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## POLICY DIRECTIVE

No.1 of 2005

# COMMERCIAL HARVEST OF TURBO SHELLS

### PURPOSE OF DIRECTIVE

This policy directive outlines the policy in relation to the commercial harvest of turbo shells (*turbo undulatus*). This policy is to guide decision-making in the interim period between now and the introduction of a formal Experimental and Developmental Fishery Policy for South Australia, which will be implemented in conjunction with the new fisheries legislation to replace the *Fisheries Act 1982*.

### APPLICATION OF POLICY DIRECTIVE

This Policy Directive applies from 1 February 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.

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.

This policy directive relates to applications to commercially harvest turbo shells without a licence, which requires the grant of an exemption.

### BACKGROUND

Commercial fishing for turbo shells in South Australian waters has been sporadic and as a result, management arrangements have developed on an *ad hoc* basis. Currently, there are three exemptions granted under section 59 of the *Fisheries Act 1982* that allow access to turbo shells for commercial purposes. Other applications have been received from time to time but have been refused pending the development of a controlled management framework for an extended exploratory phase of fishing for turbo shells.

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There is pressure for secure access rights for all participants in the fishery so that business decisions can be made in relation to the development of markets for turbo shells. At the same time, it is recognised that increased levels of activity in relation to fishing for turbo shells brings with it increased demands on the resource, and that these demands need to be managed to ensure the biological sustainability and long term economic productivity of the resource.

## **MANAGEMENT HISTORY OF TURBO SHELLS IN SOUTH AUSTRALIA**

Exemptions have been granted under section 59 of the *Fisheries Act 1982* since 1997 allowing the take of *turbo undulatus* for the purposes of trade or business. Since that time, a maximum of four exemptions have been granted at any one time. Exemptions were originally granted as part of a trial that was scheduled to end in June 2001, and which was intended to inform a review of the fishery at that time using catch and effort data collected in accordance with the conditions of the exemptions. However, funding arrangements for the management of fisheries under the *Fisheries Act 1982* have prevented any further work being conducted by either PIRSA or SARDI Aquatic Sciences. As a result, exemptions have been re-granted in the meantime, upon application. Currently three exemptions are granted that allow the take of turbo shells.

Funding has been unavailable to conduct work in relation to turbo shells because the necessary funds can only be collected under the *Fisheries Act 1982* through licence fees. However, licences cannot be issued until an initial assessment has been made to establish whether there is enough baseline biological information available to determine an appropriate number of licences.

The proposed new legislation that will replace the *Fisheries Act 1982* will contain a mechanism for issuing permits for exploratory and developmental fisheries. These permits will have the advantage of providing more secure access to a developing fishery than a ministerial exemption, but have more flexibility than a fully-fledged licence. 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 decision0making under the new legislation.

## **FUTURE MANAGEMENT OF THE FISHERY**

In the context of the history outlined above, it is appropriate that a future exploitation of the resource 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.

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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.
  3. To develop management arrangements that allow participants 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 that 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 turbo shells is that:

- Existing access to turbo shells be continued on the current basis between now and the introduction of the new fisheries legislation. Existing exemptions should therefore be re-granted, upon application; and
- No more exemptions that provide access to turbo shells should be granted at this stage; and
- This policy should apply until an Exploratory and Developmental Fishing Policy is developed and implemented under the new fisheries legislation, when it comes into effect.

A complete review of the management arrangements for turbo shells should be facilitated under the new arrangements.

Exemption application forms are available on the PIRSA Fisheries website ([www.pir.sa.gov.au/fisheries](http://www.pir.sa.gov.au/fisheries)).

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