

Cultural fishing

The Department of Planning, Industry and Environment is preparing 12 regional water strategies and a Greater Sydney Water Strategy. The strategies look to the next 20 to 40 years to understand how we will need to manage water across New South Wales to meet future needs, the challenges and choices involved in meeting those needs, and the actions we can take to manage emerging trends and risks.

As part of the development of the strategies, we are consulting with Aboriginal communities to ensure Aboriginal water rights, interests and cultural values, including Aboriginal heritage rights, are recognised and protected.

Aboriginal fishing

Fishing has always been an important part of the cultural and economic life of Aboriginal communities. For many Aboriginal people fishing is an important part of connection to their traditional country.

Aboriginal culture traditionally recognises extended family. Quite often, it is a few family members who fish for many, especially in circumstances where members of the family are elderly or are unable to participate in the fishing activity.

Cultural fishing activities of Aboriginal communities are protected and promoted, through measures that provide for continued access to, and involvement of Aboriginal people in, the management of the NSW fisheries resource.

Legislation and management

The *Fisheries Management Act 1994*¹ (the Act) is the main piece of legislation for managing the NSW fisheries resource.

The Act aims 'to recognise the spiritual, social and customary significance to Aboriginal persons of fisheries resources and to protect, and promote the continuation of Aboriginal cultural fishing.'

It ensures that the fishing needs and traditions of Aboriginal people are appropriately captured in the management of fisheries resources.

Aboriginal cultural fishing is defined in the Act as 'fishing activities and practices carried out by Aboriginal persons for the purpose of satisfying their personal, domestic or communal needs, or for educational or ceremonial purposes or other traditional purposes, and which do not have a commercial purpose'.

Aboriginal cultural fishing is permitted within marine parks if it:

- complies with the marine park zoning or
- is in conjunction with a marine parks permit.

Authority permit

If access to fisheries resources is needed beyond what the current cultural fishing rules provide for (for example, for events such as cultural gathering or ceremonies), then Aboriginal people can apply for an authority permit under section 37 of the Act. You can download forms or get them from

¹ <https://www.dpi.nsw.gov.au/fishing/aboriginal-fishing/legislation>

any local Department of Primary Industries—Fisheries office or by calling (02) 4424 7400 or (02) 4916 3954. Submit your applications at least six weeks before the event where possible.

Exemption from the recreational fishing licence fee

Fishers who are Aboriginal persons are exempt from paying a fishing fee for small-scale domestic cultural fishing activities.

Native title and Indigenous Land Use Agreements

Native title legislation including the *Native Title Act 1993* (Commonwealth) and *Native Title (New South Wales) Act 1994* is not affected by NSW fisheries management legislation in respect to native title rights and interests.

Where native title is recognised over marine waters, rivers, lakes and estuaries, native title holders can exercise their rights to fish for personal, domestic or non-commercial needs in line with the provisions of the *Native Title Act 1993* (Commonwealth).

In NSW, the government looks to negotiate Indigenous Land Use Agreements (ILUAs) to address native title needs. An ILUA is a voluntary agreement between a native title group and others about the use and management of land and waters. The Department of Primary Industries participates in ILUA negotiations with registered native title holders and applicants to establish agreed management arrangements related to the use of the resource.

More information

For more information about cultural fishing, please visit the [Department of Primary Industries website](#)². Or contact the Department of Primary Industries directly:

Email: aboriginal.fishing@dpi.nsw.gov.au

Phone: 02 4424 7421

Visit www.industry.nsw.gov.au/regional-water-strategies³ for information about the regional water strategies, including updates on public exhibition periods.

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.

² www.dpi.nsw.gov.au/fishing/aboriginal-fishing

³ www.industry.nsw.gov.au/regional-water-strategies