



1 July 2022

NOTICE TO LICENCE HOLDERS IN THE MARINE SCALEFISH FISHERY UNDER-CATCH/OVER-CATCH QUOTA ARRANGEMENTS AND AMENDMENTS TO REGULATIONS

Dear licence holder

On 30 June 2022, legislative amendments under the *Fisheries Management Act 2007* to enable administrative arrangements for the carry-over of uncaught quota entitlements and the over-catch of quota entitlements on individual licences in the Marine Scalefish Fishery (MSF) were made by the Governor and published in the South Australian Government Gazette. Additional amendments were also made to enable the Minister for Primary Industries and Regional Development to correct the initial allocation of King George whiting, snapper, calamari and garfish quota units on certain licences in the MSF where necessary.

The legislative amendments vary the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* (the Regulations) and provide standardised administrative powers to enable the Minister to carry-over uncaught quota entitlements and manage over-catch of quota entitlements between sequential quota periods in the MSF. The new arrangements implement the Department of Primary Industries and Regions (PIRSA) policy position as described in the published paper "*Managing under-catch and over-catch in South Australian Fisheries*" (the PIRSA Policy Paper) released in December 2021.

Carry-over

The level of uncaught quota entitlements that the Minister may allow to be carried-over between quota periods on a licence has been limited in regulations to up to 10% of the quota entitlement on the licence, unless a lesser amount has been determined by the Minister prior to the commencement of the subsequent quota period in which the uncaught quota entitlements will be fished.

Consistent with the PIRSA Policy Paper, PIRSA will seek advice from a relevant Management Advisory Committee or Industry Association in regard to the implementation and variation of these arrangements when considering the setting of Total Allowable Commercial Catch for a quota period.

In the case of carry-over for the 2021-22 quota period to 2022-23 period, PIRSA sought feedback from the Marine Fishers Association (MFA) and also requested scientific advice from the South Australian Research and Development Institute (SARDI). It should be noted that it is expected that the number of unit entitlements in the MSF will increase in this quota period as a direct result of the outcomes of external reviews of certain quota allocation decisions of the former Minister. The exceptional circumstances process was outlined in the notice to fishers dated 12 May 2022. After consideration of feedback from the MFA and the SARDI advice, I

can inform you that the carry-over arrangements on individual licences will be considered at the level of 10% of the quota entitlements held on the licence.

Consistent with the PIRSA Policy Paper, any quota entitlements carried over from the 2021-22 quota period into the 2022-23 quota period must be fished on the same licence and cannot be transferred.

Over-catch

In relation to over-catch arrangements, the amendments will allow the Minister to administratively manage quota on licences where the catch has exceeded the entitlements held at two levels:

1. Where an over-catch amount is equal to or less than 10% of the quota entitlements held on a licence, each kilogram in excess of the quota allocation may be deducted from the quota entitlements on that licence by the Minister in the subsequent quota period at a rate of 1:1.
2. Where an over-catch amount exceeds 10% of the quota entitlements held on a licence, each kilogram in excess of the quota allocation may be deducted from the quota entitlements on that licence in the subsequent quota period at a rate of 2:1.

The new arrangements also provide the capacity for the Minister to set the over-catch cut off level at less than 10% of the quota entitlements held on a licence or a corresponding kilogram amount.

It should be noted that even though the former third level of administrative action has been removed from the regulations, the Minister still has the ability to commence prosecution action for significant over catch occurrences should they occur.

These new over-catch arrangements will apply to any over-catch of the 2022-23 quota entitlements however the former arrangements will still apply for any over-catch of 2021-22 entitlements.

Adjustments to licences

The PIRSA Fisheries and Aquaculture licencing unit will assess uncaught or over-caught quota entitlements across all relevant fisheries as at the end of each quota period in the normal way. Adjustments to quota entitlements would be applied to affected licences by a delegate of the Minister as soon as practicable following the commencement of the following quota period. Licence holders will be advised of the changes at the time the adjustments are made in quota statements.

Additional amendments to accommodate additional units and increase unit values

The amendments to the Regulations also include amendments to enable the Minister to allocate additional quota unit entitlements for MSF priority species on some licences where necessary to accommodate the outcomes of the exceptional circumstances process as outlined in the notice to fishers dated 12 May 2022. The amendments also include provision for a quota unit value of MSF priority species to be increased after the commencement of the quota period. This flexibility was deemed necessary to enable the later adjustment of the unit value for snapper due to the potential mid-year opening of fishing activities (if required) and any variations necessary to adjust to newly added units to the fishery.

Should you have any queries in relation to the various legislative amendments and the carry-over of uncaught quota entitlements and the over-catch of quota entitlements for MSF quota species, please contact Sam Stone, Fisheries Manager, on (08) 8429 2101 or via email at sam.stone@sa.gov.au.

Yours sincerely



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