



9 October 2024

Travis Dowling
Chief Executive Officer
Victoria Fisheries Authority

Via Email: Haveyoursay@vfa.vic.gov.au

Dear Travis

FISHERIES (PORTLAND BAYCOMMERCIAL FISHERY) NOTICE 2024

Thank you for this opportunity for Council to reconfirm their position in relation to the use of commercial netting gear in the Portland Bay area.

During a recent talk with Luke O'Sullivan, the extension for another year seemed likely.

In 2023 Council advocated to Luke and Minister Kilkenny that a prohibition notice would be advantageous. We were grateful at the time for the swift action taken by the Victorian Fisheries Authority to put in place regulations regarding the use of commercial netting gear in the Portland Bay area.

The Council's position has not changed. Council supports the notice and strongly recommends that the notice be extended for a further 12 months.

On the following pages is our advocacy letter to the Minister from September 2023 that sets out the economic imperative for regulation.

I look forward to your response and please let me know if you have any questions.

Yours sincerely

Helen Havercroft
Chief Executive Officer

Cc: travis.dowling@vfa.vic.gov.au and luke.osullivan@vfa.vic.gov.au

Attachment: Letter Paul Phelan to The Hon Sonya Kilkenny MP 11 September 2023

OUR REF: PP/kh



Monday 11 September

The Hon Sonya Kilkenny MP
Minister for Planning
Minister for Outdoor Recreation
8 Nicholson Street,
East Melbourne, Victoria 3002

Dear Minister,

GLENELG SHIRE COUNCIL: REQUEST FOR INTERVENTION TO PROTECT RECREATIONAL FISHING WITHIN PORTLAND BAY

On behalf of Glenelg Shire Council, I write to inform you that on 22 August 2023, Council unanimously passed the following notice of motion at its Council meeting in relation to an ongoing commercial fishing issue in Portland Bay.

1. That Council writes to The Hon. Sonya Kilkenny MP, the Minister for Outdoor Recreation, advocating on behalf of our community their concerns with the use of commercial netting gear by commercial ocean access fishery license holders in the Portland Bay area.
2. That Council requests the Minister to:
 - a. Intervene and cause the Victorian Fisheries Authority to immediately issue a Fisheries Notice under the Fisheries Act that extends the Regulation 144 temporal prohibition on commercial netting in Portland Bay to 365 days a year.
 - b. Amend the Fisheries Regulations 2019 to prohibit all forms of commercial netting in Portland Bay in State Waters (inside 3NM) along the coast from Lawrence Rocks to the Fitzroy River mouth.

In summary, members of the recreational and commercial fishing community have advocated strongly to Council to assist their efforts to request a change to the provisions of Regulation 144 of the Fisheries Regulations 2019 due to the emergence of commercial netting activities under ocean fisheries access licences.

Under the provisions of Regulation 144 – the use of certain fishing nets in Portland Bay is prohibited during the following times.

- a. the period commencing on 24 December in each year and ending on 22 January in the following year; and
- b. the period commencing on Good Friday and ending on Easter Monday in each year; and
- c. any long weekend period when a public holiday falls on a Friday or Monday.

The recent commercial netting activity in Portland Bay area, albeit restricted to one commercial operator at this stage, has raised significant angst within the local community. As advocates for our community, Glenelg Shire Council shares the grave concerns raised.

Unless appropriate intervention occurs, there is real potential for other ocean fisheries access licence holders to commence operations in the Portland Bay area. This may lead to adverse impacts on fishing stocks within Portland Bay, leading to population decline in some fish species.

In 1994, a Voluntary Code of Conduct was agreed to between local commercial and recreational fishing to exclude commercial netting within Portland Bay. The code of conduct recognised the importance of recreational fishing activities to the Portland community and provided a harmonious co-existence between recreational and commercial fishing activities.

The new commercial operator in Portland Bay refuses to adhere to the code of conduct, and the harmonious existence between marine user groups is at risk. This same scenario is likely to occur in the event other ocean fisheries access licence holders commence operations in the Portland Bay area.

Council believes Regulation 144 is no longer fit for purpose, acknowledging recreational fishing activities occurring in the present day are in stark contrast to when the regulation was introduced. Recreational fishing is a predominant activity in Portland all year round, not just over the Christmas, Easter breaks and long weekends.

Furthermore, the Council notes there is precedent for removing the ability of ocean fisheries licence holders to operate in certain waters, as evidenced by recent state government intervention regarding similar issues in Port Phillip Bay last year.

Over several decades, Portland's inshore and offshore waters have become renowned as a fishing mecca for the recreational fishing community. Visitation numbers directly associated with recreational fishing activities significantly contribute to the Glenelg Shire economy, with game fishing alone contributing \$12M to the local economy.

The financial contribution to our local visitor economy through recreational fishing is much higher than the above-stated figure, considering the higher percentile of recreational fishing activities occurs in inshore waters in the Portland Bay area, not in the offshore waters traditionally fished by game fishing enthusiasts. The estimated economic impact of recreational fishing in the southwest region is more than \$300M per annum. Glenelg Shires' tourism economy will be decimated if sustainable fishing regulations are not introduced.

The State Government recognises the importance of fishing activities as evidenced by its commitment to injecting millions of dollars into recreational and commercial fishing infrastructure within Glenelg Shire over the past few years.

- \$6.1M - Portland Harbour boat ramp/recreational boating infrastructure project
- \$1M - new town jetty providing designated recreational fishing pontoons and seating
- \$803K – Portland Trawler Wharf floating pontoon, additional 16 berths for the commercial fishing industry
- \$450K – Portland Bay Marina extension, additional 24 berths to boost Portland's booming recreational and boating industry.

On 30 August 2023, a meeting with the following stakeholders was held in Portland.

- Local recreational and commercial fishing community
- Victorian Fisheries Authority, Fisheries Officer (Mr Cameron McCallum)
- Victorian Fisheries Authority, Director Fisheries Management (Mr Luke O'Sullivan)
- VRFish, Advocacy and Member Co-ordinator (Mr Ben Scullin)
- Glenelg Shire Council, Chief Executive Officer (Mr Paul Phelan)

During the meeting, local representatives of the recreational and commercial fishing community outlined a proposal to the Director of Fisheries Management, Mr. Luke O'Sullivan. The proposal was well considered and requested the declaration of a broader area to exclude commercial netting within Portland Bay.

Glenelg Shire Council provides 'in principle' support for the proposal and trusts you have been fully briefed in relation to the issue.

Council urges the appropriate intervention to ensure the regulations are contemporary and fit for purpose with current recreational fishing and sustainable commercial fishing activities.

Thank you for your consideration of this issue.

A handwritten signature in black ink, appearing to read 'Paul Phelan', with a stylized flourish at the end.

Paul Phelan
Chief Executive Officer