

David McCarthy

“Hi Lachlan, about ten years ago when the crab fishery was at an all time low, there was mostly agreement between Industry and VFA to possibly close the fishery until it recovered. What changed the scenario was the realisation that the VFA was still responsible for managing the fishery and annual data was required. The cost of finding suitably qualified contractors to collect meaningful data was considerable. It was decided that leaving a small quota of 12 tonnes would allow possibly two operators [who knew what they were doing] to collect meaningful data at minimum cost. The further reduction of quota has led to a situation where no one is really interested, except one operator who was troublesome, and produced meaningless data. The loss of corporate memory is a significant problem in the VFA. The introduction of further monitoring discussed here will make it even less attractive for cray boats to go crabbing. You may have gold standard management with no entrants. Regards David McCarthy President Portland Professional Fishermans Assoc.”

SUBMISSION TO VFA – Proposed electronic monitoring for Giant Crab Fishery

This submission is made by Anthony Olver, being a licence holder for the Victorian Giant Crab Fishery, in response to the following documentation received from the VFA, namely:

- (a) Letter from Travis Dowling to Giant Crab Fishery (Western Zone) Access Licence Holders dated 15 September 2022 (**the Letter**).
- (b) Draft Fisheries Notice 2022.

I make the following comments and requests for information in relation to the documentation received.

Electronic and vessel monitoring systems assistance program

1. As stated in the Letter, the purpose of providing the documentation is for Access Licence holders to *“seek your feedback and assist with the implementation of the proposed trial”*. It is not a request for consultation as such, as the decision has already been made. The relevant decision is the application through the Parks Australia Electronic Monitoring Assistance Program (**the Program**). It is therefore incorrect in the Letter where it states *“VFA is proposing a trial”*. The VFA has already decided to have a trial without any consultation with industry and other relevant stakeholders in circumstances where the Giant Crab Fishery is regulated under a Management Plan under Part 3 of the Fisheries Act 1995. The Management Plan specifies policies and strategies for the management of the fishery. The Management Plan does not specify any policy or strategy in relation to a trial for electronic monitoring systems.
2. I request a copy of the funding application, together with relevant correspondence with Parks Australia concerning the application, so that I can see the basis upon which the VFA made the application, consider same and make submissions concerning same.
3. I refer to the website of Parks Australia, under the heading ‘Fisheries assistance and user engagement package’, where it states *“the director of National Parks intends to require all commercial fishing vessels transiting or operating in Australian marine parks to carry and operate vessel identification and monitoring system from early 2023. To this end, the director will commence consultation with fisheries management agencies and the commercial fishing industry in the second half of 2022. The electronic and vessel monitoring systems assistance program seeks to support and promote uptake of vessel monitoring and e-monitoring technologies ahead of this change, raising awareness and encouraging early uptake.”*
4. Kindly provide all consultations with the commercial fishing industry by the director of National Parks. To my knowledge, this has not occurred.

Trial

5. As this is a trial, no guidelines and use of the information has been established as part of the trial and which parties will review the data obtained under the Program. What are the privacy arrangements in this respect. What are the protocols of the information gained during the use of the trial for use with:

- a. Parks Australia?
- b. Commercial fishing industry?
- c. Other stakeholders?
- d. VFA?
- e. Research advisory group?

6. Furthermore, as you appreciate, the VFA has in place a privacy policy regarding the catch and effort data. I request that you provide me with a copy of the policy. My understanding is that catch and effort data can only be published if it is an aggregate of data from at least 10 vessels. As you are aware, the Giant Crab Fishery has only 3 major operators. [REDACTED]

[REDACTED] In essence, therefore, it appears that the trial will only apply to my licence and not the other two. With respect, it can hardly be described as a trial as it only applies to one vessel, or at most three vessels.

7. No specifics surrounding the trial have been provided for any comment.

By-catch and interactions with protected species

8. One of the purposes of the Program relates to by-catch and interactions with protected species. The Management Plan addresses by-catch and notes the following:

“Monitoring by on-board observers has shown that fishing related interactions and mortalities of by-catch species are low, due in part to the use of escape gaps and return to the sea of by-catch alive. Hobday et al (2008) reported that the level of by-catch by the giant crab fishery is low and unlikely to impact on the sustainability of non-target species. The onboard observer program will, if necessary, continue to enable ongoing assessment of the impacts of the fishery on non-target species.”

Action

Fisheries Victoria will, where appropriate, use onboard observers to monitor giant crab discards and by-catch and consider this information in its management decisions.”

9. In 18 crab seasons, I have never entangled a sea mammal or bird in our equipment and neither has my brother or father or any other crabber that I know. The risk of such entanglement has been almost eliminated by using very few sea-bed to surface vertical lines, whereas lobster fishers have a vertical line attached to every pot. It is not an issue and therefore, please explain why it has been put up to Parks Australia as an issue justifying the funding.
10. Kindly provide an explanation and documentation relied upon to implement the Program in circumstances where:
- i. The Management Plan highlights that by-catch risk is low; and
 - ii. Fisheries Victoria already have a strategy in place to use on-board observers.

11. Kindly advise of the information received by on-board observers and the use of this information by the VFA in making its decision to apply for the application (**the Decision**).

Costs of the program

12. The letter states "*the VFA has arranged for the purchase of these devices and cover all costs associated with the trials.*" Kindly advise of the costs associated with the trial. This will clearly impact on the total costs of enforcement and we request consideration of the costs of the level of enforcement to date and the proposed costs and, should the trial become permanent, the impact on the costs of enforcement going forward.

No consultation with industry, management advisory committees or the research assessment group

13. The VFA has not consulted with the management advisory committee or the research assessment group in relation to the Giant Crab Fishery to seek its views in relation to any application for a trial.

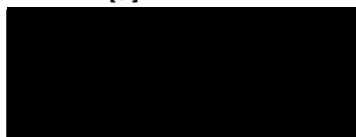
Catch per unit effort (CPUE) for the Fishery

14. The CPUE for the Fishery is used by the research assessment group to assist in the research. No consultation has been made with that group as to whether it is justified to bring in an EMS. Full analysis needs to be undertaken after consultation with the relevant advisory group.
15. I question the relevance of CPUE in relation to obtaining a grant from Parks Australia. Can you please explain the relevance of Parks Australia providing funding for the research in circumstances where the research assessment group has, to my knowledge, not requested Ems nor even discussed same.

Rock Lobster Fishery

16. As the Giant Crab Fishery is related to the Rock Lobster Fishery, kindly confirm that the rock lobster fishery has also been consulted.
17. I request the VFA's comments and provision of the information requested above, as part of the consultation process, within 7 days from the date hereof.

Dated: [x] October 2022



Anthony Olver