NOTICE TO FISHERS

To: Licence holders in the Marine Scalefish Fishery and Restricted Marine Scalefish Fishery

I am writing to notify all licence holders that on **15 January 2018** the Fisheries Management (Marine Scalefish Fishery) Regulations 2006 will be revoked and replaced with the Fisheries Management (Marine Scalefish Fishery) Regulations 2017. The new regulations have been made by the governor as part of the Premier’s Simplify Day initiative and follow consultation with the Marine Fishers Association.

While the new regulations are essentially in the same form as the current regulations there are some changes in the new regulations and I wish to draw your attention to one change in particular relating to a restriction on the transfer of licences (regulation 6(5)(b)). Consistent with numerous requests from licence holders and the Marine Fishers Association, Primary Industries and Regions SA (PIRSA) has introduced these new regulations to engender greater industry stewardship and longer term commitment to the resources upon which the fishery is based.

The new regulation 6(5) provides:

(5) The Minister may only consent to the transfer of a licence if satisfied as to the following:

(a) that the transfer—
   (i) is an authorised family transfer; or
   (ii) is an authorised amalgamation scheme transfer; or
   (iii) occurs in the course of the administration of a deceased estate under section 57(6) of the Act; or
   (iv) occurs as a result of the holder of the licence suffering from total and permanent incapacity; or
   (v) occurs as a result of a disqualification under Part 8 Division 4 of the Act;

(b) that an application for consent to the transfer (other than a transfer referred to in paragraph (a)) has not previously been made within a period of 5 years of the date of this application;

(c) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;

(d) that the licence to be transferred has not been suspended;

(e) that the transfer is to 1 person only;

(f) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;

(g) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of a Marine Scalefish Fishery.

The following points provide an explanation of how regulation 6(5)(b) will operate:

- The Minister, or his delegate, on or after 15 January 2018 will not be able to consent to the transfer of a licence where that licence has been transferred within a period of five years from the date of the application.
For example:

- If a licence holder had transferred their licence on 1 January 2015, that licence will not be permitted to be transferred again until after 1 January 2020.

or

- If a licence holder transfers their licence on 1 December 2020, that licence will not be permitted to be transferred again until 1 December 2025.

Please note that there is no restriction on the number of transfers of licences that can be made prior to 15 January 2018.

There are exceptions to this rule contained in regulation 6(5)(a). If the Minister, or his delegate, is satisfied that the transfer application fits into one of these categories, the 5-year restriction will not apply and a transfer application can still be made at any time.

In consultation with the Marine Fishers Association, this change has been introduced to provide a disincentive to the private practice of leasing marine scalefish licences and is consistent with the recommendations of the *Report of the SA Marine Scalefish Fishery Strategic Review*. Both the Marine Fishers Association and the strategic review have indicated that the practice of leasing licences is negatively affecting the fishery by encouraging short-term, highly intensive fishing practices that compromise the long-term sustainability of key marine species in the Marine Scalefish Fishery.

PIRSA has never recognised or encouraged the private practice of short-term leasing of licences. Such arrangements are beyond the control of the *Fisheries Management Act 2007*. However, these changes have been made to regulations to strengthen the commitment of licence holders to the ongoing sustainability of this fishery and to assist to prevent over exploitation of fish stocks.

A copy of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* can be found on the following internet link:


It is recommended that you look at the new regulations on the website and familiarise yourself with them prior to them coming in on 15 January 2018. The purpose of this letter is to provide early notification for those who have an interest in a licence and may wish to consider if the new restrictions will impact on your ability to exercise your interest or rights in a licence held in your or another person's name prior to the change coming into operation on 15 January 2018.

For any questions relating to the transfers of Marine Scalefish Fishery licences, please contact Mr Jonathan McPhail, Fishery Manager on (08) 8429 0508 or via jonathan.mcphail@sa.gov.au.

Yours sincerely

Sean Sloan
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