

PIRSA Fisheries Demerit Points Scheme

The Demerit Points Scheme

A demerit point scheme was introduced in 2009 as a deterrent against fisheries offences.

Under the scheme if a person or body corporate is found guilty of an offence by a court or pays an expiation fee (on-the-spot fine), they and the relevant authority will also accrue a number of demerit points.

The number of demerit points applied will vary depending on the severity of the offence.

Demerit points have a lifespan of five years from the date that they are accrued. After five years the demerit points are removed.

If a person or body corporate accrues 200 points within five years, there are a range of penalties that can apply, including disqualification from holding an authority issued under the [Fisheries Management Act 2007](#) (the Act) and disqualification from being a registered master on any boat, both for a period of ten years. An authority will remain disqualified until it is transferred or compulsorily acquired.

The legislation defining the demerit point scheme is located in the Act. The list of offences and respective number of demerit points incurred is located in the [Fisheries Management \(Demerit Points\) Regulations 2009](#).

Please note: “*Authority*” means a licence, permit, registration, authorisation or authority under the *Fisheries Management Act 2007*.

What happens if I accrue 200 demerit points?

If a person or body corporate accumulates 200 demerit points within a 5-year period they are liable to be disqualified from holding any authority issued under the *Fisheries Management Act 2007* (the Act) including:

- A commercial fishing licence.
- A fish processor registration.
- A recreational registration (pot or net).
- Operating as a director in a body corporate that holds an authority.
- Operating as a registered master on a boat used pursuant to an authority.

The disqualification period applies for 10 years.

An authority held by a disqualified person will be immediately suspended and must be transferred. If a transfer does not take effect within 180 days the Minister may compulsorily acquire the licence. If the disqualified person holds a non-transferable fishing licence, the licence will be cancelled.

What happens if a company (body corporate) accrues 200 demerit points?

If a body corporate accumulates 200 points within 5 years, then each director is disqualified from holding or obtaining an authority for 10 years.

The authority is also suspended and must be transferred within 180 days. If a transfer does not take effect within the required timeframe the Minister will compulsorily acquire the licence. If the disqualified body corporate holds a non-transferable fishing licence, the licence will be cancelled.

Will I be notified if I am close to accumulating 200 demerit points?

The Minister will send a letter to any person or body corporate when they, or the authority they hold accumulates 100 demerit points. The letter will provide a demerit points balance. The letter will be updated and re-sent for any subsequent offending.

Do I incur demerit points for verbal or written warnings?

No. Demerit points are only incurred if a person or body corporate is found guilty of an offence by a court or pays an expiation fee.

If a registered master commits an offence while operating my fishing licence, does the licence accumulate points too?

The Act provides that the holder of an authority is responsible for an offence committed by a registered master (or agent) and therefore liable to the same penalty.

Where an authority holder is subsequently found guilty of an offence in court or pays an expiation fee, demerit points will apply to the licence.

What happens if multiple offences have been committed?

If multiple offences have been committed arising from the same incident, demerit points are only applied pursuant to the one offence that attracts the most demerit points.

If I am found guilty of a recreational offence, will the demerit points affect my commercial fishing licence?

Yes. Demerit points for a recreational offence will be accrued under your name as a natural person, however they will not be accrued on your commercial licence. Should you accumulate 200 demerit points you will be disqualified from holding any Authority issued under the Act and also operating as a registered master for a period of 10 years.

Do demerit points affect my marine qualifications or my driver licence?

No. Demerit points only affect authorities issued under the Act. These authorities include commercial fishing licences, fish processor registrations, recreational rock lobster pot registrations and recreational net registrations.

My authority has a number of demerit points recorded against it. If I wish to sell the licence will the demerit points be removed?

No. The demerit points will stay with the authority until they expire after 5 years. As a person or body corporate you will also retain demerit points until they expire after this period. Prospective buyers can obtain information on the number of demerit points accrued by a licence on the details below.

Where can I check my demerit point balance?

Demerit point balances are available by:

- Contacting PIRSA Fisheries and Aquaculture on (08) 8204 1370.
- Viewing the [online Fisheries Public Register \(www.pir.sa.gov.au/fishing/public_register\)](http://www.pir.sa.gov.au/fishing/public_register)