

Fisheries (Spider Crab) Notice 2020

**Consultation Plan**



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# Preamble

**Any submissions received in relation to the consultation being conducted by the Victorian Fisheries Authority will be published on the Victorian Fisheries Authority website. In making a submission, unless the person making the submission indicates to the contrary, they will be consenting to their submission, including their name only, being published on the Victorian Fisheries Authority website for 90 days from the conclusion of the consultative process.**

## Closing date for submissions

The closing date for the receipt of submissions for consultation on this matter is 27 October 2020

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# Flow chart of consultation



# FLOW CHART OF CONSULTATION

Written submissions and other relevant information considered by CEO Victorian Fisheries Authority

CEO Victorian Fisheries Authority makes decision on the Fisheries Notices

If approved, Victorian Fisheries Authority publishes the Fisheries Notices in the *Victoria Government Gazette*

Victorian Fisheries Authority writes to inform stakeholders of its decision

CEO Victorian Fisheries Authority releases the proposed Fisheries Notices for written comment to persons and organisations with relevant interests

Victorian Fisheries Authority publishes its decision on department website

Victorian Fisheries Authority publishes its decision in a newspaper circulating the area affected by the decision and gives reference to the VFA’s internet site on which the Fisheries Notice is published

# CONSULTATION PLAN

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| 1. **1** | 1. Consultation Title | Fisheries (Spider Crab) Notice 2020 |
| 1. **2** | 1. Representative group/s being consulted | 1. ✓ Recreational fishing peak body and key stakeholders (VRFish; Futurefish; Victoria Chinese Angling Association) 2. ✓ Victorian commercial fishing peak body (Seafood Industry Victoria). 3. x Aquaculture 4. ✓ Aboriginal communities (Bunurong Land Council - Registered Aboriginal Party for the Mornington Peninsula) 5. ✓Conservation interests: (Spider Crabs Melbourne, Spider Crab Alliance, Victorian National Parks Association, Environment Victoria; Key opinion leaders including PT Hirschfield, AJ Morton, Jacqui Younger, Sheree Marris) 6. Interested multicultural community members via available online forums, including Victorian Multicultural Commission 7. The provisions of this fisheries notice relate to recreational fishers and do not have a substantive impact on aquaculture operators or commercial fisheries access licence holders. |
| 1. **3** | 1. Managing Officer | 1. Dr Jo Klemke, Principal Policy Analyst |
| 1. **4** | 1. Target Start Date | 15 September 2020 |
| 1. **5** | 1. Target End Date | 1. 27 October 2020 |
| 1. **6** | 1. Background/History | **Purpose of the Proposed Fisheries Notice:**  The Fisheries (Spider Crab) Notice 2020 is being proposed to set a dedicated, reduced catch limit for take and possession of spider crabs by recreational fishers across Victorian waters. The proposed new spider crab recreational catch limit is *15 crabs per day*.  Spider crabs currently fall within the general recreational catch limit for crabs of *1 litre or a combined total of 30 whole or parts of crab from one or more species.*This limit currently applies to all crab species in Victorian waters except European green shore crabs (an introduced species) and Giant Crabs (a deep-water, commercial species that is rarely fished recreationally).  Recreational fishing for spider crabs has developed in recent years and appears to be growing due to promotion on social media platforms such as WeChat. The VFA believes that it is now appropriate to establish a dedicated, reduced recreational catch limit for take and possession of spider crabs, including the commonly known Giant Spider Crabs. This limit will better balance community values and more equitably share the spider crab resource among fishers and other stakeholders.  There is no evidence indicating that Giant Spider Crabs have been overfished and the new bag limit is not designed to address fishery sustainability issues. Regardless of this, the VFA is interested in better understanding giant spider crab behaviour and biology as well as catch and fishing behaviour and will continue to undertake research to this end alongside the new bag limit.  **Background:**  Giant Spider Crabs have a wide distribution across south-eastern Australian marine waters, being common in shallow water but also recorded in deeper water environments. The crabs form dense aggregations at certain times of year. Aggregations have been observed in multiple locations in Victoria’s nearshore waters, in Gippsland Lakes and further afield in Tasmania and South Australia.  The Giant Spider Crab aggregation that has been occurring around Blairgowrie and Rye piers on Melbourne’s doorstep each winter is a wonderful natural phenomenon which is shared and enjoyed by recreational divers, fishers and tourists.  VFA surveys indicate that spider crab fishing is valued as an enjoyable social day out by parts of our multicultural community. Most are first-time spider crab fishers who fished only for these crabs, for one day. The vast majority of spider crab fishing takes place from Rye or Blairgowrie pier during the annual aggregation.  Most fishers (90%) used the crabs to cook and eat in a range of ways – most (≈80%) cooked the crab meat separately or mixed with other ingredients, with others using the crabs for sauce, stock or soup. The number of spider crabs taken by most fishers, and that were needed for the recipes and dishes that they prepared, fell well within the existing bag limit with ≈25-35% not taking any crabs. About 70% enjoyed the taste of the crabs; about 65% would go fishing for spider crabs again. Spider crab fishers travelled from a variety of suburbs to the Mornington peninsula to fish, with the money that they spent on their fishing trip contributing to the local economy.  A campaign is being led by recreational divers for a spider crab fishing ban during the aggregation season, as well as a reduced bag limit, research, education, signage and patrols. The VFA believes that enjoyment of the Rye/Blairgowrie aggregation can be shared by recreational divers, fishers and tourists with appropriate management and fishing rules. Banning take of crabs during the aggregation season would effectively mean the cessation of current recreational fishing for this species and would unnecessarily impact parts of multicultural community.  Implementation of the proposed Fisheries Notice by the VFA will be supported by measures including targeted education to address discarded bait and waste and safe management of interactions between divers and fishing nets, as well as continued research, education and enforcement. |
| 1. **7** | 1. Relevant Statutory provision | 1. Statutory consultation with stakeholders under Section 3A of the *Fisheries Act 1995* is required prior to the Minister or delegate making decisions related to Fisheries Notices. |
| 1. **8** | 1. Purpose/objectives/scope | 1. To seek comment on the draft Fisheries Notices. |
| 1. **9** | 1. Method | 1. Consultation on draft documents is promoted via letters to the persons/groups noted in section 2 of this consultation plan and the Victorian Fisheries Authority website. |
| 1. **10** | 1. Communication Plan | 1. Decisions regarding the Fisheries Notices will be communicated through notices published in the *Victoria Government Gazette, a* newspaper circulating the area affected by the decision and the departmental website. 2. Letters informing stakeholders of decisions will be sent to all persons/groups noted in section 2. |
| 1. **11** | 1. Information provision | 1. Stakeholders will be provided with a copy of the draft Fisheries Notice. |
| 1. **12** | 1. Resources/advice (inc. purchase of advice) | 1. Internal resources of the Victorian Fisheries Authority. |
| 1. **13** | 1. Output (documentation / implementation) | 1. Letters to stakeholders; notices published in the Victoria Government Gazette; the departmental website. |
| 1. **14** | 1. Publication of results of consultation | 1. Submissions received in relation to the consultation being conducted by the Victorian Fisheries Authority will be published on the Victorian Fisheries Authority website. In making a submission, unless the person making the submission indicates to the contrary, they will be consenting to their submission, including their name only, being published on the Victorian Fisheries Authority website for 90 days from the conclusion of the consultative process. |

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| **Consultation Plan prepared by**  Jo Klemke  Principal Policy Analyst  Date: 15 / 09 / 20 | **Approved/not approved**  Travis Dowling  Chief Executive Officer, VFA  Date: 15 / 09 / 20 |

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| Notes **Principles for effective consultation**  To the extent that it is practicable (refer Section 3A (1) of the *Fisheries Act 1995*), the following consultation principles apply to decisions made by the Minister, Secretary (or delegate), which affect the use and conservation of Victoria's fisheries resources:  (a) That the purpose of the consultation and the consultation process are clear, open, timely and transparent;  (b) That the level of consultation reflects the likely impact of decisions on persons and fisheries resources;  (c) That the consultation process is adequately resourced;  (d) That the consultation process flexible and designed to take into account the number and type of persons and/or sector groups to be consulted and their ability to contribute to the process; and  (e) That the consultation process should involve consideration of representative advice which represents the views and values of the persons represented from appropriate sector groups including:   * Commercial wild-catch fishing * Recreational fishing * Aquaculture operators * Aboriginal fishers/communities * Conservation interests (as applicable)   The consultation process should consider expert advice from the most appropriate provider/s (as applicable) and any expert advice obtained during the consultation process should be made available to persons participating in the consultation process.  **Statutory consultation under Section 3A (2) of the Fisheries Act 1995**  Matters that have previously required consultation in accordance with the *Fisheries Act 1995* (the Act) will continue to require consultation. These matters are now consolidated in the Act under Section 3A (2); these are:  (a) a decision by the Minister to declare or amend a management plan under Part 3;  (b) a decision by the Secretary to vary a class of fishery licence under section 54(1)(c);  (c) a decision under section 54(1)(d) by the Secretary to vary or revoke a condition imposed by the Secretary, or to impose a new condition, on a class of fishery licence; | (d) a decision by the Minister to give, revoke or amend a direction on matters relating to the management of fisheries or zones in a fishery under section 61;  (e) a decision by the Minister to make, revoke or amend a quota order in relation to a fishery under section 64, 64A, 66C or 66D;  (f) a decision by the Minister to make, revoke or amend an order declaring sub-zones in a quota fishery under section 64AB or 66E;  (g) a decision by the Minister to appoint a person as a member of the Commercial Fisheries Licensing Panel under section 132(2)(c) or 132(2)(d);  (h) a decision by the Minister to nominate a person to be appointed as a member of the Licensing Appeals Tribunal under section 135(2);  (i) decisions relating to the making and content of regulations in respect of royalties and levies imposed in accordance with sections 150 and 151;  (j) decisions by the Minister relating to priorities for the disbursement of funds that may be paid out of the Recreational Fishing Licence Trust Account under section 151B;  (k) a decision by the Minister to make a fisheries notice under section 152(1).  **Statutory consultation NOT required**  Statutory consultation is not required in relation to the following decisions—  (a) decisions which are specific to an individual licence or permit, the holder of a licence or permit or a person acting on behalf of a holder of a licence or permit; and  (b) reviewable decisions within the meaning of Section 137 of the *Fisheries Act 1995*. |