30 October 2015

NOTICE TO NORTHERN ZONE ROCK LOBSTER FISHERY LICENCE HOLDERS: INTRODUCTION OF REGIONAL QUOTA UNITS AND DETERMINATION OF THE VALUE OF ROCK LOBSTER QUOTA UNITS FOR THE 2015/16 FISHING SEASON

Dear licence holder

I write to advise you that the Minister for Agriculture, Food and Fisheries has recently approved amendments to the harvest strategy contained in the Management Plan for the South Australian Commercial Northern Zone Rock Lobster Fishery as recommended by the Rock Lobster Fishery Management Advisory Committee following a formal review of the harvest strategy.

The amendments introduce two regions in the fishery termed the Inner and Outer Region. Each region has a separate Total Allowable Commercial Catch (TACC). Regulation changes have been made to determine the regions and introduce the new quota units for each zone (Inner and Outer Region rock lobster quota units). These new quota units replace your previous Northern Zone Rock Lobster quota units on a one to one basis, at the time of implementation of the new arrangements.

Regional TACCs have been introduced to assist in improved management of both the inshore and offshore fishing grounds and promote utilisation of rock lobster stocks at appropriate levels of harvest across the extent of the fishery. 2015/16 is the first fishing season for which these new arrangements will apply.

Please be advised that as delegate of the Minister for Agriculture, Food and Fisheries, under the Fisheries Management (Rock Lobster Fisheries) Regulations 2006 (the regulations) I have determined the value for an Inner Region rock lobster unit at 5.12 kilograms and an Outer Region rock lobster unit at 1.02 kilograms for the 2015/16 quota period in the Northern Zone Rock Lobster Fishery.

The entitlements and registration extract of your licence has been updated and is enclosed with the new quota entitlements.

This determination has been made considering:

1. The objectives of the Fisheries Management Act 2007
2. Recommendations of the Rock Lobster Fishery Management Advisory Committee (RLFMAC) that the total allowable commercial catch (TACC) be 300 tonnes in the Inner Region and 60 tonnes in the Outer Region
3. Advice from SARDI Aquatic Sciences on the provisional status report for the 2014/15 season
4. The harvest strategy endorsed by the Minister for Agriculture, Food and Fisheries.

Determining the rock lobster unit value in 2015/16 of an Inner Region rock lobster unit at 5.12 kilograms and an Outer Region rock lobster unit at 1.02 kilogram will lead to a total TACC for the NZRLF of 360 tonnes, an increase of 36.7 tonnes from

Objective ID: A2520778
2014/15, noting that 60 tonnes of this TACC is restricted to harvest in the Outer Region of the fishery.

**New management arrangements**
The introduction of regional TACCs requires new management arrangements to ensure quota integrity. The new management arrangements have been included in s16 of the regulations or included as new licence conditions on your licence. These new arrangements include:

1. **Fishing in one region per trip only**
   Fishers may only harvest Rock Lobster from one region in one trip. All rock lobster harvested from one region including all rock lobster held on the vessel and any corf must be removed from the vessel/corf and consigned to a processor before harvest of Rock Lobster in another region may occur. These arrangements are set out in your licence conditions. A map showing the new regions is provided as an attachment to this notice and coordinates for the regions are provided in the regulations that are detailed in the attached copy of the gazetted notice.

2. **Prior to fishing report**
   Prior to fishing for rock lobster in the Outer Region fishers must notify the minister by telephone. These arrangements are set out in your licence conditions. You do not need to complete such a report if you are going to fish for rock lobster in the Inner Region in one trip.

3. **Reporting**
   Fishers must report on CDRs and Daily Logbooks the region fished (Inside or Outside Region). The NZ-CDR and logbooks have been amended to allow for this information to be reported. The requirements for reporting in NZ-CDRs are included in the regulations and in licence conditions. The instructions in the Daily Logbooks describes the new requirements for fishers for reporting region fished in these logbooks.

4. **Setting pots**
   Fishers must only set pots in one region in one fishing trip. There are provisions that allow for pots to be set in another region at the end of a fishing trip if all pots are hauled and collected on the vessel, a prior to landing report has been submitted and Part A of your CDR is completed prior to crossing the regional boundary into the other fishing region. These arrangements are set out in your licence conditions.

5. **Permanent transfers of Inner and Outer Region quota units**
   To permanently transfer quota, units licence holders must transfer equal numbers of units in both the Inner and Outer Regions until 2019/20. This provision does not apply to temporary transfers of quota units. These arrangements have been included in s16 of the regulations.

6. **Minimum quota holdings**
   To fish for Rock Lobster, the minimum quota holding is 320 units in the Region you will fish for Rock Lobster. To fish for species other than Rock Lobster or to retain them as by-product (in either Region), the minimum quota holding is 320 Inner Region units. These arrangements have been included in s16 of the regulations.
7. Overcatch provisions
For overcatch of individual quota entitlements in the 2014/15 season, PIRSA has applied the Regulation 16 overcatch provisions to the Inner Region quota entitlements in the current season (2015/16) only. In future seasons, overcatch provisions will apply to the region for which the overcatch applies.

Licence holders have a right under section 111 of the Fisheries Management Act 2007 to seek a review of a variation or imposition of a licence condition or refusal to issue, renew or consent to the transfer of an authority. Appeal rights also exist under sections 112 and 113 of the Fisheries Management Act 2007 to the District Court and the Environment, Resources and Development Court, respectively.

I take this opportunity to acknowledge the contribution and collaborative work undertaken by the industry to develop these new arrangements, through the South Australian Northern Zone Rock Lobster Fishermen’s Association and the RLFMAC with PIRSA Fisheries and Aquaculture and SARDI Aquatic Sciences.

Please contact Dr Annabel Jones, Program Leader Commercial Fisheries, on 8226 2962 if you require any further information or 8204 1370 for any licensing enquiries.

Yours sincerely

Sean Sloan
DIRECTOR
FISHERIES AND AQUACULTURE POLICY
Attachment 1: Map of Northern Zone Rock Lobster Fishery showing Inner and Outer Region
South Australia

Fisheries Management (Rock Lobster Fisheries) Variation Regulations 2015
under the Fisheries Management Act 2007

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Part 1—Preliminary

1—Short title

These regulations may be cited as the Fisheries Management (Rock Lobster Fisheries) Variation Regulations 2015.

2—Commencement

These regulations will come into operation on 1 November 2015.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of Fisheries Management (Rock Lobster Fisheries) Regulations 2006

4—Substitution of regulation 16

Regulation 16—delete the regulation and substitute:

16—Individual rock lobster catch quota system—Northern Zone
(1) In this regulation—

fishery means the Northern Zone Rock Lobster Fishery;
Northern Zone Inner Region means those waters of the Northern Zone commencing at the intersection of Mean High Water Springs and 133°53'00" East, then to position 33°42'00" South, 133°53'00" East, then to position 34°44'00" South, 134°17'00" East, then to position 35°54'00" South, 136°23'50" East, then to position 36°05'00" South, 136°30'00" East, then to position 36°30'00" South, 137°19'00" East, then to position 36°30'00" South, 138°40'00" East, then to position 36°20'00" South, 138°40'00" East, then to position 36°20'00" South, 139°00'00" East then north along the meridian of longitude 139°00'00" East to the intersection of Mean High Water Springs, then following Mean High Water Springs in the generally west, north-westerly direction to the intersection with the point of commencement;

Northern Zone Outer Region means the waters of the Northern Zone that are not within the Northern Zone Inner Region;

Northern Zone Region or Region means the Northern Zone Inner Region or the Northern Zone Outer Region;

quota period means—

(a) the period commencing on 1 November 2015 and ending on 30 June 2016; or

(b) the period of 12 months commencing on 1 July 2016; or

(c) the period of 12 months commencing on 1 July in any subsequent year;

rock lobster quota entitlement or quota entitlement, in relation to a licence in respect of the fishery and a Northern Zone Region, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence in that Region during a quota period, being the product of—

(a) the unit entitlement under the licence in respect of that Region; and

(b) the unit value for the Region and that quota period, subject to any variation applying during that quota period;

unit entitlement means the number of rock lobster units for the time being allocated to a licence in respect of the fishery for a Northern Zone Region.

(2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for a Northern Zone Region and each quota period.
(3) The Minister may impose or vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:

(a) on the commencement of the quota period ending on 30 June 2016, a licence in respect of the fishery may be allocated a number of rock lobster units in respect of each Northern Zone Region that equals the number of rock lobster units under the licence on 1 July 2015;

(b) subject to subregulation (4), on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular Northern Zone Region and decrease the unit entitlement under the other licence in respect of the same Northern Zone Region by a corresponding number of units;

(c) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during a particular quota period exceeded the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to reduce the quota entitlement in respect of that Region—

(i) if the catch exceeded the quota entitlement by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or

(ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram taken in excess of the quota entitlement;

(d) if—

(i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a rock lobster quota entitlement; and

(ii) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster in excess of the quota entitlement in respect of a Northern Zone Region,

the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement in respect of that Region for 3 quota periods following the conviction by 1 kilogram for each kilogram of rock lobster taken in excess of the quota entitlement for the quota period during which the offence was committed.
(4) If an application for the variation of a rock lobster quota entitlement under subregulation (3)—
   (a) is made in a quota period ending before 30 June 2019; and
   (b) is not to apply only for the quota period during which it is made,

the conditions of the licences must be varied so as to increase the unit entitlement under 1 of the licences by equal numbers of units in respect of each Northern Zone Region and decrease the unit entitlement under the other licence by a corresponding number of units in respect of each Northern Zone Region.

(5) An application to vary unit entitlements must—
   (a) be made in a manner and form approved by the Minister; and
   (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
   (c) be accompanied by—
      (i) the documents specified in the application form; and
      (ii) the appropriate fee fixed by the Fisheries Management (Fees) Regulations 2007.

(6) The holder of a licence in respect of the fishery must not, for a commercial purpose—
   (a) take rock lobster in a Northern Zone Region while the number of rock lobster units allocated to the licence in respect of that Region is less than 320; or
   (b) take aquatic resources of a kind specified in Schedule 1 in the waters of the fishery while the number of rock lobster units allocated to the licence in respect of the Northern Zone Inner Region is less than 320.

Maximum penalty: $5,000.
Expiation fee: $315.

Note—
As required by section 10AA(2) of the Subordinate Legislation Act 1978, the Minister has certified that, in the Minister’s opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor
with the advice and consent of the Executive Council
on 29 October 2015
No 226 of 2015
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