

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

**Name:** Mr Wayne Carberry

**Date Received:** 28 February 2022

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Partially  
Confidential

**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 of Wayne Carberry dated 28 February 2022

1. My name is Wayne Carberry and I am a very connected person, deeply connected to my ecosystems, the backwaters, creeks, seaside and mountains. Through my aunties and uncles, I am a Walbunga, saltwater man, and I continue to speak my ancestral ways and the ways they were taught to me.
2. Growing up in the small town of Mogo, walking to the beaches, and fish the estuaries at the back of Mogo Zoo, and finally made my way down to the ocean. My Mums place at the back of Mogo was so pristine, we would catch conga eels, and feed the family.
3. We camped at Barlings Beach, Little Paddock with my great aunties and uncles, aunties and uncles, mum and dad. I was taught how to collect mutton fish, fish, crabs for bait, all the edible and medicinal plants. I have a lot of good memories.
4. Generally that was a daily event, out getting oysters, bimbulas, ble swimmers, fishing, diving, it has given me great skills, and I am so glad I spent so much time practising my culture, and listening to the camp fire stories.
5. The spiritual connection to country, and being able to know that right from a young age, gives me a great sense of pride, and skills, and has helped me along my journey, enabling me to be the person I am today.
6. The first thing that we were taught and learn, is to have respect, respect for family, extended family and respect for anybody, and its easy for me to respect not only people, but also nature, and always to respect nature at its highest level. When I fish, I am not just taking food, it is spiritual, having to kill another living thing, is spiritual, I have to give that great respect.
7. I must acknowledge and respect that rule, and apply it everywhere I go, it contributes to my spiritual wellbeing as well as nourishing you. It takes care of me at a very deep level, I am using resources in the most respectful way.
8. I was able to fish, and share my knowledge with the next generation, my nieces and nephews. It is a wonderful feeling that unbroken connection of knowledge, that was a great moment being able to pass on that knowledge.
9. It enables me to be connected to country, and it is great that I can still share that with my nieces and nephews, and I don't take it for granted. I am very good when I am hunting and gathering, and I know they will be to.
10. The rules were to only take what you need, and don't kill anything unless you will eat it, and catch enough to share with others. It counted for everything, if

we get oysters, get enough for everyone, same with bimbulas or fish, the same rules apply.

11. When I first started with abalone fishing, we would collect the abalone around the rocks, high and dry. When it came to low tide, we could easily walk around and collect them, lobsters were stuck in rock pools, and crawling on the weed, it was that plentiful.
12. We would have family come from Wollongong, or my Dad's cousin would come from Canberra, and we would collect mutton fish around the shoreline, and there was no one to say we couldn't take a bag of abalone, or fish. I am the youngest of eight kids, we had to feed 10 mouths at our house, and then my dad's cousin as well.
13. We all had our special places where we went. We would use the plants as indicators to tell us when the best time to go and fish was, and where to go. We knew that we would always get a nice feed to go home.
14. We went to the Barlings Beach, and Little Paddock every school holidays, we would be down there camping, foraging along coastline and through the bush for edibles.
15. My Dad, Auntie Coopie, Uncle Bugs, Uncle Georgie, Uncle Dinny, Mum, all our families would camp together. The Carriages, the Parsons and the Nyes, and other people who married in.
16. Kieran Stewart, his grandmother Aunty Maree and my mother are sisters, we fished together ever since we connected. We knew our family, and as we got older we went diving with our cousins because we come from that diving, fishing, hunting backgrounds.
17. One day, a day like any other, our family was together and we went to get a feed at Narooma, and we had our legal size abalone, and 10 each, and all of a sudden we had fisheries, and there was a big kerfuffle, speculating about other divers, and more abalone and all that. Honestly with all those houses on the point, there was a 9/10 chance someone would call Fisheries, those white fellas ring Fisheries or police. It is common down here.
18. Why seeing a local traditional owner should set them off like that, if they understood who we are, and what we do, hopefully they would not just judge us on our skin colour. They should see the beauty in what we are doing, being connected to our sea country, catching food, and eating traditional food that is good for us, and hopefully they could appreciate that they are witnessing one of the oldest continuing cultures on the planet, still practising despite everything. It should be a source of pride and joy for them too.
19. They are racially stereotyping us all as poachers. I see it all the time. If the Department or the Police had a bit more awareness on native title and cultural practices, and how they are protected by law, and that is our way of doing men's business. We are talking resolving things, passing on skills and building value,

and instead they are busting in interrupting, they need to be more aware of what they are doing.

20. At the time, when they were accusing us, we thought it was pretty much a waste of time, haven't you got bigger things to do, because we were within the interim bag limit. It was just complete harassment. I was 33 at the time, and was younger.
21. It was of the most stressful times waiting to go to court, being in court, and having to give evidence in court when we should not have even been there. It was beautiful, however to see our Elders come and give the evidence of our culture to the Court.
22. I just resented having to go through that, it was very stressful. When they withdrew the case after four days, I was really angry, really pissed off. The hide of putting some one through that much stress for no reason was awful. They should have been made accountable for dragging us through the mud.
23. I felt like a criminal, because I grew up down here on the Coast, went to Batemans Bay Court House. It was shameful having to sit outside the Court house, it was terrible to be dragged through the mud for no reason. They have never even be brought to any accountability for all the stress and worry they put me through.
24. There are a lot of things I think back to about that time. At the moment I am working with ABC, filming video and projects that have been aired on 7.30 report. I am ambassador for a new surfboard brand which is sustainable, and a lot of positive, deep thought behind that. I have bush tucker business, and am a qualified guide and have taken schools on cultural trips. I take kids on surfing programs with a friend from Surfrider Foundation, we do events after the Bushfires, to host a family concert for the local community. I a about to do a medical to do my open water dive instructor course.
25. That is just a few things of many things I would never had achieved if I had been imprisoned for that take in accordance with my law and custom.
26. That cultural grounding, as deeply rooted as it is in our country, and law has held me in good stead. Without it I would not have survived that stress.
27. When I see all the others facing jail, and being prosecuted, I feel very worried about teaching my nieces and nephews, because we still get those looks from people because they don't understand.
28. If people opened their minds, and their hearts, things would be much better in these little communities. It is taking away something so beautiful, if people with awareness and education can get on board, we can paint another picture to help them understand.
29. We need to share the message.

Wayne Carberry