

BACKGROUND

In May 1995 the Commonwealth released *Living on the Coast*, the Commonwealth Coastal Policy. Amongst many initiatives announced in the Policy was a commitment to develop an Aboriginal and Torres Strait Islander Fisheries Strategy. The Policy also takes up Recommendation 23 of the 1993 Resource Assessment Commission (RAC) *Coastal Zone Inquiry*, that such a Strategy be pursued.

Living on the Coast identifies that Aboriginal and Torres Strait Islander groups who were consulted during the RAC Inquiry and during the preparation of the Policy view improved involvement and recognition of indigenous interests in the management of fisheries as a priority issue.

Living on the Coast states that the Strategy will be developed through the Ministerial Council on Forestry, Fisheries and Aquaculture, in consultation with other relevant bodies. State and Commonwealth Ministers with responsibilities for fisheries come together on this Ministerial Council. This makes it an important forum for the development of the Aboriginal and Torres Strait Islander Fisheries Strategy, given the sharing of responsibilities for fisheries management between the States and the Commonwealth. The States and the Northern Territory hold jurisdiction over most nearshore fisheries up to the three nautical mile limit. Beyond this limit, Commonwealth jurisdiction takes over to the edge of the declared Australian Fishing Zone that extends to 200 nautical miles. A number of fisheries are managed under either Commonwealth or State or Northern Territory fisheries laws from the low water mark out to the edge of the Australian Fishing Zone through arrangements entered into under the Offshore Constitutional Settlement.

To date a Working Group on the Fisheries Strategy has been established under the Standing Committee on Fisheries and Aquaculture (a committee of the Ministerial Council on Forestry, Fisheries and Aquaculture) to progress the development of the Strategy. Membership of the Working Group includes representatives from Commonwealth and State/Territory Governments, from the Australian Fisheries Management Authority, the Australian Seafood Industry Council and from the Aboriginal and Torres Strait Islander Coastal Reference Group. Terms of reference for the development of the Strategy are currently being negotiated.

In September 1995, the Coastal Strategy Section in Environment Australia in collaboration with the Fisheries Policy Branch in the Department of Primary Industries and Energy (DPIE), commissioned a consultant to identify and summarise the findings of inquiries, reports, legislation and policies relevant to the development of the Aboriginal and Torres Strait Islander Fisheries Strategy. The Commonwealth considers it important that departments, management agencies, fisheries organisations, indigenous groups and others who are to be involved in the development of the Strategy are informed of the relevant issues and context. It was noted that numerous reports and inquiries completed over the last decade have already explored relevant issues and made a range of recommendations. It is hoped that the development of the Aboriginal and Torres Strait Islander Fisheries Strategy will consider and build upon this previous work, rather than start again from scratch. The consultant-author of this report was therefore asked to identify the findings of previous reports on the subject and the extent of existing recognition of indigenous fisheries interests in legislation, policies and management arrangements. It is hoped that this report will serve as a useful resource document to those involved in the development of the Strategy and also for others with an interest in these issues.