**FISHERIES ACT AMENDMENT BILL 1980**

**Legislative Council, 10 June 1980, pages 2415-6**

Second reading

 Received from the House of Assembly and read a first time.

**The Hon. C. M. HILL (Minister of Local Government): I move**: That this Bill be now read a second time.

This Bill proposes amendments to the principal Act, the Fisheries Act, 1971-1977, that are designed to provide wider and more flexible powers for regulating the fishing industry and managing and conserving the fisheries of the State. More particularly, the Bill is designed to enable the marine scale fishery in South Australia, that is, the fishery for species such as whiting, snapper and garfish, to be managed separately from the tuna fishery and from the rock lobster, prawn and abalone fisheries, which are managed under the managed fisheries regulations made pursuant to section 36 of the principal Act.

At present, all licensed fishermen are entitled to equal access to the marine scale fishery by virtue of licences issued under section 30. With growing concern for the stocks of scale fish, it is necessary to restrict access to the fishery by persons whose fishing licences carry authorities or endorsements which allow access to the tuna, rock lobster, prawn and abalone fisheries. t is considered that the class A licensees who are dependent for their livelihood on the marine scale fishery should be given preferential access to the marine scale fishery over class B licensees who merely supplement their incomes by fishing and over those with access to the tuna and other managed fisheries.

The most effective way to do this is to provide powers to specify for all licences the species of fish that may be taken pursuant to the licences and to impose appropriate differential gear and seasonal restrictions to apply to class A as opposed to class B licensees, to general licensees as opposed to licensees permitted access to species other than scale fish and to licensees whose licences should be restricted to particular geographic areas, such as the Lakes, the Coorong and the Murray River.

These flexible controls cannot be imposed by the making of further regulations under section 36 which must in the terms of that section differentiate between species of fish. Accordingly, the Bill proposes an amendment to section 28 of the principal Act which will allow the Director of Fisheries, as the person issuing licences, to endorse any condition on any particular licence without necessarily having to make those conditions apply to all licences. In particular, the Director would be able to limit the taking of fish pursuant to a licence by reference to species, sex, size or other factors and, if necessary, impose quotas and restrict the seasons and circumstances in which species may be taken under any particular licence.

The Bill also proposes an amendment to section 32 of the principal Act which will allow the Director to require a licence holder to be on board his fishing vessel and responsible for all operations involved in taking fish for sale. Appropriate exceptions would be made to such a requirement to cater for contingencies such as illness. The intention of this amendment is to eliminate the practice of unlicensed persons taking fish and selling them in the name of another person. In effect, this will restrict each licensee to the use of one fishing unit at any one time. It will ensure that employees do not operate independently from the licence holder and outside his control.

I stress that the conditions which will be added to licences under these powers will apply initially to activities in the marine scale fishery, while action under the proposed amendments will have consequences for persons who hold entitlements to the tuna, prawn, rock lobster or abalone fisheries. No further action is proposed in those fisheries at the present time. Fisheries currently covered by the managed fisheries regulations will continue to be managed under those provisions until there has been the opportunity for specific consultation with the affected sectors. I seek leave to incorporate the explanation of the clauses in Hansard without my reading it. Leave granted.

Explanation of Clauses

 Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 28 of the principal Act which provides for the classes of fishing licences and the conditions of such licences. The clause amends this section by expanding the power to make conditions so that it would authorise conditions relating to the areas within which fishing may be carried on pursuant to a licence; the species, quantity, sex or size of fish that may be taken; the periods during which specified devices may be used or specified species or classes of fish may be taken; the number of boats that may be used for fishing and their use; or any other matter relating to the taking of fish pursuant to a fishing licence. Clause 4 amends section 32 of the principal Act which provides for the grant to a fishing licensee of a further licence authorising him to employ another person to take fish on his behalf. The clause amends this section by empowering the Director of Fisheries to impose, upon granting such a licence to employ, conditions relating to the circumstances in which employees may take fish on behalf of the holder of the fishing licence. The clause also inserts a provision providing that it shall be an offence for the licensee to cause, suffer or permit any employee of his to take fish in contravention of a condition of the licence to employ.

Clause 5 amends section 34 of the principal Act which provides that a decision of the Director to refuse a licence may be reviewed by a person appointed by the Minister. The clause amends this section by providing that a decision of the Director to grant a licence but subject to conditions may also be reviewed in a similar manner.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.