

DEMERIT POINTS SCHEME FOR FISHERIES

FREQUENTLY ASKED QUESTIONS

When does the demerit points system start?

It is scheduled to commence on 1 July 2009.

Who does it apply to?

Points can be accrued by anyone who breaches fisheries legislation. Commercial fishing licences, companies, fish processor registrations and recreational rock lobster pot or net registrations can also accrue points.

How many points do I get?

Points have been prescribed in the regulations according to the level of the offending. 200 points can be accrued before anything happens under the legislation. Points have a life span of 5 years. After that, they 'drop off', similar to the points system for drivers licences. If a person accrues 200 points in 5 years, consequences are triggered under the legislation.

What happens if I accrue 200 points?

There are a range of consequences, depending on the type of authority that you hold.

- Commercial licence holder - if a person or company holds a transferable licence, they are disqualified from holding a licence and they must transfer that licence within 6 months. The person or company can not hold another authority or operate as a registered master under the legislation for a period of 10 years.
- Registered fish processor - If a person or company is a registered fish processor, they are disqualified from being registered and their registration is cancelled.
- Recreational net or rock lobster registration holder - the person is disqualified from being registered and their registration is cancelled.
- Recreational fisher - disqualified from working in the fishing industry as a licence holder, registered master or registered fish processor. Disqualified from holding a recreational net or rock lobster pot registration.

Where are the points set out?

In the Fisheries Management (Demerit Points) Regulations 2009.

How were the points decided?

A policy was developed by PIRSA Fisheries setting out principles and rules to guide the setting of demerit points. This policy was released for public comment and changes were incorporated following this process to address comments raised by the commercial fishing industry. This policy was then used to apply the points for each fisheries offence. Cabinet and then parliament approved these regulations.

What principles were used to decide on how many points?

The policy sets out the following principles:

- Deterrence is the primary goal of the demerit points system.
- Point values should reflect the relative seriousness of the offence, in the context of the impact of the offence on the fishery.
- Offences that relate to key sustainability measures (such as providing quota-related false and misleading information) in a fishery are to be treated as the most serious.
- Offences that relate to regulatory, administrative or economic efficiency arrangements are important but of lesser importance than key sustainability measures.
- Two serious offences within 5 years should attract the cancellation and disqualification provisions.
- Minor regulatory or administrative offences should not lead to the loss of an authority. However, points for these offences should apply so that repeated non-compliance accumulates enough points to provide an incentive to comply with regulatory or administrative requirements. For example, provisions in relation to the submission of logbooks are important for fisheries management purposes and the ongoing or systemic failure to submit returns should be discouraged.
- Demerit points should apply to natural persons and corporate bodies equally.
- Expiations should attract fewer points than a finding of guilt by a court. All points for expiations are set at one fifth of the number of points for the full offence.

Differential points should be applied to reflect the tiers of offence in the Act and regulations. For example, some offences in the Act have increasing penalties for 1st, 2nd and 3rd offences. Demerit points should also be

graduated in this way. Likewise, if there is an increasing scale of expiation fee for exceeding the bag limit for a species by increasing amounts, then the demerit points should also be applied to reflect these increasing increments. The top tier should reflect the maximum number of points for that category.

How would I know if I had demerit points after a fisheries offence?

Under the legislation PIRSA Fisheries must keep a register of points allocated to a person or company. You can request a record from PIRSA Fisheries by contacting the PIRSA Fisheries licensing section on 8347 6100.