

**INQUIRY INTO COMMENCEMENT OF THE FISHERIES
MANAGEMENT AMENDMENT ACT 2009**

Name: Name suppressed

Date Received: 17 January 2022

Partially
Confidential

Submission on behalf of me as an individual whom has lived, been part of and is now restricted in practicing a birth right under my culture that has been handed down to me from my mother, father, grandparents and other family and community members.

FISHERIES MANAGEMENT AMENDMENT ACT 2009 - SCHEDULE 1

SCHEDULE 1 – Amendment of Fisheries Management Act 1994 No 38

[27] Section 21AA

Insert after section 21:

21AA Special provision for Aboriginal cultural fishing

- (1) An Aboriginal person is authorised to take or possess fish, despite section 17 or 18, if the fish are taken or possessed for the purpose of Aboriginal cultural fishing.
- (2) The authority conferred by this section is subject to any regulations made under this section.
- (3) The regulations may make provision for the management of Aboriginal cultural fishing as authorised by this section.
- (4) Without limiting the above, the regulations may:
 - (a) prescribe the circumstances in which the taking or possession of fish by Aboriginal persons for the purpose of Aboriginal cultural fishing is authorised by this section, and
 - (b) specify restrictions as to the quantity of fish of a specified species or of a specified class that may be taken by or be in the possession of Aboriginal persons for the purposes of Aboriginal cultural fishing as authorised by this section.
- (5) The Minister must not recommend the making of a regulation under this section unless an advisory council for the Aboriginal sector of the fishing industry has been established under section 229 and the Minister certifies that the advisory council has been consulted on the proposed regulation.
- (6) A person does not commit an offence against section 17 or 18 in respect of the taking or possession of fish if the taking or possession of the fish is authorised under this section.
- (7) This section does not prevent the issue of a permit under section 37 for Aboriginal cultural fishing purposes.
- (8) This section does not authorise an Aboriginal person to do anything that is inconsistent with native title rights and interests under an approved determination of native title (within the meaning of the Native Title Act 1993 of the Commonwealth) or with the terms of an indigenous land use agreement (within the meaning of that Act).

FISHERIES MANAGEMENT AMENDMENT ACT 2009 - SCHEDULE 1

- (1) An Aboriginal person is authorised to take or possess fish, despite section 17 or 18, if the fish are taken or possessed for the purpose of Aboriginal cultural fishing.

Current situation for a lot of Aboriginal people in NSW wanting to access, catch and practice culture by the water and in the waters of NSW seas, rivers, lakes and estuaries.

There are lots of our people all over NSW who are being put under surveillance, chased down and fined for taking fish/seafood for their families (cultural purposes) and community. The Fisheries Officers are not doing right by our people when they are out on country, doing cultural activities, which connect us to country, keep us healthy and provide for our families and communities, they're using surveillance, waiting for our people to get their catch and chase them to their vehicles, Fisheries are using a form of entrapment by doing this. Their job is to educate people (mob or other) about catch sizes, bag limits, protected species, vulnerable ecosystems and encourage sustainability of species. Not create disharmony, apprehension of getting a feed for family or community from the water, denying access by land locking places or putting in sanctuaries that have sustained our people for thousands of generations.

Especially when you go to Seafood Markets (Shellharbour, Nowra, Wollongong, Sydney) and the catches are undersized or protected species. Where is the justice and understanding for our people who aren't using boats that take more than they should regardless of permits, there is no thought for sustainability and future generations and knowing what species are vulnerable or need protecting (like we did with Middens).

I come from a fishing family from the north and south coast of NSW and over the years have seen diminished stock, lack of control of sustainability, lack of access to places our people have gathered at over many generations, regulations that go against the cultural science behind what we have done to collect for our families and communities - which we cant do now without a permit or NSW Government giving us permission, Elders not being able to share knowledge of places, species and practices they were taught over many generations, middens are disappearing, pest species taking over areas where collection and species were abundant, allowing non-Aboriginal people to take in abundance and not be accountable, being called poachers when we are practicing our culture, Aboriginal people becoming unhealthy and lost in today's society, no economic outcomes in the Fishing industry and younger people missing out on the enjoyment of the water and sea country as part of their cultural heritage and values in NSW.

The amendment to the Fisheries Act has not been put into place by NSW Fisheries and continues to create disharmony in our lives and communities.

Yes there are some people who do the wrong things, but the majority of our people just want to be able to get a feed for themselves, family and community. this is true of all cultures, but for us as Aboriginal people especially those from sea country and water people we suffer the most in our health, our connection to country, our cultural values, gathering in places that give us revitalisation and being able to pass on cultural knowledge to future generations.