

FISH RESOURCES MANAGEMENT AMENDMENT REGULATIONS (NO. 8) 2003

Motion for Disallowance

MR M.G. HOUSE (Stirling) [4.58 pm]: I move -

That this House disallows the Fish Resources Management Amendment Regulations (No. 8) 2003, a copy of which was laid upon the Table of the House on 15 October 2003.

I was a little surprised when I first saw this raft of regulations published in the *Government Gazette*, because I was aware that a consultation process had begun with some members of the fishing industry. I was also aware that that consultation process had not been completed, particularly with recreational fishing advisory groups in regional Western Australia. Although that surprised me, equally I was not surprised when I read the regulations. Having held the post of Minister for Fisheries in the previous Government, I first had the proposed regulations, those accepted by this Government, put in front of me back in 1993. On every occasion, probably on an annual basis, that the Department of Fisheries and some of the recreational fishing lobby - I will come to that area in detail in a moment - approached me, I asked them to demonstrate that these regulations could be implemented in a practical and sensible way with no discrimination against any sections of the community. They were never able to do that.

I make it clear that although I have moved to disallow all the regulations - that appears to be the way the debate will pan out - I and most of my colleagues have no disagreement with the regulations that reduce the bag limits or those that increase the size of fish permitted to be caught in certain categories. Largely, other parts of the regulations could be debated, but in the interests of sensible fish resource management, they are broadly accepted by the recreational fishing community. I raise three particular issues: First, filleting at sea, as outlined in regulation 8; second, the possession limit, which is contained in division 3 and regulations 16D, E, F and particularly G; and, third, division 4 and regulation 22 on the labelling of fish. Those three issues concern me most in their practical application and sensible management.

The State had in place a very good system of fisheries management underpinned by a very cooperative series of consultative groups in the recreational fishing areas. In my time, there were nine of those regional groups. Give or take one or two, these were based in regional locations and made up of local people. In most cases, they contained professional fishermen and people from the recreational industry, such as people from tackle shops. In some cases, people running charter boats were involved. These people had a working knowledge of recreational fishing in the area. Advice from these groups was fed back to the centralised body established under the Fish Resources Management Act, known as the Recreational Fishing Advisory Committee, to give advice to the minister. My understanding is that sometimes the peak body acts independently of the regional bodies. I understand that the minister may not be aware that the regional bodies had not completed their assessment of his proposals before the regulations were introduced. I may stand corrected, but that was the information I received at some briefings.

A number of people on the peak body and people involved in recreational fishing in the metropolitan area have wanted these regulations brought in for at least 12 years. Finally, they have been successful. I have to say, clearly, that they take a selfish attitude to that issue when the regulations are applied to people in regional and rural Western Australia. I represent and speak tonight on behalf of those regional people. I am sick of them being discriminated against; I have had a gutful of it. It is another example of a city-centric decision impacting on people in regional and rural areas. I refer to people who advise the minister and those who write columns and are involved in publishing magazines, and those in sporting fishing clubs around the metropolitan area who primarily fish in the metropolitan area and, therefore, do not pay any heed to what happens in rural areas. The crux of the matter is that the minister must seek advice from the regional advisory committees. The new regulations came in only a couple of weeks ago. When the holiday season starts over Christmas and the average recreational fisherperson becomes aware of the regulations, a little crisis management will be needed. I want to stand right alongside my constituents in supporting them in a practical application of sustainable recreational fishing. I do not support nonsense regulations that suit people who live in one part of the State.

I will go through the three issues in detail. I start with the filleting of fish at sea. Under the proposals, people will not be allowed to fillet fish at sea. In fact, people will not even be allowed to fillet fish with no size limit on them. No size limit applies to herring, but they may not be filleted at sea. Why not? The regulation was brought in without a lot of thought. A size limit does not apply to a number of fish in the bread and butter category. A limit applies on the number of fish caught - nobody disagrees with that - but there is no reason for not filleting the fish at sea. In the case of fish with an applicable size limit, the purpose of these regulations apparently is to allow a fishery inspector to determine that the fish caught was of a legal size. If that is the case, why have a regulation that states that a person who stays at sea for 48 hours, or is camped out on an island on a fishing trip, can fillet fish? For example, people could leave Albany and camp on Eclipse Island for two nights,

and they could fillet their fish. There are plenty of examples of people with private boats staying at sea for more than 48 hours. The regulations state that inspectors must check the fillet sizes.

There is a way of solving the problem without creating another problem. What is the problem created? There are a couple. First, all those heads, frames, backbones and whatever else must be brought back to a centralised boat launching ramp. Let us take the example of Hopetoun. Hundreds of people stay in the caravan park there, and everybody will bring back the fish whole and fillet them onshore. They must do something with the frames. They could throw them in the water near the boat launching ramp, which is about the only place that can be done by the sea, but that will attract sharks and stingrays. This happens to be close to where swimming lessons are held. Hopetoun is one example. Plenty of others can be found. On some days, dozens of frames will be thrown back, which will attract sharks and stingrays to where people swim. If people do not throw the frames in the water, they will put them in the caravan park bins. Such bins are picked up once a week by most local authorities. Therefore, stinking fish heads and frames will sit in bins for a week in caravan parks and holiday homes all over Western Australia. I can imagine the hue and cry from the health inspectors.

However, this is a solvable problem. The regulations state that a fillet size is permitted if a fisherperson stays at sea for 48 hours or more, but not if he stays at sea for less time. It is a solvable problem and it is unnecessary to impose it on people. The regulations are not a practical solution; they solve no problems at all. I urge the Government to have another look at this issue to make sure it is more sensible about it. The legal size for a jewfish, from recollection, is 50 centimetres. If someone catches a fish that is just 50 centimetres and decides to keep it, he can by measurement regulate the fillet size. That is already done for the 48-hours provision. If someone fillets the fish badly, that is his problem. If the fisheries inspector finds him with a fillet that is not the legal size, he will charge him, and rightly so. I have no objection to that. If someone feels that he cannot fillet the fish and get the maximum sized fillet from it, he should not fillet it but bring it back whole. He has an option.

Subsection (1)(a) states that a person on a boat must not be in possession of a fish other than whole fish or must not bring ashore a fish other than a whole fish. People buy bait fish that are cut up by professional fishermen. Salmon and herring are good examples. I again make the point that people are not allowed to bring them ashore unless they are whole, but they can process them on shore, as many professional fishermen do, and then sell them in pieces, as can be seen in many bait shops. If a recreational fisherman were to buy those and take them out on a boat, he could technically be charged. The danger is in the administration of this legislation. We must take into account that it could occur.

Commercial fishermen are exempt from these regulations. Section 3(1)(a) does not apply to fish taken for a commercial purpose in accordance with authorisation. For some reason the Government obviously has the view that commercial fishermen do not have to comply with the same regulations. It is an interesting differentiation, and I would like to hear the minister's reason for that.

I want to dwell for a minute on the point I made about fillet sizes. Proposed paragraphs (b) and (c) of regulation 16B(1) clearly set out what the length of the fillet must be and clearly state that the skin or the scales must be attached to the fish so that the fish can be clearly identified. I am sure that 90 per cent of recreational fishermen would know the fish they are catching. If they do not, they have the option of leaving a fish whole so that they do not contravene the Act. If they are sure, they can fillet it but leave the skin and the scales on so that it can be clearly identified. There are therefore options.

I want to give another example of what might happen with regard to possession limits. Regulation 16D(1) sets out the possession limit. People are allowed a certain number of fish. Nobody objects to that. It is detailed in the number of fillets and the number of whole fish a person can have or there can be a two-day bag limit of whole fish and a possession limit, which is something that has been proposed for some period of time and never been accepted. This is where this legislation is quite discriminatory. If someone lives on the coast, he can accumulate the possession limit every day and he will still comply with the law. He can go fishing every day, catch the maximum amount of fish, put it in his freezer or fridge and not break the law, and rightly so. These regulations do not apply to a person's place of residence. What about somebody who goes to the coast for three weeks holiday, goes fishing three or four times, catches the maximum amount of fish and packs up to go home to his farm or residence inland? The moment he puts them into his vehicle he contravenes the provisions of the legislation and can be prosecuted. He has complied with all the other laws and done everything right. He has complied with the regulation relating to the number of fish he can catch. However, all of a sudden, because he wants to transport them, he can be apprehended by a fisheries officer for breaking the law. That is entirely discriminatory. It means that people living near the coast have a huge advantage over those of us who live inland and might go fishing two or three times a year but stay an extended period of three or four days at a time. The people from these peak bodies who advise the minister may live in the metropolitan area and not take much account of those people who live in places like Newdegate, Lake Grace, Mullewa, Moora or Wongan Hills.

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When we look at the regulation and think of filleting at sea or possession limits and put the two together, we find that a number of practical problems come into play. If someone pulls in at a boat launching ramp, cleans his fish and puts them back in his vehicle to transport them to his place of residence, in the time between leaving the boat launching ramp and arriving at his place of residence he would be committing an offence simply because he had cleaned the fish back at the boat launching ramp. I might say in passing that a number of fish cleaning facilities are now being installed. They are a great idea provided we do not mind those heads and frames remaining and attracting sharks to an area where people are swimming and diving and where kids are taking swimming lessons. It is not a pleasant idea, but unfortunately that is what will happen.

The problem must be resolved practically, because a fisheries officer could prosecute people. The moment someone processes the fish, whether he does it on the shore or at a facility, he must label every fish. Proposed division 4, regulation 22(1), states that a person who packages or stores fish, other than at the person's principal place of residence, must ensure that a label as described in subregulation (2) is securely attached to each package containing fish and to each fish that is stored other than in a package. The penalty for not doing so is \$5 000. For the purpose of this subregulation the label must not be less than 75 millimetres in length and 25 millimetres in width. It must have legibly written on it the full name of the owner of the fish or the package to which the label is attached.

The person who is driving the vehicle will become responsible even if he has taken five or six blokes out fishing. In the absence of proof to the contrary, he will be the person who is alleged to have taken the fish. Therefore, not only does he have to clean the fish at that particular point, but he must have bags and labels. I do not know how many members have been fishing and tried to stick labels on a plastic bag when they have been filleting fish and their hands are wet. It is a fairly difficult exercise.

Mr F.M. Logan: You can wash your hands afterwards.

Mr M.G. HOUSE: You can.

Mr B.J. Grylls: The member for Cockburn has had fish on his fingers before.

Mr M.G. HOUSE: The member for Cockburn told me some time ago that he was not much of a recreational fisherman, so he has probably not faced the problem.

The regulations raise another issue. While at the packaging point, if someone decides to cut a fish into sections - in other words, he catches a large snapper and wants to cut it into pieces to package it - each piece is regarded as a fish. If the fillet is cut into three, he has the equivalent of three fish. That is really pushing the deal a bit. I would have thought that if he left the skin on, a fisheries officer could, because of its shape, determine that he had cut the fillet up. It seems to me to be an unnecessary imposition on people.

Mr P.D. Omodei interjected

Mr M.G. HOUSE: That is exactly the point. People can contravene the regulations by keeping fewer fish than they are allowed to keep, if they cut them up.

These regulations unfairly discriminate against people who live in inland areas. A number of people who fish for two or three days and travel back to their place of residence inland could contravene this legislation. One of the arguments for this particular regulation is that it will stop people who travel up north from catching a huge number of fish, putting them in a freezer and taking them home. I challenge the Department of Fisheries to show me the evidence to support the claim that people do that. I have not heard of one person being prosecuted for that offence for years. I might be wrong; there might have been one in the past year or two, but I have not heard of them. Let us say it is the case and people go up north for a week, catch fish, pack them up and take them home. Provided they complied with the daily bag limit, surely they would not have done the wrong thing. People who live on the coast can fish for seven days, accumulate the maximum catch every day and put them in a freezer. People who visit from inland and accumulate a bag limit each day for seven days will not contravene the regulations until they put the bags in the vehicle to drive home. That amounts to discrimination against people who live outside the coastal region. It is grossly unfair. They are the people I represent and the people I want to stand beside. I am sure we can all name some people who have broken the regulations. However, the regulations attached to recreational fishing have become very much subject to peer pressure. The number of recreational fishing control officers is small compared with the number of commercial officers. Therefore, to maintain compliance with the regulations, the community relies on education, peer pressure and commonsense. I have always gone recreational fishing and I fish with a lot of different blokes.

Mr P.B. Watson: Have you invited me out?

Mr M.G. HOUSE: I am very choosy about who I go fishing with!

Mrs C.A. Martin: Come fishing with me and I will show you how to fish, mate.

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Mr M.G. HOUSE: I am sure the member for Kimberley will. I will invite the member for Albany to help clean my fish next time I go fishing!

I am sure that some people break the regulations. However, 99 per cent of people with a very red-neck attitude towards the regulations monitor the number and size of fish their peers bag. The situation is a bit like land care. People do not want to be seen as the only farmers who are not looking after their land properly. I regularly fish the coast from Bremer Bay to Cape Riche and from Albany to Denmark and Walpole. On recreational fishing trips I do not want to be the only bloke in the caravan park who breaks the rules. That peer pressure has more effect on people than the enforcement of regulations.

These regulations are overkill and are unnecessary because they are not infringed very often. I heard the minister say on ABC radio, when he was interviewed by Sarah Knight, that he understood only a small number of people want to fillet their fish at sea. The interview was at 6.30 in the morning about three Saturdays ago. I was surprised, but encouraged, that he was out of bed at 6.30, although it might have been a pre-recorded interview. The minister said that the regulation to prohibit filleting at sea would affect only two per cent of people. If it affects only two per cent of people, why are we imposing the regulation? In fact, I think it will affect more people than that. It seems to me that there are too many anomalies attached to these regulations. In too many cases, the regulations are unfair and will discriminate when they cannot be applied properly.

I will reiterate the three main points. The regulations prohibit the filleting of fish at sea. The opposite, which is already in the regulations, applies to people who stay at sea for more than 48 hours. It is a problem that can be solved. The second point refers to possession limits and discriminates against some sections of the recreational fishing community and, in that sense, it is an unfair law. When Parliament passes laws, they should apply to everyone equally. This law does not; it will impinge on only some people. The third point is the labelling issue. It is a nonsense. I do not see how anyone can sensibly and practically comply with that regulation. If the skin is left on the fillet of fish, the problem is solved and most fisheries officers can identify the type of fish. I stress that the National Party agrees with some sections of these regulations. We do not have any problem with the reduction of bag limits or the restriction on the size of fish. Although I have some issues about the fact that the professional fishing industry is being treated differently from the recreational industry, that is a debate for another day.

I want to see fairness, equity and commonsense applied to these regulations so that we can continue as we always have in the past - to work cooperatively with recreational fishers rather than try to enforce regulations that they will find it difficult to comply with. They will jack up and the whole process will fall to pieces, a bit like the Parliament did this afternoon. When people's lives are restricted too much, someone takes flight. People must have room to manoeuvre and feel inclined to cooperate before regulations will work. In this case, the minister must take a step back, have another look at the regulations and be careful that he does not listen to only the people who live in metropolitan Western Australia. He must take account of the rural areas.

MR P.D. OMODEI (Warren-Blackwood) [5.27 pm]: I too have some concerns about the regulations drafted under the principal Act, the Fish Resources Management Act 1994. Regulation 8 in division 2, "Filleting of fish at sea", was raised by the member for Stirling. I refer to proposed new regulation 14, under the heading "Person on a boat not to be in possession of filleted fish - recreational fishing". Proposed subregulation (1) provides that a person on a boat must not be in possession of a fish other than a whole fish or must not bring ashore a fish other than a whole fish. Proposed subregulation (2) provides that for the purpose of subregulation (1) the master of a boat on which there is a fish other than a whole fish is, in the absence of proof to the contrary, to be taken to be in possession of that fish. The penalties are quite severe; for example a fine of \$3 000 is provided under section 222 of the Act. I do not fish frequently but I have fished in Exmouth on a charter boat where the deckhand fillets the fish in a very professional manner. The scales are left on the fish so that they can be checked. Surely that is sensible.

I say to the parliamentary secretary, I am sure that the people who drafted these regulations did so with the best of intentions and goodwill. However, the Opposition considers that some of them contain some anomalies and could cause more problems than they are worth. Like other members, I support the majority of the regulations. I ask the parliamentary secretary to agree to the motion, take these issues back to the minister and again seek the views of the various regional advisory committees. Most of the regulations relating to the possession limits for recreational fishing appear to be sensible. I found some issues when I read the regulations. For example, regulation 9(2), headed "Regulation 17 amended", states -

After regulation 17(1) the following subregulation is inserted -

- (1a) For the purposes of section 51(1) of the Act, the maximum quantity of abalone that a person may have at the person's principal place of residence is -
 - (a) 80 abalone that are other than prescribed abalone; and
 - (b) 20 prescribed abalone.

That regulation appears to be reasonable on the surface, but multiples of 80 abalone that are other than prescribed abalone and 20 prescribed abalone would be allowed for a number of people living at one residence that they call their principal place of residence and is deemed to be their principal place of residence. How will that regulation be policed if, for instance, it were a husband and wife? Perhaps the parliamentary secretary will throw some light on that issue.

I will not refer to the issues raised by the member for Stirling; however, I agree with a number of issues he raised. I will refer to issues that he did not raise. For example, regulation 19, headed "Regulation 44A inserted", states -

44A. Fishing at Lake Navarino (Warroona Dam) and Logue Brook Dam

- (1) A person must not fish in the waters of Lake Navarino . . . or Logue Brook Dam or any of their respective tributaries using as a bait or lure anything other than an artificial lure.

Penalty: \$2 000.

The regulation goes on to define an artificial lure as -

- (a) a lure that is made of feather, fur, wool or any other material and that is known as an artificial fly; and
(b) a lure that incorporates a spinning device or another device that causes the lure to move.

I ask members: what is wrong with a worm? Logue Brook Dam and Lake Navarino are water-supply dams and a whole lot of worms must exist in those dams, because they are very natural organisms. Those dams are stocked every year with brown and rainbow trout from Pemberton. People should not be forced to fish for trout only with an artificial lure, whether it be a fly or a spinner.

Point of Order

Mr F.M. LOGAN: I would not normally cut off the member for Warren-Blackwood in mid flow, but the issue being debated today is the motion moved by the member for Stirling for the disallowance of regulations 8, 16B, 16D and 16E of the Fish Resources Management Amendment Regulations (No. 8) 2003. Although I am interested in the issues that the member for Warren-Blackwood is referring to, we are not debating all the regulations, only those four. We are therefore not debating the issues being raised now by the member for Warren-Blackwood.

Mr M.G. HOUSE: With due respect to the parliamentary secretary, we did not proceed with that motion. We are debating all the regulations. Although he and I talked about debating parts of the regulations, when the debate began it was decided to debate all the regulations.

The ACTING SPEAKER (Mr A.D. McRae): That is correct. The motion before the House is as listed at item 34 on today's Notice Paper; that is, is to disallow the Fish Resources Management Amendment Regulations (No. 8) 2003. There is no point of order.

Debate Resumed

Mr P.D. OMODEI: I take the parliamentary secretary's point. However, some regulations appear to me to be slightly pedantic and to have significant penalties. A lot of people go fishing for recreation, not only the elderly and the very young but also enthusiasts. I do not want their pastime or the pleasure they get from fishing inhibited by overprescriptive regulations; it is as simple as that. The Minister for the Environment is having another look at the way in which the Department of Conservation and Land Management regulations are being applied. I suggest that most of the problem with these regulations lies in the way that officers overzealously administer them. We must, through our whole system of government, ensure that the people who police these regulations are properly trained in public relations. Another example of that is regulation 24, headed "Division 2 - Statewide requirements regarding fishing gear", which states -

64C. Lines must be attended

- (1) A person who fishes using a line must attend that line.
Penalty: \$2 000.
(2) Subregulation (1) does not apply to or in relation to a person fishing for a commercial purpose in accordance with an authorisation.

I accept that. However, let us take the example of someone fishing down the coast. That person may be a 60 or 70-year-old retiree who has gone down there in a four-wheel drive. A lot of retired and semi-retired people go beach fishing and put their rod in the sand while they make a cup of coffee or have a snooze. People have been doing that for decades. All of a sudden they may be prosecuted under these regulations if an inspector who sees them do it got out of bed on the wrong side that day and is in a bad mood. The maximum penalty for that

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offence is \$2 000. Obviously, they would not be fined \$2 000, but they could be fined for fishing at places such as Salmon Beach or Warren, or at one of those far-flung beaches where there are sometimes only two four-wheel drive vehicles on 20 kilometres of beach. As I said, this regulation is well and truly overkill. I will not go on. All I am asking is for the parliamentary secretary to give us a commitment that the various advisory committees will consider these issues again.

My colleague the member for Ningaloo and I referred to the bag limits for various fish. The member for Stirling raised the issue of cutting up fish. In many cases the bag limit for certain fish is only one in one day; for example, blue groper. The bag limit is two for kingfish, narrow-barred Spanish mackerel, wahoo and so on. They are small numbers that people would not cut up. The limits for other fish come under division 2; that is, a group bag limit of 16 fish. I can understand there being penalties for taking more than the bag limit of bait fish, such as pilchards, whitebait, hardyheads, anchovy and so on. However, I do not understand it for redfin perch, which is a pest in the south west in freshwater dams and streams. A fellow has invented an electronic device that can be placed in the water to stun the fish so that they can be harvested. A lot of people are using that device for getting rid of redfin perch from freshwater dams and streams. Most permanent dams and streams currently contain redfin perch. The member for Ningaloo has talked about goldfish, European carp and - what was the other one?

Mr R.N. Sweetman: Tilapia.

Mr P.D. OMODEI: Tilapia; that is the first time I have heard of that fish. European carp and goldfish are an absolute scourge in the countries where they exist. Some fish, such as koi and carp, are getting into the natural environment and becoming a major problem in this State. It is ridiculous, therefore, to put a limit of 16 on those fish. I would make it 600 or no limit at all. We need to get rid of these fish because they are pests. They are destroying the natural habitat of freshwater streams and damaging the ecosystems. It amazes me that green political parties and green groups tend to focus on tall trees and things that are nice and warm and fuzzy. They focus on issues such as giving a rapid blow to a quokka. However, they are missing in action on issues such as salinity and these fish, which are the scourge of the waterways. It is because it is not a sexy, warm or fuzzy issue. They are horrible looking things. Redfin perch are a good eating fish. They are also cannibalised. Marron clean them out from streams and water supplies.

I will not labour the point. They are just some of the matters about which we are concerned after a rudimentary scan of the regulations. I am concerned that this matter has been brought before the House and that a lot of people, particularly in my electorate, will be impacted upon by these regulations.

Members must understand that the lower south west has a lower socioeconomic base. One of the rare advantages the people there enjoy is fishing on the weekends. They go to Walpole, Windy Harbour, various beaches and the local rivers that are stocked with trout. That is their way of life and it is a very important part of the social aspect of that community. Already people have been stopped from going into national parks and have been asked to show permits when they enter them. People have been going through national parks for time immemorial. In the Warren area people are penalised if they do not have national parks passes. However, because the Premier declared it was okay not to have a pass when visiting the Leeuwin-Naturaliste ridge, people do not have passes. In my own electorate there are different rules for different areas, which is not acceptable in this modern day and age. I ask the parliamentary secretary to pay heed to the matters we have raised and to agree to the motion to reject these regulations. They should be taken away and brought back at another stage when we have had a chance to look at them.

Several members interjected.

MR R.N. SWEETMAN (Ningaloo) [5.42 pm]: It is the only chance I get to pull rank in this place. I will make a few brief comments on this matter. I will also ask some questions, particularly about boat limits. I have received a lot of feedback from recreational fishermen in my area, which encompasses the coastal strip from the World Heritage area of Shark Bay through to north of Onslow to the Yarraloola-Mardi boundary. My electorate straddles two zones. Most of it is in the Gascoyne recreational fishing zone.

At the outset I must highlight some of the frustration felt by recreational fishermen. They were engaged in this process. In the beginning there was broad consultation to arrive at a better management plan for recreational fishing within the Gascoyne zone. As the member for Stirling has highlighted, peer pressure has played a substantial part in the management of the State's fisheries. That peer pressure applies to visitors and locals. People guard their fisheries jealously. Whether the fishermen are regular visitors to the area or whether they visit it on an annual basis and stay for however long, they consider the fisheries as being part of their heritage and they are generally careful about what they do there. The fishermen are willing to participate in putting together a better management regime that will make the fishery more sustainable from a recreational fisherman's point of view.

Where this process went wrong was highlighted to some extent in an item we dealt with this morning in a meeting of the Joint Standing Committee on Delegated Legislation. It pertains to a disallowance motion Hon Murray Criddle moved in the upper House. He prescribed the different sections of regulations that he intends should be disallowed in the upper House. A point made in the summary about what consultation had taken place was that everyone agrees that we must continue the evolution of recreational fisheries management. However, this process went wrong after the draft was developed. Everyone thought that they had agreed on a set of management principles for the fishery. Everyone was encouraged to make submissions on the draft. When the document was released, the fishermen believed it differed quite considerably from the draft document that was issued for public comment. To an extent, that is underhanded. Most of the recreational fishermen have taken it as a slap in the face. They gave their time in good faith and made some substantial contributions during the process; however, at the end of the day, the department seemingly did what it wanted to do when drafting the regulations and the management plan for the Gascoyne region. That is not fair.

I also refer to the point the member for Stirling made about filleting at sea. Filleting at sea is a privilege and a right that people have enjoyed in the Gascoyne for sometime. Usually filleting at sea refers to fishing boats going out from Carnarvon across to Bernier and Dorre Islands. They are about 30 or 40 kilometres away from Carnarvon, which is a substantial distance. Traditionally, fishermen fillet their fish as early as they can. The fish are usually kept in icy brine and the fishermen fillet them as quickly as they can after they are caught. In the event that they keep the fish in the icy brine and the fishermen anchor on a bommie to catch their quota of crays, the fish are always filleted on the way back to town and the carcasses are thrown overboard. They are not thrown into bins or sent to the town refuse tip where they would decay, become flyblown and lie there for a day or two before they were covered over. Filleting at sea has been a very positive feature and a useful tool for the fishermen in the Gascoyne area. Most recreational fishermen do this and I cannot see why that privilege should be denied them.

That issue relates to the concern that the fishers generally have about size limits. I tend to think outside the square on size limits. Size limits create real problems in my mind when a fairly resilient species of fish would not be impacted upon if fishermen were allowed to catch the fish that are below size. The size could be adjusted and a smaller limit imposed. For example, pink snapper and spangled emperor are very resilient species of fish. There would not be a problem if fishermen were allowed to catch under-size fish. When fishing in shallow water, under-size fish can be caught, unhooked and released without harm. However, when a fisherman is in water that is 80 or 100 feet deep, the mortality rate of the fish that are caught and thrown back is 100 per cent. It is generally accepted that the fish die even if they have been caught by experts who can spike the bladder of the fish and return them to the deep by whatever means. The mortality rate is high. In those situations the fishermen should be allowed to keep the first seven fish caught over the side of the boat in the hope that that will be an end to it. On the way to catching their bag limit, a group of fishermen might catch 20 or 30 fish that are under size, and perhaps, in some cases, over size. Effectively, their catch is the bag limit of seven - if they manage to catch that many - plus whatever fish they caught and returned, only to die. That creates a situation in which 20 to 40 fish per fisherman could be lost. I accept that that is an extreme example, but doubtless it does happen.

In a submission made to the Minister for Agriculture, Forestry and Fisheries recently, professional fishermen and I point out that the Shark Bay pink snapper industry is a limited-entry fishery. Fishermen must hold a quota in that fishery to be allowed to fish for pink snapper. Within the last seven or eight months, Mike Moran from the Department of Fisheries did some research into the oceanic stock of pink snapper, which is primarily the stock the fishermen in the Shark Bay fishery fish for. He identified that there was a crisis; the oceanic stocks were under severe stress, if not at the point of collapse. Fishermen understand the issues and have a high regard for Mike Moran and his capacity as a research scientist. They were frustrated, and I guess so was Mike Moran, that he was not able to do the research earlier, because he said the evidence would have been there a couple of years earlier if the Department of Fisheries had had the resources and he had had the chance to do an investigation. The professional fishermen from Carnarvon took it on the chin and petitioned the minister, saying that they must accept a 30 per cent reduction in quota. It is my understanding that that reduction has happened and the minister has had it gazetted. I do not know how strong their submission to the minister was and how readily the minister and the department accepted the argument that fishermen, particularly professional fishermen, had put to me. This concerned the impact that the open west coasters were also having on the pink snapper. The open west coast licence holders do not have a quota for pink snapper within the Shark Bay fishery, but they can catch gold band snapper, which is generally caught in deeper water. Open west coasters come from as far away as Coral Bay and fish behind Bernier and Dorre Islands in 150 or 180 feet of water. We can be absolutely certain that fish that are dragged to the surface from that depth will be dead. Anecdotal evidence is that for every five gold band snapper the fishermen catch, they are catching about three pink snapper. They cannot keep the pink snapper. They do not have a licence to catch pink snapper and they do not have units in the fishery, so dead pink snapper are seen bobbing around all over the place after these fishing boats have caught as much gold band snapper as they possibly can. While they are fishing for gold band snapper, the mortality rate of the pink snapper continues.

That is an absolute scandal, especially when it is realised that the professional fishermen have accepted a cutback in the units of pink snapper that can be caught within that fishery. It is something that must be identified.

If we are looking at prescribing regulations limiting the bag limits for a variety of species in the Shark Bay area for recreational fishermen, we must bind professional fishermen to similar sorts of catches within prescribed areas or exclude them altogether. I have two open west coasters within my area - in fact, I think they are mackerel fishermen - who still operate under an open west coast licence and are able to catch bald chin groper and things like that. Despite limiting the catch to four bald chin per recreational fisherman and then having a boat limit on top of that, if rough weather blows up and the open west coaster anchors up in the lee of the island on one of the bommies or ledges, he can catch a tonne of bald chin groper. Those fish are a delicacy; fishermen receive a tremendous return per kilo on those fish. These fishermen say it is profitable to do that, but they accept that it is having a detrimental effect on the bommies on sections of reef around Bernier and Dorre Islands. They have volunteered to me that if a sanctuary of a kilometre or a nautical mile was prescribed around those islands - they would more readily accept a nautical mile on the eastern side of Bernier and Dorre Islands in relation to the take of bald chin groper, trout, cod and fish like that - we should be doing that hand in glove, because if the recreational fishermen are to be bound by ever-tightening regulations for the take of fish from the various fisheries, the professional fishermen must make some concessions as well. A lot of these people cannot say that they have a historical right, because a lot of the open west coasters travel from other fisheries to fish these areas. They cannot maintain that they got their licence because they bought a boat and started to fish this fishery. I think they would readily accept the creation of exclusions or sanctuaries where they cannot exercise their professional rights to take fish, and they should not be compensated for that.

Mr F.M. Logan interjected.

Mr R.N. SWEETMAN: They would probably try, but I am sure the Government would argue to the contrary. I would be very supportive of the Government in that argument against those fishermen.

I will make reference to the bag limits. I guess this is where the question comes up. The regulations are fairly prescriptive on the issue of boat limits. Section 16(e) covers possession limits on a boat. It tells people how many blue manna crabs, cuttlefish, octopus, squid, rock lobster and brown lip and green lip abalone they are allowed. The fishermen in my electorate are clearly of the understanding that there has been some restriction on those limits. When we work our way through the bag limits in the Gascoyne region, cod is not a problem but there is a problem with bald chin groper. Of the bag limit of seven, a person is permitted a take of four. Does the parliamentary secretary know, or can he get the information before he makes his response, whether five fishermen on a boat will be capped at eight bald chin groper or between them can catch the equivalent of three or four bags of quota? That question specifically relates to the bald chin, because there seems to be some concern that it will be barely worth a trip to the islands if fishermen are unable to come back with a reasonable bag limit per boat. Everyone has got used to the limit of 16 crays per boat, regardless of whether there are six or seven people on board. Sixteen crays is the equivalent of two bags. I want to be clear in my mind on that point because I have not been able to identify in these regulations whether those fishermen have much to be concerned about in the argument they have put to me. I do not know whether there has been some confusion between the regulations and the document that was issued as the official management plan for the Gascoyne area.

I will make reference to something that the member for Warren-Blackwood raised. It comes under the group bag limit of 16 fish. I will not be critical of what this contains because I have no information on or idea of why there would be a limit of 16 on European carp and tilapia. Tilapia is a freshwater fish. It is an introduced species. I think it originated in South America, but I am not too sure about that. Those fish can be found in the Gascoyne River. The Gascoyne River rarely flows. This species is virulent and resilient. It is as good as the native species at surviving in this area. The Kennedy Range has some mostly permanent pools. The fish are able to survive there even though, on occasions, the pools go completely dry. When the river flows again out come all the fish, including the introduced species tilapia. Tilapia is a very aggressive fish. The native fish live in the various pools and marine habitats along the Gascoyne River. When we are lucky enough for the Gascoyne River to flow, tilapia tends to wreak havoc amongst the native species. In time, there may be a problem with the aggregation of native fish within the Gascoyne River. There should almost be a bounty on tilapia, rather than a bag limit of 16. I will not be critical of that. I am just a bit confused about why there would be a limit on something as ordinary as European carp and tilapia.

I will intercede on behalf of a couple of people who are aggrieved about the limit of 20 oysters. I cannot understand why that would be. Oysters are not an endangered species. It may be an aesthetic thing. When people go to the blowholes north of Carnarvon they often see shiny, glittering freckles all over the reef. That usually indicates that somebody has been there and has lifted the cap on the oysters to get a jar of oysters off the reef. To me, that is not unsightly because it is the way it has always been. Someone either flicks the top on the oysters or, particularly on a hot day when there is a very low tide, the oysters can be sunburnt and can die and the pots flick off in time anyway. They renew. They can be harvested safely. I do not think there needs to be a

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limit. A limit of 20 oysters is quite absurd. If someone wants to pick a kilogram jar of oysters, I do not think we should stop the world because they have done that. Things like that have the capacity to trip people up. I do not know who would have made a submission to the minister or the Department of Fisheries saying that people should be prevented from taking more than 20 oysters because I do not think anyone cares less. That is something we could manage. It would be a modest concession to the oyster pickers. Personally, I hate them. If oysters do not come in a can, I do not eat them. However, a lot of people like natural oysters or will pick them and take them home where they cook them or pickle them or whatever. Having made those few points on behalf of the recreational fishermen in my electorate, including those in Shark Bay, Carnarvon, Exmouth and Onslow, I look forward to hearing the parliamentary secretary's comments.

MR B.J. GRYLLS (Merredin) [5.59 pm]: Thank you, Mr Acting Speaker (Mr A.D. McRae), for your obvious support for the contribution I am about to make to this debate. You will recognise this contribution, because it is along the same lines as many of my contributions; that is, how the hell do we get a fair go for regional Western Australia? Regulation 16D in division 3 gives the possession limit. I will concentrate on the limit of 20 kilograms of fillets of fish, even though there is also a limit of 10 kilograms of fillets of fish and one day's bag limit of whole fish, or two days bag limit of whole fish. Having spoken to the parliamentary secretary, I understand that this possession limit has been included in the regulations to try to stamp out those cowboys from the bush who go up north with their tuckerbox freezers, plunder the fishery, go back to their homes in the wheatbelt and the great southern and spend the rest of the year consuming that fish. That is a very real occurrence. People from the wheatbelt and those areas take one or two weeks off a year to go fishing. For the past 15 years my family has taken one week off and gone up to Steep Point. One week's worth of fishing is the only fishing my family does in a year. I am quite sure that that is the only fishing that hundreds of other people from the wheatbelt do in a year. Those people, with their loaded tuckerboxes, are plundering and wrecking the recreational and commercial fishery of Western Australia! We have to come down tough on them, show them a thing or two and change their attitude! Twenty kilograms of fillets of fish is the possession limit. People who live in the metropolitan area can go fishing every second weekend - that is 25 times a year - and can catch their possession limit of 20 kilograms of fillets of fish. By complying with the regulations as put forward by the minister, those people are allowed 500 kilograms of fillets of fish in a year without anybody having any concerns; they obey the laws and everybody is happy. They can take 500 kilograms of fish fillets from that resource in a year. The parliamentary secretary is trying to tell me that my family is plundering the system and that these rules will save the fishery. That is just not true. It is grossly unfair. When the parliamentary secretary makes his contribution, I would like him to give us a few examples of these plunderers from the bush, with their tuckerboxes full of fillets of fish.

Mr F.M. Logan interjected.

Mr R.N. Sweetman: If there are 7 000 farmers with one tuckerbox full each, that is 5 000 tonnes.

Mr B.J. GRYLLS: Obviously they are much better fishers than the Grylls family. If we manage to bring back 20 or 30 kilograms, which would allow for five or six family barbecues a year, that would be a pretty good effort for us.

Mr R.C. Kucera: Would we call that "Grylled" fish?

Mr B.J. GRYLLS: Yes, that is our specialty. The regulations provide that the possession limit for people living in regional Western Australia who go on their yearly fishing trip to the north west, the southern coast or wherever is 20 kilograms. That is grossly unfair. If the parliamentary secretary were really concerned about how many kilograms of fish recreational fishers are taking from these areas, he would have come up with a regulation that applied to all fishermen and that limited their catch. People who live in the metropolitan area could go out only 15 times a year and catch their 20-kilogram limit. That would limit their catch. Currently, if a person's house is by the coast and he can get back to his place of residence every night, he can take home 20 kilograms of fillets a day. I do not need to add that up, but it is well over a couple of tonnes of fish. Under the regulations before us, it is acceptable for people who can get back every night to their freezer at home to go fishing every day and take home 20 kilograms of fillets of fish.

The minister, the parliamentary secretary and obviously the people within the Department of Fisheries are happy with that. I dare say that most people would find that principle a bit over the top; yet, nothing in these regulations limits their ability to do that. The regulations focus on people who cannot get back to their place of residence at the end of every day by specifying the limit they can catch. As I said, hundreds of families in regional Western Australia go on only one fishing trip a year. It seems grossly unfair that they will be limited in the amount of fish they can catch. I concur with the parliamentary secretary that limits need to be put on the size of catches. I also concur that taking a semitrailer on a trip to fill with fish fillets would be wrong and unfair. However, I do not think there would be too many examples of that. It is grossly unfair that someone on his only fishing trip for the year can catch a maximum of 20 kilograms of fish. The purpose of the regulations is to limit

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damage to the fish resource, but these regulations as drafted will not achieve that. That is why the member for Stirling, with the support of other members on this side of the House, has put this disallowance motion on the table today.

I look forward to hearing the comments of the parliamentary secretary. As I said, as the regulations stand, it is acceptable for someone who can get home to his freezer every night to catch 20 kilograms of filleted fish every day of the year; however, someone from regional Western Australia who goes on one fishing trip a year must abide by the 20-kilogram limit. The penalties for breaching that limit are extremely severe. I hope that as a result of this disallowance motion, the parliamentary secretary and the Minister for Agriculture, Forestry and Fisheries will more closely consider this issue and the message these regulations are sending. They are discriminatory to regional Western Australians.

Mr R.N. Sweetman: Tell us about your last fishing trip.

Mr B.J. GRYLLS: My last fishing trip was in the member for Albany's electorate. I caught -

Mr R.N. Sweetman: A cold.

Mr B.J. GRYLLS: It was very rough and everyone on the boat was very sick. My wife caught a jewfish, which was reported in the *Albany Advertiser*. That was a very enjoyable trip. I went fishing only once last year. I do not think we caught 20 kilograms of filleted fish. That is a little difficult for me. However, if I had caught three or four big jewfish, I would not have been able to fillet them all and bring them home. On my one fishing trip for the year, I would have been required, as the member for Ningaloo said, to throw back the fourth large jewfish because I would have been over my possession limit. As the member said, when those fish are pulled up from the deep they do not look too flash, and it would be a waste of that particular resource to throw them back.

There are some real issues. I am sure the parliamentary secretary is considering those and will make some important concessions to alleviate the burden he is placing on regional Western Australia. I am sure that as Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries he is very concerned about the residents of regional Western Australia and that he does not want to be seen as someone who promotes the plundering of the resource by the people who can get home to their freezers each night but places restrictions on those people who go fishing once a year.

MR F.M. LOGAN (Cockburn - Parliamentary Secretary) [6.09 pm]: The Government does not agree with the disallowance of the Fish Resources Management Amendment Regulations (No. 8) and will oppose the motion. The provisions relating to the filleting of fish at sea were referred to by all members who have spoken in the debate. Parts of those regulations are under consideration at the moment, and I will refer to them during my speech. First, I will talk to the philosophy behind the introduction of the regulations in the first place.

These regulations are part of a contribution to the creation of an integrated fishery management program. This is not simply singling out and penalising the recreational fishing community across Western Australia by applying bag limits. There is a view across all sectors of fishing in Western Australia - I refer to the commercial fishing sector; the recreational fishing sector, which has been under review through the regulations; and Aboriginal fishing rights - that these regulations are a contribution to the creation of an integrated fisheries management strategy. That contribution must be acknowledged.

An important point not raised by any of the speakers who have contributed to this debate is that Western Australia's general fin fish fisheries are now deemed to be fully exploited. People say there are plenty of fish: when they go fishing, they catch fish. However, scientists within the Department of Fisheries have identified as part of a review across all of the State that as a result of the catch by recreational and commercial fishermen and increasing pressure on fishing stocks in Western Australia, this fish stock is now deemed to be fully exploited. We need to introduce regulations to ensure compliance with our program of sustainable fishing for not only current Western Australians, but also future generations. It must be done.

Mr M.G. House: Will you take an interjection?

Mr F.M. LOGAN: Let me continue. I am trying to answer as many questions as were put forward by the member for Stirling.

As the regulations under discussion are not in force at the moment, no restriction applies to the taking of fin fish, apart from current regulations concerning bag limits. A recreational fisherperson does not need a licence to take fish, and can go fishing as many times as he likes.

Technological changes over the past 10 or 15 years have led to the introduction of global positioning systems, echo sounders and fish-finding devices, particularly at a price that makes them available to most people. Previously, this technology was expensive and available only to commercial fisherpeople, yet even small boats now have things like echo sounders on board, and hand-held GPS equipment can be bought. This gives a significant advantage to recreational fisherpeople to significantly increase their take of fish. Everybody in the

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Chamber would recognise that, particularly those who fish. Therefore, the regulations must take account of the technological changes and the increased pressure on the existing fish stock in Western Australia, in both the commercial and recreational areas. The commercial area of the fishery is under review at the moment. Account must also be taken of pressure on Western Australian fish stocks from the recreational area. As the population of Western Australia continues to increase, particularly in the urban areas, pressure on our fish stocks in and around urban areas continues to grow. That is multiplied by the introduction of technology. That is why the regulations must come into force now; otherwise, we will not have a sustainable fish stock in Western Australia. That is the philosophy driving these measures. It is not simply a series of government regulations designed to penalise recreational fishing groups.

Mr M.G. House: The issue that we have raised is not about the sustainable fishing industry. We have made it very clear that that is not the issue.

Mr F.M. LOGAN: I understand that. The member has made that clear to me both privately and on the record in this House. The point I am making is about the reasons for introducing the regulations, because the member has challenged the regulations as a whole and identified the ones with which he has problems. I wanted to put on the record the philosophy behind the introduction of the regulations.

The members for Stirling and Warren-Blackwood raised the issue of whether groups have been consulted fully in the process of developing the regulations. A process of consultation has been in place for the past four years about the bag limit that should be in place, the possession limit, and filleting fish at sea. All these issues have been debated by the active fishing groups across Western Australia for the past four years. I will give some detail about the level of consultation. More than 2 000 submissions were received in response to the west coast and Gascoyne recreational fishing review discussion papers. They came to government in the following manner: 291 individual submissions from the west coast region; 40 individual submissions from the Gascoyne region; 10 submissions from fishing clubs; one submission from a conservation group; three submissions from commercial fishing associations; and four submissions from the advisory groups that have been referred to at length by the members for Stirling and Warren-Blackwood, namely the Exmouth, Carnarvon, Mid West and Esperance Regional Recreational Advisory Committees. Those advisory committees have been fully consulted on this matter and have no further issues. The member for Stirling put to the House that he has received advice from some of the recreational fishing groups that not all of the issues have been resolved. I am advised very strongly that they have been.

Mr B.J. Grylls: What about the Mukinbudin angling club?

Mr F.M. LOGAN: I do not think the Mukinbudin angling club has been fully consulted on this matter, because it did not put in a submission. However, the recreational advisory committees from the regions have been consulted and have made submissions. The point that the minister just made to me from the back of the Chamber, behind the Speaker's Chair, is that one of the groups that has not made a submission on this issue but has certainly expressed concerns is the National Party. We are surprised that we have not received a submission from the National Party on this issue.

Mr M.G. House: You did not ask us! We were not fully included in the process!

Mr F.M. LOGAN: I am sure a submission from the National Party, along with all the other public submissions, would have been welcome. The other groups that have been involved in the consultation process and have made submissions have been five charter operators, and a government agency - the Swan River Trust. There have also been 1 189 form letters, and four petitions, totalling 588 signatures. I put it to the House that it is incorrect to argue that the consultation process has not been fully complied with, and people have not had their fair say on these issues. It is also incorrect for the members for Stirling and Warren-Blackwood to say that these regional recreational advisory committees still have outstanding issues.

The member for Stirling has raised issues relating to possession limits, filleting at sea and labelling of fish. Dealing first with filleting at sea, part of that area is under review at the moment, in particular the area that covers category 3 fish, specifically herring, whiting and others. As members will know, they occur primarily in and around metropolitan waters and further south. Whether it would be allowable for people to go out for the day, catch herring and whiting and be able to bring them back filleted is currently under review.

The member for Stirling raised the issue of why someone can go out to sea for more than 48 hours, maybe on an island, or in a charter boat, and fillet fish but not if he has fished for less than 48 hours. The Department of Fisheries and the minister accepted that concession on the basis of the time taken to get out to sea and the capacity of people to be able to store whole fish for longer than two days at sea. It was acknowledged that it is very difficult, so that concession was made, a concession that was opposed by the Abrolhos Islands environmental group and other groups as well. The concession was also not widely accepted by recreational fishing people who said that there should not be any concession and there should be no filleting at sea full stop.

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A surprising number of people put forward that point of view. It was acknowledged that to hold whole fish for more than two days at sea was unacceptable.

The member for Stirling raised the issue of the waste disposal of heads and bones after filleting. I think the example was given of what might happen at Hopetoun during a summer period when people were swimming. The filleting of fish at sea has been banned in the Ningaloo area for nearly 11 years. There has been no problem with the taking of the catch back to the shore or landing point, filleting the fish and the disposal of the waste product by the local council over time. The council has got used to it. The bins are emptied and away it goes. I am sure that members will find that as councils get used to the idea of landing points where fish heads and bones end up in bins, they will take them away on a far more regular basis than the once-a-week that the member pointed out to the House. The regime has been in place for 11 years at Shark Bay and Exmouth, and the council has dealt with the issue. I assume that is how it will occur in the rest of the State.

The member for Stirling made the point that from the review conducted by the Department of Fisheries, it emerged that only two per cent of people undertake filleting at sea, so why bring in these regulations?

Mr M.G. House: I did not make the point. The minister made the point, and I raised it.

Mr F.M. LOGAN: The point the member was making was why bother to introduce these regulations. The converse argument to that is: why not, if it is affecting only two per cent of fishermen.

Mr M.G. House: So you don't worry about them?

Mr F.M. LOGAN: It is affecting only two per cent of people. I put to the member for Stirling that the converse argument is equally justifiable: if it affects only two per cent of people who go to sea, why not introduce it? There is an exemption for the plus 48 hour rule. As I pointed out to the member for Stirling privately, there is also an exemption for those who catch mackerel -

Mr M.G. House: And tuna.

Mr F.M. LOGAN: I thank the member.

Mr M.G. House: That is why I asked how much fishing you had done, because you would not catch much tuna and mackerel. I was waiting until you made the point before raising it.

Mr J.J.M. Bowler: He was fishing!

Mr F.M. LOGAN: That is right. I point out to the House that my two children are in the gallery at the moment. They are the reason these regulations were brought in - to control their fish take, which is significantly higher than mine! There are exemptions on filleting fish at sea if a boat is at sea for more than 48 hours, and on tuna and mackerel. People do catch those fish, especially those who go to sea for more than 48 hours. There are also exemptions for the trunking of shark at sea.

The fillet sizes, and the requirement that scales and fins must be left on, as the member for Stirling indicated, should be enough. His argument is that we should get rid of that regulation altogether and allow people to fillet at sea; as long as the skin and scales of the fillet are left on and the size of the fillet bears some relationship to the size of the fish from which it was taken, that should be enough to meet the regulations on bag limit and size. The member for Stirling indicated that most people who go fishing would be able to recognise, from a fillet, one fish from another. That is not the advice I have had. As I pointed out a moment ago, I am not good enough to be able to catch fish of a size that would enable me to identify one from another. Herring and whiting are about my limit. However, I am advised that, in the case of fish such as pink snapper, tropical emperor and snapper, distinguishing one from the other for the purposes of prosecution is very difficult. Taking the example given by the member for Stirling, if a case is brought, there must be evidence that stands up in court beyond reasonable doubt. If a good lawyer defends the accused and argues the capacity of a scientist to identify the difference between a pink snapper, a tropical emperor and a snapper - which apparently is very difficult to do simply from the skin and fillet - the case will be tossed out. That is the reason the whole fish should be brought to land - for the purpose of enforcement and ensuring that the regulations are complied with, and that we end up with a sustainable fish stock.

The second point raised by the member for Stirling and others was the possession limit. The argument was put very strongly by the members for Stirling and Merredin. People who live on the coast can catch 20 kilograms and not break the law. They can then go home and fill their freezers on a regular basis during the year. Other people who live some distance from the coast - such as in the wheatbelt - may be able to do this only three or four times a year. However, unless they are illegally selling the fish, people on the coast will not be out there every day catching 20 kilograms of fish and stacking it in their freezer. Unless people have a very big freezer, or are illegally selling the fish, they simply would not do it. The effort being put in every other day to catch that 20 kilograms, compared with what might be earned from selling the fish illegally down at the pub, would not be worthwhile. It just does not happen.

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Mr B.J. Grylls: Are you saying that people just go out and catch what they need?

Mr F.M. LOGAN: In most cases, yes.

Mr B.J. Grylls: People who go fishing only once a year want to catch what they need.

Mr F.M. LOGAN: One of the differences is that some people go once a year to catch sometimes significantly more than 20 kilos of fish. I have heard from a significant number of people in the bush the argument that they must pay for the trip. The only way to recoup costs is by flogging the fish when they get home.

Ms K. Hodson-Thomas: Whoever it is, they are very mean spirited.

Mr F.M. LOGAN: I say to the member for Carine that some of them are very close to all of us in this Chamber. It is not an unusual example. I see the member for Ningaloo going red.

Mr R.N. Sweetman: Twenty years ago we had this argument in local government. We used to refer to people who filled their icebox with a particular name. We wanted to stop the massive take of fish from that area. I think you are making a mistake when you say people sell the fish. When they talk about paying for their trip they mean that if they catch 100 kilos of fish, it will have been a worthwhile exercise. It covers their costs because they don't have to go to the supermarket and buy fish. It is put into the freezer to be eaten by them or their friends. They will not be sold for profit.

Mr F.M. LOGAN: I am repeating some of the things I have heard from people sometimes not too far away from this House and from other people living in the bush who have argued the same case. People probably do not appreciate the extent of 20 kilos of fish.

Mr N.R. Marlborough: You wouldn't want them hanging off your left leg, would you?

Mr F.M. LOGAN: That weight of fish is 100 serves at 200 grams a serve - I am not sure whether this would apply to the member for Peel - or one meal of fish a week for a family of four for six months. The member for Stirling asked if four people in one car could take 20 kilos with them. The regulation applies to individual possession limits. If four people went fishing, they could collectively take 80 kilos of fish back to the bush. If people are arguing that that is not enough, they are saying that they do not believe in sustainability and, regardless of peer pressure, they will continue to put pressure on the fish stocks.

Mr M.G. House: We are not arguing that.

Mr F.M. LOGAN: The members for Stirling and Merredin should remember that when people from the bush go fishing, they do not apply the impact of their fishing to the whole coast of Western Australia. They go out in their boat and hit the fish stocks in one area. Given the type of equipment those wealthy farmers can easily afford, including global positioning systems, fish finders and echo sounders, the poor fish on the Gascoyne coast, regardless of their size, do not stand a chance against the member for Merredin and his marauding band!

In response to some of the specific issues raised by members, I refer to labelling the bags of fish. The member for Stirling said that the Government had to be joking about imposing a regulation that required people to label individual bags of fish when they were fishing, because they would have dirty hands.

Mr M.G. House: With your full name?

Mr F.M. LOGAN: That is right; people must put their full name on the label.

Mr M.G. House: What is your full name?

Mr F.M. LOGAN: I will tell the member for Stirling afterwards.

The answer to that is yes, people are expected to do that. If they are transporting the fish from the coast back to wherever in the bush, and if they have bagged them up and they are in their esky or Engel freezer and four people are in the car, the answer is yes, they must label the fish. It is not exactly a great imposition on those fisherpeople. In fact, it is a requirement that has been in place for a significant number of years - 10 years - for people who have been catching fish in and around the Ningaloo Marine Park. We have not had too many complaints from people who have been up there catching fish about being bound to label their catch. Therefore, we do not believe it is a significant imposition on people.

I refer to the issue raised by the member for Warren-Blackwood that the Government seems to be hitting the recreational fishing sector over filleting at sea. I point out that the RecFishWest submission argued very strongly against filleting at sea. The member for Warren-Blackwood said that we seem to be singling out the recreational fishing sector. However, the submission from that sector stated that under no circumstances should that happen. The whole fish should be brought back, and that is it. The member said that the Government does not seem to be looking at the practices of the commercial fishing sector. The Fish Resources Management Act provides a

Mr Monty House; Mr Paul Omodei; Mr Fran Logan; Acting Speaker; Mr Rod Sweetman; Mr Brendon Grylls

regulation for the commercial processing of fish. Therefore, those people already work under specific regulations regarding the filleting and processing of fish.

Mr M.G. House: They must have a processing licence, though, and it might be refused.

Mr F.M. LOGAN: As the member knows, they certainly have a fairly strict commercial fishing licence and a set of regulations surrounding that.

The member for Ningaloo referred to the number of people who may have gone out on a boat for a period and what applies to them. Is it three or four bags with five people on the boat? What is the answer? The answer is that it is an individual bag limit. It is a person's bag limit, as an individual, under the regulations, times the number of people on the boat. That is the simple answer to that.

Mr R.N. Sweetman: Is that right?

Mr F.M. LOGAN: Yes, that is the answer. I hope that gives some satisfaction to the people who raised that question with the member.

The member for Warren-Blackwood raised an issue about abalone possession limits. He asked what would happen if the fisheries officers raided a house in which four people were living and they found 300 abalone in the freezer. The licence for catching abalone applies to the individual. If that individual passes the 80 abalone he has caught on to others, the fisheries officers cannot do much about it. In the example given by the member for Warren-Blackwood, the fisheries officers would not be able to bring a case against those people. If each of the four people in the house said, "Yes, those 80 are mine", which would add up to 320 abalone, that household would have no case to answer. It is an individual limit of 80. If the abalone are in the freezer and the people claim ownership of them, even if they have not caught them, the fisheries officers cannot do much about that.

I want to clear up one issue raised by the member for Ningaloo about a bag limit on tilapia. He indicated that that was basically a pest of a fish, and he asked why there would be a bag limit. There is no bag limit on tilapia. That is the advice I have received, regardless of what the member has read in the regulations.

Mr R.N. Sweetman: European carp and tilapia.

Mr F.M. LOGAN: There is no bag limit on tilapia. The member for Ningaloo should also clear up that issue for people. The member for Ningaloo also asked why there was a limit on oysters. Previously people could take up to two litres of oysters; that has now changed to 20.

Mr R.N. Sweetman: Twenty litres?

Mr F.M. LOGAN: No, 20 oysters. I know that there are plenty of oysters on the Ningaloo coast and they are easily accessible. Obviously in and around the metropolitan region and in the south coast there are not that many and there must be a limit, otherwise the pressure of the population would simply wipe out whole areas of oysters along the coast. There must be a bag limit. It is not a matter of simply deciding that there should be no limit in the Gascoyne because there are plenty of oysters there. This is a set of regulations that will apply to the whole of WA.

Mr R.N. Sweetman: Will the minister consider a submission from the Gascoyne?

Mr F.M. LOGAN: I am sure the minister would consider any submission. However, I suggest that he would not agree.

Mr R.N. Sweetman: They are a harvestable product; they grow back.

Mr F.M. LOGAN: That is right. In fact, commercial companies produce oysters. As the member for Ningaloo said, he eats them out of a bottle.

I summarise by saying that I believe I have answered all the questions that have been raised by members in this debate. I may not have answered them to their satisfaction but I hope I have answered them honestly and in a straightforward manner. I say once again that the regulations have been introduced to ensure sustainability in all Western Australian fisheries, particularly in the recreational and commercial wet line fishing sectors of Western Australia. These regulations are the first step in the creation of an integrated fisheries management strategy. The commercial and Aboriginal fishing rights sectors are under review. Ultimately when those reviews are brought together we believe we will have a sustainable fishing industry and sustainable fishing stocks for all of us currently living in Western Australia and for future generations.

MR M.G. HOUSE (Stirling) [6.42 pm]: I thank the parliamentary secretary for his contribution and my colleagues for the very sound points they made. When the parliamentary secretary rose to his feet, I was very disappointed that he immediately said that the issues would be rejected out of hand and that the Government would not take any notice of some of the practical issues we raised or the issues that are clearly discriminatory against people who live in country Western Australia. In summing up I will reiterate a couple of matters.

An advertisement appeared in *The West Australian* a couple of weeks ago about new fishing rules and regulations. I will not read out the whole advertisement, but the people from the Department of Fisheries sitting beside me will be interested in it. The advertisement appeared under the heading "New Rules for Fishers". Under a subheading "No Filleting at Sea" the advertisement states -

- You may only land **whole** fish on boat or island trips unless the trip is longer than 48 hours.
- **All** fillets must be **more** than 30cm in length.

Some fish are less than 30 centimetres in length; the advertisement is therefore nonsense. For example, under current regulations herring must be filleted at sea. I have never seen a 30-centimetre herring and I doubt whether the Department of Fisheries has either. However, I guess the department will eventually work out that regulation.

I will quote from an article by Hal Harvey and Phil Stanley that appeared in the *Sunday Times* a couple of weeks ago. I am sure the member for Cockburn will be very interested in this article. Again, I will not read the whole advertisement. It reads in part -

FISHERIES have copped enormous public opposition - despite their best intentions - since the introduction of new rules less than four weeks ago.

With the month nearly up, tackle stores still haven't been able to get quantities of the guide to the new rules from fisheries. In fact, Fisheries officers only received their own copies two weeks after the regulations became law (and three months after they were originally going to be).

The article goes on to talk about a number of issues with regard to that. It further states -

"From 15 September to 31 October, the take, landing or possession of pink snapper in Cockburn Sound is prohibited."

No press release has been issued.

This is not to be confused with the six-week ban on fishing for pink snapper in Cockburn Sound -

Which we agree with -

which protects spawning aggregations. The law, for all of October this year, now says that you can't return from anywhere at all to a Cockburn Sound launching ramp with pink snapper in the boat.

Understandably, the 90-odd Cockburn Power Boat Association members who will hit the water this weekend, and indeed the scores of boat owners who will leave from any of the seven launching ramps in Cockburn Sound, are feeling discriminated against.

The argument from within Fisheries is that enforcing the law, as it applied to snapper caught in the Sound itself, was difficult. However, this is no solution and was taken entirely without public consultation.

...

There are numerous other unpopular regulations finding their way into the public arena, including the ban on filleting most fish at sea on day trips. Although this is based on allowing inspectors to determine legal sizes, it applies equally to fish which have no legal size.

Mr F.M. Logan: There was an article in *The West Australian* by Glen Jakovich specifically referring to the ban on the taking of snapper in Cockburn Sound. He indicated that, once again, the ban has come into place at this time of the year. It is not correct for the members of the Cockburn Power Boat Association to say they were not aware of. They were aware that it was in place the previous year. In his fishing column in the Saturday paper, Jakovich indicated it was coming in again.

Mr M.G. HOUSE: With respect, the parliamentary secretary is mixing up two issues. One is the ban that has been in place for about five or six years. In fact, I brought it in with broad agreement. It was to protect spawning snapper. This is a new regulation that has been added to that. The parliamentary secretary is confusing those two issues. The parliamentary secretary refuted the fact that there had been consultation. It is not just me; it is people such as Hal Harvey and Phil Stanley, who are respected in the world of recreational fishing and who write articles for papers about recreational fishing, who share that point of view.

The second point I make is in respect of the parliamentary secretary's reply about resources being fully exploited. Most of us would not argue that in many parts of the State that is exactly the case. Numerous rules and regulations have been brought in to address the issue. We support that. However, our point is that the three issues we raised specifically - filleting at sea, possession limits and labelling - have no consequence at all. There are other ways of resolving the problem that are more practical and allow people to be more cooperative and to

do things as we have always done them in recreational fishing. We do not dispute what he says; in fact, we broadly agree with him. We make the point that that is not the issue. We are talking about recreational and professional fishermen, but it is interesting that the minister decided to implement these rules but not bring in a new set of regulations for professional fishermen. I know why he did that and he knows why he did it, but he will not say it publicly. He should have brought them in together. I guarantee that, as long as I stand here, we will not see them before the next election. I will be the first to congratulate him if before the next election he brings in new rules and regulations affecting professional fishermen, but I bet he will not. I guarantee that he will not. That is discrimination because the recreational fishing community has had to cop a new set of rules that are applicable only to them, when the professional fishermen fish the same resource. If we are to be told about fish resources, we must not be told half the story. The parliamentary secretary must not pretend that we are that stupid that we do not understand the full story, because we do. I understand it very thoroughly. I know all the arguments upside down and backwards. I can talk about them for hours. The parliamentary secretary should not come into this Chamber and tell us that he has imposed these regulations because we need to protect fish stocks, when they apply to only recreational fishermen and not professionals. That is unfair and discriminatory.

There has been minimal consultation. We have established that fact. If the Government checks with recreational fishing groups in Western Australia, it will confirm that that is a fact. These are impractical regulations that discriminate against country people, which is unfair. This Parliament should not support that type of unfair and discriminatory regulation. It is not the principled way we ought to go about our business. We should do things in a fair and equitable way. If the Government keeps doing what it is doing, it will destroy the confidence the public has in it and it will not receive the large amounts of assistance from the public that it currently enjoys. The fishing volunteers in this State are sensational. They do a wonderful job. They do it because they want to resolve these types of issues. They do not want to be run over by a minister and a department that wants to impose something on them if they do not agree with it. As I have said, broadly, they agree with it. However, the fines for breaking these rules are huge; it is not a little bit of money. The average recreational fisherman who has caught too many fish or who has broken the bag limit would be fined thousands of dollars, which is not a small amount of money. If the Government does not have peer support or sensible rules and regulations in place, it will have trouble. I predict that if the Government does not address these issues by this summer, it will have trouble.

I will give members a practicable example. The department wants to ban filleting at sea for fish that are not a legal size. Who in the department would have allowed that idea to go to the minister? Who in the minister's staff would have allowed it to get to the minister's table without having a damned good look at it to see how stupid it was? The minister then signed off on it. Despite all the checks and balances, nobody thought it should not be done. It is almost unbelievable. It almost smacks of people not doing their jobs properly.

I urge the parliamentary secretary to have a chat with the department. It has good, sensible people who are trying to do the best job they can. Then the parliamentary secretary should go back to the minister. The minister could resolve this issue easily. He could get the public back on side. He could get the Hal Harvey's and Phil Stanley's of this world on side. I am aware that a small group of people in the recreational fishing community think that this is a good idea. However, they are based in the city. It is a small group that seldom goes out of the metropolitan area to fish. They have a very set view about the way these rules ought to be applied.

I predict the Government will have trouble. I do not think the Government should allow this summer season to start with these rules in place. I thank the parliamentary secretary for replying to the issues that were raised and I thank my colleagues for supporting this motion.

Question put and negatived.