

Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019

Explanatory notes for SL 2019 No. 70

made under the

Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019

General Outline

Short title

Proclamation for the *Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019*

Authorising law

Section 2 of the *Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019* (Amendment Act)

Policy objectives and the reasons for them

The objective of the Proclamation is to fix a date for the commencement of uncommenced provisions of the *Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019* (the Amendment Act) which received royal assent on 7 March 2019. The provisions will establish the necessary powers, functions and tools for more sustainable fisheries management.

The commencement of these amendments will support a more responsive, evidence-based approach to fisheries management and strengthen compliance powers to better align Queensland with other Australian jurisdictions. In particular they will: modernise the objectives of the *Fisheries Act 1994* (the Fisheries Act) and recognise the interests of key stakeholder groups; clarify the roles of the Minister responsible for fisheries and the Chief Executive in the management of the State's fisheries; strengthen enforcement powers and penalties to address serious fisheries offences such as to target black-marketing; and reduce complexity and remove redundant provisions.

The commencement of these amendments is a significant step in implementing the *Queensland Sustainable Fisheries Strategy 2017-2027* (the Strategy) which was released by the Government in June 2017. It outlines the Government's vision for the future management of Queensland's fisheries and sets out the reform agenda for the next ten years.

The commencement of these amendments was delayed to facilitate preparation of a package of complementary amendments to subordinate legislation under the Fisheries Act 1994 because some uncommenced provisions of the Amendment Act required support in fisheries subordinate legislation.

For example, commercial quantities of priority fish species needed to be prescribed to support a new trafficking offence. Other uncommenced Amendment Act provisions required changes to existing fisheries subordinate legislation. For example, the Amendment Act will no longer allow for fishery management plans, so the *Fisheries (East Coast Trawl) Management Plan 2010* had to be repealed and management of that fishery dealt with in other subordinate legislation.

Achievement of policy objectives

The Proclamation will fix the day of commencement of all those provisions of the Amendment Act which are not yet in force on 28 May 2019. Specifically, it will commence:

- part 2, division 3;
- part 3, division 1;
- section 71(2); and
- schedule 1.

Part 2, division 3 of the Amendment Act, amends the particular purposes of the *Fisheries Act 1994* (Fisheries Act) and how they are to primarily be achieved in recognition of the interests of key stakeholder groups. These amendments also clarify the roles of the Minister responsible for fisheries and the Chief Executive, particularly with regard to development and implementation of harvest strategies; resource allocation; and strengthened enforcement powers to address serious fisheries offences such as trafficking.

Part 3, division 1 amends the *Public Interest Disclosure Act 2010* to reflect changed offences under sections 90 and 92 of the Fisheries Act.

Part 3, division 2 amends the *Transport Operations (Marine Safety) Act 1994* to reflect the changed definition of “relevant information” in section 217A of the Fisheries Act.

Schedule 1 makes minor and consequential amendments to the Fisheries Act, principally to omit references to “management plans” and make other amendments to definitions.

The Proclamation will fix the day of commencement of the relevant provisions of the Amendment Act on a date that coincides with the commencement of significant changes to fisheries subordinate legislation to complement the Amendment Act - amendments to the *Fisheries Regulation 2008*; repeal of the *Fisheries (East Coast Trawl) Management Plan 2010*; *Fisheries (Commercial Trawl Fishery—Fin Fish) Quota Declaration 2015*; *Fisheries (Coral Reef Fin Fish) Quota Declaration 2015*; and *Fisheries (Spanner Crab Fishery) Quota Declaration 2015*; and the making of the *Fisheries Declaration 2019* and *Fisheries Quota Declaration 2019*.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means of achieving the purpose of the Proclamation.

Benefits and costs of implementation

As outlined in the Explanatory Notes to the Amendment Act, costs associated with the implementation of the Amendment Act will be met through existing resources until a resourcing strategy based on a beneficiary pays system is considered.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The Department of Agriculture and Fisheries undertook consultation on proposed changes to the Fisheries Act prior to the Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018 being introduced for consideration by the Legislative Assembly. The provisions that will commence on Proclamation are consistent with these earlier processes.

The Office of Best Practice Regulation in the Queensland Productivity Commission has not been consulted on the Proclamation because the Department of Agriculture and Fisheries determined that the proposal falls into the agency assessed exclusion category (g) – regulatory proposals that are of a machinery nature – under the *Queensland Government Guide to Better Regulation*.