

Submission to FMA 1991 Review

Prepared by Stephan Schnierer and Stan Lui on behalf of Indigenous attendees at a recent workshop held in Cairns on Indigenous Fisheries Research

1.1 INTRODUCTION

This submission is based on brief discussions had by Indigenous Australians who attended a recent workshop on fisheries research priorities held in Cairns from the 6th-9th of November 2012. These attendees included Indigenous cultural and Indigenous commercial fishers, Indigenous people working in the area of fisheries policy and Indigenous fisheries researchers. While the review of the legislation was not on the agenda of the workshop inevitably discussions touched on the fact that a review was occurring. Various Indigenous delegates were concerned that there hadn't been much time to think about let alone provide suggestions to the 'review team'. In an attempt to capture some Indigenous views one hour was allocated outside of the research forum to capture main ideas. It must be emphasised that the ideas that follow are by no means the total of the views that might have been expressed if more time could have been devoted to the discussion.

1.2 INDIGENOUS VIEWS

The Indigenous delegates were generally of the view that the current FMA 1991 is not in line with Indigenous community expectations. Indigenous Australians believe their traditional fishing rights are still largely ignored by all levels of governments including, the Commonwealth government. They believe this is in part due to the fact that Indigenous fisheries in Australia have remained under the radar of the broader public even though the Coastal Zone Inquiry 1993 sought to elevate them through legislation and policy development.

The effect of this lack of acknowledgement has meant, they assert, that cultural fishing has been impacted by commercial and recreational fisheries developments that have not taken into consideration their impacts on cultural fishing. Delegates believe that mechanisms should be developed, where none exist, to assess the impact of commercial and recreational fishing activities on Indigenous cultural fishing practices and to address any impacts that are identified. As fisheries managers are now having to address the impacts of fishing activities on biodiversity then they should also have to address the impacts those activities have on the relationship that Indigenous Australians have with their traditional biological resources.

The lack of recognition of commercial fishing rights for Indigenous Australians has meant they have had to become part of the commercial fishing industry to gain any benefit they can from species that were previously and continue to be targeted by cultural fishing activities. While a few Indigenous Australians have achieved this their numbers are few and they face a changing fisheries management environment which fails to address the cultural values associated with fishing which put more pressure on them to leave the industry.

The last issue discussed was about the lack of Indigenous engagement in fisheries management decision making processes at all levels. Delegates believe that until there is full and effective participation in all areas of fisheries management then their concerns will continue to be ignored.

1.3 RECOMMENDATIONS.

The Indigenous delegated recommended that;

- The Fisheries Management Act 1991 be amended to explicitly acknowledge fishing rights of Indigenous Australians. **A first step** in this would be to add an object to the Act recognizing Indigenous fishing and the associated rights.
- An indigenous fisheries strategy be developed by the Commonwealth government in consultation with Indigenous Australians.
- That the Commonwealth government support the development of an Indigenous Fisheries Advisory council that could advise the government on a wide range of fisheries related issues.
- That AFMA and FRDC make positions available on their respective boards for an Indigenous person.

- That all fisheries management strategies and plans that are accredited for export license be reviewed to address the impacts that they may have on indigenous cultural fishing.
- That Indigenous interest is specifically included as a separate consequence when undertaking a Regulatory Impact Statement for fisheries legislative amendments or when creating Fisheries Management Instruments.

1.4 CONCLUSION

Please consider that these are only a few ideas and recommendations quickly discussed at the Cairns forum over an hour and so are by no means the total of what might be raised given more time.

Thank you.