

Reference: 20762/14r

26 AUG 2014

Mr Grant Sparks
PPB Advisory
Central Plaza One, Level 27,
345 Queen Street
BRISBANE QLD 4000

Dear Mr Sparks

Cancellation of Resource Allocation Authorities for Queensland Sea Scallops

I refer to previous correspondence sent to PPB Advisory on 17 July 2014 about the intent to cancel two Resource Allocation Authorities (RAA) 2006BC0552 and 2006BC0550 currently held by Queensland Sea Scallops Pty Ltd (QSS).

Decision to Cancel

I advise that I hold a delegation held under section 67 of the *Fisheries Act 1994* (the Act) from the Chief Executive, Department of Agriculture, Fisheries and Forestry. As such, I have decided to cancel these two authorities. The cancellation of these authorities is effective from the date of this letter.

Reasons for Cancellation

- 1 Mr Grant Sparks and Mr Michael Owens were appointed as Voluntary Administrators of QSS Pty Ltd on 7 September 2012.
- 2 The Company creditors placed the Company into liquidation on 10 December 2012.
- 3 Neither RAA has been operational since the appointment of the Administrators in 2012.
- 4 The Administrators have not transferred the authorities.
- 5 The Administrators have previously attempted to surrender the RAA authorities indicating they have no further interest in the authorities.
- 6 Section 67(1) of the *Fisheries Act 1994* where:
"The chief executive may suspend or cancel an authority if the chief executive is satisfied the suspension or cancellation is necessary or desirable for the best management, use, development or protection of fisheries resources or fish habitats".

Facts and circumstances

I have considered the following in deciding on my proposed action:

- The liquidation of the Company including its assets.
- The Administrators having indicated they have no further interest in either of the authorities.
- Section 67(1) of the *Fisheries Act 1994*
- The invitation to show, within 30 days of the date of the previous correspondence on 17 July 2014, why the cancellation of these two authorities should not proceed. No correspondence was received by the due date.

Appeal Rights

Pursuant to section 185 of the Act, if you are dissatisfied with this decision, you have the right to apply to the Queensland Civil and Administrative Tribunal (QCAT) for a review of this decision. Pursuant to section 33(3) of the *QCAT Act 2009*, you have 28 days from the date of this decision in which to make an application for a review of this decision. Please also note that section 61(1) allows the tribunal to extend the time limit for commencing a proceeding under the QCAT Act.

Section 185 of the *Fisheries Act 1994* provides that the grounds available for the review of this decision are any one or more of the following grounds:

- a) The decision was contrary to the Act;
- b) The decision was manifestly unfair; and
- c) The decision will cause severe personal hardship to you.

Should you wish to apply for a review of this decision, you may do so by lodging an application at the QCAT Registry. Any enquiries regarding QCAT can be directed to telephone to 07 3239 3681 or by email to enquiries@tribunalsreview.qld.gov.au. Further information can be found at the QCAT website www.qcat.qld.gov.au.

If you require any further information, please contact Kerrod Beattie, Manager Regulatory Reform and Consultation Unit, Fisheries Queensland, on telephone 07 3087 8023 or email kerrod.beattie@daff.qld.gov.au.

Yours sincerely

s.73



Kerrod Beattie
Manager
Fisheries Queensland

Reference: 17466/14

Mr Grant Sparks
PPB Advisory
Central Plaza One, Level 27,
345 Queen Street
BRISBANE QLD 4000

Dear Mr Sparks

I refer to PPB Advisory as the Joint and Several Agents for the Mortgagee in Possession of Queensland Sea Scallops Pty Ltd (QSS) and the Department of Agriculture, Fisheries and Forestry (DAFF) Notice of proposal to cancel two Resource Allocation Authorities for QSS, 2006BC0552 (Area 812) and 2006BC0550 (Area 811).

“30 day show” period

I propose to cancel the Resource Allocation Authorities and now invite you to show within 30 days of the date of this letter why the cancellation of these authorities should not proceed. Please note that if I have not received your written response within the period I may still continue with the cancellation.

Delegation

I advise that I hold a delegation under section 68 of the Fisheries Act 1994 (the Act) to issue this notice, and to cancel the authorities under section 67 of the Act. The Delegation was given to me by the Chief Executive, Fisheries Queensland.

Grounds

The grounds for my proposed action are that:

1. Mr Grant Sparks and Mr Michael Owens were appointed as Voluntary Administrators of QSS Pty Ltd on 7 September 2012.
2. The Company creditors placed the Company into liquidation on 10 December 2012.

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Business Centre 13 25 23
Website www.daff.qld.gov.au
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3. Neither RAA has been operational since the appointment of the Administrators in 2012.
4. The Administrators have not transferred the authorities.
5. The Administrators have previously attempted to surrender the RAA authorities indicating they have no further interest in the authorities.
6. Section 67(1) of the *Fisheries Act 1994* where:

“The chief executive may suspend or cancel an authority if the chief executive is satisfied the suspension or cancellation is necessary or desirable for the best management, use, development or protection of fisheries resources or fish habitats”.

Facts and circumstances

I have considered the following in deciding on my proposed action:

- The liquidation of the Company including its assets.
- The Administrators have indicated that they have no further interest in either of the authorities.
- Section 67(1) of the Fisheries Act 1994

If you require any further information, please contact kerrod.beattie, Fisheries Manager on telephone 07 30878023 or email kerrod.beattie@daff.qld.gov.au.

Yours sincerely

Kerrod Beattie
Manager Regulatory Reform and Consultation
Department of Agriculture, Fisheries and Forestry