

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

**Organisation:** Australian National Centre for Ocean Resources and Security

**Date Received:** 28 February 2022

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**Re: 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**

To whom it may concern

Thank you for the opportunity to make an individual submission 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 Senior Research Fellow at the University of Wollongong's Australian National Centre for Ocean Resources and Security (ANCORS). I have been undertaking research into ocean and coastal management in NSW for over ten years. Prior to that I was employed in state and federal government departments of fisheries and conservation for a further ten years. As part of my research I have regularly engaged with Aboriginal people with a deep cultural connection with fishing and Sea Country, especially on the NSW South Coast (Yuin Country). I have a number of peer reviewed publications which explore the ways in which Aboriginal people have been impacted by successive fisheries management and conservation interventions, including Marine Parks. These are listed at the conclusion of this submission. As such I wish to address item c) in the committee's Terms of Reference, namely the impact on non-commencement of Schedule 1 on Aboriginal peoples and the practice of Aboriginal cultural fishing.

I am writing in both my professional capacity as a researcher in this space, and as a volunteer assisting the Aboriginal Fishing Rights Group in the preparation of submissions to this inquiry on behalf of Yuin people on the NSW South Coast. In both these contexts, I have heard deeply moving and troubling testimony from people who have suffered significant mental, physical, social and cultural impacts of prosecution for fishing practices that I believe would otherwise have been covered under *Schedule 1 of the Fisheries Management Amendment Act 2009*. These include (but are not limited to);

- impacts on mental and physical health from stress, declines in physical activity and access to healthy seafood;
- economic impacts relating to an inability to pay court costs or fines, often with flow on impacts to employment or loss of drivers licenses due to unpaid fines;
- social and cultural impacts relating to a breakdown in practices that would normally provide an opportunity for family and community to come together and share knowledge.

Many of these stories will be represented in the submissions put before the inquiry, but many will also be lost to the process. A process of this nature is inherently prejudicial to many Aboriginal people who are likely to more comfortably engage with an opportunity to tell their story through oral testimonies on Country. I would therefore urge the committee members to consider incorporating face to face meetings with the community into the inquiry, on Country, in order to get a full sense of the impact of the failure to commence Schedule 1.

There is a long history of fisheries management interventions fuelling dispossession and disconnection from Country. Fishing is a highly significant form of cultural expression and

connection for Indigenous Australians where opportunities to embrace culture can also bring with it benefits to health, employment, education and overall wellbeing.

NSW Fisheries has historically considered cultural fishing as distinct from recreational and commercial fishing, yet in practice the lines between these forms of fishing are extremely blurred within Aboriginal communities. This creates challenges for fisheries management authorities as well as for Aboriginal fishers, who often do not consider cultural fishing as distinct from some forms of fishing which are generally regulated under commercial fishing legislation. Beach haul fishing in particular is one such example of a method of fishing that is regulated as a commercial fishing activity, but which is also culturally significant for Aboriginal people along the coast. Similarly, harvest of abalone in what would be considered commercial quantities is not only culturally appropriate but in many cases a cultural obligation, given the requirement to share catch amongst the community.

In a report prepared for the Fisheries Research and Development Corporation in 2016 [1], my colleagues and I recommended a more integrated approach to cultural fishing. In particular, we recommended more active consideration to the ways in which fisheries regulation intersects with a range of other state and Federal government policies which seek to improve wellbeing outcomes for Indigenous Australians, such as the Close the Gap initiative. In this sense we argued that cultural fishing, which is often viewed as a resource management and legal ‘problem’, be thought of instead as an opportunity to provide a range of economic, social and cultural benefits to communities experiencing disproportionate levels of social disadvantage.

It is nonsensical that successive Governments have brought in a range of policies and plans aimed at improving Indigenous health and wellbeing, education and economic advantage and decreasing incarceration rates whilst Fisheries regulations have actively worked against these objectives. The failure to commence Schedule 1 and address and engage with the complexities of cultural fisheries has, in my view, cut Aboriginal people off from a healthy diet, crippled them with hefty fines and court costs and in some cases imprisoned them. It has also contributed to a loss of cultural knowledge and practice.

I would therefore strongly recommend that Schedule 1 be commenced without delay and that energies be instead directed towards working with Aboriginal communities to identify ways in which cultural fishing can be supported, enabled and managed in a culturally appropriate way. Here I would urge an open mind. There are significant opportunities in the future for fisheries management to not just ‘allow’ or accommodate cultural fishing, but to partner with Aboriginal communities to heal relationships with the traditional custodians of this land and heal Sea Country. This will take significant energies to rebuild trust and address previous and current injustices. There are many lessons that non-Indigenous fisheries management might learn by engaging with Aboriginal knowledges in a respectful way, however this will not be possible until the damage that has been done to Aboriginal people through unjust prosecutions is acknowledged and appropriate restitutions put in place.

I can be contacted through the channels below should you require any additional information.

Yours sincerely



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### ***Relevant publications***

1. Voyer, M., et al., *Social and Economic Evaluation of NSW Coastal Professional Wild-Catch Fisheries: Valuing Coastal Fisheries (FRDC 2014-301)*. . 2016, Fisheries Research and Development Corporation (FRDC): Canberra, Australia.
2. Voyer, M., *Assessing the social acceptability of Marine Protected Areas (MPAs): A comparison between Port Stephens-Great Lakes Marine Park (PGSLMP) and Batemans Marine Park (BMP) in NSW*, in *Faculty of Science*. 2014, University of Technology Sydney: Sydney.
3. Voyer, M., W. Gladstone, and H. Goodall, *Understanding marine park opposition: the relationship between social impacts, environmental knowledge and motivation to fish*. *Aquatic Conservation: Marine and Freshwater Ecosystems*, 2014. **24**(4): p. 441-462.
4. Voyer, M., et al., *'It's part of me'; understanding the values, images and principles of coastal users and their influence on the social acceptability of MPAs*. *Marine Policy*, 2015. **52**(0): p. 93-102.
5. Voyer, M., et al., *Using a well-being approach to develop a framework for an integrated socio-economic evaluation of professional fishing*. *Fish and Fisheries*, 2017. **18**(6): p. 1134-1149.

[2-5]