

CUSTOMARY FISHING

769. Hon ROBIN CHAPPLE to the Minister for Fisheries:

- (1) Does customary fishing legislation allow for traditional owners to use gillnets, dragnets, throw nets or any kind of net?
- (2) If yes to (1), can this fishing gear be used in sanctuary zones in marine parks in WA?
- (3) Can traditional owners hunt for dugong and turtle in sanctuary zones in WA marine parks?
- (4) If yes to (3), which hunting tools or techniques are allowable?

Hon KEN BASTON replied:

I thank the honourable member for some notice of the question.

- (1)–(2) There is no specific customary fishing legislation under the Fish Resources Management Act 1994. The FRMA exempts an Aboriginal person from the requirement to hold a recreational fishing licence only to the extent that the person takes fish from any waters in accordance with continuing Aboriginal tradition if the fish are taken for the purposes of the person or his or her family and not for a commercial purpose. Apart from there not being a requirement to hold a recreational fishing licence for persons undertaking customary fishing, the laws of general application apply.

Section 211 of the commonwealth Native Title Act 1993 removes fishing prohibitions on native title holders if the native title holders can establish that they are carrying out the activity for the purpose of satisfying their personal, domestic or non-commercial communal needs, and in the exercise or enjoyment of their native title rights.

- (3)–(4) These questions should be referred to the Minister for Environment.