

FISH RESOURCES MANAGEMENT AMENDMENT REGULATIONS (NO. 8) 2003

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon Murray Criddle was moved pro forma on 11 November -

That the Fish Resources Management Amendment Regulations (No. 8) 2003 published in the *Gazette* on 1 October 2003 and tabled in the Legislative Council on 21 October 2003 under the Fish Resources Management Act 1994, be and are hereby disallowed.

I have moved this disallowance motion because of some concerns initially about filleting at sea, which is outlined in regulation 8 of the Fish Resources Management Regulations; the possession limit, which is outlined in division 3 and regulations 16D, 16E, 16F and 16G; and labelling, which is outlined in regulation 22. Since I moved the disallowance motion, I have had a number of approaches from the Australian Anglers Association, RecFishWest and the Charter Boat Owners Association, which have some concerns about the consultation process that has been in place and some difficulties in getting some finalisation of their views on the new regulations. I intend to outline their concerns, as outlined in correspondence to me. I want to say from the outset that the National Party has no problem with the bag limit reductions, and the increases in size limits for fish in some categories. I want to make it clear to the minister that the reason I moved this disallowance motion is not about those issues. It is more about getting the regulations in line with giving people the opportunity to handle the fish that they have caught in the best possible way so that they get a top quality product back to their residence and onto their table. In other words, it is more about the management of fish once they have been caught.

The correspondence that I have received from the Charter Boat Owners Association outlines the issues that the association would like to be dealt with; namely, with regard to the possession limits, to allow clients on extended charters to take home an additional two to three whole fish or an extra 10 to 15 kilograms of fillets; that the ownership of consigned fish for transport be allocated to the consignee, not the licensee, who may be shipping the fish for his clients; and to consider changing the stipulation of "possession outside a person's permanent place of residence", because if this could include licensed tour vessels and houseboats used for accommodating charter clients while at sea, the issue would be eliminated for licensed fishing tour clients. The other issues are to remove the 30 centimetre fillet rule for filleting on board a licensed fishing tour vessel to meet client requirements and preferences; to allow skinning, sealing and packaging of fish on licensed fishing tours to meet client preferences; and to remove the rule that two pieces of fish equals one fish, as this does not allow for cutlets or filleting larger fish into meal sizes. Those issues were raised by the Charter Boat Owners Association of WA. The Australian Anglers Association has worked very closely with RecFishWest, and its thoughts on the process are very much the same. The people to whom I have spoken have raised issues such as the filleting exemptions for large fish by size not species, which is in current regulation 15, the heading and tailing of large fish without a 24-hour time limit, the cutting of large fish into two pieces and the three options in the possession limits for trips on boats. I have already mentioned the three issues that I am concerned about.

Since moving this disallowance motion I have received good cooperation from both the minister and the department, so the process has been sped up. I hope that if I raise some of these issues, the minister will be able to clarify them. The minister has written to me and to the other organisations explaining the situation. I know that decisions have been made up until the last moment. Perhaps the minister can clarify these issues, and that would not exclude further communication by the minister with these organisations. This will be an ongoing issue of resolution. As I have said, the quality of the fish to the table once they are caught is an issue. I am also concerned about throwing back fish once they are caught and the number of species that can be caught. However, that is an issue for another day; it needs a great deal of research and analysis to determine whether it is of any interest to the overall industry to throw back fish that are caught at different depths.

Another issue is communication with the local groups, and we must ensure that that communication is maintained. There is also the issue of the impact these rules and regulations will have on commercial fishermen. Perhaps the minister will outline the process he will go through in dealing with the commercial fishery. People talk about the integrated management of the fishery, and this is a prime example of what should happen. We are trying to achieve consistency in the handling of fish and the preservation of fish stocks into the future. They are the main issues that need to be addressed.

I will work my way through the 14 proposed management arrangements that we have agreed to make some progress on. There is a fifteenth, which I may well cover when I get to it. The first recommendation is to allow recreational fishers to land filleted fish with a minimum fillet length of 30 centimetres after 24 hours at sea. I cannot see the need for that time limit, and I ask the minister to clarify that. The second recommendation is to allow recreational fishers to land trunked fish with a minimum trunk length of 30 centimetres after 24 hours at

Pursuant To Standing Order No; Hon Giz Watson; Hon Bruce Donaldson; Hon Kim Chance; Hon Murray
Criddle

sea, and species with a slot limit - that is, barramundi, Shark Bay pink snapper and tailor - should not be included. I ask the minister to outline that recommendation. The third recommendation is to exempt category 3 low-risk species from the prohibition on filleting at sea regulations; that is, species such as herring, sand whiting and garfish, which are virtually everyday fish. Even I can catch one of those fish! The fourth recommendation is to allow recreational fishers to be in possession of filleted fish at sea, regardless of the duration of the trip. A general prohibition would still exist on the landing of filleted fish on trips of less than 24 hours duration. This will enable filleted fish to be taken to sea as bait or processed at sea for bait, but not landed unless in whole form. Can the minister outline that recommendation? The fifth recommendation is to exempt from the 30-centimetre minimum fillet length requirement fish that have been landed on an island during an overnight trip. Again I ask the minister for his comments on that issue.

Hon Kim Chance: You are down to the sixth.

Hon MURRAY CRIDDLE: Yes; I am looking at some of the comments I have received from other groups about these issues. Recommendation 6 is to rescind the regulation prescribing two pieces of fish to be taken as one fish. Recommendation 7 is to rescind the regulation deeming all fillets to be category 1 fish. Recommendation 8 is to create a prescribed value in the regulations for any fillet of fish. I am interested to hear whether there has been some move towards charging different categories of fish at different rates. Obviously some of them are well-recognised prize fish. Recommendation 9 is to include a defence to sections 50 and 51(1) of the Fish Resources Management Act to allow the landing of up to two days bag limit of whole fish or an accumulated quantity of filleted fish up to 20 kilograms per person. Recommendation 10 is to allow fillets of any size to be transported back from the islands that involved an overnight stay. Recommendation 11 is to prohibit the transportation of filleted fish on the waters of the inner gulfs of Shark Bay. There is an issue with Shark Bay, but I note that the minister -

Hon Kim Chance: I think the issue is dealt with in recommendation 10 rather than 11, because the islands off Shark Bay were the issue.

Hon MURRAY CRIDDLE: There is an issue with transporting fish over the water. If the fish are transported over the water, there will be a problem. That recommendation militates against the people who do that. If they catch fish on the island, they cannot transport the fish from the island to the shore over the water.

Recommendation 12 is to permit the possession of up to two days bag limit of whole fish when a person has been at sea for at least 24 hours. Recommendation 13 is to exempt fishers from labelling requirements while on trips at sea for fewer than 24 hours. Recommendation 14 is to allow fishers to transport fish in any container or package provided the container is labelled. That is pretty well self-explanatory.

Regulation 15, which relates to the filleting of mackerel and tuna while at sea, is also of concern. If that is based on species and not the size of the fillet length of the fish, it does not give equivalent catch care for other large species - there is a range of large species - despite the stated intention of the exemption from the maximum catch care, balanced against any possible compliance issues. I ask that that exemption apply to fish based on their size rather than on the limit of a specific species. There is also an issue with the definition of "24 hours". For example, if people fish the night before, go to sleep and then fish the next day, is that a 24-hour period? People could fish in daylight hours; in other words, a normal day. Does it mean a 24-hour period from, say, lunchtime one day to lunchtime the next day? In that case there would be two fishing days in 24 hours. That issue needs some clarification.

The whole exercise has been to make it a more acceptable and simpler system so that people can understand the issues. Some clear brochures will need to be released, outlining exactly what the Government intends to do from this point on, because these changes will have an impact on fishing. We are moving into the holiday season and people need to know exactly what they can do. I have raised these issues through the disallowance process because it has been made clear to me that these are real issues for the industry. I consider this to be the mechanism by which the process can be applied, since we are very close to putting the regulations in place as outlined and the fishing industry has some difficulties with them. I will listen with interest to the Minister for Agriculture, Forestry and Fisheries' explanation. I understand that we are getting very close to agreement, if we have not yet reached agreement. I thank the minister for his indulgence.

HON GIZ WATSON (North Metropolitan) [11.20 am]: The Greens (WA) will not support the disallowance motion. However, in a similar vein, I would like to make some brief comments on the amendments to the regulations themselves. I acknowledge the efforts of the Department of Fisheries to put the recreational and commercial fishing industries on a more sustainable basis. I took the time, particularly as a result of this disallowance motion, to go through the amendments to the regulations in more detail and received a briefing from departmental officers yesterday, which was very useful. I put on the record that the Greens are supportive of this direction. It is probably very timely. It is an issue that I have some concerns with in terms of the

sustainability of fishing in Western Australia full stop. An interesting part of fisheries terminology is the categorisation of a species as being fully exploited. My alarm bells tend to ring when I hear that, because there are many cases and examples around the world that show that what is assumed to be fully exploited or sustainable ultimately turns out not to be. There should be ongoing vigilance and caution in terms of the amount of fish resources that are taken out of the ocean.

I recognise that this amendment to the regulations has arisen not just as a result of the increased fishing effort. I believe that the recreational fishing effort has doubled in the past 10 years, which will obviously present a challenge in managing the sustainability of the industry. There is an ongoing debate about resource sharing between the commercial and recreational fishing sectors. Both in my current role and in my previous occupation as a Marine and Coastal Community Network regional coordinator for Western Australia, members of the recreational fishing sector have often spoken to me about issues such as the share of the catch they receive and the impact of commercial operators. It is an ongoing issue in places such as Shark Bay. Comet Bay just out of Mandurah was a classic example. Scallop trawling was strongly believed by the recreational fishing sector to be impacting on its catch in that area. Interestingly, trawling is a high impact method of taking fish, in the broad sense of the definition of fish. It has a high impact on marine biota and the biocatch and inevitably modifies the local ecosystem. Scallop trawling is particularly disruptive. This will be an ongoing debate. It is one in which the conservation sector probably needs to take an even more active role to put forward the argument for maintaining marine ecosystems. It also needs to help break down the argument that this is merely about the ability to continue to catch fish and who will get what proportion of the catch.

I was pleased to note that some attention will be given to commercial wetlining in the near future. That will address some of the criticisms of the recreational fishing sector. It is obvious that placing further restrictions on bag and possession limits and having the ability to make regional variations in bag limits is the right move. The increase in fishing pressure has been a result of not just an increase in population but also an increase in the popularity of fishing and a rapid increase in the quality of technology available to the people who choose to catch fish, such as global positioning systems, improved tackle and ecosounders. The impact of this on reef systems in the more populated areas of the Western Australian coastline has been profound. Added to that is that more people are now able to access remote areas in four-wheel-drive vehicles and have better boats and better navigation equipment.

There has been a steady increase in the pressure on fish stock. It is fair to say that this pressure has at the very least led to a reduction in the availability of fish in many areas, if not to local extinctions. The assessment of those matters is fraught in the marine environment because it is a liquid environment and things move around. It is an ongoing debate. In terms of residential fish species, it is clear from information provided by such people as recreational divers who regularly visit the same place, and have done so over many years, that the structure and number of species and indeed the size of fish have modified. In the immediate metropolitan waters, that change has been quite significant. The argument about sustainability must also include sustainability at that level. If a fish species is heavily exploited, more fish will be caught but they will be significantly smaller. The Greens are starting a campaign to save old-growth fish! We will suggest to the Department of Fisheries that more attention must be paid and perhaps more research conducted on this issue. Size limits are imposed to ensure that people do not catch juvenile fish. However, there is significant science that recognises that mature fish are needed, particularly among residential species, to provide the genetic material for the continuity of those fish. That is not the case so much for pelagic fish but it certainly is for residential species.

In the context of this debate the Greens raise the need for management tools over and above bag, catch and possession limits and restrictions on the use of specific gear. It is interesting to note in these regulations that some restrictions are being placed on lines, for example. I refer to proposed section 64C on page 4304 of the Fish Resources Management Amendment Regulations (No. 8), as it appears in the *Government Gazette*, which states that people who fish using a line must attend that line. That means that people should not set out all their lines and then go down the pub. I do not oppose that regulation. It is a good regulation; however, it might strike recreational fishers to be somewhat ironic when long-lines, which have hundreds of hooks, are set for sharks. I understand that this has had a significant impact, to the point that a number of school shark species are in serious trouble and the biocatch of other predatory fish is quite significant. It is a very indiscriminate way of catching fish. In the future, the use of multiple lines will be phased out, if not disappear altogether, because of the impact on other species. A classic example is the use of long-lines and their effect on larger predatory fish and albatrosses, which have a high mortality rate because they chase the lines as they are set off the back of the boat. I realise it is more of an issue for the southern ocean fisheries, but I raise the point of the balance between what is allowable in a commercial fishery, which results in a significant bycatch, and the fact that recreational fishers are being asked to attend their lines at all times.

Regulation 64H states that a person must not in any water draw a fishing net onshore or on board a boat in such a manner that any protected fish in the net are, or may be, killed. The intention of the regulation is good, but I am unclear how such a use of a net could be checked. It seems to me a pretty tricky thing to do. When a net is gathered up certain things get crushed. I do not know how it could be done in such a way that any protected fish in the net would not be killed. For example, sea snakes are often crushed in nets, certainly in the commercial fishing sector, and they are a protected species. The practicalities of taking fish often mean that some of these objectives of protecting certain species but wanting to catch others are very difficult. For example, turtle exclusion devices are designed to ensure that turtles, dolphins and other large marine animals are not caught in prawn trawls, but it is a bit fraught. There is still a significant bycatch of other biota resulting in a mortality rate in many cases of 100 per cent.

I encourage the Minister for Fisheries and the Department of Fisheries to look at other management tools, which I believe will inevitably be required as part of the tool kit for managing the impact of fishing in Western Australia. Western Australia has a very long coastline but it does not have, certainly in the southern waters, a very productive system. There are not enormous numbers of fish. We might look at other methods of conservation, such as seasonal closures. That is already being used in areas such as Shark Bay where fish stocks are under threat and subject to the pressure of continual heavy fishing.

We might look at permanent spatial closures. I refer, of course, to no-take areas, which in other parts of the world are proving to be very useful fisheries management tools. I specifically make the point because they have a role in conservation and monitoring impact. They provide a reference area for measuring the impact of fishing and other marine activities. They also have an important role in maintaining and ensuring fish stocks; indeed, in some parts of the world people are talking about significant areas in which no fishing occurs. I believe that on the west coast of the United States it involves up to 30 per cent of the near shore coastal environment. Members have heard me speak about it before in this place, but I urge again that the Department of Fisheries continue to be open to the idea of the use of no-take areas to maintain the level of fish stocks for the future. There are of course additional advantages with no-take areas, such as the ease of monitoring and policing.

One of the challenges I discussed with Department of Fisheries people yesterday was that we might bring in these new regulations that seek a closer control on the fishing effort and take but, unless there is effective policing and monitoring of the new regulations, we will not have moved much further forward. We need regulations that are relatively easy to maintain and monitor. Hon Murray Criddle has made some important points. The changes are complicated and there will need to be some adjustment until everything has settled down. However, I have had some feedback, particularly from RecFishWest which supports these changes and acknowledges the amount of lead time and consultation involved in these amendments to the regulations. RecFishWest urged me to support the amendments.

I congratulate the department and the minister for moving to put the fishing effort of Western Australians on a more sustainable basis. I encourage ongoing effort, particularly with some of the commercial fishing sectors. I believe that we could do more in the areas of trawling and long-lining where much work is still needed to put fisheries on a more sustainable footing to ensure that there will be fish for the future and the marine environment will be maintained in a healthy and diverse state.

HON BRUCE DONALDSON (Agricultural) [11.39 am]: The Opposition does not support the disallowance motion. I do not know whether Hon Murray Criddle will continue to support it. That is up to him. It was indicated quite clearly to my colleagues and me that the package is supported by the Australian Anglers Association and RecFishWest, except for the anomalies. When there is a broad-brush approach to regulations, there is always an area that does not meet the objectives being sought. The minister indicated to me some time ago that he recognised some of the changes that needed to occur. I think that is reflected in the number of amendments to the regulations, which I think pick up most of the concerns of recreational groups and individual fishermen. A number of individual fishermen approached me, and I think they were confused about the disallowance motion and the process involved in it. They felt that they could keep the body of the regulations, which they totally support, and merely amend parts of it. I then explained the process.

There is, and will continue to be, a huge amount of pressure on the available fish stocks, and technology has played a big part of that. That is why I think the recreational groups have taken a very responsible attitude towards ensuring that people will be able to continue to fish in the future. One of the anomalies brought to my attention was that a person could fish on the beach and fillet the fish. However, a person who caught a fish from a dinghy 50 metres offshore could not bring ashore the filleted fish. The fishing lines of the fisherman on the beach and the fisherman in the dinghy could almost be caught up together. The debate in the other House showed up those types of anomalies.

I was pleased to get an understanding from the minister that he and the Department of Fisheries are considering some of the amendments. The 14 amendments that the minister has approved will, I hope, go a long way towards satisfying the recreational fishermen. I have appreciated the Department of Fisheries' briefings, which have been very good. I appreciate the submissions made by recreational fishing groups and individual fishermen - or fishers, as they are supposed to be called these days. Disallowance motions always put pressure on ministers. That happened on many occasions when we were in government and it continues now that we are in opposition. Disallowance motions sometimes pick up anomalies in legislation. The issues they raise can be satisfied if the people involved reach a compromise.

The minister might clarify this, but I understand that under the new regulations more cautions rather than infringement notices will be issued over the summer, which is very important.

Hon Kim Chance: A full six months.

Hon BRUCE DONALDSON: I was very pleased to hear that. Some months ago when there was talk about the bag limits, I sent some people details of the proposed changes. They told me that they did not understand what would happen. Because of the number of changes that will be made, the minister has taken a very positive step in allowing people to be cautioned rather than issued with an infringement notice. People will not be used to the new regulations, and they will appreciate being only cautioned over the summer.

The resource allocation is always a big issue. I presume that the ongoing debate between the commercial and recreational fishermen will always continue. There are two ways to look at it. Many people buy fish and they expect the commercial sector to catch fish to supply the domestic needs of Western Australians. Surveys have shown that there has been a rapid escalation of boat owners in Western Australia.

Hon Murray Criddle: Western Australia has 60 000 boat owners.

Hon BRUCE DONALDSON: Western Australia has the highest boat ownership per capita in Australia. That figure is expected to reach 100 000 or 120 000. The results of the survey showed that the prime reason for owning a boat is not to catch fish. Boat owners' expectations of catching fish are based on the premise that they have had a good day's fishing. Many years ago it was not uncommon to have a good day's fishing and get a good catch. At other times recreational fishermen would spend hours floating around the ocean in a boat and return disappointed. Although the increasing number of boat owners will place additional pressure on fish stocks in the future, I wonder how much pressure that will place on them in the long term. Today, recreational fishermen have the advantage of using a global positioning system, which gives them an almost professional ability to catch their bag limits.

Another issue I have raised with the Department of Fisheries is that a public education campaign must be undertaken on the best ways to return to the ocean those fish that have been caught. All members will have seen Rex Hunt on television kiss the fish he catches, which seems to bring them back to life, before he returns them to the ocean. I do not know whether that is the kiss of life or what. Often it is very difficult to return to the ocean some bottom species of fish, for example, jewfish and snapper. A degree of value adding occurs. All people must be educated on the best ways to achieve a greater survival rate of the fish that are returned to the ocean. I hope the Department of Fisheries will look at that and try to implement an educational program to assist that.

As I said, the sensible amendments that have been put into place will, to some degree, help address the concerns that many people in the fishing industry had. I was interested to learn about the inquiries that have been made of boat owners regarding the high percentage of people who bring home whole fish. I was given a figure that I thought was a bit rubbery, so I will not quote it. I could not believe that high percentage.

Hon Murray Criddle interjected.

Hon BRUCE DONALDSON: I did not want to say it. I think that they are rubbery figures. I might stand corrected, and Hon Murray Criddle and I might be in trouble for doubting it. However, I doubt those figures.

A few years ago a number of farmers and neighbours I know from Koorda went fishing every year at Carnarvon and Shark Bay. We caught our bag limit, which was 10 snapper at that stage. We took our fish whole to the Department of Fisheries. The people from the department got to know us. We told them that three of us had caught 30 snapper and that we would like to fillet them offshore rather than bring them onshore. We said that they could count them whole if they wished, rather than count the fillets. We were told that was not a problem. Once in that fortnight - we went there every year - they had a look and some years they did not bother. They knew that we were not trying to catch more fish than the bag limit. I was surprised at the number of fish and chip shop owners in Nanga who caught a lot of snapper. I often thought about the fish that went to the retail trade even though the owners were not licensed. I talked about it at the time and was not surprised that before too long Nanga was fished out. The bay had been pillaged of fish at the time.

I will not say much more because Hon Murray Criddle has clearly spelt out the issues. I welcome the changes that have been made. Following a briefing with the Department of Fisheries with my colleagues, we felt more comfortable about the proposed changes. I appreciate Hon Murray Criddle applying pressure to get something done about this issue. There has been very good liaison with the different recreational groups. Some of the issues have been resolved. We will not support the disallowance if Hon Murray Criddle goes ahead with it. However, at the end of the day, that is his decision.

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [11.49 am]: I thank honourable members for their contribution and their indication either for or against the disallowance. I appreciate the way in which the National Party has handled this disallowance and has been ready to work very closely with us to frame what we think is an appropriate response. I refer to the National Party and not specifically Hon Murray Criddle, although he has played an important role. These issues were discussed in the other place, and it was the disallowance motion in the other place that gave us an early indication of the direction that was sought. For the sake of other members who have not been closely involved in the process, it is necessary for me to briefly run through the purpose of the regulations. The regulations are the result of reviews that were initiated in response to a significant growth in recreational fishing over the past 10 years and the expected increase over the next five. Hon Giz Watson spoke about that. It has also been mentioned that the use of modern technology has made fishers far more efficient and effective in targeting particular stocks of fish, in particular reef fish, which are under the most pressure. Managing for this increase in recreational fishing pressure and angler efficiency is absolutely essential for the long-term sustainability of fin-fish stocks. Hon Giz Watson also referred to commercial fishing, which I will touch on soon. The reviews were conducted and undertaken by community-based working groups appointed by the previous Minister for Fisheries, Hon Monty House, with technical and logistical support from the Department of Fisheries. It was a very extensive process, as these things must be. It involved widespread community consultation that included - I list just some of the things that occurred - the release of no fewer than six management papers for public information and discussion over the past four years, a total of 14 public meetings in the west coast region and another four in the Gascoyne region to ensure that the community had every opportunity to comment, and two public comment periods for each of the west coast and Gascoyne regions. Over 3 000 public submissions were considered during the public comment period. It has been a very extensive process.

The new changes include some quite considerable shifts in the general paradigm of management. A new three-tiered bag limit has been established based on a risk assessment of the vulnerability of each group of species to overfishing. Briefly, the new bag limit structure consists of a mixed bag limit of seven for category 1 fish, which are the most prized fish, with some individual species limits; a mixed bag limit of 16 for category 2 fish, with some individual species limits; and a mixed bag limit of 40 for category 3 fish. Overlying that are slot limits, which apply to a particular size of fish. There are limits within particular slots. What is not mentioned is in effect a category 4 fish. That was debated in the other place to some extent. Category 4 fish are not named in the regulations and are basically feral fish for which there is no limit at all. A number of minimum size limits have been increased to provide additional protection for juvenile fish. The change to the minimum size limits applies to recreational and commercial fishers. Some key changes to size limits are tailor increased to 30 centimetres from 25 centimetres; wahoo increased to 90 centimetres from 75; and the size limit for break sea cod is 30 centimetres. As daily bag limits can be accumulated, and there is no constraint on the recreational effort, bag and size limits need to be used in conjunction with possession limits if stocks are to be managed sustainably.

The introduction of the possession limits is the most effective and most controversial of the changes. Individual possession limits are a key conservation measure in the new regulations. They put a ceiling on the amount of fish a person can be in possession of outside his or her permanent place of residence. It is not entirely new. Possession limits have applied at Ningaloo for some time, but its applications statewide is new. Possession limits apply to fin fish outside a person's place of permanent residence. This is 25 kilograms of fillet or 10 kilograms of fillet plus one whole day's bag limit or two days' bag limit of whole fish. People adopting the second and third of those descriptions - that is, substituting a day's bag limit for fillets - is designed specifically for people targeting very large fish in that one fish could exceed the total number of fillets. The possession limit for one person of 20 kilogram of fillets will provide 100 serves of fish at 200 grams per serve, or a meal of fish a week for six months for a family of four. It is a very generous possession limit. The new fin fish possession limit is similar to the previous possession limit of 17 kilograms of fillets applying in the Ningaloo Marine Park. That limit has been in place at Ningaloo for 11 years and received widespread community support.

The argument concerning equity with travelling fishers from the rural community on once-a-year trips was raised quite prominently in debate in the other place. That issue needs to be balanced against the sustainability needs of fish stock. The 20 kilogram limit applies on a per person not a per trip basis. It is generous in practice. A family of four will still be able to transport 80 kilograms or 400 serves on return from a family fishing holiday, which is a substantial amount of fish. I am sensitive to that argument because that is the kind of fishing I used to

do. I was a frequent once-a-year visitor to Kalbarri, and we probably took more than our fair share of fish home. Trying to analyse what that volume of fish meant, I can think of only a handful of years when I probably exceeded those volumes of fish on a per person basis. The argument needs to be listened to. People in the wheatbelt, goldfields or inland in the north west do not have frequent opportunities to fish by comparison to a person who lives on or near the coast. They would seem relatively disadvantaged by a possession limit, which is regrettable. However, it needs also to be understood that their pitch in a sense was countered by people who took massive freezers with them which they filled with fillets. Sadly, many of them were not amateurs, but shamateurs, and took the fish for the purposes of sale. That cannot be tolerated any more.

The other somewhat controversial issue has been filleting at sea. The effective enforcement of recreational fishing regulations involves bag and size limits and seasonal closures. Both require that fish landed must be readily identifiable and in a form that can be measured to determine whether they meet the minimum size limits - whether they are over or under the legal size. The requirement to land fish in whole form has attracted some considerable concern from stakeholder groups who have indicated that they wish to fillet their catch at sea. Again, I am sensitive to that because that is exactly what I used to do. It always seemed to be more sensible to fillet at sea and to return the frame, head, tail, guts and gills of the fish to the water where it can add to the food chain. I am told, somewhat surprisingly, that I was in a distinct minority in that regard and that some 98 per cent of people prefer to fillet onshore. That could be because of vessel size or rough water making filleting at sea either uncomfortable or dangerous or both. However, the process of filleting at sea is not as widespread as I thought it was and 98 per cent of recreational fishers prefer to fillet their fish at home.

However, following recent discussion with the key stakeholder groups referred to by Hon Murray Criddle - the Charter Boat Owners Association, RecFishWest, and particularly the Australian Anglers Association Inc - I have agreed to a number of changes that simplify and make the regulations somewhat more workable without compromising the ability of fisheries officers to enforce the new rules. Clearly, it is a challenge to a fisheries officer to determine once a fish has been filleted - even if that filleting is only the basic slab off the side of the fish, a one piece fillet off each side - what species of fish it is and whether it was over or undersized. This has also been a matter of some considerable interest to the Parliament. As a result of consideration of the issues raised by the stakeholder groups aforementioned and the matters raised in Parliament, I have approved a number of changes. The first of those relates to filleting at sea. As the regulations currently stand, fish can only be filleted at sea on extended trips longer than 48 hours and the fillet length must be greater than 30 centimetres. The alteration I propose to introduce will allow recreational fishers to land filleted fish with a maximum fillet length of 30 centimetres. We cannot compromise on that because of the evidentiary difficulties in establishing the size of the fish from which the fillet came. However, we are prepared to change the 48-hour requirement to a 24-hour requirement. That will apply only to fish in categories 1 and 2. It will be possible to fillet category 3 fish at sea. The Australian Anglers Association was concerned about this issue in relation to trunking, which is a process of heading and tailing fish and finning sharks. Previously, trunking was permitted only on extended trips of longer than 48 hours when a trunk had a minimum length of 30 centimetres. I propose to introduce regulations to allow recreational fishers to land trunked fish on a fishing trip of any duration. That is particularly what the AAA was looking for. The qualification is that the trunk length be greater than the minimum size for that species. Species that have a slot limit, such as Barramundi, some of the pods, Shark Bay pink snapper and tailor, will not be included in that trunking provision. However, this will enable trunking to occur on trips of any duration. As I said, category 3, the low-risk species of fish, is exempted from the prohibition on filleting at sea. They include herring, sand whiting and garfish, which can be filleted or trunked without restriction on day trips. All unlisted species in the bag-limit tables will be classified as category 3 fish and have a default combined bag-limit of 40. That is another change. Presently under the regulations all unclassified fish have a bag limit of 16. The feral fish to which I referred earlier, including telapia, carp and redbfin are all unrestricted and are not subject to a bag limit.

The regulations presently provide prohibition on the possession of fillets on trips at sea that have a duration of less than 48 hours. This created a difficulty with strip baiting, particularly mullet bait, which, by its very nature, is a fillet; therefore people were unable to take mullet bait on a trip shorter than 48 hours. That was an unintended consequence of the provision. I anticipate introducing regulations to allow recreational fishers to be in possession of filleted fish at sea, regardless of the duration of the trip. In other words, the requirement for a trip to be of 48-hours duration to enable the possession of filleted fish will not apply. A general prohibition will still apply to the landing of filleted fish on trips shorter than 24 hours, other than category 3 fish. That change will enable filleted fish to be taken to sea as bait, or processed at sea for bait, but not landed unless in whole form. The other issue that arose in debate was fishing trips that include a stay on an island. Presently, fishers can transport only fillets from islands or at sea when a trip is longer than 48 hours and the fillets are longer than 30 centimetres. We are proposing to exempt from the 30-centimetre minimum fillet length requirement fish that have been landed on an island during an overnight trip. That change will allow fishers who are staying overnight

at, for example, Rottnest, to bring back fillets of any size. The filleting regulations will effectively be enforced at the place of landing - in that instance, Rottnest - and fishers will be subject to the possession limit when they return to the mainland.

Another issue raised during debate was that two pieces of fish are deemed to be one fish. That obviously creates problems for the bait issue I mentioned. Those regulations will be rescinded and two pieces of fish will not now be taken as one fish. It is a consequential change to allow fish cut into smaller pieces, particularly on an overnight stay, to be included in the possession limit. Presently, under an evidentiary requirement, all fillets are deemed to be category 1 fish - if a fisheries officer wants to determine the type of fish, the regulations provide that the fish are category 1 fish for evidentiary purposes. Those regulations will be rescinded. That amendment is consequential to the amendment allowing category 3 fish to be filleted. That gets over a considerable problem. Currently no value is specified in the regulations for fillets of fish, and the new regulations create a prescribed value for any fillet of fish of \$15 a kilogram. Again this relates to the evidentiary provisions by creating a statutory value for the purpose of determining a penalty.

As the regulations currently stand, section 50 of the Fish Resources Management Act states that fishers can land only one day's bag limit, regardless of the time they are at sea. The new regulations will include a defence to sections 50 and 51(1) of the Act to allow the landing of up to two days bag limit of whole fish, or 10 kilograms of fillets, plus one day's bag limit of whole fish, or an accumulated quantity of filleted fish up to 20 kilograms per person; that is the prescription of the possession limit. That defence would apply when a person had been at sea or stayed on an island for more than one day. The regulations currently provide that all fillets must be 30 centimetres in length. It is proposed to allow fillets of any size to be transported back from islands involving an overnight stay. Fish can currently be filleted on an extended trip longer than 48 hours provided the fillet length is more than 30 centimetres. It is proposed to prohibit the transportation of filleted fish on the waters of the inner gulfs of Shark Bay. This matter was referred to by Hon Murray Criddle. Given the special conservation status of Shark Bay, this amendment will add to the ability to enforce the rules in that location. It would have created enormous difficulties for compliance officers if people were coming to Denham - or anywhere in Shark Bay for that matter, but usually to Denham - with fillets, which they claimed to be the result of catches resulting from overnight stays on the islands surrounding Shark Bay. The special conservation status of Shark Bay means that the evidentiary difficulties that would be involved if that were the case would be extremely difficult to overcome. By removing the minimum fillet length for fish transported from islands, it is unfortunately necessary to prohibit filleting at sea in Shark Bay to protect snapper stocks.

A person can currently accumulate a second bag limit only if he has been at sea for 48 hours. Again this is proposed to be changed in the new regulations to permit the possession of up to two days bag limit of whole fish when a person has been at sea for at least 24 hours. One of the other issues that was raised during debate was the requirement that all fish must be labelled when being transported. It is proposed to exempt fishers from the labelling requirements while on trips to sea of less than 24 hours, which effectively takes away the labelling requirement. It is not critical, as the minimum fillet length applies to categories 1 and 2 fish on trips of less than 24 hours. It will ensure that there is some control over categories 1 and 2 fish, but also allow that amount of freedom in category 3 fish. Currently all fish must be labelled, unless it is packaged and the package is labelled. We are proposing to allow the transport of fish in any container or package, provided the container is labelled, other than category 3 fish, where those rules will not apply at all. I appreciate that that is complex, but I hope members will appreciate that major changes are necessary in the management of recreational fisheries. The Government has done its best in the circumstances to accommodate the issues that caused the greatest concern. The changes do not answer all of the requests we have had, although most of the main issues have been dealt with, particularly those around trunking.

People will take some time to adjust to these changes. As Hon Bruce Donaldson indicated, we will be going through a process of education rather than prosecution over the next six months - effectively over the whole of the summer period. I have been asked when these new changes will be introduced. We are hopeful that the new variations to the regulations will be introduced by February. That will give us a bit of time between now and then to get people comfortable with a change immediately after another change. The changes will greatly enhance the acceptance by the recreational community of the new management arrangement. The regional reviews of recreational fishing will complement the new management arrangements for the charter industry, and also provide the necessary framework for recreational fishing to be incorporated into the greater scheme of things, which is represented by the policy for an integrated management framework covering the recreational, commercial, charter and Aboriginal fishing sectors. Complementing the regional recreational fishing strategies is a corresponding review of the unmanaged components of the commercial fin fish sector, which is being referred to as the wet line sector. That is planned to ensure the effective management of the commercial catch, and is currently under way. A discussion paper outlining the proposed management arrangements for the commercial wet line fishery will be released early next year. Substantial progress has been made towards it.

There has been some angst amongst the recreational sector that, as of 1 October, when these new recreational fishing arrangements for the west coast and the Gascoyne were introduced, they were in isolation from the changes to the commercial sector. I ask members who may come under pressure from the recreational sector as a result of that angst to bear in mind that the commercial fishing sector is, in many aspects, already subject to management. The most recent measure was the introduction of the Spanish mackerel arrangements. The commercial sector is tightly managed in some areas. I concede that we are not managing our fin fish resources to anywhere near the same extent that we are managing our other fishing resources. This is a historical matter, but will be addressed through the wet line review, the introduction of the Gascoyne and west coast recreational arrangements, and then later the Kimberley-Pilbara and south west arrangement. I do not know why, historically, fin fish have been left out of the very tight management arrangements, except that there is a general presumption by Governments of either colour that the licensing of salt water wet line fishing amongst amateurs is not a politically popular thing to do, even though RecFishWest has urged us to do that.

In the absence of a willingness to manage the recreational sector in that way, and, so far, the absence of tighter controls over commercial fishing, although they are currently under way, we have been left in a bit of a vacuum. We have been able to survive that vacuum because of the strength of our fish stocks, and because of the relatively light pressure that the 1.8 million people in this State - although one-third of them are recreational fishers - apply on those stocks. However, we would be fooling ourselves if we thought that situation could continue. We need to address the increasing pressure that we are collectively placing on our fish stocks. Regardless of whether we are recreational fishers or not, we all place pressure on our fish stocks. I know that there is general support, and I am appreciative of the expressions of that general support, for a higher level of management.

I have covered three of the five issues to which Hon Murray Criddle referred; namely, commercial fishing controls, the timing of the introduction of the changes, and the educative components up until the introduction of the changes. Hon Murray Criddle covered two other issues, both of which concern me a bit. Those issues are actually related to each other. Although Hon Murray Criddle did not use the term, he talked about what is known as high grading, which is a practice whereby people who have achieved their bag limit but want to go on fishing dump back into the sea the fish that is in their bag but that is less attractive for one reason or another - size being the most common - than the fish that they think they may be able to catch later. That practice is indicative of the fact that we cannot legislate against irresponsibility. All we can do is educate people against irresponsibility. It is an irresponsible action and should not take place, but it is very difficult, if not impossible, to legislate against.

Hon Bruce Donaldson: That was also an issue that I raised, but you were out of the Chamber at the time. Because of that practice and because of the tighter bag limits, has the department considered providing some helpful advice to the recreational fishing industry about the best way to return those fish to the ocean?

Hon KIM CHANCE: Yes, very much so. In fact, the member had started to say that before I left the Chamber, and I apologise for having to go outside, but my advisers are outside and I had to check another fact. Education is all important. The issue that the member has raised goes to something that I noted Hon Murray Criddle also raised; that is, the ability of a fish to survive depends on the depth of the water that the fish is caught in. This is a real difficulty and one that we have addressed, most particularly in terms of the commercial and recreational size limits for pink snapper in the oceanic Shark Bay region; namely, the 41-centimetre and 45-centimetre rules. Because of the number of predators in the water, if a fish that is caught at considerable depth is not hauled to the surface quickly, all that the fisher may get is a fish head. However, when a fish is hauled to the surface very quickly, the depth-control bladder, which exists inside all fish, particularly reef fish, and is their mechanism for balancing their weight against the depth and pressure of the water, is placed under huge pressure; in fact, it blows out like an airbag in a car. If that fish is released without any attention being paid to its blowing the bag, which is the term that is used, that fish will simply flop around on the surface, because it cannot deflate the bag itself, and die. There are means of deflating the bag and, although it does not guarantee survival of the fish, it does decrease more than somewhat the mortality.

Hon Paddy Embry: You said that it is a quick procedure

Hon KIM CHANCE: Yes, it is quick and painless. The device is simply a fishhook without a barb and it is usually set into a lead handpiece, so that the handpiece is held rather like a toothbrush and the barbless hook is inserted into the bag to release the pressure. If the fish is put back into the water and is helped to swim a bit to get its gills moving, its chances of survival are greatly increased.

Hon Paddy Embry: It sounds like the old treatment for cows.

Hon KIM CHANCE: It is not unlike a ruminant with bloat. It is very similar.

Hon Frank Hough: However, realistically, fishermen will not do that.

Hon KIM CHANCE: They will.

Hon Frank Hough: You can legislate for it, but human nature will overtake that at the end of the day. If the fish are running and biting, they won't muck around and do that.

Hon KIM CHANCE: This goes to the issue of education and legislation.

Hon Paddy Embry: Fishermen on the Southern Ocean would.

Hon KIM CHANCE: I will not engage in that particular debate. This goes to the question of education versus legislation. No, we cannot legislate to make people do that, but when fishermen genuinely want to return fish to the water - many do want to return fish to the water - it is in their interests to ensure that the fish are returned to the water in a manner that will enhance the capacity of the fish to survive. The take-up of these bladder-deflating devices is quite extensive. Indeed, if the member wants to speak to recreational fishing experts about the degree of take-up, they are just outside the Chamber and would welcome the opportunity to discuss the matter with him. There is a great deal of interest among recreational fishers in fishing for the future and returning to the water in good shape those fish that, for whatever reason, they do not want to take onshore. I recognise that fishing organisations, such as RecFishWest, the Australian Anglers Association and the Charter Boat Owners Association of WA, are all very active in the promotion of this form of education in handling fish to ensure that we do not give them herpes from kissing them, or whatever it is that people do on television programs. That is probably best left alone.

Hon Nick Griffiths: I am not going to have fish and chips tonight! I've heard enough!

Hon Ed Dermer: How does a perforated bladder return to normal function?

Hon KIM CHANCE: It does. If the member would like to speak to my experts outside the Chamber, they could tell him with great precision how it is done.

Hon John Fischer: One of the problems in Shark Bay, which is in the Gascoyne area to which you referred, is that once you put the fish back overboard - I have seen it on many occasions - if the fish can't get off quickly, it is taken by a shark.

Hon KIM CHANCE: That is true, but that is part of returning to the food chain as well. That is not unlike the question of bycatch in prawn trawling. As much as we can say that bycatch is a terrible thing, the ecology of the region has adapted somewhat to using that bycatch as part of its normal food chain. It is not natural, but has it become normal with the effluxion of time? That bycatch goes back into the food chain, just as the odd fish that is not in good health will end up back in the food chain as well. Suffice to say, people want to be able to return fish in good order, and when they are able to do that, we should certainly encourage it.

Finally, I reiterate my thanks to honourable members for their contributions. Clearly, the Government would prefer the disallowance motion not to be carried; however, I am grateful for the opportunity that has been provided to make some amendments to the regulations, which will go some considerable way towards meeting the expectations of the various stakeholders.

HON MURRAY CRIDDLE (Agricultural) [12.29 pm]: I thank all members who have made a contribution to this debate. Hon Giz Watson spoke of her concern about fish stocks, which I think we are all concerned about. She spoke about the Department of Fisheries being open to ideas of no-take areas and monitoring, as I am sure it would be, and to looking at the commercial fishing industry and the use of long-lines. She has a very astute understanding of the fishing industry.

Hon Bruce Donaldson pointed out that there were a number of anomalies in the regulations. That was the whole idea behind the disallowance motion that I moved. There is some confusion about filleting and the like. I think he said he was happy with the 14 changes, which is very good, and spoke about concerns with the commercial use of fish taken for recreational purposes. I think we are all concerned about that. He indicated that the Opposition would not support the disallowance.

I thank the minister for the way in which he has handled these changes since the disallowance motion was moved. We now have a far more workable and simpler approach to the regulations. I also thank the department for allowing us to communicate with it. If I were allowed, I would move to withdraw the disallowance motion. That is not acceptable, so we will put it to a vote.

Question put and negatived.