

# LIVING MARINE RESOURCES MANAGEMENT ACT 1995

## SECTION 75 – MINISTERIAL GUIDELINE

**SUBJECT**                    **ENDORSEMENT OF FISHING LICENCE (ROCK LOBSTER) AND FISHING LICENCE (GIANT CRAB) WITH A CONDITION THAT AUTHORISES THE UNLOADING IN VICTORIA OF ROCK LOBSTER AND GIANT CRAB TAKEN UNDER THE AUTHORITY OF THESE LICENCES**

This Ministerial Guideline is issued in respect of applications received from the holders of Fishing Licence (Rock Lobster) and Fishing Licence (Giant Crab) for the endorsement of these licences with a condition authorising the unloading of rock lobster and / or giant crab taken under the authority of these licences, in Victoria.

### **OBJECTIVES**

To guide decision making on applications received from the holders of Fishing Licence (Rock Lobster) and Fishing Licence (Giant Crab) for the variation of these licences to add a condition authorising the unloading of rock lobster and / or giant crab taken under the authority of these licences, to take account of the significant compliance risk attendant with this activity.

### **BACKGROUND**

The *Fisheries (Rock Lobster) Rules 2006* and *Fisheries (Giant Crab) Rules 2006* provide for fishermen to have their licences endorsed to enable them to transport to and unload in Victoria, rock lobster and giant crab taken in Tasmanian State waters under the authority of these licences.

In 2006, an investigation into the suspicious unloading in Victoria of rock lobster taken by Tasmanian licensed rock lobster fishermen in State waters, uncovered systematic and organised misreporting of rock lobster landings. Subsequent prosecutions resulted in the conviction of several licence-holders and a Tasmanian licensed processor for serious fisheries offences.

The investigation and subsequent court findings provided evidence that a number of fishermen misrepresented their catches for a period of five or possibly more years before their offences were detected and the regulatory scheme in place to control this activity had proven inadequate.

The effective policing of the activity authorised by the license endorsement was sufficiently problematic to suggest that the risks attendant with the practice of unloading in Victoria rock lobster and giant crab taken in Tasmanian State waters could not be mitigated to an acceptable level.

The Tasmanian rock lobster and giant crab fisheries are significantly valuable earning of the order of \$70m per annum (beach price).

### **APPLICATION**

The *Fisheries (Rock Lobster) Rules 2006* and *Fisheries (Giant Crab) Rules 2006* ("the Act") provides for a Fishing Licence (Rock lobster) and Fishing Licence (Giant Crab) to be endorsed to include a condition authorising the unloading in Victoria of rock lobster and / or giant crab taken in Tasmanian State Waters under the authority of the licence.

The systematic and organised misreporting of rock lobster unloading in Victoria of rock lobster taken in Tasmanian state waters by some holders of the subject endorsement and the incapacity to effectively ensure compliance of the unloading activity represents a significant and unacceptable risk to the rock lobster and giant crab fishery resources in Tasmanian waters.

The significant risks presented by this illegal activity to the rock lobster and giant crab resource and the incapacity to effectively police non-compliance should be afforded significant weight in determining (in particular, before determining them favourably) applications received for the variation of a Fishing Licence (Rock Lobster) or a Fishing Licence (Giant Crab) in accordance with s 83 (1) (a) of the *Living Marine Resources Management Act 1995* to add a condition allowing the holder to unload in Victoria, rock lobster or giant crab taken in Tasmanian State waters.

Applicants will be required to demonstrate that they will operate within a framework that provides the same level of opportunity for checking the unloading of rock lobster as in a Tasmanian port.



Bryan Green MP  
**MINISTER FOR PRIMARY INDUSTRIES AND WATER**

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