

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

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**Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture inquiry into the failure to proclaim the commencement of Schedule 1 of the Fisheries Management Amendment Act 2009 concerning Aboriginal cultural fishing**

Submission dated 19 January 2022

From: Steven Holmes

Thank you for the opportunity to make an individual submission as a South Coast Aboriginal person to the Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture inquiry into the failure to proclaim the commencement of Schedule 1 of the Fisheries Management Amendment Act 2009 concerning Aboriginal cultural fishing.

I am a South Coast Aboriginal person. I live in Eden.

[I've been fishing] all me life. All me ancestors and that, they are whalers. And me dad was a fisherman, me pop and me uncle and me brothers. I've been netting on the beaches and lakes from Diamond Head down to ~~Wombine~~ <sup>Wondyne</sup>, where I was born and bred. I've fished all these lakes.

[To me, cultural fishing] means fresh fish put on the table, not just for me, for me mob. And help them out, 'cause there's a lot of them are getting older now and they haven't got the skills no more to go diving or netting. And then someone gotta look out for them.

Interactions with fisheries officers & the legal system

From the 80s to the 90s [I had interactions with NSW fisheries officers]. For diving and everything like that. Every day you got out of the water [and dived], they were there. Everyone was waiting for it. I ended up in the courts. And ended up with fines. Probably 10, 11 times, 12 [I've been fined]. If I had all the court papers from all the courthouses I've been in, then I'd have an idea. [I went to court at] Moruya, Batemans Bay, Nowra, Kiama. I was getting abalone and lobsters. It was all for mob. They always [take my catch and gear].

Some of the young fisheries officers think they're right coppers. I was doing some fishing with my brothers at the Bingie Point, Moruya. And that was just before the marine parks come in. And we were catching salmon off the rocks, and we had them sitting in the rock pool. And two young fisheries officers come along and told us to throw 'em back in. And we went, 'What for? They're dead. Let us catch our limit.' We didn't even have our limit. So we had to throw them back in the water. It was getting a bit aggressive, but, there were no punches or anything, like it was just verbal language between us and them.

Legal Aid [represented me in court]. They don't give a sort of a rat's ass if you get knocked off or not, as long as they get away, as long as they get a wage in their pocket they don't care. [I just paid] the fines, what the courts give me. None of my charges got dropped.

The fisheries officers I talked to here, Matt Proctor and his boys. We get along good. He's looked at my genealogy, and that's about as long as the table. And he's looked at it and he said, 'Steven, I've got no qualms with you.' They all know I'm a Traditional Owner. And they don't really bother me, but when I go netting I gotta let them know what lake I'm in.

Personal impacts



I only get 3 hours and to set a net and do a splash. You need more than three hours. That's an all-day thing. They supplied me with the boat and net and everything. I'm happy with that. But the three hours is too short. It's just impossible to fill up five boxes in that time and to be off the water in three hours. You got 8 lengths and then that's 200 metres. And if that's full of fish, when you pick up one end and you gotta get them out and measure them. That just takes your time. Then you gotta be off that water before the three hours hits. And if I'm not, well, I get fined. That's why I'm too frightened to even go do it. Or all me personal gear get taken off me.

I got 8 lengths of nets sitting in me shed, and a brand new boat sitting in me yard. And it's a bit useless for me at the moment.

Matt Proctor, the head fisheries officer here in Eden, he said I've got more restrictions on me than the pro fisherman.

I could not possibly add it [the fines] up over all these years. We'd have to go through all the courthouses I've been in. To look at their records. And add all the fines that I've had. But it was up in the thousands. I had to go back on the dole. And just to make a living, then and get everything taken off you, that's just wrong.

When me old man left fishing and that, and me brothers, they left 'cause the money and insurance got too high. And we couldn't stay in the game. And as I said I've been fishing ever since I was knee high to a grasshopper.

### Community and familial impacts

We've been fishing them coastlines for yonks. And then all of a sudden, all our fishing spots are gone. They're gone, because of these marine parks. That's not fair. Not just for Aboriginal people. A lot of people have been fishing in places, black and white. Been fishing ever since they were kids in these places and all of a sudden marine park comes up. 'You're not allowed to dive here and you're not allowed to fish here.' Well, I think that's a big kick in the guts. That's not on.

If you can't go to the water like my ancestors did and get a feed without being harassed, and you know, get your food taken off you, and not left with your bag limit. That's just wrong. But as I said, I work with Matt and I do get me 10 abs (abalone). And I do get in four lobsters. As long as everything is sized, we've got no problems. But when you start taking undersized and stuff like that, that's when you're looking at problems. Like, me and my granddaughter, we go diving and we get 20 abs. That feeds my family. So I give some to the Elders. And I don't need 350kgs to feed me family. That's going overboard.

When I want to give some seafood, abalone, to the Elders, well, I can't. I'll have to give them my catch. I've been giving out fish and everything and, like, jars of oysters to family members just about half me life. You hand them a jar of oysters. And when you put that jar of oysters in the Elder's hand, filled with fresh oysters and they just look at you and they just wanna give you a big hug and just give you a squeeze. 'Thank you, thank you', they can't thank you enough. 'Cause they know you've been sitting on those rocks there shucking oysters. And washing them. Make sure there's no shell in them, so the Elders don't choke on them. I've always done that.

### Recommendations

I'm all for it [s 21AA]. That'd be a big difference. If I can go netting every day. Four times a week or something like that there to put fresh fish on Elders' and other people's tables. I'd be happy, I'd be over the moon.



I'd like to see that I can go to the water, with me family, me brothers, and grab a feed. Without going nuts. Nothing for sale. And hand it out.

It's a good friendship [with fisheries] and I don't want to blow that out of the water. But I want me rights back. So I can go out for the day and come home in that afternoon and ring the mob up and tell 'em to come to my place and pick up a feed. Or if they can't, I'll go and deliver it. That's the best I can do for them at the moment, but I can't at the moment.

In New Zealand they're allowed to catch what they need. I [saw] a post in New Zealand and I'm watching them and they're putting up videos of them getting lobsters. They're getting their parlour. And you don't see a fisheries officer in sight.