

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

Name: Mr John Carriage

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SUBMISSION TO THE INQUIRY INTO THE COMMENCEMENT OF THE FISHERIES MANAGEMENT ACT

JOHN CARRIAGE

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I am John Henry Carriage. I am a Walbunja man. My father was John Henry Carriage Snr and I follow in his footsteps, and those of my ancestors. My father's father was Stanley Carriage and his father was Stanley (Snapper) Carriage too. They were born in Batemans Bay. I was born in Moruya 1979.

Back in my father's day and my grandparents' day, our people were denied their rights as human beings, denied their rights to live, to build a home. My grandmother and my great aunt and all the old people, used to travel up and down the coast from Malacoota to the other side of Wollongong. They used to do seasonal work and they were also running away from the welfare. They used to say, 'when you see a flash car coming, run!' Back in them days, whitefellas had jobs to round my people up and put them on missions. Their lands and waters were taken from underneath them. They treated them like animals. Animals is what they were, according to the white man.

I remember my father telling me the story of how he and his parents were moved from Wallaga Lake to Nerrigundah, squeezed with others, on the back of a truck. It makes me very sad and angry to think about my father back then and the treatment he faced growing up. To my understanding of my father's up-bringing, it was about surviving off their natural resources; bean picking at the farms at Nerrigundah; fishing, diving, swapping seafood for meat at the butchers, anything he could do to look after his younger siblings. I would honestly say he was living it tough, struggling some days to survive.

When I was about five or four, that's when we moved down to Little Paddock. It's a grassy patch, whitefellas call it Burrewarra Point, near Barlings Beach. Me and mum and dad lived in an old abandoned panel van. The Parsons, who were related to us on my father's side, were on the sand dune. Aunty Coop, Georgina Parsons, and her family lived in a humpy, tin shacks. They set up their camp in the sand dunes, and mum and dad set up over on the headland. That's where I learned all my swimming and diving.

As a young kid, living at Little Paddock, it was the best part of my life. Having the beach, the ocean, as my backyard. My father and Uncles would take us collecting, gathering, to collect our natural resources, such as muttonfish (abalone), lobster, conks (cockles), periwinkles, sea urchins, fish, snapper, groper, bream, drummer, black fish - everything edible out of our waters we would collect and gather. Every afternoon I was collecting and gathering the firewood. My father, like his father and his grandfather, were great handline fishermen, especially for snapper. Our people didn't have much money, it was hard to find work. We didn't have much. My pop, years ago, used to run the Broulee Tip. Dad used to get old bikes from the tip and fix and paint them up for Christmas presents for me and my brothers and sister. To us they were special, we loved them.

Those days living at Little Paddock were the best days of my life - until one day we moved to Mogo. It was strange that we just left. Us kids loved that place. To us that was ours. I loved that home dad

and mum had at Little Paddock. Some people came and took the land, said we weren't allowed there anymore. I was pretty young back then. All our family, we went back to my Nan and Pop's house at Mogo. It was crowded at Nan and Pop's but us kids loved it. We were altogether, still living as a big family, you could call it our own little tribe. There was a lot of families in Mogo – big families. Mogo was mostly all aboriginal families. We all knew each other. They were the best days as well.

Being back at Mogo didn't stop our connection to the ocean; it did not stop us from collecting, gathering our natural resources from the land or water. I still, to this day, know all the camp sites we travelled to from Mogo. We had camp sites from Dalmeny to North Durras. We would camp for days to weeks. Dalmeny Lake, Bingie, Sliprails, Barlings Beach, Cullendulla and Depot Beach were some of our favourite places. Those spots were where we would collect and gather bimbulas (turban shells), oysters, crabs, bream - all edible shellfish and fish we knew we could eat. It depended on the weather and whether the ocean was angry or quiet or what seafood we were after which place we went to. If the ocean was angry (rough), we went to the lakes and rivers. I think mum and dad and my Uncles and Aunties liked to keep going back to all their special camp sites. It's always good to go back to these places, keep the spirits alive, keep the land occupied.

To me, I think the best gifts were teaching and the knowledge I learned off my mother, father, Aunties and Uncles. That knowledge ranged from camping, diving, fishing, poisonous animals, safety and to never leave no-one behind. If five of us went to the beach, we made sure five returned. I remember we were always told to look after each other, no fighting amongst ourselves or we would be copped. If anyone had hurt themselves and was crying, we would make sure he or she was better before taking them back to the camp – or else.

At the different camps we occupied, our fathers and Uncle would tell us stories, always dooligah stories, always at night. Depot Beach had the little dooligahs. They weren't very tall. They used to throw little stones and sticks towards the camp. You would just smell them sometimes, just see their black figure. Other camp sites had their big dooligahs, very fast runners. The dooligahs would come and eat all the leftover foods what was cooked or left around the camp. A lot of these stories are well known stories up and down the South Coast. All us kids would be sitting altogether, listening closely, moving closer to each other. Before you knew it, we would be sitting on our fathers' laps.

My Auntie Coop, my grandmother's sister, she was a good fisherwoman and diver. We all looked up to her. We kids used to walk around with her and get lobster and abalone in the shallow water, knee high. Later, as a young kid, my father and Uncle Bugs (Auntie Coop's brother) and Uncle Owen, they used to take me down to Rosedale. We used to walk and swim out to Rosedale Island, diving and fishing all day. Mum and my aunties'd be on the mainland. Sometimes Dad would wake us up at five o'clock in the morning. Me and my brother would collect crabs for him. He'd light a fire. He was the best handline fisherman. He used to catch big snapper off the rocks.

That was our livelihood, eating seafood and swapping and bartering. Back then none of our people had jobs. They hardly had any money. They took seafood and bartered it with the butcher or shopkeeper or sold it for a bit of cash. Our elders used to tell us, 'go take some lobsters, take them down to shop, make yourselves a couple of dollars' 'If youse want money, there's heaps of money in the water'. This was part of our way of living and they didn't see anything wrong with it. A lot of families net fish, lobsters, oysters, to sell in community. We pickled bimbulas (turban shells) in a jar with vinegar and sold them for \$5. We used to get free entry at the carnival for a jar of bimbulas. A jars of oysters would be \$5 or \$10.



My aunty Coop and Mum at Bingie Point

At Mogo, my older cousin used to make spears and we would spear the estuary mullet off the Runnerford Bridge at Mogo. One of my family's favourite places to camp was Cullendulla, on the Clyde River. Cullendulla is a good spot for kids to learn to swim, dive and fish. You can catch bream and blackfish or get oysters and blue swimmer crabs. My uncle Nipper still lives near there and takes the kids to fish and collect shellfish. Our family's connection to the Clyde River goes back at least to the 1850s or 1860s. One of my ancestors John Pittman was born there. He is one of eight of my ancestors who are apical ancestors on the South Coast People Native Title claim. Through them, me and my family are tied to Batemans Bay, Broulee and Moruya, and places to the north, at least as far as Jervis Bay, and south to Cobargo.

On the south coast, people know the different families. If I meet an old blackfella for the first time, he'll ask my name. He'll say, 'who's your Nan and Pop?' Soon as you tell the elders Nan and Pop, they get right into, 'you're related to this one and that one'. Anywhere on the south coast. I always feel a lot better on the coast. Out west I don't know the area, the bush. It's a bit awkward. They're different blackfellas.

My father, my uncle and aunts taught me to respect our resources. Whitefellas destroy everything, wipe everything out. If you are right into your culture, it's more spiritual. We never took

too much. If my dad caught a monster snapper, we'd go home. It was enough to feed us. We were also told not to be greedy but to share our catch.

We learned about the winds and the currents and the seasons. We were told not to take the big breeders of muttonfish; to take the male mud crab, not the female; and not to take all the lobsters out of a nest. You always leave a few there because they'll come back next year; lobsters always return to where they were born. With lobsters, in summer-time you don't get as many. Winter-time is best. Muttonfish are around all year.

Our Uncles taught us young ones and then we started going out by ourselves. Me and my cousins used to go down and camp at Barlings Beach after school, on the weekends. We used to dig a hole in the sand dunes and light a fire to keep warm, lie on our boogie boards and wet suits. If it rained, there was a cave on the other side of Barlings lookout. We took a bit of food which we ate on the first night and then we collected periwinkles, conks and whatever else we could get to keep us going.

Us kids, back then, we were full of energy. We loved that way of life. The life I lived back then, with mum and dad, we all grew up strong. I wasn't very smart at school but I was survival smart. Through school I was denied proper education - I believe through racial discrimination from other students, white students. Going to school back in the '80s and '90s, racism was very much alive. From first class to year six was about survival for me. Going to school, being called coon, abo, monkey, anything these white students knew what was racist towards us Aboriginals, they would call us. Over the five years in primary school, I was suspended a lot of the times for standing up against racism by white students. I learnt how to fight. The teachers never did anything about this behaviour from their white students. It was easier for them to suspend the black kid. Our schools back there were there to fail us black kids. There were never intentions of giving us an education, is how I see it, and it's my belief the same went for high school. I took what I was taught at primary school to high school and dropped out of school at a young age. I wasn't being taught or treated equal to the white students – what was the use? I more or less got sick of defending myself getting in trouble, so I had to leave school.

After leaving school, I started using my knowledge I learnt from dad and Uncles how to make money from diving, fishing and collecting. I collected oysters and bimbulas, put them in jars, and sold to my aunties and uncles. The same with mutton fish and lobsters. I traded, swapped and sold to Chinese, to uncles, aunties, restaurants, butchers, where it helped me to live in today's society. From the age of 14 to 20, I supported myself. I didn't have a family of my own yet.

It wasn't until I had my first son, my own kids, that collecting my natural resources, muttonfish, lobster, that it became my job. I love the ocean; I love the water. I've been using my resources to live in this society we live in, under the NSW government and the Australian government way of living. To survive for over 20 years, my natural resources provided for me and my children. It was only back in 1999, I think, is when I started getting criminalized for living off my natural resources - whitefellas, the NSW government, branding me as a poacher, rapist, destroying the environment. I was getting fines, jail, constantly getting my catch and dive equipment stolen. For years the court system and the NSW Government was trying to make me believe I was doing the wrong thing – 'I did not own nothing. Aboriginals own nothing. Youse do not have rights.' They scared a lot of my people out of the water, threatening them with jail time, fines, the lot. It is still happening today.

We are only allowed to take 10 abalone per day but that isn't enough. We like to eat some of the catch out on the rocks, then I take some to my mother and father, to my uncles. I take some home

for my partner and my kids and put some in the freezer. You can't go out every day. Sometimes the weather and the currents are too rough to dive. I share that food with my in-laws too. There aren't many of us diving these days and there are a lot of people to feed.

There are no mainstream jobs down the coast for us blackfellas, only a small number of government-funded jobs, not enough for everyone. I've got to feed my family, pay bills. Sometimes I barter some seafood for a load of firewood or a car battery and you can't live in this world today without some cash. We're not doing anything wrong. We've been taught to take and use our natural resources. I just believe that's my trade. I prefer to go out diving and support my family that way.

The DPI they get us in the court, they say we're the reason there's no muttonfish. Fisheries don't understand. My dad and my uncles taught me where to dive and when to dive for muttonfish (abalone) and lobsters. There are black lip and tiger lip muttonfish and further down Eden way are the green lip muttonfish. We've got all our secret spots and its always there for us. My father and uncles dived these places, I'm diving there and now my sons. I just have a flathead screwdriver. When you go out deep you can see all the muttonfish. You dive out deep and see big rows of them and sometimes upside down on the rocks. There's Aboriginal divers in each community and they each got their spots. I'll start at one, and my son, my cousins, the nephews will have one. We'll rotate and give each place a rest. If I dive one spot, I won't go back for at least two or three weeks. I go from Pebbly down to Bingie Point. By the time I go back here, all my little spots are filled up again. We don't take all the muttonfish and the muttonfish just keep coming back.

age 11 with fishing rod and muttonfish

I've been teaching the things I know to my son, . He's been in water since he was six or seven. He used to come and hold the bag. He used to hang on around my neck when I dove. He's

one of the best little divers. When I take the kids, it makes me feel better, teaching them and we're having lunch on the rocks. It's one of the best things about going fishing and diving is taking the kids with me. They look up to you, and that, they look up to you. To be out there on the rocks and you've got your son beside you. We'll sit down together. We compare our catch. Some day's he'll get more than me. I'll look at his catch and I'll say, 'Son, you're really good'.

The picture above is a photo of my youngest son, , when he was a baby. Now he is two. I took this picture with a ring of muttonfish around him. It shows his connection to the ocean. My hope is that he will learn to dive and to provide for his family from the sea like me.



Teaching my little son in the water. This is a Banjo shark.

These days, it is hard to get to some of our old camping grounds and fishing spots. They block entry with gates and we get moved on. I set up a little camp at Durras where I could stay and fish and dive. I didn't have anywhere to stay when I was at Batemans Bay. There is a special breeding ground for lobsters in that area and I wanted to protect that place. Make sure it didn't get over-used. I put up a tarp and had some camping gear there but the National Parks took it away.

When I first started diving we used to get muttonfish and lobsters in rockpools at low tide. Me and my brother used to clog up the holes so the lobsters couldn't escape. Dad put his hands in. All dad used to have a snorkel, goggles and a pair of shorts. The commercial divers have cleaned out all the deep water and now there are less muttonfish. Today the professional divers come in with their tanks to where we dive. We can't dive without tanks out deep. They also have better access when the water is rough; we can't get out when its too rough. When I was growing up, you would see the commercial divers in the deeper waters, off-shore, a thousand metres out. My uncles told me they weren't allowed in with the gear they use. Over the years they've got closer and closer. They're diving in our spots. They're diving in knee deep waters. Sometimes we have to wait for them to move on and then all we'll see are the black dots where they've removed the muttonfish. They take everything and then we get the blame for it. We are branded as poachers on our own country. There are only twelve or thirteen licensed divers in NSW and they take 180 tonne a year between them. A kilo shucked is worth \$200; \$50-60 in the shell. We take small amounts and that has to be shared amongst all our people and we get charged for it.

The fisheries officers harass us, take our catch and our gear and charge us. They are always spying on us while we are diving. They'll sit in the bushes for hours and watch us. Some of us become well-known to the fisheries officers - there aren't many of us now - and they follow us around from beach to beach. Fisheries make it known to the white people that black people are poachers and criminals. To me that's racism right there. The white people stare at us and ring up the police, as soon as we

get out of the car. We used to dive a lot at Kioloa but the white people in the houses take it in turns to dob us in. There is a \$1000 reward for them in that.

We are criminalized by the Department of Primary Industries and Fisheries and we are criminalized by the media. In a newspaper article in the Illawarra Mercury (see link below), I was named and labelled as a poacher. I had been wrongly charged with breaching my parole conditions because an old case came up after I was released from jail.

<https://www.illawarramercury.com.au/story/934504/fairy-meadow-abalone-poacher-on-notice/>

We hardly get any help in the courts. The Aboriginal Legal Service tells everyone to plead guilty, because they say we will get a lesser fine. We haven't had a chance.

Although I have been in court about five times, went to jail and got big fines, until lately, I never stopped diving because I believe I am doing the right thing. A lot of the Aboriginal fishers and divers stop when they get threatened or charged. They get depressed and lose their way. And that's when they turn to drugs. A lot of my cousins have ended up alcoholics or on ice. That's one of the reasons I like to take my kids along, it gets them off the streets.

My little son had his first birthday in November 2020. We decided to organise a birthday party and invite our family and friends for a barbeque. My plan was to dive for some muttonfish, half to be cooked on the day and the other half to sell, so I could pay for birthday presents, lollies, bottled drinks. Then we'd have mad presents, a good first birthday; I wanted to get him an electric car. Two or three days before his birthday, me and my older son went down to Bermagui. We went there because the water was rough near home. We got down there about two or three in the afternoon and dove for a few hours. After we had finished our work, we travelled out to the highway. The coppers and the fisheries were waiting there. They blocked the road and pulled us over. They took our catch and our diving gear. I went home empty-handed. I'm still waiting to see if they charge me. I never said nothing, I never said they were for my son's birthday. I didn't want to swear and get upset because I already had a court case going. I went to dive again, the next day, just to get some muttonfish for the barbeque. The whole time I was wondering if I would be able to get those shells home.

I've been accused of trafficking and being involved in the blackmarket with Chinese people. It's not like that. Even when you go see your Chinese friend, most of the time, they just give us a big heap of Chinese food, all this tucker. Sometimes I take these friends to my camp. I'd be down there with the main boss and a few of his cooks. They'll be mucking around the edges getting bait. I teach them how to count the waves, so they don't get swept off the rocks. As a kid, I knew about the Chinese people through my uncles. They'd approach them on the rocks. They still do that. We'll walk off with our lobster and mutton fish and a couple of dollars. Bartering and trading is part of our culture. Our old people have been bartering and trading forever.

Last October, I went to court to defend my right as an Aboriginal traditional owner to take my own resources and to continue with the life that I have been taught by my elders and that my people have been doing before white people came here. They had charged me with taking abalone, abalone that weren't even mine. They didn't listen to me in court. I got a fine of \$32,000 and a ban on going in the ocean. The judge has told me that next time I come in on charges I am going to jail. If they see me at the beach with a pair of goggles and flippers, they're going to take me away from my baby son for two years.

Me and my son, outside Bateman's Bay courthouse

Since that court case, I haven't been near the water. There's a lot of fear there. They've got this ban on me. I can't just have a swim. I can't get in and enjoy the water and take a feed home. Ever since I've been out of the water, we've struggled. I've been that broke. It costs a lot of money, especially through covid, the food's going through the roof. My partner has a part-time government funded job, it's a very small wage. With the barter, swap, trade and sell it helps me out in a lot of ways.

Since the court case, I've had bad health and mental issues. I've been smoking more cigarettes, drinking more alcohol than I usually do and had family issues. Being stuck at home has created tension and arguments with my partner. Usually, I am out and having my time at the water. Fishing and diving, it isn't just my job, it's therapy medicine. We men get on the rocks, have a yarn, have a laugh. It's like a men's group. We can talk about our problems, away from worries, kids, stress, society. It just relieves us. It's been hard, just not being able to do what I've been doing for the last twenty years. Go to the ocean, live a natural life. Feed my kids lobster and muttonfish. Go down and see my Chinese mate. I haven't been able to teach my two year old, the way I've taught his older brothers. I'd like to get a lobster for him to muck around with, put it in a rockpool, like I was taught and how I taught my older sons. I can't teach my son to use goggles, flippers. It's shameful too because the old people can't get in the water and when they ask me to get them a feed, I can't. Even cousins my age, who don't dive, want a feed. My mental health is so bad now that I am seeing a psychologist for counselling.

I've been putting on a lot of weight too. Diving is good exercise. Sometimes, I have to walk a long way just to get to my favourite spots and then we can spend hours out swimming. The seafood provides healthy food, for me, for my partner and kids, for my parents and my uncles and aunts. Without that healthy food, our people's health gets worse.

You got whitefellas, professional builders, land clearers. They've got all their trades. The government just want us to do their way of living. If we don't get a trade in building cars, houses, they think our trade isn't good enough to make a living from. I know about the ocean, I know the swells, the winds, when to dive, when not to, when the water's too rough. I've taught my son since he's seven. He hasn't broken a leg or arm, hasn't needed stitches, he hasn't drowned or half drowned. I'm teaching him the way my father and my uncles taught me and the way they were taught by their father and uncles. But the government thinks our knowledge isn't good enough for us to be teachers.

We are accused of poaching, raping and stealing. We think the fisheries officers are stealing off us! They've taken that much diving gear and our food. When I watch the professional divers in their boats, taking tonnes of muttonfish and making all that money, I think, who gives them the rights? I'm getting prosecuted, I'm getting criminalized. How did the government come to own our natural resources in the water and the land? They've just taken ownership of everything – DPI, NSW Fisheries, Forestry, National Parks. I ask them to show paperwork of ownership. They never prove how they become the owners of everything. Stood over, rape, killed, murdered – is that proof? We have to ask for permission. If we're not doing it their way, getting their qualifications, their way of doing things, we've got to go to jail. I'm getting threatened with jail. I've already been jailed.

And now I'm in court with my son; now they have my twenty year old son in the court system for muttonfish. I've taught him from the age of seven. He's the best diver. If he was to get a job at anything, that would be it, to feed the Australian people, muttonfish something he loves doing. But now he's being criminalized. I'm worried in seventeen years' time, they're going to have my two year old in court too.

I'm a Walbunja man, a traditional owner on the south coast. I believe it's my natural right to take my resources from the ocean. I'm a professional Aboriginal diver, that's how I was raised. I was brought up by the ocean. I've dived as a young Aboriginal boy. I've caught fish on the hand line. I've dived for lobster, muttonfish. I've dove hard, worked hard in that water. I should be allowed to feed my family. I wouldn't need the government money.

It's frustrating when you're good at something and you can't do it. Where do we get the money to be in that industry? To pay a million dollars for a licence. You'd think they'd have a place for us to make a living. We can't do nothing with our natural resources. We don't get a share in the wealth that comes from our resources. They say 'you ain't getting any of your muttonfish. Shut up and eat your muttonfish and lobster.' They don't want to acknowledge us. We have no say. It's 2022 and we have still got to live like third class citizens.

I have set up the Walbunja Aboriginal Divers Rights group, with a facebook page which tells our story. I will never give up fighting to have our rights recognized.