

LIVING MARINE RESOURCES MANAGEMENT ACT 1995
GUIDELINE ISSUED UNDER SECTION 75
GRANT OF A FISHING LICENCE (ABALONE DIVE)

I issue the following guideline under Section 75 of the *Living Marine Resources Management Act 1995*.

1. Short title

This guideline may be cited as *Minister's Guideline (Grant of a Fishing Licence [Abalone Dive]) 2013*.

2. Related matter

This guideline is issued so that, except to replace, for that person, a fishing licence (abalone dive) that they held on the preceding 31 December, no application for the grant of a fishing licence (abalone dive) may be approved until legislation clarifying the limitation of the number of these licences is enacted.

The statement of reasons for my decision, and consequent issuing of this guideline, is as follows:

- Material questions of fact:
 - In the interest of the sustainable exploitation of the resource, licences to dive commercially for abalone were first limited in number in 1969.
 - Licence limitation has existed continuously since this date.
 - Transfer of such licences has been allowed continuously since 1972.
 - A fishing licence (abalone dive) is worth at present approximately \$150,000, but has at times been valued considerably higher than this.
 - A cap of 125 fishing licence (abalone dive) exists at present in the *Fisheries (Abalone) Rules 2009*.
 - The number of fishing licence (abalone dive) in force in the fishery is at present less than 125.
- Material on which my decision is based:
 - A fishing licence (abalone dive) could be issued, as rule 12 of the *Fisheries (Abalone) Rules 2009* and section 78 of the *Living Marine Resources Management Act 1995* stand at present, to any applicant so long as in doing so, the cap of 125 licences is not exceeded.
 - The cost to the applicant would be less than \$500.
- Reasons for my decision:
 - Given the long history in the fishery of there being a limited number of fishing licence (abalone Dive) transferable in the market, it would be economically irresponsible and detrimental to the order of the fishery, and therefore inappropriate, for me to grant an application for such a licence, except to replace, for a person, a fishing licence (abalone dive) that they held on the preceding 31 December.
 - The legislative 'loophole' that makes such an inappropriate grant of a fishing licence (abalone dive) possible is in the process of being closed.

3. To whom guideline is issued

In performing a function or exercising a power relating to any application for the grant of a fishing licence (abalone dive), the Secretary or delegate is to take into account, in addition to any other matter the Secretary or delegate considers relevant, the following guideline.

4. Guideline issued

That in the case of an application for the grant of a fishing licence (abalone dive) such a licence should only be granted if the applicant:

- i. held a fishing licence (abalone dive) on the preceding 31 December; and
- ii. the grant would replace the fishing licence (abalone dive) held on the preceding 31 December.

Dated this 24th day of July 2013



Bryan Green
Minister for Primary Industries and Water