

13 October 2022

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Via email only: ec.sen@aph.gov.au

Dear Committee Secretary,

Re: Submission to inquiry on climate-related marine invasive species

I thank the Environment and Communications References Committee (**the Committee**) for the opportunity to provide a submission in relation to the inquiry into the spread of climate-related marine invasive species. This is an important issue which South Coast traditional owners are extremely knowledgeable about and which affects us greatly.

For over 50,000 years Aboriginal people in New South Wales have managed the marine resources in our country and noticed changes in our waters. The proper management of the marine resources in our country is an ongoing cultural obligation we have as traditional owners. We welcome and encourage the opportunity to increase Aboriginal participation in and management of sea country, and to maximise employment and enterprise opportunities for traditional owners in NSW.

For generations, the livelihoods of traditional owners on the South Coast of NSW have revolved around fishing and diving in our coastal waters.¹ We have been taught by our Elders and gained extensive knowledge of our waters. We are familiar with how our waters have changed over our lifetimes.

South Coast traditional owners have seen first-hand the development and impact of sea urchin barrens. We are uniquely and appropriately placed to share our knowledge of and lead management measures to address the issue of sea urchin barrens along the NSW South Coast.

South Coast People native title claim

The South Coast people filed a native title claim in the Federal Court on 3 August 2017 (NSD1331/2017). The claim was accepted for registration by the National Native Title Tribunal on 31 January 2018. The claim generally covers an area from Royal National Park to the Towamba River, south of Eden and extends three nautical miles from the high-water mark out to sea. See attached at Appendix 1 a map of the South Coast native title claim. I am a member of the South Coast native title claim group and a member of the Applicant for the South Coast native title claim.

I now address the five areas identified by the Committee in the terms of reference.

¹ Luke Smyth, Hayley Egan and Dr Rod Kennett, *Livelihood values of Indigenous customary fishing: Final report to the Fisheries Research and Development Corporation*, November 2018

(a) the existing body of research and knowledge on the risks for and damage to marine biodiversity, habitat and fisheries caused by the proliferation and range shifting of non-endemic long spined sea urchins;

Traditional Owners on the South Coast of NSW have a vast knowledge of our waters and have observed changes to the marine environment throughout our lifetimes.

We understand there may be a gap in published scientific research explaining what the 'natural' state of South Coast waters looks like and no published long-term data set which captures the spread of sea urchin barrens. The knowledge that South Coast traditional owners have is able to fill this gap.

Sea urchins generally live on the floor of the sea. There is a huge number of them and there are lots of sea urchin barrens in the waters of the South Coast. A sea urchin barren is an area that has been overrun and ruined by sea urchins. They eat all the kelp in an area and scrape the rocks clean so there is nothing left to eat there. In some places, there are hundreds or thousands of sea urchins. Barunguba (Montague Island) is an example of a place that has become a sea urchin barren, but there are lots of them along our coast.

We believe this problem has been around for many years and began when the commercial abalone industry commenced operations on the South Coast in the mid 1970s. We believe that the commercial abalone industry is mainly responsible for the sea urchin barrens. This is because commercial divers take all the abalone from an area allowing the sea urchins to move in. Sea urchins compete with abalone for food so an absence of abalone means there is no competition for the urchins.

In 1974, when commercial abalone diving started, I believe commercial divers took over 1100 tons of abalone each year. Now what's allowed by the regulations and said to be a sustainable catch is 100 tons.

South Coast traditional owners have collaborated with AIATSIS on research about South Coast People's relationship to Sea Country, customary fishing and diving practices, and any changes witnessed to Sea health.² South Coast people are very aware of the sea urchin problem as it has a big effect on where we can go diving. We have seen that about fifty per cent of our reefs along the coast are turning into sea urchin barrens and in those places there's just nothing there. Everything is dying off.

As part of the research, South Coast traditional owners were surveyed with the results revealing that 71% of responses said sea urchins are a key cause of sea country degradation, with commercial operations (66%) and resource management (60%) also causing significant problems. 80% of people said this could risk leading to a loss of culture.

Our research has also shown that if there are impacts on sea country health, this will result in loss of culture, loss of seafood, loss of education, poor health, impact on community connection, and other impacts including employment, mental health, and family.³

² Lilli Ireland, Native Title Newsletter 2021 Issue 1, page 3

³ Lilli Ireland, Native Title Newsletter 2021 Issue 1, page 3

As we undertake further research, we are going to concentrate on the areas where we have identified sea urchin barrens, particularly in the fishing and diving places that have been handed down to us by our old people. We want to be able to fish and dive at these places again. We want to be able to fish and dive for food for our families and community and also to earn a living from fishing and diving in a sustainable way.

We consider that there is an urgent need for a process to remove sea urchins and engage in regeneration efforts in ecosystems damaged as a result of the urchins. Our goal is to restore the balance in the ocean by reducing the number of sea urchins to help kelp, fish and other marine life stocks replenish. If we can get some progress on that it will be a big step toward protecting our sea country.

(b) management options, challenges and opportunities to better mitigate or adapt to these threats, and governance measures that are inclusive of First Nations communities;

Management challenges: Government mismanagement

We have seen the mismanagement of our sea country by NSW Department of Primary Industry including sanctioned overfishing and over allocation of commercial abalone licenses leading to a reduction in the number of key sea urchin predators. This in turn has led to a huge increase in the number of sea urchins. These animals are a pest and are having hugely detrimental effects on sea life on the South Coast. This challenge effects the entire Southern region and has been inadequately addressed for many years.

Without a complete overhaul of the commercial abalone industry, we believe that management approaches to sea urchin barrens may have limited effectiveness.

We consider that commercial abalone divers should be prevented from entering certain waters including where there are sea urchin barrens, which have been sea urchin barrens in the past, or which are at risk of becoming sea urchin barrens. This should be a matter considered in consultation with traditional owners as part of the adopted management approach.

Management options: co-management of sea country and Aboriginal participation in the management of the Marine Estate

In our view, it is imperative that traditional owners are at the forefront of all governance measures and management approaches. As noted above, as traditional owners for these waters we have a cultural obligation to see them managed properly, and we must be included and involved in the management of our waters. We urge the Committee to consider both established and innovative management options. We consider these to be a suitable starting point to discuss with South Coast traditional owners to develop an appropriate governance model and effective management approaches.

In developing a solution to this issue there is an immense opportunity for leadership from and collaboration with the Aboriginal community on the South Coast.

There are a range of management options that could be considered in isolation or collectively, including:

1. Joint management of Marine Parks;

Joint management of Marine Parks would provide an opportunity to address many priority of traditional owners including managing sea urchin barrens. For an example of this management arrangement, I encourage the Committee to look to the [Bardi Jawi Gaarra Marine Park](#).

2. Indigenous Ranger Programs;

Establishing Indigenous Ranger groups through the Commonwealth Government's Indigenous Rangers – Working on Country program provides an opportunity to utilise a two-way approach combining traditional knowledge with training in conservation and land and water management.

For example, an Indigenous Ranger group on the South Coast of NSW would significantly improve on-the-ground management and compliance operations while also increasing skills and offering economic and employment opportunities to South Coast Aboriginal people.

3. Aboriginal-led programs to manage areas affected by Sea Urchin Barrens; and

Aboriginal people on the South Coast of NSW are uniquely and perfectly placed to undertake direct management approaches such as removal of sea urchins and regeneration of barren areas. There are a large number of South Coast Aboriginal people living in the affected areas with extensive diving experience who have very good knowledge of the water off the South Coast. These people have the skills to undertake the kind of work which will be required to address this issue. Many people, particularly young people, would benefit from this kind of meaningful employment and engagement with country.

Joonga Land and Water Aboriginal Corporation, an Aboriginal Corporation established by traditional owners on the South Coast, have trained an Aboriginal dive team for the specific purpose of undertaking research and performing commercial contracts including management of our sea country.

The Committee can see more about the establishment and training of the dive team [here](#).

4. Aboriginal Special Purpose Zones

I have spoken with Marine Parks about the possibility of developing Aboriginal special purpose zones in Batemans Marine Park, and possibly other Marine Parks. I'm proposing a new kind of zoning that would allow recreational fishing, allow South Coast traditional owners to fish commercially, and exclude other commercial operations from the area. The zone would also be managed by Aboriginal people. The zone that we are trying to get in place could then be used as a model for other places.

(c) funding requirements, responsibility, and pathways to better manage and co-ordinate stopping the spread of climate-related marine invasive species;

It is the responsibility of the State and Federal Governments to fund both the governance arrangements for and management of sea urchin barrens. It would be appropriate to direct this funding to a traditional owner led initiative such as those described above.

(d) the importance of tackling the spread of invasive urchin 'barrens' to help facilitate marine ecosystem restoration efforts (such as for Tasmanian Giant Kelp *Macrocystis pyrifera*); and

The importance of healthy sea country to traditional owners cannot be overstated. Healthy sea country and the ability to fish creates immense benefit for Aboriginal people. This includes cultural

values in passing on fishing knowledges, practices and laws, social value such as sharing with family and connecting to country, economic value, and health value.⁴

(e) any other related matters.

Consultation with Traditional Owners forming part of the inquiry

I strongly encourage the committee to specifically consult with Aboriginal stakeholders and native title groups in all relevant areas before concluding the inquiry.

Engagement with native title holders must be sought in addition to, and as a separate exercise to, seeking public submissions to the inquiry. This would improve consultation and engagement with Aboriginal people, and enable the Committee to best incorporate local Aboriginal Knowledge and expertise of land and sea management into the management of sea urchin barrens.

Further, wherever possible this engagement must be undertaken as face-to-face consultation on Country. This is the best vehicle to guarantee the provision of input that is meaningful, powerful, and timely. Personal dialogue will be much more powerful in building relationships between native title holders and the Committee than written communications undertaken remotely.

Exercise of native title rights to hunt, fish and gather

As traditional owners in New South Wales and particularly on the South Coast, it is heartbreaking to continue to see a lack of respect for the exercise of our native title rights and interests and an ongoing pattern of South Coast Aboriginal people prosecuted for fisheries offences despite having the right to do so under the *Native Title Act 1993* (Cth).

Section 211 of the *Native Title Act* provides that Commonwealth and State laws do not apply to prohibit or restrict native title holders from 'hunting, fishing, gathering, cultural or spiritual activity...in the exercise of their native title rights and interests'. This is confirmed in section 104A of the *Native Title Act 1994* (NSW) which outlines that native title rights and interests, including the right to fish, cannot be extinguished by operation of a range of state legislation. It is imperative that the Committee understand this and that it be made clear in any resultant legislation and to all Government employees working in this space. This must also be made clear to the wider community via a concerted public education campaign.

I trust this submission will assist in informing the Committee's recommendations.

I would be willing to give evidence before the Committee should the Committee determine it would be assisted by further information.

Yours faithfully,

Wally Stewart

⁴ Aboriginal Fishing Values of the South Coast of NSW: Community Report for the Livelihood Values of Indigenous Cultural Fishing Project, AIATSIS, February 2018; Luke Smyth, Hayley Egan and Dr Rod Kennett, Livelihood values of Indigenous customary fishing: Final report to the Fisheries Research and Development Corporation, November 2018