



Government
of South Australia

The Hon Clare Scriven MLC

Our ref: eA199414
Obj ID: A5897537
Receipt: 17816554

[REDACTED]
DMAW Lawyers
10/81 Flinders Street
ADELAIDE SA 5000

Dear [REDACTED]

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 and the Office of the Minister for Forest Industries on 23 May 2023 requesting access to the following:

"1. All documents relied upon in the making of the following decisions (Decisions):

1.1 to implement the snapper management measures to apply from 1 February 2023 set out in the notice dated 19 December 2022 to all marine scalefish fishery, rock lobster fisheries, charter boat fishery, and Lakes and Coorong Fishery licence holders (the 19 December Notice);

1.2 to implement snapper management measures from 1 February 2023 as set out in the 19 December Notice by:

(a) a temporary prohibition under section 79 of the Fisheries Management Act 2007 (SA) on the fishing of snapper in specified areas as set out in the instrument of declaration dated 20 January 2023 and published in the South Australian Government Gazette on 25 January 2023 (the January Declaration); and

(b) amendment to the Fisheries Management (General) Regulations 2017 (SA) described in the notice dated 23 January 2023 to all marine scalefish fishery, rock lobster fisheries, Lakes and Coorong Fishery and charter board fishery licence holders (the Regulation Amendment).

2. All documents comprising or recording communications in the period between 28 October 2022 and 25 January 2023 between the Minister for Primary Industries and Regional Development and Forest Industries (Clare Scriven MLC) (the Minister) and Benn Gramola or any other delegate of the Minister in relation to:

2.1 making of the Decisions;

2.2 the January Declaration; and

2.3 the Regulation Amendment.

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



3. All documents comprising or recording communications in the period between 28 October 2022 and 25 January 2023 between the Minister (or any person on the Minister's behalf) concerning snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone and any of the following (or any of their staff or officers):

- 3.1 Marine Scalefish Fishery Management Advisory Committee;
- 3.2 South Australian Research and Development Institute;
- 3.3 Department of Primary Industries and Regions of South Australia.

4. All documents comprising or recording communications in the period between 28 October 2022 and 25 January 2023 between Benn Gramola (as the Minister's delegate) concerning snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone and any of the following (or any of their staff or officers):

- 4.1 Marine Scalefish Fishery Management Advisory Committee;
- 4.2 South Australian Research and Development Institute;
- 4.3 Department of Primary Industries and Regions of South Australia.

5. The instrument or instruments of delegation from the Minister pursuant to which the following actions were carried out:

- 5.1 the making of the Decisions; and
- 5.2 the January Declaration.

6. The reasons for the making of the:

- 6.1 Decisions;
- 6.2 the January Declaration; and
- 6.3 the Regulation Amendment.

7. All documents by which an opportunity to make submissions or representations was provided to commercial and/or charter marine scalefish licence holders in the period between 28 October 2022 and 25 January 2023 about:

- 7.1 future snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone;
- 7.2 any proposal to impose snapper management measures to the effect of:
 - (a) the 19 December Notice;
 - (b) the January Declaration; or
 - (c) the Regulation Amendment.

8. All documents comprising or recording consultation with commercial and/or charter marine scalefish licence holders in the period between 28 October 2022 and 25 January 2023 about:

- 8.1 future snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone;
- 8.2 any proposal to impose snapper management measures to the effect of those set out or prescribed in:
 - (a) the 19 December Notice;
 - (b) the January Declaration; or

(c) the Regulation Amendment.”

On 24 May 2023 contact was made with you seeking to narrow the scope of your application. On 25 May 2023 it was confirmed that your application was revised as follows:

*“1. All documents provided in the period between the period of 28 October 2022 and 25 January 2023 to the Minister for Primary Industries and Regional Development and Forest Industries (Clare Scriven MLC) (**the Minister**) or their delegate and relied upon in the making of the following decisions (Decisions):*

1.1 to implement the snapper management measures to apply from 1 February 2023 set out in the notice dated 19 December 2022 to all marine scalefish fishery, rock lobster fisheries, charter boat fishery, and Lakes and Coorong Fishery licence holders (the 19 December Notice);

1.2 to implement snapper management measures from 1 February 2023 as set out in the 19 December Notice by:

(a) a temporary prohibition under section 79 of the Fisheries Management Act 2007 (SA) on the fishing of snapper in specified areas as set out in the instrument of declaration dated 20 January 2023 and published in the South Australian Government Gazette on 25 January 2023 (the January Declaration); and

(b) amendment to the Fisheries Management (General) Regulations 2017 (SA) described in the notice dated 23 January 2023 to all marine scalefish fishery, rock lobster fisheries, Lakes and Coorong Fishery and charter board fishery licence holders (the Regulation Amendment).

2. All documents comprising or recording communications in the period between 28 October 2022 and 25 January 2023 between the Minister and Benn Gramola or any other delegate of the Minister in relation to the following:

2.1 making of the Decisions;

2.2 the January Declaration; and

2.3 the Regulation Amendment.

3. All submissions, briefing papers, circulars, memoranda, minutes, agendas, notes or reports provided to the Minister (or any person on the Minister's behalf) in the period between 28 October 2022 and 25 January 2023 concerning snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone by any of the following (or any of their staff or officers):

3.1 Marine Scalefish Fishery Management Advisory Committee;

3.2 South Australian Research and Development Institute;

3.3 Department of Primary Industries and Regions of South Australia.

4. All submissions, briefing papers, circulars, memoranda, minutes, agendas, notes or reports provided to Benn Gramola (as the Minister's delegate) in the period between 28 October 2022 and 25 January 2023 concerning snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone by any of the following (or any of their staff or officers):

- 4.1 Marine Scalefish Fishery Management Advisory Committee;
- 4.2 South Australian Research and Development Institute;
- 4.3 Department of Primary Industries and Regions of South Australia.

5. *The instrument or instruments of delegation from the Minister pursuant to which the following actions were carried out:*

- 5.1 *the making of the Decisions; and*
- 5.2 *the January Declaration.*

6. *The reasons for the making of the:*

- 6.1 *Decisions;*
- 6.2 *the January Declaration; and*
- 6.3 *the Regulation Amendment.*

7. *All documents by which an opportunity to make submissions or representations was provided to commercial and/or charter marine scalefish licence holders in the period between 28 October 2022 and 25 January 2023 about:*

- 7.1 *future snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone;*
- 7.2 *any proposal to impose snapper management measures to the effect of those set out or prescribed in:*
 - (a) *the 19 December Notice;*
 - (b) *the January Declaration; or*
 - (c) *the Regulation Amendment.*

8. *All submissions, briefing papers, circulars, memoranda, minutes, agendas, notes or reports comprising or recording consultation with commercial and/or charter marine scalefish licence holders in the period between 28 October 2022 and 25 January 2023 about:*

- 8.1 *future snapper management measures for Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone;*
- 8.2 *any proposal to impose snapper management measures to the effect of those set out or prescribed in:*
 - (a) *the 19 December Notice;*
 - (b) *the January Declaration; or*
 - (c) *the Regulation Amendment”*

Your application was placed on hold for a period of one day awaiting receipt of your response. Accordingly, the new determination due date is 26 June 2023.

Accordingly, the following determination has been finalised.

I have located seven 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
1a	Fisheries Management Act 2007 – Section 79 notice	1
1b	Fisheries Management Act 2007 – Section 79 notice	1
1c	Draft Notice to Fisheries Licence Holders	2
1d	Draft letter to Commercial Sector Executive Officers	2

Determination 2

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

Doc No.	Description of document	No. of Pages
1	Minute from Chief Executive, Department of Primary Industries and Regional Development to Minister for Primary Industries and Regional Development dated 23/01/2023 re Implementation of extension to Snapper closure	6

The information removed from the above document is pursuant to Clause 1(1)(e) and Clause 9(1) of Schedule 1 of the Freedom of Information Act.

Clause 1(1)(e) 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 of decision of Cabinet;”*

The information removed pursuant to Clause 1(1)(e) would reveal detail of a matter for consideration in Cabinet.

Clause 9(1) states:

“9—Internal working documents

- (1) *A document is an exempt document if it contains matter—
(a) that relates to -
(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or
(ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and
(b) the disclosure of which would, on balance, be contrary to the public interest.”*

The information removed pursuant to Clause 9(1) consists of detail relating to a matter for internal decision-making purposes.

In addressing the public interest test for the Clause 9(1) exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- The recent age of the information was considered and the continuing relevance of the matters.
- The confidentiality of some details must be maintained for internal decision-making purposes of a Minister.
- It is expected that the release of this information would change the manner in which information is documented in briefings to a Minister.
- If documents of this nature were disclosed, Departmental officers may be more hesitant when recording information which, in turn, may result in less effective and accurate detail being captured.
- Disclosing this information may compromise the manner in which information is gathered in the future for the decision-making processes of Government to the detriment of the betterment for South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 3

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

Doc No.	Description of document	No. of Pages
1e	Letter to RecFish SA	1
1f	Letter to Australian Fisheries Management Authority	2

The information removed from the above documents is pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information Act which states:

“6 - Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”

The information removed consists of the following:

- Email addresses of stakeholders
- Document 1f also removes the names of individuals.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

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 Rachael Colegate 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

27/6 / 2023



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: A5746964

For	Noting
Critical Date	Nil
Subject	Implementation of extension to Snapper closure

Synopsis

Clause 1(1)(e)

The A/Executive Director, as delegate of the Minister, has now signed and issued temporary declaration notices issued pursuant to section 79 of the *Fisheries Management Act 2007* to temporarily extend the Snapper closure arrangements until 31 January 2024, as well as updated Ministerial determinations and signed a notice to fishers and letters to stakeholders advising of the extension arrangements. The section 79 notices largely apply the same Snapper closure arrangements as previously in place until 31 January 2023, with minor amendments deemed necessary, notably the addition of the Port Adelaide River estuary to the definition of the closed area. It is intended these arrangements will soon be enacted in regulation to extend the arrangements until 30 June 2026.

Recommendations

That you:

1. Note that the Acting Executive Director, Fisheries and Aquaculture, as your delegate, has signed a notice issued pursuant to s79 of the *Fisheries Management Act 2007* to initially extend the Snapper fishing closure in the West Coast, Spencer Gulf, and Gulf St. Vincent and Kangaroo Is. Fishing Zones, including the Port Adelaide River Estuary, from 1 February 2023 to 31 January 2024 (**Enclosure 1**) pending regulatory amendments being made continue the closure arrangements until 30 June 2026.

NOTED

2. Note that the Acting Executive Director, Fisheries and Aquaculture, as your delegate, has signed a notice issued pursuant to s79 of the *Fisheries Management Act 2007* to prohibit the control and possession of Snapper in the West Coast, Spencer Gulf, and Gulf St. Vincent and Kangaroo Island Fishing Zones, including the Port Adelaide River Estuary, by persons who are not holders of fishery licenses issued under the *Fisheries Management Act 2007*.

NOTED

3. Note that the Acting Executive Director, Fisheries and Aquaculture, as your delegate, intends to consider a Ministerial exemption for Commonwealth concession holders to allow for the possession of Snapper in the closed areas where they have provided a prior report.

NOTED

4. Note that the Acting Executive Director, Fisheries and Aquaculture, as your delegate, has updated Ministerial determinations for Marine Scalefish Fishery and Rock Lobster Fisheries licence holders or the registered master(s) regarding catch and

disposal and reporting requirements for the possession of Snapper in the closed area, which revokes and replaces the current determinations.

NOTED

5. Note that the Acting Executive Director, Fisheries and Aquaculture, will provide correspondence to the commercial and recreational peak bodies and the Australian Fisheries Management Authority to notify them of the legislative instruments that have been approved to initially extend the Snapper closure.

NOTED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2022


Ministerial Comments -

Background

- In response to the depleted and depleting snapper stocks in Spencer Gulf / West Coast (SG / WC) and Gulf St Vincent (GSV) respectively, a total ban on Snapper fishing in these areas was implemented from 1 November 2019 until 31 January 2023 to promote the recovery of stocks. The South East (SE) region was classified as sustainable and remained open to fishing under strict management controls for all sectors, including a total allowable catch (TAC) and mandatory catch reporting.
- The Snapper closure was initially implemented through notices issued under section 79 of the *Fisheries Management Act 2007* (the Act) prohibiting any person from taking and / or possessing Snapper.
- On 1 July 2021, the Snapper closure to 31 January 2023 was included in regulation 23C of the *Fisheries Management (General) Regulations 2017* (the General Regulations). Regulation 23C was specifically drafted to expire on 31 January 2023.
- Regulation 23C does not prohibit possession of Snapper. To continue to prohibit the possession and control of Snapper by unlicensed fishers in the Snapper closure area a section 79 notice dated 4 March 2022 was put in place in 2022/23 which expires 31 January 2023.
- Commercial licence holders with access to SE Snapper quota entitlements have been permitted to transit the Snapper closure area whilst in possession of Snapper, subject to catch and disposal requirements outlined in Ministerial determinations and licence conditions. The Ministerial determinations that apply to the Marine Scalefish Fishery (MSF) and Rock Lobster Fisheries (RLF) licence holders expire on 31 January 2023.
- Commonwealth fisheries also have access to Snapper in waters adjacent to South Australia under a Memorandum of Understanding of the Offshore Constitutional Settlement between the State of South Australia and the Commonwealth Government. Under these arrangements Snapper is a state managed species and licence holders issued fishing concessions by the Australian Fisheries Management Authority (AFMA) may only be in possession of 50kg of Snapper taken as bycatch. Following the initial Snapper closure in November 2019, AFMA implemented reciprocal management arrangements prohibiting the take of Snapper in the closure areas as they relate to Commonwealth waters adjacent to South Australia. You noted a briefing outlining these arrangements on 5 June 2022 (ref **A5456126**).
- Following a request from AFMA, a Ministerial exemption was provided on 13 February 2020 allowing Commonwealth concession holders to transit through South Australia's Snapper spatial closure areas whilst in possession of lawfully caught Snapper on board their vessels from 13 February 2020 until 31 January 2021, subject to prior reporting to FishWatch. Following its expiry, a further Ministerial exemption was granted. This exemption expired on 31 January 2022.
- The latest Snapper Stock Assessment Report 2022 released on 9 November 2022, outlined the SG / WC and GSV Snapper stocks remained classified as 'depleted' with low biomass and expected timeframes for recovery are unknown but may take several years or more.
- **Clause 1(1)(e)**

Discussion

Clause 1(1)(e)

- 
- Two temporary fishing closure notices pursuant to section 79 of the Act have now been signed and issued to extend the Snapper management arrangements through to 31 January 2024:
 - A declaration to prohibit the take of Snapper in the WC / SG, GSV and KI Fishing Zones, including the Port River Estuary, (“the Snapper closure area”) for all persons from 1 February 2023 to 31 January 2024 (**Attachment 1**).
 - A declaration to prohibit the control and possession of Snapper in the Snapper closure area by persons who do not hold a State fishery authority from 1 February 2023 to 31 January 2024 (**Attachment 2**).
- In a change to the previous Snapper closure, the Port Adelaide River estuary (including West Lakes) has been added to the section 79 notices. This was added after it was identified that West Lakes was not previously included in the geographical definitions of the closure areas and PIRSA Compliance reported that some fishers had sought to take Snapper in the area.
- To enable effective legislative reporting requirements to be applied to Commonwealth concession holders, such as through a Ministerial exemption if appropriate, the section 79 notice which prohibits the possession of Snapper in the Snapper closure area (**Attachment 2**) includes all persons who do not hold a State fishery authority.
- Pending agreement with AFMA on appropriate arrangements for Commonwealth concession holders with access to Snapper by-catch in waters of South Australia, consideration will be given to a Ministerial exemption to enable Commonwealth concession holders to transit through the Snapper closure area in possession of Snapper caught lawfully in other areas, as previously in place.
- State fishery authority holders with access to Snapper, including those in the commercial MSF and RLF, have previously been permitted to be in possession of Snapper which has been legally caught in the South East, subject to reporting and catch and disposal requirements, pursuant to Ministerial determinations in place under the 25A and 32 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* and 21A, 25A of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*. To continue with these arrangements, these determinations have been remade with the removal of the expiry date of 31 January 2022.

Stakeholder / regional impacts, consultation and engagement

- The MSFMAC, as the recognised advisory body to Government for the shared-access MSF met on 21 November 2022 to consider the Snapper Stock Assessment Report 2022, feedback from stakeholder groups on the stock assessment, and recommended management arrangements for the fishery from 1 February 2023 when the current closure expires (ref **A5696381**).
- The Snapper Stock Assessment Report 2022 was publicly released on 9 November 2022 applying the messaging and platforms included in the Snapper Communications Plan noted as part of the Cabinet submission signed 3 November 2022 (ref **A5663212**). PIRSA and SARDI engaged in a wide range of communications focussed on ensuring stakeholders understood the science underpinning the stock assessments and the next steps Government would undertake to consider stakeholder feedback and advice on future management arrangements for Snapper fishing in areas currently closed.

- The Acting Executive Director, Fisheries and Aquaculture, has signed and issued a Notice to Fishers and letters to the commercial and recreational peak bodies and the Australian Fisheries Management Authority to notify them of the legislative instruments that have been approved to initially extend the Snapper closure (**Attachments 3 – 6**).

Management of key risks

- To minimise the impacts to most affected licence holders and build understanding of the factors that underpin Snapper recovery, the Government of South Australia has approved \$8.8 million (including \$2.5 million from the Fisheries Research and Development Corporation) for a range of support initiatives (A5696381). This information has been communicated to stakeholders and published on the PIRSA website.
- To notify AFMA of the intention to extend the Snapper closure to 30 June 2026 and seek further reciprocal arrangements, PIRSA had an initial teleconference with AFMA on 20 December 2022. AFMA Officers indicated that they would seek to continue the reciprocal arrangements currently in place. This has been formally requested in the aforementioned letter to AFMA.

Legislative and/or financial implications

- Pursuant to section 10 of the Act and the instrument of delegation signed on 29 September 2022, the Executive Director, Fisheries and Aquaculture or a person acting in this position, has delegated powers to implement temporary management arrangements under section 79 of the Act.

- Clause 9(1)

- Clause 1(1)(e)


Attachments

1. Section 79 notice - Prohibition of the take of Snapper for all persons - 1 Feb 2023
2. Section 79 notice – Prohibition on the possession and control of Snapper by unlicensed fishers and Commonwealth fishing concession holders – 1 Feb 2023
3. Notice to fishers – MSF, LCF, RLF, CBF licence holders
4. Letter to commercial sector EOs - MFA, SFA, SANZRLFA, SEPFA, CBASA
5. Letter to RecFish SA
6. Letter to AFMA requesting ongoing complementary management measures



A/CHIEF EXECUTIVE

Department of Primary Industries and Regions

23/1/2023

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries and Aquaculture
MOBILE and LANDLINE	0477 316 248 and 8429 0960
Cleared by	Benn Gramola

FISHERIES MANAGEMENT ACT 2007: SECTION 79

Temporary Prohibition on the taking of Snapper in the waters of the Gulf St. Vincent and Kangaroo Island Fishing Zone, West Coast Fishing Zone, Spencer Gulf Fishing Zone and Port Adelaide River estuary

Pursuant to section 79 of the *Fisheries Management Act 2007*, I Benn Gramola, A/Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it will be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the period specified in Schedule 2 unless varied or revoked.

SCHEDULE 1

The act of taking or an act preparatory to or involved in the taking of Snapper (*Chrysophrys auratus*) in the Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone.

SCHEDULE 2

From: 00:01 hours on 1 February 2023 until 23:59 hours on 31 January 2024.

For the purpose of this notice:

Gulf St. Vincent and Kangaroo Island Fishing Zone, Spencer Gulf Fishing Zone and West Coast Fishing Zone have the same respective meanings as in Regulation 3 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*

Port Adelaide River estuary has the same meaning as Regulation 23(A)(2) of the *Fisheries Management (General) Regulations 2017*.

Dated 20 January 2023



Benn Gramola
**A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE**
Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007: SECTION 79

Temporary Prohibition on the Possession and Control of Snapper in the waters of the Gulf St. Vincent and Kangaroo Island Fishing Zone, West Coast Fishing Zone, Spencer Gulf Fishing Zone and Port Adelaide River estuary

Pursuant to section 79 of the *Fisheries Management Act 2007*, I Benn Gramola, A/Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it will be unlawful for a person other than the holder of a fishery authority under Part 6 Division 1 of the *Fisheries Management Act 2007* to be in possession or control of Snapper (*Chrysophrys auratus*) in the waters specified in Schedule 1 during the period specified in Schedule 2 unless varied or revoked.

SCHEDULE 1

Gulf St. Vincent and Kangaroo Island Fishing Zone, Port Adelaide River estuary, Spencer Gulf Fishing Zone and West Coast Fishing Zone.

SCHEDULE 2

From: 00:01 hours on 1 February 2023 until 23:59 hours on 31 January 2024.

For the purpose of this notice:

Gulf St. Vincent and Kangaroo Island Fishing Zone, Spencer Gulf Fishing Zone and West Coast Fishing Zone have the same respective meanings as in Regulation 3 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*.

Port Adelaide River estuary has the same meaning as Regulation 23(A)(2) of the *Fisheries Management (General) Regulations 2017*.

Dated 20 January 2023



Benn Gramola
**A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE**
Delegate of the Minister for Primary Industries and Regional Development



Government of South Australia

Department of Primary Industries
and Regions

Document ID: A5730292

X January 2023

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.au**NOTICE TO MARINE SCALEFISH FISHERY, ROCK LOBSTER FISHERIES (Option C), LAKES AND COORONG FISHERY, AND CHARTER BOAT FISHERY LICENCE HOLDERS****Extension of Snapper closure**

Dear licence holder

Further to the notice to fishers dated 19 December 2022 from the Executive Director, Fisheries and Aquaculture, advising of the Snapper management measures that are to apply from 1 February 2023, I have now, as delegate of the Minister for Primary Industries and Regional Development, signed a temporary declaration notice issued pursuant to section 79 of the *Fisheries Management Act 2007* to continue the Snapper closure arrangements in the West Coast, Spencer Gulf, Gulf St. Vincent, Port Adelaide River estuary and Kangaroo Is. Fishing Zones from 1 February 2023. The notice is enclosed for your information.

Whilst the section 79 notice extends the Snapper closure on a temporary basis, amendments to regulations under the *Fisheries Management Act 2007* will be sought to continue the closure through to 30 June 2026.

To continue to facilitate commercial fishing licence holders to transit through the closed areas while in possession of Snapper caught legally in the South East Fishing Zone, the existing arrangements permitting the possession of Snapper in the closed areas by Marine Scalefish Fishery (MSF), Rock Lobster Fisheries (RLF) and Charter Boat Fishery (CBF) commercial licence holders, subject to reporting and catch and disposal requirements, continue to apply.

To account for the extension of the Snapper closure, updates have been made to remove the expiry date of 31 January 2023 from the Minister's determinations that apply to the MSF and RLF that outline the reporting and catch and disposal requirements when in possession of Snapper in the closed areas that has been legally caught in the South East Fishing Zone.

These updated determinations are effective from X January 2023 and are available on the PIRSA website (linked below). No changes have been necessary for determinations and licence conditions that apply to CBF licence holders.

Determinations are available at:

https://www.pir.sa.gov.au/primary_industry/commercial_fishing/management/determinations

Further information about the Snapper management and support measures for effected fishers is available on the PIRSA website at: www.pir.sa.gov.au/snapper-management.

Should you wish to discuss the information above, please contact Sam Stone, MSF Fisheries Manager on 8429 2101 or email: sam.stone@sa.gov.au.

Yours sincerely

Benn Gramola
**A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE**

Enclosed: Notice issued pursuant to section 79 of the *Fisheries Management Act 2007*



Government of South Australia

Department of Primary Industries
and Regions

Document ID: A5729814

X January 2023

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.au

Mr/ Ms First name Surname

Position Title

Company

SUBURB STATE POSTCODE

Email: email@xx.xxx.xx

Dear X

Further to the letter dated 19 December 2022 from the Executive Director, Fisheries and Aquaculture, advising of the Snapper management measures that are to apply from 1 February 2023, I have now, as delegate of the Minister for Primary Industries and Regional Development, signed a temporary declaration notice issued pursuant to section 79 of the *Fisheries Management Act 2007* to continue the Snapper closure arrangements in the West Coast, Spencer Gulf, and Gulf St. Vincent, Port Adelaide River estuary and Kangaroo Is. Fishing Zones from 1 February 2023. The notice is enclosed for your information.

Whilst the section 79 notice extends the Snapper closure on a temporary basis, amendments to regulations under the *Fisheries Management Act 2007* will be sought to continue the closure through to 30 June 2026.

To continue to facilitate commercial fishing licence holders to transit through the closed areas while in possession of Snapper caught legally in the South East Fishing Zone, the existing arrangements permitting the possession of Snapper in the closed areas by Marine Scalefish Fishery (MSF), Rock Lobster Fisheries (RLF) and Charter Boat Fishery (CBF) commercial licence holders, subject to reporting and catch and disposal requirements, continue to apply.

To account for the extension of the Snapper closure, updates have been made to remove the expiry date of 31 January 2023 from the Minister's determinations that apply to the MSF and RLF that outline the reporting and catch and disposal requirements when in possession of Snapper in the closed areas that has been legally caught in the South East Fishing Zone.

These updated determinations are effective from X January 2023 and are available on the PIRSA website (linked below). No changes have been necessary for determinations and licence conditions that apply to CBF licence holders. Determinations are available at:

https://www.pir.sa.gov.au/primary_industry/commercial_fishing/management/determinations

Further information about the Snapper management and support measures for effected fishers is available on the PIRSA website at: www.pir.sa.gov.au/snapper-management.

Should you wish to discuss the information above, please contact Sam Stone, MSF Fisheries Manager on 8429 2101 or email: sam.stone@sa.gov.au.

Yours sincerely

Benn Gramola
**A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE**

Enclosed: Notice issued pursuant to section 79 of the *Fisheries Management Act 2007*



Government of South Australia

Department of Primary Industries
and Regions

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X January 2023

Mr Asher Dezsery
Executive Officer
RecFish SA

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.auEmail: Clause 6(1)

Dear Mr Dezsery,

Further to the letter of 19 December 2022 from the Executive Director, Fisheries and Aquaculture, advising of the Snapper management measures that are to apply from 1 February 2023, I have now, as delegate of the Minister for Primary Industries and Regional Development, signed a temporary declaration notice issued pursuant to section 79 of the *Fisheries Management Act 2007* to extend the Snapper fishing closure in the West Coast, Spencer Gulf, and Gulf St. Vincent, Port Adelaide River estuary and Kangaroo Island Fishing Zones from 1 February 2023.

The section 79 closure now includes the Port Adelaide River estuary, to ensure the take of snapper is consistent across all areas where they are targeted. Port Adelaide River estuary has the same meaning as Regulation 23(A)(2) of the *Fisheries Management (General) Regulations 2017*.

I have also signed a section 79 notice to extend the prohibition on the control and possession of Snapper in the Snapper closed area by unlicensed fishers.

The section 79 notices are enclosed for your information.

Whilst the section 79 notices extend the Snapper closure on a temporary basis, amendments to regulations will be sought to implement the closure through to 30 June 2026 as announced.

Further information about the Snapper management and support measures is available on the PIRSA website at: www.pir.sa.gov.au/snapper-management

Should you wish to discuss the information above, please contact Skye Barrett, Recreational Fisheries Manager, on 8429 0844 or email: skye.barrett@sa.gov.au.

Yours sincerely

Benn Gramola
A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE**Enclosed:**

- Notice issued pursuant to section 79 of the *Fisheries Management Act 2007* – prohibiting take of Snapper for all persons
- Notice issued pursuant to section 79 of the *Fisheries Management Act 2007* – prohibiting control and possession of Snapper for unlicensed fishers



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West Beach SAGPO Box 1625
Adelaide SA 5001

Tel (08) 8207 5333

www.pir.sa.gov.au

Document ID: A5740027

X January 2023

Mr Wez Norris
Chief Executive Officer
Australian Fisheries Management Authority
PO Box 7051
CANBERRA ACT 2610

Email: Clause 6(1)

Dear Mr Norris

I am writing to you in relation to the continuation of restrictions on the take and possession of Snapper (*Chrysophrys auratus*) in waters of and adjacent to South Australia and request ongoing complementary management arrangements be continued for Commonwealth concession holders in the Snapper closure areas.

As you will be aware, a closure to Snapper fishing has been in place in South Australian waters of the West Coast, Spencer Gulf and Gulf St. Vincent since 1 November 2019. The closure was initially announced to be in effect until 31 January 2023.

In support of these measures, the Australian Fisheries Management Authority (AFMA) implemented complementary management measures by varying conditions on relevant Commonwealth fishing concessions. These arrangements have been an important, and appreciated, component of the Snapper closure.

A new Snapper stock assessment undertaken by the South Australian Research and Development Institute (SARDI) was released on 9 November 2022 and outlined the West Coast / Spencer Gulf and Gulf St. Vincent Snapper stocks remain depleted and recovery may take several years or more. Further information and key findings of the assessment are available at: pir.sa.gov.au/snapper-report

After considering the recommendations from the Marine Scalefish Fishery Management Advisory Committee, the objects of the *Fisheries Management Act 2007* and findings of the Snapper stock assessment, the Government of South Australia has announced that it will extend the Snapper closure from 1 February 2023 to 30 June 2026. Fishing for Snapper in the South East Fishing Zone will remain open.

To extend the closure, I have, as delegate of the Minister for Primary Industries and Regional Development, signed temporary declaration notices issued pursuant to section 79 of the *Fisheries Management Act 2007* which prohibit the take (**Enclosure 1**) and possession (**Enclosure 2**) of Snapper in the waters of the West Coast, Spencer Gulf, Gulf St. Vincent and Kangaroo Is. Fishing Zones, and Port Adelaide River estuary from 1 February 2023. Amendments to regulations under the *Fisheries Management Act 2007* will be progressed to provide for the continuation of the closure arrangements until 2026.

As discussed with AFMA staff during a call on 20 December 2022, ongoing complementary management arrangements for all Commonwealth concession holders with access to

Snapper in the closed area is now sought in support of a joint approach for the recovery of depleted Snapper stocks.

To continue to allow Commonwealth concession holders to transit through the Snapper closed areas while in possession lawfully caught Snapper from Western Australia or the South East Fishing Zone, I intend to provide a Ministerial exemption (Enclosure 2) to apply to Commonwealth concession holders. It is my intention that this will reflect previous Ministerial exemptions which permitted the possession of lawfully caught Snapper by Commonwealth concession holders, subject to reporting information to Fishwatch (1800 065 522) or via the SA Commercial Fishing "app" one hour prior to entering the Snapper closed areas and one hour prior to arriving at the point of landing.

On your response to my request to consider extending the current complementary management arrangements for all Commonwealth concession holders with access to Snapper in the closed area, I will write to you separately to update on the progress of this Ministerial exemption.

I thank you in advance for your ongoing support for complementary measures to recover South Australia's depleted Snapper stocks.

Should you have any queries in regard to this matter, AFMA staff should continue to liaise with Sam Stone, Fisheries Manager, on telephone 0439 728 643 or email sam.stone@sa.gov.au

Yours sincerely

Benn Gramola
A/EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Enclosed:

1. Notice issued pursuant to section 79 of the *Fisheries Management Act 2007* – prohibiting take of Snapper for all persons
2. Notice issued pursuant to section 79 of the *Fisheries Management Act 2007* – prohibiting control and possession of Snapper for unlicensed fishers and holders of Commonwealth fishing concessions

Cc:

- **Clause 6(1)**
- [REDACTED]
- [REDACTED]
- [REDACTED]