

# Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2020

Explanatory Notes for SL 2020 No. 66

made under the

*Fisheries Act 1994*

## General Outline

### Short title

*Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2020*

### Authorising law

Section 37 of the *Fisheries Act 1994* (the Act).

## Policy objectives and the reasons for them

### Total quota entitlement management generally

A number of Queensland commercial fisheries are managed using quota based management systems which set out a total quota entitlement for a species or group of species. Colloquially, this is referred to as the total allowable commercial catch (or TACC). Under this system, individual fishers hold individual transferable quota (ITQ) units, a type of total quota entitlement. The ITQ units entitle the holder to take a portion of the declared total quota entitlement for that species, or group of species, during the ITQ year. Generally, an ITQ year is from 1 July to 30 June each year. However, the ITQ year leading up to 1 July 2021 is a 13 month period from 1 June 2020 to 30 June 2021, as defined in section 122 of the *Fisheries (Commercial Fisheries) Regulation 2019*. This 13 month period is an anomaly, but is necessary to move the start date of the fishery season from 1 June each year to 1 July each year.

From season to season, the declared total quota entitlement may be increased or decreased depending upon the status of the fish stocks concerned. As a consequence, the amount of catch (in kilograms) that a unit entitles the holder to take also increases and decreases.

As part of the *Queensland Sustainable Fisheries Strategy 2017-2027* (the Sustainable Fisheries Strategy), which sets out clear targets to be achieved for fisheries management and sustainability, and a range of actions to deliver on those targets, the intent is that, in future, all commercial fisheries will be managed using harvest strategies. Harvest

strategies outline clear decision rules that increase and decrease the allowable harvest based on the health of the fishery. In most circumstances, a change to the total quota entitlement will be consistent with the harvest strategy for the nominated fishery. In accordance with Part 2 of the *Fisheries Act 1994*, a harvest strategy for the commercial spanner crab fishery (managed area A) was approved on 8 April 2020.

### ***Spanner crab fishery total quota entitlement***

The commercial spanner crab fishery (managed area A) is a total quota entitlement managed fishery concentrated in south-east Queensland from Seventeen Seventy to the Gold Coast. Fishers target spanner crabs using baited tangle nets set on the sand. The fishery has approximately 40 boats participating in the fishery. The total quota entitlement for the fishery is set biennially.

The Spanner Crab Working Group, made up of industry and Government representatives, met on the 24 February 2020 and discussed a recommended total quota entitlement for the 2020-21 and 2021-22 ITQ years by assessing the fishery indicators (commercial catch and effort data, and the independent survey data) against the decision rules outlined in the draft harvest strategy for the fishery. Despite the harvest strategy being a draft at the time the Working Group met, no changes were made to the harvest strategy upon its approval under Part 2 of the *Fisheries Act 1994*. The recommendation from the Working Group was no change to the total quota entitlement for the next two fishery seasons.

Despite this, the Working Group also unanimously agreed to recommend adding an extra 44 tonnes to the total quota entitlement for the year 1 June 2020 to 30 June 2021, which is one month longer than the ordinary fishery season. This brings the total quota entitlement for that year to 891 tonnes. The additional 44 tonnes were calculated by averaging the last five years of catch data for June (excluding the worst year of 2017 which was an outlier).

The total quota entitlement for the fishery for ITQ years from 1 July 2021 will remain at 847 tonnes.

## **Achievement of policy objectives**

The subordinate legislation achieves its policy objectives by prescribing the following total quota entitlements for the commercial spanner crab fishery (managed area A):

- for the ITQ year 1 June 2020 to 30 June 2021, 891 tonnes; and
- for ITQ years commencing on or after 1 July 2021, 847 tonnes.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main policy objectives of the *Fisheries Act 1994* which are to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to promote ecologically sustainable development.

## **Inconsistency with policy objectives of other legislation**

The subordinate legislation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Queensland Government will not incur any additional costs in the implementation of this subordinate legislation.

Restricting the spanner crab total quota entitlement to sustainable levels will ensure that the fishery will not be overexploited, and can continue to rebuild to a target reference point of 60 per cent biomass (as a proxy for Maximum Sustainable Yield), consistent with the policy objectives of the Sustainable Fisheries Strategy. The total quota entitlement will ensure the fishery can maximise the performance of the fishery to meet environmental, social and economic management objectives.

## **Consistency with fundamental legislative principles**

The subordinate legislation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The Spanner Crab Working Group met on the 24 February 2020 and discussed a recommended total quota entitlement for the 2020-21 and 2021-22 ITQ years. The Working Group unanimously agreed to the total quota entitlements in this subordinate legislation.

The subordinate legislation has been assessed by the Department of Agriculture and Fisheries in accordance with the *Queensland Government Guide to Better Regulation* as being machinery in nature (category (g)) as it makes no substantial change to policy and consists of provisions that are merely declaratory. Therefore, assessment by the Office of Best Practice Regulation within the Queensland Productivity Commission was not required.