



Government  
of South Australia

The Hon Clare Scriven MLC

Our ref: eA198245  
Obj ID: A5687637  
Receipt: 16734600

The Hon Nicola Centofanti MLC  
Member of the Legislative Council  
Parliament House  
ADELAIDE SA 5000

Dear Ms Centofanti

### Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* received by the Office of the Minister for Primary Industries and Regional Development on 11 October 2022 requesting access to the following:

*“A copy of all correspondence to and from the Minister for Primary Industries and Regional Development (including directly with staff within the Office of the Minister for Primary Industries) relating to the temporary 12-month closure on the take of cuttlefish in the waters of Spencer Gulf north of the line between Arno Bay and Wallaroo.”*

Timeframe: 21/03/2022 to 11/10/2022

Accordingly, the following determination has been finalised.

I have located eleven documents that are captured within the scope of your request.

### Determination 1

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
1	Email dated 30 May 2022, from Mr Monceaux in relation to Closure of Northern Spencer Gulf to targeted cuttlefish fishing	2
2	Email and letter attachment dated 27 June 2022, in response to Mr Monceaux correspondence relating to Closure of Northern Spencer Gulf to targeted cuttlefish fishing	3

Minister for Primary Industries and Regional Development  
Minister for Forest Industries

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Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



## **Determination 2**

I have determined that access to the following documents is **refused**:

<b>Doc No.</b>	<b>Description of document</b>	<b>No. of Pages</b>
5	Parliamentary Question	6
6	Estimates Briefing	3
9	Parliamentary Briefing Note	4

Access to the above documents is refused pursuant to Clause 17(1) of Schedule 1 of the Freedom of Information Act which states:

***“17 – Documents subject to contempt etc***

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown –  
(c) infringe the privilege of Parliament.”*

The documents consist of briefing notes and questions which were specifically prepared for the purpose of use in proceedings in Parliament. Disclosure of this information would infringe the privilege of Parliament.

## **Determination 3**

I have determined that access to the following document is **refused**:

<b>Doc No.</b>	<b>Description of document</b>	<b>No. of Pages</b>
3a	Cabinet Note dated 5 May 2022	4

The above document is refused pursuant to Clause 1(1)(c) of Schedule 1 of the Freedom of Information Act which states:

***1—Cabinet documents***

*(1) A document is an exempt document—*

*(c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b);*

The document consists of a copy of a Cabinet Note for submission to Cabinet.

#### **Determination 4**

I have determined that access to the following documents are **refused**:

<b>Doc No.</b>	<b>Description of document</b>	<b>No. of Pages</b>
3	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 4 May 2022	11
4	Community Cabinet briefing, dated September 2022	3
7	Community Cabinet Briefing	2
8	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 12 April 2022	12

Access to the above documents is refused pursuant to Clause 1(1)(e) of Schedule 1 of the Freedom of Information Act which states:

***"1 – Cabinet documents***

*(1) A document is an exempt document –*

*(e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;"*

Disclosure of these documents would reveal detail of matters considered in Cabinet.

#### **Determination 5**

I have determined that access to the following document is **refused**:

<b>Doc No.</b>	<b>Description of document</b>	<b>No. of Pages</b>
3b	Cabinet Committee speaking notes	3

Access to the above document is refused pursuant to Clause 1(1)(f) of Schedule 1 of the Freedom of Information Act which states:

***"1 – Cabinet documents***

*(1) A document is an exempt document –*

*(f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet."*

The documents consist of speech notes prepared for the use of the Minister in Cabinet.

If you are unhappy with this determination you are entitled to exercise your rights of external review with the Ombudsman SA. Alternatively, you can apply to the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this internal review determination.

For more information about seeking a review or appeal, please contact the Ombudsman SA on telephone (08) 8226 8699 or SACAT on 1800 723 767.

Should you require further information or clarification with respect to this matter, please contact Ms Cindy Roberts on 8226 2931 or email: Minister.Scriven@sa.gov.au.

Yours sincerely



Hon Clare Scriven MLC  
**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT**  
**MINISTER FOR FOREST INDUSTRIES**

21 / 11 / 2022

**Roberts, Cindy (PIRSA)**

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**From:** Dan Monceaux <dan@danimations.com.au>  
**Sent:** Monday, 30 May 2022 12:21 PM  
**To:** PIRSA:Minister Scriven  
**Subject:** Fwd: Question re: closure of Northern Spencer Gulf to targeted cuttlefish fishing

----- Forwarded message -----

**From:** **Dan Monceaux** <dan@danimations.com.au>  
**Date:** Mon, 30 May 2022 at 10:54  
**Subject:** Question re: closure of Northern Spencer Gulf to targeted cuttlefish fishing  
**To:** <scriven.office@parliament.sa.gov.au>

Dear Clare,

Congratulations on your appointment as Minister for Primary Industries following the recent South Australian election.

As your department will be well aware, I've been studying and in some cases advocating for responsible management of Spencer Gulf's waters over the past decade.

I was pleased to see that the northern Spencer Gulf closure on all take of giant Australian cuttlefish was reinstated last week. This caught me by surprise, as I was not involved in lobbying for this in any way.

Could you please explain to me the circumstances which lead to this decision? Previously, this measure was only taken when the giant Australian cuttlefish population was near its lowest recorded population level.

While I support the recent announcement in principle, I am concerned that the gesture may be primarily a political smokescreen to distract from plans to establish an industrial-scale seawater desalination plant adjacent to their breeding habitat for the benefit of BHP, OZ Minerals and to some unknown extent, future hydrogen producers.

I would also like to point out that the closure does nothing to mitigate the bycatch of giant Australian cuttlefish killed during prawn trawling activity in the same "closed" waters.

Sincerely,

Dan Monceaux  
Port Noarlunga, South Australia

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**Dan Monceaux**

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**Dan Monceaux**



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**Roberts, Cindy (PIRSA)**

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**From:** PIRSA:Minister Scriven  
**Sent:** Monday, 27 June 2022 12:43 PM  
**To:** 'dan@danimations.com.au'  
**Subject:** eA197373 - Minister Scriven Correspondence 25 June 2022  
**Attachments:** eA197373 - Mr Dan Monceaux - Minister Scriven Correspondence 25 June 2022.pdf

## OFFICIAL

Document ID: eA197373

Dear Mr Monceaux

Please find attached correspondence from Minister Scriven regarding the Giant Australian Cuttlefish closure in upper Spencer Gulf.

Kind regards

**The Office of Hon Clare Scriven MLC**

Minister for Primary Industries and Regional Development

Minister for Forest Industries

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South Australia**

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Mr Dan Monceaux

Email: [dan@danimations.com.au](mailto:dan@danimations.com.au)

Dear Mr Monceaux

Thank you for your email dated 30 May 2022 regarding the Giant Australian Cuttlefish closure in upper Spencer Gulf.

The Giant Australian Cuttlefish has been subject to protection for many years through a permanent cephalopod fishing closure from Point Lowly to Whyalla. This closure also includes squid and octopus within the protected zone. However, their numbers over the years have fluctuated and in 2013, the South Australian Research and Development Institute (SARDI) reported that the Giant Australian Cuttlefish population had decreased by approximately 90% over a 13-year period.

In response to this, in April 2013, the then government put in place a spatial closure of the fishing of the species in waters north of a line between Arno Bay and Wallaroo. This fishing closure expired in February 2020 under the former Liberal Government.

The annual assessment of the Giant Australian Cuttlefish in 2021, the year following the former government letting the spatial fishing closure in the upper Spencer Gulf expire, saw the lowest number recorded in seven years.

The Malinauskas Labor Government made a commitment to re-introduce the spatial closure of fishing for Giant Australian Cuttlefish in the Upper Spencer Gulf between Arno Bay and Wallaroo. This commitment was made prior to the election, and I am pleased to advise that this closure came into effect on 14 May 2022. This will assist to protect and preserve one of the natural wonders of South Australian marine life and support the nature-based tourism opportunities in regional South Australian towns such as Whyalla.

I am advised, that whilst the closure does not mitigate the incidental bycatch of Giant Australian Cuttlefish by the Spencer Gulf Prawn Fishery, several proactive measures are taken by the fishery and the Department of Primary Industries and Regions (PIRSA) to acknowledge the level of risk, in addition to preparing strategies in the event of a high risk situation. This includes clear identification of the potential impacts of the fishery on its associated ecosystems, including impacts on non-target species of fish or other aquatic resources in the *Management Plan for the South Australian Commercial Spencer Gulf Prawn Fishery 2020* (the Management Plan), as required under the *Fisheries Management Act 2007*

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([https://www.pir.sa.gov.au/data/assets/pdf\\_file/0003/373485/Management Plan for the South Australian Commercial Spencer Gulf Prawn Fishery.pdf](https://www.pir.sa.gov.au/data/assets/pdf_file/0003/373485/Management_Plan_for_the_South_Australian_Commercial_Spencer_Gulf_Prawn_Fishery.pdf)).

I am advised that the Management Plan further articulates the goals and objectives that, using an Ecosystem-based Fisheries Management approach, aim to minimise potential fishery impacts on by-catch, by-product and Threatened/Endangered and Protected species (TEPS). This includes mitigation strategies such as control of fishing effort, closure of identified high risk areas, management measures to avoid interactions with TEPS, industry codes of practice, investigation into technology to reduce impacts of fishing activities and long-term bycatch reporting and monitoring. In addition, the recent SARDI publication, *Determining the trawl footprint of the Spencer Gulf Prawn Fishery*

([https://www.pir.sa.gov.au/data/assets/pdf\\_file/0003/291936/Determining the trawl footprint of the Spencer Gulf Prawn Fishery. Report to PIRSA Fisheries and Aquaculture.pdf](https://www.pir.sa.gov.au/data/assets/pdf_file/0003/291936/Determining_the_trawl_footprint_of_the_Spencer_Gulf_Prawn_Fishery_Report_to_PIRSA_Fisheries_and_Aquaculture.pdf)), notes that previous bycatch surveys indicate the Spencer Gulf Prawn Fishery has a relatively low impact on the ecosystem.

I am also advised that the strategies articulated in the Management Plan and bycatch survey results, combined with good governance, conservative harvest strategy, and ecological risk assessments have resulted in the Spencer Gulf Prawn Fishery receiving Marine Stewardship Council (MSC) certification. To continue to meet and comply with the MSC 2.0 principles, the latest fishery assessment outlines an ongoing research need to develop and implement a broader ecological monitoring program. You are able to access the recent fishery assessment at ([https://www.pir.sa.gov.au/data/assets/pdf\\_file/0010/294526/SPG Prawn 2017-18 Fishery Assessment - FINAL 20190814.pdf](https://www.pir.sa.gov.au/data/assets/pdf_file/0010/294526/SPG_Prawn_2017-18_Fishery_Assessment_-_FINAL_20190814.pdf)).

Once again, thank you for writing to me on this important matter and I hope this information has been of assistance.

Yours sincerely



Hon Clare Scriven MLC

**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT  
MINISTER FOR FOREST INDUSTRIES**

25/6/2022