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Victorian Fisheries Authority
By email: toby.jeavons@vfa.vic.gov.au

Submission for Fisheries Notice (Rock Lobster Tagging) 2020

Dear Toby,

Thank you for the opportunity to comment on the draft fisheries notice for the rock lobster tagging program. We note the Victorian Fisheries Authority is proposing a change of reducing the maximum number of tags an individual can be in possession of from 20 to 10.

We are aware that there are many tens of thousands of tags that have remained unused each fishing season since the introduction of the tagging program in 2017. The number of unused tags in circulation may impact the confidence in the data reported in the tagging program. Arguably there could be cost efficiencies in reducing unused tags in circulation. We understand that the administration costs of the rock lobster tagging program is now being funded, or part funded, by our recreational fishing license funds.

Recreational fishers and divers do not want to be administratively restricted in their ability to catch a lobster by not being in possession of tags. Additionally, diving and fishing for rock lobsters is in general opportunistic depending on such factors as weather and diving conditions, work commitments, availability of friends and family and recent fishing success. This explains in part why fishers and divers are ordering more tags than they will realistically use in each season. As the Victorian Fisheries Authority has announced the rock lobster tagging program will continue, over time we believe divers and fishers will improve their ability to better estimate the number of tags they choose to order.

The data collected in the rock lobster tagging program demonstrates the majority of recreational fishers and divers do not exceed 10 lobsters harvested per season. There is however a segment of our divers and fishers (like we see in most fisheries) that are

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more active and do catch more than 10 lobsters per season. If the number of tags is reduced to 10 our fishers and divers in this segment would need to do the following:

- Place a top-up tag order more frequently.
- Transfer tags from other registered users.
- If tags are forgotten on a fishing trip and the maximum of 10 tags are already in their 'possession', then some tags will need to be acquitted in the app as unused for a transfer of tags from another registered user to occur.
- Plan to re-order tags (i.e. back to a maximum of 10) before peak fishing period times and slow mail delivery periods such as around Christmas and New Year's.
- Plan ahead for situations if they are camping or residing away from their mailing address.

Unless the Victorian Fisheries Authority has examined the catch reporting and tag ordering behaviours of this segment of our fishers and divers there is a risk the reduction in the number of tags may actually increase costs to administer the program. For example, an individual may need to place extra orders of tags increasing the mailing costs which are more significant than the cost of the tags themselves. More transparency of the operation costs the tagging program is required if recreational fishers are now funding, or part funding the program.

If the number of tags were reduced to 10, we recommend that the Victorian Fisheries Authority must communicate a reminder to registered fishers and divers to order a top-up of tags before the Christmas and New Year's period (i.e. "order your top-up of tags before the 10th of December") and increase the awareness of transferring tags between other registered divers and fishers. The objective of the tagging program is to measure the recreational catch of rock lobsters, not to restrict the take. The Victorian Fisheries Authority may need to continue to clarify that the number of tags over the season remain unlimited.

There could be other ways of reducing the number of tags in circulation, including the transfer of tags between individuals. VRFish advocated for this functionality and flexibility in the trial program so that our fishers and divers could have another method of accessing tags. This method could be encouraged to all registered fishers and divers to become more a more commonplace practice.

Other comments:

Possession of other persons tags

On further analysis of the Fisheries Notice, we would like to raise questions surrounding the offence to have other persons tags in your possession. Diving and fishing for rock lobsters is a very social activity. In many instances a group or network of friends and family are central to the fishing of rock lobsters over each season. It is not unusual for people to share boats and dive/fishing gear. This creates innocuous situations where persons may be in possession of other persons tags. We do not believe it should be an offence in these circumstances where the persons are appropriately using the tags that have been assigned to them.

Marking of Tags

Due the communal activity of fishing and diving for rock lobsters, some recreational fishers have a requirement to distinguish the individual ownership of tags on board a boat. Some recreational fishers not carry their mobile phone with them to be able to check the unique number of the tag to confirm ownership. Therefore, we have heard that some recreational fishers and divers write their initials on the back of the tag or clip the corner of the tag to distinguish individual ownership. This practice does not affect the original function of the tag or impact in any way the identification of the tag. In fact, this practice is contributing to the accuracy of the data. VRFish recommends that VFA endorses an accepted method(s) for recreational fishers to mark tags and that this specific practice is not an offence under the Fisheries Notice.

Offence not reporting tags by 15 November

The community awareness materials provided by the Victorian Fisheries Authority does not make any reference that accounting for tags must occur no later than midnight on 15 November for the tag season. As you are aware, the tags allocated for each season in effect 'expire' at the end of each season. The tagging trial data demonstrates that around 70% of registered users are reporting in a 48-hour period. Those that want to fish in the following season must acquit their previous seasons tags before ordering new tags. We do not believe there should be an offence not to report by 15 November as there is enough incentive to report to enable next season's tags to be ordered. The Victorian Fisheries Authority should better support registered users to report tags as early as possible through understanding why 30% of registered users are taking longer to report.

Value of fines

Some comments received expressed concerns with high fines associated with the penalty units in the Fisheries Notice. What is not apparent to some recreational fishers and divers in the VFA's operational policy where most offences are dealt with a verbal warning, written warning or infringement notice. These maximum penalty units are reserved for serious offences that are heard a Magistrate in court. The concerns arise some ambiguity in the interpretation of rock lobster rules, and fishers and divers committed to being compliant.

Other areas of clarification

It was also raised that:

- more than 5 minutes to tag a lobster may be required for safety requirements and operational reasons.
- when it is legal to remove the tag prior to cooking or consuming the lobster?
- Why do Fisheries Officers need to check unused tags?

Recreational fishers and divers for rock lobster have questioned how the wording of legislation is interpreted by Fisheries Officers in their operational policy. VRFish would recommend that the VFA produces more detailed advisory information to improve the confidence of recreational fishers and divers that they are being compliant with the rules.

VRFish, through our members and Dive Fisheries Reference Group, we look forward to participating in a consultation process with the Victorian Fisheries Authority on the future functionality of the rock lobster tagging program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Loats', with a stylized flourish at the end.

Rob Loats
Chair
Victorian Recreational Fishing Peak Body

22 June 2020