

**Submission
No 47**

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

Name: Mr Wayne Anderson

Date Received: 11 July 2022

Submission by Wayne Anderson

11 July 2022

This submission is a personal view and not of the BB(H) ACFLMP Steering Committee, Birpai LALC or other organisations that I may be associated with.

ACFLMP Aboriginal Cultural Fishing Local Management Plan
BB(H) Birpai Barray (Hastings)

Significant stages in development of the BB(H) ACFLMP.

1. Initial discussions about ACFLMP/BB(H)

In Port Macquarie 2017, myself as a Port Macquarie and Birpai LALC community member, a Wauchope and Bunyah LALC community member and from NSW DPI Fisheries, were involved in a start-up discussion relating to the development of an ACFLMP on the mid-north coast around Port Macquarie.

2. NSW DPI (Fisheries) through clearly stated intensions and other NSW Cultural Fishing legislation.

Images from 2017 received email

Development and Trial of Aboriginal Cultural Fishing Local Management Plan's

The Department of Primary Industries - Fisheries (DPI) is undertaking a series of three trials of Cultural Fishing Local Management Plans (LMP). The LMP approach is about addressing the cultural fishing needs of communities at the local level with recognition of the differences that apply from community to community.

A single source document that describes the lawful fishing activity in an area for communities covered by the LMP is envisaged, providing an easily interpreted understanding of the rules that apply. LMPs are being developed in line with the objects of *the Fisheries Management Act 1994* (the Act) to recognise the spiritual, social and customary significance of fisheries resources to Aboriginal people and to protect, and promote the continuation of, Aboriginal cultural fishing.

The LMP approach to be trialled is looking to cover matters such as, but not limited to:

- areas of fishing and access
- fishing equipment to be used
- species of fish, including those of particular significance
- agreed limits, if any
- ongoing engagement arrangements
- community-based management of cultural fishing, such as self-regulation principles

Engagement with Aboriginal people from the very beginning of the process is being undertaken to ensure management arrangements appropriately recognise the needs of community and access to resources is suitably addressed. It is also opportunity for community to have involvement in the management of fisheries resources.

Initial discussions on development and trialling LMPs have been undertaken in: (1) the Tweed region; (2) along the Murray River around Moama; and, (3) on the mid-north coast around Port Macquarie. Meetings have been held with small groups from the communities to provide an initial understanding of the interest to be part of the pilot, ending in a positive response. Discussion with the wider communities in the areas is now being planned.

Importantly the existing Aboriginal Fishing Interim Access (AFIA) arrangement as well as opportunity to fish under organised cultural fishing authorities (section 37 of the Act), continue to apply ensuring Aboriginal People across the state can continue to have extended access to fisheries resources to satisfy their cultural needs. Also important to note is that nothing under the arrangements impacts on native title rights related to fishing activity as afforded under native title legislation.

Plan would begin development August with a Draft prepared for trial early - Mid 2018

Enquiries can be directed to [redacted], Fisheries Manager, through [redacted] or by phone to (02) 4916 3826.

2. Community Consultation to move forward with the development of ACFLMP.

Preliminary meeting Thursday 9th November 2017 at Pot Macquarie Scout Hall 6-8pm.

The meeting included an Information Session on LMP Case Study and to Gauge Level of Support. Outcome: **100% attendee support.**

3. Workshops for Port Macquarie Local Management Plan.

Regular meetings were conducted in Port Macquarie, Wauchope, Birpai LALC and Bunyah LALC communities.

Workshops were managed by Project staff [redacted] (Barefeet) and [redacted] (DPI).

[redacted] was independent of DPI and acted on behalf of the Aboriginal attendees and community. She recorded and distributed detailed meeting records including communication and engagement protocols, broader Aboriginal community engagement, steering committee, Education, sharing information protocols, timeframes, key issues decisions, concerns and plan development.

The first workshop was 7th December 2017 in Port Macquarie with 13 community members.

Other observers at meetings included [redacted] (NSWALC), [redacted] (AFAC) and other DPI staff.

4. Formation of a Cultural Fishing Steering Committee (CFSC)

EOI for a ACFLMP Steering Committee was advertised in August 2019.

This committee remained active from 2019 formation up to its disbandment in June 2022 when the final BB(H) ACFLMP was activated on Friday 17th June in Port Macquarie.

The committee kept meeting via Zoom meetings during COVID restrictions.

Collectively the Cultural Fishing Steering Committee's primary role is to:

- Monitor the projects key objectives.
- Reviewing and providing advice on changes if required.
- Reviewing and approving changes made to project scope and goals in cooperation with the DPI.
- Making strategic decisions to maintain project viability.
- Reviewing, suggesting and advising on solutions for the issues critical to completing the trial.
- Endorsement of communication and engagement activity.
- Conflict resolution.

During LMP development meetings it was identified the steering committee should consist of;

- 4 members selected from each the Birpai and Bunyah LALC's boundaries (***Inland and coastal, 8 total, does not have to be a LALC member, boundaries are for operational purposes only**)
- Gender balanced
- Include both Elder's and young community representatives
- 1 DPI Management representative
- 1 DPI Compliance representative

5. Parties involved in the development of the BB(H) ACFLMP

A wide cross-section of the Aboriginal community were involved in the plan development.

This process has helped develop stronger working relationships between the Birpai and Bunyah LALCs.

The Aboriginal communities felt strongly that the BB(H) ACFLMP should not be shared with other organisations, including NSWALC, so that plan details could be distributed without permission. The Steering Committee strongly endorsed this principle. The Steering Committee believe it could support other communities wishing to develop their own unique LMP.

Included parties were:

- Traditional Custodians
- Members of the local Aboriginal Community
- Local Aboriginal service providers and organisations
- Birpai Local Aboriginal Land Council
- Bunyah Local Aboriginal Land Council
- The Department of Regional NSW (NSW DPI)
- AFAC
- NSW Aboriginal Land Council (NSWALC)
- NTSCORP
- Barefeet (Independent consultant)

6. Use of Community Surveys

A number of Community Surveys were used to collect feedback on species and LMP bag and possession limits, fishing methods including cultural techniques, cultural fishing events and seasonal fishing. The first survey was issued April 2018.

7. Cultural Zoning

The survey and workshop meetings agreed to use the combined Birpai and Bunyah LALC boundaries as the cultural fishing zone. This made it easier to define the area and maintain consistency within the Aboriginal community and DPI staff.

8. Aboriginal Cultural Fishing Interim Access (ACFIA)

It was acknowledged that the ACFIA was not sufficient to cater for cultural fishing needs.

9. Section 37 of the Fisheries Management Act 1994

It was acknowledged that a section 37 permit is available, but this required extra effort for Aboriginal fisher and DPI staff including paperwork for cultural fishing. The BB(H) ACFLMP has the use of commercial size nets. Nets will be held by Birpai and Bunyah LALC for community use.

The first BB(H) ACFLMP netting occurred Wednesday 6th July 2022 in the Hastings River. This event involved five (5) community and DPI staff. The catch occurred in NAIDOC week. The 115 fish included mullet (70), luderick (35), whiting (7), flathead (2) and tailor (1). The fish were distributed by the participants within community. These records become catch data for inclusion in community knowledge and fisheries management.

Overall Outcomes:

1. BB(H) ACFLMP has been activated, as off 10.00am Friday 17th June 2022.
2. Stronger working relationship between Birpai and Bunyah LALCS has developed as a direct result of being involved in the BB(H) ACFLMP process.
3. High level of community involvement in workshops and community surveys.
4. High trust level of community towards DPI Fisheries because of their ongoing support and encouragement, sometimes above what was expected.
5. The Steering Committee functioned effectively to support the development of the BB(H) ACFLMP including during COVID restrictions when face-to-face-community meetings were not possible. Members committed to extra tele-meetings to keep the plan progressing.
6. NSWALC and AFAC were involved in the development of the BB(H) ACFLMP. Participation by these parties was encouraged. COVID restrictions made meeting more difficult for these representatives.

7. High level of community ownership and excitement towards being able to use the BB(H) ACFLMP for cultural fishing and teaching.
8. Ability to use cultural fishing methods legally that had previously been illegal.
9. Cultural and teaching events are now easier to sustain because of the BB(H) ACFLMP.
10. All Aboriginal people living in the defined cultural zoning can elect to be a cultural fisher within the BB(H) ACFLMP and be legally protected within this plan.
11. The new BB(H) ACFLMP Steering Committee is not held legally responsible for Aboriginal individuals who fish illegally.
12. Pipies can now be collected within the BB(H) ACFLMP.
13. (Barefeet) has played a huge part of this project. Her role outside DPI, made it easier for the Aboriginal community participate in this process.
14. (NSW DPI-Fisheries) has played a huge role in building a strong and trusting relationship between the Aboriginal community and NSW DPI.