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**FISHERIES & AQUACULTURE**

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Dear licence holder

I write to provide an update in relation to the allocation of new marine scalefish quota entitlements in the Marine Scalefish Fishery and the Northern Zone Rock Lobster Fisheries following the external review by the South Australian Civil Administrative Tribunal (SACAT) of some of the quota allocation decisions of the former Minister.

The decision of the former Minister to vary relevant fishery licences to allocate new marine scalefish quota entitlements in late June 2021 incorporated the consideration of exceptional circumstances. For this purpose, an exceptional circumstances process had been established in November 2020 to provide licence holders the opportunity to present a case for the Minister's consideration as to whether they had exceptional circumstances. As a matter of policy, the former Minister decided that any additional quota to be allocated based on a licence holder's exceptional circumstances would be limited to a pro-rata (or proportional) share of the total eligible catch history of licence holders who surrendered their licences in the Voluntary Licence Surrender Program after 2 November 2020.

Following the allocation of new marine scalefish quota entitlements decided on 29 June 2021, a number of licence holders sought an internal review of these decisions and subsequently sought an external review of the decision by the SACAT as is provided for under the *Fisheries Management Act 2007*.

While not all applications made by licence holders to the SACAT have been decided, the SACAT has made decisions in respect to five (5) licences to set aside the former Minister's quota allocation decision and remit those decisions back to the Minister to be reconsidered.

These decisions included consideration of the allocation of additional quota on the bases of exceptional circumstances. The SACAT found that the pro-rata policy used to determine the amount of additional quota should not have been applied.

The newly appointed Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC, announced on 4 May 2022 that, after consideration of the SACAT findings that the pro-rata policy should not have been used to determine the quantum of additional quota where exceptional circumstances existed, the Minister will reconsider the former Minister's decisions. The remedy to correct the error will require additional quota entitlements to be allocated in the Marine Scalefish Fishery and the Northern Zone Rock Lobster Fisheries with variations according to species and fishing zones.

Those licence holders who did not apply for, or were not considered to have exceptional circumstances will retain the quota units that were allocated to them on 1 July 2021.

To provide an indication of the potential changes, the table below shows an estimation of additional units that may apply for each species in each fishing zone as a result of reconsidering exceptional circumstance allocations.

These figures are a preliminary indication and will be subject to change following the completion of outstanding review hearings before the SACAT and a comprehensive examination of the quota allocated to all licences in the Marine Scalefish Fishery, Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery.

	GSV calamari	SG calamari	GSV garfish	SG garfish	GSV KGW	SG KGW	GSV snapper	SE snapper	SG snapper	WC snapper
<b>Quota Units allocated 1 July 2021</b>										
MSF	4000.00	3928.00	2000.00	1998.00	1944.00	1958.00	3972.00	1548.00	3984.00	992.00
NZRL	0.00	72.00	0.00	2.00	56.00	42.00	28.00	36.00	16.00	8.00
SZRL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	416.00	0.00	0.00
<b>Total Units</b>	<b>4000.00</b>	<b>4000.00</b>	<b>2000.00</b>	<b>2000.00</b>	<b>2000.00</b>	<b>2000.00</b>	<b>4000.00</b>	<b>2000.00</b>	<b>4000.00</b>	<b>1000.00</b>
<b>Estimated additional quota units following appeals</b>										
MSF	146.61	217.10	160.99	103.50	0.00	158.34	494.50	0.00	91.94	99.46
NZRL	0.00	1.49	0.00	1.69	0.39	12.82	5.97	0.00	8.60	8.00
SZRL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Units</b>	<b>146.61</b>	<b>218.59</b>	<b>160.99</b>	<b>105.19</b>	<b>0.39</b>	<b>171.16</b>	<b>500.47</b>	<b>0.00</b>	<b>100.54</b>	<b>107.46</b>

While some fishers may have benefited from the quota allocation error made in the calculation of additional quota to those licence holders who had exceptional circumstances, careful consideration has been given to proportionately increasing the Total Allowable Commercial Catch (TACC) to reduce the impact of the additional units in the fisheries to maintain the kilogram unit value for all species and respective fishing zones for 2021/22 and the subsequent season as much as possible where there are no risks to sustainability of the resources.

The Minister has sought and received advice from the South Australian Research and Development Institute (SARDI) that taking this course of action to correct the former Minister's error will not adversely impact on the sustainability of the impacted species.

Further information will be provided to you as it becomes available.

If you have any queries regarding these arrangements, you can contact Jon Presser, Manager Fisheries Reform, on phone 8429 0588 or email [jon.presser@sa.gov.au](mailto:jon.presser@sa.gov.au).

Yours sincerely

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