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This community report is about a series of meetings and interviews that the NSW Aboriginal Fishing Rights Group (AFRG) and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) held from September 2015 to December 2017.

All these activities were related to a research project on livelihood values in Indigenous cultural fishing. ‘Livelihood values of Indigenous cultural fishing’ means why South Coast Aboriginal people go fishing, what is important to them when they do, and what they get from it.

The project was funded for two years by the Fisheries Research and Development Corporation (FRDC) and includes three case studies, one of them being the South Coast of NSW. The others were with the Crocodile Islands Rangers in the Crocodile Islands in northeast Arnhem Land, and with the Far West Coast Aboriginal Corporation on the Far West Coast of SA.

The meetings were held at a time of change along the NSW South Coast, with the activism by the AFRG, a review of the Batemans Marine Park, amendments to the Fisheries Management Act 1994 (NSW), the lodging of the South Coast native title claim, changes to the government’s Aboriginal Fishing Trust and the NSW Aboriginal Land Council’s new trust.

This meant it was a good time to ask South Coast Aboriginal people why and in what ways fishing is important to them, and what they want to see change in the future.

The final report for the project, which explains everything that we learned, will be finished early in 2018. AIATSIS will give copies of the report to the AFRG, and anyone who has given us their email address when they were interviewed or at meetings. You will also be able to get it on the AIATSIS and FRDC websites.

In the report we often use ‘cultural’ rather than ‘traditional’; for instance, ‘cultural knowledge’. This is because some people felt that ‘traditional’ implied that things were static and didn’t evolve over time.

‘Cultural-commercial fishing’ is a term used for the way that a number of Aboriginal families conduct their commercial fishing on the South Coast. It is different to regular commercial fishing in that it uses cultural knowledge and skills and works within cultural laws. It also often involves the whole community and prioritises wider social benefits over simply making money. We recognise that not all South Coast Aboriginal people believe that cultural fishing can include selling catch.
SUMMARY

AIATSIS did research with the NSW Aboriginal Fishing Rights Group to find out:

- Different ways that fishing is important to South Coast Aboriginal people (values).
- Barriers to fishing and the effects they have.
- What South Coast Aboriginal people wanted for the future (aspirations).

Cultural Values:
- Fishing knowledge, practices and laws are passed down from generation to generation.
- Cultural laws include only taking as much as you need, taking species when they are in season, and not taking things that are too small.
- Taking kids fishing is necessary for their cultural education.

Social Values:
- Fishing is valued as a healthy way to spend time with family and friends.
- Sharing provides a social safety net for those doing it tough.
- Cultural-commercial fishing benefits the whole community.

Economic Values:
- Subsistence fishing and bartering/trading catch help families with low incomes.
- Many believed that traditional owners had a right to access and use their resources any way they see fit, including bartering, trading and selling their catch if they chose to.

Health Values:
- Fishing provides cheap, healthy food and keeps people physically active.
- Some seafoods are used medicinally.
- Self-esteem and mental health is often tied to providing for family and practicing culture.

Barriers and Effects:
- Bag limits don’t take into account that fishers are often providing for lots of other people.
- Exceeding bag limits or selling without a licence can lead to fines and imprisonment.
- Imprisoning community leaders causes to broader community dysfunction and trauma.
- Belief that Fisheries officers racially profile Aboriginal fishers further puts people off fishing.
- Difficult to use some culturally significant sites due to Marine Park zoning.
- Feelings of shame from not living up to cultural expectations and not passing on culture.
- Costs to enter commercial fishing industry are prohibitively high.

Aspirations:
- More commercial fishing licences and shares are made available to Aboriginal people.
- Establish Aboriginal fishing cooperatives, and more Aboriginal-owned commercial fishing and aquaculture ventures.
- More Aboriginal people employed in land and sea management, and culturally appropriate fisheries enforcement.
- Greater Aboriginal involvement in and control over fisheries management.
- Full recognition of South Coast Aboriginal peoples’ native title rights, including fishing rights.
- Reduced regulation of cultural fishing.
WHO IS AIATSIS?

AIATSIS is the Australian Institute of Aboriginal and Torres Strait Islander Studies. We are a research, collections and publishing organisation. Our job is to promote knowledge and understanding of Aboriginal and Torres Strait Islander cultures, traditions, languages and stories, both past and present. We are part of the Commonwealth Government, and our offices are in Canberra.

WHAT WAS THE PROJECT ABOUT?

The IRG paid for AIATSIS to do the project. They wanted to:

• Find out about the cultural, social and economic values of Aboriginal fishing
• Look at the differences between what Aboriginal people want and what the fisheries policy and laws say
• Grow fisheries research and management capacity in Aboriginal communities
• Make a set of tools that can be used to explain the value of Aboriginal fishing to the people who make fisheries policies and laws

WHO IS THE FRDC?

The Fisheries Research and Development Corporation (FRDC) is a corporation owned by the Commonwealth Government and funded by them and Australian seafood industries. The FRDC’s job is to organise research on how to improve and support Australia’s fisheries.

The FRDC has an Indigenous Reference Group (IRG), which is a group of Aboriginal and Torres Strait Islander men and women with lots of experience and knowledge about fishing and managing fisheries.

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Dr Rod Kennett was the Director of the Native Title Research Unit at AIATSIS and was the project lead. Dr Tran Tran, Luke Smyth, Liz Koschel, Nilanthi Abeysekera, Tim Heffernan and Lara Strelnicow worked on the project with Rod. Hayley Egan, an independent researcher who has done a lot of research with South Coast Aboriginal cultural-commercial fishers, was contracted by AIATSIS to work on the project, too. Yvonne Stewart was hired part-time by AIATSIS to help with organising, conducting and analysing the interviews.
When we talk about fishing values, we are really talking about two different but closely related things. The first kind of values is the benefits that people get from fishing: things like getting a feed, spending time with family and passing down cultural knowledge. The second kind of values is people’s beliefs about fishing and how they think it should be done. This includes cultural laws and other things they think are important.

We need to know about the second kind of value, because not everyone gets the same benefits from fishing, and this is partially because they have different beliefs. For instance, a non-Indigenous recreational fisher won’t get the same cultural benefits from going fishing as an Aboriginal cultural fisher might, because he doesn’t think about fishing in terms of a connection to his ancestors and the Country, nor as being central to his culture and identity in quite the same way.
First, AIATSIS staff came to the meeting that the AFRG organised at Bingie in September 2015 and talked about the project. People at the meeting agreed to the South Coast being one of the case studies for the project, and asked AIATSIS to remove ‘mapping’ from the project name.

AIATSIS staff then met with the steering committee of the AFRG to make a research agreement that decided what the case study would focus on, how it would work, and what the AFRG wanted South Coast Aboriginal people to get out of it.

Members of the AFRG came to meetings in Hobart, Darwin, Canberra and Townsville to meet with people from the other project case studies and talk about the challenges that Aboriginal people on the South Coast face.

Once that was agreed, the AIATSIS researchers, Hayley Egan and Yvonne Stewart interviewed South Coast Aboriginal people about why they go fishing, why it is important to them, what stops them from fishing, and what they want to see change.

AIATSIS also made a document on the Internet (called an ‘online exhibition’) that explained why fishing is important to Aboriginal people on the South Coast and other places, to help governments and non-Indigenous people understand the difficulties they face getting access to their traditional fisheries.

Participants in the fishing rights meeting at Bingie, September 2015.
Credit: Tim Heffernan
MAKING A RESEARCH AGREEMENT

AIATSIS researchers met with the AFRG steering committee on 28 October 2015 in Narooma to negotiate a research agreement. They discussed ways of recording values, intellectual property and access to the case study materials after the project finishes. Another outcome of this meeting was that AIATSIS hired Yvonne Stewart as a part-time researcher for the South Coast case study. Negotiations continued until AIATSIS researchers and the AFRG steering committee met again on Survival Day, 26 January 2016 in Batemans Bay to sign a research agreement. AIATSIS agreed that all project materials would go back to the AFRG and that they and the community would get to review the final reports.
INTERVIEWS

As part of negotiating the research agreement, AIATSIS researchers talked with the AFRG steering committee about the best ways to do the interviews and what sorts of questions to ask. AIATSIS researchers drafted some questionnaires and came to an AFRG community meeting in March 2016 to get people’s opinions of them.

Between March and May 2016, Yvonne, Hayley, Luke, Tran and Rod visited Nowra, Ulladulla, Batemans Bay, Mogo, Moruya, Narooma, Wallaga Lake, Eden and La Perouse in Sydney, and interviewed 77 people. Most people were interviewed in small groups (2-6 people), but some were interviewed by themselves and others in larger groups.

The researchers asked people two different sets of questions. The ‘short questionnaire’ asked people to rate how important different reasons for going fishing were to them. The ‘long questionnaire’ had questions on a lot of different topics to do with cultural fishing.

AIATSIS brought Hayley and Yvonne to Canberra in May 2016, where they started work on analysing the interviews with Luke and Tran. This meant they went through all the different things that people said in their interviews and put them into one or more categories.

MEETINGS

In February 2016 Wally Stewart, John Brierley and Andrew Nye from the AFRG went with Rod and Tran from AIATSIS to the Indigenous Peoples and Saltwater/Freshwater Governance for a Sustainable Future workshop at the University of Tasmania in Hobart. Wally, John and Andrew gave a presentation about the importance of cultural fishing and their struggle to have South Coast Aboriginal people’s rights recognised in legislation.

In June 2016, Wally and Yvonne Stewart, Andrew Nye, Maryanne Nye, Keith Nye, Ron Nye and Allan Carriage came to the National Native Title Conference hosted in Darwin by AIATSIS and the Northern Land Council. Meetings were held at the Conference between the NSW AFRG representatives, the AIATSIS project team, and representatives from the other two partner organisations for the project. There they discussed:

- Their experience with the project so far
- The different ways that fishing was important to each of their communities
- The kinds of barriers to fishing that were present in each of their communities
- Different strategies to remove those barriers.
Wally gave a presentation on the history of Yuin cultural fishing and the impact of fishing regulations on South Coast Aboriginal communities. The AFRG representatives also met with Canadian Kahnawake Mohawk academic Professor Taiaiake Alfred about fishing and cultural rights.

In March 2017, Wally and Rob Chewying attended the AIATSIS National Indigenous Research Conference in Canberra. They presented with AIATSIS researchers Rod Kennett and Luke Smyth on the challenges facing South Coast Aboriginal cultural fishers and the impact that the project has had on them and their communities.

Wally and Rob also represented the South Coast at the National Native Title Conference in June 2017, hosted in Townsville by AIATSIS and the North Queensland Land Council.

On the first day of the conference a meeting was held between the AIATSIS project team and representatives from all three case study partner organisations. At the meeting they discussed:

- Their immediate and longer term aims
- Different strategies for securing fishing rights
- Working more closely with each other to share information and resources.

Wally, Rob and representatives from the Crocodile Islands Rangers and the Far West Coast Aboriginal Corporation also spoke at the launch of the Living Off Our Waters online exhibition for the project.
LIVING OFF OUR WATERS ONLINE EXHIBITION

Rod, Luke, Nilanthi Abeysekara, Liz Koschel, Dan Norton and Stephen Gill from AIATSIS worked for months to make the Living Off Our Waters online exhibition. The online exhibition is a document on the Internet which tells the story of the project, and also talks about some of the results of the interviews with did with Aboriginal people from the South Coast and the other two case study areas.

The exhibition has parts about each of the case study areas, where we talk about fishing values, barriers, effects, and aspirations. Wally Stewart and Rob Chewying provided some photos of modern South Coast Aboriginal cultural fishing, and Nilanthi and Liz found older photos from the AIATSIS Collection to use.

You can see the exhibition at:

SOUTH COAST ABORIGINAL FISHING RIGHTS SUMMIT

On 2 December 2017, the AFRG held a meeting at Apma Creations Aboriginal Art Gallery in Central Tilba, NSW. At the meeting Luke from AIATSIS gave a report on the findings of the case study, and everyone who attended gave feedback and offered corrections and additions. These have been incorporated into this report.

Danny Chapman provided an update on the status of the two Aboriginal Fishing Trusts – run by the Department of Primary Industries and the NSW Aboriginal Land Council. Rod Kennett and colleagues from Questacon – the National Science and Technology Centre, discussed Questacon’s proposed 2018 Science Circus tour of South Coast Aboriginal communities and other science communication and education opportunities.

Discussion at the meeting led to a number of statements and recommendations; you can read these in the ‘Aspirations and recommendations’ section towards the end of the report.
WHAT DID WE LEARN?

SHORT QUESTIONNAIRE

30 people did the short questionnaire about reasons for going fishing. In this table you can see how important they said each reason was to them. You can find the full results for each question at the end of the report.

This is what the symbols in the table mean:

- ✔️ Very important
- ✔ Important
- ✗ Not very important
- ✗✗ Not at all important

The median response is the response that is halfway when you take all the answers to the question and put them in order from most negative to most positive. We use the median response as well as the most common one, because it gives us a better idea of what everyone thought overall.

For instance, the most common response to ‘fishing to sell for money’ was ‘very important’. But, more than half of the people who answered the question said something other than ‘very important’. When we put all the responses in order, the middle one is an ‘important’, so that is the median.

Because only 30 people did the short questionnaire, we can’t use these answers to say what all Aboriginal people on the South Coast think, but these answers do give us an idea of the different opinions that people have.

There were only two reasons where the median responses were different to the most common response; ‘fishing to sell for money’ and ‘fishing for sport’.

### Median and most common responses to short questionnaire (n=30)

<table>
<thead>
<tr>
<th>How important are the following reasons for fishing?</th>
<th>Most common response</th>
<th>Median response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To follow cultural rules about fishing</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To teach others and pass on knowledge</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To be on your country</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To assert your rights</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>Fishing for food</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>For medicinal reasons</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>Fishing for food</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>For medicinal reasons</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>Fishing to barter/trade</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>Fishing to sell for money</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To be healthy</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To be with your family</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To be with your friends</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To be alone</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>Fishing competitions</td>
<td>✗✗ ✗✗</td>
<td>✗✗ ✗✗</td>
</tr>
<tr>
<td>Fishing for sport</td>
<td>✗✗ ✗</td>
<td>✗✗ ✗</td>
</tr>
<tr>
<td>To relax and unwind</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
<tr>
<td>To be outdoors</td>
<td>✔️ ✔️</td>
<td>✔️ ✔️</td>
</tr>
</tbody>
</table>
LONG QUESTIONNAIRE INTERVIEWS

The researchers went through all of the notes and audio recordings from the interviews and analysed them by putting all the things people said into different categories. This makes it easier to see all the different things that people talked about at once, and what people think about different topics and issues. These categories were:

- **Values** (why is fishing important to people)
- **Barriers** (what stops people from fishing)
- **Effects** (what happens when people can’t fish)
- **Aspirations** (what do people want for their communities)

Each category also has smaller categories inside it, so different types of barriers to fishing like fisheries enforcement and access issues, are easier to look up. The next sections are summaries of what people said in the interviews that were made using these categories.

We understand that all these values are interlinked and it is nearly impossible to separate one from another. A number of values could easily have gone into a few different categories; you could argue that sharing your catch, for instance, has cultural, social and economic value (we put it in social). We split them up into categories to make it easier for people to read. The different categories also highlight that the benefits of cultural fishing aren’t just to do with culture.
CULTURAL VALUES

Participants in nearly all the interviews talked about how important fishing is to their culture. As saltwater people, all of the knowledge and practices related to marine foods are central to their culture, and part of what makes it unique. This means that fishing and gathering other seafood is one of the main ways people practice their culture. It’s often also about getting out on Country, and feeling connected to your Country and ancestors by fishing and gathering the way they did.

A lot of people talked about the laws and rules that they follow when they go fishing. Most learnt these from their older relatives, and were often about making sure the take is sustainable. Some of these cultural laws were similar everywhere, and included:

- Only taking what you need
- Not taking anything that’s too small or too big
- Taking things in their season
- Making sure you don’t overfish or clean out the spots

Not taking big ones applied to a number of species, like mutton fish, lobsters and some finfish. Partly this is out of respect for the fact that for many species getting to a large size can take years or decades. A number of people said they were taught that the big ones were ‘breeders’, and that it is important to leave them to help maintain the stocks.

People know when different species are coming into season from changes in the environment. One that a lot of people mentioned was that the flowering of certain plants told them that certain finfish species would soon be running along the coast.

Participants said that most people follow these laws. If they don’t, they might be shunned or shamed, and Elders will tell young people off if they’re doing the wrong thing. Even the cultural-commercial fishers follow some of these laws; they generally only target a species, like mullet, when it is running, not all year round.

Because of all of this, taking kids fishing is necessary for their cultural education. Through fishing they learn cultural knowledge of local fauna and flora, different fishing techniques and practices, knowledge of their Country and the right places to getting different species (and the stories of those places). They also learn the cultural laws that govern fishing. For families with histories of cultural-commercial fishing, getting the kids involved is also important as it means passing on family traditions.

SOCIAL VALUES

Fishing for South Coast Aboriginal people is always a social activity, in one way or another. People will take their kids fishing or go out with other family or with friends. It is valued as a positive and healthy way of spending time with others.

Even if someone goes fishing by themselves, they are never fishing just for themselves. Of course people go fishing to get a feed for their own kids, but they also share their catch with their siblings, parents, grandparents, aunties and uncles, cousins, neighbours, friends, and sometimes even complete strangers. Sharing is one of the core values of fishing; if you catch more than you need, you’re expected to share.

This sharing creates a social safety net that supports people who are vulnerable or doing it tough. Extra catch goes to Elders first, and then to other people who can’t fish for themselves, like those with chronic illnesses. People also look out for families with low incomes or who have lots of kids.

It also helps keep families and communities together and strong. Sharing with someone else means that, if they can, they’ll share
with you down the track, and this helps people stay in touch. For big gatherings which bring all the family or community together, including for things like funerals, a small number of fishers will head out to catch enough to feed everyone.

Likewise, cultural-commercial fishing doesn’t just involve the fishers themselves. Dozens of people come down to give the beach haul fishers a hand pulling their nets in, and these days become significant community events. The fishers don’t sell all of their catch either; those who help out get to take some, and they’ll also share some of it through the whole community.

ECONOMIC VALUES

Fishing has always been an economic activity for South Coast Aboriginal people. In the interviews people told us about how fishing continues to be an important livelihood for their communities.

Whatever other benefits might come from it, in the end people go fishing so they can provide for themselves or others. Being able to get a feed from the sea was of huge economic importance to many participants. A lot of Aboriginal people on the South Coast are unemployed, underemployed or have low incomes, and spending less money on food because they or someone else can get them a free meal makes a huge difference.

Some participants talked about how they barter or trade some of their catch. A lot of the older participants said they used to do it when they were younger, but that people didn’t do it as much anymore. This could be swapping for someone else’s catch, trading for other kinds of food (like vegetables), or trading it for other goods or services (everything from tyres, to beer, to a lift to the next town).

Bartering and trading was seen as important by a lot of participants because it can make life easier for people who are struggling financially. A number of people also believed it was important to be able to barter and trade because it is part of their culture: they talked about the historical trade of coastal foods to inland groups, and how barter and trade as it’s done now evolved from those traditions.

Selling their catch was something most participants aside from the licensed commercial fishers said they didn’t do. Some participants said they sometimes sold some of their catch to local individuals or businesses, and many more of the older participants said that they used to sell their catch.

Regardless of whether they still do or used to sell their catch, many participants identified being able to do so as of high importance. Reasons for this included that:

- it would help people on low or no incomes
- it could provide economic opportunities
- selling, just like trade/barter, is part of cultural fishing
- the traditional owners of the marine resources have a right to use and manage them as they see fit, including selling

Some participants thought all South Coast Aboriginal people should be able to sell some of their catch without a commercial licence, within reason. Others thought it should be managed at the local level, with communities or families deciding amongst themselves who should be allowed to sell. Still others said that only the families who have histories of cultural-commercial fishing should be allowed to sell their catch without a licence.

There were also participants who didn’t think that being able to sell catch was important. Mostly they believed that cultural fishing and commercial fishing were separate things, and that it should be kept that way. They emphasised that for them cultural fishing was about providing a meal for yourself and your family, not about making money.
The short questionnaire results confirm that opinions differed more on selling catch than for most of the other motivations for fishing.

Regardless of their opinion on whether cultural fishing could include selling, more jobs and business opportunities in the commercial fishing sector were of great interest to most participants. This was also true of other water-related industries like aquaculture, cultural tourism and land and sea management. This was because these industries could provide jobs that:

- are local, meaning people don’t have to leave to find work
- could involve using cultural knowledge and skills
- are about making a living managing and using their marine resources

**HEALTH VALUES**

Through this project we were not trying to find out about health benefits, but because so many people talked about the physical and mental health effects of cultural fishing we felt they should be included.

In terms of physical health, the most mentioned benefit of cultural fishing was access to healthy food. Seafood of all kinds was seen as an important part of a healthy diet, and many people wouldn’t be able to eat seafood as often if they had to buy it. A number of participants talked about how as saltwater people they needed seafood to feel healthy, as it was what they had grown up on.

The physical activity associated with going fishing, and especially diving, was also widely mentioned as a benefit. This was particularly important for older people; some participants mentioned that when their older relatives were no longer able to go fishing and diving, their health began to deteriorate faster.

There was a specific group of problems that some participants talked about as being associated with eating less seafood and no longer getting the associated exercise. High blood pressure seemed to be the most common, and thyroid issues and diabetes were also mentioned.

A number of participants noted that some seafoods were also used as traditional medicines and remedies. One example was that bimbellas (cockles) can be used to control high blood pressure.

Many participants were keen to have on record the importance of cultural fishing to their mental health as well. Some said they felt there were cultural and social expectations for them to provide food for their families by hunting, fishing and gathering. Feeding their families through fishing, as their ancestors did, gave them a great deal of pride and self-esteem.

Using cultural fishing to temporarily escape or deal with daily stress and anxiety was widely mentioned. Participants talked about time spent fishing by themselves or with family as ‘therapeutic’, ‘healing’, ‘relaxing’, ‘peaceful’, a ‘spiritual journey’, and ‘time to think’ that ‘keeps me sane’. A number said that they wouldn’t know what to do if they could no longer go fishing; that they would lose part of themselves and their identity, and it would be akin to losing a limb.
1788-1820s
Midden sites continue to be used following the beginning of contact with Europeans, and new materials like glass and iron are used to make traditional fishing implements.

20,000 yrs ago
Earliest evidence of human occupation of what is now the NSW south coast.

6,000 yrs ago
South coast peoples probably begin using bone-tipped, multi-pronged fishing spears.

1,000 yrs ago
South coast peoples start using fish hooks made from shells, increasing the species and habitats they can fish from.

1870s-80s
The NSW government provides forcibly displaced Aboriginal families living on the south coast with fishing boats, in an attempt to prevent people

1830s-50s
Coastal Aboriginal families and their traditional fishing knowledge help set up whaling and commercial fishing on the south coast.

1880s-1920s
Many Aboriginal people of the NSW south coast earn livelihoods using traditional diving skills by selling and trading abalone.

1900s-today
Entire Aboriginal families and communities involved in commercial beach haul and boat fishing all down the length of the south coast.

1960s
Large-scale commercial abalone collection; many Aboriginal families use divin and traditional knowledge to make a living.
HISTORY OF MARINE RESOURCE USE BY ORIGINAL PEOPLES OF THE NSW SOUTH COAST

1980
The NSW government institutes a permit system for taking abalone. Most Aboriginal families who were reliant on diving for abalone can’t get a permit.

1994
The Fisheries Management Act 1994 comes into force in NSW, with no mention of Aboriginal fishing or cultural rights.

*Mason v Tritton* 1994: Seven Aboriginal men on the south coast are arrested and convicted for ‘poaching’ abalone. They unsuccessfully argued that they were exercising a traditional and customary right to fish.

1998
Jervis Bay Marine Park created. Establishment of sanctuary zones prohibits fishing in some traditionally used areas.

2006
Batemans Marine Park created. Establishment of sanctuary zones prohibits fishing in some traditionally used areas.

2007
Introduction of a special purpose zone in Batemans Marine Park at Snake Island in Wallaga Lake for Aboriginal cultural use.

2010
Amendments to the Fisheries Management Act 1994 come into force in NSW, recognising the customary, social and spiritual significance of fishing to Aboriginal peoples, exempting Aboriginal people from the recreational fee and creating provisions for larger catches for cultural events.

2014
Interim regulations for Aboriginal cultural fishing in NSW are introduced. These include increased catch limits for some species.

2014
The NSW Aboriginal Fishing Rights Group is formed.
BARRIERS AND EFFECTS

Fisheries management and enforcement

Many participants said that the interim bag limits for Aboriginal fishers were still too small, especially if someone was regularly fishing to feed a large number of people. This left fishers vulnerable to prosecution by NSW Fisheries if they continued to conduct their cultural fishing to fulfil those cultural and social obligations.

Fines worth thousands of dollars and imprisonment as a result of these prosecutions can ruin the economic prospects of individuals and families. Vital assets such as cars are often confiscated in order to pay these fines. Imprisonment removes one of the breadwinners from the household, and having a criminal record can eliminate that person’s chance of getting a job when they are released.

This can lead to a vicious cycle of criminalisation, where unemployed Aboriginal people have to fish or dive in order to feed their family or make a small amount of money, receive a criminal conviction and become unemployable, and so have to fish or dive. Imprisonment of a parent also has numerous social and mental health effects on their children, partner, and extended family.

More broadly, the people who are fishing to feed many others, and so most likely to face prosecution, are often community leaders. They are depended upon in a range of contexts and support the whole community. When they are imprisoned, it can lead to wider community dysfunction and trauma. Participants noted that this can include increases in anti-social behaviour, domestic violence, and abuse of alcohol and other drugs.

Court orders for fishing-related matters can also specifically prevent people from continuing cultural fishing practices, such as prohibitions on entering coastal waters. Even cultural fishers who deliberately stay within fisheries management regulations say they are sometimes dissuaded from fishing, as they feel they are racially profiled by Fisheries officers.
The result is that people are less likely to go fishing, and communities have reduced access to the benefits of cultural fishing outlined above. Beyond that, cultural fishers feel a sense of shame and their self-worth is eroded, as they feel they aren’t living up to cultural and societal expectations.

It also means people are less likely to take their children fishing. Children then don’t get a chance to learn a lot of cultural knowledge, and parents feel ashamed and that they are letting their children and Elders down by not fully passing on their culture. For cultural-commercial fishers there is a further level to this; under law anyone who helps them fish in any capacity must hold their own commercial licence or risk prosecution. This has made it harder for them to pass their knowledge and livelihood on to their children.

Access barriers

Many participants noted that they were either partially or fully restricted from using significant sites for cultural fishing. The two main reasons for this were Marine Park zoning, or because the sites, while themselves not privately owned, were only accessible by travelling through private property.

In either case, sites that are of general cultural significance, or significance to particular families, can no longer be used for fishing as they had been. Continued use of these sites for cultural fishing risks violating Marine Park zoning regulations or conviction for trespassing, if the landowner does not provide consent to cross their land.

Some participants noted that specific places that were used to teach children about fishing and other cultural knowledge have been affected by this. They claimed this had affected the passing down of cultural knowledge.

A number of participants felt that the zoning within the Batemans Marine Park forced all recreational and cultural fishers into a few small areas, resulting in those areas being over exploited. This has made it harder for cultural fishers to catch enough for their needs.

Many participants were particularly distressed by the Marine Park zoning because they believed they had been taken advantage of, and their knowledge and goodwill used against them. They said that prior to the establishment of the Batemans Marine Park many South Coast Aboriginal people were asked to provide information on things like the areas they fished and where they went to catch different species.

People believed this was to ensure their cultural fishing would be accommodated within the zoning. Participants said that many of the places that they regularly fished were instead placed in sanctuary and habitat protection zones.

Outside perceptions

NSW Government agencies like Fisheries for decades have talked about cultural fishers who exceed bag limits, especially in the closed abalone fishery, as ‘poachers’. According to many participants this language has spread throughout much of the non-Indigenous community on the South Coast, as well as being picked up by the print media.

Participants said cultural fishers were seen by many people as ‘rapists of the ocean’ who pillaged vulnerable marine resources for economic gain. They also said that some people believed that Aboriginal divers were selling huge amounts of abalone on the black market, and that this was somehow tied to bikie gangs and the illegal trade in methamphetamines. The director of the Abalone Council of Australia has claimed cultural fishing is a ‘front’ for illegal activities.

One participant rhetorically wondered why he was still broke, given all of the illegal abalone he is supposedly selling.

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Some participants said they had been verbally abused when fishing or diving. Another common complaint was that some non-Indigenous people would call Fisheries whenever they saw Aboriginal people near the water.

Harassment from Fisheries and the general public deterred people from fishing. A few participants said that while they would rather not, they now go fishing or diving at night so as to avoid this. It also creates feelings of shame and anger in many South Coast Aboriginal people, as their culture is criminalised and becomes something to hide and to practice in secret, not to be proud of.

Some begin to internalise this view of themselves as ‘poachers’ and ‘criminals’. According to a few participants, if you are going to be called a poacher and a criminal, and be punished as one, you might as well start poaching and get something out of it.

Lack of voice and control

There was a broad belief that the voices of South Coast Aboriginal people on fisheries management matters were not being heard. Many participants felt that there was little genuine consultation, and where people do get an opportunity to share their views they appear to be misunderstood or ignored.

This frustrated many, not just because they felt powerless, but also because they felt that the people writing regulations didn’t understand the impacts of their decisions. As the rightful owners of the South Coast’s marine resources many participants believed they should be included in all decisions.

Many participants felt that cultural fishers were needlessly overregulated. To them it seemed hypocritical for Fisheries to focus on the compliance of the small number of cultural fishers, and for them to be characterised as threats to the marine environment, when their total take pales in comparison to that of the commercial fisheries. At the time of the interviews the factory trawler Geelong Star was present in South Coast waters, and it and the commercial abalone fishery were the most cited as examples of unsustainable commercial take.

A number of participants believed that cultural fishers were used as scapegoats for sustainability issues, while the practices and total takes of commercial fisheries were rarely publically discussed. In their eyes this indicated that fisheries management and enforcement was more concerned with politics and protecting certain interests than equity or sustainability, or even, as a few claimed, that there was an element of corruption involved in the decisions being made. Some complained about the severe penalties for cultural fishers who exceed bag limits or take undersize abalone compared to the ‘slap on the wrist’ which they believed commercial operators who breach their licence conditions get.

All the above meant that for some participants there was a combined sense of fisheries being overexploited, the worst offenders not being held to account, while cultural fishers were strictly regulated, harshly penalised and scapegoated. One participant explained that this led some people to no longer follow the cultural laws around fishing. Those laws are intended to keep fishing sustainable; but if you feel like you’re the only one who is being forced to fish sustainably, it seems pointless and you come to resent any constraints.

Economic barriers

Entry into the commercial fishing sector is out of most people’s reach. Leaving aside costs around gear and boats, shares in most commercial fisheries by themselves are prohibitively expensive. Low incomes also mean starting their own businesses in other on-water industries – without assistance – is difficult for many people on the South Coast to imagine.
A few participants noted that at one point 27 abalone licences were handed out for distribution among Aboriginal people on the South Coast. All participants were unsure what happened to the majority of these licences. Others mentioned that at one stage records relating to commercial licences held by some Aboriginal commercial fishers were lost by the NSW Department of Primary Industries, and they were unable to re-enter the sector.

The increasing prices of fisheries shares had led to fears that cultural-commercial fishing will eventually die out on the South Coast. Two of the cultural-commercial fishers can no longer afford to pay their shares. They are now arguing that, having never ceded their sovereignty, they have a right to take and use their marine resources as they see fit.

### Some of the Effects on South Coast Aboriginal People and Communities of Barriers to Cultural Fishing

<table>
<thead>
<tr>
<th>Cultural</th>
<th>Economic</th>
<th>Social</th>
<th>Mental</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Much harder to practically pass on culture and knowledge</td>
<td>Poorer families need to spend more of their income on food if they can’t fish</td>
<td>People who can’t go fishing like Elders, go without healthy seafood</td>
<td>Chronic stress, fear of being caught by NSW Fisheries officers</td>
<td>Reduced physical activity due to no longer diving or fishing</td>
</tr>
<tr>
<td>Kids aren’t taken fishing or taught culture due to fear of prosecution</td>
<td>Limited opportunities to legally make a living from fishing, high unemployment</td>
<td>Jailing community leaders who fish for lots of other people leads to dysfunctional communities</td>
<td>Low self-esteem from being called a criminal, unable to provide for family</td>
<td>Less healthy diets, leading to high blood pressure and iodine deficiency</td>
</tr>
<tr>
<td>Can’t use many traditional fishing and collecting sites, or take kids to the sites</td>
<td>Fishing-related criminal convictions make it harder to find a job</td>
<td>People turn to drinking, drugs, and anti-social behaviour when they can’t fish</td>
<td>Going fishing is therapeutic, opportunity to connect with country, practice culture</td>
<td>Harder to gather traditional medicines</td>
</tr>
</tbody>
</table>
In the interviews participants identified a number of fishing related aspirations. These included:

- The establishment of one or more Aboriginal fishing co-operatives
- Commercial fishing quotas given to each family or Local Aboriginal Land Council
- More fisheries shares and commercial licences made available to Aboriginal people
- More Aboriginal-owned aquaculture ventures, including abalone ranching
- More secure jobs in land and sea management for young Aboriginal people, whether this is through Local Aboriginal Land Councils, National Parks, Marine Parks, Fisheries, or independent ranger groups

At the South Coast Aboriginal Fishing Rights Summit in December 2017, discussion of the findings of the case study and other issues led those present to issue a number of statements and recommendations. These included:

- That South Coast Aboriginal culture is not static; it has and will continue to evolve and change, as all cultures do
- That the contribution of cultural-commercial fishers to their communities be recognised
- That the role of women as cultural fishers and food providers also be recognised
- That the NSW Government and Fisheries recognise that the South Coast Aboriginal peoples are the traditional owners of the lands, seas and resources of the South Coast
- That the native title rights and interests, including cultural and fishing rights, of South Coast Aboriginal peoples be recognised by the NSW Government in legislation and in its actions
- That the NSW Government commence Section 21AA of the Fisheries Management Amendment Act 2009 (NSW) without regulation
- That South Coast Aboriginal peoples be allowed to manage their own fisheries, independently of NSW Fisheries and NSW Marine Parks
- That more commercial abalone fishery shares be made available to Aboriginal people
- That commercial abalone and lobster divers be prevented from using hookah systems and boats, in order to make the fishery more sustainable
- That an Indigenous ranger program with at least 10 rangers be set up for land and sea management, and culturally appropriate fisheries enforcement
ACKNOWLEDGEMENTS

AIATSIS would like to thank the steering committee and members of the NSW Aboriginal Fishing Rights Group for their hard work, advice and leadership during this project.

Thanks also to everyone who participated in the interviews and attending project meetings and shared their fishing knowledge and stories with us. Thanks as well to the Local Aboriginal Land Councils and other Aboriginal organisations which organised and hosted group interviews.

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## Appendix 1: Short Questionnaire Results

Responses to:
“How important are the following reasons for fishing?”

*n = 30*

<table>
<thead>
<tr>
<th>Reason</th>
<th>Very important</th>
<th>Important</th>
<th>Unsure</th>
<th>Not very important</th>
<th>Not at all important</th>
<th>No or unclear response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To follow cultural rules about fishing</td>
<td>28</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>To teach others and pass on knowledge</td>
<td>29</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>To be on your country</td>
<td>27</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>To assert your rights</td>
<td>27</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Fishing for food</td>
<td>30</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>For medicinal reasons</td>
<td>28</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fishing to barter/trade</td>
<td>22</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Fishing to sell for money</td>
<td>14</td>
<td>6</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To be healthy</td>
<td>28</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>To be with your family</td>
<td>29</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>To be with your friends</td>
<td>26</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>To be alone</td>
<td>18</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Fishing competitions</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>7</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>Fishing for sport</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>6</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>To relax and unwind</td>
<td>26</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>To be outdoors</td>
<td>30</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
APPENDIX 2: LONG QUESTIONNAIRE QUESTIONS

Why is fishing important?

Why is it important you are able to fish on your country?
How do you feel when you are out fishing?
How would you feel if you couldn’t fish anymore? What would happen?
What would change if you could fish wherever you wanted?
What is stopping/would stop you from fishing?
Where do you usually fish?

Sharing, trading, bartering and selling catch

Do you share your catch with other people?
Where does your catch go first?
How many people do you usually share your catch with?
Do other people share their catch with you?
Why is sharing your catch important to you? What’s the most important reason?
Do you trade or barter part of your catch for other goods, or in return for work or help?
Do you ever do or trade things in return for part of someone else catch?
Why is bartering or trading your catch important to you? What’s the most important reason?
Do you have a commercial fishing licence?
Do you ever sell some or all of your catch for money? Where does it go?
Why is selling your catch important to you? What is the most important reason?

Rules about fishing

How do you know when to fish?
How do you know where to fish?
How do you know you have rights to fish?
What happens in your community when you do not follow these rules?
What are the rules you have to follow when you fish?
Does everyone in your community follow these rules?
What’s the most important thing to learn/teach about fishing?
Do you teach others how to fish?
What are the rules about different species?
  e.g. Abalone, oysters, bimbells, pipis, mullet, whiting, salmon, prawns, lobster.