



LEGISLATIVE COUNCIL

**REPORT**

**OF**

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS  
AND STATUTES REVISION**

IN RELATION TO

**A PETITION REQUESTING THE BAN ON THE USE OF FISHING  
NETS (OTHER THAN PRAWN DRAG NETS AND THROW NETS)  
FOR RECREATIONAL FISHING IN THE PILBARA REGION AND  
THE PHASING OUT OF CERTAIN PROFESSIONAL LICENCE  
ENDORSEMENTS**

Presented by the Hon M D Nixon (Chairman)

**5**

**DECEMBER 1993**

## **MEMBERS**

Hon M D Nixon MLC (Chairman)  
Hon A J G MacTiernan MLC  
Hon B M Scott MLC

## **STAFF**

Mr J F Edwards, Advisory/Research Officer  
Mr A C Evans, Committee Clerk

## **TERMS OF REFERENCE**

The functions of the Committee are to consider and report on -

- (a) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;
- (b) what amendments of a technical or drafting nature might be made to the Statute book;
- (c) the form and availability of written laws and their publication;
- (d) any petition;
- (e) any matter of a constitutional or legal nature referred to it by the House.

A petition stands referred to the Committee after presentation.

## **STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION**

### **REPORT ON PETITION REQUESTING A BAN ON THE USE OF FISHING NETS (OTHER THAN PRAWN DRAG NETS AND THROW NETS) FOR RECREATIONAL FISHING IN THE PILBARA REGION AND THE PHASING OUT OF CERTAIN PROFESSIONAL LICENCE ENDORSEMENTS**

#### **PART A : INTRODUCTION**

The Standing Committee on Constitutional Affairs and Statutes Revision was first appointed on 21 December 1989. Under its terms of reference the Committee is required, inter alia, to consider and report on any petition.

#### **The Petition**

On 17 August 1993, the Honourable Tom Helm presented a petition (TP #511) from 332 citizens of Western Australia in the following terms:

*"We the undersigned citizens of Western Australia humbly request that recognition be given and consideration be taken into our request to ban the use of fishing nets (other than Prawn Drag Nets and Throw Nets) for recreational fishing between and including Point Samson and Eighty Mile Beach.*

*We also request the phasing out of Professional Licence Endorsements allowing netting between and including De Grey River and Yule River."*

#### **PART B : RECOMMENDATIONS**

Having particular regard to :-

1. the fact that a fall in the level of fish breeding stocks may suddenly become critical, a cautious approach must be adopted in the management of fish stocks;
2. the special problems associated with set gill net fishing in the north of the State with respect to the high mortality of the by-catch and the difficulties faced in the policing of regulations; and
3. the clear anecdotal evidence that stocks of threadfin salmon and barramundi are declining;

**the Committee makes the following recommendations :**

- (i) **A total ban be imposed on recreational set gill net fishing for Western Australian waters, including all rivers and tidal creeks, north of the 26° south parallel, or if it is more practical, north of Beadon Creek, Onslow.**

- (ii) Research, particularly creel<sup>1</sup> surveys, be undertaken over at least a three year period to establish the state of fish stocks, including the stock levels of barramundi and threadfin salmon and the effect of the ban on stock levels.**
- (iii) No further professional licence endorsements be issued for set gill netting in Western Australian waters between and including the De Grey and Yule Rivers.**
- (iv) As a matter of urgency, that at least one fisheries officer be appointed to Port Hedland and that this officer be responsible, inter alia, for coordinating the creel surveys and other relevant research.**
- (v) Consideration be given to the training and appointment of regional voluntary fisheries liaison officers to assist the fisheries officer generally but particularly in the conduct of the creel surveys and in the conduct of other non-operational activities such as school and other educational programs.**

## **PART C : REPORT**

### **Background to the Petition**

There appears to be the generally held view that fish stocks in the Pilbara region have been falling for many years. Some say since the 1970's. Stocks of all fish are believed to be falling but particular concern has been expressed with respect to the prized recreational species of threadfin salmon and barramundi.

That stocks may be declining is not surprising. Both the population of the region and the visitors to the region have increased dramatically over the past twenty years. In fact, the evidence seems to suggest that there is a general concern in WA, and for that matter in Australia and throughout the world, at the current level of fish stocks.

It is understood that the petitioners are comprised mainly of local Pilbara anglers and visiting anglers. They maintain that it has become increasingly difficult to make a reasonable catch, let alone a good catch, of all species but particularly the prized species. They allege that the fall in fish stocks in the area is due largely to indiscriminate set gill net fishing. In their view the main offenders are:

1. Licensed professional and other fishermen from the south who come north 'shamming' as amateurs but who engage in a business like

---

<sup>1</sup> The inspection of netting and angling catches to determine the take by recreational fishermen.

fishing expedition with the prime objective of catching fish for sale (known as "shamateurs");

2. Visitors from the Eastern States (who are not permitted to gill net in their own State); and
3. Those locals who either ignore or have an irresponsible attitude to the existing regulations. Their fishing activities cannot reasonably be characterised as recreational. It is suggested that some ethnic communities do not appreciate the relevant fishing regulations and it would appear that they engage in an extensive bartering scheme using netted fish

Until recently, there were two professional fisherman, one active and one comparatively inactive, who possessed professional licence endorsements permitting them "to take fish by net in all Western Australian waters between the Yule River and the De Grey River inclusive, except for waters of the De grey River upstream of Lewison's Hole". The petitioners expressed concern that the more active licensee was over-fishing the area, particularly for barramundi and particularly during the believed spawning season. However, it is understood that he has now transferred his licence thereby causing the relevant endorsement to lapse. The Fisheries Department of Western Australia ("FDWA") advised the Committee that this endorsement would not be re-issued as a freeze on the issue of such endorsements for the Pilbara has been imposed.

### **Scope of Petition**

The petition seeks to ban the use of nets, other than prawn drag nets or throw nets, in a certain area of the Pilbara fishing region. More specifically, a ban is sought on the use of what are known as set gill nets. Briefly, such nets are fixed between stakes or some other form of anchorage. Fish are caught by their gills becoming entangled in the nets. Nets may legally be up to 60m in length. The size of the mesh is prescribed but there is no restriction on the drop of the net.

The ban is being sought on that area of the Pilbara coastline that is shown on the map attached as Appendix 1.

### **Review of Petition**

The following is a synopsis of the inquiry action taken by the Committee in considering the petition :-

1. Subsequent to the referral of the petition to the Committee, the Chairman was contacted by a Mr Robin Chapple who wished to make a submission in

support of the petition. At the Chairman's invitation, Mr Chapple submitted a report entitled "*Report To Hon Murray Nixon MLC on Petition - Net Fishing - Port Hedland*". Mr Chapple is an environmental consultant and a former Port Hedland Shire Councillor. The Committee is grateful for his report as it better identified for the Committee the issues raised by the petition. A copy of the conclusions contained in Mr Chapple's report is reproduced in Appendix 3.

2. The Committee took oral evidence from the Hon Tom Helm MLC and Mr Chapple.
3. Upon consideration of Mr Chapple's report, the oral evidence given by him and the Hon Tom Helm and other matters, the Committee resolved to visit Port Hedland, to hold a public meeting there and to invite public submissions in respect of the petition.
4. Prior to visiting Port Hedland, the Committee wrote to the Honourable Monty House MLA, Minister for Fisheries, inviting an officer of the FDWA to accompany the Committee on its forthcoming trip and requesting the Minister's comment on the petition and advice of any current proposals that touched on the petition.
5. Advertisements (see Appendix 2) were placed in the West Australian and the North-West Telegraph giving notice of the public meeting and inviting submissions from the public. A media release, in substantially the same terms as the advertisement, was issued to the local commercial and ABC regional radio stations.
6. During its brief trip to Port Hedland, in the company of the Hon Tom Helm MLC (who presented the petition), Mr Richard Smirke (the Principal Petitioner), Mr Phil Bruce (Executive Officer, FDWA) and for the trip to Six Mile Creek only, Mr Peter Johnson, (Senior Fisheries Officer, FDWA), the Committee:
  - viewed by air the area of the Pilbara coastline from the De Grey River to Depuch Island which is situated just south of the Yule River;
  - inspected Six Mile Creek which is apparently a typical tidal creek that is subject to illegal set gill net fishing using steel star pickets. (The installation of star pickets, which is not permitted under any circumstances, was evident to the Committee.)
7. A public meeting was held at the Port Hedland Civic Centre at 5.00pm on Tuesday, 12 October 1993. The meeting lasted approximately two hours and the recorded attendance was fifty, which by all accounts, was an excellent response.

8. As a result of the Committee's invitation, twelve (12) written submissions were received from the public. Not all submissions were categorical as to their support or opposition to the petition. However, it can be said that nine submissions appeared to generally support the petition and that three were against. All submissions in opposition to the petition, however, called for a tightening of the existing controls of gill net fishing. A brief summary of all submissions is listed in Appendix 3.
9. The Committee received a number of documents from the FDWA for its consideration. These documents are listed in Appendix 4.
10. The Committee sought information from the authorities responsible for the control of fishing in Queensland and the Northern Territory, as it was felt that the problems associated with recreational set gill net fishing in the north of the State were likely to have also arisen in those jurisdictions. Those documents provided to the Committee are listed in Appendix 5.
11. The Chairman and the Hon Barbara Scott had a brief informal meeting with the Northern Territory Minister for Primary Industry and Fisheries, the Honourable Mike Reed, MLA. Mr Reed recently visited Perth in relation to another of his portfolios.
12. Oral evidence was taken from the following representatives of FDWA :

Mr P J Millington  
Director, Fisheries Management Policy

Mr P J Bruce  
Executive Officer

Ms H G Brayford  
Fisheries Policy Officer (North)

### **Existing Restrictions**

A summary of the regulations relating to set gill net fishing in WA are contained in the FDWA publication entitled "*Net Fishing and Closed Waters*". This is a fifty-four page booklet that covers regulations for the entire State. Page 6 outlines the restrictions that apply to the area with which the petition is concerned and may be summarised as follows:-

1. All creeks and rivers between and including the Yule and De Grey Rivers, including waters in a 400m radius of the mouths of these rivers - *Closed all year*.

2. One kilometre either side and seaward of the beach access road to the Eighty Mile Beach Caravan Park - *Closed all year.*
3. Inland waters in a 32 km radius of the Point Samson townsite - *Closed all year to set nets.*

A study of the existing restrictions on gill net fishing reveals that, within the area specified in the petition, there are not many waters in which the recreational fishing community can legally fish by set gill net. The areas open are Eighty Mile Beach and the area south of the Yule River to 32 kilometres north of Port Samson. Indeed, the waters open to set gill nets north of the 26° south parallel are quite restricted. Despite these restrictions, there still appears to be problems which could be caused by:-

1. set gill net fishermen not complying with existing regulations;
2. the large number of set gill nets now being used; and/or
3. a general increase in the recreational fishing community in the region (both local resident and tourist).

### **Review of Recreational Fishing in WA**

Recreational fishing in WA has been the subject of a two year review by FDWA and the Recreational Fishing Advisory Committee ("RFAC"). RFAC is a committee which directly advises the Minister for Fisheries on recreational fishing matters. RFAC has consistently opposed netting except for mullet in selected ocean areas. It has previously recommended a total ban on recreational net fishing.

Earlier this year the Minister for Fisheries, the Honourable Monty House MLA, established the Recreational Netting Review. A Committee, representing all interests, was formed and to date its review has culminated in the publication of Fisheries Management paper No.56 - "*Review of recreational gill, haul and cast netting in Western Australia*" ("Paper No 56"). This paper invites submissions from the public by 30 November 1993. The Minister requested final recommendations by 12 December 1993.

### **Scope of Recreational Netting Review / Scope of Petition Review**

The Recreational Netting Review deals with recreational netting throughout the State. On the other hand, the petition is concerned with only a comparatively small section of the State's coastline. The Committee has not specifically sought to extend its review beyond the area stipulated in the petition. However, in the course of its



inquiry, it has become apparent that the problems associated with recreational fishing in the south of the State differ from those in the north.

The 26° south parallel is generally thought of as the dividing line between north and south, though for fisheries purposes Beadon Creek, Onslow is considered to be a better dividing line. This is because it is believed to be the western edge of threadfin salmon breeding grounds. Also, slightly to the south, is Ningaloo Marine Park which is subject to a special management plan.

The Committee has not sought to extend its inquiry to the south of the State. Rather, it has concentrated on specifically addressing the issues raised in the petition. Nevertheless, in the Committee's view, logic and common sense suggest that its findings have application to the north of the State as a whole. Accordingly, some of the Committee's recommendations extend beyond the area prescribed in the petition.

### **Fish Stock Levels**

Little, if any, formal research has been conducted to establish the level of fish stocks in the north of the State. FDWA obtains some statistics from the returns of professional licence holders. However, those statistics do not throw a great deal of light on the current stocks of species targeted by the recreational fishing community.

In the current economic climate with restrictions on spending, research to establish stock levels of threadfin salmon and barramundi does not have a sufficiently high priority to attract research funds. FDWA has limited resources. The prime target of those resources is the control of the commercial fisheries and research related to those areas.

Accordingly, there is no formal scientific research upon which the assertion can be based that fish stocks in the Pilbara are falling. However, there is considerable anecdotal evidence that such is the case. Indeed, it appears to be the generally accepted view that stocks have fallen. Of the persons (over twenty) that spoke at the public meeting, only one speaker suggested that stocks had not fallen. That suggestion was completely contrary to all other anecdotal evidence that came to the Committee's attention. Some proponents of the petition maintain that stocks have dropped to a critical level.

The Committee's considered opinion is that the region's fish stocks have fallen considerably in recent years and that if the fall is to be arrested, and hopefully reversed, then urgent action needs to be taken.

## **Principle for Management of Fragile Fish Stocks**

In his discussions with the Chairman and the Hon Barbara Scott, the Northern Territory Minister for Primary Industry and Fisheries expressed the view that, because fish stocks are fragile, it is better to err on the side of caution when making fisheries management decisions. His view was that, five years after having adopted a fisheries management policy, it is better to be in the position of defending a restriction which proves to be over cautious, than to be implementing further more stringent restrictions to protect near exhausted fish stocks. The Committee finds the logic of this view compelling.

## **Cause of Fall in Fish Stock Levels**

The cause of the fall in fish stock levels in the Pilbara is no doubt the result of the increase in the resident population and the growth of tourism and the resulting increase in fishing activity. Whether the angler, the netter or the professional is the main culprit is not known. The petition specifically points to the amateur netter and the professionals licensed to fish in the area. The Committee has therefore looked primarily at these activities only. However, it should be noted that no evidence was provided to the Committee that anglers blatantly ignore fishing regulations or cause wastage.

## **Specific Problems Associated with Netting in the North**

The problems associated with the control of set gill netting in the north are twofold. The first relates to the prevailing environmental conditions which are different from the south of the State. The large tides and warmer waters result in a higher mortality of the by-catch. The second, is the problem of enforcement arising from FDWA having to police extensive and remote areas with limited resources.

## **High Mortality of By-Catch**

Current netting regulations provide that netters must remain within 100m of their nets "at all time to minimise catch wastage". Because of the large tidal movements in the region, more often than not, it is impossible to comply with this requirement. In tidal areas, even if netters attend their nets promptly on the fall of the tide to release the by-catch (which the petitioners say is often not the case) the damage has already been done because of the likelihood that the fish have been caught in the nets for so long that fatal injury has occurred. In describing the "*Environmental and Biological Context of Netting*", in Paper No 56 it is stated at paragraph 2.4 :

*"The mortality of unwanted, undersized or fish in excess of bag limits is very high. This mortality increases even further with a longer time in the nets and*

*warmer water temperatures. Fish which appear to swim away strongly when released from the net can also die from delayed stress and secondary infection which results from scale and skin damage while being in, or being removed from the net."*

The anecdotal evidence of wastage of the by-catch by netters in the area is strong. Many instances of blatant over-catching and wastage were told to the Committee and it has no reason to doubt the information provided.

## **Policing**

Illustrated on Appendix 1 are :

1. The area specified in the petition;
2. The Pilbara Fisheries;
3. The North-West Fisheries.

(The area descriptions listed in 2 and 3 are those of Mr Chapple and not FDWA. However, they are convenient for the purposes of this report and it is understood that they do not, in substance, differ to region descriptions adopted by FDWA.)

It has been stated earlier in this report that the existing restrictions on net fishing in the area are extensive. Having regard to the evidence given to the Committee it would seem that there are many members of the fishing community who simply ignore the regulations. Set gill netting is not permitted in the tidal creeks. The evidence, however, is that the practice of fishing in tidal creeks by set fixed gill net is common.

Currently, there are two officers (both stationed at Karratha which is adjacent to the important and delicate fishing grounds of the Dampier Archipelago) who are responsible for the Pilbara region. No officer has been stationed at the Port Hedland Office of FDWA for some time and it is not known whether this position will be filled. The North-West region has a total of three officers, the two at Karratha and a further officer stationed at Broome.

With these resources the Committee doubts that it is possible to achieve satisfactory policing of the Pilbara and North-West regions. Again, that was the common view of the locals as expressed to the Committee.

The Committee wishes to make it clear that it makes no judgement as to whether it is possible for FDWA to increase its policing resources in the North-West. FDWA officers have indicated that, having regard to present funding policies, the increasing of policing resources in the North-West does not have a high priority.

However, it is the view of the Committee that urgent consideration should be given to the funding of at least one Fisheries Officer to be stationed at Port Hedland. The Committee appreciates that, having regard to current occupational health, safety and welfare rulings, FDWA prefers two person offices. The local community (including the Port Hedland Shire Council) strongly believes that the mere presence of an officer in the area helps to make the community aware of the fishing regulations and encourages compliance. The Committee endorses this view. From the occupational health, safety and welfare considerations it should be feasible for the Port Hedland officer to call on assistance from the officers stationed at Karratha for difficult field operations.

***If set net fishing in the north cannot be properly policed with current resources and if there is little or no scope to increase those resources, then any change that simply tightens regulations (eg by reducing net lengths), is unlikely to have any great effect. In the view of the Committee, there is no reason to believe that there will be better control or higher compliance with tightened regulations.***

***A total ban on set net fishing in the area would be accompanied by a legislative prohibition on the possession of a relevant net in the prescribed area. This would include major traffic arteries and access points to fishing locations. As a result, it becomes much easier for FDWA officers to successfully apprehend and prosecute offenders. The Committee firmly believes that proper enforcement is dependent on a total ban being placed on set gill net fishing for the area north of the 26° south parallel or Beadon Creek, Onslow (as the case may be).***

## **General Conclusions**

The Committee has not come to the same view as Paper 56. Paper No 56 does not specifically deal with the issues of falling stocks or policing. Rather, it has sought to achieve a compromise between the conflicting views of the angler and the netter. This may have been a result of its terms of reference. With respect, for the Pilbara region, the Committee considers that the conflict between the netter and the angler is never likely to be entirely resolved. In the Committee's view the most important issue is the preservation of fish stocks.

In view of the Committee's findings that :

1. there has been a substantial and increasing decline in the stocks of threadfin salmon and barramundi;
2. the evidence shows that excessive levels of fish are being caught by set gill netting and that the wastage of the resulting by-catch is high; and

3. it is extremely difficult in the region to control the problem without prohibition;

the Committee believes that it has no alternative but to recommend the total prohibition of set gill net fishing. It may well be, that if stocks do not improve following the imposition of a ban on netting, that further constraints will have to be placed on anglers. The most important and overriding consideration must be the protection of fish stocks for future generations.

Set recreational net fishing is banned in Queensland and the Northern Territory, areas which have similar conditions to those that prevail in the north of our State.

It seems to the Committee that recreational set net fishing will in time become a pursuit of the past. That is certainly the view of RFAC . The Committee strongly believes that the final step towards a total ban on recreational gill net fishing should be made sooner rather than later. If the Minister feels that such action is too drastic for the present then consideration should be given to a moratorium being placed on gill net fishing for a period of three years, with such a moratorium to commence at some future date, say from 1 July 1994. During the moratorium period, creel surveys and other relevant research should be undertaken to establish the effect that the ban has on fish stocks. A side benefit of such research would be that it may well assist in the making of future management decisions with respect to the entire State.

Suggestions have been made that the problem of diminishing stock levels can be solved by stricter regulations and better policing. The Committee doubts that such an approach would be successful. Given the vastness of the area, effective enforcement of restrictions would be extremely difficult without a major increase in resources. On the other hand, there is no doubt that the imposition of a total ban will have more effect. The Committee accepts that stocks of the prized species are under threat and so supports the alternative of imposing a total set gill netting ban.

Accordingly, the Committee is strongly opposed to the approach of attempting to solve the problem by increased regulation and policing.

### **Some Final Comments**




Some incidental issues that are worthy of note were raised during the course of the Committee's inquiry. These are:

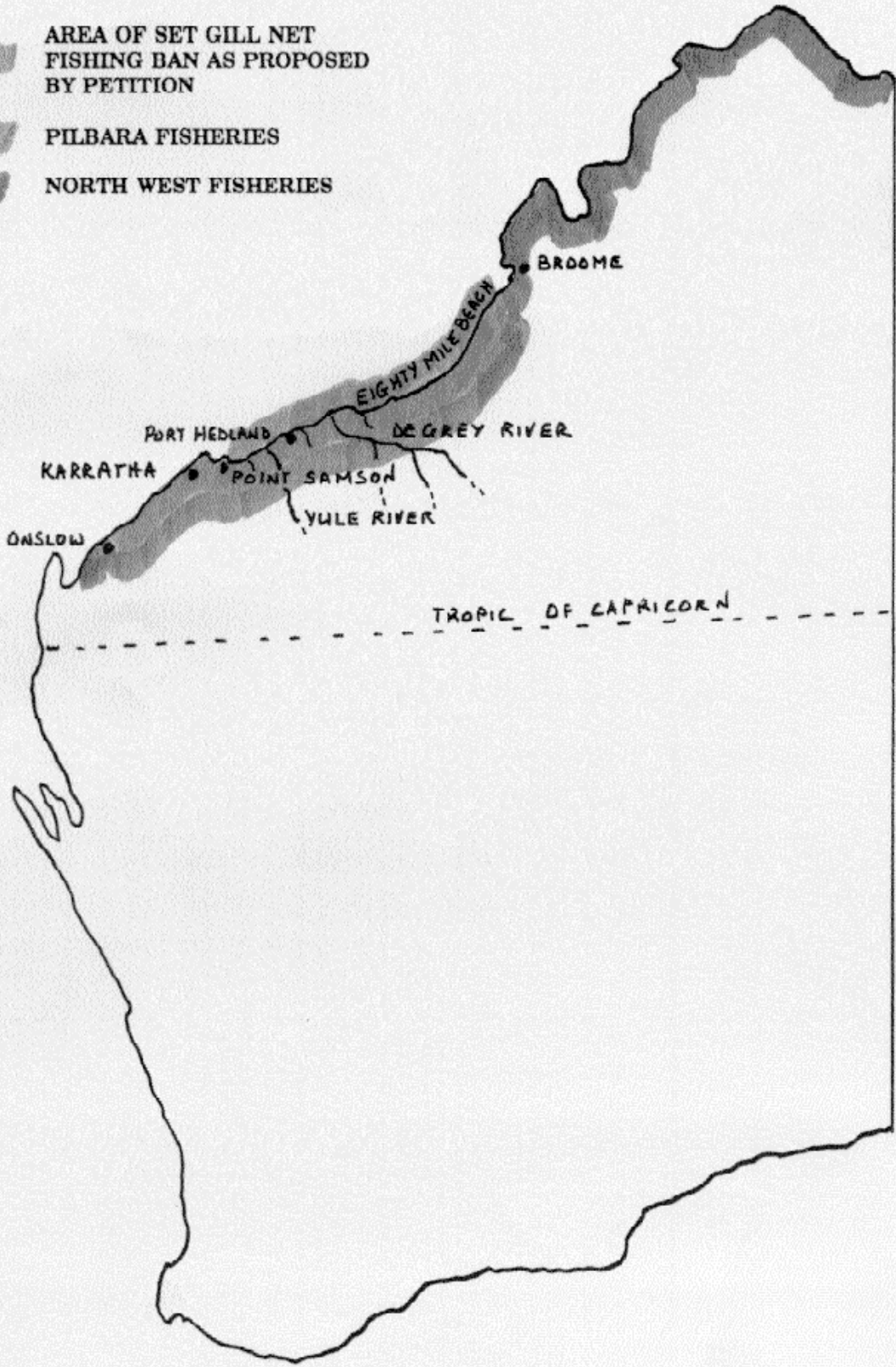
1. Angling for the prized specie of barramundi is successfully promoted in the Northern Territory as a tourist attraction. If fish stocks of threadfin salmon and barramundi are rejuvenated, there may be potential for tourist development in the Pilbara with its immense flow-on benefits.
2. FDWA is reluctant to reintroduce the use of honorary fishing wardens apparently because of past experiences. Difficulties arise with such wardens becoming over zealous. Further, because of their lack of training, they may not have the necessary skills to successfully prosecute offenders. Nevertheless, the Committee believes that consideration should be given to harnessing the vast number of volunteers who may well be prepared to assist FDWA officers in carrying out research and educational work. The pilot scheme for voluntary fisheries liaison officers which FDWA has recently commenced in the Metropolitan area may well prove the ideal vehicle for such operations throughout the State.
3. It has already been stated that concern was expressed to the Committee that the special license endorsements issued to professional fisherman in the area, entitle them to net fish throughout the year, including during the barramundi spawning season. Concern was also expressed that their activities cause harm in the turtle breeding areas.

There is some uncertainty as to both the timing and place of the barramundi spawning season. However, it is generally believed that spawning takes place during the months of November, December and January and that one of the main spawning grounds is the mouth of the De Grey River. The Committee notes the recommendation contained in Paper 56 at paragraph 5.2.8 that netting be prohibited north of the Ashburton River during the above months. The Committee considers that this ban should also apply to the above mentioned licensed professionals.

4. It seems that many active netters are senior citizens who have been netting for many years. The Committee sympathises with their situation. Unfortunately, however, the prime consideration must be the protection of a fragile and valuable resource. Many activities which were acceptable in years gone by are now the subject of regulations aimed at protecting resources. It is noted that many netters are also anglers. Accordingly, the alternative of angling remains open to them.

APPENDIX 1

-  AREA OF SET GILL NET FISHING BAN AS PROPOSED BY PETITION
-  PILBARA FISHERIES
-  NORTH WEST FISHERIES



***PRESS ADVERTISEMENT:***

**STANDING COMMITTEE TO VISIT PORT HEDLAND**

**Re Inquiry On Petition To Ban Recreational Net Fishing**

The Standing Committee on Constitutional Affairs and Statutes Revision of the Legislative Council is required to consider and report on petitions received by the Council.

The Committee has received a petition from certain residents of the Pilbara Region requesting that the Council give consideration to a request that a ban be placed on the use of fishing nets (other than prawn drag nets and throw nets) for recreational fishing between and including Point Samson and the Eighty Mile Beach.

The Committee, which is comprised of the following members:

Hon Murray Nixon - Chairman  
Hon Alannah MacTiernan  
Hon Barbara Scott

has decided to conduct an inquiry into the petition and for this purpose will visit Port Hedland on Tuesday, 12th October 1993.

***A public Meeting will be held at the Port Hedland Town Hall at 5.00pm on Tuesday, 12th October 1993. All interested persons are invited to attend.***

The Committee welcomes written submissions on the petition. These submissions may be handed to the Committee personally during its forthcoming trip or forwarded by Thursday, 14th October 1993 to :

Mr J F Edwards  
Advisory/Research Officer  
Standing Committee on Constitutional Affairs And Statutes Revision  
Legislative Council Committee Office  
Parliament House  
Perth WA 6000

Telephone: (09) 222 7403  
Fax: (09) 321 9470



**APPENDIX 3****A. CHAPPLE REPORT CONCLUSIONS**

- (1) Recommendations have consistently been for 8 fisheries officers for the North West, currently there are three, 2 at Karratha and 1 at Broome. It is not appropriate to expect these officers to oversee such a large area in safety without support.

Option One: Meet recommendations half way. Fisheries Department to place officer at Onslow, and transfer one officer from Karratha to Port Hedland.

- (2) Currently netting regulations are virtually impossible to police because of current legislation covering nature and permitted location of legal nets.<sup>2</sup>

Option One: Introduce honorary wardens. The Fisheries Department is not in favour of such a move, as in the past these privileged positions have been abused.

Option Two: Close all Pilbara waters to recreational net fisherman and non regional professional net fisherman. The policing of this proposal is significantly easier as anyone found with gilled fish and nets, other than the current local licensed professional fisherman, are guilty as there would be no provision for their use. This would enable fisheries officers to monitor the access points to fishing spots rather than in some cases placing themselves at risk, by having to venture to remote locations to apprehend netters in the act of breaching current regulations.

**B. SUMMARY OF WRITTEN SUBMISSIONS RECEIVED****1. Senior resident of Port Hedland**

Submission is against a ban on net fishing. The writer maintains that "fish is for the table and not the trophy". With his wife, he nets legally a couple of times a year for a good "feed of fish". Suggests that rather than a total ban being placed on net fishing, regulations should be strictly enforced, legal net sizes should be reduced, minimum mesh sizes increased and stricter bag limits imposed (on both netter and angler).

---

<sup>2</sup> This is understood to mean the type of gill net that can be used and the locations where they can be set.

## **2. South Hedland Resident**

Submission is against a ban. To improve fish stocks the Committee should recommend :-

- the placement of seasonal bans especially during spawning seasons;
- a decrease in permitted length of net to 30m to restrict catch and to facilitate attendance;
- the introduction of a minimum mesh size of 76mm;
- that nets should be attended at all times (*the Committee notes that this is a requirement of existing regulations*);
- one licensed net per person only (*again a current requirement*);
- maintain present regulations regarding creeks and rivers and extend them to include rivers north of the De Grey;
- Station Fisheries Officers at Cape Keraudren, Port Hedland and Eighty Mile Beach or introduce honorary fishing inspectors with limited powers;
- the enforcement of laws to their fullest extent as a deterrent to those who violate them.

The writer also suggests that a forum for discussion should be held in the mining centres adjacent to Port Hedland because it is the netters from these areas that will be affected by a ban. He also submits that netting is the only way that some people can fish because shift work and tidal movements restricts the times during which they can fish. Lack of ownership of a four wheel drive is also a restriction.

## **3. South Hedland Resident**

Submission calls for the banning of net fishing.

#### **4. South Hedland Resident**

Resident of thirteen years who net fishes. Opposes the imposition of a total ban though supports existing regulations. Suggests that the following changes should be made to ensure future fish stocks :-

- Increase the minimum mesh size to four inches;
- Complete ban on netting in creeks (*an existing regulation*);
- greater Fisheries Department presence and the appointment of honorary fishing inspectors; increase licence fees to pay for additional officers;
- Better control of tourists who use unlicensed nets and take undersized fish.

#### **5. Port Hedland Game Fishing Club**

The club suggests that :

- Immediate five year moratorium ban be placed on all gill netting in the Pilbara followed by the implementation of a research program to establish fish stock levels;
- Immediate reinstalment of a Fisheries Officer to Port Hedland;
- A ban on the sale of gill nets in the Pilbara.

#### **6. The Principal Petitioner**

Came to Port Hedland as a keen angler. Fishing was excellent and threadfin salmon easily caught.

Introduced to netting and soon found that, although a tremendously effective means of fishing, there is no control of species taken or numbers caught and that by the time the net was accessible (because of tidal fluctuations) release of excess catch, undersized fish and banned species was impossible as they were usually dead. The catches included turtles, swordfish, juvenile mangrove jack, and on one occasion, 380 threadfin salmon between four people.

#### **7. South Hedland Resident**

Recently visited Six Mile Creek and witnessed people using set gill nets to completely block off creeks. When they left, the banks were dotted with unwanted fish and carcasses. The star pickets used to fix the nets were left there.

### **8. South Hedland Resident**

Specifically opposed to professional fishermen being entitled to net fish during the barramundi spawning season. Recommends a ban be placed on netting during the spawning season and the issue of licenses be restricted.

### **9. and 10. South Hedland Residents**

Two separate submission in precisely the same terms as submission 7.

### **11. Kardinya Residents (married couple)**

On a recent trip to Eighty Mile Beach were amazed and disappointed to see the number of set gill nets being used on the beach. Nets were left there permanently with fish taken daily. Numerous sharks were left on the beach to rot, bag limits were ignored and star pickets dotted the "beach to the Horizon."

### **12. Holland Park, Queensland Residents (married couple)**

Submission in precisely the same terms as submission 11.

\*\*

**\*\* It should be noted that the majority of the submissions received by the Committee were made orally at the Port Hedland public meeting. Such submissions were overwhelming in support of the petition. A representative of a local Aboriginal community indicated that his community also supported the petition.**

**APPENDIX 4****DOCUMENTS SUBMITTED BY FISHERIES DEPARTMENT OF WA**

1. Draft proposals of Recreational Gill Netting Committee.
2. Draft Agenda of first meeting of Recreational Gill Netting Committee and notes for discussion.
3. Copy of letter dated 5 October 1993 from Mr P J Johnson, Senior Fisheries Officer, Karratha outlining his recommendations for prescribed netting areas in the Pilbara.
4. *Fisheries Management Paper No 56.*
5. FDWA publications entitled "*Net Fishing and Closed Waters in Western Australia*" and "*Ningaloo Marine Park Fishing Guide*".
6. "*Recreational fishing in Australia - A draft national policy for public discussion*" issued by the "National Recreational Fisheries Working Group in December 1992.
7. Letter from the Honourable Monty House MLA, Minister for Fisheries in response to the Committee's invitation for comment on the petition.
8. Copy of relevant fishing boat license showing details of the special endorsement for professional fishermen entitled to operate in WA waters between the De Grey and Yule Rivers.

**LIST OF DOCUMENTS SUPPLIED BY RELEVANT FISHING  
AUTHORITIES OF QUEENSLAND AND THE NORTHERN TERRITORY**

**Queensland - Queensland Fish Management Authority**

1. Fishing Industry Organisation and Marketing Regulations 1991
2. Publication entitled "*Recreational Fishing in Queensland*" - April 1993.

**Northern Territory - Department of Primary Industry and Fisheries**

1. Ministerial Statement of the Honourable Mike Reed MLA on  
" Developments in the Territory Fishing Industry" made March 1993
2. Fisheries Legislation in the Northern Territory comprising :-
  - Fisheries Act 1988;
  - Fisheries Regulations;
  - Barramundi Fishery Management Plan;
  - Mud Crab Fishery Management Plan
  - Spanish Mackerel Fishery Management Plan
  - East Point Aquatic Life Reserve Management Plan
  - Doctors Gully Aquatic Life Reserve Management Plan