

**Inquiry into the Animal Care and Protection Amendment Bill 2022**

**Submission No:** 493  
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**Submitter Comments:**

29 May 2022

**Re: Inquiry into the Animal Care and Protection Amendment Bill 2022**

In reviewing the ACPA Bill, my strong concern for animal welfare, understanding of animal sentience, and the principles of the Five Freedoms, I will greatly appreciate the following amendments to the Bill:

5	New breach of duty of care offence.
6	New unreasonable abandonment offence.
9	Ban of tail docking.
14	Ban the possession or use of prong collars, and also ban other cruel devices including tethering while unattended, electric collars, and other cruel training devices.
14	Ban on firing or blistering.
16	Ban of yellow phosphorous pig poison, but believe this ban be extended to include other inhumane poisons e.g. 1080.
32	Recognise interstate prohibition orders.
44	Increasing the scope of powers of the Queensland Racing Integrity Commissions to include retired racehorses in possession of a racing participant.

I urge the committee to consider changes to the following amendments:

3	I welcome the inclusion of all Cephalopoda in the Act under the definition of animals. However, I would like to see inclusion of some Malacostraca such as crabs, crayfish, lobsters, and prawns, in line with modern animal welfare science.
7	Calf roping should be banned. Rather than changing the Act to specifically allow what would be acts of animal cruelty at rodeos, the Bill should instead seek to ban calf roping as a prohibited event. A new study 'The legality of calf roping in Australia' ( <a href="#">Stonebridge, UQ Law Journal, 2022</a> ) confirms that "beneficial contributions of calf roping do not justify the harm caused to the calves and that calf roping would therefore likely not be legal if the standard of unnecessary harm applied". This follows several recent Australian scientific studies ( <a href="#">Sinclair et al, 2016</a> and <a href="#">Rizzuto et al, 2020</a> ) that confirm that this event causes significant stress to vulnerable calves.
10	I have strong concerns that allowing spaying surgery on cattle to be performed by non-vets and allowing pregnancy tests by laypersons is a backward step for animal welfare.
12	The restrictions on debarking and supply of 'debarked' dogs is a good thing. However, I would recommend the committee listen to advice from rescue organisations and shelters when considering obligations places on those that care for dogs. In particular, the penalty for supplying a dog from a shelter without a certificate being greater than the penalty for illegally performing debarking procedures on a dog in the first place seems disproportionate.
22	CCTV required at 'livestock slaughter facilities' - The definition of livestock slaughter facilities should be expanded to include all facilities that slaughter livestock and not just horses. I note this is based on recommendations from the Martin Inquiry, where the scope of the inquiry was limited to racehorses. However, there seems to be a lack of any scientific justification for CCTV use on horses yet not recording other animals who are just as capable and likely of suffering. I also urge for an independent monitoring regime to be put in place to monitor the CCTV footage. If the CCTV recordings are only accessed on the basis of a complaint, then they are largely meaningless and will result in minimal animal welfare improvements if any.

	- Similarly, powers for inspectors to enter a slaughterhouse without a warrant or permission from the owner should not be restricted to only when horses are at the facility. It is vital that inspectors have the power to enter slaughterhouses (as well as factory farms) without notice.
	I remain unconvinced regarding the rationale for changes to s178. This appears to be a retrograde step in terms of animal welfare and removes any possibility of private prosecution or even the ability of RSPCA Qld to independently decide to prosecute without permission from the Department (chief executive). This is a backward step for animals and concentrates all power to prosecute in one person. Notably, the person who authorises prosecution also has responsibility for the viability and growth of animal agriculture industries, which may at times represent a conflict of interest. Instead, s178 (3) should be amended to explicitly allow private prosecution of animal cruelty offences, as well as by Queensland Police and RSPCA Qld. s178 (b) should also be amended to increase the statute of limitation of animal cruelty offences (currently 12 months, or 2 years in some circumstances). I note that some animal cruelty investigations currently take close to 12 months, so the current statute of limitation is completely unworkable. Currently, if someone commits a horrendous act of cruelty, but it is not discovered until 2 years later, they cannot be prosecuted under the Act.
	In addition to the points raised above, I urge the government to commit to further reviews and amendments to the Act and to properly consider: <ul style="list-style-type: none"> <li>- An Independent Office of Animal Protection, separate from the Department of Agriculture.</li> <li>- Banning calf roping and other cruel events in the name of entertainment.</li> <li>- Give further consideration to mandatory reporting of suspected animal cruelty cases.</li> <li>- Specifically acknowledge the sentience of non-human animals in the Act.</li> <li>- Make meaningful changes to factory farming and other farmed animal welfare, including transport or slaughter, and ensure codes of practice do not provide excuses for committing acts of cruelty.</li> <li>- Major changes to monitoring and enforcement of animal welfare, particularly for farmed animals. This should also include increased transparency around enforcement action taken by the Department of Agriculture.</li> </ul>

### Opera House traps

I am one of the large number of Queenslanders who are concerned about the drowning risk posed to native species including the platypus, turtles and rakali from the use of opera house traps. Having seen the decision by the Victorian Government in 2018 (<https://vfa.vic.gov.au/about/news/opera-house-nets-banned-in-victoria>) to ban the use of these death traps, it was hoped (and for many, expected), that Queensland would have followed suit shortly thereafter as a clear demonstration of its commitment to animal welfare and biodiversity. As an example of the widespread concern about these traps, a petition seeking the banning of these traps in Queensland received almost 8000 signatures.

The resolution arising from the 2019 Meeting of Australian Environmental Ministers to develop a national policy regarding these traps was encouraging, however it appears that there has been no further development.

In the absence of clear action being taken in Queensland to ban the use and sale of these traps, our native wildlife remain at risk of inhumane drowning, which is unacceptable on moral, animal welfare and ecological grounds. If the national policy-setting timeline is uncertain, I firmly believe there is no reason that we in Queensland could not or should not take positive and decisive steps and follow the positive steps already taken in Victoria. Policy-setting stasis will only unnecessarily perpetuate the threat to platypus and other species.

I will therefore greatly appreciate the Committee's consideration of the present Bill in its capacity to ensure that these inhumane traps can no longer be legally owned or used in Queensland.

#### Freshwater fishing entanglement cruelty

I am deeply concerned about the present state of recreational fishing regulations in Queensland which continues to result in significant and inhumane maiming and death of native waterbirds and turtles. I am speaking specifically of the regulations pertaining to the number of fishing lines permitted to be set by a recreational fisher in freshwater bodies and the distance fishers are allowed to be away from these lines. Unlike the positive step forward in relation to saltwater recreational fishing i.e. a maximum of 3 lines permitted and the fisher must be in attendance at all times, it is baffling that the same provisions have not been applied to freshwater fishers. This inexplicable inconsistency perpetuates the sad and inhumane suffering of native wildlife through entanglement with hooks, tackle and fishing lines. It is without doubt that the combination of a higher number of permissible fishing lines and the non-requirement for fishers to remain in immediate proximity to the lines with baited hooks has a direct correlation to the high incidence of hideous entanglement injuries.

Community members, responsible fishers and wildlife rescuers see first-hand the horrible injuries caused to water birds and turtles. I am therefore of the firm belief that until the regulations pertaining to freshwater bodies in Queensland at least match what has already been approved by the Department for recreational fishers in saltwater environments, that this remains a stark and deliberate failure of animal welfare considerations first and foremost, and common sense. A native water bird or turtle in the vicinity of a fisher's set lines will naturally face a lower risk if the maximum number of set lines is reduced and the fisher is present, so that if it becomes hooked/entangled, the responsible fisher will be much better placed to aid the struggling animal, which will increase its chances of being rescued and reduce the chances of it suffering excruciating pain and death, if community members or volunteer wildlife rescuers are unable to subsequently capture the injured and distressed animal.

Native wildlife are supposed to be protected, hence my (and many others') disgust and frustration that these simple and already proven measures to reduce the toll upon wildlife are still not being supported by the Government.

Failure to take action to prevent further unnecessary suffering of native water birds and turtles is not acceptable - the incontrovertible evidence of the injuries and deaths of wildlife is already well-documented in the public domain. It was most encouraging to see that another State has taken a stronger position in support of responsible recreational fishing regulations, setting an enviable benchmark. The Department of Primary Industries and Regional Development in Western Australia has outlined such provisions in their Recreational Fishing Guide 2020 i.e. on page 53 (General Fishing Rules) "... ***Shore-based fishers may use a maximum of two fishing lines. Rods and lines must be attended.***" I have attached a copy of this document for your reference.

In summary, I along with a large number of Queenslanders, am hereby voicing a widespread and steadfast call with clear intent to see our State take a decided step forward in support for native animal welfare, namely, that the ACPA Bill adopts provisions to deliver safer freshwater environments for native wildlife, as entanglements cause heinous injuries and mortality. Although disappointing that it was not our State that set the benchmark, we can and surely must match Western Australia's commitment to responsible and ethical fishing, and in this way, help to inspire other states and territories to follow suit. This is the opportunity, our opportunity, to play our role to

initiate positive change not only in our State, but potentially help foster a consistent, nationwide culture and practice of wildlife-friendly recreational fishing. To achieve this, your support (through the Bill) will be key.

#### Fruit netting and glue traps

As one of the large number of volunteer wildlife rescuers and carers across Queensland, I am acutely aware of the significant risks to diverse species of native wildlife posed by various forms of fruit netting (<https://www.sgaonline.org.au/wildlife-in-a-tangle/>), one of the key focus areas in the WWF- and Australian Government-supported Wildlife Friendly Fencing project: <https://www.wildlifefriendlyfencing.com/WWF/Netting.html>

I was therefore encouraged to see the developments in Victoria, where new regulations came into play at the end of 2019 regarding household fruit netting, details of which can be found at [https://engage.vic.gov.au/prevention-cruelty-animals-draft-regulations-2019?fbclid=IwAR3bJD7of6x6ncxR5-s\\_MFZiaZbrE\\_w3DezbVnT0huCx1x6BZ\\_yFIE3Mhg](https://engage.vic.gov.au/prevention-cruelty-animals-draft-regulations-2019?fbclid=IwAR3bJD7of6x6ncxR5-s_MFZiaZbrE_w3DezbVnT0huCx1x6BZ_yFIE3Mhg), with a summary provide below.

Given this positive step in Victoria and strong impetus in other states, I am again voicing my strong call for Queensland to adopt similar regulations i.e. fruit netting to have a mesh-size of 5mm x 5mm or less at full stretch, as soon as practicable to reduce the unnecessary and cruel maiming and death of native wildlife, and in doing so, demonstrate a clear commitment to animal welfare. The present inquiry into the Animal Care and Protection Amendment Bill 2022 is a most welcome opportunity, given the Government's resistance to date to acknowledge and respond to community concerns regarding the risk to wildlife from inappropriate fruit netting and glue traps.

I append below the key elements from the Victorian regulatory change to fruit netting for the Committee's reference.

#### Proposed regulations at consultation

A person must not use, advertise or offer for sale fruit netting for the purpose of covering household fruit trees, vegetable gardens and other fruiting plants, however labelled, unless it complies with sub-regulation 3:

- (a) have a mesh-size of 5 mm or less at full stretch; and
- (b) be white in colour; and
- (c) have a strand diameter of no less than 500 microns.

#### Regulations

Refinement of the fruit netting provisions to remove colour and strand diameter requirements.

Commencement of these requirements will be 1 September 2021.

#### *Regulation 13*

- (1) A person must not use fruit netting for the purposes of covering household fruit-trees, vegetable gardens and other fruiting plants unless it complies with subregulation (3).
- (2) A person must not advertise or offer for sale fruit netting for the purpose of covering household fruit trees, vegetable gardens and other fruiting plants, however labelled, unless it complies with subregulation (3).

- (3) For the purpose of this regulation, fruit netting must —
- (a) have a mesh-size of 5mm x 5mm or less at full stretch.

#### Justification

Setting maximum dimensions for the mesh-size of fruit-netting will greatly minimize the risks of entanglement of wildlife. Most product meeting the required specification is sold in white, making the need to regulate colour less necessary.

The strand diameter of netting is not always provided when sold, making it difficult for the community to meet this requirement.

The delayed commencement will allow time for gardeners to plan for a changeover of netting and to utilise existing netting

#### Stakeholder engagement

967 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this proposal. Of these:

- 72% agree
- 23% disagree
- 5% would prefer another option

#### Actions

- The proposed Regulations remove the colour and strand diameter requirements for netting but retain the requirement to use mesh of 5x5mm.
- This regulation commencement will be 1 September 2021 to allow time for gardeners to plan for a changeover of netting and to utilise existing netting.

Thank you for the opportunity to make this contribution to the inquiry into the Animal Care and Protection Amendment Bill 2022.

Yours sincerely,

Leonard Fitzpatrick

## New or changed requirements introduced by the Prevention of Cruelty to Animals (POCTA) Regulations 2019

More detail on the new regulations can be found at [animalwelfare.vic.gov.au](http://animalwelfare.vic.gov.au)

Regulatory area	New or changed regulation
<b>Part 2 – Protection of animals</b>  <b>This part sets out requirements for animal transport, tethering of animals, pain relief for mulesing, overgrowth of wool for sheep, prohibition on prong collars, twisted horse bits and animal fighting implements, use of oxy-LPG pest control devices, sale and use of fruit netting and sale and use of electronic devices.</b>  The following <u>prohibitions</u> have been continued without change: <ul style="list-style-type: none"> <li>• transport of animals in sedan boots</li> <li>• possession of animal fighting implements or an animal with the intention of causing the animal to fight</li> <li>• use of twisted mouthpieces on horses</li> <li>• use of prong collars</li> </ul>	
Animals in vehicles on hot days <b>(New)</b>	<i>Regulation 6 (2)</i>  A person must not leave an animal unattended inside a motor vehicle, for more than 10 minutes, when outside temperatures are at or above 28 degrees Celsius.  (n.b. exemptions apply)
Animals on metal trays of vehicles/trailers on hot days <b>(New)</b>	<i>Regulation 6 (4)</i>  A person must not secure a dog on a metal tray of a motor vehicle or trailer when outside temperatures are at or above 28 degrees Celsius without the dog having access to an area of insulating material protecting the dog from contact with the metal surface.
Time-off-water when transporting livestock or farm animals <b>(New)</b>	<i>Regulation 6 (5)</i>  A person transporting a farm animal or livestock must ensure that the farm animal or livestock is provided with access to water before the maximum time off water specified in the Land Transport Standard for that species or type of farm animal or livestock has expired.
Transportation of livestock or farm animals that cannot bear weight on all legs <b>(New)</b>	<i>Regulation 6 (6)</i>  A person must not transport a farm animal or livestock, other than poultry, that is not able to walk on its own by bearing weight on all legs unless — <ol style="list-style-type: none"> <li>the animal is accompanied by a veterinarian or written veterinary advice that states that the animal is fit for transport; or</li> <li>the animal is accompanied by written veterinary advice that specifies conditions that must be complied with in order to manage the animal welfare risks associated with the transport and the person transporting the animal complies with conditions; or</li> </ol>

Regulatory area	New or changed regulation
	(c) the animal is being transported for medical veterinary or other appropriate treatment within the property at which the animal resides or to another property that is less than 50km from the property at which the animal resides.
Transportation of livestock or farm animals in a passenger vehicle <b>(New)</b>	<p><i>Regulation 6 (7)</i></p> <p>A person must not transport a farm animal or livestock in a passenger vehicle unless —</p> <ul style="list-style-type: none"> <li>(a) it is transported in a cage or the cargo section (excluding a sedan boot); and</li> <li>(b) the animal is able to stand upright without any part of the animal coming into contact with the roof, the ceiling or cover of the cage or cargo section of the motor vehicle; and</li> <li>(c) if transported in the cargo section, there is a barrier that prevents the animal from moving into the seating area of the vehicle</li> </ul>
Tethering of animals <b>(New)</b>	<p><i>Regulation 7 (1)</i></p> <p>A person must not tether an animal, using a fixed tether, or running tether, unless—</p> <ul style="list-style-type: none"> <li>(a) the animal has access to water at all times; and</li> <li>(b) the animal is able to exercise daily off the tether; and</li> <li>(c) the animal is able to lie down and stand up without restriction; and</li> <li>(d) the animal is tethered by a collar or halter which is attached to the tether by a swivel; and</li> <li>(e) the animal is checked at least twice daily; and</li> <li>(f) the animal has access to physical shelter at all times; and</li> <li>(g) if herbivorous, the animal is able to graze or browse freely.</li> </ul> <p>(n.b. exemptions apply)</p>
<p>Sheep <b>(New)</b></p> <p>Regulation of over-grown wool and pain relief for mulesing</p> <p>Requirement to use of pain relief does not commence until 1 July 2020.</p>	<p><i>Regulation 8 (1)</i></p> <p>A person must not allow the fleece of a sheep to grow to a length greater than twice the average annual growth for the breed of sheep or more than 250mm (whichever is shorter).</p> <p><i>*Regulation 8 (2)</i></p> <p>A person must not mule a sheep unless the sheep is administered with a pain relief product that has been registered for use on sheep by the Australian Pesticides and Veterinary Medicines Authority.</p>
Conditions of use of Oxy-LPG pest-control devices <b>(New)</b>	<p><i>Regulation 12</i></p> <p>A person must not use an Oxy-LPG pest-control device unless the person has made all reasonable efforts to empty the burrow or warren of live rabbits using other methods.</p>

Regulatory area	New or changed regulation
Household fruit netting <b>(New)</b>  Requirements for fruit netting will not commence until 1 September 2021	<i>Regulation 13</i>  (1) A person must not use fruit netting for the purposes of covering household fruit-trees, vegetable gardens and other fruiting plants unless it complies with subregulation (3).  (2) A person must not advertise or offer for sale fruit netting for the purpose of covering household fruit trees, vegetable gardens and other fruiting plants, however labelled, unless it complies with subregulation (3).  (3) For the purpose of this regulation, fruit netting must — (a) have a mesh-size of 5mm x 5mm or less at full stretch.
<b>Electronic devices</b>  Regulation of electronic devices (that impart an electronic shock) has been continued with some changes which are described below. Electronic devices cannot be used unless they are permitted under the regulations. Where permitted they must be used in accordance with any condition set out in the regulations.	
Use of electronic devices for therapeutic purposes <b>(New)</b>	<i>Regulation 15</i>  The Minister may approve the use on an animal of an electronic device that provides a therapeutic effect to an animal.
Electric Fences <b>(Change)</b>	<i>Regulation 16</i>  New requirement that the electric charge travelling through the wire must not be sufficient to harm or kill an animal.
Electric prodders <b>(Change)</b>	<i>Regulation 18</i>  Use of electric prodders on pigs is now allowed during transport under specific circumstances
Electric foot shock apparatus <b>(New)</b>	<i>Regulation 22</i>  A person must not use an electric foot shock apparatus on an animal unless:  (a) the use is part of a scientific procedure or program of scientific procedures that has been approved under a licence granted under Part 3 of the Act; and (b) there are no valid alternative stimuli.
<b>Electronic Collars</b>  Use of electronic collars continues to be regulated. They can only be used on specific species and in accordance with set conditions. These regulations have largely been retained without major change.  <ul style="list-style-type: none"> <li>Remote training, anti-bark and containment collars are permitted for dogs provided use is in accordance with the specified conditions.</li> </ul>	

Regulatory area	New or changed regulation
<ul style="list-style-type: none"> <li>Containment collars can be used for cats provided use is in accordance with the specified conditions.</li> <li>Electronic collars can be used for livestock only under approval of an animal ethics committee as part of a research project.</li> </ul>	
Electronic Collars <b>(Change)</b>	<p><i>Regulation 26</i></p> <p>Exemptions introduced for Victoria Police, the Australian Federal Police and the Australian Defence Force for use of remote training collars and anti-bark collars.</p>
Qualified dog Trainer <b>(Change)</b>	<p>Definition of qualified dog trainer – for purposes of use of electronic collar has been changed to mean a person who has qualifications approved by the Ministerial order.</p>
<p><b>Part 3 – Traps</b></p> <p>It is an offence under the POCTA Act to set, use or sell a trap that is not prescribed or to not comply with any prescribed conditions.</p> <p>Prescribed traps are set out in the regulations and types of traps and conditions of use remain largely the same. Any major changes or new provisions are set out below.</p>	
Traps <b>(Changes)</b>	<p><i>Regulation 39</i></p> <p>Fees introduced for applications for Ministerial approvals for setting and using leghold traps in an urban area.</p> <p><i>Regulation 40</i></p> <p>New provision to allow Ministerial approval for the use of leghold traps for the control of declared feral cats in limited situations under specific conditions.</p> <p><i>Regulation 53</i></p> <p>Fees introduced for applications for Ministerial approval for setting and using non-kill snares.</p> <p><i>Regulation 55</i></p> <p>Clarification to the prescribed features of rodent kill traps - trap jaws must not be toothed, serrated or sharp-pointed in a way that can pierce or tear the skin of the animal.</p> <p>Rodent kill traps must not be designed to drown an animal.</p> <p><i>Regulation 61</i></p> <p>Fees introduced for applications for Ministerial approval for setting and using kill traps.</p> <p><i>Regulation 62</i></p> <p>Sale, use or setting of glue traps that can trap an animal is banned.</p>

Regulatory area	New or changed regulation
	<p>Sale, use or setting of a glue trap for the purposes of capturing an insect is only permitted where the trap has a cage, or is of a design, that prevent an animal contacting the adhesive surface.</p> <p><i>Regulation 64</i></p> <p>Fees introduced for applications for Ministerial approval for setting and using a lethal trap device on a trap to which Division 2,3,4, or 5 applies.</p> <p><i>Regulation 65</i></p> <p>New Ministerial approval process for the emergency use of traps to control an incursion of a noxious aquatic species or declared pest animal not previously found in Victoria.</p> <p><i>Division 11; Regulations 66-68</i></p> <p>New Ministerial approval process for land managers of unincorporated areas to manage domestic dogs and cats, or other species normally kept in captivity, when caught in a trap.</p>
<p><b>Part 4 – Rodeos</b></p> <p>Regulation of rodeos has been largely continued unchanged including the requirement for a licence or permit to operate a rodeo or rodeo school.</p>	
<p>Rodeos <b>(Changes)</b></p>	<p><i>Regulations 71 &amp; 72</i></p> <p>New requirement for an Animal Welfare Plan to be submitted when applying for a rodeo, or rodeo school, licence or permit.</p> <p><i>Regulation 72</i></p> <p>Ability for the Man from Snowy River Bush Festival to apply for a permit to operate a brumby catch event at that festival.</p> <p><i>Regulation 74</i></p> <p>New process, including charging of fees for Ministerial approval of a Rodeo organisation.</p> <p><i>Regulation 80</i></p> <p>Removal of obligation on the Department Head to provide written confirmation to a notification of appointment of a veterinary practitioner by a licence or permit holder.</p> <p><i>Regulation 103</i></p> <p>New provision prohibiting motor vehicles from being present in the arena while the rodeo, or rodeo school, is being held except in an emergency situation.</p> <p><i>Regulation 150</i></p>

Regulatory area	New or changed regulation
	Fees for Rodeo/Rodeo School licences and permits updated
<b>Part 5 – Scientific Procedures</b> Regulation of scientific procedures has been continued with minimal change, existing requirements for licencing, animal ethics approval etc. continue.	
<b>Scientific Procedures (Changes)</b>	<p><i>Regulations 110, 123 and 136</i></p> <p>New requirement for mandatory training for new Animal Ethics Committee (AEC) members.</p> <p><i>Regulations 114, 126</i></p> <p>Procuring or sourcing of an animal from an animal pound or shelter for use in a scientific procedure or program under a scientific premises licence has been prohibited. (n.b. exemptions apply)</p> <p>Note: Regulations 114 and 126 will replace the code of practice for use of animals from pounds and shelters in scientific procedures.</p> <p><i>Regulation 144</i></p> <p>New provision setting out obligations as to AEC members</p> <p>Removal of requirement that licence holders must make and keep monthly records.</p>
<b>Part 7 – Transitional provisions (New)</b>	<p><i>Regulations 156- 159</i></p> <p>Transitional provisions for trap-check intervals for large leghold traps, use of leghold traps in urban areas and approved rodeo organisations.</p>
<b>Schedule 5 (New)</b>	<p>Infringement penalties introduced for Regulations 6(2), 6(4), 6(5), 6(6), 6(7), (7), 891), 8(2), 13(1), 13(2), 33(2), 86(1), 103(1), 144,</p>

## Prevention of Cruelty to Animals (POCTA) Regulations 2019

## Statement of Reasons

POCTA Regulation title	Part/ Division/ Regulation number	Issues raised in submissions	Submission feedback / suggested change	Departmental response / resulting change	Approx Number of comments
Animal in sedan boot	Part 2, Division 1, Regulation 6(1)	Acceptable to transport dogs in a sedan boot, especially if 'climate control' connection to main cabin of vehicle This will negatively impact on bird owners who transport caged birds in sedan boots	Allow for fish, rodents, small birds and wildlife if temp controlled with access to cabin	<b>No change:</b> The longstanding prohibition on transport of animals in sedan boots has been retained	11
Animal(s) in a motor vehicle on hot days	Part 2, Division 1, Regulation 6(2), 6(3)	Concerns around technical specification of provisions relating to: <ul style="list-style-type: none"> <li>different breeds</li> <li>internal temperature/ temperature cut-off value/</li> <li>shade/cooling system</li> </ul>	Better define specifications and temperature measurements	<b>No change:</b> The Regulation is evidence-based and provides an approach that minimises animal welfare risks from animals left in cars on hot days	17
		Should not leave animal in vehicle any time	Prohibit leaving an animal in a vehicle at any time	<b>No change:</b> The Regulation is evidence-based and provides an approach that addresses animal welfare risks on hot days	4
		Owners should be able to make their own judgement / education rather than regulation		<b>No change:</b> The Regulation is evidence-based and provides an approach that addresses animal welfare risks on hot days	3
		Extend temperature stipulation for metal trays to apply to particularly cold days too		<b>No change:</b> The Regulation addresses a risk of physical injury (burns) from hot metal surfaces on hot days. The risk is reduced on cold days	1
		Regulation 6(2) will negatively impact therapy dogs in transit		<b>No change:</b> The Regulation applies when animals are left unattended in stationery vehicles, rather than when in transit	1
		Remove 10 minutes limit – provides defence for under 10 minutes, where cruelty could occur	Remove 6(2) to avoid a defence where 10 minutes is unsuitable to prevent cruelty. Or remove reference to 10 minutes in this section	<b>No change:</b> The Regulation does not prevent a prosecution for cruelty under section 9 of the POCTA Act if an animal was to suffer unreasonable pain or suffering as a result of being left unsupervised	1
		Prevents the option to hold stray animals in animal transport vehicles while owner is being located to collect the animal – will result in more animals being taken directly to a pound	Enable authorised officers to keep animals in animal transport vehicles to facilitate the return of stray animals to owners	<b>Change:</b> Provide exemption for authorised officers provided the compartment is maintained at or below 28 degrees and the animal has access to water	1
Animals on metal tray of motor vehicle or trailer on hot days	Part 2, Division 1, Regulation 6(4)	Concerns regarding scope of provision: <ul style="list-style-type: none"> <li>shade/direct sun the issue not temperature,</li> <li>application to livestock in stock crates</li> </ul>	Amend scope	<b>Change:</b> The Regulation has been amended to apply to dogs only when secured on the metal tray. Unlike livestock hooves, the soft paws of dogs do not provide protection from a hot metal surface	13
Farm animal transport – time off water, weight bearing, passenger vehicles Part 2, Division 1, Regulation 6(5), 6(6), 6(7)		Concerns regarding duration of maximum time off-water and whether access to water should be unlimited	Provide unlimited water or reduce the maximum time intervals off-water	<b>No change:</b> The Regulation aligns with the standards for maximum time off water in the Australian Animal Welfare Standards and Guidelines for Land Transport of Animals	9
		Temperature/time limit for animals in cars should apply to livestock also	Remove exemption for livestock in Reg 6(3)	<b>No change:</b> The Australian Animal Welfare Standards and Guidelines for Land Transport of Animals sets conditions which apply to the transportation of livestock in hot weather	7
		Concerns that specifying a 20km limit is too limiting for transport of livestock that are non-weight bearing on all legs to vet treatment / provision of a veterinary certificate, particularly rural areas		<b>Change:</b> The Regulation has been amended to increase distance to 50km and require written veterinary advice instead of a veterinary certificate	7

POCTA Regulation title	Part/ Division/ Regulation number	Issues raised in submissions	Submission feedback / suggested change	Departmental response / resulting change	Approx Number of comments
		Concerns regarding: <ul style="list-style-type: none"> <li>definition of weight-bearing</li> <li>exemption for poultry</li> </ul>	Remove exemption 6(6) for poultry	<b>Change:</b> The Regulation has been amended to clarify reference to weight-bearing when walking  <b>No change:</b> The exclusion of poultry has been retained, as poultry transport systems are different to other livestock	5
		Concern regarding general animal welfare provisions for livestock transported in passenger vehicles and livestock transporters	Include standards for transport of livestock in passenger vehicles, and livestock transporters, e.g. closed tops, restricted speed limits	<b>No change:</b> The Australian Animal Welfare Standards and Guidelines for Land Transport of Animals sets conditions that apply to the transportation of livestock	2
		Regulation 6(6) should apply to poultry too		<b>No change:</b> The exclusion of poultry has been retained, as poultry transport systems differ to that for other livestock	2
		Maximum time off water offence provides alternate offence to cruelty under POCTA Act s9(1)(f) but lower penalty		<b>No change:</b> The Regulation aligns with the Australian Animal Welfare Standards and Guidelines for Land Transport of Animals and provides for an infringement. An offence from the <i>Prevention of Cruelty to Animals Act 1986</i> can still be applied where appropriate	1
		Transport of livestock in car should be acceptable as last resort		<b>No change:</b> Other than as prescribed in the Regulations, the transport of farm animals in cars poses risks to both animals and humans	1
		Transportation of large wild animals (wildlife rescue) should be exempted from transportation requirements and would need 20km restriction exempted		<b>No change:</b> The Regulations mostly describe the class of species to which they apply. Wildlife, as applies to other animals, should not be transported in the boot of a sedan car, or left unattended in motor vehicles on hot days	1
		Transport regulations for livestock do not include 'live export'		<b>No change:</b> The transportation of animals for export are outside the scope of the Regulations	1
Tethering	Part 2, Division 1, Regulation 7	Concerns regarding the physical and technical requirements of the tethering including: <ul style="list-style-type: none"> <li>need for physical shelter</li> <li>specifying exercise requirements</li> <li>frequency of checking</li> <li>overly stringent regulation</li> <li>species specific needs</li> <li>access to water</li> <li>types of collars or harnesses</li> </ul>		<b>No change:</b> The Regulations align with the requirements of the Victorian Code of Practice for Tethering. Where applicable, the Victorian Code of Practice for Tethering aligns with the Australian Animal Welfare Standards and Guidelines for Cattle, Sheep, Goats	14
		Concerns regarding: <ul style="list-style-type: none"> <li>temporary /short-term tying-up</li> <li>tethering at shows</li> <li>tethering as part of an approved research project</li> </ul>		<b>Change:</b> Exceptions have been included to allow for tethering of animals at shows without access to water or grazing provided food and water is provided at least twice daily. Exception from water and grazing provisions provided for animals tethered as part of an approved research project as such projects may require water or food management	4
		Ban all tethering of animals		<b>No change:</b> Tethering is at times necessary as a husbandry practice. The Regulations align with the requirements of the Victorian Code of Practice for Tethering. Where applicable, the Victorian Code of Practice for Tethering aligns with the Australian Animal Welfare Standards and Guidelines for Cattle, Sheep, Goats	3
		7(1)(f) and 7(2) are in contradiction with tethering code and s9(1)(f) of the Act		<b>No change:</b> The Regulation aligns with the requirements of the Victorian Code of Practice for Tethering, being an advisory code	1
		Need definition of tethering	<i>Suggested Definition: Tethering</i> means securing of an animal to an anchor point to confine it to a desired area for an extended period of time	<b>No change:</b> Advice will be provided to assist the community to better understand their obligations under the Regulations	1
Sheep overgrown wool	Part 2, Division 1,	Change wording to remove following text: 'or more than 250mm (whichever is shorter)' to align with national sheep standards	Remove reference to 250mm to align with national sheep standards	<b>No change:</b> The inclusions of a defined measurement has been retained. It provides clarity to sheep owners regarding the Regulation and enables the use of infringement notices for this offence	1

POCTA Regulation title	Part/ Division/ Regulation number	Issues raised in submissions	Submission feedback / suggested change	Departmental response / resulting change	Approx Number of comments
	Regulation 8(1)	Need provision around winter-shearing of sheep without adequate shelter		<b>No change:</b> The <i>Prevention of Cruelty to Animals Act 1986</i> already requires that a person provide proper and sufficient shelter	1
Mulesing	Part 2, Division 1, Regulation 8(2)	Greater regulation or a ban is required for mulesing. Alternative methods to prevent fly-strike and avoid breech modification and the need for pain relief should be investigated		<b>No change:</b> The Regulation is evidence-based and improves animal welfare. The Regulations do not impact on research into alternative methods to prevent flystrike of sheep	386
		Concerns over timing and duration of pain relief, including before and after mulesing procedure		<b>No change:</b> The Regulation is evidence-based and improves animal welfare	341
		Disagreement with proposed regulation, including that pain relief is unnecessary or overly costly		<b>No change:</b> The Regulation is evidence-based and improves animal welfare. Research has demonstrated that pain from the procedure is reduced with the administration of pain relief	39
		Mulesing is necessary / effective / not painful / better alternative to flystrike		<b>No change:</b> Mulesing is still permitted. The Regulation is evidence-based and improves animal welfare	19
		Change mulesing definition	Just apply to 'surgical mulesing' / to match national Standards and Guidelines definition for mulesing	<b>Change:</b> The Regulation has been amended to exactly match the Australian Animal Welfare Standards and Guidelines for Sheep	16
		Disagree with the delay in start of the Regulation	Immediate commencing of the Regulation	<b>Change:</b> A transition period of 6 months has been included in the Regulations to allow sufficient time for community to understand the new requirements and prepare for implementation	14
		Need minimum 5 months delay for farmer adjustment	Delay start for at least 5 months	<b>Change:</b> A transition period of 6 months has been included in the Regulations to allow sufficient time for community to understand the new requirements and prepare for implementation	1
Animal fighting implements	Part 2, Division 1, Regulation 9	Ban implements for training to fight/ Ban breeding and sale of animals for fighting	Amend 9(3) to expand to include breeding and sale of animals for fighting	<b>No change:</b> It would be more appropriate for these activities to be considered by future amendments to existing provisions under the <i>Prevention of Cruelty to Animals Act 1986</i>	2
		Need provision to prevent animals being used as bait		<b>No change:</b> This activity is covered by provisions under the <i>Prevention of Cruelty to Animals Act 1986</i>	1
Twisted horse bits	Part 2, Division 1, Regulation 10	Mouthpiece should be moulded to suit each individual horse		<b>No change:</b> The longstanding prohibition of twisted mouthpieces was retained	1
Pronged collars	Part 2, Division 1, Regulation 11	Useful training tool when used correctly		<b>No change:</b> The longstanding prohibition of prong collars was retained	20
		Disagree with ban, should be allowed. Pronged collars are less aversive than chain/choke collars		<b>No change:</b> The longstanding prohibition of prong collars was retained	14
		Should allow use by police / professional or suitably qualified person / with education		<b>No change:</b> The longstanding prohibition of prong collars was retained	10
		Ban check/choke collars, citronella collars, high-pitched sound collars/martingale collars/flexi, or retractable, leads		<b>No change:</b> The banning of this equipment is outside the scope of the review of the Regulations.	1
Oxy-LPG devices	Part 2, Division 1, Regulation 12	No need to empty or check warrens first – limits operational scope		<b>No change:</b> The proposed provision is evidence-based and addresses animal welfare concerns	8
		Ban Oxy-LPG devices: including, find an alternative due to potential for devices to be inhumane for larger burrows		<b>No change:</b> The proposed provision is evidence-based and addresses animal welfare concerns	8
		'All reasonable efforts' needs definition		<b>No change:</b> The interpretation of 'all reasonable effort's' will vary due to circumstance. It will be the operator's responsibility to use methods that can withstand independent scrutiny and assessment under each specific situation	3
		OK to use if by trained personnel / as integrated approach		<b>No change:</b> The Regulation, to restrict use to warrens where every effort has been made to empty it of live rabbits first, reduces animal welfare risks	2
		Include definition of 'burrow' with the term 'warren'	Include definition of 'burrow' with the term 'warren'	<b>Change:</b> The Regulation has been amended to include the term burrow	1

POCTA Regulation title	Part/ Division/ Regulation number	Issues raised in submissions	Submission feedback / suggested change	Departmental response / resulting change	Approx Number of comments
Higher penalties - general offences	Part 2, Division 1	Different animal groups need separate regulations (e.g. domestic animals v livestock)/Livestock need better protection		<b>No change:</b> The complexity of the animal welfare space requires the Regulations to cover a wide range of species and activities	3
		Regulations are inconsistent. Banning some activities, but condoning others that may be cruel.		<b>No change:</b> The complexity of the animal welfare space requires the Regulations to cover a wide range of activities	3
		Penalties should be higher	Increase penalties	<b>No change:</b> The <i>Prevention of Cruelty to Animals Act 1986</i> sets a maximum penalty of 20 penalty units for offences in the Regulations	1
		Over-regulation for farmers		<b>No change:</b> The complexity of the animal welfare space requires the Regulations to cover a wide range of species and activities	1
		Provisions are too wide-ranging		<b>No change:</b> The complexity of the animal welfare space requires the Regulations to cover a wide range of species and activities	1
Fruit tree netting	Part 2, Division 2, Regulation 13	Disagree – unnecessary regulation / reason not specified/phase-in regulation		<b>Change:</b> Commencement of netting requirements will be September 2021. This will allow time for gardeners to plan for a changeover of netting and to utilise existing netting. Education campaigns have been trialled and have not reduced the number of entanglement incidents	110
		Small netting size (5mm) will stop pollinators and environmental pest-control (lady-bugs etc) accessing plants	Increase max hole diameter to 10 mm Increase max hole diameter to 8mm when stretched	<b>No change:</b> Queen excluders used in hives are smaller in diameter than 5mm. There are options that household fruit growers can implement to allow access to bees if netting is restricting access	67
		Concerns over proposal for white netting – colour makes no difference/ is unsightly / will deteriorate more quickly (lower UV stability)/affects plant micro-climate		<b>Change:</b> The Regulations have been amended to remove the restriction to white coloured netting	58
		A taut netting structure is more important than netting type	Education/regulation for taut enclosures instead of regulation of net type	<b>No change:</b> Advice will be provided around time of implementation of this Regulation on how to best manage responsible use of netting	54
		Prefer another RIS option – option not specified		<b>Change:</b> The Regulations have been amended to reflect feedback received. This includes the removal of Regulations regarding net colour and strand size	47
		Costly to replace existing nets		<b>Change:</b> Commencement of netting requirements will be September 2021. This will allow time for gardeners to plan for a changeover of netting and to utilise existing netting	28
		No issues with netting so far/should have freedom to use netting of choice	Include exemptions for small pieces of netting when less than 400 sq cm and used to cover ground, not shrouding plants	<b>No change:</b> Requirement for 5mm aperture reduces risk of wildlife entanglement. Education campaigns have been trialled and have not reduced the number of entanglement incidents.	26
		Restrictions should also apply to commercial producers also		<b>No change:</b> Wildlife rescuers advise that the majority of entanglements and rescues occur in backyard situations	17
		Concerns over practicality of 5mm x 5mm mesh-size	Increase max hole size to 10-15 mm	<b>No change:</b> A larger netting aperture increases the risk of bats and other wildlife becoming entangled	16
		Disposal of nets will be environmentally unfriendly		<b>Change:</b> Commencement of netting requirements will be September 2021. This will allow time for gardeners to plan for a changeover of netting and to utilise existing netting	10
		Ban use of fruit tree netting – cruel to animals		<b>No change:</b> The Regulation of netting minimises the welfare impacts to animals while enabling gardeners to protect fruit from wildlife	10
		Strand diameter is more important than colour/diameter. Cheap plastic or superfine netting should be banned as it is deadly to reptiles Oppose 500 microns netting requirement - not commercially available / excludes insect netting	100 micron preferred – allows inclusion of insect netting Remove strand width specification	<b>Change:</b> The Regulation for strand size has been removed. Requirement for 5mm aperture reduces risk of entanglement of wildlife	7
		Risk to biosecurity. Prevents protection from/risks current efforts to prevent QLD fruit fly		<b>Change:</b> The Regulations have been amended to reflect feedback. This includes the removal of Regulations regarding net colour and strand size. The provision will not prevent the setting of traps to monitor for Queensland Fruit Fly	6

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		More regulation required around sale instructions for netting products and the monitoring of use.		<b>No change:</b> Advice will be provided around time of implementation of this Regulation on how to best manage responsible sale and use of netting	5
		Require definition of 'fruit tree' and 'household' needed		<b>No change:</b> The Regulations apply to a number of fruiting plants. Advice will be provided regarding the interpretation of household as part of the implementation of the provisions	2
		Ag Vic advised use of existing nets in Greater Sunraysia Pest Free area	Exempt Greater Sunraysia Pest Free area	<b>Change:</b> Commencement of netting requirements will be September 2021. This will allow time for gardeners to plan for a changeover of netting and to utilise existing netting	1
		No assessment provided of Charter of Human Rights on affected people		<b>No change:</b> A human rights assessment was undertaken and did not identify any impact from the proposal to regulate netting	1
Electronic devices (other than collars)	Part 2, Division 3, Regulations 14-23	Electronic devices – including, electro-ejaculators, electronic prodders, electrocution traps, electronic stunning devices – increase distress, are cruel, and should be banned	Ban these devices	<b>No change:</b> The Regulations minimise animal welfare impacts regarding use of electronic devices	388
		Electronic prodders and other electronic devices are over-used	Regulate against over-use and excessive use	<b>No change:</b> The Regulations minimise animal welfare impacts for use of electronic devices, including an offence for using an electronic prodder excessively	58
		Ban or increase regulation of all electronic prodders	Make all electronic prodders illegal, increase regulation of use for specific species, and rodeos	<b>No change:</b> Regulations align with the standards for prodder use in endorsed Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock	44
		Ban or increase regulation of electronic prodders, specifically for pigs	Rethink introduction of regulation allowing use of electronic prodders on pigs	<b>No change:</b> This was introduced to align the Regulations with the Australian Animal Welfare Standards and Guidelines for the Transport of Livestock	24
		Opposed to any aversive/ pain/ shock – based methods to change animal behaviour. Other effective methods are available	Ban all electronic devices	<b>No change:</b> The Regulations minimise animal welfare impacts regarding use of electronic devices	21
		Electronic prodders are necessary and should be allowed	Allow continued use of electronic prodders	<b>No change:</b> The use of prodders are allowed under specific conditions to minimise animal welfare impacts. The Regulations align with the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock	5
		Electrocution traps are cruel and should be banned	Ban availability of electrocution traps	<b>No change:</b> The Regulations require that these traps humanely destroy animals captured	3
		Definition of 'therapeutic use' needed, or remove reg 15	Remove regulation 15 to prohibit electronic devices for therapeutic use	<b>Change:</b> The Regulations have been amended to clarify intention for the use of electronic devices that are designed to provide a therapeutic effect	1
		16(b)(ii) Reword to refer to animal being contained	Reword to: '...harm or kill an animal of the kind being contained'	<b>No change:</b> The Regulation considers other animals, such as wildlife, that may come in contact with an electric fence	1
		Restrict use of electronic ejaculators	20 Allow use only under general anaesthesia and only by a vet for breeding purposes	<b>No change:</b> The Regulations minimise animal welfare impacts for use of electronic devices	1
Electronic collars	Part 2, Division 3, Regulation 24 -30	Containment collars keep dogs and cats safe	Allow continued use containment electronic collars	<b>No Change:</b> The Regulation allowing the use of containment collars under prescribed conditions is retained	342
		Electronic collars have a role to play in dog training including for difficult or aggressive dogs. Allowing the use of electronic collars give dogs greater freedom and a better quality of life Electronic collars protect other species and prevent chasing of wildlife and livestock Electronic collars are a good tool for communicating with dogs, especially with deaf dogs	Allow continued use of electronic collars	<b>Change:</b> The use of electronic collars will be allowed under existing prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	341

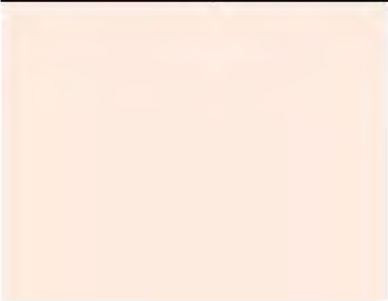
POCTA Regulation title	Part/ Division/ Regulation number	Issues raised in submissions	Submission feedback / suggested change	Departmental response / resulting change	Approx Number of comments
		Electronic collars can be a useful communication tool for owners/handlers who are themselves deaf/mute Electronic collars do not shock dogs, they only deliver a mild stimulus/sensation/tickle A ban on electronic collars will impact businesses There is a lack of evidence for a ban/ please do not ban/ electronic collars are not cruel The proposals in the draft are 'over-regulation'/ just 'revenue-raising'/inconsistent regulation/too costly			
		Remote training and anti-bark collars are useful training tool to stop barking and improve management of dogs, relationships with neighbours and rest of society	Allow continued use of remote-training and anti-bark electronic collars	<b>Change:</b> The use of remote training collars and anti-bark collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	205
		A ban will increase the risks of harm to dogs, including an increase in poor behaviour, risk of snake bite etc	Allow continued use of remote-training collars	<b>Change:</b> The use of remote training collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the Prevention of Cruelty to Animals Regulations 2008	147
		Prefer RIS Option 1	Retain regulatory <i>status quo</i> , as per the POCTA Regulations 2008	<b>Change:</b> The use of electronic collars will be allowed under existing prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	139
		Electronic collars are a safe training method, especially if training is done under supervision of a professional	Allow training of dogs with remote-training and anti-bark collars under the supervision of a qualified dog trainer or a veterinary practitioner	<b>Change:</b> The use of remote training collars and anti-bark collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	124
		Electronic collars are cruel Electronic collars work through 'fear' Electronic collars have led to more behaviour problems that have resulted in euthanasia Electronic collars are easy to mis-use. Seen as a quick-fix, but can cause more behavioural and associated welfare problems Do not allow any exemptions for electronic collars – not even Victoria Police/Australian Defence Force/therapeutic use	Ban electronic collars	<b>Change:</b> Significant feedback was received supporting the continued use of electronic collars under a range of circumstances. Use of remote-training and anti-bark electronic collars will be retained, under existing prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	81
		Allow use of electronic collars with greater regulation and monitoring, or a permit system	Allow continued use of electronic collars, but with more regulation, including checks-and-balances	<b>Change:</b> The use of remote training collars and anti-bark collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	35
		Allow use of electronic collars for hunting dogs and farm working dogs	Allow continued use of electronic collars for hunting dogs and farm working dogs	<b>Change:</b> The use of remote training collars and anti-bark collars will be allowed under existing prescribed that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	25
		If electronic collars can be used by Victoria Police, The Australian Police Force and the Australian Defence Force, they should also be available for use by the public.	Allow continued use of remote-training and anti-bark electronic collars	<b>Change:</b> The use of remote training collars and anti-bark collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	24
		A ban on electronic collars addresses the tool not the behaviour – need more education and less regulation	Create opportunities to educate the Victorian community on how to use electronic collars more responsibly, and	<b>Change:</b> The use of remote training collars and anti-bark collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	22

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			also the benefits from the use of electronic collars		
		Increase education, monitoring, and enforcement around use of electronic collars – cannot rely on people doing the ‘right thing’ Electronic collars are only appropriate for non-harmful use. Any exceptions or permitted use must be made clear.	Allow use of electronic collars under stricter control	<b>Change:</b> The use of electronic collars will continue to be allowed under prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	22
		There is a lack of formal training opportunities in Australia for the dog-trainers to be suitably trained in the use of electronic collars, so that there is an accredited qualification	Enable more formal training opportunities/courses to allow more trainers to become an ‘accredited trainer’	<b>No change:</b> The definition of a qualified dog trainer as having completed a qualification approved by the Minister has been retained. This definition will also apply to remote training and anti-bark collar use	11
		Prefer RIS Option 2	Allow use of electronic collars under stricter control	<b>Change:</b> The use of electronic collars will be allowed under existing prescribed conditions that are designed to minimise animal welfare impacts. These conditions reflect the requirements in the current Prevention of Cruelty to Animals Regulations 2008	3
		Electronic collar definition needs to clearly identify that it only refers to electronic collars that shock		<b>No change:</b> The definition of electronic collars is retained. It defines an electronic collar as one which is capable of imparting an electric shock to an animal	3
		Ban the sale of ‘cheap’ versions of electronic collars	Apply quality-control on permitted types of electronic collars that can be used	<b>No Change:</b> The Regulations will require the design and technical specification of electronic collars to comply with standards approved by the Minister have been retained. These standards will also apply to remote training and anti-bark collars	2
		Containment collars - remove ‘competent trainer’ – limit to vet and qualified dog trainers	27(2) Remove ‘competent trainer’	<b>No change:</b> The Regulation to allow use of containment collars under existing prescribed conditions is retained and requires use under supervision of vet or qualified dog trainer	2
		Containment systems, using electronic collars, do not allow dogs to escape any threat within the contained area	Ban electronic containment collars	<b>No change:</b> The Regulation allowing the use of containment collars under prescribed conditions is retained	1
		Allow e-collars for windsucking horses		<b>No change:</b> The longstanding prohibition of electronic collars for horses was retained	1
Traps	Part 3, Divisions 1-11, Regulations 31-69	Object to permitted check time, including 72 hours - inhumane		<b>No change:</b> With the support of the Department of Environment, Land, Water and Planning the Regulation that allows the Victorian Wild Dog Program to employ a trap-check interval of up to 72 hours will be phased out by December 2024	409
		Trapping is cruel, stressful, inhumane		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained	405
		Allow use of leghold traps for cats under permit only, with conditions enabling exemptions for specifics to cats	Leghold traps for cats under permit with conditions for exemptions eg modern rubber padding, check time frequency, placement locations, where control is feasible and effective	<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	71
		Need soft leg hold traps for feral cats		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	56
		Need traps for cats to protect native wildlife/ threatened species		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	49
		Oppose proposal to require cage-caught cats to be transported to a shelter for euthanasia, for unincorporated localities (eg French Island)	Retain existing provision in 2008 Regulations enabling cat to be returned to owner	<b>No change:</b> A Ministerial process required for unincorporated areas as there is no council in these areas to manage owned and stray dogs and cats that may be trapped	34
		Minister could approve the use of soft leg hold traps for cats, on case by case basis		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	32
		Traps needed to eradicate cats for French Island		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	31
		Need traps to manage feral cats as well as other pests		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	27

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		Ban all traps (trap unspecified), inhumane		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained	26
		Ban leghold traps (for rabbits/foxes/all animals)		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained	26
		Traps are needed – research/ control pests/ food source/ insects/ prevent damage to livestock		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained	18
		Check time should be less than 24 hours (2 hours/8hours/by camera)		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained. Check times are based on best practice for each type of trap	17
		Ban other traps (includes net/ electrocution/ lethal/ non-lethal/ humane only/ all other than confinement)		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained	17
		Ban glue traps		<b>No change:</b> The ban on sale, setting or use of glue traps except for the purposes of capturing insects has been retained	15
		Don't ban glue traps – no viable alternative/ health and cost implications		<b>No change:</b> The ban on sale, setting or use of glue traps except for the purposes of capturing insects has been retained	3
		Glue traps must be specifically designed for insects so that they cannot trap mammals		<b>No change:</b> The ban on sale, setting or use of glue traps except for the purposes of capturing insects has been retained. The glue trap design for insects must prevent any animal contacting the adhesive surface or being captured by the trap	5
		Object to traps - capture non-target species/ dangerous		<b>No change:</b> The use of traps under prescribed conditions to manage animal welfare risks has been retained	7
		Allow leghold trap setting on Crown Land for feral cats by land manager/delegate	Amend Reg 32 to allow small leghold traps to be set on Crown Land by land manager or delegate	<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced. This will allow trapping on crown land under an approval	4
		Should not prohibit drowning for rodent traps (during plague)		<b>No change:</b> As drowning is not a humane death, the prohibition on use of drowning has been retained	3
		Allow leghold trapping of cats as integrated best practice management, as defined (add definition)		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	2
		More criteria/justification needed for non-kill snare traps	Include in 53(1)(b) and (2) additional details to determine criteria and justification for non-kill snare trap use	<b>No change:</b> An approval process is in place to manage risks such as animal welfare, public safety and management of off target species	2
		Draft additional regulation so as to allow use of new technology as it becomes available		<b>No change:</b> Consideration of the use of new trapping technology can be managed as it arises	2
		Allow leghold trapping of cats as integrated best practice management, as defined (add definition)		<b>Change:</b> A Regulation for Ministerial approval for use of leghold traps for feral cats, where declared, has been introduced	2
Rodeos	Part 4, Regulations 70-105	Ban/disagree with rodeos – cruel/inhumane/ stressful to animals/ cause injury and death to animals		<b>No change:</b> Banning rodeos is outside the scope of these Regulations. It requires an amendment to the <i>Prevention of Cruelty to Animals Act 1986</i>	455
		Support Animal Welfare Plan – with proper compliance enforcement		<b>No change:</b> The <i>Prevention of Cruelty to Animals Act 1986</i> allows for compliance action to be undertaken where required	37
		Regulation of rodeo's is not necessary. There is enough regulation already / it is unnecessary regulation / rodeos are not cruel to animals / contractors already protect their animals		<b>No change:</b> The longstanding Regulations for rodeos have been retained. This allows for rodeos to be conducted under strict conditions to minimise animal welfare risks	20
		Prefer another RIS option - unspecified		<b>No change:</b> The regulatory option presented in the RIS as 'Option 2' has been retained. Submitters did not provide advice on which other option they preferred or evidence to support a change to another option	18

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		Object to brumby catch event / exemption		<b>No change:</b> The Regulation to allow the operation of a brumby catch event under prescribed conditions has been retained. This change limits the conduct of brumby catch to one annual event	14
		Objection to use of specific types of equipment in rodeos - use of/tightening flank straps / use of spurs / electric prodders		<b>No change:</b> The Regulations relating to equipment used in rodeos have been designed to minimise animal welfare impacts	12
		Stronger regulation of rodeos required including roping		<b>No change:</b> The longstanding Regulations for rodeos have been retained, including the prohibition on roping of young animals. This ensures rodeos are conducted under strict conditions to minimise animal welfare risks	6
		Regulation of rodeos has a significant regulatory burden, especially the administration required before, during and after an event		<b>No change:</b> The longstanding Regulations for rodeos have been retained. This allows for rodeos to be conducted under strict conditions to minimise animal welfare risks	5
		Remove fees for licences and permits		<b>No change:</b> It is government policy to recover costs associated with licences and permits based on an assessment of work involved. An assessment of the number of fee units to be applied to a given activity was undertaken as part of the making of the Regulations	4
		Animal Welfare Plans should include detail on care of each species on the rodeo day before and after the rodeo, and contingency for adverse incidents and events		<b>No change:</b> The Regulations relating to rodeo conditions have been retained. These have been developed with the intent to minimise animal welfare risks	3
		Increase fees for licences and permits		<b>No change:</b> It is government policy to recover costs associated with licences and permits based on an assessment of work involved. An assessment of the number of fee units to be applied to a given activity was undertaken as part of the making of the Regulations	2
		Add regulation to enable restriction of rodeo events in extreme weather events		<b>No change:</b> The Regulations allowing flexibility for operators to alter times for rodeos have been retained, allowing for start and finish times to be moved to avoid extremes of weather	1
		Repeat use of animals – limit to max 2 events per animal per day, with 3 hour break between uses	84(1) Limit animal use to max 2 events per day, with 3 hours in between	<b>No change:</b> The Regulation relating to number of times an animal can be used in a rodeo has been retained. This will be monitored through veterinary reports	1
		Transport of injured rodeo animals should be consistent with reg 6(6) transport provisions	88(2) reword to include the same requirements as reg 6(6) for farm animals i.e. not have rodeos exempted	<b>No change:</b> Regulation 6(6) also applies to transport of rodeo animals	1
		Prefer another RIS option – Option 2		<b>No change:</b> The regulatory option presented in the RIS as ‘Option 2’ has been retained	1
Scientific Procedures	Part 5, Divisions 1 – 4, Regulations 106-147	Opposed to scientific procedures		<b>No change:</b> It is outside the scope of the Regulations to ban scientific procedures, as this activity is permitted under the <i>Prevention of Cruelty to Animals Act 1986</i>	60
		Supports AEC training with reservations		<b>No change:</b> Under the Australian Code for the Care and Use of Animals for Scientific Procedures organisations are required to provide AEC members with access to appropriate education programs that allow them to fulfil their functions. The provisions for mandatory training for new AEC members will enable this obligation	27
		Scientific procedure okay only if necessary / under certain conditions		<b>No change:</b> The Regulations prescribing the manner in which scientific procedures are conducted have been retained	22
		Less regulation		<b>No change:</b> The longstanding Regulations prescribing the manner in which scientific procedures are conducted in Victoria have been retained. They are designed to ensure animal welfare is appropriately considered while still enabling essential research to occur	17
		Regulation need to be stronger		<b>No change:</b> The longstanding Regulations prescribing the manner in which scientific procedures are conducted in Victoria have been retained. They are designed to ensure animal welfare is appropriately considered while still enabling essential research to occur	6
		Pound animal use is okay since they are going to be euthanised anyway		<b>No change:</b> The Regulations prevent a person from procuring an animal from, or using an animal obtained from, an animal pound or shelter for scientific procedures unless specific conditions are met.	5
		Commercial/ wild bred animals should be permitted for use in scientific procedures		<b>No change:</b> The Regulations relating to specified animal breeding licences apply to the commercial production of mice, rats, guinea pigs, rabbits and non-human primates for use in research projects. The use of wild bred animals is permitted	4

POCTA Regulation title	Part/ Division/ Regulation number	Issues raised in submissions	Submission feedback / suggested change	Departmental response / resulting change	Approx Number of comments
		Concern about penalty system for code breach/ unintentional/singular events		<b>No change:</b> Penalty system is fit-for-purpose in current format. The prescribed penalties are not mandatory, rather they are maximum applicable penalties, appropriate for serious offences	3
		Notification of AEC membership change is administratively burdensome		<b>No change:</b> This Regulation is acceptable to the majority of stakeholder and ensures the integrity of the AEC system	2
		Definition of animal not specified in Regs		<b>No change:</b> The term ‘animal’ is defined in the <i>Prevention of Cruelty to Animals Act 1986</i> , so it is unnecessary to include in the regulations	2
		Concern that people with a male and a female bird need to register as breeding establishment		<b>No change:</b> The Regulations relating to specified animal breeding licences apply to the commercial production of mice, rats, guinea pigs, rabbits and non-human primates for use in research projects. Breeding of pet and hobby birds is not subject to this Part of the regulations	1
		Concern about Animal Ethics Committee (AEC) training cost, service provision, required refreshers		<b>No change:</b> Under the Australian Code for the Care and Use of Animals for Scientific Procedures organisations are required to provide AEC members with access to appropriate education programs that allow them to fulfil their functions. The provisions for mandatory training for new AEC members will enable this obligation	1





# Prevention of Cruelty to Animals Regulations 2019

## Summary Report – Stakeholder Engagement

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## Executive summary

Animal Welfare Victoria (AWV) has developed the Prevention of Cruelty to Animals Regulations 2019 (2019 Regulations) to replace the sunsetting Prevention of Cruelty to Animals Regulations 2008 (2008 Regulations). The *Prevention of Cruelty to Animals Act 1986* (POCTA Act) enables regulations to be made to support the objectives of the POCTA Act.

In late 2018, AWV sought feedback from 62 stakeholder groups on the 2008 Regulations to identify areas of improvement. In March 2019, six issues papers highlighting the key issues and opportunities related to the remaking of the regulations were produced.

A range of stakeholders including peak bodies, veterinary groups, statutory enforcement organisations, animal welfare groups, individuals with substantial industry involvement and government organisations were invited to provide feedback on the issues papers in a series of six targeted workshops.

Following consideration of the feedback received from stakeholders and the workshop discussions, proposed 2019 Regulations were drafted and a Regulatory Impact Statement (RIS) was completed in August 2019.

The proposed Regulations and RIS were released for public comment from 28 August 2019 to 26 September 2019. A total of 2,468 submissions were received by AWV.

The majority of stakeholders were supportive of the proposed Regulations. There was overall support for the proposed Regulations relating to general requirements, pain relief for mulesing, fruit netting and scientific procedures.

The area with least agreement was electronic devices where the majority of responses did not support the proposed ban on remote-training and anti-bark electronic collars. Amendments were made to the proposed Regulations in response to feedback received, which will allow the continued use of all three types of electronic collars on dogs, and containment collars on cats.

In general, comments supported the provisions relating to traps. However, the greatest number of submitters commenting on traps sought amendment to the proposed Regulations to allow the use of leghold traps for the control of feral cats.

Qualified support for the proposed Regulations for rodeos was identified, with most comments of disagreement seeking a ban on rodeos, which is outside the scope of the regulations.

November 2019

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## Introduction

### Purpose

This report summarises stakeholder consultation that occurred to inform the development of the Prevention of Cruelty to Animals Regulations 2019 (2019 Regulations). It analyses feedback received from stakeholders on the proposed 2019 Regulations, and provides a summary of the resulting 2019 Regulations, following this consultation.

### Background

The *Prevention of Cruelty to Animals Act 1986* (POCTA Act) enables regulations to be made to support the objectives of the POCTA Act. This is achieved by preventing, or minimising, harm through regulation of specific activities. The Prevention of Cruelty to Animals Regulations 2008 (2008 Regulations) sunset on 15 December 2019. Animal Welfare Victoria was tasked with developing the 2019 Regulations.

The Victorian Government has committed to modernising Victoria's animal welfare laws to support better harm prevention, improved education, a more effective regulatory response and effective penalties. Under a new modernised animal welfare legislative framework, new regulations will need to be developed. As a result, the remaking of the 2008 Regulations has focused on existing areas of regulation and ensuring that Victoria maintains effective regulations to underpin the POCTA Act in the interim.

## How we engaged

### Early feedback

In late 2018, AWW sought feedback from stakeholder groups and the Animal Welfare Advisory Committee on the scheduled remake of the 2008 Regulations to identify opportunities to improve regulatory processes and animal welfare.

This feedback informed the development of six issues papers.

### Stakeholder engagement workshops

In March 2019, a broad range of stakeholders, including industry members and organisations, peak bodies, animal welfare and wildlife organisations and government were invited to attend a series of six workshops which covered the principal issues raised in the initial consultation.

These targeted consultation processes involved 62 organisations or representatives. The draft 2019 Regulations and an associated Regulatory Impact Statement (RIS), which were released for public consultation, were informed by this consultation.

In addition, two surveys were conducted. One was a survey of local Councils to understand the key areas of concern with the POCTA Regulations 2008, and the other was sent to scientific procedures licence holders to better understand issues identified through earlier consultation.

### **Fruit netting**

This workshop identified that certain types of household fruit netting entangles hundreds of animals annually in Victoria. The nets entangle grey-headed flying foxes, birds, snakes and lizards. In addition, the dependent young of entangled animals are affected when the parent is injured or dies. There was discussion on the consequences following entrapment, including the trauma and behaviour change in released animals, and lack of research into post-release survival for these individuals. Wildlife rescuers advised that the majority of entanglements to which they respond occur in household situations.

For wildlife rescuers there are risks of emotional trauma, financial impact and the potential risk of zoonotic disease transmission, especially lyssavirus.

While some retail outlets have voluntarily moved to sell only wildlife safe types of fruit netting, there are a wide range of retail outlets from which wildlife-unsafe netting is still available. Educational campaigns have previously endeavoured to change purchasing behaviour, but some sectors of the community are difficult to reach with educational material, and not everyone is receptive.

Attendees at the workshop were strongly supportive of the need to regulate specifications of fruit netting for households to minimise wildlife entanglements.

### **Rodent pest control (including glue traps)**

Attendees discussed how glue traps are being sold and used illegally, including in non-permitted locations, and animals other than rodents being captured. It was noted that the existing regulatory provisions had made enforcement of sale of glue traps difficult. Pest control representatives noted that glue traps are an important tool for rodent management.

Other topics discussed at the workshop included no firm definition of serration (in relation to rodent kill traps) in the Regulations, and baiting resulting in secondary poisoning of non-target species, including wildlife and pets.

Attendees at the workshop were divided in opinions between supporting a total ban and allowing restricted use in specified circumstances.

### **Electronic collars (for dogs and cats)**

Attendees considered the possibility of strengthening the scope of the regulation of electronic collars for dogs and cats in Victoria. The group opinion was equally split regarding maintaining the current regulations or reducing the use of electronic collars in Victoria. Areas around which discussions were focussed included misuse, non-compliance with existing

regulations, uncontrolled access, sale, and purchase of devices (despite existing regulations) and what criteria, including specifications, should be set for the use of electronic collars.

The group also considered how professional dog trainers should be defined, what standards or training they should have to use these collars and mechanisms for 'approval' for trainers.

Attendees at the workshop, including the dog training representatives, were divided and either supported a ban on all use of electronic collars or believed these collars are a useful tool for dog behaviour and containment and supported ongoing use. However, there was general support that any use of electronic collars should be by or under supervision of appropriately accredited and knowledgeable trainers or registered veterinary practitioners.

### **Rodeos**

A number of technical matters that can impact on animal welfare at rodeos were discussed at the workshop. This included flexibility to manage rodeo start-times when severe weather events occur, roping of steers, motor vehicle displays being in the arena at the same time as animals, gear-checks for riders, and risks to animal welfare from non-standard rodeo events.

Other areas for discussion included managing responsibilities for the welfare and management of animals and whether any industry rules and by-laws should be included in the 2019 Regulations.

Attendees at the workshop were generally supportive of the current legislative framework with some changes to address the issues above.

### **Feral pest control (including trapping)**

Discussions at the workshop considered whether the current Regulations were sufficient to minimise animal welfare impacts and off-target capture, including domestic pets and wildlife, and if not, why not and what could be done. It was suggested that traps should be used by trained and competent operators to ensure correct use as this reduces off target capture and animal welfare impacts. It was also recognised that in unincorporated areas, there are no local councils to which trapped cats and dogs can be surrendered as required under the Regulations, and options around managing this issue were reviewed.

The issue of feral cats management was discussed, and if the Regulations should be changed to all use of leghold traps for feral cats. Consideration was also given to new technologies and if it should be considered for incorporation into the Regulations (e.g. trap alert systems).

Animal welfare issues associated with Oxy-LPG devices used on rabbit burrows and warrens were discussed. In particular, how operational circumstances, such as user training, soil type and warren size influence the effectiveness and likely impact of unacceptable animal welfare outcomes.

Attendees at the workshop generally supported the need to regulate the use of traps to minimise animal welfare impacts and agreed there was a need to clarify how unincorporated areas managed any off target domestic animals. There were divided opinions in the workshop on allowing use of leghold traps for feral cats.

### **Enforcement**

Discussions at this workshop focussed on the practicalities associated with implementing the requirements of the proposed Regulations and how, and where, penalties should apply.

Attendees discussed potential changes and provided comment on how they could be implemented and enforced. The workshop also discussed the use of infringements for some minor offences as an alternative to court proceedings.

### **Public consultation**

Public consultation on the proposed 2019 Regulations and a RIS occurred from 28 August 2019 until 26 September 2019.

A public survey, accompanied by the proposed 2019 Regulations and RIS, was published on the Engage Victoria platform. Respondents were also able to submit longform written responses in addition to or in place of responding to the survey.

Stakeholders and the general public were informed of the opportunity to have their say on the proposed 2019 Regulations and RIS via Animal Welfare Victoria's Facebook page, a media release, the Government gazette, Animal Welfare Victoria's website, the Herald Sun and Weekly Times newspapers and direct email to identified potential respondents. This email was sent to 3991 individuals and stakeholder organisations, and to 522 local government stakeholders, including authorised officers.

All submissions received during this period were recorded and thoroughly reviewed. Feedback informed the preparation of the 2019 Regulations.

## Who was involved

### Targeted stakeholders

Targeted stakeholders were organisations and individuals who represented areas of significant regulation.

They included peak bodies, advisory groups, veterinary groups, enforcement organisations, animal welfare groups, wildlife and conservation groups, individuals with substantial industry involvement and government organisations.

The Animal Welfare Advisory Committee was consulted throughout the process.

### Demographics of survey respondents

The age ranges of survey participants were reasonably well distributed between 20 – 69 years old. The age group most represented was 50-59, containing over 25% of participants.

#### Gender

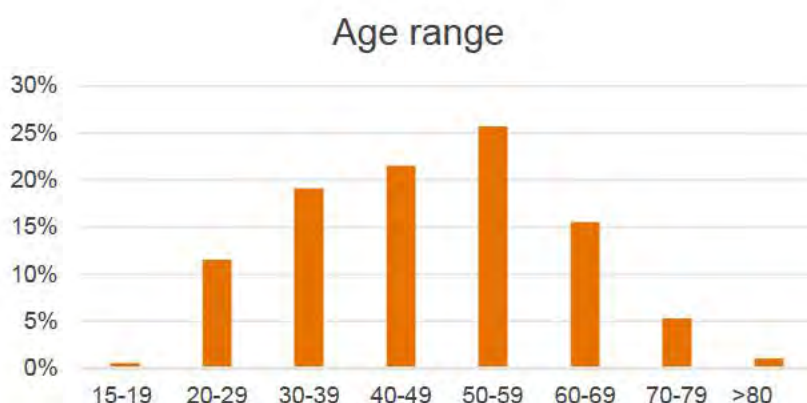
60.3% female  
39.1% male  
0.6% self-described

#### Location

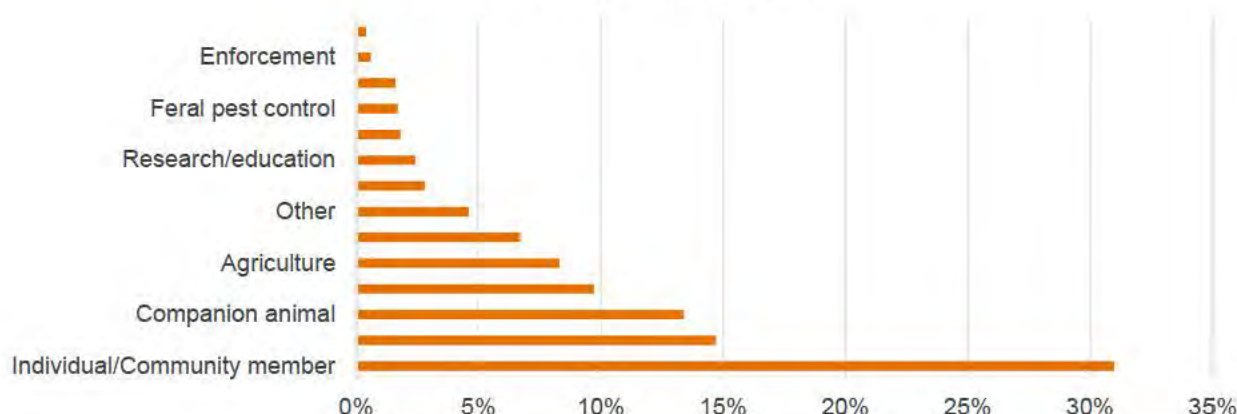
84.7% Victoria  
11.7% interstate  
4% not disclosed or overseas

#### Geographic identity

Rural 33.3%  
Regional 16.25%  
Peri-Urban 13.72%  
Urban 36.7%



Which sector would you, or the organisation you represent, most readily identify with?



## What we heard

### Submissions on the proposed Prevention of Cruelty to Animals Regulations 2019

A total of **2,468** submissions were received:

- 2051 survey responses made through Engage Victoria, including 52 with attached written submissions
- 334 campaign emails via a campaign template
- 83 written submissions were received directly

As well as the campaign emails, a number of survey's and written submissions provided responses that aligned with campaigns by groups who were seeking either less or more regulation in specific areas, particularly in relation to leghold trap use for feral cats, fruit netting and electronic collars.

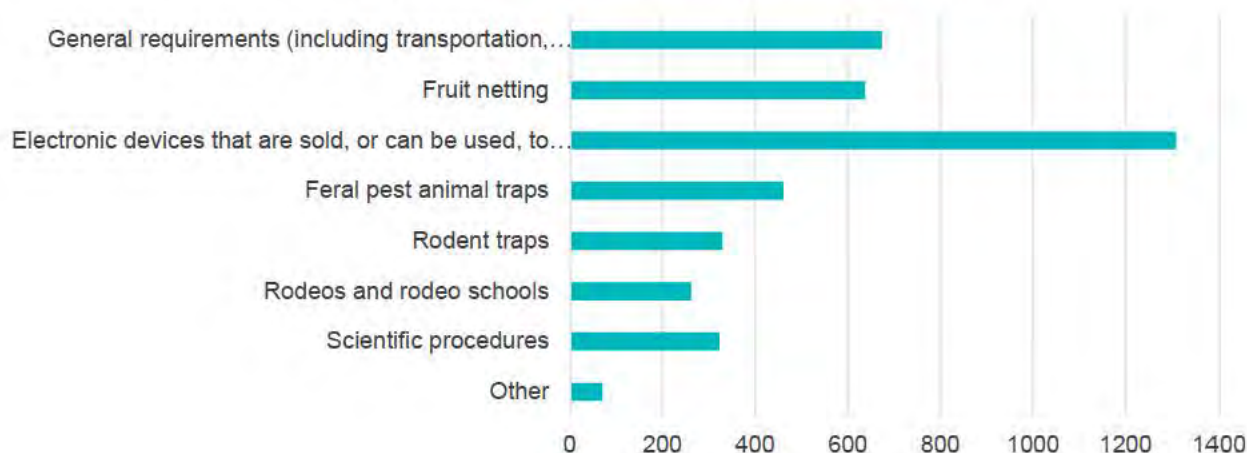
### Engage Victoria online survey

Engage Victoria is the Victorian Government's online consultation platform and has significant reach across the Victorian public. Comment was invited using a survey format to facilitate the analysis of the responses.

Respondents were asked to indicate their level of support and provide additional comments for the proposed 2019 Regulations.

The survey also invited respondents to comment on any other aspect of the proposed 2019 Regulations and the RIS, attach longer written submissions and provide demographic information.

### Which parts of the proposed 2019 POCTA Regulations are most important or relevant to you or your work



## Topic: General requirements

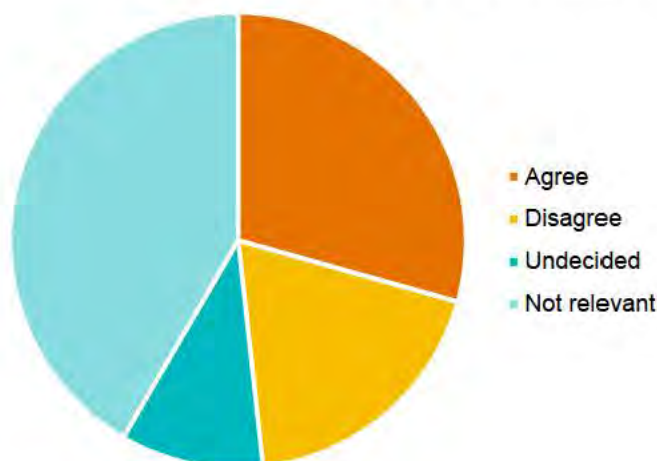
Mixed support was received for the proposed 2019 Regulations in this section.

988 survey respondents expressed a clear preference, either agreeing or disagreeing with the proposals under the General Requirements section. Of these:

- 61% agree
- 39% disagree

Note: a number of people who selected disagree in this section did so due to concerns with other parts of the regulations rather than the specific provisions in this section.

Survey response: General requirements



## Key responses

Two areas to receive substantial comment were the animal transport provisions and prong collars, each accounting for 10% of the 'disagree' comments.

A number of respondents suggested that the use of prong collars should be reinstated in Victoria as they believed they are a valuable dog training tool. The ban on prong collars was introduced in 2004 under the 1997 POCTA Regulations.

Opinion was split in relation to animals left unattended in motor vehicles on hot days, as to whether there should be more, or less, regulation in this area. Feedback also raised concerns regarding requirements for insulating material on metal trays for all animals as this could apply to livestock transport vehicles.

Comments were received about some of the tethering provisions being impractical for animals tethered at shows or used in research where an Animal Ethics Committee had approved the management of the animal.

A number of stakeholders sought greater regulation around animal transportation and tethering, but others wanted less, with the provision preventing animals being transported in the boot of sedan cars, which has been banned since 2008, receiving some criticism.

There was general support for regulations that aligned with Australian Animal Welfare Standards and Guidelines.

Some comments sought less restriction on use of Oxy-LPG devices while other stakeholders would prefer a ban on these devices.

## Selection of comments received

*“The regulations seem based on sound science, and animal welfare considerations.”*

*“Animal should never be left unattended in a vehicle”*

*“With regards to an unattended dog in a vehicle with the temperature of 28 degrees; there are exceptions for example unless a ventilation system is in place and the car has an inside temperature of say 16-18 degrees.”*

*“...fully support the retention of the ban on pronged collars, twisted horse bits, animal fighting implements and the transport of animal in sedan car boots.”*

*“In my view the 20km limit on transporting an injured or down animal might be a bit too arbitrary.”*

*“...support(s) and endorse(s) that livestock should not be transported unless animals can bear weight on all limbs”.*

*“Animals must be provided with sufficient food, water and rest before, during and after the journey, according to their physical and biological needs.”*

*“Transporting avian species in a boot of a car in an appropriate carry cage is my preferred option, it’s (sic) is dark and much quieter than in the cabin, birds that are kept quiet in a dark area remained much more relaxed.”*

*“While I agree with most of the regulations set out in this part of the draft, retaining the ban on prong collars is absolutely ridiculous. I can tell you that prong collars are much more humane and modify behaviour with much less pressure than any other collar available.”*

## Actions

- No change was proposed to the provision banning the use of prong collars.
- A minor change has been made to the requirements around leaving animals unattended in motor vehicles on hot days to enable authorised officers to hold stray animals in an animal transport vehicle, under certain conditions, to facilitate the animals return home.
- The provision relating to the metal trays of motor vehicles and trailers has been clarified, as it only applies to dogs secured to metal trays.
- Exemptions have been included in the tethering provisions to accommodate animals at agricultural shows and those involved in certain scientific procedures. No change has been made to the proposed regulation for Oxy-LPG devices, other than how burrows and warrens are described.

### Topic: Pain relief for mulesing of sheep

Strong support for pain relief for mulesing.

823 survey respondents expressed a clear preference, either agreeing or disagreeing with this proposal. Of these:

- 87% agree
- 13% disagree

### Key responses

The majority of comments suggested mulesing should be phased out or that the timing and duration of pain relief was inadequate.

Several respondents suggested the definition of mulesing should apply only to surgical mulesing and align with the Australian Animal Welfare Standards and Guidelines for Sheep.

A small number of participants variously commented that regulation is not required, pain relief should remain voluntary, the introduction should be further delayed, or pain relief should commence immediately.

### Selection of comments received

*“Striving for better methods and decreased pain potential in pursuit of best practice should be continually assessed”*

*“If you wouldn’t do it to yourself without pain relief, don’t do it to other sentient creatures”*

*“Mulesing of sheep has been a safe and effective way of protecting sheep from fly strike”*

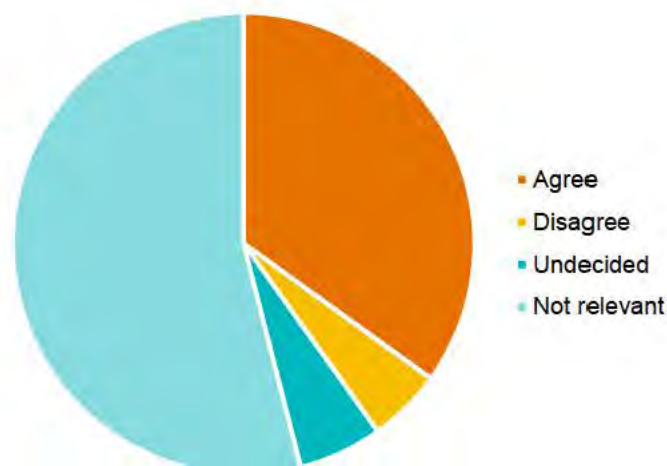
*“I think mulesing should be banned. However, requiring pain relief is better than no change at all.”*

*“Mulesing is not necessary with correct stock selection and selective breeding for clean breeched animals.”*

### Actions

- The definition of mulesing has been updated to align with the Australian Animal Welfare Standards and Guidelines for Sheep.
- A transition period of six months has been included in the 2019 Regulations.

Survey response: Pain relief for mulesing



## Topic: Fruit netting

Overall support for fruit netting regulation.

967 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this proposal. Of these:

- 72% agree
- 23% disagree
- 5% would prefer another option

### Key responses

Supporters welcomed the measures and commented that it would mean less entanglements which would reduce impacts on wildlife and rescuers.

Those who disagreed with the regulation commented that regulation is unnecessary or that the need is unproven.

Concerns were raised over the effect of small mesh size on pollinators and pest control, the ability to gauge strand diameter and the possible effects of restricting netting colour to white.

Gardeners raised concerns about the impact of wildlife-safe netting on access of pollinators, such as bees, to the plants, and changing the micro-climate around the plants.

There were also concerns over the expense of replacing new nets without adequate transition arrangements.

A small number of participants advocated for the restriction to be applied to commercial growers equally or considered all netting to be cruel.

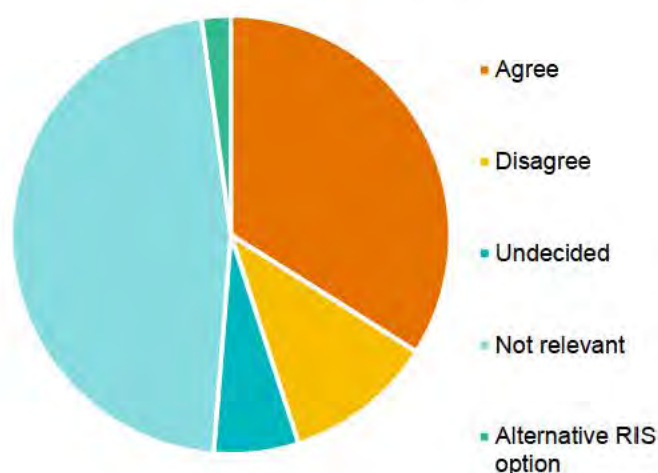
### Selection of comments received

*"I think it is incredibly important and should be a core value of our society to minimise harm and suffering of wildlife when we inflict these situations on them."*

*"There appears to be no scientific evidence that white netting is better than black netting."*

*"Fruit netting is dangerous for our bats, birds and other creatures and should be banned immediately"*

Survey response: Fruit netting



*“This proposal is impractical, pollinators, particularly bees, cannot fly through a max 5mm diamond”*

*“Ridiculous concept that a household cannot protect its own produce from pests”*

*“I truly believe that the implementation of these new regulations will amount to a reduced cost of animal and human health”*

## **Actions**

- The proposed Regulations remove the colour and strand diameter requirements for netting but retain the requirement to use mesh of 5x5mm.
- This regulation commencement will be 1 September 2021 to allow time for gardeners to plan for a changeover of netting and to utilise existing netting.

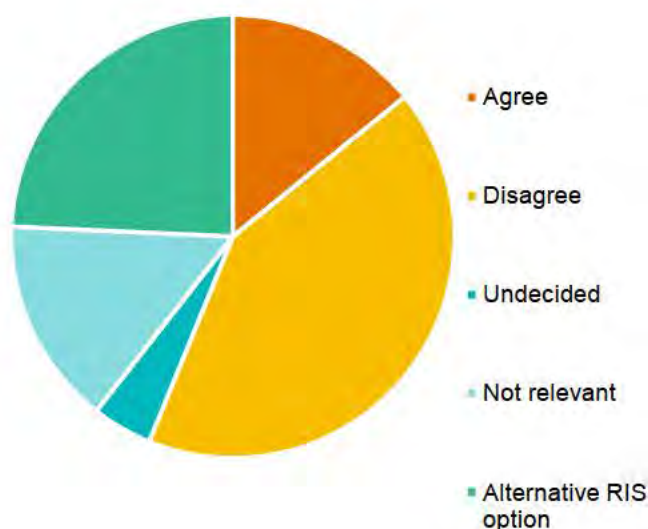
### Topic: Electronic devices

Significant disagreement with the proposed 2019 Regulations for electronic devices, mostly relating to electronic collars.

1650 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this section. Of these:

- 18% agree
- 52% disagree
- 30% prefer another option

Survey response: Electronic devices



### Key responses

Feedback from stakeholders regarding proposals for electronic devices was primarily related to electronic collars (82%).

The majority of stakeholders sought less regulation of electronic collars, in particular disagreeing with the proposed ban on anti-bark collars and remote-training collars (44% of those that disagreed) and without them some dogs would be euthanised. A number of comments indicated that users were not always aware of the appropriate use of these collars, did not know use was currently regulated or were non-compliant. Dog trainers were divided and either strongly in favour of the ban or believed these collars were a useful tool in some circumstances.

Another 15% requested that electronic containment collars not be banned. However, there was no proposal to ban this type of electronic collar in the proposed 2019 Regulations.

Most stakeholders who commented on electronic prodders sought greater regulation, including a ban, of these devices.

### Selection of comments received

*"Electric devices are cruel and inappropriate and should not be used period."*

*"Evidence has been shown that electric prodders are systematically overused and poorly used on farm animals causing high levels of anxiety and distress."*

*"I do not believe it is necessary to bring about behaviour change in animals in particular dogs via electronic devices."*

*“Electronic devices should be appropriately used in the right situation and not cause discomfort to the animal.”*

*“As a professional behavioural trainer of dogs for over 15 years, I'm continually saddened and frustrated by the trauma and fall out I see from the use of electronic collars”*

*“When people are properly educated, remote training devices are an excellent tool and can when used properly, can actually save many dogs lives.”*

*“Electronic anti-barking collars are highly effective and have saved many animals from premature euthanasia.”*

*“As a veterinarian who sees a lot of behaviour cases, I routinely see dogs who have had extremely poor outcomes having had electronic collars placed on them by ‘trainers’ usually inappropriately, never following the code of practice and in many cases these dogs have had behaviour escalate to the point where euthanasia is the only viable option.”*

*“What we need is regulation of the (dog training and behaviour consulting) industry and a requirement for contemporary qualification in animal behaviour and learning.”*

*“Professional quality pinch (prong) collars and E-collars are invaluable tools amongst high level dog enthusiasts and trainers.”*

## **Actions**

- An amendment has been made to the proposed 2019 Regulations to allow use of remote training and anti-bark collars under strict conditions. The 2019 Regulations will retain the level of regulation provided by the 2008 Regulations for electronic collars.
- Proposed exemptions for Victoria Police, Australian Federal Police and Australian Defence Force are retained in the 2019 Regulations.

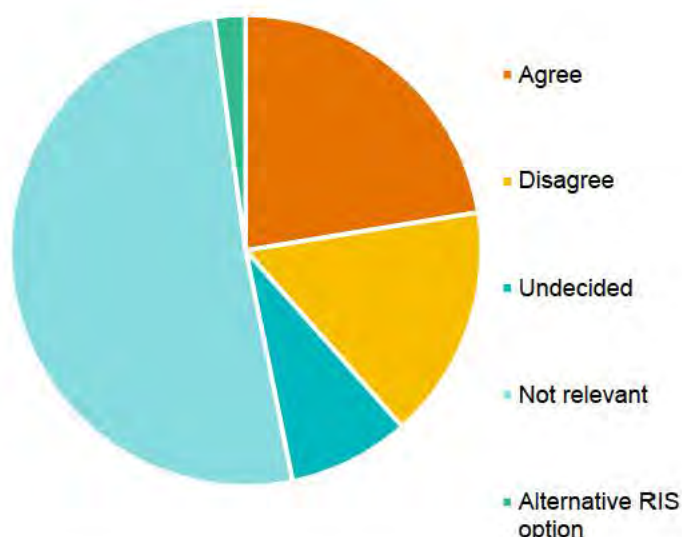
## Topic: Traps

Mixed response to the proposed regulations for traps.

831 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for the traps section. Of these:

- 55% agree
- 40% disagree
- 5% prefer another option

Survey response: Traps



## Key responses

The topic of traps attracted a high number of comments from stakeholders, representing diverse views.

There was significant opposition to trapping in general, the many permitted trapping methods and trap-check intervals of up to 72 hours, permitted for the Victorian Wild Dog Program.

A small number of respondents suggested that there is no alternative to glue traps and wanted the proposed regulations changed to continue use of glue traps for rodents. However, other respondents supported the ban on glue traps.

There was significant advocacy to amend the proposed Regulations to allow use of leghold traps for feral cats under prescribed conditions for eradication/environmental programs. Stakeholders commented that eradication is feasible for island populations, such as French Island, and would be facilitated by the use of leghold traps to capture those cats that had not been picked up by other trap or baiting programs.

## Selection of comments received

*“Glue traps should be banned as that (sic) often catch and kill tiny microbats and birds.”*

*“Traps are cruel and leave the animals to suffer an excruciating long and painful death. All leg traps should be banned.”*

*“Proposed regulations will help achieve balance between pest control and animal suffering and may help to reduce the indiscriminate killing of wildlife.”*

*“Our native wild life deserves adequate protection from feral cats which are horribly efficient predators of our native fauna. Cats have devastating effects on our native animals.”*

*“Appreciate the need to trap some pest species, but find leg hold traps extremely cruel. Struggle to agree with the proposals.”*

*“Padded leghold traps are critical, cost effective equipment required to catch those feral cats that avoid capture by other means.”*

*“...the 72-hour timeframe should be retained until reliable, remote trap checking technology is available.”*

## **Action**

- Introduction of a Ministerial approval to allow use of leghold traps for feral cats (where declared) for use where eradication is achievable, such as on French Island.

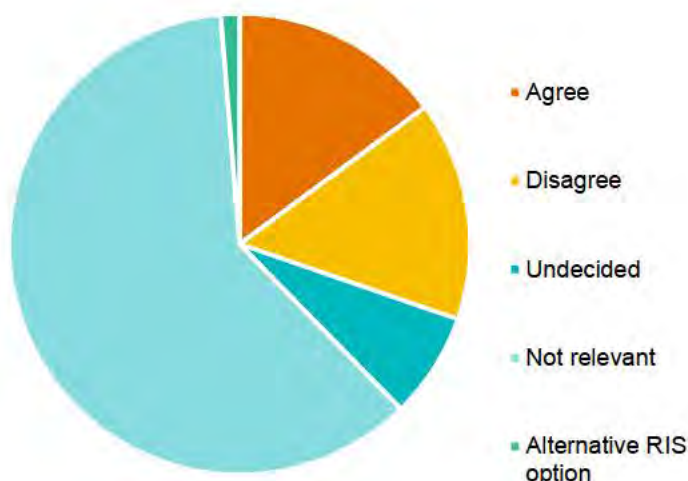
## Topic: Rodeos

Mixed response to the proposed rodeos regulations.

648 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for the rodeo section. Of these:

- 47% agree
- 49% disagree
- 24% prefer another option

Survey results: Rodeos



## Key responses

A number of comments supported the requirement an animal welfare plan to be submitted as part of a rodeo licence or permit application and sought strict enforcement action to ensure compliance.

There were 14 comments specifically objecting to the conduct of the brumby catch event.

Participants also variously commented that regulation is not required, license fees should be removed, licence fees should be increased, stronger or more prescriptive regulation should be made, events should be cancelled in extreme weather, and that more information about the impact on animals should be available.

A large number of comments advocating the banning of rodeos were received but this is outside the scope of these regulations.

## Selection of comments received

*"I believe that rodeos are inherently stressful to animals"*

*"I believe that these changes will positively impact the welfare of the animals used in rodeos."*

*"These improvements for animals in rodeos are a step in the right direction but do not go far enough."*

## Action

- No changes were made to the proposed 2019 Regulations.

### Topic: Scientific procedures

Overall support for the provisions for scientific procedures.

618 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this section. Of these:

- 76% agree
- 19% disagree
- 5% prefer another option

### Key responses

Comments on mandatory training for new members of Animal Ethics Committees (AECs) were largely supportive, although there were submissions expressing reservations about costs and other consequences.

Two respondents considered the administrative requirements for AEC membership changes and reporting by scientific establishments to be administratively burdensome.

A small number of comments suggested the sourcing of animals from pounds and shelters should continue.

Responses also included calls for less regulation, expressions of support for scientific procedures on animals where necessary and concerns about penalties for isolated code breaches.

Sixty comments were received expressing opposition to scientific procedures in general, but this is outside the scope of the 2019 Regulations.

### Selection of comments received

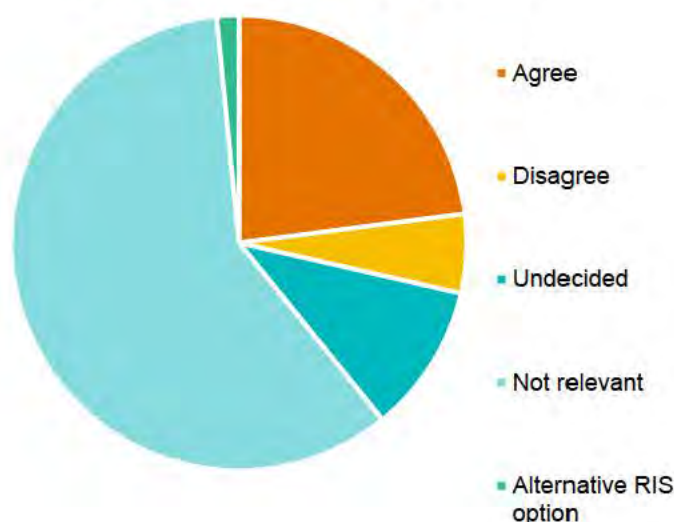
*“Animals should not be bred or used for the purpose of scientific experiments”*

*“Completely in favour of mandated training for AEC members”*

*“We need experimentation to make safe medicines for humans.”*

*“We must avoid using animals for scientific procedures as much as possible, and limit suffering as much as possible.”*

Survey results: Scientific procedures



*“Animal experimentation is cruel and unnecessary. It causes pain, suffering and severe stress to the animals involved.”*

*“I don’t see the logic of not using pound animals for research. If the animals are going to euthanized in any case as long as the scientific procedure is carried out humanely I don’t see any downside.”*

**Action**

- An infringement penalty has been included for failure to comply with the new requirement for mandatory training of new members appointed to an Animal Ethics Committee.

## Engagement outcomes

Feedback from all submissions received during the public consultation period was reviewed, and informed changes to the proposed 2019 Regulations.

Table 1. Changes to proposed 2019 Regulations

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Animal(s) in motor vehicle on hot days	Part 2, Division 1, Regulation 6(2)	A person must not leave an animal unattended inside a motor vehicle, for more than 10 minutes, when outside temperatures are at or above 28 degrees Celsius.	Provides an exemption for authorised officers provided the compartment is maintained at or below 28 degrees and the animal has access to water.	Enables authorised officers to keep animals in specifically designed animal transport vehicles to facilitate the quick return of stray animals to owners.
Animals on metal tray of motor vehicle or trailer on hot days	Part 2, Division 1, Regulation 6(4)	A person must not place an animal onto a metal tray of a motor vehicle or trailer when outside temperatures are at or above 28 degrees celsius without a layer of insulating material protecting the animal from contact with the metal tray.	The 2019 Regulation has been amended to clarify that it applies to dogs when secured on the metal tray.	It is generally only dogs and livestock which are transported in these circumstances. Unlike livestock hooves, the soft paws of dogs do not provide protection from a hot metal surface. Also clarified to apply to dogs secured rather than where dogs can choose to jump on or off the vehicle.

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Farm animal transport – time off water, weight bearing, passenger vehicles	Part 2, Division 1, Regulations 6(5), 6(6), 6(7)	<p>A person transporting a farm animal must ensure that the farm animal is provided with access to water before the maximum time off water specified in the Land Transport Standard for that species or type of farm animal has expired.</p> <p>A person must not transport a farm animal, other than poultry, that is not able to stand and bear weight on all limbs unless:</p> <p>(a) the farm animal is accompanied by a veterinarian or veterinary certificate that states that the farm animal is fit for transport; or</p> <p>(b) the farm animal is accompanied by a veterinary certificate that specifies conditions that must be complied with in order to manage the animal welfare risks associated with the transport and the person transporting the animal complies with conditions; or</p> <p>(c) the farm animal is being transported for medical veterinary or other appropriate treatment within the property at which the farm animal resides or to another property that is less than 20km from the property at which the animal resides.</p>	<p>Inclusion of 'livestock' in some offences as defined under the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock (Transport S&amp;G). This ensures alignment with the Transport S&amp;G.</p> <p>Regulation has been amended to clarify reference to not weight-bearing when walking.</p> <p>Regulation has been amended to increase distance to 50km and require written veterinary advice instead of a veterinary certificate.</p>	<p>The use of both definitions allows the protection afforded by the 2019 Regulations to apply to all classes of livestock, defined as such, not just those involved in primary production.</p> <p>Clarifies concerns about interpretation of weight-bearing.</p> <p>Access to veterinary treatment may exceed 20km, particularly rural areas.</p>

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Tethering	Part 2, Division 1, Regulation 7	A person must not tether an animal, using a fixed tether, or running tether, unless specified prescribed requirements are met.	Addition of exemptions from some tethering requirements (access to water and graze) for animals at agricultural shows or involved in Animal Ethics Committee (AEC) approved research.	The amendments overcome some of practical management issues arising from this provision for animals at agricultural shows or involved in specific AEC-approved research.
Mulesing	Part 2, Division 1, Regulation 8(2)	A person must not mules a sheep unless the sheep is administered pain relief with a product that has been registered for use on sheep by the Australian Pesticides and Veterinary Medicines Authority.	Definition of mulesing revised to mirror the definition in the Australian Animal Welfare Standards and Guidelines for Sheep.  Commencement of these requirements will be in 1 July 2020.	Definition of mulesing is consistent with the Australian Animal Welfare Standards and Guidelines for Sheep.  Commencement in 6 months to allow sufficient time for community to understand the new requirements and prepare for implementation.
Fruit netting	Part 2, Division 2, Regulation 13	A person must not use, advertise or offer for sale fruit netting for the purpose of covering household fruit trees, vegetable gardens and other fruiting plants, however labelled, unless it complies with sub-regulation 3: (a) have a mesh-size of 5mm or less at full stretch; and (b) be white in colour; and (c) have a strand diameter of no less than 500 microns.	Refinement of the fruit netting provisions to remove colour and strand diameter requirements.  Commencement of these requirements will be 1 September 2021.	Setting maximum dimensions for the mesh-size of fruit-netting will greatly minimize the risks of entanglement of wildlife. Most product meeting the required specification is sold in white, making the need to regulate colour less necessary.  The strand diameter of netting is not always provided when sold, making it

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
				<p>difficult for the community to meet this requirement.</p> <p>The delayed commencement will allow time for gardeners to plan for a changeover of netting and to utilise existing netting</p>
Electronic collars	Part 2, Division 3, Regulations 24-29	<p>A person must not use a remote training or anti-bark collar on a dog unless:</p> <p>(a) the dog is in the service of Victoria Police, Australian Federal Police or the Australian Defence Force and the collar is used for the purpose of that service; or</p> <p>(b) the dog is in training to be in the service of and the dog is under the supervision of Victoria Police, Australian Federal Police or the Australian Defence Force and the collar is used for the purpose of that service or training.</p>	<p>Return to the requirements in the POCTA Regulations 2008 for the regulation of electronic collars. This will allow ongoing use of remote training and anti-bark collars under strict conditions.</p> <p>Proposed exemptions for Victoria Police, the Australian Federal Police, and the Australian Defence Force retained.</p>	<p>Feedback from the public consultation demonstrated a strong preference to allow continued use of remote training collars and anti-bark collars.</p> <p>Conditions of use of these collars aim to minimise animal welfare impacts.</p>
Traps	Part 3, Divisions 1-11, Regulations 32-69	Use of leghold traps for feral cats prohibited.	Introduction of a Ministerial approval to allow specified use of leghold traps for feral cats (where declared).	A ministerial approval for use of small leghold traps has been introduced for circumstances where eradication is achievable, such as French Island, to protect native species.

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Scientific procedures	Part 5, Divisions 1-4, Regulation 144	A member appointed to an Animal Ethics Committee on or after 14 December 2019 must, prior to or within 6 months of their appointment, complete a training course approved by the Minister under this regulation.	Infringement penalty introduced for offence for failure to comply with the new regulatory requirement for mandatory training of new members appointed to an Animal Ethics Committee.	Enables effective enforcement of this provision through a fine without the requirement to take minor non-compliances to court.



Office of the  
Minister for Environment and the Great Barrier Reef,  
Minister for Science and Minister for the Arts

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17 MAR 2020

Mr Leonard Fitzpatrick  
[fitzpatrickl@inet.net.au](mailto:fitzpatrickl@inet.net.au)

Dear Mr Fitzpatrick

Thank you for your email of 14 January 2020 to the Honourable Leeanne Enoch MP, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts regarding regulations on household fruit netting to protect native wildlife. The Minister has asked me to respond on her behalf.

Information on netting fruit trees safely for wildlife including recommended mesh size and colour, as well as other tips for protecting home grown fruit, such as using tree collars and paper bags is available on the Department of Environment and Science's (DES) website at [www.environment.des.qld.gov.au/wildlife/animals/living-with/bats/flying-foxes/netting-fruit-trees](http://www.environment.des.qld.gov.au/wildlife/animals/living-with/bats/flying-foxes/netting-fruit-trees).

The Department of Agriculture and Fisheries (DAF) is responsible for regulating the sale of household fruit netting under the *Animal Care and Protection Act 2001*. DAF falls within the portfolio responsibilities of the Honourable Mark Furner MP, Minister for Agricultural Industry Development and Fisheries, and I note you have also written to Minister Furner on the matter.

If you require any further information, please contact Ms Jodie Hollindale, Principal Policy Officer – Conservation Policy and Planning, Environmental Policy and Programs, DES on telephone (07) 3330 5167 or by email at [jodie.hollindale@des.qld.gov.au](mailto:jodie.hollindale@des.qld.gov.au).

Yours sincerely



Angus Sutherland  
Senior Policy Advisor  
Office of the Minister for Environment and the Great Barrier Reef,  
Minister for Science and Minister for the Arts



## Land for Wildlife Queensland: Note G4

### Wildlife Friendly Fencing and Netting

**F**encing is an integral part of land management. Fences delineate legal boundaries, restrict stock movements and often provide access routes for land managers. This Note identifies material and design options that allow for the movement of wildlife and reduce the potential for fence related wildlife injuries and deaths.

Unfortunately, although fencing is an integral part of land management, it can have a negative impact on wildlife. Fences can restrict the movement of native wildlife and can disrupt the feeding, migration, breeding and social patterns of wild animals, as well as cause deaths. There are similar problems associated with the use of netting over fruit crops.



*Many animals can become entangled in barbed wire especially around dams, fruiting/flowering trees and on windy ridgelines. These animals were rescued by trained wildlife carers. Shown above is a Sugar Glider (photo by Redlands 24hr Wildlife Rescue), and right, a Little Red Flying-fox (photo by Susanne Nelles, Bat Conservation and Rescue Qld).*

#### Fencing material

Barbed wire fencing is very popular, with an estimated 10 million kilometres in existence throughout Australia. Barbed wire fences are generally preferred over plain wire as large stock are capable of simply pushing through plain wire. However, it is estimated that tens to hundreds of thousands of wildlife die every year due to entanglement on barbed wire. More than 70 Australian species of wildlife have been identified as occasional or regular victims of barbed wire fences. Most entanglements occur on the top one or two strands of a barbed wire fence.

Sadly, most animals that become entangled die. Nocturnal animals, such as bats, gliders and owls are especially at risk. Barbed wire is now recognised as a threat in the recovery of a number of species including the Yellow-Bellied Glider, Mahogany Glider, Spectacled Flying-Fox and Grey-Headed Flying-Fox.

Any barbed wire presents a risk of entanglement; however, higher risks exist:

1. Where fences are:
  - Newly constructed.
  - On ridgelines.
  - Crossing or surrounding waterways and dams.
  - Near feed trees.
  - Higher than surrounding vegetation.
2. When weather conditions are windy.
3. When visibility is poor (such as night time, especially when there is no moon).
4. For very old and very young animals.

There are alternatives to barbed wire fencing and modifications that can be made to existing fences to help reduce the likelihood of wildlife entanglement whilst not restricting the movement of wildlife. Such fences are referred to as 'wildlife friendly'. Given the vast diversity in the size, shape and movements of wildlife, fences need to be designed to suit local wildlife species and conditions. A fence that assists the movement of one species may not be appropriate for others.

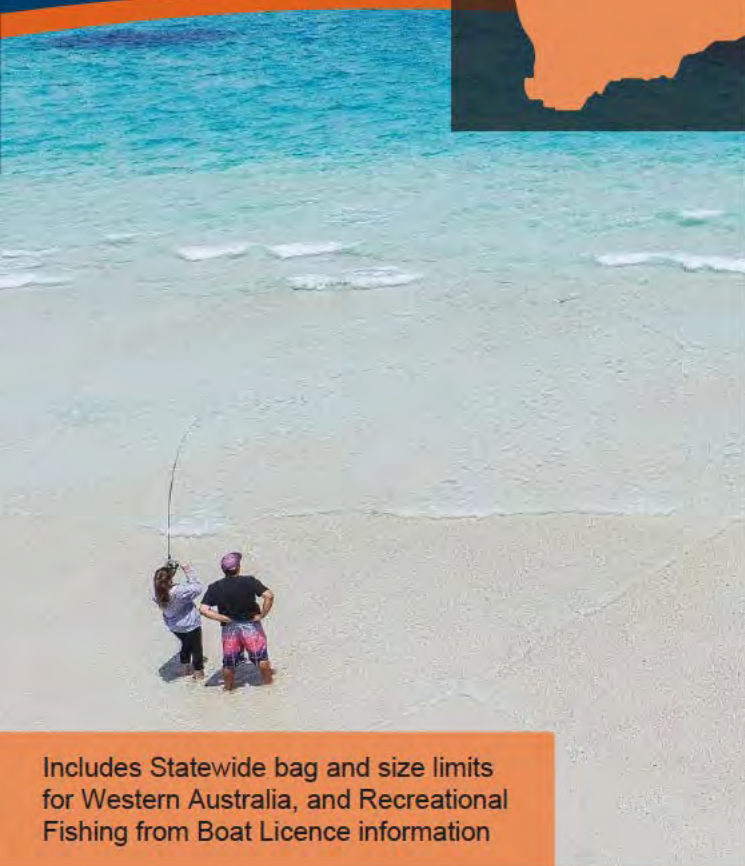




GOVERNMENT OF  
WESTERN AUSTRALIA

Department of  
Primary Industries and  
Regional Development

# Recreational fishing guide 2020



Includes Statewide bag and size limits  
for Western Australia, and Recreational  
Fishing from Boat Licence information

Published November 2019



### Important disclaimer

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## Fish for the future

Western Australia is home to some of the most exciting and varied recreational fishing opportunities in the world. With almost 615,000 people fishing recreationally, it is part of our lifestyle. It also makes a contribution to our economy and attracts thousands of visitors to regional WA each year.

With growing fishing and environmental pressures, we need to manage our highly valued aquatic resources sustainably to ensure there are fish for the future. You can play your part by sticking to the rules, which are based on extensive research and monitoring.

Please note that **penalties apply** for fishing offences.

Interfering with another person's fishing gear or catch, selling recreationally caught fish and other similar offences can result in penalties of up to \$400,000, imprisonment for four years and loss of boats, vehicles and equipment. Offenders may also lose the privilege of engaging in a licensed fishing activity.

## Using this guide

Throughout this guide we identify when additional information is available. You can obtain it from:

- select DPIRD offices (see back cover); and
- the recreational fishing section of the DPIRD website at **[fish.wa.gov.au/recfishing](https://fish.wa.gov.au/recfishing)**

Information is available on request in appropriate alternative formats including Braille, audio tape and disc.

## Your licence fees at work

Each year, recreational fishing licence fees contribute about \$9 million to managing recreational fishing in Western Australia. The State Government contributes a similar amount.

The revenue from recreational fishing licences is spent on a range of projects that benefit recreational fishers, with 25 per cent set aside for new initiatives and 15 per cent going towards funding Recfishwest, WA’s peak recreational fishing body, to represent the interests of the WA recreational fishing community. The rest is spent on recreational fishing management, research and compliance.

Recreational fishing initiatives funded from licence fees include:

- artificial reefs and fish attracting devices;
- restocking projects for prawns, mulloway and barramundi;
- the future fisheries leaders program;
- research projects into popular recreational species such as blue swimmer crabs, black bream and squid; and
- the Statewide recreational boat fishing survey.



Recreational fishing licence fees contribute towards artificial reefs like this one at Dunsborough providing premium quality recreational fishing opportunities for small boat owners. Over the last five years, six of these recreational fishing-enhancing reefs have been installed throughout the state, all receiving funding from recreational fishing licence revenue.

## Changes to the rules – 2019

### Cockburn and Warnbro Sounds pink snapper spawning closure extension

To provide additional protection for spawning pink snapper, the date and area for the Cockburn and Warnbro sounds pink snapper spawning closure has been extended from **1 September to 31 January**. The closure now runs north to Fremantle Fishing Boat Harbour and west to the inside of Five Fathom Bank (see map on page 50).

It is illegal to fish for pink snapper, or be in possession of pink snapper while line fishing, in the closed waters during the closed season. Line fishing for other species from a boat is allowed as long as there is no pink snapper on board. However, pink snapper taken outside the closed area may be transported through the closure area as long as no line fishing is undertaken.

### New measures to protect South West blue swimmer crabs

All waters from the Swan River to Minninup Beach (15km south of Bunbury) are closed to crab fishing between 1 September and 30 November each year to help protect breeding stock.

It is illegal to fish for blue swimmer crabs or be in possession of blue swimmer crabs in the closed area during the closed season.

The following changes to bag and boat limits will also apply from 1 December 2019:

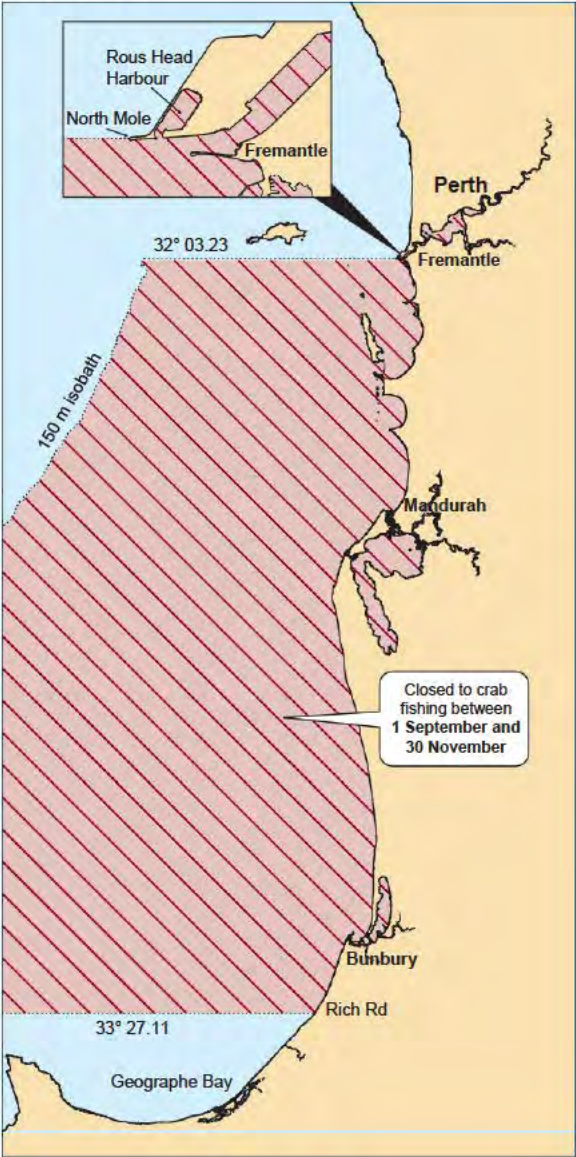
#### Swan and Canning River

- bag limit 5
- boat limit 20

#### Geographe Bay

- bag limit 10 of which a maximum of 5 may be female
- boat limit 20 of which a maximum of 10 may be female

These management measures will help protect breeding stocks across the blue swimmer crab resource in the South West, particularly when they are mated and vulnerable to capture. This will improve the resilience and ensure ongoing performance of our highly valued crab resource into the future.



## Cooking and storing recreationally caught fish on commercial premises

New Regulations now allow recreationally caught fish to be stored and cooked at commercial premises that provide accommodation and meals, such as resorts and hotels.

The new rule allows tourists and holiday-makers to have their recreationally caught fish cooked by a chef in their accommodation's restaurant.

The restaurant may charge for the storage and preparation of the fish, but cannot on-sell any of that fish or its parts to other people.

A general prohibition on recreationally caught fish (including invertebrates like lobster and abalone) being on commercial premises where fish are purchased, sold, processed, transported or where aquaculture is undertaken still applies to all commercial premises other than those that provide accommodation and meals.

All recreationally caught fish stored on commercial premises must be labelled with the owner's full name and address – see page 40 for more details on labelling requirements. The fish must not be stored in the same fridge, freezer, icebox or similar as any commercially caught fish.

Standard possession limits also apply to fish stored at your accommodation.

## Bag and size limits explained

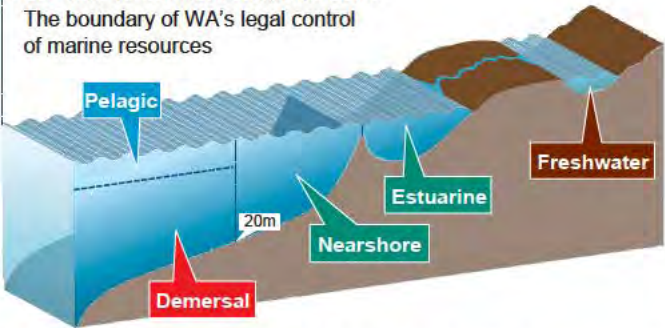
Bag and size limits help ensure our aquatic resources remain sustainable for future generations. Bag limits assist in sharing the resource and contribute to the sustainable management of the State's fish stocks. Size limits allow fish to reach maturity to complete their breeding cycle. Measure all your fish and return undersize or excess fish alive to the water (see 'care for your catch' on page 56).

## Finfish categories

For bag and size limits, finfish are categorised according to their aquatic environment (see diagram below).

### 200 mile Economic Exclusion Zone

The boundary of WA's legal control of marine resources



In some cases there are rules that apply to specific biological regions – the North Coast Bioregion, Gascoyne Coast Bioregion, West Coast Bioregion and South Coast Bioregion (see map).

## Western Australia's marine bioregions



## Mixed species daily bag limit

This is the combined maximum number of fish of any species within one category (such as demersal or large pelagic) that a fisher may take or bring on to land in any 24-hour period (from midnight to midnight, except from midday to midday for marron, prawns and when recreationally netting).

For example, demersal finfish in the West Coast Bioregion has a total mixed bag limit of two fish.

2 fish = 1 baldchin groper + 1 pink snapper

OR

2 fish = 2 pink snapper (but no other demersal fish)

**Note:** Within the mixed daily bag limit, you cannot exceed the stated individual species limit (see below). For example, you may only take a maximum of one coral trout per day.

For rules about fish kept and stored beyond 24 hours, see the finfish possession limits section (page 39).

## Individual species daily bag limit

This is the maximum number of an individual species you may take within your total mixed species daily bag limit.

## Boat limit

A boat limit is the maximum number of fish of a species or group of species that may be on a boat or attached to a boat at any one time. This limit applies regardless of how long the vessel is at sea.

Boat limits apply for **blue swimmer crabs, mud crabs, squid, octopus, cuttlefish, greenlip/ brownlip abalone, rock lobster and dhufish in the West Coast Bioregion**. The boat limit for these species or species groups is calculated by multiplying the relevant daily bag limit by the

number of people on the boat, up to the maximum boat possession limit (see bag and size limit tables on pages 10-35 for more information). The master of the boat must ensure these rules are followed.

For example, the boat limit for western rock lobsters is 8 when there is one person on board, 16 when there are two people on board, and up to a maximum of 24 when there are three or more people on board the boat, regardless of how long the vessel is at sea. You must still hold a recreational rock lobster licence to fish for rock lobsters and take a daily bag limit. See pages 45-47 for information about other recreational fishing licence requirements.

## Possession limits and transporting fish

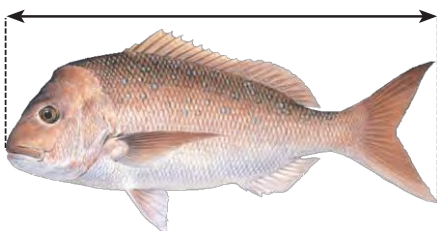
A finfish possession limit is the maximum quantity of finfish – either whole or in pieces – that a person may have in their control/ownership (see page 39 for more information).

Recreationally caught fish cannot be transported unaccompanied (see page 41).

When filleting fish at sea, a minimum fillet length of 300 mm applies only to fish with a minimum size limit. Fish with a maximum size limit need to be landed whole (see page 41).

## Size limits

To check if your catch is of a legal size, measure finfish from the point of the snout to the tip of the tail. Pick up a free fish ruler sticker from select DPIRD offices or participating retail stores.



## Demersal finfish – bag and size limits

High vulnerability – long-lived and slow-growing



**TOTAL mixed species daily bag limit per fisher**

This is the combined number of demersal finfish you can take (see page 8 for details).

**Closed season** - Applies to all demersal finfish in the West Coast Bioregion unless otherwise excepted. Also applies to some nearshore finfish - see pages 20-25

West Coast  
Bioregion

**2**



15 Oct –  
15 Dec  
(inclusive)

South Coast,  
Gascoyne, North  
Coast Bioregions






**5**

No demersal closed  
season in these  
Bioregions.

**Individual species daily bag limit per fisher**

This is the maximum number of individual species you may take within your total mixed bag limit.











**Individual  
species daily  
bag limit**

Species		Minimum legal size	West Coast	Other Bioregions
	<u>Baldchin groper</u> <i>Choerodon rubescens</i> . Additional closed seasons apply – see page 51	400 mm	2	3
	<u>Tuskfish</u> <sup>*</sup> <i>Choerodon</i> spp. (Pictured: <u>Blackspot tuskfish</u> )	<u>Blackspot</u> and <u>blue tuskfish</u> : 400 mm	2	3
	<u>Barramundi cod</u> <i>Cromileptes altivelis</i>	N/A	2	3
	<u>Blue morwong</u> (queen snapper) <i>Nemadactylus valenciennesi</i>	410 mm	2	3
	<u>Rockcods</u> <sup>*</sup> Family Ephinephelidae (Pictured top to bottom: <u>Breaksea cod</u> , <u>goldspotted rockcod</u> [Estuary cod], <u>blackspotted rockcod</u> [Malabar cod], <u>western wirrah</u> , <u>harlequin fish</u> ). All species including <u>eightbar grouper</u> and <u>Rankin cod</u> except <u>Chinaman rockcod</u>	<u>Goldspotted rockcod</u> : 400 mm <u>Breaksea cod</u> : 300 mm <u>Goldspotted</u> and <u>Blackspotted rockcod</u> over 1,000 mm or 30 kg are protected <u>Goldspotted</u> and <u>Blackspotted rockcod</u> must be landed as whole fish	2	3

\* Bag limit applies to each individual species in this group. **NOTE:** If fishing from a boat, see page 46 for licence rules.

† May be taken during the closed season









# Demersal finfish – bag and size limits (continued)

Species		West Coast	Other Bioregions	Individual species daily bag limit	
Minimum legal size		2	5	West Coast	Other Bioregions
	<u>Coral trout*</u> <i>Plectropomus</i> spp. (Pictured top to bottom: <u>Common coral trout</u> , <u>barcheek coral trout</u> , <u>vermicular cod</u> )	450 mm		1	1
	<u>Coronation trout</u> <i>Variola</i> spp.	N/A		1	1
	<u>Dhufish, West Australian</u> <i>Glaucosoma hebraicum</i>	500 mm West Coast: boat limit of 2 dhufish (6 on charter)		1	1
	<u>Boarfish*†</u> <i>Paristioporus</i> spp. (Pictured: <u>Giant boarfish</u> )	N/A		2	3
	<u>Dory, John†</u> <i>Zeus faber</i>	N/A		2	3
	<u>Dory, mirror†</u> <i>Zenopsis nebulosus</i>	N/A		2	3
	<u>Emperors and seabream</u> Family Lethrinidae All species including <u>spangled emperor</u> (pictured), <u>red throat</u> and <u>Robinson's sea bream</u> <u>except grass emperor</u> (black snapper)	<u>Spangled</u> : 410 mm Other emperor: 280 mm		2	3
	<u>Emperor, grass</u> (black snapper) <i>Lethrinus laticaudis</i>	320 mm		2	5
	<u>Foxfish*</u> <i>Bodianus</i> spp.	N/A		2	3
	<u>Pigfish*</u> <i>Bodianus</i> spp. (Pictured: <u>Goldspot pigfish</u> )	N/A		2	3

\* Bag limit applies to each individual species in this group. **NOTE:** If fishing from a boat, see page 46 for licence rules.

† May be taken during the closed season

## Demersal finfish – bag and size limits (continued)

		West Coast	Other Bioregions	Individual species daily bag limit
TOTAL mixed species daily bag limit per fisher		2	5	
Species	Minimum legal size	West Coast	Other Bioregions	
 <u>Hapuku</u> <i>Polyprion oxygeneios</i>	N/A	2	3	
 <u>Bass groper</u> <i>Polyprion americanus</i>	N/A	2	3	
 <u>Blue-eye trevala(s)*</u> Family Centrolophidae (Pictured: <u>Blue-eyed trevala</u> )	N/A	2	3	
 <u>Bight redfish*</u> ( <u>Nannvgai, red snapper</u> ) – pictured, <u>yelloweye redfish</u> and <u>swallowtail</u>	300 mm *Except for the South Coast where you may take 8 Bight redfish, 8 yelloweye redfish and 8 swallowtail, PLUS a mixed daily bag limit of 5 other demersal finfish	2	N/A	
 <u>Pearl perch**</u> <i>Glaucosoma</i> spp. (other than <i>Glaucosoma hebraicum</i> – <u>West Australian dhufish</u> )	N/A	2	3	
 <u>Snapper (Pink snapper)</u> <i>Chrysophrys auratus</i> Additional rules apply – see page 48 for details	500 mm Applies in the West Coast Bioregion south of 31°S latitude (just north of Lancelin) and in the inner gulfs of Shark Bay. All other areas: 410 mm	2 2	2 (Shark Bay) 3	
 <u>Tropical snappers*</u> Family Lutjanidae All species including <u>red emperor</u> (top), <u>crimson snapper</u> , <u>saddletail snapper</u> , <u>Chinaman fish</u> (upper middle), <u>jobfish</u> , <u>ruby snapper</u> (lower middle) and <u>goldband snapper</u> (bottom) <b>except</b> <u>golden snapper</u> (fingermark), <u>mangrove jack</u> and <u>stripey snapper</u>	Red emperor: 410 mm	2	3	
 <u>Western blue groper</u> <i>Achoerodus gouldii</i>	500 mm	1	1	

\* Bag limit applies to each individual species in this group. **NOTE:** If fishing from a boat, see page 46 for licence rules.

† May be taken during the closed season

# Large pelagic finfish – bag and size limits

Moderate vulnerability



## TOTAL mixed species




### daily bag limit per fisher








This is the combined number of large pelagic finfish you can take (see page 8 for details).

Statewide

3

For example, 3 fish = 2 Spanish mackerel and 1 Mahi Mahi  
OR 3 Spanish mackerel OR 2 Mahi Mahi and 1 yellowfin tuna.

	<u>Amberjack</u> <i>Seriola dumerili</i>	600 mm
	<u>Samsonfish</u> <i>Seriola hippos</i>	600 mm
	<u>Yellowtail kingfish</u> <i>Seriola lalandi</i>	600 mm
	<u>Great barracuda</u> <i>Sphyaena barracuda</i>	N/A
	<u>Barracouta</u> <i>Thyrates atun</i>	N/A
	<u>Cobia</u> <i>Rachycentron canadum</i>	750 mm
	<u>Gemfish</u> <i>Rexea solandri</i>	N/A
	<u>Mackerel, grey</u> <i>Scomberomorus semifasciatus</i>	750 mm

		Minimum legal size
	<u>Mackerel, school</u> <i>Scomberomorus queenslandicus</i>	500 mm
	<u>Mackerel, shark</u> <i>Grammatorcynus bicarinatus</i>	500 mm
	<u>Mackerel, Spanish</u> <i>Scomberomorus commerson</i>	900 mm
	<u>Mackerel, spotted</u> <i>Scomberomorus munroi</i>	500 mm
	<u>Mahi Mahi</u> (dolphinfish) <i>Coryphaena</i> spp.	
	<u>Marlin</u> Family Istiophoridae (Pictured: <u>Blue marlin</u> ) Individual species daily bag limit = 1	N/A
	<u>Sailfish</u> <i>Istiophorus platypterus</i> Individual species daily bag limit = 1	N/A

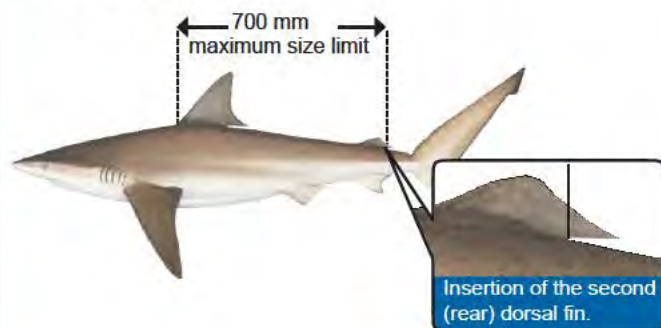
\* Bag limit applies to each individual species in this group. **NOTE:** If fishing from a boat, see page 46 for licence rules.

## Large pelagic finfish – bag and size limits (continued)

Species	
<u>Swordfish</u> <i>Xiphias gladius</i> Individual species daily bag limit = 1	N/A
<u>Sharks and rays</u> Class <i>Chondrichthyes</i> (Pictured: <u>Gummy shark</u> )	West and South Coast Bioregions: <b>Whaler sharks</b> max. size <b>700 mm</b> (interdorsal fin length†)
<u>Trevally, giant</u> <i>Caranx ignobilis</i>	N/A

† Whaler sharks: 'Interdorsal fin length' is the measurement from the front of the first dorsal fin to the insertion of the second (rear) dorsal fin. Due to concentrations of heavy metals, large sharks over this length are unsuitable for human consumption.

Common whaler shark species include dusky shark, bronze whaler and bull sharks.



**NOTE:** If fishing from a boat, see page 46 for licence rules.

		Statewide
TOTAL mixed species daily bag limit per fisher		<b>3</b>
Species		Minimum legal size
<u>Trevally, golden</u> <i>Gnathanodon speciosus</i>		N/A
<u>Tuna, big eye</u> <i>Thunnus obesus</i>		N/A
<u>Tuna, dogtooth</u> <i>Gymnosarda unicolor</i>		N/A
<u>Tuna, longtail</u> <i>Thunnus tonggol</i>		N/A
<u>Tuna, mackerel</u> <i>Euthynnus affinis</i>		N/A
<u>Tuna, skipjack</u> <i>Katsuwonis pelamis</i>		N/A
<u>Tuna, southern bluefin</u> <i>Thunnus maccoyii</i>		N/A
<u>Tuna, yellowfin</u> <i>Thunnus albacares</i>		N/A
<u>Wahoo</u> <i>Acanthocybium solandri</i>		900 mm

## Nearshore/estuarine finfish – bag and size limits

Moderate vulnerability



Photo: Shannon Conway

Statewide

**TOTAL mixed species**

**daily bag limit per fisher**  
This is the combined number of nearshore/estuarine finfish you can take (see page 8 for details).

**16**

For example, 16 fish = 8 tailor (individual species limit = 8), 4 Western Australian salmon (individual species limit = 4) and 4 snook.

Species	Minimum legal size	
<u>Barramundi</u> <i>Lates calcarifer</i>	550 mm (Max. size 800 mm must be landed as whole fish)	2 Possession limit = 2
<u>Bream, black</u> (pictured top), <u>tarwhine</u> (pictured bottom), <u>northwest black</u> , <u>western yellowfin</u> , etc.* <i>Acanthopagrus</i> spp., <i>Rhabdosargus sarba</i>	250 mm <u>Western yellowfin</u> : 300 mm (Only 2 <u>black bream</u> over 400 mm in Swan and Canning rivers)	6
<u>Bonito</u> (all species) and <u>albacore</u> * <i>Cybiosarda elegans</i> , <i>Sarda orientalis</i> (pictured), <i>Thunnus alalunga</i>	N/A	8
<u>Catfish and Estuary Cobbler</u> Families Ariidae and Plotosidae	<u>Estuary cobbler</u> (pictured): 430 mm	8
<u>Rockcod, Chinaman</u> † (Charlie Court) <i>Epinephelus rivulatus</i>	N/A	4
<u>Dart</u> * <i>Trachinotus</i> spp.	N/A	8
<u>Golden snapper</u> † (fingermark) <i>Lutjanus johnii</i>	300 mm	4

\* Bag limit applies to each individual species in this group. † Cannot be taken during the West Coast demersal finfish closed season **NOTE:** If fishing from a boat, see page 46 for licence rules.

## Nearshore/estuarine finfish – bag and size limits (continued)

TOTAL mixed species daily  
bag limit per fisher

Statewide

16

Species	Minimum legal size	
<a href="#">Flathead*</a> <i>Platycephalus</i> spp.	300 mm	8
<a href="#">Flounder*</a> Families Pleuronectidae, Bothidae and Paralichthyidae (Pictured: Smalltoothed flounder)	250 mm	8
<a href="#">Javelinfish*</a> Family Haemulidae (Pictured: <a href="#">Spotted javelfish</a> )	300 mm	8
<a href="#">Sweetlips*</a> Family Haemulidae (Pictured: <a href="#">Painted sweetlips</a> )	300 mm	8
<a href="#">Leatherjacket*</a> Family Monacanthidae (Pictured: <a href="#">Six-spined leatherjacket</a> )	250 mm	8
<a href="#">Mulloway</a> (caught primarily south of Exmouth Gulf) <i>Argyrosomus japonicus</i>	500 mm	2
<a href="#">Black jewfish</a> <i>Protonibea diacanthus</i>	700 mm	2
<a href="#">Mangrove iack†</a> <i>Lutjanus argentimaculatus</i>	300 mm	2
<a href="#">Pike, longfin</a> <i>Dinolestes lewini</i>	300 mm	8
<a href="#">Sea sweep</a> <i>Scorpius aequipinnis</i>	N/A	4
<a href="#">Snook and striped barracuda</a> <i>Sphyræna novaehollandiae</i> and <i>S. obtusata</i>	300 mm	8

\* Bag limit applies to each individual species in this group. † Cannot be taken during the West Coast demersal finfish closed season **NOTE:** If fishing from a boat, see page 46 for licence rules.

## Nearshore/estuarine finfish – bag and size limits (continued)

TOTAL mixed species daily  
bag limit per fisher

Statewide

16

Species	Minimum legal size	Individual species daily bag limit
<u>Stripey snapper</u> <sup>†</sup> <i>Lutjanus carponotatus</i>	300 mm	4
<u>Tailor</u> <i>Pomatomus saltatrix</i>	300 mm (Only 2 fish over 500 mm)	8
<u>Threadfin, king</u> <i>Polydactylus macrochir</i>	450 mm	2
<u>Threadfin, other species</u> <sup>*</sup> Family Polynemidae – other than <i>Polydactylus macrochir</i> (Pictured: <u>Blue threadfin</u> )	N/A	4
<u>Trevally and queenfish</u> (all other species not specifically mentioned in these tables <sup>*</sup> <b>except</b> needleskin queenfish and <u>yellowtail scad</u> ) Family Carangidae (Pictured top to bottom: <u>Silver trevally</u> (skipjack/skippy), <u>queenfish</u> )	<u>Silver trevally</u> : 250 mm	8
<u>Tripletail</u> <i>Lobotes surinamensis</i>	300 mm	2
<u>Western Australian salmon</u> <i>Arripis truttaceus</i>	300 mm	4
<u>Whiting, King George</u> <i>Sillaginodes punctata</i>	280 mm	12
<u>Wrasse (Subfamily Labrinae) and parrotfish</u> (Subfamily Scarinae) (all other species not specifically mentioned in these tables) <sup>*</sup> (Pictured top to bottom: <u>female western king wrasse</u> , <u>male western king wrasse</u> )	N/A	8

<sup>\*</sup> Bag limit applies to each individual species in this group. <sup>†</sup> Cannot be taken during the West Coast demersal finfish closed season **NOTE:** If fishing from a boat, see page 46 for licence rules.

# Freshwater finfish – bag and size limits



**TOTAL mixed species daily bag limit per fisher**  
This is the combined number of freshwater finfish you can take (see page 8 for details).

**Statewide**  
**4**

Species		Minimum legal size
	<u>Trout, rainbow</u> (pictured top), <u>brown</u> (pictured bottom) <i>Oncorhynchus mykiss</i> and <i>Salmo trutta</i> (see our <i>Recreational freshwater angling guide</i> for more details)	300 mm
	<u>Catfish and freshwater cobbler</u> Families Plotosidae and Ariidae (see our <i>Recreational freshwater angling guide</i> for more details)	N/A
	<u>Striped perch</u> (all freshwater species) Family Terapontidae (Pictured: <u>Sooty grunter</u> )	<u>Sooty grunter</u> ( <i>Hephaestus fuliginosus</i> ): 250 mm

**NOTE:** If fishing from a boat, see page 46 for licence rules.



Freshwater pest species  
Families Cyprinidae and Cichlidae, such as carp, tilapia, cichlids and goldfish, and redfin perch (*Perca fluviatilis*, pictured). No bag limit – it is recommended that they are not returned to the water and are humanely euthanased with dead fish not left on the shore.

# All other species of finfish – bag and size limits



Statewide

## TOTAL mixed species daily bag limit per fisher

This is the combined number of all other unlisted species of fish (not in the previous four categories or in the protected species table) you can take.

30

No minimum size limits apply to these species.  
This category excludes baitfish and feral freshwater species.

Species includes		Individual species daily bag limit
 <a href="#">Australian herring</a> <i>Arripis georgianus</i>		12
 <a href="#">Blue mackerel</a> <i>Scomber australasicus</i>		30
 <a href="#">Whiting</a> (excluding <a href="#">King George</a> )* Family Sillaginidae (Pictured: <a href="#">Yellowfin whiting</a> )		30
 <a href="#">Garfish</a> * Family Hemiramphidae (Pictured top to bottom: southern garfish, robust garfish)		30 Perth metropolitan southern garfish closure – see page 52
 <a href="#">Mullet</a> * Family Mugilidae (Pictured: <a href="#">Yelloweye mullet</a> )		30

\* Bag limit applies to each individual species in this group. **NOTE:** If fishing from a boat, see page 46 for licence rules.






## Baitfish

Species	Daily bag limit
<a href="#">Baitfish</a> – <a href="#">sardine</a> , <a href="#">anchovy</a> and <a href="#">hardy head</a> (pictured top) Families Clupeidae, Engraulidae and Atherinidae ( <a href="#">mulies</a> , <a href="#">whitebait</a> , <a href="#">scaly mackerel</a> ) – pictured bottom)	A combined daily bag limit of 9 litres

**NOTE:** If fishing from a boat, see page 46 for licence rules.

## Crustaceans – bag and size limits

**NOTE:** Statewide possession limit of 24 rock lobster per person.

	Species	Minimum legal size	Daily bag limit	Boat limit
	<u>Freshwater Prawn (Cherabin)</u> <i>Macrobrachium</i> spp.	N/A	9 litres	N/A
	<u>Crab, blue swimmer*</u> <i>Portunus armatus</i> ; and <i>P. pelagicus</i> (See pages 42-43 & 51-52 and our recreational crabbing guides for more details)	127 mm (carapace width)	20	40 (At least two people must be on board)
			West Coast: 10	West Coast: 20 (At least two people must be on board)
			<b>NEW from 1/12/2019</b> Geographe Bay: 10 of which no more than 5 may be female	<b>NEW from 1/12/2019</b> Geographe Bay: 20 of which no more than 10 may be female (At least two people must be on board)
			<b>NEW from 1/12/2019</b> Swan and Canning Rivers: 5	<b>NEW from 1/12/2019</b> Swan and Canning Rivers: 20 (At least four people must be on board)
	<u>Crab, mud</u> (all species combined) <i>Scylla</i> spp. (Pictured: <u>Brown mud crab</u> )	Green: 150 mm Brown: 120 mm (carapace width)	5	10 (At least two people must be on board)
	<u>Marron*</u> <i>Cherax</i> spp. (See our <u>Recreational fishing for marron guide</u> for more details about specific rules that apply to these species)	80 mm (carapace length) Trophy waters: 90 mm	8 Trophy waters: 5	N/A
	<u>Prawns</u> (all species combined)* Family Penaeidae (Pictured: <u>Western king prawn</u> ) (See page 44 for more details)	N/A	9 litres	N/A

# Closed seasons apply. **NOTE:** If fishing from a boat, see page 46 for licence rules.

## Crustaceans – bag and size limits (continued)

**NOTE:** Statewide possession limit of 24 rock lobster per person.

Species	Minimum legal size	Daily bag limit	Boat limit
<a href="#">Redclaw</a> <i>Cherax quadricarinatus</i>	N/A	Pest species, including <a href="#">yabbies</a> , have no bag or boat limit. It is recommended that they are not returned to the water but are humanely euthanased.	
<b>Rock lobster</b> (all species) <i>Panulirus</i> and <i>Jasus</i> spp. (See our <a href="#">Recreational fishing for rock lobster guide</a> for more details about specific rules that apply to these species) (Pictured: <a href="#">western rock lobster</a> )	76 mm – <a href="#">Southern rock lobster</a> : 98.5 mm	8 of which no more than 4 may be tropical lobsters.	24 of which no more than 12 may be tropical lobster (At least three people must be on board)
<a href="#">Other crustacean species</a> not specifically mentioned (combined) (Pictured: <a href="#">Gilgie</a> )	N/A	10	N/A
		Pest species, including <a href="#">yabbies</a> , have no bag or boat limit. Do not return to the water.	

# Closed seasons apply. **NOTE:** If fishing from a boat, see page 46 for licence rules.

Species		Minimum legal size	Daily bag limit	
	<a href="#">Abalone, Roe's*</a> <i>Haliotis roei</i> (See our <a href="#">Recreational fishing for abalone guide</a> about specific rules that apply to this species)	60 mm	20 West Coast: 15	N/A
	<a href="#">Abalone, greenlip</a> <i>Haliotis laevis</i> (pictured)/ <a href="#">brownlip</a> <i>Haliotis conicopora</i> (combined)* (See our <a href="#">Recreational fishing for abalone guide</a> about specific rules that apply to this species)	140 mm	5	10 (At least two people must be on board)
	<a href="#">Ark shells, cockles and pipis</a> (pictured) and venus clam (combined) Families Arcidae, Donacidae and Veneridae	N/A	2 litres	N/A
	<a href="#">Clams</a> <i>Tridacna</i> spp.	N/A	2	N/A
	<a href="#">Mussels</a> Family Mytilidae	N/A	9 litres (shell on)	N/A
	<a href="#">Oysters</a> Family Ostreidae (Pictured: <a href="#">Native oyster</a> ) Recreational harvesting of pearl oysters ( <i>Pinctada maxima</i> ) is prohibited	N/A	20	N/A
	<a href="#">Razorshell</a> Family Pinnidae	N/A	20	N/A
	<a href="#">Scallops</a> Family Pectinidae	N/A	20	N/A
	<a href="#">Sea urchins*</a> Class Echinoidea	N/A	20	N/A
	<a href="#">Specimen shell (cowries, bailer shell, conch)</a> (combined) Families Cypraeidae, Volutidae and Strombidae	N/A	10	N/A
	<a href="#">Squid, cuttlefish and octopus</a> (combined) Family Cephalopoda (Refer to the website for further information on octopus trigger traps)	N/A	15	30 (At least two people must be on board)
	<a href="#">Bloodworms</a> (bait)	N/A	1 litre	N/A
	<a href="#">Other molluscs and invertebrate species</a> not specifically mentioned (combined) (Pictured: <a href="#">Mud whelk</a> )	Trochus: 65 mm	10	N/A

# Closed seasons and additional rules apply. **NOTE:** If fishing from a boat, see page 46 for licence rules.



## Protected species

These species are protected and may NOT be taken



[Grey nurse shark](#)  
*Carcharius taurus*



[White shark](#)  
*Carcharodon carcharias*



[Speartooth shark](#)  
*Glyphis* spp.



[Whale shark](#)  
*Rhincodon typus*



[Sawfish](#) – all species  
Family Pristidae



[Rays and skates](#) – Hamelin Bay  
Protection Area only  
All ray and skate species are  
protected in Hamelin Bay.



[Black stingray](#) (left)  
*Dasyatis thetidis* and [smooth](#)  
[stingray](#) (right)  
*Dasyatis brevicaudata*  
Protected from recreational  
fishing in the South Coast and  
West Coast Bioregions.



[Coral and live rock](#)  
Order Scleractinia  
(Pictured: *Goniopora tenuidens*)



[Potato rockcod](#)  
*Epinephelus tukula*



[Queensland groper](#)  
*Epinephelus lanceolatus*



[Humphead Maori wrasse](#)  
*Cheilinus undulatus*



[Common seadragon](#)  
*Phyllopteryx taeniolatus*



[Leafy seadragon](#)  
*Phycodurus eques*



[Native freshwater fish species](#)  
(from top to bottom)

[Balston's pygmy perch](#)  
*Nannatherina balstoni*,  
[western trout minnow](#)  
*Galaxias truttaceus*,  
[mud minnow](#)  
*Galaxiella munda*,  
[black-stripe minnow](#)  
*Galaxiella nigrostriata*,  
[pouch lamprey](#)  
*Geotria australis*,  
[salamanderfish](#)  
*Lepidogalaxias salamandroides*,  
[little pygmy perch](#)  
*Nannoperca pygmaea*

## FishWatch – 1800 815 507

The FishWatch phone line provides a quick and easy way to report sightings or evidence of:

- illegal fishing;
- aquatic pests; and
- aquatic diseases (including fish kills).



### Illegal fishing or activity

Illegal fishing or activity could include someone netting in the river, exceeding their bag or possession limits, taking undersize fish, fishing in a closed area, having more fishing gear in the water than they should or illegally selling recreationally caught fish.

Before you call FishWatch, note:

- **How** many people you saw.
- **Who** they were. Did you hear/know any of their names?
- **What** they were doing.
- **Where** it happened; the nearest known landmark or intersection of the closest road.
- **What** type of equipment, cars or boats, registration numbers and descriptions.
- **When** it happened – time and date. Is it something that is happening right now, while you are making a report, or was it something you observed previously?

Your reports are treated in strict confidence.

We recommend **you do not** approach anyone you think is involved in illegal activity relating to fish or fishing.

If you don't wish to contact us through FishWatch you can pass information to select DPIRD offices or to Fisheries officers.

## Aquatic pests, diseases and fish kills

To help keep WA's waters pest and disease free, please practise good vessel maintenance and thoroughly clean and dry all boating and fishing gear before fishing another waterway or area. You can help protect our waters by reporting aquatic pests, diseases and fish kills to FishWatch or through WA PestWatch on our website, the free WA PestWatch app, our Biosecurity Branch on 6551 4444 or your local DPIRD office. Please note where, when and what you saw including the location (GPS co-ordinates if possible), photographs and numbers of pests or affected fish. (If you collect samples, please report it to FishWatch immediately.)

## Finfish possession limits

The maximum quantity of finfish (includes scalefish, sharks and rays) you may have in your possession – either **whole or in pieces** – is:

- 20 kg of fish fillets; or
- 10 kg of fish fillets and one day's bag limit of whole fish or fish trunks; or
- two days' bag limit of whole fish or fish trunks.

At the **Abrolhos Islands** the possession limit is:

- 10 kg of fish fillets; or
- one day's bag limit of whole fish or fish trunks.

For more information see our [Abrolhos Islands Information Guide](#) available from select offices.

In **Shark Bay's** Freycinet Estuary Management Zone, the possession limit is:

- 5 kg of fish fillets (all species, not just snapper); or
- one day's bag limit of whole fish or fish trunks.

For more information and a map, visit the DPIRD website or holiday accommodation sites inside the zone.

‘Fillet’ means any particular piece of a finfish, other than a whole fish, fish trunk, head, tail, fin, backbone or wing. For these pieces to be excluded from the possession limit they must be entirely removed from the fillet. ‘Trunk’ means a fish that has had its head and tail removed.

These limits apply throughout WA, including permanent and temporary places of residence. The following baitfish are not included in the finfish possession limit: hardyhead (Atherinidae), sardines/pilchards (Clupeidae), whitebait (Engraulidae), garfish (Hemiramphidae) and mullet (Mugilidae). Commercially purchased fish are not included, but you may be asked for proof of purchase.

Some species have a specific possession limit (see bag and size limit tables on pages 10-35).

**Note:** Unless it can be proven otherwise, you are assumed to be in possession/control of the fish if you are using/in control of a vessel, vehicle, refrigerator, freezer, icebox or other storage device in which fish are found.

## Labelling stored fish

If the quantity of fish stored in a single container/freezer exceeds one person’s possession limit, the fish must be clearly labelled with the name of the owner(s).

Labels, of at least 75 mm long and 25 mm wide, must be securely attached to each container or package of fish. The full name of the owner must be legibly written on the label and be clearly visible for inspection.

Labels are not needed if:

- You are within your daily bag limit and still on your fishing trip.
- The fish are in the possession and under the direct physical control of the person who took the fish and are not stored with anyone else's fish.

## Landing filleted or processed fish

Fish with a minimum size limit can be carried at sea and landed:

- as fillets, skin and scale on, a minimum 30 cm length;
- trunked, skin and scale on, a minimum 30 cm length; or
- whole (can be gutted and gilled).

Unless they are being prepared for immediate consumption or being eaten, goldspotted rockcod (estuary cod), blackspotted rockcod (Malabar cod) and barramundi (which all have a maximum size limit) must be carried whole at sea (although can be gutted and gilled), on estuaries and on rivers and landed whole.

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).

**Note:** These rules also apply if you are returning from an island.

## Transporting of unaccompanied fish

Unaccompanied recreationally caught fish, no matter what the species, cannot be transported by commercial couriers (or any other person). You must accompany your fish if transporting it by land, sea or air.

## Crabs, prawns and molluscs

### Crabs

You can legally catch crabs by:

- hand;
- wire hook – you can use a hand-held blunt wire hook to catch crabs. Hooks must not be capable of piercing the crab;
- drop net – they must be no wider than 1.5 metres in diameter. There is a maximum limit of 10 drop nets per person or 10 drop nets per boat, regardless of how many people are aboard; or
- scoop net – hand-held wire or plastic scoop nets must be bowl-shaped, made of rigid mesh that is not capable of entangling a crab, have an internal diameter no bigger than 375 mm, and a depth of no more than 210 mm.

Catching crabs by any method other than those listed above is illegal.

### How to measure a crab

Crabs must be measured across the widest part of the shell, from tip to tip of the carapace spikes.



### Keeping crabs

All uncooked crabs must be kept in whole form, unless being prepared for immediate consumption.

## Totally protected crabs

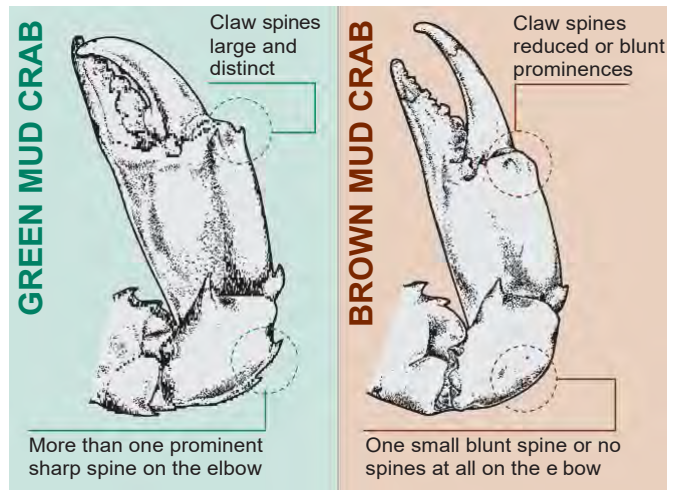
Undersize or 'berried' (egg-carrying, see picture) crabs are totally protected. They must be returned to the water immediately.



You must release any protected crabs you have caught before attempting to catch another crab.

## Identifying mud crabs

The two species of mud crab caught in WA are the green mud crab and the brown mud crab. You need to be able to tell them apart as they have different legal sizes (see below).



## Freshwater prawns (Cherabin) found in the North Coast Bioregion

Can be legally caught using:

- no more than six drop nets;
- a single pole snare;
- a single hand-scoop net; or
- a single throw net that is no longer than three metres (measured from the centre retrieval line to the lead line) and a mesh of not more than 25 mm.

For rules relating to fishing for redclaw (freshwater crayfish) in Lake Kununurra visit select DPIRD offices.

## Prawns

Can be legally caught using:

- single hand-dip net;
- single hand-scoop net;
- single hand-throw net. **Note:** throw nets are not permitted in some areas such as the Swan and Canning rivers – see our recreational net fishing guide for details; or
- single prawn hand-trawl (drag) net that is not more than four metres across with a mesh of not less than 16 mm, and must not be attached to a boat or set.

Any crabs caught when fishing for prawns must be returned to the water immediately.

You may not use, or leave unattended, a prawn hand-trawl net in these areas (all in the West Coast Bioregion):

- Harvey Estuary and its tributaries;
- Peel Inlet and its tributaries;
- Peel Inlet channel entrance;
- Dawesville Cut;

- Leschenault Estuary and its tributaries; and
- Swan River within 100 metres of any part of the Pelican Point Nature Reserve; or within 100 metres of the Milyu Nature Reserve.

## Landing molluscs

All edible molluscs (except oysters) must be landed whole and kept in the shell until you are more than 200 metres inland from the high water mark.

**Note:** It is illegal to use abalone as bait due to the risk of spreading disease.

## Fishing licences

In WA, licences are required for:

- use of a powered boat to fish or to transport your catch or fishing gear to or from a land-based fishing location (Recreational Fishing from Boat Licence – RFBL);
- rock lobster;
- abalone;
- marron;
- South-west (south of 29°S) freshwater angling; and
- net fishing (set, haul and throw nets).

With the exception of the above, you do not require a licence to fish from the shore. Separate brochures covering five of the licensed recreational fisheries listed above are available from select DPIRD offices or the website. For the RFBL, the details are below.

Apply for a new licence, or renew an existing licence online through the DPIRD website.

Alternatively, application forms are available from select DPIRD offices and the website.

**Note:** Fishing licences issued in other states are not valid in WA.

## Recreational Fishing from Boat Licence

You need a Recreational Fishing from Boat Licence (RFBL) for any fishing activity from a powered boat including:

- line fishing (handline, rod and line, squid jigging);
- catching crabs;
- spearfishing;
- catching octopus;
- dip-netting for prawns; and
- fishing by diving and/or snorkelling.

You require an RFBL for these fishing activities even if you are returning your catch to the water. You also require an RFBL when a powered boat is used to transport your catch or fishing gear to or from a land-based fishing location, including an island or sandbar. You must produce your licence when requested by a Fisheries and Marine Officer.

You don't need an RFBL if you are:

- fishing from a boat without a motor, such as a row boat;
- fishing from a licensed fishing tour operator's vessel or fishing charter boat;
- fishing with a person who holds an RFBL provided the total catch of everyone on board the boat stays within the bag limit(s) of the one or more fishers who hold an RFBL; or
- taking part in a fishing activity for which you already hold a current licence, such as rock lobster or abalone fishing. For example, if you have a licence to fish for rock lobster and that is the only fishing activity that is taking place on the boat, you don't need an RFBL.

The RFBL database of boat fishers helps us determine who is fishing, where and what they are

catching. This information assists us in managing our fisheries so there are fish for the future.

The RFBL covers a 12-month period from the date of issue. See page 45 for details on buying or renewing your licence.

## Closed seasons and protected areas

### Seasonal closures

Seasonal closures provide additional protection for fish species that are vulnerable during times when they aggregate (group together) to reproduce. Large-scale seasonal closures are also used to reduce the total time spent fishing (referred to as ‘fishing effort’) and therefore the total number of fish captured.

### Demersal finfish

Demersal finfish live on or near the ocean floor usually in depths of more than 20 metres.

**West Coast Bioregion:** Closed season 15 October – 15 December (inclusive). Fishing for demersal finfish resumes on 16 December.

The take, possession on a boat or landing of certain demersal and nearshore finfish (listed on pages 10-15 and 20-25) is prohibited within the West Coast Bioregion (north of Kalbarri to east of Augusta) during this period. If you catch a demersal finfish from a boat or from shore in this area during the closed season you must return it to the water as soon as possible.

Unlike the Cockburn Sound snapper (pink snapper) closure and the Abrolhos Island baldchin groper closure, which are designed to protect aggregations of spawning fish, the demersal finfish closure is one of several management measures

to contain the recreational catch in this area. This measure was required following independently reviewed research that showed demersal species, like dhufish, snapper (pink snapper) and baldchin groper, were being overfished.

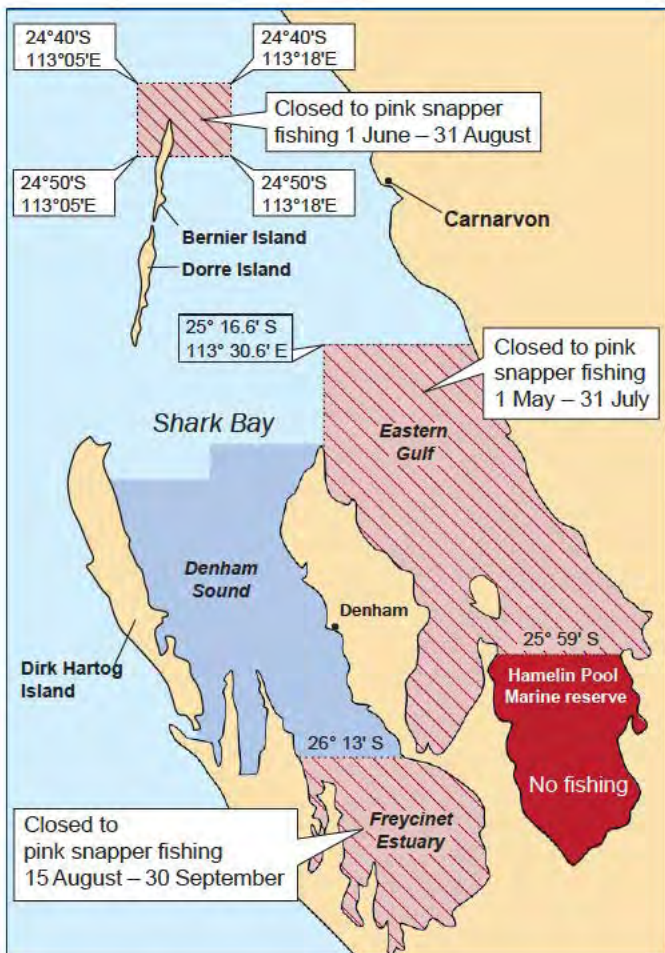
The seasonal closure and other management measures will be periodically reviewed as new stock assessment and catch information becomes available.

### Snapper (pink snapper)

Shark Bay and Cockburn Sound are known to be important breeding aggregation areas for snapper (pink snapper) stocks in the Gascoyne and West Coast Bioregions. Providing protection for these aggregations is critical for sustaining adequate breeding stock of these long lived and slow growing fish.

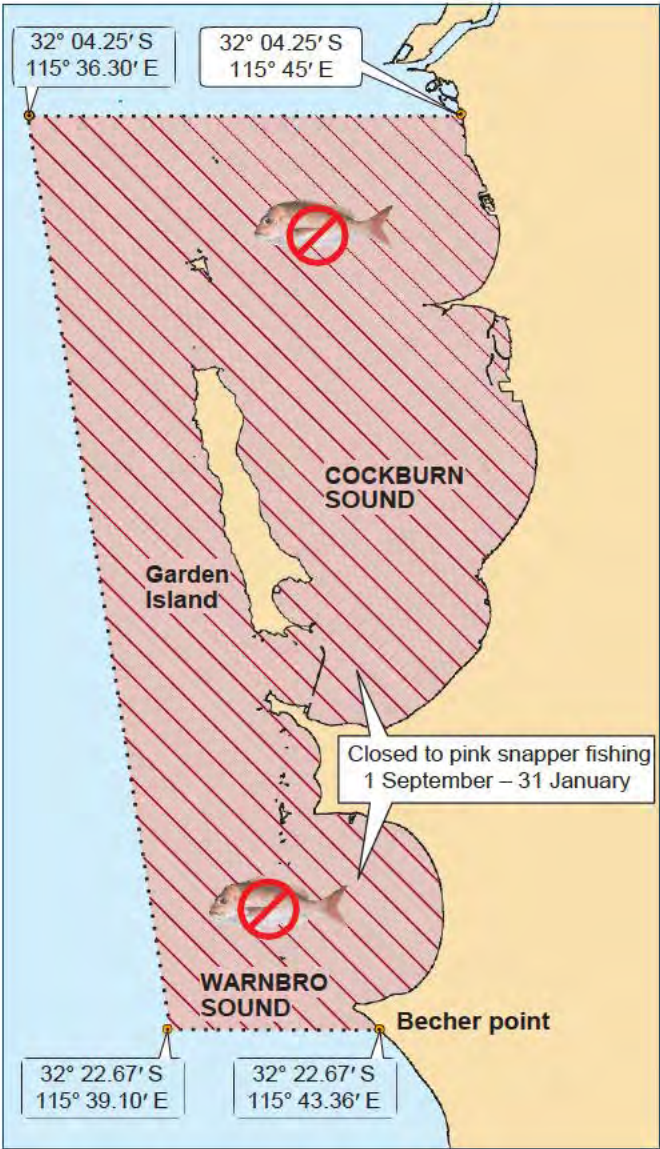
The following closed seasons apply:

- **Northern Bernier Island:** Closed season 1 June – 31 August (inclusive).
- **Eastern Gulf:** Closed season 1 May – 31 July (inclusive).
- **Freycinet Estuary:** Closed season 15 August – 30 September (inclusive).



**Cockburn and Warnbro sounds: Closed season**  
1 September – 31 January (inclusive).

**NEW** start date and extended closed area.



It is illegal to fish for pink snapper, or be in possession of pink snapper while fishing in these closed waters during the closed seasons. Fishing for other species from a boat is allowed as long as there is no pink snapper on board. However, pink snapper taken outside the closed areas may be transported through as long as no line fishing is undertaken.

More information and maps are available from select DPIRD offices or the website.

## Baldchin groper

**Abrolhos Islands:** Closed season  
1 November – 31 January (inclusive).

Taking, landing or possessing baldchin groper is prohibited within the Abrolhos Islands Fish Habitat Protection Area during the closed season. These fish aggregate in shallow areas in the Abrolhos area to spawn as the water temperature rises.

**Note:** The take or landing of baldchin groper at the Abrolhos Islands is also prohibited during the West Coast Bioregion closed season for demersal finfish (see page 47), beginning on 15 October.

## Blue swimmer crabs

**Cockburn Sound:** Closed until further notice.

The Cockburn Sound crab fishery was closed in May 2014 after research showed a significant decline in the number of crabs. The fishery will **remain closed** until stocks recover.

**NEW Swan River to Minninup Beach:** Closed season 1 September – 30 November (inclusive)

All waters, rivers and estuaries from the Swan River to Rich Road at Minninup beach (15km south of Bunbury) are closed to all crab fishing during this period (see map on page 5).

The closure protects breeding stocks across the

blue swimmer crab resource in the South West, particular when they are mated and vulnerable to capture. This improves the resilience and ensures ongoing performance of our highly valued crab resource into the future.

## Southern garfish

**Metropolitan waters:** Closed until further notice.

Taking southern garfish (also known as 'southern sea garfish') is **prohibited in Perth's Metropolitan waters** between 31° south just north of Lancelin) and 33° south (near Lake Preston/ Myalup) until further notice to protect the breeding stock. The closure has been introduced to ease fishing pressure on southern garfish and allow them to rebuild.

## Marine protected areas

Marine protected areas include marine reserves, fish habitat protection areas and other fishing closures such as wreck sites. Most of these areas are subject to additional rules.

Marine reserves, which include marine nature reserves, marine parks and marine management areas, are managed by the Department of Biodiversity, Conservation and Attractions (DBCA). Information about marine reserves is available from DBCA offices and their website at **[dbca.wa.gov.au](http://dbca.wa.gov.au)**

In addition to these marine reserves, there are a number of fish habitat protection areas and other closed areas which are managed by DPIRD.

Further information about fishing activity allowed in all marine protected areas is available from select DPIRD offices or the website.

# General fishing rules

## Fishing gear

Legal fishing gear is outlined below; everything else is illegal.

- Rods, lines and hooks – you can only use a maximum of three baits or lures on each line. Shore-based fishers may use a maximum of two fishing lines. Rods and lines must be attended.  
**Note:** To catch barramundi, you are only permitted to use a single rod, reel and line or a single hand-held line.
- Rock lobster pots – fishers (including divers) must not remove from the water or interfere with any rock lobster pot that does not belong to them. Fishers who come across someone else's pot that appears snagged or with unmarked floats or without a rope and float attached, are encouraged to record the GPS coordinates and report it to a Fisheries officer or through FishWatch (see page 38).
- Spearfishing – generally allowed in ocean waters, except in some marine protected areas and around dive wrecks. Further information on specific restrictions in marine protected areas is available from select DPIRD offices or the website.
- All inland waters (rivers, tributaries and dams) are closed to spearfishing. However, the use of a hand spear (gidgie) is permitted to take estuarine cobbler in estuaries.
- Haul, set and throw fishing nets – most of the State is closed to set and haul netting. See our **Recreational net fishing guide** for details, available from select DPIRD offices or the website.
- Release weights – required if fishing for demersal species in the West Coast Bioregion (see page 56-59). Also recommended when fishing for demersal species in other regions.

## Protecting fish and their habitats

To protect fish and their habitats in key environments, some activities are banned.

In particular you are not allowed to:

- use fish traps or 'pots' of any kind (except lobster pots and octopus trigger traps – see the website for further information);
- use dredges;
- obstruct any bay, inlet, river, creek or any tidal or inland waters so that fish are enclosed, left stranded, destroyed or wasted;
- be in possession of explosives or noxious substances (for example, fish poisons);
- 'jag' (deliberately foul-hook) fish;
- use commercial fishing gear of any kind;
- use set-lines; or
- attach fish hooks to lobster pots, anchors and anchor lines or moorings.

**Note:** Fishing tackle stores may carry gear that does not meet WA legal requirements. In particular, the use of crab traps, 'opera house' traps and bait jigs with more than three hooks is illegal in WA waters. Check before you make a purchase.

## Fishing safety

### Boat fishing safety

You need to take care when fishing from the shore and be properly prepared when fishing from a boat. Check the seaworthiness of your boat and that you have the right safety gear, including life jackets, distress beacon (EPIRB), marine radio transceiver, flares, effective anchor and line, bailer or bilge pump, fresh water, first aid kit, rope, toolkit, torch, signalling mirror, fire extinguisher and alternative power source/spare motor.

Conditions can change quickly. If you are going to an unfamiliar location, treat the ocean with respect. Carry a chart of the area where you intend to fish; study it, and familiarise yourself with the position of navigational markers and potential hazards.

Check the weather forecast, tide predictions and watch out for unexpected changes. Take the time to plan your trip to make sure it's a safe one.

Before you leave:

- Tell a responsible person your boating plans.
- Notify them immediately if plans change during the voyage.
- Always report in when you return.

**Bureau of Meteorology:**

[bom.gov.au/wa](http://bom.gov.au/wa)

**Department of Transport – marine information:**

[transport.wa.gov.au/imarine](http://transport.wa.gov.au/imarine)

**WA Coastal Marine Warnings:** 1300 659 223

**WA Marine Service:** 1900 926 150

**Volunteer Sea Rescue:** These groups use VHF channel 16 and HF channel 4125. Full details and alternative channels: [vmrwa.org.au](http://vmrwa.org.au)

## Rock fishing safety

Fishing from rocks can be particularly dangerous. A number of fishers in WA have drowned in recent years after being swept off rocks by large or unexpected waves. If you intend to fish from rocks:

- wear a life jacket;
- never fish alone;
- observe where you plan to fish before you actually start; and
- wear appropriate footwear.

Further important advice about rock fishing safety is available from [recfishwest.org.au](http://recfishwest.org.au)

## Shark safety

**Keep informed** by checking the SharkSmart Shark Activity Map before you use the water. The map provides ‘real time’ information on reported sightings and tagged shark detections, plus access to current alerts and warnings. Remember, not all sharks are tagged or sightings reported, so follow our SharkSmart safety tips when using the water. Visit **sharksmart.com.au** for more information.

**Report shark sightings** to Water Police on 9442 8600 as soon as possible. This information is posted to the Shark Activity Map, and sent to authorities so beaches can be closed if needed.

## Care for your catch

### Releasing fish and catch care

You can help ensure there will be fish for the future by taking care of the fish you catch, and releasing all undersize or excess fish as carefully and as quickly as possible. To ensure a fish’s healthy return to the water:

- Avoid deep-hooking fish by using an appropriate size and pattern of hook, and avoid treble hooks. Consider using barbless hooks or crushing hook barbs using a pair of pliers.
- Use long-nosed pliers to remove hooks. But if gut-hooked, leave the hook in place and cut the line as close to the mouth or eye of the hook as possible before releasing the fish.
- If possible avoid lifting fish from the water to unhook them. Use a knotless landing net or place a wet rag under the fish’s stomach to support its vital organs.
- Use a wet rag or wet your hands to handle fish.
- Treat fish gently to reduce stress and injury to fragile scales and protective slime.

- Release fish as soon as possible.
- Revive spent fish by holding them from above, behind the head, moving them through the water repeatedly until they ‘kick’ showing they are ready to be released.

If you intend to eat the fish, store your catch out of the sun in either a seawater ice slurry (one bucket of seawater to two of ice) in an esky, or a damp open-weave bag.

## Don't discard a smaller fish for a bigger one

If you choose to keep a fish and not return it to the water immediately, you have taken that fish and it counts towards your daily bag limit. Discarding a smaller retained fish for a bigger one is known as ‘high-grading’.

High-grading is not a responsible use of our fish resources – and if you have already taken your daily bag limit, it will result in you exceeding the daily bag limit.

## Poisonous and venomous fish

Some species have venomous spines or poisonous flesh.

Handle any fish with caution and avoid direct contact with the fish's spines and gill plates.

Several WA fish species are highly poisonous to eat, such as members of the blowfish or pufferfish family.

### **Return captured blowfish to the water!**

Please do not leave any dead or dying blowfish you catch on the shore where you are fishing – put them back in the water instead. Discarded blowfish are poisonous and pose a threat to dogs, other animals and small children who might pick them up and put them in their mouths.

## Barotrauma and using a release weight

The term ‘barotrauma’ refers to damage that occurs to fish when captured in deep water. Gases in a fish’s body expand due to a sudden decrease in pressure, causing the stomach to push out through the mouth or gills and the eyes to appear popped out. Barotrauma may also damage the fish’s internal organs, which may not be so noticeable.

Demersal fish species are particularly susceptible to barotrauma; and mortality levels as a result of barotrauma are known to increase with depth.

To minimise the effects of barotrauma, ‘prevention is better than cure’. To avoid catching undersize or excess fish, it is best to stop fishing once you’ve reached your bag limit.

When a demersal fish is to be released, a release weight may help to reduce the effects of barotrauma.



Fish suffering from barotrauma may not be able to return to the bottom when released if their swim bladder remains inflated.

A release weight is a weighted barbless hook for releasing deep-water fish suffering from barotrauma. It is attached to the fish's upper lip and designed to be easily detached by tugging the line once the fish is back on the seabed.

**Note:** If you are boat fishing for demersal species in the West Coast Bioregion you must have a release weight on board. You don't need a release weight if a boat is used exclusively for spearfishing.

## Get involved!

You can give something back and help ensure there will be fish for the future by assisting some of our research programs. For more information on these opportunities visit the website and search under '**volunteers**'.

## Send us your skeletons

You can help with vital long-term monitoring of our valuable fish stocks by sending us your fish frames (skeletons with the heads and guts intact).  
**[fish.wa.gov.au/frames](http://fish.wa.gov.au/frames)**

## Anglers log books

Use the log book we provide to record your ocean, estuary or freshwater fishing activities. Your information will assist scientists with a number of projects.

## Fish tagging

Scientists tag and release fish to better understand population structure, movement, growth and mortality. We need people to report recaptures.

## Redmap

Help scientists determine whether marine species are on the move due to warming oceans. Report photos of any unusual marine species to the Redmap website **[redmap.org.au](http://redmap.org.au)** or the phone app.

# Hook up to the rec fishing rules

It's easy to keep up to date with Western Australia's recreational fishing rules. Whether it's for bag and size limits, seasonal closures or licences, all the rules are at your fingertips.

## 1. Web

Go to [fish.wa.gov.au](http://fish.wa.gov.au) for rules covering more than 180 fish species.

## 2. App

The free Recfishwest app provides access to the rules even if you're out of phone range.



## Recfishwest

Love your fishing? So do we!

As the peak body for rec fishing, our purpose is to ensure great fishing experiences for all in the WA community forever.

See what we do to make your fishing better.



[recfishwest.org.au](http://recfishwest.org.au)



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## Contact us

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1300 374 731 (1300 DPIRD1)

[enquiries@dpird.wa.gov.au](mailto:enquiries@dpird.wa.gov.au)

For an up-to-date list of office locations  
visit [fish.wa.gov.au/locations](http://fish.wa.gov.au/locations)

[fish.wa.gov.au](http://fish.wa.gov.au)





*Wrapping old irrigation polypipe around the top strand of a barbed wire fence can help reduce wildlife entanglements, especially in high risk areas such as around this dam.*



*A simple hardwood post and three strand plain wire fence is friendly to both wildlife and domestic animals.*

### Minimising the risk to wildlife

There are a number of ways you can reduce the risk of wildlife becoming entangled on your barbed wire fence. These include removal, modification with alternative materials, making the fence more visible and easier to cross, planting vegetation, and modifying it to include suitable gaps between strands.

**Removal.** If you do not run stock, you may not require fences. Instead, consider using vegetation to make your property more private. A combination of native trees, shrubs and ground covers can screen your property while providing habitat values and allowing wildlife movement.

**Modification.** If you require a wire fence, replace the top strand of barbed wire with plain or borderline (white plastic coated) wire. This will significantly reduce the risk of entanglement. Where barbed wire is needed to contain stock, you can cover the top strand with polypipe in high risk areas. This is especially beneficial in wildlife rich areas, such as ridgelines, around dams, along waterways and near wildlife feed trees or roosting sites. Electric fencing can be an effective alternative for stock containment but requires more regular maintenance.

**Improve visibility.** Many animals have difficulty seeing wire fences. You can improve visibility by stringing electric fence tape above the top strand of barbed wire. Alternatively, you can attach reflective materials such as metal tags (shown below) or used CDs along the top wire.

**Planting vegetation.** You can assist the movement of wildlife that live in trees (such as Koalas and possums) by planting native trees and shrubs along both sides of fence lines. This allows wildlife quick access and cover when moving from the vegetation on one side to the other. Poles can act in a similar way. You can place a pole on an angle against the inside of a fence to allow for a quick escape route. A pole placed between two trees on either side of a fence creates a natural bridge for wildlife. Keep in mind that if you do have barbed wire fencing, do not plant wildlife-attracting trees or shrubs nearby. This will help avoid entanglement by birds and flying foxes that seek out nectar and/or fruit.

**Fence spacing.** Fences can be modified to allow enough space underneath the lowest fence strand, which will assist the movement of ground-living wildlife such as kangaroos, wallabies and bettongs. A 50 cm gap between the ground and lowest fence strand is recommended.

*Reflective metal tags can be attached to barbed wire to minimise wildlife entanglements.*





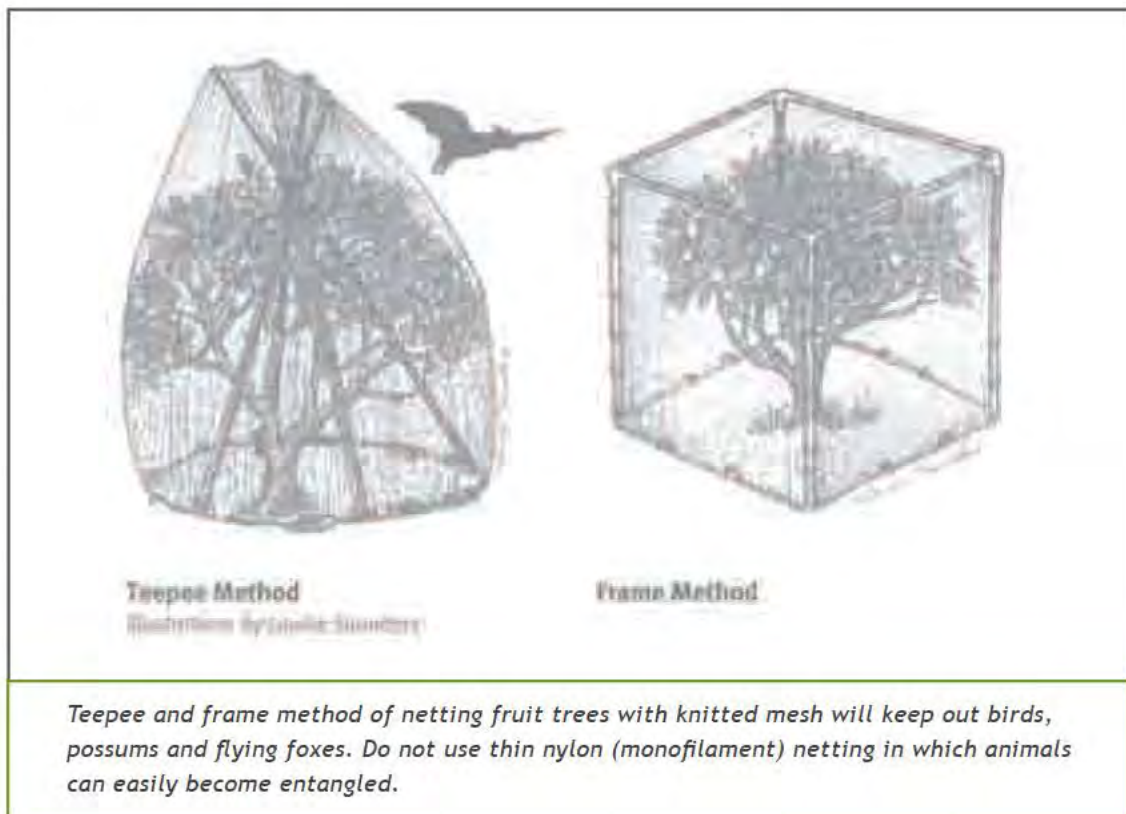
### What about netting?

Netting of fruit trees and other horticultural crops is used to prevent wildlife such as birds and bats from eating or damaging crops. Some animals - including bats, reptiles (e.g. snakes and lizards), birds, and even possums - may become entangled and die in netting. While all types of netting have the potential to kill wildlife if not erected properly, the most serious is monofilament netting (or 'bird netting'). This fine, nylon netting (which is not actually designed for use in trees) is readily available, and is so fine that it is invisible to nocturnal wildlife. Unfortunately, nets continue to be a threat to wildlife even after they lose their usefulness in protecting fruit. It is important to remove any old netting from your property.

There are less harmful alternatives available, including nets of white knitted materials, which is more visible to wildlife. This netting must be pulled tight over a frame surrounding the tree or trees, so that wildlife 'bounce' off it rather than getting entangled. It is also important to check your netting daily for entangled wildlife.



*A top strand of plain wire or borderline (as shown) will help reduce wildlife entanglements and is strongly recommended in high risk sites such as around dams, on flight paths and along ridgelines. Borderline is a high-tension nylon wire that is both strong and highly visible. Photo by Sylvia Hood.*



### *The wildlife friendly fencing project*

Many people, including wildlife carers and farmers, are finding local solutions to wildlife entanglement. The Wildlife Friendly Fencing project aims to raise awareness of the impact of barbed wire and netting on Australian wildlife and develop national guidelines for good practice. For more information visit the project website [www.wildlifefriendlyfencing.com](http://www.wildlifefriendlyfencing.com) or contact the Project Coordinator on 07 4091 2683.

### **What you can do**

- ✓ Design your fence to allow wildlife to pass easily.
- ✓ Use plain wire for the top two strands of the fence.
- ✓ Keep a 50 cm gap between ground level and the first rail or strand.
- ✓ Keep 30 cm gaps between the rails or remaining strands.
- ✓ Use box wire mesh (with squares of no less than 15 cm). Leave a 30-50 cm gap between the ground level and fence bottom, and ensure the fence is not more than 1.2 metres high. A capping rail along the top also allows for easy movement.
- ✓ If you have to use barbed wire fencing, attach reflective materials such as metal tags or used CDs along the top wire, or wrap the top strand with used polypipe or similar material.
- ✓ Consider planting vegetation into, or adjacent, to your fence.



*A Barn Owl caught on a barbed wire fence. Photo by Tim Low.*



*A Koala climbing through a fence at Mount Cotton demonstrates the difficulties wildlife face with some fencing. Photos by Heather Preston.*

*Land for Wildlife Notes* are distributed free of charge to members of the Land for Wildlife program in Queensland. Land for Wildlife is a voluntary program that encourages and assists landholders to provide habitat for wildlife on their properties.

For more information on Land for Wildlife visit: [www.seqcatchments.com.au/LFW.html](http://www.seqcatchments.com.au/LFW.html)

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*Dedicated to a better Brisbane*



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