Good morning and thank you Dr Emma Lee and the Centre for Marine Socioecology for inviting me to open this workshop on Indigenous Fisheries.

I begin by paying my respects to the traditional and original owners of this land—the Pydairrerme people; those who have passed before us; and in acknowledgement of today’s Tasmanian Aboriginal community, being the custodians of this land.

Today I am wearing this beautiful necklace, made for me by Aunty Patsy Cameron, a trouwunnan woman and, like Emma, a descendant of Mannalargenna. The necklace is made from Maireener shells, Black crows, Oat shells and Toothies.

I thought as a preface to this workshop I would talk a little about shellfish and shell necklaces, the current statutory framework for Aboriginal fishing and the fishing practices of our First People.

Using this necklace as an example, I explored whether or not these shells were protected and if they were, how this fitted in with the statutory scheme to recognise Aboriginal fishing activity.

There is no restriction on shell collection from beaches provided the shell does not contain a living organism. Nor is there a need for a licence for the collection of the shellfish in my necklace. However, a daily bag limit of 20 applies to protect populations of shellfish targeted for shell collections and making necklaces (Fisheries (Shellfish) Rules 2017 rule 14(1)(e)).

Subrule (3) provides that subrule (1)(e) – the bag limit – does not apply to an Aborigine who is engaged in an ‘Aboriginal cultural activity’. So what is an ‘Aboriginal cultural activity’? This is defined in the Living Marine Resources Management Act 1995, s3.
It means:
(a) non-commercial use of the sea and its resources by Aborigines;
(b) the taking of prescribed fish for the manufacture of artefacts for sale;
(c) manufacturing of the kind referred to in (b).

What are ‘prescribed fish’?
Here we need to go to a different set of regulations, the *Fisheries (General and Fees) Regulations 2016*, r 21 which sends one to Schedule 5 of the Regulations which has a list of shellfish which included Black crows, Maireeners, Oat shells and Toothies. So there is my answer, the sea fisheries legislation allows Aborigines to collect these shellfish for making necklaces and they are not limited to taking twenty shellfish in a day bag limit.

Necklace making is an unbroken cultural tradition of Tasmanian Aboriginal women, representing identity, creativity and survival. Archaeologist Rhys Jones found a cremation within a cultural living place dating back at least 2000 years containing shells that had been pierced for a necklace. Early European explorers remarked on the beauty of these necklaces. French botanist Jacques Labillardière, a member of the Bruny D’Entrecasteaux expedition of 1791-1794 observed women wearing ‘strings of pearly blue spiral shells on the bare heads’. After colonisation, necklaces were sold or exchanged for food, clothing and other essential supplies. At the Furneaux museum on Flinders Island I saw an amazing collection of necklaces that had been traded with the Bowman family business from the 1920s. And ninety year-old Aunty Dulcie Greeno began making shell necklaces as a child on Flinders Island and remembers her grandmother and aunties making them. The Maireener shells are collected from kelp and are picked directly from the sea. Traditionally they were pierced with a tool made from a jawbone and a sharpened lower incisor of a kangaroo or wallaby. They were then threaded on a string made from sinews or natural fibres, smoked over a fire and then rubbed in grass to remove their outer coating and reveal the pearly surface.

The exemption for Aboriginal cultural practices in the legislation goes beyond gathering shellfish for necklace making. Many forms of fishing require a licence to set certain gear or to take types of fish. Rock lobster pots for example, require a licence, even for recreational fishers. However, lobster pots do not need to be licensed for Aboriginal fishing but, along with all lobster pots, they do need to

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1 ‘Tasmanian Aboriginal shell necklaces’ National Museum of Australia,
2 Above n 1.
3 Above n 1.
be identified with a unique identifying code (IUC) which is issued to a person for life and does not need to be renewed.

Abalone and scallops cannot be taken without a licence but there is an exemption from obtaining a recreational licence for Aboriginal fishing, although the other rules re bag limits, size and seasons apply.

And some shellfish (limpets and elephant snails) are completely protected, with a total prohibition on taking them but with an exemption of Aboriginal activities (Fisheries (General and Fees) Regulations 2016, r 15(1)(2)).

Aboriginal fishing as conceived by the legislation is confined to non-commercial fishing, with the exception of gathering shellfish for necklace making, as the definition of ‘Aboriginal cultural activity’ in the LMR Act indicates. Emma Lee’s description of these traditional activity exemptions as ‘low hanging fruit that has been picked’ is apt. Joint management in the Tasmanian Wilderness World Heritage Area is a significant advance on this.

Hilary Burden has written:

‘It is tragic how little Tasmanians know about their immediate past other than through endless re-writes of the “The Black War”. We seem to be capable of only remembering what we did to Aboriginal people, not who they were before the genocide, or how they lived their lives’.

And she quotes poet and historian Greg Lehman who says,

‘The challenge is to create new ways of approaching the subject without going into a colonial foetal position’.

From accounts from the Bruny D’Entrecasteaux expedition and its two sojourns at Recherche bay in 1792 and 1793 there are some interesting observations about how the Aborigines lived. During the first sojourn the Aborigines did not reveal themselves and avoided contact. However, during their explorations two members of the crew reported seeing huts and a bark canoe on Bruny Island.

During the second sojourn the Aborigines allowed contact and there were five meetings with them, three initiated by the Aborigines. At the third meeting the

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Lylequonny women were seen diving for lobster and shellfish and it was noticed that they remained underwater for long periods and that they used wooden spatulas to scrape shellfish off the rocks under the water. They returned when their rush baskets were full, threw the lobsters directly onto the cooking fires and boiled the other kinds of shellfish.⁶

This project is a new way of approaching the subject of our relationship with our Aboriginal people. It can illuminate for us how Aboriginal people lived their lives. And the idea of developing a new cultural fisheries industry with opportunities for Aboriginal engagement and power sharing in sea country management is I think an inspired one and one that provides opportunities for ‘retrieval, recovery and revitalising of cultural practices’⁷. So I have great pleasure in opening this workshop and taking part in it this morning.

Thank you.

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⁶ Dianne Johnson, Bruny D’Entrecasteaux and His Encounter with the Tasmanian Aborigines: From Provence to Recherche Bay, Blue Mountain Education and Research Trust, 2012, 53, 64