

Fishos land a quota victory

Tribunal criticises catch limit policy

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A FISHERIES policy in which professional fishermen who dispute their allocation of key species are given an additional but smaller amount of quota did not have proper legal foundation and should not have been adopted, a tribunal has ruled.

A scathing South Australian Civil and Administrative Tribunal judgment also found the policy may have been adopted by the former Liberal state government for “considerations of expediency, risk management and perhaps political considerations”.

In upholding an appeal by Ardrossan professional fisherman Michael Pennington, the tribunal has ordered his additional quota allocation – granted under an exceptional circumstances claim – be reconsidered by Primary Industries and Regions SA.

He is the fourth professional fishermen to win an appeal against the department’s circumstances allocation – prompting the state government to scrap Supreme Court appeals against the tribunal judgments.

Primary Industries Minister Clare Scriven said the situation was “a mess” and the fishermen would now have their quota allocations increased, with SARDI researchers advising this could be done without jeopardising fish stocks.

“This whole mess is very concerning given the former minister enforced a policy that (the tribunal) has found did not have a proper legal foundation, did not undergo parliamentary scrutiny and should not have been adopted,” she said.

The four professional fishermen – one of whom is Arno Bay fisherman Mark Reynolds, pictured – were among a group of 17 who lodged tribunal appeals after the introduction of the quota-management system for the state’s fishing industry last July.

As part of the system, fishermen could lodge claims against their quota allocations – based on catches over five previous seasons – if they had exceptional circumstances that had affected their previous catches.

The fishermen claimed the quotas allocated to them made their businesses unviable and that PIRSA ignored a ruling by former deputy chief magistrate Dr Andrew Cannon that they should be revised.

In its judgment in Mr Pennington's appeal, the tribunal members were scathing of the policy under which the fishers were dealt with.

“The pro rata policy (from surrendered licences) was then adopted as a convenient means of ensuring that the existing indicative allocations were not disturbed by fresh allocations to fishers affected by exceptional circumstances,” the tribunal found.