



19 June 2023

**FISHERIES & AQUACULTURE**

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**NOTICE TO FISHERS**

**AMENDMENT TO QUOTA ENTITLEMENT LICENCE CONDITION (OVER-CATCH)**

Dear Licence holder,

In December 2022, the Department of Primary Industries and Regions (PIRSA) released the Policy Paper – *Managing of under-catch and over-catch in South Australian Fisheries*. This Policy sets out the principles that would be applied by PIRSA in managing under-catch (also known as carry-over) and over-catch (also known as carry-under) of quota for a species subject to a quota unit entitlement or effort (i.e., days) for a species subject to Individual Transferable Effort (ITE) entitlements over a quota period.

These provisions were put in place to provide industry with greater flexibility to better manage (and maximise the value of) their quota entitlements, while furthering the objects of the *Fisheries Management Act 2007*.

To ensure that the over-catch arrangements are able to be applied to allow a licence holder to exceed their quota entitlement for a quota period, within specified limits, it is necessary that the current licence condition relating to Quota Entitlements are varied to reflect these arrangements.

The current licence condition, applied to all licences states:

*The maximum number of kilograms of quota species taken pursuant to this licence must not exceed the quota entitlements of this licence, which are the current quota entitlements for each quota type registered on the Registrations and Entitlements register at any time in relation to this licence.*

As Delegate of the Minister for Primary Industries and Regional Development I have now varied the licence condition for commercial fishing licences (quota entitlements) and the Gulf St Vincent Prawn Fishery (nights of fishing effort) to enable application of the over-catch provisions of 10% or the lesser amount determined by the Minister, or in the case of the Southern Zone Abalone Fishery (50 kg). The varied conditions are enclosed with this notice (**Appendix A**).

Please note the following key points;

1. You cannot take more than 10% in excess of your current quota entitlement for a species at any time during the quota period or the lesser amount determined by the Minister or specified in regulations for that quota period.
2. It is your responsibility as the Licence Holder to monitor your quota balance statement.
3. Breaching the amended licence condition may result in further action being taken.



## Examples of application of the amended condition – application of 10% over-catch

### Example 1.

If you currently hold 500 kg of King George Whiting quota entitlement in the Spencer Gulf Fishing Zone in the 2022-23 quota period and you have already taken 490 kg, you may go out fishing again and catch your remaining 10 kg plus up to an additional 50 kg (10% of 500 kg) of King George Whiting quota during the quota period as the over-catch arrangements for 2022-23 state that the over-catch provision was set at the default amount of 10%. This over-catch amount would be deducted from your quota entitlement in the next quota period (i.e. 2023-24) at a 1 kg for 1 kg ratio.

### Example 2.

If you have taken all of your King George Whiting quota in the Spencer Gulf Fishing Zone in the 2022-23 quota period and have zero quota remaining for that species, you may go out and take up to an additional 10% of your quota entitlement. This over-catch amount would be deducted from your quota entitlement in the next quota period (i.e. 2023-24) at a 1 kg for 1 kg ratio.

### Example 3.

If you hold 500 kg of King George Whiting quota in the Spencer Gulf Fishing Zone in the 2022-23 quota period and you have taken 510 kg (and are therefore 10 kg over-caught), you may go out fishing again and take a further 40 kg of King George Whiting. This will leave you having taken 50 kg above your 500 kg entitlement for 2022-23 (falling within the 10% over-catch provision currently in place for that species/zone). This over-catch amount would be deducted from your quota entitlement in the next quota period (i.e. 2023-24) at a 1 kg for 1 kg ratio.

It is important that Licence Holders note the current over-catch provision in place for your relevant fishery and quota period, which is provided in the Notice to Fishers before the commencement of each fishing season.

This information can be found at: [Notices to commercial fishers - PIRSA](#)

## Review and Appeal Rights

Licence holders have a right under section 111 of the Act 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 Act.

Should you have any further queries in regard to this matter please contact Mrs Yolande Markey, Fisheries Manager on 0427 979 085.

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

Prof Gavin Begg  
**EXECUTIVE DIRECTOR**  
**FISHERIES AND AQUACULTURE**



## Appendix A

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**The following licence condition is to be varied on all commercial fishing licences (except for the Gulf St Vincent Prawn Fishery) pursuant to s55(2) of the *Fisheries Management Act 2007***

### **Current Condition – to be revoked**

#### Quota entitlements

The Maximum number of kilograms of quota species taken pursuant to this licence must not exceed the quota entitlements of this licence, which are the current quota entitlements for each quota type registered on the Registrations and Entitlements register at any time in relation to this licence.

### **Varied Condition – to be imposed**

#### Quota entitlements

The maximum catch of any quota species taken under the licence must not exceed the quota entitlements under the licence by an amount greater than the amount prescribed for that species, zone and quota period in regulations for the fishery, or a lesser amount for that species, zone and quota period where determined by the Minister in accordance with such regulations, that could result in a decrease in the quota entitlements under this licence for the subsequent quota period by an amount of 1 kilogram of quota species for each kilogram taken in excess of the quota entitlement.

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**The following licence condition is to be varied Gulf St Vincent Prawn Fishery licences pursuant to s55(2) of the *Fisheries Management Act 2007***

### **Current Condition – to be revoked**

#### Quota entitlements

The Maximum number of kilograms of quota species taken pursuant to this licence must not exceed the quota entitlements of this licence, which are the current quota entitlements for each quota type registered on the Registrations and Entitlements register at any time in relation to this licence.

### **Varied Condition – to be imposed**

The maximum number of fishing nights used under the licence must not exceed the fishing nights entitlements for a prescribed period and fishing season under this licence by an amount greater than 10% as provided for that prescribed period and fishing season in regulations for the fishery, or a lesser amount for that prescribed period and fishing season where determined by the Minister in accordance with such regulations, that could result in a decrease in the fishing nights entitlements under this licence for the same prescribed period in the subsequent fishing season period by an amount of 1 fishing night for each fishing night used in excess of the entitlements under the licence.