

Submission  
No 42

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

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

For the NSW Parliament

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My contribution to the Inquiry into the Commencement of the Fisheries Management Act is largely directed to section (c) of the Terms of reference, re the impact of the non-commencement of Schedule 1 of the Fisheries Management Amendment Act 2009 on Aboriginal peoples and the practice of Aboriginal cultural fishing.

This submission is intended to provide insights into the cultural nature and context of contemporary Aboriginal fishing practice, from an anthropological perspective, and to raise some questions about the cultural perspective which informs present government policy and procedure. This will help to bring into relief a range of ongoing, and arguably intensifying, detriments attributable to the present Fisheries management regime, a regime that has failed to have meaningful regard for the rights, well-being, cultural practices and cultural vitality of Aboriginal people, even in the wake of an express will to do so by the NSW Parliament.

This submission does not purport to offer policy solutions, which would need to be informed by and developed in partnership with indigenous people and their representatives. Because of time and length constraints, I do not pretend to cover all the themes which could be usefully explored in a fuller consideration of these matters. Given my research experience, the focus of this submission is limited to the NSW south coast.

The perspectives presented in this submission have been guided and informed by my professional expertise in the discipline of anthropology. Participant observation, relying on the faculties of dialogue, observation and interaction, is the key methodology which defines the anthropological enterprise. Since 1995 I have been employed in the field of applied anthropology, primarily as an independent consultant specialising in Aboriginal native title. I completed a B.A. (Hons) degree majoring in anthropology at Sydney University in 1988 and graduated with a PhD degree from the Australian National University, in 2005.

This report, and my understandings of the matters relevant to it, relies in the first place upon academic fieldwork, conducted during a period of twelve months residence at the Jerrinja Aboriginal community, at Orient Point, in the period 1993-1994. It was while at Jerrinja, that I began to appreciate the cultural, economic and social significance of fishing for south coast Koories. I also witnessed first-hand, the concern and insecurity that Aboriginal people were experiencing, as their fishing practice came under increasing threat, in a changing regulatory environment. I have continued to be involved, on an intermittent basis, in field-based and desktop research, relating to south coast Aboriginal people and fishing practices, over almost 30 years. This has included interviews, informal discussions and first-hand observations undertaken in places ranging from La Perouse to Eden. On the basis of my research experience, I have been engaged as an expert witness, in connection with court proceedings in a number of cases where Aboriginal people have been charged with Fisheries offences.

The term fishing, as used in this report, should be read in a broader or narrower sense, according to context. In a narrower sense, it relates to the taking, by line, net, spear, hand, etc., of creatures belonging to the phylum *chordata*. In its broader sense, it encompasses the procuring of fish, molluscs and crustaceans, from aquatic and near aquatic environments, by any means.

## DISPOSSESSION

In 1845-1846, some 58 years after the first colony was established at Port Jackson, *Inland* respondents to a NSW Government Select Committee on Aborigines survey, recorded a devastating diminution in native game, attributable to increasing European population, cultivation and stocking of the land. On the south coast, the immediate effects of land alienation, on the Aboriginal economy, were not felt as strongly. Although a reduction of game was remarked upon, it was seen as less important. A Broulee respondent wrote, 'Kangaroos have diminished, but most of the natives in the district depend more upon the sea than the bush for food' (cited Organ 1990:284). The Rev. Meares of Wollongong, while noting a dramatic drop in population, found this was not caused by lack of food,

Their means of subsistence are fully adequate to their wants; whether derived from hunting and fishing, or in exchange for such services as they are able and willing to render to the settlers... the fish are as abundant as ever (cited Organ 1990:282).<sup>1</sup>

Dispossession of the marine estate and of its abundant foreshores, estuarine waters and the sub-littoral zone did not happen – or at least did not end - in 1770, 1788, 1845, in the 1930s Depression years or in the mid-20<sup>th</sup> century, but over the last four decades, it has been playing out, relentlessly. Over this time, increasing regulation, and the establishment of restricted entry and share fisheries regimes - effectively privatising large portions of the Fishery - have been creating a stranglehold on south coast Aboriginal people and their fishing practices.

If the Native Title Act 1993 and 2009 changes to the NSW Fisheries Management Act were intended to offer some reprieve, the delay of the Schedule 1 has ensured another dozen years of failure to recognise, protect and promote Aboriginal cultural fishing, with serious negative impact on the economic viability of south coast Aboriginal people; major strains on the social fabric; serious threats to their cultural integrity; and damaging personal tolls. The period from 2009 to now, has not only seen a failure to recognise, protect and promote Aboriginal cultural fishing but appears to represent a time of intensified harassment, persecution and prosecution.

## CULTURE AND FISHING

Recently, four young Aboriginal men have been charged, under the Fisheries Management Act 1994 (NSW), for taking abalone in excess of bag limits, at Murramarang Point, a rocky headland located to the south of Bawley Point. Murramarang Point is formally recognised as an 'Aboriginal Place' under provisions of the NSW National Parks and Wildlife Act. The presence there, of one of the biggest middens on the south coast, is heralded as a marvellous testament to the exploitation of the rock platform by Aboriginal populations. For the same reason, the site was registered on the register of the National Estate. Yet Aboriginal people who go to Murramarang to harvest seafood today, continuing the practice of their parents, grandparents and ancient forebears, find themselves surveilled, harassed and accused of wrongdoing. They may have their catches and gear confiscated and be charged under an Act which, in practice, gives minimal regard to the traditions and customs which guide their own practice.

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<sup>1</sup> See also Bennett's 2007 study which documents the continuing importance of fishing from the colonial period throughout the nineteenth century.

If we are to recognise the effects of the current Fisheries regulatory environment, on Aboriginal cultural fishing, we must in the first place recognise what Aboriginal cultural fishing is. From an anthropological perspective, culture is an all-embracing concept which captures the mores, values, conceptual and symbolic frameworks, by which people make sense of the world and which frame their actions. Culture encompasses social, economic, political and religious institutions. It is reflected, not just in spoken words and formal rules, but through the unspoken and unwritten codes, and habitual behaviours, which underwrite everyday life. Cultures are not closed nor stagnant systems, though different groups of people may actively strive to draw boundaries about themselves, both for protective and exclusionary purposes. It is a basic premise of this submission, that South Coast Aboriginal people are part of a vital and distinctive society, with cultural roots firmly planted in the pre-sovereignty era.

In the following section, some of the cultural history, material characteristics, meanings and moral imperatives which attend Aboriginal cultural fishing practice, will be examined, in order to give a better basis for recognising, protecting and promoting it. Later sections will deal with the detriments which have arisen for south coast Aboriginal practice and people, from the Fisheries Management regime, while finally the culture NSW Fisheries, and more specifically its enforcement division, will come under some scrutiny.

## Archaeology

There is a significant corpus of archaeological data which documents the subsistence strategies of Aboriginal people on the south coast over time, highlighting a heavy and persistent reliance on the harvest of fish, molluscs and crustaceans from estuarine, littoral and sub-littoral zones. Evidence of early occupation of the NSW south coast, dates back at least 20,000 years (at Burrill Lake), with intense occupation and exploitation of the maritime zone, at present sea levels, beginning 3,500 – 5,000 years BP (before present) (Lampert 1971a; 1971b). Lampert's 1966 excavation of a sea cave at Durras North, near Batemans Bay, yielded bone, stone and shell artefacts; the remains of shellfish, crustaceans and fish; and, to a lesser extent, bird and mammal bone fragments. According to Lampert's analysis, the evidence showed that 'food was derived almost entirely from the sea', and that 'the suite of artefacts reflect(ed) this specialized type of economy.'

A close fit is demonstrable between the species retrieved from that midden material and those which continue to be harvested by south coast Koories today. Amongst these are *haliotis ruber* (blacklip abalone), known locally as mutton-fish; *andara trapezia* (Sydney cockles), known by Aboriginal people as 'bimbulas'; *subnivalia undulata* (turban shell), or 'conks'; *crassostrea commercialis* (oyster); *mytilus planulatus* (mussel); and *plebidonax deltooides* (pippi) (Lampert 1966:93-94). In itself, the range of species which Aboriginal people favour today, is a clear sign of cultural continuity. It puts paid to arguments insisting that fishing simply arises as a natural human instinct, suggesting no distinction from place to place, or people to people.

## Place

Archaeological, historical, oral history traditions and present practice, all indicate a persistent presence or return, on the part of Aboriginal people, to the same resource rich environments which have long provided the necessary sustenance for life. The choices available, and perceived opportunities as to where a person might fish, gather and/or camp, are guided by a range of factors,

the most important of which, within Aboriginal frames, is to have some kind of legitimate basis of connection to that country, a tie gives a person the right and liberty to be there and to take advantage of its resources. In Aboriginal culture, these rights of traditional ownership are generally afforded by way of descent. On the NSW south coast today, family surnames tend to give immediate credibility to south coast Koori claims of connection to the coast and to discrete areas within it. The surname by itself is insufficient, for that may be acquired outside of biological or adoptive relationships, for example, by marriage. It is the principle of descent, sometimes spoken of in the idiom of 'bloodline', which is the defining determinant of membership of a land-owning family or clan group.

In this regard, it should be appreciated, that the young men, involved in the incident described above, had not randomly arrived at that place. All had solid south coast ties and amongst them were two, whose family histories link them firmly to that specific locale. Written historical records show these men enjoy links back, over five generations, to forebears who fished from the times of early settlement, laboured in the local sawmill (Hamon 2015:116) and were the subjects of grants of Aboriginal reserve lands not far away at Croobyar (Wesson 2002:275-276; see also Hamon 2015). One of their forebears bore the Aboriginal name 'Gadu' – a local word for sea – a name which, according to family traditions, identified him as 'the keeper of the sea'.

Families who trace connection to the south coast through the 'bloodline', maintain their distinction from, and assert superior rights of belonging and authority, over those whose ancestral roots trace solely outside the region. Such rights are considered to anchor them to particular places, areas from which parents, grandparents and more distant forebears have originated and with which their descendants, over generations, have remained attached, either through permanent residence or frequent visiting. It is clear that the majority of south coast people, by way of histories of intermarriage over generations, trace relationships to a spread of areas along the coast by way of multiple lines of descent. Such areas may immediately adjoin each other or be at some distance from each other. These various lines of descent and the places with which they are associated may be individually more or less important, depending on particular life history and preferences. A person is expected to keep up their connections to country and to kin, by regular interaction. Fishing and gathering activities provide both a focal point - and material support - for such undertakings, whether it be about a person's home base; by way of visiting; or through attendance at holiday camps, which are regularly held at places of key significance.

In addition to those places where Aboriginal people maintain and exercise untrammelled rights, they may enjoy, by way of friendly relationships and permission, the capacity to visit and take resources from places beyond their primary area/s of interest. In this, they may be hosted as the guests of those with stronger claims of connection. In such circumstances, they may be afforded the opportunity to fish and gather, in their hosts' company, or loosely, by their leave. According to Aboriginal principles, primary traditional owners not only have the authority to expect to be asked or acknowledged, in regard to access and use of their country, but also carry a burden of responsibility to guide visitors, to ensure they can safely negotiate themselves within it.

Aboriginal patterns of occupation and mobility, then, must be interpreted with a view to the rights and opportunities, obligations and imperatives which inform them, and not through the same lens that might be applied from a mainstream perspective.

## Economy

Early colonial observers, curious about the inhabitants of the newly discovered southern continent, reported on the key place of marine resources in the local diet and economy. In 1770, while at Botany Bay, Captain Cook made the following entry in his journal:

On the sand and Mud banks are Oysters, Muscles, Cockles, etc., which I believe are the Chief support of the inhabitants, who go into Shoald Water with their little Canoes and peck them out of the sand and Mud with their hands, and sometimes roast and Eat them in the Canoe, having often a fire for that purpose, as I suppose, for I know no other it can be for. The Natives do not appear to be numerous, neither do they seem to live in large bodies, but dispers'd in small parties along by the Water side ... Altho' I have said that shell fish is their Chief support, yet they catch other sorts of fish, some of which we found roasting on the fire the first time we landed; some of these they strike with Gigs, (\* A fishing implement like a trident.) and others they catch with hook and line; we have seen them strike fish with gigs, and hooks and lines are found in their Hutts.<sup>2</sup>

At Port Jackson, Tench noted,

To cultivation of the ground they are utter strangers, and wholly depend for food on the few fruits they gather; the roots they dig up in the swamps; and the fish they pick up along shore, or contrive to strike from their canoes with spears. Fishing, indeed, seems to engross nearly the whole of their time, probably from its forming the chief part of a subsistence (Tench 1961 [1789]:48).

Hunter echoed these observations, recording, 'All the human race, which we have seen here, appear to live chiefly on what the sea affords...' (Hunter 1793:62).

In 1826, prior to permanent European settlement, the missionary Harper, visited Batemans Bay. Here too, he noticed the Aboriginal people's strong reliance, on the resources of the sea,

They do not appear to be so vagrant as the tribes at Jervis Bay, Shoals Haven, but it is impossible that they should be free from it, otherwise, they could not get a subsistence. Their principal manner of living is in catching fish, and marine animals (seals)<sup>3</sup> and in procuring the fruits that grow wild in the woods on which they chiefly subsist. They generally repose at about a half a mile from the sea coast. They have temporary huts, ornamented with a tuft of grass fastened to a stick, and projecting from the front part of the top (Harper in Organ 1990:141).

Underlining this maritime orientation, colonists and early settlers' soon became aware that a self-imposed division was maintained between coastal Aboriginal people and their inland counterparts. 'Coast natives' were distinguished from the 'woods natives' (Collins 1971[1798]); and 'water natives' from 'bush natives' (Caley cited Attenbrow 2010: p. 28, footnote 88). Dawes referred to the 'coasters' (cited Steele 1962), while at Newcastle, Coke's wrote of 'the tree natives ... those who live away from the sea (and were) wonderful climbers' (Hunter 1997:95; Wesson 2000:129). Relations

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<sup>2</sup> <https://gutenberg.net.au/ebooks/e00043.html>

<sup>3</sup> I am not certain whether seal appeared in Harper's original or was inserted by the editor.

between the coastal peoples and those of the woods were found to be strained and tense, if not hostile,

The natives of the coast, wherever speaking of those of the interior, constantly expressed themselves with contempt and marks of disapprobation. Their language was unknown to each other, and there was not any doubt of their living in a state of mutual distrust and enmity' (Collins cited Attenbrow 2010:31).

Similar distinctions were observed southward of Sydney. George Augustus Robinson, visiting the far south coast of NSW in 1844, noted that the fisher people were known as *kar.tang.gal* - 'the blacks who live on the sea coast by catching fish' (cited Wesson 2000:153). Meanwhile, '*Pynderr*', was 'a term applied to the 'Menero' tribe, because they climbed trees – from the tomahawk called *Pyen*' (cited Wesson 2000:153). The same division was reiterated by the anthropologist, Howitt, who in the late 1880s observed,

The *Baiangal* are ... correctly speaking, 'Tree-climbers' – gaining their living in the forests, climbing in the search of game, as distinguished from the *Katungal*, who live on fish, and other produce of the sea, and are therefore properly spoken of as 'Fisherman.' (Howitt 1884:439).

Their identity as fisherman, 'coasties' and saltwater people, as will be discussed further below, remains fundamentally important to south coast Aboriginal people today.

#### **Life by the sea<sup>4</sup>**

Stories told of lives spent living by and off the sea, in informal town fringe camps, official settlements like Roseby Park, fishing villages or beachside humpies, show how totally and how intensely Aboriginal people's lives have been entwined with the sea and illustrate the rich and diverse range of environments which offered a smorgasbord of seafoods to them. Many south coast Aboriginal people, both young and old, have come from a life literally lived on or about the beaches, river estuaries and lakes, largely unshackled by the trappings or oversight of mainstream society. On a daily basis, they have been engaged in the business of gaining livelihoods in intimately familiar places, subject to changing weather and seasonal rhythms, to the natural flows of life and reliant on their knowledge and skills for survival.

As previously explained, my closest and most prolonged exposure to Aboriginal fishing practice came from my stay at Jerrinja, an Aboriginal community settlement at Orient Point. I can no better describe what I witnessed than repeat the testimony of Aunty Jean Wellington (dec). Jean had grown up on the 'mission' in the days when it was known as Roseby Park and lived there for a good part of her adult life. She was an elderly woman when I met her, likely nearing seventy, and was then living in Nowra. Like so many other south coast Koories, Jean treasured her memories of fishing and gathering in her younger days,

We loved going fishing and going oystering and that ... We used to just walk down the front [of Roseby Park on the Crookhaven River estuary] there and go fishing. Or go down the Heads, looking for mutton-fish, abalone they call it. And mussels, and oysters

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<sup>4</sup> For additional sources with rich personal accounts from south coast Aboriginal people, illustrating their orientation to and dependence upon the sea, see for example, Egloff 1981; Egloff 2000; Wesson and Schilling 2004; Cruse and Norman 2005; Donaldson 2008; Donaldson 2010; Donaldson and Norman 2010.



and penniwinkles, all those sort of things, conks ... we'd go out to the beach too. Make a day of that, we'd go out the beach digging pippies ... we go out there and dig pippi's and take bread and that and light a fire and cook the pippis up. Oh, they were, they were good days ...

Yes, we use to fish along the ... down the front there, you know, we call 'em dykes, always used to call them dykes, down the dyke. And that was our main, our most good fishing spot full stop and there was a bluehole there and it'd be high tide and when it'd go down low tide, we'd fish full stop. And the men and folks and that use to fish off the rocks for blackfish, with their rods and that ... and the ones that had boats, like, we used to go out drift in the channels for flathead and bream and that, by handline. So we had good times when we were growing up (Jean Wellington, Nowra).

The degree to which Jean's descriptions tallied with the activities that I observed daily at Jerrinja, no less than sixty years later, was remarkable.

Near Port Kembla, before WWII, an informal camp was maintained at Hill 60. There was a fresh-water spring there and the ocean and lake provided an abundance of food,

I've still got memories of being there (Hill 60) as a child and going down the hill onto the rocks and fishing and catching abalone and all our dads had little garden plots and grew our own vegetables and we just played around there and swam and went fishing and caught all our own food. And our parents, our fathers actually, were fishing off Hill 60. They had a boat which was given to them by the government and so they had their own little fishing industry where they supplied the town, Port Kembla and Wollongong with fresh fish, as well as supplying the city market with fresh fish. So, the Aboriginal community had quite a little fishing industry and sustained themselves financially as well as having fresh food, you know, to feed their families. So, I remember all of that anyhow.

We used to walk over the sand hills and go down on the beach and get pippies, dig in the sand for pippies and carry them back home to our mum'd, who'd cook them. We'd have curried pippy or pippy stew or pippy soup. And then we'd walk around, back around to the rocks at the bottom of Hill 60 and go fishing there as well... we used to catch fresh prawns in the lake [Lake Illawarra]. ... We used to go in there and we used to wait for full moon actually and we'd all have our own little scoop nets, like a butterfly net, and we'd just go and scoop the prawns up in the nets and have a torch and shine the torch on the water and the prawns would think it was the moon and they would come up to the surface and you'd just scoop the prawns like that. Oh! Beautiful tasting fresh prawns they were! (Rita Timbery-Bennett, Sydney).

On Barlings Beach, from the 1960s through the early 1980s, a few sprawling families maintained makeshift homes in tents, tin shacks and cars. Symalene Nye (dec) recounted,

My husband built a humpy under the hill, in the corner for our family in the sand dunes, using an old army tent, corrugated iron and blankets (Donaldson 2008:62-63).

... [I] cooked on an open fire and used a camp oven. Men carried [the] water and [I] did the wash for 11 as [we] had 9 children. [We] women would fish off the rocks with a line for leatherjackets and goppers. ... [We] also gathered cuttlefish to sell to people who came along to buy them and would get a feed from the 'conks' and 'periwinkles'. When

the mullet and salmon were running it was a good time. Spring was perhaps the worst time of the year (cited Donaldson u.d.:34).

Grandparents, parents, uncles and aunts busied themselves with hauling nets, diving, line fishing and collecting; children helped them and helped themselves,

Everyday we would go fishing ... no shoes, no nothing; we would walk around the rocks barefooted and carrying our fishing lines and everything else and then we would catch fish. If mum wanted fish for tea, otherwise we would catch the crabs in the ocean ... we would eat pennywinkles [periwinkles], we would eat conks, mutton-fish, abalone, lobsters, prawns, oysters, mussels. We would get these every day. Whatever mum wanted we would go out and gather them and bring them back (Linda Anderson, Sydney).

We used to live on the headlands at Barlings Beach. We lived in the tin hut ... Mum taught us about hunting and gathering, how to live off the ocean, rivers ... We couldn't afford to go and buy fishing line. We got blankets from welfare, made string out of them. And used a nappy pin. We'd sit on the rocks, try to catch fish... We used to go down to the water. We could collect anything to feed us. That was our life, living off the water (Leeanne Parsons, Moruya).

Nipper Parsons, now over 75 years of age, grew up at Batemans Bay and up the Clyde River, and lives there still. He recalls,

I used to go with dad and grandfather. Dad used to dive for lobsters and abalone – muttonfish. We'd catch pippies off the beach, cockles – which we call *bimbulas* – from the river. Cullendulla was a more traditional place than anywhere. There was just a dirt road, a bush track. We camped mainly with tied up tarps. We used spears with wire prongs. My grandfather was an expert. I'd say, 'what are you looking at?' I couldn't see the fish but he could see them.

Dad worked in the sawmills in his day, so we moved around a bit. We still done the same traditional thing. There were nine kids in my family, five brothers and four sisters. We got enough food for the family and if there was any left, us kids would run across to Uncle Joe, Aunt Mary and distribute it out. When I got to my teenage years, I was diving myself. I was diving up to fifteen to twenty years ago when I got a stent put in. That's the only reason I stopped. All my life, it's been a traditional thing. These things were handed down, right from a kid. That was our way of living (Nipper Parsons, Batemans Bay).

## **Kinship**

As elsewhere in Australia, a complex system of kin categories was maintained amongst Aboriginal people on the NSW south coast in earlier days. Within this system, the kin terms applicable to one's immediate relations were extended to all persons with whom a person interacted. This is known as the classificatory system of kinship. The kinship terms – and the roles which attached to them – were not direct equivalents to those employed in Anglo-Australian society. The terms for mother and father, for example, were not, as they are in European systems of kin reckoning, confined to the biological parents but were extended to the same sex siblings of the parents and to others in equivalent structural positions within the kinship network, which is not to say that people did not

recognise who their actual parents were. In contemporary south coast Aboriginal society, kinship continues to play a central role in organising social relationships.

Aboriginal people are primarily oriented toward and associate with kin. These relationships extend well beyond the immediate nuclear family, embracing grandparents and great-grandparents, aunts and uncles, cousins at various distances of remove, nieces, nephews, grandchildren, great-grandchildren. As observed from my interactions, typically, the care of children in Koori south coast families is not the sole prerogative or responsibility of the biological parents. There tends to be a greater degree of fluidity in household and family structure. The care of children may be shared with – or even permanently assumed by - grandparents, aunts and uncles, or sometimes, siblings.

The obligations that Aboriginal people have toward their kin, and the expectations that they maintain of each other, tend to be more intense, more demanding and more broad-reaching than those of the mainstream. Within Aboriginal society, a person's identity and worth are measured, in the first instance, by one's recognition of, *and by*, family, and by maintaining sociable relations with them. People are expected to maintain their ties with kin by keeping in touch, spending time together, sharing food and other material goods and being ready to lend social support and back-up. When family members live apart, it is expected for people to pay visits every now and then, in which circumstances, hospitality and generosity, including through providing food, is to be expected.

Fishing, gathering and camping are activities which are undertaken in kin groups, sometimes gender segregated. This is a pattern which follows from the division of labour and gender separated day-time social spheres, which characterise Aboriginal traditional society across the country. Women, with children in tow, enjoy the opportunity to laugh, gossip, find solace and relative peace, among their peers and elders. Young men describe the sanctuary they find in the company of their male fellows, engaging together in productive activities, being mentored by elders, finding relief from the stresses of home and public life, mucking around with agemates and, sometimes, talking over troubling issues.

As well as providing opportunities for social connection, and meeting the basic subsistence needs of the family, sharing the harvest of fish, shellfish and crustaceans, is an iconic way of looking after and showing respect for others. Large households with fluid membership; extended family obligations; sundry senior relations or community members in old age and ill-health; pressing demands from those who don't have the capacity to fish and dive themselves; and a strong ethic of hospitality, mean that there are always many mouths to feed. There is no comparison between the typical non-indigenous recreational fisher and his or her leisurely motivation to fish, and the moral imperatives to provide, which fishers - particularly those who are most skilled - experience in the kin-centred Aboriginal social world.

### **Holiday camps**

As well as sporadic visiting, the maintenance of social networks on the south coast today has been upheld through a continuing tradition of large holiday time gatherings, held at traditional camping locations up and down the coast. Major camps are established for extended periods, particularly at Easter and Christmas. Families return, year after year, to sites which their families have frequented over generations and which hold strong cultural and sentimental associations for them. Such gatherings continue a classical pattern of congregation around seasonal abundances which, in the past, may have coincided with the hosting of initiation ceremonies. They also represent the most opportune time for the intergenerational transmission of knowledge.

Vivienne Mason, now of Narooma, spent many years living at Sydney and further afield, but consistently travelled back down the coast for annual family reunions,

Every year the families trek back to ancestral land to maintain their connection to it. Six generations of our family have camped at Brou (Mummaga Lake). It is a traditional fishing place and teaching ground. We teach our young kids about bush plants, medicine, fire safety, cooking, boating, key survival skills, training and story-telling about our old people. We teach them about the environment and to respect the land. The boys go with Ronnie (her husband) to catch abalone and collect firewood. The kids are taught how to look after the wood and to make sure they take the rubbish away. We have access to wild resources for cultural purposes and we are all reared on abalone, periwinkles, pipis and fish (Vivienne Mason in Donaldson 2008:46).

Jordan Acton, a young man from Nowra, reflects on the big family camps which were a feature of his childhood,

When I was a kid, I used to go camping everywhere ... We used to do it, go away school holidays. Go for a good month, all the way up and down the coast. All my family ... Just family everywhere. Just go visit them all the time.

They used to meet up with them, all the families would come out together and go fishing and diving. That's how it was back in the day. There was no one ever at home. Only time you'd come home was to have a wash or something (Jordan Acton, Nowra).

In earlier days, Aboriginal people trod on foot up and down the coast, renewing ties to place and kin. Fishing and gathering were central to these gatherings, providing the focus for activity, daily sustenance and resources for transactions, sharing and gifts.

Ossie Cruse's description of important camping places up and down the coast, likely retraces paths once trodden for the purpose of attending ceremonial gatherings,

I mentioned there used to be a cultural gathering, and because it was a cultural gathering there was special sites that our people used to go and camp. Those campsites was all the way through from Wollongong right through to the Victorian border. Many of those campsites were on the shoreline where there was fresh water. I can still remember those sites, where they used to gather mutton-fish, where the favourite spots w(h)ere. Some beginning were as up as far as Hill Sixty at Port Kembla and some of the favourite camps were at Gerroa, Gerringong and Boat Harbour, Werri Beach, Minnamurra and Bass Point and East Beach at Kiama.

Then coming down the coast some of the favourite spots used to be places like, Currarong and Callala, Lamb's Point, Green Patch, Caves Beach, Kioloa, Red Head, Mollymook at Ulladulla, Myora [Myola] and Bawley Point, Pebbly Beach, Point Upright, Durras, the mouth of Durras Lake, Long Beach at Bateman's Bay, Hanging Rock at Bateman's Bay, Barling's Beach and coming south to Potato Point and all the way down south there were these camp sites. Like Mystery Bay and down at Cuttagee, Cowdroy's, just a little bit north of Tathra. They were all traditional campsites that our people used for many hundreds of years. Beautiful sites and they were beautiful places to visit (Cruse et. al 2005:25).

Among south coast Aboriginal people, the majority of these locations would be recognised as associated with a particular family or cluster of families, who have maintained, varying degrees of connections to them, through long residence or persistent visiting.

At their camp on Barlings Beach, the Nye family regularly hosted big holiday camps, with relatives from Sydney, Nowra and 'down Bodalla way', each bringing their own host of kids. 'It didn't matter if one or one hundred showed up', Linda Anderson recalls, 'we would just go and get what we had to do, to feed the tribe of people'. Her brother Keith Nye, of Mogo, fondly recalls, 'Abalones, lobsters and fish was always on the cards and the mothers, aunties and nans cooked the damper'. In his adult years, Keith assumed a key role as host and worked hard to provide the necessary seafood to cater for everybody.

In my experience, and from the reports of south coast Aboriginal people, there has been a decline in the frequency, duration and survival rates of these camps, as increasing regulations from multiple jurisdictions - Fisheries, National Parks, Local Shire Councils – as well as the stealthy encroachment of private property, have seen Aboriginal people squeezed out. As well as literal locked gates, tighter and tighter rules, narrower and narrower limits on catch sizes and the imposition of exclusion and sanctuary zones, have drastically reduced and, in some cases, eliminated, the means by which large gatherings can be sustained. Moreover, the primary rationale for coming together in the first place ie. to spend time together by the sea, practicing, learning and teaching fishing, diving and gathering, and enjoying the fruits of that labour, is being spoiled. Once places of unrestrained freedom, relaxation and joy, the atmosphere of these camps may be poisoned by heavy-handed oversight, harassment and confrontations by Fisheries and/or Marine Parks officers, which may carry with them the potential for landing participants in legal trouble.

Although application can be made for a 'cultural fishing authority' under departmental provisions, it seems unlikely that a protracted affair involving large numbers of men, women and children is what is envisaged. Many Koories consider the necessity to apply for a permit from Fisheries authorities as an affront. An application form, expected to be lodged six weeks before hand, requires specifications of the numbers of each species required, gives place (on the form) for 5 or 6 persons to be named as providers and seems most well suited to a situation, in which a quantity of seafood is to be harvested, transported away, stored and served at some kind of iconic 'cultural event'. The process of taking the fish, appears not to be recognised as a cultural event in itself.

## **Identity**

Today, the harvest of seafood remains vitally important, not just as a contribution to diet and economy, but as an activity which is central to south coast Aboriginal identity. Consistent with the socio-cultural categorisations between the fishermen and tree climbers, noted earlier, the notion that they are coastal or saltwater people, and fishermen, as opposed to inland or mountain people, is fundamental to contemporary socio-cultural identity formation. 'We're saltwater people, you go inland you got freshwater people', says Andrew Nye, of Mogo. Vivienne Mason identifies with the term 'coasties', while Ricky Pender calls himself a 'south coast saltie' (Ricky Pender, Nowra).

Georgina Parsons (dec), of Moruya, put it this way, 'You wouldn't see a blackfella camp inland. We're sea people, lived on the coast all our life... Then you got your inlanders... Red dust people'. John Brierly, also of Moruya, states, 'Out-west-people, they don't know much about the fishing. They got kangaroos. We know everything about the fish.' Meanwhile Eric Ardler, from Wreck Bay,

comments, 'If you're on the coast, you got to be saltwater. I tried freshwater fish but it's nothing...buggared if I can eat them'.

Such expressions are consistent with the sentiment aired by King Merriman of Wallaga Lake in an 1879 newspaper report,

Local chief Merriman spoke with some disgust of the inland people being 'eaters of snakes and opossums' compared with those living by the sea whose diet was largely fish' (The Bega Standard 6.12.1879).

Likewise, when Mahroot, an elderly Aboriginal man of Botany Bay, appeared before the 1845 Committee on the Condition of the Aborigines, he asked what he called the people at Liverpool. He replied,

*There is a particular name for them, just the same as you call the French people.*

(What do you call them?) *Cobrakalls.*

(Does that mean anything?) *Cobra means a kind of worm eaten into the wood.*

I take it, here, that Mahroot is drawing a comparison to the epithet 'frogs', which the English applied to the French, finding commonality in scorning people by reference to their national diet. His preference, prejudice and snobbery, reflect the positive identity attached to his own people's diet, of 'sea coast side [ie. saltwater] fish, and fern root.'<sup>5</sup> A marine focused orientation is seen as integral to south coast Koori Aboriginal life, a part of their upbringing and cultural heritage, and, even further, an essential part of their being.

Their orientation to the sea, the time dedicated to fishing and gathering pursuits and the skills and knowledge entailed are sources of pride, status and identity for south coast Koories. People choose to identify themselves as fishermen or women, or as I heard at Jerrinja pippy women or oyster women.

Certain kinds of seafood and certain kinds of fishing activity hold an especially iconic status within south coast Aboriginal culture. Extending from Feary's observation that abalone constitutes an 'iconic' species for south coast Aboriginal people (Feary 2015:29), diving may be rated as an iconic cultural activity. It combines the intimate relationship and identity with the sea with well-honed skills and environmental knowledge to deliver a hard won, favourite, high calorie food, with reputedly significant health benefits, not only to the divers but to the broader community. Abalone is one of those defining foods, that sets Koories apart from the average European who does not know or appreciate them as something desirable to eat.

Diving for abalone earns the diver kudos too. Physically taxing and hazardous - given the dangers of the sea, sea creatures and cold temperatures - it is an occupation which is only available to persons of sound health and optimum fitness. The activity demands superior swimming ability and the capacity to hold the breath for extended periods. The diver must be able to reach and operate at depth, in the words of Jordan Acton,

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<sup>5</sup> Select Committee on the Condition of the Aborigines. 1845. Appendix evidence of Mahroot pp. 1-5. <https://hunterlivinghistories.com/wp-content/uploads/2018/01/1845-condition-of-aborigines-transcript-final.pdf>

There's always dangers in the waters, it's a pretty scary place ... You're always looking out for sharks, stingrays ... I almost drowned five times. It's not easy, it's very hard, we're risking our own lives (Jordan Acton, Nowra).

It is not easy to find and dislodge the abalone amongst and from the weedy rocks.

Attachments to the sea, to its resources and to the culturally distinctive lifestyles which Aboriginal people have maintained about them, are values artistically expressed as well. Both in leisurely pursuits and as commercial artists, south coast Aboriginal people produce paintings and other artworks in which the marine environment, marine life and the harvest of these resources features strongly. By way of example, women at Jerrinja and at Wreck Bay produce paintings featuring pippies, fish and dolphins. Georgina Parson's (dec) mural depicting an array of sea creatures, adorns the wall of the local art gallery. Meanwhile, Wayne Carberry's subjects include gropers and divers. The explains that such works serve to 'express who we are. Show people who we are, that we belong to that. We belong to the sea' (Wayne Carberry). Meanwhile, women at La Perouse have long created ornaments decorated with tiny shells, including shell booties and Harbour Bridges; while Laddie Timbery's (dec) iconic painted boomerangs, bearing titles such as 'Saltwater People', which once again strongly featured maritime themes.

### **Ecology and metaphysics**

The possession of well-honed skills and traditional environmental knowledge distinguish south coast Aboriginal fishermen and fisherwomen in their fishing pursuits. Such knowledge is the ancient, cumulative product of a culture which has developed in close relation to particular localities and in a context where dependence upon the sea has been essential to survival. Traditional fishing and gathering practices relied on an intimate knowledge of the foreshores and sub-littoral zone. Aboriginal fishers are closely attuned to, and are the inheritors of, deep knowledge about the weather, the moon, the seasons, tides, currents, underwater geography, ecological systems and the habitats which various species occupy. Spotters, who plant themselves at high vantage points, read subtle patterns in the water for the movements of the schools of travelling fish. The flowering of certain plants gives signal for the onset of particular fishing seasons. Such knowledge has been developed and passed on over eons and honed, on an individual level, through long experience.

Georgina Parson (dec) says her father used to 'give her the creeps' with his uncanny ability to predict the weather,

He'd say, I think we're going to have a very bad storm ... He'd tell us how he knew.  
He'd watch the birds, he'd watch the *gunyu* [black swans], he'd watch the sea eagles.  
They were the one's that would tell him about the weather ... He'd say, stay of out of the sea. You'd hardly hear of a blackfella drowned at sea. He'd always show the boys where there was bad current in the sea (Georgina Parson dec., Moruya).

In some places, the geography was, and continues to be interpreted, in terms of mythologies in which marine species or heroic fishermen feature. Amongst Aboriginal people, an affinity is felt with dolphins and whales, some regarding them as 'the old people' returned, who lend their assistance to drive fish on-shore, for the benefit of their people. Stories are told about old leaders, great aunts and uncles, who used to sit by the shore and 'sing up the fish' in 'lingo' [indigenous language].

For the majority of us, who depend on the consumer market for our supplies, the source of the products we depend upon barely registers, if it is known at all. Should anything go awry at the place of origin, we wouldn't know it; one source is readily substitutable for another. For indigenous people, who maintain an *immediate* relationship with and dependence upon their country (inclusive of the sea), any degradation of the environment, ecological imbalance or exclusion, has a direct effect, both with regard to their sustenance but also in terms of their sense of well-being. They are truly ensconced within their country,

Dad and them, our grandfathers and uncles were all fishermen and whalers. We are saltwater people we will never leave the sea. The sea means everything to us. It is hard for us, cause we need some many muttonfish to feed our family, but now we can't get many. We see poachers coming in from the sea, taking all our cultural food. The poacher's behaviour is ruining our ways. We send our boys out to get us a feed, and there is none left. Sometimes we camp there with three or four families with all of their kids. I had 7 kids and took in 9 of our relative's kids, there always a lot of us, and others. We fostered families' kids, if their parent couldn't look after them. Koori people look after each other. We've always had heaps of kids around us. We take them to Middle Beach, teach them how to swim and fish and rest in the tents. We have lived this way all our lives, and now we are showing our kids (Faith Aldridge cited Donaldson 2010:46).

Adam Nye argues that the total closures imposed on certain areas, whether as a result of fisheries regulations or by inclusion within designated zones marine parks, which take Aboriginal people out of the local ecosystem, actually upsets the finely tuned balance of these environments,

What has proven to be pretty ineffective is the sanctuaries they put around areas, because then that just leaves other areas to be smashed and it leaves the areas that are in the sanctuary to overpopulate. And what they [abalone] do is essentially starve themselves out. If they're not being harvested ... they're starving themselves. That's like if you go to an area where it's overloaded with oysters and you harvest oysters, they're not worth eating ... because there's so many that's eating all the food, and then not all getting enough to get fat ... When you think about it, right, we've been here so long that not only are we adapted to the ecosystem but the ecosystem has adapted to us [too]. So if we're not there to be doing what we have been doing for the last 60,000 years it's going to have adverse effects upon the ecosystem (Adam Nye, Mogo).

Jordan Acton makes a similar point,

It's not just taking them [abalone] for a feed. We used to do it ... so they didn't clean all the rocks off. Abalone and urchins grazing, leave it all bare. By getting the food off there too, you're looking after both sides of the environment. Giving it time to grow back (Jordan Acton, Nowra).

There is a metaphysical perspective to Aboriginal relationships with their environment, as well. According to the local traditional owner perspective, those with traditional connection, enjoy a special spiritual affiliation and identity with country, said to be demonstrated through the special favour, protection, ease and feelings of belonging experienced by them on country,

It always feels right by the water. Don't know if white people feel that but being a blackfella, when you go to places sacred to you, saltwater or the bush, places that you've grown up in, you feel like you're coming home. It's like – you get a burst of life in you. It's like a connection with you and your land. I can go inland or to Sydney ... It



doesn't feel right ... This place always calls me home. Along the salt water, always calls you home (Ricky Ardler, Wreck Bay).

The country itself, and the spirits which reside within it, are thought to respond to human presence and act out differentially according to their relationships to it. Sometimes mystical experiences are associated with being on country. Shirley Connolly (dec), of Jerrinja, told me that when she was out on Beecroft Peninsula, she would sometimes see something special, a pool of blue water for example, that wasn't usually there and that couldn't be seen by outsiders, white people for example. She explained that the country opened up to her because it recognised her as a local person.

All the divers I have spoken to have reflected in some way on the sense of wholeness, healing, calm and belonging which submersion in the underwater world provides. One young man explained,

it soothes everything, heals us if we're sick ... You feel awesome, feel alive ... its medicinal, its regeneration (Ricky Pender, Nowra).

The anthropologist, Stanner, has described the deep identity that Aboriginal people share with their country, their totems, the flora and fauna, in terms of 'consubstantiality', of shared essence. The closeness between fish, fishing, her family and the ocean, described by Vivienne Mason, seems to epitomise this notion,

... my dad was a fisherman...And all my family are fish, our nickname's mullet, my totem's the fish...we're just fish, like we got gills, and the abalone and crayfish, oysters and bimbulas. It's just all part of growing up and it was all part of that teaching that we had... (Vivienne Mason, Narooma).

## **Sustainability**

Not only is fishing and gathering a regular and, in some cases, daily part of everyday living but, as a product of their continuing adherence to traditional laws, customs and beliefs, and as inheritors of traditionally held knowledge, Koories of the south coast maintain distinctive approaches to fishing and gathering, both in philosophy and practice.

Of key importance is an imperative to respect the natural environment, and to conduct oneself in such a way as to protect and conserve marine resources. 'I was reared up this way, you know', said an elderly man, then resident in a makeshift home at Wreck Bay, 'respect the bush, respect bush tucker and everything.' He spoke of the need to respect the ocean and the tides,

if you don't respect the ocean there, you can be killed, drowned. You got to respect the feed what's on the rocks ...you get your abalone...got to respect all of that. [How do you respect the food?] Well, you only take what you need, you don't go overtaking' (John Stewart, Wreck Bay).

People recall instructions issued to them by parents and grandparents, 'Only take enough for a feed' or 'only take enough to fill your belly.' Lest they be too narrowly read, such edicts must be read in perspective with other maxims, to contribute, to be productive, to share and care for others. Taking into account elements of local mythology and various other moral lessons related by south coast Aboriginal people, the critical lessons appear to have been - not to take more than necessary, not to waste, and not to kill for sport.

## Rotating the harvest

Another important precept which supports a conservationist approach to resource management in Aboriginal culture, is that which dictates that the taking of resources, whether plant, animal or seafoods, should be spread over space and time. This is sometimes referred to as rotating the harvest.

A young man, who had been charged with a fisheries offence

When we're fishing or diving there was always a law. We didn't go down and get everything little. We didn't get everything you could possibly see. You'd get into trouble. They'd (the elders) say, 'Why did you take a little like one like that? Throw it back.' We were told if you take too many there won't be anything for anyone else. The small one's won't be able to grow up. By taking everything there'll be nothing when you go next time (Kieran Stewart, Ulladulla).

One man recounted how this maxim was pressed upon him by his mother, when they lived at Hill 60, near Port Kembla,

She said, 'Where'd you fish the other day'. I'd say, 'Oh the point around there, mum.' She said, 'Well don't you go back there no more. You got a good feed of fish off [there]'. She says, 'go around to the other point there and catch a feed of fish today.' 'Where'd you get the oysters from?' 'those oysters along the flat, mum.' 'Well don't go there. Go to the other place,' you know. Time you get back to those places, five, six months down the track, well it's all revitalised itself. It's a great system (Alan Carriage dec., Illawarra).

South Coast Aboriginal people contrast their fishing practice with that of non-indigenous fishermen who they say will clean everything out of a single spot. The fact that some non-indigenous fishers or collectors will take a vast quantity of seafood, only to leave much of it rotting on the beach provokes anger and distress.

An imperative to protect the 'breeders' has been expressed to me in terms of bans against taking pregnant animals or by the stricture that female mud crabs should be left alone. By their own account, Koories consider themselves expert in the care of the environment and its resources and object to the imposition of measures which sometimes go against their own principles,

The fisheries have got the law up-side down. They want you to take the breeder and ... when you take the small ones, they're prosecuting you (Graham Connolly, Jerrinja).

Another point of contention is the ban on shucking abalone by the shore, which transgresses the dictum, to which some abide, that these shells ought to be returned to the sea. Some say this is part of a process of recycling, that the gut which adheres to the shell will feed the fish, 'What we got from the sea, went back to the sea'.

A Narooma woman lends a more esoteric perspective recalling the words of her Nan,

'Don't take the abalone away from the water and clean them, they fret, then you'll hear them', you know, it's a spiritual [thing] and that's why a lot of blackfellas clean them on the rocks, shuck'em and then they get fined for it... (Vivienne Mason, Narooma).

## Techniques and technology

The surveyor Govett's vignettes, depicting Aboriginal fishing activity on Sydney's Northern Beaches, in pre- or early settlement days, are not only beautifully evocative but they include small details relating to skill and technique, productivity, social context, and cooking methods which are all significant in giving content to cultural fishing and demonstrate continuities in fishing practices and preferences from past to present. He writes,

Upon the edges of the flat rocks which jut out into the sea from beneath the headlands of the coast between Port Jackson and Broken Bay, the natives were accustomed to fish for snappers. They are often seen to great advantage when employed in these occupations, and they being very clever at this sport, it is highly amusing to watch their actions and dexterous management; provided as they are, with only the most simple tackle, still they invariably succeed in catching as many of these fish as they require...

The natives ... are obliged to be very expert and dapper in first securing a sufficient quantity of the starfish as bait, which ... are not easily caught by those who are inexperienced. They then prepare the line in such a manner, that when they throw off the baited end with their right hand the line will run out its full length thus, as shown in the sketch, the natives stand at the very extremity of the rocks, the breakers sometimes forcing them from their position; and, as soon as they have thrown out their line, they cautiously, but gradually, bring it in, coiling it with care as before; but when they feel a bit, they haul it with great rapidity, to prevent the fish from carrying the line under the rocks, and as soon as they have brought it out, they immediately kill it, by piercing the back of the head. In this manner I have seen a native catch eight large snappers in less than half an hour from the time he commenced fishing (Govett 1977 [1836-37]:62-63).

In the following passage the social context comes to light,

If a party of blacks has been assembled together on the coast for the purpose of fishing for themselves, as they were sometimes accustomed to do, they form an animated and lively group of figures – On these occasions they make good fires as near their fishing ground as possible and generally rest and eat them as soon as they are caught until they are satisfied – The women attend the fires while the boys catch bait, collect oysters and the men fish – The natives in this instance are correct for these fish are never so good as when eaten as soon as possible after being taken from the water – their cooking is certainly rude but the fish is certainly good when cooked in this way – They eat these oysters also in a similar manner by roasting them before the fire... (Govett 1977 [1836-37]:64).

Violet Parson's (dec) reminiscences of her family's life on Chapman's Beach resonate so closely with the scene painted by Govett that they are worth comparing,

The family would wait for the tide to go out before venturing onto the rocks to catch lobsters and mutton-fish. There was no need to dive for mutton-fish; they were exposed on the rocks at low tide. The kids would get conks and mutton-fish hiding beneath the seaweed. A feast was had on the rocks, where the food was collected...We would always have a fire going before people went diving, so when they go out, they could get warm quickly. After having a fill of food at the beach, if there was any left

they would take it home to share with family. There is a certain area for cooking and throwing away the shells, like the rubbish tip [ie. shell middens]... lobsters are better boiled, so it was always good to take them home to cook, whereas muttonfish and conks taste better when cooked on the hot coals... (Feary and Donaldson 2011:38-39).

Important, as well, is the bridge here afforded here between the living Aboriginal culture and the shell middens which mark the ancient indigenous occupation of the coast-line.

In case it needs emphasising, the taking of abalone was a traditional practice in Aboriginal Australia. Hunter played early witness to diving as a way of procuring shellfish, though the species is not named,

The men also dive for shell-fish, which they take off from the rocks under water; we frequently saw them leap from a rock into the surf or broken water, and remain a surprising time under: when they rise to the surface, whatever they have gathered they throw on shore, where a person attends to receive it, and has a fire ready kindled for cooking (Hunter 1793:8).

The taking of abalone was most clearly documented in Tasmania, by Backhouse and Walker. There, it seems, the species was mostly harvested by women,

This morning I found two smooth shell mutton fish (*Haliotis laevigata*) ... The aborigines obtain large numbers by diving for them. This is one of the occupations of the women. They cook the fish by roasting it in the shell in the ashes... (cited Plomley 1987:244).

They also noted the use of bag-like baskets for collection,

These baskets are sometimes of large size and are used for various purposes. They put them upon their heads when they dive for mutton fish or cray fish, and suspend them around their necks when in the water. They detach the mutton fish from the rocks by means of a flat piece of stick, and quickly collect a large quantity, coming to the surface at intervals to breathe (cited Plomley 1987:244).

The recording of local names *walkan* in a Victorian word list of the 'common kind of shell-fish eaten by the natives' Brough-Smyth 1972[1876]:205) and an alternative name *biaouli* at Jervis Bay (Organ 1990:149) are telling. Even the persistence of the term 'muttonfish,' as the familiar name for abalone amongst south coast Koories, indicates the species was important to indigenous people in the early days and has not, as some purport, simply attracted recent attention in view of its present monetary value.

The fact that Aboriginal fishermen depend on skill rather than luck in their fishing pursuits was commented upon by a resident of the Illawarra who, in a 1919 newspaper article, recounted his childhood memories of watching the local Aboriginal 'king' spear fish in the surf,

They went to the beach and soon the King saying 'big schnapper longa' there,' threw his spear, and, sure enough struck a big fish out in the surf. Aborigines it may be mentioned did not stand in one spot wearily awaiting a finny customer to come for the bait; they moved about till they found where the fish were, which their knowledge of nature enabled them to do (cited Organ 1993:232-233).

This is also commented upon by Aboriginal fishers who compare non-indigenous fishermen, who 'throw their nets blind', with Aboriginal fishermen who appoint spotters, to read colours and patterns in the water for signs of fish.

Petrie's account of the netting of mullet by Aboriginal fishermen in the Brisbane area, dating back likely to mid-nineteenth century, is included here because it is so closely reminiscent of the techniques of the Aboriginal beach hauling crews, who continue to operate out of Wreck Bay and Mogo, showing that practices which tend to be written off as pursuits introduced by Europeans are in fact deeply rooted in pre-colonial indigenous traditions. Petrie recalls,

In winter sea mullet (although spears were used more often than nets) were caught in the same way as dugong were captured. A pair of blacks would climb a tree, and so watch for the schools of fish as they came in to the shore. The natives had wonderful eyesight, and nothing would escape them. When they saw the fish coming, they made signs to their companions as to the direction etc., and a dozen or more men would go into the water, with hand nets, and when the fish were about twelve yards or so from the shore, other blacks would throw stones and sticks in great quantities into the water, landing them seawards of the shoal. This would frighten the fish and cause them to shoot in towards the shore, the men in the water would quickly rush forward, meeting in a circle, and the fish were thus caught in their nets. Father has seen the blackfellows, hardly able to draw their nets ashore, they were so full (Petrie 1904:72).

A similar case, of traditional fishing undertaken as a co-operative affair at substantial scale. In the early 1800s, at Macquarie Rivulet in the Illawarra district, a man witnessed a group of some 200-300 Aborigines 'engaged in a fishing operation which consisted of putting a mole across and banking up the water, they went in then and chucked out great quantities of fish' He observed that, 'Settlers about used to come with their carts and participate in the catch' (Organ 1993:232).

At Moruya, the traditional eel fishery, at one time, not only satisfied local needs but was the focus of larger group gatherings. Barlow reported 'over one thousand aboriginals have been seen camped around the Moruya Lagoon, then famous for its eels' (Barlow cited Organ 1990:345). It is possible that the hosts of the eel harvest exchanged invitations with the hosts of the bogong moth festivals of the southern highlands (see Flood 1980).

## **Trade**

The oral histories related by south coast Aboriginal people about the lives of their parents and grandparents and their own upbringing make it clear that the harvest of seafoods, for the purpose of barter and sale, were integral parts of the subsistence strategies of their elders. Pam Flanders, of Wallaga Lake recounts,

Dad taught me and my baby brother Carl how to grab lobsters, he use to take us to Wintles Point and get into the water with us, he'd find a nest of em out from the rocks. Mum'd sit on the rocks with a bag and we would just come and put em in. He'd get about two corn bags full and keep one bag raw and one cooked. He sold em at the central pub. We'd have some too, we'd put our aside before we took em up there. Dad put a big pot on outside, we brought em home and cooked them in the yard. He was the best fisherman I've ever seen, even with a spear, he'd get them big bream no matter what. He'd always come home each evening, go again the next day ... It made us feel proud that we didn't have a dad that sat on his bottom, he went out and done things. Dad shared the fish and everything with Uncle Roy that was his older brother (Pam Flanders cited Donaldson 2010:27).

Troy Pender remembers,

I grew all up the south coast. I've got family all up and down the coast. Nan was travelling up and down with the bean paddocks, bean picking. Working for sugar, milk, flour. [She] wasn't getting money just food. Pop was a traditional fisherman. We was born and bred growing up on the ocean. He'd go and sell, give to farmers ... getting veggies [in return]. They've been doing it for a very long time. Basically, our mob started selling for money to do other things. [They had] no work, no money (Troy Pender, Meroo).

Younger members of the family were encouraged to emulate those practices, both as a means of contributing to their natal family, and a way to become self-sufficient members of society and future providers for their own families. Sherrie Nye, recalls her first bargaining experience,

The first time I ever bartered with someone was the local fruit and veggie man in Batemans Bay. His name was Louis and he owned a fruit and veggie shop in town. And I went there with me father [Frederick Nye] one day and we took him in lobsters and dad had some blue swimmer crabs, we took him in some blue swimmer crab and some lobsters and we came out with all the fruit and veggies ready for our Christmas. It was the day before Christmas, I remember it was a beautiful summer's day and it was a really nice day and we come out with boxes of fruit and veggies ... I remember doing that with dad and still to this day (Sherrie Nye, Mogo).

John Carriage of Batemans Bay says that his elders used to say, 'Go take some lobsters down to the shop. Make yourselves a couple of dollars.' And 'If youse want money, there's heaps of money in the water'. Many of the lessons regarding conservation were in fact imparted by senior Aboriginal men, with long involvement in the commercial fishing industry.

Bartering and trade continue to be an essential part of the Aboriginal economy today. People do not believe that they are contravening Aboriginal law by taking resources for barter and trade, on the contrary, they follow the example of their elders and participate in an activity which has been a normal and necessary part of their upbringing. Moreover, they say, they have been specifically taught to understand that fishing, diving and gathering for barter and trade is a useful, responsible and commendable thing to do. An Illawarra man stated,

If you need anything, it's in the sea. Whether it be for food or - as our elders did - to sell it. That's not poaching, that's what we've been taught as young kids. To eat or to buy the basics salt, flour sugar, milk and things like that. We don't see it is poaching. We see it as a means of survival (Bill Cooley, Illawarra).

Trade was an integral and necessary element of the pre-sovereign indigenous economy, providing the various local groups with access to an array of essential and desirable raw materials, manufactured items and cultural and intellectual assets. The opportunity for exchange was founded in large degree by differences in available resources and technologies, but it depended as well upon the existence of intergroup and interpersonal ties and was motivated in part by the need to maintain such relationships in good order.

When Governor Macquarie sailed into Jervis Bay in 1811 on-board the Lady Nelson, he found the locals eager to trade,

The first [natives] we saw were three men on Bowen Island as were passing in through the entrance into the bay; they then holloed to us, and afterwards when anchored,

came off to us in their canoes with fish, which they willingly bartered for biscuit and tobacco. They were very stout well-made good-looking men, and seemed perfectly at ease and devoid of fear ... (Macquarie cited Organ 1990:35).

Early settlers on the south coast described and paid tribute to the fishing skills of the local Aboriginal people, who not only supported their own people but whose fishing activity and offerings were crucial to the viability of the new settlements. Mrs Rose of Gundary, who came to Moruya as a child in the late 1830s, recalled that the local Aboriginal population at that time numbered about four hundred. She described them as quiet, harmless and kind, remembering how the elders 'would put their hands on our heads and say, 'Buderree fellow white picanniny.'" According to Mrs Gundary, shortages of supplies in the area were sometimes acute and she credits the Aboriginals as having 'saved the settlement several times from starvation by supplying fish and oysters' (Rose cited Organ 1990:374).

Entries in the diary of Scottish settler Margaret Menzies record her and her neighbours/employees' dealings with Aboriginal people at Jamberoo,

Tuesday 23<sup>rd</sup> April 1839: Natives brought me a fish on Saturday a mullet; for which I gave a little tea and sugar... Some more blacks came up and this morning 2 or 3 women came with some cray fish and got sugar from Mrs Smith and Roberts gave her 2/ for 1/4lb of tea and 2lb sugar and understood perfectly the quantity he should get for his 2 white monies. It is astonishing how fond they are of tea and sugar (Menzies cited Organ 1990:243).

Trading it should be noted, was not a foreign concept to Aboriginal people, who had their own systems of exchange, long before Europeans ever arrived. They were quick to engaged with the newcomers with seafood representing an item in strong demand.

The drawings and paintings of the Aboriginal man, Mickey of Ulladulla, provide an extraordinary insight into Aboriginal life on south coast NSW in the 1870s and 1880s. His pictures chronicle various aspects of the indigenous economy and the enmeshment of Aboriginal people in mainstream industries including the fisheries and sawmilling. Bartering and trading is also illustrated. In one picture, Micky himself, identifiable by his walking stick, is depicted offering brooms for sale to a European. Aboriginal men who are shown fishing from a boat in one corner, are arriving laden with fish in other part. The drawing is highly significant for its depiction of what would appear to be activities associated with a trade in abalone. Smoke houses are featured, along with women are shown stirring boilers and others spreading what appears to be abalone out on drying racks. Men are hauling full coolamons, sacks and buckets. The coolamons, carried on the heads of the two men, bear ovoid shapes much like those on the drying racks. Between the 1860s and 1880s, Aboriginal people on the south coast were supplying the Chinese.<sup>6</sup> Mickey's illustrations closely align with descriptions given by Ossie Cruse of his parents' involvement in the industry (Cruse et.al.2005).

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<sup>6</sup> Chinese trader, Chin Ateak, testified during an 1880 Royal Commission into the fishing industry that he maintained fishing and fish-curing stations at Port Stephens, Lake Macquarie, Jervis Bay, Merimbula and Twofold Bay, and supplied dried fish to Chinese on the goldfields. Although abalone were not specifically mentioned here, Jesuit priest Tenison-Woods, who visited Irish fishermen at Southport in Tasmania in the late nineteenth century, recorded that the Sydney merchant Chin Ateak was prepared to pay 9d a pound in 1880 for any quantity of the shellfish that was 'much esteemed by the Chinese'.

<http://www.users.on.net/~ahvem/Fisheries/Abalone/abalone1.html>



Artist: Mickey of Ulladulla (from Sayers 1994).

Engaging in a trade relationship with Europeans or with Chinese does not represent a cultural abdication on the part of south coast Aboriginal people. New items could circulate around old circuits; old techniques could be drawn upon to new advantage; the substrate and the foundational requirements of their own society remained intact.

Evidence of traditional trade in food emerges from the memoirs of Buckley, an escaped convict, lived for 32 years amongst the Watourong of the Port Phillip bay area from 1803,

Before we left this place a Bihar, or messenger, came to us; he had his arms striped with red clay, to denote the number of days it would take us to reach the tribe he came from; and the proposed visit was, for us to exchange with them, eels for roots. The time stated for this march would be fourteen days, and the place was called Bermongo, on the Barwin River. We carried our fish in kangaroo skins, and reaching the appointed place of rendezvous, we found about eighty men, women, and children gathered together. The exchange was made in this way; two men of each party delivered the eels and roots, on long sheets of bark, carrying them on their heads, from one side to the other, and so on, until the bargain was concluded. In the evening there was another great corrobberree, and the next morning a fight; because one of the women had run away with a man, leaving her husband. It resulted by her being speared very badly.



After a short time the tribes separated, making an appointment to meet again for an exchange of food (Morgan 1980 [1852]:56).

It should not be imagined that trading in Aboriginal society was limited to a simple transaction between two individuals who each harvested and produced the items they intended to offer in transaction and immediately consumed or used the items acquired. In fact, trade goods could pass through many hands, often accumulating added value as they transited the country further and further from their original source. Prior to the disruptions brought about by colonisation, complex systems of trade were in place involving a range of transaction types (see McCarthy 1939; Mulvaney 1969; McBryde 1981; Smith 2013).

Aboriginal people are being sold short by a stamp of primitivism which deprecates, devalues and debases them. This continues the lie of *terra nullius* which served to so misrepresent them, as to render them invisible. This diminishment of their culture and capacities constitutes the pathway by which their traditional rights to take and use their own resources can be defined away.

### **Independence**

In an anthropological Mogo-based study, undertaken in the 1980s, Carter emphasised the sense of dignity which drove Aboriginal people there to maintain their independence, and the importance of fishing to enable it. She gave an example of one Mogo man who, though he had lost his job and shouldered considerable economic responsibilities, refused to apply for the dole. This was in spite of his having responsibility for the care of his young wife and three children, as well as his brother's family, who were also staying with them -

It was a matter of pride with him. Instead diving for local seafood afterwards sold to a restaurant in Batemans Bay provided his income (Carter 1984:62).

Rose's interviews with Mogo residents in the 1970s, also reveal this self-reliant attitude. Pat Smith volunteered,

None of us have ever lived on reserves. Not our grandpeople either. They were proud people. They had a big family - eighteen all told. They never ever lived on reserves or missions. Their kids, when they got married, never reared their kid on reserves or missions because they were all brought up to be hard working and independent men (Rose 1978:14).

It is a terrible irony that Aboriginal people today, who engage in the kind of hard work that their parents and grandparents prided themselves on - fishing and diving to feed their families and kin - may find themselves the subject of rebuke and, worse still, at the wrong end of the law.

### **Traditions of wrongful dispossession and the maintenance of entitlement**

South coast Koories retain a heritage which recounts the early and transgenerational history of the unjust dispossession of their land. Beryl Brierley (dec) recounts how early Aboriginal camps in Moruya were shifted from place to place and finally squeezed out of existence,

Aborigines used to camp in there (where the bowling club is now) but they got chased from there. Where the wharf is, where the willows are on the river just down from the

swimming pool, they camped along there and where the carpark there is in Moruya there was a big shed where they used (to stop). They chased them from the Bowling Club (and they) went down to the Willows and they got chased from there. (They) camped (on the) opposite (to Garlandtown) side of river. Finally, they got chased away and put on the mission and boys and girls got taken away tried to educate in white man's ways (Beryl Brierly dec., Moruya).

The maintenance of a sense of just entitlement and the political struggle for recognition and redress, acknowledges and asserts the authority of Aboriginal traditional laws and customs in respect of land tenure.

You know what my mum told me, I meant to say there, that she knew that we were Wadi Wadi people, then we were kicked off our land. (Alan Carriage, Illawarra).

We were here first (Phoebe Sajkovic, Wollongong)

It was ours first. I think they should show that much respect. Don't you ever let them push you around, because you was here first (Victoria Carriage, Ulladulla)

We're the rightful owners (Keith Stewart).

This is our land, we can do what we want (Ewan Thomas, Nowra).

Andrew Nye, an Aboriginal commercial fisherman speaks of the increasing restrictions applied by various authorities,

You've got four of them, you've got national parks, you've got fisheries, you've got the council and you've got the Forestry. We're up against the lot. that's four different authorities.

I'm a commercial fisherman. I have been for 54 years and I got that many restrictions put on us by national parks, marine parks, fisheries, all sanctuary zones that stop us from having access to Beaches. You know if like council hasn't got it closed national parks has got it closed or the marine park, you know, and we think as original owners of this country we should not be restricted because we don't do no damage to the beaches that we go on (Andrew Nye, Mogo).

Andrew says he has questioned the authorities about their right to make these decisions and called upon them to provide the proof that they own the land and resources. He says he gets no answer to his questions.

### **ANBARA SHELLFISH: A COMPARATIVE CASE STUDY**

In attempting to put into perspective the deleterious impacts of Fisheries regulation, among other factors, upon the fishing practices, and ultimately on the well-being of the south coast Aboriginal people we can turn to a comparative case study.

In her 1972-1973 study, Shell Bed to Shell Midden, Meehan conducted an ethnographic investigation focused on the harvesting of shellfish by Anbara people, in Arnhem Land, on the north coast of the

Northern Territory. Meehan described the people with whom she was working as constituting a 'fully functioning hunting and gathering society', ie. one in which the impacts of white settlement were lightly felt on a day-to-day basis. The study is both rare and valuable because it includes detailed quantitative data and analysis of the amounts, weights, calorie contributions and (wo)man-hours involved in the procurement of shellfish, on a daily basis, over a full year.

Although it is geographically far removed, there are important parallels with the NSW south coast here. The Anbara strongly identified as 'beach people' who subsisted primarily on marine and estuarine foods in contrast to their inland neighbours, the 'forest people' 'who dined on red meat and honey' (Meehan 1975:226). Much like south coast Koories, the Anbara harvested shellfish from three distinct environmental niches: open beaches (in this case of both sand and mud flats), mangroves and the rocky coast (Meehan 1975:105). The Anbara shifted between different camps from time to time throughout the year, taking advantage of the shelter presented during different seasons and utilizing a varied range of food resources. Though there were some fluctuations in the population of the camp, the average number of residents was 34.

What is significant for present concerns is that Meehan's thesis gives some idea of the quantities of shellfish harvested and the contributions that this food source made to the overall diet. Shellfish represented a dietary staple for the Gidjingali although it constituted only a minor part of the overall protein quotient. Meehan found that women were largely responsible for the collection of shellfish and that it was harvested on 194 or 58% of the 334 days of observation (Meehan 1975:108). The total quantity over this period was 6,700kg with an average of 34.5 kg taken per day. The average weight per woman per collecting day was '11.5 ± 8.9kg' (by which it is assumed that the range stood between around 2 kg and 20 kg).

At a current level of 20 (interim 50), the current bag limits set for cockle shells can be seen to constitute a miniscule fraction of the quantities routinely harvested by Aboriginal hunter gatherers in traditional contexts. The abalone limit of ten, which is presently maintained in respect of abalone for indigenous fishers, presents a rough total weight, according to the estimate of one Aboriginal diver, of 4 – 5 kg in the shell or 1.2 kg flesh. Roughly applying Meehan's calculations, this quantity would only be sufficient to meet a third of the *total* kilocalories required for a single person in a day. Present bag limits do not allow Aboriginal people to harvest shellfish in quantities which would sustain a single fisher or diver, let alone enable them to take shellfish in quantities sufficient to supply a large household or extended family.

As well as being collected for consumption, Meehan also records that shellfish were a prestigious food which featured as an item of exchange and a currency for fostering good relationships,

The Matai made regular visits to the coast to collect shellfish, and on several occasions, gifts of *Tapes hiantina* [a kind of cockle] were taken to the Gunadba people at Gatan-djinyera, in exchange for buffalo meat (Meehan 1975:230).

Inland visitors brought inland foods as gifts for relatives during their visits to the coast and returned to their homelands with fish and shellfish gifted by their kin on the coast (Meehan 1975:69).

Meehan also shows that shellfish were sometimes transacted amongst Anbarra people as a means of making up for wrongdoings or placating others. She writes, 'Sometimes, individuals, who had transgressed rules within the society felt constrained, and people expected them to procure large quantities of food as an atonement'. The example cited featured a couple whose relationship was disapproved of by one of the key elders, who thought the woman ought to return to her neglected

husband at Maningrida. The offending couple subsequently went out and collected 30kg of shellfish, most of which were delivered to the complainant (Meehan 1975:193).

A final point to be noted from the Anbara case is Meehan's conclusion that the Anbara were secure in the plentiful supply of good food which their homeland supplied,

The Anbara in no way resembled a hunting society clinging onto life by eating any foods that were available. Rather, in terms of the food they ate, they were affluent hunters with high gastronomic standards. They had a clear idea of what constituted a good diet and were confident that their environment provided all the necessary ingredients. Shellfish was one of these ingredients, and for the special features<sup>7</sup> it contributed to the total diet, it was highly valued (Meehan 1975:230). (Meehan 1975:229-230).

### **Affluence**

Early records and historical reminiscences suggest that south coast Koories, once enjoyed a comparable life of plenty based on their ability to harvest the resources of the ocean and foreshores and estuaries. There is no doubt that, whether by explicit instruction or through everyday practice and example, south coast Aboriginal people have grown up with an understanding that the ocean affords its resources for their sustenance and use. Symalene Nye, of Mogo, told Rose,

'We just lived on what we could get out of the sea. We gathered shellfish, we was all good at that, because there's plenty to eat in the sea. White people would never eat it' Symalene Nye (in Rose 1978:53).

Bill Cooley explains,

Just a natural thing born into our family. That's how we live, what we do ... We were always taught if you need something, its in the ocean. ... like me, my brothers, cousins and nephews, just continue to fish. It's in our blood. Its inheritant [sic]. That's part of our survival, is hunting and collecting out of the ocean

It is worth reflecting on the loss which Aboriginal people have experienced – a major loss in material terms but also a deeply disturbing psycho-spiritual loss that they no longer have a guaranteed source of sustenance, that they can no longer feel secure in a homeland of abundant resources.

What happens now, if the aphorism, that 'a blackfella'll never starve by the sea,' no longer rings true. How do people cope, if the guarantee that life can be sustained, no matter if, as marginalized people, they have tenuous access to the sources of mainstream wealth, is gone? What does the future look like, if the foundation, both economic and cultural of south coast Koories 'as a people' is being eroded away?

### **Man-made laws**

The impingement upon their rights, the apparently ever-tightening bag limits, minimum size requirements, species and area closures and licensing requirements instituted under Fisheries

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<sup>7</sup> In the latter regard shellfish was noted as being dependable, easily harvested, fresh source of food, culinary kudos and some species also bore some spiritual significance.

regulations has been met with incredulity, dismay and moral outrage. The following excerpts, mainly from 1990s interviews, register the shock and distress which Koories felt with the imposition of strict bag limits and closures,

We'd camp on the seas. That was our livelihood. That's what we lived on. All seafoods. We camped, we just roamed up and down the coast all these years. And we still do it. Now our fishermen can't put a net in, where they fished all their lives (Georgina Parsons dec., Moruya).

We used to walk to Gerringong Beach from the farm (where we lived) 7 miles to get pippies. We were seafood people. We got pippies (and were) confronted by the Fisheries. I didn't see sign saying indigenous people can't get them. I cried all the way home (Gwen Brown, Illawarra).

But them days you didn't have to have a permit to get what you wanted. Now you've got to have a anglers licence to go out and fish, you gotta have...you're restricted on how many pippies you get, how many mussels you take... When they told me I'm only allowed to take 50 pippies, I nearly dropped.

They only told me yesterday they got all restrictions right down right around Boat Harbour and all those places you can't fish. That's disgusting. I said why don't youse go out to Kinghorne. Its good out there for whiting and stuff. Oh aunt, he said, you can't go there. He said they're right around Callala and all them places, he said, you can't fish, because its restricted. No fishing area. Around the Drums. We used to go to the Drums all the time out there. And we can't go there now, can't ... there's nowhere. That's all man-made laws. I don't believe man made laws. I believe in Gods laws and that's all I believe in. They're being prosecuted for *taking* food that's their, that's natural food. You know if you're caught with more than 10 mutton-fish you're gone (2<sup>nd</sup> person): I could eat ten mutton-fish on my own). Ten mutton-fish wouldn't last me a day (Jean Stewart).

That's what I'm crooked on. Like a man's stealing his own food, that's wrong. You know what I mean. Like I don't like anybody looking over my shoulder and look like to know what I'm doing. Do you? You know what I mean. I might be wrong but um... that's how I feel. Like before, I never used to be frightened. I knew I was doing the right thing, I knew... you know what I mean... But now a man's frightened. He's frightened even to go out his front door. Like he's going to steal something. He's going for oysters or abs or something like that, he's stealing. Things what go back to 200 years, all along the coast here. They only gotta go along the coastline here, and no matter where you dig up, you'll dig up all these oyster shells or mussels or pippies and anything, right along the shores...Don't matter where you go (Malcolm Cooper dec., Jerrinja).

The strong sense of insult, injury and injustice invoked by government regulation of recreational and commercial fishing are signal of the deep belief of entitlement which attends Aboriginal fishing practice,

Makes you sad, hurt as well to see all this happening to a thing that was there years gone by, free for us to go and help ourselves and we've just got to stop because of white man's law that was never there before (Pam Flanders, Wallaga Lake).

## All our livelihood

The need to defend their rights with respect to the sea and its resources was becoming apparent in the late 1970s, as licensing requirements and costs began to escalate, and a tightening in the regulatory environment was beginning to be experienced. Percy Mumbler, the son of King Jack Mumbler, who officiated over the last initiation ceremony on Mumbulla Mountain, testified before the Select Committee of the NSW Legislative Assembly in 1979, emphasising the importance of the right to fish,

We know there is plenty of tucker here for us and we know what to eat and what to cook. We do not have to starve, because our mothers and fathers taught us. In time to come, when you grow up to be men and women, you know what to eat. Everything that was needed was in these waters. Fishing is a big industry and we want the full rights to fish anywhere in the whole of this country, in any waters of Australia. We do not want someone coming along and telling us that we cannot fish here because we do not have a licence. Why do you have to have a licence to go and kill a few little fish? How are we going to catch the fish if someone says he will take us to court and put us in gaol for trespassing on our own water? We do not want that at all. If there is anything to get out of that water we want to get it, and if we want to sell it we should be able to sell it. We do not want anyone coming here to say that we cannot do that because we are trespassing. Why should the white man come down here to fish? He does not own the fish. The Lord Almighty put everything in that water for us to eat, and we can eat what we like or we can sell the fish if we like and make money for our children so that they will have nice homes to live in.

At the intersection of competing concerns over conservation and commercial interest, came a new tack in fisheries management strategies. It is clear that Aboriginal perspectives and interests were not seriously taken into account. The threats to the Indigenous fishery, fishers and fishing communities, of declining fish stocks, high-tech commercialisation and new fisheries management regimes, seem to have barely registered.

The year after Percy Mumbler's testimony was recorded, the abalone fishery became a restricted entry fishery, individual catch quotas were introduced in 1989 and a share management scheme in 1996. There were only two Aboriginal beneficiaries and the licences did not stay in their hands over the longer term. Similar restrictions were imposed on other species. Meanwhile, size restrictions were increasing, or I should say decreasing, bag limits shrinking and restrictions of access to the beaches and foreshore intensified. It was in the early 1990s that plans for Marine Park sanctuary zones firmed.

Aboriginal people on the south coast take seriously the need to understand and ameliorate the causes of the depletion of fish stocks and other ecological threats. No one has experienced the negative effects more than they. There are complaints that people have not been consulted at all, or have had their proffered knowledge turned against them, for example, the charge that the very places which they described as of critical importance to them, were the first to be subject to closures. There are questions about how they are blamed for the demise of marine life, when professionals take tonnes from the ocean. Given they are the inheritors of valuable traditional environmental knowledge and have their own ways for managing the resource, Aboriginal people believe they should be playing a more proactive role in the planning and execution of fisheries management strategies.

The tight regulation and ever pressing constrictions on fishing are seen as stifling the ability for the younger generation to enjoy and benefit from and to build an identity upon the sea as their elders have. 'If I was given my rights back', said an elderly resident living in a makeshift home at Wreck Bay,

I'd teach my boys to respect the ocean, they love their fishing see but...But now see I enquired about a licence, a licence for me boys they said \$1200 but then you gotta have ice making machines \$20,000 bucks there see. Where's old pensioners gonna get all that money from (John Stewart, Wreck Bay).

If that is counted prohibitive, entry to the professional abalone diving industry is completely out of the question. I have not sighted comparable data for NSW but information relating to a 2013 lawsuit in Victoria indicated that a woman, then 82 years old, had purchased an abalone licence in 1999 for \$4.25 million dollars as an investment. She may have intended her son to dive but he died and instead,

Mrs Halliday employed a diver, who in turn paid a deckhand, who caught the abalone off Victoria's south-west coast, while she enjoyed her retirement in Taroona, south of Hobart.

Three years after Mrs Halliday bought the licence she received an \$8 million offer from Melbourne Shipbrokers to buy it, which she rejected. "The word was it would reach \$10 million," she said.

The licence was generating gross earnings of about \$800,000 to \$1 million a year, while putting \$300,000 before tax annually into Mrs Halliday's purse.<sup>8</sup>

Mrs Halliday was then suing the government because a parasitical infection was affecting the wild abalone stock, leading to a devaluation of her licence. The industry has subsequently recovered but the present values of licences and returns on investment are unknown.

Over the years in which I have been involved in research on the NSW south coast, it has been clear to me that in Koori eyes fishing regulations have always been and continue to be considered a major and unjust trespass on traditionally held rights. Further, they feel it has dealt a major blow to their economic viability, health and their cultural integrity – they 'took all our livelihood away from us.'

I've dove hard, worked hard in that water. I should be allowed to feed my family ... We're not doing nothing wrong. I'm a Walbanja man, traditional owner on the south coast. We've been taught. I've got to feed my family, pay bills (John Carriage, Dapto).

The effective privatization of the ownership of the resources of the sea, through restricted entry licensing and a share quota system, in which qualifications to remain in the industry depend on the ability to maximise their catch (albeit within limits) - is anathema to Aboriginal people. Meanwhile, prosecutions against Aboriginal fishers restrict them to the narrowest of limits and attempt to hold them to a literal interpretation of the Aboriginal maximum of 'only taking enough for a feed'.

Though the legal context is significantly different it is troubling to consider our backward progress. As a result of protracted negotiations over the past 40 years, New Zealand Maoris, by a combination of government allocation and purchase, now control 30% of the entire New Zealand commercial

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<sup>8</sup> <https://www.smh.com.au/business/court-hears-of-abalone-disasters-personal-cost-20130925-2ueic.html>

fishery<sup>9</sup>, as well as having their customary fishing rights protected under relatively robust arrangements.<sup>10</sup>

## ENFORCEMENT

If the restrictions have been troubling and harmful on their own, the policing of these laws has arguably turned it from a matter of unfair rules into full-blown persecution. There are complaints from south coast Aboriginal people, particularly divers, that they cannot go near the ocean without drawing the attention of Fisheries officers. Basing my views on the accounts of Aboriginal people, as well as the official written, oral testimony and video records proffered in legal settings by Fisheries officers, I have formed an impression of the *modus operandi* of Fisheries Enforcement operations which involves degrees of surveillance, which can only be described as disturbing. Amongst other things, this involves binoculars trained on people from distant boats; uniformed or plain clothes officers, in numbers, secreting themselves in vantage points on shore; officers springing out to ambush people on bush tracks; the setting up of road blocks in cooperation with the police; rummaging through backpacks; searches of every nook and cranny of fishers' cars; and the filming of their every move.

There are complaints by Aboriginal people that the Fisheries have staked out their homes and camps; followed their vehicles; regularly driven up and park beside their cars at lookouts along the coast where Koories have stopped to assess the weather and maritime conditions or pulled up for lunch. I have even been told of one instance, where fisheries officers were so insensitive as to intrude upon a funeral. Confrontations, aggression, conflict, inflamed passions, persistent questioning - sometimes in the full view of an audience of on-lookers – as well as loss of catch and gear, leave Aboriginal fishers, divers, and their companions, ragged, angry and shamed. Stalling in the laying of charges - sometimes pushed out to the final days of the two year limit - and protracted postponements in the legal process, place people in a merciless limbo. They must wait to find out where a brush with the fisheries officers might eventually lead them, and are meantime afraid to return to the ocean, for fear of compounding their troubles.

One man told me that the constant harassment which he experienced, the invasive nature of fisheries surveillance operations, multiple charges laid against him and multiple court appearances, had reduced him to a state of desperation. Feeling at such a breaking point, as he stood before the judge, he announced that he had had enough, that he was so sick of it and that he was ready to kill himself.

Few people have been able to mount a legal challenge to charges. A few families have been left significantly out of pocket or in debt, in order to secure private legal representation. Public legal representation has been difficult to access and according to many Aboriginal people, Legal Aid and Aboriginal Legal Services have not been willing to mount any serious defence but have encouraged the accused to plead guilty, ostensibly to minimise fines. Regardless, fines are large and crippling and keep those incurring them in long-running debt. Meanwhile, work prospects for the accused, often already poor, are made infinitely worse if a criminal record is registered against a person's

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<sup>9</sup> <https://www.environmentguide.org.nz/activities/fishing/maori-role-in-commercial-fishing/>

<sup>10</sup> <https://www.mpi.govt.nz/fishing-aquaculture/maori-customary-fishing/maori-customary-fishing-information-and-resources/>



name. Those enduring stints in jail, lose precious time with loved ones and leave their children, families and communities bereft, broke and leaderless.

The exclusion from the waters and from communities - by bans [which are often part of the punishment], jailing and self-censorship – results in a loss to their families and communities of the best and most productive fishers and divers. Those taken out of circulation may count as elders, parents, grandparents and uncles<sup>11</sup>; key teachers, mentors and role models; leaders and spokespersons, whose absence is sorely felt. The terrible examples of hardship, humiliation and punishment, which members of the younger generation witness in respect of the older cohorts, is frequently enough for them to swear off fishing and diving. Those that persist, will more than likely soon find themselves in the same circumstance as their elders.

Discouraged, afraid or actually under orders to refrain from these activities, people for whom fishing, gathering and diving has provided a lifetime of purpose, productivity and pleasure, are left bereft. In addition to the damages flagged above, it is quite possible that levels of trauma are inflicted or rekindled under regimes of intense surveillance, harassment and aggression and by their experiences in court and within the prison system. Some fishers have had to resort to counselling or rehabilitation while, at the extremes, despair leads to ideations of suicide; indeed these issues may have been a contributing factor in people taking their own lives.

## **CULTURAL ATTITUDES AND PREJUDICES**

It is important not only to try to understand the culturally specific nature and context of Aboriginal fishing but also to consider how culture - mainstream culture in general, and the culture which has developed within Fisheries NSW (particularly in the enforcement division) – might effect the interpretations of law and policy and the operational activities of their employees.

In general, mainstream Australia is blind to the race-based biases which exist in our society and the discriminatory barriers which indigenous Australian face in every facet of life. There is a culture of denial in respect of the history of colonization and no understanding or care about the multiple and ongoing anxieties and traumas which Aboriginal people face as a dispossessed and marginalized population.

Negative stereotypes and uneven power relations affect relationships, particularly in a situation where enforcement officers have the force of the law behind them. Aboriginal divers report on overbearing aggression on the part of enforcement officers, tactics of hide and go seek and an unwillingness to converse and engage civilly with them. The language to describe Aboriginal fishers and particularly divers which circulates in the media and is employed by Fisheries staff, brands them as outlaws and criminals, poachers and thieves, who are raping the resource. Aboriginal divers report conspiracy-like theories maintained amongst Fisheries and police officers in which Aboriginal people are believed to sell abalone to Asian receivers, with some connection to illicit drug deals. Accordingly, the Statement of Facts in court proceedings sometimes contains reference to the illegal harvesting of abalone by *organized criminals* and *traffickers*.

Language and narratives of similar kind are reproduced, if they did not originate, in commentary from the commercial diving lobby. A 2017 article cited an Abalone Association of NSW spokesperson who said that cultural catch was “being used as a guise for a complex criminal syndicate”. In an ABC

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<sup>11</sup> I am not aware that any women have been jailed.

Landline piece, a representative from the NSW Abalone Management Committee was interviewed about abalone poaching. He stated,

First off we call it theft, we reckon its actually depleted the resource substantially, led to reduction in quotas mainly because we see the taking of huge quantities of abalone that haven't reached spawning age yet ... It's certainly been noticeable in the last few years a number of these gangs moving up and down the coast and places raiding these little bays with undersized abs. Groups of two or three four Koories from up and down the coast. They're certainly a part of the scene although certainly not all.<sup>12</sup>

In the same Landline interview, a surprising revelation was made,

We [the NSW Abalone Management Committee] pay for four officers on the coast who target illegal activity and since that's been happening we've had a lot of good results. There's regular arrests being made up and down the south coast with everything from people getting three month jail terms to loss of vehicles and boats. It's quite a substantial penalty if you get caught yet there's still people persisting on doing it...

Figures were quoted within the piece, that the NSW abalone industry 'worth just \$12m a year ... spends about \$2 on management'.

If these facts are in fact true, it is important for the Inquiry to train its attention on how the interpretation and enforcement of the law might be affected when positions are being funded by a body with vested interests. Aboriginal divers are at a distinct disadvantage; their complete exclusion from the commercial industry precludes their voices being heard.

There are reasonable grounds for thinking that the industry might sometimes engage in exaggeration and hyperbole. Citing the same lobbyist, we have the assertion that their [the commercial divers'] resource is 'under severe threat from the black market' and that 'the industry estimates poachers are taking *as much as the legal quota each year*'. However, a study completed two years earlier by the Fisheries Research and Development Corporation, gave little credence to such claims. The study aggregated information on illegal abalone catches, stored on relevant fisheries agency databases across the country. It was acknowledged that the research was limited to a desk-top analysis and did not presume to quantify total quantities of contraband. It is, nevertheless, very salient to note that the amounts for which there were measurable data were paltry in comparison to commercial takings. The study found,

The *quantified amounts* of illegal abalone listed on, or derived from, intelligence and compliance data holdings for the period 1 January 1996 to 31 December 2000 totalled slightly more than 50 tonnes [meat weight]. This represents less than 0.2% of the legal commercial catch for the same period if it is assumed that there is no overlap between intelligence and compliance data holding (Gorfine et.al. 2002:3).

Regarding the latter qualification, it is in fact reasonable to believe that there would be overlap between intelligence and compliance data, the first relating to reports filed by fisheries officers and the second to prosecutions, infringement, warning or caution information.

Data specifically relating to NSW, indicated that between the years 1996 and 2000, total quantity of abalone recorded from intelligence data was 2,471 kg and from compliance 2,332kg. Based on the

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<sup>12</sup> <https://www.abc.net.au/local/archives/landline/content/2004/s1148417.htm>

number of events these translated into an average of 52 kg per event for intelligence amounts and 6 kg per event for compliance data. This represents 1.57% of the total commercial annual catch over the period which totalled 305,000 kg. These figures are inflated compared to those cited above because this data included not only reliably measured amounts, but also estimates arising from loose descriptions (such as 'a bag') and amounts volunteered by informants – noted as 'usually of unknown reliability' – who volunteered reports on alleged incidents of illegal activity (Gorfine et.al. 2002:9). It is interesting to note that the figures for intelligence which included non-verifiable estimates were nearly 10 times those which emerged from actual compliance data.

The fact that the authors of this report expected that their findings would be poorly received is reflected in a prefacing statement, which reads,

The results are understandably disappointing for those seeking to validate anecdotal claims of large-scale illegal abalone fishing (Gorfine et.al. 2002:2).

There is no reference within this report to Aboriginal persons yet it is highly likely that these anecdotal claims featured Aboriginal divers as prime suspects.

Since the lobbyist had clearly had ample time to digest that data, there can be little doubt that he was driven here by motives other than the simple stating of facts. This kind of language seems more intended to inflame the passions of commercial fishermen; spur the government to action; and poison the public imagination in order to encourage a culture of tattling and direct reproach toward Aboriginal fishermen. The effectiveness of this strategy is reflected in the fact that Aboriginal people complain that they are frequently castigated, abused and dobbed in by white residents, random passers-by on the beaches and people in boats or even on jet skis. Aboriginal divers suggest that white people who report them are able to claim financial rewards of \$1,000.

I find it somewhat concerning that since this time (2012) the Abalone Council Australia has entered into a formal Industry Partnership Agreement (IPA) with the Fisheries and Research Development Agency. Although most of the research objectives and projects appear to have been directed to issues of a technical and marketing nature, one of the stated objectives listed in a 2018 report was for the establishment of a special high value seafood taskforce to address illegal harvesting and trade.

In statistical terms, Indigenous people heavily outweigh non-indigenous people with respect to incurring criminal convictions for NSW fisheries offences. 'In the 10 years to 2017 (the latest available data), 25 of the 32 people jailed for these offences identified as Indigenous (or 78 per cent)' (Cleary 2021).

It is in fact troublesome that the law is itself framed in such a way that the possession of fish, including shellfish of indictable kind, of an indictable quantity, is deemed on its own to constitute an act of trafficking. The assumption is that possession of this quantity is an indication of an intention to or the result of engaging in dishonest trade. The relevant section is Section 21B.

#### 21B Trafficking in fish

- (1) A person must not traffic in an indictable species of fish.  
Maximum penalty—Imprisonment for 10 years.
- (2) For the purposes of this Division, a person *traffics* in an indictable species of fish if—

- (a) the person dishonestly takes, sells, receives or possesses fish of an indictable species, and
- (b) the taking, selling, receiving or possession of the fish by the person contravenes another provision of this Act or of the regulations, and
- (c) the quantity of fish of an indictable species taken, sold, received or possessed is not less than an indictable quantity of the species concerned.

There is no room within these regulations to contemplate the fairly ordinary circumstances of south coast Aboriginal life which would see an individual take, receive or possess quantities which would be unusual for the average non-indigenous person, who, incidentally, is unlikely to know what abalone looks like, let alone have any in their possession.

A more sympathetic examination of the circumstances involving so-called gangs and criminal syndicates reveal that they are in fact usually comprised of kin - fathers, uncles, grandfathers, brothers, cousins - who are participating in a sociable and productive activity and whose intentions and *modus-operandi* bear no comparison to organised crime.

It is quite confounding that the fisheries officers, who have spent years in surveilling Aboriginal people, while they are engaged in fishing and diving, appear not to have learned anything about them or their practice. Do they not listen to how Aboriginal people explain themselves? Is there not some kind of discernible disconnect between their narrative of lucrative blackmarket trading and fairly unmissable signs of impoverishment, in terms of vehicles, clothing etc. Is it not somehow disconcerting that they have rarely actually found anyone involved in handing over seafood for money and possibly never for drugs? Have they not grown any sense of admiration for the skills and achievements of these divers, who go out with snorkel and mask for long hours, in dangerous conditions and successfully bag good catches? Do they, the judiciary or the lobbyists, not search their souls to make sense of the fact that Aboriginal people 'persist on still doing it', despite the heavy-handed punishments which are meted out.

A more sympathetic and fuller examination of the circumstances and personnel will reveal that these so-called gangs and criminal syndicates are usually composed of closely related kin, fathers, uncles, grandfathers, brothers and cousins. Their roles might include teacher to student; mentor to acolyte; confider to confidant. Could they not countenance the fact that someone might be motivated to impart knowledge; encourage their young people to be independent and productive providers; foster the continuing practice of culturally valued activities; and facilitate the exchange of individually small quantities of seafood for cash as needs dictate? When spread across time, place, numbers of divers and the networks of kin they support, the catch size and sums involved are unspectacular. Accusations of poaching and resource rape made externally, and sometimes intracommunity, are frequently voiced without knowledge of the circumstances or approaches of the accused who, in my experience, usually fish in align their fishing practices with indigenous sensibilities and normative rules about not overtaxing the resource.

It is not uncommon that people who are careful to abide strictly to the official Fisheries regulations, nevertheless find themselves subject to discriminatory attitudes, generating great angst and fear. If some Aboriginal fishers are sometimes involved in gathering some abalone for sale, a practice which they regard as their right, the same people might at other times engaged in similar kinds of fishing or diving, the aim of which is solely to provide a feed to themselves and family. The fact that the same small cohort of them have repeatedly been subject of charges supports the view amongst Aboriginal divers that they are an increasingly small group. And the view that they are tagged as wanted men.

To be honest, the accusation that Aboriginal people are stealing the resources of the commercial divers represents an exact inversion of reality. It is Aboriginal people who were the original owners of the resources and who, had in fact, were engaged in a trading relationship with the Chinese one hundred years before Europeans entered the fray. The assumption of control over that resource and its allocation to individual commercial divers by government, to the exclusion of Aboriginal people, and the ban on their capacity to trade these resources, with customers who are in fact still usually Chinese, actually represents a travesty of justice in the opposite direction. While Aboriginal people are becoming increasingly impoverished and desperate, licensed fishermen are accruing great wealth.

In my opinion, it is important that the language and narratives which have been employed to frame Aboriginal fishing practice, be placed under scrutiny. Fisheries NSW needs to understand the potency and effects of prejudicial and discriminatory language on public opinion and on the attitudes of enforcement officers. They ought also be cognizant of the repercussions on Aboriginal people in terms of anxiety, depression and mental anguish, and on their prospects for enjoying mutual trust with non-indigenous people and opportunities for employment etc.

In respect of point (a) of the terms of reference, consideration is warranted to the question of whether - and to what extent - tardiness, resistance and a maximally constrictive approach on the part of Fisheries NSW, to the implementation of measures to recognize Aboriginal fishing rights, might reflect an overly close alignment between the Department and the commercial fishing lobby. In this regard, the funding of enforcement operations and, potentially, research projects, by external interest groups, is, together with the possible payment of bounties to white informants, a factor which ought to be investigated.

Fisheries NSW, in its various iterations, has no grounds to plead ignorance, since it has itself produced, taken delivery of and/or had access to successive reports giving evidence of the cultural and economic significance of fishing to NSW Aboriginal people and their communities (eg. Schnierer and Faulker 2002; Umwelt Environmental Consultants 2005; Roberts 2010; Feary 2015).

## **DETRIMENT**

If the aim of implementing Schedule 1, was to put into effect the objective of recognising, protecting and promoting cultural fishing, from all appearances, not only has there been a failure of formal commencement, but the department has proceeded as if there was no such intention.

The early sections of this submission have highlighted a complex range of positive values that motivate and flow from Aboriginal cultural fishing. The magnitude of the positive value of fishing practice as a mainstay of the local indigenous economy, kinship structure, relationships to country, identity and personal well-being, serves, in its reverse, as the measure of the loss.

I have repeatedly heard south coast Koories express their sense that the material conditions of their life, their physical, mental and emotional well-being, as well as their social relationships and cultural heritage, have been drastically impacted by a Fisheries management regime, which has increasingly impinged upon, if not halted, their capacity to continue their traditional fishing and gathering practices, and which, for some, has entailed ugly and repeated entanglements with enforcement officers and the law. On top of this, the stoking of negative public perceptions has them branded as outlaws and thieves, in the media and in coastal communities.

Below, in short paragraph form, I highlight, some of the tangible and intangible detriments which have flown from the institution and continuation of a regulatory regime insufficiently attentive to the economic, social, cultural and spiritual importance of Aboriginal cultural fishing. I am not in a position to offer any quantitative measures, by which to assess the effects on Aboriginal well-being but simply reflect the perspectives of Aboriginal people themselves and my own qualitative observations.

### **Economic**

I have worked across many parts of Australia, including the central desert, Cape York and the South Australian/Northern Territory borderlands. In none of these places, have I witnessed Aboriginal people more closely engaged in their local environment and more dependent upon its resources for their sustenance, than on the south coast of NSW. As a direct effect of the changing regulatory environment, this relationship has been in major decline over the last forty years.

The fundamental effect of the present regulatory regime has been to limit and deter Aboriginal cultural fishing. Given the historical reliance of Aboriginal households on the direct harvest of seafoods as a primary source of food, reduction in access to these resources has had an immediate and significant economic impact. Lower household incomes (in both nutritional and monetary terms) have led to a slide in the standard of living.

Individuals, families and communities have been denied a supplementary source of income by prohibitions on what amounts to small scale levels of barter and trade. In my own experience, south coast Aboriginal people usually only resort to the taking for sale of marine resources as a sporadic response to a monetary shortfall or to satisfy a pressing demand, when a new battery is needed for a car, for example, when a daughter needs a debutant dress, or when, as one man told me, Christmas comes around and he needs to buy the kids presents. This is in keeping with the logic of hunter/gatherer societies, documented by the prominent anthropologist Sahlins (1972), who observed high levels of what would be regarded as underproductivity in such cultures, from the capitalist perspective. As Edward (Kanga) Connolly [dec] told me at Jerrinja, 'I sell them [abalone] now and then, but mostly I eat them. I don't like selling them. Makes your mouth water' (Edward Connolly dec., Jerrinja). Or as Jordan Acton says you might sell seafood sometimes for a bit of cash, 'if you were struggling' but 'most of the time you share it out to the family' (Jordan Acton, Nowra).

As well as supplementing household incomes, which are frequently thin, there have been detriments at a community level due to fisheries restrictions. Fishing or diving has long constituted a fund-raising tool, useful in emergency situations, to help pay the costs of unexpected and other projects including funeral costs, emergency dental bills, school uniforms, football team uniforms. People may not have the capacity to donate cash but they can donate their time and produce, which can be converted to much needed funds.

### **Traditional ownership**

Loss of or limitations on the ability to exercise rights, interests and authority with respect to a person's own country (land and sea) have a deleterious effect on the benefits and status of traditional owners and threaten the continuing recognition of such rights. In a situation where traditional owners are not permitted to exercise, in full, their own rights of access and use, where they lack the scope to extend full hospitality to guests and to give permission to others to access and

use that country as they see fit, feelings of shame are adduced. Where a traditional owner should feel empowered and proud, they are belittled and demoralised.

### **Social perspectives**

Fishing and collecting are traditionally activities carried out cooperatively, in a social atmosphere and frequently in gendered groups. Without understanding the social aspects of fishing and gathering another layer of detriment is missed. The hostile and prohibitive regulatory environment means there are fewer places where people are legally allowed to fish and dive. With limited scope to fish, there is less scope and less incentive for coming together. At the same time, harsh enforcement activity may scare people off. Social contexts are the forum for practicing and displaying good social ethics, helping each other out, having each other's back, sharing and loyalty. Reduced time spent in the company of kin, translates into fewer opportunities to 'share' and 'care' and to enjoy a space of familiarity, comfort and security, which is often missing for Aboriginal people in their interactions in the mainstream. An inability to meet the demands of kin negatively impacts the capacity to shore up and service such relationships, with possible strains or breakdowns in relationships eventuating. Limits on the taking of seafood, deprive south coast Aboriginal people of an alternative form of currency for use in repaying debt, meeting social obligations, wooing, for peacekeeping offerings etc. Flowing on from there, failure to live up to indigenous ideals, may lead to loss of self-esteem, self-respect and dignity.

### **Health**

The quantities of seafood to which Aboriginal people now legally have access are insufficient to maintain its status as a staple food source. Deprived of a good, plentiful and free source of protein, a decline in nutritional status follows. South coast Aboriginal people believe that as saltwater people, seafood is intrinsically compatible with, and beneficial for, their constitutions, in a sense that has metaphysical, as well as physical ramifications. The absence or scarcity of seafood in their diets is recognised by Aboriginal people, as a major contributing to chronic disease in their communities including diabetes and high blood pressure,

Fishing was part of our diet, now all of our family say in the last twenty years have got diabetes and its reaching epidemic stage in Koori communities. And it's the diet. It's the diet. My old fellas was living til they was eighties, nineties (Vivienne Mason, Sydney).

Without the physical challenges of walking, fishing and diving, people complain of a decline in their fitness and increasing levels of obesity.

Shortfalls in food and money; loss of relaxing family time and the ability to teach their children; the inability to provide and to meet the usual demands for seafood from the broader kin network; and alienation from places holding deep significance, may all lead to feelings of purposelessness, shame, depression and anxiety. According to south coast Aboriginal informants, sometimes speaking from their own experience, the general deterioration in mental and emotional health, manifests itself in increased smoking, drinking and, in some cases, drug-taking.

### **Loss of bearings**

Changes in the regulatory regime have dramatically upset the bearings of south coast Aboriginal people. It can hardly be surprising that traditional fishers are plunged into mental angst and emotional turmoil, as the present system turns - or attempts to turn - values inculcated since childhood, and modelled by significant mentors, topsy-turvy. Good is branded bad; right, wrong; worthwhile, worthless. They are deprived of a sense of competence and productivity; their capacity to maintain economic independence, provide for family and kin, extend hospitality to visitors is undermined. Explicit bans and persistent discouragement deprive them of the capacity for quiet enjoyment of their resources and alienate them from places intimately known to them and imbued with sentimental and spiritual significance. Their absence from these land and seascapes is considered to diminish those places and to disturb an ecological balance in which the presence and care-ful activity of traditional owners is considered to be beneficial.

Exclusionary and limiting rules, undermine the sense of security which Aboriginal people would have ordinarily enjoyed, confident of the abundance of resources that their homelands offered over generations. Since, as has been canvassed above, cultural fishing is so heavily implicated in and entwined with major systems of value and identity, as well as the foundation of material, social and metaphysical well-being, it is also the case that disruptions to that practice, may disturb, change, damage, deplete or endanger personal equilibrium, with the accompanying experiences of deprivation, loss, physical decline, imbalance, dysfunction, loneliness, confusion and trauma.

It is doubly sad, that a regime that has deprived them of the capacity to exercise cultural fishing rights, villainised and tormented them has, by the same stroke, taken away the mendicament which is seen as healing for the damaged psyche and the soul ie. being by the sea, in the water and engaged in meaningful activity within the marine environment.

### **Identity**

Alienation from the sea and the foreshore; limitations on fishing, gathering and diving; reduces opportunities to engage in related archetypal activities, such as cooking on, and yarning about, a fire; chucking in together [pooling resources]; sharing and consuming seafood. Key foundations and markers of South Coast Koori identity are denied them. Experienced fishers and divers are placed in a position where they are unable to capitalise on skills and resource knowledge developed over a life-time. There are fewer opportunities to demonstrate their prowess and engage in healthy rivalry and competition. Unable to practice their skills and show largesse, personal kudos and respect suffers. The chance of taking on the mantle of renowned fishermen is diminished.

### **Young people and cultural transmission**

The delay in providing any relief to the suppression of Aboriginal cultural fishing, has seriously exacerbated existing threats to the ongoing integrity and vitality of south coast Aboriginal culture and society. Key links in the chains of transmission from older to younger generations of cultural knowledge, environmental knowledge, skill, and traditional values are being weakened or broken. The constrictive regulatory regime has impacted the ability and enthusiasm of young people to participate in and learn cultural fishing practices.

The skills, knowledge and productivity levels of a good fisher are learned cumulatively under the guidance of respected elders and by repeated practice. Deprived of time in, or at the water, and limited by the legal size and bag limits, the younger fishers experience less opportunity to develop



their skills, grow confidence, deepen their environmental knowledge, develop physical prowess and courage. In addition, taking away the ability of young people to provide for their family and elders, as an older man explained, deprives them of cultural pride and self-esteem,

Our grandson very often goes out during the lobster season drops us up couple of lobsters, ten or abalone. That's the richest culture you can find anyway. Nothing generates self-esteem more than to give seafood to old people. He loves diving, it's in his genes. To pick up [seafood] for his own family, pride and self-esteem are generated. To take [that] away, make it illegal, is to rob them of their Aboriginality ... (Ossie Cruse, Eden).

I note that these are trends; there are young people who have been taught and regularly engage in fishing, following the traditions of their forebears, even if they do so in an environment of duress.

Diminishing opportunities for camping, in part brought about by fishing regulations, is another factor which deprives younger people of extended opportunities to engage in learning and practicing fishing skills. Also missed are the fireside story-telling and yarning opportunities. Again, it should be stressed that camping has not been abandoned altogether. In some cases, particularly on blocks where the land councils have been granted secure title, annual camping traditions remain vital.

### **Race relations**

The failure of the authorities to appreciate their practice, recognise their history, their skills and productivity, has been crushing to Aboriginal people and a source of outrage. A sense of futility and betrayal attends the unrealised promises for reform which were made in 2009. Positive efforts to action the commencement of Schedule 1 might have led to more meaningful consultation and engagement between Aboriginal community and the Department of Fisheries. That is an opportunity lost.

Aboriginal fishers skirmishes with overzealous Fisheries and police officers, reinforce and compound the experiences of racist discrimination to which most Aboriginal people have been subject throughout their lives. It must be remembered that, the older generation of south coast Aboriginal people experienced an era of race-based segregation, including on public transport, in the cinemas and hotels. Of 1960s Nowra, a woman recollects,

And this used to happen when we started the school in Nowra. We'd get on the bus and then the bus driver'd separate us. Separate us on the bus Nat. 'You Koori people, Aboriginal people, up the front, whites up the back.' I said why were they doing this to us, you know, separating us. We're all the same, only different is the colour of us... And then I think these white people thought, like if we had a disease or something too. And it made us feel very bad about ourselves (Kwok 2012:32).

Their membership of a minority group, whose own system of values and culturally-influenced ways of being, are not supported in the mainstream, and to which negative stereotypes are attached, continues to have negative repercussions in every-day life for many Koories. Present attitudes and enforcement tactics have led to a deterioration in relation with law enforcement officers, with new layers of distrust and animosity, built on old.

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