

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

Name: Mr Adrian Connolly

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

ADRIAN CONNOLLY

24 February 2022

My name is Adrian Connolly. I was born in Moruya in 1983. My parents are Leanne Carberry and Les Connolly. I grew up in Batemans Bay and Mogo. For the last 25 years I have been living on the Jerrinja Aboriginal community, where my father Les Connolly comes from. I have three kids. I sometimes do sites work for the Jerrinja Aboriginal Local Land Council. Fishing and diving for abalone and lobster is a very important part of my life.

From when I was eight to fourteen, I lived with my grandparents at Mogo, with my brother and some of my uncles. Nan always had an open house for the family, so there would also be some extras living there too. Of a morning, Pop used to go off fishing. He'd go into Batemans Bay, to the river, or to Broulee, Tomakin or around Durras. It'd depend what fish we were eating that day where he went to fish. If he went out the rocks, it'd be snapper, groper or parrotfish. He'd get flathead or blackfish in the river. Pop grew up in tough times, when there was no money. The only job for Aboriginal people was picking fruit or beans. That was the only income. I think he got his love of fishing from having to provide for his siblings and his parents. Then, when he had his own kids he had to feed them and, later, us. We don't come from a bloody rich family. It was easier and healthier just to go fish.

My uncles used to feed us too. They used to bring abalones, lobsters, fish, prawns, oysters - just about everything. As a family we'd all go to Cullendulla to get oysters and bimbulas (cockles). That was a family outing. It was a Sunday out for the kids. That's why I still love to do it now. I was about five when my Pop and them started to teach me to fish with a handline. I dived with my father, uncles and cousins as a young lad, while my nan used to sit on the rocks.

I didn't wake up yesterday and think I want to dived something that's taught to you. It's like someone that builds houses, he's got to learn. He can't just decide to go out and build a house. You learn over the years, diving with the family and uncles. I've been diving since I was six or seven. I got taught how to read the water, where it's safe to give, where not to dive. They show you all these places and show you where to look. You got to go down and search through the weed. You've got to find the abalone amongst the cunjevoi. You have to learn to read the winds, when to dive, when not to dive. You think about the whole coastline and the wind, then you know where to dive. In a north-easterly wind, you'll go to Long Beach, where you know it's protected. When there's a westerly, you're pretty much open to diving most of the coastline. In a southerly wind, you don't go at all. There's plenty of dangers in diving as well - sharks, rips, swell. You have to know what you're doing.

I was always told by my old people, don't go killing things just for the sake of killing things. If you're going to kill it, you're going to eat it. I still enforce that to my nieces and nephews. My uncles showed me the places where there was an abundance of abalone but we never ever dived the same place. We never ever taken everything from one place. Just because we know there is abalone somewhere, we never when there to clean it out. We rotated places. We'd go one place and next time it would be somewhere else.

Today the Fisheries say we are only allowed to take ten abs. The government doesn't want to acknowledge why I might need to take more than that. They need to understand, I am the sole provider. I provide for a lot of people in my family. My kids love them, I have three kids of my own. My sister has five kids. I'm the sole provider for my children and my children's mother and my sister and her kids. They don't dive. Women in your family, you don't expect these women to go out and get it. Dad, he's not fit and healthy these days. My brother doesn't dive a lot like me. He has that fear of prosecution. If I dive now, my sister knows I've been diving, she rings up. She wants a feed, she's got my dad living with her. Even the young ones in their twenties are asking us, can you get us a feed? They should have no issue with going out to get a feed. They don't dive, they don't bother because they know the ones that do end up in court. I'm the only person that hunts and gathers. When it comes to my family wanting to eat that kind of food - fish, abalone, lobsters, oysters, bimbulas - they look to me to provide that. Does that mean I've got to take all these people to the beach. 50 abs amongst 10 people. I'd still be charged because they didn't get in the water. They're expecting the old man to go jumping in.

I might drive to Pebbly Beach, a good spot for diving. I'm not going to travel all the way there for ten abs. What's that? Half each? We like to mince the abalone meat to make rissoles. Ten abs only makes about three rissoles. How is that going to feed everyone? You need 3 kg just to make a decent amount. The fisheries don't understand that muttonfish is our food. White people don't even know what muttonfish is. I ask a lot of people. They look at you stupid.

We do feed other people from it. And sometimes we dive for a bit of cash. It's not free money. It goes on feeding my kids and paying bills, paying for a car battery or a spare part. At the end of the day, everyone has bills, everyone has money problems. We should be allowed to sell some of our catch. The money the commercial divers make - it's like a playground. Compared to the commercial divers we're taking nothing. We should all be entitled to make a dollar from it commercially. It's the only way we're all going to get by. We're still struggling. We're not office people, we're abalone people.

The fisheries and the police paint everyone like it's a big conspiracy. They put it down to dealing in hard drugs! It's mental. If I drive down to Durras. That's not a big criminal plan! That's a day out. See my cousins in the Bay, grab them, and go diving together. We always take a rod for goppers, dive for abs, lobsters. The Fisheries think, because I am out of my area, I must be doing something illegal. We just go for a dive. I grew up in Mogo, my nan is there. I dived with all of these people as a kid. I still dive with them down the coast, cousins, everyone over there. I've been doing the same thing for the last 30 years. We can go as far as Wallaga, we've got family there too. But the Fisheries or the police, they'll definitely stop us and think we are doing something wrong. They'll say, why did they travel this far? Sometimes I'll just go visit Uncle Nipper, my nan's brother in Batemans Bay, go there, stop in to have a yarn but even that can feel like I'm taking a risk. I got charged one day down the coast for having 49 abalone in my car. I had 3 kilos of frozen abs which I had picked up from my aunties to take to my Nan in Mogo and I got charged for that. Those abalone were not caught all in the same day. I'll get some together over a few days, just my legal ten, but you can't do that because you're not allowed ten in your possession. In two weeks time, I want to go visit my mother in Wollongong and take some up to her, but if I get caught, I'll get charged.



Me with lobsters

The Fisheries have some idea we are trafficking abalone for drugs with the Chinese. A lot of people I do give the abalone to, they're not just random Chinese people, they're my friends. I don't ever charge them. We take food to cook for us. They'll keep some for themselves, even pippies. I've known this bloke for a long time. He's a good mate. I don't feel obligated to charge his parents. They just cook for us. I call him Iron Chef – he's really good. I'll give them abalones, lobsters, pippies, oysters - whatever seafood. I drop off a feed. And in return, he cooks for me. I get a decent feed out of it too. You get sick of eating pippies, steamed or boiled. If they pull me up going to his house with a bucket of pippies, or some abs. They will say I'm a blackmarket supplier. 'He's taking to his dealer'. If they went out the back they'd see a great big wok set up.

I say, 'they can call me a black-market supplier when they catch me receiving money!' They never have, but it's branded on my licence. When I first saw that word – trafficking - on my charge sheet, it stumped me. Its intimidating. Now they're saying I'm a blackmarket supplier, trafficker. It shows up when they search my car registration, that I'm an 'abalone trafficker'. Now it's up to the individual policeman if he wants to stop and search me. Is that even legal? I've been pulled over this side of Ulladulla. I was going to Mogo to see my Nan. This policeman made out it was a random search but he chased me. He had passed me going in the other direction at Bendalong. He turned around and didn't pull me up until Milton, twenty minutes later. He had the sirens going, other cars were pulling over, but he wasn't stopping them. I thought, he wants to stop me. He asked, 'have you been diving? You got any diving gear in your car?' I said, 'I've always got diving gear in the car, mate. My diving gear stays in the car'.

Growing up down Mogo and Batemans Bay, you always went diving with one of the uncles. It was a happy thing to do, it was a fun thing. You come up with abalone, you feel happy. But when you get older, you get harassed, dragged into court. You get stress and anxiety. You have to answer a lot of questions. You go diving, it's supposed to be enjoyable, peaceful. The Fisheries turn your whole experience into stress. As soon as you look up and see them there. It's especially bad when you're teaching people, your own kids, because you know they're going to carry that with them. We don't even go now. Something that should be enjoyable for us has become a stressful thing. How would they feel if I followed them around in Woolworths? 'No steak for you, you had steak last week. Who killed that cow?' We used to use diving as a chance to go out with our cousins and talk, get heavy thoughts off your mind. There's no peace to it anymore.

If they see me putting on my wetsuit, I guarantee they won't leave that place until I leave. We might stay 2-3 hours. It creates a lot of anxiety, a lot of stress. In the meantime, they could be out there checking on what the white people might be taking. At Culburra there will be 10 or 15 people diving. White people dive too. How do they pick who they're going to pick on that day?

The Fisheries officers should come and talk to us. Be civilized about it. They hide in the bushes and film us. They'll turn up dressed like me, in plain clothes - undercover. The only way I know they're fisheries is because they're ducking down and peeping up. If I did that, went to the beach spying and filming people, I'd be looked at like the worst person in the world. There were four of us one day, at Eden. The fisheries watched us diving but they never approached us or said anything, they just hid and filmed us. Then they ran back to their cars up the road and waited with the police. They blocked the road, pulled us over and searched the car. They take your catch and your gear - flippers, goggles, weighbelts and then, later, you get charged.

We were getting out of our wetsuits another time. They said, 'you were shucking abalone behind the bush'. Well, you don't want to be standing out in the open shucking abalone, it's too hot. What we had was legal. They were trying to prove there was another person with the bag. There were four of us and they were trying to say someone else had taken off with the stash. They were saying, 'where's the other bloke?' when there was no other bloke.

I think with a lot of the fisheries officers, because they've given this power, it goes to their head. They approach you that aggressively. How he's approaching you, it's like he wants to fight you. They'll yell out 'Stay there, don't you move.' I actually think they enjoy doing it. They talk down to you. Especially when other people are standing around. Its belittling. They'll tell their junior officers, 'you search them properly. Make sure you search them properly'. They'll go and ransack the bushes and rocks to see if we left anything there.

At Bendalong, I had them standing around, running beside my car. Threatening to call the police if I didn't stop my car. Threatening to have every policeman from Ulladulla chase me. We told them that one of the officers had already searched the car and found nothing except what we were allowed but they didn't believe us, until he told them himself. They force us into this cat and mouse game. I get sick of bloody hiding. I don't hide anymore.

There are fisheries officers that love the intimidation part. Some of them would love to fight you but I have to do as I'm told. Soon as you touch them, its assault. You'll get nine months, soon as you come back to them. One of the boy's, he had that feeling. He felt intimidated – they give you that feeling. He's like, 'let's have a go.' He got nine months for that.

Fisheries get this message out there amongst the white people – 'if you see something, say something'. Sometimes you feel like you're going out to rob a bank. Random white people pull up

on their jet skis to tell us we're not allowed to be diving. In places where we dive, white residents are told if they see divers, they should ring up. They can get a \$1000 reward. At Bendalong, people fight each other to ring up. I'll guarantee by the time I'm up out of the water the fisheries will be there. Give me one hour and I'll guarantee they'll be there. The fisheries especially like to make a scene when there are white people standing around. They don't care whose around. Those people see you in the community and they are pointing you out saying, 'that's that bloke'.

I'd like to know, what's the Fisheries Officers' job description? If you see people diving, hide in the bush and film them? Aren't you supposed to go up if you see people doing the wrong thing? Shouldn't they act the same about diving as fishing. They have the opportunity to stop people and protect the resources, but they don't. They just want to guarantee their prosecution, so next year they'll get their funding. The fisheries conducted a surveillance operation on one of the boys up Wollongong for two years. They watched him. They watched him kill abalone for two years but didn't stop him. They're building a case against you, they're eventually going to put you in jail.

They treat us worse than armed robbers. They say we are poaching, stealing, raping the ocean. You can go to jail for diving. If someone goes to the court for dealing ice, the judge says, 'He's got a problem, we need to help this person.' This person has actually sold ice to ten people and ruined their lives. But me, I've been diving, made a couple of dollars, not harming someone, not breaking into someone's house, bashing someone. Jail is for murder, rape.

The way the Fisheries talk to you, it's like you're only in it because there's money in it. The commercial divers, they wouldn't dive if there wasn't money in it. We'd dive anyway. If I could, I'd eat abalone three days a week. My Nan, Gloria, if she could she'd eat fish and abalone every day of the week. Today our people can't get access to their healthy seafood. It creates a lot of health problems. There's a lot of diabetes and high blood pressure, all caused by unhealthy food. You can see old photos of Aboriginal men, how fit and healthy they were, with six packs, naturally built from every day hunting and fishing. Some of our dives, you're walking a long way with your back-pack and weight-belt. Then you swim 3 or 4 hours and walk back loaded up with wet wet-suits and the catch. Going up and down, with 40 or 50kg on your back. You get very fit. Going out diving, it's almost therapy too, a chance to get things off your chest. It's the only thing that keeps me sane. I just lost one of my uncles, my auntie's husband. I used to dive a lot with him. I'm still feeling down about that. He went through the same stuff with Fisheries, getting harassed. He used to provide for his family.

I've had four or five prosecutions. Some of the fines I've had, I've only just finished paying this year. They took money out of my pay, otherwise they would have cancelled my driver's licence. Its money I couldn't afford. I've never had a full-time job. Lately I was on another charge and just waiting on a hearing. I didn't want more trouble. If I got caught with abalone in between going to court, they would have said, 'we caught him again'. I sat around drinking, smoking, not diving or fishing. Not being able to dive four years, my health is shot. I've put on weight. I can feel how unfit I am. I have anxiety and depression, just sitting around. How are we meant to feed our family and make a living?

Our old people always told us if you want a feed, if you want to put food on the table, we can go to Red Rock, at Jervis Bay. You're guaranteed a feed by going to these places - fish, bimbulas, crabs. But now, when you're doing it, you're just waiting for the Fisheries or Marine Park to show up. We were camped at Jervis Bay, on Australia Day this year, at Bindijine Beach. We go there often in the holidays, as a community, and as a family. Everyone comes from everywhere to camp there in the holidays. My Aunty Linda comes from Wollongong. My brother as well. He's the same, he lives in

Wollongong. He lives and works there and doesn't get a chance to go fishing much. That's the only time he gets to do this, is over the holidays when we're there.

When I go to the campground, I'm not there to poach or do anything like that. Most of the time, I'm there either with the kids spearing, diving or taking fish for food. I get back to camp, hand the fish out to everyone there. When they see you come back with a good snapper, it's exciting for the kids. They're all excited to go fishing. As soon as you go, you've got 5 or 6 kids behind you.



A good catch of snapper

My daughter got up at four o'clock in the morning to come fishing with me at the Snapper Grounds this day. You have to get up before day-break to catch the snapper. My daughter is only eleven years old; four o'clock, that's a big effort for her. That's how excited she was. We drove, and we walked about 20 minutes out on the track to get to our fishing spot. My brother was with us. We'll usually fish all morning, til we get that snapper or 2 or 3.

Where we were fishing, we have always fished there for snapper. I used to fish with my father, my uncles. We were taught what bait to take, when to fish. There are shell middens there, our people have always been fishing there. Two fisheries turned up in a boat. They told me, my brother and daughter, we weren't allowed to fish there: 'You know this is a marine park. You're not allowed to fish here'. To me he had a very bad attitude. There were 20-30 boats around that day. The whitefellas might have called them. They were staring at us. Fisheries want to show off a criminal being caught fishing where he's not supposed to be. My daughter didn't know which way to look or what to do. She loves to fish and then she was put into that position of shock. She never had that experience. A kid automatically thinks she's done something wrong.

My eleven year old daughter was shaking, thinking that she'd done something wrong. I said, 'don't make my daughter feel like a criminal on Australia Day. I'm a Jerrinja Aboriginal man. I'm here to teach my daughter how to fish and where to fish, like I've been taught.' I asked him, 'Have you been to our camping ground at Bindijine Beach? It states that we camp at these places to practice our culture. You come here and treat me and my daughter like a criminal. Come to my campground, read the signs'. They've been asked to respect what we do but they don't. My daughter had to walk away with that experience, like she's not allowed to fish in that place. I bring my kids there because this is a place I was always fishing as a kid. They put it down to, if I let you fish here then we have to let everyone.



The sign at Bindijine Aboriginal camping ground, Jervis Bay

The fisheries are taking the knowledge away from my kids. These places out at Jervis Bay were shown to us by people who are now dead. We fished there before it became a marine park. I don't want my daughter to grow up and have to be telling her own kids, you're not allowed to fish there. These Marine Park rules, they're only saving these places from themselves. The white people would totally overfish and destroy Red Rock and Cabbo. We go up there, we're only catching a feed and that's the end of it. These are places where we always went for bimbulas, oysters, whelks, mudcrabs too. If my daughter got her first abalone and it was undersized, I'm not going to tell her to throw it back.

The kids are just learning but they are scared. I took my nephew diving. He kept asking, 'What are we going to do if the Fisheries come? What are we going to do? What are we going to say?' It ruins it. It's taken it away from the young kids that want to dive. They look at us old divers thinking, 'they're always hiding. They're going to end up getting sent to jail'. The kids say, 'we're not going to do it. We're not going to jail.'

The way we do it, if we weren't being harassed, we might dive 3 or 4 times in the day. Shuck a few abs. Spear a fish. Cook up on the rock in the shell. When my son does come, that's all he wants to do, light a fire and cook them. We'll have white people amazed just to see us there still doing it. That's the way the old people did it, they didn't carry them 200km inland. Shucking on the shore is illegal now. They say they can't check the size if they are not in the shell. Yet the professional divers shuck in their boat. Today it's harder to find a legal abalone. It's got to come down to what commercial divers are taking. So, all those places we've always been diving, they're taking all the legals.

I found that over the years, the DPI, the fisheries, the government, they've never really come to the table to try and figure out a solution. They don't bother to actually sit and work with Aboriginal people, to see what it's all about, to work with Aboriginal people and manage resources. They know Aboriginal people. Fisheries know why Aborigines dive. We've all got bills, we all need money. They never come and say, 'we can see you are all in and out of court'. They never say, 'we want to set something up so you can make a dollar from what you love doing'. They just prosecute us and the problems remain. End of the day none of us live without money. Your whole household revolves around money. They could easily go from community to community on this east coastline and say, 'How can we help you be in the commercial industry?' It would save a lot of prosecution. Too many people are going to jail. Fishing and diving is the only thing we're good at. They know it but they don't want to fix it.

They set up a mussel farm in Jervis Bay. It had nothing to do with the Jerrinja or Wreck Bay communities. Every commercial opportunity that is available to do with the ocean, it's never put to Aboriginal people. They could have offered business opportunities and work to Aboriginal people. Mussels, oysters, sea urchins. Not one Koori has got an abalone licence. They think we have to be in a lap lap with a spear to put it down to cultural fishing.

I paint sometimes, lobster paintings, stingrays. I only paint what I see. I don't paint kangaroos, we didn't kill small game, goannas, that's inland. I never get comfortable inland. I say every time I see Koories inland, 'how do people live?' I suppose they say, 'how can you live on the coast?' Here we know what we're doing when we want a feed. If people come here, we show them how to get a feed. They show us how to get a feed. I have been to Dubbo. Fishing is completely different there. It starts digging around a big gum tree for witchetty grubs. Back home we use a yabby pump. Koories did travel from the coast inland and they traded different foods with different foods. Seafood for meat. They had a meeting place toward Braidwood. Bogong moth, the inland people

used to bring them. It was a delicacy for coastal people. Our people would travel with fish and seafood, trade and go back. They can't say we never traded.



Some of my artworks inspired by the sea

If you look at my family tree, I have ancestors who were born all along the coast before the white man even came here. I wanted to put it to the government, 'you put me down as an abalone thief. You bring me the paperwork that gave you the right to take my land and my waters and control my resources'. They should acknowledge how did they gain their power to run this country - more or less, it was, 'you'll do as you're told or you'll be shot. We're taking this land because we brought convicts. We're giving them a piece of this land that was uninhabited.'

If white people weren't here, we'd be living off hunting and gathering today. We survive from the ocean. Back in the day, old people used to get lobs, abs (abalone or what we call muttonfish), that was their food. They'd fill hessian sacks. Back in my grandfather's day, there would have been more abalone than you can poke a stick at, so it wouldn't have been hard to take a feed home.

I am going to keep fishing and diving and teaching my kids. I'm not going to stop. My kids camp, they know how to get a feed. I won't be able to do it forever. The way things are going, I'm going to be old, having to go to the rocks and sit there and argue with the fisheries, who'll still be telling us to leave the abalone alone.