

Mr Richard Stevens
Chairperson
Independent Review Panel
21 Clearwater Bay Avenue
CLEAR ISLAND WATERS QLD 4226

Dear Mr Stevens

Thank you for your letter of 23 September 2011 concerning the Independent Review of Commercial Fisheries Policy, Management and Administration in NSW. I am writing to you on behalf of the NSW Aboriginal Fishing Advisory Council (AFAC) and thank you for the extension you provided the Council in providing this submission.

The AFAC is a statutory group established under the *Fisheries Management Act 1994* to provide strategic advice to the Minister for Primary Industries on issues affecting Aboriginal fishing interest. The Council has already begun its important work in the development of cultural fishing policy, and will continue to play an important role in exploring viable economic opportunities for Aboriginal communities associated with fishing activities.

Commercial fishing provides Aboriginal people with an appealing source of employment and provides for economic independence. In addition, the community value of Aboriginal commercial fishing enterprise should not be underestimated. The culture of sharing is still very much a part of Aboriginal communities today with a proportion of commercial catch almost always being given to the local Aboriginal community.

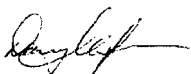
The future development of fisheries policy, management and administration will have a direct impact on Aboriginal people's ability to remain and grow in this industry into the future.

With this in mind, AFAC has considered the Independent Review's Terms of Reference and supporting information and provide the attached submission.

Members of the AFAC would be pleased to meet with the Independent Review Panel to discuss this submission further.

Please do not hesitate to contact me directly on 0457 515 821.

Yours sincerely



Danny Chapman
Chairperson
Aboriginal Fishing Advisory Council
Date: 11/11/11

Submission to the Independent Review Panel on Commercial Fisheries Policy, Management and Administration in NSW

NSW Aboriginal Fishing Advisory Council

1. Examine the performance of current public sector arrangements for the management of NSW fisheries and provide advice on whether the current arrangements or other models best address the governance, regulatory, research and administration needs of efficient and sustainable fish production in NSW.

In 2003, NSW Fisheries commissioned a report and facilitated a workshop for Indigenous commercial fishers in an attempt to address the fishery issues raised during the Indigenous Fishing Strategy (IFS) consultation. The report titled 'Developing the Participation of Indigenous People in Commercial Fishing' identified key issues including "the gradual and continued decline of Aboriginal commercial fishers in the industry" and barriers to ongoing Indigenous participation in NSW commercial fisheries. It also proposed a number of strategic options to action change. To the best of AFAC's knowledge these actions for change were not implemented. AFAC would like the actions for change set out in the report to be revisited and checked for current relevance as part of this process.

In terms of research, AFAC considers fisher's knowledge and in particular Traditional Fishing Knowledge (TFK) is often forgotten. Research is vital for the industry but they are often not engaged in the process. AFAC believes that research that incorporates science, fisher's knowledge and TFK would have greater depth and be more respected in the broader community.

AFAC understands that at present commercial fishing fees are paid into the Commercial Fishing Trust Fund. To ensure specific needs (research, management etc) for Aboriginal commercial fishers are addressed, AFAC considers that part of the fishing fees paid by Aboriginal commercial fishers should be quarantined to create a special fund that is used to address these needs.

2. Examine the present arrangements for consultation with key stakeholder groups in NSW, and recommend ways to improve the transparency and efficiency of how the NSW Government seeks and responds to stakeholder input.

With the exception of the newly established AFAC, present arrangements for consultation processes that include an Aboriginal commercial fisher's voice are inadequate. Even though there is provision for an Aboriginal person on each of the commercial MAC's the positions have rarely been filled or, when filled the Aboriginal representatives have felt that their contributions have not been listened to.

Further, NSW does not have a MAC for its inland fishery. Fishers in this fishery in the past would come together twice a year to discuss issues and solve problems, but AFAC understands that in the last 10 years meetings have been few and far between. As a result fisher's are leaving the industry with those left being told, rather than involved in the management process or decision making. The inland fishery has only 26 commercial businesses and two target species (yabby and carp); therefore it is easy for their voice to be lost.

Like their saltwater counterparts, inland commercial fishers have years of experience and knowledge, but very few are good writers or comfortable with paper-based communication. It is suggested that rather than undertake formal or semi-formal consultation, face-to-face or over the phone communication with, for instance, local fisheries officers would allow more open communication and reduce a lot of the frustration and confusion.

A further suggestion would be the introduction of an Aboriginal Commercial Fishing Voice (ACFV). This could be achieved a number of ways for example by establishing;

- An Aboriginal MAC OR
- An Aboriginal commercial fisher's forum that meets twice a year or when needed.

This ACFV could be coordinated by DPI or the NSW Aboriginal Land Council or some other Indigenous organisation that has the appropriate knowledge and expertise. The ACFV should be linked to the current AFAC to ensure integration of information and policy development.

3. Review the current legislation covering the fisheries sectors (including the basis for the issue of commercial fishery shares) and provide advice on how that legislation can better facilitate cost-effective and sustainable resource management to ensure our future seafood requirements and natural resource conservation.

AFAC understands that under restricted fisheries some fishing businesses worked under partnership or father/son arrangements. Partnership arrangements allowed the businesses to work a number of endorsements concurrently whilst father/son arrangements meant a 'son' could work the same endorsement as the 'father' at the same time. It is understood that these arrangements worked well for Aboriginal commercial fishers.

The implementation of share management meant the previous partnership and father/son arrangements were no longer feasible. This has had a significant impact on the successful operation of Aboriginal commercial fishing businesses, particularly those involved in the ocean hauling and estuary general fisheries. The ability to mentor and train the next generation is the cornerstone to any successful succession planning. A key benefit for Aboriginal communities is also the maintenance of a connection to tradition and Country.

Transferability of licences and fishing business has also limited the effective operation and succession planning for a lot of Aboriginal commercial fishing businesses. Even with the relaxed transfer criteria under share management, it is understood that there is no mechanism currently available that would allow commercial fishing licenses to be transferred amongst Aboriginal families or communities. The community value of these fishing businesses is often greater than their monetary value.

Given the above, AFAC would like some amendment or relaxation to the regulations surrounding crew (specifically as it relates to the ocean hauling and estuary general fisheries) and transferability/nomination for licences or business. It should be noted that this should apply to all commercial fishing businesses not just Aboriginal commercial businesses.

4. Examine the present fisheries resource sharing arrangements in NSW, and provide advice on whether those arrangements are fair and equitable to all sectors, including seafood consumers

Present fisheries resource sharing arrangements do not take into consideration, as a matter of principle, the special place for Aboriginal fishing in the overall NSW fishing sector. It should be recognised that Aboriginal fisheries were the first fisheries in NSW and the rights to catch traditionally targeted species were never ceded to colonisers. Aboriginal people continue to harvest aquatic organisms from marine and freshwater environments including several species that overlap with commercial and recreational fisheries. The rights associated with this prior fishing activity need to be considered and could be addressed as it has been in other countries such as Canada and New Zealand.

In terms of access, beaches and waters where Aboriginal commercial fishers once fished have been reduced significantly by the introduction of marine parks, national parks restrictions (four wheel drive access) and, general fishing closures (particularly weekend closures). For example, sheltered corners on stretches of beach are used (depending on the direction of the wind) in beach hauling operations to take travelling fish species such as mullet. Fishing closures have often resulted in these integral parts of the beach being closed to commercial fishing. As a consequence of such closures, access to traditional fish resources has been restricted, making it difficult for fishers to effectively run their business.

5. Provide advice on efficient and effective functioning of fisheries management in NSW including opportunities for co-management of fisheries involving all stakeholder groups, such that the overall costs of fisheries management are not an unnecessary burden on either the stakeholder groups or the government.

The gap between management and fishers needs to be bridged in order to build capacity and knowledge on both sides. The knowledge fishermen have of their local fishing areas, practice and species is a valuable resource that is not utilised often enough in fisheries management. Also often overlooked is Traditional Fishing Knowledge (TFK). Indigenous communities have relied on fisheries resources for sustenance and as a source of income for generations. TFK needs to be better accounted for in fisheries management.

It should be noted by managers that fishers are most comfortable on the water. Therefore communication in an environment that is more comfortable to the fisher would go a long way to bridging the gap between management and fishers and subsequently assist in the sustainable management of our fisheries.

Co-management arrangements will need to accommodate an effective Aboriginal commercial fishing voice.

6. Provide advice on the most appropriate structural adjustment program to meet the objective of bringing into effect property rights through share management and facilitating fishing business and share class buyouts as soon in a timely fashion

There needs to be some capacity building for Aboriginal commercial fishers so that they fully understand the implications of buyouts in the context of the structural adjustment process.