



# AUSTRALIAN ANGLERS ASSOCIATION

(WA Division) Inc

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Dr Andrew Rowland,  
Chief Executive Officer  
Recfishwest  
PO Box 34  
North Beach Western Australia 6920

Dear Andrew

## **SUBJECT: Concerns Relating To Fisheries Department**

I have been asked to write to you on behalf of the members of the Delegates Council of this organization about concerns that they raised at a recent meeting. These delegates are representing their club on this committee. Similar concerns have been raised with me in general discussion with club members and other recreational anglers. These are not criticisms of the organization, but genuine concerns that have been raised by anglers. What they are seeking is an assurance that their perceptions are unfounded. If you are able to represent these concerns to the Department on our behalf and obtain a response we would greatly appreciate it.

There are several recent items that have concerned the Association and its delegates. Some of these are listed below in no specific order. The question to be asked is "What is happening in the Department and in particular within the Communication Section?"

### **WEST COAST FISHING INFORMATION BROCHURES**

It is understood that the Department ran out of the 'old' brochures relating to the West Coast back in October / November. With the new brochure coming into effect on February 1, it seems that a decision was made to not do a small run to reprint these brochures and meet the shortfall. Had some forward planning been undertaken this situation shouldn't have arisen.

To meet requests for angling information, departmental officers began issuing the 'new' brochure, even though it doesn't come into effect until the beginning of February.

I, along with several club members, wanting to ensure that members of the Association and affiliated clubs had sufficient brochures, called into the Hillarys and Fremantle offices seeking additional copies. The Association secretary also rang a person in the Head Office seeking two boxes for distribution to clubs. All of us were told that we could have one, maybe two brochures, but we are short of stock and there won't be a reprint done until mid to late February.

"Our first print run of 50,000 brochures has been fully distributed across the State.

Unfortunately there are no more until our second print run is completed. This may not happen until mid to late February as we gauge responses which include a few minor corrections. I don't know how they plan to distribute them going forward. I suggest you contact Fisheries head office on 9482 7333 in February to ascertain the availability of brochures. In the meantime all information is available on our website [www.fish.wa.gov.au](http://www.fish.wa.gov.au)."

We have been instructed to download a copy from the website and print our own copies. How are we to inform our members of the changes and keep a copy in the boat or tackle box via a download from the Fisheries web site when the document is around 50 pages in length and many of our senior members are either not computer literate or do not have access to either a computer or the internet. Is this adequate for keeping the general public informed and providing positive communication with them? There is a major boat angling competition to be held in mid February



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and the participating anglers will not have a copy of the new regulations in their boat as they probably will not be freely available at that time.

#### **OTHER CONCERNS RELATING TO THE BROCHURE AND WEB SITE:**

The State wide Guide has a new section on page 2.

##### **General disclaimer**

*This publication is to provide assistance or information. It is only a guide and does not replace the Fish Resources Management Act 1994 or the Fish Resources Management Regulations 1995. **It cannot be used as a defence in a court of law.** The information provided is current at the date of printing but may be subject to change. For the most up-to date*

*information on fishing and full details of legislation contact your local Department of Fisheries office or visit: W: [www.fish.wa.gov.au](http://www.fish.wa.gov.au)*

So if there is a mistake in the guide or omission of a material fact, and a fisher followed it, then he can still be charged and convicted of an offense, by the organization which wrote and approved the guide.

The Regulations are 336 pages and the Act is 224 pages. Hardly easy to read and work out what applies to particular sorts of fishing.

However the website has the same publications (assuming you are working from the current issue) and an even more outrageous disclaimer.

There is now more information on the updated website, but it is spread over many pages, and there is not a simple summary which people can take with them when fishing.

##### **Disclaimer** <http://www.fish.wa.gov.au/Pages/Disclaimer.aspx>

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Provided as a service the community (????)

The Department of Fisheries is saying "that readers will be responsible for making their own assessment of the matters contained or discussed herein and are advised to verify all relevant representations, statements, information and advice."

The community expects much more than that, considering the complexity of the Act and Regulations.

There is a comment about being only a guide, and not replacing the Act and Regulations, but there is no warning that the Act/Regulations contain more provisions for some specific areas and need to be consulted.

Fisheries are the responsible body, they specify and approve the Regulations and are responsible for briefing and training their staff to administer and enforce those same Regulations.

If the Dept of Fisheries cannot provide reliable and accurate information or summaries, then how can they enforce the Regulations.?

This would not be so bad if the community had an undertaking - If you are misled by something the Department publishes (the current version as available from the website) they will not charge you on that occasion.

Is Recfishwest kept advised of charges facing recreational fishers? - where there may have been some confusion or interpretation of information provided by the Department, so that Recfishwest can represent the recreational angler's interests for the sake of procedural fairness, and to represent mistakes, omissions and ambiguities so that they will be corrected, because it seems that we can't rely on the Department of Fisheries to get their act together and do it, without hiding behind these disclaimers.

### **GLEN JAKOVICH COLUMN IN WEST AUSTRALIAN SATURDAY 19 JANUARY 2013:**

Most anglers are aware that this column is ghost written by either a Fisheries Department person or a person employed to write it for the Department.

Attached is a scan of the column from last Saturday.

The lack of professionalism of the writer comes into play here as they firstly have a go at a previous column (written by Mike Roennfeldt) where he made a mistake in regards to barramundi numbers. Was Mike given the correct information by the Department or was he left to interpret the rules himself.

Jacko's column then has its own error when it says "Fish with no size limit can be landed in any form so long as the skin **and scale** is left on" Is this not a case of "egg on face"?

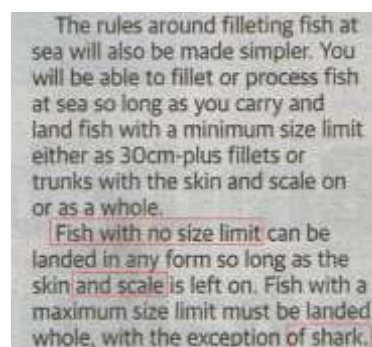
The guide says "Fish without a size limit, can be carried at sea and landed:

- filleted, skin on;
- trunked, skin on; or
- whole (can be gutted and gilled).

i.e. there is NO requirement for scales on fish without a size limit.

Members of the Delegates Council were told specifically not to trust any person passing on information as there is a distinct possibility that they may get it wrong. Just refer to the brochure.

Was that a case of déjà-vu?



Scanned copy of the "Glen Jakovich" column and highlighted section.

In a previous "Jako" column there was a mention during the West Coast Demersal Fishery closure of the potential for anglers to be fined and/or prosecuted in court for carrying demersal fishing gear during the closure. Several enquiries were made to the department as a result of these comments seeking clarification. Again we are still awaiting a return phone call from departmental officers on this matter. Recfishwest was also approached and the question asked and they met with a similar result when talking to the department.

Due to the problems or misinformation that this column seems to generate, does this mean that either (1) the column in Saturday's West Australian not imply that Glen is writing it, (2) that it should be dispensed with or (3) that prior to its publication it is closely vetted by a senior departmental officer not associated with the Communication Branch. This would alleviate many concerns raised by anglers and ensure that the facts were accurate.

### **WEST COAST DEMERSAL FISHERY REVIEW:**

In the above column there is also a mention of this review at the bottom of the left column and at the top of the right hand column. This review was to be completed and the results announced in October 2012. We are still waiting!

The Minister released a press statement on the 18<sup>th</sup> of December when he announced the new rules to come into effect in February. It was anticipated and expected that the results of the West Coast Demersal Review would be announced around this time.

With the new brochure released and going to a second print run due to lack of stock (and to correct some minor errors!) one must assume that there will be no changes as a result of the review. Why bother wasting everyone's time?

After the public response disagreed with the majority of the Department's wish list and the independent umpire verifying this, the cynic would say that the departmental officers have 'picked up their bat and ball' and gone home.

Prior to the Minister releasing his press release, I have had reports in late October from 3 separate anglers who were stopped in the field by departmental officers conducting their general day to day regulatory checks on recreational anglers. During the discussion the anglers were told by the inspectors (who had obviously been briefed on the application of the new rules) that recreational anglers were about to be really restricted in their activities under these rules and that catch and bag limits were to be radically reduced.

It seems that this approach was rather unprofessional and also scaremongering. I wonder what the Minister might have said had he been aware of the 'leaks' prior to his Ministerial announcement?

### **ASIAN PADDLE CRAB**

What is happening within the Department with regard to this pest. The attached article is again from Saturday's West Australian in the 'On the Water, Boating and Fishing Section that is written by Barry Wiseman. Is he now a spokesperson for the Department?



I was recently approached by a club member who had been pulling some recreational crab pots in pots in early January when he had contact with Fisheries Officers. They asked if he was aware of the concerns that had been raised by the Bio-Security Section in relation to this invasive marine pest. As he was totally unaware of this situation he reported back to a club meeting and told of his discussions with the officers. Being a concerned recreational angler he wanted to ensure that all persons who went crabbing were aware of the concerns relating to this crab.

Why hasn't the department used the contact list of licenced anglers and adequately resourced an awareness campaign to raise public awareness of this problem. Approval has been given to undertake a prawn restocking program in the Swan estuary and this would come to nought should this menace establish itself. It would also threaten the very popular recreational activity of crabbing if it was to overrun the estuary and deplete stock or introduce disease or similar.

What is happening and what importance is being placed on this marine pest invasion? The general public are not aware of any concerns and again not everyone goes looking at the web site to find out information. I am aware that there has been some work done in this area. The last time the website <http://www.fish.wa.gov.au/About-Us/News/Pages/Look-Out-For-Pest-Crabs.aspx> was updated was 1 November 2012, and it still says "Several follow-up surveys of the local waters where the pest crab was caught have not located any more".

The following is an extract from a departmental paper.

In recent months, two adult specimens of the high risk pest species Asian paddle crab (*Charybdis japonica*) have been captured in the Swan River at Mosman Bay. The first was caught on 19/10/12, and confirmed 25/10/12. The second specimen was caught on 28/10/12, and reported and confirmed on 20/11/12.

A third specimen was confirmed by the Department of Fisheries (DOF) as an adult male Asian paddle crab. This specimen was caught and reported to Fishwatch on Saturday 15/12/12. Fisheries Officers followed up on the report several times shortly after, and eventually received photographs of the specimen late on Tuesday 08/01/13. The specimen, which had been kept in the freezer by the person who caught it, was collected late Wednesday 09/01/13 evening, and delivered to the DOF offices Thursday 10/01/13, where a biosecurity research scientist confirmed the crab as *Charybdis japonica*. The crab will be sent to the WA Museum for further confirmation, as for previous specimens. This crab was caught by baited drop net, set near Mosmans restaurant, Mosman Bay. This is the same general location the first two confirmed crabs were caught.

The next steps agreed are:

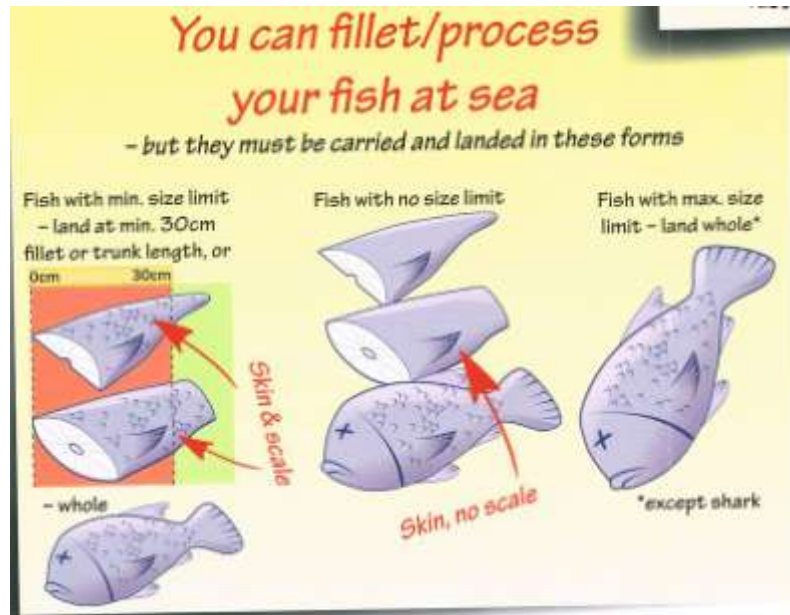
- Biosecurity staff will use staff training exercises wherever possible as opportunities to support activities over the next 3 weeks. This includes Fisheries Officers handing out flyers and dive training in the Mosman Bay area, and river patrols. Research staff will also use a training dive in the Mosman Bay area to look for pest crabs in late January 2013.
- A small number of traps will be set for a short period in the relevant area, using new information from the third report.
- Temporary signs are still to be erected at key locations along the river, in places the public use to access the Mosman Bay area.
- Communications will continue in earnest to keep up public awareness in preparation for peak crabbing season.
- Follow up survey monitoring will occur as planned in late February 2013, as well as at six months (May 2013), and 12 months (November 2013) since receiving the first report.

What is happening with the highlighted areas above?

It is felt that the public should be made aware of the problem and that a concerted effort should be made with television and radio advertising as well as adverts being placed in papers in both Perth and the Mandurah regions as these are the areas most at risk. It is understood that there was approximately \$2m spent on the recent shark foray in the southwest, which didn't produce a lot of results. At least it raised the profile of the department in the eyes of the public so why not spend similar amounts in controlling this marine pest?

## FILLETING / PROCESSING YOUR CATCH AT SEA.

The following diagram is taken from a poster received from Fisheries Communications and posted to a variety of addresses. We received 10 copies of the poster in the mail addressed to the AAA (WA Division) Inc and these were distributed to clubs via their delegates.



The diagram shows fillets and trunks cut square.

Question from a club angler who is concerned with a possible anomaly. The direct comment received is repeated below.

If I measure a fillet or trunk with one end at a nearly 45 degree angle like shown in the left diagram, and it measures just more than 30cm, is that OK?

It wouldn't actually be 30cm if measured properly - straight. And yes I recognise that trunks and fillets are often cut at an angle at the thick end. Surely that would not have been too hard for an artist to show?

What were Fisheries thinking when they approved a diagram like that?

Why not have the fillets and trunks completely horizontal and show the measurement starting from the cut line of the thick end?

The current regulations Page 258 say;

"Part 3 — Method of determining the length of fish trunks and fillets

A fish trunk or fillet is to be measured -

- when the fish is lying flat; and
- without being held; and
- lengthwise along the longest part of the fish to which both the skin and the flesh of the fish extends; and
- in the case of a fillet, the measurement is not to include any part of the head or tail of the fish still attached."

The diagram of the fish with no size limit, where the options shown are a full fillet, full trunk or whole fish, raises a question.

Current definition of fillet in the regulations is "*fillet means any part or piece of a finfish, other than a whole fish, fish trunk, head, tail, fin or a product of gilling or gutting the fish;*"

The guide says "Fish without a size limit, can be carried at sea and landed: filleted, skin on;"

Therefore what will "filleted" mean in future. A whole fillet as shown, or pieces of fish as in the definition in the current Regulations?

Is a part of a full fillet with skin on acceptable?. (from fish with no size limit) e.g. remaining part of a herring which has been filleted and used for bait.

## RESPONSES TO QUERIES RAISED WITH THE DEPARTMENT:

On the 19<sup>th</sup> of July a letter was written by the Association to the Minister Mr Norman Moore in relation to definitions relating to the number of hooks allowed using gangs or snells

A query had been raised by member clubs located on the south coast and the response and interpretation given by a departmental representative differed from that given in Perth. This caused some confusion amongst members.

A 'drop copy' of the letter was also sent to the Executive Director Fisheries Department and Recfishwest. We are still awaiting an acknowledgement of the letter and a reply.

In discussions with Recfishwest they have indicated that the matter is under review and our recommendation is being given consideration. It is understood that a governmental protocol is that any letter received and unable to be answered within 10 days is to be acknowledged and a reply sent as soon as it is available. To date this organization has received neither.

A copy of the letter is included below;

Dear Minister

**Subject: Number of hooks allowed using gangs or snells.**

I refer to recent proposals by the Department of Fisheries in Fisheries Management Paper 252 which included a statement about making the rules as consistent and easy to understand as possible.

Ganged or snelled hooks are used to hold long baits like garfish and soft baits like pilchards (mulies) and squid where a single hook is unsuitable because a fish may bite in a part of the bait where there is no hook or the bait will fall off.

The State limit on the number of hooks which can be used in a gang or snell, and how gangs or snells of hooks fit into the limit on hooks, are questions which keep coming up because the information from the Department of Fisheries is incomplete and ambiguous.

The Fish Resources Management Regulations Section 64E, clause 3 say:- *"A person, other than the holder of a commercial fishing licence, when fishing WA waters may not use a line with more than 3 hooks or gangs of hooks attached."*

However the Regulations do not define a gang, or as sometimes used, a set of snelled hooks in rigs which may contain more than 3 hooks in total.

A question was asked recently, and the following comments were included in an email reply from the Department of Fisheries, after some other earlier conflicting advice was received.

*"The key issue is the definition of "gang" which is not defined in the Regulations. Most dictionary definitions will refer to "gang" when used as a verb, describes things which are arranged to work together.*

*As such, without a definition in the Regulations, I think you would be hard pressed to argue that hooks which are joined together by a snell and designed to be fished on one bait would not be a gang.*

*When you look at the intent behind the legislation of using up to 3 hooks or 3 gangs of hooks, a gang of hooks can be made up with as many hooks as a fisher likes. In effect this restricts a fisher to using a maximum of three baits, which I think was the key intent behind the legislation."*

This comment about a maximum of three baits and one bait per gang or snell appear to be very sensible and practical and easily understood. However the writer, a senior person in the Department of Fisheries, then added:-

*"These are only my views and others may interpret the legislation differently."*

That comment confirms that the legislation is not clear and is capable of different interpretations even within the Department of Fisheries, and as such is confusing to recreational fishers.

It is therefore requested that the Fish Resources Management Regulations include the following in the definitions. (Part 1 - Preliminary, Section 3 and also in Defined Terms at the end of the Regulations)

*"A gang of hooks is any number hooks designed to be used in a single bait where the point of one hook passes through the metal eye of either a swivel or another hook.*

*A set of snelled hooks is any number of hooks designed to be used in a single bait using knots and line or wire to link the hooks where the spacing of the hooks may be different to the length of a single hook"*

And Part 4A Section 64, E3 be amended to read:-

*"A person, other than the holder of a commercial fishing licence, when fishing WA waters may not use a line with more than a combined total of three lures or baits attached."*

These changes should then stop any further questions being raised about ganged hooks and snells etc and also clarify and simplify this topic for everyone.

**OTHER QUESTIONS:**

There are several other questions that have been raised within the organisation and these relate to;

Rules pertaining to “take” and “catch and release” fisheries.

Prosecutions associated with the capture of sharks larger than the legislated interdorsal length. (In one instance there was footage placed on “YouTube” presumably from a commercial boat in the north west of the state and in the other instance a couple of young blokes were fishing in the southern metropolitan area and were quite successful in their efforts of catching a variety of sharks)

Unfortunately there is insufficient space or information to elaborate on these questions here and I will take them up at a later date.

On behalf of the members and Delegates of the affiliated clubs of the Australian Anglers Association (W A Division) Inc., thank you for your time and effort in presenting these questions to the department on our behalf.

Kind Regards

A handwritten signature in black ink, appearing to read "John C Curtis". The signature is written in a cursive style with a long horizontal stroke at the end.

John C Curtis  
President  
January 2013