



## **POLICY DIRECTIVE**

**No. 2 of 2005**

# **COMMERCIAL HARVEST OF NEW SPECIES**

### **PURPOSE OF DIRECTIVE**

This policy directive outlines the policy in relation to applications to allow the commercial harvest of species that are not currently exploited for the purposes of trade or business in South Australia.

This policy is to guide decision-making in the interim period between now and the introduction of a formal Experimental and Developmental Fishing Policy for South Australia, which will be implemented in conjunction with the new fisheries legislation to replace the *Fisheries Act 1982*.

The Minister for Agriculture, Food and Fisheries approved this policy position and the proposed implementation of this policy directive in May 2005.

### **APPLICATION OF POLICY DIRECTIVE**

This Policy Directive applies from 1 July 2005.

### **LEGISLATION**

Section 34 of the *Fisheries Act 1982* provides that fishing activities that constitute a fishery may not be undertaken for the purposes of trade or business without a licence. Several fisheries are formally constituted by regulations under the Act, including the Miscellaneous Fishery. The Miscellaneous Fishery consists of fishing for all species except abalone, southern rock lobster and Western king prawns. Effectively, the Miscellaneous Fishery is constituted to pick up all commercial fishing activities that do not fall within other commercial fisheries. New licences may be granted under the *Fisheries (Scheme of Management – Miscellaneous Fishery) Regulations 2000*, however there is an extensive tender process to be followed. This process can only be initiated by the Minister or Director of Fisheries. It cannot be initiated by a proponent of a new fishing activity.

---

Section 59 of the *Fisheries Act 1982* provides that the Minister may, by notice published in the Gazette, exempt any person or class of persons from any specified provisions of the Act.

## **BACKGROUND**

The Minister for Agriculture, Food and Fisheries and PIRSA Fisheries receives requests from time to time to provide authority to commercially exploit a new species. Some of these activities have been approved in the past and are now being managed through an exploratory or developmental phase. Exploratory or development fishing is conducted in accordance with exemptions.

Funding arrangements for the management of fisheries under the *Fisheries Act 1982* are structured in accordance with a cost recovery policy. Licence holders therefore pay for the costs of fisheries management, through licence renewal fees, gear registration fees and other fees related to their access to the community-owned fisheries resources of South Australia. These fees contribute to the costs of policy development, compliance and research.

However, the only fee associated with an exemption under the Act is a \$100 application fee. This fee covers the costs of considering the application. Therefore, there are no funds available for policy development, compliance or research in relation to species that are exploited by exemption holders.

The proposed new legislation that will replace the *Fisheries Act 1982* will contain a mechanism for issuing permits for exploratory and developmental fishing. These permits will have the advantage of providing more secure access to an exploratory or developmental fishery than a ministerial exemption, but have more flexibility than a fully-fledged licence. Permits will also provide a mechanism for implementing structured management arrangements, rather than simply exempting an exemption holder from existing restrictions. The legislation will also allow fees to be collected in relation to applications for a permit and ongoing administration costs so that necessary scientific work for new fisheries can be funded. A policy for managing exploratory and developmental fishing in South Australia will also be developed to guide decision-making under the new legislation.

## **MANAGEMENT OF EXPLORATORY AND DEVELOPMENTAL FISHERIES**

It is appropriate that the commercial harvest of unexploited fisheries resources be formally managed on the basis that the fishery is going through 'exploratory' and 'developmental' phases. This is considered necessary to help achieve the following:

1. To provide access to the fishery for a limited number of participants for a specified period so that the potential of the fishery can be explored.

- 
2. To develop precautionary management arrangements that ensure that the sustainability of the stock is not threatened and that information is collected so that the future of the fishery can be done on the basis of informed biological assessment. Future fisheries management decisions may include a decision not to continue to allow fishing after the exploratory or developmental phases.
  3. To develop management arrangements which allow participants in the fishery the scope to maximise their economic returns from the fishery, within the biological and ecological limits of the resource.
  4. To assist participants to promote good industry practice and protect emerging markets by implementing management arrangements which provide both certainty and appropriate levels of flexibility.

However, as set out above, significant scientific and management work needs to be done to support the management of an exploratory and developmental fishery, and the necessary legislative framework to do this work (and to fund it) will not be in place until the new fisheries legislation comes into effect. In the meantime it is necessary to implement interim arrangements.

#### **POLICY TO BE APPLIED**

The policy to be applied in assessing exemption applications for the take of any new species is that no new access will be granted in relation to species for which no current authority to take that species for the purposes of trade or business exists. Exemption applications will therefore be refused.

This policy will apply until an Exploratory and Developmental Fishing Policy is developed and implemented under the new fisheries legislation, when it comes into effect. The new legislation is scheduled for implementation in 2006.



Will Zacharin  
**DIRECTOR OF FISHERIES**

31 May 2005