

Submission
No 1009

INQUIRY INTO RECREATIONAL FISHING

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Dear Select Committee Members

Submission to Inquiry into Recreational Fishing

We apologise for the lateness of this submission.

Aboriginal people have fished NSW waters for many thousands of years. All resources were utilised in a manner that ensured their future sustainability. Many Aboriginal people continue to fish, gather and use a wide range of marine and freshwater resources in a culturally appropriate manner, and assert their continued right to carry out these activities.

1 (a) Marine Protected Areas and Parks

The National Native Title Tribunal have facilitated a national process which ensured that the cultural fishing rights of Aboriginal people could continue, without regulatory confinement of the rights of Aboriginal people, and allow for equitable access to commercial fishing opportunities (Tab A).

Many Aboriginal people in NSW support this process and would like to see the above principles applied to Marine Protected Areas and Parks. All of these parks have been created after the commencement of the Native Title Act 1993, and none of them have followed the future act provisions of that legislation.

Many Aboriginal people in NSW have not been properly consulted on the areas of significance to them in Marine Parks. Many Aboriginal people believe that the areas that have been declared as sanctuary areas are in the wrong location for successful species and ecosystem management, and conversely that many areas which should be reserved as sanctuary areas have not been. This is a direct result of not properly consulting Aboriginal people.

Conservation, fishing and social and cultural outcomes of Marine Parks would be supported by a properly funded Cultural Values of Marine Parks program.

Aboriginal people should be able to co-own and manage Marine Protected Areas and Marine Parks, just as they can co-own and manage National Parks and Conservation Areas. The current Marine Parks Act does not allow for such an outcome. It is an oversight and should be amended to allow co ownership and management.

1(b) Representation on Trusts

Aboriginal people are not properly and effectively represented on all Fisheries and Marine Parks Advisory Boards. In particular, it would be desirable to have at least two Aboriginal people on each Fisheries and Marine Parks Advisory Board and Trust Committee.

These people should have good relationships with the proposed Aboriginal Fishing Advisory Committee.

1(c) Value of Recreational fishing

Many Aboriginal people who regularly fish within the recreational fishing limit, fish to feed not only their family, but also others within the Aboriginal Community. It is a very significant source of low cost protein to many Aboriginal peoples diets, and therefore a public health issue, as well as a fishing issue. Access to this important source of protein will reduce costs associated with public health.

1(e) ESD and recreational fishing

We note that it is the destruction of estuarine, freshwater and marine habitat and a continued decline in water quality that is the single greatest threat to ecologically sustainable fishing – both commercial and recreational.

Until breeding, feeding, nursery habitats and water quality is properly protected from mining and inappropriate development, recreational and commercial fishers will continue to see their precious fisheries reduce in size, and the conflicts between various users of that diminishing resource will escalate.

We are also concerned that the Australian Salmon numbers appear to be increasing to the point where they are having a detrimental impact on parts of the marine ecosystem. In particular, they have a huge impact when they go through the Batemans Bay Marine Park.

Conclusion

We invite the Select Committee to visit the Aboriginal community at Wallaga Lake and visit the Aboriginal fishers at Mogo to discuss the issues raised above when you come down to the Batemans Bay hearing. We would also like the opportunity to address the public hearing.

Yours sincerely

Danny Chapman



THE PRINCIPLES COMMUNIQUÉ

ON INDIGENOUS FISHING

PREAMBLE

This communiqué has been endorsed by representatives of:

- Indigenous bodies, including Native Title Representative Bodies and Aboriginal and Torres Strait Islander Commission (ATSIC) Commissioners;
- State and Northern Territory governments and the Australian Government;
- National commercial fisheries interests; and
- National recreational fisheries interests.

This group of stakeholders evolved from the National Indigenous Fishing Technical Working Group (NIFTWG) which formed in October 2003 following a national Indigenous fisheries conference convened by the National Native Title Tribunal (NNTT).

In March 2004, the NIFTWG identified three possible pathways for progressing Indigenous aspirations linked to marine and fisheries management. The preferred pathway - Pathway 2 - involves the development of policies based on:

- (i) Defined customary fishing rights that exclude commercial activity
- (ii) Mechanisms that facilitate Indigenous involvement in marine and fisheries related businesses.

The scope for Indigenous commercial participation includes new and established sectors of the fishing industry, including aquaculture, as well as the charter industry and other emerging opportunities in fisheries-related tourism and recreation.

This group proposes a set of general principles to guide the future development of Indigenous fishing strategies within the sustainability limits that currently apply to all other stakeholders. The Principles are an articulation of Pathway 2, a policy-driven response which is favoured over litigation.

Indigenous representatives' support for these Principles does not affect the legal rights of Indigenous people or limit their scope to pursue other options. However, it is considered that strategies that provide Indigenous people with (a) lasting recognition of customary fishing practices; and (b) increased opportunities for economic engagement in fisheries-related enterprises, have a greater capacity than litigation to deliver practical outcomes within the foreseeable future.

This group acknowledges:

- that the Principles are mutually dependent and informed by the Preamble; and
- that future communication between stakeholders will be central to long-term change.

PRINCIPLES

1. Indigenous people were the first custodians of Australia's marine and freshwater environments: Australia's fisheries and aquatic environment management strategies should respect and accommodate this.
2. Customary fishing is to be defined and incorporated by Governments into fisheries management regimes, so as to afford it protection.
3. Customary fishing is fishing in accordance with relevant Indigenous laws and customs for the purpose of satisfying personal, domestic or non-commercial communal needs. Specific frameworks for customary fishing may vary throughout Australia by reference, for example, to marine zones, fish species, Indigenous community locations and traditions or their access to land and water.
4. Recognition of customary fishing will translate, wherever possible, into a share in the overall allocation of sustainable managed fisheries.
5. In the allocation of marine and freshwater resources, the customary sector should be recognised as a sector in its own right, alongside recreational and commercial sectors, ideally within the context of future integrated fisheries management strategies.
6. Governments and other stakeholders will work together to, at minimum, implement assistance strategies to increase Indigenous participation in fisheries-related businesses, including the recreational and charter sectors.
7. Increased Indigenous participation in fisheries related businesses and fisheries management, together with related vocational development, must be expedited.

¹ On 16 March 2005 Parliament passed the ATSIC Amendment Bill repealing provisions of the ATSIC Act, and in particular abolishing ATSIC. The legislation received the Royal Assent and was proclaimed with effect from 24 March 2005