

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

Organisation: The Recreational Fishing Alliance of NSW

Date Received: 28 February 2022

The Recreational Fishing Alliance of NSW

Promoting Sustainable Fishing



28 February 2022

The Hon Mark Banasiak MLC
Chair— Portfolio Committee 4- Regional NSW, Water and Agriculture
Legislative Council
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

Submission to Inquiry into the commencement of the Fisheries Management Amendment Act 2009

On behalf of the Recreational Fishing Alliance of New South Wales (RFA), thank you for your invitation to provide a written submission to your inquiry.

The RFA is the peak representative body for recreational anglers in New South Wales. The RFA represents the interests of fishers in the management of the State's fisheries.

The inquiry and its outcome are of interest to recreational fishers. Many members believe that the notion and practice of cultural fishing issues have been distorted to the point of being divisive amongst stakeholders and more transparency and communication between all parties is what is needed. We all need to acknowledge that the fishery is under stress and that we all share the same principles around fishing to feed our families and that we all pass this culture down from generation to generation.

Accordingly, we hope this inquiry considers the issues raised by the RFA against the bigger picture of how the NSW Government and NSW DPI have handled the issue of cultural fishing in NSW.

I attach the RFA's submission, together with background information, for the Committee's consideration. If it pleases the committee, the RFA will welcome any opportunity to elaborate further on its submission or other matters of interest to the committee.

Yours sincerely,

Stan Konstantaras
President
Recreational Fishing Alliance of New South Wales

Submission to Inquiry into Animal Welfare Policy in New South Wales

1. Introduction

As part of this submission the RFA feels it is best placed to offer its views on the following;

Terms of Reference:

(f) any other related matter.

The RFA is acutely aware of the current NSW Government position with regards to Aboriginal Cultural Fishing via the “Aboriginal Cultural Fishing Interim Access Arrangement, Section 37 Cultural Fishing Authorities — Special authority to fish outside the regulation, Aboriginal Engagement and Cultural Use of Fisheries Resources in NSW Marine Parks and the Development of Aboriginal Cultural Fishing Local Management Plans”.

The RFA is not aware of any tangible reason why Schedule 1 has not commenced under the *Fisheries Management Act 2009*. These reasons have never been made public as far as the RFA is aware.

The RFA prides itself on being conversant and familiar with these important issues. However the lack of any public updates on cultural fishing in NSW makes this responsibility difficult at times, and we still hold a view that an active role for groups like the RFA is needed to help develop state-wide policies, strategies and action plans for all activities in NSW that involve all types of fishing.

Both indigenous and non-indigenous fishers share similar values around the social and health benefits that fishing provides. All Non-indigenous fishers in NSW should have the same understanding of Aboriginal cultural fishing in terms of their own connection to their ancestors and it is often central to their own culture and identity; however this is not being supported by NSW Government and its agencies. More needs to be done to focus on the benefits that recreational fishing provides to all of our families and communities and less on the unhealthy fixation of prosecuting fishers who inadvertently break the rules.

More needs to be done to explain Aboriginal cultural fishing to the wider community.

The RFA is simply outlining that the complete lack of transparency and the lack of sharing of the narrative providing a history or background context to this process has only exacerbated the outside perception of Aboriginal cultural fishing that this process has—and will continue to foster—within the community, unless changes are made in the way we all interact as part of this discussion.

There is a lack of a strategy or widely available information that would help recreational fishers better understand the process and hopefully allow us all to better understand the activity of Aboriginal cultural fishing in NSW.

We have missed the chance to share these values in a community discussion and the RFA is hopeful that recreational fishing in NSW is used as an opportunity for promoting reconciliation in Australia.

2. About the Recreational Fishing Alliance of New South Wales (RFA)

The RFA is the peak representative body for recreational fishers in New South Wales. The RFA represents the interests of fishers in the management of the State’s recreational fisheries, promote sustainable fishing practices, encourage the participation of children, help secure rights to fishing access, encourage recreational anglers to become involved in the well-being of the fishery, promote consultation and communication between government and anglers and promote fishing safety.

The RFA estimates that there are 1,000,000 recreational fishers in the NSW which currently contribute around \$3 billion each year to the Australian economy. The RFA represents the interests of these fishers, who are also members of the community that have an intrinsic and natural connection to the water and the life it supports.

The RFA itself has previously written to Minister for Water and the Minister for Agriculture and Western New South Wales, expressing concerns around cultural fishing and these issues have not been responded to. While the RFA's correspondence with those Ministers and their departments is ongoing, the RFA remains unsatisfied with their responses to date. Accordingly, the RFA is grateful for the opportunity to present this submission and its concerns for consideration.

3. Comments on Cultural Fishing

Section 21AA of the Fisheries Management Act is the head of power to create cultural fishing regulations and once section 21AA commences, it removes take and possession limits of fish prescribed under the Fisheries Management Act from applying to Aboriginal people, unless limits are specifically prescribed in a cultural fishing regulation.

Most fishers in NSW participate in cultural fishing. Many recreational fishers have been taught the activity from our parents, grandparents and it has long been used by many fishers for generations to put food on their tables. Fresh fish supplements many of our diets whether our ancestors have come from Africa, the Americas, Antarctica, Asia, Australia, Oceania, and Europe or just about anywhere in the world that has water and fish or seafood readily available to harvest.

Both indigenous and non-indigenous fishers share similar values around the social and health benefits that recreational fishing provides. It is fair to say non-indigenous fishers have the same understanding of cultural fishing in terms of connection to ancestors and country, and how it is central to their own cultures and identities now that they live in Australia.

Both indigenous and non-indigenous fishers also share a fishery that is under stress from poor management over the years. Our waterways and their inhabitants are not what they were many generations ago. Highly visible but relatively benign users of the marine environment such as recreational fishers are simplistically identified as major threats, while other less visible threats are not addressed.

Threats like habitat loss, modification or degradation including loss of saltmarsh, mangroves, foreshore, inland development that require clearing of vegetation has multiple downstream impacts including loss of nursery areas, modifications lead to changes to tidal flows, changes in water quality, disturbances to seagrass and shallow soft sediments, changed sand migration patterns and bank that erosions leads to a loss of nursery areas and significant loss of weedy reef habitat leads to a loss of nursery areas means that our fishery is under threat.

These are the real threats.

The RFA is generally supportive of cultural fishing, for example the process to allow such activities in the Botany Bay Recreational Fishing Haven during the annual mullet run a few years ago. That activity was supported by the local fishing club and meetings were held between all the stakeholders, facilitated by NSW Fisheries. The ongoing process of reporting, approvals and, more importantly, ongoing community support for the event has been well received by all concerned. The permit process was well explained and all details were shared in an open and transparent manner.

The RFA also took the opportunity to engage the media around this new permit and due to the fact that this was a Recreational Fishing Haven (RFH) where recreational fishers has incurred a massive debt to buy out the commercial fishing effort it was important that communication with the fishers of NSW occurred.

Every single recreational fisher in NSW who has purchased a licence in the past 20 odd years has been servicing the \$20,000,000.00 debt associated with the RFH process. To exclude the fishers of NSW from any process that involves decisions around cultural or commercial like activities in these havens is inappropriate and unethical. It just makes sense to the RFA to broadcast these discussions rather than the current cloak and dagger approach being employed.

The RFA is aware that more cultural fishing is being investigated on other north coast of NSW recreational fishing havens and still we find NSW DPI failing to engage groups like the RFA and instead trying to deal with the local fishing clubs who have limited experience in this process and are not aware of the processes or activities that are already happening in NSW. These local clubs are now seeking advice from the RFA. The same roadblocks the RFA have experienced from senior NSW DPI recreational fishing managers last year are still continuing in 2022. The practice is divisive and all it does is cultivate even more disinformation and resentment to Aboriginal cultural fishing in NSW.

Transparency has also disappeared with regards to cultural fishing permits on the NSW South Coast at Narooma and Merimbula. These have been introduced with little or no local consultation under the pretext that if local recreational anglers kept pushing for transparency then the cultural fishing permits would be abandoned in favour of the local indigenous communities pushing for Native Title Claims that would have dire consequences for the local fishery.

These comments have been presented by NSW DPI to the RFA of NSW President, Stan Konstantaras.

The RFA condemns these comments and the failure by senior recreational fishing managers to genuinely engage groups like the RFA and all the fishers of NSW. There is an over representation of indigenous fishers that make up 4% of people living on the south coast, but account for 80% of jail terms for fisheries offences since 2009, according to NSW government crime data and this should be of concern to all of us.

It is even more concerning when a magistrate when sentencing an indigenous fisher claimed his actions “potentially impacted the marine environment” especially when the key stressors in our waterways are of such a magnitude that major work needs to be undertaken and funded by the NSW Government and this is not occurring.

The RFA believes the willingness does not exist within the NSW Government to deal with the bigger picture of water quality and habitat degradation and instead it will opt for the cheapest option, prosecuting or locking out recreational fishers, which is the lowest hanging and cheapest fruit in the process.

The RFA has attempted detail the amount of cultural fishing that occurs in NSW and where, however the information has not been made available at the time this submission was written.

It is the view of the RFA of NSW that unless all fishers are engaged as part of any process to progress cultural fishing beyond a Section 37 permit, to a Local Management Plan or ultimately the commencement of Section 21AA, the outside perception of Aboriginal cultural fishing will continue to be that of a negative view of the process.

There is a lack of a strategy or widely available information that would help recreational fishers better understand the process and hopefully allow us all to better understand the activity of Aboriginal cultural fishing in NSW.

The RFA is hopeful that we have not missed another chance to share these values in a community discussion and as an opportunity for promoting reconciliation in Australia via our passion for fishing in NSW.

https://www.sbs.com.au/nitv/nitv-news/article/2016/03/28/fishermen-regain-cultural-fishing-rights-botany-bay?fbclid=IwAR03kz3ihqkN8vG9LkNVgMRxzKHZLWUoAagY_EnnkkIj_63QlyRgz3IdaFY

28 MAR 2016 - 3:00PM

Fishermen regain cultural fishing rights in Botany Bay



Fisherman Rod Ella sits in the boat with the net cast to catch mullet. Picture: The La Perouse Cultural Fishing Group. (Supplied)

VIDEO

For the next few weeks a group of Bidjigal fishermen are returning to their traditional hunting grounds - the waters of Sydney's Botany Bay.

By
Philip Ly

Source:
NITV News
28 MAR 2016 - 3:00 PM UPDATED 28 MAR 2016 - 3:00 PM

Indigenous fishermen have regained their cultural fishing practices at Botany Bay, at least 35 years after being banned, they say.

The NSW Fisheries have allowed a group of Bidjigal fishermen to practice net hauling on mullet for the six weeks leading to the end of April.

One of the fishermen, Trevor Walker hopes it will become an annual event and says, as a child, net hauling during mullet season was a yearly tradition.

He said being allowed to do it again will revive a cultural practice.

“It’s about the regeneration of our culture, trying to reunite our community and getting the cultural practice back,” Mr Walker says.

The group of fishermen are allowed to catch a total of 100 boxes of mullet, each box weighing between 25-30kg.



They will then hand the fish out to the community in a non-commercial capacity, and deliver it to those who cannot bring baskets to collect the fish, such as the elderly, Mr Walker says.

He says eating fish, a staple, has obvious health benefits, and the Indigenous community has suffered as a result of not being able to fish for their food.

“Unfortunately we’re not free from those health issues found in remote and rural communities,” he says.

“We got this view of our community and how it is currently, and we want to improve relationships across families to be more cohesive, and that’s about us wanting to be a stronger community to fight these issues affecting our people.”

He says a program will be developed to teach the younger generation, who constantly ask him if they have caught many fish yet, about net hauling these school holidays.

NSW Recreational Fishing Alliance chairman Stan Konstantaras is backing the Indigenous community’s return to the waters.

He says after meeting with them, the goals of the two groups are almost identical.

“We share the local values and that is fresh fish. It’s also a family activity. We are supportive, happy and thankful to have engaged and have listened to what they are trying to achieve,” he says.

Mullet have been a traditionally targeted fish, which come out of estuaries at this time of year and travel north.

The Bidjigal people fish by rowing and hooking their boat around with the help of two spotters, who stand at a high point to observe the movements of the fish near Little Congwong Beach.

NSW Fisheries has been contacted for comment.

