

**Submission
No 11**

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

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Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture inquiry into the failure to proclaim the commencement of Schedule 1 of the Fisheries Management Amendment Act 2009 concerning Aboriginal cultural fishing

Submission dated 21 January 2022

From: Stewart Davison

Thank you for the opportunity to make an individual submission as a South Coast Aboriginal person to the Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture inquiry into the failure to proclaim the commencement of Schedule 1 of the Fisheries Management Amendment Act 2009 concerning Aboriginal cultural fishing.

I am a South Coast Aboriginal person. I identify as a Walbunja Yuin man.

I've got eight kids but I've come out of a long line of fishermen. My father, his father and their fathers and I come from a family of fishermen and divers. So it's just a big part of life. The way of life. I always do what I was taught by me grandfather, 'you never take little ones, or you never take two big ones.' If we're diving, there's 5 muttnies (mutton fish) on a rock, we only take two move on. And yes, all them little things you picked up. Because we're South Coast people and it's just a tradition that we've done for thousands of years. We obviously live by the sea and we always have, and it's the main source of food and it's good healthy food.

Interactions with fisheries

I've been pulled up in a car before, going out the highway at Bendelong, and the car has been pulled up by the police. Car searched and all this crap saying that they had is some footage diving, but we never had anything on us. We're just looking for lobsters and didn't get any. So yeah, they've gone through the whole car and put us on show and made a big scene, but there's nothing. Never had anything. That was a police vehicle and we had to sit on the side of the road for about 10 minutes waiting for fisheries to rock up. That instance would have been about 10 years ago.

I've had more gear and my wet suits taken off me. Never the car or anything. It wasn't in my car.

It's been very heated. Obviously, on both parties. The fisheries, sometimes I've dealt with fisheries that are very aggressive and they're pretty bloody dominant and sort of passive aggressive. You know we have our foods get taken off our kids tables, so obviously we're not gonna be very happy about it. So, it's been heated, but never any physical violence.

Interactions with the legal system

Couple of mates were diving in Sussex Inlet after me mate's funeral. So we had a mob was running the feed and we got pulled up by the fisheries and bags searched and we was over the bag limit. They confiscated all my gear and wet suits. It's going through the court and all that crap. I missed one of the court dates 'cause one of my kids is sick and I was found guilty

in my absence, whereas I was going to fight it and plead non-guilty. I didn't believe I was guilty of it. But yeah, I was found guilty in my absence.

Only just recently, me and my uncle, we were diving just down at Narooma and we got done. Fisheries pulled us up just before Christmas and was over the bag limit, so they confiscated all our fish and all our haversacks and actually it got dragged through court for four years. In the meantime, I'd moved to Tweed Heads 14 hours away and I still have to come down here to Narooma, travel 14 hours with my 8 kids to stand in the courtroom for five minutes and then have them adjourn it. I'm a single father, just to stand that courtroom for five minutes and it be adjourned every time. So they called the 11th hour or something. They withdrew and dismissed the case before they could hand down the verdict after four years. But I knew from before if I didn't come to the court, I'd be found guilty in my absence off the court case before that.

[I had to go to court] at least 10 times I'd say in that four year period. We just used the legal service. With the accommodation stuff it was easily up to \$2000 at least. Dragging the 8 kids all the way down from near to Queensland border. It was about, maybe six or seven months ago when it all finished. So yeah, it was pretty costly exercise.

From the first time I was charged with over the bag limit, with a couple undersize. The second time, the one we just beat, that was withdrawn, we were charged with over bag limit and trafficking, which I think is just ridiculous.

Personal impacts

Fitness and the nutritious food what we usually eat 'cause, like I said, we practise this a lot. And when we were made to believe we were bloody criminals for doing it. So I couldn't really do it. All of these court cases were pending and stuff 'cause I was too scared to. Bloody to get pulled over again and fined or whatever while the court cases were going on. They've made us believe that we're doing something wrong when we're not. Even when we're on our own Grandmother's Country, doing what we've been taught all our lives. We've still got a fear that we're going to have our catch taken off us.

Impacts on community and family

That's [the inability to pass on cultural knowledge] all come with it because we because of that fear. You know, we're made to believe we're doing the wrong thing and that, sometimes the kids have to be left home and stuff. And it has had a big impact, 'cause the kids have to come with us and watch and watch all that stuff before they can get in the water and do it themselves. The kids are the ones who are missing out because of it. We haven't been able to practise it [cultural fishing] with the kids like we're meant to be passing down all these skills and that. But we, like I said, sometimes we have to leave the kids home now when we're going diving because we were made to believe it's against the rules. And in a sense, we're sort of sneaking around because of that. My sons and that, it's in their blood. They want to come diving with me every time but. Sometimes they have to stay home and even they know now, that they're made to believe that the fisheries, they're against us.

Outcomes

I think it [the commencement of s 21AA) should have been done long time ago. I think they need to have more consultation with the local Koori communities. Take on board a lot of that knowledge and that's been handed down over thousands of years and some stuff you just can't learn by reading the book or going the bloody TAFE - you just have to listen to people who know, who've been taught by the real pros. We've done it for hundreds of thousands of years.

The sanctuary zones are no good. Because, it's just like sending the one cow out into the one paddock. You've got to change the paddocks around. At the moment, they've got the sanctuary zones that have been enforced for a few years and they haven't changed, which means everywhere around them is getting overfished.

They need to recognise the Traditional Owners for this Country. People who've been doing this stuff for thousands of years. They're putting these laws in to protect their own money, pretty much the primary industries. It's our way of life and it's and I want it to be a way of life for my kids and their kids and their kids to come for a long time so. Yes, they just got to listen to the Traditional Owners, the people have been working this country for hundreds and thousands of years. And you can't put a price on that.