



**FISHERIES & AQUACULTURE**

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## **NOTICE TO SARDINE FISHERY LICENCE HOLDERS**

Dear licence holder

I write to inform you of the licence conditions and determinations made under the *Fisheries Management Act 2007* (the Act) that apply to Sardine Fishery licences from 1 July 2021.

The separation of the Sardine Fishery from the Marine Scalefish Fishery (MSF) has been an important part of the reform of the MSF. Further to stage 1 and 2 reform information packs provided to licence holders in June and August 2020, final arrangements for the reform are now available on the Department of Primary Industries and Regions (PIRSA) website at

[pir.sa.gov.au/fishingreform](http://pir.sa.gov.au/fishingreform)

A stage 3 information pack is also being sent out to fishers. As outlined in this information, significant changes to the MSF have been approved by the Government to take effect from 1 July 2021.

To implement these changes, amendments have now been made to regulations under the Act and new regulations have been made. The regulations of relevance to the Sardine Fishery are:

*Fisheries Management (Marine Scalefish Fisheries) (Fishery Reform) Variation Regulations 2021*

*Fisheries Management (Sardine Fishery) Regulations 2021*

*Fisheries Management (Vessel Monitoring Scheme) (Sardine Fishery) Variation Regulations 2021*

These regulations, together with other amended and new regulations related to the reform of the MSF are available on the PIRSA website and copies can be provided upon request.

As a result of these regulatory amendments, many references to existing and new regulations will change as of 1 July 2021, requiring existing Ministerial determinations to be revoked or varied, and new determinations made to ensure the current management arrangements for the fishery are maintained.

## **Determinations**

Determinations relating to the fishing of sardines previously fell under the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017* and referred to activities within the MSF. As the Sardine Fishery will be separated from the MSF and operate pursuant to the *Fisheries Management (Sardine Fishery) Regulations 2021* from 1 July 2021, these determinations have been revoked and new determinations implemented under the new Sardine Fishery regulations.

These new determinations are not intended to vary existing management arrangements for the fishery, other than those outlined in the reform. A summary of the new determinations that are relevant to the fishing of sardines is provided in **Table 1** below and are provided in full on the PIRSA website at

[pir.sa.gov.au/fishing-determinations](http://pir.sa.gov.au/fishing-determinations)

**Table 1. New determinations implemented under Sardine Fishery Regulations**

<b>Determination title</b>	<b>Relevant Sardine Fishery Regulation</b>	<b>Relevant Marine Scalefish Regulation</b>	<b>Status</b>
Registered boat used to take sardines	<i>Fisheries Management (Sardine Fishery) Regulations 2021</i> <i>Regulations 11</i>	<i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> <i>Regulation 26</i>	Revoked MSF determination and new determination implemented
Catch and disposal requirements - sardines	<i>Fisheries Management (Sardine Fishery) Regulations 2021</i> <i>Regulations 12</i>	<i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> <i>Regulation 32</i>	Revoked MSF determination and new determination implemented
Periodic Returns	<i>Fisheries Management (Sardine Fishery) Regulations 2021</i> <i>Regulations 15</i>	<i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> <i>Regulation 32(1)</i>	Amended MSF determination and new determination implemented
Processing sardines	<i>Fisheries Management (Fish Processors) Regulations 2017</i> <i>Regulation 13</i>	<i>Fisheries Management (Fish Processors) Regulations 2017</i> <i>Regulations 13</i>	Revoked MSF determination and new determination implemented

## **Licence conditions**

Licence conditions relating to the fishing of sardines and anchovy were previously incorporated into conditions on MSF licences. As the Sardine Fishery will be separated from the MSF on 1 July 2021, these conditions have been revoked from MSF licences and introduced as licence conditions on new Sardine Fishery licences. These licence conditions are not intended to vary existing management arrangements for the fishery, other than those outlined in the reform.

All the licence conditions for the Sardine Fishery are listed in **Appendix A** and can be viewed through the myPIRSA portal or from the public register at

[https://www.pir.sa.gov.au/fishing/commercial\\_fishing/fisheries/public\\_register](https://www.pir.sa.gov.au/fishing/commercial_fishing/fisheries/public_register).

### **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.

If you have any queries regarding these arrangements or would like a copy of the amended regulations referred to above, you can contact Annabel Jones, Program Leader, Commercial Fisheries, on phone 84290165 or email [Annabel.Jones@sa.gov.au](mailto:Annabel.Jones@sa.gov.au)

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Begg', with a stylized, cursive script.

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

**Appendix A – The following licence conditions have been revoked or imposed on all Sardine Fishery licences pursuant to s55(2) of the *Fisheries Management Act 2007***

**Impose new condition - previously MSF licence condition 1801**

When undertaking fishing activities using a sardine net only one net may be used from a registered boat at any one time.

**Impose new condition - previously MSF licence condition 4123**

Where a registered boat or boats are being used for the purpose of engaging in the taking of sardines pursuant to this licence no additional boat may be used for any purpose in conjunction with the registered boat(s) including but not limited to transporting or towing the registered boat(s) to any place for the purpose of engaging in a fishing activity.

**Impose new condition - previously MSF licence condition 6408**

The licence holder must not take anchovy for a commercial purpose unless the licence is subject to a condition fixing an anchovy quota entitlement or the anchovy have been declared to be sardines in a mixed catch.

**Impose new condition - previously MSF licence condition 6409**

The licence holder must not take more anchovy during the period of 12 months commencing on 1 January in any year than the entitlement endorsed on the licence.

**Impose new condition - previously MSF licence condition 6410**

The licence holder must not take anchovy if the available sardine quota entitlement on the licence falls below 10 000 kg.

**Impose new condition - previously MSF licence condition 6413**

At least 4 hours before a boat registered for use under more than 1 Sardine Fishery licence departs on a trip during which it is to be used to take Anchovy and/or Sardine under such a licence, the Department must be notified of:

- i. The intended time of the boat's departure;
- ii. the number of the licence under which the boat is to be used;
- iii. the name of the master;
- iv. a contact phone number; and
- v. the name of the registered boat.

If a boat is used to take Anchovy and/or Sardine on 2 or more consecutive occasions under the same Sardine Fishery licence, this condition need only be complied with in relation to the first occasion.

**Impose new condition - previously MSF licence condition 6414**

The licence holder must ensure that all anchovy taken under the licence are delivered or consigned to a registered fish processor.

**Impose new condition - previously MSF licence condition 6415**

The licence holder of a registered boat from which Anchovy are taken under a Sardine Fishery licence must not cause, suffer or permit the Anchovy to be unloaded onto another boat unless the other boat is specified on the certificate of registration of the registered fish processor to whom the Anchovy are to be consigned.

#### **Impose new condition - previously MSF licence condition 6416**

If Anchovy are taken pursuant to this licence, the holder of the licence must ensure that the following information is reported to the Department at least 1 hour before the anchovy are to be unloaded from the registered boat to be delivered to the registered premises of a fish processor other than a boat or at least 2 hours before the anchovy are to be unloaded from the registered boat to be loaded on to a boat registered as the premises of a fish processor:

- i. the name of the person making the telephone call;
- ii. the number of the licence under which the Anchovy were taken;
- iii. the name of the registered boat from which the Anchovy were taken;
- iv. the name of the registered master of the registered boat;
- v. the location the Anchovy are to be unloaded from the registered boat;
- vi. the estimated time of arrival of the registered boat at that location;
- vii. the estimated total weight in tonnes of the Anchovy taken;
- viii. the name of the registered fish processor to whom the Anchovy are to be consigned;
- ix. the estimated time at which the Anchovy are to be unloaded from the registered boat; and the number of the PF-CDR form that is to be completed in respect of the Anchovy.

#### **Impose a new condition**

The holder of the licence in respect of the fishery or registered master under such a licence, must immediately notify the Department of any change to information already submitted to the Department.

#### **Impose new condition - previously MSF licence condition New Condition 6418**

A report or notification required to the Department under this licence must be made by telephone call to 1800 065 522 or via the Commercial Fishing SA Application. Where anything is required to be delivered to the Department it must be to: PIRSA Fisheries and Aquaculture, GPO Box 1625, Adelaide SA 5001

#### **Impose new condition - previously MSF licence condition 6419**

For the purpose of licence conditions relating to the take of anchovy the following applies: PF-CDR book means the book issued by the Department containing blank PF-CDR forms PFTF book means the book issued by the Department containing blank PFTF forms PFTF form means the form produced by the Department entitled Sardine Fishery Transit Form

#### **Impose new condition - previously MSF licence condition 6420**

When anchovy are taken pursuant to this licence, the licence holder or registered master must comply with the following provisions:

- a. immediately after anchovy are unloaded from the registered boat, he or she must complete Part A of a PF-CDR form in respect of the anchovy;
- b. if anchovy are to be loaded onto a boat specified in the certificate of registration

of a registered fish processor, he or she must ensure that the blue and green copies of the PF-CDR form completed in respect of the anchovy are given to the registered fish processor or an agent of the registered fish processor when the anchovy are loaded onto that boat;

- c. if the anchovy are to be transported to the registered premises of a registered fish processor, he or she must ensure that the blue and green copies of the PF-CDR form completed in respect of the anchovy are transported to the registered premises together with the anchovy;
- d. if the anchovy are to be transported to the registered premises of a registered fish processor by 2 or more vehicles, he or she must ensure that:
  - i. the blue and green copies of the PF-CDR form completed in respect of the anchovy are transported in 1 of the vehicles together with the anchovy; and
  - ii. Part A of a PFTF form is completed in respect of each other vehicle that is to be used to transport the anchovy consignment; and
  - iii. the blue copy of a PFTF form completed in respect of a vehicle is transported to the registered premises together with the anchovy carried in that vehicle;
- e. he or she must cause the white copy of a PFTF form completed in respect of a vehicle to be posted to the Department within 48 hours of the anchovy having being loaded onto the vehicle for transportation to the registered premises of the registered fish processor;
- f. he or she must cause the white copy of the PF-CDR form completed in respect of the anchovy to be posted to the Department within 24 hours of the anchovy having been unloaded from the registered boat; or if a copy of the form has been sent to the Department by facsimile transmission-within 48 hours of the anchovy having been unloaded from the registered boat; and
- g. he or she must ensure that the CDR book is kept on the registered boat until all the PF-CDR forms in the book are completed.

**Impose new condition - previously MSF licence condition 6421**

The licence holder must ensure that if a PF-CDR form completed in respect of anchovy taken under the licence is cancelled, all copies of the form are marked with the word "cancelled" and the white, blue and green copies of the form are delivered to the Department within 24 hours of the cancellation.

**Impose new condition - previously MSF licence condition 6423**

Where sardine and anchovy are landed simultaneously on a single trip, it will be deemed for the purposes of quota taken, that the whole catch is either sardine or anchovy, for whichever species constitutes the majority of the catch and is declared on the CDR.

**Impose new condition - previously MSF licence condition 10981**

Gulfs Zone quota entitlements under the licence may be taken in either the Gulfs Zone or the Outside Zone. Outside Zone quota entitlements may be taken in the Outside Zone only.

**Impose new condition - previously MSF licence condition 10982**

Fishing must not occur in the Gulfs Zone and Outside Zone during the same fishing trip, unless fishing has occurred in Outside Zone and no catch has resulted, then the licence holder or registered master may fish in the Gulfs Zone on the return journey if they have made a report to the Department prior to leaving the Outside Zone.

**Impose new condition - previously MSF licence condition 10983**

The licence holder or registered master must make a report to the Department prior to departing port on any fishing trip in the Outside Zone.

**Impose new condition - previously MSF licence condition 12683**

The licence holder or registered master may take a maximum of 428.57 tonnes of the available Outside Zone quota entitlement under this licence from within the Gulf St Vincent Zone.

**Impose new condition - previously MSF licence condition 13684**

Prior to commencing any fishing activity in the Gulf St Vincent Zone the licence holder or registered master must make a report to the Department.

**Impose new condition - previously MSF licence condition 13686**

If sardines are to be taken from the Gulf St Vincent Zone the licence holder or registered master cannot take sardines from the outside zone or the gulfs zone in the same fishing trip

**Impose new condition - previously MSF licence condition 13687**

For the purposes of these conditions -  
the **Gulf St Vincent Zone** means the area of the Gulfs Zone east of the meridian of longitude 137°10'00"E, between Yorke Peninsula in the vicinity of Marion Bay, heading south to its intersection with Kangaroo Island and south of the mean high water springs at the parallel of latitude 35°10'00"S in the vicinity of Onkaparinga Head, then north westerly along the geodesic to the intersection of the coast line of mainland Australia at the mean high water springs with the parallel of latitude 34°55'00"S in the vicinity of Stansbury (GDA94).

