



SEAFOOD INDUSTRY VICTORIA
fishing for the community

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25 September 2023

Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority
GPO Box 2392, Melbourne, Victoria 3001

Sent via email to luke.osullivan@vfa.vic.gov.au; kylie.wohlt@vfa.vic.gov.au

Dear Travis,

Subject: Fisheries (Portland Bay Commercial Fishery) Notice 2023

Seafood Industry Victoria (SIV) welcomes the opportunity to provide comment on the draft Fisheries Notice regarding proposed restrictions to commercial fishing in the Portland area. The letter to SIV from the Victorian Fisheries Authority (VFA) states that the proposed controls seek to resolve recent concerns raised by the community regarding changed commercial fishing practices in Portland Bay. However, the Code of Conduct signed by delegates from both the commercial fishing and recreational fishing sectors in 1994 (Attachment A) demonstrates that commercial fishing has been relevant in the area for almost 30 years, if not longer.

With support from the commercial fishing industry, elements of the 1994 Code of Conduct were incorporated into *Fisheries Regulation 2019* including the use of mesh nets being prohibited in an area of Portland Bay [by Ocean Fishery Access Licences], and no nets being used during peak periods over summer (24 Dec - 22 Jan), Easter and long weekends. Commercial fishers also agreed to additional concessions such as respecting recreational fishing competitions and not targeting Yellowtail Kingfish. In return the commercial sector expected fair recognition of the value of commercial fishing in their community and the role it plays in providing fresh seafood to local fish mongers, cafes, restaurants, and the seafood consuming public, and that the legitimate and traditional practices of commercial fishers be respected.

SIV supported the VFA drafting a new Code of Conduct in 2023 (Attachment B) in alignment with the long-standing agreement between the two major stakeholder groups of commercial and recreational fishing, ensuring that all sectors could continue sharing in access to the resource. It was seen as vitally important that the Victorian public and visitors to the State continue to benefit from supply of locally harvested seafood. It was disappointing to then receive a Fisheries Notice on September 11th which included a much larger area extending around Portland where nets and longlines are prohibited

entirely (Attachment C). It appears the VFA are responding to a campaign instigated by a subset of the local community around unsubstantiated claims that commercial fishing is significantly damaging Portland Bay.

Supporting a healthy marine ecosystem and sustainable fish stocks is essential for the seafood industry. The viability of commercial fishing operations is reliant on using specially designed gear types that allow operators to target species valued by consumers whilst limiting any damage to the marine environment and avoiding excessive time at sea. These efficient methods in turn reduce the carbon footprint of fresh local seafood, which is already recognised to be far lower than other forms of protein such as beef and lamb. All commercial fishers log their catch to ensure sustainable use of the resource in accordance with best practice fisheries management. By contrast, there is no such requirement for recreational fishers to log their take from fish populations in Victoria.

The licence classes that use these specialised gear types in the Portland area largely focus on different species compared to other licences, providing the Victorian public with access to lesser known and underutilised varieties of seafood often at competitive price points. Reducing access to these species will decrease the diversity of local seafood available for Victorian consumers. The proposed limitations to fishing activity in the Portland area follows the closure of commercial fishing in the Gippsland Lakes along with the removal of netting in Port Phillip Bay, which have already removed an estimated 700 tonnes of fresh fish from the seafood supply chain. This has resulted in unintended consequences for many Victorians who value local seafood and now have a greater reliance on imported product, often with reduced traceability or evidence of sustainable fishing practices.

The VFA's goal of greater supply of fresh, high-quality Victorian seafood to Victorian consumers can only be achieved through support for a vibrant wild-catch sector capable of contributing a diverse range of species. SIV are confused as to why the VFA are not persisting to work with all parties on renewing the long-standing Code of Conduct. Brokering a renewed understanding between parties would exemplify the department's ability to achieve fair and equitable outcomes for its stakeholders. Unnecessary closures undermine confidence within the Victorian seafood sector at a time when the VFA should be working towards a collaborative approach with the commercial fishing industry for the benefit of Victorian seafood consumers.

SIV asks that the VFA respond to our previous requests for joint engagement with all key stakeholders to arrive on a suitable Code of Conduct, rather than resort to further regulation that inhibits access rights for commercial fishing licence holders and reduces availability of fresh local seafood for the Victorian public.

Yours sincerely,



Matthew Wassnig
Chief Executive Officer
Seafood Industry Victoria



Michael Hobson
Deputy Chair
Seafood Industry Victoria

ATTACHMENT A

Copy of 1994 Code of Practice for commercial and recreational fishing in Portland Bay



DEPARTMENT OF CONSERVATION & NATURAL RESOURCES

CODE OF PRACTICE FOR COMMERCIAL AND RECREATIONAL FISHING IN PORTLAND BAY - VICTORIA

This code is intended to resolve conflict between commercial mesh net fishers and recreational fishers operating in Portland Bay Victoria.

The code is based on the current knowledge practices and opinions of fishers using Portland Bay and information available from DCNR catch and effort unit and Portland Fisheries and Wildlife Officers.

This code was developed via a series of meetings held between commercial and recreational fisher delegates and DCNR staff during 1994.

Whilst similar meetings and agreements have occurred in the past, this code is intended to supersede all previous agreements.

Commercial mesh net fishers agree to adhere to the following resolutions.

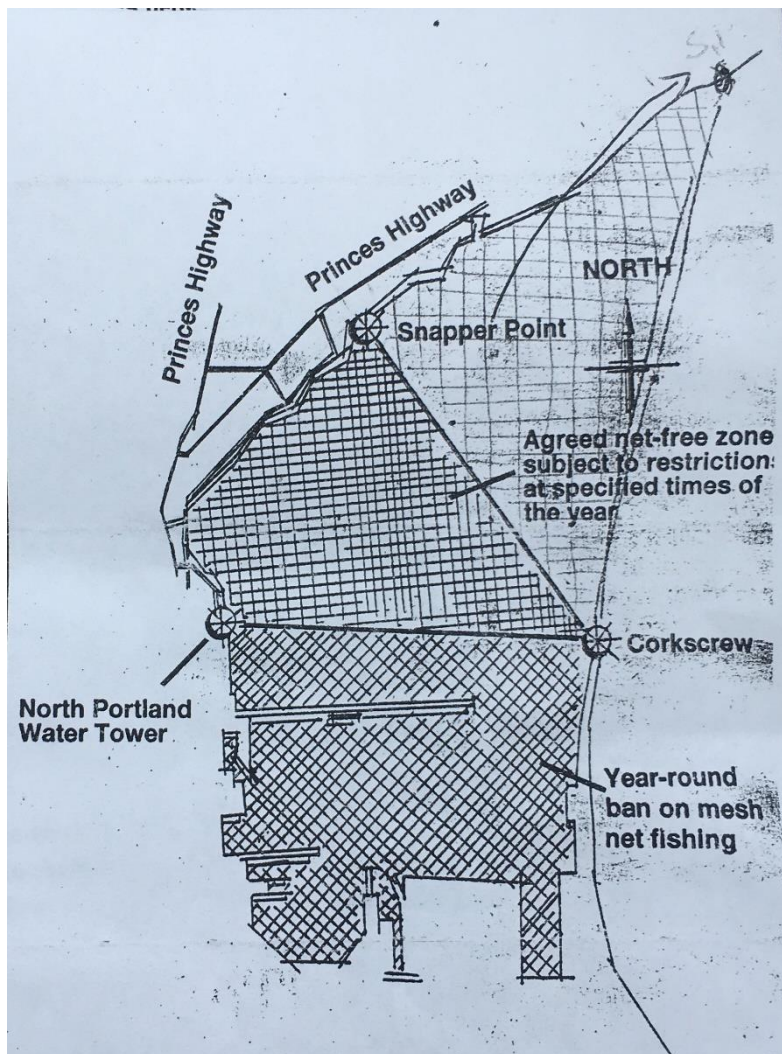
1. Recognise a net free zone from the shore out to an imaginary line from Snapper Point to the Corkscrew in Portland Bay. (Subject to the following conditions)
 - No mesh netting to occur in this zone from 24th December to 22nd January inclusive each year.
 - No mesh netting to occur in this zone from Good Friday to Easter Monday inclusive each year.
 - No mesh netting to occur in this zone during major recreational fishing competitions by negotiation.
 - No mesh netting to occur in this zone during long weekends.
 - No target fishing for Yellow-tail Kingfish (*Seriola grandis*) with mesh nets to occur within this zone.
2. Recognise a net free zone from the shore out to an imaginary line from the Portland Water Tower adjacent to Andersons Point to the Corkscrew in Portland Bay. (Subject to the following conditions)
 - No mesh netting to occur in this zone throughout the whole year.

It is understood by all parties that these arrangements may increase fishing pressure in other areas during these closures.

Recreational fishers agree to support the following practices.

- Foster and encourage others to practice good fishing ethics i.e. take only as many fish as needed.
- Return unwanted fish alive to the sea.
- Dispose of all litter (including fishing line) in an environmentally acceptable manner. i.e. land based disposal.
- Foster and encourage others to recognise the value of commercial fishers in their community.
- Respect the legitimate and traditional fishing practices of commercial fishers.

All delegates support this code of practice and recommend it become state fisheries legislation.



ATTACHMENT B

Draft provided by the VFA in July, 2023

Code of Practice for commercial and recreational fishing in Portland Bay – Victoria

Regulation 144 of the Fisheries Regulations 2019, prohibits the use of a mesh net, seine net, trawl net, purse seine net or lampara net in or on the waters of Portland Bay on the shoreward side of a line commencing at the northern end of the main breakwater and ending at the shore at Snapper Point (**see Zone 1 below**) during—

- (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.

All commercial fishers are required to comply with this regulation.

To support this regulation and further reduce conflict between commercial mesh net fishers and recreational fishers operating in Portland Bay, the following Code has been developed.

The Code is based on the current knowledge practices and opinions of commercial and recreational fishers using Portland Bay and commercial fishing catch and effort information held by the Victorian Fisheries Authority (VFA) and relevant VFA management and compliance staff.

The Code was developed following a meeting between commercial and recreational fisher delegates and VFA staff in 2023.

Whilst similar meetings and agreements have occurred in the past, this Code is intended to supersede all previous agreements.

1. Commercial mesh net fishers agree to adhere to the following resolutions:

- 1.1 In the marine waters lying between the imaginary lines running from the shore at Snapper Point to the Corkscrew and from the Corkscrew to the shore at Portland Water Tower (adjacent to Andersons Point) in Portland Bay (**see Zone 2 below**):
 - no mesh netting will occur during VRFish recognised recreational fishing competitions, as agreed by negotiation between the delegates to this Code at least one month prior to a competition; and
 - no Yellowtail Kingfish (*Seriola grandis*) will be targeted with mesh nets.
- 1.2 In the marine waters south of an imaginary line running from the shore at Portland Water Tower (adjacent to Andersons Point) to the Corkscrew in Portland Bay (**see Zone 3 below**):
 - no mesh netting will occur throughout the whole year.

2. Recreational fishers agree to support the following practices:

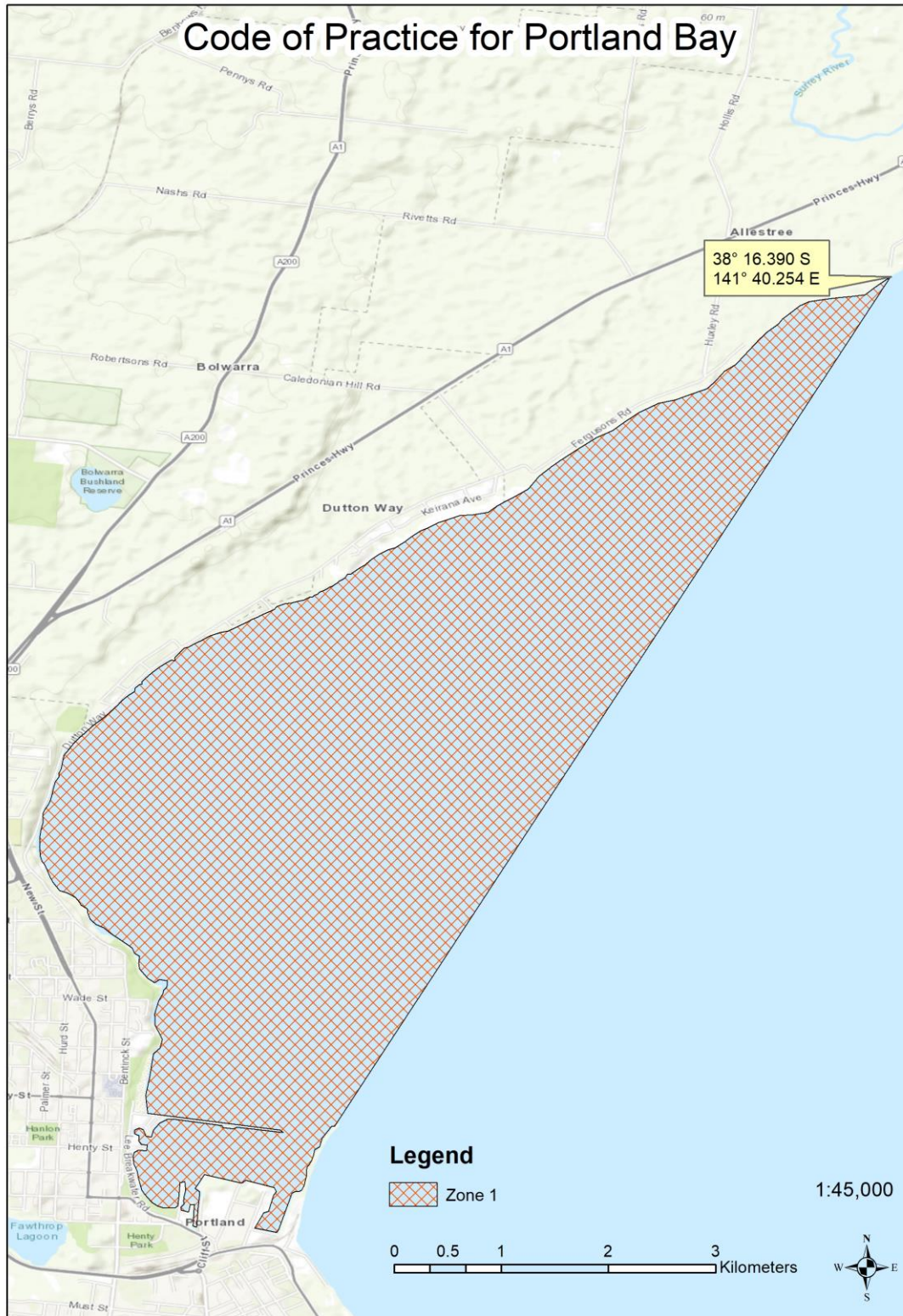
- 2.1 Foster and encourage others to practice good fishing ethics (e.g. take only as many fish as legally permitted and needed).

- 2.2. Any fish that is not to be retained by the person, is immediately returned to the water with the least possible injury or damage.
- 2.3. Dispose of all litter (including fishing line) in an environmentally acceptable manner (i.e. land based disposal).
- 2.4. Foster and encourage others to recognise the value of commercial fishers in their community and the role it plays in providing fresh seafood to local fish mongers, cafes, restaurants and the seafood consuming public.
- 2.5. Respect the legitimate and traditional practices of commercial fishers.

It is understood by all parties that these arrangements may increase fishing pressure in other areas during these closures.

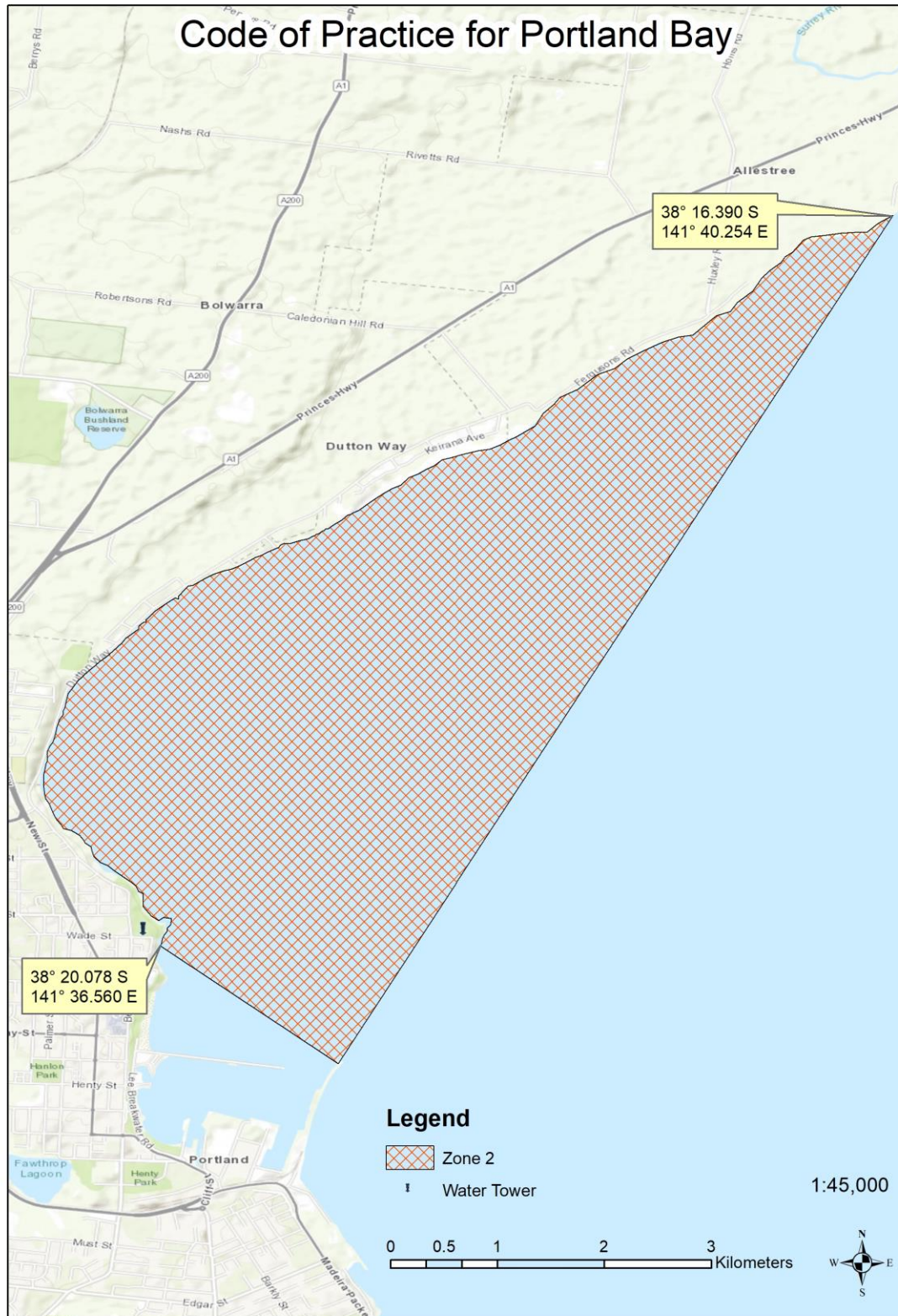
Zone 1

Marine waters where certain fishing nets are prohibited in Portland Bay at certain times, pursuant to Regulation 144 of the Fisheries Regulations 2019



Zone 2

Marine waters subject to resolution 1.1 above



Zone 3

Marine waters subject to resolution 1.2 above



ATTACHMENT C

The area described in Fisheries (Portland Bay Commercial Fishery) Notice 2023 where the use of a mesh net, trawl net, seine net or longline is prohibited.

