

6 January 2023

Mr Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority



Dear Mr Dowling,

Draft Fisheries (Spider Crab) Notice 2023

Thank you for your letter dated 19 December 2022 providing the opportunity to comment on the draft Fisheries (Spider Crab) Notice 2023 which proposes continuation of the current, reduced recreational catch and possession limit for spider crabs for a further 12 months.

Whilst the Mornington Peninsula Shire Council (MPSC) welcomes the continuation of the reduced catch limits from 30 to 15 per person, we believe the issue merits more significant and long-term restrictions across the Mornington Peninsula.

The MPSC voted unanimously in favour of a Notice of Motion on 18 May 2021, to request the Victorian government to implement an annual 'no-take' season for Spider Crabs during the aggregation, between April and July. This approach is still considered by Council to be the most appropriate.

Please refer to the attached letter to Minister Horne dated 10 June 2021 detailing this request and the response from Minister Horne dated 21 July 2021 which states that the Victorian Government does not support a 'no-take' season for giant spider crabs during April and July.

Considering this response, the MPSC would like to understand the impact of the reduced recreational catch and possession limit that has been in place for the last 24 months. Specifically, whether there is evidence that the spider crab populations have stabilised because of the reduced limit resulting in the desired balance between fishing, conservation and tourism values. The MPSC would welcome the opportunity to view this data, if available.

The MPSC continues to work with community and coastal user groups, including the Rye Coastal Advisory Group, Rye Community Group Alliance, the diving community, and the Spider Crab Alliance (SCA). The SCA aim to highlight the community concerns of the crabbing and netting of the Spider Crabs, during their annual aggregation.

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Contact the Mornington Peninsula Shire

📞 1300 850 600
🌐 mornpen.vic.gov.au
✉ customerservice@mornpen.vic.gov.au

By post: Private Bag 1000,
90 Besgrove Street, Rosebud VIC 3939
ABN: 53 159 890 143

As a major stakeholder in management of the Rye foreshore, the MPSC has also been working closely with the Victorian Fisheries Authority (VFA), to support additional signage, bins and roll out of a diverse educational campaign. We are committed to continuing this close working relationship with the VFA and in the lead up to the next aggregation would like to explore opportunities to partner on an engagement program involving local and broader communities.

Yours sincerely,



John Baker
Chief Executive Officer

10 June 2021

The Hon. Melissa Horne MP
Minister for Fishing and Boating

Dear Minister

Annual Spider Crab Migration

Thank you for your letter dated 1 August 2020, in response to the ongoing significant concerns of the Mornington Peninsula Shire Council (MPSC) and our community, regarding the increased level of human interference and impact on the annual Spider Crab (*Leptomithrax Gaimardii*) moulting event, specifically around Rye Pier and Blairgowrie Marina.

The amenity and environmental impact of the moulting event has also been of concern to the Shire and community. The volume of mass crowds and crabbers, particularly in Rye town centre, has impacted the enjoyment by locals and other visitors, who are often jostled out the way by this fishing activity. Environmental concerns include chicken carcasses and other food used to attract the crabs, which has resulted in pollution of the water at swimming beaches and on the foreshore, compromising the marine ecosystem.

The Shire is working with several community and coastal user groups, including the Rye Coastal Advisory Group, Rye Community Group Alliance, the diving community and the Spider Crab Alliance (SCA). The SCA aim to highlight the community concerns of the crabbing and netting of the Spider Crabs, during their annual aggregation.

MPSC welcomes the Victorian Fisheries Authority (VFA) Spider Crab Notice 2021, that sought to temporarily reduce catch limits from 30 to 15 per person. As a major stakeholder in management of the Rye foreshore, the MPSC has also been working closely with the VFA, to support additional signage, bins and roll out of a diverse educational campaign.

However, we believe the issue merits more significant and long-term restrictions across the Mornington Peninsula.

The MPSC voted unanimously in favour of a Notice of Motion on 18 May 2021, to request the Victorian government to implement an annual 'no-take' season for Spider Crabs during the aggregation, between April and July.

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The Shire has reviewed the recent VFA research (Defining Movement Characteristics of Victoria's Giant Spider Crabs, April 2021), referred to in your letter. The VFA report states that the aggregation events at Rye and Blairgowrie are *'targeted by recreational fishers'*.

Most importantly, the VFA report clearly acknowledges that Rye and Blairgowrie are the *'only regular aggregation, accessible to both pier-based recreational divers, fishers and the public'*. The Shire believes this fact demonstrates a significant point

[REDACTED] Blairgowrie, compared to other aggregation points across

[REDACTED] constructive aspect of aggregation, stated by the VFA report, is a crucial sustainability consideration, in addition to the moulting and vulnerability Spider Crabs experience during this specific lifecycle event.

It is still unknown for certain, why some aggregating groups of Spider Crabs come to Rye and Blairgowrie. The Shire believes the public accessibility to the aggregation of Spider Crabs at these locations and key findings of the VFA report, precisely fit the legislative context of principles 11 and 12, from within the Marine and Coastal Act 2018, which enshrines marine protection from irreversible environmental damage:

- Principle 11 - **Evidence-based decision-making** - *It is a guiding principle for the management of the marine and coastal environment that marine and coastal planning and management decisions should be based on best available and relevant environmental, social and economic understanding, recognising that information will often be limited*
- Principle 12 - **Precautionary Principle** - *It is a guiding principle for the management of the marine and coastal environment that if there are threats of serious or irreversible environmental and other damage, lack of full certainty should not be used as a reason for postponing measures to prevent environmental or other degradation.*

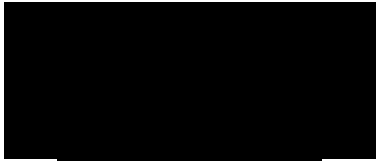
The Shire also interprets the Marine and Coastal Policy 2020, as further supporting the implementation of more significant restrictions, relating to the aggregation and moulting event at Rye and Blairgowrie. Section 3.1 of the Policy states:

- *Protect and seek to enhance the values and characteristics that contribute to natural features and landscapes (including seascapes), in the marine and coastal environment, including by managing cumulative effects.*

Clearly, it is very rare to find Spider Crabs so easily accessible, as they are found at Rye and Blairgowrie. Therefore, this issue is of ongoing significance to the Shire and more broadly to the Victorian community, as a crucial place to protect this species and witness an environmental phenomenon.

Considering the intention of Principles 11 and 12 of the Marine and Coastal Act 2018, the timing and significance of the annual aggregation event at Rye and Blairgowrie and the negative impact experienced by those local communities, MPSC urgently requests the VFA and Victorian Government, to protect this unique occurrence and implement a 'no take' season at Rye and Blairgowrie.

Yours sincerely



Councillor Despi O'Connor
Mayor



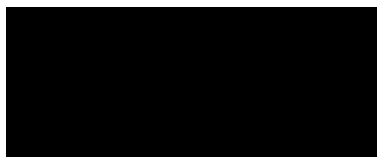
Hon Melissa Horne MP

Minister for Consumer Affairs, Gaming and Liquor Regulation
Minister for Ports and Freight
Minister for Fishing and Boating

1 Spring Street
Melbourne Victoria 3000
Telephone: 03 8392 6100
DX210292

Ref: CMIN-1-21-8679

Councillor Despi O'Connor
Mayor Mornington Peninsula Shire



Dear Councillor O'Connor

Thank you for your letter of 10 June 2021 regarding spider crabs on the Mornington Peninsula. I understand that the Victorian Fisheries Authority (VFA) has also recently responded to correspondence from Mr John Baker, Chief Executive Officer of Mornington Peninsula Shire on this matter.

As previously indicated by the VFA, the Victorian Government does not support a 'no-take' season for giant spider crabs at Rye and Blairgowrie during aggregations between April and July. This would effectively end recreational spider crab fishing on the Peninsula.

While giant spider crabs gather at multiple locations across the State, I agree that the Rye and Blairgowrie aggregations have special social value as they are accessible to the community. These events can be shared and enjoyed by recreational divers, fishers and across the Victorian community with appropriate management and fishing rules.

The VFA has been working hard with other agencies and VRFish on management and cross-cultural education initiatives to support this shared enjoyment. A fisheries operation is currently underway with signs, bins, education materials and surveys ready to be implemented for any crab aggregation at the piers this season. I thank the Mornington Peninsula Shire for the contribution of your staff to these initiatives.

The VFA adopts a balanced management approach to giant spider crab fishing, incorporating scientific evidence and providing for diverse community values. There is no evidence that recreational crab fishing from these piers poses a threat to the resource.

Giant spider crabs are widely distributed across south-east Australian waters, and recreational fishing takes a fraction of the biomass with activity focused at these piers for a short period of time.

The spider crab recreational catch limit has recently been halved and commercial fishing in the Bay is also managed through the phase out of nets, with small quantities of crabs taken for bait outside the Bay.

I also note that the VFA is undertaking a considerable amount of research in this space to provide as much evidence as possible to inform decision-making. This includes but is not limited to:

- spider crab satellite tagging report now available on VFA's website;
- new scientific surveys planned to estimate giant spider crab recreational catch and abundance in southern Port Phillip Bay; and
- genetic research on stock structure and population in partnership with Deakin University, funded by the Fisheries Research and Development Corporation.

Thank you for sharing your views on this issue and for the Mornington Peninsula Shire's continued contribution to collaborative management for this fishery. Your feedback is important to the Government as it continues to work hard to grow the value of recreational fishing in a sustainable way that provides social and economic benefits to the Victorian community.

Please contact Mr Travis Dowling, Chief Executive Officer of the VFA on [REDACTED] if you would like any further information.

Yours sincerely

[REDACTED]

Hon Melissa Horne MP
Minister for Fishing and Boating

21/7/2021

Ewan A Flanagan (VFA)

From: [REDACTED]
Sent: Thursday, 19 January 2023 11:58 AM
To: Ewan A Flanagan (VFA)
Cc: Neil Blake; Fam Charko
Subject: PPEC Submission Re: Consultation - Draft Spider Crab Fisheries Notice

The Port Phillip EcoCentre is a not-for-profit organisation with a strong focus on empowering local communities to engage in environmental stewardship where they live. I write to commend the Victorian Fisheries Authority consultation in relation to the permitted number of Spiders Crabs to be taken in Victorian waters.

The EcoCentre supports the proposed allowable catch of 15 spider crabs as per the *DRAFT Fisheries Spider Crab Notice 2023*. However, we submit that in addition to the proposed regulation Mornington Peninsula should be declared a Spider Crab no-take area from April to June each year.

The fact that the annual aggregation of Spider Crabs at Mornington Peninsula has attracted coverage by an internationally acclaimed wildlife documentary attests to their potential to generate tourism to benefit all Victorians. On that basis, we submit that the declaration of a no-take period for Spider Crabs on Mornington Peninsula from April to June is justified in order to fully capitalise on the economic and experiential benefits generated by this extraordinary natural phenomenon.

The annual aggregation has potential for a series of celebratory events that offer something for everyone, including recreational fishers. But the existing situation where people who want to catch the crabs are effectively in conflict with people who want to enjoy the natural spectacle has potential to divide Victorians.

The VFA clearly is empowered to set 'no-take' provisions - *"The closed season for female and male giant crabs is from 1 June until 15 November and from 15 September to 15 November, respectively. There is a total year round prohibition on the retention of berried females."* We commend the intent of these existing regulations to ensure crabs reproductive success for the ongoing benefit of the fishing community.

However, noting that the Victorian Fisheries Authority website acknowledges that *"The Victorian community owns the giant crab resource...."* we submit that wider community considerations must also be taken into account when managing the Spider Crab fishery. The spider crab fishing issue stems from varying interests and priorities among diverse stakeholders. Current management of the species is focused on serving the interests of the relatively small crab fishing community; with no regard for the many people who wish to celebrate nature and enjoy the natural spectacle of the aggregations.

While the VFA has surveyed a small group of crab-fishers in order to assess their interests and needs, there appears to have been no documented assessment of the needs and interests of the wider community. Conduct of additional consultations necessitates investment of substantial time and resources from all stakeholders, which could otherwise be devoted to achieving more positive outcomes in 2023.

In the VFA's recent small study of spider crab movement, one transmitter moved outside the Bay. On this basis, it was suggested that the crabs move in and out of the Bay. However, this data is limited and based on the speed of the movement the EcoCentre believes it is possible that the tag detached from a crab and floated out of the heads. Due to the concerns of sample size and ambiguous data, the EcoCentre does not believe that valid conclusions can be drawn from the data reported.

In conclusion, the declaration of an additional 'no-take' period applicable only to Mornington Peninsula would allow Mornington Peninsula stakeholders to invest their available resources in creating celebratory events for the benefit of all Victorians. As this declaration would not prevent crab-fishing elsewhere in Victoria it would be of negligible impact on the crab-fishing community.

Mr Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority
GPO Box 4509, Melbourne Vic 3000

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

Dear Travis,

Re: VRFish Support for Draft Fisheries (Spider Crab) Notice 2023

VRFish is thankful for the opportunity to consult and comment on the Draft Fisheries (Spider Crab) Notice 2023.

We have consulted with recreational fishers and offer no hesitation in our support for the draft notice and objectives.

VRFish would like to commend Victorian Fisheries Authority for the exemplary approach taken so far on this sensitive issue.

If you require further information, please contact me via email at [REDACTED]

Yours sincerely,

[REDACTED]

Ben Scullin
Executive Officer
Victorian Recreational Fishing Peak Body

***Let's make fishing
better, for everyone.***