

**Submission
No 18**

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

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Date Received: 22 February 2022

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: Nick Wade Glover

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 coastal Aboriginal person. I identify as Biripi from Taree. I have lived in the Illawarra region for 35 years.

I used to go and get abalone for feed and that there and I just stopped because I've been yeah caught three times and the fines are a massive so I just stopped.

Interactions with fisheries and police

When I got pulled up the first time though, they blocked the full road off, both sides, they had all these coppers in black gear, and automatic weapons pulled me and my misses up and her cousin's wife was in the car as well with her, her little girl and she was pregnant and they pulled us up. On the main highway out of Gerringong. They told us, you know, 'make a move and we'll use them'. It's disgusting.

I stopped [diving] because in was a fear for my own safety and my wife's safety on the beach 'cause you just don't know what these police are gonna do. They're always there and you just don't know what they're capable of doing, yeah? I don't care if you're recording but still today there's never been any police officers being charged with blak deaths in custody, and that's what I was frightened of. We just don't know what could happen to us. Might be different for everybody else. But you know, I got a wife and you know, it's just something I was very frightened of at the time, so I stopped. And then they called in two detectives from Nowra and they call in five coppers from the Illawarra as well to come along. I mean, all up I think there was about 15 coppers. That's with the ones in the black gear as well. Oh, it's very frightening. We're all frightened because they told us, you know, 'you make. A move and we'll use them.' I wonder why I'm grey now.

We got pulled up, we had to go to Shellharbour fisheries one day. We only went down there because they [fisheries] were taking photos of my wife's cousin's place and we just went down there and then they call the police on us and all my wife was doing was going to her car and he said, 'you make another move...' and he had his hand on his weapon, the police officer. He said 'I will use it'. So we said 'you stay where you are.' The fisheries were saying that we were very abusive. We weren't abusive at all. We only wanted to find out why they're taking pictures of us. They shouldn't even take pictures of any Kooris at all. They had no right to take pictures. I know it sounds terrible, but I'm telling the truth.

[In another instance] there was a whole heap of us there, but I was the one that had the car and they were caught in my car. So you know, I just they just said to me 'you're in your position so you're the one that's going to court for them.' I'd say 6 [other people were diving]. Now they all got big families and that you know. We just can't work out why we can't get them and have a feed.

Interactions with the Courts

Couple [court appearances]. We used Aboriginal legal aid. The last time I went to court, court finished at 9:30 at night. That's how many people is in there. And I was the last person in the court, and I had to leave. You know I had to catch a plane to go to Queensland because I was doing a bit of work at the time and that's when he said to me. His name was Magistrate Pearce. He told me he said if I turn up in front of him again, he said 'you bring your toothpaste' he said. 'You're gonna do a long time in jail.'

Personal Impacts

I've been the courts three times and fined over \$16,000. And I've had three lots of diving gear been confiscated. The first lot would have been the most. That would have been about 300 bucks worth, that was with diving suit. I mean that with the flippers, goggles and snorkel, and gloves. That would be the first one. I think the last, the second one would have been around 180 –200 and the last one I think was about 100 bucks 'cause all I had was goggles, snorkle and flippers and gloves. Nope [I never got that gear back].

The impact would be- And I'll be straight up with you, nightmares. And I tell you I've started up drinking when I first went away after the last one [court appearance], but I've stopped now. I sort of sorted myself out. Yeah, it's not a nice thing what they did, what they do to people, you know? If you were out there, you'd see exactly what they do and how they handle it. It's just disgusting. You know it is really a terrible, frightening thing what the coppers do. I haven't been to the beach in 10 years. That's how worried I am. Because they told me, even the fisheries told me and the coppers told me if we get caught near the water and the judge even said you going to jail so I don't go. I don't go. Anywhere near the beach, 10 years since I put my foot in the water. It's not good; we all like swimming.

Recommendations

I want us to have our rights back. I wanted to have a bit of freedom on the beach. I want us. I want us to go and do what we'd like to do on the beach, not be controlled about white people on the beach telling us how we can do it and how they want us to do it. We don't need them, we just go along. We should be able to fish. We should be able to get abalone. We should be able to get lobsters, have a good time set up to have a feed, and not worry about being harassed. That's my idea. You go along to the beach is now you won't see any Kooris on the beach 'cause they're too frightened that they'll all think they were diving or doing something we shouldn't be doing. But that's my idea. That's what should be changed. We should be

allowed to go on and sit out on the on the rock, go for a dive, get back up on the rocks, have a feed and do it, and take some homes. And to freeze, so we've got some for later. But yeah, we just can't do that you. You're too frightened.

Nicholas Glover