



Our ref: CORP F2022/000170

CORPORATE SERVICES
Level 15
25 Grenfell Street
Adelaide SA 5000
GPO Box 1671
Adelaide SA 5001
DX 667
Tel 8429 0422
www.pir.sa.gov.au

19 July 2022

Hon Nicola Centofanti MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear Ms Centofanti

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* which was received by the Department of Primary Industries and Regions (PIRSA) on 25 May 2022, seeking access to the following:

"A copy of all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries, event attendance records and any other correspondence) between Department of Primary Industries and Regions South Australia and the Minister for Primary Industries (including directly with staff in the Office of the Minister for Primary Industries), relating to the allocation of additional quota units in the marine scalefish fishery between the dates of 21 March 2022 to 16 May 2022."

Pursuant to Section 14A of the Freedom of Information Act, the legislative timeframe in which to provide a determination was extended until 21 July 2022.

Accordingly, the following determination has been finalised.

I have located ninety-four documents that are captured within the scope of your request.

Determination 1

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
2	Email from G Begg (PIRSA) to M Spencer (Office of the Minister for Primary Industries and Regional Development) dated 3/5/2022 re SACAT decisions	1
5	Email from G Begg (PIRSA) to M O'Brien (Office of the Minister for Primary Industries and Regional Development), M Doroudi (PIRSA) dated 4/5/2022 re exceptional circumstances - website	1

7	Email from G Begg (PIRSA) to M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 20/4/2022 re Fisheries management briefing	2
16	Email thread between S Smart (Office of the Minister for Primary Industries and Regional Development), B Bonsell (PIRSA), G Begg (PIRSA) dated 12/5/2022 re additional letters	2
16a	Attachment to Doc 16 – Draft letter to licence holders with MSF access and stakeholders	2
20a	Attachment to Doc 20 – Letter to marine scalefish fishery licence holders dated 20/10/2020	3
20c	Attachment to Doc 20 – Marine Scalefish Fishery reform – Stage 3 Information – 1/7/2021	11
22	Email from M Spencer (Office of the Minister for Primary Industries and Regional Development) to G Begg (PIRSA) dated 4/5/2022 re Ministerial Statement	1
23	Emails between M Spencer (Office of the Minister for Primary Industries and Regional Development), M Doroudi (PIRSA), G Begg (PIRSA) dated 3/5/2022 re draft Ministerial Statement	1
26	Emails between G Begg (PIRSA), M O'Brien (Office of the Minister for Primary Industries and Regional Development), J Presser (PIRSA), A Collins (PIRSA) dated 19/4/2022 re SACAT	2
28	Email from G Begg (PIRSA) to M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 4/5/2022 re Webpage – Exceptional circumstances process	1
29b	Attachment to Doc 29 – Letter to marine scalefish fishery licence holders dated 20/10/2020	3
29d	Attachment to Doc 29 – Marine Scalefish Fishery reform – Stage 3 Information dated 1/7/2021	11
30	Email from G Begg (PIRSA) to M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 20/4/2022 re media articles – Marine Scalefish Fishery Reform	3
31	Email from G Begg (PIRSA) to M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 12/5/2022 re MSF briefing	1
35	Emails between G Begg (PIRSA) and M Spencer (Office of the Minister for Primary Industries and Regional Development) dated 3/5/2022 re SACAT decisions	2
41	Emails between Minister Scriven, M Spencer (Office of the Minister for Primary Industries and Regional Development), G Begg (PIRSA) dated 4/5/2022 re Ministerial statement	1
42	Emails between M Doroudi (PIRSA), M Spencer, M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 4/5/2022 re Minute to Minister	2
43	Email thread between M Spencer (Office of the Minister for Primary Industries and Regional Development), M Doroudi (PIRSA), G Begg (PIRSA) dated 3/5/2022 re Ministerial Statement	2

47	Emails between M O'Brien (Office of the Minister for Primary Industries and Regional Development) and G Begg (PIRSA) dated 11/4/2022 re SACAT briefing	1
50	Email from M O'Brien (Office of the Minister for Primary Industries and Regional Development) to G Begg (PIRSA) dated 28/4/2022 re SACAT	1
54a	Attachment to Doc 54 – Communications action plan	5
54b	Attachment to Doc 54 – Draft letter to licence holders with MSF access and stakeholders	2
54d	Attachment to Doc 54 – Letter to licence holders with exceptional circumstances	1

The information removed from Documents 7 and 50 is outside of the scope of your application.

Determination 2

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
16b	Attachment to Doc 16 – Draft letter to licence holders with SACAT decisions	1
17	Email from G Begg (PIRSA) to M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 4/5/2022 re SACAT	1
46	Emails between M O'Brien (Office of the Minister for Primary Industries and Regional Development), J Presser (PIRSA), G Begg (PIRSA) dated 5/5/2022 re SACAT	1
48	Emails between M O'Brien (Office of the Minister for Primary Industries and Regional Development) and G Begg (PIRSA) dated 11/4/2022 re SACAT Briefs	1
54c	Attachment to Doc 54 – Draft letter to licence holders with SACAT decisions	1

The information removed from the above documents is refused pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information Act which states:

"6 - Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)."

The information removed from Documents 16b, 17, 46 and 54c consists of the names of licence holders.

The information removed from Document 48 consists of personal information.

The term 'personal affairs' has been held to involve 'matters of private concern to an individual' and the 'composite collection of activities personal to the individual concerned'.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Determination 3

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
5a	Attachment to Doc 5 – Draft website document titled "Exceptional circumstances process – PIRSA"	3
6	Emails between G Begg (PIRSA), M O'Brien (Office of the Minister for Primary Industries and Regional Development), M Doroudi (PIRSA) dated 4/5/2022 re Exceptional circumstances – website	2
16c	Attachment to Doc 16 – Draft letter to licence holders with exceptional circumstances	2
37	Email thread between G Begg (PIRSA), F Koleff (PIRSA), M Spencer (Office of the Minister for Primary Industries and Regional Development) dated 4/5/2022 re exceptional circumstances website	2
38	Emails between F Koleff (PIRSA), G Begg (PIRSA), M Spencer (Office of the Minister for Primary Industries and Regional Development) dated 4/5/2022 re exceptional circumstances website	3

The information removed from the above documents is pursuant to Clause 9(1) of Schedule 1 of the Freedom of Information Act which states:

"9—Internal working documents

(1) A document is an exempt document if it contains matter—

(a) that relates to -

(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or

(ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and

(b) the disclosure of which would, on balance, be contrary to the public interest."

The documents consist of various iterations of the drafting of information for the exceptional circumstances page of the PIRSA website.

In addressing the public interest test for the exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- It is expected that officers can suggest changes to information of a sensitive nature without fear that this information is released into the public domain.
- If various ideas and opinions were unable to be expressed, this would lead to less effective decision-making and potentially result in mis-informing the public of matters of interest.
- Disclosing this information may compromise the manner in which information is gathered in the future for the decision-making processes of Government to the detriment of the betterment for South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 4

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
27	Emails between Digital Communications Team (PIRSA), G Begg (PIRSA), M Spencer, M O'Brien (Office of the Minister for Primary Industries and Regional Development) dated 4/5/2022 re Webpage – Exceptional circumstances process	2
54	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 5/5/2022 re Communications Plan – Outcome of SACAT external reviews – Noted 11/5/2022	3
55	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 5/5/2022 re Communications Plan – Outcome of SACAT external reviews	3

The information removed from the above documents is pursuant to Clause 10(1) of Schedule 1 of the Freedom of Information Act.

The documents refer to consultation between PIRSA and the Crown Solicitor's Office/legal representatives referring to advices given or to be given, and is considered legally privileged.

Determination 5

I have determined that access to the following document is **refused**:

Doc No.	Description of document	No. of Pages
49a	Attachment to Doc 49 – Cabinet Submission	14

Access to the above document is refused pursuant to Clause 1(1)(c) of Schedule 1 of the Freedom of Information Act which states:

“1 – Cabinet documents

(1) A document is an exempt document –

(c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b);

The document consists of a copy of a Cabinet Submission (whether or not it had been submitted to Cabinet).

Determination 6

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
3	Email dated 28/4/2022 re Cabinet matter	1
4	Email dated 29/4/2022 re Cabinet matter	2
13	Email thread dated 29/4/2022 re Cabinet matter	2
15	Email thread dated 29/4/2022 re Cabinet matter	2
32	Emails dated 21/4/2022 re Cabinet matter	2
33	Email dated 24/4/2022 re Cabinet matter	3
34	Emails dated 23/4/2022 and 25/4/2022 re Cabinet matter	1
36	Email thread dated 28/4/2022 re Cabinet matter	2
44	Email dated 29/4/2022 re Cabinet matter	2
49	Email thread dated 23/4/2022 to 26/4/2022 re Cabinet matter	2

Access to the above documents is refused pursuant to Clause 1(1)(e) of Schedule 1 of the Freedom of Information Act which states:

“1 – Cabinet documents

(1) A document is an exempt document –

(e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;”

The information removed would reveal detail of matters considered in Cabinet.

With respect to Document 33, the originating email is the information in scope and is refused as above.

With regard to Document 44, the most recent email is the information in scope and is refused as above.

Determination 7

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
12	Email thread dated 9/5/2022 and 10/5/2022 re Briefing	3
19	Email thread dated 10/5/2022 re Marine Scale Fishery	3
20	Emails dated 11/5/2022 and 16/5/2022 re Marine scale fishery	2
20f	Attachment to Doc 20 – Fast Facts	7
29	Email dated 11/5/2022 re Marine scale fishery	1
29a	Attachment to Doc 29 – Fast Facts	6
39	Email thread dated 10/5/2022 to 11/5/2022 re Marine scale fishery	7
45	Emails dated 19/4/2022 re SACAT	2

Access to the above documents is refused pursuant to Clause 9(1) of Schedule 1 of the Freedom of Information Act.

The documents consist of information sought to enable decision-making to be undertaken.

In addressing the public interest test for the exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- It is expected that officers can obtain information of a sensitive nature and discuss with their colleagues without fear that this information is released into the public domain.
- If documents of this nature were disclosed, officers would be more hesitant when preparing and discussing this detail which, in turn, may result in less effective decision-making.
- Disclosing this information may compromise the manner in which information is gathered in the future for the decision-making processes of Government to the detriment of the betterment for South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of these documents would, on balance, be contrary to the public interest.

Determination 8

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
1	Email dated 4/5/2022 re SACAT decisions	2
8	Email thread dated 21/4/2022 re Appeals	2
9	Email thread dated 21/4/2022 re Appeals	4
10	Email thread dated 21/4/2022 re Appeals	3
11	Email thread dated 20/4/2022 re Appeals	2
14	Email thread dated 16/5/2022 attaching SACAT Order of the Tribunal dated 13/5/2022	2
18	Email thread dated 14/4/2022 to 2/5/2022	5
21	Email thread dated 14/4/2022	2
24	Email thread dated 29/4/2022 attaching Crown Solicitor's Office Memorandum of Opinion dated 28/4/2022	6
25	Email thread dated 14/4/2022 to 21/4/2022	6
40	Email thread dated 14/4/2022	3
51	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 6/4/2022	6
51a	Attachment to Doc 51 – Crown Solicitor's Office Opinion dated 28/2/2022	11
51d	Attachment to Doc 51 – Crown Solicitor's Office Opinion dated 1/4/2022	3
52	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 14/4/2022	8
52a	Attachment to Doc 52 – Legal advice dated 5/4/2022	13
53	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 4/5/2022	3

Access to the above documents is refused pursuant to Clause 10(1) of Schedule 1 of the Freedom of Information Act.

The documents refer to consultation between PIRSA and the Crown Solicitor's Office/legal representatives referring to advices given or to be given, and is considered legally privileged.

Determination 9

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
14a	Attachment to Doc 14 – SACAT Order of the Tribunal dated 13/5/2022	2
17a	Attachment to Doc 17 – SACAT Order of the Tribunal dated 19/2/2022	22
17b	Attachment to Doc 17 – SACAT Order of the Tribunal dated 22/3/2022	16
17c	Attachment to Doc 17 – SACAT Order of the Tribunal dated 24/3/2022	15
17d	Attachment to Doc 17 – SACAT Order of the Tribunal dated 18/2/2022	25
18a	Attachment to Doc 18 – SACAT Order of the Tribunal dated 14/4/2022	7
51b	Attachment to Doc 51 – SACAT Order of the Tribunal dated 22/3/2022	16
51c	Attachment to Doc 51 – SACAT Order of the Tribunal dated 24/3/2022	15
53a	Attachment to Doc 53 – SACAT Order of the Tribunal dated 14/4/2022	7

Access to the above documents is refused pursuant to Clause 11(c) of Schedule 1 of the Freedom of Information Act which states:

“11—Documents relating to judicial functions etc

A document is an exempt document if it contains matter—

- (c) prepared by or on behalf of a court or tribunal (including any order or judgment made or given by the court or tribunal) in relation to proceedings that are being heard or have been heard before the court or tribunal.”*

The documents consist of Orders of the Tribunal in relation to proceedings that have been heard by the South Australian Civil and Administrative Tribunal.

Determination 10

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
20b	Attachment to Doc 20 – Indicative Individual Transferable Quota (ITQ) Allocation dated 2/11/2020	2
20d	Attachment to Doc 20 - Spreadsheet	2

20e	Attachment to Doc 20 – Fisheries Management (Marine Scalefish Fishery) Regulations 2017 - Allocation of individual transferable quota unit entitlements dated 1/7/2021	2
29c	Attachment to Doc 29 – Indicative Individual Transferable Quota (ITQ) Allocation dated 2/11/2020	2
29e	Attachment to Doc 29 - Spreadsheet	2
29f	Attachment to Doc 29 – Fisheries Management (Marine Scalefish Fishery) Regulations 2017 - Allocation of individual transferable quota unit entitlements dated 1/7/2021	2

Access to the above documents is refused pursuant to Clause 12(1) of Schedule 1 of the Freedom of Information Act and Section 124(1) of the *Fisheries Management Act 2007*.

Clause 12(1) states:

“12—Documents the subject of secrecy provisions

- (1) *A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.”*

Section 124(1) of the Fisheries Management Act states:

“124 - Confidentiality

- (1) *A person engaged or formerly engaged in the administration of this Act or the repealed Act must not divulge or communicate information obtained (whether by that person or otherwise) in the course of official duties except—*
- (a) as required or authorised by or under this Act or any other Act or law; or*
 - (b) with the consent of the person to whom the information relates; or*
 - (c) in connection with the administration of this Act, the repealed Act or a corresponding law; or*
 - (d) to a law enforcement, prosecution or administrative authority of any Australian jurisdiction, where the information is required for the proper administration or enforcement of an Act or law of such a jurisdiction; or*
 - (e) for the purposes of any legal proceedings arising out of the administration of this Act, the repealed Act or a corresponding law.*

Maximum penalty: \$10 000.”

Accordingly, pursuant to Clause 12(1) of Schedule 1 of the Freedom of Information Act, the release of these documents would constitute an offence against an Act.

Determination 11

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
20g	Attachment to Doc 20 – Parliamentary Briefing Note dated 12/5/2022	7
22a	Attachment to Doc 22 – Draft Ministerial Statement	8
23a	Attachment to Doc 23 – Draft Ministerial Statement	5
31a	Attachment to Doc 31 - Parliamentary Briefing Note dated 12/5/2022	7
41a	Attachment to Doc 41 - Draft Ministerial Statement	8
43a	Attachment to Doc 43 – Draft Ministerial Statement	6

Access to the above documents is refused pursuant to Clause 17(c) of Schedule 1 of the Freedom of Information Act which states:

“17 – Documents subject to contempt etc

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown –
(c) infringe the privilege of Parliament.”*

The documents consist of briefing notes and draft Ministerial Statements which were specifically prepared for the purpose of use in proceedings in Parliament. Disclosure of this information would infringe the privilege of Parliament.

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation <https://archives.sa.gov.au/finding-information/information-held-sa-government/making-freedom-information-application#Review>, by completing the “FOI Application Form for Internal Review of a Determination” and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA’s disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf

If you disagree with publication, please advise the undersigned in writing within fourteen calendar days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Senior Freedom of Information Advisor on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely

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

Kristy Grant
Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS

From: [Begg, Gavin \(PIRSA\)](#)
To: [Spencer, Meagan \(PIRSA\)](#)
Cc: [Doroudi, Mehdi \(PIRSA\)](#)
Subject: Cabinet - SACAT decisions
Date: Tuesday, 3 May 2022 3:21:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL

Hi Meagan

Just confirming that we are preparing material to align with the Minister's statement in Parliament.

Please confirm timing so we can ensure PIRSA website and related comms material goes live just before Minister's statement.

Thanks

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



**Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity
| Courage & Tenacity | Sustainability**

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 4:34 PM
To: O'Brien, Mat (PIRSA); Doroudi, Mehdi (PIRSA)
Subject: Exceptional circumstances - WEBSITE
Attachments: Exceptional circumstances process_v2_GB_non EC added.docx

OFFICIAL: Sensitive

Hi Mat/Mehdi

As discussed, please see attached additional section on NON EC LICENCE HOLDERS for your review.

Regards

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



Government of South Australia

Department of Primary Industries
and Regions

Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity | Courage & Tenacity | Sustainability

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.


From: [Begg, Gavin \(PIRSA\)](#)
To: [O'Brien, Mat \(PIRSA\)](#)
Cc: [Gramola, Benn \(PIRSA\)](#); [Presser, Jon \(PIRSA\)](#)
Subject: Fisheries management briefing
Date: Wednesday, 20 April 2022 3:04:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL

Hi Mat

Please see below list of topics we can cover tomorrow:

Out of scope



- MSF reform – SACAT, Out of scope

Out of scope



Out of scope



If you want anything else covered we can discuss.

Regards

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



**Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity
| Courage & Tenacity | Sustainability**

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Thursday, 12 May 2022 10:49 AM
To: Presser, Jon (PIRSA); Collins, Abby (PIRSA)
Cc: Stone, Sam (PIRSA)
Subject: FW: eA197220 (A5425794) - approved by Minister - additional letters for attention
Attachments: eA197220 - A5425794 - Attachment B - MSF - Notice to fishers with MSF access and stakeholders- changes to MSF quota entitlements 06-05-2022 15_03_02.docx; eA197220 - A5425794 - Attachment C - MSF - letter to licence holders with SACAT decision re changes to MSF quota entitlements 06-05-2022 15_03_02.docx; eA197220 -A5425794 - Attachment D - MSF - letter to licence holders with EC re changes to MSF quota entitlements 06-05-2022 15_03_02.docx

Importance: High

OFFICIAL

Hi Abby/Jon – can you please update letters as attached, and have these sent out.

Thanks
Gavin

From: Bonsell, Bernadette (PIRSA) <Bernadette.Bonsell@sa.gov.au>
Sent: Thursday, 12 May 2022 10:08 AM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Cc: Presser, Jon (PIRSA) <Jon.Presser@sa.gov.au>
Subject: FW: eA197220 (A5425794) - approved by Minister - additional letters for attention
Importance: High

OFFICIAL

Hi Gavin,

Please see attached Minister's suggested changes to these attachments.

Kind regards
Bernie

From: Smart, Sharon (PIRSA) <Sharon.Smart@sa.gov.au>
Sent: Thursday, 12 May 2022 9:46 AM
To: Bonsell, Bernadette (PIRSA) <Bernadette.Bonsell@sa.gov.au>
Cc: Leppa, Kylie (PIRSA) <Kylie.Leppa@sa.gov.au>
Subject: eA197220 (A5425794) - approved by Minister - additional letters for attention
Importance: High

OFFICIAL

Hi Bernie

I refer to workflow eA197220 which has just now been finalised. Please note the Minister has provided suggested amendments to three of the attachments and these documents with tracked changes are attached for attention by the Department.

Kind regards,
Sharon

Sharon Smart | A/Office Manager
Office of the Minister for Primary Industries and Regional Development
Office of the Minister for Forest Industries

Level 10, 1 King William Street, Adelaide | GPO Box 1671 Adelaide SA 5001
P: +61 8 8226 2931 | E: minister.scriven@sa.gov.au



**Government of
South Australia**

The information contained within this email is confidential and may be the subject of legal privilege. This email is intended solely for the addressee, and if you are not the intended recipient you must not disclose, copy, use or distribute this email or any of its attachments. If you have received this email in error, please advise the sender immediately via reply email, delete the message and any attachments from your system, and destroy any copies made.



Ref: A5427710

Xx May 2022

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.au

Name
Address
Suburb

Dear licence holder [licence holders, industry associations and MACs]

I write to provide an update in relation to the allocation of new marine scalefish quota entitlements in the Marine Scalefish Fishery and the Northern Zone Rock Lobster Fisheries following the external review by the South Australian Civil Administrative Tribunal (SACAT) of some of the quota allocation decisions of the former Minister.

The decision of the former Minister to vary relevant fishery licences to allocate new marine scalefish quota entitlements in late June 2021 incorporated the consideration of exceptional circumstances. For this purpose, an exceptional circumstances process had been established in November 2020 to provide licence holders the opportunity to present a case for the Minister's consideration as to whether they had exceptional circumstances. As a matter of policy, the former Minister decided that any additional quota to be allocated based on a licence holder's exceptional circumstances would be limited to a pro-rata (or proportional) share of the total eligible catch history of licence holders who surrendered their licences in the Voluntary Licence Surrender Program after 2 November 2020.

Following the allocation of new marine scalefish quota entitlements decided on 29 June 2021, a number of licence holders sought an internal review of these decisions and subsequently sought an external review of the decision by the SACAT as is provided for under the *Fisheries Management Act 2007*.

While not all applications made by licence holders to the SACAT have been decided, the SACAT has made decisions in respect to five (5) licences to set aside the former Minister's quota allocation decision and remit those decisions back to the Minister to be reconsidered.

These decisions included consideration of the allocation of additional quota on the bases of exceptional circumstances. The SACAT found that the pro-rata policy used to determine the amount of additional quota should not have been applied.

The newly appointed Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC, announced on 4 May 2022 that, after consideration of the ~~orders made by the SACAT, she has accepted the~~ SACAT findings that the pro-rata policy should not have been used to determine the quantum of additional quota where exceptional circumstances existed. ~~The Minister will, therefore, reconsider the former Minister's decisions of the former Minister that incorporated the allocation of additional quota units to licence holders who had been found to have exceptional circumstances~~

without applying the pro-rata policy. The remedy to correct the error will require additional quota entitlements to be allocated in the Marine Scalefish Fishery and the Northern Zone Rock Lobster Fisheries with variations according to species and fishing zones.

Those licence holders who did not apply for, or were not considered to have exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

To provide an indication of the potential changes, the table below shows an estimation of additional units that may apply for each species in each fishing zone as a result of reconsidering exceptional circumstance allocations.

These figures are a preliminary indication and will be subject to change following the completion of outstanding review hearings before the SACAT and a comprehensive examination of the quota allocated to all licences in the Marine Scalefish Fishery, Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery.

	GSV calamari	SG calamari	GSV garfish	SG garfish	GSV KGW	SG KGW	GSV snapper	SE snapper	SG snapper	WC snapper
Quota Units allocated 1 July 2021										
MSF	4000.00	3928.00	2000.00	1998.00	1944.00	1958.00	3972.00	1548.00	3984.00	992.00
NZRL	0.00	72.00	0.00	2.00	56.00	42.00	28.00	36.00	16.00	8.00
SZRL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	416.00	0.00	0.00
Total Units	4000.00	4000.00	2000.00	2000.00	2000.00	2000.00	4000.00	2000.00	4000.00	1000.00
Estimated additional quota units following appeals										
MSF	146.61	217.10	160.99	103.50	0.00	158.34	494.50	0.00	91.94	99.46
NZRL	0.00	1.49	0.00	1.69	0.39	12.82	5.97	0.00	8.60	8.00
SZRL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Units	146.61	218.59	160.99	105.19	0.39	171.16	500.47	0.00	100.54	107.46

While some fishers may have benefited from the quota allocation error made in the calculation of additional quota to those licence holders who had exceptional circumstances, careful consideration has will been given to the possibility of proportionately increasing the Total Allowable Commercial Catch (TACC) to reduce the impact of the additional units in the fisheries to maintain the kilogram unit value for all species and respective fishing zones for 2021/22 and the subsequent season as much as possible where there are no risks to sustainability of the resources.

The Minister has sought and received advice from the South Australian Research and Development Institute (SARDI) that taking this course of action to correct the former Minister's error will not adversely impact on the sustainability of the impacted species.

Further information will be provided to you as it becomes available.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email jon.presser@sa.gov.au.

Yours sincerely

Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE



Government
of South Australia

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

GPO Box 1671 Adelaide SA 5001

Tel 08 8226 2931

Minister.Basham@sa.gov.au

eA192601

Dear marine scalefish fishery licence holders

The State Government is reforming the marine scalefish fishery to support commercial fishers and the fishery itself. This reform will unlock the industry's potential, enable the development of flourishing and profitable seafood businesses and ensure we have sustainable fish stocks into the future to underpin the industry for decades to come.

You have now received your first indicative allocation of individual transferable quota under the marine scalefish reform.

This is an incredibly difficult time for everyone and I appreciate just how difficult it is to make significant decisions in times of change. In the early 2000s my family and I experienced a significant reform in the dairy industry as it underwent deregulation.

It is my personal observation that there were two groups of clear winners through the dairy reform: those who took the government package and exited the industry and those who stayed and invested in their businesses. Unfortunately, some of those who stayed in the industry and didn't invest found the reform was not a rewarding process. It is my observation that this group of farmers have generally ended up with the poorest outcomes.

Of course the changes afoot in this reform are different to those experienced as part of the changes to the dairy industry, and have their own set of challenges and I would expect your community, colleagues and family are feeling unsettled and unsure about what the future holds. Please know you are not alone. There are support options available to you. Please find this support information in the attachment.

With applications for the voluntary surrender of Marine Scalefish Fishery licence process closing on 13 November 2020, many fishers have asked for information regarding the exceptional circumstances process. You will find information about this process set out in the attachment.

Currently the Independent Allocation Advisory Panel is considering a significant number of submissions provided during the consultation period about the allocation formula for quota. Shortly after they will provide their final report to me, I will then announce a final decision in relation to the allocation formula.

It is important you seek independent financial and/or legal advice prior to making your decision about whether to stay in the fishery or voluntarily surrender your licence.

I wish you well with your decision-making process.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D. Basham".

Hon David Basham MP

MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

20 October 2020



Exceptional Circumstances Process

How can I apply?

The Minister for Primary Industries and Regional Development will soon be making a decision on the Government's preferred method for allocating individual quotas for priority species in the Marine Scalefish Fishery (MSF). The final allocation of individual quotas to licence holders will take into consideration any exceptional circumstances.

The exceptional circumstances process will open formally on 1 November 2020. However, the application form will be available on the Department of Primary Industries and Regions (PIRSA) website from 26 October 2020.

What will the process involve?

The Minister is proposing to engage a respected retired Magistrate to assess exceptional circumstances claims and provide advice to the Minister.

The exceptional circumstances process involves filling in a form about what your 'exceptional circumstances' are, setting out the grounds on which you consider to have experienced exceptional circumstances and providing evidence in support of your claim. You will then be given an opportunity to meet with the retired Magistrate who will consider your written and/or verbal submissions.

The retired Magistrate will then make recommendations to the Minister about whether an increase in allocation should be made for any priority species, and if so, the quantum.

The Minister's decision about individual quotas will take into consideration licence holders' submissions and the recommendations of the retired Magistrate.

The Minister will provide licence holders with an updated indicative quota following the decision regarding the allocation formula in late October, and again after the exceptional circumstances process is complete. However, it is important to be aware that the final allocation of quotas will not be complete until the regulations are in place formalising the allocation formula. So, final quotas may be different to the outcome of the exceptional circumstances process.

How much does it cost?

There will be no cost for applying to the exceptional circumstances process.

Where will additional quota come from?

If a licence holder is successful in being allocated additional ITQ through the exceptional circumstances process, this will impact how the resource is shared amongst the remaining fishers in the fishery. As a consequence, all fishers will not know their final allocation of ITQ until the completion of the exceptional circumstances process and the Voluntary Licence Surrender Program.

Exceptional Circumstances Process

If I don't get more allocation from the exceptional circumstances process, I want to exit the industry

If you are relying on the outcome of the exceptional circumstances process to decide whether you will exit or remain in the fishery, you should apply for both the exceptional circumstances process and the Voluntary Licence Surrender Program.

Note the deadline to apply for the Voluntary Licence Surrender Program closes on 13 November 2020, if not taken up earlier.

If you apply for both a Licence Surrender and exceptional circumstances process, you will have three weeks from when you are told about the outcome of your exceptional circumstances application to provide a signed surrender deed to the Department (to participate in the voluntary surrender).

The Government anticipates it will take up to a couple of months for everyone to receive the decision of the outcome of the exceptional circumstances process. The timing will be dependent on how many applications are submitted.

The closing dates for applications for the Voluntary Licence Surrender Program will not be extended. If you wish to rely on the outcome of the exceptional circumstances process in deciding whether to surrender your licence, you must apply for the exceptional circumstances process by 30 November 2020.

Where can I go for help?

Advice: It is important to seek independent financial and/or legal advice before deciding whether to stay in the fishery or voluntarily surrender your licence.

Support: Family and Business Support Mentors are available for you to talk to and can refer you to support services available, such as Rural Financial Business Counselling. These mentors are experienced in discussing and addressing difficult issues. This service is provided free of charge by the Department of Primary Industries and Regions. The mentors are:

Steve Whillas	0458 852 268	steve@epicbrokers.biz
Colleen White	0409 388 649	cwhitecounselling@gmail.com

Key dates

Mid October	Independent Allocation Advisory Panel consider submissions to consultation and provide final report to Minister
Late October	Minister announces final decision about allocation formula
1 November	Exceptional circumstances process opens
13 November	Voluntary Licence Surrender Program applications close
30 November	Exceptional circumstances applications due

Marine Scalefish Fishery reform

Stage 3 Information

1 July 2021



Government
of South Australia

Department of Primary
Industries and Regions

Marine Scalefish Fishery reform – Stage 3 information

Information current as of 1 July 2021

© Government of South Australia 2021

Disclaimer

The Department of Primary Industries and Regions (PIRSA) and its employees do not warrant or make any representation regarding the use, or results of the use, of the information contained herein as regards to its correctness, accuracy, reliability and currency or otherwise. PIRSA and its employees expressly disclaim all liability or responsibility to any person using the information or advice.

All Enquiries

Department of Primary Industries and Regions
2 Hamra Avenue
GPO Box 1671, Adelaide SA 5001
T 08 8207 5333
E MSF.Reform@sa.gov.au
pir.sa.gov.au/fishingreform

Contents

Aim.....	4
New regulations effective 1 July 2021.....	4
Red tape reduction initiatives	4
Zones of management	5
Quota management of primary species.....	5
Licence and registration conditions	7
Determinations for reporting and monitoring	7
Reporting requirements.....	8
Commercial Fishing SA app.....	8
Exceptional circumstances.....	9
Appeal process	9
Voluntary Licence Surrender Program	9
Transferring quota for primary species.....	10
Marine Scalefish Quota Trading system.....	10
Marine Scalefish Fishery Management Advisory Committee	10
Contact.....	11

Aim

This document summarises the Marine Scalefish Fishery reform process, including:

- final management arrangements for the fishery effective 1 July 2021
- determinations and reporting requirements
- exceptional circumstances and appeals process
- Voluntary Licence Surrender Program
- options for transferring quota units.

New regulations effective 1 July 2021

New and amended regulations have been made under the *Fisheries Management Act 2007* to implement significant reforms to the Marine Scalefish Fishery, effective from 1 July 2021. The more significant components of the reform are:

- Establishment of four fishing zones – West Coast, Spencer Gulf, Gulf St Vincent & Kangaroo Island, and South East.
- Establishment of individual transferable quota (ITQ) management systems for King George Whiting, Snapper, Southern Garfish and Southern Calamari for the Marine Scalefish Fishery and the Rock Lobster fisheries, managed by a total allowable commercial catch.
- Separation of the commercial taking of vongole and sardine from the Marine Scalefish Fishery and the constitution of the new fisheries under their own regulations.

Priority elements of the red tape reduction recommendations have also been adopted, including removal of regulations which required licence holders to attend longlines, and removal of the regulation that restricted the transfer of a licence once in five years.

Red tape reduction initiatives

Other red tape reduction recommendations have been progressed through regulation amendments and other mechanisms, including licence conditions. Those that will commence from 1 July are:

- Allowing licence holders in the West Coast fishing zone to take up to 150 razorfish (for bait) over a three-day period.
- Adding a new commercial fishing gear type, a 'lift net'.
- Allowing nets and lines to be carried on board a fishing vessel and used at the same time.
- The removal of seasonal closures for Snapper and Southern Garfish now that these stocks are managed under a TACC and quota.
- The addition of several permitted species to the fishery, including: Conger Eel, Sergeant Baker, Silver Drummer, Weedy Whiting, Knifejaw, Rock Crab and Spider Crab (West of 135 degrees East).
- Changes to the conditions of a Restricted Fish Processor registration to enable Restricted Fish Processors who are also Marine Scalefish Fishery licence holders to sell their catch to any type of business, instead of just restaurants, pubs and clubs. Marine Scalefish Fishery licence holders will still need to apply to become a restricted fish processor but will be exempt from paying any fees for 12 months.

- The removal of seven-day blocks for the use of general replacement master days.

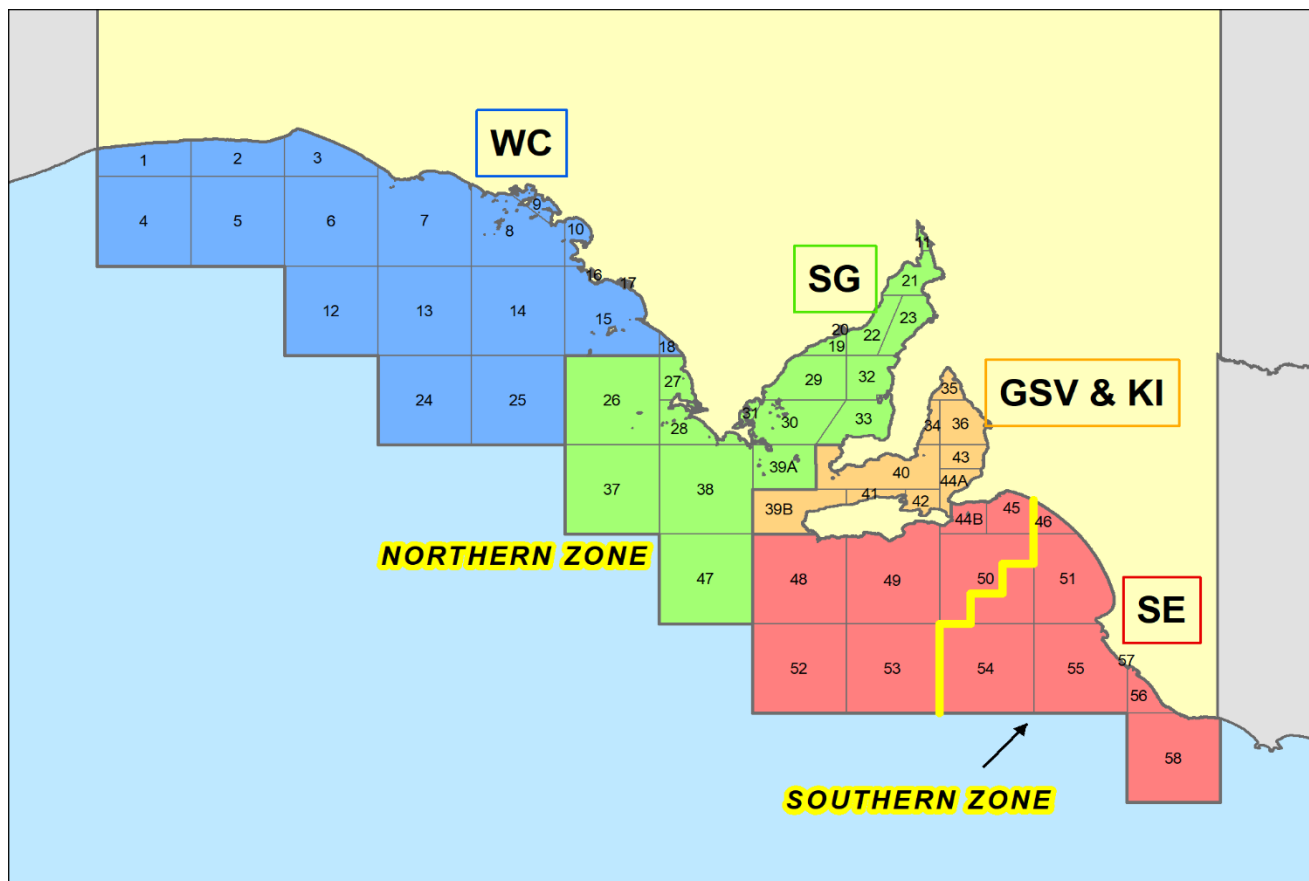
Ongoing work to reduce red tape in the fishery will continue beyond July.

Zones of management

The Commercial Marine Scalefish Fishery has been divided into four management zones:

- West Coast
- Spencer Gulf
- Gulf St Vincent & Kangaroo Island
- South East.

Fishing for primary species to be managed by a quota system – Snapper, King George Whiting, Southern Garfish and Southern Calamari – is only permitted in one zone per fishing trip. Fishing for non-quota species may occur across zones; however, no quota managed species can be on board at that time.



**Northern Zone and Southern Zone refers to Northern Zone Rock Lobster Fishery and Southern Zone Rock Lobster Fishery; yellow line delineates boundary between the two Rock Lobster fisheries.*

Quota management of primary species

New individual transferable quota (ITQ) units apply to the following species:

- King George Whiting in Spencer Gulf and Gulf St Vincent fishing zones

- Snapper in West Coast, Spencer Gulf, Gulf St Vincent and South East fishing zones
- Southern Garfish in Spencer Gulf and Gulf St Vincent fishing zones
- Southern Calamari in Spencer Gulf and Gulf St Vincent fishing zones.

The Minister has set the total number of quota units, the kilogram unit value and the total allowable commercial catch (TACC) in the fishery for each of the new quota species and fishing zones.

Table 1: Total number of new quota units for 2021/2022 fishing season

Fishing Zone	King George Whiting	Southern Calamari	Southern Garfish	Snapper
West Coast				1000
Spencer Gulf	2000	4000	2000	4000
Gulf St Vincent	2000	4000	2000	4000
South East				2000

Total Allowable Commercial Catch (kg)

West Coast	473,000*			0
Spencer Gulf	111,000	204,000	100,000	0
Gulf St Vincent	46,000	162,000	71,000	0
South East				36,000

Unit values (kg)

West Coast				0.00
Spencer Gulf	55.50	51.00	50.00	0.00
Gulf St Vincent	23.00	40.50	35.50	0.00
South East				18.00

* A recommended TACC of 473,000 kilograms has been set for King George Whiting in the West Coast fishing zone. Should this catch limit be reached during the 2021-22 season, the commercial take of King George Whiting by Marine Scalefish Fishery licence holders in the West Coast will be restricted using a notice implemented under section 79 of the *Fisheries Management Act 2007*.

The Minister has also determined how quota units are shared between the Marine Scalefish Fishery, the Southern Zone Rock Lobster Fishery and the Northern Zone Rock Lobster Fishery.

Distribution of quota units was calculated in accordance with the requirements of the *Fisheries Management Act 2007* and specified in the [Management Plan for the South Australian Commercial Marine Scalefish Fishery](#). It is further explained in the [Information for fishers on the calculation of indicative individual transferable quota \(ITQ\) entitlements for primary species in the Marine Scalefish Fishery](#), which was distributed in September 2020.

Table 2: Distribution of new quota units

Fishing Zone	Species	MSF	SZRLF	NZRLF
West Coast	Snapper	992	0	8
Spencer Gulf	King George whiting	1,958	0	42
Spencer Gulf	Snapper	3,984	0	16
Spencer Gulf	Southern calamari	3,928	0	72
Spencer Gulf	Southern garfish	1,998	0	2
Gulf St Vincent	King George whiting	1,944	0	56
Gulf St Vincent	Snapper	3,972	0	28
Gulf St Vincent	Southern calamari	4,000	0	0
Gulf St Vincent	Southern garfish	2,000	0	0
South East	Snapper	1,548	416	36

The Minister has also determined the method by which quota units are to be allocated to licences in the Marine Scalefish Fishery and the Rock Lobster fisheries. The method for the Marine Scalefish Fishery and Rock Lobster fisheries provide the Minister with discretion to allocate additional quota units on the basis of exceptional circumstances that may apply to the holder of a licence, and the formula by which the new quota units are to be allocated each licence holder. The method described in the determination is the same applied in the calculation of indicative ITQ provided to licence holders in the fishery as at 19 April 2021.

Licence and registration conditions

As a result of the reform, several licence and registration conditions have been revoked and new, amended licence conditions introduced. Other than amendments necessary to implement the approved reforms of the Marine Scalefish Fishery, no other changes have been made.

Most amendments are administrative and relate to the separation of the Vongole and Sardine from the Marine Scalefish Fishery. Conditions specific to these species have been removed from Marine Scalefish Fishery and Rock Lobster fishery licences and moved to new Sardine and Vongole licences.

In other cases, amendments to licence conditions have been necessary to remove red tape in the fishery. This includes removal of conditions relating to use of multiple gear types and expansion of activities that a restricted fish processor who holds a Marine Scalefish Fishery licence can undertake.

All impacted licence and registration holders will be notified directly regarding changes to conditions on their licences and all active conditions can also be viewed through the myPIRSA portal. Licence conditions are also accessible on the [fisheries public register](#).

Determinations for reporting and monitoring

As a result of regulation amendments, references to powers and functions change from 1 July 2021, requiring existing determinations to be revoked or varied, and new determinations made.

These primarily relate to the introduction of quota unit entitlements for the primary species and requirements to provide information on the take, catch and disposal, and processing of fish, which are needed to maintain the integrity of the quota management system and to monitor catches.

A complete list of new determinations can be found [on PIRSA's website](#) and will soon be provided to licence holders.

Reporting requirements

New reporting requirements have been introduced related to the take of primary species; King George Whiting, Southern Calamari, Snapper and Southern Garfish. These are:

- Prior to fishing report – required at least 30 minutes before fishing for quota managed species. If the report has not been made, quota managed species cannot be landed.
- Prior to landing report – required at least 30 minutes before departing the point of landing to report catch of quota managed species, by reporting the tag numbers used or weight of quota managed species.

A Marine Scalefish Fishery Catch and Disposal Record (CDR) must also be completed. The CDR is to be completed and signed before fish leave your possession / within 24 hrs or before processing – whichever is first.

These reports can be made via the Commercial Fishing SA app or to Fishwatch on 1800 065 522. For full details, see the [PIRSA website with information on the Marine Scalefish Fishery](#).

Commercial Fishing SA app

The [Commercial Fishing SA app](#) is an essential reporting tool for commercial fishers, which simplifies the process of completing many of the commercial fishing mandatory reporting requirements.

Key features of the app include:

- submitting select mandatory commercial fishing reports
- access to previously submitted reports for review
- ability to cancel and change a submitted report
- direct link to myPIRSA, the home of PIRSA's online services
- access to important notifications and alerts for commercial fisheries
- quick dial access to Fishwatch for reporting assistance and PIN number retrieval.

The app has been updated, including a refreshed look and feel. It also provides access to 'prior to fishing' and 'prior to landing' reporting which is required for quota managed species taken in the Marine Scalefish Fishery.

To download the app, search for 'Commercial Fishing SA' and look for the below icon in the Apple or Android app stores.



Users will be required to register and create a profile to use the app, after obtaining a Personal Identification Number from the Fishwatch call centre by calling 1800 065 522.

Exceptional circumstances

An exceptional circumstances process was undertaken to provide an independent assessment of fishery licence holders' individual circumstances and assess whether, and if so to what extent, those circumstances have impacted the licence holder's fishing activity.

Final decisions could not be made under this process until amended regulations to implement outcomes of the Marine Scalefish Fishery reform were made. Applicants were previously advised of whether the Minister has indicated a likely or unlikely finding as to whether they have exceptional circumstances.

As amended regulations have now been made and the method of allocating quota units has been determined, final allocation of quota entitlements including decisions under the exceptional circumstances process can now be made.

Upon final allocation of quota entitlements, the Minister may determine exceptional circumstances apply and subsequently allocate additional quota units.

Appeal process

You are entitled to apply for internal review of the decision of the Minister for Primary Industries and Regional Development (the Minister) to impose your quota condition pursuant to section 111 the *Fisheries Management Act 2007* within one month of the making of the decision.

In deciding whether to apply for an internal review of the decision, please note that any internal review may only consider:

- whether or not there are exceptional circumstances that apply to you; or
- whether your quota entitlement has been properly calculated in accordance with the methodology and formula determined by the Minister pursuant to the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*.

The Minister is not permitted to depart from the statutory determination.

If you are not satisfied with the outcome of an internal review, you may be able to seek external review of the Minister's decision before the South Australian Civil and Administrative Review Tribunal under section 112 of the Act.

You may also seek written reasons for the Minister's decision to impose a condition on your licence fixing your quota entitlement under section 111 of the Act within 28 days of the making of this decision. If you request that the Minister provide you with written reasons of the decision, the one month timeframe by which you may seek internal review of the decision will commence on the date that you receive the written reasons.

Voluntary Licence Surrender Program

The State Government committed \$22 million to encourage the voluntary surrender of up to 150 of South Australia's commercial marine scalefish fishing licences from the fishery.

This was a major component of the reform process, providing licence holders with an opportunity to voluntarily exit the fishery prior to the reforms coming into effect.

This process has now been finalised and a total of 96 licences have been surrendered.

It is important to note the Licence Amalgamation Scheme, introduced into the Marine Scalefish Fishery 1994, remains in the regulations and will continue to operate. At 1 July 2021, there remains 48 unamalgamated line licences and 24 unamalgamated net licences in the fishery.

Voluntary Licence Surrender Program			
	Before reform	Surrendered	Remaining licences
Line licences	253	89	164
Net licences	52	7	45
Total	307	96	209

Transferring quota for primary species

The Marine Scalefish Fishery reform process has allocated quota to fishers which can be transferred. If you are a marine scalefish licence holder you can buy and sell quota for Snapper, Southern Garfish, King George Whiting and Southern Calamari with other licence holders in the Marine Scalefish Fishery for no service fee until 30 June 2022.

Rock Lobster licence holders can trade Marine Scalefish Fishery quota entitlements to each other and to a Marine Scalefish Fishery licence only.

Options for trading quota are:

- Marine Scalefish Quota Trading system – available via the [myPIRSA portal](#), the systems enables licence holders to advertise, buy and sell quota for permanent transfers.
- [Application to transfer quota units online form](#) – complete and submit via the myPIRSA portal for permanent or temporary transfers.
- [Marine Scalefish Fishery quota transfer form](#) – download and submit via email or post to PIRSA for permanent or temporary transfers.

Marine Scalefish Quota Trading system

The Marine Scalefish Quota Trading system is strictly available only to Marine Scalefish Fishery licence holders and is free to use until 30 June 2022.

All transfers made in the system are permanent and will update the base holdings on your licence.

To access the Marine Scalefish Quota Trading system, licence holders must first [apply for the service in myPIRSA](#). You will then be eligible to advertise, buy or sell quota with other licence holders. For help using the system, go to [Marine Scalefish Quota Trading system help](#).

Marine Scalefish Fishery Management Advisory Committee

One of the next major components of the reform is establishment of the Marine Scalefish Fishery Management Advisory Committee.

The committee will replace the Snapper Management Advisory Committee and will work to strengthen consultation between stakeholders with access to the commercial Marine Scalefish Fishery, Charter Boat Fishery, and the recreational and Aboriginal traditional fisheries. The Marine Scalefish Fishery Management Advisory Committee will also provide advice on the day-to-day management of the fishery, as well as the research and monitoring programs required.

Membership will include expert representatives to provide comprehensive fisheries management advice for the Marine Scalefish Fishery and will include representatives from across the commercial, recreational, charter and Aboriginal traditional fishing sectors, as well as an independent chair, economist, fisheries scientist and conservationist, in addition to Government fisheries management and fisheries science experts.

A call for expressions of interest for committee positions will be run shortly. More information on this process will be available via www.pir.sa.gov.au/fishingreform

Contact

If you have any questions on the Marine Scalefish Fishery reform process, please contact:

Fisheries and Aquaculture
Primary Industries and Regions SA (PIRSA)
GPO Box 1625, Adelaide SA 5001
Email: MSF.Reform@sa.gov.au

Jon Presser

Manager Fisheries Reform
Phone: (08) 8429 0588

Olivia Rundle

Senior Management Officer
Phone: (08) 8429 3503

For more information visit pir.sa.gov.au/fishingreform

From: [Spencer, Meagan \(PIRSA\)](#)
To: [Begg, Gavin \(PIRSA\)](#)
Subject: FW: Min statement revised
Date: Wednesday, 4 May 2022 11:26:50 AM
Attachments: [Min Statement cms edits.docx](#)

OFFICIAL: Sensitive

From: Scriven, Clare (PIRSA) <Clare.Scriven@sa.gov.au>
Sent: Wednesday, 4 May 2022 11:15 AM
To: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>; O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>
Subject: Min statement revised

OFFICIAL: Sensitive

From: [Doroudi, Mehdi \(PIRSA\)](#)
To: [Begg, Gavin \(PIRSA\)](#)
Subject: FW: MSF Quota Entitlement - SACAT Appeals - Draft Min Statement
Date: Tuesday, 3 May 2022 10:02:26 AM
Attachments: [Ministerial Statement - Allocation of Additional Quota Units in the MSF - DRAFT.docx](#)
[image001.png](#)

OFFICIAL: Sensitive//SA CABINET

Gavin, can you do a quick fact check as discussed? Thanks Mehdi

From: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Sent: Tuesday, 3 May 2022 8:29 AM
To: Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>
Subject: MSF Quota Entitlement - SACAT Appeals - Draft Min Statement

OFFICIAL: Sensitive//SA CABINET

Hi Mehdi

I was wondering if you could please have a look at the attached statement and let me know of any inaccuracies or information you think should be included.

Thanks so much

Meagan

Meagan Spencer | Chief of Staff

Office of the Minister for Primary Industries and Regional Development

Office of the Minister for Forest Industries

Level 10, 1 King William Street, Adelaide | GPO Box 1671 Adelaide SA 5001

P: 0408 363 864 | **E:** meagan.spencer@sa.gov.au



The information contained within this email is confidential and may be the subject of legal privilege. This email is intended solely for the addressee, and if you are not the intended recipient you must not disclose, copy, use or distribute this email or any of its attachments. If you have received this email in error, please advise the sender immediately via reply email, delete the message and any attachments from your system, and destroy any copies made.

-

-

From: [Begg, Gavin \(PIRSA\)](#)
To: [Presser, Jon \(PIRSA\)](#); [Collins, Abby \(PIRSA\)](#)
Subject: FW: SACAT
Date: Tuesday, 19 April 2022 8:13:00 AM

OFFICIAL: Sensitive

Hi Jon/Abby – can you please check my responses below. Need to send back this morning.
Thanks
Gavin

From: O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>
Sent: Tuesday, 19 April 2022 7:28 AM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: SACAT

OFFICIAL: Sensitive

Hi Gavin

The following are questions I'd like to give you a bit of notice on that we are seeking answers on urgently and will be discussed in the various meetings today with yourself and the CE. I'll be working from home but will go ahead with meetings from here.

Thanks

Mat

1. Was the Report (draft and final) of the Independent Allocation Advisory Panel released

Yes – initial and final reports are both available on PIRSA website and all licence holders were notified:

[Report of the IAAP on priority species in the Marine Scalefish Fishery.pdf \(pir.sa.gov.au\)](#)
[Final Report of the Independent Allocation Advisory Panel on Priority Species in the Marine Scalefish Fishery \(pir.sa.gov.au\)](#)

2. Can any additional licence holders who claimed Exceptional Circumstances still appeal to SACAT?

No – as per s.112 Fisheries Management Act 2007 **JON/ABBY – PLEASE CONFIRM. ALSO – FOR**

OTHERS TO NOW APPEAL A DECISION BY MINISTER WOULD THEY NEED TO GO TO S113 ERD COURT? WHAT ABOUT THOSE WHO DID NOT APPLY FOR EC?)

112—External review

(1) An applicant for an internal review under Division 1 who is not satisfied with the decision of the Minister on the review may apply to the Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the Minister's decision.

(2) An application for a review by the Tribunal must be made within 28 days after the applicant receives the written statement of the reasons for making the decision that is to be the subject of a review by the Tribunal.

3. What are the costs of lodging a holding appeal to provide time for further advice (Pennington and Thomson)?

???

4. What media have the SACAT decisions generated so far?

Decision from SACAT for Reynolds and Wittholz generated some media in Advertiser and regional papers.

Get [Outlook for iOS](#)

From: [Begg, Gavin \(PIRSA\)](#)
To: [O'Brien, Mat \(PIRSA\)](#)
Subject: FW: Webpage - Exceptional circumstances process - now live
Date: Wednesday, 4 May 2022 5:14:00 PM

OFFICIAL: Sensitive

Hi Mat – updates have now been included regarding NON EC licence holders.

This further update has now been done and is live. [Exceptional circumstances process - PIRSA](#)

Regards

Gavin



Government
of South Australia

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

GPO Box 1671 Adelaide SA 5001

Tel 08 8226 2931

Minister.Basham@sa.gov.au

eA192601

Dear marine scalefish fishery licence holders

The State Government is reforming the marine scalefish fishery to support commercial fishers and the fishery itself. This reform will unlock the industry's potential, enable the development of flourishing and profitable seafood businesses and ensure we have sustainable fish stocks into the future to underpin the industry for decades to come.

You have now received your first indicative allocation of individual transferable quota under the marine scalefish reform.

This is an incredibly difficult time for everyone and I appreciate just how difficult it is to make significant decisions in times of change. In the early 2000s my family and I experienced a significant reform in the dairy industry as it underwent deregulation.

It is my personal observation that there were two groups of clear winners through the dairy reform: those who took the government package and exited the industry and those who stayed and invested in their businesses. Unfortunately, some of those who stayed in the industry and didn't invest found the reform was not a rewarding process. It is my observation that this group of farmers have generally ended up with the poorest outcomes.

Of course the changes afoot in this reform are different to those experienced as part of the changes to the dairy industry, and have their own set of challenges and I would expect your community, colleagues and family are feeling unsettled and unsure about what the future holds. Please know you are not alone. There are support options available to you. Please find this support information in the attachment.

With applications for the voluntary surrender of Marine Scalefish Fishery licence process closing on 13 November 2020, many fishers have asked for information regarding the exceptional circumstances process. You will find information about this process set out in the attachment.

Currently the Independent Allocation Advisory Panel is considering a significant number of submissions provided during the consultation period about the allocation formula for quota. Shortly after they will provide their final report to me, I will then announce a final decision in relation to the allocation formula.

It is important you seek independent financial and/or legal advice prior to making your decision about whether to stay in the fishery or voluntarily surrender your licence.

I wish you well with your decision-making process.

Yours sincerely

Hon David Basham MP

MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

20 October 2020



Exceptional Circumstances Process

How can I apply?

The Minister for Primary Industries and Regional Development will soon be making a decision on the Government's preferred method for allocating individual quotas for priority species in the Marine Scalefish Fishery (MSF). The final allocation of individual quotas to licence holders will take into consideration any exceptional circumstances.

The exceptional circumstances process will open formally on 1 November 2020. However, the application form will be available on the Department of Primary Industries and Regions (PIRSA) website from 26 October 2020.

What will the process involve?

The Minister is proposing to engage a respected retired Magistrate to assess exceptional circumstances claims and provide advice to the Minister.

The exceptional circumstances process involves filling in a form about what your 'exceptional circumstances' are, setting out the grounds on which you consider to have experienced exceptional circumstances and providing evidence in support of your claim. You will then be given an opportunity to meet with the retired Magistrate who will consider your written and/or verbal submissions.

The retired Magistrate will then make recommendations to the Minister about whether an increase in allocation should be made for any priority species, and if so, the quantum.

The Minister's decision about individual quotas will take into consideration licence holders' submissions and the recommendations of the retired Magistrate.

The Minister will provide licence holders with an updated indicative quota following the decision regarding the allocation formula in late October, and again after the exceptional circumstances process is complete. However, it is important to be aware that the final allocation of quotas will not be complete until the regulations are in place formalising the allocation formula. So, final quotas may be different to the outcome of the exceptional circumstances process.

How much does it cost?

There will be no cost for applying to the exceptional circumstances process.

Where will additional quota come from?

If a licence holder is successful in being allocated additional ITQ through the exceptional circumstances process, this will impact how the resource is shared amongst the remaining fishers in the fishery. As a consequence, all fishers will not know their final allocation of ITQ until the completion of the exceptional circumstances process and the Voluntary Licence Surrender Program.

Exceptional Circumstances Process

If I don't get more allocation from the exceptional circumstances process, I want to exit the industry

If you are relying on the outcome of the exceptional circumstances process to decide whether you will exit or remain in the fishery, you should apply for both the exceptional circumstances process and the Voluntary Licence Surrender Program.

Note the deadline to apply for the Voluntary Licence Surrender Program closes on 13 November 2020, if not taken up earlier.

If you apply for both a Licence Surrender and exceptional circumstances process, you will have three weeks from when you are told about the outcome of your exceptional circumstances application to provide a signed surrender deed to the Department (to participate in the voluntary surrender).

The Government anticipates it will take up to a couple of months for everyone to receive the decision of the outcome of the exceptional circumstances process. The timing will be dependent on how many applications are submitted.

The closing dates for applications for the Voluntary Licence Surrender Program will not be extended. If you wish to rely on the outcome of the exceptional circumstances process in deciding whether to surrender your licence, you must apply for the exceptional circumstances process by 30 November 2020.

Where can I go for help?

Advice: It is important to seek independent financial and/or legal advice before deciding whether to stay in the fishery or voluntarily surrender your licence.

Support: Family and Business Support Mentors are available for you to talk to and can refer you to support services available, such as Rural Financial Business Counselling. These mentors are experienced in discussing and addressing difficult issues. This service is provided free of charge by the Department of Primary Industries and Regions. The mentors are:

Steve Whillas	0458 852 268	steve@epicbrokers.biz
Colleen White	0409 388 649	cwhitecounselling@gmail.com

Key dates

Mid October	Independent Allocation Advisory Panel consider submissions to consultation and provide final report to Minister
Late October	Minister announces final decision about allocation formula
1 November	Exceptional circumstances process opens
13 November	Voluntary Licence Surrender Program applications close
30 November	Exceptional circumstances applications due

Marine Scalefish Fishery reform

Stage 3 Information

1 July 2021



Government
of South Australia

Department of Primary
Industries and Regions

Marine Scalefish Fishery reform – Stage 3 information

Information current as of 1 July 2021

© Government of South Australia 2021

Disclaimer

The Department of Primary Industries and Regions (PIRSA) and its employees do not warrant or make any representation regarding the use, or results of the use, of the information contained herein as regards to its correctness, accuracy, reliability and currency or otherwise. PIRSA and its employees expressly disclaim all liability or responsibility to any person using the information or advice.

All Enquiries

Department of Primary Industries and Regions
2 Hamra Avenue
GPO Box 1671, Adelaide SA 5001
T 08 8207 5333
E MSF.Reform@sa.gov.au
pir.sa.gov.au/fishingreform

Contents

Aim.....	4
New regulations effective 1 July 2021.....	4
Red tape reduction initiatives	4
Zones of management	5
Quota management of primary species.....	5
Licence and registration conditions	7
Determinations for reporting and monitoring	7
Reporting requirements.....	8
Commercial Fishing SA app.....	8
Exceptional circumstances.....	9
Appeal process	9
Voluntary Licence Surrender Program	9
Transferring quota for primary species.....	10
Marine Scalefish Quota Trading system.....	10
Marine Scalefish Fishery Management Advisory Committee	10
Contact.....	11

Aim

This document summarises the Marine Scalefish Fishery reform process, including:

- final management arrangements for the fishery effective 1 July 2021
- determinations and reporting requirements
- exceptional circumstances and appeals process
- Voluntary Licence Surrender Program
- options for transferring quota units.

New regulations effective 1 July 2021

New and amended regulations have been made under the *Fisheries Management Act 2007* to implement significant reforms to the Marine Scalefish Fishery, effective from 1 July 2021. The more significant components of the reform are:

- Establishment of four fishing zones – West Coast, Spencer Gulf, Gulf St Vincent & Kangaroo Island, and South East.
- Establishment of individual transferable quota (ITQ) management systems for King George Whiting, Snapper, Southern Garfish and Southern Calamari for the Marine Scalefish Fishery and the Rock Lobster fisheries, managed by a total allowable commercial catch.
- Separation of the commercial taking of vongole and sardine from the Marine Scalefish Fishery and the constitution of the new fisheries under their own regulations.

Priority elements of the red tape reduction recommendations have also been adopted, including removal of regulations which required licence holders to attend longlines, and removal of the regulation that restricted the transfer of a licence once in five years.

Red tape reduction initiatives

Other red tape reduction recommendations have been progressed through regulation amendments and other mechanisms, including licence conditions. Those that will commence from 1 July are:

- Allowing licence holders in the West Coast fishing zone to take up to 150 razorfish (for bait) over a three-day period.
- Adding a new commercial fishing gear type, a 'lift net'.
- Allowing nets and lines to be carried on board a fishing vessel and used at the same time.
- The removal of seasonal closures for Snapper and Southern Garfish now that these stocks are managed under a TACC and quota.
- The addition of several permitted species to the fishery, including: Conger Eel, Sergeant Baker, Silver Drummer, Weedy Whiting, Knifejaw, Rock Crab and Spider Crab (West of 135 degrees East).
- Changes to the conditions of a Restricted Fish Processor registration to enable Restricted Fish Processors who are also Marine Scalefish Fishery licence holders to sell their catch to any type of business, instead of just restaurants, pubs and clubs. Marine Scalefish Fishery licence holders will still need to apply to become a restricted fish processor but will be exempt from paying any fees for 12 months.

- The removal of seven-day blocks for the use of general replacement master days.

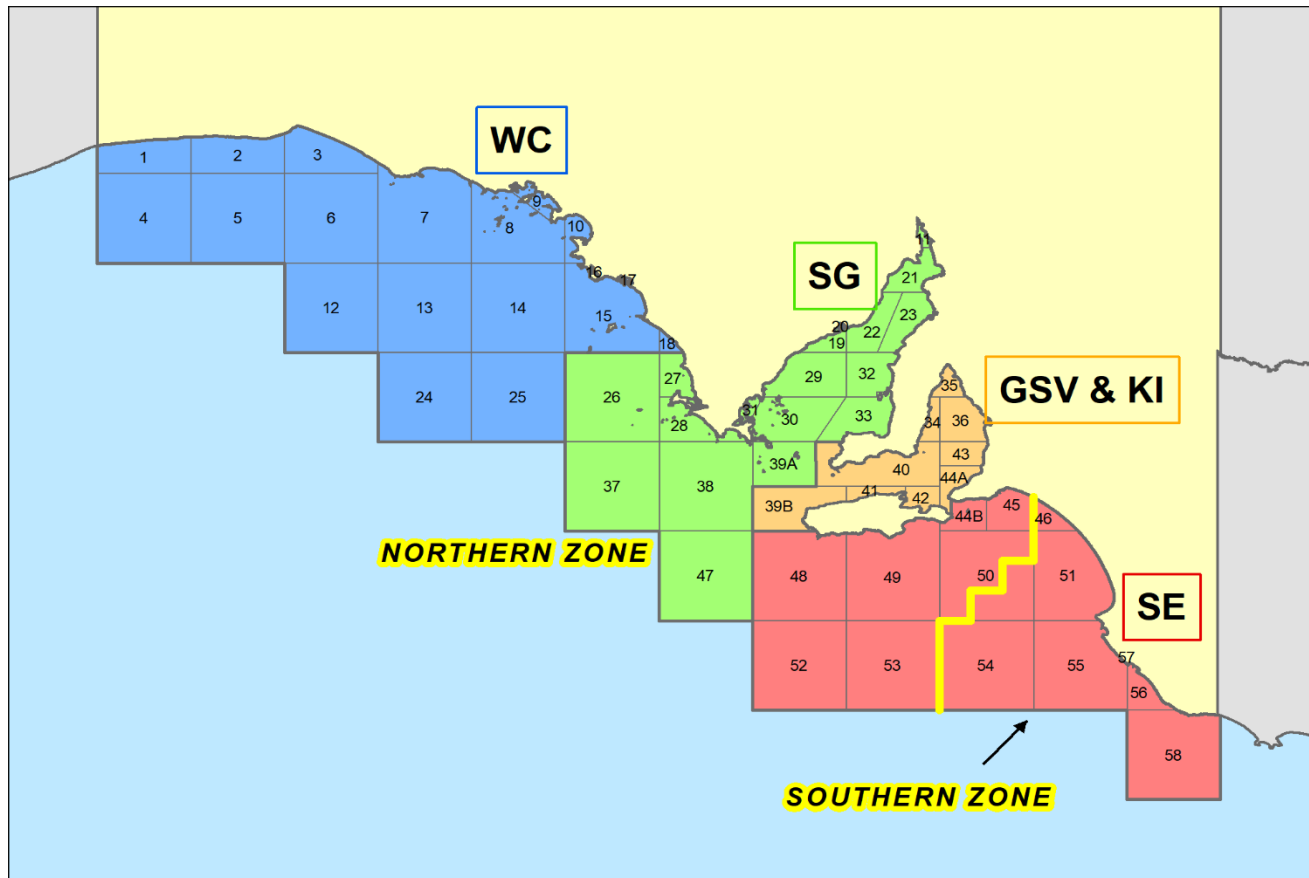
Ongoing work to reduce red tape in the fishery will continue beyond July.

Zones of management

The Commercial Marine Scalefish Fishery has been divided into four management zones:

- West Coast
- Spencer Gulf
- Gulf St Vincent & Kangaroo Island
- South East.

Fishing for primary species to be managed by a quota system – Snapper, King George Whiting, Southern Garfish and Southern Calamari – is only permitted in one zone per fishing trip. Fishing for non-quota species may occur across zones; however, no quota managed species can be on board at that time.



**Northern Zone and Southern Zone refers to Northern Zone Rock Lobster Fishery and Southern Zone Rock Lobster Fishery; yellow line delineates boundary between the two Rock Lobster fisheries.*

Quota management of primary species

New individual transferable quota (ITQ) units apply to the following species:

- King George Whiting in Spencer Gulf and Gulf St Vincent fishing zones

- Snapper in West Coast, Spencer Gulf, Gulf St Vincent and South East fishing zones
- Southern Garfish in Spencer Gulf and Gulf St Vincent fishing zones
- Southern Calamari in Spencer Gulf and Gulf St Vincent fishing zones.

The Minister has set the total number of quota units, the kilogram unit value and the total allowable commercial catch (TACC) in the fishery for each of the new quota species and fishing zones.

Table 1: Total number of new quota units for 2021/2022 fishing season

Fishing Zone	King George Whiting	Southern Calamari	Southern Garfish	Snapper
West Coast				1000
Spencer Gulf	2000	4000	2000	4000
Gulf St Vincent	2000	4000	2000	4000
South East				2000

Total Allowable Commercial Catch (kg)

West Coast	473,000*			0
Spencer Gulf	111,000	204,000	100,000	0
Gulf St Vincent	46,000	162,000	71,000	0
South East				36,000

Unit values (kg)

West Coast				0.00
Spencer Gulf	55.50	51.00	50.00	0.00
Gulf St Vincent	23.00	40.50	35.50	0.00
South East				18.00

* A recommended TACC of 473,000 kilograms has been set for King George Whiting in the West Coast fishing zone. Should this catch limit be reached during the 2021-22 season, the commercial take of King George Whiting by Marine Scalefish Fishery licence holders in the West Coast will be restricted using a notice implemented under section 79 of the *Fisheries Management Act 2007*.

The Minister has also determined how quota units are shared between the Marine Scalefish Fishery, the Southern Zone Rock Lobster Fishery and the Northern Zone Rock Lobster Fishery.

Distribution of quota units was calculated in accordance with the requirements of the *Fisheries Management Act 2007* and specified in the [Management Plan for the South Australian Commercial Marine Scalefish Fishery](#). It is further explained in the [Information for fishers on the calculation of indicative individual transferable quota \(ITQ\) entitlements for primary species in the Marine Scalefish Fishery](#), which was distributed in September 2020.

Table 2: Distribution of new quota units

Fishing Zone	Species	MSF	SZRLF	NZRLF
West Coast	Snapper	992	0	8
Spencer Gulf	King George whiting	1,958	0	42
Spencer Gulf	Snapper	3,984	0	16
Spencer Gulf	Southern calamari	3,928	0	72
Spencer Gulf	Southern garfish	1,998	0	2
Gulf St Vincent	King George whiting	1,944	0	56
Gulf St Vincent	Snapper	3,972	0	28
Gulf St Vincent	Southern calamari	4,000	0	0
Gulf St Vincent	Southern garfish	2,000	0	0
South East	Snapper	1,548	416	36

The Minister has also determined the method by which quota units are to be allocated to licences in the Marine Scalefish Fishery and the Rock Lobster fisheries. The method for the Marine Scalefish Fishery and Rock Lobster fisheries provide the Minister with discretion to allocate additional quota units on the basis of exceptional circumstances that may apply to the holder of a licence, and the formula by which the new quota units are to be allocated each licence holder. The method described in the determination is the same applied in the calculation of indicative ITQ provided to licence holders in the fishery as at 19 April 2021.

Licence and registration conditions

As a result of the reform, several licence and registration conditions have been revoked and new, amended licence conditions introduced. Other than amendments necessary to implement the approved reforms of the Marine Scalefish Fishery, no other changes have been made.

Most amendments are administrative and relate to the separation of the Vongole and Sardine from the Marine Scalefish Fishery. Conditions specific to these species have been removed from Marine Scalefish Fishery and Rock Lobster fishery licences and moved to new Sardine and Vongole licences.

In other cases, amendments to licence conditions have been necessary to remove red tape in the fishery. This includes removal of conditions relating to use of multiple gear types and expansion of activities that a restricted fish processor who holds a Marine Scalefish Fishery licence can undertake.

All impacted licence and registration holders will be notified directly regarding changes to conditions on their licences and all active conditions can also be viewed through the myPIRSA portal. Licence conditions are also accessible on the [fisheries public register](#).

Determinations for reporting and monitoring

As a result of regulation amendments, references to powers and functions change from 1 July 2021, requiring existing determinations to be revoked or varied, and new determinations made.

These primarily relate to the introduction of quota unit entitlements for the primary species and requirements to provide information on the take, catch and disposal, and processing of fish, which are needed to maintain the integrity of the quota management system and to monitor catches.

A complete list of new determinations can be found [on PIRSA's website](#) and will soon be provided to licence holders.

Reporting requirements

New reporting requirements have been introduced related to the take of primary species; King George Whiting, Southern Calamari, Snapper and Southern Garfish. These are:

- Prior to fishing report – required at least 30 minutes before fishing for quota managed species. If the report has not been made, quota managed species cannot be landed.
- Prior to landing report – required at least 30 minutes before departing the point of landing to report catch of quota managed species, by reporting the tag numbers used or weight of quota managed species.

A Marine Scalefish Fishery Catch and Disposal Record (CDR) must also be completed. The CDR is to be completed and signed before fish leave your possession / within 24 hrs or before processing – whichever is first.

These reports can be made via the Commercial Fishing SA app or to Fishwatch on 1800 065 522. For full details, see the [PIRSA website with information on the Marine Scalefish Fishery](#).

Commercial Fishing SA app

The [Commercial Fishing SA app](#) is an essential reporting tool for commercial fishers, which simplifies the process of completing many of the commercial fishing mandatory reporting requirements.

Key features of the app include:

- submitting select mandatory commercial fishing reports
- access to previously submitted reports for review
- ability to cancel and change a submitted report
- direct link to myPIRSA, the home of PIRSA's online services
- access to important notifications and alerts for commercial fisheries
- quick dial access to Fishwatch for reporting assistance and PIN number retrieval.

The app has been updated, including a refreshed look and feel. It also provides access to 'prior to fishing' and 'prior to landing' reporting which is required for quota managed species taken in the Marine Scalefish Fishery.

To download the app, search for 'Commercial Fishing SA' and look for the below icon in the Apple or Android app stores.



Users will be required to register and create a profile to use the app, after obtaining a Personal Identification Number from the Fishwatch call centre by calling 1800 065 522.

Exceptional circumstances

An exceptional circumstances process was undertaken to provide an independent assessment of fishery licence holders' individual circumstances and assess whether, and if so to what extent, those circumstances have impacted the licence holder's fishing activity.

Final decisions could not be made under this process until amended regulations to implement outcomes of the Marine Scalefish Fishery reform were made. Applicants were previously advised of whether the Minister has indicated a likely or unlikely finding as to whether they have exceptional circumstances.

As amended regulations have now been made and the method of allocating quota units has been determined, final allocation of quota entitlements including decisions under the exceptional circumstances process can now be made.

Upon final allocation of quota entitlements, the Minister may determine exceptional circumstances apply and subsequently allocate additional quota units.

Appeal process

You are entitled to apply for internal review of the decision of the Minister for Primary Industries and Regional Development (the Minister) to impose your quota condition pursuant to section 111 the *Fisheries Management Act 2007* within one month of the making of the decision.

In deciding whether to apply for an internal review of the decision, please note that any internal review may only consider:

- whether or not there are exceptional circumstances that apply to you; or
- whether your quota entitlement has been properly calculated in accordance with the methodology and formula determined by the Minister pursuant to the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*.

The Minister is not permitted to depart from the statutory determination.

If you are not satisfied with the outcome of an internal review, you may be able to seek external review of the Minister's decision before the South Australian Civil and Administrative Review Tribunal under section 112 of the Act.

You may also seek written reasons for the Minister's decision to impose a condition on your licence fixing your quota entitlement under section 111 of the Act within 28 days of the making of this decision. If you request that the Minister provide you with written reasons of the decision, the one month timeframe by which you may seek internal review of the decision will commence on the date that you receive the written reasons.

Voluntary Licence Surrender Program

The State Government committed \$22 million to encourage the voluntary surrender of up to 150 of South Australia's commercial marine scalefish fishing licences from the fishery.

This was a major component of the reform process, providing licence holders with an opportunity to voluntarily exit the fishery prior to the reforms coming into effect.

This process has now been finalised and a total of 96 licences have been surrendered.

It is important to note the Licence Amalgamation Scheme, introduced into the Marine Scalefish Fishery 1994, remains in the regulations and will continue to operate. At 1 July 2021, there remains 48 unamalgamated line licences and 24 unamalgamated net licences in the fishery.

Voluntary Licence Surrender Program			
	Before reform	Surrendered	Remaining licences
Line licences	253	89	164
Net licences	52	7	45
Total	307	96	209

Transferring quota for primary species

The Marine Scalefish Fishery reform process has allocated quota to fishers which can be transferred. If you are a marine scalefish licence holder you can buy and sell quota for Snapper, Southern Garfish, King George Whiting and Southern Calamari with other licence holders in the Marine Scalefish Fishery for no service fee until 30 June 2022.

Rock Lobster licence holders can trade Marine Scalefish Fishery quota entitlements to each other and to a Marine Scalefish Fishery licence only.

Options for trading quota are:

- Marine Scalefish Quota Trading system – available via the [myPIRSA portal](#), the systems enables licence holders to advertise, buy and sell quota for permanent transfers.
- [Application to transfer quota units online form](#) – complete and submit via the myPIRSA portal for permanent or temporary transfers.
- [Marine Scalefish Fishery quota transfer form](#) – download and submit via email or post to PIRSA for permanent or temporary transfers.

Marine Scalefish Quota Trading system

The Marine Scalefish Quota Trading system is strictly available only to Marine Scalefish Fishery licence holders and is free to use until 30 June 2022.

All transfers made in the system are permanent and will update the base holdings on your licence.

To access the Marine Scalefish Quota Trading system, licence holders must first [apply for the service in myPIRSA](#). You will then be eligible to advertise, buy or sell quota with other licence holders. For help using the system, go to [Marine Scalefish Quota Trading system help](#).

Marine Scalefish Fishery Management Advisory Committee

One of the next major components of the reform is establishment of the Marine Scalefish Fishery Management Advisory Committee.

The committee will replace the Snapper Management Advisory Committee and will work to strengthen consultation between stakeholders with access to the commercial Marine Scalefish Fishery, Charter Boat Fishery, and the recreational and Aboriginal traditional fisheries. The Marine Scalefish Fishery Management Advisory Committee will also provide advice on the day-to-day management of the fishery, as well as the research and monitoring programs required.

Membership will include expert representatives to provide comprehensive fisheries management advice for the Marine Scalefish Fishery and will include representatives from across the commercial, recreational, charter and Aboriginal traditional fishing sectors, as well as an independent chair, economist, fisheries scientist and conservationist, in addition to Government fisheries management and fisheries science experts.

A call for expressions of interest for committee positions will be run shortly. More information on this process will be available via www.pir.sa.gov.au/fishingreform

Contact

If you have any questions on the Marine Scalefish Fishery reform process, please contact:

Fisheries and Aquaculture
Primary Industries and Regions SA (PIRSA)
GPO Box 1625, Adelaide SA 5001
Email: MSF.Reform@sa.gov.au

Jon Presser

Manager Fisheries Reform
Phone: (08) 8429 0588

Olivia Rundle

Senior Management Officer
Phone: (08) 8429 3503

For more information visit pir.sa.gov.au/fishingreform

From: [Begg, Gavin \(PIRSA\)](#)
To: [O'Brien, Mat \(PIRSA\)](#)
Subject: Media articles - Marine Scalefish Fishery Reform
Date: Wednesday, 20 April 2022 9:36:00 AM
Attachments: [Advertiser Fishers SACAT story.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL

Hi Mat

As discussed yesterday, please see attached media article that was in the Advertiser.

We are just checking if story was run in any regional media.

Regards

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



**Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity
| Courage & Tenacity | Sustainability**

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.



28 MAR, 2022

Fishers reel in a win over quotas



Adelaide Advertiser, Adelaide

Page 1 of 2



Fisherman Mark Reynolds has just won a victory in his battle against changes to his catch quotas. Picture: Robert Lang

NIGEL HUNT

TWO professional fishermen whose incomes have been slashed under the controversial reform of the state's fishing industry have won a crucial legal fight.

The two fishermen are among a group of 16 who have taken legal action against the state government to have the individual catch quotas allocated to them

under the radical reform program increased.

The fishermen successfully argued in the South Australian Civil and Administrative Tribunal (SACAT) that the size of the quotas allocated to them – which are based on previous catch history – made their businesses unviable.

The pair – Mark Reynolds, of Arno Bay on the west coast,

and Jason Wittholz, of Stansbury on Yorke Peninsula – separately appealed to SACAT after PIRSA bureaucrats ignored a ruling by former deputy chief magistrate Dr Andrew Cannon that their quota allocations should be revised.

In both cases, Dr Cannon, who was engaged by PIRSA to examine dozens of “excep-

tional circumstances” applications, found there had been a “clear injustice” to them compared to other licence holders

and a reduction in quotas for other licence holders to allow an increase in quota for them “would not be unfair.”

In Mr Reynolds’ case, SACAT ruled it was “inherently unfair and unjust” that Mr Reynolds had purchased his li-



28 MAR, 2022

Fishers reel in a win over quotas



Adelaide Advertiser, Adelaide

Page 2 of 2

cence and made other financial and family commitments in the expectation he would be entitled to “fish on a commercial basis like other licensees”.

“... he now finds that his business is substantially less viable than as at the time he purchased his licences,” the SACAT judgment states.

In Mr Wittholz’s case, SACAT also found “the process has miscarried and worked unfairly” against him and his quota allocation should be revisited by PIRSA.

Under reforms to the fishing industry introduced by the former state government last year, 72 fishing professional licences were surrendered in a buyback and the remaining 235 licence-holders were allocated individual catch quotas for four key species – whiting, snapper, calamari and garfish – based on their catch history to ensure the sustainability of fish stocks.

A PIRSA spokesman said the department was “considering options” after the rulings.

Mr Reynolds said the process to increase his quota

“was not yet over.” “I have been told they are likely to appeal the decision, so it will be some time yet,” he said.

“The reform process has been a shambles and someone needs to be held accountable. Hopefully with a change in government and ministers, an outcome may eventuate.”

Mr Reynolds said the past year had been “pure frustration which has tested my partners’ and my own mental wellbeing.”

Marine Fishers Association president Barbara Venn said the reform process had caused considerable stress to many fishers who were “fighting for their livelihoods”.

From: [Begg, Gavin \(PIRSA\)](#)
To: [O'Brien, Mat \(PIRSA\)](#)
Cc: [Doroudi, Mehdi \(PIRSA\)](#)
Subject: MSF briefing (PBN)
Date: Thursday, 12 May 2022 4:59:00 PM
Attachments: [01 - MSF Reform DRAFT.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL: Sensitive

Hi Mat

As discussed, please see attached draft PBN outlining MSF and SACAT process.

Let me know if you need anything else

Regards

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



**Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity
| Courage & Tenacity | Sustainability**

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

From: [Spencer, Meagan \(PIRSA\)](#)
To: [Begg, Gavin \(PIRSA\)](#)
Cc: [Doroudi, Mehdi \(PIRSA\)](#); [O'Brien, Mat \(PIRSA\)](#)
Subject: RE: Cabinet - SACAT decisions
Date: Tuesday, 3 May 2022 3:23:59 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL

Thanks Gavin – yes will do.

After a late QT today I'm hoping to finalise out preparations for tomorrow and will be in touch.

Many thanks

Meagan

From: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Sent: Tuesday, 3 May 2022 3:22 PM
To: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Cc: Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>
Subject: Cabinet - SACAT decisions

OFFICIAL

Hi Meagan

Just confirming that we are preparing material to align with the Minister's statement in Parliament.

Please confirm timing so we can ensure PIRSA website and related comms material goes live just before Minister's statement.

Thanks

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity
 | Courage & Tenacity | Sustainability

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of

the information by anyone other than the intended recipient is prohibited and may be unlawful.

From: [Begg, Gavin \(PIRSA\)](#)
To: [Spencer, Meagan \(PIRSA\)](#)
Subject: RE: Min statement revised
Date: Wednesday, 4 May 2022 11:40:00 AM
Attachments: [Min Statement cms edits v2.docx](#)

OFFICIAL: Sensitive

Hi Meagan – as discussed

From: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Sent: Wednesday, 4 May 2022 11:27 AM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: FW: Min statement revised

OFFICIAL: Sensitive

From: Scriven, Clare (PIRSA) <Clare.Scriven@sa.gov.au>
Sent: Wednesday, 4 May 2022 11:15 AM
To: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>; O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>
Subject: Min statement revised

OFFICIAL: Sensitive

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 12:42 PM
To: Spencer, Meagan (PIRSA); Doroudi, Mehdi (PIRSA); O'Brien, Mat (PIRSA)
Cc: Rodrigues, Sam (PIRSA); Collins, Jo (PIRSA)
Subject: Re: Minute to Minister - SACAT outcomes and related communications plan (A5425794) - Workflow Task Ready: Executive Director to review and approve briefing

Thanks Meagan we will workflow letters to minister for noting

Get [Outlook for iOS](#)

From: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Sent: Wednesday, May 4, 2022 12:36:07 PM
To: Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>; O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>
Cc: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>; Rodrigues, Sam (PIRSA) <Samara.Rodrigues@sa.gov.au>; Collins, Jo (PIRSA) <Jo.Collins@sa.gov.au>
Subject: RE: Minute to Minister - SACAT outcomes and related communications plan (A5425794) - Workflow Task Ready: Executive Director to review and approve briefing

OFFICIAL: Sensitive

Hello

Can I please make following suggestions –

Communications objectives and key messages align with ministerial statement (once delivered).

Have spoken with Gavin – can our office please see the stakeholder letter prior to sending. Also a media release is being prepared from Premier's media unit.

Thanks so much

Meagan

Meagan Spencer | Chief of Staff
 Office of the Minister for Primary Industries and Regional Development
 Office of the Minister for Forest Industries

Level 10, 1 King William Street, Adelaide | GPO Box 1671 Adelaide SA 5001
P: 0408 363 864 | **E:** meagan.spencer@sa.gov.au



**Government of
South Australia**

The information contained within this email is confidential and may be the subject of legal privilege. This email is intended solely for the addressee, and if you are not the intended recipient you must not disclose, copy, use or distribute this email or any of its attachments. If you have received this email in error, please advise the sender immediately via reply email, delete the message and any attachments from your system, and destroy any copies made.

From: Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>

Sent: Wednesday, 4 May 2022 8:01 AM

To: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>; O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>

Cc: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>; Rodrigues, Sam (PIRSA) <Samara.Rodrigues@sa.gov.au>; Collins, Jo (PIRSA) <Jo.Collins@sa.gov.au>

Subject: Minute to Minister - SACAT outcomes and related communications plan (A5425794) - Workflow Task

Ready: Executive Director to review and approve briefing

OFFICIAL: Sensitive

Hi Meagan and Mat,

An electronic version until we submit it through workflow. I asked Gavin to stay in close touch with you today about the timing of releasing the statement then we can update the website ...

Any questions let us know.

Regards

Mehdi

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Tuesday, 3 May 2022 11:17 AM
To: Doroudi, Mehdi (PIRSA)
Subject: RE: MSF Quota Entitlement - SACAT Appeals - Draft Min Statement
Attachments: Ministerial Statement - Allocation of Additional Quota Units in the MSF - DRAFT_v2.docx

OFFICIAL: Sensitive//SA CABINET

Hi Mehdi – please see updated version
Regards
Gavin

From: Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>
Sent: Tuesday, 3 May 2022 10:01 AM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: FW: MSF Quota Entitlement - SACAT Appeals - Draft Min Statement

OFFICIAL: Sensitive//SA CABINET

Gavin, can you do a quick fact check as discussed? Thanks Mehdi

From: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Sent: Tuesday, 3 May 2022 8:29 AM
To: Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>
Subject: MSF Quota Entitlement - SACAT Appeals - Draft Min Statement

OFFICIAL: Sensitive//SA CABINET

Hi Mehdi

I was wondering if you could please have a look at the attached statement and let me know of any inaccuracies or information you think should be included.

Thanks so much

Meagan

Meagan Spencer | Chief of Staff
Office of the Minister for Primary Industries and Regional Development
Office of the Minister for Forest Industries

Level 10, 1 King William Street, Adelaide | GPO Box 1671 Adelaide SA 5001
P: 0408 363 864 | E: meagan.spencer@sa.gov.au



**Government of
South Australia**

The information contained within this email is confidential and may be the subject of legal privilege. This email is intended solely for the addressee, and if you are not the intended recipient you must not disclose, copy, use or distribute this email or any of its attachments. If you have received this email in error, please advise the sender immediately via reply email, delete the message and any attachments from your system, and destroy any copies made.

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Monday, 11 April 2022 2:48 PM
To: O'Brien, Mathew (PIRSA)
Subject: RE: SACAT Briefing

OFFICIAL: Sensitive

Hi Mat – will do

From: O'Brien, Mathew (PIRSA) <Mathew.Obrien@sa.gov.au>
Sent: Monday, 11 April 2022 2:47 PM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: SACAT Briefing

OFFICIAL: Sensitive

Hi Gavin,

Can I please ask that you bring forward the briefing on the options the minister has regarding the SACAT appeals prior to her signing off on the briefing about the crown advice.

Much appreciated,

Mat O'Brien
Adviser to the Hon. Clare Scriven MLC
0450188496

From: [O'Brien, Mat \(PIRSA\)](#)
To: [Begg, Gavin \(PIRSA\)](#)
Subject: Out of scope
Date: Thursday, 28 April 2022 9:42:18 AM

OFFICIAL

Hi Gavin,

I spoke to the minister last night and I believe you spoke to Meagan about the SACAT stuff, so I think we all are on the same page.

Out of scope



Thanks

Mat

Marine Scalefish Fishery reform - South Australian Civil and Administrative Tribunal decisions

Background

In 2021, the Department of Primary Industries and Regions (PIRSA) introduced quota under the Marine Scalefish Fishery (MSF) reform to ensure the sustainability of Tier 1 fish stocks. Under these reforms 100 professional fishing licences were surrendered under the Voluntary Licence Surrender Program (VLSP), with individual catch quotas for four priority species – King George whiting, garfish, calamari and snapper – allocated to the remaining 207 licence holders, and to eligible licence holders in the Rock Lobster fisheries. The allocation was informed by recommendations made by the Independent Allocation Advisory Panel.

An exceptional circumstances process was established to provide licence holders the opportunity to present a case where they had exceptional circumstances during the reference period, which may warrant consideration of additional quota. Additional quota was limited to a pro-rata share of the total eligible catch history of licence holders who participated in the VLSP after 2 November 2020 (the pro-rata policy).

Internal reviews conducted pursuant to section 111 of the *Fisheries Management Act 2007* resulted in 28 decisions being affirmed and five decisions to impose a licence condition fixing quota to be varied. Following these reviews, 17 licence holders (in respect to 18 licences) remained unsatisfied with the decision and applied to the South Australian Civil and Administrative Tribunal (SACAT) for external reviews under section 112 of the Act.

The status of these review applications made to SACAT are as follows:

- one application has been discontinued due to SACAT not having jurisdiction to review the decision
- three decisions have been affirmed
- five¹ decisions have been set aside and sent back to the Minister to reconsider the quota allocation
- Nine matters are pending SACAT decisions or hearings.

The Minister for Primary Industries and Regional Development made a Parliamentary Ministerial Statement in relation to the outcomes of the SACAT appeals and advised that the Minister will:

- withdraw the four appeals of the SACAT decisions

¹ Revised number of decisions following decision received on 2 May 2022

- reconsider the allocation of additional quota units to licence holders for whom exceptional circumstance had been found to exist, by placing these licence holders in a position where their quota entitlements are what they would have been if not affected by their exceptional circumstances, in a way that is consistent with the SACAT findings and directions made in its decisions.

Communications objectives

- Advise industry of the Minister's announcement that she has accepted the SACAT decisions and will reconsider quota allocated to licence holders with exceptional circumstances.

Target audience/s

Primary audience

- Commerical licence holders in the Marine Scalefish Fishery, Northern Zone Rock Lobster Fishery and Sothern Zone Rock Lobster Fishery

Secondary audience

- RecFish SA
- Recreational fishers
- Public facing/frontline Department of Primary Industries and Regions (PIRSA) staff, in particular the South Australian Research and Development Institute (SARDI) and Fisheries and Aquaculture (especially leasing and licensing and Fisheries Officers) staff

Stakeholders

- Marine Scalefish Fishery Management Advisory Committee (MSFMAC)
- Minister's Recreational Fishing Advisory Council (MRFAC)
- Relevant industry associations (marine scalefish and rock lobster)
- Rock Lobster Management Advisory Committee (Rock Lobster MAC)

Key messages

- A number of licence holders sought reviews of the decisions of the former Minister to the South Australian Civil and Administrative Tribunal (SACAT) arguing that the pro-rata adjustment method implemented by the former Minister was unfair and unreasonable.
- The SACAT has recently made decisions to set aside some decisions made by the former Minister in relation to the pro-rata policy, and for the matter to be remitted for reconsideration.
- The Minister has given directions to withdraw appeals that had been filed in respect to these decisions and accepted SACAT's ruling that the former Minister's pro-rata policy 'had no legal foundation' and produced unfair and unjust results for these fishers with exceptional circumstances.
- We are now reconsidering the allocation of the Marine Scalefish Fishery quota entitlements where exceptional circumstances were accepted to apply to the licence holder and additional quota was allocated on a pro-rata basis.

- Licence holders who did not apply for, or were not considered to have, exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.
- We are considering sustainability risks if the Total Allowable Commercial Catch (TACC) is increased for the remainder of the current quota period (and next quota period) to accommodate the additional units to maintain the kilogram unit value for 2021/22.
- Advice sought and received from the South Australian Research and Development Institute (SARDI) shows that if the kilogram value of the additional units were to be carried over to the next quota period (i.e. TACCs were to increase), there is a low risk to stock sustainability.
- We aim to implement a way for licence holders, who are allocated additional quota as part of the reconsideration of exceptional circumstances, to carry unused additional quota into 2022/23.
- As noted in the Marine Scalefish Fishery reform Stage 3 Information document, released 1 July 2021, upon final allocation of quota entitlements, the Minister may determine exceptional circumstances apply and subsequently allocate additional quota units.
- Due to the exceptional circumstances 'catch share' being limited on a pro-rata basis, the 180 licence holders who had no exceptional circumstances were effectively given a greater share than they would have been if the exceptional circumstances claims were not limited to the pro-rata policy and were, therefore, allocated more quota entitlements than they otherwise would have if licence holders with exceptional circumstances were given their full catch share and not limited by the pro-rata policy on 1 July 2021.
- Once the allocations have been recalculated and reconsidered, the impacted licence holders and the broader industry will be notified of the revised allocations.

Communication approach

Activities, tools and tactics will change and/or be added to as program develops and new needs are identified.

Date/ deadline	Tactics / Tools	Action	Responsibility	Status/notes
Thurs 5 May	Stakeholder letter Letters will be prepared for: <ul style="list-style-type: none"> • Commercial licence holders (marine scale fish fishery, Northern Zone Rock Lobster fishery and Southern Zone Rock Lobster fishery) • RecFishSA and Minister's Recreational Fishing Advisory Council • Industry associations. 	Draft Approvals Release	F&A F&A F&A	In progress

Thurs 5 May	Media release Media unit to consider whether there is a media opportunity, and to prepare any responses to potential media queries.	Draft Approvals Release	Media F&A MO	Not started
Thurs 5 May	Web update Update total allowable catches webpage to include SARDI fish stocks report. Potential updates to the following pages: <ul style="list-style-type: none"> • Exceptional circumstance process • MSF management arrangements 	Draft Review Approve Publish	Comms Digi Comms F&A Digi Comms	Live – 4 May 2022
Thurs 5 May	PIRSANews An article to be included in upcoming edition of PIRSANews.	Draft Approve Distribute	Comms F&A Comms	Not started
Thurs 5 May	Media kit A media kit will be developed and supplied to target audience groups and key stakeholders. For example, RecFish SA, MSFMAC.	Draft Review Approve	Comms F&A Comms	Not started
Thurs 5 May	Fish Facts An article to be included in upcoming edition of Fish Facts.	Draft Approval Publish	Comms F&A Comms	Not started

Key contacts and roles

Name	Role	Contact
Jon Presser	Manager, Fisheries Reform	T: 8429 0588 M: 0472 865 525 E: jon.presser@sa.gov.au
Ruth Lloyd-Wright	Team Leader - Communications	M: 0460 631 297 E: ruth.lloyd-wright2@sa.gov.au



Ref: A5427710

Xx May 2022

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SA
GPO Box 1625
Adelaide SA 5001
Tel (08) 8207 5333
www.pir.sa.gov.auName
Address
Suburb

Dear licence holder [licence holders, industry associations and MACs]

I write to provide an update in relation to the allocation of new marine scalefish quota entitlements in the Marine Scalefish Fishery and the Northern Zone Rock Lobster Fisheries following the external review by the South Australian Civil Administrative Tribunal (SACAT) of some of the quota allocation decisions of the former Minister.

The decision of the former Minister to vary relevant fishery licences to allocate new marine scalefish quota entitlements in late June 2021 incorporated the consideration of exceptional circumstances. For this purpose, an exceptional circumstances process had been established in November 2020 to provide licence holders the opportunity to present a case for the Minister's consideration as to whether they had exceptional circumstances. As a matter of policy, the former Minister decided that any additional quota to be allocated based on a licence holder's exceptional circumstances would be limited to a pro-rata (or proportional) share of the total eligible catch history of licence holders who surrendered their licences in the Voluntary Licence Surrender Program after 2 November 2020.

Following the allocation of new marine scalefish quota entitlements decided on 29 June 2021, a number of licence holders sought an internal review of these decisions and subsequently sought an external review of the decision by the SACAT as is provided for under the *Fisheries Management Act 2007*.

While not all applications made by licence holders to the SACAT have been decided, the SACAT has made decisions in respect to five (5) licences to set aside the former Minister's quota allocation decision and remit those decisions back to the Minister to be reconsidered.

These decisions included consideration of the allocation of additional quota on the bases of exceptional circumstances. The SACAT found that the pro-rata policy used to determine the amount of additional quota should not have been applied.

The newly appointed Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC, announced on 4 May 2022 that, after consideration of the SACAT findings that the pro-rata policy should not have been used to determine the quantum of additional quota where exceptional circumstances existed, the Minister will reconsider the former Minister's decisions. The remedy to correct the error will require additional quota entitlements to be allocated in the Marine Scalefish Fishery and the

Northern Zone Rock Lobster Fisheries with variations according to species and fishing zones.

Those licence holders who did not apply for, or were not considered to have exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

To provide an indication of the potential changes, the table below shows an estimation of additional units that may apply for each species in each fishing zone as a result of reconsidering exceptional circumstance allocations.

These figures are a preliminary indication and will be subject to change following the completion of outstanding review hearings before the SACAT and a comprehensive examination of the quota allocated to all licences in the Marine Scalefish Fishery, Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery.

	GSV calamari	SG calamari	GSV garfish	SG garfish	GSV KGW	SG KGW	GSV snapper	SE snapper	SG snapper	WC snapper
Quota Units allocated 1 July 2021										
MSF	4000.00	3928.00	2000.00	1998.00	1944.00	1958.00	3972.00	1548.00	3984.00	992.00
NZRL	0.00	72.00	0.00	2.00	56.00	42.00	28.00	36.00	16.00	8.00
SZRL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	416.00	0.00	0.00
Total Units	4000.00	4000.00	2000.00	2000.00	2000.00	2000.00	4000.00	2000.00	4000.00	1000.00
Estimated additional quota units following appeals										
MSF	146.61	217.10	160.99	103.50	0.00	158.34	494.50	0.00	91.94	99.46
NZRL	0.00	1.49	0.00	1.69	0.39	12.82	5.97	0.00	8.60	8.00
SZRL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Units	146.61	218.59	160.99	105.19	0.39	171.16	500.47	0.00	100.54	107.46

While some fishers may have benefited from the quota allocation error made in the calculation of additional quota to those licence holders who had exceptional circumstances, careful consideration has been given to proportionately increasing the Total Allowable Commercial Catch (TACC) to reduce the impact of the additional units in the fisheries to maintain the kilogram unit value for all species and respective fishing zones for 2021/22 and the subsequent season as much as possible where there are no risks to sustainability of the resources.

The Minister has sought and received advice from the South Australian Research and Development Institute (SARDI) that taking this course of action to correct the former Minister's error will not adversely impact on the sustainability of the impacted species.

Further information will be provided to you as it becomes available.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email jon.presser@sa.gov.au.

Yours sincerely



Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE



Ref: A5427711

FISHERIES & AQUACULTURE2 Hamra Avenue
West Beach SA
GPO Box 1625
Adelaide SA 5001
Tel (08) 8207 5333
www.pir.sa.gov.au

XX May 2022

Name
Address
Suburb etc

Dear Mr [licence holder that have exceptional circumstances that will need quota reconsidered]

I write to notify you of the announcement by the Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC on 4 May 2022 in relation to South Australian Civil and Administrative Tribunal (SACAT) reviews of the former Minister's decision to allocate new marine scalefish quota entitlements under new regulatory arrangements.

The Minister has accepted the recent SACAT findings that the pro-rata policy should not have been used to determine additional quota entitlements for licence holders who were accepted as having exceptional circumstances. The Minister will therefore reconsider the allocation decisions of the former Minister where the pro-rata policy was applied to determine additional quota allocations.

The decisions to be reviewed by the Minister will, therefore, include the quota allocation decision made in relation to your licence.

The reconsideration of the allocation decisions for impacted licences will necessarily require complex recalculations. The Department of Primary Industries and Regions (PIRSA) is currently working through the process to recalculate allocations that had been subjected to the pro-rata policy and how to accommodate an increase in quota units in the fishery as a priority. We are also considering arrangements that may be able to be implemented to allow any additional quota that is not able to be caught in 2021/22 to be carried over to 2022/23.

I understand that all impacted licence holders will be seeking to know the outcome of the reconsideration of allocations as soon as possible and further advice will be provided as soon as these decisions are made.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email jon.presser@sa.gov.au.

Yours sincerely

A blue ink signature of Prof Gavin Begg, written in a cursive style.

Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE



Government of South Australia

Department of Primary Industries
and Regions

Ref:A5427709

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.au

XX May 2022

Name
Address
Suburb etc

Dear Mr [licence holder with SACAT decision to set aside and reconsider (ie. **Clause 6(1)**
Clause 6(1)]

I write to notify you of the announcement by the Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC on 4 May 2022 in relation to South Australian Civil and Administrative Tribunal (SACAT) reviews of the former Minister's decision to allocate new marine scalefish quota entitlements under new regulatory arrangements.

The Minister has accepted the recent SACAT findings that the pro-rata policy should not have been used to determine additional quota entitlements for licence holders who were accepted as having exceptional circumstances. As a result, the Minister has decided not to pursue any appeal of the decision of the SACAT in relation to your application.

The Minister will now need to reconsider all affected quota allocations including yours in accordance with the reasons set out in the SACAT decisions.

The reconsideration of the allocation decisions for impacted licences will necessarily require complex recalculations. The Department of Primary Industries and Regions (PIRSA) is currently working through the process to recalculate allocations that had been subjected to the pro-rata policy and how to accommodate an increase in quota units in the fishery as a priority. We are also considering possible arrangements ~~arrangements that may be able to be implemented~~ to allow any additional quota that is not unable to be caught in 2021/22 to be carried over to 2022/23.

I understand that all impacted licence holders will be seeking to know the outcome of the reconsideration of allocations as soon as possible. You will be advised as soon as the decisions have been made.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email jon.presser@sa.gov.au.

Yours sincerely

Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 3:48 PM
To: O'Brien, Mat (PIRSA)
Subject: FW: Emailing: 2022-02-19 - Clause 6(1) - SACAT Order.pdf, 2022-03-22 - SACAT Order - Clause 6(1) Order.pdf, 2022-03-24 SACAT Order - Clause 6(1) (002).pdf, 2022-02-18 Clause Order.pdf
Attachments: 2022-02-19 - Clause - SACAT Order.pdf; 2022-03-22 - SACAT Order - Clause 6(1) Order.pdf; 2022-03-24 SACAT Order - Clause (002).pdf; 2022-02-18 Clause Order.pdf

OFFICIAL

Hi Mat - please see attached
Regards
Gavin

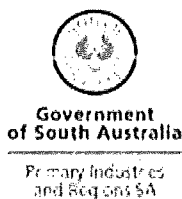
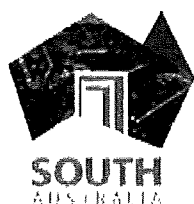
Farley, Lisa (PIRSA)

From: Presser, Jon (PIRSA)
Sent: Thursday, 5 May 2022 12:32 PM
To: O'Brien, Mat (PIRSA)
Cc: Begg, Gavin (PIRSA)
Subject: RE: SACAT

OFFICIAL: Sensitive

Matt
The appeals to SACAT decision relating to Clause 6(1) were filed with the Supreme Court of SA on 17 March 2022.
Regards

Jon Presser | Manager Fisheries Reform
Fisheries & Aquaculture | **Primary Industries and Regions SA - PIRSA**
Government of South Australia | 2 Hamra Avenue, West Beach, 5024, South Australia
GPO Box 1625 Adelaide SA 5001 | DX 210
P: +61 8 8429 0588 | **M:** +61 472 865525 | **W:** www.pir.sa.gov.au



Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity | Courage & Tenacity | Sustainability

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

From: O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>
Sent: Thursday, 5 May 2022 12:10 PM
To: Presser, Jon (PIRSA) <Jon.Presser@sa.gov.au>; Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: SACAT

OFFICIAL: Sensitive

Hi Jon and Gavin,

Clause 6(1) I am just after confirmation of the date that the former government lodged appeals against the SACAT findings?

Thanks

Mat

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 20 April 2022 12:51 PM
To: O'Brien, Mat (PIRSA)
Subject: RE: SACAT Briefs

OFFICIAL: Sensitive

Hi Matt – considering the sensitivity around these briefs it would be best for these to come from the Minister's Office directly.

If any issues, please let me know.

Regards

Gavin

From: O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>
Sent: Wednesday, 20 April 2022 12:36 PM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: SACAT Briefs

OFFICIAL: Sensitive

Hi Gavin,

Clause 6(1)

but if you have the briefings we received on SACAT matters that you could send on by email, could you please send them through?

Clause 6(1)

but I need to take a look at them.

Thanks

Mat



Ref:A5427709

FISHERIES & AQUACULTURE2 Hamra Avenue
West Beach SA
GPO Box 1625
Adelaide SA 5001
Tel (08) 8207 5333
www.pir.sa.gov.au

XX May 2022

Name
Address
Suburb etcDear Mr [licence holder with SACAT decision to set aside and reconsider (ie. **Clause 6(1)**)]

I write to notify you of the announcement by the Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC on 4 May 2022 in relation to South Australian Civil and Administrative Tribunal (SACAT) reviews of the former Minister's decision to allocate new marine scalefish quota entitlements under new regulatory arrangements.

The Minister has accepted the recent SACAT findings that the pro-rata policy should not have been used to determine additional quota entitlements for licence holders who were accepted as having exceptional circumstances. As a result, the Minister has decided not to pursue any appeal of the decision of the SACAT in relation to your application.

The Minister will now need to reconsider all affected quota allocations including yours in accordance with the reasons set out in the SACAT decisions.

The reconsideration of the allocation decisions for impacted licences will necessarily require complex recalculations. The Department of Primary Industries and Regions (PIRSA) is currently working through the process to recalculate allocations that had been subjected to the pro-rata policy and how to accommodate an increase in quota units in the fishery as a priority. We are also considering possible arrangements to allow any additional quota that is not able to be caught in 2021/22 to be carried over to 2022/23.

I understand that all impacted licence holders will be seeking to know the outcome of the reconsideration of allocations as soon as possible. You will be advised as soon as the decisions have been made.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email jon.presser@sa.gov.au.

Yours sincerely

A blue ink signature of Prof Gavin Begg, written in a cursive style.

Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Exceptional circumstances process - PIRSA

Exceptional circumstances

An exceptional circumstances process was undertaken to provide an independent assessment of fishery licence holders' individual circumstances and assess whether, and if so to what extent, those circumstances have impacted the licence holder's fishing activity during the reference period that quota unit entitlements were determined.

As a matter of policy, any additional quota allocated based on a licence holder's exceptional circumstances were limited to a pro-rata (or proportional) share of the total eligible catch history of licence holders who participated in the Voluntary Licence Surrender Program after 2 November 2020.

On 29 June 2021, pursuant to section 55 of the *Fisheries Management Act 2007*, the former Minister imposed a condition fixing a quota unit entitlement on all licences in accordance with his determinations (incorporating any additional allocation that may have been made on the basis of exceptional circumstances).

Following this, a number of licence holders sought reviews of the decisions under the *Fisheries Management Act 2007*.

As noted in the Marine Scalefish Fishery reform Stage 3 Information document, released 1 July 2021, upon final allocation of quota entitlements, the Minister may determine exceptional circumstances apply and subsequently allocate additional quota units.

Allocation of quota entitlements

Clause 9(1)

The South Australian Civil and Administrative Tribunal (SACAT) has recently made decisions to set aside some decisions made by the former Minister in relation to the pro-rata policy, and for the matter to be remitted for reconsideration.

The Minister will reconsider the decisions in relation to the pro-rata policy and recalculate the additional quota units for licence holders who were found to have exceptional circumstances that warranted additional quota, while preserving the quota units that were allocated on 1 July 2021 to all licence holders.

Once the allocations have been recalculated and reconsidered, the impacted licence holders and the broader industry will be notified of the revised allocations.

We aim to implement a way for licence holders, who are allocated additional quota as part of the reconsideration of exceptional circumstances, to carry unused additional quota into the 2022/23 quota period.

Sustainability of fish stocks under proposed changes

Sustainability risks were considered if the Total Allowable Commercial Catches (TACCs) are increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to be allocated to the affected licence holders maintain the kilogram unit value for 2021/22. **Clause 9(1)**

Clause 9(1)

Advice received from the South Australian Research and Development Institute (SARDI) shows **Clause 9(1)**
Clause 9(1) there is a low risk to stock sustainability under these arrangements.

Appeals

Appeals lodged in the Supreme Court will be withdrawn and the Minister will reconsider the relevant decisions consistent with the determinations of SACAT.

Non exceptional circumstances licence holders

Those licence holders who did not apply for, or were not considered to have, exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

Clause 9(1)

Based on sustainable limits, the TACCs can be increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to maintain the kilogram unit value for 2021/22. **Clause 9(1)**

Clause 9(1)

Once the allocations have been recalculated and reconsidered, the impacted licence holders and the broader industry will be notified of the revised allocations.

Support

Family and Business Support Mentors are available for you to talk to and can refer you to support services available, such as Rural Financial Business Counselling. These mentors are experienced in discussing and addressing difficult issues.

This service is provided free of charge to licence holders.

FaBs contacts

Steve Whillas

Phone: 0458 852 268

Email: steve@epicbrokers.biz

Colleen White

Phone: 0409 388 649

Email: cwhitecounselling@gmail.com

From: [Begg, Gavin \(PIRSA\)](#)
To: [O'Brien, Mat \(PIRSA\)](#); [Doroudi, Mehdi \(PIRSA\)](#)
Subject: RE: Exceptional circumstances - WEBSITE
Date: Wednesday, 4 May 2022 4:56:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL: Sensitive

Hi Mat – just spoke to Mehdi, we will go with abbreviated wording below, and can add more if needed at a later stage.

Regards

Gavin

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 4:40 PM
To: O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>; Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>
Subject: RE: Exceptional circumstances - WEBSITE

OFFICIAL: Sensitive

Hi Mat/Mehdi

A more abbreviated section is below:

Non exceptional circumstances licence holders

Those licence holders who did not apply for, or were not considered to have, exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

Based on sustainable limits, the TACCs can be increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to maintain the kilogram unit value for 2021/22. **Clause 9(1)**

[REDACTED]

[REDACTED]

[REDACTED]

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 4:34 PM
To: O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>; Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>
Subject: Exceptional circumstances - WEBSITE

OFFICIAL: Sensitive

Hi Mat/Mehdi

As discussed, please see attached additional section on NON EC LICENCE HOLDERS for your review.

Regards

Gavin

Prof Gavin Begg | Executive Director Fisheries and Aquaculture

Primary Industries and Regions SA - PIRSA | Government of South Australia

P: +61 8 429 0960 | **W:** pir.sa.gov.au



**Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity
| Courage & Tenacity | Sustainability**

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.



Ref: A5427711

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.au

XX May 2022

Name
Address
Suburb etc

Dear Mr [licence holder that have exceptional circumstances that will need quota reconsidered]

I write to notify you of the announcement by the Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC on 4 May 2022 in relation to South Australian Civil and Administrative Tribunal (SACAT) reviews of the former Minister's decision to allocate new marine scalefish quota entitlements under new regulatory arrangements.

Clause 9(1)

The Minister has accepted the recent SACAT findings that the pro-rata policy should not have been used to determine additional quota entitlements for licence holders who were accepted as having exceptional circumstances. The Minister will therefore reconsider the allocation decisions of the former Minister where the pro-rata policy was applied to determine additional quota allocations.

The decisions to be reviewed by the Minister will, therefore, include the quota allocation decision made in relation to your licence.

The reconsideration of the allocation decisions for impacted licences will necessarily require complex recalculations. The Department of Primary Industries and Regions (PIRSA) is currently working through the process to recalculate allocations that had been subjected to the pro-rata policy and how to accommodate an increase in quota units in the fishery as a priority. We are also considering arrangements that may be able to be implemented to allow any additional quota that is not unable to be caught in 2021/22 to be carried over to 2022/23.

I understand that all impacted licence holders will be seeking to know the outcome of the reconsideration of allocations as soon as possible. Clause 9(1)

Clause 9(1)

and further advice will be provided as soon as these decisions are made.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email jon.presser@sa.gov.au.

Yours sincerely

Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 5:42 PM
To: Spencer, Meagan (PIRSA)
Subject: RE: Exceptional circumstances website

OFFICIAL: Sensitive

Yes – will do

From: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Sent: Wednesday, 4 May 2022 5:37 PM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Subject: RE: Exceptional circumstances website

OFFICIAL: Sensitive

Hi Gavin – with regard to sustainability of fish stocks under proposed changes – could this addition be included if suitable?

Many thanks

Meagan

Advice **sought and** received from the South Australian Research and Development Institute (SARDI) shows there is a low risk to stock sustainability under these arrangements.

From: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Sent: Wednesday, 4 May 2022 5:25 PM
To: Koleff, Fontella (PIRSA) <Fontella.Koleff2@sa.gov.au>
Cc: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Subject: Exceptional circumstances website

OFFICIAL: Sensitive

Hi Fontella

As discussed with Meagan, can you please delete the highlighted sections below from the website.

Thanks

Gavin

Sustainability of fish stocks under proposed changes

Sustainability risks were considered if the Total Allowable Commercial Catches (TACCs) are increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to be allocated to the affected licence holders. ^{Clause 9(1)}

Clause 9(1)

Advice received from the South Australian Research and Development Institute (SARDI) shows there is a low risk to stock sustainability under these arrangements.

Appeals

Appeals lodged in the Supreme Court will be withdrawn and the Minister will reconsider the relevant decisions consistent with the determinations of SACAT.

Non-exceptional circumstances licence holders

Those licence holders who did not apply for, or were not considered to have, exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

Based on sustainable limits, the TACCs can be increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to maintain the kilogram unit value for 2021/22. ^{Clause 9(1)}

Clause 9(1)

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | **W:** pir.sa.gov.au



Government of South Australia
Department of Primary Industries
and Regions

Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity | Courage & Tenacity | Sustainability

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 6:23 PM
To: Koleff, Fontella (PIRSA); Spencer, Meagan (PIRSA)
Cc: Rodrigues, Sam (PIRSA); Lloyd-Wright, Ruth (PIRSA); Parker, John (PIRSA); Presser, Jon (PIRSA); Collins, Abby (PIRSA)
Subject: RE: Exceptional circumstances website

OFFICIAL: Sensitive

Great – thanks Fontella. Appreciate everyone's help today.
 Tomorrow we will need to add the SARDI advice note to the website.
 Regards
 Gavin

From: Koleff, Fontella (PIRSA) <Fontella.Koleff2@sa.gov.au>
Sent: Wednesday, 4 May 2022 6:16 PM
To: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>; Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Cc: Rodrigues, Sam (PIRSA) <Samara.Rodrigues@sa.gov.au>; Lloyd-Wright, Ruth (PIRSA) <Ruth.Lloyd-Wright2@sa.gov.au>; Parker, John (PIRSA) <John.Parker3@sa.gov.au>
Subject: RE: Exceptional circumstances website

OFFICIAL: Sensitive

Hi Gavin and Meagan,

The last lot of changes have now been made to the website and are live (sorry for the delay we had some technical issues with remote access). See link below.

[Exceptional circumstances process - PIRSA](#)

Thanks,

Fontella

Fontella Koleff | Senior Media Adviser
 Strategic Communications

Department of Primary Industries and Regions

Government of South Australia | 25 Grenfell St
 GPO Box 1671 Adelaide SA 5001

P: +61 8 8429 0488 | **M:** +61 0447 712 312 | **E:** PIRSA.Media@sa.gov.au
pir.sa.gov.au



Government of South Australia
 Department of Primary Industries
 and Regions

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

From: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>
Sent: Wednesday, 4 May 2022 5:25 PM
To: Koleff, Fontella (PIRSA) <Fontella.Koleff2@sa.gov.au>
Cc: Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>
Subject: Exceptional circumstances website

OFFICIAL: Sensitive

Hi Fontella

As discussed with Meagan, can you please delete the highlighted sections below from the website.

Thanks

Gavin

Sustainability of fish stocks under proposed changes

Sustainability risks were considered if the Total Allowable Commercial Catches (TACCs) are increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to be allocated to the affected licence holders. **Clause 9(1)**

Clause 9(1)

Advice received from the South Australian Research and Development Institute (SARDI) shows there is a low risk to stock sustainability under these arrangements.

Appeals

Appeals lodged in the Supreme Court will be withdrawn and the Minister will reconsider the relevant decisions consistent with the determinations of SACAT.

Non-exceptional circumstances licence holders

Those licence holders who did not apply for, or were not considered to have, exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

Based on sustainable limits, the TACCs can be increased for the remainder of the current quota period (and expected next quota period) to accommodate the additional units to maintain the kilogram unit value for 2021/22. **Clause 9(1)**

Clause 9(1)

Prof Gavin Begg | Executive Director Fisheries and Aquaculture
Primary Industries and Regions SA - PIRSA | Government of South Australia
P: +61 8 429 0960 | W: pir.sa.gov.au



Government of South Australia

Department of Primary Industries
and Regions

Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity | Courage & Tenacity | Sustainability

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

Farley, Lisa (PIRSA)

From: Begg, Gavin (PIRSA)
Sent: Wednesday, 4 May 2022 3:57 PM
To: Spencer, Meagan (PIRSA); O'Brien, Mat (PIRSA)
Cc: Doroudi, Mehdi (PIRSA)
Subject: FW: Webpage - Exceptional circumstances process - now live

OFFICIAL: Sensitive

Hi Meagan/Mat

Please note PIRSA website is now live and directions have been given to Counsel **Clause 10(1)**

Regards
Gavin

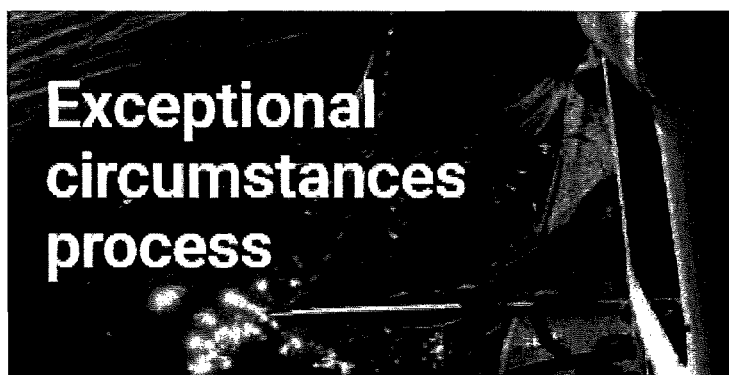
From: PIRSA:Digital <PIRSA.Digital@sa.gov.au>
Sent: Wednesday, 4 May 2022 3:51 PM
To: Koleff, Fontella (PIRSA) <Fontella.Koleff2@sa.gov.au>
Subject: RE: Word doc - web page

OFFICIAL: Sensitive

Hi Fontella

The edits are now live at Exceptional circumstances process - PIRSA

The page title has been left as "Exceptional circumstance process" as changing this will change the URL and also require changing the tile on the upper level page at Marine Scalefish Fishery reform - PIRSA



If the heading change is essential, please let me know – or if any other edits are required.

Regards

Toby

Toby Spencer | Digital Communications Officer
Digital Communications | **Department of Primary Industries and Regions**
Government of South Australia | 25 Grenfell Street
GPO Box 1671 Adelaide SA 5001
P: +61 8 8429 4473 | **M:** +61 402 315 434 | **E:** Toby.Spencer@sa.gov.au

pir.sa.gov.au



Government of South Australia

Department of Primary Industries
and Regions

Service | Professionalism | Trust | Respect | Collaboration & Engagement | Honesty & Integrity | Courage & Tenacity | Sustainability

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

Minute to
Minister for Primary Industries and Regional Development
Minister for Forest IndustriesMINISTER'S
OFFICE

06 May 2022

RECEIVED

eA 197220

Ref: A5425794

For	Noting
Critical Date	ASAP
Subject	Communications Plan - Outcome of SACAT external reviews

Synopsis

As requested, a communications plan has been prepared in relation to the announcement about withdrawing appeals before the Supreme Court of South Australia and reconsideration of certain quota allocations as a result of decisions delivered by the South Australian Civil and Administrative Tribunal (SACAT).

Letters to the impacted licence holders, licence holders with access to the Marine Scalefish Fishery and industry bodies have been prepared and intended to be sent by the Executive Director, Fisheries and Aquaculture.

Recommendations

That you:

1. Note the brief and the attached communication and draft letters to advise licence holders and stakeholders of SACAT decisions and reconsideration of exceptional circumstances quota allocations.

NOTED

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development****Minister for Forest Industries**

11 / 5 / 2022

Ministerial Comments -

Background


Clause 10(1)



Discussion

- In line with your announcement in response to the SACAT decisions and reconsideration of exceptional circumstance quota allocations, a communications plan which outlines key stakeholders and key messages has been prepared.
- The Department of Primary Industries and Regions (PIRSA) has prepared letters to commercial licence holders with access to the Marine Scalefish Fishery and key stakeholders with an interest in the commercial Marine Scalefish Fishery to notify them of your recent announcement.
- PIRSA will proceed to review and recalculate the exceptional circumstances allocations as a priority

Clause 10(1)



Clause 10(1)



Stakeholder / regional impacts, consultation and engagement

- The impacts are discussed in detail in briefing **A5404613**.
- PIRSA will work with Strategic Communications to update relevant webpages and communications with industry and the broader community.

Management of key risks

- N/A

Legislative and/or financial implications

- None

Attachments

- A. Communications Plan
- B. Draft letter all licence holders with MSF access and stakeholders
- C. Draft letter to licence holders with SACAT decisions
- D. Draft letter to licence holders with exceptional circumstances



CHIEF EXECUTIVE

Department of Primary Industries and Regions

5/5/2022

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries and Aquaculture
MOBILE and LANDLINE	0477 316 248
Cleared by	Jon Presser



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: A5425794

For	Noting
Critical Date	ASAP
Subject	Communications Plan - Outcome of SACAT external reviews

Synopsis

As requested, a communications plan has been prepared in relation to the announcement about withdrawing appeals before the Supreme Court of South Australia and reconsideration of certain quota allocations as a result of decisions delivered by the South Australian Civil and Administrative Tribunal (SACAT).

Letters to the impacted licence holders, licence holders with access to the Marine Scalefish Fishery and industry bodies have been prepared and intended to be sent by the Executive Director, Fisheries and Aquaculture.

Recommendations

That you:

1. Note the brief and the attached communication and draft letters to advise licence holders and stakeholders of SACAT decisions and reconsideration of exceptional circumstances quota allocations.

NOTED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2022

Ministerial Comments -

Background

Clause 10(1)



Discussion

- In line with your announcement in response to the SACAT decisions and reconsideration of exceptional circumstance quota allocations, a communications plan which outlines key stakeholders and key messages has been prepared.
- The Department of Primary Industries and Regions (PIRSA) has prepared letters to commercial licence holders with access to the Marine Scalefish Fishery and key stakeholders with an interest in the commercial Marine Scalefish Fishery to notify them of your recent announcement.
- PIRSA will proceed to review and recalculate the exceptional circumstances allocations as a priority Clause 10(1)
Clause 10(1)
Clause 10(1) .

Stakeholder / regional impacts, consultation and engagement

- The impacts are discussed in detail in briefing **A5404613**.
- PIRSA will work with Strategic Communications to update relevant webpages and communications with industry and the broader community.

Management of key risks

- N/A

Legislative and/or financial implications

- None

Attachments

- A. Communications Plan
- B. Draft letter all licence holders with MSF access and stakeholders
- C. Draft letter to licence holders with SACAT decisions
- D. Draft letter to licence holders with exceptional circumstances



CHIEF EXECUTIVE

Department of Primary Industries and Regions

5/5/2022

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries and Aquaculture
MOBILE and LANDLINE	0477 316 248
Cleared by	Jon Presser