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Travis Darling
Chief Executive Officer
Victorian Fisheries Authority
1 Spring Street
Melbourne VIC 3000

Via email: travis.dowling@vfa.vic.gov.au

Dear Travis

RE: VFA draft Fisheries (Eel and Pipi Electronic Tracking) Notice 2021.

Seafood Industry Victoria (SIV) received a VFA letter outlining the proposed introduction of VMS (31/03/21). Eels and Pipsis licence holders were immediately notified of the draft Fisheries Notice and invited to provide feedback.

SIV has consulted with its eel and pipis members and they provided the attached comments.

SIV presents below the summary of consultation with Eels and Pipsis fishers in relation to the **draft** Fisheries (Eel and Pipi Electronic Tracking) Notice 2021.

In general (with a couple of exceptions) fishers are not against the introduction of VMS e-tracking. The concerns are more to do with how e-tracking will interface with the regulations, and further, whether VFA would support a moratorium on licence fee increases for a 2-year period.

SUMMARY OF ISSUES/OPPORTUNITIES RAISED WITH SIV BY MEMBERS

From the Eel Fishers

1. Regulation 194 – clearing of eel fishing nets.

- Regulation 194 states that nets must be cleared within a 48-hour timeframe. Literal interpretation would imply that any deviation outside the 48-hour timeframe would result in a breach.
- **Challenges with the literal interpretation**

- a. Weather may interfere with the best-laid plans, and yet workplace safety requires fishers and their staff to work in safe conditions.
- b. Equipment failure may result in a delay at one site, compounding the situation with other sites.
- c. Lack of consistency of interpretation of the regulation 194 by Fisheries Officers across regions within Victoria
- d. Concern that a delay may interfere with the fishers' exemption under the Wildlife Act
- e. Following implementation of VMS, what will be the arrangement to manage/communicate delays?
- **Opportunity for clarification of Regulation 194**
- a. Amend the regulation to state that *“the licence holder must ensure that all fish and animals are cleared from nets at least once every 2 days.”*
- b. The fishers are of the view that this would align more appropriately with Regulation 9 (see below).

2. Regulation 9 – interpretation of periods of time

- a. States that *“a reference to a period of time beginning on one day and ending on another day includes the whole of both days unless the contrary intention expressly appears.”*
- b. This would suggest that Regulation 9 covers a 2-day period (rather than a 48-hour period)
 - clarification of this interpretation would assist the eel fishers.

3. Private water and protection of landowners' privacy rights

- a. Introduction of VMS e-tracking will result in the potential invasion of privacy for private landowners. It will also result in the knowledge of the exact location of dams and fishing effort – this may not be acceptable to the private landowner and they may prevent the eel fishing effort.

4. Data privacy and protection of competitive interest

- a. Introduction of VMS and e-tracking will identify locations of productive fishing effort.
- b. The combination of catch and effort records with VMS data would be highly valuable and there is concern that this information could be shared or provide unfair advantage to a new entrant who may not have had prior knowledge.

5. VMS units & cost recovery

- a. Fishers are already being contacted by VFA about which VMS unit they would prefer.
- b. The fishers believe therefore that the consultation process will not impede VFA's decision to introduce VMS.
- c. Fishers understand that the first unit is free of charge, however what is the situation should there be a requirement for a second unit?
- d. Fishers believe that VMS is meant to be 'cost-neutral' for the VFA. Given that the introduction of technology should reduce the cost of compliance, can there be a moratorium on licence fee increases for the coming 2 years?

6. Eel Fishery Management Plan progress

- a. There has been a significant slow-down in actions required under the Eel Fishery Management Plan, that would improve the productivity of the fishery, in particular:
 - The Exceptional Circumstances Policy, a draft of which, was supposed to be in draft format by December 2018, is yet to begin, and
 - The Permit Criteria review.

The implementation of the VMS tracking should not further delay the progress on the Eel Fishery Management Plan.

From the Pipi Fishers

The major concern raised from Pipi Fishers was in relation to transgressions by licence holders on Crown Land. In particular, the matter of some fishers illegally using quad bikes on Crown Land to access the fishery and collect the harvest. Quad bikes are forbidden on Crown Land, and the responsibility for enforcement of the regulations is the responsibility of Parks Vic.

SIV is of the understanding that Parks Vic is taking a matter to Court involving certain licence holders who have received multiple infringement notices. This process has been drawn out over a long time.

SIV understands that VFA and Parks Vic have different areas of responsibility for compliance, however with the introduction of VMS, would Parks Vic be able to enforce compliance more vigorously?

This would seem to be fairer to those pipi fishers who are complying with the law.

I look forward to seeing the final notice. Please contact me if you have queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JBG', with a small flourish at the end.

Joanne Butterworth-Gray
SIV Independent Chair