



Factsheet

19-a. Recreational Fishing

Recreational fishing may appear to have less of an impact on the environment, compared with commercial fishing, but it is a popular past-time in Western Australia, and is increasingly putting pressure on limited fish stocks. In some species, targeted by both commercial and recreational sectors, the amateur catch may actually exceed the commercial catch. Unlike most commercial fisheries, in which the number of fishers is capped, the number of recreational participants currently increases with the population. Recreational fisheries are difficult to manage because of the large number of participants and variety of fishing practices. It is essential that guidelines and regulations are followed to protect and conserve Western Australia's fish stocks to ensure sustainable development of our fish resources.

What is recreational fishing?

Recreational fishing is fishing undertaken for any purpose other than for sale. For information on commercial fishing see [Fact Sheet 19B Commercial Fishing](#). Currently, a program is being developed to manage indigenous customary fishing, as distinct from recreational fishing.

In fisheries law, "fish" has a very wide definition and, generally, all marine organisms other than aquatic amphibians, reptiles, birds and mammals are regulated. This includes finfish i.e. sharks, some rays and bony or scalefish (fish with scales) and also octopus and shellfish (e.g. abalone) and crustaceans (e.g. prawns, crayfish and crabs).

The take of many common species is regulated, so individuals should not assume their catch is not subject to limitations. Comprehensive descriptions of the limits can be found on the Department of Fisheries website (www.fish.wa.gov.au).

How is fishing regulated in Western Australia?

Regulation of fishing in Western Australia is comprehensive although usually specific to the fishery in question. Most of the specific limits on recreational fishing are found in Fisheries Regulations. A comprehensive summary of these Regulations can be obtained from the Department of Fisheries website: www.fish.wa.gov.au

If you are concerned about the regulation of a currently unprotected fish species contact the Department of Fisheries. It is advisable that you express your concern in detail and in writing.

What limitations are placed on fishing?

Possession Limits for finfish

A general possession limit is imposed throughout W.A. on the amount of recreationally caught finfish you may have in your possession (although the possession limit is subject to other regulations on fishing). An individual may have in his possession no more than:

- 20kg of fillets or pieces of fish; *or*
- 10kg of fillets or pieces of fish plus one day's bag limit of whole fish; *or*
- two days' bag limit of whole fish.

The possession limit only applies to vertebrates, finfish and sharks. Crabs, rock lobster and squid are not included in the possession limit. 'Baitfish' may be included within the possession limit. For exceptions regarding bait see the Department of Fisheries (Possession Limits for Recreational Fishing Frequently Asked Questions: www.fish.wa.gov.au).

The term "possession" is broad, and fish that are in the process of being transported may be considered as being in an individual's possession.

As mentioned above, limitations on fishing are fishery and species-specific, and limit details can be easily obtained from the Department of Fisheries. However, limitations on fishing usually take the following form:

- **Licences** – a Western Australian Recreational Fishing Licence must be obtained in order to legally fish for some species e.g. rock lobster, abalone, marron and freshwater fish. Licences are obtained from the Department of Fisheries. Fees vary depending on the species.
- **Catch limits** – such as bag limits.
- **Fish size** - note that maximum size limits apply to some species of fish, as well as minimum size limits, in order to maintain the breeding capacity of larger fish and the value of the fish stock as a population e.g. rock lobster.
- **Fishing gear** – regulation on the use and identification of particular fishing gear e.g. number of crayfish pots.
- **Area** – prescribing the regional area in which you may fish.
- **Fishing seasons** – prescribing the seasons in which you can fish for a species, e.g. abalone fishing is tightly controlled in the West Coast Zone and may only be carried out on the six Sundays from 2 November to 7 December from 7.00am to 8.30am.
- **Method of fishing** – prescribing activities associated with fishing, e.g. abalone may not be taken if it involves the use of scuba equipment.
- **Shelling** – prescribing ways of shelling, e.g. abalone may not be shucked at sea or on land within 200m of the high water mark.
- **Individual fishing quotas** – personal seasonal catch limits may be required, for example, recreational fishers targeting snapper in the Shark Bay Gulfs must currently pre-purchase tags for each fish to be taken. Access to the limited number of tags also involves a ballot.

Recreational fishing rules are developed regionally for each regulated target species. A recreational fishing licence must be obtained from the Department of Fisheries in order to legally fish for:

- abalone;
- rock lobster;
- marron;
- any sort of net fishing; and
- freshwater angling.

The licence is specific to each type of fishery (i.e. it is not a general licence) and the fee will vary slightly depending on the fishery. Revenue from the licensing system is used in to manage recreational fisheries.

To illustrate the above restrictions on recreational fishing for rock lobster are set out below:

- A recreational fishing **licence** is required in order to fish for rock lobster in Western Australia (\$31 from the Department of Fisheries).
- The **open season** for rock lobster is from 15 November to 30 June, and there is a total ban on rock lobster fishing for the rest of the year. (Note this exception: Abrolhos Islands season is shorter being from 15 March – 30 June.)
- **Minimum size restrictions** on rock lobster vary depending on the species, but undersized lobsters must be returned to the water within five minutes of capture.
- A further **bag limit** (quota) of eight rock lobsters per licence and a **boat limit** of 16 lobsters if two or more licences are held apply.

- A **limit** of two pots per licence.

Areas that have been designated as protected areas (e.g. marine parks) will have further limitations. See [Fact Sheet 17](#).

What are the penalties for breach of fishing regulations?

The penalties for breaches of fishing regulations vary, and are graded based on the severity of the breach. This means that a penalty may be imposed for *each fish* under the legal size limit.

What are Aboriginal Fishing Rights?

Currently Aboriginal peoples may not need to hold a recreational fishing licence where they are fishing in accordance with Aboriginal tradition, depending on the extent to which native title rights cover this. However, the issue of what is recreational fishing and what rules currently apply to customary fishing is a vexed question. People of Aboriginal descent who are fishing for personal, domestic, ceremonial or educational needs are possibly subject to the recreational limits. Recently, the Aboriginal Fishing Strategy Working Group made recommendations regarding customary fishing by indigenous peoples. It is recommended that the Aboriginal community should determine who should participate in fishing in accordance with its tradition, instead of government regulation. Reform of the *Fish Resources Management Act 1994* was recommended in order to distinguish customary fishing from other forms of fishing. Management of customary fishing is to be based on two separate Aboriginal Fishing Areas. For more information see the Aboriginal Fishing Strategy (Fisheries Management Paper No. 168) available from the Department of Fisheries website. These recommendations have not been introduced yet as a Bill in Parliament.

How can you become involved?

There are several opportunities for the public to be involved in the protection of W.A.'s recreational fisheries:

- If you believe there has been a breach of fisheries regulations call the Department of Fisheries hotline: 1800 815 507;
- Obtain a recreational fishing licence where necessary; fishing for abalone, rock lobster or marron and where net fishing or freshwater angling;
- Comply with size restrictions and bag limits and be aware of additional restrictions placed on fishing in specific areas such as Marine Parks;
- Monitor proposed Regional Recreation Fishing Reviews, Fish Habitat Protection Areas and Management Plans issued by the Department of Fisheries regarding relevant fisheries, as it will invite public submission; and
- Comment on proposals produced by the Integrated Fisheries Allocation Advisory committee ("IFAAC") as to the sharing of fish resources between the commercial, recreational and customary catch sectors.

See next page for contacts and further information

Contacts and further information

Contacts

Department of Fisheries (WA):

08 9482 7333

Or contact it online at:

<http://www.fish.wa.gov.au/sec/rec/index.php>

Department of Agriculture, Fisheries and Forestry (Australia):

www.affa.gov.au

National Oceans Office:

www.oceans.gov.au

Marine Stewardship Council:

www.msc.org

The Environmental Defender's Office WA (Inc)

The Environmental Defender's Office WA (EDO) is a community legal centre specialising in public interest environmental law.

The objects of the EDO include:

- ◆ to provide community groups and individuals with legal advice and representation to help protect the environment;
- ◆ to promote law reform that improves environmental protection; and
- ◆ to provide community education about environmental law.

The EDO is a non-profit, non-government organisation. The EDO receives its principal funding from the Federal Attorney-General's Department. However, these funds are limited and donations from the public provide a vital source of funds for many of our activities. Donations over \$2 are fully tax deductible. The EDO also welcomes people with a commitment to the environment to join as members.

If you require legal advice on an environmental issue or wish to find out more about the EDO, please contact us at the following address:

Environmental Defender's Office WA (Inc)
Second Floor, Kings New Office Tower
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