

SHARKS — CATCH-AND-RELEASE FISHING

489. Hon RICK MAZZA to the Attorney General representing the Minister for Fisheries:

I refer to the recent media surrounding the capture of a 4.2 metre tiger shark and an alleged delay in returning the shark to the water.

- (1) What is the maximum length at which tiger sharks can be legally caught?
- (2) What is the definition of “immediate return”?
- (3) Should it be found that an offence has occurred due to the time taken to photograph and return this particular shark to the water, can the minister explain the ramifications of that decision upon catch-and-release fishing, when anglers catch, for example, large barramundi that are over the maximum limit, for the purposes of photographing and returning these trophy fish to the water?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Fisheries, I thank the honourable member for some notice of the question.

- (1) Tiger sharks belong to the whaler species of sharks. Whaler sharks with an interdorsal length of greater than 70 centimetres taken by recreational fishers in all waters south of 27 degrees latitude, are classed as totally protected fish. A person must not take, possess, sell, purchase, consign, bring into the state or into WA waters any totally protected fish.
- (2) Section 48 of the Fish Resources Management Act 1994 provides a fisher with a defence against a charge of taking a totally protected fish, if the fisher takes immediate steps to return a fish to its natural environment with the least possible injury. The term “immediate” is not defined and therefore the common meaning applies and it means “present, at once, without delay”.
- (3) The ramifications will be based on the facts and circumstances of the case. All fishers are advised to return totally protected fish to their natural environment with the least possible injury, in order to increase the chances of survival. When a recreational fisher becomes aware they have taken a totally protected fish, the fisher needs to assess whether the impact of taking the time to photograph that fish will delay the immediate steps required to return it to its natural environment with the least possible injury.