

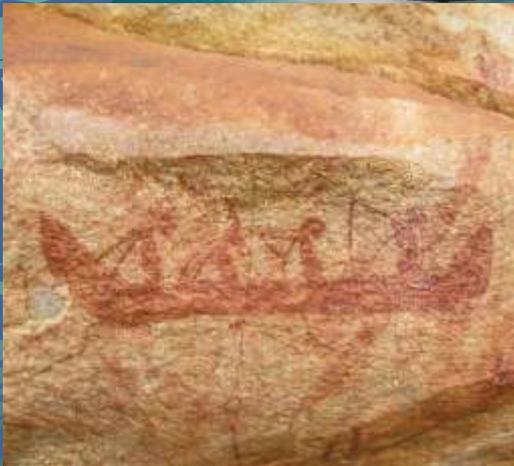
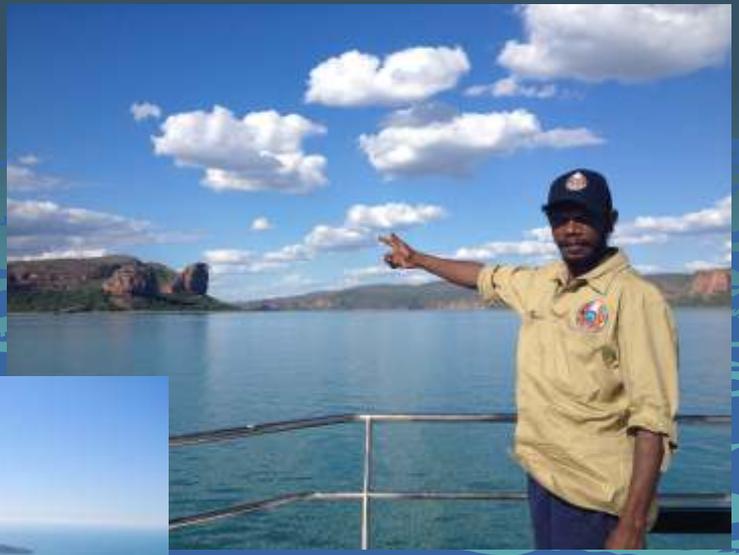


Wunambal Gaambera Country

UUNGUU COAST, KIMBERLEY, WESTERN AUSTRALIA



UUNGUU INDIGENOUS PROTECTED AREA: WUNDAAGU (SALTWATER) INDICATIVE PLAN OF MANAGEMENT 2016-2020



October 2016

An invitation to comment on the Uunguu Indigenous Protected Area Wundaagu (Saltwater) Indicative Plan of Management

WGAC invites comment from other marine users on this draft plan of management.

The three month public comment extends to 31 January 2017

The indicative plan of management will be available from the WGAC website at:

www.wunambalgaambera.org.au

The plan has been sent to the WA Minister for Fisheries, the WA Minister for Environment, the WA Minister for Mining and the Commonwealth Minister for Environment.

It has also been posted to a number of industry representative groups and recreation user groups inviting a formal response.

We recommend that your submissions be constructive, clear and concise and refer to specific parts of the plan. Amendments may be made to the plan if a submission identifies additional relevant information, omissions and inaccuracies, or useful alternative strategies for achieving objectives.

Submissions can be made in writing or online to:

Wunambal Gaambera Aboriginal Corporation
PMB 16 Kalumburu
VIA WYNDHAM, WA 6740

Email: infohc@wunambalgaambera.org.au

CITATION:

Wunambal Gaambera Aboriginal Corporation (2016) Uunguu Indigenous Protected Area: Wundaagu (Saltwater) Country, Draft Plan of Management 2016 – 2020.

This draft plan of management has been prepared by Wunambal Gaambera Aboriginal Corporation on behalf of Wunambal Gaambera people, the Traditional Owners of Wunambal Gaambera Country as defined by the Wanjina Wunggurr Uunguu Native Title Determinations.

We would like to acknowledge the use of photographs taken by Russell Ord, Mike Donaldson and Peter Morris. The document benefitted from input from Dermot Smyth, Zoe Cozens and Anna Smith.

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FOREWORD

I am pleased to release this indicative plan of management for a public comment period to provide Traditional Owners and other marine users with an opportunity to comment on how the Uunguu Wundaagu (Saltwater) Indigenous Protected Area is to be managed over the next five years. This plan is intended to be a sub-plan to the Wunambal Gaambera Healthy Country Plan 2010-2020 (WGHC Plan) released in 2011 as the management plan at the dedication of our Indigenous Protected Area over our lands.

Wunambal Gaambera people are Saltwater people. Our ancestors travelled these waters by raft and canoe right out to the outer islands and reefs. Our ancestral sea wanjinās are represented in our cave paintings at places like Jalandal and Bigge Island. Now we continue on that tradition of looking after our Saltwater Country.

For Wunambal Gaambera People to look after our Saltwater Country we need to make sure: that our Traditional Knowledge is looked after and passed on to young people; that we are fulfilling our cultural responsibilities to Country, including making sure that visitors are safe; that we use and enjoy our Country and undertake our customary activities including hunting and fishing; we have livelihoods and prosperity for ourselves and our future generations; that we can live on our Country; and that our Country is healthy. This plan will help us manage these things and communicate them to others.

Traditional Owners first proposed to dedicate their Wundaagu (saltwater) country as an Indigenous Protected Area in the WGHC Plan and endorsed the development of this plan of management at a Traditional Owner meeting in March 2016. We aim to add our marine areas to the Uunguu IPA as an International Union for Conservation of Nature (IUCN) Category VI (Managed Resource) Protected Area, early in 2017. Our dedication of this Uunguu Wundaagu IPA will be made through a voluntary process which will not impact on other users' existing rights and use of our waters.

We hope that our Wundaagu Saltwater IPA will foster collaborative governance and management arrangements with other stakeholders within Wunambal Gaambera Saltwater Country. In particular, our aim is for our IPA to contribute to the partnership framework with the Western Australian Government in the management of the proposed North Kimberley Marine Park and the Australian Government for the Kimberley Commonwealth Marine Reserve.

We look forward to receiving your input and look forward to working together with you in looking after our Eundaagu Saltwater Country for future generations.



Catherine Goonack

Chairperson
Wunambal Gaambera Aboriginal Corporation



SECTION 1 – INTRODUCTION

1.1 Healthy Country Plan and the Uunguu Indigenous Protected Area

In 2011 Wunambal Gaambera Traditional Owners released their Wunambal Gaambera Healthy Country Plan 2010-2020. Identified in that plan are strategies to declare an Indigenous Protected Area over all of Wunambal Gaambera country, some 2.5 million hectares of lands and seas.

An Indigenous Protected Area (IPA) is an area of land and/or sea country, dedicated by Traditional Owners for the protection and management of natural and associated cultural values, through legal and other effective means in accordance with guidelines of IUCN, and recognised as part of Australia's National Reserve System of Protected Areas (Smyth 2015).

The public dedication of the first stage of the Uunguu Indigenous Protected Area also took place in 2011, coinciding with the Native Title Determination and release of the Healthy Country Plan. This first dedication covered 6 Aboriginal Reserves, over some 343,515 hectares of mainland. Two of these reserves extend to the low water mark at Bougainville Peninsula, Vansittart Bay, Anjo Peninsula, Napier Broome Bay and islands in Rothsay Water. In this way, the Uunguu IPA has already included some Saltwater Country since 2011.

1.2 A Sea Country IPA

While there have been many IPAs declared over land, there have been very few IPAs over the sea. Until recently, the inclusion of marine areas in IPAs was viewed as problematic due to the lack of Indigenous tenure and exclusive authority in the sea (Smyth 2008). Two important IPA declarations have overcome these policy barriers and set new precedents.

In 2011 the Mandingalbay Yidinji IPA was dedicated across multiple tenures (including national park, forest reserve and marine park) (Smyth 2015). This 'country-based' approach to IPA development, advocated by Smyth (2011), relies on collaborating with government and other interests across different tenures to achieve a whole of country IPA rather than relying solely on Indigenous owned tenure.

IUCN definition of a protected area:
"A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values". (Dudley 2008)

In 2013, Yolngu Traditional Owners in the Northern Territory expanded their Dhimurru IPA with the inclusion of some 450,000 hectares of sea country, adding to the 9,000 ha of registered marine sacred sites that had been included when the IPA was established in 2000. Dhimurru IPA was the first IPA in Australia to establish collaborative protected area governance arrangements over such an extensive area of sea country, consistent with the IUCN protected area guidelines and definition. The IUCN's Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas (2012) refers to Dhimurru IPA as example of how the concept of management by "legal and other effective means" can be applied by Indigenous people for the dedication of an internationally recognised protected area in the sea. It is now clear that Sea Country IPAs can provide protected area management frameworks that deliver conservation and sustainable use of marine environments and resources by combining a suite of legal and legal and



other effective mechanisms, including collaboration with government agencies and other parties (Smyth 2008; 2015).

Wunambal Gaambera people now seek to follow this same policy pathway to extend the Uunguu IPA into the Wundaagu (Saltwater). Wunambal Gaambera Saltwater Country of the Uunguu Coast includes both Commonwealth and State waters, daagu (deep/subtidal water) and intertidal waters including warrurru (reefs), burrurrga (beaches), darrngarla (mangroves), tidal creeks and mudflats. There are existing and proposed Commonwealth and State marine parks and reserves within this area as well as commercial and recreational interests that need to be consulted.

The Wanjina Wunggurr Uunguu Native Title Determination recognised our Native Title rights to our Saltwater Country in the intertidal zone (non-exclusive consent rights) and in the subtidal areas (non-exclusive consultation rights), as listed in Appendix 1. Our Saltwater IPA will be developed on the basis of these rights to give recognition to manage the protection and use of our cultural and natural assets and values.

The dedication of the Uunguu Wundaagu (Saltwater) IPA will be made through voluntary processes, consistent with “a voluntary process” provisions of the IUCN protected area definition. This dedication will not impact on any current authorities, licences, access rights or use rights. The IPA does not give Traditional Owners any additional authority to restrict access to sea country, close fishing grounds, change bag limits, change commercial fishing boundaries/seasons or limit tourism operations, than existed prior to its dedication. If any changes to current arrangements were to occur in the future they would do so through negotiation and agreement using existing legislation and interested parties’ participation processes. The IPA aims to foster collaborative governance and management arrangements with other stakeholders.

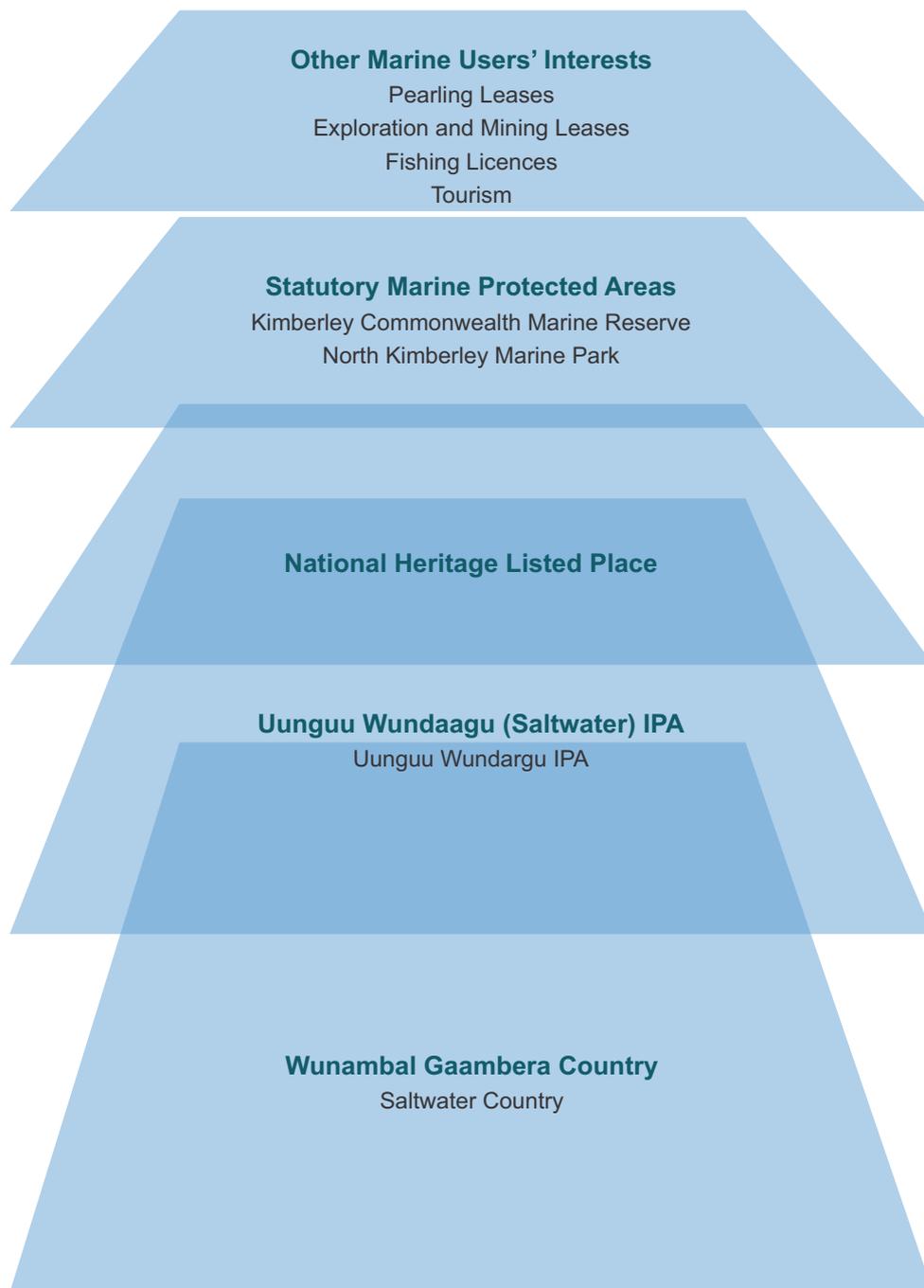
1.3 Saltwater IPAs, Statutory Marine Protected Areas and National Heritage Listed Places

The Uunguu Saltwater IPA coexists with statutory marine parks and reserves such as the Kimberley Commonwealth Marine Reserve, the WA North Lalang-garram Marine Park, the proposed WA North Kimberley Marine Park and the West Kimberley National Heritage Listed (NHL) Place. The existence of overlapping marine parks and reserves, NHL places and IPAs raises some questions about what is the difference between the different types of protected areas and why they are all necessary.

The answer is that IPAs, statutory marine parks, reserves and National Heritage Listed (NHL) places have different functions and objectives. Only Traditional Owners can be responsible for customary management of their country including their Traditional Knowledge, cultural places and customary use of resources. At the same time, Traditional Owners do not have the same legal powers to restrict activities by other users in the marine environment that government agencies have through their marine parks and reserves and NHL places. The present status of sea country IPAs is that they are not formally recorded on the National Reserve System of Marine Protected Areas (NRSMPA) database the way that government marine parks and reserves are, however, they can still be formally recognised by government and deliver effective management through collaborative arrangements.

Traditional Owners do have other ways to engage with government on the management of statutory marine parks and reserves. Like any other stakeholder, they can make public submissions to the plans of management. There are also joint management opportunities.

There are also significant opportunities for collaboration between IPAs and statutory marine parks and reserves. These are articulated in the objectives, strategies and actions section of this plan.



How IPAs co-exist with other interests in the same marine waters.

SECTION 2 – WUNDAAGU ASSETS, VALUES & THREATS

2.1 Lalai – Creation

Lalai, for Wunambal Gaambera people, is our dreaming story and belief of the creation of Wunambal Gaambera Country by our Wanjina and Wunggurr ancestors when the world was soft and why here is the only place in the world we can call home – our Uunguu. Our ancestors gave us our Law, customs and culture. Saltwater Wanjina (Gayarra), like Ngamali and Jagulamarra, created the sea (wundaagu Saltwater Country) and coast and put all the things there. Some Wunggurr (Creator Snakes) travelled and still live in the wundaagu and can be seen as waves, tides and currents. Their heads, tails and backbones are the islands we see today. Wunggurr formed stone arrangements throughout the coastal country and have the power to hold back the sea. Wunggurr also live in waterfalls and waterholes like Punamii-Unpoo (Mitchell Falls).

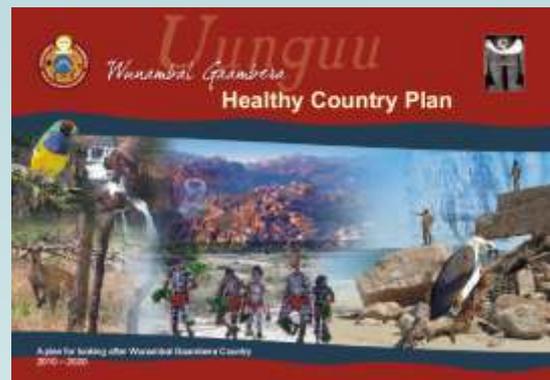
We Wunambal Gaambera people live a different life today. We live in two worlds – our ancestors' Wanjina Wunggurr Law and culture and modern Western law and ways of doing things.

2.2 The Wunambal Gaambera Healthy Country Plan and Saltwater Country

Our Wunambal Gaambera Healthy Country Plan 2010-2020 (HC Plan) covers all of Wunambal Gaambera Country, giving direction to look after our land and sea, regardless of tenure and jurisdiction. Our HC Plan is acknowledged by the Western Australian and Australian Governments in various contexts including the Uunguu IPA .

This Saltwater IPA Plan of Management is a sub-plan of our HC Plan, that compiles aspects relevant to Saltwater Country and elaborates on strategies and actions relating to Saltwater management.

We have undertaken a mid-term (5 Year) review of the HC Plan's Targets and Threats through our Uunguu Monitoring & Evaluation Committee (UMEC) as well undertaken marine values mapping, (WGAC 2013).



OUR HEALTHY COUNTRY VISION

“It is our vision that in ten years time :

- We will be looking after our country in the way of our Wanjina Wunggurr Law
- We will be living on and making business from our country
- We will be protecting and sharing our cultural places as our traditional Law says
- We will be using our traditional knowledge and Western science to care for our country so that no plants and animals are lost
- We will be respected as the proper owners and managers of Wunambal Gaambera Country
- We will have ranger stations on country to help us look after country”

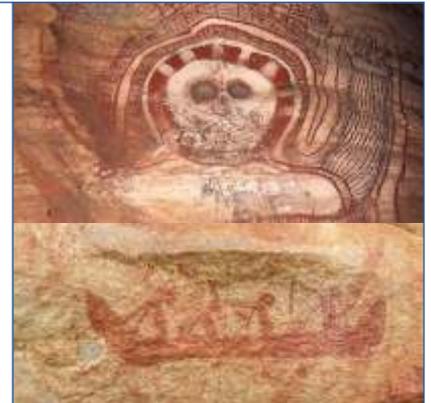


2.3 Our Saltwater Targets – The most important things or values

The term ‘Targets’ is used in the Wunambal Gaambera Healthy Country Plan to refer to the most important things (species, habitats, cultural places) or values in our living home – our Country. Targets specifically relevant to the Saltwater IPA are outlined below. Note that there were some changes made to the Targets following the 2015 evaluation of the plan. We have also published a book of our Traditional names and knowledge for plants and animals, including things from the sea (Karadada et al. 2011).

Wanjina Wunggurr Law – our culture

It is important for us to follow our Law. We need to introduce ourselves in our language to the spirits of our ancestors before visiting a Wanjina Wunggurr place. When we go fishing we have to talk to the wundaagu (sea) and only take what we need. Our culture is strong when we are living on our country and teaching our children their Wunambal Gaambera languages, Lalai stories and how to look after Country. We want visitors to respect our country and culture. Some threatening processes make our country no good and affect our culture and well being. Our Wanjina Wunggurr Law has been recognised as a value in the West Kimberley National Heritage listed place.



Wunambal Gaambera people

Wunambal Gaambera people are from the Country and have an unbroken connection to the Country and Lalai. If our country is healthy, we are healthy. This is the only place in the world where we can make our life. We need to make livelihoods for ourselves and provide opportunities for our children and future generations. We need to teach our law and culture to our young people and take them back to Country.



Gawi - Fish and other seafood

We have strong customary practices for collecting and harvesting fish and other seafoods from different Saltwater Country such as warruru (reefs) and darrngarla (mangroves). These traditions are from our Lalai (dreaming). We know when fish and seafoods are fat and in season by signs like the flowering of trees. Our old people had different methods to catch fish like using ‘fish poison’ (ichthyicides) or fish traps. Today we catch fish with lines and spears. We always eat what we catch. We know seafoods are healthy when the water is clean and when we can catch enough to feed our families. Threatening processes make the country no good such as overfishing, marine debris, marine pests and disease, and pollution.

Our customary rights to fish and collect seafood are recognised under statutory law. Only Traditional Owners can manage this customary harvest of fish and seafood.



Mangguru and Balguja

Mangguru (marine turtles) and Balguja (dugong) are important cultural foods especially for cultural gatherings. We know when a turtle is healthy by the shoulder fat. Our old people used to travel a long way by raft or canoe to outer islands to collect Amiya (turtle eggs) and survived on Amiya when they had no water. Jala (seagrass) areas are important for turtle and dugong. There are 6 different species of turtles in our waters but today we mainly hunt Juluwarru



(green turtle) on certain reefs. Our Uunguu Rangers are monitoring our turtle and dugong in their places. It is our responsibility to look after these species. We are concerned about threats to these species in Australia and in International waters where they migrate.

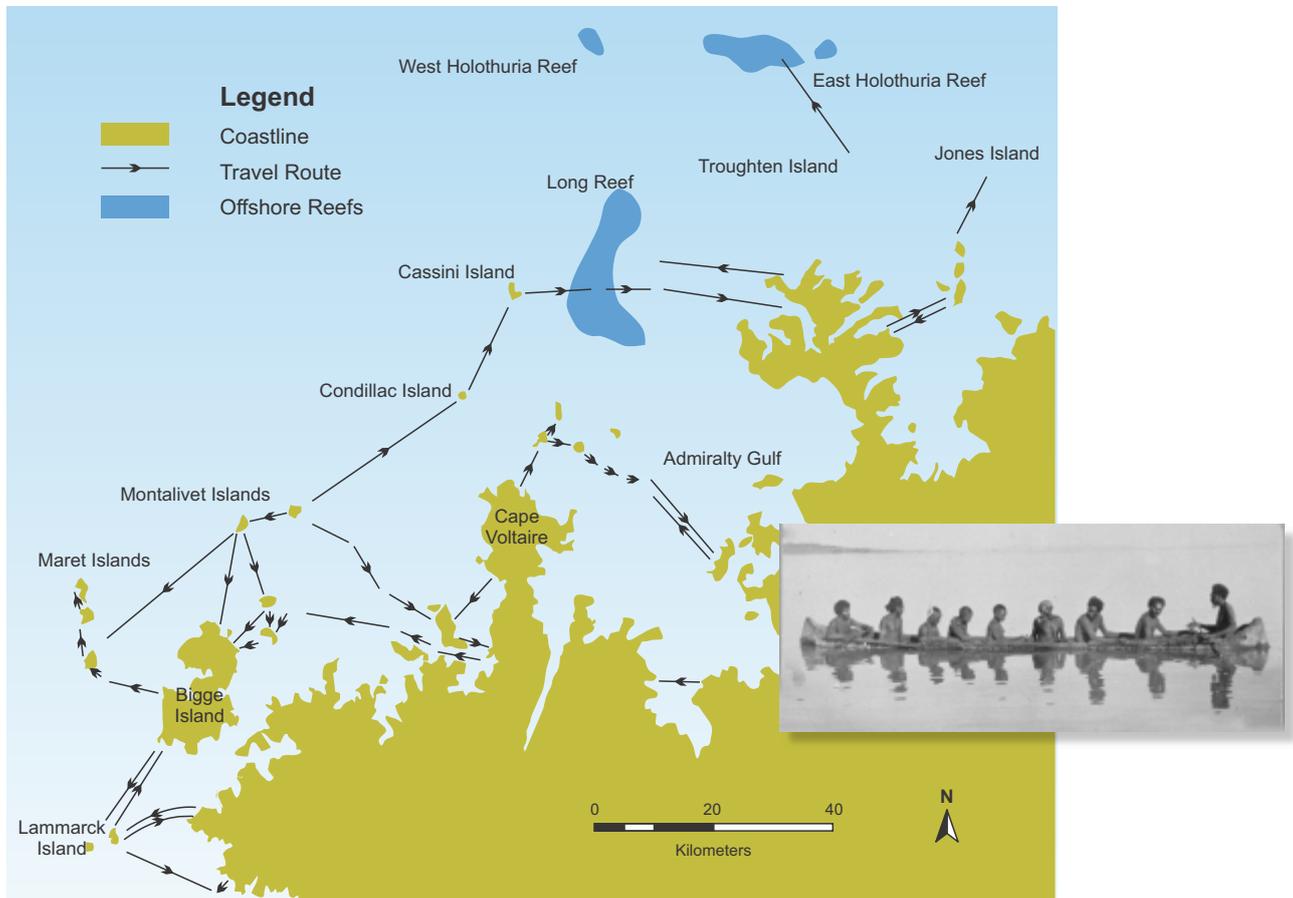
Our customary right to hunt turtle and dugong and to collect turtle eggs are recognised under statutory law. Only Traditional Owners can manage this customary harvest of turtle and dugong.



Cultural places

We have many important cultural places in the wundaagu, as we do on the land. While all of our cultural values are important, four aspects of our culture have been recognised as being of national significance as part of the West Kimberley National Heritage Listed Place.

- i. Our Wanjina Wunggurr Cultural Tradition: Our Sea Country is associated with our cultural tradition and has many significant sites.
- ii. Our log-raft maritime tradition: Our old people used rafts and canoes to sail the tides and currents from the mainland to islands and warruru (reefs) far offshore. Travel routes followed the tides and were important in our ancestors' wunan (traditional sharing and business trading system) between our families.
- iii. Makassan: Our old people interacted with Makassan seafarers for hundreds of years. Makassans came for Bujulum (sea cucumber) and other resources from the sea. They left their Tamarind trees and stone hearths on our shores.
- iv. Pearling: We have important pearl shell resources on our Country. Our old people traded pearl shells with other Aboriginal groups through the wunan. Nowadays we have commercial agreements with pearling companies operating on our country.



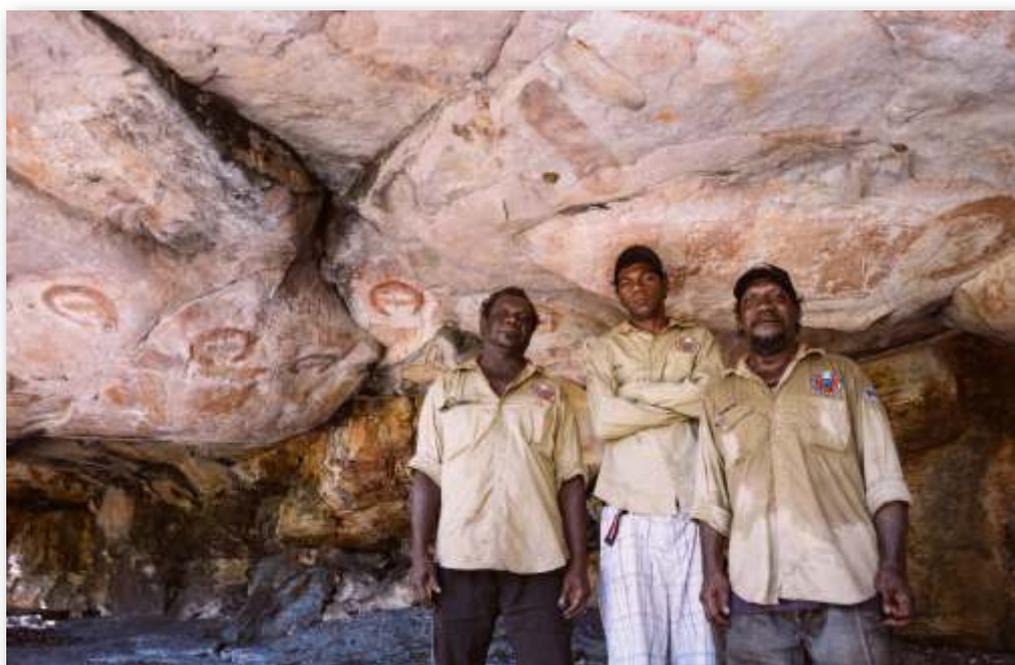
Map: Documented traditional sea voyages made by Wunambal Gaambera people by double raft and canoe.

2.4 Target Viability Table

We assessed the health (viability based on different attributes) of our targets at the start of our Healthy Country Plan and again as part of a recent 5-year review. The health of our Wundaagu targets has not changed but some trends are emerging. Our goal is to make all targets healthy.

Target	Key Parts of Target				Overall Health
	Seascape Health	Cultural Health	Biophysical Condition	Size	
Wanjina Wunggurr Law and Culture	Good	Poor	-	-	Fair
Wunambal Gaambera People	-	Poor	-	-	Poor
Cultural places	Good	Poor	Fair	-	Poor
Fish and other seafoods	Good	Fair	Good	Good	Good
Mangguru and Balguja	Good	Fair	Good	Good	Good
Overall health of Wunambal Gaambera Wundaagu					Fair

Table: Target Viability Table for Saltwater Targets.



2.5 Threats

Threats are problems or issues that make our Targets ‘no good’ or unhealthy. Threat ranks (see Appendix 2) are based on our best available knowledge. By removing a threat we can make targets and Wunambal Gaambera country healthy again. Some threats are easier and cheaper to manage than others.

Some threats can also be opportunities if they are managed in the right way. For instance, mining, commercial fishing and tourism can cause damage to our culture and country but can also provide opportunities for our people and help us look after country. These things are also of value to the nation and the region.

Loss of Traditional Knowledge

Our Wanjina Wunngurr law and culture is unique to our people and has been passed down from our ancestors. We have a responsibility to keep it strong for future generations. One of the biggest threats to our culture is to break the chain of handing down our knowledge to our young people.



Families not on country

Our people need to be living on their country to look after it and to be connected to it. It is difficult to maintain our culture in town. Our country is very remote and there are obstacles to living on country that make it hard to live on country nowadays.



Not being secure on country

Our old people fought hard to have our Native Title recognised. Today we are still working hard to be recognised as the key stakeholder in our country. There are new opportunities for joint management with government but this requires lots of talking to achieve the best outcome for our people.

Bauxite mining

There are substantial bauxite reserves in Wunambal Gaambera country. The State government recently legislated to remove the threat of mining from Mitchell Plateau but Bougainville Peninsula remains at risk from existing mining leases and exploration leases. Bauxite mining involves strip mining and would cause irreversible damage to the land and may have significant impacts in coastal waters. Mining would also involve increased shipping and associated dredging at loading facilities.



Climate change

Climate change is likely to cause increased sea temperatures, more cyclones and sea level rise. In 2016, high sea surface temperatures caused some coral bleaching in our waters. Temperature changes can also affect turtle nesting, seagrass and mangroves. We are also worried about some of our coastal cultural sites being damaged.





Visitors not being respectful

We want visitors to show us respect when they visit our country. Some of our cultural places are being visited without permission and there has been some graffiti and damage. It is imperative to us and our ancestors that we know who is visiting our Country and that they have our permission.



Lack of land and sea management capacity

We need more resources, training and partnerships to build our skills and capability to manage our Saltwater Country.

Marine pests and diseases

We are worried about potential marine pests coming into our waters and making our Country unhealthy. We have also heard about some diseases that are affecting turtles in other parts of Australia.



Commercial fishing

We worry about the impact of commercial fishing on fish stocks that we rely on for customary fishing. Sometimes we find dead fish washed up on the shore after commercial boats have been in our areas. We also worry about damage to our reefs, rubbish, pollution and turtles being killed in nets.



Habitat modification

Over the last century wildfire and feral animals have caused erosion in river catchments resulting in sedimentation of estuaries. This may affect some seagrass areas and reefs. Cyclones can also cause damage to mangroves, reefs and seagrass beds.



Rubbish and marine debris

Our Uunguu Rangers have undertaken marine debris surveys and have recorded some commercial fishing nets, foreign debris, pearling buoys and other general rubbish washing up on some beaches. Some foreign debris could potentially harbour marine or terrestrial pests and diseases. Other rubbish threatens marine life.





2.6 Other Marine Users

Commercial fisheries operating in State and/or Commonwealth waters include the Kimberley Gillnet and Barramundi Managed Fishery, Mackerel Managed Fishery, Kimberley Prawn Managed Fishery, Beche de mer Fishery, Mud Crab Fishery, Northern Demersal Scalefish Fishery, Marine Aquarium Fishery, Specimen Shell Managed Fishery and the Joint Authority Northern Shark Fishery (inactive since 2008). There are several pearling leases along the coast including at Vansittart Bay, Osborn Islands and Swift Bay. Wunambal Gaambera Aboriginal Corporation holds a aquaculture lease on Eclipse Island.

There are mining tenements on Bougainville Peninsula and exploration tenements on island and mainland areas in Wunambal Gaambera Country including the Montalivet Islands and Monger Creek. There are also existing and pending petroleum exploration permits in Commonwealth and State waters. Mungalalu-Truscott Airbase is a logistic base used by the oil and gas industry. Fuel and other materials are barged in to West Bay to service the base.

Commercial coastal tourism occurs through a variety of means. The expedition cruise boat industry operates between Broome and Wyndham or Darwin with boats carrying up to 100 passengers. Lodges such as Kimberley Coastal Camp and One Tree Beach offer fishing charters. Helicopter and light aircraft companies provide scenic flights and passenger transport services.

Independent travellers and local residents also access the coast and waters for recreational fishing and sight-seeing. The Port Warrender Road and Kalumburu Road provide coastal access for launching small vessels. Other independent travellers arrive by yacht or small vessels on longer trips.

Research institutions such as universities, the Western Australian Museum and the Australian Institute of Marine Science undertake marine research.

Wunambal Gaambera Traditional Owners acknowledge that much of their Saltwater Country is shared (non-exclusive) country. We recognise the rights and interests of other authorities and marine users, including governments, commercial fishing, tourism, recreational users, shipping and mining.

Dedicated through a non-legal process, this Saltwater IPA does not give Traditional Owner any additional authority to restrict access to sea country, close fishing grounds, change bag limits, change commercial fishing boundaries/seasons or limit tourism operations.

Wunambal Gaambera Traditional Owners recognise the rights and interests of other authorities and marine users in our Uunguu Saltwater IPA including:

- Management of commercial fisheries by WA and Commonwealth Government
- Management of northern prawn trawl fishery by the Commonwealth Government
- Responsibility for aspects of the conservation of marine fauna and flora, including endangered species by both the State and Commonwealth
- Lawful right of licenced commercial fishers to take allocated catches within the Uunguu IPA, in accordance with State and Commonwealth fisheries policies, regulations, licence conditions and seasonal closure restrictions
- Lawful right of recreational and charter fishers to catch fish within the Uunguu IPA, in accordance with State and Commonwealth fisheries regulations, licence conditions and seasonal closure restrictions
- Lawful right of public access to sea country in the Uunguu Saltwater IPA, subject to normal safety and transport regulations of the State and Commonwealth waters



Future changes to current arrangements would need to be achieved through negotiation and agreement using existing legislation and interested parties' participation in processes. The IPA establishes and strengthens recognition, collaborative governance and collaborative management arrangements with other stakeholders within Wunambal Gaambera Saltwater Country. Traditional Owners also have opportunities to influence the management of the existing Kimberley Commonwealth Marine Reserve and proposed North Kimberley Marine Park through public submissions and potentially through joint management arrangements.

SECTION 3 – STATUTORY FRAMEWORK

3.1 Maritime Zones

There are a number of maritime zones within Australia's waters including internal waters, State Waters, Coastal Waters, Territorial Seas, the Contiguous Zone, the Exclusive Economic Zone, the Australian Fishing Zone and the Continental Shelf (Geoscience Australia 2016).

The Wanjina Wunggurr Uunguu Determinations include both Coastal Waters (State) and Territorial Sea (Commonwealth). Wunambal Gaambera people have traditionally made sea voyages by raft and canoe to outer islands and reefs, including East Holothuria Reef, Long Reef and Cassini Island. Elders' personal accounts of these voyages enabled our Native Title claim to be extended up to more than 25 nautical miles offshore in places.

Territorial Sea Baseline

Territorial seas are measured from a baseline which corresponds with the low water line (lowest astronomical tide) along the coast, islands and features that emerge at low tide and are within 12 nautical miles of the coast. Where the coastline is dissected or with islands, the baseline can consist of straight lines joining specified or discrete points on the low-water line. This is the situation in Wunambal Gaambera country with its ria coastline (comprising ancient valleys flooded by sea level rise) and extensive archipelagos of islands.

Coastal waters

Under the jurisdiction of States and Territories coastal waters normally extend 3 nm seaward of the baseline. However, in Wunambal Gaambera country coastal waters extend further offshore due to the straight line baseline around islands and peninsulas.

Territorial sea

Territorial sea is measured 12 nm from the baseline. Australia's sovereignty extends to the territorial sea, its seabed and subsoil, and to the airspace above it. However, foreign ships do have a right of passage.

Contiguous Zone

The contiguous zone is a belt of water contiguous to the territorial sea and does not extend more than 24 nm from baseline. In this zone, Australia is able to exercise control to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territorial seas.



The Exclusive Economic Zone (EEZ)

Australian Fishing Zone and Continental Shelf extend 200nm from baseline. Australia has sovereign rights for the purpose of exploring, exploiting, conserving and managing all natural resources of the waters and seabed.

Maritime jurisdiction is established through various acts of legislation including:

- *Offshore Constitutional Settlement (OCS) and the Coastal Water (State Powers) Act 1980 and Coastal Waters (State Title) Act 1980;*
- EEZ is defined in the *Seas and Submerged Lands Act 1973* ('the SSL Act' - including the amendments to that Act made by the *Maritime Legislation Amendment Act 1994*).
- Australian Fishing Zone (AFZ) is defined as follows in the *Fisheries Management Act 1991 (FMA)* (including the amendments to that Act made by the *Maritime Legislation Amendment Act 1994*).
- United Nations Commission on the Limits of the Continental Shelf.

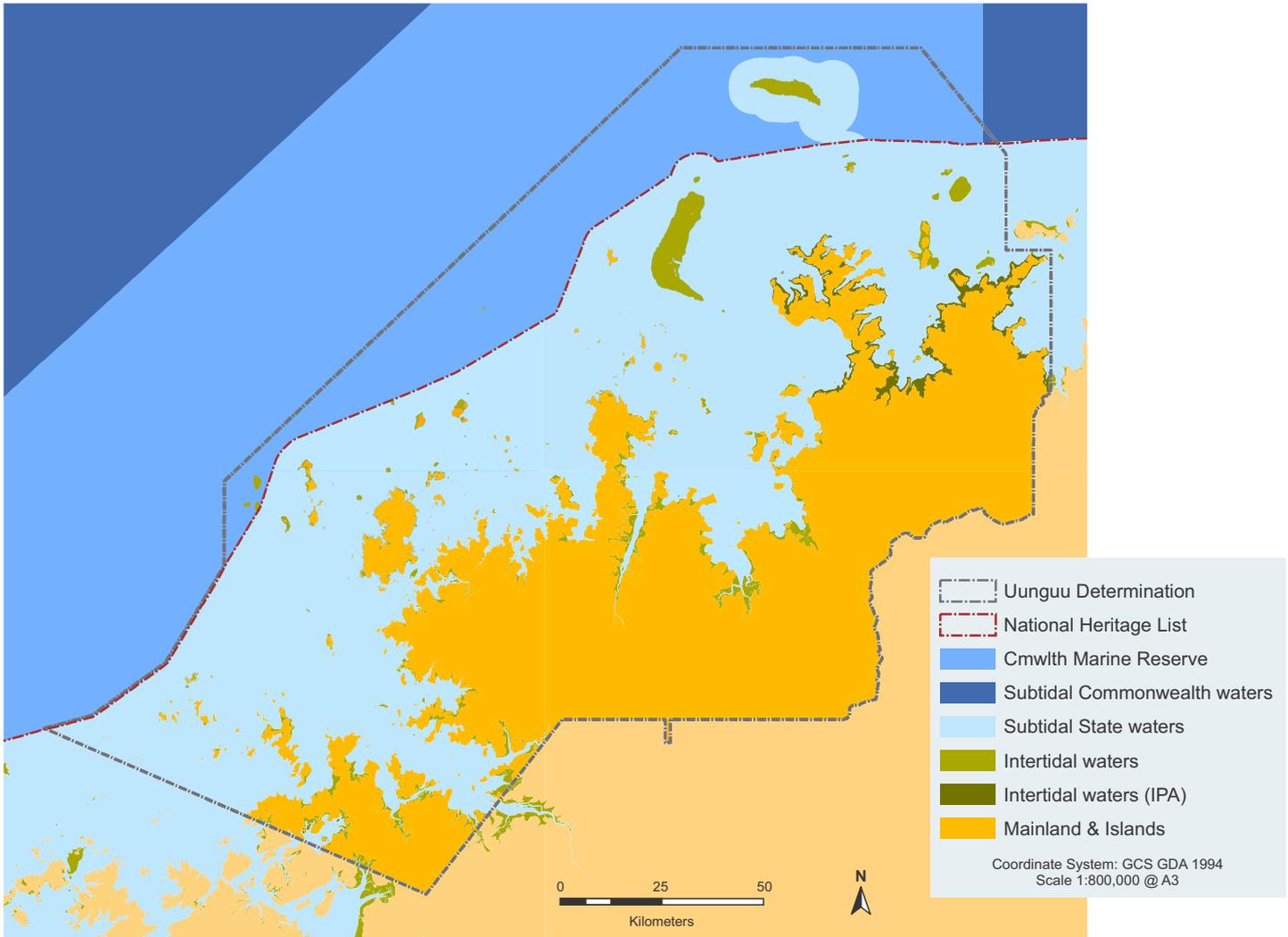
Commonwealth waters extend from the seaward boundary of State coastal waters to the outer limit of the Exclusive Economic Zone 200 nm from the territorial sea baseline. Commonwealth waters comprise 20% of Wunambal Gaambera Saltwater Country.

Intertidal Zone

The intertidal zone is defined as the area between the mean low water mark and mean high tide mark. Intertidal areas are made up of important features like reefs, mud flats, sandy beaches, rocky shores and mangroves. Most intertidal areas in Wunambal Gaambera Country are within State waters however one intertidal complex, the Rob Roy Reefs, occurs in Commonwealth waters (Rosser et al. 2014). The Cape Bougainville Aboriginal Reserve and Kunmunya Aboriginal Reserve extend to the mean low water mark. Much of the remaining intertidal areas (85%) are not covered by statutory tenure and have non-exclusive native title.

Native Title Area	Maritime zones		Intertidal (ha)	Subtidal (ha)
WW Uunguu Determination	Commonwealth	non-exclusive native title	614	336,082
	State	non-exclusive native title	83,142	1,270,918
		ALT Reserve 24705 with WGAC lease	14,832	NA
		ALT Reserve 30643	69	
Uunguu Wundaagu IPA Total Area (hectares)			98,657	1,607,000
			1,705,657	

Table: Area (hectares) of different tenure and marine jurisdictions within the Uunguu Native Title Determination area and proposed marine IPA.



Map 1: Maritime jurisdictions in relation to the Unguu Wundaagu Indigenous Protected Area.

3.2 Maritime Tenure

Terrestrial Crown Reserves and Leases

Terrestrial crown reserves and leases can extend to the mean low water mark and thereby include intertidal areas. This can include Aboriginal Reserves created under the *Aboriginal Affairs Planning Authority Act 1972* for the use and benefit of Aboriginal inhabitants; National Parks and conservation reserves created under the *Conservation and Land Management Act 1984*; and leases created under the *Land Administration Act 1997* and other legislation. The definition of Crown land under the LAA has been extended to include all land except alienated (freehold) land including all marine and other waters within the limits of the State and all coastal waters of the State.

Aquaculture and Pearling Leases

Under the *Fish Resources Management Act 1994*, commercial aquaculture leases can be issued for specified areas of land or water in association with a licence for a specified aquaculture (including pearling) activity. An aquaculture lease provides the lessee with security in the form of



statutory tenure (to conduct the specified aquaculture activities). It provides a non-exclusive right to occupy or use the site for the purpose of aquaculture. An aquaculture licence is required to authorise the activity.

There are several pearling leases in subtidal waters in Wunambal Gaambera country, including in Vansittart Bay and Admiralty Gulf. Wunambal Gaambera Aboriginal Corporation also holds a aquaculture lease over intertidal waters of the Eclipse Island group.

3.3 Marine Parks and Reserves

North-West Commonwealth Marine Reserve Network

The Kimberley Commonwealth Marine Reserve (KCMR) was declared on 17 November 2012 as part of the North-West Commonwealth Marine Reserve (NWCMR) Network under the EPBC Act. Some 336,696 hectares of Wunambal Gaambera Saltwater Country overlaps with the KCMR. Most of this is subtidal, however it does include the Rob Roy Reefs as an important intertidal area with a sand cay (Rosser et al. 2014). All of these Commonwealth waters have been zoned as 'Multiple Use' (IUCN VI). An overview of the zoning scheme for the KCMR is provided in Appendix 3.

The Marine Protected Areas Branch of Parks Australia is responsible for managing the Commonwealth Marine Reserve Network.

An independent review of the zoning and management arrangements for Commonwealth marine reserves was completed in December 2015. The Government has given careful consideration to the review's recommendations and has released the review reports while moving to prepare the new management plans for the North-west Marine Reserve Network informed by the findings and recommendations from the review.

Transitional management arrangements have been implemented for the North-west Marine Reserve Network to cover the period until statutory management plans come into effect. There will be no changes to on water activities for any users during this period.

Under the EPBC Act, any activity in a marine reserve requires approval from the Director of National Parks in the period between proclamation of the reserves and the implementation of a management plan. This applies to existing commercial activities, including those that involve the taking of native species (fishing). This approval from the Director of National Parks is issued under section 359B of the EPBC Act. Approval can be given to both individuals and to classes of persons, and can be issued with or without conditions on the approved activity.

"If the reserve or zone is wholly or partly owned, by Aboriginal people, continuing traditional use of the reserve or zone by resident indigenous people, including the protection and maintenance of cultural heritage, should be recognised"

Commonwealth Marine Reserves General Administrative Principle.

The Commonwealth do have a policy regarding joint management of marine reserves with Aboriginal people where there is a strong interest. Under current management principles, native title is not a requirement for partnership with Indigenous people. On this basis, there is potential for a partnership to be developed between WGAC and the Commonwealth to manage parts of the KCMR within the Uunguu Determination. There is also potential for this partnership and the Uunguu Indigenous Protected Area to be expanded into parts of the KCMR adjacent to the Determination, by agreement with the Commonwealth.



North Kimberley Marine Park

The indicative plan of management (IMP) for the proposed North Kimberley Marine Park was recently released for public comment (DPAW 2016). Several zones are proposed including Sanctuary zones (IUCN Ia), Special Purpose (recreation and conservation), Special Purpose (cultural heritage) and General Use (IUCN VI). Permitted uses and details of proposed zones are listed in appendix 4. Once declared, the zoning scheme and marine park plan of management can be amended through a formal public consultation process and does not require Parliamentary consideration. Any substantial change to the marine park plan of management requires a statutory two-month public comment period and approvals from the Minister for Environment, Minister for Fisheries and Minister for Mines and Petroleum.

The Department of Parks and Wildlife is presently consulting with WGAC regarding the park and proposed zones. The park is proposed to cover all of the coastal water of Wunambal Gaambera country as well as that of neighbouring Native Title groups to the Northern Territory border. A small portion of Wunambal Gaambera country also falls within the North Larang-garram Marine Park at Rothsay Water. The CALM Act has provisions for joint management of marine parks with Traditional Owners and the IMP has some clear statements of intent to establish a Joint Management Body.

Operational responsibility for implementing the marine park plan of management is coordinated by the Parks and Wildlife East Kimberley District Office and WGAC, with oversight by the Joint Management Body (JMB). Other agencies may also be required to provide support, as necessary, to implement particular actions within the scope of their statutory responsibilities (as indicated by department acronyms in management strategies tables). A Memorandum of Understanding (MoU) has been developed between the Minister for Environment and the Minister for Fisheries to establish principles of cooperation and integration between DPAW and Department of Fisheries (DoF) in the management of the State's marine parks and reserves.

Collaborative operational plans will be developed to ensure efficient and effective delivery of a range of programs where there is shared agency responsibility or mutual interest, including education, compliance and research and monitoring.

The proposed marine park will be managed in accordance with the provisions of the Conservation

The Western Australian Government is negotiating Indigenous Land Use Agreements (ILUAs) with Wunambal Gaambera Aboriginal Corporation, Wilinggin Aboriginal Corporation, Balangarra Aboriginal Corporation and Yawoorroong Miriuwung Gajerrong Yirrgab Noong Dawang Aboriginal Corporation under the Native Title Act. The ILUAs will provide for the valid creation of the marine park in accordance with the Native Title Act and provide the commitment that the park will be jointly managed.

Subject to successful ILUA negotiations, joint management with traditional owners will be given effect under the CALM Act through section 56A Joint Management Agreements (JMAs), which will be attached to the final management plan. Joint management can commence once the proposed marine park has been created and the JMAs have been signed and attached to the final management plan. Each JMA will establish a Joint Management Body (JMB) with representatives from the relevant Aboriginal Corporation and Parks and Wildlife to manage the proposed marine park in accordance with the agreement and the CALM Act.

The JMBs will oversee management of the proposed park, make management decisions, provide strategic input into how management strategies are implemented, and monitor implementation of the plan."

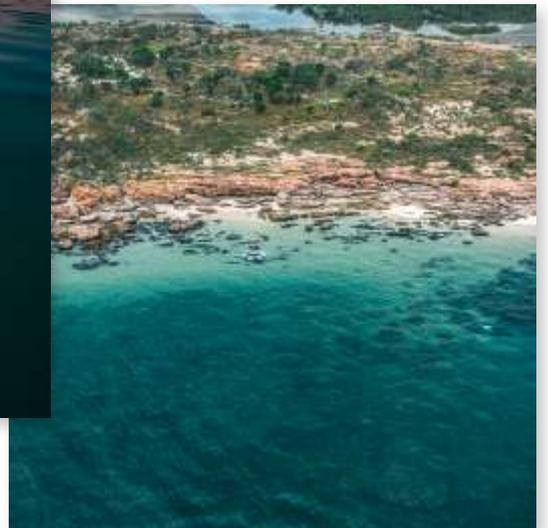
Draft North Kimberley Marine Park PoM, WA Government

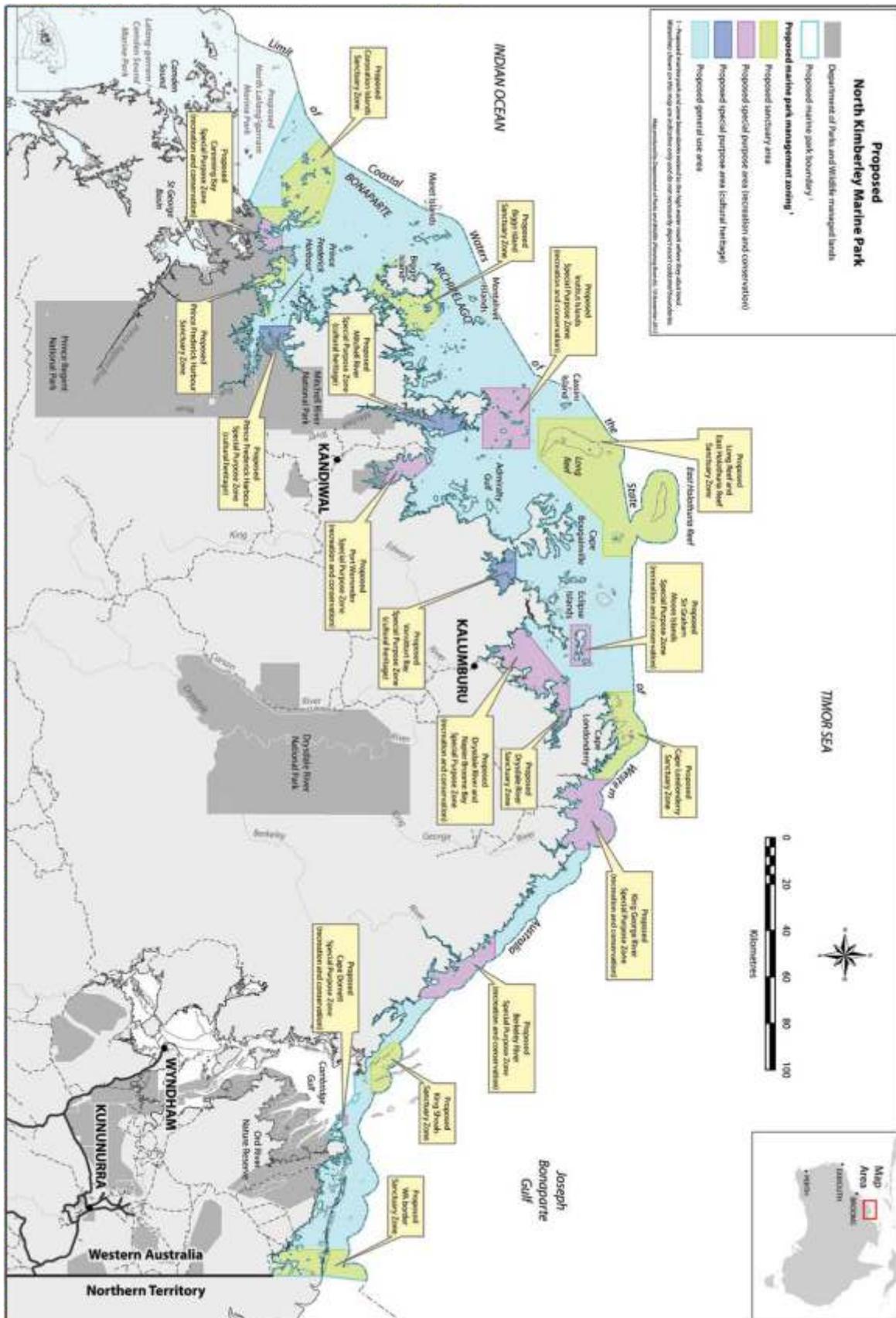
and Land Management Act 1984 (CALM Act), Wildlife Conservation Act 1950 (Wildlife Conservation Act), Parks and Wildlife policy and other relevant legislation mentioned throughout this plan

The DoF will continue to manage fisheries in the marine park and all commercial and recreational fishing activity remains subject to the Fisheries Resource Management Act 1994 (FRM Act).

“Joint management will provide the opportunity for Parks and Wildlife and traditional owners to work together, with the wider community, to achieve the cultural, ecological and social management objectives set out in this plan. Traditional knowledge and understanding of the Saltwater Country will be incorporated into the management of the proposed marine park, and traditional owners will be actively involved in managing the area.”

Draft North Kimberley Marine Park PoM, WA Government





Map 8: Proposed management zoning for the proposed North Kimberley Marine Park



3.4 West Kimberley National Heritage Listed Place

The West Kimberley Place was added to the National Heritage List on 31 August 2011. A number of the values that contributed to this listing relate directly to Wunambal Gaambera people, including: Aboriginal trade in Kimberley pearl shell (*Pinctada maxima*), the manufacture of the double log raft for sea voyages, and the Wanjina Wungurr cultural tradition (Appendix 5). It is the values of the listed place that are protected rather than the entire area itself. A person cannot undertake actions that may impact on these values without the approval of the Minister. Referral Guidelines assist with deciding which actions may have an impact on values. If a marine reserve includes a NH area the management plan must also not be inconsistent with NHL management principles and address the matters prescribed by regulations (paragraph 324S (4)(a)). The EPBC Act Regulations state that Indigenous people are the primary source of information on the value of their heritage and the active participation of indigenous people in identification, assessment and management is integral to the effective protection of indigenous heritage values.

3.5 Relationship of Statutory Marine Parks and Reserves to Native Title – Future Acts

The creation of marine parks and reserves are 'Future Acts' under the Native Title Act.

For subtidal waters the Future Act of declaring a marine park or reserve can be satisfied by consultation with Traditional Owners, whereas for intertidal areas the consent of Traditional Owners is required contained in an Indigenous Land Use Agreement (ILUA). Government marine protected areas are also able to lend statutory support to Traditional Owner management.

State and Commonwealth marine reserve management plans typically state that marine parks do not restrict or impact on native title rights and interests (CALM Act; CALM Regulations 2002; Seas and Submerged Lands Act 1973).

Traditional owners have determined native title rights and interests based on strong and ongoing cultural connections over their land and Saltwater Country. This plan does not provide any additional restrictions on the exercise of native title rights save to the extent otherwise agreed by native title holders and in accordance with the CALM Act and Conservation and Land Management Regulations 2002. Determined native title rights within the proposed marine park include the right to:

- enter, travel and remain on the waters
- hunt, fish, gather and use resources for personal, domestic and communal needs
- undertake cultural activities
- take and use water.

Draft North Kimberley Marine Park PoM, WA Government



SECTION 4 – SALTWATER IPA STRUCTURE

4.1 Establishing management through legal and other effective means

Wunambal Gaambera people had their Native Title rights recognised over their country, including sea country, in 2011 under the Wanjina Wunggurr Uunguu Determination. The determined Native Title rights in the sea are non-exclusive, however they do include rights for waters and intertidal areas. Appendix 1 provides a detailed list of these rights.

Cultural authority is augmented by statutory Indigenous fishing, hunting and collecting rights under WA legislation such as the CALM Act, the Wildlife Act and the Fisheries Act, and Commonwealth legislation, namely the Environmental Protection and Biodiversity Conservation (EPBC) Act. Traditional use of land in Commonwealth reserves by Indigenous persons is protected by sections 8 and 359A of the EPBC Act. An Indigenous person may carry out traditional use of land despite the prohibition in sections 354 and 354A of the EPBC Act or in EPBC Regulations. Australia is also a signatory to the UN Declaration on the Rights of Indigenous Peoples which includes articles about the rights of Indigenous people to conserve and protect their territories and maintain and protect their resources (United Nations 2016). The declaration is non-binding and does not affect existing Australian law but does set aspirational goals.

As outlined in section 3.4, Traditional Owners have management responsibility for some of the values recognised as part of the West Kimberley National Heritage Listed place.

Native Title holders have a communal need to manage their assets on Country. Dedication of our Uunguu Indigenous Protected Area as IUCN category VI – Managed Resource Protected Area, shows Wunambal Gaambera Peoples' commitment to manage assets according to international principles. Wunambal Gaambera People aim to set aside the large proportion of Country for primary protection of natural and cultural values and the balance for communal use.

The Cape Bougainville and Kunmunya Aboriginal Reserves are A Class reserves that include intertidal areas. They are subject to the Aboriginal Affairs Planning Authority Act 1972, for the use and benefit of Aboriginal people and has a permit requirement for access. Wunambal Gaambera Aboriginal Corporation holds a long term lease over the Cape Bougainville Aboriginal Reserve with power to manage access by other users.

There are a number of effective voluntary mechanisms by which Traditional Owners can manage their protected areas such as through Uunguu Ranger activities and cultural activities on Country (Table – page 25)

Wunambal Gaambera Aboriginal Corporation has the Uunguu Rangers and Healthy Country Team to implement its Healthy Country Plan. A number of activities have already been initiated that look after Saltwater Country. WGAC is in the planning the acquisition of its own vessel to support these activities.

Marine turtle and dugong are Targets in the Healthy Country Plan and WGAC has been undertaking work to manage these species. Turtle populations on reefs are monitored through annual boat-based counts along fixed transect points at Mary Island and Eclipse Island and seagrass is monitored using underwater cameras at Wobinbeyi. These methods were developed



through a National Environmental Research Program (NERP) project and have been adopted as part of the Healthy Country annual work-plan.

WGAC asserts, from a moral and ethical position, the right to be consulted about marine research work in Wunambal Gaambera Country. It has developed a research agreement with the WA Institute of Marine Science to govern research activities in the marine environment. Collaborative research has been undertaken on dugong, nesting turtles, and benthic habitats. In 2015, Uunguu Rangers joined the WA Fisheries Department scientists on a fish monitoring voyage on the MV Naturalist.

Back to country trips are undertaken each year to help Traditional Owners reconnect with remote country that may be only accessible by boat or helicopter. During these trips cultural information is passed on to young people and formally documented. Important cultural sites are also documented and managed, such as stone arrangements in intertidal areas.

Traditional Owners have a goal to live on country and derive livelihoods from country. Traditional Owners aim to establish outstations on country and as they do so they will be relying on more areas of sea country for their livelihoods.

Customary fishing and hunting and harvest of other resources remain important economic and cultural activities for Traditional Owners. The management of customary resources and their take is an important activity. By definition, customary activities need to be managed according to custom by Traditional Owners rather than through government regulation. The WA Government developed a draft indigenous fishing strategy some years ago but it was not completed, ratified or implemented.

Marine debris and pests and disease incursions are a significant threat to country. Uunguu Rangers undertake patrols to search for marine debris and potential pests and diseases coming from overseas sources such as in foreign fishing vessels. They have also collaborated with the Australia Government's quarantine staff in this work.

Communication and public awareness are some of the most effective means of managing human behaviour in protected areas. Even government protected areas, with their legislative powers, are more likely to focus on public awareness before compliance and prosecution.





Table: Legal mechanisms and other effective means by which Traditional Owners can manage marine Indigenous Protected Areas.

Legal means	Other effective means
<ul style="list-style-type: none"> • Native Title rights and interests in the waters and intertidal areas of Wanjina Wunggurr Uunguu Determinations (Goonack v State of Western Australia [2011] FCA 516]. Wanjina Wunggurr Uunguu Determinations (Goonack v State of Western Australia [2011] FCA 516; Peurmora v State of Western Australia [2012] FCA 1334). • Recognition of customary rights in: <ul style="list-style-type: none"> (i) Section 303BAA and 359A of the Environment Protection and Biodiversity Conservation Act 1999 (Cth); (ii) Fisheries Resource Management Act 1994 (WA) • Wildlife Conservation Act 1950 (WA) • Management of Aboriginal Reserves under the Aboriginal Affairs Planning Authority Act 1972 • Traditional Owner interests in protecting the values of the National Heritage listed West Kimberley place under the EPBC Act (1999)(Cth) • Joint Management mechanisms under: <ul style="list-style-type: none"> (i) 56A Joint Management Agreements (JMA) of the Conservation and Land Management Act 1984 (WA) (ii) EPBC Act (1999)(Cth) • Commercial opportunities within the Eclipse Island aquaculture lease under the Fisheries Resource Management Act 1994 (WA) • Commercial agreements between WGAC and industry groups • Racial Discrimination Act 1975 (Cth) 	<p>Communal Need Activities:</p> <ul style="list-style-type: none"> • Passing on Traditional Knowledge to young people • Visitor management • Managing cultural assets • Enjoying, living on and securing livelihoods on Country • Keeping Country healthy • Monitoring and hanaging Country – our Uunguu • Removing threats <p>Management Activities</p> <ul style="list-style-type: none"> • Ranger patrols • Removal of pest species • Removal of marine debris • Application of Traditional Knowledge • Visitor use management • Research and monitoring • Recording cultural sites • Managing cultural sites • Going back to country • Taking young people back to country • To live on country • To grow livelihoods • Passing on traditional knowledge <p>The United Nations Declaration on the Rights of Indigenous Peoples provides guiding principles on other means Indigenous people can use to manage their country</p>

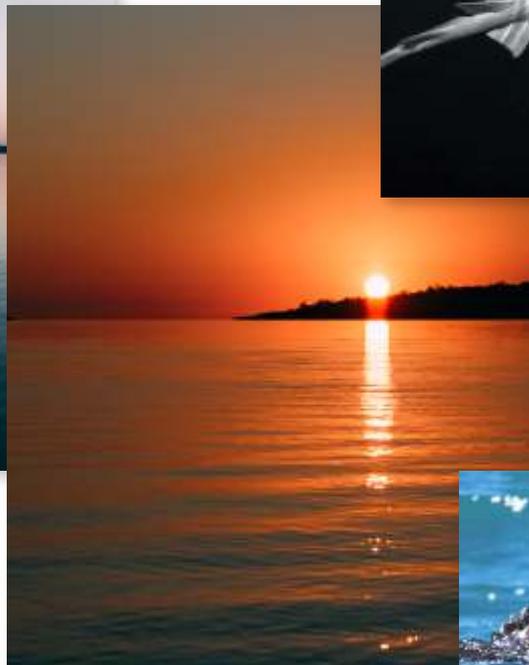


4.2 IUCN Category

IPAs in Australia are typically allocated either IUCN Category V (Protected Landscape/Seascape) or IUCN Category VI (Managed Resource) Protected Area.

We propose that initially our Uunguu Wundaagu IPA be dedicated as IUCN Category VI with protected and general/multiple use, similar to the co-occurring Kimberley Commonwealth Marine Reserve and proposed North Kimberley Marine Park.

Under the overall IUCN category, the objective is that seventy-five percent of the area be protected. The proposed North Kimberley Marine Park includes Sanctuary Zones and Special Purpose Zones which, once gazetted, can be mirrored by the IPA. Further zones may also be identified by Traditional Owners under the IPA and developed through different mechanisms.





SECTION 5 – COMPARISON

Marine Protected Areas can operate through different mechanisms and jurisdictions. The table below provides a comparison between statutory parks, National Heritage and Indigenous Protected Areas and the activities over which they have jurisdiction.

Table: Activities over which different marine protected areas have jurisdiction. The listed activities include marine activities that are typically influenced by statutory parks and reserves and National Heritage Listed places as well as those influenced by customary rights. The Indigenous Protected Area is divided into different zones of jurisdiction.

Activities	Marine Protected Areas							
	Statutory parks		West Kimberley National Heritage Listed Place	Indigenous Protected Area				
	Nth Kimberley Marine Park	Kimberley Cwlth Marine Reserve		Subtidal	Intertidal areas			
					KCMR	Other areas	R24705	R30643
Customary Activities	MPAs do not restrict customary activities	MPAs do not restrict customary activities	NHL does not restrict customary activities Customary use and management of values	Customary use and management of resources (hunting, fishing, use) Recording and passing on Traditional Knowledge Visiting and living on country Recording and looking after cultural sites Undertaking cultural activities				
Other effective, non-legal means of management	applicable	applicable	Customary use and management of values	Undertake ranger patrols Record and document information Removal of marine debris Research and monitoring Manage pest species Communicate with other marine users				
Commercial fishing	Gillnet fishing Prawn trawl fishing Shell/aquarium Pearling Aquaculture	Commercial fishing (not including pearling) Demersal trawl Demersal gillnet Demersal longline Fish traps, Lobster pots, Crab pots Pearling and pearling-related activities	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive Shared rights ILUA	ALT permits required WGAC permission required	ALT permits required	
Mining, exploration, oil and gas	Ground disturbing exploration and development Non-ground disturbing airborne geophysical surveys Non-ground disturbing ship-bourne geophysical surveys	Mining – authorised under Part 7 or 9 of the EPBC Act Mining – other than mining authorised under Part 7 or Part 8 of the EPBC Act Mining – construction and operation of pipelines	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive Shared rights	ALT permits required WGAC permission	ALT permits required	
Shipping		General use – ballast water discharge and exchange Commercial shipping – including general transit	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive Shared rights ILUA	ALT permits required WGAC permission required	ALT permits required	

Chart continued overpage



Chart continued from previous page

Activities	Marine Protected Areas						
	Statutory parks		West Kimberley National Heritage Listed Place	Indigenous Protected Area			
	Nth Kimberley Marine Park	Kimberley Cwlth Marine Reserve		Subtidal	Intertidal areas		
					KCMR	Other areas	R24705
Infrastructure development	<p>Ship loading and other mining related infrastructure (e.g. ship loading docks, cabling or pipelines)</p> <p>General marine infrastructure (e.g. groynes or jetties)</p> <p>Artificial structures (e.g. artificial reefs)</p> <p>Dredging and dredge spoil dumping</p>	<p>Structures and works-including moorings, excavation and maintenance</p> <p>Structures and works-disposal of dredge spoil</p>	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive rights ILUA	ALT permits required WGAC permission required	ALT permits required
Tourism	<p>Scenic flights</p> <p>Charter tour operators – fishing</p> <p>Charter tour operators - non-extractive (e.g. wildlife viewing)</p> <p>Wildlife/ fish feeding</p>	<p>Commercial tourism – fishing, (including charter fishing tours)</p> <p>Commercial tourism – non-fishing, (including nature watching, scuba or snorkel tours)</p>	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive rights ILUA	ALT permits required WGAC permission required (Uunguu Visitor Pass)	Uunguu Visitor Pass ALT Permit
Recreation	<p>Boating (motorised and non-motorised)</p> <p>Nature appreciation and wildlife viewing</p> <p>Shore and boat fishing</p>	<p>Recreational use – fishing including spearfishing, organised fishing competitions and clients of charter fishing</p>	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive rights ILUA	ALT permits required WGAC permission required (Uunguu Visitor Pass)	Uunguu Visitor Pass ALT Permit
Other	<p>Navigation aids</p> <p>Research and monitoring</p> <p>Anchoring (soft bottom only)</p> <p>Sea plane landing</p> <p>Vessel sewage discharge</p> <p>General use – including recreational use (non-fishing) and general transit (See Section 5.3)</p>	<p>Commercial media – including in-water filming and photography</p> <p>Research and monitoring</p> <p>National security defence and emergency response</p> <p>Activities not otherwise specified</p>	New applications subject to regulations	Non exclusive rights Consultation	Non exclusive rights ILUA	ALT permits required WGAC permission required (Uunguu Visitor Pass)	Uunguu Visitor Pass ALT Permit



SECTION 6 – MANAGING SALTWATER - WORKING TOGETHER

The management of the Unguu Wundaagu (Saltwater) Indigenous Protected Area involves three types of management: customary management, organisational management and partnerships.

Wunambal Gaambera Traditional Owners undertake autonomous customary management of Country as part of their quiet enjoyment of Country. Wanjina Wunggurr Law and Culture guides their behaviour and responsibilities to Country and to other Wunambal Gaambera people.

We have established our Wunambal Gaambera Aboriginal Corporation to look after the communal interests of Wunambal Gaambera people. WGAC is responsible for the Wunambal Gaambera Healthy Country Plan (and this Unguu Wundaagu IPA Plan) through the Healthy Country Team and our Unguu Rangers.

We also recognise the need for partnerships with outside agencies to help us look after country. We have opportunities to engage in the joint management of government statutory marine parks and reserves which present opportunities for us to achieve important objectives and strategies through legal mechanisms; for example, managing the impact of commercial fishing on customary resources, as well as providing opportunities for employment and training. We have strong existing partnerships with the Australian Government, Bush Heritage Australia, Kimberley Land Council and Department of Parks and Wildlife and seek opportunities to establish partnerships with other agencies.

6.1 Operations

Our Healthy Country Plan identifies 10 Operations (grouping related objectives and strategies) for looking after country. Nine of these Operations are directly relevant to looking after Saltwater Country.

The objectives and strategies that relate to each operation are currently being revised following a 5-year evaluation which examined the progress of the plan (summarised in Appendix 6).

Culture Management

Our culture management operation has three main components (with associated objectives and strategies in the Healthy Country Plan): looking after traditional knowledge, cultural site recording and maintenance and cultural education. It is important for our young people to be living on country or getting back to country if they are to be able to learn Traditional Knowledge.

Objectives

1. By 2012 the old peoples' traditional knowledge on plants, animals, our country and how these relate to each other, will be recorded, saved and made available to Wunambal Gaambera people, especially young people.
3. By 2014 we will be looking after ten important cultural sites according to Wanjina Wunggurr Law, and by 2020 all culturally important sites will be looked after in this way.
5. By 2015 we will be running an ongoing Wanjina Wunggurr cultural education program for Wunambal Gaambera people.

Important indicators for monitoring the health of traditional knowledge and cultural sites are:

- the amount of cultural knowledge and Traditional Ecological Knowledge being passed on;
- the amount of Wunambal and Gaambera language being used and spoken;



- amount of time spent on country by Traditional Owners, particularly young people;
- amount of Traditional law and culture being used to guide management; and
- the number of maintenance visits to important cultural sites by Traditional Owners/Uunguu Rangers.



Most of these indicators need to be measured using social research tools such as interviews with Traditional Owners.

Added to these indicators above, it is important to determine how government marine protected areas and other developments in the marine environment impact on the quiet enjoyment of country by Traditional Owners.

The management of National Heritage List values adds further management objectives related to specific values of: Pearlshell beds and their traditional use; Makassan sites and bujulum (sea cucumber) harvest areas; traditional sea voyage routes made by double log raft; and the Wanjina Wunggurr cultural landscape.

Pest Species Management

Wunambal Gaambera Saltwater Country is largely free of marine pests and diseases, however we are aware of problems in other parts of Australia. We want to undertake patrols and monitoring programs, particularly in high use areas, so that we can identify and detect and new threats to our country and important species such as turtles. We also want to ensure Traditional Owners are

informed of new threats and that any new observations they have made on country are documented. We are particularly concerned about the health of our marine turtles, dugongs and other food species and culturally important species.

We recognise the need to partner with government and research agencies with expertise in quarantine and biosecurity to assist us in this objective. The Australian Government's Department of Agriculture & Water Resources is the lead agency with regard to quarantine and biosecurity both terrestrial and marine. WGAC has a long history of collaboration with this agency and is keen to collaborate more on marine matters.

Visitor Management

Under our Wanjina Wunggurr law and culture, visitors ask permission to visit country. Nowadays we have lots of visitors to our country. We have developed the Uunguu Visitor Management Plan as a communal need to know who is on country and to manage visitors to our lands and cultural places. Our goal is that all visitors are respectful of culture and Traditional Owners and that they have a good experience on our country.

Objective

9. By 2015 we will be managing and controlling pest species on Wunambal Gaambera Country and by 2020 pest species will have a smaller impact.

Objective

4. By 2014 we will be managing visitors to Wunambal Gaambera Country and promoting respect for our country in accordance with Wanjina Wunggurr Law.

Strategy

5. By 2011 manage tourism on Wunambal Gaambera Country through implementation of the Uunguu Visitor Management Plan.



Statutory marine parks and reserves have legislation that restrict access and activities in the sea and government agencies have patrol boats and officers with compliance powers to enforce these rules. We would like to work with Commonwealth and State agencies responsible for marine protected areas to help implement the Uunguu Visitor Management Plan through the statutory marine park plan of management. There are also opportunities to develop MPA zones that look after important places for Traditional Owners with regard to visitation by other users.

The important indicator for visitor management is the number of visits by non-indigenous people to approved visitor locations with permission and in culturally appropriate ways.

Monitoring, Research and Information Management



In 2011 WGAC established the Uunguu Monitoring & Evaluation Committee (UMEC) to set standards and benchmarks for keeping our country strong and to help guide actions and decisions about managing country. The committee is made up of a combination of Traditional Owners and outside experts, including a senior Parks and Wildlife scientist. An independent audit of our Healthy Country

Program in 2015 recognised that WGAC was well advanced in its monitoring and evaluation work and that the UMEC had been an effective vehicle for this (Austin et al. submitted).

We recognise the need to undertake monitoring and research to gather the information needed to make management decisions and to determine if the country is healthy. Our monitoring program incorporates both Traditional Knowledge and western science. For example, we have cultural indicators of the health of important animals, such as animals being fat in their right season. We also use western scientific measures of species abundance, like using boat-based counts for marine turtles.



We recognise the need to partner with institutions to undertake research but it is important that these partnerships are underpinned by collaborative research agreements that support

cultural protocols (Vigilante et al. 2013¹). We recently completed a collaborative research project with the CSIRO and other partners through the National Environmental Research Program (NERP) that helped us design a monitoring program for our marine turtles and dugongs, particularly focused on the feeding habitats of these species. The outcomes of this work have been published and provide a model for other research (Jackson et al. 2015). More recently we made a research agreement with the Western Australian Institute of Marine Science (WAMSI) to

Objectives

2. By 2020 our country will still be healthy with no plants, animals, fish or birds or their habitats that are here today, being lost.
10. By 2015 we will have figured out and started using ways to reduce the problems that climate change might have on our targets, us and Wunambal Gaambera Country, and ways to make sure our actions don't make the carbon problem worse.

Strategies

3. By mid 2012 identify the management requirements for conservation of our significant plants, animals, cultural and ecological communities – and incorporate these requirements into the implementation of healthy country actions and work programs.
8. By 2020 acquire an information management system for the storage and accessing of cultural and natural data.
9. By 2012 adopt a monitoring and evaluation program that sets standards and benchmarks for keeping our Uunguu healthy and to help guide actions and decisions about managing country.



underpin other State Government marine research projects (including projects on dugong, Traditional Knowledge and sea turtle nesting).

We are progressing to finalise a monitoring plan for our Saltwater Country and establish partnerships to implement it.

Partnerships and Communications

Our waters are shared by other marine users and will have co-existing statutory marine parks. It is important to build partnerships with government and industry and to communicate to the wider public about marine conservation. Important actions include:

- Establish communications with marine user groups;
- Seek formal recognition from Commonwealth and State Governments for the Uunguu Wundaagu IPA;
- Develop cooperative management arrangements with Commonwealth (Australian Border Force, Department of Agriculture & Water Resources) and State agencies (Department of Parks and Wildlife, Department of Fisheries) for statutory marine parks including joint patrols;



- Develop joint management arrangements for Commonwealth and State Marine Protected Areas (including Joint Management Agreements and Joint Management Bodies);
- Develop Indigenous Land Use Agreements with the Western Australian Government; and
- Develop collaborative monitoring and research with Commonwealth and State science agencies.

Sustainable finances

Traditional Owners aim to look after their intact Country for their benefit and for the benefit of all Australians and the world. WGAC receives assistance from the Australian Government through the Indigenous Protected Area and Working on Country Programs, and from Bush Heritage Australia, however, much of this funding is currently focused on work in the terrestrial environment.

We need to invest in Healthy Country funds through Healthy Country investment partnerships, user agreements, enterprises and building an endowment fund to implement the Healthy Country Plan.

Strategies

4. In 2010 raise awareness of stakeholders and the general public of the Healthy Country Plan.

19. Continue to build and maintain partnerships with relevant organisations and groups that will assist in implementing our Healthy Country Plan. Our waters are shared by other marine users and will have co-existing statutory marine parks. It is important to build partnerships with government and industry and to communicate to the wider public about marine conservation.

Objectives

11. By 2020 Uunguu Land and Sea Management Limited will have sustainable financial capacity to manage healthy country.

Strategies

20. From 2010-2020 secure from the public and private sectors the annual operating funds, which are not generated from our own sources, needed to implement our Healthy Country Plan.

21. From 2010-2020 develop new enterprises and self-generating income sources which can contribute to both operating and endowment funds to implement our Healthy Country Plan.

22. By 2017 build a healthy country endowment fund sufficient to cover core operating costs of implementing our Healthy Country Plan.



We need to invest out Healthy Country funds to acquire

a ranger patrol boat, establish remote seasonal ranger stations and to support our annual marine operations.

Workforce, Training and Capacity Building



Wunambal Gaambera Aboriginal Corporation is seeking to further develop the capacity of the Uunguu Rangers to undertake marine management. There are currently 6 full-time Uunguu Rangers covering a vast area of country. There is a high number of Traditional Owners in our communities, particularly young people, who aspire to being a ranger. There is also a need to provide more training to rangers to develop the expertise needed. In particular, rangers need to achieve their coxswain tickets to be able to pilot vessels. We also want to train our people to take up employment and business opportunities in industries like fishing, tourism and oil and gas.

Important workforce and training indicators are the number of Traditional Owners employed in ranger activities and the number of rangers completing key qualifications and competencies.

Securing a ranger patrol boat and establishing remote field bases are also important capacity building goals.

Living on Country

An important part of our Healthy Country vision is for Traditional Owners to be able to live on Country with sustainable livelihoods. WGAC has established a Living-on-Country Program to assist Traditional Owner families' communal need to enjoy their Country. Initially we aim to establish remote seasonal ranger stations and to acquire a ranger vessel to support Traditional Owners' access to Country. We also want to identify industries and opportunities that can support indigenous livelihoods such as tourism, oil and gas, fishing and aquaculture. Our objective is to support families to establish outstations and live on Country. It is important that these livelihood opportunities are not restricted by marine reserve zoning.

Important indicators are the number of family groups living on Country and the number of Traditional Owners having the opportunity to spend time on Country.

Land Use Planning

According to IUCN principles, protected areas (including Indigenous Protected Areas) should have the

Objective

7. By 2015 ten Uunguu land and sea management rangers will have the capacity to look after our country using traditional and Western knowledge, and by 2020 the ranger service will be managed by a Wunambal Gaambera person.

Strategies

14. By mid 2012 complete and implement an Uunguu workforce development plan to support and foster working-age Wunambal Gaambera people in jobs and earn incomes to live on country.

15. By 2012 identify the career pathway for a Wunambal Gaambera person to be the Healthy Country Manager by 2020.

18. By 2014 train the majority of Uunguu Rangers to Cert 3 in CALM.



majority area set aside for primary protection for conservation and the balance available for multiple use. WGAC has been undertaking a planning and decision making process to identify these areas and to make agreements between Traditional Owners, governments and other users. Participation as joint managers of marine parks and reserves, can also help to ensure zones are adopted for the benefit of Wunambal Gaambera people.

As discussed earlier, the Uunguu IPA will be dedicated as Category VI (Managed Resource Protected Area) complementing the broad zones of the KCMR and proposed NKMP, however, smaller areas can be zoned according to different categories within this area. Consideration needs to be made of the categories of the co-occurring Commonwealth and State marine reserves so that IPA zoning is complementary.

Sanctuary zones provide the highest level of protection for culturally important places as they limit the broadest range of activities and uses. Special purpose zones for cultural heritage restrict mining activities but do not limit all commercial fishing. While Traditional Owners can undertake customary activities in marine parks, some of their commercial activities will be restricted or banned in some zones. For example, indigenous aquaculture projects may not be permitted in a sanctuary zone.

Strategies

7. By 2012 adopt a planning and decision making process to assess and approve proposed activities and actions (future acts) that could improve or affect the health of Wunambal Gaambera Country.

16. Use Waters Agreement to be completed by end of 2012 to manage, with ILUA partners, a healthy Wunambal Gaambera Saltwater Country for its cultural, natural and industry values consistent with Indigenous Protected Area objectives.

17. By mid 2013 complete a staged declaration of Wunambal Gaambera Country as an Indigenous Protected Area (IPA) to be managed consistently with the World Conservation Union's Protected Area Category VI – Managed Resource Protected Area.

CONCLUSIONS

We thank you for your consideration of our Uunguu Wundaagu (Saltwater) IPA Plan and welcome your feedback. We will finalise the plan early in 2017 and then hold the IPA dedication. We look forward with anticipation to the opportunity to establish long term and meaningful partnerships with government, industry and non-government organisations to look after our Wundaagu for our people, all Australians and the whole world.



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APPENDIX 1 NATIVE TITLE RIGHTS IN MARINE AREAS

Wanjina-Wunggurr Unguu Determination (Goonack v State of WA [2011] FCA 516)
Attachment B of Determination

<p style="text-align: center;">Intertidal Area (between Mean Low Water [MLW] mark and Mean High Water [MHW] mark)</p>	<p style="text-align: center;">Deep Water (Below MLW mark)</p>
<p>Paragraph 8 (subject to paras 11 and 12) Non-exclusive rights in relation to the Intertidal Area</p>	<p>Paragraph 9 (subject to paras 11 and 12) Non-exclusive rights in relation to waters</p>
<p>a. The right to enter, travel over and remain on the Intertidal Area</p>	<p>a. The right to enter, travel over and remain on the waters</p>
<p>b. The right to live and camp on the Intertidal Area (including erecting shelters and other structures for those purposes)</p>	<p>NotApplicable</p>
<p>c. The right to hunt, fish, gather and use the resources of the Intertidal area including: (i) sharing and exchanging those resources; and (ii) manufacturing traditional items from those resources, for personal domestic and communal needs (including, but not limited to cultural or spiritual needs) but not for commercial purposes (as in accordance with paragraph 11 (a)(ii))</p>	<p>b. The right to hunt, fish, gather and use the resources of the waters for personal, domestic and communal needs (including, but not limited to cultural or spiritual needs) but not for commercial purposes (as in accordance with paragraph 11 (a)(ii))</p>
<p>d. The right to light fires for domestic purposes</p>	<p>NotApplicable</p>
<p>e. The right to take and use water from the Intertidal Area</p>	<p>c. The right to take and use water</p>
<p>f. The right to engage in cultural activities on the Intertidal Area, including: (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity; (ii) conducting ceremony and ritual; (iii) holding meetings; (iv) participating in cultural practices relating to birth and death, including burial rights; (v) passing on knowledge about the physical and spiritual attributes of the Determination Area and areas of importance on or in the Determination Area; and (vi) maintaining, and protecting from physical harm, places and areas of importance including, for the avoidance of doubt, freshening or repainting images at painting sites.</p>	<p>NotApplicable</p>
<p>Paragraph 11. Native Title rights and interests described in paragraphs 8 and 9 are exercisable in accordance with: (i) the laws of the State and the Commonwealth, including the common law, and (ii) the traditional laws and customs of the Native Title Holders for their personal, domestic and communal needs (including, but not limited to, cultural or spiritual needs) but not for commercial purposes; and do not confer any rights in relation to: (i) minerals as defined in the Mining Act 1904 (WA) (repealed) and the Mining Act 1978 (WA); (ii) petroleum as defined in the Petroleum Act 1936 (WA) (repealed) and in the Petroleum and Geothermal Energy Resources Act 1967 (WA); (iii) geothermal energy resources and geothermal energy as defined in the Petroleum and Geothermal Energy Resources Act 1967 (WA); or (iv) water captured by the holders of Other Interests pursuant to those Other Interests.</p> <p>Paragraph 12. The Native Title rights and interests described in paragraphs 8 and 9 do not confer: (a) possession, occupation, use and enjoyment of the land or waters of the Determination Area on the Native Title Holders to the exclusion of all others; nor (b) a right to control the access to, or use of, the land and waters of the Determination Area or their resources.</p>	



APPENDIX 2

THREAT RANKING

THREATS	TARGETS					OVERALL THREAT RANK
	Law and Culture	WG people	Cultural places	Fish and Seafood	Turtle and dugong	
Loss of Traditional Knowledge	VERY HIGH	VERY HIGH	VERY HIGH	LOW	LOW	VERY HIGH
Families Not on Country	VERY HIGH	VERY HIGH	LOW	LOW	LOW	VERY HIGH
Not Secure on Country	VERY HIGH	VERY HIGH	HIGH	LOW	LOW	VERY HIGH
Bauxite Mining	VERY HIGH	HIGH	VERY HIGH	MEDIUM	HIGH	VERY HIGH
Climate Change	HGH	HIGH	HGH	HIGH	VERY HIGH	HIGH
Visitors Not Being Respectful	VERY HIGH	VERY HIGH	VERY HIGH	MEDIUM	HIGH	VERY HIGH
Lack Of Land and Sea Management Capacity	HIGH	VERY HIGH	HIGH	MEDIUM	LOW	HIGH
Marine Pests and Diseases	LOW	LOW	LOW	HIGH	MEDIUM	MEDIUM
Commercial Fishing	HIGH	HIGH	LOW	VERY HIGH	HIGH	HIGH
Rubbish and Marine Debris	LOW	LOW	LOW	LOW	MEDIUM	LOW
Business and Industry	HIGH	VERY HIGH	MEDIUM	HIGH	HIGH	HIGH
Threat status for targets and Wunambal Gaambera Country	VERY HIGH	VERY HIGH	VERY HIGH	HIGH	VERY HIGH	VERY HIGH

VERY HIGH:	the threat has the potential or is likely to destroy or remove all or part of the target if the current situation or rate of damage continues. If this happens it may not be possible to make the target healthy again.
HIGH:	the threat is likely to cause serious damage to all or part of the target if the current situation or rate of damage continues. If this happens then it would be very expensive and difficult to make the target healthy again.
MEDIUM:	the threat is likely to cause moderate damage to all or part of the target if the current situation or rate of damage continues. If this happens then it would take a reasonable effort to make the target healthy again.
LOW:	the threat is likely to cause serious damage to all or part of the target if the current situation or rate of damage continues. If this happens then it would be very expensive and difficult to make the target healthy again.

Table: Summary of Threats to Wunambal Gaambera Wundaagu Targets based on 2010 data.



APPENDIX 3

KIMBERLEY COMMONWEALTH MARINE RESERVE

Summary

Date of Effect	17 November 2012
IUCN category	IUCN VI
Assigned zones	Marine National Park (IUCN II) (6777 km ²) Habitat Protection Zone (IUCN IV) (1129 km ²) Multiple Use Zone (IUCN VI) (66 563 km ²)
Depth below seabed	1000 m
Total area	74 469 km ²
Major conservation values	<ul style="list-style-type: none"> • Important foraging areas for: migratory seabirds migratory dugongs dolphins threatened and migratory marine turtles • Important migration pathway and nursery areas for the protected humpback whale • Adjacent to important foraging and pupping areas for sawfish and important nesting sites for green turtles. • The reserve provides protection for the communities and habitats of waters offshore of the Kimberley coastline ranging in depth from less than 15 metres to 800 metres • Continental shelf, slope, plateau, pinnacle, terrace, banks and shoals and deep hole/valley seafloor features are all represented in this reserve • Examples of the communities and seafloor habitats of the Northwest Shelf Transition, Northwest Shelf Province and Timor Province provincial bioregions along with the Kimberley, Canning, Northwest Shelf and Oceanic Shoals meso-scale bioregions <p>Two key ecological features are included in the reserve:</p> <p>ancient coastline (an area of enhanced productivity attracting baitfish which, in turn, supplies food for migrating species)</p> <p>continental slope demersal fish communities (the second richest area for demersal fish species in Australia)</p>



<p>Location</p>	<p>The Kimberley Commonwealth Marine Reserve covers approximately 74 469 square kilometres of the Commonwealth marine environment from the Lacepede Islands in the north to the Holothuria Banks offshore from Cape Bougainville.</p>
<p>General description</p>	<p>The waters offshore from the Kimberley coastline play host to a rich and diverse marine life and many protected marine species use these areas as nursery and feeding grounds. The Kimberley is particularly important for the Western Australian population of humpback whales and Australian snubfin dolphins. Thousands of humpback whales migrate through the region each year and give birth in the tropical waters off the Kimberley coast, especially around Camden Sound.</p> <p>The rugged coastline, numerous islands, submerged cliffs and banks and coral reefs along with the surrounding Commonwealth waters support a high diversity of tropical species including marine turtles, dugongs and seabirds. For example, the waters around the Lacepede Islands are crucial for migrating marine turtles as they move between nesting and feeding areas. These Islands provide critical nesting habitat for marine turtles and are the site of the largest green turtle rookery in Western Australia. The Lacepede Islands also support the largest brown booby rookery in the state and the Commonwealth waters in this area play an important role for feeding seabirds.</p> <p>Many of the islands along the Kimberley coastline have extensive reef formations that support a high abundance and diversity of coral and associated species. The Kimberley meso-scale bioregion, in particular has been reported to be one of the most diverse coral areas in Western Australia. There is important connectivity between the biophysical and ecological processes occurring in state and Commonwealth waters in this area.</p>



Table: Overview of the zoning scheme for the North-West Commonwealth Marine Reserves Network
 (website accessed 06/07/2016: <http://www.environment.gov.au/topics/marine/marine-reserves/north-west/zoning-and-activities#zoning>)

Activity type ^a	Multiple Use Zone (IUCN VI)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN II)	Marine National Park Zone (IUCN II)	Sanctuary Zone (IUCN Ia)
GENERAL USE					
Shipping (general transit) ^b	✓	✓	✓	✓	✓
Defence	✓	✓	✓	✓	✓
COMMERCIAL FISHING^c					
Droplines	✓	✓	✗	✗	✗
Fish Traps	✓	✗	✗	✗	✗
Trolling and hand lines	✓	✓	✗	✗	✗
Purse Seine	✓	✓	✗	✗	✗
Lobster pots	✓	✗	✗	✗	✗
Crab pots	✓	✗	✗	✗	✗
Pelagic longline	✓	✓	✗	✗	✗
Pelagic gillnet	✓	✓	✗	✗	✗
Drift diving	✓	✓	✗	✗	✗
Hand collection	✓	✓	✗	✗	✗
Demersal gillnet	✗	✗	✗	✗	✗
Demersal trawl	✗	✗	✗	✗	✗
Demersal longline	✗	✗	✗	✗	✗
PEARLING AND AQUACULTURE	✓	✓	✗	✗	✗
COMMERCIAL TOURISM					
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	✓	✓	✓	✓	✗ ^d
Fishing related tourism (including charter fishing and fishing/spear diving tours)	✓	✓	✗ ^e	✗	✗
MINING^f (including exploration, development and other activities)	✓	✗	✗	✗	✗



Activity type ^a	Multiple Use Zone (IUCN VI)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN II)	Marine National Park Zone (IUCN II)	Sanctuary Zone (IUCN Ia)
RESEARCH	✓	✓	✓	✓	✓
INDIGENOUS ACTIVITIES					
Non-commercial Indigenous harvesting and hunting (consistent with the Native Title Act 1993)	✓	✓	✓	✓	✓
RECREATION					
Scuba diving and snorkelling	✓	✓	✓	✓	✓
Recreational fishing (including spear-fishing) ^{e,g}	✓	✓	✓	✓	✓
Boating	✓	✓	✓	✓	✓

- All activities require approval to be undertaken in Commonwealth Marine Reserves; approvals are provided in the management plan or through class approvals or individual permits.
- Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas.
- Commercial fishing methods not listed in the table may require assessment.
- Non-fishing related tourism and non-fishing recreation is allowed at Mermaid Reef Commonwealth Marine Reserve. Fish feeding is not permitted.
- Recreational fishing and fishing-related tourism is allowed in Ningaloo Recreational Use Zone; recreational fishing for immediate consumption only, is allowed in the Ashmore Reef Recreational Use Zone.
- Proposed mining operations carried out under usage rights that existed immediately before the declaration of a reserve do not require approval from the Director of National Parks.
- Recreational fishing is managed by the states. Western Australian rules and regulations (for example size and bag limits) will apply in the North-west Commonwealth Marine Reserves Network unless otherwise specified in the management plan.



APPENDIX 4

PERMITTED USES – NORTH KIMBERLEY MARINE PARK

Activity	Sanctuary zones	Special purpose zone (recreation & conservation)	Special purpose zone (cultural heritage)	General use zones
Customary				
Customary activities (e.g. hunting and fishing)	Yes	Yes	Yes	Yes
Commercial				
Commercial gillnet fishing	No	No	Yes	Yes
Commercial prawn trawl fishing	No	No	Yes	Yes
Commercial fishing (other than gillnet and prawn trawl)	No	Yes	Yes	Yes
Commercial specimen shell and marine aquarium collecting	No	Yes	Yes	Yes
Pearling	No	Assess	Yes	Yes
Aquaculture	No	Assess	Assess	Yes
Scenic flights (charter)	Yes	Yes	Yes	Yes
Ground disturbing mineral and petroleum exploration and development [b]	No	No	No	Assess
Non-ground disturbing air-borne geophysical surveys [c]	Assess	Assess	Assess	Assess
Non-ground disturbing ship-borne geophysical surveys [c]	Assess	Assess	Assess	Assess
Ship loading and other mining related infrastructure (e.g. ship loading docks, cabling or pipelines)	No	No	No	Assess
General marine infrastructure (e.g. groynes or jetties)	No	Assess	Assess	Assess
Artificial structures (e.g. artificial reefs)	No	No	No	Assess
Dredging and dredge spoil dumping	No	No	No	Assess
Charter tour operators – fishing	No	Yes	Yes	Yes
Charter tour operators – non-extractive (e.g. wildlife viewing)	Yes	Yes	Yes	Yes
Wildlife/ fish feeding	No	No	No	No



PERMITTED USES – NORTH KIMBERLEY MARINE PARK

Activity	Sanctuary zones	Special purpose zone (recreation & conservation)	Special purpose zone (cultural heritage)	General use zones
Recreational				
Boating (motorised & non-motorised)	Yes	Yes	Yes	Yes
Nature appreciation and wildlife viewing	Yes	Yes	Yes	Yes
Shore and boat fishing	No	Yes	Yes	Yes
Other use				
Navigation aids	Yes	Yes	Yes	Yes
Research and monitoring	Yes	Yes	Yes	Yes
Anchoring (soft bottom only)	Yes	Yes	Yes	Yes
Sea plane landing	Assess	Assess	Assess	Yes
Vessel sewage discharge	No	No	No	Assess [a]

[a] Restrictions may apply in accordance with the DoT Sewage Strategy. The discharge of untreated sewage is prohibited within the marine park.

[b] Ground disturbing mineral and petroleum exploration and development activities include any activity that disturbs the seabed and/or subsoil within the marine park (e.g. drilling).

[c] Geophysical surveys such as aeromagnetics will be assessed by the Department of Mines and Petroleum.



APPENDIX 5

WEST KIMBERLEY PLACE – NATIONAL HERITAGE LISTING

Australian Government (2011) West Kimberley Place Report. Department of Environment, Canberra. (<https://www.environment.gov.au/system/files/pages/ed0b4e39-41eb-4cee-84f6-049a932c5d46/files/ahc-final-assessment-full.pdf>)

CRITERION	VALUES RATED ABOVE THRESHOLD
<p>A</p> <p>EVENTS, PROCESSES</p> <p>The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern of Australia's natural and cultural history.</p>	<p><i>Wealth of land and sea</i></p> <p>Aboriginal trade in pearl shell</p> <p>Kimberley pearl shell (<i>Pinctada maxima</i>) has associations with water, rainmaking, ancestral Creator Beings, stories and songs. The significance of the modified pearl shell changes as it is traded from its source, where it was created by powerful Dreamtime Beings. Highly valued by Aboriginal people as the 'emblem of life' with potent correlations with water, and the power to regenerate, renew, and transform; modified Kimberley pearl is the most widely distributed commodity in Aboriginal Australia, covering two-thirds of the Australian continent.</p> <p><i>Pearl shell beds at a number of identified sites from Bidyadanga to Cape Londonderry, where in Aboriginal law and culture, the shell is believed to have been created by Dreamtime Beings and is collected by Traditional Owners, have outstanding heritage value to the nation under criterion (a) as the source of the item most widely distributed by Aboriginal people in the course of Australia's cultural history.</i></p>
<p>C</p> <p>RESEARCH</p> <p>The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural and cultural history</p>	<p><i>Ecology, biogeography, climate and evolution</i></p> <p>Human ecology and adaptation</p> <p>Only a small number of archaeological surveys have been undertaken in the west Kimberley region. Those few surveys have provided nationally Above threshold 9 significant evidence on the paleo-environment, human adaptation to climate change, marine resource use, development of symbolic behaviour and the antiquity of long distance exchange. Given the highly significant nature of these investigations, coupled with the argument that the west Kimberley is one of the most likely points through which</p>



CRITERION	VALUES RATED ABOVE THRESHOLD
<p>C</p> <p>RESEARCH</p> <p>The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural and cultural history</p>	<p>humans first entered Australia, future archaeological surveys in the region may reveal sites of even greater scientific and archaeological significance. The exceptional preservation conditions offered by the Devonian reef complex also support the likelihood of further significant discoveries.</p> <p><i>The coastline from Cape Londonderry to Cape Leveque and the Devonian reef complex have outstanding heritage value to the nation under criterion (c) for their potential to yield significant new archaeological information contributing to an understanding of Australia's natural and cultural history.</i></p> <p>Human ecology and adaptation</p> <p>Only a small number of archaeological surveys have been undertaken in the west Kimberley region. Those few surveys have provided nationally Above threshold 9 significant evidence on the paleo-environment, human adaptation to climate change, marine resource use, development of symbolic behaviour and the antiquity of long distance exchange. Given the highly significant nature of these investigations, coupled with the argument that the west Kimberley is one of the most likely points through which humans first entered Australia, future archaeological surveys in the region may reveal sites of even greater scientific and archaeological significance. The exceptional preservation conditions offered by the Devonian reef complex also support the likelihood of further significant discoveries.</p> <p>The coastline from Cape Londonderry to Cape Leveque and the Devonian reef complex have outstanding heritage value to the nation under criterion (c) for their potential to yield significant new archaeological information contributing to an understanding of Australia's natural and cultural history.</p> <p>Rock paintings as a source as a source of information about climate, ecology and technology</p> <p>The fine graphic detail of the painted motifs in the Wanjina-Wunggurr homeland and the Balangarra Native Title claim</p>



CRITERION	VALUES RATED ABOVE THRESHOLD
<p>C</p> <p>RESEARCH</p> <p>The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural and cultural history</p>	<p>area provide invaluable insights into a number of nationally important areas of research including climate change and species extinction; early Aboriginal material culture and technology development; and the interactions between Aboriginal people and outsiders. The exceptional illustrative nature of the rock paintings has the potential to provide information at a level of resolution currently absent from the archaeology. Welch (1993, 29) supports this view, noting that early Kimberley rock art 'gives us an enormous insight into the material culture of early Australians'. While the rock paintings of Arnhem Land and the Kakadu region are also highly informative, Morwood (2002, 162) suggests that the Kimberley region may have greater potential in demonstrating changes in weapons used, accoutrements and ideology.</p> <p>The rock paintings of the Wanjina-Wunggurr homeland and the Balangarra Native Title claim area have outstanding heritage value to the nation under criterion (c) for their potential to yield information that will contribute to an understanding of climate change and species extinction; early Aboriginal material culture and technology development; and the interactions between Aboriginal people and outsiders.</p> <p><i>Contact, change and continuity</i></p> <p>Asian–Australian interaction</p> <p>Indonesian fishermen, commonly referred to as Macassans, have been visiting the west Kimberley coast for perhaps hundreds of years to harvest marine resources including pearl and trochus shell, turtle shell, clam meat, shark fins and trepang, also known as sea cucumber or bêche-de-mer (Morwood 2002). The historical accounts and oral traditions of Kimberley Aboriginal people, together with the limited archaeological evidence, suggest that a very different kind of relationship existed between Indonesians and Kimberley Aboriginal people than that experienced between Macassans and Aboriginal people in Arnhem Land. In the Kimberley, the relationship appears to have been one of hostility and distrust on both sides. Few</p>



CRITERION	VALUES RATED ABOVE THRESHOLD
	<p>archaeological surveys have been conducted to investigate this important pre-European contact.</p> <p><i>The west Kimberley coast from Cape Londonderry to the Lacepede Islands has outstanding heritage value to the nation under criterion (c) for its potential to yield information that will contribute to an understanding of Indonesian-Aboriginal interaction in Australia's cultural history.</i></p>
<p>F</p> <p>CREATIVE AND TECHNICAL ACHIEVEMENT</p> <p>The place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period</p>	<p><i>Design and innovation</i></p> <p>Painted rock images</p> <p>The painted images found in rock shelters and caves across the WanjinnaWunggurr homeland, the Balangarra Native Title claim area and in the limestone ranges of the Devonian reef provide an exceptional record of painted rock art that is extraordinarily diverse and technically very detailed.</p> <p>Considered one of the longest and most complex painted 'rock art' sequences anywhere in the world, (Morwood 2002, 143) the west Kimberley complex of painted images is a creative achievement by Kimberley Aboriginal people that has outstanding heritage value to the nation under criterion (f).</p> <p><i>Technical response to environmental constraints</i></p> <p>Double log raft</p> <p>Aboriginal people built strong, light rafts to navigate the treacherous waters of the west Kimberley coast. Rips, whirlpools and overfalls created by the massive twelve metre tides made navigation through the maze of islands and waterways a serious undertaking. While a navigational hazard, these strong tidal currents, provided opportunities for skilled and knowledgeable Aboriginal people to travel long distances to hunt, trade and maintain social and cultural obligations.</p> <p>The manufacture of the double log raft from mangrove logs (particularly <i>Rhizophora stylosa</i>) is a unique adaptation to</p>



CRITERION	VALUES RATED ABOVE THRESHOLD
	<p>the massive tidal variation of the west Kimberley and has outstanding heritage value to the nation under criterion (f) for demonstrating a high degree of technical achievement by Aboriginal people in the course of Australia's cultural history.</p>
<p>I</p> <p>INDIGENOUS TRADITION</p> <p>The place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.</p>	<p><i>Wanjina–Wunggurr Tradition</i></p> <p>The Wanjina-Wunggurr tradition, with features including the painted images of Wanjina and Gwion Gwion in rock shelters across the west Kimberley, provides testimony of a complex association of socio-religious beliefs that continues to be central to the laws and customs of the Wanjina-Wunggurr people. Together, the Wanjina and the Wunggurr Snake are believed to be the manifestations of a life force, also called Wunggurr, which permeates the Wanjina-Wunggurr cosmos and is imbued in all living forms. The creative association of the Wanjina and the Wunggurr Snake is represented in the religious narratives and manifested in the painted images on rock, and as other features in the land, sea and sky including natural rock formations and man-made stone arrangements. Members of the Wanjina-Wunggurr society trace their descent to the Wanjina ancestral beings. Wanjina 'rock art' sites serve as geographical focal points for a system of territorial and social organisation that links small groups of people (the clans of anthropological discourse) to named local countries (clan estates) (Blundell et al. 2009) and into a system of exchange called the wurnan that extends throughout the Kimberley. The exchange of items between local group members is viewed as the passage of items in space from Wanjina to Wanjina. In order to sustain the ongoing cycle of life, members of the WanjinaWunggurr community continue to engage in a range of ritual practices established in Lalai (The Dreaming). While Wanjina-Wunggurr people believe that the Wanjina 'put' themselves onto rock surfaces as paintings, they also believe that as the human descendents of these Wanjina, it is their duty to maintain the 'brightness' or 'freshness' of the paintings by re-touching them with charcoal and pigments (Mowaljarlai and Malnic 1993; Redmond 2001; Blundell and Woolagoodja 2005; Blundell et al. 2009). By keeping the paintings 'fresh'</p>



CRITERION	VALUES RATED ABOVE THRESHOLD
	<p>the world will remain fertile – the annual rains arrive, plants and animals will reproduce, and child spirits will remain available in whirlpools and waterholes throughout the Wanjina-Wunggurr homeland. There is no other Indigenous society in northern or central Australia, indeed anywhere in Australia, where a single class of Creator Being, the Wanjina, depicted as a distinct rock art figure, has such a significant and multifaceted role or set of associated meanings and practices (Blundell et al. 2009).</p> <p><i>The Wanjina-Wunggurr homeland, where the painted images on rock and other features in the land, sea and sky, including natural rock formations and man-made stone arrangements, are manifestations of the Wanjina and the Wunggurr Snake, are of outstanding heritage value to the nation under criterion (i) because of their importance as part of Indigenous tradition.</i></p>



APPENDIX 6

OPERATIONS, OBJECTIVES AND RESULTS

Operation	Objective	% Progress Against Objectives	Status of Strategies	Threat Reduction Results
Right Way Fire	By 2015 we will be managing fire on Wunambal Gaambera Country	90	On Track	Traditional Owners are decision-makers for fire. Wildfires no longer dominate the fire regime. Some evidence that Target species are getting healthier.
Pest Species Management	By 2015 we will be managing and controlling pest species on Wunambal Gaambera Country and by 2020 pest species will have a smaller impact.	30	On Track	Weed populations contained. Feral cattle have been fenced out of key sites.
Visitor Management	By 2014 we will be managing visitors to Wunambal Gaambera Country and promoting respect for our country in accordance with Wanjina Wunggurr Law	30	Minor Issues	Not yet achieved
Culture Programs	By 2012 the old peoples' traditional knowledge on plants, animals, our country and how these relate to each other, will be recorded, saved and made accessible to Wunambal Gaambera people, especially the young people.	50	Minor Issues	Wunambal Gaambera knowledge is captured and alive – not yet achieved.
	By 2014 we will be looking after ten important cultural sites according to Wanjina Wunggurr Law, and by 2020 all culturally important sites will be looked after in this way.	80	Minor Issues	
	By 2015 we will be running an ongoing Wanjina Wunggurr cultural education program for Wunambal Gaambera people.	30	Minor Issues	
Monitoring, Evaluation, Research, Information Management	By 2020 our country will still be healthy with no plants, animals, fish or diigu (birds) or their habitats that are here today, being lost.	50	On Track	Targets are Healthier due to operations – monitoring still being established Country has increased rigour to adjust to climate change – to be determined
	By 2015 we will have figured out and starting using ways to reduce the problems that climate change might have on our targets, on us and on Wunambal Gaambera Country, and ways to make sure our actions don't make the carbon problem worse.	50	On Track	



Operation	Objective	% Progress Against Objectives	Status of Strategies	Threat Reduction Results
Partnerships & Communications	By 2015 WGAC will have agreements with key Healthy Country partners, and stakeholder groups will be supportive of Healthy Country work.	60		More capacity for Land & Sea Management Being secure on Country
Sustainable Finances	By 2020 Uunguu Land and Sea Management Limited will have sustainable financial capacity to manage healthy country.	50		
Workforce & Training	By 2015 ten Uunguu Land and Sea Management rangers will have the capacity to look after our country using traditional and Western knowledge, and by 2020 the ranger service will be managed by a Wunambal Gaambera person.	60		
Getting back to Country	By 2015 five Wunambal Gaambera families will have the opportunity to live and/or visit their traditional country and by 2020 all families will have this opportunity.	60		People living on country More capacity for Land & Sea Management
Land Use Planning	By 2020 land and water title and tenure will be secure and healthy country principles will inform land use planning	50		Sustainable industries exist for Traditional Owners Impact of Bauxite mining minimised

Uunguu



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