

Department of Transport

By email: fisheries.regulations2019@transport.vic.gov.au

FISHERIES REGULATION REVIEW SUBMISSION

To Whom It May Concern,

VRFish has undertaken a consultation process across its membership and provided an opportunity for all Victorian recreational fishers to have their say through an online survey promoted to our email database of 53,000 subscribers, website and social media. A total of 668 responses to the survey was received.

What we have found is that recreational fishers support the need for regulations to underpin the sustainability of our fish stocks and the quality of our fishing experiences. There is a strong signal we want rules to be easily understood, where possible consistent, and in practical terms of application and enforceability. Fishers regularly comment on their support for Fisheries Officers and many believe there should be an increase in numbers, as well as larger fines for offenders breaking the rules. Fishers want to see that fisheries management decisions are based on science and evidence.

The Fisheries Regulations is a key piece of legislation that governs how we fish. Every 10 years should be the catalyst for a wide-ranging discussion and review in conjunction with our sector to ensure legislation is fit for purpose for the next 10 years. In representing the interests of the recreational fishing sector, the review of such legislation should be the most important processes VRFish engages with.

How our fishery should be managed and regulated is of high interest to recreational fishers. Our expectation is a thorough and well-planned engagement process was required so that modifications and improvements can be scoped, discussed against expert advice and refined before legislation is drafted and final consultations occur. The review and consultation process could have been substantially improved through much greater participation of recreational fishers. A panel of recreational fishers should have been established to identify the areas that needed improvement and a subsequent discussion paper prepared to outline the current science, generate discussion and collect new ideas. There is also a range of tools the such as Engage Victoria website and leverage collaborative and co—design processes that other Government agencies are employing. One could conclude the path of least resistance was taken with this review.

Allowing 5 weeks to consult with our recreational fishers without this background work and discussion as proposed above has been difficult. As one recreational fisher

***Let's make fishing
better, for everyone.***

commented “I need a university degree to understand this”. The ‘fact sheet’ information designed for so-called community engagement lacked the detail for recreational fishers to understand why these recommended changes were required.

It’s clear to VRFish further reform processes are required as outlined to our correspondence to the VFA in February 2019. For example, we have presented clear evidence recreational fishers want to have a discussion about catch limits. Other reforms around recreational fishing licensing system and supporting the Charter Industry was suggested.

Government can no longer ignore our highly valued Charter Industry requires a level of support and management so that it can reach its fullest potential. We don’t know how many operators there are, we don’t know how many customers they are servicing, and we don’t know what they are catching.

For VRFish’s consultation encompassed:

1. gaining insights into the 20 proposed changes
2. we put forward to recreational fishers some other suggestion that were being raised to VRFish by recreational fishers to determine a level of support
3. we provided recreational fishers an opportunity put forward other ideas they felt was important. These have been presented as a summarised raw list.
4. VRFish has also been running a concurrent survey on the recreational fishing management of the Gippsland Lakes and preliminary results have been presented relating to regulations.

Specific Responses to Recommended Changes for Recreational Fishing

1. [The salmonid closed season for Mt Emu Creek and the Moyne river will be removed to allow fishing year-round.](#)

Many anglers were not familiar with the Moyne River or Emu Creek, nor the reason behind the proposal hence attracting a 54% neither agree or disagree response from our survey.

As the VFA were aware 4 rivers including the aforementioned waters and the Merri and Hopkins Rivers were all supposed to be included in a 2017 Fishery Notice following a proposal sponsored by VRFish. The Fishery Notice only ended up containing the Hopkins and Merri River. All the available scientific evidence suggests these trout fisheries are reliant on stocked fish hence there is no need for a spawning closure. We did hear that some fishers supported the concept of a closed season to ‘reduce pressure’ on our fish stocks or ‘give them a rest’. In the context of the south west, during winter months other fishing opportunities can be limited elsewhere due to weather. Having this fishery opened during winter is important for the overall cycle of fishing. The opening of the Merri and Hopkins Rivers to year-round trout fishing has been successful and has not resulted in a decrease in fishing quality. Other fishers preferred the convenience in having consistent statewide rules while other fishers did not believe the trout should be stocked as it’s an introduced species. Some fishers are adamant that breeding does occur, and the science is incorrect.

Proposed change is supported because the VFA have determined that these rivers are reliant on stocked fish and can be important winter fishery for south west fishers.

2. Offences relating to fishing in or on Ryan's creek between Loombah Weir and McCallsay Weir (near Tatong) will be removed (access to these areas may be restricted by the relevant land manager).

This proposal was very specific with many anglers not knowing the area or the current situation. Understandingly there is high support for increased access to all our waterways as they are considered a community resource. Further work should be undertaken to allow access by the relevant land manager.

Proposed change is supported and work should commence with the land manager to secure access.

3. The catch limit for bass yabby (shrimp) (currently 100 bass yabby) will be replaced with a volume limit of 0.5 litres.

Many said it would be easier to understand and measure and only 16% of survey respondents said they disagreed. Although it was assumed, the recommendation should have stated how many bass yabbies on average would equal 0.5L. Some stated a volume may encourage the take of smaller bass yabbies and therefore the take of more bass yabbies. Fishers wanted to know how 0.5 litres would be measured and what container should be used. Some fishers did not have a problem counting 100 bass yabbies while others thought 100 was too high and should be reduced to 75 or 50.

Proposed change supported.

4. The catch limit for goatfish (fish of the family Mullidae) will be increased from 5 to 20.

This recommendation polarised recreational fishers with 27% of fishers disagreed, while only 20% supported the recommendation. Recreational fishers questioned 'Who needs 20 goatfish?' and that, "surely 10 is enough" or "5 was plenty". Some wanted to know what the stock status for goatfish was and whether moving to 20 was indeed sustainable. The consideration of increasing the bag limit of goatfish is hardly a burning issue for recreational fishers and our survey demonstrates some recreational fishers believe a 20 goatfish bag limit is excessive.

Recommend the VFA verifies the stock status of goatfish and a revised bag limit of 10 goatfish is introduced as our consultation concluded recreational fishers felt a 20 bag limit is excessive.

5. The catch limit for sea urchins will be increased from 20 to 40.

This was another recommendation that polarised the views of recreational fishers. 32% of fishers were supportive, while 28% disapproved. Fishers questioned the reasoning for this increase, while others were aware that urchins were in plague proportions in some areas of Victoria. Fishers were looking for scientific evidence to support this change. Other fishers expressed the concern that doubling the bag limit is encouraging people to take more leading to potentially selling them.

This proposed change is supported on the basis that some sea urchin species are overpopulating and are overgrazing marine habitats. An increase in recreational bag limit will not solve this issue so this should be made clear.

6. The catch limit of Macquarie perch in the Yarra River will be reduced to zero to help this species recover in this location.

Recreational fishers gave an 83% support response for a zero bag limit. Fishers were enthusiastic that whatever action is necessary should be taken to recover the species. Rather than a zero bag limit some fishers suggested promoting the fishery as a catch and release fishery. Fishers were wary in agreeing to a zero bag limit without some recovery target or timeline being set for when harvesting can recommence. Fishers wanted to see enhanced restocking programs for Macquarie Perch in the Yarra River.

This proposed change is supported on the basis a recovery plan is developed actions are undertaken with the view of setting targets for the re-opening the fishery. VRFish wants to see recreational fishers still fishing the Yarra and engaging with the recovery of Macquarie Perch.

7. The catch limit for river blackfish (including two-spined blackfish) will be reduced from 5 to 2 and the size limit will be increased from 23cm to 30cm to help this species recover to more sustainable population levels.

Recreational fishers gave an 85% support response for the reduction in the bag limit and increase in the minimum size limit. Again, recreational fishers felt recovery was a priority however wanted to see a recovery timeline implemented. Fisher have seen a decline and suggested more catch and release and wanted to see restocking of the specie(s).

This proposed change is supported on the basis that a recovery plan for blackfish is developed, including re-stocking. These species are susceptible to deep-hooking so may have limitations as a catch and release species.

8. The list of family fishing lakes will be updated (these lakes have no minimum size limit restrictions or closed season for trout and salmon to improve the fishing experience for families). New lakes will be added (e.g. Ferntree Gully Quarry) and some removed to reflect the current areas where stocking occurs.

Recreational fishers gave an 83% support response. Fishers like the concept of family fishing lakes to get more families outdoors and kids off iPads. Some fishers strongly wanted to see bag and size limits applied to these waters to prevent people taking more than they need. Fishers also felt the principles of sustainable fishing, including the application of minimum size and bag limits, should be promoted in these waters.

Proposed change is supported.

9. The term 'southern rock cod' will be defined as species of the genera *Lotella* and *Pseudophycis*. This means species such as red cod, bearded rock cod, large tooth beardie and slender beardie will have a minimum size limit of 23 cm and a combined catch limit of 20 fish per day.

Recreational fishers gave an 61% support response. Many fishers were not aware of the species listed while others stated the eating quality of the species is poor. Again, fishers raised concerns that a bag limit of 20 is excessive and that in reality it would be highly unusual to catch a number approaching 20. Fishers suggested the bag limit should be much lower than 20.

This proposed change is supported. An administrative change and not a priority species for recreational fishers.

10. [Tarwhine will be included in bream size and catch limits to remove any confusion regarding fish identification.](#)

Recreational fishers gave an 78% support response. Fishers were again supportive of keeping the rules simple and consistent.

This proposed change is supported on the basis of consistency.

11. [Clarify the bag limit for swordfish and marlin as a combined one fish per day.](#)

Recreational fishers gave an 81% support response. Some fishers added that big game fish need to be protected and should be catch and release only. Implementing a boat limit was also suggested.

This proposed change is supported.

12. [Allow the use of barbed flying gaffs \(with a hook\) for game fishing.](#)

Recreational fishers gave a 35% support response, with 41% neither agreeing or disagreeing and 24% disagreeing. This recommendation suffered from not enough background information being provided. Some recreational fishers who responded were not aware why this type of gaff is required and were supportive of catch and release techniques. Others thought there was better ways of getting the catch in the boat while other were concerned it may be too dangerous if operated too close to people.

To clarify, gaffs are only going to be used in situations where the intention is to take the fish for harvest. What this is trying to avoid is people using barbless gaffs which can result in fish not being landed or being injured by a poor gaff attempt and escaping to potentially die. This should also result in shorter fight time and less stress on the fish.

This proposed change is supported. This a specific piece of equipment used when fishers want to retain their catch they can do so safely and efficiently.

13. [Allow hand-held spears with more than 2 prongs and barbs to be used \(where hand-held spears are currently permitted\).](#)

Recreational fishers gave a 58% support response. Fishers felt that there was not much point in hand spearing under the current regulations and that they are too restrictive and confusing. Spearfishers only spear fish they intend to take. Fishers expressed that without barbs on spears there was a much higher risk of wounding a fish that could escape with injuries or/and potentially die.

This proposed change is supported.

14. The tethering of fish will be prohibited. This means fish will no longer be permitted to be placed on stringers (keeper nets will continue to be permitted).

Recreational fishers gave a 68% support response. Broadly, fishers thought fish should be either released quickly if unwanted or killed humanely and stored on ice for human consumption. Spearfishers unequivocally stated they use fish stringers/tethers to hold their catch on dive floats, as catch bags cause too much drag in the water or large species such as kingfish cannot fit. The intention of the proposed change was not to impact spearfishers. Therefore, the wording of the regulations must not inadvertently affect the holding of dead fish such in spearfishing, holding game fishing species and live baiting. A definition of 'tethering' should be developed.

Prior to the proposed change being support the wording of the regulations needs to be re-visited to avoid any unwanted consequences as outlined above.

15. The recently introduced prohibition on the use of opera house nets for yabbying in private waters (currently effected by a Fisheries Notice), will be transferred into regulation.

Recreational fishers gave a 56% support response. Some fishers were not supportive of regulation of private waters and felt Government were overstepping the mark. Others were disappointed they were not able to swap over their opera house nets as part of the VFA program. It would have been valuable to explain that the statewide prohibition through the inclusion of private waters, was a means to the end to get illegal fishing gear off store shelves and online outlets. Our understanding is that Government has no intention to search private properties and should continue its education campaign about the impact to air breathing wildlife and further reassure landholders.

Proposed change is supported.

16. Persons who identify as Aboriginal or Torres Strait Islander will no longer need to obtain a Recreational Fishing Licence (where an existing exemption does not apply and subject to all other restrictions that apply to recreational fishers).

Recreational fishers gave a 56% disapproval response. Fishers strongly advocated for equality stating that every person regardless of their race or ethnicity that fishes should be licensed and pay a fee. Others questioned how are Fisheries Officers going to determine whether someone identifies as Aboriginal or Torres Strait Islander and whether Aboriginal people still needed to follow the same recreational fishing

regulations. Others supported this only on the basis that only traditional equipment and methods would be used.

In its current form, this suggested change has a high risk of causing animosity and conflict which we believe must be avoided. VRFish believes that recreational fishing is a useful tool to support reconciliation with Aboriginal and Torres Strait Islander people. This response is indicative of not having a proper engagement process with recreational fishers to better acknowledge Aboriginal and Torres Strait Islander custodianship of Country. It is also indicative of confusion around recreational fishing and customary fishing.

17. The requirement to carry an abalone measuring instrument when recreationally taking abalone will be removed (existing size limits will continue to apply).

Recreational fishers gave a 44% disapproval response and only a 33% approval rate. Fishers strongly stated that abalone should be measured first before being taken off the rocks. It was questioned why this recommendation was even suggested. Others stated it was not at all difficult to adhere to the current regulation and in fact encourages people to do the right thing. Fisher do not want to see this change open up excuses for people taking undersized abalone and putting Fisheries Officers in challenging positions.

This proposed change does not have a strong support by recreational fishers. This is not supported by VRFish on the basis that fishers believe a measuring device should be carried so that abalone can be measured prior to them being taken from the rocks. Abalone are unable to clot their blood if they are injured which supports the need to have a measuring device to measure an abalone prior to taking it off the rock.

18. The amount of berley used in Port Phillip Bay, Western Port Bay, Gippsland Lakes, any inlet of the sea or within 1 nautical mile of the coastline or any island will be limited to 10 litres (outside these areas, there is no restriction on the amount of berley that can be used).

Recreational fishers gave a 55% approval rate. Some wanted clarification if this limit was per boat or per person. Some questioned whether this is an actual problem and how can this even be enforced. One fisher added burley is sold in 20 litre buckets. On a practical note, fishers added the current regulations are too restrictive particularly when moving to several different spots to find fish and having to burley up each time. This can be common practice over the duration of a full day's fishing trip.

This proposed change is supported.

19. A new offence will be created for defacing or interfering with a fisheries-related sign (e.g. a sign erected by the VFA to detail catch limits).

This received an overwhelming 90% approval rate from recreational fishers. Some assumed that other laws would cover the defacing or damage to Government property including signage.

This proposed change is supported.

20. A number of rules currently set out in Fisheries Notices will be transferred into the proposed regulations, including those relevant to the management of Murray cod, Murray spiny freshwater crayfish, rays, golden perch, trout cod and trout. The rules specified in each notice (e.g. bag limits and size limit) will not change.

Recreational fishers gave a 75% approval rate. This recommendation covered a large range of diverse Fishery Notices. Some fishers disagreed with the Ray Notice as there is no scientific evidence to support it. As this was a fairly new notice (2017) this should have been presented as a separate proposal. Some noted that trout cod and spiny crayfish needs adjusting, that different rules for golden perch in Victoria and NSW creates problems and even more restrictions should be placed on Murray cod.

Proposal supported. For rays, VRFish recommends education over legislation. The Ray Notice should remain as a Fishery Notice so that it can be better evaluated for its effectiveness and take into account a new shark and ray education program planned in 2020.

VRFish also tested the waters on a selected number of suggestions also raised by recreational fishers. It should be again reiterated that recreational fishers did want to review the bag and size limits for many species.

1. Would you support a reduction in the bag limit for Mulloway from 5 to 3, and an increase in the minimum size from 60cm to 70cm?

Recreational fishers gave a 71% approval rate and a 10% disapproval rate. Some fishers wanted to see the science behind the 'uncertain' stock assessment for Mulloway. Most fishers supported the reduction in the bag limit but not an increase to the minimum size. Fishers raised concerns of the impact of Charter Operators on the Glenelg River targeting Mulloway.

Based on the response in our survey and direct engagement with anglers targeting Mulloway, VRFish recommends the reduction in the bag limit of mulloway to 3 fish but the current size limit is retained at 60cm.

2. Would you support a reduction reduce the number of rods/lines that may be used off land-based structures (jetties, piers) from 4 to 2 per person?

Recreational fishers gave this suggestion a 78% approval rate and a 15% disapproval rate. Fishers were very supportive and vented their frustration at situations where only a few people are dominating the pier or jetty with many fishing lines. It was noted this is a real issue and it is becoming harder to access good spots. Some noted this would be consistent with inlands rules of 2 fishing lines/rods. Some encouraged the continuation of building more fishing structures to spread fishers out. Those fishers that were not supportive put forward their preference was to fish for multiple species at the same time such as snapper, garfish and calamari. Other comments included it was hard enough to catch fish from piers and jetties and 4 rods/lines increases those chances. Others believed that access should be on a first come best dressed basis and have the right to hold that spot on the pier or jetty. Those fishers

that were supportive argued that 2 fishing rods/lines used at any one time is sufficient, you can't watch 4 rods at once properly, you can lose catch opportunities and staking out large areas is selfish. Some fishers were concerned that the current regulation of 4 fishing rods/lines is poorly enforced.

Based on the response in our survey and direct engagement with anglers VRFish recommends the number of lines/fishing rods be reduced from 4 to 2 per person.

3. [To better share the available catch of flathead would you support a decrease in the bag limit from 20 to 10 for flathead species \(except dusky flathead\) in Port Phillip Bay?](#)

Recreational fishers gave this suggestion a 69% approval rate and a 21% disapproval rate. Some recreational fishers felt that we needed to improve the flathead fishery in Port Phillip, address fishing pressure and would result in better sized fish available. Others suggested they wanted to see the minimum size increased to 30cm rather than a bag limit reduction. Those not supportive of a bag limit reduction felt there was no need for a reduction as there was 'plenty' out there and it would not be worth going out fishing for just a bag limit of 10 flathead. Some wanted to see the science before changes to regulations.

VRFish recommends that reviewing the bag limit for flathead species is undertaken in conjunction with the analysis of VFA's available data on the species.

4. [Would you support VRFish to advocate to the Victorian Fisheries Authority for a review of recreational fishing catch limits that takes into account all the available science and what recreational fishers believe is a fair and reasonable day's catch?](#)

Recreational fishers gave this suggestion an 81% approval rate and only a 6% disapproval rate. Fishers again reiterated the need to be evidence-based and not based on opinion. Boat limits were raised as a management tool that should be considered.

VRFish recommends that the Victorian Fisheries Authority works with VRFish to commence a review of the recreational fisheries management catch limits in 2020.

5. [Would you support VRFish exploring better ways to optimise our recreational abalone fishery and present some options to build a better and sustainable fishery?](#)

Recreational fishers gave this suggestion an 74% approval rate and only a 3% disapproval rate. Fishers felt abalone was a shared resource and a better balance could be struck between the commercial and recreational fishing sectors while ensuring sustainability. Some fishers expressed their frustration that they were unable to catch abalone as they did not have free time on weekends while another commented they choose to dive weekdays as there is less boat traffic. Another commented that illegal fishing is a far bigger problem that recreational fishers.

VRFish recommends the Victorian Fisheries Authority works with VRFish to undertake a review of recreational abalone management arrangements and present several options for consideration.

6. [Would you support the removal of the regulation that it is illegal to tag or mark fish to enable a greater uptake of 'citizen science' programs involving anglers?](#)

Recreational fishers gave this suggestion an 63% approval rate and a 10% disapproval rate. Fishers were supportive provided that the correct procedures and training was followed, was part of recognised study and was under the guidance of Fisheries. Fishers that disapproved believed that tagging studies should be down by trained professionals and not a member of the public.

VRFish recommends the regulation is removed and Victorian introduces a new process and procedures based on how other Australian States operate.

Gippsland Lakes

A concurrent survey conducted by VRFish on the recreational fisheries management of the Gippsland Lakes is yielding valuable insights that will be provided to the Victorian Fisheries Authority.

Preliminary results demonstrate a strong support for:

- increasing the minimum size limit for black bream to 30cm
- setting a maximum size limit for black bream at 40cm
- reducing the bag limit for black bream to 5
- setting a possession limit for black bream
- reviewing all species bag and size limits

Summary of other suggestions raised by recreational fishers relevant to the Fisheries Regulation review

A range of further suggestions and ideas have been produced by recreational fishers through our survey and directly to VRFish. These are listed below. They have been summarised and **not vetted** to demonstrate what is of high interest to recreational fishers and not been sufficiently addressed in the review process for the Fisheries Regulations.

- A review into bream and estuary perch regulations
- Open up areas to trout cod fishing, such as the Ovens River
- Black bream should have a slot limit, bag limit reduced and minimum size limit increased.
- Size limit for whiting should be increased to at least 30 cm.
- Size limit for snapper should be increased to at least 30 cm.
- Snapper bag limit should be reduced to 6 (with no more than 2 fish equal or exceeding 40cm in length)
- Size limit for flathead should be increased to at least 30 cm.

- Gummy and school shark size limit increased to 60cm from base of trail to last gill
- Review spiny crayfish regulations
- Increase the daily catch of southern rock lobster from 2 to 4 per person.
- Snares should be legal to take rock lobster to reduce damage to legs and antennae.
- Increase abalone dive days
- Re-open the fishery for blue groper such as 1 fish limit between 30-80cm.
- Open up further areas to trout cod fishing
- Spearfishers should have greater access including in inland waters
- Minimum size limit of 42cm for Hepburns Lagoon should be removed as the water management of the storage is no longer supporting a quality trout fishery
- Additional impoundments such as Cairn Curran, Lake Charliegrark, Taylors Lake and Rocklands should considered be to open year round to Murray cod, if found that natural spawning does not occur.
- A size limit introduced at Lake Purrumbette for chinook salmon and brown trout to manage the fishery for larger fish.
- One large Southern bluefin tuna per boat per day
- One license for the Victoria/NSW boarder regions
- Raise minimum size limit for silver trevally
- Bag and size limits for trout, including catch and release only areas
- Calamari bag limit should be raised to 15.
- Allow taking mussels from pylons
- Commercial fishing should be banned at Port Welshpool
- Introduced blanket RFL for charter boats to aid with identification, legislation and reportability.
- Better definitions for boundaries of marine water and inland waters
- Better definitions for the boundaries of river and impoundments.

Please contact the VRFish if you require any further information or would like to discuss our submission.

Yours sincerely,



Rob Loats
Chair
Victorian Recreational Fishing Peak Body

30 October 2019