SA Marine Parks: Commercial Fisheries Voluntary Catch/Effort Reduction Program

JULY 2013
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INTRODUCTION

The Marine Park network is now established in South Australian waters. Marine park management plans and restrictions are in place. The likely impacts on commercial fisheries have been estimated and now there is an opportunity to manage those impacts before restrictions take effect in October 2014.

The Government is taking the initiative to manage the commercial catch/effort reduction entirely through voluntary, market-based means. However, if the Voluntary Program is not successful in achieving the catch/effort reduction required, then the Government will need to consider its options for compulsory acquisition under the Marine Parks Act 2007.

The likely impacts on the commercial catch/effort of South Australian fisheries have been estimated in a recent South Australian Research and Development Institute (SARDI) report and these findings have been incorporated into this SA Marine Parks: Commercial Fisheries Catch/Effort Voluntary Reduction Program.

This is not a general industry restructure program. The framework for this Program is set out in the Displaced Commercial Fishing Policy Framework published by the Government in April 2011.

The Voluntary Catch/Effort Reduction Program outlined in this Plan will focus on providing an opportunity to commercial fishers to offer their licences and entitlements for inclusion in the reduction program. Payments will be made in consideration of those licences and entitlements accepted. The Government aims to remove all the fishing catch and effort that will be displaced when fishing restrictions in Marine Park zones take effect and also ensure the people of South Australia see the effective use of public money allocated for payments.

This Voluntary Catch/Effort Reduction Program will be administered by Primary Industries and Regions SA (PIRSA) commencing in July 2013. It should be noted that the power of the Minister for Agriculture, Food and Fisheries to authorise an ex gratia payment comes from the prerogative of the Crown (that is the personal powers of the Crown) to make payments and enter into contracts. This voluntary program is expected to be completed well in advance of 1 October 2014 when fishing restrictions will come into effect. The commercial fishing industry will be kept informed and provided with opportunities to provide advice as the Program progresses.

The Government is confident that Marine Parks can help maintain the health of the marine environment over the long term, which ultimately will help underpin South Australia’s valuable commercial fishing industries. The Government hopes that compulsory acquisition will not be required and encourages all the parties to work cooperatively on this important initiative.

If you require more information on this program please contact:

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OBJECTIVE OF THE PLAN

To provide clear direction on how the SA Marine Parks: Commercial Fisheries Voluntary Catch/Effort Reduction Program (the Program) will be conducted.

Scope

The South Australian Government aims to successfully manage catch/effort reduction through voluntary, market-based means. This plan is the outline of how that voluntary process will be achieved.

If the voluntary process is not successful in reducing catch/effort as required, the Government retains the option of compulsory acquisition under the *Marine Parks Act 2007*.

The Minister for Sustainability, Environment and Conservation retains responsibility for any compensation obligations arising under the *Marine Parks Act 2007*. Any individual claims for compensation for affected statutory rights will be considered by the Minister for Sustainability, Environment and Conservation following the implementation of restrictions on fishing in sanctuary zones in October 2014.

Further information on the proposed approach to compulsory acquisition and compensation is included in the *Displaced Commercial Fishing Policy Framework*, SA Government 2011. Available at:


BACKGROUND

In 2009 the South Australian Government created a network of 19 multiple-use Marine Parks under the *Marine Parks Act 2007*. In 2012 Marine Park management plans and zoning regulations were put into place. As such the impacts of Marine Parks on SA commercial fishing can now be estimated.

The impact of Marine Parks on fisheries will vary depending on the nature of the constraints and of the fishery itself i.e. the impacts of specific controls on fishing for migratory or pelagic species (Sardines) will be very different to those on fishing for sedentary species (Abalone).

Likely impacts on the commercial fishing industry have been estimated using available commercial fishing data, provided by fishers, and held by SARDI. Additional data, advice and comments received from industry have also been considered in this process. Where they could be validated or were considered appropriate, they were incorporated into the estimations in the November 2012 report “Estimates of historical commercial fishery catches/effort in final sanctuary and habitat protection zones in South Australia’s Marine Parks”. The additional data that was incorporated included fisher-defined fished areas for abalone and marine scale fisheries and pot-sampling data for Rocklobster.

The report is publicly available on the SARDI website at:

The impacts estimated by SARDI and the implications for the Program for each sector are as follows:

**Sardine Fishery**

Since 2000 an average of 1.93% (449t) of the South Australian sardine catch has been harvested each year from the final sanctuary zones (varying from 0% in 2000 to 11.18% in 2011). PIRSA has determined that this amount of estimated displacement can be sustainably redistributed in the sardine fishery and therefore reductions in sardine catch and effort will not be sought during the Program.

**Prawn Fisheries**

Historical data confirms that 0.09% (1,791kg) of the average annual catch in the Spencer Gulf Prawn Fishery and 0.56% (1,136kg) from the Gulf St Vincent Prawn Fishery have been harvested from the final sanctuary and habitat protection zones. The catch from the West Coast Prawn Fishery is confidential due to the limited number of operators. PIRSA has determined that up to 2% of estimated displacement can be sustainably redistributed in the prawn fisheries and therefore reductions in prawn catch and effort will not be sought during the Program.

**Abalone Fisheries**

Over the last 21 years it is estimated that an annual average of 1.02% (2,967kg) of Blacklip and 1.48% (3,120kg) of Greenlip abalone in the Western Zone Regional A were harvested from the final sanctuary zones. For the Western Zone B an estimated annual average 17.19% (2,592kg) of Blacklip and 34.31% (8,248kg) of the Greenlip were harvested from the final sanctuary zones. In the Central Zone it is estimated the annual average of 11.11% (3,848kg) of Blacklip and 1.18% (1,683kg) of Greenlip were harvested from the final sanctuary zones. The estimated annual catch in the final sanctuary zones in the Southern Zone is very low (approx. 14kgs). The overall impact on the historical catch of the Western Zone is 3.14% and for the Central Zone 3.11%. The proportions (percentages) of quota units (with a preference for a whole licence) to be sought during the Program are as follows:

<table>
<thead>
<tr>
<th>Abalone Fishery</th>
<th>Historical Annual Catch (ww)</th>
<th>Historical Sanctuary Catch Displaced</th>
<th>Average historical Catch Displaced (%)</th>
<th>Reduction Program Target (see note following regarding Western Zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Zone A – Blacklip</td>
<td>Ave 290t</td>
<td>Ave 3t</td>
<td>1.02%</td>
<td>1.02% = 12 quota units</td>
</tr>
<tr>
<td>Western Zone A – Greenlip</td>
<td>Ave 211t</td>
<td>Ave 3.1t</td>
<td>1.48%</td>
<td>1.48% = 17 quota units</td>
</tr>
<tr>
<td>Western Zone B – Blacklip-Greenlip</td>
<td>Ave 39t</td>
<td>Ave 10.8t</td>
<td>27.71%</td>
<td>27.71% = 64 quota units</td>
</tr>
<tr>
<td>Central Zone – Blacklip</td>
<td>Ave 35t</td>
<td>Ave 3.8t</td>
<td>11%</td>
<td>11% = 34 quota units</td>
</tr>
<tr>
<td>Central Zone – Greenlip</td>
<td>Ave 143t</td>
<td>Ave 1.7t</td>
<td>1.18%</td>
<td>1.18% = 4 quota units</td>
</tr>
</tbody>
</table>

PIRSA has commenced work to allow for the amalgamation of Region A and Region B in the Western Zone Abalone Fishery into a single region. This action will result in an amended
Reduction Program Target for Western Zone Abalone (with the same kg of Blacklip and Greenlip catch to be removed but will be expressed in terms of new amalgamated Western Zone quota units).

Industry and Government preference is for a whole licence/s to be removed from the Western Zone. The amalgamation will assist this process and is likely to have other positive fishery management effects.

Licence holders who are interested in offering a whole licence are encouraged to apply as the conversion to amalgamated quota is a calculation that can be managed at any time, including after an application has been accepted. Once an agreement to surrender has been entered into, quota that is excess to the effort reduction required could either be transferred by the licence holder to other fisher/s or if the excess is surrendered to the Government (as part of a whole licence) it is planned to be returned to the fishery. PIRSA is investigating appropriate methods to achieve this.

**Rocklobster Fisheries**

In the Northern Zone the historical annual average catch harvested from the final sanctuary zones was 5.70% (37,266kg) and in the Southern Zone it was 0.33% (5,490kg). The proportions (percentages) of catch and effort units (quota units and pots, with a preference for whole licences) to be sought during the Program are as follows:

<table>
<thead>
<tr>
<th>Rocklobster Fishery</th>
<th>Historical Fishery Catch</th>
<th>Historical Sanctuary Catch Displaced</th>
<th>Average historical Catch Displaced (%)</th>
<th>Reduction Program Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Zone</td>
<td>Ave 652 t</td>
<td>Ave 37.2t</td>
<td>5.7%</td>
<td>5.7% = 3563 Quota units (approx 225 pots)</td>
</tr>
<tr>
<td>Southern Zone</td>
<td>Ave 1,663t</td>
<td>Ave 5.5t</td>
<td>0.33%</td>
<td>0.33% = 40 pots</td>
</tr>
</tbody>
</table>

**Marine Scalefish Fishery**

The average annual catch and effort within the final sanctuary zones for the Handline fishery is 3.14% (863 days), the Longline fishery is 3.91% (225 days), Haulnet fishery is 9.76% (701 days) and Other Gear Type fishery is 3.11% (672 days). Licences accounting historically for the number of fishing days displaced will be sought during the Program as follows:

<table>
<thead>
<tr>
<th>Marine Scale Fishery – gear type</th>
<th>Historical Fishery Effort</th>
<th>Historical Sanctuary Effort Displaced</th>
<th>Average Historical Effort Displaced (%)</th>
<th>Reduction Program Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handline</td>
<td>26,624 fishing days</td>
<td>863 fishing days</td>
<td>3.14%</td>
<td>Licences accounting historically for 863 handline fishing days</td>
</tr>
<tr>
<td>Longline</td>
<td>5754 fishing days</td>
<td>225 fishing days</td>
<td>3.91%</td>
<td>Licences accounting historically for 225</td>
</tr>
<tr>
<td>Fishery</td>
<td>Historical Fishery effort</td>
<td>Historical Sanctuary Effort Displaced</td>
<td>Average historical effort Displaced %</td>
<td>Effort Reduction Program Purchase Targets</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------</td>
<td>--------------------------------------</td>
<td>--------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Haul Net</td>
<td>7,182 fishing days</td>
<td>701 fishing days</td>
<td>9.76%</td>
<td>Licences accounting historically for 701 haulnet fishing days</td>
</tr>
<tr>
<td>Other gear</td>
<td>21,607 fishing days</td>
<td>672 fishing days</td>
<td>3.11%</td>
<td>Licences accounting historically for 672 other fishing days</td>
</tr>
</tbody>
</table>

Calculations of effort days will be based on licence holders fishery returns on record for the last five years. An average of the best 4 of the last 5 years approach will be used from 2007/08 to 2011/12.

PIRSA policy is that catch/effort history does not transfer with a licence/entitlement. Only the catch/effort history of current holders will be considered. For applicants with less than five years catch/effort history, the lowest catch/effort year will be eliminated and an average of the remaining years calculated.

**Blue Crab Fishery**

Over the past 15 years the average annual catch has been 536,590kg. The catch and effort within the final sanctuary zones is confidential due to the limited number of operators. However as the estimated displaced catch and effort for this fishery is below the level determined by PIRSA to be able to be sustainably redistributed in the fishery (i.e. 0.5%), therefore, reductions in blue crab catch and effort will not be sought during the Program.

**Charter Boat Fishery**

The State wide annual Charter Boat Fishery effort has averaged 5.21% (1,136 person days) in the final sanctuary zones. The proportion of effort units (licences) to be sought during the Program is as follows:

<table>
<thead>
<tr>
<th>Fishery</th>
<th>Historical Fishery effort</th>
<th>Historical Sanctuary Effort Displaced</th>
<th>Average historical effort Displaced %</th>
<th>Effort Reduction Program Purchase Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charter</td>
<td>21,808 customer days</td>
<td>1,136 customer days</td>
<td>5.21%</td>
<td>Licences accounting historically for 1,136 customer days</td>
</tr>
</tbody>
</table>

Calculations of effort days will be based on licence holders fishery returns on record for the last five years. An average of the best 4 of the last 5 years approach will be used from 2007/08 to 2011/12.

South Australian Government policy is that catch/effort history does not transfer with a licence/entitlement. Only the catch/effort history of current holders will be considered. For applicants with less than five years catch/effort history, the lowest catch/effort year will be eliminated and an average of the remaining years calculated.
SUMMARY OF THE PROCESSES TO BE APPLIED

The Program

The Program will be directly managed by PIRSA in collaboration with the Department of Environment, Water and Natural Resources (DEWNR) and the Department of Treasury and Finance (DTF). Well established and transparent administrative arrangements will be used throughout the Program.

Management of the Program will be undertaken in accordance with the Public Finance and Audit Act 1987, State Procurement Act, 2004 and relevant Treasury policies and procedures. It should be noted that the process will operate independently of (but consistently with) the provisions of the Fisheries Management Act 2007 and Marine Parks Act 2007. Any agreements reached through the Program will necessarily result in transactions under the Fisheries Management Act 2007 in relation to the surrender of relevant fisheries licences or licence entitlements.

Process/Steps

The Government of SA will seek the voluntary surrender of catch/effort units in the following fisheries:

- Abalone (Western Zone and Central Zone);
- Rocklobster (Northern Zone and Southern Zone);
- Marine Scalefish; and
- Charter Boat.

All holders of related catch/effort unit entitlements in these fisheries will be invited to lodge offers to voluntarily surrender their entitlements (quota units, pots and/or licences) concurrently.

The Program incorporates general principles of good administrative decision making and procedural fairness. The Minister for Agriculture, Food and Fisheries or a nominated delegate will consider each offer and will make a decision to either accept or reject each offer to surrender. The decision will be formally conveyed in writing to the relevant licence holder. Licence holders will be afforded a right to a review of the decision by a nominee of the Minister.

An information package on the invitation to surrender processes will be distributed to the holders of licences in the fisheries above and will include the Program Plan and form for offer to voluntarily surrender.

A Technical Advisory Group which includes independent experts will be established to evaluate offers to surrender catch and effort entitlements and to make recommendations to the Minister or delegate.

Offers to surrender commercial fishing entitlements will be assessed by the Technical Advisory Group against the following key considerations:

- Whether the offer will reduce catch and effort from the fishery and/or sanctuary zones;
- Whether the offer reflects an effective use of public money with appropriate monetary consideration relevant to recent historic transactions and current open market prices; and
- Minimising impacts on future fisheries management arrangements – for non-quota fisheries no splitting of licence packages/entitlements will be considered.
See Attachment 1 for further detail on assessment criteria.

The steps to be undertaken include:

- Provision of information packages to current fishing licence holders in relevant sectors
- Invitation to licence holders for offers to voluntarily surrender within a set timeframe
- Evaluation of offers against the assessment criteria by the Technical Advisory Group
- Technical Advisory Group recommendations to the Minister or delegate for decision on each offer
- Formal response to successful and unsuccessful applicants
- Deed for surrender entered into between licence holder and Minister
- Voluntary surrender of licence and/or licence entitlements transaction under *Fisheries Management Act 2007*
- Payment of monetary sum by Government of SA.

**Timetable**

The Program will commence in July 2013 and is expected to be completed prior to 1 October 2014 when legislated restrictions on fishing in sanctuary zones under the *Marine Parks Act 2007* come into effect.

**Program Implementation**

1. Open invitation to voluntarily surrender licenses - 6 weeks
2. Information provision - 6 weeks (commencing and concurrent with 1)
3. Evaluation of surrender offers - 5 weeks
4. Decision of the Minister or delegate - 2 weeks
5. Advice to the Government - 1 week
6. Advice to all applicants (from date of decision) - 2 weeks
7. Finalisation of Deeds - 2 weeks

The Minister for Agriculture, Food and Fisheries or delegate may accept all, some or none of the offers to surrender. Finalisation of any agreement under the Program will require the endorsement of both the Minister or delegate and the applicant licence holder.

All possible Program applicants are encouraged to obtain independent taxation and business planning advice before making any final decisions.

**Coordination with Other Agencies**

While the State Government is undertaking this Program, the Australian Government will likely be progressing a Fishing Industry Structural Adjustment Program associated with Commonwealth Marine Reserves. This Australian Government initiative may also involve the reduction of commercial fishing catch and effort. It is possible that some South Australian commercial fishers, who operate in both State and Commonwealth waters, may be dealing with the two governments on fisheries catch and effort reduction programs at the same time.
The South Australian Government will continue to work closely with the Australian Government to coordinate these processes, as was achieved with the alignment of Commonwealth Marine Reserves and State Marine Park zoning.

GOVERNANCE ARRANGEMENTS

Technical Advisory Group

Role

- To assess offers to voluntarily surrender and make recommendations to the Minister or delegate to accept or decline catch/effort offers.

Membership

Members of the panel will be appointed by the Minister or delegate. The Technical Advisory Group will be expertise based and will include representatives of the parties listed below. Some observers will attend as required to ensure that they are kept well informed and to contribute on specific issues.

- PIRSA (Chair)
- PIRSA (Fisheries Management)
- Independent Fishing Industry Expert
- Independent Fisheries Management Expert
- Independent Catch/Effort Reduction Advisor

Operational Arrangements

The Technical Advisory Group will meet as required while the Reduction Program is underway.

The Technical Advisory Group will operate in accordance with the Terms of Reference and guidance provided by the Minister or delegate.

Records of each meeting will be created and circulated to all members.

An independent Probity Advisor, PIRSA Probity staff and representatives of the Department of Environment, Water and Natural Resources and Department of Treasury and Finance will observe the meetings and deliberations of the Technical Advisory Group.

Reporting

The Technical Advisory Group Chair will provide regular progress reports and specific recommendations to the Minister for Agriculture, Food and Fisheries or delegate.

Independent Fishing Industry Expert (Member)

Will provide independent advice to the Technical Advisory Group on the possible impacts on and the likely views of the South Australian fishing industry and advice on effective communications between the relevant parties.
Independent Fisheries Management Expert (Member)

Will provide independent advice to the Technical Advisory Group on the current and likely future fishery management implications of recommendations and where appropriate suggest alternatives for consideration.

Independent Catch/Effort Reduction Advisor (Member)

Will provide independent advice to the Technical Advisory Group on the processes to be applied to ensure recent experience from other fisheries reduction projects are incorporated into the design and conduct of the Reduction Program.

Independent Probity Advisor (Observer)

Will provide independent advice to the Technical Advisory Group on the program design and operations, including the application of appropriate governance arrangements.

Ministerial Oversight

The South Australian Minister for Agriculture, Food and Fisheries or delegate will provide direction to the Program, consider offers from licensees to surrender, and where appropriate approve the surrender of fishing licences and or catch and effort units as a result of agreements made from this process.

Review Process

Recommendations made by the Technical Advisory Group will be based on the information provided by the entitlement holder in the offer to surrender, the catch/effort data previously provided by the entitlement holder to PIRSA and evaluated against the criteria outlined in the Plan.

The Minister for Agriculture, Food and Fisheries or delegate may accept all, some or none of the offers to surrender. If an applicant licence holder is of the opinion that they have been unfairly treated by a decision of the Minister or delegate to decline their surrender offer as part of the catch/effort reduction program, they may within 30 days:

- Write to the Minister for Agriculture, Food and Fisheries or delegate providing full details of their concern and seek a review of the decision.

Licence holders should include any relevant information they want to be considered at the time of submitting their offer, it would not be appropriate for new information to be submitted, after all offers have been assessed. The review will ensure the decision has been based on the correct information and appropriate processes have been followed.

COMMUNICATIONS

The overarching communication objective will be keeping the South Australian commercial fishing industry – specifically those directly impacted – informed of key processes, timelines and how to get further advice.
ATTACHMENT 1

Commercial Fishery Voluntary Catch/Effort Reduction Program – Assessment Criteria

Offers to voluntarily surrender commercial fishing entitlements will be assessed by the Technical Advisory Group against the following key considerations:

- Whether the offer will reduce catch and effort from the fishery and/or sanctuary zones;
- Whether the offer reflects an effective use of public money with appropriate monetary consideration relevant to recent historic transactions and current open market prices; and
- Minimising impacts on future fisheries management arrangements – for non-quota fisheries no splitting of licence packages/entitlements will be considered.

The fishery specific assessment criteria and factors that may influence assessment of offers are:

<table>
<thead>
<tr>
<th>Fishery</th>
<th>Catch/Effort Unit</th>
<th>Criteria to be considered:</th>
<th>Assessment may also consider:</th>
</tr>
</thead>
</table>
| Abalone (Western Zone)         | Quota unit                 | • Price offered per quota unit  
|                                |                            | • Number and type of quota units offered (parcel)  
|                                |                            | • Minimum quota holding¹  | • Mix of Blacklip, Greenlip and Region B quota units offered  
|                                |                            |                            | • Parcel size (seeking to remove a whole licence if possible)  
|                                |                            |                            | • Catch/effort history in sanctuary zones  |
| Abalone (Central Zone)         | Quota unit                 | • Price offered per quota unit  
|                                |                            | • Number and type of quota units offered (parcel)  
|                                |                            | • Minimum quota holding¹  | • Mix of Blacklip and Greenlip quota units offered  
|                                |                            |                            | • Parcel size  
|                                |                            |                            | • Geographical location (affected areas)  
|                                |                            |                            | • Catch/effort history in sanctuary zones  |
| Rocklobster (Northern Zone)    | Quota units and pots       | • Price offered per quota unit  
|                                |                            | • Number of quota units and pots offered (parcel)  
|                                |                            | • Minimum pot holding¹  | • Parcel size (seeking to remove whole licences if possible)  
|                                |                            |                            | • Pots included in proportion to quota units  
|                                |                            |                            | • Catch/effort history in sanctuary zones  
|                                |                            |                            | • Geographical location (affected areas)  
|                                |                            |                            | • SA marine scale endorsements and catch/effort history  |
| Rocklobster                    | Pot                        | • Price offered per pot      | • Parcel size (seeking to remove  |

¹ An application to surrender quota units that would result in the licence holder breaching the minimum quota/pot holding will not be considered.
| (Southern Zone) | • Number of pots offered (parcel)  
• Minimum pot holding¹ | a whole licence if possible)  
• Catch/effort history in sanctuary zones  
• Geographical location (affected areas)  
• SA marine scale endorsements and catch/effort history |
|----------------|--------------------------------------------------|
| Marine Scale Licence | • Whole licences only  
• Price offered per licence  
• Catch/effort history in fishery  
• Licence type, conditions, endorsements | • Catch/effort history in sanctuary zones  
• Species composition of catch history  
• Geographical location (affected areas) |
| Charter Boat Licence | • Whole licences only  
• Price offered per licence  
• Catch/effort history in fishery | • Catch/effort history in sanctuary zones  
• Geographical location (affected areas) |

Calculations of effort days will be based on licence holders fishery returns on record for the last five years. An average of the best 4 of the last 5 years approach will be used from 2007/08 to 2011/12.

PIRSA policy is that catch/effort history does not transfer with a licence/entitlement. Only the catch/effort history of current holders will be considered. For applicants with less than five years catch/effort history, the lowest catch/effort year will be eliminated and an average of the remaining years calculated.