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Fisherman win legal fight over their share of SA catch quota

Two professional SA fishermen have won a legal fight over their catch quotas, but many more are still fighting the same battle with the state government.

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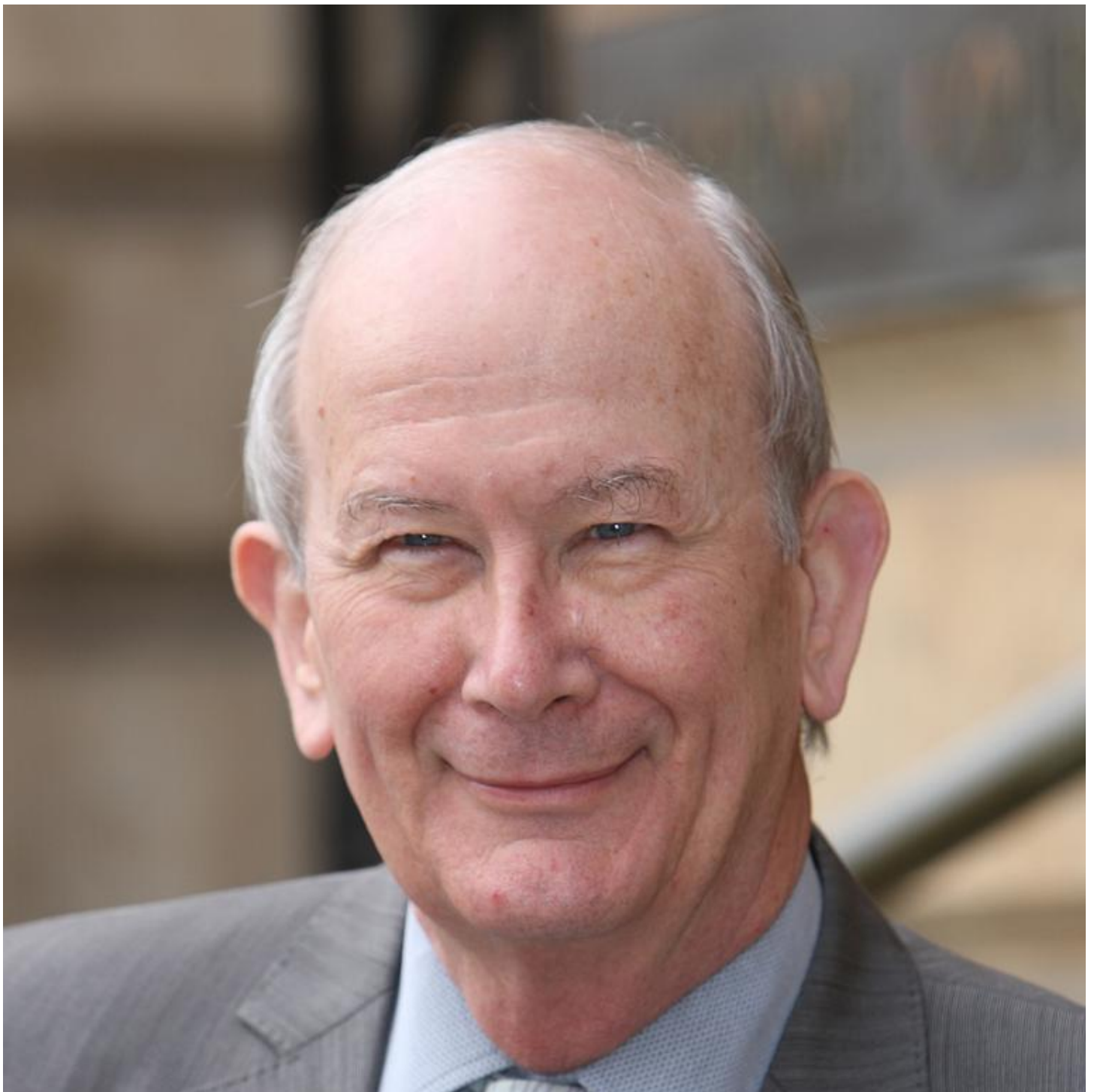
Fishing for snapper will be banned in South Australian waters for three years from November 1 due to a drastic decline in stocks. Image: News Corp Australia

Two professional fishermen whose incomes have been slashed under the controversial reform of the state's fishing industry have won a crucial legal fight.

The two fishermen are among a group of 16 who have taken legal action against the state government to have the individual catch quotas allocated to them under the radical reform program increased.

The fishermen successfully argued in the South Australian Civil and Administrative Tribunal that the size of the quotas allocated to them – which are based on previous catch history – made their businesses unviable.

The pair, Mark Reynolds of Arno Bay on the west coast and Jason Wittholz of Stansbury on Yorke Peninsula, separately appealed to SACAT after PIRSA bureaucrats ignored a ruling by former deputy chief magistrate Dr Andrew Cannon that their quota allocations should be revised.





Dr Andrew Cannon.

In both cases Dr Cannon, who was engaged by PIRSA to examine dozens of “exceptional circumstances” applications, found there had been a “clear injustice” to them compared to other licence holders and a reduction in quotas for other licence holders to allow an increase in quota for them “would not be unfair.”

In Mr Reynolds’ case SACAT ruled it was “inherently unfair and unjust” that Mr Reynolds had purchased his licence and made other financial and family commitments in the expectation he would be entitled to “fish on a commercial basis like other licensees.”

“... he now finds that his business is substantially less viable than as at the time he purchased his licenses,” the SACAT judgment states.





Fisherman Mark Reynolds has been fighting the state government over his quota allocation and has just won a minor victory in his battle. Picture: Robert Lang

In Mr Wittholz' case SACAT also found “the process has miscarried and worked unfairly” against him and his quota allocation should be revisited by PIRSA.

Under reforms to the fishing industry introduced by the former state government last year, 72 fishing professional licences were surrendered in a buyback and the remaining 235 licence holders were allocated individual catch quotas for four key species – whiting, snapper, calamari and garfish – based on their catch history to ensure the sustainability of fish stocks.

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A PIRSA spokesman said the department was “considering options” following the rulings.

Mr Reynolds said the process to increase his quota “was not yet over.”

“I have been told they are likely to appeal the decision, so it will be some time yet,” he said.

“The reform process has been a shambles and someone needs to be held accountable. Hopefully with a change in government and ministers an outcome may eventuate.”

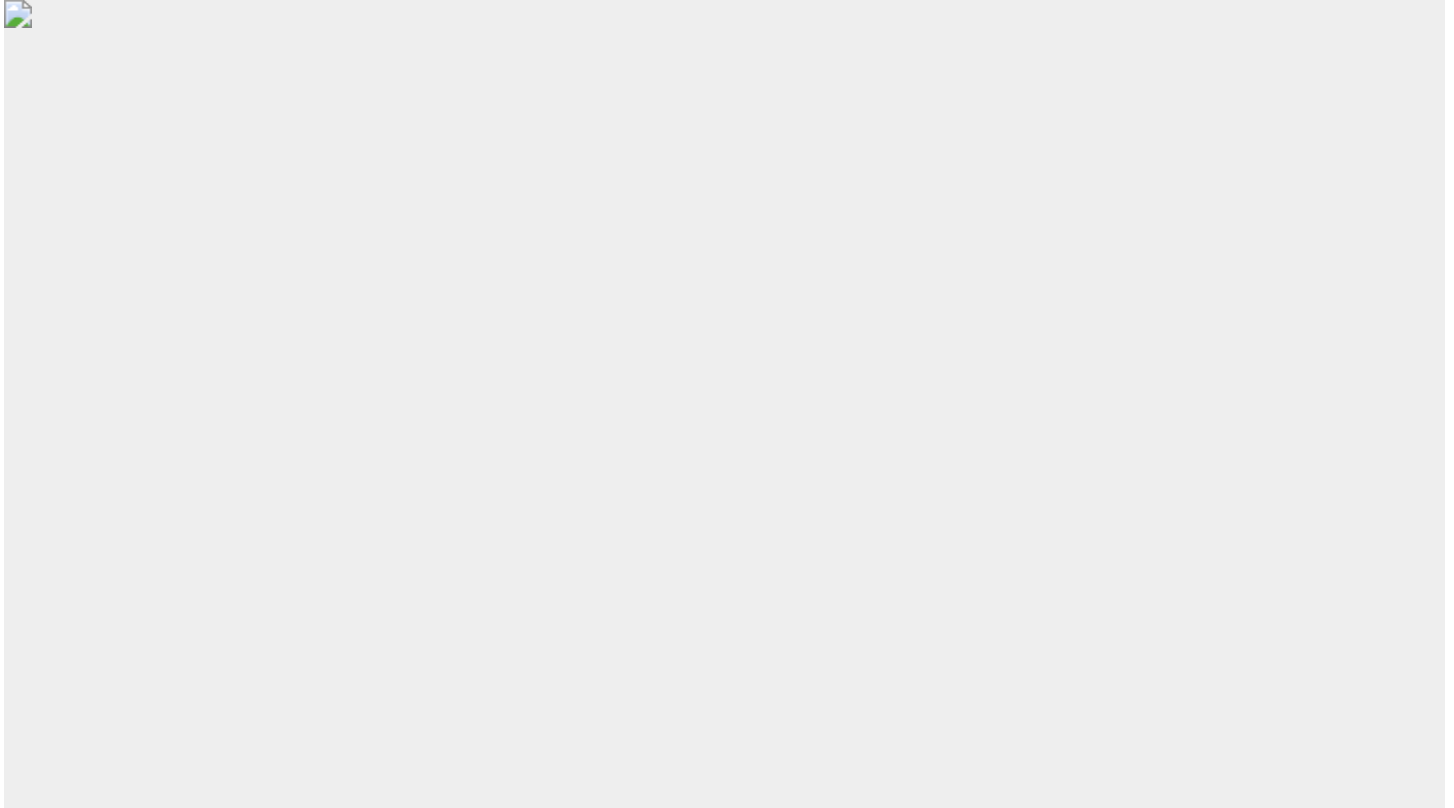
Mr Reynolds said the past year had been “pure frustration which has tested my partners’ and my own mental wellbeing.”

Marine Fishers Association president Barbara Venn said the reform process had caused considerable stress to <https://www.adelaidenow.com.au/news/south-australia/fisherman-win-legal-fight-over-their-share-of-sa-catch-quota/news-story/e2c2bf1d9514e523905137f6cab...> 4/7

many fishers who were “fighting for their livelihoods.”



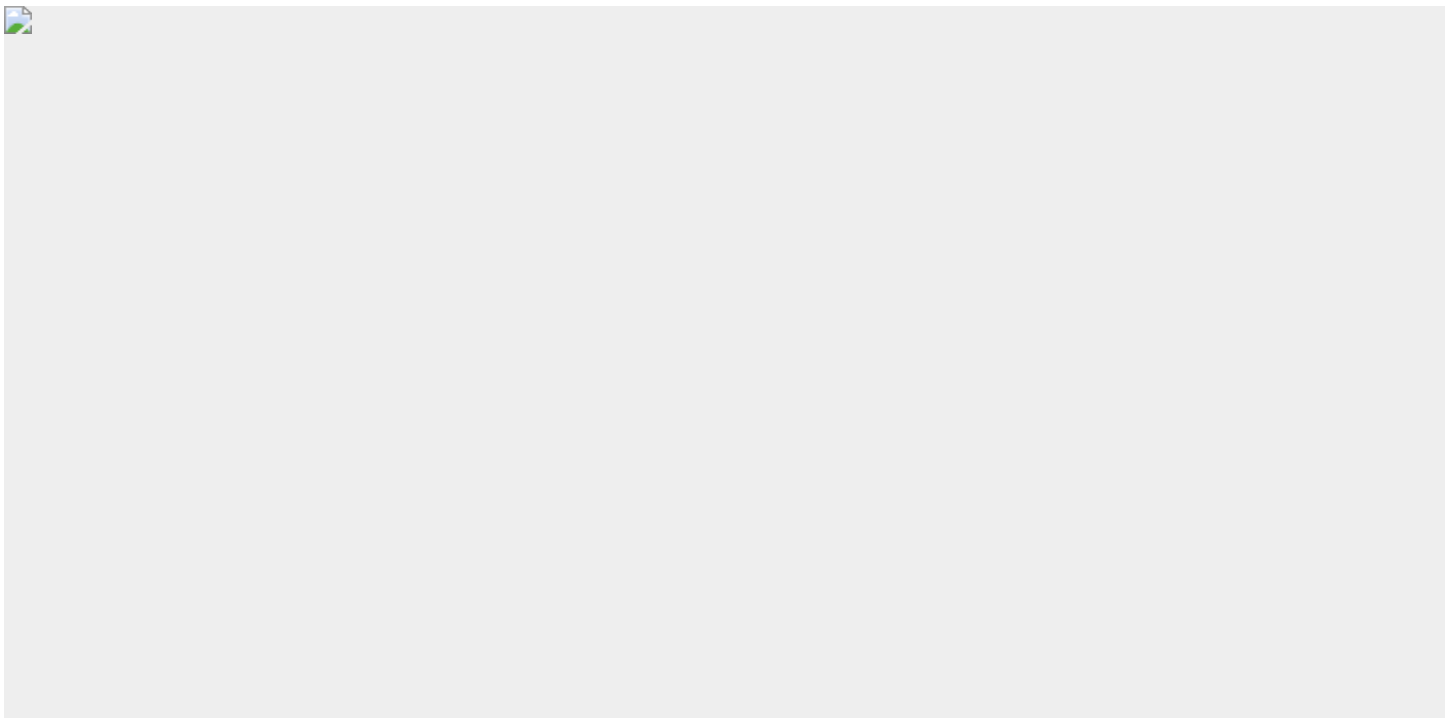
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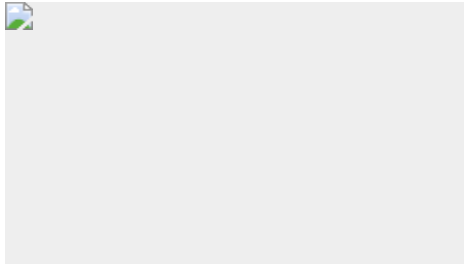


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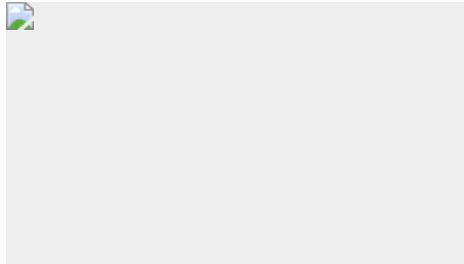
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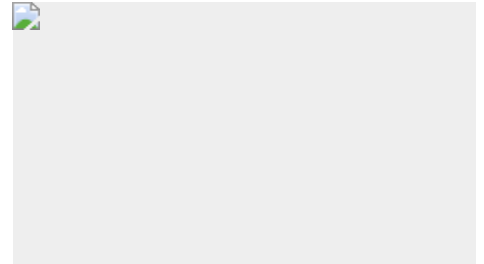
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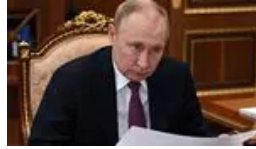


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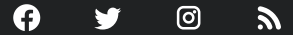
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