

Fisheries Quota (Reef Line Commercial Fishery) Amendment Declaration 2021

Explanatory Notes for SL 2021 No. 53

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries Quota (Reef Line Commercial Fishery) Amendment Declaration 2021

Authorising law

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

Policy objectives and the reasons for them

Total quota entitlement management

Fisheries Queensland manages a number of commercial fisheries using quota-based management systems which cap the total allowable commercial catch for a fishery, part of a fishery, a species or group of species. This is achieved by either declaring a total quota entitlement for particular fisheries or parts of fisheries in the *Fisheries Quota Declaration 2019* (Quota Declaration), or by declaring how a fish is regulated in the *Fisheries Declaration 2019* (Fisheries Declaration) once the prescribed commercial catch reaches a certain amount for a species.

A total quota entitlement is declared for fisheries (or parts of fisheries) where participants in the fishery hold individual transferable quota authorities (units), which entitle the holder to take a portion of the declared total quota entitlement for that species or group of species during the season that correlates to their individual holding. Under this management system, persons who hold more units are able to take more product than persons who hold fewer units. 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.

Under the *Queensland Sustainable Fisheries Strategy 2017-2027* (the Strategy), the intent is that all commercial fisheries will be managed using harvest strategies. Harvest strategies would outline clear decision rules that increase and decrease the allowable

harvest based on the health of the fishery. A change to the total allowable commercial catch would always be consistent with the harvest strategy for the nominated fishery.

Total quota entitlement for coral trout and redthroat emperor

The Reef Line Commercial Fishery is a total quota entitlement-managed fishery operating predominantly in the Great Barrier Reef Marine Park. Fishers target a number of species including regulated coral trout and redthroat emperor using hook and line fishing methods. The fishery has over 300 fishers participating in the fishery. The total quota entitlement for the fishery is typically set biennially. However, due to COVID, no changes were made in 2020 - they were deferred to 2021.

The Reef Line Fishery Working Group, made up of industry and government representatives, met in April 2021 and discussed a new stock assessment for coral trout and the application of the harvest strategy for the first time. They recommended total quota entitlement for the 2021-2022 line year by assessing the fishery indicators (commercial catch and effort data, and the independent survey data) against the decision rules outlined in the harvest strategy for the fishery. This resulted in a recommendation from the Working Group to reduce the total quota entitlement for regulated coral trout by 200 tonnes, and redthroat emperor by 52.88 tonnes.

The objective of the amendment declaration is to give effect to the harvest strategy for the Reef Line Commercial Fishery by implementing recommendations from the Reef Line Fishery Working Group on the total quota entitlement for regulated coral trout and red throat emperor.

Achievement of policy objectives

The policy objectives are achieved by prescribing the following total quota entitlements for the Reef Line Commercial Fishery:

- For regulated coral trout, 963 tonnes; and
- For redthroat emperor, 558 tonnes.

Consistency with policy objectives of authorising law

The amendment regulation 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 amendment regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

In accordance with the *Queensland Sustainable Fisheries Strategy 2017-2027*, predetermined decisions rules in the Reef Line Fishery Harvest Strategy determine the biennial setting of total quota entitlements for species within the fishery. Therefore, there are no alternative ways of achieving policy objectives. Additionally, without placing restrictions on the amount of product commercial fishers are allowed to take, overfishing might occur which could result in the depletion of fish stocks and impact the sustainability of the species. Ultimately, this could lead to the permanent closure of commercial fishing for coral trout and redthroat emperor.

Benefits and costs of implementation

Restricting the coral trout and red throat emperor 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 *Queensland Sustainable Fisheries Strategy 2017-2027*. The total quota entitlement will 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 Reef Line Fishery Working Group met on 22 and 23 April 2021 and unanimously agreed to recommend the total quota entitlement effected in this amendment declaration.

The Amendment Declaration has been self-assessed by the Department of Agriculture and Fisheries in accordance with the *Queensland Government Guide to Better Regulation*. The Department of Agriculture and Fisheries assessed that it is excluded from undertaking further regulatory impact analysis on the basis of Category (g) – (regulatory proposals that are of a machinery nature) because 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.