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FISHERIES & AQUACULTURE

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NOTICE TO FISHERS

TO: ALL LICENCE HOLDERS IN THE MARINE SCALEFISH FISHERY (MSF) AND ROCK LOBSTER FISHERIES

Re: MSF Reform - Finalisation of reviews of quota allocation decisions relating to exceptional circumstances

I write to provide an update on the outcomes of external reviews undertaken by the South Australian Civil and Administrative Tribunal (SACAT) and the reconsideration by the Minister for Primary Industries and Regional Development of certain decisions in respect to the allocation of additional quota entitlements on the basis of exceptional circumstances for key Marine Scalefish Fishery (MSF) species (King George Whiting, Snapper, Southern Garfish and Southern Calamari).

As I have previously advised, following the allocation of individual transferable quota entitlements for key MSF species as part of the MSF Reform, several licence holders sought internal reviews and subsequently external reviews through SACAT of decisions to impose conditions fixing quota entitlements on their licences. Applications for review were made to SACAT in respect to decisions made in relation to 24 MSF licences. The status of these applications, all relating to additional allocations on the basis of exceptional circumstances, is summarised as follows:

- Four applications were withdrawn or discontinued because SACAT did not have jurisdiction to review the matters put before it.
- Six quota allocation decisions were affirmed.
- Six quota allocation decisions were set aside and the decisions were remitted back to the Minister for reconsideration in accordance with SACAT's reasoning.
- Seven quota allocation decisions were returned to the Minister, inviting her reconsideration. Of these:
 - Four new determinations have been made with the applicants to decide whether to proceed with the review before SACAT.
 - Two new determinations have been made and reviewed by SACAT and the new decision has either been affirmed or the application has been withdrawn.
 - The Minister has filed an appeal regarding one matter with the Supreme Court.
- One matter is pending decisions or further hearings before SACAT.

One of the key findings made by SACAT related to the former Minister's application of the 'pro-rata policy' which limited additional units allocated on the basis of exceptional circumstances to a share of catch history surrendered between 2 November 2020 and 30 June 2021 through the Voluntary Licence Surrender Program.

On 12 May 2022, I advised that the Minister for Primary Industries and Regional Development, Hon Clare Scriven MLC, had announced that in response to the SACAT finding the former

Minister's pro-rata policy should not have been used to determine additional quota allocations, she would reconsider relevant allocation decisions.

Since this time the Minister has reconsidered the quota allocation decisions in respect to twenty-eight licences, including decisions SACAT returned to the Minister for reconsideration. In many cases, the Minister's reconsideration and recalculation of quota unit allocations (without regard to the pro-rata policy) has resulted in an increase in units allocated for individual licence holders with exceptional circumstances; however, not all reconsiderations have resulted in a variation of the number of units allocated by the former Minister.

The Minister has applied consistent guiding principles in making these decisions and has taken into account a range of factors, including:

- the objects of the *Fisheries Management Act 2007*;
- the former Minister's decisions;
- the nature of the exceptional circumstances;
- the need to ensure the sustainability of fish stocks;
- principles of fairness and equity; and
- relevant comments of SACAT.

I have written to all licence holders whose quota allocations have been reconsidered by the Minister and have advised them of their individual outcome. The necessary calculations of their resultant quota entitlements have been completed and any additional permanent quota entitlements have now been allocated to their licences for the relevant quota species in the relevant fishing zones.

The original and updated total number of quota entitlement units for relevant species across the MSF, Northern Zone and Southern Zone Rock Lobster fisheries are described in Tables 1 and 2 below.

Table 1: Total number of quota units allocated for the priority species in each fishing zone as at 1 July 2021

Fishing Zone	King George Whiting	Snapper	Southern Calamari	Southern Garfish
West Coast		1000		
Spencer Gulf	2000	4000	4000	2000
Gulf St Vincent	2000	4000	4000	2000
South East		2000		

Table 2: Total number of quota units allocated for the priority species in each fishing zone as at 20 December 2022

Fishing Zone	King George Whiting	Snapper	Southern Calamari	Southern Garfish
West Coast		1022		
Spencer Gulf	2107	4059	4069	2069
Gulf St Vincent	2015	4494	4070	2121
South East		1991		

Table 2 takes into account quota units surrendered after 1 July 2021 and is subject to the resolution of pending matters and any further reviews.

To take into account and address the missed opportunity to fish their additional quota units during the 2021/22 quota period, I have, as delegate of the Minister for Primary Industries and Regional Development, provided a commensurate number of additional temporary quota units to these relevant licence holders that may also be fished or transferred during the remainder of the 2022/23 quota period.

Please note that even though there are now additional units in the fishery the kilogram value of a quota unit determined for each species in each fishing zone for the 2022/23 quota period will

remain unchanged. The 2022/23 total allowable commercial catches (TACCs) have therefore increased as a result to the outcome of the allocation review processes as described in Table 3 below. Careful consideration has been given to the potential impacts of a temporary, one-off increase to TACCs for the current quota period. In each case they are considered to pose low risks to the sustainability of each stock. The TACC increases for King George Whiting (both gulfs), Southern Calamari (both gulfs) and Spencer Gulf Garfish are less than the amount of uncaught TACC in 2021/22. For Garfish in Gulf St Vincent (GSV), the TACC increase is also considered low risk to the ongoing recovery of the GSV Garfish stock as there is evidence that the management arrangements put in place to recover the stock have been effective. This evidence includes increases in modelled adult biomass, increased hauling net and dab net targeted catch per unit effort (CPUE), and long-term declines in exploitation rate.

Table 3. Total allowable commercial catch (TACC) in kilograms for MSF priority species for the 2022/23 quota period as at 20 December 2022

Fishing Zone	King George Whiting	Snapper	Southern Calamari	Southern Garfish
West Coast	183,000 kg*	0		
Spencer Gulf	122,715 kg	0	211,450 kg	107,184 kg
Gulf St Vincent	46,818 kg	0	168,294 kg	79,849 kg
South East		35,842 kg		

*Not ITQ – 183,000 kg Olympic TACC

Table 3 takes into account both the additional permanent quota units allocated in the fishery and the additional temporary quota allocated for the 2022/23 quota period.

Please note that licence holders who have recently had conditions of their licences imposed or varied to allocate additional quota entitlements as part of this process may have renewed rights under section 111 of the *Fisheries Management Act 2007* to apply for reviews of the new decisions. It is therefore possible that the figures in the above tables may be subject to further change.

Should you require any clarification about these matters, please contact Sam Stone, MSF Fisheries Manager, on telephone 8429 2101 or by email: sam.stone@sa.gov.au

Yours sincerely



Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Cc: Marine Fishers Association
 SA Northern Zone Rock Lobster Fishermen’s Association
 South East Professional Fishermen’s Association