

Victorian compulsory fish tagging (and the implications) for Rock Lobster (Crays), Snapper, Murray Cod and Tuna

Compiled by the SCUBA Divers Federation of Victoria - SDFV, 12/6/17

Full version at https://www.sdfv.org.au/submissions/2017-06-12_Tagging_Brief.pdf

Summary

From 1st July it is compulsory for fishers in Victoria to place tags on recreationally caught lobsters and report their tag use and catch data. This is an ill-considered, hastily implemented and generally painful method of estimating the recreational catch imposed on Victorian fishers, setting a nasty precedent for compulsory tagging and reporting of recreational fish species. It's entirely possible that the likes of snapper, Murray cod and tuna could be next.

Read and understand how the data you report could negatively impact recreational access to the rock lobster fishery.

The SDFV, along with other stakeholder groups VRFish and Southern Freedivers has been engaged in stakeholder workshops over this issue with Fisheries Victoria in good faith for over 18 months and with the final Fisheries Notice now released, we feel it is important that recreational fishers are informed of the full history, current situation and future implications of the tagging trial as it stands.

Here are some "interesting" elements of the tagging:

- **It's meant to be a 3 year trial** but Fisheries Victoria have admitted their intention is to roll it over and make it permanent after 3 years is up
- The date/size/location data to be collected as part of this trial is most likely to be used to **close or restrict the recreational rock lobster fishery** in the future
- If you forget to report your tags before 15th November, according to the Fisheries Notice **you can't get any tags for the following season**
- The **commercial catch was measured at 300 tonnes** last season, the recreational allowance was 20 tonnes - the recreational tagging is touted as important for "sustainability"...
- There are **finest of up to \$3109** for all trial tagging infringements
- The "trial" was originally going to be **implemented as a back-door formal/permanent regulation change** (to be changed back when the trial period expires?!). Fisheries Victoria originally tried to slip it through with a bunch of other administrative regulation changes but we caught them.

Compulsory reporting requirements and implications:

This is what you have to report on and what it might do.

<i>Information</i>	<i>Implication</i>
Tag number	You have to report this
Whether the tag was used/unused/lost	This is the only necessary input to the recreational catch estimation, and reporting this correctly is important . See later on for why.
The location at which the tag was used (East/West of Apollo Bay)	This does not have any bearing on the estimation of the recreational take, but the data could be used to introduce access restrictions and reduced bag limits on a regional basis. If most tags are reported as being used in the west , this would help to avoid a bag limit reduction for lobster caught in the central and eastern parts of Victoria.
The date the tag was used	This does not have any bearing on the estimation of the recreational take, and the SDFV suspects the objective is collect data to restrict recreational access to the fishery. If most tags are reported as used on a weekday (Monday to Friday) , this would help to avoid the case for making rock lobster a "weekend only" fishery (just like abalone already is!).
The carapace length of the lobster	This does not have any bearing on the estimation of the recreational take, and again is a way of getting data to restrict the future recreational catch. There's no way this data is going to be accurate. The tendency for fishers to rely on memory/ego and report larger fish sizes has the potential to result in future bag limit reductions. If the length is reported as the minimum legal size (12cm) , since that is what your fishing licence allows, there is less reason to increase the minimum size.

What about that Fisher Diary/"Citizen Science" optional extra thingy?

You can volunteer to submit extra information when reporting your tags. **The SDFV does not support participation in this.** Getting profiles of recreational lobster fishers doesn't have anything to do with estimating the catch, and is a good first step to getting data to limit recreational access to the fishery (ie. making it weekend only, increasing minimum size limits, and reducing the bag limit).

Isn't it just a trial?

It's being sold as a 3 year trial, but all along it's been pretty obvious that it's slated to become permanent, and at the last working group/stakeholder meeting, Fisheries Victoria admitted as much. We only narrowly stopped them implementing the "trial" as a back-door formal regulation change (to be changed back when the trial period expires?!). Yep, seriously. They tried to slip it through with a bunch of other administrative changes. Yep, seriously!! (you can see this in Reference 2 at the end)

The legal bit for the 3 year trial is now done by a "Fisheries Notice". This is like a temporary regulation which expires after 1 year (so there will be 3 of them in a row). The SDFV spent a good deal of effort reviewing and making some fairly reasonable suggested changes (you can see this in Reference 2 at the end) but these were mostly ignored in the final version.

Some key half-baked/outrageous stuff from the Fisheries Notice "FN" (the legal bit/regulations) that might surprise you:

(see the references at the end for a link to the FN)

1. (All through the FN) **Penalties for all tagging infringements are 20 penalty units (\$3109)!!**
The rationale is that these are maximum penalties only and are consistent with existing tail-clipping regulations. Still - for a trial...?
2. (FN 9.(2)) If you forget to report tags before 15th November, you apparently can't get any tags for the following season
3. (missing from the Fisheries Notice) There is no allowance for lobsters caught interstate (ie. if you have lobsters you caught in SA or Tassie with no Victorian tag on them, you can be fined!)
4. (FN 16.) The fine print says the trial will expire on 16th November, 2020. There's nothing about consultation or review, and nothing to prevent it being rolled over into a permanent fixture straight away. Fisheries Victoria have admitted it's their intention to make the tagging scheme permanent after the trial has finished.
5. (FN 10.(3)) If you are shore diving for crays, you have to take your tags with you so you can attach one within 50m of the place where the rock lobster is landed.
6. (FN 11.) If you want to lend your tags to a mate who forgot theirs, you have to access the internet to transfer them. Not very practical on a small open boat with no phone reception.

Wow, I'm really annoyed - what can I do?

1. For starters, don't get fined - register, get tags and use/report them. When reporting, have a think about the implications in the table above. Encourage your friends to do the same - we don't want an underestimate of numbers due to non-participation, or there's all the more reason to close the fishery.
2. Spread the word - tell all your fisher and diver friends. Like the post on Facebook, share it, or email/phone/post/carrier-pigeon it to people not on Facebook
3. Get on your local media and talk about it - remember, it's about the lack of proper process, and the onerous amount of extra admin fishers have to do. It's really not necessary and if it is, there has to be a better way.
4. Ask politicians (get in touch for a template letter) to consider a step back and the proper process to be followed in deciding on a method for estimating recreational catch:
 - a. Get in touch with your state member of parliament
 - b. Get in touch with the state minister for fisheries, Jaala Pulford:

Phone: (03) 5332 2405
Fax: (03) 5333 3109
Email: jaala.pulford@parliament.vic.gov.au
Electorate Office
Ground floor, 15 Main Road Ballarat, VIC 3350
Ministerial Address
Level 20, 1 Spring Street Melbourne, VIC 3000
Ministerial Phone: (03) 8392 6000
 - c. Why not also contact the opposition minister Peter Walsh:

Office 496 High Street, Echuca, VIC 3564

Phone (03) 5482 2039

Or 1300 467 906

Email peter.walsh@parliament.vic.gov.au

- d. You could also write a letter to Fisheries Victoria, but although they are good at listening and talking, they don't seem to be very good at actually acting on stakeholder advice

Yeah, but isn't an accurate estimate of the recreational catch a good thing? (grab a coffee, this is a long one)

Sure - the SDFV has always supported estimating (not an exact count) the recreational catch, and supports the collection of good scientific data for useful purposes. The thing is, it's got to be justified. And it really doesn't need to be that accurate.

Putting every single lobster fisher through the headache of ordering tags, remembering tags, attaching tags and then reporting tags is a pretty big price to pay - it's our recreational activity after all, and we're just accessing a public resource. Even the commercial sector doesn't have to tag and report every fish - can you imagine what a fuss there would be if they did have to? The extra pain of having to do all the tagging business is going to make people not bother going fishing, and that would be a sad thing.

Ok, but maybe it's really important to get this estimate? Well to put it in perspective, last Victorian rock lobster season there was a commercial catch of about 300 tonnes (it's measured, so is reasonably well known), and a recreational "allowance" of 20 tonnes. Have a think about how many people you know who take crays and see if you reckon the recreational allowance was fully used up. In the context of the commercial catch, is it really that important to put every recreational fisher through the process of tagging? (Surely whoever decided on tagging had a really good think about it - or did they? Read on...)

There are plenty of other ways to get an estimate of the recreational catch - I bet you can think of some good ones right now that would be better than tagging. We could too, but the trouble is, someone at Fisheries Victoria made a "captain's call" that tagging was the way to go and that was that. There was no formal process (let alone a chance for stakeholder input) to arrive at tagging - you can see the "process" and other options that were apparently considered in a letter from the Executive Director of Fisheries Victoria. If you want more details on the consultation history (including letters, etc.) then there's a link (Reference 2) at the end to our submission which goes into plenty of detail.

Fisheries Victoria is under a lot of pressure from the commercial sector - who are struggling with cuts to their allowance and a rock lobster fishery under strain. Maybe that's fair enough - a commercial rock lobster licence is not cheap and they have to make a living (most Victorian rock lobster caught commercially are exported by the way). But if the commercials are taking 300 tonnes a year, why should recreational fishers have the tagging system imposed on them? Sustainability of the fishery is hardly going to be impacted by recreational fishers. Politically speaking, the tagging system is

certainly pretty flash (the FV media release in Reference 3 talks about it being "an Australian first") and gives FV the opportunity to point and say "here look, we are doing stuff".

Why is reporting the number correctly important? So what if the estimate is higher or lower than expected?

Well for starters there is a lot of taxpayer dollars going into designing, implementing and carrying out the scheme. May as well get your moneys worth and get at least some useful data out of it. There's a good argument for getting a year or 2 of good data and then leaving it alone for a while.

Before you get on your high horse and say "I'm not going to get any bloody tags" or "I'll just report them all as 6kg tractors" it's worth thinking about where the data could lead. There is a significant cost associated with having a recreational fishery - enforcement, compliance, not to mention the cost of the tags, design of the system and the upkeep/administration of the whole thing. If the data indicates that the recreational take is tiny, then there's a good economical case for closing the fishery, or at least restricting it. This has already been done with abalone (only open by exception, 60 days a year), so don't think it couldn't happen. If the data indicates the recreational take is more than expected, a bag limit reduction to one per day is a likely consequence.

A high participation rate (number of crays rather than tonnage) is good for keeping the fishery open, while a low overall tonnage is good for keeping bag limits as they are. So it's in the interests of recreational fishers to use and report the use of each tag properly. If all the tags were reported as minimum legal size (12cm) this would result in a lower recreational tonnage with maximum participation rate - probably the best case scenario for recreational fishers.

There's a bunch of other politics and stuff around the commercial catch and the science, but there hasn't been significant recruitment in to the fishery for many years (yep, very few baby lobsters growing up). Couple that with the commercial market preference for small crays, and the commercial fishery is not in a great shape. The recreational fishery, which really has never been an issue with the commercial sector, is now targeted. This trial with tags, and Fisheries Victoria's admission of their intention to keep tags after the trial, has high potential to eventually drive recreational fishers from the fishery.

If you think that won't happen, consider the situation with the recreational abalone fishery - it's closed! There is a bandaid fix applied every year, where an exception is made (via a Fisheries Notices) to allow recreational fishing for abs on about 60 days per year. Meanwhile, the commercial sector is business as usual.

Who are these SDFV people anyway and why have I only heard of them now?

The SCUBA Divers Federation of Victoria (SDFV) has been since 1964 the peak body that represents most of the constituted independent dive clubs in Victoria. It is made up of delegates from each of these clubs, who funnel information to and from the club members. We are all volunteers, many of us active on our dive club committees, busy with our own personal diving, not to mention full time work, family life, etc. So we do what we can when we need to, but not necessarily much more.

The SDFV is consulted by government and government agencies on matters relevant to us - they need to do "stakeholder consultation" as part of many processes and we have a long history of co-operation and valuable contribution. Although we do in principle try to represent the interests of all recreational divers in Victoria, given limited time and resources, in almost all cases we just consult with our member clubs and figure that's a pretty good representation.

We prefer to resolve things quietly and diplomatically, rarely getting involved in major public stuff like this. This lobster tagging business is probably the issue of the decade, and one where we feel at this point it is important to really get the community on board. We have taken it as far as we can (over the course of 18 months of good faith engagement with Fisheries Victoria, along with fellow stakeholder groups VRFish and Southern Freedivers) and want to make sure every fisher in Victoria is aware of this, and has the chance to do something about it if they wish.

You can contact us by email at sdfv@sdfv.org.au .

I made it this far and am interested in more background (I enjoy reading very dry and boring stuff):

Reference 1: The Fisheries Notice is here:

https://www.sdfv.org.au/submissions/FN_RL%20tags_signed.pdf

Reference 2: The SDFV submission with much more background is here:

(direct link) https://www.sdfv.org.au/submissions/SDFV_RL_FN_Submission.pdf

(with other submissions on the Fisheries Victoria website)

<http://agriculture.vic.gov.au/fisheries/policy-and-planning/fisheries-consultation/completed-consultation>

Reference 3: The Fisheries Victoria Media Release (served with extra optimism) is here:

<http://agriculture.vic.gov.au/about-us/media-releases/all-looking-good-for-victorias-rock-lobster-fishers-for-the-future>

https://www.sdfv.org.au/submissions/FV_Media_Release.pdf