

Authorising Declaration

AUTHORISATION OF AN AUTHORISING DECLARATION

Pursuant to section 39 of the *Fisheries Act 1994* (the Act), I make the following authorising declaration:

1. Purpose of the authorising declaration

The purpose of the authorising declaration is to offset the financial impacts of the novel coronavirus COVID-19 outbreak on the Queensland-managed commercial tropical rocklobster fishery.

2. Nature and apparent extent of the circumstances that necessitates the declaration:

I consider it necessary to make an authorising declaration based on the following:

(a) a natural disaster, accident or other event has occurred:

The impact on fishing businesses in Queensland as a result of the recent coronavirus outbreak is expected to be significant, particularly in the commercial crayfish and tropical rocklobster fishery, which exports 95% of its product live to China.

(b) because of the event, holders are prevented from doing things authorised under authorities for a temporary period to an extent that their entitlement under the authority is significantly decreased and urgent action is needed to offset the decrease in entitlement:

The objective of the authorising declaration is to support fishing businesses to continue to operate and keep people in jobs while markets are responding to the impacts of coronavirus. This will be achieved by allowing commercial fishers to fish under an 'R' fishery symbol in certain waters outside of the commercial crayfish and rocklobster fishery. Doing so will offset the loss in value associated with the normal fishery entitlements under the Act. It does this by reducing the distance to travel to fishing grounds and the cost of fishing, enabling fishing businesses to achieve some form of return on investment from their catch through alternative markets.

(c) Authorising the stated thing does not create an unacceptable risk to fisheries resources or fish habitat and is consistent with the principles of ecologically sustainable development:

Red champagne lobster and tropical rocklobster can only be caught commercially by hand. The most recent ecological risk assessment, in 2006, found its impact to the environment to be negligible to minor. The stocks have been consistently listed as 'Sustainable' under the national Status of Australian Fish Stocks (SAFS) classification system framework with stable catch and effort trends since 2008.

There are only 28 'R' fishery symbols that will be able to fish commercially in the waters the subject of this authorising declaration. Catch rates are expected to be significantly lower than

would ordinarily be expected, as fishers are not familiar with these grounds and will likely spend a proportion of the temporary time period searching for stock. Consequently, there is a low risk of excessive fishing effort in the proposed area.

Tropical rock lobster species grow rapidly and reach maturity at 2-3 years of age and known to be highly fecund, minimising the risk of sustainability issues associated with the proposal. Recruitment in the fishery primarily occurs in the far north of Queensland and therefore breeding and recruitment is not expected to be impaired as a result of the proposal. The range of other measures in place such as catch limits, vessel tracking and reporting requirements will also remain in place, preventing any overfishing. The short term nature of the proposal will limit any impacts on sustainability.

The social aspects of ecologically sustainable development are not expected to be impacted. Licence holders have agreed to avoid areas that are important to recreational fishers during the temporary period.

3. The area to which the declaration applies

The area to which this declaration applies consists of all tidal waters out to the Queensland East Coast offshore constitutional settlement boundary between Latitude 14°S and Latitude 18°S (the declaration area). This area is depicted in attachment 1. Currently fishers are able to operate from the Torres Strait to Latitude 14°S, so this declaration effectively extends the fishing area further south to just north of Cardwell.

4. The persons to whom the declaration applies

- (a) This declaration applies to a person who holds, or is authorised to act under, an authority under the Act on which an 'R' symbol is written (the 'R' authority).

5. The authorisations and conditions of taking fish that must be complied with by persons to whom the declaration applies

- (a) A person is authorised to do anything in relation to fish in the declaration area under this declaration that the person is authorised to do under the R authority.

For example, a person who may take red champagne lobster and tropical rocklobster under an R authority may take red champagne lobster and tropical rocklobster in the declaration area under this declaration.

- (b) Without limiting paragraph (a), a person's authorisation to do a thing in relation to fish in the declaration area under this declaration is subject to the same restrictions that apply to the person doing the thing under the R authority.

For example, a person may take fish under this declaration only if they hold a commercial fisher licence under the Act for the fish.

- (c) A person is authorised to do a thing in relation to fish in the declaration area under this declaration only if the person complies with all the conditions that apply to the person doing the thing under the R authority.

For example, a primary boat longer than 25 meters must not be used to take fish under this declaration.

- (d) A person is authorised to take fish in the declaration area under this declaration only if the person complies with the vessel tracking requirements in Chapter 4, Part 1 of the *Fisheries (General) Regulation 2019*.

8. Period of the declaration

This declaration is effective immediately.

A person's authorisation under this declaration ends on the earlier of the following—

- (a) three months after this declaration is made; or
- (b) when an amount equal to the Total Allowable Commercial Catch of red champagne lobster and tropical rocklobster authorised under the R authority is taken under the authority; or
- (c) the Authorising Declaration is formally revoked earlier.

For working out the amount of red champagne lobster and tropical rocklobster taken under the R authority, the following must be counted—

- (a) the amount of red champagne lobster and tropical rocklobster taken by a person under the R authority;
- (b) the amount of red champagne lobster and tropical rocklobster taken in the declaration area by a person who is authorised to take the red champagne lobster and tropical rocklobster on the basis of the person's authorisation under the R authority.

9. Authorisation

I am appropriately delegated under the Act to make authorising declarations in accordance section 39 of the Act.

10 March 2020
Date of Authorisation

 Signed

Graeme Bolton
Deputy Director-General (Fisheries & Forestry)
Department of Agriculture and Fisheries

Attachment 1

