



Game Fishing Association of Victoria

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To GFAV Committee, Delegates, Clubs & Affiliated Members

19th December 2009

Mako Sharks Update

It has been a week now since the devastating revelation from GFAA that we will not be able to fish for Makos from the end of January. Since then GFAV has been very active in working to get these restrictions removed. A summary of our actions follows:

- 11 Dec - Attended Fisheries Victoria Recreational Roundtable Forum along with numerous other stakeholders including the Victorian Recreational Fishing Peak Body (VRFish) and ANSA, BIA etc. and described the potential catastrophic impact for Victoria. Telephone conference held with DEWHA to clarify our understanding and to explore options.
- 12 Dec - Issued a statement (summarising the facts) to our member clubs for distribution to all GFAV affiliated anglers. Copies were sent to GFAA, the ANSA Victoria President and VRFish. This letter was subsequently published on one of our Club websites, then Fishnet etc.
- 13 Dec - Held Emergency Meeting of GFAV Committee. Meeting objectives were to clarify Committee's understanding and to develop a strategy for working towards a goal of reversing the ban. Actions agreed and funding decided.
- 14 Dec - Met with Victorian Peak Body (VRFish). During this meeting a phone hook-up was established with the National Peak Body (Recfish) CEO Len Olyott who clarified the Recfish position. It was very disappointing to learn that Recfish will be out of business at the end of the year, as they don't have sufficient funding to continue. Outcomes/actions from this meeting were:
 - VRFish to write to Fisheries calling on them to take up this issue on our behalf.
 - VRFish to communicate directly with DEWHA re impact on Victoria.
 - VRFish to identify and notify all stakeholders of the ban (Fishing & Boating retail, non affiliated anglers and boat owners etc).

We also received some key advice from VRFish:

- Any letters to politicians need to be individual letters and not "form letters" where you complete the blanks. "Form letters" are ignored.
 - Publishing in newspapers is fraught with danger and can well result in the wrong type of publicity.
- 15 Dec - Communication sent to member clubs describing progress to date and stating that GFAV, VRFish and Fisheries Victoria are doing everything possible to ensure that we end up with the right result.
 - 16 Dec - The opinion of Lawyers (with expertise in the EPBC Act) have been sought by VRFish/Fisheries. GFAV have agreed to help fund any action. VRFish advised that it is possible that representatives from National organizations (GFAA, Recfish, ANSA) will be required to both provide information and attend meetings to prove our case. Grahame Williams agreed that GFAA would assist with funding and that he would do whatever is necessary to assist.
 - 17 Dec - Document with some suggestions for writing letters to politicians distributed to Clubs. Email sent to Clubs with examples of some of the letters being forwarded by others to politicians.

18 Dec - Email to VRFish requesting clarification of whether we will be allowed to target Makos within State waters (IE – out to 3 nautical miles).

In respect of the state waters jurisdiction VRFish have advised and I quote

“As it stands at the moment....the Commonwealth has the power to see Victoria enforce the ban on Mako Shark fishing in State waters....on the proviso that where recreational fishing in State waters is shown to be contrary to the aims of what they are trying to achieve in Commonwealth waters. DPI-Fisheries Victoria is under the impression currently that they will not have to enforce the Mako ban in State waters until this happens.

But strategically...with the unenforceability of the Commonwealth waters ban, i.e. everyone is going to "catch" makos that are brought back to shore in "State" waters, it means that the sudden and dramatic catch rate rise in State waters being reported will more than likely "trigger" a State waters ban also”.

VRFish have sought legal opinions and a senior partner with the law firm has advised:

- that under the EPBC Act the Minister certainly has "room to move", even with a migratory species listing
- that under the EPBC Act - the minister MUST have taken the economics into account
- that under the National Impact Assessment produced for the listing the economics were not done/accounted for
- that Recreational fishing can ask for an interim exemption
- that we need to show the Minister where in the Act that ask comes from and also the initial science and economics
- that we then need to prepare a FULL case to satisfy the minister

VRFish have also been advised that any legal challenge will need to be actioned at the national level. All of these activities have been conducted by Victoria to date in conjunction with Recfish, GFAV and Torquay Angling Club.

VRFish contacted Alistair McGlashan and requested a single point of contact for NSW representation. Alistair suggested Otto Volz who is the immediate past President of NSWGFA. VRFish have spoken to Otto and have provided him with details of the actions taken and have requested that he seek a portion of the funding for the legal work.

There will be costs associated with the initial legal advice, preparation of the scientific and economic argument and travel to/from Canberra to present the case. A \$5000 contribution from Victoria has been suggested which GFAV will cover if necessary.

All of this work needs to occur prior to the end of January.

VRFish have advised that the Department of the Environment, Water, Heritage and the Arts (DEWHA) is acutely aware of the issues. DEWHA have produced their final “3 Sharks” fact sheet and issued a media release Friday afternoon showing that we may be able to catch and release Makos in Commonwealth waters – we are awaiting clarification of the media release in regards to enforcement.

GFAV have indicated that the legal action must still proceed, as the processes that have led to this appalling debacle must be fixed in order to ensure that it does not happen again. I understand that Fisheries Victoria are of the opinion that the Mako catch is being well managed in Victoria and that as long as this continues it is not necessary to totally ban capture.

At this stage I would like to take the opportunity to thank both the Victorian Recreational Peak Fishing Body (VRFish) and the DPI Fisheries Victoria. They have done a fabulous job on behalf of Victorian (and in this case all Australian) game fishers. After all it has only been a week!

Regards,
Geoff Fisher.