

This system of secure and tradeable fisheries access entitlements is designed to encourage capital investment to maximise value from, and conserve, resources through improved tenure. Access to available fisheries resources is currently allocated between the commercial and recreational sectors to optimise economic and other benefits to the community.

Consultation and engagement

The balancing of conservation with resource use is a complex equation, with key stakeholders wanting to be informed and involved in the decision-making process. As such, good consultation and open communication with relevant industries and other stakeholders is of paramount importance to address economic and social issues associated with marine parks.

Thorough planning and pragmatic zoning, incorporating community and industry input, should ensure that South Australia's marine parks have the least possible impact on existing commercial activities – including the fishing industry. A number of avenues are available to contribute to this process either through industry associations or as individuals.

A Marine Advisory Committee has been established to provide independent advice to Government on ensuring that all environmental, social and economic issues have been adequately considered – commercial fishing expertise has been included on this committee. The Minister for Environment and Conservation has also established a Marine Park Stakeholder Reference Group providing representative and industry based organisations, including the Seafood Council (SA) Ltd and the South Australian Fishing Industry Council, direct access to raise and discuss issues relevant to their memberships.

Members of the community may also nominate for local consultative committees that assist in developing draft management plans for marine parks. Individuals and organisations are also encouraged to participate in other consultation activities, such as public information sessions, and provide written submissions on draft management plans to ensure their views and suggestions are formally considered.

Displaced Commercial Fishing Effort

Situations may still arise where commercial fishing operations are affected by the zoning of a marine park. Accordingly, effective mechanisms are needed to address the effects of any displaced effort.

Importantly, the Government's approach to managing the effects of displaced effort seeks to ensure the sustainability of the marine environment and its resources, whilst maintaining a viable commercial fishing industry. This outcome will be achieved through the consideration of available options to minimise displaced effort and a flexible approach of addressing both the impact on the industry - through the removal of an appropriate amount of effort to maintain a sustainable fishery, and the impact on the individual - through a fair and equitable displacement payment.

Rezoning or relocation

In the first instance, the Department for Environment and Heritage (DEH), in consultation with the Department of Primary Industries and Resources, South Australia (PIRSA Fisheries), will review marine park zoning arrangements to determine if alternative locations can be identified to deliver the desired conservation outcomes without displacing existing fishing operations.

If rezoning is not practicable or does not reduce the level of displaced effort, consideration will be given as to whether the displaced effort could be relocated within the fishery without increasing fishing effort beyond sustainable limits in other areas (including access to unallocated resources / latent fishing effort). Any assessment on these grounds will take into account ecological impacts on the fishery and economic impacts on other fishers.

If relocation is viable, the Government would assist by meeting any fair and reasonable relocation expenses and providing a solatium¹. If relocation is not viable, the Government will need to pursue the removal of an appropriate amount of effort from the industry, based on the level of displacement within a marine park.

Catch quota or gear entitlement buy-out

If only a small part of a fisher's operation is affected, such as a partial closure of fishing grounds from which their catch is taken, it may be feasible to commence negotiations to acquire the equivalent entitlements (quota or gear) at a commercial value from the affected fisher together with a solatium. Any acquired quota or gear entitlements would then be retired from the fishery.

Licence buy-back

In other scenarios, a more significant amount of commercial fishing effort may be displaced, or it may not be possible to facilitate a catch quota or gear entitlement buy-out. In these cases, it may be necessary to buy-back one or more licences and/or registered device endorsements issued by PIRSA Fisheries or a licence / permit issued by the Australian Fisheries Management Authority. To facilitate this buy-back, a formula based approach is proposed to provide a fair and equitable value for displacement payments. The formula may include:

- a commercial valuation for the fishing licence / registered device endorsement / quota entitlements / pot entitlements; and/or
- an income support payment; and/or
- a solatium.

Eligibility

Commercial fishers most affected, together with any commercial fisher with a history of fishing within the marine park, would be invited to voluntarily apply for a displacement payment in the first instance. If insufficient voluntary applications are received, consideration may be given to extending the invitation to other areas of the State. If this voluntary approach is unsuccessful in removing the appropriate amount of effort, a compulsory acquisition process may be required. However, this would be a last resort option.

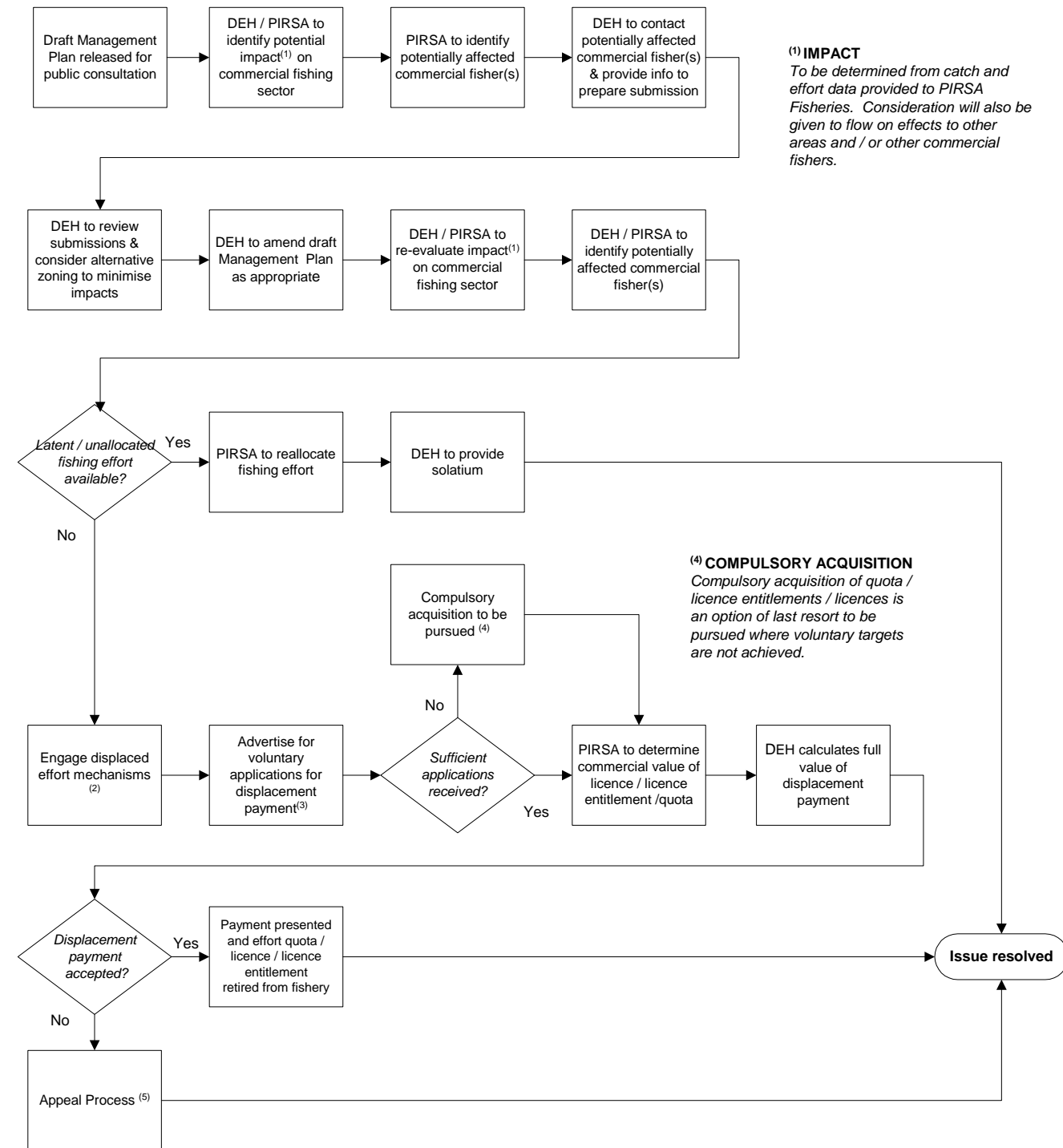
Internal review / appeal mechanisms

Any commercial fisher dissatisfied with the value of any displacement payment may seek an independent review by contacting the Minister for Environment and Conservation within 21 days of receiving an offer. If dissatisfied with the outcome of the independent review, a further right of appeal to the Environment, Resources and Development Court is proposed.

¹ A solatium may be defined as an amount to cover the inconvenience and/or distress caused.

Displaced Commercial Fishing Effort Process

This flowchart describes the process for minimising and, where necessary, managing any displaced commercial fishing effort following the development of a draft management plan for public consultation.



(1) IMPACT
To be determined from catch and effort data provided to PIRSA Fisheries. Consideration will also be given to flow on effects to other areas and / or other commercial fishers.

(4) COMPULSORY ACQUISITION
Compulsory acquisition of quota / licence entitlements / licences is an option of last resort to be pursued where voluntary targets are not achieved.

(2) DISPLACED EFFORT MECHANISMS
Catch quota or gear entitlement buy-out: acquire entitlements (quota or gear) at a commercial value together with a solatium.

Licence buy-back: Regulated formula may include commercial value of licence / licence endorsement, income offset and solatium components.

(3) VOLUNTARY APPLICATIONS
Commercial fishers most affected, together with any commercial fisher with a history of working within a marine park, would be invited to voluntarily apply for a displacement payment in the first instance.

If insufficient voluntary applications are received, consideration may be given to extending the offer to other areas of the State.

(5) APPEAL PROCESS
Any commercial fisher dissatisfied with the value of a payment may seek an independent review by contacting the Minister for Environment and Conservation within 21 days of receiving an offer.

If still dissatisfied with the outcome of the independent review, the licence holder may appeal to the Environment, Resources and Development Court.

Marine Parks and Commercial Fishing

South Australia's marine environments are unique and precious resources, containing some of the most biologically diverse waters in the world. They are also a highly valuable resource for both State and regional economies, supporting an array of activities from fishing and aquaculture to shipping and mining, while at the same time providing important tourism, recreational and cultural opportunities. Effective management of these environments is needed to ensure continuing opportunities for sustainable industry development, whilst simultaneously preserving the biological diversity for the benefit of current and future generations.

The Government of South Australia recognises that the development of marine parks requires changes to current habitat and resource sharing arrangements and has the potential to displace existing uses in some areas. This document provides an overview of the proposed process to minimise and, where necessary, manage any displaced commercial fishing effort arising from the creation of marine parks.

Government commitments

Marine parks

The Government of South Australia is committed to establishing a system of marine parks. As outlined in *South Australia's Strategic Plan*, 19 marine parks will be created by 2010, commencing with the Encounter Marine Park followed by other areas in central and western South Australia and finally along the southern coast.

South Australia's marine parks will be zoned for multiple-use to protect coastal, estuarine and marine ecosystems, while also providing for continued ecologically sustainable use of suitable areas. This means that most activities, including commercial fishing, will still be allowed within a marine park. However, some activities will not be permitted in particular zones. Areas with high conservation values will be designated as either Restricted Access Zones or Sanctuary Zones to provide the necessary level of protection for habitats, species, ecological and geological features. Both of these zones preclude commercial fishing, recreational fishing and aquaculture operations.

New legislation has been prepared for the dedication, zoning and management of marine parks. This legislation will also provide for the fair and equitable management of any displaced commercial fishing and / or aquaculture effort.

A Regional Impact Assessment Statement will also be released following the development of a management plan (including zoning arrangements) to clearly articulate the costs and benefits, both locally and more broadly, arising from each marine park.

Fisheries management

The Government is also committed through the *Fisheries Act 1982* to ensuring – through proper conservation, preservation and fisheries management measures – that the living resources of the State's waters are not endangered or over-exploited as well as achieving the optimum utilisation and equitable distribution of those resources.

To achieve this, commercial fishers require a licence under specific Schemes of Management (in regulations under the *Fisheries Act 1982*) to take fish for commercial purposes. A policy of limited entry has existed in South Australia since the late 1960s and only a restricted number of licences, which can be traded on the open market, are available in each fishery.

For further information contact:

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