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#### **RE: Draft Fisheries (Portland Bay Commercial Fishery) Notice 2025**

Seafood Industry Victoria (SIV) advocated for more appropriate resource sharing arrangements in response to Fisheries Notices in 2023 & 2024 prohibiting nets in a large area around Portland Bay along with any commercial take of yellowtail kingfish. It is understood by SIV that during legal proceedings between a commercial fisher and the VFA, the Supreme Court of Victoria deemed that the Fisheries Notice was not reasonably proportionate to the objectives of the Fisheries Act 1995, resulting in Fisheries Notice 2024 being revoked and a new draft Fisheries Notice 2025 being released for comment.

It is noted that, in response to the court ruling, the new Fisheries Notice 2025 no longer inappropriately exposes commercial fishers to the risk of criminal sanctions for:

- a) possession of a longline with more than 50 hooks, even if only passing through the area in question, or
- b) the inevitable and unavoidable catch of a yellowtail kingfish whilst longlining in the area.

Several commercial fishers in Victoria whose licence allows them to use nets in waters outside of bays and inlets have advised SIV that they still consider other matters in the Fisheries Notice to be both inappropriate and disproportionate. In particular, the size of the area where netting is proposed to be banned not representing a fair resource sharing arrangement.

Some of the claims made by community groups in the past few years about commercial fishing damaging Portland Bay are unsubstantiated and have undermined the legitimacy of long-standing commercial fishing methods endorsed by the Victorian Government. There has never been any suggestion by the VFA that netting methods applied by Victorian managed commercial fisheries pose a threat to sustainable fish stocks. In fact, all Victorian stocks assessed in the Status of Australian Fish Stocks Reports (<https://www.fish.gov.au/>) have been deemed as sustainable. It is therefore logical that stocks can support both recreational angling and commercial fishing for seafood.

SIV recognises that the marine estate is a shared resource and that management of sustainable fisheries operating near the coast needs to recognise the value that both recreational angling and commercial fishing offer to the Victorian community. The commercial fishing industry supported elements of the 1994 Code of Conduct between local recreational anglers and commercial fishers in Portland being incorporated into the *Fisheries Regulations 2019* - including use of mesh nets being prohibited in an area of Portland Bay, and all nets being prohibited in that same area during peak periods over summer holidays (24 Dec - 22 Jan), Easter and long weekends.

Commercial fishers are willing to not target yellowtail kingfish in Portland Bay given their priority as a sport fish, however completely banning the use of government approved nets over a large area to sustainably harvest species like garfish, whiting and squid is unfairly and unnecessarily constraining commercial fishing businesses and the availability of fresh seafood for Victorian consumers. Recent commercial catch history in the area also shows sustainable harvest of species not targeted by recreational anglers, including snook and pike. Availability of species such as these in the local seafood market is important to provide a diverse seafood offering to the public at affordable price points. Mesh nets are also utilised to catch Australian Salmon and Hairtail to be used as sustainable bait when longlining for popular restaurant fish such as snapper.

Fundamental to effective commercial fisheries management is the concept of long-term secure access rights that provide confidence to those willing to invest in the industry. SIV requests that the draft Fisheries Notice 2025 be amended to reflect a more appropriate and fair resource sharing arrangement. The following recommendations expand on restrictions already reflected in the *Fisheries Regulations 2019* in regard to Portland Bay, without prohibiting use of nets across a very large area, most of which is rarely accessed by recreational anglers.

Recommended amendments to Fisheries (Portland Bay Commercial Fishery) Notice 2025:

1. substantially decrease the proposed area where nets are prohibited (e.g. Attachment A)
2. increase the number of hooks that can be attached to a longline from 50 to 100

By applying these recommendations, the VFA would still be prohibiting use of nets in the area of Portland Bay that recreational anglers utilise most. It would also be a more reasonable outcome for commercial fishing licence holders who at times require access to relatively sheltered areas that are not too far from the point of landing. That need is higher now that a minimum catch requirement has been recently introduced for members of Victoria's Ocean Fishery in order for them to retain their commercial access licence.

SIV looks forward to hearing how the points made within this submission have been considered to provide a fairer outcome for the commercial fishing industry and seafood consuming public.

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**ATTACHMENT A**

Recommendation for an area around Portland Bay where commercial nets are prohibited.

