

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

Name: Name suppressed

Date Received: 30 May 2022

Partially
Confidential

ABORIGINAL CULTURAL FISHING

Dear Sir,

I am in my mid sixties, born & bred on the far south coast of NSW. I have been a very keen amateur recreational fisherman for most of my life. My father taught me to fish & instilled a sense of responsibility in this pursuit. In the mid 1960's, well before bag & size limits, dad always said; "don't take more than we need or there will be nothing left for the future".

I am concerned about the use of "cultural fishing" by aboriginals as an excuse to break laws on bag & size limits of fish.

The Fisheries Management Act 1994, defines cultural fishing; "fishing activities and practices carried out by Aboriginal persons for the purpose of satisfying their personal, domestic or communal needs, or for educational or ceremonial purposes or other traditional purposes, and which do not have a commercial purpose". What is missing in this definition is that cultural fishing should only apply to the use of **traditional** fishing techniques. As soon as modern aids such as; rods, reels, boats, facemasks, commercially produced nets, etc are used the term "cultural" should not apply, then normal laws must apply.

I would like to relate some incidents that I consider to be wrong, wrong, wrong.

Ten or so years ago a group of aborigines visited the mouth of the Bega River at Mogareeka, where they took every welk they could find. They filled a lot of large buckets with these shellfish. Even today the welks have never returned to the numbers that existed before this harvest. The number of welks they took could not be thought of as personal needs.

Several years ago I was fishing the Murray River near Albury & spoke to a bloke catching Murray River crayfish, he had a big mesh bag full. When I mentioned that it was illegal to take these fish out of season, he laughed & said "he was aboriginal & could do whatever he wanted".

Early this year we had a good run of prawns in Wallagoot Lake. Spending a couple of hours legally prawning I was able to catch a few kilograms of prawns. But on two occasions that I can confirm, aborigines from Bodalla (two hours drive) used a boat to get to the area of the lake where the channel starts to go to the entrance to the sea. These aboriginals pegged a net across the channel & as the tide went out harvested far more prawns than anyone could possibly call a "cultural" catch. I believe that on one occasion the aborigines were spoken to by two local fisheries officer before putting their boat in the water & still allowed to net the channel. Downstream there were a lot of recreational fishermen struggling to catch a couple of kilograms because most of the prawns were being caught as they left the main lake. These blokes didn't take the time & effort to drive down from Bodalla & net these prawns for "cultural" reasons, this was a commercial operation. Please note that DPI regulations on Wallagoot Lake stipulate that nets are not to be used from November to the following April. But the netting was allowed.

The aboriginal community is complaining that they are disproportionately represented in crime

associated with fishery regulations. This is because they blatantly disregard these regulations voicing the opinion they should not apply to aborigines.

Bag & size limits on fish are based on scientific reasons, so that there will be fish for the future. Why are aborigines allowed to flout these regulations? Everyone should comply with these laws for the good of the fishery. The laws should apply to all Australian, with no exceptions.

I would appreciate if you could have the definition of cultural fishing in the Fisheries Management Act amended to state "using traditional fishing techniques only".

As a further suggestion I think it would be appropriate for DPI Fisheries to have a travelling educational seminar explaining the law to aboriginal groups in various locations.

Note that this is National Reconciliation week & the following quote is from Reconciliation Australia's website; "Goal: Aboriginal and Torres Strait Islander Australians participate equally and equitably in all areas of life". My interpretation of this quote is that all laws are applied to all Australian without bias. Please make this happen in NSW fisheries.

I would appreciate your action & comments on this subject.

Regards