

Aboriginal Fishing Rights on the NSW South Coast



Archaeological evidence

- Evidence of Aboriginal people living on the south coast goes back at least 21,000 years
- Middens show people collected large quantities of a wide variety of shellfish species
- South coast peoples used bone-tipped spears, nets, hooks and lines and traps to catch finfish
- Coastal archaeological sites dominated by remains of marine fish and molluscs

Historical evidence

- Following contact with Europeans, Aboriginal people continued to fish, collect shellfish and use the same middens
- Stories of early colonists and shipwreck survivors being saved from starvation by local Aboriginal people who provided them with fish
- Traditional skills and knowledge were essential to the beginning of commercial fishing and whaling on the south coast
- Many Aboriginal families relied on access to marine resources for their livelihoods – for food, as commercial beach haul fishers, or by selling abalone for export to East Asia since

Restrictions on fishing

- *Fisheries Act 1902* – Aboriginal people exempted
- Superseded by the *Fisheries and Oyster Farms Act 1935* – smaller exemptions for Aboriginal people
- Commercial abalone fishery becomes restricted-entry in 1980 – many Aboriginal divers didn't get access under new rules
- FAOFA superseded by the *Fisheries Management Act 1994* – no exemptions for Aboriginal people
- Batemans Marine Park created in 2006 – sanctuary zones prevent all fishing and collecting at many preferred spots and culturally significant sites

Impacts of restrictions on fishing

- Cultural
 - Much harder to practically pass on culture and knowledge
 - Fear that children will be prosecuted means they aren't taken fishing
 - Can't use many traditional fishing and collecting sites
- Economic
 - Poorer families need to spend more of their income on food if they can't fish
 - Aboriginal unemployment on south coast >25%, more jobs linked to commercial fishing industry could change this
 - Fishing-related criminal convictions make it harder for people to find employment
- Social
 - Sharing fish keeps families together and builds community solidarity; those who can't fish (Elders, children, sick) get access to seafood
 - People who fish for lots of other people are often pillars of their communities; if they get jail time for not paying fines for exceeding bag limits, communities become dysfunctional
 - Provides occupation and recreation; people more likely to drink, take drugs, get involved in anti-social behaviour when unemployed and can't fish
- Psychological
 - Chronic stress, fear of being caught by NSW Fisheries officers
 - Low self-esteem from being labelled a criminal/poacher, being unable to provide for family or continue to practice culture
 - Going fishing is therapeutic for many fishers
- Health
 - Reduced physical activity
 - Less healthy diets (high cholesterol, iodine deficiency)
 - Harder to gather traditional medicines

NSW Aboriginal Fishing Rights Group

- Founded in 2014 to advocate for recognition of Aboriginal cultural fishing rights in NSW
- Has held a number of protests against treatment of Aboriginal fishers by NSW Fisheries
- Supports Aboriginal fishers who have been harassed or are facing prosecution by NSW Fisheries
- Wrote a letter to the PM Malcolm Turnbull highlighting the situation of Yuin cultural fishers and asking Commonwealth and State Governments to work with the AFRG on this and other issues

Livelihood values of Indigenous customary fishing project

- AIATSIS project to investigate the many ways fishing is important to and valued by Indigenous communities
- AFRG was the first case study partner to sign up to the project
- AIATSIS and the AFRG have organised interviews with Aboriginal people in localities from Eden to La Perouse
- Preliminary results: people across the coast nominate similar sets of values and recognise a host of direct and indirect benefits which flow from fishing