



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* (the Act) received by the Office of the Minister for Primary Industries and Regional Development on 10 October 2022 requesting access to the following:

“A copy of all reports, emails and briefings between the Minister for Environment and Water (including the Minister’s staff) and the Minister for Primary Industries and Regional Development (including the Minister’s staff) regarding management options for recreational fishing in the Adelaide Dolphin Sanctuary.”

Timeframe: 21/03/2022 to 6/10/2022

Accordingly, the following determination has been finalised.

I have located one document that is captured within the scope of your request.

Determination

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

Doc No.	Description of document	No. of Pages
1	Email from the Office of the Minister for Climate, Environment and Water to PIRSA:Minister Scriven dated 16/9/2022, attaching Minute from Minister Close to Minister Scriven re Adelaide Dolphin Sanctuary – Temporary Fishing Prohibition	3

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.

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



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. In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA's disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/_data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf

If you disagree with publication, please advise the undersigned in writing within fourteen calendar days from the date of this determination.

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

A handwritten signature in black ink, appearing to read 'C. M. Scriven', written in a cursive style.

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

14 / 12 / 2022

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Smart, Sharon (PIRSA)

From: Office of the Deputy Premier
Sent: Friday, 16 September 2022 2:34 PM
To: PIRSA:Minister Scriven
Subject: CEW22/01416 - Minute to the Hon Clare Scriven MLC
Attachments: 2022-09-16 - CEW2201416 - Hon Clare Scriven MLC - Adelaide Dolphin sanctuary - MINUTE.pdf

OFFICIAL

Good afternoon

Please find attached a minute to the Hon Clare Scriven MLC from the Deputy Premier, the Hon Susan Close MP.

Kind regards

Sophie

Office of the Deputy Premier

The Hon Susan Close MP

Minister for Climate, Environment and Water
Minister for Industry, Innovation and Science
Minister for Defence and Space Industries

Level 13, State Administration Centre
200 Victoria Square
ADELAIDE SA 5000

GPO Box 11071 Adelaide SA 5001

T: (08) 8226 8520

E: officeofthedeputypremier@sa.gov.au



**Government of
South Australia**

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TO: MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

RE: ADELAIDE DOLPHIN SANCTUARY – TEMPORARY FISHING PROHIBITION

I am writing requesting your urgent assistance to declare temporary prohibitions on certain fishing activity to protect the dolphin population in the Adelaide Dolphin Sanctuary, in accordance with your powers in the *Fisheries Management Act 2007*.

Background

The Adelaide Dolphin Sanctuary (ADS) is a marine mammal protected area covering waters including the Port Adelaide River and Barker Inlet, extending north to Port Gawler. The ADS is managed by the National Parks and Wildlife Service, Department for Environment and Water, under the *Adelaide Dolphin Sanctuary Act 2005* (ADS Act). ADS dolphins are highly valued by the community.

Since 1989, 34 dolphin entanglement incidents have been observed in the ADS. In some cases the dolphins were able to free themselves. In 11 cases, the entanglement was considered sufficiently life threatening to warrant intervention by rangers, including the capture and disentanglement of the animals. Four of the last six incidents have involved heavy fishing gear used to target larger fish species such as kingfish and stingrays.

In 2019, a resident ADS adult female dolphin died due to a very severe entanglement after taking baits deployed by fishers seeking kingfish in the Port River. The dolphin ingested multiple large hooks and heavy-gauge line, eventually dying of infection and starvation.

Local fishers and a commercial tour operator have reported witnessing dolphins chasing baits and, in several instances, becoming hooked.

Since 2020, our respective departments have undertaken a review process to mitigate risks posed by fishing activity to dolphins in the ADS. PIRSA has led this process as the state's fishing management regulator.

I am advised that a background paper, a defensible risk assessment and an options paper have been produced. The risk assessment identifies a range of hook and lure sizes (3/0 and greater) and line strength (10lb and greater) which, if restricted, would significantly reduce risks of entanglement to ADS dolphins. I am advised that your Minister's Recreation Fisheries Advisory Committee has considered the options paper and that further consultation with the community can be expected, prior to any regulatory changes to restrict the use of these heavier gear combinations.

Imminent risks to ADS dolphins

The annual kingfish fishing season (spring and early summer) is rapidly approaching. Based on previous observations, intensive fishing effort can be expected in the inner waters of the Port River and Barker Inlet. ADS dolphins use these waterways daily, including, currently, two mother/calf pairs. I am concerned that the review process and regulatory response will not be completed in time to mitigate this approaching risk to ADS dolphins.

I am advised that under Section 79 of the Fisheries Management Act 2007, certain fishing activities in specified areas may be temporarily prohibited. In view of the potential risk to the ADS dolphins, I ask that you give consideration to making a declaration restricting the use of identified high risk fishing gear in the waters of the Adelaide Dolphin Sanctuary within the Port River and Barker Inlet south of the St Kilda breakwater or any alternative measures which might decrease the risk to ADS dolphins.

Community and social impacts of proposed interim Regulations

The risk assessment undertaken as part of the review discussed above considered social and economic factors. It identified that restrictions applied in waters of the Port River and Barker Inlet south of St Kilda will have no impact on family fishing activity that targets smaller fish species, such as garfish and tommy ruff. It will not impact commercial fishing for larger species such as Bronze Whaler Shark in waters north of St Kilda.

National Parks and Wildlife Service rangers will be available to assist fisheries officers with community education and compliance activities associated with the prohibition.



Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

16 / 09 /2022