

Solutions sought to resolve conflict over Indigenous fishing rights

By Nick McLaren

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An historic meeting of South Coast Aboriginal clans of the Yuin Nation has made the first steps in reaching an agreement on how to enhance traditional Aboriginal fishing rights.

The meeting was called due to a growing number of prosecutions resulting in crippling fines and in some cases jail sentences.

Despite Indigenous fishers in NSW being recognised under the Fisheries Management Act more than 250 prosecutions have occurred since 2009.

One of those to fall foul of the law Troy Tungai says over the years he's face fines adding up to \$30,000.

"Mate I have been fighting this for the last 15 to 20 years," he said.

"I keep telling them that you are not going to stop me diving because its in my blood.

"My father taught me how to dive and I've taught my kids."

Wally Stuart from the Eurobodalla region is also angry about the way his people are treated by some Fisheries officers on the South Coast.

Mr Stuart says a test case in South Australia two years ago went to the High Court of Australia, upholding cultural fishing rights under the Native Title Act.

"In NSW Fisheries won't acknowledge that and they are still trying to bust our people," he said.

"And we are trying to get some dialogue with Fisheries and make them recognise that law and stop harassing our people".

Perhaps the most contentious fishery is abalone.

It's also one of the most lucrative, with abalone selling at the Sydney fish market for between \$90 - \$120 per kilo.

Abalone is a tightly managed fishery with the Total Allowable Catch peaking at 330 tonnes.

But this was cut back drastically to around 70 tonnes due to a combination of overfishing and bad weather, and has since recovered to 130 tonnes.

This catch is divided between commercial, recreational and Indigenous fishers, with recreational abalone divers allowed to catch just two full sized abalone per day, while Indigenous fishers can catch 10.

Commercial operator Dick Perese says Aboriginal groups should be brought into the industry as commercial operators and given the opportunity to generate ongoing employment for their families.

"I don't think that there is any dispute that the Indigenous have a right to a resource," he says.

"But the government should really buy a proportion of the commercial catch and hand it to the Indigenous, so that they can bring their kids through instead of being prosecuted all the time," he said.

Negotiating a solution that will help keep Indigenous fishers out of the courts is the focus of work by Illawarra Legal Centre coordinator Linda Tucker.

"You got a massive difference between the Fisheries community and Aboriginal community," she said.



PHOTO: Freshly collected abalone from the NSW South Coast (ABC News Nick McLaren)

MAP: Jervis Bay 2540

"There are definitely efforts to try to bring the two together and that's what we are doing, the Legal Centre is trying to step in." Solutions sought to resolve conflict over indigenous fishing... <http://www.abc.net.au/news/2015-07-09/aboriginal-fishing-693854>

A NSW Department of Primary Industries spokesman says work on cultural fishing regulations has progressed significantly with a view to further consultation once draft regulations are finalised.

Topics: fishing-aquaculture, illegal-fishing, indigenous-aboriginal-and-torres-strait-islander, law-crime-and-justice, jervis-bay-2540, gerroa-2534, wollongong-2500, ulladulla-2539, narooma-2546