

Fisheries Quota (Commercial Trawl Fishery (Fin Fish)-Prescribed Whiting) Amendment Declaration 2020

Explanatory Notes for SL 2020 No. 267

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries Quota (Commercial Trawl Fishery (Fin Fish)-Prescribed Whiting) Amendment Declaration 2020

Authorising law

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

Policy objectives and the reasons for them

The policy objective of the *Fisheries Quota (Commercial Trawl Fishery (Fin Fish)-Prescribed Whiting) Amendment Declaration 2020* (the amendment declaration) is to prescribe a total quota entitlement for prescribed whiting in the commercial trawl fishery (fin fish) for the 2021 fishing season.

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. 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. In the commercial trawl fishery (fin fishery), which is also known as the stout whiting or T4 fishery, ITQ units are referred to as T4-ITQ units, distinguishing them from other types of ITQ units for different fisheries. A T4-ITQ year is the period from 1 January to 31 December 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 intention 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 draft harvest strategy for the commercial trawl fishery (fin fish) has been prepared by the Chief Executive and is awaiting Ministerial approval.

Commercial trawl fishery (fin fish) total quota entitlement

The commercial trawl fishery (fin fish) is a total quota entitlement managed fishery operating in waters between 20 and 50 fathoms between Sandy Cape and the Gold Coast. There are two active operators in the fishery. The total quota entitlement allows for the take of *prescribed whiting*. Prescribed whiting includes both stout whiting and red spot whiting, however over 95% of the harvest is stout whiting. Other species of fish can be taken in the fishery, if the fish are taken while taking prescribed whiting, including goatfish and yellowtail scad, and a separate total quota entitlement applies for the taking of these species. However, no change has been made to the total quota entitlement for goatfish or yellowtail scad in the amendment declaration.

A total quota entitlement for prescribed whiting has been in effect since 2007 and was originally administered under licence conditions. In 2015 the fishery was transitioned to an ITQ system with total quota entitlement adjustments made in 2016 and 2017.

At present, no harvest strategy has been approved for the fishery but a draft harvest strategy has been prepared. Consequently, the total quota entitlement has been set based on information from the standardised catch rate analysis. Standardised catch rates are used as an indicator of abundance, where higher catch rates are assumed to reflect an increased abundance of prescribed whiting. Catch rates in the fishery are standardised to account for factors that are known to influence catch rates and are then compared to a reference period. The total quota entitlement for a relevant year is adjusted based on the performance of that year's catch rates against the reference period. This method of calculation is generally consistent with the decision rules in the draft harvest strategy.

For the 2021 fishing season, the analysis and modelling determined that a total quota entitlement of 1192 tonnes should be prescribed for the 2021 fishing season. This is an increase of 86 tonnes from the total quota entitlement for the T4-ITQ year ending 31 December 2020. The two active operators in the fishery are supportive of this increase.

Achievement of policy objectives

The amendment declaration achieves the policy objective by prescribing a total quota entitlement for prescribed whiting in the commercial trawl fishery (fin fish) at 1192 tonnes for T4-ITQ years commencing on or after 1 January 2021.

Consistency with policy objectives of authorising law

The amendment declaration 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 prescribed whiting 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, 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 amendment declaration 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 Department of Agriculture and Fisheries met with the two active operators in the fishery on 29 September 2020 and discussed a recommended total quota entitlement for the 2021 T4-ITQ year. The two operators unanimously agreed to the total quota entitlement in the amendment declaration.

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.