



Katrina Castles  
Legislation Officer  
Land Legislation Unit, Land Management Policy Division  
Department of Environment, Land, Water and Planning  
**By email: [katrina.castles@delwp.vic.gov.au](mailto:katrina.castles@delwp.vic.gov.au)**

Dear Katrina,

**RE: REQUEST FOR COMMENTS ON PROPOSED LAND AMENDMENT REGULATIONS 2017**

Thank you for your request to provide comment on the proposed Land Amendment Regulations 2017 (the proposed regulations) and for the opportunity to provide the views and expectations of Victoria's 838,000 recreational fishers.

VRFish is a strong advocate for the responsible use and stewardship over riparian areas. Whilst VRFish supports the need to deter undesirable behaviour and misuse of riparian areas and Crown water frontages, we are of the view the proposed regulations are grossly misaligned with the problem they are intended to respond to, are inequitable in their application and likely to lead to a number of perverse and unfair outcomes. As such, VRFish strongly opposes the proposed regulations in their current form and application.

Our specific comments in relation to the key areas of reform are noted below.

**1. Increased penalties under the proposed regulations**

VRFish understands the need for managing and deterring undesirable behaviour, including destruction and misuse of riparian areas. However, these aspirations need to be balanced with supporting recreational use and the realities of usage, and needs and expectations of users. Crown water frontages are largely unsigned and unidentifiable, making it unclear to the user on what type of land they're on and which regulations apply.

The increased penalties represent a significant increase of 1,000%. These increased penalties will have a material and adverse impact on recreational users. In particular, recreational fishers and boaters will be the user groups most disproportionately and inequitably impacted by the increased penalties.

Most importantly, a significant increase in the penalties in isolation does nothing to deter undesirable behaviour, including contravention of licence conditions. Where the risk of detection, enforcement and the level of education is low, the quantum of the penalty or infringement is meaningless. As evident from and recommended in Coroner Jamieson's report, increased enforcement effort and improved enforcement powers are fundamental.

Given that the proposed regulations will undeniably be a significant and inequitable burden on a particular user group and sector of the public, VRFish strongly urges DELWP to undertake a rigorous and consultative analysis of all other options and instruments for achieving the objective of the proposed amendments and responding to the Coroner's recommendations.

VRFish would also like to request a time series of information be made available on enforcement statistics, including number of inspections, warnings and offences.

## **2. Improved flexibility in setting licence fees**

VRFish is supportive of the intent behind these amendments and to establishing a flexible licencing framework with fair and reasonable fees which encourage and facilitate improved riparian management and outcomes.

VRFish does not believe the appropriate level of consultation has been conducted on the proposed regulations. Importantly, VRFish is of the view that the amendments represent a significant and adverse burden on a number of users whilst not addressing the central problem. VRFish believes that the central issue is lack of enforcement effort and powers, together with lack transparency of public land tenure and community education and awareness (including user-appropriate signage). VRFish is committed to working with DELWP, Parks Victoria and other land managers to increase community awareness and ensure users are educated of their responsibilities.

Based on the points raised, VRFish is unable to support proposed amendments. Instead, we are strongly recommending a more common-sense approach and an analysis of alternative mechanisms.

Kind regards,



Rob Loats

Chair

**Victorian Recreational Fishing Peak Body**

3 November 2017