



Hon Tim Mulherin MP
Member for Mackay



**Queensland
Government**

Reference: 07/13572

**Minister for Primary Industries
and Fisheries**

26 SEP 2007

Mr Neil Laurie
Clerk of Parliament
Parliament House
George Street
Brisbane Qld 4000

Dear Mr ^{Neil}Laurie

Thank you for your letter of 9 August 2007 attaching a copy of petition number 855-07 received by the Queensland Legislative Assembly on 7 August 2007.

I have replied directly to the principal petitioner, Mr Jason Murphy, and attach a copy of my letter for your information.

Yours sincerely

TIM MULHERIN, MP
Minister for Primary Industries and Fisheries
Member for Mackay

Att

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Hon Tim Mulherin MP
Member for Mackay

COPY



**Queensland
Government**

Reference: 07/12298

**Minister for Primary Industries
and Fisheries**

Mr Jason Murphy
PO Box 1537
Rockhampton Qld 4700

Dear Mr Murphy

Thank you for your petition received by the Queensland Legislative Assembly on 7 August 2007 concerning Indigenous traditional fishing and the law relating to net fishing in Queensland.

I am aware of the current situation in the Rockhampton area and can assure you that the Department of Primary Industries and Fisheries (DPI&F) is taking appropriate action to review it, both from a legal and operational perspective.

Aborigines and Torres Strait Islanders are governed by the provisions of the *Fisheries Act 1994* except when undertaking traditional fishing. Both State and Commonwealth law is required to provide for the traditional hunting and fishing rights that are an important element of native title. This is reflected in Section 14 of the Act which permits Aborigines and Torres Strait Islanders to take and possess fish, and use fish habitats, in accordance with Aboriginal tradition and Island custom.

Exercising traditional hunting and fishing rights through modern means and in a modern context still remains an exercise of those rights. Cultures, including their traditions and customs, evolve with time, hence the methods of practising them evolve as well.

The purpose of Section 14 of the Act is to allow traditional fishing activities to continue in order to maintain Indigenous culture. It is not intended to allow commercial fishing and the normal provisions of the legislation would apply under such circumstances. Any incidents which clearly do not fall within the scope of Indigenous traditional fishing may be brought to the attention of the local Queensland Boating and Fisheries Patrol or by ringing the Fishwatch Hotline on 1800 017 116 (toll free within Queensland).

The question of Indigenous fishing rights is a complex matter and resolving the current situation in a satisfactory way may take some time.

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It is important to achieve a balance that allows genuine traditional fishing to continue and recognises the need to ensure a sustainable fishery for all sectors of the community. The DPI&F is looking at all available options to ensure that we get this balance right.

If you require any further information regarding this matter, please do not hesitate to contact Ms Jill Pfingst of the DPI&F on telephone 07 3225 1550 or email jill.pfingst@dpi.qld.gov.au.

Yours sincerely

TIM MULHERIN, MP
Minister for Primary Industries and Fisheries
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