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By email: jo.klemke@vfa.vic.gov.au

Dear Jo,

PROPOSED FISHERIES (RAY PROTECTION) NOTICE 2017

I write to provide the VRFish submission in response to the proposed Fisheries Notice for the protection of rays, skates and guitarfish. We thank you for the additional time to consider this issue and to compile a representative position with input from recreational fishers.

As you are aware, VRFish promotes and advocates for the respectful handling and treatment of all species of fish through our Code of Conduct and additional communications.

To inform our position and rationale we have:

1. Consulted with our State Council consisting of fishing clubs and association and individual anglers, and;
2. Conducted a survey of 344 fishers from a random sample of Victorian Recreational Fishing Licensees who have elected to receive our communications.

Using an evidence-based approach and the wider expertise of the VRFish membership to consider the effectiveness of options, we present our findings.

- **Mistreatment of rays is a concern to recreational fishers**

VRFish has established our recreational fishing industry is concerned about the mistreatment of rays. When asked how the mistreatment of rays around piers and jetties made them feel, 92% of respondents in the survey answered with some level of concern. On this basis, VRFish is committed to contributing effective management strategies to deal with the situation on behalf of our industry.

- **Fishers are not adequately aware of current regulations**

Regulations are already in place to ensure unwanted catch is returned to the water unharmed. We are concerned that there is below-par awareness across our industry of this legal requirement. Through our survey we detected that only 68% of fishers were aware of this important obligation. To explain why this could be the case we examined the current advice and information provided in the Victorian Recreational Fishing Guide 2017.

Table 1: Wording relating to unwanted catch in the Victorian Recreational Fishing Guide 2017

Page	Section	Wording
12	VRFish Code of Conduct	"Carefully return undersized, protected or unwanted catch back to the water"
20	Responsible Fishing Behaviours: Unwanted fish	When you catch a fish: <ul style="list-style-type: none"> • Out of season, • Outside of legal limits (size, bag, possession) • That you do not wish to keep (e.g. toadfish, rays, native seastars, non-target species) release it immediately and with the least amount of damage or injury (i.e. the least amount of handling)
24	Marine and Estuarine Scale Fish: Unwanted and unrequired fish	Unwanted fish (e.g. puffers, toadies) or fish that are not required (you don't want to keep) must be returned to the water immediately and without harm or injury.
30	Toadies and Puffers	Unwanted species: Must not be eaten. Must be returned to the water immediately and without harm or injury. Fines apply if you don't.
33	Sharks, Skates and rays	Skates and rays (all species) Minimum legal size: no minimum Bag/possession limit: a total of 5 for one or more species. Pictured: southern fiddler ray

We found the wording to be both inconsistent and unclear whether it was a recommended or a legally mandated requirement. Using a southern fiddler ray

(banjo shark) illustration alongside ray bag and size limit information may add to the confusion. Further, recreational fishing rules are complex in nature and can be difficult to interpret hence a 60-page annual booklet required. Therefore, installing on-site signage that is simple in language, bilingual and highly visual is strongly recommended.

- **Victorian recreational fishers do target rays for consumption**

As the peak body for recreational fishing in Victoria, we were interested in collecting data on the level of effort and targeting of rays in our waters by our fishers. Through the survey we asked how many fishers had specifically targeted rays in the last 12 months and how likely fishers would be to retain a ray for consumption if they caught one. What we found was 5.5% of respondents did specifically target rays in the last 12 months, but only half of these fishers did so on more than one occasion. When asked about their intentions of retaining a ray for eating, 4.6% said they would be likely to retain a ray and a further 4% were unsure.

For the first time, we have documented that specific fishing for rays does occur in Victoria and is valued by a small proportion of our industry. Any restriction of the catch of rays would affect this small group of fishers. To our knowledge this has been largely undertaken in a responsible manner and these fishers should not be disadvantaged through the unacceptable behaviours of a very few.

- **Fishers do not have the confidence how to handle and release rays**

We found that 44.4% of fishers surveyed did not have the confidence to know how to handle and return rays to the water unharmed. More training and specific advice is essential to enable fishers with the skills and abilities to fulfill their legal and ethical responsibilities. If management strategies lead to more rays being released, it is clear that our fishers will require specific education including time for adoption, otherwise rays could be unintentionally harmed as an adverse consequence of the changed regulations.

- **Overwhelmingly, education is the preferred and supported approach**

Our survey indicates very clearly our industry supports an educative approach to deal with the mistreatment of rays. Signage at problem 'hotspots' has the most support at 89.1%, closely followed by an education and awareness campaign (88.2%) and a Code of Conduct (80.5%). We have been able to establish the level

of awareness of current regulations regarding unwanted catch, wording of public information and skills of fishers to handle and release rays can and should be improved.

Table 2: Level of support for a range of management options from the VRFish Ray survey

Possible Management Option	Level of Support
Signage at 'hotspot' piers and jetties	89.1%
Education and awareness campaign, including enhanced information in the Recreational Fishing Guide and App	88.2%
Code of Conduct for proper handling and release of rays, skates and guitarfish	80.5%
Prohibit the take of large rays greater than 1.5 metres in width	78.4%
Increased enforcement of current regulations	77.6%
Increased penalties for breach of current fisheries regulations	75.8%
Reduce the daily bag limit for all skates, guitarfish and all other rays from 5 down to 1 per day	72.0%
Prohibit the take of rays, skates and guitarfish from or within 400 metres of any man-made structure	61.1%
CCTV cameras at 'hotspot' jetties and piers to support fisheries compliance	59.3%
Prohibit the take of rays, skates and guitarfish in all waters in Victoria	41.4%

- **Stronger support for the protection of large rays**

Out of the three components of the Draft Fishery Notice, protecting large rays received the most support at 78.4%. This result was interesting as the main impetus behind this draft Fishery Notice and consultation was due to the mistreatment of banjo sharks.

Rays are scavenger species and over time fishers have, through the disposal of left over bait and fish offal at jetties and boat ramps, accustomed large rays to unnatural food sources and interactions around man-made structures. Generally, feeding of wildlife is discouraged and we question if this should also be applied to rays through education and development of a code of conduct. If a maximum size

for rays is introduced, due consideration must be given to fisher's ability to adequately handle rays and release rays. VRFish questions how a maximum size limit for rays would be effective in resolving mistreatment. In practical terms, fishers should be educated about the ecological role of rays in our coastal waters and encouraged to release large rays through cutting the line as short as possible and avoid taking them out of the water (to measure).

- **Lower support for a reduction in bag limit**

Reducing the daily bag limit of rays down to one received 72% support in the survey. This support is in part expected considering only a small group of fishers target rays, and any reduction in a bag limit would only impact this small group of fishers. It must be pointed out that the excessive capture of rays, or sustainability concerns of ray populations, is not an issue. Also, we do not have information to suggest that fishers are taking their maximum limit, or even close to the current daily bag limit of 5. A reduction in bag limit, we believe, would only serve as a tokenistic management option and not be effective in improving the mistreatment of rays.

- **Prohibiting the fishing of rays disadvantages an entire group of recreational fishers**

Prohibiting the take of rays around made-made structures received some support at 61%, while the prohibition across all waters received only 41.4%. Prohibiting the take of rays from within 400 metres of all man-made structures will further exacerbate the mistreatment problem without education on proper handling and catch and release methods for those that do unintentionally hook them. Further, most rays are captured from land-based structures, so the draft Fishery Notice effectively discriminates against land-based fishing for rays. VRFish believes that the mistreatment by a very small minority of fishers should not disadvantage an entire group of recreational fishers.

- **Enforcement to deal with a small minority of fishers**

Both increased enforcement and penalties received good levels of support, 77.6% and 75.8% respectively. Our industry by and large are stewards of the aquatic environment they interact with and have a high respect for the fish they catch. Feedback from Fisheries enforcement is there is a high level of compliance by recreational fishers in Victoria. We would be disappointed if regulations were to

be introduced for a very small number of fishers doing the wrong thing. Through the survey we have established that awareness of current regulations is below-par and there is an overwhelming enthusiasm for targeted education in response to mistreatment of rays, supported by increased enforcement capabilities by the Victorian Fisheries Authority.

Conclusion

Our industry is concerned about the mistreatment of rays and want to proactively address the situation through education and enforcement. VRFish believes that the central issue which has led to the mistreatment of rays is a lack of education and awareness of current regulations and proper handling and release behaviours and attitudes by a **very small minority of Victorian fishers**. This minority, which are intent on, and have, committed offences in harming rays, skates and guitarfish will continue to do so despite increased regulation without targeted education and enforcement effort.

VRFish is unable to support the elements in the draft Fishery Notice. Increased regulation and change to the current controls may not necessarily lead to the intended objective of increased compliance and appropriate treatment rays and skates. Instead, we are strongly recommending and advocating for a **targeted education and awareness campaign involving signage, updated public information and a code of conduct** to be implemented as soon as practicable.

We are committed to working with groups, such as Fishcare Victoria and the Victorian Fisheries Authority, in order to develop and deliver an education campaign to our industry. Considering the draft Fishery Notice has been used to generate discussion and further ideas, VRFish welcomes further discussion around our submission and effective education and management options to addresses the concerns of our industry and the broader community.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Loats', with a stylized flourish at the end.

Rob Loats
Chair

Victorian Recreational Fishing Peak Body

14 August 2017