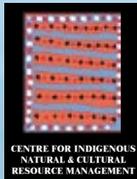


# INDIGENOUS INTERESTS IN SAFARI HUNTING AND FISHING TOURISM IN THE NORTHERN TERRITORY

## ASSESSMENT OF KEY ISSUES



CENTRE FOR INDIGENOUS  
NATURAL & CULTURAL  
RESOURCE MANAGEMENT



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*By Lisa Palmer*

**WILDLIFE TOURISM RESEARCH REPORT SERIES: NO. 8**  
**Status Assessment of Wildlife Tourism in Australia Series**



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## EXECUTIVE SUMMARY

The objective of this study is to provide a detailed review of tourism management issues in regard to guided sport fishing and commercial safari hunting ventures conducted on Aboriginal lands in the 'Top End' of the Northern Territory. In this report the perspectives of Aboriginal land owners and Aboriginal organisations, along with Government organisations, and fishing and hunting tourism operators, about the conflicts, environmental impacts and potential economic benefits of safari hunting, recreational fishing and sport fishing are addressed. Case studies are provided about the operation of safari hunting and fishing activities on Aboriginal lands. The report describes how Northern Territory legislation controlling fishing and hunting on Aboriginal lands is implemented, identifies the gaps in the relevant legislation and examines business and licensing arrangements between hunting and fishing operators and Aboriginal land owners and Land Councils. The opportunities and constraints for the development of these niche industries and increasing Aboriginal participation are outlined.

Research has been conducted into some of the key issues to be addressed by those involved in the development and management of fishing and hunting tourism over a six-month period. This research has included stakeholder interviews and secondary data analysis.

There is significant Indigenous interest in fishing and hunting tourism in the Northern Territory. While some Aboriginal groups are now increasing their stake and participation in these industries, these niche tourism industries are not a panacea for economic growth and large-scale employment in Aboriginal communities. They may be better incorporated into a "mixed use rural enterprise" approach if they are to play a role in economic development and meeting community needs.

Based on the study's findings the major recommendations of the report are:

- In small scale commercial tourism enterprises, Aboriginal traditional owners and their representative local community organisations should be encouraged to take a more pro-active role in facilitating the development of their own tourism enterprises,

while at the same time recognising the commercial advantages that can be obtained from agreements secured under the *Aboriginal Land Rights Act (Northern Territory) 1976 (ALRA)*.

- Cooperation between stakeholders should be promoted and encouraged. Forums for negotiation and information exchange should be organised and not be hampered by jurisdictional misunderstandings.
- Training modules administered through institutions delivering accredited, appropriate courses could be a potential source of niche training for Indigenous employment in the sport fishing and safari hunting industries. However, such training needs to proceed on a case-by-case basis with flexible delivery according to Aboriginal traditional owners' needs. The potential of developing these niche markets to incorporate aspects of Indigenous methods of hunting and fishing should also be considered as a means of increasing Aboriginal participation and economic benefits.
- Greater policing of commercial fishing practices along the coast of the Northern Territory is needed to ensure illegal netting does not occur within the boundaries of excluded zones under the Fisheries Act. Illegal commercial fishing is thought by some Aboriginal groups to have an adverse impact on the fisheries stocks available to licensed sports fishing operations on Aboriginal land. These impacts may threaten the continued viability of sports fishing operations. Resources could be made available to Aboriginal traditional owners and their organisations to carry out an enforcement and monitoring role under the Fisheries Act.
- Fishing charter ventures operating along the coastal areas of Aboriginal land be encouraged to recognise the marine interests of Aboriginal traditional owners and to negotiate agreements for access to those waterways.
- Research should be commissioned into strategies for management aimed at the economic and environmental sustainability of the buffalo herds in Arnhem Land. Further research also needs to be commissioned to ensure the long-term economic and

environmental sustainability of banteng (Balinese cattle) herds in Gurig National Park.

- Given the general acceptance amongst many stakeholders in the safari hunting industry that the industry needs to be regulated, regulation could take the form of pro-active self-regulation amongst operators, or government imposed regulation that would license operators to ensure standardisation, professionalism and appropriate accreditation across the industry. Although the Commonwealth ALRA requires that all safari hunting operators working on Aboriginal Land Trust land have a contract issued under the Act, there is no complimentary legislation relating specifically to the conduct of the safari hunting industry.
- An explicit code of practice for the safari hunting industry is needed that adequately addresses animal welfare issues.

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## ABBREVIATIONS

AFANT	Amateur Fishermen's Association of the Northern Territory
ALRA	Aboriginal Land Rights Act (Northern Territory) 1976
ATSIC	Aboriginal and Torres Strait Islander Commission
BAC	Bawinanga Aboriginal Corporation
BTEC	Brucellosis and Tuberculosis Eradication Campaign
CAMPFIRE	Communal Areas Management Plan for Indigenous Resources
CDEP	Community Development Employment Program
CINCRM	Centre for Indigenous Natural and Cultural Resource Management
CLC	Central Land Council
DLPE	Department of Land, Planning and Environment
DPIF	Department of Primary Industry and Fisheries
FATSIS	Faculty of Aboriginal and Torres Strait Islander Studies
FTO	Fishing Tour Operators
GPS	Global Positioning System
KCTWM	Key Centre for Tropical Wildlife Management
NCCAW	National Consultative Committee for Animal Welfare
NLC	Northern Land Council
NTTC	Northern Territory Tourist Commission
NTU	Northern Territory University
OAD	Office of Aboriginal Development
PWCNT	Parks and Wildlife Commission on the Northern Territory
VTPs	Vocational Training Programs
WWF	World Wide Fund for Nature

## 1. INTRODUCTION

This report identifies some key issues to be addressed by those involved in the development and management of tourism that have both Indigenous and wildlife components. It is based on research that is part of a national wildlife tourism assessment series of research projects undertaken by researchers involved with the wildlife tourism research program coordinated by the Cooperative Research Centre for Sustainable Tourism.

The study focused on safari hunting and sports and recreational fishing tourism on Aboriginal land in the Top End of the Northern Territory. This is an area where there is significant Indigenous interest that Indigenous communities hope to develop. Little documentation of the issues that surround these industries exists, and as such stakeholders identified hunting and fishing tourism as important areas to review. This focus could be expanded at a later stage to include Indigenous interests in wildlife tourism more generally<sup>1</sup>.

The report is significant beyond its immediate relevance to stakeholders in the hunting and fishing tourism industry in the Northern Territory. The findings of this report on consumptive wildlife tourism point to emerging issues of resource use and involves consideration of Indigenous rights and the commercial utilisation of wildlife species in Australia. Further, the report challenges popular non-Indigenous treatments and concepts of wildlife, feral animals and ownership of land and sea resources. Bruce Rose (1985:ix) in a study of Aboriginal land management issues in Central Australia writes:

*Many of the concerns of non-Aboriginal land managers are not shared by Aboriginal people. Explanations for the nature and condition of land and resources have their root in Aboriginal culture rather than in the western scientific paradigm.*

Aboriginal aspirations for land management and small-scale enterprise development form a complex of issues that rest on Aboriginal priorities for caring for country and an assessment of the

<sup>1</sup>Other areas of Indigenous wildlife tourism include Indigenous involvement in wildlife parks and sanctuaries, wildlife experiences on Aboriginal cultural tours, Emu farming, and whale watching in the Great Australian Bight. Potential enterprises in the Top End could include niches such as dugong watching.

ability of land use enterprises to meet the economic needs of Aboriginal communities without unduly compromising their social and cultural obligations. Aboriginal attitudes towards tourism, conservation and feral animals reported by Rose (1995) in Central Australia are similar to the views of Indigenous people's in the Top End which are identified in this study (see also Wilson *et al* 1992; Bomford & Caughley 1996; Commonwealth of Australia 1998).

This report begins with a discussion of these issues as they relate to Indigenous wildlife tourism. It then specifically investigates some of the key social, economic and environmental issues emerging in fishing and safari hunting tourism in the Top End of the Northern Territory. It concludes with an assessment of issues and options for responses.

While animal welfare concerns are key issues that could limit the scope for the expansion of the consumptive wildlife tourism industry in Australia, this report includes only limited consideration of the feral animal control and hunting literature, including the codes of practice endorsed by various governments and animal welfare groups. These issues are discussed in more detail in Bauer and Giles (2001).

## 1.1 Methodology

The information presented in this report was collected over a period of six months from April to September 1999 in the Northern Territory and represents the views of a variety of stakeholders in the hunting and fishing tourism industry.

Analysis was carried out of data held by the Northern Land Council documenting agreements between Aboriginal traditional owners and those tourism operations on Aboriginal Land Trust lands that have been negotiated through the provisions of the ALRA<sup>2</sup>. Selected international literature and Australian grey data, such as reports on Indigenous tourism and uses of wildlife by Indigenous peoples, were also reviewed. Case studies were selected and are provided to elucidate the key issues as they relate to individual contexts.

A number of people were also interviewed. In total 32 individuals were canvassed to gauge stakeholder opinion and provide the

<sup>2</sup> The Tiwi Land Council holds data on tourism operations conducted on the Tiwi islands.

corroborative data needed to assess key issues involved in safari hunting and sports fishing tourism in the Top End. Given time constraints this process was conducted predominantly by telephone and involved four safari hunting operators and four sport fishing operators who have been or are engaged in hunting or fishing tourism operations on Aboriginal land. Eleven staff were contacted to provide information in Aboriginal organisations. These organisations were the NLC, Tiwi Land Council, Bawinanga Aboriginal Corporation (BAC), Dhimurru Land Management Aboriginal Corporation and the Jawoyn Association. Eight staff were contacted to provide information from government organisations, which included the PWCNT, DPIF, NTTC, Parks Australia, and the Office of Aboriginal Development (OAD), and six other individuals, such as wildlife researchers, provided additional comments.

## 1.2 Indigenous Wildlife Tourism

The interface between wildlife tourism and Indigenous tourism is important for three major reasons. First, wildlife plays an important economic, social and cultural role in traditional Australian Indigenous society, and thus figures prominently in various forms of Indigenous tourism such as art, dance, story telling, and tours. Secondly, many Indigenous people who have maintained strong ties to their land have an intimate and unique understanding of wildlife, which is of potential interest to tourists. Thirdly, much of the wildlife tourism that occurs in the Northern Territory utilises land and resources owned by Aboriginal Land Trusts and the industry operates under conditions set down by the Aboriginal traditional owners.

Wildlife<sup>3</sup> focussed tourism occurring on Aboriginal land (excepting jointly-managed national parks) in the Top End of the Northern Territory is predominantly consumptive, with the focus on niche animals, as in the case of barramundi or safari hunting where the target wildlife are introduced species, including buffalo, banteng (Balinese cattle) and pigs.

The definition of Indigenous tourism used in the South Australian Aboriginal Tourism Strategy (1995:5) is useful and widely accepted:

<sup>3</sup> The Territory Parks and Wildlife Conservation Act 1976 (NT) defines wildlife to include plants and animals. In this report I use the term wildlife to refer to vertebrate wildlife.

Aboriginal tourism may be defined as a tourism product that is one or more of the following:

- Aboriginal owned or part owned,
- Employs Aboriginal people,
- Provides consenting contact with Aboriginal people, culture or land.

It encompasses all tourism product opportunities—cultural, heritage, nature, adventure, rural, leisure, educational, arts and crafts, and provision of tourism services.

Indigenous people play an important role in wildlife tourism in the Northern Territory as operators, employees and landowners with a major interest in the land and wildlife species that may be exploited in tourism attractions. Aboriginal culture has become the dominant image used, along with 'outback' imagery, to promote the Northern Territory (see Pitcher *et al.* 1999: 22-26).

### 1.3 Consumptive Wildlife Tourism

With the exception of recreational and sport fishing, governments in Australia do not actively promote consumptive wildlife tourism, that is, tourism that involves the killing of wildlife. In the Northern Territory consumptive wildlife tourism, most notably safari hunting of feral animals on Aboriginal land, is a commercial industry from which many Aboriginal landowners wish to benefit. However the management of wildlife tourism, especially in the case of the safari hunting industry, lacks a coordinated approach that could maximise Indigenous people's interests in the land accessed by the industry. An article in the Central and Northern Land Councils'<sup>4</sup> *Land Rights News* (1999:13) states that while big game safari hunting in the Northern Territory occurs predominantly on Aboriginal land, a lack of legislative support by the Northern Territory Government, possibly along the lines of laws

<sup>4</sup> Aboriginal Land Councils are statutory authorities that represent and promote the interests of Aboriginal people throughout the Northern Territory. The specific functions of the Land Councils are defined in the *Aboriginal Land Rights (Northern Territory) Act 1976*. Further responsibilities are set out in other legislation, in particular the *Aboriginal Land Act 1980 (NT)* and the *Native Title Act 1993 (Cwth)*. There are four Land Councils in the Northern Territory - the Central Land Council, the Northern Land Council, the Tiwi Land Council and the Anindilyakwa Land Council (Groote Eylandt and Bickerton Island).

governing safari hunting overseas, is putting the potential of the industry at risk. The NLC is of the view that legislation should be regarded as a mechanism to allow for greater coordination among stakeholders and to police detrimental and unsatisfactory behaviour. Regulation would also mean that statistical data and other quantitative information could be acquired to guide stakeholders in the future management and development of the industry.

Hunting organisations like Safari Club International are aware of the necessity to promote the acceptance by hunters of their ethical responsibilities. This approach is also intended to increase their public relations profile in Western societies, which are often disenchanted with the notion of hunting. Hunting organisations actively seek cooperative relationships with conservation agencies and Indigenous peoples worldwide to increase their access to hunting lands (see Bauer and Giles 2001). In the northern area of Pakistan, the safari hunting magazine, *The Hunting Report*, noted that the World Wide Fund for Nature (WWF) is actively involved in organising safari hunting of the Himalayan ibex as part of a community-based conservation initiative that involves a range of wildlife utilisation activities. These include bird watching, trekking and hunting (Causey 1999: 7-8).

The most well known initiative involving community based conservation programs and safari hunting tourism is CAMPFIRE (Communal Areas Management Plan for Indigenous Resources) that began in Zimbabwe in 1980 (see for example Matzke & Nabane 1996). Suchet (1998: 46) writes that:

*Campfire is based on the premise that if communities get economic benefits from wildlife then they will change their attitudes and want to conserve and manage it . . . Apart from the economic benefits of wildlife utilisation, Campfire has evolved to include the broad, interrelated aims of political empowerment, conservation and rural development . . . Following the strategies of private wildlife farmers, consumptive uses such as safari, or trophy hunting, culling and wildlife ranching have been the main methods promoted by the implementers of Campfire as they produce the highest, most easily accessible and most immediate returns for wildlife.*

As with a number of operations in the Northern Territory, local communities in Southern Africa do not operate the hunting businesses themselves, choosing instead to provide hunting concessions to commercial safari operators (Taylor, [www.wildnetafrica.com/bush.../articles/document\\_campfire8.html](http://www.wildnetafrica.com/bush.../articles/document_campfire8.html)). The CAMPFIRE fact sheet states that CAMPFIRE depends largely on hunting revenues, which contributes over 90% of total income to the districts and communities participating in the program ([www.campfire-zimbabwe.org/facts\\_12.html](http://www.campfire-zimbabwe.org/facts_12.html)).

Consumptive wildlife tourism on Indigenous lands is a niche market that can potentially complement existing markets for Indigenous tourism experiences. Internationally there are examples of the involvement of Indigenous peoples in consumptive wildlife tourism (see Bissonette & Krausman 1995). In the North West Territories in Canada, Hinch (1995) reports that as well as aboriginal [sic] cultural, heritage and art and craft tours there exists the possibility of marketing guided native hunting or fishing experiences. He writes that:

*Increased aboriginal participation in Arctic and sub-Arctic tourism is supported by the interest of tourists in aboriginal cultures, the apparent compatibility of traditional activities of hunting and fishing with consumptive tourist activities, and the attractiveness of aboriginal traditional knowledge of the environment (1995:121).*

However, Grekin and Milne (1996:77-89) report that in the same region the government favours the development of non-consumptive 'ecotourism' focusing on adventure (hiking, kayaking), naturalist (wildlife viewing), and arts/culture tours. This policy and the fear that tourists will form a negative image of the Inuit, even jeopardising the freedom of local people to hunt<sup>5</sup>, has created a variety of responses to tourism from within the local Inuit community. Grekin and Milne write that:

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<sup>5</sup> Grekin and Milne (1996:89) write that 'these concerns may be a legacy of the sealskin ban, which proved to Inuit that southern attitudes toward their relationship to wildlife can exert profound impacts on their lives'.

*The feeling that tourists may be critical of the relationship between Inuit and wildlife has created some uneasiness that has, on occasion, led to guiding services being withheld from suspected 'Green peace' tourists. This sense of unease has also led to the adoption of an 'unwritten' policy to conceal hunting activity from tourists. Guides are instructed by the local outfitters who employ them not to hunt while escorting tourists on the land...Nor are guides permitted to take tourists to areas where locals are hunting (1996:89).*

In Australia, in areas with high tourist numbers such as Kakadu National Park, Aboriginal people face similar tensions between their own resource utilisation practices and their awareness of tourist's distaste for practices that involve the killing of wildlife. Likewise, the Australian public's aversion for the practice of hunting in general, has an impact upon the extent to which Indigenous hunting products can be marketed.

In 1998 the Commonwealth Government held a Senate Inquiry into the commercial utilisation of Australian native wildlife. The NLC submission to this Inquiry stated that, 'working with wildlife has a particular appeal for Indigenous people which perhaps no other job opportunities (and there are indeed very few) in remote areas can match' (NLC 1997a).

The Inquiry noted in its report that:

*Aboriginal people in general supported the concept of commercial utilisation of native wildlife and their involvement in it. It was seen by many as an appropriate activity with economic, cultural and social benefits. There are already a variety of projects involving Aboriginal people in the commercial utilisation of wildlife. Payments to Aboriginal people for the use of wildlife on their land is also an increasing trend in northern Australia. Examples include crocodile egg ranching, barramundi fishing and buffalo shooting. Aboriginal people are also involved in the farming of crocodiles and emus. Tourism enterprises are of increasing importance to Aboriginal people and interest has also been expressed in the safari hunting of native animals (currently prohibited).*

*Hunting has considerable potential to assist with conservation objectives particularly for areas of land that are perceived to have little other economic value (such as swamps and wetlands). It also has potential to contribute wealth, through big game hunting activities, to local communities, which may have little other opportunity to derive income from their land and wildlife. Despite these benefits, hunting is rarely promoted as a conservation tool, especially by government. This is primarily due to the intense lobbying carried out by non-government organisations opposed to hunting for ethical reasons (1998:xxxiv).*

There is a growing trend for Aboriginal landowners, usually through community organisations, to look towards multiple strategies for land use. Schemes currently in place include community ranger programs, at least some of which are engaged in land management activities that aim to generate economic returns through the commercial utilisation of wildlife resources. These activities include developing safari hunting and sport fishing tourism on Aboriginal lands.

The fact that all animals currently targeted by commercial safari hunting operations on Aboriginal land are feral animals is not necessarily a qualification of significance to Aboriginal people who may not always share conservationists' disdain for introduced species. De Lacy and Lawson comment (1997:174) that rabbit and camel control programs at Uluru-Kata Tjuta National Park and feral buffalo and horse control programs in Kakadu National Park have occasionally led to conflict because non-Aboriginal park managers initially failed to recognise the recent historical and economic significance of some feral species to Traditional owners. Rose (1995:xx) comments that:

*In many areas feral animals are looked on as a resource of the country. Their presence confirms that the land is productive and people derive pleasure from seeing them in the wild. Aboriginal people are generally happy to support programs for harvesting feral animals and to receive the benefits that these programs provide.*

#### **1.4 Tourism and Aboriginal Land in the Northern Territory**

In the Northern Territory 42% of the landmass is owned as Aboriginal freehold under the ALRA; a further 10.5% is currently under claim. Approximately 72% of the mainland coastline of the Northern Territory and more than 95% of the offshore islands are Aboriginal owned. Thus approximately 80% of the total Northern Territory coastline is owned by Aboriginal people (Online: [www.nlc.org.au](http://www.nlc.org.au)).

Access to Aboriginal land for safari hunting operations and land based sport fishing operations is negotiated through the Aboriginal Land Councils under the provisions of Section 19 of the ALRA.

The provisions of the ALRA extend to the low water mark of Aboriginal land. This boundary is significant because the intertidal zone may extend a great distance. The Commonwealth Government asserts that marine users, including recreational and commercial fishing tourism operations, do not need the landowners' permission to enter or fish waters adjoining Aboriginal Land, including rivers, creeks and estuaries across the intertidal zone. At present, the legal status of Indigenous rights in water resources and their use, whether marine, estuarine and across the intertidal zone, are unclear, and subject to the outcome of future appeals to the High Court of Australia (see 4.4.1 for a discussion of Native Title and the seas).

Operators who have access to exclusive arrangements on Aboriginal land, particularly in Arnhem Land, expect to benefit from promoting a pristine natural environment, "untouched" fishing waters and an Aboriginal "mystique", since such images hold considerable attraction for potential clients. Representations of primitive 'Aboriginality' in the Australian popular imagination create an aura of a primal, timeless world where tourists can escape from civilisation and make a return to 'nature'. In this marketing the Arnhem Land region non-Aboriginal fishing tour operators who have no formal agreement with Aboriginal land owners emphasise images of "pristine coastline" and "authentic Aboriginal culture", while at the same time choosing to ignore the political and economic implications of operating within Aboriginal estates.

## 2. HOST POPULATION SOCIAL AND ECONOMIC ISSUES

In the Northern Territory the provisions of the ALRA provide Aboriginal traditional owners with the ability to control economic development on their land. Social and economic issues concerning the host population of safari hunting and sport fishing tourism in the Top End fall largely under the same umbrella of issues concerning all tourism on Aboriginal Land Trust land (see Pitcher *et al* 1999). For a useful summary of legislation and policies that are relevant to Aboriginal and Torres Strait Islander peoples' interests in fisheries see Sutherland (1996).

### 2.1 Role of the Aboriginal Land Councils

In 1973 the NLC and Central Land Council (CLC)<sup>6</sup> were established as the representative bodies for Aboriginal traditional owners in the Northern Territory. In relation to tourism on Aboriginal land it is the role of Aboriginal Land Councils in the Northern Territory to:

- consult with Traditional owners and those affected concerning the use of Land Trust land to ensure an informed decision is made
- advise Traditional owners on proposals concerning the use of their land
- negotiate agreements over the use of land including the preparation of the legal documents stating the terms and conditions of the agreement
- administer the agreement including accepting money on behalf of the Land Trust and distributing that money to the Traditional owners in accordance with their instructions.

A proponent seeking to operate a tourist operation on Aboriginal Land Trust land needs to supply a map of the area over which they

<sup>6</sup> Both bodies acquired important statutory responsibilities under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Neate 1989:5). The Tiwi Land Council was formed in 1978 after the Tiwi people decided to have separate representation rather than being part of the Northern Land Council. The Anindilyakwa Land Council (Groote Eylandt and Bickerton Island) was formed in 1991 for similar reasons.

seek to operate. The Land Council must identify the Traditional owners for that particular area. Consultations are then held with the group identified and when the Land Council is satisfied there has been an informed decision made by the group, the Land Council directs the Land Trust to enter into the agreement. To assist the proponents in their application for a tourism venture the NLC has produced a document, *Tourism Development and Operations on Aboriginal Land—Guidelines for Proponents* (Online: [www.nlc.org/nlcweb/doing\\_business\\_on\\_aboriginal\\_land/documents/Files/Tourism%20Guidelines%201999.pdf](http://www.nlc.org/nlcweb/doing_business_on_aboriginal_land/documents/Files/Tourism%20Guidelines%201999.pdf)).

Some Traditional owners choose to make private agreements directly with a proponent bypassing the statutory procedures provided for under the ALRA. This is often the case when the proponent and an individual or group of Traditional owners have a personal relationship, leading them to feel they do not need to formalise the arrangement through the ALRA. It may also be a means by which particular Aboriginal traditional owners or a group can assert their political independence from the Land Councils.

In 1999 the Report of the House of Representative Committee on the Inquiry into the Reeves Report on the Aboriginal Land Rights Act (NT) recommended that the ALRA be amended to provide an option for Aboriginal traditional owners to represent their own interests in land without Land Council involvement. However, it also recommended that agreements over land should remain subject to section 23 (3) of the Act (Online: [www.aph.au/house/committee/atsia/reeves/inquinf.html](http://www.aph.au/house/committee/atsia/reeves/inquinf.html)).

However, an agreement made between Traditional owners and an operator that does not accord with ALRA leaves both parties with limited security. Aboriginal traditional owners have no recourse to the law if their individual agreement is breached by, for example, the non-payment of trophy fees.

The NLC agrees with the approach of encouraging more active Aboriginal participation in tourism developments. If people in small communities and outstations<sup>7</sup> on Aboriginal land wish to become

<sup>7</sup> Outstations are small communities beyond the larger settlements usually located within or nearby people's traditional country. The "outstation movement" began in the late 1970's as an Aboriginal response to problems associated with life on larger settlements. Typically outstations consist of one or two extended family groups (Rose 1995:viii).

involved in tourism and they are indicating a willingness to be active participants in the project, the role of the NLC should be to facilitate this process. This has resource implications and costs that could be borne by the proponent and/or the beneficiaries in accord with user-pays principles. There are a number of incorporated community Aboriginal organisations that have existed for a number of years and now have sufficient staff and infrastructure to successfully participate in small-scale tourism projects. The tourism project officer at the NLC says:

*People need to be encouraged to have a go at tourism, although sometimes Traditional owners have unrealistic expectations of the worth of their product to tourists. Moreover the on-the-ground logistics of a tourism operation need careful consideration, such as who will accompany the tourists, how they will get there and where they will camp (B. Higgins, pers. comm. 1/05/99).*

## 2.2 Tourism Development

In 1994 the NLC identified the following as the organisation's perceived role in the future development of tourism on Aboriginal land:

- encouraging greater Aboriginal participation and providing advice on how that participation can be increased.
- identifying opportunities and priorities.

The following issues of concern were also listed:

- an incorrect perception that tourism will provide a high economic return and employment. In most cases tourism will only provide some people an extremely limited income and some jobs will be created. If the expectation of high levels of employment in the tourist industry is to be achieved, then high numbers of tourists must be accepted. However, on Land Trust land (outside of National Parks) such levels of tourism do not occur at present.
- lack of identified opportunities and strategies for increasing Aboriginal participation in tourism. At present the tourism opportunities to which the Land Council responds are usually

business proposals presented by non-Aboriginal people. The result of this is that the focus is often on short-term interests and royalty return instead of the more difficult issue of active Aboriginal participation.

- a concerted effort is needed to increase the knowledge and understanding of Traditional owners regarding the implications and opportunities of tourism.

The NLC also considers that there needs to be recognition that the basis for Aboriginal involvement in tourism development on Aboriginal land may not have profit as its sole objective. A significant reason for supporting an enterprise may be because there is active participation by a number of Aboriginal people in the project. Participation may be driven by a desire to work on traditional land estates and thereby strengthening an individual's relationship with their country. However, if the project is a joint venture arrangement, it is understood that the principal concern of the non-Aboriginal partner would be profitability, and on that basis the venture must be feasible. Likewise the report, *'Choice and Control': The Development of Indigenous Tourism in Australia*, notes some existing Indigenous tourism operations are community based enterprises that are often driven by social as well as economic objectives. These operations provide employment opportunities in locations where there may be few other opportunities for work. These tourism operations often operate from an extended family base and create other indirect benefits that are no less important than the direct economic benefits tourism may bring (Pitcher, et al 1999:17).

The East Arnhem Regional Development Tourism Plan states that the aim of tourism development in the region should be to capitalise on the pristine condition of the region and the attractions of sports and recreational fishing, safari hunting, snorkelling and scuba diving that exist. The plan states that:

*If an 'ecologically sustainable' tourism industry can grow, which is committed to low-key, low-impact product development, and which is compatible with the identified interests of Traditional owners, and is structured and implemented within time frames that are appropriate, the potential of tourism development can definitely be realised (Higgins and Associates n.d.: 34).*

*The National Aboriginal and Torres Strait Islander Rural Industry Strategy* (1997:33) aims to strengthen the links between Indigenous tourism and other Indigenous rural industries 'where this is what the community wants, and where there are good prospects for success'. It identifies hunting tourism as one of the three types of Indigenous tourism suitable for integration with other "mixed use rural enterprises" (Pitcher, *et al* 1999: 34). See Appendix D for case studies of two Aboriginal organisations attempting to initiate "mixed use rural enterprises".

Engaging in small-scale tourism activities such as sport fishing and safari tourism is part of a process of Indigenous communities increasing their economic engagement with the 'outside' world. The distribution and management of royalty payments from tourism are significant small-scale economic engagements for Aboriginal communities. There is a need for a coordinated approach to long term investment in these industries. For example, distribution and management of funds from the tourism venture is often negotiated with a large number of stakeholder clans.

Determining the distribution of money is a complex issue and can cause antagonism between those with primary rights to land and those with secondary rights to the same area. Often when the royalty money received is distributed between those with a royalty-receiving land interest it is not a significant sum per person. There is a status attached to a royalty receipt that goes beyond the sole consideration of its monetary value, as the receipt of a royalty payment is also tangible proof of land ownership. In some communities royalty recipients are using royalty payments for long term reinvestment in tourism businesses and are forming their own associations to make decisions on money distribution and investment.

Community conflicts may also occur as part of the process of establishing a commercial venture. In some cases this may be due to there being no traditional precedent for the management of the activity. In the case of a proposal to harvest wild crocodiles for commercial sale, one clan from another area claimed a right to veto the proposal because of their relationship to those crocodiles through totemic affiliation. This was contested by the landowners who wished to harvest the crocodiles, as it was claimed that their traditional right

as the land owner allowed them to harvest the animal as an economic resource. It was asserted that this primary land owning right outweighed the totemic affiliation of the other group. These are situations that will be worked out through internal debate by Aboriginal traditional owners.

### 3. RECREATIONAL FISHING BY INDIVIDUALS

In some cases, recreational fishermen need to pay for permits issued by relevant Aboriginal Land Councils or other Aboriginal land management organisations in order to fish on Aboriginal land.

A 1996 survey by the DPIF, *Fish Count*, surveyed recreational fishing in the Northern Territory. *Fish Count* estimates that over 42,000 non-Indigenous Northern Territory residents (35% of the non-Indigenous population) go fishing at least once in the Northern Territory annually (1998:i). The report also shows that fishing is important for the Northern Territory's tourism industry. Over 50,000 visitors (6% of all visitors to the Territory annually) fish at least once during their stay (1998:i). Over \$30 million in total annual expenditure is directly attributable to recreational fishing, with residents accounting for a major proportion of expenditure (over \$23 million or 77%) and visitors close to \$7 million (23%) (1998:ii).

*Fish Count* specifically excluded Indigenous fishing in its survey of recreational fishing, proposing a separate study of Indigenous fishers requiring different methodologies (Coleman 1998:6).

The decision to exclude Indigenous fishers from the *Fish Count* survey raises interesting questions about the criteria and categorisations used to define fishing practices in the Northern Territory. While Indigenous fishing can be categorised as comprising a complex of cultural, subsistence<sup>8</sup>, commercial and recreational aspects, the exclusion of Indigenous fishers from the *Fish Count* survey also has implications for how the rights of Indigenous fishers are represented. The recreational fishing sector in the Northern Territory is politically influential. Excluding Indigenous fishers from a survey on participation and commercial interest in the recreational fishing sector may assist political campaigns that seek to exclude Aboriginal people in the Northern Territory from an economic stake in fisheries resources.

<sup>8</sup> For a discussion of native title rights (including commercial interests) as it relates to the basic right to continue Indigenous people's historic use of fisheries resources, see Meyers GD, 'The Source of Aboriginal Title', in *Governance Structures for Indigenous Australians On and Off Native Lands*, Discussion Paper 5, Environmental and Natural Resource Management by Indigenous Peoples in North America: Inherent Rights of Self Government, Part II Defining the Content of Aboriginal Rights in Canada. Online: [www.austlii.edu.au/au/special/rsj.project/rsjlibrary/arccrp/dp5.html#Heading11](http://www.austlii.edu.au/au/special/rsj.project/rsjlibrary/arccrp/dp5.html#Heading11)

Recreational fishing in the Northern Territory is a politically emotive issue and the Government regularly issues press releases critical of attempts by Aboriginal Land Councils to charge permit fees for recreational fishing access to Aboriginal land. In 1997 the Minister for Fisheries, Mr Mick Palmer, issued a press release stating:

*They want the land, and they will then charge a premium price to a chosen few for the right to access what is a part of our Northern Territory...The NLC wants Territorians to have to ask the Land Council for permission before they can take their families away fishing (17 June 1997).*

Such statements demonstrate that the Northern Territory Government often continues to treat private Aboriginal freehold land as though it is public land.

The Amateur Fishermen's Association of the Northern Territory (AFANT) is constituted to represent Northern Territory recreation fishers and has established itself as an organisation of some political significance. The Northern Territory Government funds the AFANT's executive officer position. AFANT is generally critical of Aboriginal land and native title rights and applies significant pressure on the Northern Territory political parties to support its agenda for increasing access to fishing areas on Aboriginal freehold land and other areas across the Northern Territory.

While the direct Indigenous economic interest in recreational fishing tourism is limited in contrast to the size of the recreational fishing industry in the Northern Territory, Aboriginal people wish to benefit from the recreational fishing pursuits that occur on their land. Appendix A provides a summary of the fees and access terms for current recreational access on Aboriginal Land Trust land. There are continuing discussions taking place between the Land Councils, Northern Territory political parties and AFANT to increase the recognition of Indigenous interests in existing recreational fishing areas and to negotiate terms and conditions for access to further recreational fishing sites on Aboriginal land.

In the Daly River region, where, under the provisions of the ALRA, Traditional owners own the beds and banks of the river but not the

water, the NLC has negotiated a lease with the Northern Territory Government for the construction of a public boat ramp.

On the Tiwi Islands a recreational fishers access scheme has been in operation since December 1998. After several years of negotiation an agreement was made between the DPIF and the Tiwi Land Council on behalf of Aboriginal traditional owners. The scheme allows for fishers with permits issued by the AFANT to camp at six identified beach campsites around the Tiwi Islands. Fishing tour operators who do not have formal licensing agreements with the Tiwi Land Council can also access these camping areas by acquiring these permits.

## 4. GUIDED SPORT FISHING

### 4.1 The Operations

Dedicated sport fishing operations utilising camps on Aboriginal land are now an established part of the sports fishing industry in the Northern Territory. The target fish species are barramundi, reef and other bottom-dwelling marine fish. The level of Aboriginal involvement varies from joint venture partnerships and recipients of royalty payments, to no involvement or benefit sharing.

Since the early 1990s there has been an increase in the income from the sport fishing ventures operating under agreements on Aboriginal land. This growth has raised opportunities for joint venture arrangements with dedicated sport fishing operators. In the Maningrida area of Arnhem Land a license issued under the ALRA is held by BAC, which has engaged a sport fishing tour operator to manage the venture. In most cases operators pay royalty fees on a per client per day basis.

#### 4.1.1 Fishing tour operators licensed in the Northern Territory

In the Northern Territory in 1999, there were approximately 200 licensed fishing tour operators (FTOs) who own, or are employed by, approximately sixty companies throughout the Northern Territory and Australia. DPIF issue the licenses. Fishing tour operator licenses were introduced in the Northern Territory as a legal requirement under the *Fisheries Act 1993*. No fee is applied for the non-transferable licenses, although a condition of renewal is the timely provision of accurate daily catch effort data on a monthly basis to the DPIF (DPIF 1996:69). Sport fishing activities on Aboriginal land also require a license or a lease that is issued under the ALRA.

In the Northern Territory the FTO industry began slowly in the early 1980s. As demand increased the number of operators began increasing in the late 1980s and the 1990s. Fishing tour operators in the Northern Territory are based mainly in Darwin, Katherine, Borroloola, Nhulunbuy, Roper, Mataranka and some interstate. They mostly operate tours in the region of Darwin Harbour, Corroboree

Billabong, Shady Camp, Daly River, Kakadu National Park, Gurig National Park, Nhulunbuy, and Timber Creek.

In 1995/1996 a total of 167 licensees provided tours to 10,970 tourists (DPIF 1996).

#### 4.1.2 Fishing tour operations on Aboriginal land

Sport fishing operations on Aboriginal land comprise a niche sector of the broader sports fishing industry in the Northern Territory. In the mid to late 1980s favourable media promotion by fishing writers, such as the Northern Territory's Alex Julius, have added impetus to the increasing attraction of locations such as Arnhem Land to fishers. Since the early 1990s up to ten fishing tour operations have negotiated agreements through the NLC for access to different sites on Aboriginal land. Three operators have also negotiated similar arrangements with the Tiwi Land Council (see Appendix B).

To be able to operate within Kakadu National Park fishing tour operators are subject to both the Northern Territory FTO licensing requirements and a permit required by Parks Australia, the Commonwealth conservation agency that jointly manages Kakadu National Park under an Agreement with Aboriginal traditional owners. The 1999 Kakadu National Park management plan states that:

*The Board will determine the number of permits available for sport fishing tours. This may include a tiered permit and fee system based on how often the park is used. Sport fishing tours may be permitted to use identified water bodies within the Park, subject to the provisions of any area plans developed in the life of this Plan.*

During the life of the previous Kakadu Plan of Management (1991) twelve sport fishing operators were issued permits to conduct tours within Kakadu National Park. The benefits of using Kakadu National Park, particularly high recognition value of the Park in advertising as a marketing tool for tourism operators, has resulted in these permits being highly valued by operators in the Northern Territory fishing tourism industry.

In 1999 Parks Australia wrote to existing permit holders and advertised nationally in newspapers calling for applications for 15 sport fishing permits. Applicants were asked to address a number of selection criteria that included the extent that the applicant would provide for the involvement of, and benefit to, local Aboriginal traditional owners. Other criteria included the appropriateness of the applicants' proposed promotional material and their willingness to attend tourism industry operators' seminars organised by Parks Australia.

As of January 2000 a new tiered permit and fee system commenced, which places a cap on the number of fishing days operators are allowed to fish in the Park (a boat day is one boat and up to four clients only). The 15 permits are allocated as follows:

NO. OF PERMITS	BOAT DAYS	PERMIT COST
2	125	\$500
3	100	\$400
5	75	\$300
5	50	\$200

Aboriginal traditional owners in Kakadu National Park receive 38.8% of the permit revenue. In the future, fishing tour operators will be encouraged to establish joint ventures with Aboriginal traditional owners, subject to approval by the Kakadu Board of Management (which consists of a majority of Aboriginal traditional owners). The Gagudju Association, which holds a separate sport fishing operator's license, has a management arrangement with one sport fishing venture to operate at Yellow Water.

There are four fishing tour operators permitted to operate in particular areas within the Gurig National Park, a park jointly managed by the PWCNT and Aboriginal traditional owners under the *Cobourg Peninsula Land, Sanctuary and Marine Park Act*. The operators enter into a concessional agreement and pay a permit fee to the PWCNT who convey it to the NLC for distribution to Aboriginal traditional owners. The holders of the two safari hunting operator's concessions within the Park are also permitted to conduct sport fishing trips for their clients in the Port Essington area.

### **4.1.3 Business aspects**

The peak months for fishing tour operators are generally from the late wet season in April through to the late dry season in November. Most remote base camps are inaccessible in the wet season.

Agreements negotiated by the Aboriginal Land Councils require that Aboriginal traditional owners give informed consent. To obtain informed consent a meeting is generally held and at times more than one meeting may be required. There may also be significant logistic costs associated with these meetings, including the payment for air charters to bring the necessary Traditional owners together. The NLC requires that a proportion of this cost be borne by the proponent. To date the costs borne by the proponents have been minimal. Unwillingness by a proponent to contribute towards the cost of a meeting may prevent a meeting taking place.

Although negotiating an agreement under the ALRA can be detailed, complex and time-consuming, it is, however, in the long-term interests of the operation that negotiations of these procedures are followed. Publicly declared group consent to the conditions of any such agreement is essential for the long-term viability of any project on Aboriginal land. Without such agreed and formal acceptance of a proposal, disputes and misunderstandings that may arise will have no effective channel through which to be resolved and may continue to the extent that they undermine the viability of ventures. The proponent is also unable to secure a legally enforceable contract except under the provisions of the ALRA.

The agreement may also require that the proponent submit records of areas fished (percentage of time spent in one area), so that royalty payments can be worked out according to Traditional ownership of the resources used.

### **4.1.4 Types of agreement**

#### **1) Non-indigenous licensees**

Most sport fishing operations on Aboriginal land operate under a license agreement held by the operator as the licensee. This

arrangement involves a royalty payment to Traditional owners on a per client per day basis.

Where a royalty fee per client per day is charged, proponents are also required to pay an access fee per client to the Traditional owners whose country<sup>9</sup> is used to access the site, whether by vehicle (roads) or aircraft (airstrip).

Licenses will include conditions on the areas where fishing is allowed and proponents must ensure they are aware of any off limit areas within the concession.

#### **2) Management agreements and joint ventures**

In the case of the sport fishing operation on the Liverpool and Tomkinson River system, a license under the ALRA is held by BAC, which has engaged an experienced sport fishing operator to manage the licence on their behalf. The original proposal was made by the sport fishing operator to the Aboriginal traditional owners in 1992. This initial proposal was for a direct licensing agreement with the proponent as licensee. Traditional owners expressed a lack of interest in that proposal. In 1995, a joint venture arrangement was suggested with the license for the operation to be held by BAC. Traditional owners agreed to this arrangement and the operator was engaged with exclusive access under a management agreement in 1996.

Under the terms of the management agreement, considerable financial return is made to Traditional owners without exposing BAC to risk. BAC have access to certain financial records of the sport fishing operator with the intent of enabling it to make informed decisions about their investment of capital into the operation.

#### **3) Community owned operations**

In the case of Murwangi Aboriginal Corporation in central Arnhem Land, a non-Aboriginal manager has been employed to run their commercial enterprises, which includes a pastoral enterprise,

<sup>9</sup> The term 'country' as used in this report refers to land that has particular significance to Aboriginal people. The term connotes an affinity between people and land, which has significant spiritual and religious components (Rose 1985: vii).

meatworks, crocodile harvesting, tourism (safari hunting and sport fishing) and a mango orchard (see Appendix D).

#### 4) Regional management agreements

Tourism activities in a region may also be managed by a local Aboriginal organisation. For example, Dhimurru Land Management Corporation in North East Arnhem Land has a licence granted by the Arnhem Land Aboriginal Land Trust to manage both recreational and commercial tourism activities (including sports fishing) within the Nhulunbuy Recreation Area. Under this arrangement Dhimurru will issue annual permits to commercial tour operators working within the recreation area.

### 4.2 Tourists

In a summary of data based on the returns of all fishing tour operators in the Northern Territory for 1995/1996 it was found that:

- 10,123 clients were domestic tourists and 827 were from overseas
- clients came from NSW (26%), Northern Territory (26%), Victoria (18%) and Queensland (11%)
- 25% of international tourists came from the United States
- The average number of clients per fishing day was 3.2
- 53% of all clients were of average skill level, 27% beginners and 20% were expert.

Estimates received from sport fishing tour operators on Aboriginal land concur with the above statistics. The vast majority of their clientele are Australians. Most are high income earning professional or business people. Sport fishing clients are often people who do not have a lot of time to travel with their own boat and car. Experienced fishing guides ensure that they will be taken directly to the good fishing areas and engage in "premium fishing" during their brief visits.

Fishing tour operators advertise widely in Australian recreational fishing magazines and increasingly have web pages on the Internet (drawing a greater international clientele). A significant number of articles appear each year in Australian fishing magazines, which promote particular operations on Aboriginal land. Aboriginal land, especially Arnhem Land and Gurig National Park, are particularly attractive locations for sports fishers. The attraction is the excellent quality of the fishing and the unique natural environment. In some cases fishers have the opportunity to catch-and-release from 60-200 fish each day. Other areas in Australia have depleted their fish resources to an extremely low level due to industrial and agricultural development and its associated environmental degradation. Fishers in the Northern Territory, particularly in areas such as Arnhem Land, have access to fisheries that are far healthier than in southern parts of Australia. One respondent stated that fishers who travel to these areas are also exposed to how well managed those areas of Aboriginal land are in terms of their wildlife populations and ecosystem health.

While contact with Aboriginal people is not a major attraction for fishing parties, some clients take the opportunity during their trip to visit Aboriginal communities to purchase Aboriginal arts and crafts at community art centres.

Good operators rely on repeat clientele. The sport fishing operation in the Maningrida area holds bookings for years in advance. Clients are travelling a long way at considerable expense (in Arnhem Land up to \$3000 for one week fishing ex-Darwin), and while the fishing is excellent in the Top End, so too must be the quality of service provided.

### 4.3 Fisheries

The Northern Territory sports and recreational fisheries comprise extensive stocks of marine game and reef fish, along with barramundi and saratoga in the coastal river systems.

The Northern Territory is renowned for the barramundi, a species that has become something of a 'cash crop' for the Northern Territory's sport fishing and professional fishing industry. Ocean fishing for both

reef and bottom dwelling fish is also popular. Species include snapper, emperor and coral trout. The other main species of fish caught include trevally, whiting, tuskfish, bream, threadfin, queenfish, jewfish, cod, moonfish, mackerel, blue salmon, sharks, saratoga, catfish, and sooty grunters. Also harvested are shellfish, mud crabs, and yabbies (Coleman 1998).

There are numerous islands and reefs off the coastline of the Northern Territory. Inshore are mangrove-lined creeks and estuaries, and vast tidal rivers that flood each wet season. During the dry season, the upper reaches of many of these river systems form landlocked freshwater lagoons. As a consequence of the undeveloped nature of most of the Northern Territory coastline, there are large areas of high quality mangrove, estuarine and wetlands habitats that produce many fish.

#### **4.3.1 Environmental impacts**

*Fish Count* charts the growth of the commercial and recreational fisheries in the Northern Territory since the 1970s. It states:

*The development of the commercial and recreational fisheries naturally placed increasing demands on the available resources and some concerns arose over the access and allocation of these resources. Initially the concerns were for barramundi in the Mary River. This river was progressively closed to commercial barramundi fishing from 1986 to 1989. Also during this time, minimum size and possession limits for barramundi were introduced to the recreational sector. The Daly and Roper Rivers were also closed to commercial barramundi fishing in 1989 and 1990 respectively. Gradually the recreational fishery has come under increasing control with the introduction of size and possession limits for other species. These controls are, however, relatively simple in comparison to detailed species and gear controls in other states (1998:1).*

A potential advantage to Aboriginal landowners of having sport fishing operations on their land is that these operations have a vested interest in monitoring the commercial fisheries which net the mouths of rivers along the Northern Territory coast. However such monitoring does not necessarily result in effective policing. The *Fisheries Act* of

the Northern Territory identifies river closure lines, which limit commercial netting. These are variable between rivers. It is difficult to police the commercial fishers in remote rivers and both Aboriginal traditional owners and sports fishers complain of breaches of this Act.

#### **4.3.2 Catch and release fishing**

While safari hunting is not supported by many members of the public, the ethics of sports and recreational fishing is not generally an issue. While Aboriginal traditional owners may find sport fishing, with its practice of catch-and-release, difficult to understand, it is a practice increasingly adopted in the sport and recreational fishing sector. Fish considered to be good table fish, such as red emperor, are not released to the same extent as other fish such as saratoga or catfish (DPIF 1996).

In 1995/1996, under the fish tour operator licences issued by DPIF the total fish catch for this period was 75,847, of which 70.3% (53,304) of fish were released. Barramundi was the main species caught (22,926) with 20 188 released. However the post-release survival rate is not known.

The 1998 *Fish Count* survey of recreational fishing in the Northern Territory states that:

*On average a resident recreational fisher catches approximately 33 fish and 5 non-fish per year, of which 19 fish and 4 non-fish are harvested. This translates to a catch of approximately 4 fish and one non-fish per fishing day with insignificant levels of non-fish catch (1998: 79).*

According to a DPIF fisheries research officer it is almost impossible to place an accurate figure on the survival rate of barramundi as there are too many variables to account for when fish are released. While research is continuing to attempt to gauge the survival rates of barramundi, studies of other fish species in other parts of the world give mortality rates that vary between one and fifty percent (R. Griffin, pers comm, 4/10/99).

There are also animal welfare concerns about fishing activities. In response to these, the National Consultative Committee for Animal Welfare (NCCAW) put out a position statement on recreational fishing, which it developed in consultation with angling associations (NCCAW 1999).

Sport fishing operations on Aboriginal land are generally catch-and-release and, because of this, promote themselves as having minimal environmental impact. Aboriginal landowners need to be made aware that there is little scientific knowledge available relating to the 'real' environmental cost of catch-and-release fishing. A mortality rate of fifty percent amongst released fish, for example, would be a significant environmental cost if the exploitation rate were high<sup>10</sup>.

#### 4.4 Obstacles and Opportunities for Development

The obstacles and opportunities for development of Indigenous interests in the sport fishing industry revolve around a number of issues:

- the geographical distance and accessibility of fishing locations
- the desirability of employment and training by Aboriginal people in the industry
- the level of capital investment Traditional owners are prepared to make
- coordinating strategies for development between Traditional owners groups
- the recognition of Aboriginal rights and interests in marine areas and inland waters adjacent to Aboriginal land and
- policing of commercial fishing activities in remote locations.

The NTTC brochure *Fishing Territory* is aimed at promoting the Northern Territory's prime fisheries as a niche tourism market. According to one respondent the potential for Indigenous people to

<sup>10</sup> However, in the Northern Territory exploitation rates are probably less than 10% (R. Griffin, pers comm. 4/10/99).

expand their interest in this niche is always present and they need to decide on what terms they want to be involved. However, when the NLC called for expressions of interest to operate a sport fishing operation on the King River (in 1998), they received only one application.

Most people interviewed for this report gave qualified support to the continued growth of Indigenous interests in land-based fishing camps on Aboriginal land and recreational fishing magazines regularly promote such ventures and the images projected of pristine environments on Aboriginal land as having a unique attraction for fishers.

However, an example of the often tenuous nature of Indigenous interests in sport fishing ventures is evident on the Tiwi Islands. In 1987 the Tiwi Land Council established the Barra Base, a joint venture between the Tiwi people and partners Graham and Dorothy Williams. The operation was successful but was seriously affected by the pilot strike in early 1990s, which forced the non-Tiwi partners to quit the venture. Since this time the Tiwi have owned 100% of the Barra Base and leased it to various operators.

John Hicks, secretary of the Tiwi Land Council, explains that the objective of the Barra Base was to secure employment for Tiwi people. In the 1998 trading year the operation attracted 400 guests and there was a \$36,000 profit for the Tiwi, who number approximately 2500 people. However, over the entire ten years of operation, the Barra Base was unable to secure any long-term employment of Tiwi people. Hicks believes that the reasons for the failure of the Barra Base are three fold:

1. The social and cultural obligations of the Tiwi people. Family and ceremonial obligations override employment obligations.
2. While the guests enjoyed the novelty of Tiwi guides they also sought extensive knowledge of sport fishing technology that the Tiwi could not offer. This was a significant source of embarrassment for those Tiwi involved in the operation.
3. The huge cost of operating ventures in remote places means that it is difficult to sustain profit margins. Hicks estimates that the

annual fuel bill at the Barra Base for a 60 kva generator was \$57,000. On top of this was the cost of maintaining a remote airfield and associated infrastructure.

The Barra Base infrastructure has now been leased to a Victorian aquaculture firm who will use the Barra Base facility as a barramundi farm. Hicks believes that as well as attracting a significant rental and future equity participation for the Tiwi. It will also provide more attractive employment options for the Tiwi who will no longer be vulnerable to the stress of conducting relationships with a constant stream of clients as demanded by a tourism operation.

While the Barra Base is no longer a sport fishing operation, the Tiwi Land Council (on behalf of Aboriginal traditional owners) made agreements in 1999 with two sport fishing operators to establish land base operations on the Tiwi Islands. In at least one case there is a stipulation in the contract, required by the Aboriginal traditional owners, that the operation employ Aboriginal guides. Currently there are some Tiwi and other Aboriginal guides employed at the operation. In 2000 the Tiwi Land Council approved progress to a final agreement for the establishment of a \$15 million sports fishing lodge and mariner at the eastern end of Melville Island. This will begin construction in 2001 and it is anticipated that it will employ twenty-five Tiwi.

According to some operators, a significant obstacle to development of the sport fishing industry on Aboriginal lands is the continuing practice of commercial fishers netting at the mouths of rivers. Sports fishing operators have recently left a land base on a river along the Arnhem Land coast partly because the commercial netting was considered to have significantly reduced fish stocks in the river over a two year period (although constraints imposed by the geographical distance of the land base and the burden of financial outlay were also factors). The increase of commercial netting along the Arnhem Land coast is attributed to increasing restrictions on commercial netting around the Darwin region. As a consequence, fishing boats are moving along the coast to the more remote regions where there is little policing and enforcement of fisheries regulations. Meanwhile, the sight of nets also disillusiones the sport fishing clients who are attracted to Arnhem Land by an image of pristine environments.

The investment in infrastructure required to run a successful operation is according to another sports fishing operator hampered by the short nature of tenure offered to date under the licences. He maintained that investments take many years to recoup and operators need both security and longer terms for their agreements. This operator also believes the long time scale involved in securing responses for commercial contracts is non-viable for many operators.

Another operator suggests that the market for remote sport fishing operations on Aboriginal land has reached saturation point. He believes there is no more scope for new operators as the existing ones are battling to attract clients. Those that are successful survive because of a hard won reputation as good fishing tour operators.

Some operators have overcome the need to reach agreements with Aboriginal traditional owners through the use of 'mothership' operations along the Northern Territory coastline<sup>11</sup>. A 'mothership' acts like a moveable floating hotel from which fishers set off each day in smaller craft to fish the river mouths and estuaries along the coast returning to the 'mothership' each night. As long as they do not step on land and enter registered sacred sites or closed sea areas, there is no need for them under current Australian law to have an agreement with Aboriginal traditional owners.

The East Arnhem Regional Development Tourism Plan identifies the following as a constraint on the future development of Indigenous interests in fishing tourism in the region. It states:

*At present time, a number of fishing charter operators are (legally) offering offshore tourism/recreational and sport fishing products, which obviates the NLC or other requirements, but which raises concerns for Traditional owners and their representatives (Higgins and Associates n.d.: 64)*

It is significant to note that the major reason why the coastline of the Northern Territory has retained such high quality fisheries is to a large

<sup>11</sup> However, this is not an option for all operators as the establishment cost of a mother ship operation is approximately \$500,000, whereas a land based tent camp only requires approximately \$30,000.

extent because Aboriginal landholders own and manage 80% of the Northern Territory coastline.

#### 4.4.1 Sea rights

Recognition of Indigenous interests in marine and inland waters adjacent to Aboriginal Land Trust lands is a contentious issue. Recognition of these rights would offer traditional Aboriginal owners the potential to increase their interests in sport fishing in the Top End. Legal recognition of Indigenous interest in marine waters is dependent, in part, on the outcome of a High Court of Australia Appeal on the Croker Island Native Title Sea claim in the Northern Territory. If the finding is in favour of the Appeal lodged by Aboriginal traditional owners, it could provide a precedent for Aboriginal traditional owners with interests in seas across the Top End to increase their stake in the sports and recreational fishing industry.

The Mandilarri-Ildugij, Mangalarra, Muran Gadurra, Minaga and Ngayndjagar estate groups lodged the Croker Island Native Title sea claim in November 1994. The applicants asserted exclusive rights of ownership, occupancy, possession, and use of the area claimed. The Northern Territory, Commonwealth of Australia, and Northern Territory Fishing Industry Council opposed the application (Levy 1998/1999: 20). Meanwhile the Croker Island traditional owners are in the process of finalising an agreement for a sport fishing operation using both their land and sea estate.

In the case of *Mary Yarmirr & Ors v Northern Territory of Australia & Ors* (771 FCA) the Federal Court of Australia found in July 1998 that native title exists in respect to all of the area of sea and seabed claimed. However, the applicant's native title was found to be non-exclusive of other interests and not to include a right to trade in resources of the sea.

The applicants appealed on grounds including:

- that the native title, on the evidence (which included historical material regarding pre-colonial Macassan trading), includes a right to trade in resources of the sea;

- that the native title, being in the nature of a private fishery which pre-dates (or may be presumed to pre-date) the Magna Carta of 1215 (and therefore is an exception to the public right to fish), is not subject to the common law public right to fish and the right to navigate, or the international right to free passage (Levy 1998/1999:21)

Appeals from both the Commonwealth and the applicants have since been heard. The Federal Court made a decision on 3 December 1999.

The view of Merkel J. is summarised by S. Sparkes of the National Native Title Tribunal<sup>12</sup>:

*Beaumont and Von Doussa JJ were of the view that the appeals "fail, both [the Commonwealth and the Applicants appeals] essentially for the reasons given by" Olney J. Merkel J dissented and would have dismissed the appeal by the Commonwealth and allowed the appeal by the applicants. Thus it was a 2:1 decision . . . Under the NTA, the native title claimed must be established to exist at the date sovereignty was acquired by the Cth over the offshore waters in the claimed area and at the date of the commencement of the NTA, being 1 January 1994. There exists a right to an exclusive fishery in a particular offshore area that can be recognised and protected as a native title right or interest under the NTA. Such a right could be regulated but not extinguished by NT fisheries legislation.*

Given this outcome, it is likely that an appeal by the claimants will be made to the High Court of Australia.

Currently under the provisions of the ALRA, the NLC is not required to consult with Traditional owners of reef and marine areas. The ALRA pertains only to land. However the NLC does attempt to follow Aboriginal custom and tradition and asks sport fishing operations to identify where they fish and if this includes reefs and marine areas, consent is sought from those Aboriginal traditional owners.

<sup>12</sup>Email server message: Date: Fri, 3 Dec 1999 12:57:25 +0800, X-Lotus-FromDomain: NNIT1@NNIT, To: in\_land@bloodwood.adelaide.edu.au, Subject: IN\_LAND: Croker - native title at sea Full Federal Court decision. See Federal Court of Australia, *Commonwealth of Australia v Yarmirr* [1999] FCA 1668 (3 December 1999).

Some fishing charter operators in the East Arnhem region have recognised these rights and have negotiated access agreements with the NLC on behalf of Traditional owners. Many others have not and appear politically opposed to doing so.

Since 1979, the Tiwi people have discussed seeking a two-kilometre sea closure for seas adjoining their land under the *Aboriginal Land Act 1978*. The application for sea closure to the Aboriginal Land Commissioner was filed but has not been continued. The 1998 agreement between the Tiwi Land Council and the Amateur Fishermen's Association of the Northern Territory is, according to the Secretary of the Tiwi Land Council, an agreement designed to more effectively jointly manage the resource with interested parties. The secretary of the Tiwi Land Council explained that:

*While the scheme offers no employment it may offer some income. We did it more because of the close location of the Tiwi Islands to Darwin and the huge number of recreational fishermen we must deal with. Unless we did something, people would go and do it anyway. Rather than have people trespass we can get some income. The trade off with the Government was that they would assist in policing of these resources, which is yet to occur (pers comm 05/07/99).*

In the case of BAC, a stake in the sport fishing industry has enabled Aboriginal traditional owners, through a commercial agreement, to seek some control over the management of their marine estate. Competition for the target species, barramundi, comes from professional fishermen. By obtaining a sport fishing license BAC became one of the user groups, and as such can lobby government from the perspective of commercial interest.

The Larrakia people, native title claimants for the Darwin region, have proposed a memorandum of understanding between the Amateur Fishermen's Association of the Northern Territory and themselves. In relation to sacred sites and turtle nesting sites in particular, the Larrakia want the fishing public, the main recreational users of Darwin Harbour, to observe restrictions or prohibitions on entry. They stress, however, they have no intentions of charging or preventing access to public boat ramps and beaches (Risk, 2000).

#### **4.4.2 Training**

Despite the lack of successful outcomes for local Aboriginal employment in the sports fishing industry, Aboriginal traditional owners consistently ask that employment and training of local Aboriginal guides be made a part of any agreement made with sport fishing operators.

In anticipation of Aboriginal people working as guides at the sport fishing operation in the Maningrida area, BAC provided coxswain certificate training courses, which six Aboriginal men successfully completed. However, while the operator has attempted to employ Aboriginal guides, it has not yet happened. While there are some Aboriginal people interested in undertaking further training and two Community Development Employment Program (CDEP) placements were created to enable this, actual training has never proceeded past the initial concept stage. According to BAC employment and training are issues that will take time to resolve.

Despite the Aboriginal requests for training and employment in the industry and the fact that operator's generally assert that they are committed to the idea of employing and training local Aboriginal guides there is little Aboriginal employment in the industry. Some operators assert that there is lack of motivation on the part of the Aboriginal people to be trained or that if they do train someone that person may not be consistently available.

Training in the sport fishing industry will only be successful if deemed appropriate or necessary by an Aboriginal group. Requirements could include:

- the community or group providing to an operator evidence of Aboriginal people who want to be involved and continuing to support these people during the training; and
- ensuring that these people receive training that allows them to achieve the minimum industry standards necessary to get an FTO license which, for a guide using a licensed company boat, are a skipper's qualifications including: first aid, vessel handling

certificate appropriate to the size of the boat, radio operations and marine safety.

Training would also need to be tailored to the type of waters to be fished, whether they are coastal or inland, and to seasonal vagaries. It would also need to include training in the technicalities of sports fishing.

Training modules and short special vocational training programs (VTPs) administered by an accredited, appropriate educational institution could be a potential source of niche training for Indigenous employment in the sport fishing and safari hunting industries. There is also potential for on-site courses to be taught by or in conjunction with tour operators in the off-season. While one traditional owner expressed the view that Aboriginal people do not need training in fishing—"we are the experts"—others may decide to obtain the skills necessary to be effective as guides in the sport fishing industry.

An alternative to the training of Aboriginal guides in sport fishing technology is the approach taken by an operation in North East Arnhem Land. A non-Aboriginal wildlife and fishing tour operator based in Nhulunbuy is formalising an agreement with a nearby outstation community to begin small-scale tours in the region. While the tourists can engage in conventional sport fishing, they are accompanied by Aboriginal guides who fish by their own preferred methods, including customary use of multi-pronged fishing spears. This provides an interesting cultural exchange and experience for the tourists.

## 5. SAFARI HUNTING

### 5.1 The Operations

A large number of the safari hunting operations in the Northern Territory rely on access to 'big game' hunting on Aboriginal Land Trust land. This includes extensive areas of land unaffected by development. It is an industry with small client numbers that delivers an income to Aboriginal traditional owners through the payment of trophy fees.

The two main species hunted for trophies are buffalo and banteng. Banteng attract a minimum trophy fee of \$2,600, buffalo a minimum trophy fee of \$1000. Smaller trophy fees are received for goats and pigs. For some Traditional owners, these are the only payments they receive for the commercial use of their land. Income from the small payments may seem insignificant, but for a particular land owning group constitute partial recompense for the use of their natural resources and an acknowledgment of their status as landowners. This acknowledgment of land ownership is significant for Aboriginal people whose legitimate rights in land are continually denied in wider public discourse.

In the post World War II era several safari camps were established in the Top End. In the 1950s and 1960s, Alan Stewart (1969), the operator of Nourlangie safari camp and other safari hunting operators based at sites situated in what is now Kakadu National Park, relied heavily on local Aboriginal people to work as hunting guides and as camp helpers (Levitus 1982). In the post land rights era of the late 1970s and early 1980s, Aboriginal people did not choose to encourage the development of safari hunting tourism on their land, although there were a number of proposals submitted to the NLC by safari operators. Many of these operators assumed that permission would be a matter of course and were not happy with the NLC's approach to negotiating agreements. In other areas, such as the area now gazetted as Kakadu National Park, any existing or potential safari hunting operations ceased as the area was progressively declared a National Park.

Commencing in the 1970s the Department of Primary Industries and Fisheries began a vigorous BTEC program to eradicate buffalo herds infected with bovine tuberculosis from northern Australia. In the mid 1980s Bayliss and Yeomans (1989:651-676) placed the figures of buffalo in the Top End at approximately 350,000. The BTEC campaign ended in 1997. The campaign has led to the virtual eradication of wild buffalo in the western half of the Top End, and reduced buffalo densities somewhat in much of Arnhem Land.

As the BTEC program removed animals from European owned pastoral properties and the Land Trust land close to Darwin (i.e. Wagait) the safari operators who had commenced their operations on those properties during the 1980's now sought access to more remote Land Trust lands. Safari hunting became an option for commercial gain for those Aboriginal traditional owners who still had significant buffalo populations on their land.

As there is no Northern Territory legislation explicitly regulating the safari hunting industry it is difficult to estimate the scale and value of the industry. In a judgement delivered in 1999 in a court case between two Northern Territory safari operations the Judge, Justice O'Loughlin<sup>13</sup>, found that it was difficult to award compensation to the aggrieved party on the basis of calculations of future growth forfeited as:

*There is no evidence before the court as to the number of hunters operating in the Northern Territory in that year or the total number of hunts conducted...There is no evidence generally about the state of the hunting industry. Are the numbers of hunts increasing or decreasing? (O'Loughlin 1999:52)*

A limited indication of the scale and value of the safari hunting industry in the Northern Territory is available by collating the information provided in the Certificates of Origin issued by the Quarantine and Inspection Branch of the DPIF for all safari trophies exported from the Northern Territory (see Figure 1). In 1990, 110 single animal buffalo trophies were exported from the Northern Territory; in 1995, the number was 81 and in 1998, 55. These figures

<sup>13</sup> Hunt Australia Pty Ltd v Davidson's Arnhemland Safaris Pty Ltd & Anor [1999] FCA 131

do not represent all trophies taken in the Northern Territory but only those shipped directly overseas from the Northern Territory. Trophies may also be shipped from other Australian cities.

Safari hunting operations are conducted for buffalo and pigs in various parts of Arnhem Land and on Indigenous and non-Indigenous pastoral properties in the Top End (see Appendix C).

Banteng and sambar deer are hunted in Gurig National Park. The Park's Board of Management, consisting of a majority of Traditional owners, currently restricts the number of safari operator concessions to three, and within these concessions sets maximum annual limits for trophies. The royalty paid for banteng trophies has increased from \$2000 a beast in 1982 to over \$2,600 a head in 1999. David Foster (1997:48) in a discussion of safari hunting in Gurig National Park writes that:

*Banteng are particularly prized by safari hunters as the Cobourg Peninsula contains the only non-domesticated herd of banteng in the world. Because hunters have the possibility of bagging a world record, safaris in the park are particularly attractive, especially to the American market.<sup>14</sup>*

On north Goulburn Island wild goats are hunted, and on North East Island there is a population of Rusa deer that have been hunted in the past.

### **5.1.1 Business aspects**

The hunting season in the Northern Territory is weather dependent. It generally runs during the dry season from May to September each year.

The market for big-game hunting is small and specialised, requiring safari operators to travel overseas in the off-season months to promote and sell their products at international hunting conventions.

<sup>14</sup> Peter Whitehead, the Director of the Key Centre for Tropical Wildlife Management (KCTWM) at the NTU, comments that the attractiveness of the banteng herd is based on them being *Bos javanicus*. However because that species is an endangered species, export of trophies could present problems. At present, this herd is presumed to originate from a domestic strain of uncertain relationship to wild *Bos javanicus* and trophies are treated accordingly. This issue should be clarified at some time, preferably with the development of a sound herd management program (pers comm. 27/9/99)

It is also extremely competitive even amongst the operators that now operate in the Northern Territory.

The industry is also not subject to Government regulation, however, the NLC seeks to ensure those operations on Aboriginal Land Trust land are conducted in accordance with agreements issued under the ALRA.

In 1995, the NTTC conducted a survey of Northern Territory safari hunting operations with the aim of determining the value of hunting to the tourism industry. A total of sixteen questionnaires were distributed during this project. Eight questionnaires were returned.

The major points concerning business aspects of safari hunting operations arising from this survey were:

- hunting takes place mainly on private property (including Land Trust land). The main establishment used is a tent camp.
- camp fees range from \$10 per day to \$250 per day. Per hunt, fees range from \$10 per hunt to as high as \$7400 per hunt.
- marketing is targeted mostly at the USA. Germany and 'other Europe' follow this.
- 50% of the responses indicated that club or trade shows are attended.
- 5 of 8 respondents use the NTTC overseas offices in their marketing program.
- all respondents said that word of mouth is an important source of customers.

Many operators attempt to offer a package of activities that can be tailored to each hunter's interest. Some operators offer a range of complementary activities that may include wildlife viewing and photography, fishing, rock art and Aboriginal culture, bush foods, visits to Aboriginal community art centres, and, if available, Aboriginal guides.

Most of the operators and guides have operated for a long time in the Northern Territory and generally have at least one reasonably permanent camp.

Licenses agreed under the provisions of the ALRA between traditional Aboriginal owners and safari hunting operators contain clauses tailored to the needs of the landowners. Licensees may have to agree to a performance clause that ensures a minimum return to the Traditional owners. Moreover some require that the operator take a geographic positioning system (GPS) record of the site where the beast is shot so that the royalty can be paid to the appropriate traditional owner group for that particular area. This requires detailed anthropological records on Aboriginal traditional owner interests in land. Some agreements require that meat from the buffalo carcass be transported to the nearest outstation (if within a reasonable distance). Others stipulate the need for local Aboriginal guides to be employed, although for various reasons, this does not always occur.

### **5.1.2 Forms of agreement**

In 1988, the NLC pastoral branch that then managed the licensing of safari hunting activities identified the need for the NLC to adopt a safari policy to maximise the benefit of the industry to Traditional owners. Central to this proposed policy was that all safari operations on Aboriginal land should be licensed under Section 19 of the ALRA. However, to enact this policy the NLC would require the support of Traditional owners and safari operators. Some operators and Traditional owners prefer to rely on agreements forged through their own personal relationships, and generally with direct payment of trophy fees to an individual Traditional owner, but such agreements do not have the security of an agreement under the ALRA. A licensing agreement made under the ALRA requires the payment of trophy fees payable to the NLC, which then distributes them according to the instructions of the Traditional owners as a group.

The licences issued by the NLC in accordance with the ALRA provides confirmation that all statutory consultations with the landowners have occurred and that the Traditional owners as a group have approved the activity. It is important to recognise that Aboriginal land is not owned by an individual but by a group comprising both primary

Traditional owners and others with ancillary interests in that particular portion of Aboriginal land. While some individual landowners may give permission for certain activities to take place on certain areas, this permission when given outside of the provisions of the ALRA does not amount to a lawful interest in land, and as such does not provide the same level of security.

## 5.2 Tourists

The major points concerning the clientele base in the 1995 survey of the safari hunting industry conducted by the NTTC of the Northern Territory are as follows:

- the market is significantly made up of international clients.
- the average length of stay is 14 days, with the duration of the hunt lasting an average of 7 days.
- the average number of vehicular passengers per hunt is 4.
- partners often accompany hunters on their trips.

One of the most prominent hunter associations in the international arena is Safari Club International. The Australian South Pacific chapter, believes that hunting is a major recreational pastime and is an internationally accepted activity. In their submission (Number 118) to the Parliamentary inquiry into the commercial utilisation of Australian native wildlife, they state that:

*There are over 14 million hunters in the USA. In Australia, with its much smaller population, there are currently over 1 million registered shooters, 85% of whom are hunters.*

In an article on sustainable use, Max King, President of the Australian South Pacific chapter writes that:

*A recent survey of 2,000 randomly selected Safari Club International (SCI) members found that the average hunter will spend 36 days and from US\$2,000 to US \$5,000 every year on hunting trips. He/she will spend an additional US\$5,000 on*

*airfares, vehicles, guns and other equipment used in hunting. The average hunter will spend US\$1,267 a year on conservation programs that directly benefits wildlife (Roberts 1994). Many thousands of hunters participate in safaris in African nations every year. The minimum cost that any one of these hunters would pay is US\$5,000. For the rest the sky is the limit (King 1995:283).*

The hunter who goes on a guided safari hunting tour, however, is drawn from a far smaller segment of the hunting fraternity. Most are members of safari clubs, males aged 50-70 with an annual income greater than \$120,000 per annum. They prefer to use rifles. Many are also interested in wildlife viewing, photography and fishing. According to one Northern Territory operator, most hunters are paying to go on a hunt for the experience of coming into close contact with nature. They do not want to shoot the first animal sighted but rather prefer to learn the skills of hunting, that is, to read the environment and to pick the best game to shoot. The same operator claims that many tourists are also attracted to the idea of having an Aboriginal guide.

Safari hunters usually know little about the north of Australia apart from its mystique of 'wildness'. They are attracted to the region by its reputation for unfenced game hunting in remote areas. Some hunters are attracted by a desire to experience Aboriginal culture.

As with the niche of sport fishing on Aboriginal land, safari hunting in Australia's north attracts a high paying clientele. They require, as well as a good hunting experience, the professionalism of a well-managed and well-serviced operation. These clients are a relatively small group worldwide and word of mouth can be the key to a successful or disastrous business. Reliance on reputation and repeat clients requires a professional and sophisticated safari hunting operation.

## 5.3 Wildlife

Currently all species targeted in the safari hunting industry in the Top End are introduced species. The Asian water buffalo (*Bubalus bubalis*), originating from Timor and other islands in the Indonesian archipelago, was introduced to the Top End by English settlements at

Fort Dundas on Melville Island in 1824 and 1829, at Fort Wellington at Raffles Bay in 1827 and at Port Essington in 1838 (where 10 buffalo were left when the settlement was abandoned in 1849), and quickly populated most areas of Arnhem Land (Langton 1998:45-46). By the late nineteenth century buffaloes were the main grazing animals on the sub-coastal plains and river basins between Darwin and Arnhem Land. In the 1960s Letts (1964: 84) estimated the population in that area was 150,000 to 200,000 head.

The introduction of pigs and banteng to the Top End environment proceeded in a similar fashion. However, the banteng population was and is confined to the Cobourg Peninsula. Similar to the buffaloes, banteng were imported from Timor and Bali to the British settlements on the Cobourg Peninsula that were later abandoned. Letts (1969:85) writes that for reasons that are unclear, the banteng population remained within the 700 square mile peninsula, mainly in the north-eastern corner. At that time he estimated that there were up to 1,500 head on the peninsula (Letts 1964:85).<sup>15</sup>

The safari hunting industry occurs in a variety of habitats across the Top End. These include floodplains, paperbark swamps, dense coastal scrubland and open savannah woodlands. Significant populations of buffalo occur in both the coastal wetlands and savannah woodlands of Arnhem Land, although there are operations in the region of central Arnhem Land. Buffalo are hunted in the early morning and late evenings when they come to feed on the floodplains and water at the billabongs.

### **5.3.1 Environmental impacts**

Decades after the introduction of the buffalo to the Top End, buffalo numbers were high enough to cause significant damage to wetlands in the region. While these numbers decreased as a result of the BTEC campaign, large buffalo numbers are re-establishing in the Arnhem Land region. PWCNT has completed a survey of buffalo numbers post BTEC in order to begin developing a comprehensive strategy for the management of buffalo impacts on the environment.

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<sup>15</sup> In 1999, it was estimated that there were approximately 3,000 banteng on the Cobourg Peninsula.

However buffalo control and population reduction or constraint may not be the favoured outcome for Aboriginal landowners who rely on the buffalo both as a commercial asset and food resource. There is, however, recognition by landowners of the need to both understand and manage the environmental impacts of buffalo. Aboriginal land owners and the NLC Caring for Country Unit have recently asked the Key Centre for Wildlife Management (KCTWM) at the Northern Territory University (NTU) to conduct research, in collaboration with Aboriginal Land Management agencies, into strategies for buffalo management aimed at economic and environmental sustainability of the herds in Arnhem Land (see also Djelk Rangers & NLC 1999).

Likewise, the Kakadu Board of Management has called for tenders for consultants to assess ways to manage buffalo within the Park and to optimise the balance between income from buffalo and the costs to the environment.

Some Traditional owners are very concerned about the impact of pigs on their country, both economically (impacts on natural resources) and spiritually (impacts on sacred sites). Some landowners state they do not want any pig populations in their country. Others generate income through pigs by commercial harvests (safari hunting or meat slaughter) and may also value pigs as a subsistence resource.

In the Arafura Swamp one local landowning group has derived significant income from safari hunting of buffalo and thus could be considered to have a vested interest in maintaining viable populations. However, other landowning groups have expressed concerns about the environmental impact of these animals on their wetland estates.

Buffalo and pigs can also have significant impacts on Aboriginal subsistence resources such as waterlilies, yams and magpie geese habitats. Moreover buffalo and cattle are held by some to be responsible for salt-water intrusion that occurs when natural levy banks are destroyed by buffalo wallows and trampling. Some land owning groups were instrumental in placing the Arafura Swamp region on the Interim National Heritage Trust list. The Murwangi Community Aboriginal Corporation, which operates a cattle station and safari hunting business in the region, has previously expressed

concerns over that listing and the impact that such a listing may have on the Corporation's reliance on utilising introduced species.

### 5.3.2 Herd management

The role of the PWCNT in monitoring the safari hunting industry standards is negligible. The PWCNT has only a mandate to control feral animal populations to prevent or ameliorate any damage to the environment. It has never been demonstrated that proper safari hunting can control animal populations (D Lawson pers comm). Safari hunting targets specific animals, mainly old male bulls of sufficient trophy quality, it does not control the general wildlife population. It is estimated that only approximately eight percent of the wild buffalo population is suitable for trophies but significant buffalo populations are needed for breeding trophy animals and safari operators would not want to limit the herd potential to breed. The PWCNT does recognise that buffalo in the Top End are not wild, that is, that they are the stock of and owned by the landowners.

Peter Whitehead, director of the KCTWM at the NTU suggests that:

*Income and skills gained from the involvement of Aboriginal owners in safari hunting could be applied to control other parts of the population where environmental issues were of greater concern. Or alternatively to control other species such as pigs. Such a strategy could be used to overcome the perceived conflict between feral animal control and herd management for safari hunting (pers comm, 27/9/99).*

PWCNT research to date indicates that in certain areas there are adequate numbers of buffalo for a sustainable safari industry. It is accepted that where buffalo do exist in Top End environments with the consent of the landowner, they are a potential legitimate target for safari hunting. Buffalo are not indigenous to Australia and are not part of the 'natural' landscape. As a result there is a potential conflict between the objectives of the PWCNT and land owners who wish to maintain commercially viable buffalo herds.

A free ranging population of banteng exists in Gurig National Park. Wild banteng (*Bos javanicas*) are listed by the IUCN as vulnerable to

extinction throughout their home range in South East Asia. The population on the Cobourg Peninsula is the largest and most secure wild population of the species in the world. However, a herd of introduced species could also be considered to conflict with the conservation objectives of a National Park (Bowman 1992:16). In 1985 it was reported that aerial surveys indicated a population of about 1,000 to 3,000 animals (Bayliss 1985:2). The premium economic return of banteng safari trophies to the Traditional owners of the jointly managed Gurig National Park is a significant reason for Traditional owners to support the maintenance of the banteng population.

Concerns have been expressed over the sustainable management of the wild banteng herd. While the population of banteng was estimated in 1985 to be 1,000 to 3,000 animals (Bayliss 1985: 2), only 10% of this population will be mature bulls suitable for trophies. To maintain the quality of the trophies available to be taken each year there is some concern over the management of the herd and the need to undertake research into herd population and animal health. However, David Choquetot who undertook research in the area in 1997 believes that there is a higher banteng population than previously estimated (pers comm 7/10/99). Choquetot, whose work was based on spatial and temporal patterns of dung deposition, argues that there were more like 5000-6500 banteng residing at Cobourg over the dry season of 1997. He also notes that there are regular die-offs amongst young male bulls due to the effect of botulism, an infection well known in domestic cattle herds that are food stressed. Botulism among the banteng population on Cobourg could indicate dry season food stress among subordinate males, who may be displaced from better range by females and alpha-bulls. Choquetot remarks:

*If banteng are limited by food resources, they will most likely be influencing the abundance of those resources, particularly during the dry season. It follows that banteng will probably be influencing plant species composition and perhaps the density of native herbivores with which they may compete. This has two important implications for management: (1) banteng probably do influence the vegetation community on Cobourg, and (2) food-stressed populations do not produce good trophy animals. If I was a*

*conservation manager, I would like to see fewer banteng because that would mean their effects on vegetation and native herbivores would be moderated. If I were a safari operator, I would like to see fewer banteng because the herd would produce bigger trophies more often. The problem then is identifying a density that provides sufficient protection of native vegetation and fauna, but also allows the annual harvest of trophy bulls according to the desires of Traditional owners. I believe such a target density exists, but it will require information on changes in vegetation species composition and in herd characteristics at different herd densities to be identified. Some work on herd characteristics has been undertaken<sup>16</sup> but more is needed (Choquenot, pers comm 7/10/99).*

Choquenot also argues that while the size of the herd does affect the number of available trophy bulls, it does affect the average size of these animals. This is because larger herd size reduces per capita food availability, reducing average bull growth rates. He notes, for example, that if a North American game manager wants to increase the production of trophy elk in a herd, the first thing they do is halve the number of non-trophy animals (the cows and calves). Because the basic productivity of the herd is maximal at about this density, Choquenot believes that halving banteng densities would benefit both conservation values on Cobourg and (despite their claims to the contrary) the safari operators (and by association the Traditional owners). He says the ultimate aim for sustainable management of the herd should be to impose a culling program across the peninsula that reduces the impact of banteng on vegetation, but does not compromise the capacity of the herd to breed 60 trophy-grade bulls per annum. He believes that with good research this goal is entirely achievable (Choquenot, pers comm 7/10/99).

### **5.3.3 Monitoring welfare**

There is currently no monitoring of the welfare of those animals subject to safari hunting in the Top End. While there is legislation (*the Animal Welfare Act*) there is no active policing of this legislation within the industry. One aspect of regulation needed for the safari

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<sup>16</sup> See Choquenot 1993.

hunting industry is an explicit code of practice that deals with the shooting of feral animals and the potential for cruelty in the sport of safari hunting. Practices that constitute cruelty to animals in the context of safari hunting should be specified, and research would need to be carried out to identify those practices.

In some cases development and management of Indigenous wildlife tourism, including the potential for safari hunting of native wildlife species, requires particularly sensitive consideration of cultural and social issues; for example the exploitation of a species with which certain people have a totemic relationship.

The general public opinion on the ethical desirability of the commercial utilisation of wildlife has had a negative effect on the potential development of the safari hunting industry in the Top End. The Commonwealth Government, wary of public opinion, did not respond favourably to a submission to a Senate Inquiry into the sustainable use of wildlife made by the Murwangi Community Aboriginal Corporation in 1998 to approve the safari hunting of the saltwater crocodile.

*The Senate Inquiry on the commercial utilisation of Australian native wildlife June 1998* suggests that government agencies provide information to Aboriginal peoples, either through land councils or other organisations, about animal welfare issues, such welfare issues considered only from the perspective of a industrialised, commodity dependent, non-hunting culture.

## **5.4 Obstacles and Opportunities**

The obstacles and opportunities for the development of Indigenous interests in the safari hunting industry on Aboriginal lands include issues of industry regulation and standardisation, public approval of the industry as a legitimate activity and the conflict over the commercial utilisation of native species such as crocodile. Associated issues of feral animal control, the opportunities for visiting and maintaining contact with remote estates and the potential for the industry to offer desirable employment and training opportunities mean that the industry enjoys significant support from within the Aboriginal community.

### 5.4.1 Regulation

Some respondents identified lack of regulation and standardisation as a key obstacle to the development of the safari hunting industry in the Northern Territory. The NLC was particularly concerned about the lack of government regulation of the industry. Regulation is possible through both government legislation and industry self-regulation.

For safari hunting operators a lack of regulation means that there is no accreditation of guides, standardisation of service, or recognised industry organisation to lobby the government on behalf of its members. In an industry that relies largely on a small niche of international clientele, word of mouth and hunting conventions are the principal marketing tool and northern Australia needs to have a good reputation on the international hunting circuit. In the 1995 survey of safari hunting operators by the NTTC, one respondent expressed the need for regulation this way:

*There needs to be more professionalism in the industry if the NT is to regain a status similar to the African states or North America. The USSR has a bad reputation because of disorganisation and uncontrolled industry. By the same token, owing to the nature of the industry and clients perception of the Northern Territory, care must be taken not to over regulate.*

In this research, another operator stated that an association would give the industry more standing and promote professionalism and standardisation. In South Africa, for example, all professional hunting guides must first undertake a four year apprenticeship.

For Aboriginal traditional owners lack of regulation means that commercial arrangements for the use of Land Trust land can be conducted outside the provisions of the ALRA. However, this approach also results in the loss of an organised and collective approach to the management of safari hunting on Aboriginal Land Trust land through which organisations, such as the NLC, could assist Aboriginal traditional owners to implement strategic objectives for the development of the industry. Currently for organisations, such as the NLC, it is difficult to collate reliable information on the potential for development of the safari hunting industry in the Northern Territory.

The NLC is therefore unable to assist its clients maximise the benefits of an industry that wishes to exploit the attributes of Aboriginal property. In 1994, the NLC identified regulation of the safari industry as a crucial need. As previously stated, the bottom line for the NLC is that it wants regulation of the industry to the extent that safari hunting operators working on Aboriginal Land are required to hold a license issued under the ALRA.

Unauthorised incursions onto Aboriginal land are also difficult to police because there is no requirement for vehicles to display registered tour operator plates, as is the case for general tourism operators in the Northern Territory.

According to the Northern Land Council, the management of commercial game pig harvesting and pet meat under the Northern Territory government's Meat Industries Act 1996 provides a workable example of government regulation. Under this legislation a game meat harvesting licence and pet meat licence can only be issued to an applicant if that applicant has provided written proof that the land owner has given permission. In the case of Aboriginal Land Trust land the permission of the land owner for the conduct of a commercial activity is that permission given in accordance with the ALRA. The NLC has the administrative responsibility of confirming consent and therefore unless such confirmation has been provided by the NLC a game meat harvesting or pet meat licence for Land Trust land should not be issued. In addition the NLC would confirm by map the specific area of the Land Trust for where the consent has been given.

The PWCNT is in favour of promoting the safari hunting industry in the Northern Territory but there is a need for safari operations in the Northern Territory to be monitored and standardised. Within the PWCNT there is a number of staff with experience in regulating the safari hunting industry in Africa and they could offer advice on regulation and standardisation. However, this is a grey area for government departments in terms of legislative responsibility. The PWCNT mandate is to regulate wildlife resources and buffalo and deer, which are the main target animals for safari operations, are not wildlife. They are feral animals and are the concern of PWCNT only in terms of controlling their numbers in order to limit environmental damage. It is the DPIF mandate to deal with buffalo for stock purposes.

While the Northern Territory government supports the commercial utilisation of wildlife, safari hunting may not be viewed as favourably in other parts of Australia given public sensitivities toward hunting. However, the government is also committed to rural development and safari hunting is a high income, low impact industry for rural development in remote communities. It offers direct payments to communities and potential employment to people who have a strong history of using wildlife. If the industry is standardised to ensure customers are obtaining an adequate return, along with the accreditation of hunters, the industry can develop further. This regulation could occur either as self-regulation within the industry or as government regulation.

The Northern Territory mainstream tourism industry is currently pursuing strategies to increase the professionalism in the tourism industry more generally. Consultants are undertaking a project to report on licensing tour operators in Northern Territory protected areas. The PWCNT and Parks Australia have engaged the consultants, Market Equity, to:

*Develop a system of tour operator licensing and training for Northern Territory protected areas to ensure tourism operators are prepared and qualified to operate tours and guide groups in a safe, environmentally sustainable and culturally appropriate way (Market Equity, 20/7/99).*

The issues to be considered in the project are licensing, accreditation, compulsory criteria, training and assessment procedures. The safari hunting industry is not included in these initiatives, as it is not subject to the existing regulations of the tourism industry.

There are also options for self-regulation of the safari hunting industry. Internal industry regulation options are being considered in the ecotourism sector by groups such as Savannah Guides in north Queensland, which operates as a private enterprise accreditation scheme. Savannah Guides focuses on accrediting remote operations with standards of interpretation, service skills and delivery.

The NTTC is currently providing assistance to safari hunting operators in developing a code of practice and the formation of an industry association.

#### **5.4.2 Marketing potential**

The Australian Tourism Commission does not promote safari hunting in Australia. Any enquiries received on their hotline are referred directly to the NTTC. The Northern Territory government provides support for the safari hunting industry through the production of an NTTC safari hunting operator fact sheet.

At the request of the NLC, the NTTC includes under the Land Trust lands category in its fact sheet only bona fide operators with agreements under the ALRA. In an effort to secure a listing under the Arnhem Land category of operators, at least one company now desires to sign an ALRA agreement.

The Australian government's export market development grant scheme ("the EMDG scheme") offers operators the opportunity to seek a 50% rebate from the Australian Government for the cost of international promotions which includes overseas sales trips and attendance at conventions.

However, according to one respondent it would not benefit the Northern Territory to actively market safari hunting as a tourist attraction given the industry's niche clientele and the fact that the activity may not find approval by a public majority.

#### **5.4.3 Safari hunting crocodiles**

In its submission to the Senate Committee on the inquiry into commercialisation of Australian native wildlife, the Murwangi Community Aboriginal Corporation raised the issue of safari hunting of the saltwater crocodile (*Crocodylus porosus*). Currently, under Australian law crocodiles can be used commercially excepting for the purpose of safari hunting. The submission (Number 310) requested that:

*The current Declaration of an Approved Management Program by the Minister for the Environment for crocodiles in the NT be*

*amended to allow for the safari hunting of crocodiles. The declaration as it stands specifically prohibits recreational hunting of crocodiles for profit [safari hunting]. Our proposal is that a limited trial safari harvest be undertaken which is monitored by the NT Parks and Wildlife Commission.*

The submission further stated that:

*The expected fee for a specimen exceeding 14 ft [14 ft would be the lower limit] is \$13,500. The specific animal would be old, male, territorial and probably inhibiting nesting of female *C.porosus*. The no. taken can be limited by Parks and Wildlife. We would anticipate no more than four per year.*

The Parks and Wildlife Commission of the Northern Territory supports the sustainable commercial utilisation of wildlife generally, and also supports the commercial use of crocodiles in the safari hunting industry. It provides guidelines on how such resource use would be managed stating that this would be 'determined by the interest and commitment of the relevant land holders, the availability of the local resource, and its capacity to sustain regular harvest' (PWCNT 1996).

Moreover, the Parks and Wildlife Commission of the Northern Territory maintains that while they currently have no mandate to regulate the safari hunting industry, this could change if the Federal authorities allow safari hunting of crocodiles in the Northern Territory<sup>17</sup>. Crocodiles are wildlife and any hunting of them would have to be administered by the Commission through its permits system. This would initiate the usual enforcement practices of this system. The PWCNT applied for a provision within the management program to allow trophy hunting of 25 crocodiles per year, but this was not approved by the Federal government. If licences to safari hunt crocodiles were to be issued then they would be issued to landholders in line with current Commission policy related to sustainable use. As the crocodile population of the NT is mostly on Aboriginal land then it is expected that a large proportion of such licences would go to Aboriginal groups so that Aboriginal people

<sup>17</sup> According to Lawson, if crocodiles were to be hunted, the PWCNT would regulate licenses and then could potentially include other species such as buffalo in their codes of conduct (pers comm, 27/7/99).

would be the primary beneficiaries from this activity. Dr Graham Webb of Wildlife Management International comments in his submission to the Inquiry (Number 157) that:

*It thus seems remarkable that the Federal Government has insisted that none of the landowners let their crocodiles be shot by hunters, regardless of the fact that those hunters are prepared to pay appreciably more than the skin and meat value, because of their interest in hunting (not to mention the economic advantages that visiting hunters bring to the community). There is clearly no conservation advantage in this decision. It makes no economic sense, and is contrary to international directions from organisations such as the Convention on International Trade in Endangered Species which have repeatedly recognised the conservation advantage of hunting (high income for low numbers of animals taken). It is a cosmetic decision putting political expediency before conservation.*

There is clear support for the resumption of safari hunting crocodiles among some Aboriginal landowners and the PWCNT. Careful consideration though needs to be given to this issue, as the inclusion of a native species as a trophy animal in the safari hunting industry as it exists may not maximise the potential benefits to Aboriginal traditional owners. The NLC believes that there is a current lack of government participation in the existing industry that needs to be addressed prior to any additional expansion of that industry. It is anticipated that once crocodiles were permitted to be safari hunted the wider safari hunting industry would be subject to an increased level of international interest.

#### **5.4.4 Feral animal control**

While safari hunting of trophy animals such as buffalo and banteng is not designed to act as a control mechanism for feral species in northern Australia, there is a potential for some species such as goats and pigs to be shot for sport in greater numbers by hunters. This culling could aid in controlling numbers, or at least in the monitoring of population numbers. A more likely outcome is that the reduction of population numbers, especially in stressed populations, would enable the surviving population to be more competitive in its

environment. It is unlikely, however, that any feral animal population could be entirely eliminated. Safari hunting for feral goats currently occurring on North Goulburn Island may offer an example of the reduction of a feral animal population by safari hunting, a reduction that would have at least short-term benefits on the environment, especially the vegetation communities. There is also the issue of hunters' incentive to maintain reasonable numbers of a species to hunt, which would mitigate against feral animal control in some circumstances.

Feral pigs provide a potential market for a cull style of safari hunting. Murwangi Community Aboriginal Corporation allows hunters to shoot as many pigs as they are able with no additional cost. Likewise, there has been a proposal by Traditional owners at an outstation in North East Arnhem Land to invite paying Nhulunbuy residents and their friends into the area on feral pig hunting weekends that will provide income to Traditional owners and also allow pig population numbers to be controlled. German hunters are enthusiastic pig shooters and one operator has in the past offered a niche to German hunters to come to hunt pigs for a cost of \$4000 per 100 pigs shot.

Members of the Northern Territory Shooters Council Incorporated have approached the NLC to discuss opportunities for permit access to Aboriginal land for recreational shooters. The Shooters Council members envision that this would lead to benefits for Traditional owners such as financial or material gain, feral control and game meat.

However, Peter Whitehead, director of the KCTWM, cautions that intermittent, *ad hoc* arrangements have no lasting effect on pig numbers and as such the potential of the cull style hunting to control pig numbers is questionable (pers comm 27/9/99).

Moreover, cull hunting is not sports hunting and such activities may be better undertaken by Aboriginal traditional owners themselves.

#### **5.4.5 Community support**

A set of recommendations for land management resulted from two days of discussion at the *Bininj/ Yolngu* rangers' conference held at

Nimirilli near Maningrida in July 1999. One of the recommendations of the conference related to the commercial harvesting of feral animals and the potential of safari hunting to contribute to feral animal population control and the goal of keeping a traditional owner presence on country and their capacity to manage land and resources. The Ranger conference recommended that the NLC seek assistance from the ILC, ATSIC and CDC to establish commercial harvesting ventures based on planning that takes into account not just the commercial viability of such projects, but also their potential to contribute to feral animal control and subsidising Aboriginal land management through supporting measures that assist traditional owner presence on country (Djelk Rangers & NLC 1999).

It is generally recognised that while small-scale commercial enterprises such as safari hunting would not be able to deliver financial independence, they could still offer a significant economic return, while at the same time providing opportunities for Traditional owners to spend time in the more remote areas of their traditional estates. This could assist Traditional owners in assessing and addressing the management needs of that country.

An increasing number of Aboriginal Associations are investigating the potential for developing safari hunting operations on their lands. Many Aboriginal people see safari hunting as a culturally appropriate industry, however, within these Associations it is also recognised that hunting is a sensitive issue that has to be worked out amongst different land-owning groups carefully.

#### **5.4.6 Training**

Consistent with their stated wishes to the sport fishing industry, Aboriginal traditional owners are keen to seek employment and training clauses in their licensing agreements with safari hunting operators. Many of the licenses issued by the NLC to safari hunting operators contain a clause on employment requiring that for each safari hunt the licensee will use their best effort to ensure they employ an Aboriginal guide on a full-time basis. One license for example stipulates that:

*The duties of the Aboriginal Guide shall include locating buffalo, providing guidance with respect to local Aboriginal culture and local fauna, flora and areas of geographical interest and, in addition, giving guidance as to the conduct appropriate on the License Area and in the vicinity of sacred sites.*

However, beyond initial familiarisation tours to ensure that operators are adequately instructed to avoid sacred sites, it seems that there is little employment of Aboriginal guides within the industry.

The manager of Murwangi Community Aboriginal Corporation, Joe Wilson, states that even in their operation it is difficult to employ Aboriginal people as guides:

*Although it would sell well if we could have Aboriginal guides, we have tried and they are unreliable. While some Aboriginal people from the Beswick community<sup>18</sup> who have worked for a long time in the cattle industry are employed on the station as cattlemen, they are not interested in taking tourists out. They find it boring and the hunters a bit of a joke. There are some local guys who are interested in safari hunting, but after a couple of days they have had enough. They are not consistently there to be able to market it as an experience with Aboriginal guides. In any case, Aboriginal people expect that the hunter will shoot the first buffalo that they see and they will let hunters shoot as many buffalo as they can. They don't understand either the mentality of the safari hunter who wants to practice the craft of stalking or the commercial needs of a profitable hunting business to preserve its valuable resources (pers comm 29/07/99).*

This report suggests, however, that training in additional skills could be provided to local Aboriginal guides on a needs basis. This could include training in taxidermy processes such as salting and caping [skinning] the trophy. Familiarisation with the armaments used in safari hunting would also aid in effecting greater Aboriginal employment in the industry. The NTU has developed a gun-licensing course focused on gun use and safety, which is currently waiting for national approval. Developed, and to be delivered in conjunction with

the NT police, the course could provide basic gun licensing, safe handling and firing courses to remote communities. The course could be tailored as a package to meet a community's needs, including an emphasis on feral animal control, safari hunting, or platform shooting [that is, from a helicopter or vehicle]. The University has already identified gun licensing trainers stationed in remote areas.

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<sup>18</sup> Beswick is in south central Arnhem Land.

## 6. CONCLUSIONS

The key findings of this report are that Indigenous interests in fishing and hunting tourism in the Top End of the Northern Territory are locally significant and have the potential to translate into more active involvement in the industries in some communities as part of a 'mixed use rural enterprise' approach.

There are a number of obstacles and opportunities involved in the development of these niche industries that need to be addressed. Legal recognition of indigenous interests in marine areas and inland waters adjacent to Aboriginal land would substantially influence the development of fishing tourism beneficial to Aboriginal traditional owners in waters adjacent to Aboriginal lands. Greater policing of commercial fishing practices along the coast of the Northern Territory is needed to ensure illegal netting does not occur within the boundaries of excluded zones under the Fisheries Act. Resources could be made available to train and authorise Aboriginal owners and their organisations to carry out a monitoring role and to ensure commercial and recreational fishers compliance with fisheries law in remote areas.

In the safari hunting industry the ability of the Aboriginal Land Councils to fulfil their statutory obligations under the ALRA is challenged by an unregulated safari hunting industry. In other industries, such as the pet meat industry, legislation through the *Meat Industries Act 1996* requires that the shooter has the written permission of the land owner, which in the case of Aboriginal Land Trust land means an agreement executed by the NLC pursuant to the ALRA. Safari operators and Aboriginal land owners who enter into private agreements outside of the terms of the ALRA have no legal recourse in the event of disputes arising over these agreements and *ad hoc* arrangements undermine professional standards within the industry. Moreover, *ad hoc* private agreements do not offer Aboriginal land owners any coordinated strategy to increase their stake in the development of the safari hunting industry. This report has suggested that the development of an industry based on the safari hunting of native wildlife, such as crocodiles, needs to be approached with caution by Aboriginal communities. Aboriginal landowners and their representatives need to ensure that there is a legislative basis to

protect their interests in the development of any commercial hunting activity.

The environmental impacts of feral animals are a significant issue and need to be considered and addressed on a regional basis. Strategies for incorporating feral animal control and other areas of land management into safari hunting operations should be investigated. This could include strategies to increase the active involvement of local Aboriginal people in the hunting operations.

Public approval of safari hunting and public concerns about animal welfare will be a significant factor in the continued development of the industry. An explicit code of practice for the safari hunting industry is needed, dealing with both the shooting of feral animals and compliance with animal welfare standards.

Currently, adverse interactions between government and Indigenous agencies are placing constraints on the constructive development of both the safari hunting and fishing tourism industries. Cooperation between stakeholders should be promoted and encouraged with organised forums for negotiation and information exchange.

This report has suggested that if Aboriginal communities and landowners wish to increase their direct involvement in the safari hunting and sports fishing industries the initial years of a business operation should be undertaken through a cooperative arrangement with an existing operator. In most instances, a joint venture approach, with operators who have pre-existing market experience is likely to be more commercially viable than if Aboriginal traditional owners are directly running operations themselves. Whilst ensuring that final agreements are negotiated under terms of the ALRA, to increase the active involvement of Aboriginal people in these industries, local Aboriginal organisations should be encouraged to take a more proactive role in facilitating and accepting responsibility for the development of their own commercial enterprises. This proactive approach would assist Land Councils in fulfilling their statutory requirements under the ALRA, while at the same time facilitating the proposal to the agreement stage within a time frame conducive to the needs of Aboriginal traditional owners and potential operators. This approach would require the community group to include negotiating

with potential operators for employment and training packages that are tailored to each community's needs and identifying individuals who are interested in exploring these opportunities.

To achieve an overall strategy for the development of fishing and hunting tourism in the Northern Territory further research is needed to investigate:

- the potential of commercial harvesting of buffaloes and pigs, including safari hunting, to contribute, directly or indirectly, to:
  - ~ feral animal population control to minimise environmental impact
  - ~ the goal of keeping a traditional owner presence on country
  - ~ their capacity to manage land and resources
  - ~ economic benefits to the community.
- maximising economic and environmental sustainability of feral animal resource use on Aboriginal land. This could include a case study on the management difficulties that arise when there are different perceptions of feral animal management between Aboriginal and non-Aboriginal land managers, or within Aboriginal communities themselves.
- the value and potential of the safari hunting industry as a whole in the Northern Territory.
- the potential of Indigenous interests in wildlife tourism generally in the Northern Territory. This could include a focus on businesses that are reliant for commercial viability on strategies of mixed rural enterprises rather than on wildlife tourism *per se*.
- the fish carrying capacity and environmental resource impacts of sport fishing on Aboriginal land.

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## APPENDIX A

### RECREATIONAL FISHING LOCATION AND ACCESS TERMS ON ABORIGINAL LAND

LOCATION	PERMIT COST	ACCESS TERMS
Tiwi Islands	\$25 per person	Access to one or more of the six identified beach campsites. Valid for one week.
Wunyu Beach, Western Arnhem Land	\$70 per vehicle	Permits issued by NLC
Browns Creek, Daley River	\$4 per person per night	Permits issued through Nauiyu Nambiyu store at Daly River
Market Gardens, Daly River	free access	Annual rental paid by the Northern Territory Government. Permits not required by declaration.
Gurig National Park	\$200 per week per vehicle	Maximum of 15 vehicles in the Park at any one time. Traditional owners and the Board have agreed in principle to an increase to 30 vehicles per week over a 3 year period. Permits issued by PWCNT.
Kakadu National Park	\$16.50 per person park entry fee	Valid for two weeks. Recreational fishing areas are identified within the Park.
Dhimurru Recreation Area, Nhulunbuy Region	\$22 per adult person	Permits are issued by Dhimurru Land Management Aboriginal Corporation. Valid for two months. Recreational fishing areas are identified on a map provided by Dhimurru.

## APPENDIX B

### SPORT FISHING OPERATORS ON ABORIGINAL LAND\*

BUSINESS NAME	OPERATOR'S NAME	SERVICE	AREA
Top End Sport Fishing	Les & Annette Woodbridge	Barramundi & sport fishing, buffalo safari hunting	Snake Bay, Melville Island
Mark's Territory Barra Safaris	Mark Nesbett	Barramundi & sport fishing	Garden Point, Melville Island
Top End Barra Fishing Karen Mutimer	Lyndsay &	Barramundi & sport fishing of Carpentaria	Vanderlin Islands Safari, Gulf
Paradise Fishing Tours	Mark & Jennifer Hanlon	Sport, reef & light game fishing	North Is, Barranyi National Park, Sir Edward Pellow Group
NT Barra Fishing	Russell & Roz Kenny	Guided barramundi, estuary & sport fishing tours; run-off fishing	Liverpool & Tomkinson River Systems, Central Arnhem Land Coast
Croker Island Fishing Lodge	Lance Butler	Guided barramundi, estuary & guided blue water fishing	Croker Island
Davidson's Arnhem Land Safaris	Max & Phillipa Davidson	Guided barramundi fishing. Wildlife, cultural & hunting	Mount Borradaile, Western Arnhem Land
Big Barra Fishing Safaris	Dennis & Wendy Sten	Guided barramundi, estuary & sport fishing; run-off fishing	Endyalgout Is & Mini Mini System, Western Arnhem Land. Also Ilamaryi River System, Gurig National Park
Arafura Safaris	Simon Kyle-Little	Barramundi & reef fishing. Also hunting safaris	Goulburn Is & Walker River
Gove Diving & Fishing Charters	Russell & Lorraine Butel	Blue water reef & sport fishing charters, island fishing & camping safaris	Nhulunboy (Gove) Region, North East Arnhem Land
Murwangi Community Aboriginal Corporation	Manager: Joe Wilson	Barramundi fishing, safari hunting, wildlife tours	Arafura Wetlands, Central Arnhem Land
Cape Don Wilderness Lodge	John Kerr	Bluewater & creek fishing	Cape Don, Cobourg Peninsula Gurig National Park
Gurig Nature Experience	John Kerr	Tourist accommodation & camp site – optional fishing tours	Black Point, Gurig National Park
Birds, Bees, Trees 'n' Things	Noel Wright	Sport fishing & nature tours	Nhulunbuy Region, North East Arnhem Land

\*This list does not include those sport fishing operators permitted to operate in Kakadu National Park.

## APPENDIX C

### SAFARI HUNTING OPERATORS ON ABORIGINAL LAND

BUSINESS NAME	OPERATOR'S NAME	SPECIES	AREA
Australian Big Safaris	Simon Kyle-Little	wild goats, wild boar, fishing	Arnhem Land Game - King River/Illiwai Swamp North Goulburn Is.
Davidson's Arnhem Land Safaris	Max & Phillipa Davidson	water buffalo, wild boar, fishing. Cobourg only: banteng, sambar deer	Arnhem Land - Mt Borradaile, Bulman Area, North Goulburn Is, Cobourg
Dreamtime Safaris Arnhem Land	Francois Giner	water buffalo	Arnhem Land - Bulman Area (Weemol, Bluewater Gopolyu)
Murwangi Safaris	Murwangi Community Aboriginal Corporation	water buffalo, wild boar, fishing	Arnhem Land - Arafura Swamp, East Arnhem Land
Territory Buffalo Safaris	Ann & Brenton Hurt	water buffalo, wild boar, wild goat, fishing. Cobourg only: banteng, sambar deer	Arnhem Land - Gan Gan /Balma, East Arnhem Land North Goulburn Is, Cobourg
Top End Sport fishing Safaris	Les & Annette Woodbridge	water buffalo, fishing	Melville Island
Gulin Gulin Buffalo Company		water buffalo, wild boar	Mt Jean/NcKay Hills area, Central Arnhem Land
Bawinanga Aboriginal Corporation		water buffalo, wild boar	Maningrida area
Safari North	Steve & Niki Fullerton	water buffalo, scrub bull wild pig	Ngukurr area

## CASE STUDIES: ABORIGINAL ORGANISATIONS, SPORT FISHING AND SAFARI HUNTING

### Bawinanga Aboriginal Corporation

The Bawinanga Aboriginal Corporation (BAC), based in Maningrida, was established in the 1970s as an outstation resource centre. In the early 1990s BAC has also established a formal land management program and successfully sought training and resources for community rangers (Langton 1998:63). BAC is a large, well established, well staffed and professionally run organisation with a considerable annual grant budget. BAC also manages both the township and outstation CDEP program. There is significant Aboriginal employment and involvement in BAC operations.

However with no security of government funding for programs such as the *Djelk* community ranger program, developing sustainable industries such as wildlife harvesting, safari hunting and ecotourism is a high priority in the organisation's future plans (Langton 1998:66).

In 1998, under the provision of the ALRA, BAC secured a 10 year lease to an area of approximately 426 hectares for their Ranger Station facility. The sports fishing and safari hunting camps are both situated within this lease area.

#### *Sport fishing*

Since 1996 BAC has had a management agreement with sport fishing tour operator Russell Kenny who manages the license BAC hold over the Liverpool and Tomkinson River systems. This operation has generated over \$100,000 as payments to Traditional owners.

#### *Safari hunting*

BAC is also involved in negotiations with an outside operator to begin a safari hunting venture. While the aim of any such joint venture is ultimately economic return, Traditional owners also see a potential in being able to use the operation as a way to spend time in and manage country they rarely can reach because of cost in terms of fuel

and vehicle maintenance. Since the 1950s, with the attraction of Aboriginal people to the administrative centre of Maningrida, extremely remote areas have not been occupied by Traditional owners. The most remote outstations are a long distance from the outer reaches of traditional territory. In October 1998, a meeting was held by the NLC Caring For Country Unit at Manmoyih outstation in central Arnhem Land. The meeting was for Traditional owners of the Arnhem Land plateau country to discuss options for land management in a now depopulated area. The proceedings of that meeting mention the potential for safari hunting to aid in this process:

*The Djelk Rangers are starting up safari hunting. They will go into business half and half with a Balanda company. They will take tourists out hunting and show them the country while Balanda can look after organising tourists and managing the business. This way they will not just get royalties but half the profits as well.*

*People suggested that safari hunting could help get Bininj back to country to burn it. Some people are worried about too many pigs in the country and said safari hunting could help shoot pigs. Safari hunting needs Bininj guides present at all times. A road could be put in for safari hunting but too many roads would be bad. Bininj guides could take hunters walking through the country.*

*The group decided it would be good to have a survey done of buffalo and pig numbers for the whole area. Knowing buffalo numbers would help with managing them. Some people were worried that too many buffalo can damage wetlands and bush foods. Tourism could be used to help Bininj look after the plateau but it would need controls, restrictions and permits (NLC 1998).*

In Maningrida the *Djelk* rangers are keen to participate in the safari hunting joint venture. It will be conditional that *Bininj* guides accompany each hunt. One *Bininj* ranger in particular is facilitating the process consulting with his own and other clan groups to identify the appropriate area and conditions of the license. However the NLC must still conduct consultations to determine the exact area and clan groups involved. This takes considerable time given the low priority afforded to small commercial ventures over large-scale mining company consultations.

According to BAC project officer, Ian Munro, employment in the safari hunting operation will be popular with *Bininj*. It is a more conventional pursuit for them than catch-and-release sport fishing.

In the proposed joint venture (being negotiated under the provisions of the ALRA) it is envisioned that the venture will be a top of the range safari hunting outfit in the Northern Territory. The clients will be largely Germans and Americans, drawn mainly from the membership of Safari Club International. The target species will be buffalo and pigs. While there have been no formal surveys of buffalo numbers, the proponent is confident that buffalo populations are sufficient for the breeding of trophy animals.

Aboriginal involvement in the industry is seen as being a key to the marketing success with a particular clientele that seeks to hunt with Indigenous guides. Training of Aboriginal guides will take place on the job to supplement existing Aboriginal hunting and tracking skills. This would include training in weapons handling and care, other health safety issues and the craft of safari hunting for trophy animals. Other aspects of training will include how to handle tourists, capping the beast and preparation of trophies. It is hoped that Aboriginal people will be involved, not only as guides, but in all facets of the operation

The safari hunting operation campsite is situated on the same lease area as the existing sport fishing operation campsite. It is anticipated that some arrangement will be reached with the sport fishing operator to provide an opportunity to hunters to engage in some sport fishing during their stay.

BAC members are considering ecotourism as a potential market although there are indications that this is a more difficult market to develop, as it requires more infrastructure, needs greater numbers of tourists for commercial viability and generates less income.

BAC members are also enthusiastic about the proposal for crocodile hunting safaris. However, without intervention from the Federal Government to change existing legislation on the commercial use of wildlife<sup>19</sup>, crocodile hunting for commercial reasons is not possible. An interim idea is to provide a niche market for high paying tourists to

accompany the *Djelk* rangers in airboats on their licensed crocodile and egg harvesting program.

### **Murwangi Community Aboriginal Corporation**

Murwangi Station is located 30 kilometres south of Ramingining in North East Arnhem Land. Murwangi Community Aboriginal Corporation is an operation based on this model of "mixed rural enterprise". The Murwangi pastoral operation is an enterprise of the Murwangi Community Aboriginal Corporation, which was incorporated in 1994 under the *Aboriginal Councils and Associations Act 1976*.

The Corporation's commercial interests include a pastoral enterprise, crocodile harvesting, tourism (buffalo safari hunting and sport fishing) and a mango orchard. The overall objective is to develop a mix of high yield enterprises that target niche markets and are socially, economically and environmentally sustainable.

#### *Tourism operations*

The tourism operation involves buffalo safaris and limited sport fishing. Self-contained tourist accommodation has been constructed to cater for single groups of clients. The motivation for the tourist operation was to secure a premium return from a small but well paying client group. The tourist operation benefits through access to regular commercial air service from Darwin to Raminging. From Raminging it is a 15 minute flight to the homestead complex.

The Corporation operates over about 3,000 square kilometres of which approximately a third is wetlands and the remainder savannah woodland. The Corporation derives income from its tourism interests and has the advantage of being well resourced with infrastructure purchased prior to the establishment of the tourism business. The station is self-sufficient in meat, and fuel and supplies are delivered as part of a mixed enterprise operation not solely reliant on client

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<sup>19</sup> Peter Whitehead suggests that landholders and the PWCNT would not need approval from the Federal Government if crocodile hunting was only to involve Australian shooters and not involve the export of trophies overseas. However, he cautions that this would be politically risky as it may threaten crocodile farm exports if the Commonwealth reacted adversely to the issue (pers comm 29/9/99). Moreover, those prepared to pay the high crocodile trophy fees are likely to be international clientele.

numbers. The Community Corporation's manager, Mr Joe Wilson, explained to the Senate Inquiry into the commercial utilisation of native Australian wildlife that 5-6 hunts per year were conducted at Murwangi. He explained that the number of hunts, and the number of buffalo taken, was determined primarily by time, rather than any factor relating to the number of buffaloes. When asked about the importance of safari hunting crocodiles to the community, Mr Wilson stated:

*Singly it cannot be considered as crucial, because we are only talking about three or four animals...But to the general progress of the station it is practically essential: it is something that Aboriginal people can be very personally involved in, because many of the people there have limited work skills and training, and it provides a direct income from the land for them. As a whole, as part of the general operation, it is practically essential. All these things, like crocodile egg harvest, become essential to the whole operation (Commonwealth of Australia 1998: 364).*

Clients attracted to Murwangi tend to be groups of male businessmen. The Corporation manager estimates that forty percent of clients are Australian while sixty percent are international clientele. Fifty percent are there for fishing and fifty percent for safari hunting, with some clients attracted to both. The Corporation advertises in only one hunting magazine and secures most of its clients by word of mouth. The corporation has also received coverage through articles in hunting magazines.

Safari hunters pay a fee to hunt buffalo, feral bulls and feral pigs. The fee charged for a buffalo safari is \$1,000 per day for up to two people, plus a trophy fee of \$1,000 per buffalo and a \$500 trophy fee per scrub bull. No trophy fee is charged for feral pigs to encourage the eradication of a maximum number. There is also potential for safari hunting crocodiles if this was to be permitted by the Commonwealth Government. The fee for sport fishing is \$1000 per day for up to three people. One option under consideration is to make the facilities available to other established sport fishing operators who may not have access to their own fishing camps during the wet season.

Murwangi offers a 'no-frills' experience and relies on its unique location and resources for its success, rather than expensive infrastructure often required in the eco-tourism market. It delivers a niche product to a specific market of well-heeled males. The quality of the guiding is high and clients are often repeat customers. To attract the eco-tourist sector would require significant costs in changing the mode of accommodation and service and involve a large loss of income per client, given the lower profit per unit rate in the ecotourism sector.

Murwangi does have difficulty in securing Aboriginal guides in its tourism business (see point 5.4.6). Moreover the Corporation is not a grant receiving body, does not participate in a CDEP program and exists purely as a commercial entity. Any significant community benefit has to be paid from the profits of the Corporation's activities.

Some Traditional owners have raised strong concerns over signs erected by the Corporation purporting to prohibit landowners from shooting buffalo or cattle (both to protect the resource and to ensure that in a certain area the buffalo population is not overly wary of being hunted). In some ways this reflects the difficult situation of a corporate body seeking to operate a commercial venture while individual Traditional owners also seek to exercise their customary rights to hunt their own resources in their country. As well as corporate and individual rights under Aboriginal customary land tenure law, there are important relationships between primary and secondary Traditional owners between whom there must be agreement as to activities on traditional estates. The primary Traditional owners for the area may support the hunting ban, but those with secondary interest may not be supportive. To date, it has been the primary Traditional owners who have sanctioned the safari hunting and receive payment of the trophy fee.

The Corporation's manager believes that the safari hunting industry in the Northern Territory should be regulated to increase the standards and professionalism in the industry. Moreover, he sees it as being important that bona fide operators promote good relations between each other and encourage the referral of clients between operators for those clients who want a different experience.

The Manager claims Traditional owners involved with the Corporation are proud of the operation. They are supportive of the benefits it provides socially and economically, although the latter are limited. Tourism is an enterprise they support on the condition that it is managed carefully and unobtrusively.

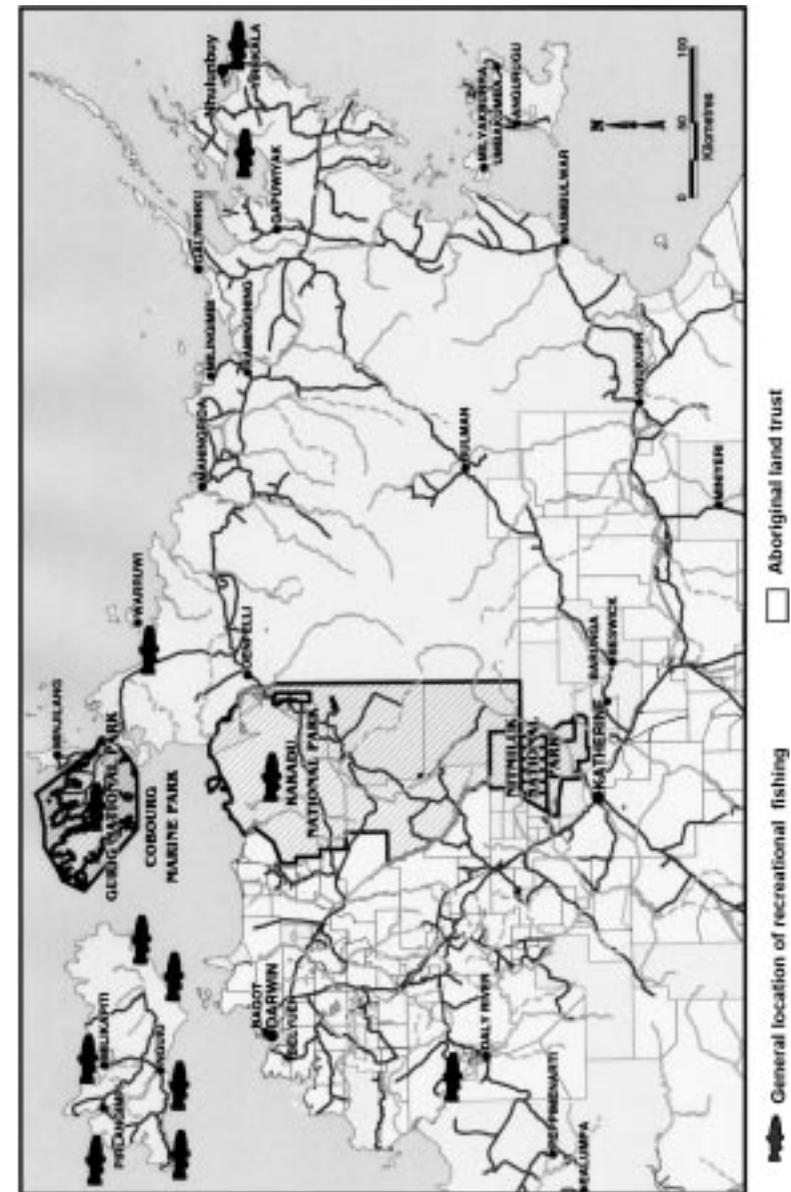
Meanwhile the Corporation must continue to remain viable and contend with the constant demands placed on it by a number of bodies: the Traditional owners who seek a financial return and the NLC that requires that the Corporation is accountable to Traditional owners and the ALRA. Also, there is increasing pressure by environmental interests to limit and control cattle and feral animal numbers in the region.

The current manager employed by the Corporation will leave at the end of 2000. This may have a significant impact upon the future direction and activities undertaken by the corporation.

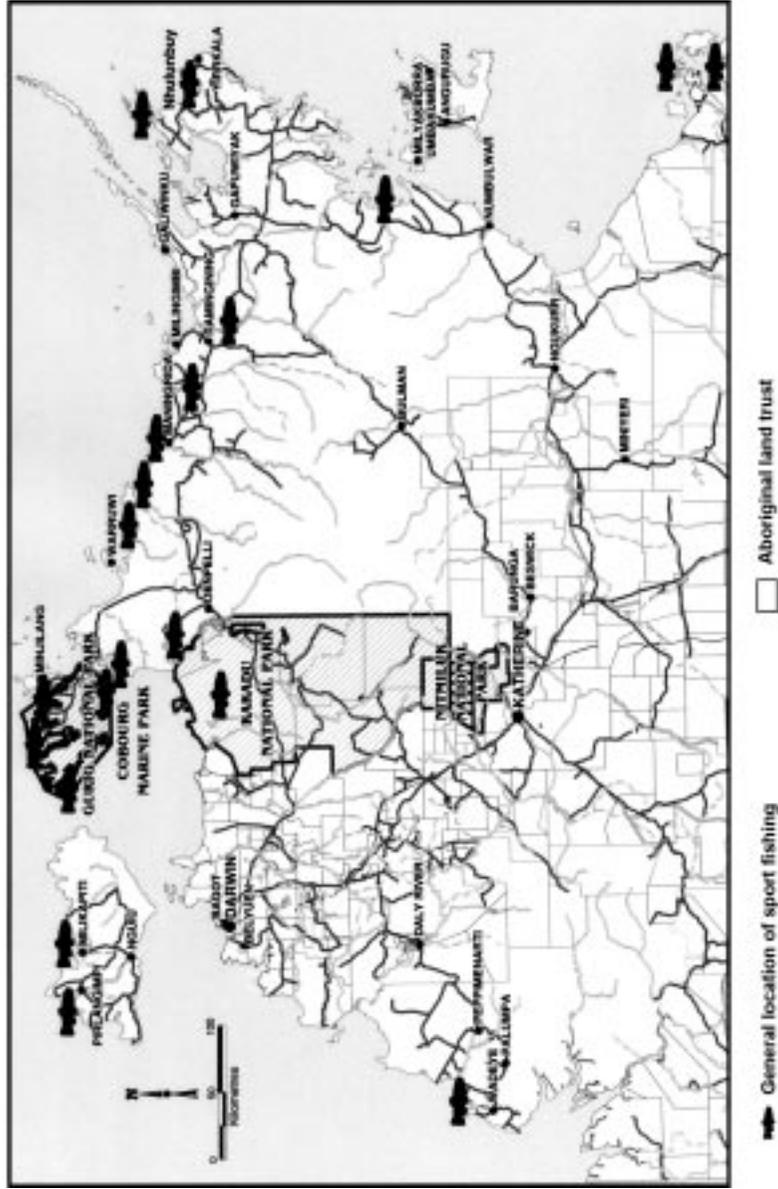
**Figure 1: Safari Trophies Exported from the NT: 1990-1998**

YEAR	BUFFALO	BANTENG	PIG	GOAT	DEER	CATTLE	CAMEL	DINGO	CROCODILE
1990	110	21	26	14	4	4	0	0	0
1991	129	32	14	19	10	5	0	0	0
1992	55	19	3	6	6	4	2	0	0
1993	69	17	12	6	2	7	0	0	0
1994	68	21	73	6	2	53	2	1	0
1995	81	35	17	12	3	2	0	0	0
1996	39	8	2	2	0	8	3	0	0
1997	26	19	4	5	1	0	0	0	0
1998	55	16	0	6	0	2	1	0	5
<b>TOTAL</b>	<b>632</b>	<b>188</b>	<b>151</b>	<b>76</b>	<b>28</b>	<b>85</b>	<b>8</b>	<b>1</b>	<b>5</b>

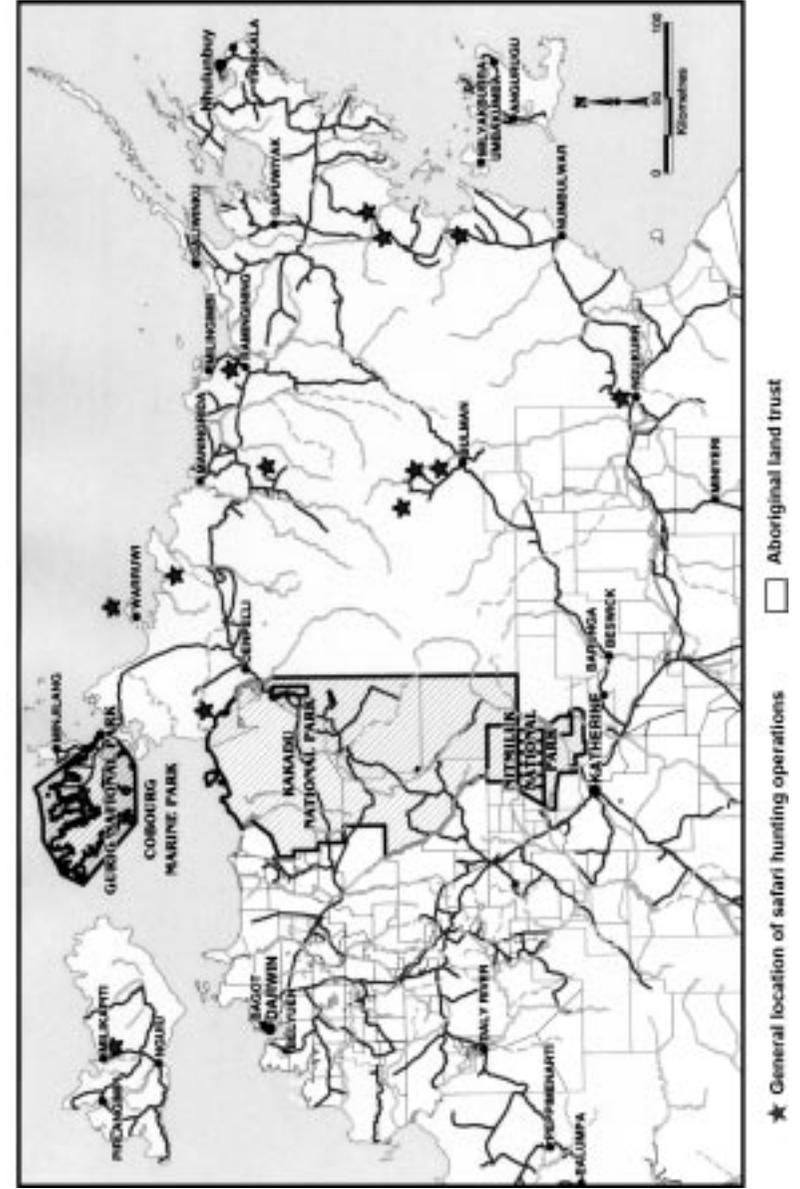
**Map 1: Recreational Fishing Locations on Aboriginal Land**



Map 2: Sport Fishing Locations on Aboriginal Land



Map 3: Safari Hunting Operations on Aboriginal Land



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Lisa Palmer is undertaking a PhD at the Northern Territory University (Faculty of Aboriginal and Torres Strait Islander Studies/CINCRM) as a cross disciplinary study concerning social and cultural relationships in Kakadu National Park, specifically focusing on the relationships between the tourism industry and traditional Aboriginal owners.

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