January 2018

NOTICE TO FISHERS

Dear: Licence holder in the Charter Boat Fishery

Simplify Day 2017 - Amendments under the *Fisheries Management Act 2007*

The Premier’s second ‘Simplify Day’ initiative was held on 10 August 2017, with ideas for change being put forward by business and the community. Similar to last year the aim of Simplify Day is to remove outdated and redundant laws and regulations and to consolidate and simplify rules and processes wherever possible.

As a part of this initiative amendments have been made to 17 of 18 regulations made under the *Fisheries Management Act 2007* (the Act). Ten of the regulations amended in this process were also remade as they were approaching the 10th anniversary of the date they were made. These regulations commence on 15 January 2018. The regulations are:

*Fisheries Management (Abalone Fishery) Regulations 2017*
*Fisheries Management (Fees) Regulations 2017*
*Fisheries Management (Fish Processors) Regulations 2017*
*Fisheries Management (General) Regulations 2017*
*Fisheries Management (Marine Scalefish Fishery) Regulations 2017*
*Fisheries Management (Prawn Fisheries) Regulations 2017*
*Fisheries Management (River Fishery) Regulations 2017*
*Fisheries Management (Demerit Points) Regulations 2017*
*Fisheries Management (Rock Lobster Fisheries) Regulations 2017*
*Fisheries Management (Vessel Monitoring Scheme) Regulations 2017*
*Fisheries Management (Blue Crab Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Charter Boat Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Lakes and Coorong Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Developmental Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Research Fishery)(Simplify No 2) Variation Regulations 2017*
As a result of making of these legislative changes many references to existing and new powers and functions have or will change as of 15 January 2018.

It should be noted that there is no intention to vary existing fishery administrative arrangements other than to standardise them wherever possible.

The majority of amendments to all fishery regulations above were to remove the prescribed procedural requirements for reporting, delivering, consigning and recording matters to and for the Minister. All determinations for the new regulations will be published on the PIRSA website for your reference.

To simplify arrangements, where possible licence conditions relating to the prescribed procedural requirements have been incorporated into the relevant Ministerial determination and deleted from licences. In some instances, existing licence conditions have been amended to update species name, date, or name of personnel. New licence conditions have been included to compliment regulatory amendments. Amended and new licence conditions will be implemented on all Charter Boat Fishery licences.

Other than Ministerial determinations, a small number of regulatory changes were also made through Simplify Day to a number of fisheries. In these instances, new licence conditions have been included on relevant licences to compliment the regulatory amendments. Some of these amendments to management arrangements have already been communicated to relevant licence holders. Those that have not are as follows:

- A definition of squid jig has been inserted into regulations.
- The maximum mesh size of a sardine net has been removed.
- Marking requirements for commercial fish receptacles has been simplified.
- The rules for Berley have been clarified.
- Provision has been made to allow for the take of Sandy Sprat, Blue Sprat and Maray in the Marine Scalefish Fishery.
- To maximise the benefits of licence amalgamation in the Marine Scalefish Fishery, the retention of accrued demerit points will apply to the licence with the least amount of demerit points.
- Fish name references have been updated consistent with the Australian Fish Names Standard.

Changes to licence conditions are detailed in Schedule 1 (Attachment 1) and a copy of the Ministerial determinations made in place of regulation where required are detailed in attachment 2.

The new regulatory amendments and licence conditions take effect from 15 January 2018.

**REVIEW AND APPEAL RIGHTS**

Licence holders have a right under section 111 of the *Fisheries Management Act 2007* to seek a review of a variation or imposition of a licence condition or refusal to issue, renew or consent to the transfer of an authority. Appeal rights also exist under section 112 of the *Fisheries Management Act 2007* to the District Court.
If you have any queries regarding these arrangements or would like a copy of the amended regulations referred to above, please contact Rebecca Atkins, Charter Boat Fishery Manager on 8429 0241 or rebecca.atkins@sa.gov.au.

Yours sincerely

[Signature]

Peter Dietman
A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE POLICY
SCHEDULE 1 (ATTACHMENT 1)

LICENCE CONDITIONS commence 15 January 2018

Licence condition amendments to address administrative needs

The following conditions have been deleted from your licence and included in Ministerial determinations for Regulation 12:

1402
Fishing must not be undertaken pursuant to this licence for a period that includes more than one 24 hour period unless the licence holder or a registered master has contacted PIRSA Fishwatch on 1800 065 522 prior to departure and provided the following information: 
· "Licence number"
· "Time and Place of Departure"
· "Intended time and place of return (b)"
For the purpose of (a), a 24 hour period is the period commencing at midnight and ending at midnight the following day. Licence condition 1401 has been amended to refer to the Fisheries (General) Regulations 2017.

1401
The following conditions apply in relation to use of registered boats and distinguishing marks: 
· any registered boat that is endorsed on this licence may only undertake fishing activity pursuant to this licence at any one time and must not undertake fishing activity pursuant to any other Charter Boat Fishery licence or any other licence for another fishery at the same time; and
· if a registered boat that is endorsed on this licence is also registered by endorsement on another Charter Boat Fishery licence or a licence for another fishery, the boat must only display one distinguishing mark in accordance with regulation 16 of the Fisheries (General) Regulations 2000 and this mark must be the registration mark allotted to the boat in respect of this licence when fishing pursuant to this licence.

Licence condition 1205 has been amended to provide greater clarity. The intent has not altered

The licence holder, a registered master or a person acting as an agent of the licence holder must not have in their possession a registration tag issued in their name for the use of a recreational rock lobster pot issued by PIRSA Fisheries on board a registered boat at any time.

has been amended to the following:

The licence holder, a registered master or a person acting as an agent of the licence holder must not have in their possession a registration tag in their name for the use of a recreational rock lobster pot issued by PIRSA Fisheries on board a registered boat at any time.