

**LIVING MARINE RESOURCES MANAGEMENT ACT 1995**  
**SECTION 75 – MINISTERIAL GUIDELINE**

**SUBJECT: GUIDELINES FOR THE ASSESSMENT OF APPLICATIONS FOR FISHING LICENCES MUSSEL SPAT COLLECTION AND SCALLOP SPAT COLLECTION**

This guideline replaces the guideline dated 3 February 1999.

**OBJECTIVES**

To state the policy in relation to the consideration of applications, approval for and conditions applying to spat collection licences.

**ISSUE**

The collection of mussel and scallop spat from the wild requires the deployment of spat collectors in the ocean often for long periods of time. Depending on the location, the equipment and marker buoys may present a hazard to navigation or may attract criticism because, to the uninformed, it may seem like a marine farming operation outside of a marine farming zone. For this reason a clear policy on the consideration, granting and conditions applying to spat collection licences needs to be clearly stated.

**POLICY**

The *Fisheries Rules 1999* provide for the licensing of scallop and mussel spat collection (Part 4, Divisions 1 and 2 respectively).

**EXEMPTION**

A marine farmer with a marine farming licence does not require a spat collection licence if the spat collection is from within his lease area and provided the licence is appropriately endorsed for the species to be collected (refer rules 33 and 36).

**SPAT COLLECTION IN MARINE FARMING ZONES**

Licence applications for spat collection from within marine farming zones will normally be approved provided that all other statutory conditions are met and that the additional information and authority as detailed below are provided. Consultation by the applicant with marine farmers in the zone shall precede any granting of a licence.

**Note:** Any spat collection equipment deployed under the licence must not encroach on any marine farming leases in the zone, or marine farming operations within the lease area or inhibit access to the lease areas.

## **SPAT COLLECTION FROM OUTSIDE MARINE FARMING ZONES**

Licence applications for spat collection outside marine farming zones will undergo an assessment process to ensure that the deployment of the equipment does not present a hazard to navigation, minimise conflict with commercial and recreational fishing operations and other activities, and to minimise the potential for criticism.

### **CONDITIONS OF LICENCE**

Conditions will be applied to licences depending on the location of the collection site, the type of equipment to be deployed, the period of time, the marking of the equipment, the removal of the equipment and any other condition deemed relevant by the Minister or his delegate. Conditions may be different for licences granted in marine farming zones and outside marine farming zones. Conditions will not conflict with the requirements of Marine and Safety Tasmania (MAST).

### **ASSESSMENT PROCEDURE**

Before granting a spat collection licence the Minister or his delegate must be satisfied that :-

- The location for deployment of the equipment is appropriate and has the approval of MAST. This will require a detailed assessment for appropriateness of the proposed location.
- The marking requirements of the equipment are in accordance with the requirements of MAST.
- The cost of any public notice to mariners required by MAST will be the responsibility of the applicant.
- That consultation with Tasmanian Fishing Industry Council and any other relevant organisation deemed appropriate by the Minister or his delegate may be required in relation to the application prior to the granting of the application.
- That, if considered necessary, the applicant may be required to provide additional information.
- The Minister or his delegate will be responsible for the negotiation and consultation process with relevant fishing bodies.

## **ADMINISTRATION**

### **Supporting information to be presented with the application**

- A detailed description of the equipment to be deployed, the coordinates of the location, the duration and period of deployment.
- MAST approval in principle for the location of the site for deployment of the equipment and for the marking of the equipment. This may require joint consultation between the applicant, MAST and the Department.

## **Management**

- The Marine Farming Branch will be responsible for the collection of all information. The assessment of all applications will be done in consultation with the Manager, Wild Fisheries Branch.
- The Director of the Marine Resources as delegated by the Minister may approve to grant or refuse to grant the application.

Approved by: David Llewellyn

Date: 1 / 02 / 2002

Minister for Primary Industries, Water and Environment