

Response to key issues raised in submissions received on the draft Fisheries (Victorian Pipi) Notice 2017

The draft Fisheries (Victorian Pipi) Notice (the draft Notice) was released on 4 August 2017 for a four week consultation period.

Submissions were received from nineteen individuals/groups (some sent multiple submissions) during the consultation period:

- 12 from the commercial sector;
- 2 from government agencies (Parks Victoria, Land Management Policy in the Department of Environment, Land, Water and Planning);
- 1 from the indigenous sector (Gunditj Mirring Traditional Owners Corporation);
- 3 from the conservation sector (Victorian National Parks Association, Penguin Nature Park, individual); and
- 1 from the recreational sector (VRFish).

The issues raised in submissions can be grouped into nine key themes. The Victorian Fisheries Authority (VFA) response to each of these themes is presented below:

1. Criteria for determining eligibility to fish.

The draft Notice states that fishers who have caught 1 tonne of pipi, or more, between 1 January 2012 and 31 December 2016, are eligible to fish under restrictions as specified in the draft Notice.

- The criteria of 1 tonne was selected as a volume that indicates reasonable effort in the fishery.
- The date of 1 January 2012 is the date that was used to determine which areas remained open in 2014 Fisheries Notice. At that time, the 'open' areas were areas where catch had been taken under the authority of a commercial fishing entitlement since January 2012.
- The date of 31 December 2016 was selected as a recent date with complete and verified data.

A number of submissions questioned these criteria and proposed alternatives, including utilising the number of days fished, as well as catch history obtained per region. A number of submissions noted that, based on correspondence sent to Ocean Fishery Access Licence (OFAL) holders in 2013 and 2014¹, the criteria should only refer to catch history obtained prior to 1 October 2013 in Discovery Bay.

¹ In 2013, in relation to the Draft Fisheries (Discovery Bay) Fisheries Notice 2013, a letter was sent to OFAL holders stating that '*It is the intention that a record of pipi catch obtained after 1 October 2013 will not be considered in the development of future management arrangements for this fishery.*'

In 2014, correspondence to OFAL holders reiterated this statement and further noted that '*Whether, and how, legally harvested catch history obtained before this date is considered, is yet to be determined but no assurances have been made to any Access Licence holder about any future allocation process. Under the Fisheries Act 1995, the Minister may determine the allocation method for the fishery.*'

In terms of determining eligibility to fish, the VFA contend that the proposed criteria are reasonable as they include fishers that would be included under alternative proposals. The only difference between utilising the 1 Oct 2013 date as a cut-off point, and the proposed criteria, is the inclusion of a single fisher. The VFA have made the decision to proceed with the proposed criteria in the final Notice.

2. Management arrangements should vary according to catch history obtained prior to 1 October 2013.

In addition to determining eligibility to fish, some submissions proposed that management arrangements (i.e. catch limit, number of fishing days) should vary according to catch history obtained prior to 1 October 2013 in Discovery Bay.

Pipis are a public resource with multiple entitlement holders and cannot be allocated to specific persons under the current management arrangements or via a Fisheries Notice. Allocation and longer-term entitlement arrangements will be considered as part of the Victorian Pipi Fishery Management Plan, but, as stated in the 2014 correspondence¹, the Minister (and/or Chief Executive Officer of the VFA) will decide on the allocation method and no assurances have been made to any Access Licence holder about any future allocation process.

The Notice cannot implement the flexibility of a quota-management system and will, instead, implement uniform, interim, arrangements across all eligible fishers.

3. The eligibility criteria exclude the majority of Ocean Fishery Access Licence (OFAL) holders.

A number of submissions were concerned that the proposed criteria for eligibility excludes all OFAL holders except for a few.

Seafood Industry Victoria (SIV) have proposed the introduction of a permit system, which would enable a number of non-eligible OFAL holders to fish for pipis at defined locations where there is little or no previous record of pipi catch (i.e. not in Discovery Bay or Venus Bay). The VFA is supportive of this approach and will start work on the details and implementation of a permit system. All OFAL holders will be contacted as soon as details are available.

4. Variations to the proposed daily catch limit and number of fishing days allowed per month.

Submissions variously requested a higher (200+ kgs) or lower (50 – 75 kgs) daily catch limit with the same, or more, fishing days allowed per month, or were supportive of the proposed 150kg catch limit and 8 fishing days per month.

The higher daily catch limit was requested so that, on days when weather and tides are amenable to fishing, a greater volume can be removed. A higher catch limit also allows fishers who travel to the fishing grounds to take a larger volume in a single trip, rather than making multiple trips.

A lower catch limit taken across more fishing days was requested as another way of utilising fair weather, as well as servicing the market on a more regular basis.

Unfortunately, such flexibility is difficult to implement via a Fisheries Notice. The flexibility requested is, in effect, a quota management system, which will be considered as part of the development of the Victorian Pipi Fishery Management Plan.

Under the final Notice, the proposed amount of 150kgs per day and 8 fishing days per month will apply.

5. The pipi resource west of Sutton Rocks in Discovery Bay.

A number of submissions noted a decrease in the pipi resource west of Sutton Rocks. This is one of the four areas that have remained open to commercial fishing since the first Fisheries Notice for pipi was implemented in 2013.

In response, and to ensure pipi fishing is sustainable, the VFA will reduce the upper catch limit in this area from 40 tonne to 20 tonne in the final Notice and will monitor catches closely.

6. Concern about the expansion of fishing grounds as well as the impact of pipi fishing on environmental and cultural values.

A number of submissions expressed concern about the re-opening of the Victorian coast to commercial pipi fishing and the potential impact on pipi stocks, as well as on shorebirds who may suffer the loss of a food source and disturbance to nesting.

Submissions also queried the impact of pipi harvesting on culturally significant sites and on the coastal dune habitat.

Under the final Notice, a small number of OFAL holders will be eligible to fish for pipis under the interim arrangements. The proposed permit system may allow other OFAL holders to fish in the future, but all fishers will be required to meet restrictions such as daily catch limits, limits to the number of fishing days allowed and a size limit. Fishers will also be required to prior- and post-report fishing activity. Additionally, three access points and upper catch limits are specified for Discovery Bay.

The VFA believes that the impact on the pipi resource and the environment will be minimised by these restrictions. It is important to note that these are interim arrangements only. Longer-term management arrangements will be guided by the Victorian Pipi Fishery Management Plan, which is currently under development.

Some of the concerns raised in relation to damage to culturally significant sites and the coastal dune habitat relate to the use of motorised vehicles to access the fishery. Parks Victoria, in their submission, reinforced that access to fishery, anywhere on the Victorian coastline, must be in accordance with the *Land Conservation (Vehicle Control) Act 1972* and the *National Parks Act 1975*.

7. Ability to transit the closed area in Venus Bay.

Submissions queried the ability of commercial fishers to move their catch across the closed area in Venus Bay. The final Notice has been amended to allow fishers to transit the closed area (Clause 12).

8. Concern about the requirement to use pipi bags.

Some submissions were concerned about the 'bag' clause which specifies that commercial fishers must use five bags, containing 30kgs of pipi per bag, to take the daily catch limit.

A volume of 30kgs was considered too heavy to move by hand and would also lead to a poorer quality product as the pipis are overcrowded.

Given that there is no single, uniform, industry practice, the VFA has made the decision to remove the bag clause so that fishers are able to transport their catch as they wish. It is a requirement under the *Fisheries Act 1995* that fishers accurately report landed catch in their logbook.

9. Application of the draft Notice to Ocean Fishery Access Licence holders only.

Seafood Industry Victoria (SIV) requested that the Notice only apply to Ocean Fishery Access Licence holders as there is no need to restrict other licence classes unnecessarily.

The VFA has accepted this advice and the final Notice will be limited to OFAL holders, as requested.