3 January 2018

NOTICE TO FISHERS

Dear: Licence holder in the Miscellaneous Fishery

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

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 Similar to last year the aim of Simplify Day is to remove outdated and redundant laws and regulations and to consolidate and simplify rules and processes wherever possible.

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

*Fisheries Management (Abalone Fisheries) Regulations 2017*
*Fisheries Management (Fees) Regulations 2017*
*Fisheries Management (Fish Processors) Regulations 2017*
*Fisheries Management (General) Regulations 2017*
*Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*
*Fisheries Management (Prawn Fisheries) Regulations 2017*
*Fisheries Management (River Fishery) Regulations 2017*
*Fisheries Management (Demerit Points) Regulations 2017*
*Fisheries Management (Rock Lobster Fisheries) Regulations 2017*
*Fisheries Management (Vessel Monitoring Scheme) Regulations 2017*
*Fisheries Management (Blue Crab Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Charter Boat Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Lakes and Coorong Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Developmental Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Fishery)(Simplify No 2) Variation Regulations 2017*
*Fisheries Management (Miscellaneous Research Fishery)(Simplify No 2) Variation Regulations 2017*

Objective ID: A3413129
As a result of making of these legislative changes many references to existing and new powers and functions have or will change as of 15 January 2018.

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

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

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

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

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

Changes to licence conditions are detailed in Schedule 1 (Attachment 1) a copy of the Ministerial determinations made in place of regulation where required and are detailed in Attachment 2 and regulatory amendments are found in Attachment 3.

The new regulatory amendments and licence conditions take effect from 15 January 2018 and are as follows:

**REVIEW AND APPEAL RIGHTS**

Licence holders have a right under section 111 of the *Fisheries Management Act 2007* to seek a review of a variation or imposition of a licence condition or refusal to issue, renew or consent to the transfer of an authority. Appeal rights also exist under sections 112 of the *Fisheries Management Act 2007* to the District Court.
If you have any queries regarding these arrangements or would like a copy of the amended regulations referred to above, please contact Dr Annabel Jones, Program Leader – Commercial Fisheries; phone 08 84290165, email annabel.jones@sa.gov.au.

Yours sincerely

[Signature]

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

LICENCE CONDITIONS commence 15 January 2018

Licence condition amendments to address administrative needs

The following condition has been deleted from your licence and have been included in the Ministerial Determination.

11672 (included on Y078 only)
The licence holder must submit a return recording the daily catch and harvest activities in respect of each calendar month within 15 days of the end of the month to which it relates. Information to be recorded includes:

- Date of fishing activity
- Licence/permit number
- Name of person recording data
- Key marine algal types taken
- The volume of harvested marine algae
- The exact location (latitude and longitude) of the harvest activity
- The estimated area of beach within which harvesting occurred, including the length and width of the beach (in metres)
- The method used to take marine algae
- Photographic images taken immediately prior to and immediately after each harvest activity. Images are to be taken from a point at one end of the harvested area that clearly includes all of the area of marine algae taken. Images are to be dated and gee-referenced
- The volume of product sold each month and the form of that product.

The following conditions have been amended to update references to the Director with the Executive Director Fisheries and Aquaculture and the date of Regulations.

1243 (previously on Y080 only)
The licence holder may nominate a maximum of two (2) agents who may conduct harvesting activity pursuant to this licence, subject to the requirement that a nomination must be made in writing to the Director of Fisheries and receipt of that nomination acknowledged by the Director of Fisheries prior to an agent conducting any harvesting activity.

1423 (previously on Native Oysters licences only)
(a) At least 14 days prior to the sale of any fish, a registered testing authority approved by the Director of Fisheries must test a random sample of a minimum of 100 kilograms of fish.
(b) Subject to (a) the licence holder must:
(i) immediately forward a copy of the results of the Director of Fisheries; and
(ii) where the sample contains levels of Escherichia coli greater than 2.3 per gram, ensure that no fish are sold.

2524 (previously on Native Oysters licences only)
The licence holder may nominate up to two (2) registered masters to conduct fishing operations pursuant to this licence provided that the application to be registered as the master of a boat is made in writing in a form approved by the Director and is accompanied by the applicant's licence in respect of the fishery, as prescribed in the Fisheries Management (Miscellaneous Fishery) Regulations 2000.

11663 (previously on Y078 only)
The licence holder may nominate a maximum of two (2) agents. The licence holder or nominated agent may be assisted by up to two other people on any one day who may conduct harvesting activity pursuant to this licence. The licence holder and nominated agents may use up to two vehicles (4-wheel drive utility, or similar, with a trailer with a gross vehicle mass of up to 3.5 tonnes) with no more than three persons operating from each vehicle. Any nomination for an agent must be made in writing to the Director, Fisheries and Aquaculture Policy in the manner directed. Confirmation of receipt of that nomination must be acknowledged by the Director, Fisheries and Aquaculture Policy prior to a nominated agent conducting any harvesting activity. Changes to nominations may only occur in writing to the Director, Fisheries and Aquaculture Policy.

For licences endorsed to take beachworm, bloodworm or tubeworm, the following condition has been deleted from your licence to standardise conditions across the fishery:

1222
Where a registered boat that is endorsed on this licence is being used pursuant to this licence no more than two persons who are acting as an agent of the licence holder may be on board the boat.

Will be replaced with;
1229 (already present on other Miscellaneous licences)
A maximum of only two persons may engage in fishing activities from the registered boat at any one time being any combination of the licence holder, a registered master other than the licence holder, and an agent of the licence holder.

The following condition has been amended to provide for electronic reporting

1254 (included on Giant Crab licences only)
The licence holder or a registered master must contact the PIRSA Fisheries compliance unit on 1800 065 522 at least 2 hours prior to landing giant crabs and provide the caller name, licence number, boat name, zone fished, the location of unloading, the estimated time of unloading, the number of giant crabs to be unloaded, and the name of the registered fish processor to whom the giant crabs are to be consigned for weighing.

Has been amended to:
The licence holder or a registered master must contact PIRSA Fishwatch on 1800 065 522 or the Fisheries and Aquaculture Commercial Reporting App at least 2 hours prior to landing giant crabs and provide the caller name, licence number, boat name, zone fished, the location of unloading, the estimated time of unloading, the number of giant crabs to be unloaded, and
the name of the registered fish processor to whom the giant crabs are to be consigned for weighing.

The following condition has been amended to clarify the keeping of GCCDR.

1419 (included on Giant Crab licences only)
Giant crabs must not be unloaded from the registered boat until:
(a) the certified number of giant crabs are recorded on part A of the GCCDR and part A has been completed and signed by the licence holder, and
(b) the giant crabs are accompanied from the registered boat to the registered fish processor by the processors copy of the GCCDR.
The GCCDR book must remain on board the registered boat at all times.

Has been amended to:
Giant crabs must not be unloaded from the registered boat until:
(a) the certified number of giant crabs are recorded on part A of the GCCDR and part A has been completed and signed by the licence holder, and
(b) the giant crabs are accompanied from the registered boat to the registered fish processor by the processors copy of the GCCDR.
Copies of a completed GCCDR record and the GCCDR book must be kept on board the boat until all the GCCDR records in the GCCDR book are completed.