

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 4 - CUSTOMER SERVICE
AND NATURAL RESOURCES**

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

UNCORRECTED

At Narooma Club, 88 Princes Hwy, Narooma on Thursday 28 July 2022

The Committee met at 1:00 pm

PRESENT

The Hon. Mick Veitch (Acting Chair)

The Hon. Taylor Martin

The Hon. Peter Poulos

The Hon. Peter Primrose

The ACTING CHAIR: Good afternoon, everyone. Before I outline some important information, I'd like to do an acknowledgement of country. I also want to thank Nigel for this morning's welcome to country with the Committee members out at Mystery Bay. That was quite profound and quite impressive. I want to also acknowledge the people of the Yuin nation, the traditional custodians of the land on which we are meeting today. I pay my respects to Elders past, present and emerging, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to Aboriginal people joining us today.

Welcome, everyone, to this important community round table for the cultural fishing inquiry. Our inquiry is examining how the lack of provisions in legislation for Aboriginal cultural fishing is having an impact on Aboriginal communities in New South Wales. Today, instead of a strict public hearing format, we will be having more of a roundtable conversation with invited participants from the Aboriginal community here on the South Coast. I want to thank everyone for making the time to come along today to provide information to this important inquiry. I also want to thank people for making their submissions to the inquiry as well; they've been quite valuable for the Committee members.

Before we get started I will make some brief comments about the procedures for today's round table. Like any of our standard hearings, today's meeting is being recorded and broadcast live via the Parliament's website. There's a little camera in the middle that will swing around as people talk and everything else. You'll see the set-up as we go. It's important for transparency and helps anyone interested in the inquiry to follow along. I know there are some people who are watching this via the stream today. We have representatives from Hansard here with us today. They are responsible for producing a transcript, which records and puts into writing all the conversations today between the participants and Committee members. This will be placed on the Committee's website when it is ready. I know they will probably come chasing people for the spelling of words as we go through the day. Don't be too unsettled by that; they just want to make sure they get it right—that's the role of Hansard. They will come and talk to you if there's something they didn't hear properly or if they want to clarify a spelling.

If there are any media representatives present today—and I think there are; yes, Vanessa is walking around over there—please be aware that, in accordance with the broadcasting guidelines, media representatives must take responsibility for what is published about the Committee's proceedings. In the course of our conversation today, it's important to avoid making adverse comments about others, particularly individuals. Please avoid using people's names and try to keep comments more generalised, if that's possible. If you are unable to answer a question and you want more time to respond, you can say that you want to take that question on notice. The Committee secretariat will talk to you about getting information to the Committee after the round table has finished. The secretariat, whom you have been liaising with in the lead-up to today, will then follow up with you about getting the responses. Finally, could everyone please turn off their mobile phones, or at least put them on silent? The Chair will do that, because I'm an habitual offender.

Mr DOUGLAS SEYMOUR, before the Committee

Ms KAYELEEN BROWN, before the Committee

Mr DANNY CHAPMAN, before the Committee

Mr KEITH NYE, before the Committee

Mr JOHN BRIERLEY, before the Committee

Mr ROBERT CHEWYING, before the Committee

Mr WAYNE CARBERRY, before the Committee

Mr ANDREW NYE, before the Committee

Mr KEVIN MASON, before the Committee

The ACTING CHAIR: I think it would be really helpful if we could go around the room and introduce ourselves, including the members of the parliamentary Committee. As we go around, if everyone could state their name and advise if they are here representing an organisation, that would be great. For our community representatives, feel free to also make a short introductory statement. This might be a good opportunity to share a little about yourself or to emphasise a couple of key points you want to make later on in the day. Then, after the introductions, we'll start our round table. There's no need for a long introductory comment—just who you are, who you represent and maybe just a brief introductory comment to start with. To make sure everyone in the room can hear, I remind both Committee members and participants to speak into the microphones.

I'll start by introducing myself. I'm Mick Veitch. I'm from Tumut. I'm a member of the Labor Party on this Committee. I'm the Acting Chair today because the Chair, Shooters, Fishers and Farmers Party representative Mark Banasiak, is unavailable. Mark is the normal Chair and the Committee members have decided that they will vest sharing responsibilities with me, so I hope it all goes well. The interest that I have in this Committee—I actually moved the motion that established this Committee. I couldn't believe that 21AA had not yet commenced. I'd started receiving emails from people about the impact on cultural fishing and communities up and down the coast of that not occurring and not having commenced. I'm here to hear your stories today, and I'll try to guide this as best as I can. Not to throw anyone under the bus, but we'll go around to the left. If we could start with Douglas.

DOUGLAS SEYMOUR: G'day. My name is Douglas Seymour. I was born in Moruya, reared at Bombo. I'm here on behalf of the family to speak about getting back what's rightfully ours for the next generations. That's about me.

KAYELEEN BROWN: Hi. I'm Kayeleen Brown. I'm the CEO at Katungal Aboriginal Corporation Regional Health and Community Services. I also hold traditional blood ties from Wollongong down to Narooma.

The Hon. TAYLOR MARTIN: Hi, everyone. I'm Taylor Martin. I'm a Liberal Party member of the upper House. I cover the Central Coast and the Hunter for the Liberal Party for the Government. I'm very pleased to be here today and honoured to hear from you all. Thank you so much for taking the time; it's a pleasure to hear from you today. Thank you again.

DANNY CHAPMAN: My name is Danny Chapman. My introduction is going to be a little bit complicated because I wear several hats in relation to this matter. The first is I'm a community member who has grown up here on Yuin country. I'm part of the Walbunga clan. I'm also the elected representative on the South Coast for the NSW Aboriginal Land Council. I'm also the Chair of the NSW Aboriginal Land Council. I'm also a member of our fishing rights group. To complicate it even further, I'm also a former member of the Aboriginal Fishing Advisory Council from its beginning until last year. I think I've got a couple more hats in amongst all that stuff, but we'll leave it at that at the moment. My intervention in this Committee's meeting will be at a community level. I will further have an intervention in Sydney at later hearings of this Committee for the NSW Aboriginal Land Council. That pretty much complicates that. If I've tied anyone up, I apologise. Thanks.

The ACTING CHAIR: You did very well, thank you. I don't know how you wear all those hats and know which one you've got on; that's impressive. John?

JOHN BRIERLEY: Hello. My name is John Brierley. I'm a commercial fisherman. I've been at this here game since I was 12 years old, working with the old fella. I have a lot of experience with the Fisheries department. I've been on MACs; I've been on advisory councils; I've been on Safe Food. There are a lot of other issues that I've been on in fisheries. I've seen a lot over the years. I have a lot of experience in what goes on with policymaking and the deceits and the good things that have come out of Fisheries. That's who I am.

The ACTING CHAIR: Okay, John. Thank you.

KEITH NYE: I'm Keith Nye, representing Mogo lands council and the Mogo area. I've lived there all my life. I've had consultations with Fisheries pretty well all my life. I've been to jail for Fisheries matters, which I believe is our resource and our culture to do. That's about it. I'm looking forward to seeing what's going to happen with the outcome of this meeting.

The ACTING CHAIR: Thank you.

The Hon. PETER PRIMROSE: My name is Peter Primrose. Like my other colleagues, I'm also a member of the upper House. I've got a simple task today, and that's to listen and to hear what people here have got to say. I think, like the rest of us, we're sorry for the bits and pieces and all the electronic cameras and recordings, but it's the simplest and best way we know, in the short time we have, to make sure that we accurately record everything you say. It's very public and it can be used as evidence by us in our report. So it's as public as we can possibly make it. I apologise for all the technology. But on my behalf, I know I am genuinely here to listen and to hear what people have to say.

ROBERT CHEWYING: G'day, everybody. My name is Robert Chewying. I'm a proud Walbunga man. I'm also part of the native title claim. I operate the NSW Aboriginal Fishing Rights Group webpage as an administrator. I'm very passionate about the situations that have happened down on the coast. Our objective is to explain this story so that everybody is very aware of what is actually happening. Thank you.

The ACTING CHAIR: Thank you, Robert. Wayne?

WAYNE CARBERRY: Good afternoon. My name is Wayne Carberry. I represent myself and my Walbunga people. Today this open discussion is based on being able to shed a bit of light, in a little bit more detail, on the ins and out that the general public are not aware of. I'm very proud to say that I'm happy to be here and be part of this discussion. Thank you.

The ACTING CHAIR: Thanks, Wayne.

The Hon. PETER POULOS: Good afternoon. My name's Peter Poulos. I'm also a member of this Committee. I'm a member of the Liberal Party and I'm part of the Government. In my role as a member of the Government I look after the Illawarra. I'm particularly interested in hearing in your own words what this inquiry means to you and your community, and what your suggestions are, so we can explore ways of improving the circumstances that you and your communities find yourselves in.

The ACTING CHAIR: Thank you. Andrew?

ANDREW NYE: My name is Andrew Nye. I was born in Batemans Bay in 1950. I am a Walbunga man. I am also a commercial fisherman. I've got issues with the rules and regulations that we don't have a say in. I was born a fisherman and I'll die a fisherman.

The ACTING CHAIR: Thank you, Andrew. Kevin?

KEVIN MASON: My name's Kevin Mason. I was born and bred at Nowra. I'm a proud Yuin nation person. I'm just sitting in today to find out what's really going to happen in this meeting.

The ACTING CHAIR: Thank you very much. What we'll do now is I think I'm going to go around the room again but this time you'll have a bit more time just to explain in your own words what are—I think the Committee wants to know, what is cultural fishing as you would want us to understand it? What has been happening? What are your stories about what is happening right now that we can, as both Peters said, take away and try and make some sense of and try and help in some way to fix? Again, I'm going to go back around the room again. If you can sort of take up to about five minutes and then after that process the Committee members will have some questions and I'll start posing some questions to people because we're already writing down notes, if that makes sense. You have about five minutes or thereabouts. We'll start with Douglas and we'll go back around the room again.

DOUGLAS SEYMOUR: Too easy. Thanks, mate. With myself I'm, as I said, reared at Bomaderry, born at Moruya, a third-generation sawmill worker but all my life—Nan and Pop were at Kianga Creek so I was brought up on the flats down here hunting and gathering all shellfish and whatever up and down the coast from Gerroa down to Mystery Bay, diving in places, watching uncles, grandparents, all the mob diving. All in all, as a young fella, you learn from watching all that. At the moment, I've got three daughters and I've got four grannies. I've had a running battle with Fisheries all my life, like many of us here. Without the right rights, how can we teach the next generation to do it, when they're all going to get in trouble, we've been in trouble and we haven't got the rights to do it? My argument is getting the rights back for the kids before it's all gone and all of us having a say in it. That's about me in a nutshell. I'll keep it brief, but thanks for listening.

The ACTING CHAIR: Thanks, Douglas.

KAYELEEN BROWN: Thank you. I've prepared some things if that's okay.

The ACTING CHAIR: Go for your life.

KAYELEEN BROWN: Like I mentioned, I'm the CEO at Katungul. If you're not aware, that's the health and medical peak body for the far South Coast, so I'll just get into it. I often think what legacy I will leave my children, what future and place my culture has in this world. I come from the direct bloodline of Aboriginal South Coast matriarchs. My mothers and grandmothers before me connected to gadhu, our saltwater, and have always fished to provide for our families and young. The South Coast and far South Coast Aboriginal people have long been gifted, by our ancestors and creator, access to resources of the land and sea to sustain our ways of life, for this has always been and always will be.

Bagging limits have no place within our cultural framework, for we are one with the land and the land is one with us. Imagine our communities are thriving, people and families are healthy and well. No-one goes hungry, communities are fed, happy, resourced and sustainable. This has been our existence for over 100,000 years. Our customary law provides us with the authority to harvest and consume our traditional foods as well as commercially trade our resources, creating economic benefits and advancements for our people which contributed to the prosperous health of our communities, kinship and practice. Access to seafood is a fundamental element of our cultural practices through sharing, trade and kinship. We have the oldest oral histories worldwide, where narrative of our practice is embedded in cultural connection, wellbeing, healing and our responsibility to care for country.

Cultural fishing is a core foundation of health and wellbeing for the South Coast and far South Coast people, whether through language, kinship, connection to country or staple diet and regular exercise, and creates vital social cohesion amongst our people. We have never had issues with sustainability of resources for over 100,000 years. As of 2022, we have seen a decline from our inability to maintain our cultural practices and manage our country our way and on our terms. The absence of power, authority and autonomy for our people is limited in both Federal and State legislation, which continues to disempower, dismantle and contradict at its core our ability as a people to govern ourselves. Self-determination of Aboriginal people can only become a reality where the controls in which Aboriginal people, customs and culture are managed and vested in the Aboriginal people themselves.

The *Australia State of the Environment 2021* report undeniably recognises Aboriginal people as the subject matter experts in managing and caring for country and articulates a demonstrated connection to health and wellbeing outcomes for Aboriginal people. It is clear from this report that failed policy and legislation within Australia has led us to the brink of the most significant environmental crisis our country has faced in human history, directly impacting the health and wellbeing of my people. Our people continue to have the poorest health outcomes worldwide, directly resulting from inability to practise our culture in a world that treats us absent. We have seen surging illness through our communities with unmatched chronic disease, comorbidities, mental health, drug and alcohol and long-term disability impacts stemming from denial of access to staple traditional diets and the ability to maintain cultural practices, all falling on the medical services to bridge the gap in what is a bandaid solution.

For too long our people have been scared and threatened to continue to share and practise their culture with their families and provide for their communities, all at the expense of excessive fines, prosecution and criminal proceedings. The advancement of our people spiritually, physically and economically continues to be at the expense of pride and greed. There is well-documented evidence that when and only when Aboriginal people manage their own affairs will we truly see thriving sea life, environments, communities and people on these lands and seas. The South Coast and far South Coast people deserve self-determination to advocate and manage their health and wellbeing through their cultural practices. We have long lived in a framework never designed for us, and for that we have unprecedented health issues that are not on the decline.

I conclude today with some questions this inquiry needs to address as you consider the impacts of this legislation on the health and wellbeing of my people, our communities and our existence. My people are dying prematurely due to inaction. When will government hear our voices and acknowledge our place in this world? The future of my people and children rests in your hands. When will we stop treating the symptoms and address the cause? What will we tell our grandchildren, "We should have done more"? What will be your legacy?

The ACTING CHAIR: Thank you, Kayeleen, they were pretty powerful words there. Your turn, Danny. Away you go.

DANNY CHAPMAN: Away I go. Thanks very much for taking the time to come down and listen to us. We really appreciate this. The first thing that we need to say to you, or that I need to say, is that our people have never ceded this country. We have never entered into a treaty; we have never entered into any other

negotiations that would suggest even to cede this country. Over many years, government actions have slowly eroded and taken away our culture and our reliability on our culture. The only thing that remains at the moment is our fishing rights, and we will not give them up.

We will not take one more backward step in this. And, as you will hear from evidence around this table, you will find there are people here that have felt the force of the law. And you will hear of people that's gone to jail for their beliefs. And you will also hear that our fishing rights really don't belong to anyone that sits around the table. We hold it for a little while and then that's passed on to our children and their children. And as a result of that, we have a cultural obligation to pass on our teachings; to make sure that the jarjums that's coming up behind us—sorry about that. I'm going to have to spell that, and I probably won't be able to, but that's our children, that's coming up behind us—we have a cultural right and an obligation to teach them people how we live and how it is to be black; to make sure that we don't lose our identity and our connection to country, which is absolutely important to us.

Through government actions such as the non-commencement of section 21AA—that takes away our ability to teach. Because, at the moment, the Fisheries Management Act has really only one way to deal with Aboriginal fishing, and that's prosecution. They manage blackfellas through prosecution. They use the court to manage us so that they can manage their fishing stocks. Now that's wrong—absolutely wrong. In 2009 we lobbied the outgoing Labor Government at the time. We said to the Minister, "Look, you know, we really need to amend the Fisheries Management Act in order to have an Aboriginal fisheries inserted into that Act so that we could get protection of our people." The Minister said to me and others at the time, "Look, we're going into an election pretty much soon, and governments normally go into a period of time where they are unable to or unwilling to legislate. But if you can go over to the next door and talk to the Liberal Party and tell them what you want, and you get an agreement with them, then we'll certainly have a look at legislating it." That's exactly what happened, and that's exactly what was done.

The amendments to the Fisheries Management Act was done in 2009—I think it was in September of 2009. And there was only one person who spoke against—not even against it, but spoke in Parliament in relation to that amendment to the Fisheries Management Act. That was Andrew Constance, who was a member for down here on the South Coast, and his complaint was that there hadn't been enough consultation around this. Despite the fact that we've gone through about 30 years of prosecution and—you know, the only engagement that we've had with Fisheries is through compliance officers and through the court processes and stuff like that. Now, governments have known for many years of our fishing rights.

If people wouldn't mind, there's two very important people that I'd like to quote in amongst this stuff. I've just got them on my phone—I couldn't get near the office to print them out this morning. On February 1979 Uncle Percy Mumbler gave the following evidence to a select committee—that's the New South Wales Parliament select committee. Uncle Percy Mumbler would have been around about 60 or probably 70 at the time. He said:

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.

That was Uncle Percy Mumbler, who probably everyone knows around the place here. He was a beautiful old man. Another prominent Elder from down here was Guboo Ted Thomas, and he said:

When white people first came to Australia, they took all the land, with dreadful consequences for our people. Even though there was plenty of land for everyone, they took the lot!

They did so without attempting to make any treaties with our people. In this respect, the Australian Aborigines are unique. They are the only indigenous people in any part of the world with whom the colonising power has made no treaties ...

It is our hope that we can get back just a little of what was taken from us ...

I've got a few more there, but there's a bit of time constraint here, so I'll just take that. Because they are two pretty powerful comments from two very prominent Aboriginal people here on the South Coast—and very well respected. They are saying that—they actually mentored nearly all of us around here to tell us this is our stand. We cannot take a backward step and we must maintain our strength in amongst all this stuff.

Now, as I mentioned before, the only way Fisheries have attempted to manage Aboriginal fisheries down here on the South Coast—and they're still trying to do it. They are managing it through prosecutions—through compliances. I will try and cut my presentation as short as I can, because I know I've taken up a lot of time. Just recently there's been, you know, revelation in the place called Closing the Gap. We have a body of Aboriginal people that represents us in the Closing the Gap thing. They call it a CAPO. They have been told—or Fisheries have told these people—that while this inquiry is going on, they're going to place a moratorium on prosecutions

and they are going to not chase people around the rocks and give them court attendance notices. They are also reviewing the prosecutions that they've currently got in the pipeline, and a few other things which I've forgotten about.

But, just in terms of prosecution, I've had a lawyer ring me up at the beginning of this week that said they've got three new clients that's currently being—had court attendance notice put before them, and they're going to court. I don't like to call anyone liars or misrepresenting the truth or anything like that, so I'll leave that to others to reach a conclusion on that. They have also said publicly and in government venues within Parliament—I think they call it estimates committees. Fisheries have also told them that they are reviewing. I urge this Committee to seek evidence. It's all right for Fisheries to get up there and announce certain actions that they are doing.

This Committee needs to be told and shown evidence of what they're doing. If they're reviewing Aboriginal people from being prosecuted and they're going to place a moratorium on that, where's the evidence? I'll put it another way. I'm not too sure if I'm allowed to say what I'm gonna say, but I'll say it anyway. These people will get up there and say anything that they have just to blow smoke up your arse so that you can't see the true facts, so that you can rest on your laurels, and get back and say, "Oh okay, we're doing the review on that." In 12 months' time you will be able to do the same thing, "Oh, don't worry about that. They're doing a review." How long does it take to do a review? How many people have got to be prosecuted? How many people have got to go through two years of pain and misery? How many times have families got to carry these people? How many times—as Katungul has said—do they have to pick up the pieces of the health problems, the stress? No.

In order to try and not take a backward step in this, there's been a few—not a few. All of us in this room and beyond have tried to consolidate our efforts and all that stuff. We have got a fairly good bunch of people involved in this, both Aboriginal and non-Aboriginal people, that has helped us take a stand. We've got pro bono lawyers. We've got anthropologists. We've got historians. We've got academics. We've got a whole group of people here that have put all of our energies and efforts together to try and stop Fisheries from prosecuting our people. I don't want to take Kevin Mason's—Phantom's—testimony away from us, but it's important that we say this to you: This beautiful old man sitting over there in the corner has been prosecuted around about six times for diving offences.

Since our fishing rights group have got together and have provided pro bono lawyers to represent him—on his first case we put together a pretty good solid case against Fisheries for prosecuting him for abalone and all the other things that he's been attempted to be prosecuted with. They dragged him to court for two years, right up to the point where they were going to walk in the door of the courthouse and have the case heard. Fisheries dropped the case. Crown solicitors' instructions were to drop the case. About a year later Fisheries caught him out diving again and they laid the same charges on him. We went through the same processes—went to court, two years' time. What it has done to him and his family is massive. We went right up to the courthouse again and they dropped the case again.

Two months after that they caught him out fishing again, and we've got video evidence of it, where Fisheries officers have jumped him. He's getting out of the water and they come running down the hill, chasing him. He run back into the water saying, "I've got native title rights," and, "Don't take my food from me." We've got video evidence of that, which I will present to you in Sydney. They got him in a headlock and roughed him up. They then attempted to prosecute him again. So he went through the same processes again. They have again dropped the abalone charges, the fishing charges and all that stuff, and all that remains at the moment is they're charging him with assault. You know, that sort of thing can't stand. Now, look, I don't know what you make of that, but that is harassment. That is harassment. Most of the people around here will tell you that it's harassment as well. This is how people are being treated. It's just unfair and it's unjust. It's un-everything.

I'll just cut this short a little bit. As I said before, the Fisheries Management Act was amended in September 2009 and section 21AA is yet to be commenced. Section 21AA, if commenced without regulations, will protect Aboriginal people from fishing. What we've also said to government was that, if at any time that an Aboriginal fisheries would place any species and all that stuff in jeopardy, if there are environmental issues that we need to talk about to protect the species, then we will sit down at the table with all the stakeholders as a genuine partner to try and resolve these issues. So there's really no reason why this can't be done; why it shouldn't be done.

Now, I've got a question for the Committee and I've got a question for the whole of New South Wales Parliament. The question is this: Do you know of any piece of legislation that has gone through Parliament, gone through the lower House of the New South Wales Parliament, gone through the upper House of the New South Wales Parliament, has been assented by the Governor and sat on the table of the Government for them to enact for over 10 years? It will stop people being dragged into court, tearing our families, our culture and all of our stuff to pieces. That's the challenge I put before you. Do you know that? When you come to that conclusion, what is

the reasoning behind all that? Why are you doing this? I'll end my intervention there at the moment, Mr Chair. Thank you very much for your time.

The ACTING CHAIR: Thank you. John.

JOHN BRIERLEY: I've got a bit of a story the same as like Danny. The thing about this, my great-great-grandfather was a whaler. Now, I am a descendent from the Thaua people of Twofold Bay. We have been wiped out to one last man and that was my great-great-grandfather. Now, he was a whaler and his son and that was my grandfather. He was a fisherman and my father was a fisherman. As we came up to rank now, I'm a fisherman. I have a son that's a fisherman and he has two sons that want to be fishermen. This goes to my core is that, when growing up, we were allowed to collect or, say, fish for any species of fish that we wanted. Now we looked after the resources. We call it mullet season, salmon season, and lobsters and abalone, and we diversified in prawns and the whole lot of lake fishing and that. We diversified in the industry.

As the years went past, in 1932 Fisheries came along and they said, "Youse must get a licence," and my grandfather said to them, "No, we don't have to have a licence because we are the original people of this country, and we don't have to have a licence." Anyway, my grandmother at that time said, "Oh, what's the difference to get a licence?" They said, "It's only one shilling." That is how we first got a fishing licence. We got that fishing licence for our people—my father, my grandfather and my uncle. That carried us on as we grew older and older and everything. They would do the fishing and that. But what it had done to us was that it made us realise that we never got harassed because we got that fishing licence, right? If we didn't have that fishing licence and we stood there and we fought every Fisheries officer that came along, we would have been harassed more times than any other of these guys here.

We made an industry out of what we've done, and right up to today, that industry, we run into difficulties like in quotas and closures—weekend closures. All these things were put onto us, and the lies that they've said—they broke up our industries like beach hauling. They broke it up into different categories like garfish hauling and that, and they put quotas on all this here. I did not accept any of this, and I still don't accept any of it. I told Fisheries. I said, "I don't accept it." Because under the law, it's not law until you accept it. As they went on, they brought in this thing called—what do you call it? You've got to log in and log off under Fisheries. I said, "There's no way that I'm going to do that. I'm not going to be like my ancestors, my grandfather and that, who have to have a permit to come to town." This is what is going back. This is what they're trying to do—bring us back into the Stone Age where they brought us down to being a second-class citizen. I'm not a second-class citizen. I'm a First Nation man. I own this country. If youse don't think that I don't own this, then the proof is not for me to provide. The proof is up to you guys to provide to prove that I am not.

That evidence is there in your documentary. Youse have got to find that, not me. I don't have to prove it, because I know who I am. Youse have been here for 250-odd years. We've been here for 65,000 years plus. They're still finding evidence where we're still going. Now, go back again and you have a look at Christopher Columbus. You must know your history. Every nation in the world—especially England—they said that if you come to the edge of the thing, you fall off or a monster eats you. Christopher Columbus proved that the earth wasn't flat. How could a country say that they own Australia when they didn't even know about Australia? The Dutch were here before them; the Chinese were here before them. They came and visited and traded, and that's documented. They came here. They seen the resources that were here—the seals, the whales—and then they found out the land was valuable for growing their wheat, and putting sheep and cattle. And what did they do? They raped and pillaged us, the stocks and everything, like the seals. The fishing is still being done, and us poor fellas, we lost virtually everything that we tried to do.

As a government that was introduced to Australia, it said, "We will look after the people of Australia." In your constitution, we were provided in that constitution because them old fellas who wrote up that constitution knew that we owned this country, and they made provisions in that constitution for us. We had the same rights back then as you guys have got today, but yet we are a second-class citizen. The people that are brought over by boats that are trying to flee from other countries, they come into this country and have more rights than us. They come here and they are provided houses. They are provided money, jobs. What have we got? We've got to fight every inch of the way to even access our own resource. Now, going back to governments, I've been on ventures—Safe food, CfAT, the new policymaking. People like SARC—that's the reform committee—we've asked them, and I've asked them. Andrew Nye was there. We asked the same questions, "Are there any provisions in this here for us Aboriginal people?" "Yes, the Government has all provided that." And what is it? None. Nothing! We were screwed like anybody else.

Like Sam will say, our quota system, we cannot make a living—giving us X amount of days a year. You're allowed to work 365 days if you want to work that much. As fishermen, we are on quota of 76 days—hundred and something days. We've got to have a section 37 permit to go prawning because we refused to buy

more quota. The resource belongs to us. Like I said, if you don't think that we don't own it, then show us the evidence where you acquired it from us because I'm saying we do not have to prove that we are the original people, and we don't have to buy nothing because it's already ours. You show us the evidence where you acquired this country from us, and then we will sit down and do your bidding. Another thing, that 211 should have been activated and the one thing in it that has got to be there is the fish are to be sold.

The ACTING CHAIR: Thanks, John. I was remiss not to mention that the local member for Bega is here, Dr Michael Holland. Welcome to the hearing, Michael. Keith.

KEITH NYE: They pretty well tied it all up at the moment, but I'm in the process of a five-year and eight-month court battle. In 2017, on 20 January, I got caught. It has been taking five years and eight months, and I get sentenced next month on the fourth. During that court battle that I am involved in, the judge finds that I have a cultural right. Do we all believe I have a cultural right in this office, in this place here, our Ministers? As an Aboriginal man of this country, have I got a cultural right? Have I got a cultural right? If I have, how can a judge say to me I have a cultural right but he still wants to put a ban on me? How does he know about my culture when he is not an Aboriginal man?

Also, in my court battle I have been classed as a danger to the ocean by swimming in it with a pair of flippers, one mask and one snorkel and an abalone. In my evidence from the DPI—the Crown Prosecutor from DPI has classed me as a threat to the ocean. One black man swimming in one little ocean. How is that possible? How is it? How is that possible, one black man? Let's put two black men. Kevin, is he a threat to the ocean? Obviously he must have been because he got tackled by Fisheries; a 72-year-old man getting harassed like that. That's shocking. Two hundred and fifty years youse have been here for—250 years. Ain't it about time to change?

I fought in 2020 when the fire came through. Myself and two of my boys fought to protect our house, our street. I had no shoes on. I had a pair of shorts, a T-shirt and a garden hose. That's all I had on me. My two boys were the same. We fought that and we used our cultural practice to beat that fire. If we wouldn't have had that experience—not that we're bushfire professionals, but it was our cultural practice of how to deal with something when it appeared at the time. We were successful, but if we would not have broken the white man's law—the white man's L-A-W—we would not have had a house and we would have had no street. The whole of our street would've burned to the ground. But we used our knowledge on the 2020 bushfires. I don't know how many people have faced a fucking fire like that—something like a 200-foot fucking flame coming towards you and you've got a garden hose in your hand. How do you tackle it? What would youse do? What would our governments do in a situation like that? This happened because of governments putting protocols upon our culture, telling us to do this and do that. Mother Earth owns us and we have got to protect her. I'm sorry to say, since colonisation 252 years ago you've never really given us a chance. All youse have done is put them brick walls up in front of us. When are they going to be fucking brought down? When?

We've got the L-A-W, the court of law in Liverpool that I go back to on the fourth of next month. I'm already guilty of practising my culture, and the court of law does not see me able to share their culture and their food source for swapping for money. We call it bartering, one way or the other. When is the Government going to fucking realise that we have a culture and a place in this country? We have a duty of care. We have, as an Indigenous people of this country, not the Government. The Government has not seen that since 1901, when the first Parliament was formed, our first government. I have faced 20 governments in my 65 years of life, and not one thing has changed to benefit me. I'll end my story like that. I have got no faith in the court because they are racists. I have got no faith in the L-A-W. Why should I have faith when I know of many of us being kicked in the guts? "Get where you fucking belong", that's what the fucking L-A-W has been doing to us for a long time. Thank you.

The ACTING CHAIR: Thanks, Keith. Robert?

ROBERT CHEWYING: Section 21AA not being enacted has had hideous consequences. It's all tied to cultural practices and our rights have been ignored. We've been over-represented in the courts, and our physical and mental health has had major consequences. Not enacting 21AA, in my opinion, is inhumane. We've been systematically disempowered to conform. Our science and our ways have never been considered. Now our resource is under great stress: 20 per cent biomass means that 80 per cent of the resource has gone; 70 per cent of our reefs have been destroyed simply because of urchin barrens. We advocate for an Indigenous fishery. Thank you.

The ACTING CHAIR: Thank you. Wayne?

WAYNE CARBERRY: There are a lot of issues running through my mind at the moment. Thank you, everyone, for voicing those words that I really understand so well in regard to talking about my people, our saltwater people. I simply put it this way: In order to understand my saltwater people sitting from your office far

away, if you one day come and see what we do and live in our shoes one step at a time you will understand the power of my people and the knowledge that we possess. If you take a moment to come and see, you will understand the original people, the original caretakers of this beautiful place. It's not to say that all you beautiful people in this world cannot be the next caretakers. It's very special.

My people, as saltwater people, know how it makes us feel when we move around in the water and on the land. It's a spiritual connection that not too many people will understand unless you have the full concept of the connection to country and understanding. To understand country, you need to understand the living and the practised ways of using the natural materials available without the destruction. It's happening all around us as we speak—the mining, our forests are being cut down and our waterways are being neglected day in, day out. For what is the power of your greed without understanding that the knowledge is simply passed through our people? It's something that we share and something that we are good at.

The most important thing in order to understand your ecosystems and this beautiful place that we call home, Australia, is that we can all become caretakers of this beautiful place together as one. But we need to understand—and we know that it's not rocket science—that our beautiful First Nations people have protected and looked after this place from day dot. My heart is on my sleeve. I speak for my people all around this country who go through the same thing over and over, day in and day out. But we can make a change. It only takes a few minutes to go out and introduce yourself to local people who are telling these stories. The knowledge and the wisdom is there for all of us to share. Thank you.

The ACTING CHAIR: Thanks, Wayne. Andrew?

ANDREW NYE: I can't say much more than what John's said on the commercial side of it. I've been a fisherman for 58 years. Like I said, I was born a fisherman and I'll die a fisherman. But I'm not happy with the department because they don't have meetings with us to find out any issues that we have with their rules and regulations and changes that they make. Going back about six years, I could go and catch four, five, six or seven tonnes of garfish a year. Fisheries changed the rules and regulations and said that the 40 shares that I had for gar fishing would only allow me now to catch 640 kilos of garfish. We've done shots for garfish with our net and we've got up to 3,000 kilos at times, and we're only supposed to take 640 kilos out of that and let the rest go. If they're dead—because they die really quickly—we've got to take them out to sea and dump them. Then, if they wash up the beach, we're the ones who get the blame for it. I think it's wrong that they should be telling us what amount of fish we can catch and how much we can make off them.

The same thing with lobsters and abalone—we're not allowed to catch them. When my dad first dived for abalone, he was getting sixpence a pound for them. When the rules and regulations changed and they became valuable, who missed out? All the Aboriginal people, and all the white fellas got it. If I've got \$1 million or \$2 million, I'm not going to go and buy an abalone licence, am I? Because I don't need to. I don't even need to work. But that's the way they changed things. They took lobsters off us because we missed out on a quota of lobsters because we were 17 kilos short on the criteria that they set.

We put in return forms to say what quantity of fish we caught and what type, you know, and when they go through those returns, they say, "Andrew Nye, you know, he's only made this amount, and then, you know, he's only made this amount. If we make the criteria, say, 600 kilos of lobsters, he missed out because he hadn't got 575 or something like that." That's the way they do it, and that's the way we've been chopped out of it. But we're also talking about our resource and that. What gives them the right to tell me that I can't go and make X amount of money out of this resource or that resource? We have a weekend closure that comes in on 1 November and ends at the end of February.

JOHN BRIERLEY: Andrew, again, the thing of it is with the Fisheries management, they never took into consideration that we diversified. Remember when I was saying back again we was lobster fishermen, we was a salmon fishery, we was a mullet fishery and we diversified into the lakes and that, right? This came about each year they'd be thinking what we got came back to the seasons and everything, right? We got one good season, right? And say a lobster season come in that wasn't really good, we diversified onto another thing. We looked after the resources. That's the way we managed our resources, and all Aboriginal people done this. But when Fisheries management came in, they designed it on the fact that you must catch as much as you can on that one species. That, you have a look, has wiped out virtually our fishery. The Fisheries management is not good for the Aboriginal people. It is good for making moneys on a product but it's not good for the resources tomorrow. Am I right, Andrew?

ANDREW NYE: Yes, you're right John. I'm a beach fisherman and I also prawn and that but I don't do messing in the rivers, but we'd go fishing of a morning time with our boats and nets and if we didn't catch fish, say, by 12 o'clock, one o'clock, we'd come home, we'd grab our diving gear and we'd go and make our wages with lobsters. But we're not allowed to do that no more. Everything that's valuable to us, like abalone, lobsters, urchins

and whatever, has all been taken off us and all the non-Aboriginal fishermen have got it now. Some of the lobster fishermen, probably about three or four of them have got it all sewn up to themselves, and to me that's wrong. We're talking about our resource and we're not allowed to access it.

I feel like I shouldn't be paying Fisheries. I owe Fisheries a fair bit of money but I won't pay them. I'll declare myself bankrupt before I pay them any money. But they won't stop us from fishing, and I'm not going to go and pay them big money for me to access my resource. If they think they own the resource, like John says, let them show us proof of ownership. If you own something, you've got to be able to prove you own it, and if they can't prove that they own the resource, why do they hassle us so much? The majority of the fish we catch are migrating fish. We've got these marine parks set up where the fish don't just come down and say, "We're in a marine park now. Let's stay there because it's safe here; they can't catch us." They don't do that. They're migrating fish, so we should be allowed to fish on beaches that are closed by the marine parks and that because they're there today and gone tomorrow.

One day there they opened up Tuross River. That was on a Saturday and we was down and watching them open it up. On the Sunday, me young fella was over at Broulee and rings me up and says, "Dad, there are two good heaps of mullet going along Candlagan Beach here." He said, "Go down to the bar on the southern headland and you'll see them." So I done that and it was drizzling rain. This was on a weekend closure. It was drizzling rain. I went down there and he pulled up on the hill and he said, "There they come now, Dad," because he can really see fish where there are none, he's that good. And then he said, "Here they come now. Look, Dad." So we watched them swim along that beach. That was on a Sunday afternoon. They swum along that beach right up the shore—flat, calm and not a single person on the beach—but that was probably \$10,000 or \$12,000 worth of fish there we had to watch just swim past us like that and not touch them.

No-one pays us for that because when they brought the weekend closure in it was supposed to be for the public. I said, "Why was it brought in?" They said, "Because of the interest of the public. They save their money up all year and they want to come down to the South Coast or the beach, sit on the beach on a chair with a rod throwing in and a beer beside them." I said, "That's fine by me, but when it comes through the week when we're allowed to fish, all those people are still there." I said, "The reason why the weekend closure was brought in wasn't for the interest of the public. That was because you guys don't want us fishing, because if it was for the interest of the public, the school holidays don't start until 20 December. They go back late February, early January or something, but the weekend closure comes in on 1 November and ends at the end of February, so we still have probably like a couple of months where we've still got the weekend closure." We had meetings and we said, "Why aren't we allowed to fish in the afternoon time because daylight savings is in? Why can't we go fishing earlier at the break of day in the morning up until nine o'clock and if we haven't got fish, we go home? Then we can go back at, say, six o'clock in the afternoon and fish until dark and through the night." They won't come at nothing because they won't listen to anything you say to them.

The ACTING CHAIR: They are Fisheries?

ANDREW NYE: I'm actually at the stage where when this weekend closure comes in this year, I'm going to go and fish on the weekend and if they want to come and book me, they can book me if they want to but I will not pay them any money. But if it goes to court and I win, then I'm going to take them for everything they've got because I don't think they've got a right to tell me how to make a living. I've been doing this for 58 years. Some of these blokes that come along and make these rules and regulations are not even 58 years old. To me, everything they've done has made life hard on us.

I don't like the idea that we're zoned in. We can work from the Victorian border to the north end of Tabourie Beach—that's south of Ulladulla. It sounds like we've got a big area but when you look at it, we've got closures by marine park, national park, Fisheries, Forestry, council. We've probably got about 15 per cent to 20 per cent of beaches where we're allowed to go and fish. All we want is we want our water back. We want to be able to go anywhere in New South Wales, like Ulladulla or Wreck Bay for instance. My grandmother's family were the first ones to ever fish Wreck Bay. They made the road into Wreck Bay. I'd like to go up there and fish for whiting in the summertime. I'm not allowed up there because it's out of our zone, and it's wrong.

I don't care what Fisheries want to do to me but I'm at the stage where I'm going to go and push them boundaries and I'm going to fish on the weekend, because if there's \$5,000 or \$6,000 worth of fish there on the weekend, I'm going to catch them. If they want to fine me, they can. I don't give two hoots. There have got to be changes made somewhere and the only way you can get changes done is if you push them because they're not going to just hand nothing back to us. They've taken everything off us over the years and they're not going to take no more. That's all I've got to say.

The ACTING CHAIR: Thanks, Andrew. Kevin?

KEVIN MASON: I'm the last one here, am I? Get them around the table here to explain most of the things that have happened in my life, and I go right back to this to the early sixties. My first encounter with Fisheries was in the late sixties when it probably wasn't in the Act then. It was the policeman. But, anyhow, I can go right back further than that to when I first got thrown in the water, the river out at Nerrigundah. My brother said, "If you're going to learn to swim, you've got to be able to feed yourself later on." So I had to swim across a big blue hole and dog paddle across and I made it, and since then I'll never forget that day.

Then it went on from there to when I grew up. I didn't even know who I was at the time. I had no education at school. Then we had to feed ourselves and we had to go to the ocean and get abalone off the rocks and that sort of thing at a certain time of the year. There were the big tides and the sand would come in and wash the abalone up on the dry rocks. We used to pick them up with sticks and there was millions and millions and millions of tonnes of them just sitting there until later on down in life when I found out about when they started the abalone industry. There's nothing left there whatsoever.

You can jump in the water anywhere along the south-east coast there from my dive from right up the North Coast right through to the Victorian border, and there's nothing at all. You've got to put air tanks on and dive 70 or 80 feet to get a feed. Now we can't get them off the rocks anymore—it was traditionally done, years and years ago, what I've been taught. The boys here have said just about everything for me, and I appreciate that they're right behind me on this matter, for the Fisheries stuff. I don't know whether I was the first bloke that went to jail in Australian history, in Australia—I don't know. That was back in the seventies. I done three months in jail there for a fisheries offence—for abalone. It was shucking abalone, undersize abalone and over the bag limit—over the quota. So I done three months in jail for that. I wasn't going to pay no fines or nothing, because I didn't need a licence. Since then, I just carried on from there and still do what I do. I don't think anybody is going to stop me from doing what I'm doing today.

My family fed me and brought me up on seafood and freshwater stuff and mullet and that. We used to swap and change. Lobsters—go to town. Lobsters for food. Abalone for food. Grocery places—all that sort of stuff. They were quite willing to share with me and to say, "Well, we want more. We want more. Give us that and we'll give you fruit and veggies." You know, and meat and that. We were gonna swap stuff for meat and stuff. You know, get a feed. We used to get plenty of abalone because we just picked them up off the rocks with sticks and that. We never even dived in the water until the fishing industry started. They virtually wiped the south-east coast of Australia out of abalone. You jump in the water today and you've got to go out past Montague Island.

I can dive pretty good, and they condemned me along the coast here. Fisheries even put a poster up down in Eden. I had a couple of nephews and nieces working in the Fisheries office, and they walk in and see this big poster sitting up there. "The most wanted man." This fellow here, Kevin Mason, the most wanted poacher on the south-east coast of Australia. That blew them away. They got photos of it. I said, "What are they doing with me?" I said, "I don't know. I just go and get my feed." I feed my mob, which I've always done, all my life, and I'm still doing it today. I don't think anybody is going to stop me—governments or police or Fisheries or whatever they call them, the authorities. Thank you.

The ACTING CHAIR: Thank you very much for your stories. Kevin, you might be able to assist me here. When Fisheries turn up and they assess your abalone or your take, and they then give you a court attendance notice or a fine, do they take your equipment as well?

KEVIN MASON: Exactly. Yes. Took everything. Flippers, goggles, snorkels, my mask, my gloves—everything I had on me. One time they wanted to take my car, but I told them, "It's not my motorcar. I just borrowed it." They wanted to repossess that.

The ACTING CHAIR: Do you ever get your equipment back at any stage?

KEVIN MASON: There was one time—no, I never, ever. Because I went to an auction one day down at Narooma here, and they said all the stuff that's been going through the Fisheries—that they collected, sort of thing, or seized. I went down. Here's my wetsuit hanging up here for sale. It had a for sale sign on it. My wetsuit, and all my diving gear. So I didn't buy it. I asked them, down there, I said, "That's my gear there you've taken away from me about two or three years ago." They said, "Oh, mate, it'll cost you." Righto. I didn't go near that.

The ACTING CHAIR: You didn't buy it back?

KEVIN MASON: No.

KEITH NYE: Excuse me, Chair. Just on that taking of gear—they've seized a car off me, personally. I won it at a club in Shellharbour, right. They seized it off me, because—I won it. I won the car in a raffle. And Fisheries were quite obliged of just saying, "We're taking this off you, Mr Nye."

The ACTING CHAIR: Did they say why they're taking it?

KEITH NYE: They don't have to give a reason. They just do it.

The ACTING CHAIR: Did you get your car back? Or were you like Kevin and you found it at a—

KEITH NYE: No. I think it's still in compound. But how can they link that up with—we've been classed as a mafia, at one stage. A black mafia. You know? We're dealing with our own food sources. We've been accused of drug trading. I don't even know what fucking drugs sort of—fucking heroin or fucking ice. I've never seen the shit. These are the sort of things that the Fisheries and the Crown and the DPI is really shoving down our throats. Again, how much longer do we have to put up with it for?

DANNY CHAPMAN: Just on that, Mr Chair. Fisheries seized Keith's car because they thought it—even though there's plenty of evidence around the place that it wasn't so, they thought it was gained by illegal methods. Despite some of the evidence that had been given at court, they still won't relinquish on that.

KEITH NYE: Going back to the Abalone Association—correct me if I'm wrong, but my understanding is they are virtually a government by themselves. There was evidence coming out saying—when COVID came in. You know, they're allowed 100 tonne of something a year. Anyway, they had six months of COVID off, right, because of the lockdown. Our beautiful DPI organisation has awarded the Abalone Association divers their full quota for the year when COVID lifted, and their quota that they missed out on at six months. Now here's my brother, and John—doesn't get their quota in that one year. The DPI doesn't come and say, "Oh, Mr Nye, Mr Brierley, you've missed out last year. You can double up this year." But they said that to the Abalone Association. That might be worthwhile checking in. You know? How wrong is it?

ANDREW NYE: What people are saying, though, is true about that. Because we are allowed 460 kilos of garfish. Well, we haven't caught garfish in three years. But I said to Fisheries, "Now, we haven't caught garfish in three years. Can that 460 kilos carry over, because we haven't caught any for three years? Can we get three times that amount?" They said, "Nup, you can't do that." But I'm going to do it. Yes, I'm going to do it.

The Hon. PETER POULOS: It's clear that you have outlined that this is having extreme generational impacts on one generation to the next. The prosecutions continue, and the fishing stocks remain depleted. My question is what suggestions do you have to ensure that we have sustainable fishing and opportunities for both current generations and well and truly into the future, so you can actually be able to transfer your traditions on to your children's children?

ROBERT CHEWYING: Do you mind if I just comment on that? The word sustainable—at this point in time we're looking at 20 per cent biomass and within that 20 per cent biomass it's probably even less than that. It probably goes down to 15 per cent. When we're looking at global warming and ocean currents warming up, I've got a feeling there's no shock absorber there to actually keep the resource sustainable. From an Indigenous perspective, 80 per cent of the biomass which has gone is—I wouldn't classify that as a sustainable level, that 20 per cent. Even though you move from 20 per cent, go up a bit, and then take the resource and it comes back down to 20 per cent again, it doesn't allow any wiggle room at all. So the way I look at it is that you're far better off actually having an Indigenous fishery which can actually, I suppose, have cultural ways in using the resource in another way, rather than what has been done over the last 50 years. Because, at this point in time, it's not really showing good signs of management.

DANNY CHAPMAN: Thanks very much for that question. That's a really good question and is something we've been asking everyone about why—the sustainability of fisheries. Because when we were here, when we were managing it, it was fine. So what happened? Why are we in the position now where the stocks are declining? It's a pretty bleak outlook. And they're now trying to fit an Aboriginal fisheries into that bleak outlook. We didn't do this. Fisheries and the way they manage the stocks—they over-allocated the resources and they did that in a way that had benefited few people. And they continue to do that. I give you an example. The abalone industry—they issued licences and shares for 100,000 kilos of gear. I might've got that wrong but it's an enormous amount of abalone each year.

And go back to Phantom sitting there—he got prosecuted. He had to go to court for getting three kilos—put him through hell over eight years for doing that. And yet these people in Fisheries are saying to you—only you—"Look, we can't fit an Aboriginal fisheries into here because it's over-allocated, it's over-resourced and the resources are going to decline." But they have done this. They have done it to us. They've done it to you. They've put you in a bad position, where you've got to have to come out here and explain to us and ask questions like you just asked: "How are we going to fit you in there?" It's not that question you shouldn't be asking to us. You should be asking to Fisheries: How are we going to make this sustainable to fit blackfellas into Fisheries? What do we need to do to give these people a right and stop prosecuting us? Prosecution is not a way to manage fisheries or us.

So, with respect to everyone around here who you'll probably ask that question—and it's a really good question and I appreciate it. But it's not a question you should direct to us. The question is directed to Fisheries about that. They have to answer that question. Parliament has already said very clearly that there is an Aboriginal fisheries into the Fisheries Management Act. There is a section there called section 21AA that will give protection to Aboriginal people who practise their cultural fishing. Just one other thing on cultural fishing—when we say to you "cultural fishing", we say that to you because we think that you can only understand cultural fishing. That's the best way that we can say to describe to a whitefella: cultural fishing. But it's not. It's our fishing.

JOHN BRIERLEY: It's our life.

DANNY CHAPMAN: It's our life. We say "cultural fishing" so that you can put it in a box, you know, and create fences around that to make—but it's not that. We've got to be able to find a better language to communicate to you about what we feel. I hope some of the stories that you've heard around here will help break down that barrier. Now, you will hear also—Fisheries have been telling people around the place and in media around the place that they have to crack down on Aboriginal fishing down here on the coast because it's linked to the drug trade. Now one way to shut you fellas up is to say, "It's linked to the drug trade." That actually nails you to the floor because you can't move on that. Because if you do, you say, "No, no, no, let's commence section 21AA", then there's evidence that goes to the court to say, "Hang on a minute, these blackfellas are up there trading abalone for drugs", and you think you're in the fire. I can tell you categorically right here and now with my hand on heart, and everyone around this table will tell you, that that is not true. That's a tactic used by Fisheries to scare the shit out of youse.

KEITH NYE: Dirty tactic.

DANNY CHAPMAN: And like I said before earlier about blowing smoke up your arse, that's what it's all about with them. They're not about to tell you the right stories. You've got to ask them the question. When they tell you, "We're reviewing prosecutions"—oh, alright. Well, show me the evidence. Show me the evidence that you're reviewing. How many people have you dropped? Where is the greater good for prosecuting a 20-year-old person down here for fishing, stapling a criminal charge on his forehead for the rest of his life? My kids, for example—my two boys were taught how to dive, how to fish. You know, they grew up with the Nye side of it; they grew up with our side of it as well. So they're pretty well versed inside of the fisheries and all that stuff. They were prosecuted to the point where they couldn't practise their cultural fishing anymore. My first son has got a \$15,000 fine mounted up on him. My second son got a \$10,000 fine. My first son is still paying that off. They couldn't get a driver's licence. They couldn't get a job. They're criminal charges, you know? These are serious, serious things that stop our kids from developing. Please don't ask that question to us. It's not a question for us. It's a question for Fisheries.

JOHN BRIERLEY: The Hon. Peter—you're a Poulos brother from Illawarra. You got a fishery—

The Hon. PETER POULOS: No, I wish I was related but I'm not.

JOHN BRIERLEY: You're not related?

The Hon. PETER POULOS: I missed out.

JOHN BRIERLEY: I seen the name there and I said, "Illawarra, you're a pretty good fish buyer." Anyway, Peter, coming back to your question is that—have you any idea about fisheries or are you just asking the question, for a start? In the fishing industry with the resources and everything—and I know a fair bit about the resources and managing resources. The question of it is that you put all us Aboriginals together that go fishing, we wouldn't be getting 1 per cent of the quota taken out by the industry. In the other system, the white man's system, you've got trawlers, who must generate a massive amount of fuel bill a day for them to go to work, and what does that mean? They've got to catch a lot of fish to go.

In the abalone industry—everyone's talking about abalone, but abalone is an important thing for us original people of this country. Yes, it is one of our main resources. That's our resources but it's been stolen from us. You take that and the amount of money it could generate for us. The resources of that is that it has been depleted to a degree that it is virtually extinct, right? Now, you go back a couple of years ago, even on that. There was a virus that escaped from Port Stephens at the university—the thing there. It was called herpes. It virtually wiped out the whole abalone industry. It wasn't caused by anybody else or brought in by anything. It was caused by Fisheries, researchers. Now they got it back to roughly, what, 100 tonne a year. How many fishers are in that industry today that operate in that quota? How many Aboriginal fishers are in that?

At the time when Fisheries gave out the licences for that time, there was supposed to have been 13 licences come to Aboriginal families up and down this coast. What did they do? They gave them to the biggest crook in New South Wales just because he was a preacher. His son has got a couple of licences out of it, and it

was handed back. Now, that's not his fault. That was Fisheries' fault by giving him the licences to hand out. Fisheries knew who the divers were because we put in returns and everything at that time. They should have approached us and gave us the licences. In that quota, that system now, if there are a hundred divers—I don't think there are that many—instead of getting 10 tonnes, they are getting a couple of tonnes. And how much is abalone—\$100 a kilo? How much do they make a year? What are their expenses? What are our expenses? Our expense is starvation because we have not got a fishery to work.

The other people—the trawlers and everything—they got X amount of money. They have got all the high-priced fish tied up in the industry. It's coming back too that when their trawlers hit the fish, they virtually wipe out a season. For a start, when the purse seine nets came into the tuna industry here, there were those pole boats. For years and years we had a beautiful fishery. Within two or three years of purse seine boats coming here, it was completely wiped out—extinct. They had to stop the tuna from being caught all over the world for it to get back because it virtually killed the whole industry. It's exactly the same thing they're doing now. I don't know if they're working by day or they're working by quota. But quota in the fishing industry is, if you go out there—it's just like Andrew has said. He goes out and he shoots his net. He's allowed to take 640 kilos, but he gets three tonne. What happens to the 2½ tonne? It's on the bottom of the ocean out there. Every day they go to work, it's on the bottom of the ocean.

What happens in England and their boats is, they go out to sea for three days, they catch what they can and they bring the lot home. There is no waste. In Australia, it's dead. It's exactly the same with the pilchards that happened there. They brought a disease in on pilchards when they were feeding the tuna, when they brought them into the pond—their nets. The disease got away and it came right around Australia. It virtually wiped out all pilchards. In the prawn season up on the North Coast, they were six-foot deep. That's the resources. It has gone down the drain, and you're asking for—as an Aboriginal fishery, we would be lucky to take 1 per cent.

So how do you ask the question, "How is this going to sustain?" You've got to remember this: If it's quota they're going to work off—and I don't like quota, for a start, because we can't even make money out of our fishing industry—and I've been here for X generations—because of quota. We never got no quota. But the thing of it is, if it's quota, then they got to start sharing with us people, taking the percentages off the other fishermen, right? That's where they fit us in because that resource belongs to us, and if they're going to get along with us, then that—what's that word for it, the generation gap?

KEITH NYE: Closing the gap.

JOHN BRIERLEY: Closing the gap. If you're going to get along with closing the gap, well, don't they got to share? Because we own it. We shared with all them. Actually, we never shared with them; they took the whole lot right from us and left us now to collect the scraps of what we've got to do to make a living and look after our resources. When you talk about looking after resources, up the top end up there, there was a reef up there that was just about dead. They put the Aboriginal people in charge of that—and that was the ranges up there on the reef—and within two years it was thriving. They brought it back to life. Look it up. You don't have to take my word for it. Look it up. Everything's there in black and white. I talk the truth. I don't lie to anyone. Everything that we say here is the truth. I won't go back to a courthouse because the courthouse is just a load of crap. It's a completely—it's a mafia system. The law is the mafia system. It's not our law. It's a mafia system because it only protects the criminals. So I say to give back to the Aboriginal fishery, start taking it off the rich people who took all our shares.

ANDREW NYE: John, that's right. We went through that court case down in Narooma, the 11 of us, going on about our fishing rights and things like that. When we run through it there, only one at a time was allowed in to give his evidence, and the other one wasn't allowed—he'd give his evidence but wasn't allowed to go in and listen in. But at the end of the day, when it came down to the final say by the two—by our barrister and the prosecutor, the prosecutor had his say, the judge sat up there with his arms folded like that and took notice of everything that was said by the Crown prosecutor. When our barrister got up there to have his say, he turned around sideways, looked up at the ceiling and looked away like that. He was not interested one little bit in what our barrister had to say, you know? Non-Aboriginal people came out of that courtroom and said, "Youse have got no chance of winning there. You've got none."

JOHN BRIERLEY: Yes, Andrew. I know a little bit about this, right? We are behind the eight ball before we even go into the court. We go and hire a solicitor to do our talking for us, right? The Crown Solicitor, he belongs to the bar. The solicitor that you hire belongs to the bar. The judge sitting on the bench belongs to the bar. And what is the bar? The bar is the Crown. So how the hell are we going to get any justice when you are governed by the Crown? The Crown is the one that prosecuted us.

The Hon. TAYLOR MARTIN: I think there is a bit of missing context here to something we've discussed in the last 10 or 15 minutes. My colleague Mr Poulos and I were having a discussion when we were at

Mystery Bay earlier this morning. In his recollection of his upbringing earlier, Kevin talked about the ability to find what you needed not too far from the shore and now you might have to dive further down. As I said, my colleague and I were having a discussion at the beach with Mr Mason's daughter, I think it was, and Robert as well. We were talking about how sad it was that what was there only decades ago is no longer there. We started talking about how do you get this back? If I can, I might rephrase Mr Poulos' question. I will preface by saying that I don't think anyone in this room is a part of the problem but rather the knowledge—

JOHN BRIERLEY: So what you're asking is how would you get the resource back?

The Hon. TAYLOR MARTIN: That is what I am basically saying. How do we bring it back from where it is at the moment?

JOHN BRIERLEY: I do have a thing to say on that because not very long ago I was in New Zealand. I was called over there for a conference. What they've done over there, the Maoris own half of the fishery. They could probably own more now. In that area of the Maoris, they closed a big area down. The Maoris were the only ones who could go and dive in that area. You dive in the water over there and you have a look—I've seen the photos and everything on it. There's not enough room for an abalone to move around, there's that many. That was virtually the same as Australia. In Australia the situation is that each spot for abalone, it is the same kind of species but the genetics of it is completely different. Therefore, you've got to look after each individual area at the same time.

If you're going to bring it back, you've got to look at where, and a lot of us Aboriginals or original owners of this place know exactly where they come back quick. Virtually what you've got to do, if it's a big area, you've got to look after that for a few years. It doesn't take long for it to come back, just a couple of years, and it will be as thick as ever. I know because I've been diving, and everyone else has been diving, in the situation. You go away from it, and you come back there, it's self-managing. It's a renewable source. This is the thing that everyone is saying: How is it going to come back? Well, it's a renewable source and, being in the wild, it populates very quick. It's got to grow quick to survive.

WAYNE CARBERRY: Could I put this in a nutshell? We need an Indigenous fishery. The reason why we need an Indigenous fishery is so that we don't act like the commercial ventures which are going on, or the rec ventures. We need an actual Aboriginal fishery which comes from a cultural perspective. That's all.

JOHN BRIERLEY: The thing is, what I find with my knowledge and everything of years of fishing—I've listened to the amateur groups saying how long does the species take to grow? When we catch a fish, we measure the size of it. Well, we know the size of it because we—if it's undersized and everything. What we found out, it's nothing like what the other groups are telling us, like the fisheries researchers and that, what they're saying. Experimenting with the product and everything, it grows enormously quick. Ocean-wise, with the lobsters and everything—and I've been a lobster potter and everything—we marked all our lobsters and we let them go undersized. You know, we were still catching those lobsters. From undersized lobsters, they were over half a kilo of lobster when we caught them next, and that was before they left the shore to go to sea. They go out to the shelf and down the trench up there. The only place you find those lobsters here is up at Newcastle because that's the only place they've got berries—that's the egg. So these lobsters here, they travel up there. I've been fishing for a long time, with each fishery and the resources, and I took notice of the growth rate. To replenish our area, all you'd have to do is be exactly like us original owners and diversify in the industry, and in no time our industry will come back. I hope that answers your question.

KAYELEEN BROWN: To articulate back to your question, I think it comes back to government's conditioning of your mindset of how you address issues. As we know, policy arises from the latest symptom of what the issue is in the community, but we never really are addressing the cause. Reverting back to my speech at the start, you're looking at the depletion of resources. You can hear from the panel about the transient migration of the sea. But within the parameters of the legislation in your marine areas, it doesn't allow or reflect that in all your environmental reports and reviews. It demonstrates that Aboriginal people have been transient forever. However, the fishing Act or legislation that you're reviewing doesn't reflect that protocol system.

Also, looking at the trade and commercial review, I think it really pins back to the commercial use and the values of those people. We can see from Aboriginal peoples' protocols and systems that our values really underpin our commitment to the preservation of the environment. Non-Indigenous people look at conservation. That's just preserving an element of the environment. We see that with the Great Barrier Reef; you're just looking at one component. Aboriginal people look at all areas and how they integrate and work together. Until you can change your mindset around how you're approaching legislation, you're still going to have the same desired outcome. I think also acknowledging that fishing is not an isolated issue, that it's connected to other environmental factors and connected to the wellbeing of the Aboriginal people. I really would suggest that you look at the methodology and the foundation of your approach to these issues because without looking at your methodology

you're still going to have the same outcome and we'll continue to have this conversation—not now but 20 years into the future.

ANDREW NYE: Could I say one thing, if you don't mind? What I'd like to say about our fishing and our culture is: We were fishing down at Bingie—we always called it Bingie but it's called really Mullimburra Point—and we had a patch of salmon down there and my son was there. He had a fishing licence at the time but he didn't have the endorsements and that. Fisheries sat up on the hill and watched and watched and watched, and then me and my son went up and had a talk to him and then nothing was coming out of it sort of thing. Then two years down the track, a week before two years was up, we was talking to Fisheries on Barlings Beach there and they said to Craig, "You know, within a week you'll have a court appearance notice for that incident down at Mullimburra Point." If it was after two years, they couldn't have done nothing about it, but they waited exactly one week before the time was up. Anyway, he went to court over it and the judge acknowledged his culture. He said, "Mr Nye, I acknowledge your culture, but culture's got nothing to do with this." He fined him \$11,500 dollars for practising his culture on the beach that day.

Going by his court appearance papers, they were saying that he used a net, he caught the fish, he rode the boat, he done this, he done that, and no-one else was involved in all this according to them because no-one else was mentioned. They said, "You carted the fish to Bermagui," and he was like an inch from going to jail for practising his culture, and he's still paying off that fine too. I've got some pieces of paper at home because I saved a lot of it and it's got the rules and regulations on it from the Fisheries stating, "You cannot do this," blah blah blah, "You cannot do this. You cannot do that," and so on and so on, but right down on the bottom it says, "This clause does not apply to taking fish with the use of a seine net." Where it said "seine net" it was in brackets. It had "Prawn (seine net)," and our net is a beach hauling seine net. Even though the Fisheries call it a general purpose hauling net, it is a general purpose seine net, and that's where it gets pulled by hand back to the shore. Trawlers have a seine net but theirs gets winched back to the boat. Those rules and regulations did not apply to that, and I didn't find that out until years and years down the track. He should never have been fined in the first place because those rules do not apply to taking the fish with the use of a seine net.

I mentioned to Fisheries at different meetings that I was away at, even with John—I'd have a talk to them and a little interview and I'd say, "Even though you call our net a general purpose hauling net, actually it is a seine net." They said, "Yes, that's right." And I said, "Okay, that's fine," and I never mentioned to them why, but he's still paying off for that. We can't do nothing about it because it was over three years. The same thing with our other son. I was called, "Andrew Nye and his immediate family are nothing but poachers and thieves of a precious seafood in abalone." When they said, "Andrew Nye and his immediate family," that's for my kids, my grandkids, my mother and so on. My mother never dived for abalone, but he said we was poachers, thieving. Like Keith said, we was classed as mafia. I've never ever smoked or drank in my life and I'm 72 years old and I've never ever touched it. Where does he get off saying that?

The ACTING CHAIR: We've got about half an hour left. We've got Keith and then I'm going to ask Peter if he's got any questions and then we're going to start working towards wrapping up. Keith?

KEITH NYE: Going back to the honourable Peter over here, I was lucky enough to actually have a word to a gentleman by the name of Dugald Saunders. Do we know who he is?

The Hon. MICK VEITCH: Yes, the Minister.

KEITH NYE: Right. I was lucky enough to have a yarn with Dugald Saunders up at Cooma about two weeks ago—a private little conversation—and asked him about section 211. He had no answer for me. Also, Dugald said to me at the time, "You're allowed to do this and do that, ain't you?" He said, "I'm allowed 10 abalone," and he's talking about himself. He's allowed 10 abalone. Here we have a Minister for DPI telling himself he's allowed 10 abalone. He must be an Indigenous person, is he? He's not. Here we've got the DPI signing off for all these Fisheries matters and he knows nothing about what he's signing off for. That's what that told me.

Getting back to the state, Pete, of the question you asked of how do we get it back and goodness knows what, I don't know how many people took any notice of the bushfire that we had, the disaster, the catastrophe we had in 2019-20. How do we think that got out of hand in the first place, that fire? The whole south-east coast of this beautiful coast, as Wayne says, how did that get out of control? By our managers, and who are our managers? At the moment, who is above us Indigenous people here? The L-A-W is above us. That's the only way I went against, me and my boys, to kill that fire that never killed our houses. Saying that, that fire was allowed to do what it done, ravage the whole south-east coast, to what expense? To our ocean; to our lands. Where does all the embers go? Where does that all go?

We haven't even got a brain. The people that control this country have not even got a brain to think what damage that caused to our ocean, to our creeks, to our human health, as this young girl over here says and she

knows because she gets the complaints. Where does it get off? I will go back to, again, where does our so-called—they're not my boss but unfortunately I am bound by the law but they are not my boss because they have no idea about running a country. On top of that, I am the same man. As in 20 prime ministers in this country, I am the same man, and not one of those prime ministers have done anything totally for Aboriginal people to ask for an opinion on how we should do this and how we should do that.

Our cultural burning is simple but was never allowed to be in practice for 29 years. That was only in a part of our little town at Mogo. For 29 years the Aboriginal people weren't allowed to practise their culture. That was a disaster by itself, but again it all goes back to that ocean, Pete. It all goes back to that ocean, mate, and the debris that went into that ocean and the fish and the shellfish that that caused in the ocean alone and the estuaries and even the poison they put these fires out with. But our practice of looking after mother earth is so simple and non-affected to the rest of our culture and our resources. It's just simple.

I had a meeting with a gentleman down at Eden and it was over prawns, and I'm sorry for swearing because I tell you what I am a very, very frustrated man against the L-A-W because it's so simple just to ask. As Wayne said, come and sit down with us. It takes two minutes. Have a cup of tea. It might only be one question you want to ask that gentleman. Any one of these people who are sitting here will want to talk about anything. Three minutes to just say, "Gees, that might work or it won't work. That might work. Let's give it a go." We are denied from that opportunity as Aboriginal people of this land. This is why this is so frustrating.

I'm looking at jail next week. I'm going back again for the same purpose I done in 2012, and on top of that I faced a judge at Bega District Court and he had all the intention of jailing me and he told me to my face when I was in the chair, the witness box, "Mr Nye, I'm aware of your family. I'm aware of your history and your culture." He said straight to me, "Mr Nye, you should've had your culture drummed out of your thick skull many years ago." How do I swallow that? Why should I have faith in the law?

The ACTING CHAIR: We'll go to Peter, and then I'll just remind people we're getting really close to wrapping this up.

The Hon. PETER PRIMROSE: I will just say that I am gobsmacked by that.

KEITH NYE: How do I swallow it, Pete?

The Hon. PETER PRIMROSE: You shouldn't have to.

KEITH NYE: I shouldn't, and a judge is there to judge me. The judge is there to judge a law. How does he know my culture? And he was saying that in the court in his house, saying that to a person on his land. I have to swallow it. I've got to live with that because I can't kick him in the fucking arse.

The Hon. PETER PRIMROSE: I have three questions to people here. Firstly, is there anyone here who doesn't support the commencement of the Fisheries Amendment Act 2009?

JOHN BRIERLEY: What was that again?

The Hon. PETER PRIMROSE: The Act that has that section 21AA in it that the inquiry is about. Is there anyone who doesn't support that section of the Act commencing and actually becoming law?

ROBERT CHEWYING: Can I just say, I support it but without being regulated.

The ACTING CHAIR: Without being regulated, yes.

ROBERT CHEWYING: Yes.

The Hon. PETER PRIMROSE: Okay, that's a very important point. Leaving aside the nonsense about drugs and all that sort of stuff and the other hearsay, can anyone here tell me any genuine reasons that they have heard why it shouldn't commence?

KEITH NYE: My reason, your honour—Pete—my belief would be is because they bluntly just don't want to acknowledge our culture and our rights and our respect of Mother Earth and our waters. They don't want to be shamed out. We stay as one. We stay as one. I am the same man in front of—I am the same man of birth and have faced 20 Prime Ministers. Are they the same man as I am? I can tell you, no.

The Hon. PETER PRIMROSE: Just to make clear, what I am asking is are there any genuine reasons why you think it shouldn't commence?

The ACTING CHAIR: John?

JOHN BRIERLEY: Look, this is a very touchy thing that I'm going to say here, and you probably mightn't like it. But in the situation it's that under the law and everything that I came through to learn and

everything, to where the position that I'm put in, is that the Government is a private corporation registered in America. And being a corporation, it is designed wholly and solely to make moneys. I'm afraid to say the court system is a major thing to make moneys. The way I see it is that the original people of this country—they're like a milking cow. They're being milked and that's why they keep coming back to the same situation, is that we always end up in court. If it comes down to the real law and everything, they would look at it and say, "Well, these blokes is equal to the lot of us" because there was two million people walk across Sydney Harbour Bridge in support of us people but the Government needs money. Why a corporation? It is to get away from government being there to help people and its wholly designed on the American situation to make money. That's why that Prime Minister a long time ago brought a corporation into it.

The ACTING CHAIR: Danny?

DANNY CHAPMAN: I haven't been told this to my face but I've been told through other people that have interacted with the Government, particularly you parliamentarians—you might have heard this in estimates—and that is that Fisheries is worried about commencing section 21AA because they've got an alternative method to insert an Aboriginal fisheries, and that is they want to do local management plans. And they said that they've got two local management plans that's already in place; that's one in Port Macquarie and one in Tweed Heads. Well, the truth behind that is—and you may ask them this, and I hope youse do: Show me the evidence. Show me where people have signed off on this and show me where the Government has signed off. That's the first thing.

The second thing what you might like to ask them is the local management plans are not subject to legislation. Section 21AA is legislative. It has been assented to. It is just waiting for a commencement date. Now, look, just saying that very quickly, that doesn't mean much. You say, "Alright, just wait." You've been waiting now for 12 years—12 years where Fisheries has been actually shitting on the Parliament and scaring the hell out of youse about Aboriginal fishing. They're frustrating us no end. They're destroying our family. They're destroying our wellbeing. They are dragging us before the courts and they're just making life absolutely miserable for us. You know? And thank you very much from coming down here, for taking the time. Every one of us wanted to do that because it's very easy to legislate and to do things without coming and hearing and seeing what has affected people. And it took a fair amount of time for us to trust youse again. We are putting trust in youse to find some justice and to find a way to make democracy work in this country, to make democracy work in New South Wales, make the Parliament mean what it says.

You people, you might not know this now but I'll tell youse now and I want to weight youse up on this before I leave here today: Without you finding that section 21AA needs to be commenced, you won't save us. We're looking for some people to save us. The court is not going to save us. All the goodwill of all the people around the place who take their time to give us their time to go to court on a pro bono basis—people that does stuff for nothing for us to seek justice in this place—you know, those are the ones that have held us up. So we're asking you to save us, please.

The ACTING CHAIR: Very quickly, I'll get Peter to ask his last question.

The Hon. PETER PRIMROSE: The final question was just to confirm that people here would wish this Committee to actually say that section should commence.

The ACTING CHAIR: That is what Danny said.

The Hon. PETER PRIMROSE: Yes, and that's what you've just said—without restriction.

The ACTING CHAIR: Yes. John, do you have something to say?

JOHN BRIERLEY: The thing I've got written down here, just something that I writ down here to put it into for me come on here at short notice, is no support for younger generation to continue the fishing in commercial industry, prosecutions on Aboriginal culture fisheries, not knowing the law on natives. The law fails our people, in particular our young men, which leads to depression and suicide, fear of going to jail for their access to their resources. That was the main one here to, because the thing of it is a lot of young fellows—like, in my family I've lost two of my family by hanging in the last two weeks. One was a diver—

KEITH NYE: Two of them was.

JOHN BRIERLEY: Two of them was a diver and this could have had some cause to their hanging. That's only my family alone. You've got to remember, these are people that survived the massacre of their people to have one man standing, to have people like me sitting here talking to youse, and they're descendants from that one man, right, and they're still going on. Like I said, we deserve better than what you guys are giving us. We're fighting like hell but there's only 75,000 of us left in Australia. We might go down but we're going to give it the best shot that we can to survive and that's what we're doing.

The ACTING CHAIR: Is there anything else? Kevin, do you want to wrap up for us? Is there anything you want to say?

KEVIN MASON: No, I'll leave it there.

The ACTING CHAIR: Douglas? All good?

DOUGLAS SEYMOUR: Yes.

The ACTING CHAIR: Thank you for attending the roundtable. Danny, I accept you thanked the Committee for coming down. I can say that when this Committee was constituted in the House, Mr Mark Banasiak, the Chair, made it very clear to the Committee that we would be coming to the south coast. There was no way, with Mark as the Chair, that this Committee would not come here. He is missing today. I suggest that is pretty painful for Mark because he really wanted to be here. Just so you know, we were coming here regardless. On behalf of the Committee, we appreciate the time that people have taken to put in submissions, and the time you have taken to be here today and convey your stories. As Peter might have indicated a bit earlier with Keith, some of the stuff is clearly very painful. How this has played out for you people, I am trying to get my head around it and I am still trying to work it out.

KEITH NYE: It's genocide, just like racism.

The ACTING CHAIR: The Committee will hold a hearing in Sydney in August. We will have the department in front of us at that inquiry. Danny, all the questions you posed here, the Committee members will take forward and we will pose them to members of the department as well, so they will be under oath in front of us in August.

DANNY CHAPMAN: I'll be at that one.

The ACTING CHAIR: You'll be there, okay. That will be good. We are going to collect more information for this inquiry at that hearing. If you leave here today and you think, "I should have said this," or "I don't think they quite understood what I was saying," please get in touch with the secretariat and take up the opportunity to provide more information. This does not end here. If you think there is more, please tell us and the secretariat will be the place to do that.

After we prepare our report, it will be provided to the Government. The report will have recommendations in it and the Government will have a period of time in which to respond to this Committee's recommendations in the report. That will go back to the Parliament for consideration. There is still a way to go for this Committee. What I am saying is, do not think it ends here. If you have got more information or you think you should have said something you didn't, take the time to get back in touch with us. Robert, for me today at Mystery Bay was quite moving. Again, I thank you, Nigel and everyone else for providing us with that today. It was quite valuable for me and I think for other Committee members. I thank everyone for coming today.

(The witnesses withdrew.)

The Committee adjourned at 15:18.