our rush to commercialise our lifestyles	4/22/2018 7:18 AM
18	These are some great fishing spots we have yet to fish and the way things are going we won't be able to fish anywhere	4/22/2018 7:09 AM
19	great fishing and Beautiful country for all Australians and the world to enjoy.	4/22/2018 4:35 AM
20	No	4/22/2018 1:25 AM
21	Me and me mates go fishing up their every year and it would be a shame if things changed. My ancestors r German Irish aboriginal. One country one people ??	4/21/2018 10:53 PM
22	I visit maybe once a year, I follow the current fishing laws and I support locals. I disagree with closing the coastline.	4/21/2018 9:53 PM
23	How is it going to affect linen bite area as Patsy and Steve own the area freehold and Patsy is a local aboriginal from that area.Have been going to see them for over ten years, great people and great place .	4/21/2018 9:37 PM
24	Land claims do have there place but not on river beds and embankments, we are all born in the same place. It should be free to all to enjoy.	4/21/2018 9:17 PM
25	Natural prawn nursery's need protection from over visiting such as the spillen floodplain and over the last few years I have seen mangrove die in lines as long as the dead cockles lie on vast beaches south of the towns.	4/21/2018 8:40 PM
26	Stop commercial netters from netting the systems to extinction	4/21/2018 8:26 PM
27	A aboriginal elder has said to me we only hunted & travel led on the water , we are part of the land & the water ways should be for every one to use. Its just another land grab....	4/21/2018 8:12 PM
28	Please fight for our fishing access to these areas	4/21/2018 7:54 PM
29	I stay mostly in the boat overnight. Land claims shouldnt be closer to the water than 20m from the high tide mark.	4/21/2018 7:33 PM
30	Have regularly camped at Batten Creek and fished northern and southern areas along coast from there.	4/21/2018 7:19 PM
31	We need access to camp on boats in areas we have always fished	4/21/2018 7:13 PM
32	Can we all share the area as we have in harmony for years	4/21/2018 7:07 PM
33	Great area to fish so much more area to explore many trips planned to the region in the coming years	4/21/2018 6:40 PM
34	I have Fished 2x two week periods at limmen river staying at the Barret camp on the water. And also spent time in borralura and drove out too mule creek. Also went landbased fishing around borralura, after hitting a rock bar at king ash bay for a week.	4/21/2018 6:15 PM
35	These areas need to be kept open to the public, restrictions on fishing and camping is not fair for anyone.	4/21/2018 5:37 PM
36	Is not just fishing, Lorella Springs is an important place for families to camp and bird/wildlife watch.	4/21/2018 5:36 PM
37	I fished these areas with friends from south east QLD. 4 vehicles 8 angler's 2 boats and 2 camper trailers. If we are locked out we will no longer meet to fish this area. We will probably change to north QLD.	4/21/2018 5:27 PM
38	Great fishing and would hate to see it closed	4/21/2018 5:22 PM
39	Give the land back to the T/O	4/21/2018 5:12 PM
40	remain open without permits or very easy to obtain.	4/21/2018 4:57 PM

41	In respect to the purpose on the online interview, I have never seen indigenous people at Maria island Furthermore it is worrying seeing the commercial fishing in such a fragile environment	4/21/2018 4:53 PM
42	Leave us all access,please.ive been fishing this area since the mid 70's.its a place very dear to me and holds so many memories.	4/21/2018 4:41 PM

Q21 Get news and updates from AFANT about Land Claims that could affect your fishing, and other issues...

Answered: 57 Skipped: 183

ANSWER CHOICES	RESPONSES	
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Territory	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Phone Number	0.00%	0
Name	100.00%	57
Email Address	100.00%	57

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#	ADDRESS 2	DATE
	There are no responses.	

#	CITY/TOWN	DATE
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#	COMPANY	DATE
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6	[REDACTED]	4/23/2018 8:09 PM
7	[REDACTED]	4/23/2018 7:00 PM
8	[REDACTED]	4/23/2018 3:22 PM
9	[REDACTED]	4/23/2018 3:11 PM
10	[REDACTED]	4/23/2018 6:41 AM
11	[REDACTED]	4/23/2018 6:39 AM
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13	[REDACTED]	4/22/2018 6:59 PM

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36	[REDACTED]	4/21/2018 8:26 PM
37	[REDACTED]	4/21/2018 8:12 PM
38	[REDACTED]	4/21/2018 8:08 PM
39	[REDACTED]	4/21/2018 7:54 PM
40	[REDACTED]	4/21/2018 7:33 PM
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47	[REDACTED]	4/21/2018 5:44 PM
48	[REDACTED]	4/21/2018 5:36 PM
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53	[REDACTED]	4/21/2018 5:19 PM
54	[REDACTED]	4/21/2018 5:12 PM

55	[REDACTED]	4/21/2018 4:57 PM
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20	[REDACTED]	4/22/2018 7:56 AM
21	[REDACTED]	4/22/2018 7:46 AM
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26	[REDACTED]	4/22/2018 7:10 AM
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32	[REDACTED]	4/21/2018 9:50 PM
33	[REDACTED]	4/21/2018 9:37 PM

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35	[REDACTED]	4/21/2018 9:17 PM
36	[REDACTED]	4/21/2018 8:26 PM
37	[REDACTED]	4/21/2018 8:12 PM
38	[REDACTED]	4/21/2018 8:08 PM
39	[REDACTED]	4/21/2018 7:54 PM
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43	[REDACTED]	4/21/2018 7:13 PM
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#	PHONE NUMBER There are no responses.	DATE
#	ZIP/POSTAL CODE There are no responses.	DATE



AMATEUR FISHERMEN'S ASSOCIATION OF THE NT INC.

The Hon Justice John Mansfield AM
Aboriginal Land Commissioner
GPO Box 9932
DARWIN NT 0801
AboriginalLandCommissioner@network.pmc.gov.au

Honorable Commissioner,

RE: Notice of Interest in Land Claims No 71, 198 & 199

As per the Notice of Intention to Commence Inquiry sent in the letter(s) dated February 13 2018, the Amateur Fishermen's Association of the NT (AFANT) wishes to formally register notice of our interest as it applies to:

**Lorella Land Claim No. 199 and,
Part of Maria Island Region Land Claim No. 198 and,
Maria Island and Limmen Bight River Land Claim No. 71**

As the peak body representing recreational fishers in the Northern Territory, AFANT has active interests in the Intertidal Zones and river bed and banks within the claim area.

Our major concerns are around issues of rights to access waters for recreational fishing, particularly those arising from the decision of the High Court of Australia in Northern Territory of Australia v Arnhem Land Aboriginal Land Trust [2008] HCA 29 on 30 July 2008 (the Blue Mud Bay decision).

We understand that the Claim Areas, while remote, are of importance to members of the recreational fishing community. As such, our primary interest is to ensure that evidence relating to issues of detriment for recreational fishers are put before the Commissioner.

AFANT seeks to ensure that existing access arrangements and recreational fishing rights are recognised and maintained in perpetuity.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Ciaravolo'.

David Ciaravolo
Executive Officer

06 March 2018

Representing recreational fishing in the NT and ensuring the quality of our sport

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www.afant.com.au

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Darwin NT 0801
By Email: David.avery@nlc.org.au

Solicitor for the Northern Territory
Department of the Attorney-General & Justice
GPO Box 1722
Darwin NT 0801
Poppi.Gatsis@nt.gov.au

Partners:

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Leon Loganathan
Ashley Heath
Michael Grove
Teresa Hall
Kaliopi Hourdas

Consultants:

Carolyn Walter
Markus Spazzapan
Tony Whitelum
Charlie Martel

Senior Associates:

Emma Farnell
Tessa Czislawski

Conveyancing Manager:

Theresa Cocks

Darwin

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Palmerston

Suite 2
6 Woodlake Boulevard
T 08 8931 3388

Casuarina

Unit 3
293B Trower Road
T 08 8942 2333

Alice Springs

Level 2, NT House
44 Bath Street
T 08 8952 4200

Our ref: 20181343:BST

11 September 2018

By Email: AboriginalLandCommissioner@network.pmc.gov

Aboriginal Land Commissioner
GPO 9932
Darwin NT 0801

Dear Commissioner Mansfield

RESPONSES TO SUBMISSIONS ON BEHALF OF CLAIMANTS: MARIA ISLAND AND LIMMEN BIGHT RIVER LAND CLAIM (NO 71) AND MARIA ISLAND LAND CLAIM (NO 198), LORELLA REGION LAND CLAIM (NO 199) AND PART OF MARIA ISLAND LAND CLAIM (NO 198)

Pursuant to your correspondence to Mr David Ciaravolo of the Amateur Fishermen's Association of the Northern Territory (**AFANT**) dated 28 August 2018, please find below the following responses provided on behalf of AFANT.

You have, in particular, brought to our attention NLC's submissions on permit making in [25] and 'regional permits' in [13] and invited AFANT's reply. We are also providing a response to other assertions in those paragraphs.

Paragraph [25]

Paragraph [25] of NLC's submission merely dismisses AFANT's statement as the "usual refrain about permits as to cost, delay, and certainty." The submission further goes on to assert that NLC has addressed they issues previously and, as such, declines to address them in its submission on Land Claims 71, 198, and 199 (**Grouping 3**). Events that have occurred since AFANT's initial statement in these Grouping 3 Land Claims, however, have a significant impact on cost, delay, and certainty, and have not been addressed by NLC. These events are expressly detailed in other AFANT submissions¹ and were known to NLC and claimant's counsel at the time NLC's own Grouping 3 Land Claim submission was provided to the Land Commissioner.

In dismissing AFANT's concerns, NLC refers to [61] of AFANT's correspondence of 24 April 2018, which states:

¹ See correspondence of Bradly Torgan to Aboriginal Land Commissioner, Responses to Submissions on Behalf of Claimants: Garrwa Land Claim No 78, McArthur River Region Land Claim No 184, Manangoora Land Claim No 185, Seven Emu Land Claim No 186, And Wollogorang Area II Land Claim No 187 (7 August 2018) at 3-4 (**Grouping 1 Submission**).

There may be no guarantee that the operation of a permit system will be sustainable, viable or even continued into the future, unless so explicitly agreed by the Claimants, before a Grant is made. In the absence of such guarantees, the state of uncertainty around access and potential for increased limitations, costs or conditions, could reasonably be seen as detriment to fishers when compared to the current situation which is the active right to access waters (overlying the lands) of the Northern Territory.

In virtually all its other contemporaneous land claim submissions NLC and claimant's counsel has touted development of new permit system that would be fee-free for the first three years as meeting AFANT's concerns, and in doing so has referred to the testimony of claimant witness Kane Bowden, NLC Permit Reform Manager, provided for the Fitzmaurice River Region Land Claim No 189 and submitted in virtually every other enquiry and on-going detriment review. The concerns raised in AFANT's Grouping 1 Submission, though, are not answered by Mr Bowden's testimony, NLC's Grouping 3 submission, or any other NLC submission. Those concerns are specifically:

The new permit system [touted by Mr Bowden] has been outlined in theory only. It is simply a bridge too far to accept the assertions of the NLC in relation to the operation of the future permit system, however well intentioned. To be more direct, the testimony of Mr Bowden...advising the Commissioner that the NLC seeks secure standing orders from 100 Traditional Owner Clan Groups in six-months is as alarming as it is naïve.

In any event, while the new permit system outlined by the NLC may (where standing orders are eventually received) reduce the time taken to apply for and receive a permit, that is not the major issue when it comes to claims yet to be granted...The permit system propounded by Mr Bowden is not any kind of long-term agreement recognising the detriment to fishers should they be excluded from the areas to which they currently enjoy legal access. There is no guarantee, or even any assurance, that permits would be offered for areas that fishers want to access nor can there be any certainty that if offered the permits will continue to be available into the future.

Additionally, any previous NLC submission in regards to permit fees (including that in its submission for Grouping 1 which it adopts for this grouping) is also not credible because it has been directly and publicly contradicted by the CEO of the NLC. In an interview on ABC Radio Darwin on 31 July 2018, he said the following when questioned about whether permits would be fee-free for the first three years:²

Kate O'Toole: Is that promise going to be maintained? Free at least for three years?

Joe Morrison: "Well, I mean that's a decision for Traditional Owners. It's not a decision for staff at the Northern Land Council. Whatever has been said at the Aboriginal Land Commissioner hearing obviously is something that's been said and

² ABC Darwin Drive with Kate O'Toole, 31 July 2018 at 1h:09m:25s – 1h:10m:18s, <http://www.abc.net.au/radio/darwin/programs/drive/drive/10032294> (accessed 2 August 2018).

done, but as far as I am concerned as the CEO of the Northern Land Council it is up to Traditional Owners to make that decision..."

We note that NLC and claimants counsel were well aware of Mr Morrison's statement at the time it submitted its Grouping 3 submission. His statement was made on ABC Radio on 31 July 2018. It was reported in AFANT's Grouping 1 Submission to the Land Commissioner on 7 August 2018 and provided by the Land Commissioner's Office to claimant's counsel on 8 August 2018. NLC's submission on the Grouping 3 Land Claims, signed by claimant's counsel on behalf of NLC was submitted on 18 August 2018. A copy of AFANT's Grouping 1 submission is attached as **Annexure 1** to this correspondence and we ask that it be incorporated by reference.

Based on this, no weight or credibility should be given to Mr Bowden's testimony or any NLC submission as to how the permit system will operate. The claimed detriment to the recreational fishing community remains.

The NLC submission at [25] also suggests AFANT's statement that the payment of additional access fees could result in detriment while acknowledging that for some areas camping/access fees are already charged is ironic. That belies the intent of AFANT's submission. The paragraph to which NLC refers merely provides the Commissioner with an accurate and transparent description of current access arrangements. This does not change the fact that additional fees, restrictions on access, and on-going uncertainty constitute a detriment.

Paragraph [13]

Our concerns with 'regional' permits referred to in [13] are no different than the concerns AFANT has raised above with respect [25] and in its Group 1 submission of 7 August 2018. If anything, those concerns are greater because there is little, if anything, to suggest regional permits are under active consideration. We also note the last line of [13] raises the possibility of permit fees even though Mr Bowden's testimony was that there would be no fees for at least the first three years.

NLC's comment about intensity of use in the Claim Area appears to be an oblique reference to the AFANT survey. The number of responses to the survey should not be seen as indicative of the total number of people who fish recreationally in the Claim Area; AFANT has never presented the information for that proposition. The actual survey took place only over a three day period in April 2018 in order to provide information on usage patterns for the detriment review. AFANT does, however, acknowledge that there are places in the Northern Territory that see more recreational fishing activity.

Yours faithfully
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Annexure 1

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7 August 2018

By Email: AboriginalLandCommissioner@network.pmc.gov.au

Aboriginal Land Commissioner
Office of the Aboriginal Land Commissioner
GPO 9932
Darwin NT 0801

Dear Commissioner Mansfield

**RESPONSES TO SUBMISSIONS ON BEHALF OF CLAIMANTS: GARRWA
LAND CLAIM NO 78, MCARTHUR RIVER REGION LAND CLAIM NO 184,
MANANGOORA LAND CLAIM NO 185, SEVEN EMU LAND CLAIM NO 186,
AND WOLLOGORANG AREA II LAND CLAIM NO 187**

Introduction

Pursuant to your correspondence to Mr David Ciaravolo of the Amateur Fishermen's Association of the Northern Territory (AFANT) dated 24 July 2018, please find below the following responses provided on behalf of AFANT.

I note that some of the responses will refer to relevant testimony in the hearings on the Peron Island Area Land Claim No 190 (**Peron Island**) and Woolner/Mary River Region Land Claim No 192 (**Mary River**). Copies of relevant transcripts have been attached. Any reference to transcripts in this reply is a reference to the transcripts of those hearings and we respectfully request they be incorporated by reference.

Agreements and permit-making

You have brought to our attention NLC's submissions on agreements and permit making from page 2 and invited AFANT's reply.

Agreements

The fishing access agreements referred to in [9] of the NLC submission are permit-free open access agreements. The references to those agreements, along with the first sentence of [10] and references to the agreements sprinkled elsewhere throughout its submissions (see, e.g., [34], [40], [41], [42]), create the impression that permit-free open access agreements would be a realistic possibility if a land claim is granted or would be provided in exchange for a grant of a land claim. AFANT does not believe this impression is a correct one.

Based on the limited information available to us, we do not believe that permit-free open access agreements have been presented as an option to Traditional Owners who would be affected by the new permit system being created by NLC; only the permit system is being presented as an option, thus precluding informed consent on the part of the Traditional Owners. Similarly, we believe permit-free open access agreements are not and will not be presented as a potential option to land claim claimant groups.

AFANT noted in its Lower Daly Land Claim response to NLC submissions that the submissions actually appear to suggest an unwillingness on NLC's part to provide permit-free open access agreements as an option in consultation with Traditional Owners. We further pointed to the testimony provided by claimant's witness Kane Bowden in the Peron Island and Mary River hearings that there are no negotiations being undertaken for open access recreational fishing, only consultations as to the introduction of NLC's permit system. See transcripts of 25.06.2018 at P-4 and P-11.

The last line of [15] of NLC's submission gives us further reason to believe that the permit-free open access agreements like those identified in [9] have not been presented to Traditional Owners. That line is that the new permit system, a *fait accompli* at this point, "will be fee-free for the first three years but may be subject to an administration cost-recovery fee thereafter", citing Mr Bowden's testimony.

What this says is that Traditional Owners will not only forego the financial benefits they might otherwise secure through permit-free open access agreements for the first three years, but they will also forego financial benefits into the future beyond those three years because any revenue stream would be directed to NLC for cost recovery. AFANT does find this credible. We question whether the Traditional Owners have been advised of this in consultation with NLC and have been able to compare it to an option of a permit-free access agreement. Further reasons why AFANT does not find this credible are detailed below under 'permit making'.

AFANT also notes that NLC did not directly respond to the Northern Territory's submission in the Group 4 land claims that "The NLC has advised that it does not want to put the Territory's offer to the Traditional Owner groups", instead saying "Whether or not that is correct, the comment is irrelevant because, whatever the content of the NT offer was or is only relates to the tidal waters overlaying Aboriginal land. No similar offer has been made with respect to the areas in these land claims." NLC submission at [37].

The Northern Territory's submission referred to in the NLC submission at [37] is relevant and the lack of a direct response by NLC is telling. If NLC is unwilling to present a Northern Territory offer for a permit-free access agreement to one set of Traditional Owners¹, that is probative evidence of the likelihood it will also be unwilling to present similar offers to claimants in these and other land claims should a claim be granted in whole or part.

In one respect, however, we are in accord with the submission of NLC. Paragraph [10] begins, "by their very nature these land claims require that proposed agreements may need to be evidenced in some circumstances in order for the Minister to consider the decisions he must make in response to the recommendations". This was a point AFANT made in its

¹ AFANT notes it has no knowledge of the offer the Northern Territory asked NLC to present to the Traditional Owners.

Lower Daly submission, distinguishing agreements such as that between the Northern Territory and the Port Keats/Daly River Aboriginal Land Trust for the situation surrounding the Lower Daly Land Claim:

The present situation is significantly different to the context of the agreements referred to in the submissions in that the lands and waters under Claim in LC 68 are not presently Aboriginal Land. The Minister must clearly understand that the respective negotiating positions are different. Presumably, any talk of agreement is based upon the acceptance that the granting of the claim would result in detriment to recreational fishers. The Minister therefore has the responsibility and the opportunity to seek an optimal outcome and to set certain conditions that should be met before the claim is granted, if it is to be granted.

AFANT contends that in the case of LC 68, the Minister should seek to settle provisions for ongoing perpetual rights of access for recreational fishers. This should take place prior to any decision to grant of the claim (as was the case for the Kenbi Land Claim). In addition, with the benefit of having the experience of the Kenbi Land Claim settlement process and subsequent implementation, the process prior to grant should also necessitate the issuance of any Sacred Sites Certificates for the claim area, inclusive of any negotiated conditions of avoidance and access.²

This statement does not discount the relevance of NLC's unwillingness to present offers that include permit-free open access fishing to Traditional Owners. It is simply to note again that if NLC will not present an offer where Aboriginal land already exists, there is reason to believe that NLC will not present a similar offer where Aboriginal Land may exist in the future.

Permit making

AFANT first directs the Commissioner to the cross-examination testimony of Mr Ciaravolo on 26.06.2018 at P-214 to P215 (lines 1-12), P-219, and P-225 (lines 44-46) to P-226.

The new permit system has been outlined in theory only. It is simply a bridge too far to accept the assertions of the NLC in relation to the operation of the future permit system, however well intentioned. To be more direct, the testimony of Mr Bowden (transcript of 25.06.2018 at P-21) advising the Commissioner that the NLC seeks secure standing orders from 100 Traditional Owner Clan Groups in six-months is as alarming as it is naïve.

In any event, while the new permit system outlined by the NLC may (where standing orders are eventually received) reduce the time taken to apply for and receive a permit, that is not the major issue when it comes to claims yet to be granted, as NLC seems to suggest at [10]. The permit system propounded by Mr Bowden is not any kind of long-term agreement recognising the detriment to fishers should they be excluded from the areas to which they currently enjoy legal access. There is no guarantee, or even any assurance, that permits would be offered for areas that fishers want to access nor can there be any certainty that if offered the permits will continue to be available into the future.

² AFANT Response to NLC Submissions (Lower Daly River – LC 68) (19 July 2018) at 3.

As noted above, NLC's claim at [15] that the permits "will be fee-free for the first three years but may be subject to an administration cost-recovery fee thereafter" is not credible. The assertion raises serious concerns about the long-term viability of the permit system, not just from an operational point of view but in terms of offering Traditional Owners the opportunity to benefit from their ownership of Sea Country.

NLC's submission in regards to permit fees is also not credible because it has been directly and publicly contradicted by the CEO of the Northern Land Council. In an interview on ABC Radio Darwin on 31 July 2018, he said the following when questioned about whether permits would be fee-free for the first three years:³

Kate O'Toole: Is that promise going to be maintained? Free at least for three years?

Joe Morrison: "Well, I mean that's a decision for Traditional Owners. It's not a decision for staff at the Northern Land Council. Whatever has been said at the Aboriginal Land Commissioner hearing obviously is something that's been said and done, but as far as I am concerned as the CEO of the Northern Land Council it is up to Traditional Owners to make that decision..."

Based on this, no weight should be given to the submission or to Mr Bowden's testimony as to how the permit system will operate. Indeed, it casts doubt on the credibility of the entirety of Mr Bowden's testimony in this and all other land claims in which his testimony has been given or cited.⁴

Even assuming for argument's sake that permits will be free for the first three years, it is AFANT's contention that free permits are most unlikely to continue into the future. If we take the Dhimurru example, referred to in [16] of the NLC submission, a yearly family permit for access to a relatively limited recreation area is \$160. AFANT's concern is that the permit system has potential to become a patchwork of access that comes at considerable cost. Or worse, access permits could be sold on the basis of exclusivity to the highest bidder. There is simply no guarantee of what the permit system will look like after three years.

AFANT fishing surveys

You have also brought to our attention [33] of NLC's submission, which adopts its general observations challenging AFANT fishing surveys in the Lower Daly Land Claim, and have invited comment. See also NLC submission at [39].

We first note that NLC provides no specific challenge to any part of the AFANT Seven Emu, Robinson River (Manangoora) and Wollogorang Land Claims survey. We additionally note that NLC does rely, in part, on AFANT fishing surveys, referring to the McArthur River Land

³ ABC Darwin Drive with Kate O'Toole, 31 July 2018 at 1h:09m:25s – 1h:10m:18s, <http://www.abc.net.au/radio/darwin/programs/drive/drive/10032294> (accessed 2 August 2018).

⁴ Mr Bowden's testimony with regard to permit fees has also been entered into the record in numerous other Land Claims, including Fitzmaurice River Region Land Claim No 189, Legune Area land Claim No 188, Gregory National Park/Victoria River Land Claim No 167, Peron Island Area Land Claim No 190, Mary River Region Land Claim No 192, and Lower Daly Land Claim No 68. It – and any submissions that rely on it – should be accorded no weight in any of those Land Claims.

Claim fishing survey in [16] of its submissions here. NLC cannot have it both ways. It either accepts the surveys as valid or it does not.

The AFANT Seven Emu, Robinson River (Manangoora) and Wollogorang Land Claims survey, along with the McArthur, Robinson, Wearyan Rivers and Bing Bong, Manangoora Coast Land Claim Survey (collectively, the **surveys**), is useful and reliable for what it purports to be, a snapshot of the self-reported fishing activities and opinions of persons who fish the claim area.

NLC posits that self-reported surveys are *per se* invalid because those who self-report cannot be trusted to answer truthfully. AFANT categorically rejects this contention and draws attention to the fact that self-reports are commonplace in the collection of fisheries data. In addition, '[m]uch of social science relies on self-reported information. Because of this, there has been extensive research regarding the validity of self-reported data. Researchers have found that self-reported data are accurate when individuals understand the questions and when there is a strong sense of anonymity and little fear of reprisal'.⁵ The questions in the surveys are easy to understand and sufficient anonymity exists to provide respondents with a high enough level of comfort to provide honest answers. The degree to which dishonest answers may be a problem varies with the topic of the questionnaire; respondents may be less likely to be fully truthful about measures relation to matters seen as socially unacceptable, like underage drinking or illicit drug use.⁶ Those concerns are simply not present here.

AFANT, of course, is relying on the honesty of those responding. This is not meant, however, to assert 100% truthfulness; every survey has some margin of error. The results of the survey, however, provide data of sufficient accuracy for the purpose for which it has been used; to support the professional knowledge of AFANT regarding fishing in the Claim Area.

Paragraph-specific responses

AFANT further provides responses to specific paragraphs of the NLC submissions to the extent those paragraphs are not addressed above.

Response to [39]

The NLC submission displays a misunderstanding of cumulative detriment, confusing overfishing (depletion of stock) with the social amenity of recreational fishing. AFANT here adopts its response to NLC's submission on the Lower Day Land Claim:⁷

⁵ D Steslow, N Lasher, S Kong, 'Closing the Loop or Jumping Through Hoops: The Impact of Assessment on the Legal Studies Curricula' (2016) 33 *Journal of Legal Studies Education* 97, 103-104. See also, W Baldwin, 'Information no one else knows' in A Stone et al (eds.), *The science of self-report: Implications for research and practice* (2000: Lawrence Erlbaum Publishers Inc., Mahwah, NJ) 3-5.

⁶ N Brener, J Billy, W Grady, 'Assessment of Factors Affecting the Validity of Self-Reported Health-Risk Behavior Among Adolescents: Evidence From the Scientific Literature' (2003) 33 *Journal of Adolescent Health* 436, 436.

⁷ *Supra*, n 2 at p 7.

The cumulative detriment that comes from crowding more recreational fishing into a smaller area is not primarily about depletion of stock to unsustainable levels, and no evidence has been provided to the contrary. The detriment that occurs from crowding more fishers into a smaller space is detriment to the social amenity and experiential value of recreational fishing. This was pointed out in [39]-[40] and [42]-[43] of Mr Ciaravolo's statement on behalf of AFANT [for the Lower Daly Land Claim]:

39. The enjoyment of recreational fishing is about much more than just the catching of fish; for participants the activity is about the experience as a whole. The enjoyment, social and lifestyle values of recreational fishing experiences can be impacted by informal competition with, or the presence of, other fishers on the water. This is especially the case in regional settings where enjoying space on the water is usually an intrinsic part of the visitation experience.

40. Increased competition [and] the presence of others, is one way that cumulative detriment from more fishers being squeezed in to fewer locations may be seen to extend beyond resource sustainability/availability, and to also impact upon on social and amenity values (the availability of a valued experience).

...

42. It is reasonable to expect that increased pressure on existing infrastructure would also occur if more fishers are concentrated into fewer areas as the result of a loss of access or changed (less favourable) access conditions to a popular fishing area (such as the Claim area).

43. Congestion of limited infrastructure may also cause detriment through the cost of time, as well as through the impact on the social value/ enjoyment of a fishing trip...

Response to [43]

The NLC assertion that it is hypocritical for the NT Government to assert cumulative detriment in the relocation of fishing from one place to another, while at the same promoting increased fishing effort across the board is simply a non-sequitur. At best, it is an assertion with no evidentiary support. The promotion of fishing is, as NLC notes, "across the board", as in across the entire Top End. Promotion of fishing throughout the entire Top End has no relationship to a concern that the grant of land claims will create cumulative detriment by squeezing fishers into a smaller and smaller area.

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What NLC is suggesting through its comment – the NT Government should desist from promotional efforts to increase fishing efforts in the Northern Territory in order to alleviate cumulative detriment – has no basis in fact. It is not credible and should be disregarded.

Yours faithfully
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David Ciaravolo
Executive Officer
AFANT

Attachments

TRANSCRIPTS

KANE BOWDEN: Right here?

05 MR AVERY: Yes. Can you see anywhere where you suggest that?

KANE BOWDEN: Where consultations are continuing?

MR AVERY: Yes, negotiations, negotiations.

10 KANE BOWDEN: Well, there's nothing on negotiations.

MR AVERY: Right. Now, at paragraph 6 you talked about consultations.

15 KANE BOWDEN: That's right.

MR AVERY: What are they about?

20 KANE BOWDEN: They're about consulting with the traditional owners in the NLC regions as to the introduction of a permit system to help them understand it and inform it.

MR AVERY: Right. And you also mention at paragraph 4 in the last paragraph you again mention consultations?

25 KANE BOWDEN: That's right, yes.

MR AVERY: And is that for the same purpose?

30 KANE BOWDEN: Absolutely, yes. And a lot of this reform depends on the consultations with traditional owners to ensure that they're aware of what's been put in place on their behalf, and to seek their instructions on the permit system.

35 MR AVERY: So, those consultations are required under the Aboriginal Land Act as far as permits are concerned?

KANE BOWDEN: They are, yes.

40 MR AVERY: Thank you. That's all I have, your Honour.

COMMISSIONER: Now, that statement which is dated 29 May, have I received that yet or do you want me to - - -

45 MR AVERY: I think - - -

MR WALSH: Yes, you did, your Honour.

Yes. Now, Mr Avery touched on this: in paragraph 5 there appear to be six agreements that have been negotiated to date. Following the Blue Mud Bay decision the NLC and various land trusts entered into agreements with the Northern Territory Government over six high valued fishing areas. Are you aware that these agreements were completed between approximately 2012 and July 2014 and that there have been no agreements since that time?

KANE BOWDEN: The timing is not – I don't have that in front of me, but I am aware that's around about the timing.

MR WALSH: Thank you. And in paragraph 6, and again you spoke to Mr – spoke with Mr Avery about this where you say, while consultations continue over the remaining intertidal zones, etcetera, you are distinguishing consultations from negotiations, I think in your answer to Mr Avery. Is that - -

KANE BOWDEN: Yes, there have been no negotiations. I'm not empowered or don't have in my remit any negotiations. My remit is to ensure that consultations are carried out with every clan group wishing to introduce the permit system.

MR WALSH: And you said in answer to Mr Avery that the consultations with traditional owners were concerning the introduction of a permit system?

KANE BOWDEN: Correct.

MR WALSH: So, there were no other options put to the traditional owners other than the current system?

KANE BOWDEN: Oh, no, and this starts with traditional owners wanting a permit system, so my understanding is it came from traditional owners and it went to a full council meeting in 2017, and it was made a priority project for the Northern Land Council and that's why we're – I'm sitting here today talking to you.

MR WALSH: But to your knowledge the consultations that you refer to in your statement have been with traditional owners about the introduction and perhaps the nature of a permit system?

KANE BOWDEN: They have, and the consultations that I have personally been involved in have commenced.

MR WALSH: Yes. Now, in paragraph 7 you talk about the design of an updated permit management system which is not yet complete. And I think you've already given some evidence about how far it's progressed, but when you say "not yet complete", what is the intended timeframe from here on?

However, they have each of them integral duties committed to the permit reform project.

05 MR TORGAN: Has an allocation of – has a general allocation of time percentage wise been made to work as a policy officer?

KANE BOWDEN: The policy officer is 100 percent for the first six months of their role, and the business system administrator would be 50 percent, give or take, and the data analysts will be 50 percent.
10

MR TORGAN: Moving to a couple of questions on paragraph – focusing on paragraph 12 – actually your statement in paragraph 14 refers to various intertidal areas. Is there – how are the various areas being prioritised?

15 KANE BOWDEN: Mostly where the highest volume of fishing is occurring.

MR TORGAN: I guess could you forgive my ignorance, but how many different groups and different clans do you have to consult with over the course of developing the system?
20

KANE BOWDEN: And that's a very good question. We've got 12 priority areas, and there are close to 100 clan groups that need to be consulted before the end of the year.

25 MR TORGAN: That's all I have, your Honour.

COMMISSIONER: Thank you. Now, Mr Avery.

MR AVERY: Well, I'll get back to where I was.
30

<RE-EXAMINATION BY MR AVERY

[2.15pm]

35 MR AVERY: Yes, I'll just take you back. You were asked about eligibility criteria. If I could perhaps suggest things. So, a fairly common form would require your licence number, driver's licence number and your name, address and I forget - - -

40 KANE BOWDEN: That's right.

MR AVERY: Hey?

KANE BOWDEN: That's right, yes.
45

The \$50 million you mentioned when you gave evidence in – I think it was in Fitzmaurice.

05 DAVID CIARAVOLO: Yes. So I think there are already allocated to commercial.

MR AVERY: So you – you'd go cap in hand for some more money to put more boat ramps in.

10 DAVID CIARAVOLO: Well, not necessarily. I mean, look, recreational fishers don't like ways used in infrastructure that can impact upon the experience. That's certainly one of the – one of the concerns. But a place like the – particularly the Shady Camp system. It is so large that it does allow people to get on the water and spread out a little bit.

15 MR AVERY: So just getting – moving on to another topic: permits. So your recreational fisherman – I've put this proposition to you in a previous week – wakes up in the morning, turns on the radio, the fish are biting out at – at the Mary River, and he's in his – jumps in his car and he drives out to go fishing.
20 Hasn't got time to apply for a permit online, as suggested in the evidence of Kane Bowden yesterday.

DAVID CIARAVOLO: Ten days in advance and - - -

25 MR AVERY: No. No - - -

DAVID CIARAVOLO: - - - in which he gets a response.

MR AVERY: No. Kane Bowden said, if they – they're developing an online
30 app you download and you go clickety-click.

DAVID CIARAVOLO: Mm.

MR AVERY: And once they get those instructions you can get your permit.
35

DAVID CIARAVOLO: Once – once Kane's able to get standing instructions from the (TUI).

MR AVERY: Yes.

40

DAVID CIARAVOLO: Potentially.

MR AVERY: Okay. That – no, that's right. So – but your eager fisherman
45 has arrived now at the boat ramp at Shady Camp and there's a hundred cars in front of him. So could he have just spent two or three minutes getting his permit?

DAVID CIARAVOLO: I think if there were standing orders from the traditional owners to allow that kind of access – this remains to be seen, although is an objective of Kane Bowden – then, yes, that – he potentially could. However, that remains to be seen. This is the – this is the tricky part. I think we've never said that the technology doesn't exist to have a working permit system, but establishing, essentially, nominated area for access is very different.

But I also note that you introduced some distinctions between this point in time now, when we're dealing with – we don't have traditional owners in this area, so we don't really know what their views are about that.

MR AVERY: No. Right. No. I mean, I was going to comment that one of the traditional owners operates a tourism venture, and you probably know him. So we might be anticipating his views - - -

DAVID CIARAVOLO: One of the claimants or - - -

MR AVERY: One of the claimants, yes.

DAVID CIARAVOLO: - - - because there's not traditional owners in this area at the moment, under the Aboriginal Land Act.

MR AVERY: Well, they are if we're doing an 11A agreement. They're called traditional owners. 11As are agreements where you make an anticipation of . . .

DAVID CIARAVOLO: Perhaps I misunderstood the distinction when we were talking about it yesterday.

MR AVERY: Yes. No, you're – you're right. You're right and you're wrong. That's alright. So but we're – you know, I just mention that. One of our senior claimants operates a tourism business – actively operates a tourist business. Anyway, we'll get to that another day.

DAVID CIARAVOLO: Well, he should be looking to applying for one of the recreational fishing grants they fought so hard for to have avail to traditional owners looking to open up that country.

MR AVERY: Oh, right. Now, getting to the permits and Peron Islands, you mentioned that, in the wet, or the runoff, people put their boats in at – well, the Daly River, which I think's Wooliana.

DAVID CIARAVOLO: No, I said – I corrected myself and said - - -

MR AVERY: Dundee.

DAVID CIARAVOLO: - - - at – at Dundee.

jurisdictions do not face. It is an entirely separate cost to managing a fishery.
It's - - -

05 COMMISSIONER: I'm not sure how much further I'm going to be helped by
this, Mr Avery.

MR AVERY: No. It's a – not going anywhere. Yes. I think I'll just – I'll
leave it there. So we've got permits. We're back where we were on permits.
10 You've heard Mr Bowden's evidence about that. You – you adopt a wait and
see. Did you hear the remarks yesterday about the timing for grant of land
from any recommendation to when it actually might happen?

DAVID CIARAVOLO: Mm.

15 MR AVERY: You heard that?

DAVID CIARAVOLO: Mm.

MR AVERY: And did you understand the exchange we had about the role of
20 the Minister in determining whether land should be granted?

DAVID CIARAVOLO: I'm – I'm very well aware of that.

MR AVERY: Right.
25

DAVID CIARAVOLO: And I know he's eager to learn the results of our
survey.

MR AVERY: Yes, well, send it to him. The – so the Minister's agency in
30 this is – is to read the report and the comments.

DAVID CIARAVOLO: Of course.

MR AVERY: And then he can make a decision, which may actually be
35 reviewable by a party who's not satisfied.

DAVID CIARAVOLO: Yes. Look, I – I understand – I understand the
process. I understand the role of – of the Commissioner. I understand,
obviously – I've read the reports of the previous Commissioner, and I have –
40 I've – I've familiarised myself with the – the context of that and I'm aware of
the passage of time since the recommendation of the last grant and detriment
review. So I feel fairly – I'm fairly well across that.

MR AVERY: So even the time it took for those processes to run, Mr
45 Bowden's system is online, you would be able to see it and know what you
would be able to say about it, whether it's workable for your members.

05 DAVID CIARAVOLO: Yes and no. I mean, I think – I think it kind of misses the point. I mean, I think if the traditional owners were coming to the Minister and saying, “Well, this is the area that we want to nominate as an open access area and this is the conditions”, whether it's open access or open access by a permit and whichever way they wanted to agree to that, that's a different scenario.

10 I'm not sure that Mr Bowden's going to, you know, solve all of the issues of getting claim agreements on different fishing areas through his electronic design. I think – I think that – that's a long way down the road.

15 MR AVERY: So if, on the Peron Islands or the Woolner area, the claimants were minded to – to agree with a proposition for one of those access agreements that have been done previously for Aboriginal land, would AFANT be happy about that? You wouldn't be paying the cost.

20 DAVID CIARAVOLO: I think our preference would be, where it's possible, to have the area – areas that report recreational fishing to be declared as open areas under the Indigenous – under the Aboriginal Land Rights Act. If they were – if the claim was going to be granted.

MR AVERY: Thank you. That's all.

25 COMMISSIONER: Thank you.

MR WALSH: Just a couple of points of clarification, if I may be permitted, your Honour.

30 COMMISSIONER: Yes.

<CROSS-EXAMINATION BY MR WALSH [4.19pm]

35 MR WALSH: Mr Avery referred to bag limits. It's correct to say, isn't it, that bag limits relate to the – the matter of the number of fish kept, not the number of fish caught?

40 DAVID CIARAVOLO: Absolutely. Absolutely.

MR WALSH: And, secondly, the concept known as catch and release is – is commonly practised by NT recreational fishers?

45 DAVID CIARAVOLO: It's – it's very – it's very common. I can't say the number right now because, normally, my statement would refer to the – the report in the government's research, which – and I used the one that was in my – in my survey, which I'm not allowed to talk about. But, certainly, you could