

# WE SUPPORT CULTURAL FISHING

Malua Bay, NSW: Kayeleen Brown is the CEO of Katungal Aboriginal Cooperation Regional Health and Community Services, and a proud Walbunja and Wehlabul Bundjalung woman. Photo: Aimee Han/OxfamAUS.

**“Cultural fishing is a very fundamental element of maintaining cultural wellbeing in community. We all know the importance of nutrients and maintaining a staple diet. Some of the challenges that we face—we do have over-policing in our communities.” — Kayeleen Brown**

- All along the NSW coast Aboriginal people who want to continue healthy and culturally rich fishing traditions have been targeted by authorities and fined, prosecuted and jailed in huge numbers. A NSW Parliamentary amendment passed in 2009 recognises cultural fishing, in line with the federal Native Title Act, but it has never been allowed to take effect.
- Since 2009, more than 560 charges have been levied against Aboriginal people, making up 33% of fisheries-related charges\*, making them 10 times over-represented compared to their population of 3.4 per cent.
- Aboriginal people are identified in 80% of jail terms for fisheries offences since 2009, and 60% of sentences served in the community\* (some of these sentences involved just several kilograms of seafood).

A recent NSW parliamentary inquiry<sup>1</sup> confirmed these injustices, calling the enforcement “unacceptable and creating perverse outcomes inconsistent with the NSW Government’s commitments to the Closing the Gap Agreement”. It challenged the government to review and withdraw all penalty notices issued to Aboriginal people on the South Coast who were found to be practising cultural fishing.

<sup>1</sup> Legislative Council of NSW, Portfolio Committee 4, 2009. Commencement of the Fisheries Management Act Amendment 2009, November.

\* Figures based on data from BOCSAR where Aboriginal status has been provided.

## WHAT DO WE WANT?

We are calling on all political parties and candidates in this election to end this sorry saga and begin a new chapter for the First Peoples of the State, with a firm commitment to the following action plan:

1. Support the cultural fishing amendment (Section 21AA);
2. Cancel all existing prosecutions and set up a review of all convictions since 2009 to withdraw those against Aboriginal individuals deemed to have been practising cultural fishing;
3. Amend State laws to provide for a community-held licence, which would operate within commercial quotas;
4. Recognise historic and ongoing dispossession of First Peoples’ lands and waters, and the consequences, by establishing a substantial economic development fund to enable Aboriginal organisations and fishers to participate in this industry; and
5. Develop a long-term plan with Aboriginal people and organisations for joint management of the NSW Marine Estate, including fisheries.

## Supported by:

NSW Aboriginal Fishing Rights Group • Danny Chapman, Chairman, NSW Aboriginal Land Council • Tony McAvoy SC  
Katungal Aboriginal Corporation Regional Health and Community Services

