

5 May 2016



Melinda Cilento
Commissioner
Australian Marine Fisheries and Aquaculture
Productivity Commission
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Dear Melinda

Productivity Commission Inquiry into the Regulation of Australian Marine Fisheries and Aquaculture Sectors.

Thank you for recently attending the Fisheries Research and Development Corporations Indigenous Reference Groups Third National Indigenous Fisheries Forum in Cairns, and also for the opportunity to provide a submission from an Indigenous fisheries perspective to the 2016 Productivity Commission Inquiry into the Regulation of Australian Marine Fisheries and Aquaculture Sectors. The Fisheries Research and Development Corporation (FRDC) Indigenous Reference Group (IRG) feels that the current regulatory framework for the fishing and seafood industry leads to significant negative impacts and reduced opportunities for Indigenous Australians.

Please note, the IRG is not a representative body and, as such, the members respectfully do not speak on behalf of all Australia's Indigenous people. In order to gain the broader Indigenous perspective, the IRG has successfully delivered three national Indigenous stakeholder forums. Forum participants identified several issues impacting their cultural fishing and these were condensed into 11 high level principles (Attachment 1) and generated five key Indigenous fisheries research themes (Attachment 2).

Of critical importance are two long standing concerns held by Traditional Owners across the country about management of fisheries resources. The first is that the rights and responsibilities of Traditional Owners are understood, and meaningfully recognised in fisheries management arrangements underpinning any fisheries legislation or policy as equitable, foundational partners.

Secondly is the principle of building relationships and partnerships. Again, this supports the long-standing expectation that Indigenous communities are central to developing ethics and protocol guidelines of sustainable use of fisheries resources. Real partnerships involve releasing some control of the fisheries management agenda to enable that to be shared with the Indigenous sector. Without this, the risk is that only token engagement results, exhausting the limited resources and capacities of potential Indigenous partners.

A frequent objection concerning the Australian fishing and seafood industry, is that Indigenous people feel they are not adequately recognised in fishery legislation or policy across Australia. The FRDC, through the IRG, is currently making RD&E resources available to work towards identifying means to:

1. Acknowledge primacy for Australia's Indigenous People
2. Acknowledge Indigenous Cultural Practice

FRDC Indigenous Reference Group

3. Ensure self determination of Indigenous rights to use and manage cultural assets and resources
4. Acknowledge economic development opportunities arising from Indigenous peoples' cultural assets and associated rights
5. Identify enhanced capacity building opportunities for Indigenous people.

The IRG are recommending two means to gain a better understanding of the current status and possible ways forward for consideration by your current review.

Firstly, the FRDC IRG have funded a project, 2014/233 - *Improving access for Indigenous Australians to and involvement in the use and management of Australia's fisheries resources*. This project has undertaken an extensive desktop audit of how Indigenous fisheries and people are incorporated into fisheries management in Australian policy, strategy and legislations. Much of this audit is completed and should be available in a draft form in the near future. It identifies relevant pieces of fisheries legislation by jurisdiction, and whether Indigenous peoples' needs have been addressed. The documents assessed are shown in Attachment 3.

Also, in 2004 the National Indigenous Fishing Technical Working Group (NIFTWG) Principles were released (Attachment 4). The seven NIFTWG Principles outlined high level actions that each Australian fisheries jurisdiction agreed to implement as part of addressing Indigenous peoples' needs in the Australian fishing and seafood industry.

However, the current audit shows that, across jurisdictions, legislation addressing Indigenous people is very inconsistent, and in many cases does not adequately address the FRDC IRG five key research themes or the seven NIFTWG principles.

A consistent, clear and harmonised approach to legislation addressing the needs of Indigenous Australians would provide certainty and go a long way to appropriately accommodating, engaging and sustaining cultural fisheries, and the people who rely on those fisheries throughout Australia.

Secondly and importantly we suggest that you consider holding a broader national Indigenous stakeholder forum, resourced by the Productivity Commission, to gain a clearer understanding of this issue from an Indigenous perspective.

A number of FRDC IRG members have indicated that they would be happy to discuss this further with you. Please feel free to contact me if you require any further information or clarification.

Yours sincerely.

Chris Calogeras

Executive Officer – Indigenous Reference Group