Customary marine tenure in Australia

Edited by Nicolas Peterson and Bruce Rigsby
Cover image

This painting on masonite was collected at Yirrkala by R. and C. Berndt in 1946–47. The artist is not recorded. Entitled Bremer Island turtle hunt, it shows a canoe, turtles, sailfish and waves breaking on the reef, a description supported by the famous artist Wanjuk Marika. Image P2070, from the Macleay Museum, University of Sydney.
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Note to the 2014 edition

Peter White

Most Australians are used to the concept of land ownership. The idea of ownership of areas of sea and its resources is foreign to them, but not to coastal Aboriginal communities. The papers in this volume demonstrate how this concept is developed in various communities, and some of the general implications of this. Originating in a session of papers at a conference in 1996, the papers in this volume were originally published as Oceania Monograph 48 in 1998. It was later reprinted, but this 2014 reprint will allow its important concepts to have wider circulation. Two more recent publications which expand those here are J. Bradley, Singing Saltwater Country (Allen & Unwin, 2010) and M. Somerville and T. Perkins, Singing the Coast (Aboriginal Studies Press, 2010).
Preface

Nicolas Peterson and Bruce Rigsby

This volume has its origins in a conference session held at the 1996 Australian Anthropological Society Meetings. The purpose of the session was to make a beginning towards enlarging our collective knowledge and understanding of the range and variety of contemporary indigenous systems of marine tenure. As has been widely commented on, such systems, both here and abroad, have received little attention until the last twenty years, yet there is not only a significant identification and involvement with the sea among indigenous peoples in Australia but it also plays an important subsistence role in the life of many Aboriginal and Torres Strait Islander communities around the continent. This importance is now coming to public notice following the passing of the Native Title Act 1993 (Cth) with more than 120 applications for determination being lodged over the coastal waters by the end of 1997.

In April 1997 proceedings began in the Federal Court in the first application for recognition of native title in the sea in the case of Mary Yarmirr and others v the Northern Territory of Australia and others before Mr Justice Olney.

Unlike the Mabo case and the recognition of native title in the land, the Yarmirr case comes against a background of a paucity of published research into indigenous marine tenure. In the light of the land claims experience it seems important to build up knowledge and understanding of the complexities of the marine tenure systems among the public, government, lawyers and the judiciary if Aboriginal and Torres Strait Islanders claims and rights are to be understood and assessed properly. We see this volume as a first step in the process.
We would like to thank Anthea Bundock for assistance in preparing the manuscript and Kevin Cowan for drawing the figures. We would also like to thank Oceania’s editorial and office staff, and the two anonymous readers for their helpful suggestions for improving the volume.