

# Fisheries Quota (Regulated Coral Trout) Amendment Declaration 2023

Explanatory Notes for SL 2023 No.36

made under the

*Fisheries Act 1994*

## General Outline

### Short title

*Fisheries Quota (Regulated Coral Trout) Amendment Declaration 2023*

### Authorising law

Sections 33 and 37 of the *Fisheries Act 1994* (the Act)

### Policy objectives and the reasons for them

The Queensland Sustainable Fisheries Strategy 2017–2027 sets out a 10-year reform agenda, including clear targets to be achieved for sustainable fisheries management. A key target of the Strategy is to set sustainable catch limits based on maximising economic yield for all Queensland fisheries (around 60 per cent of unfished spawning biomass) by 2027. A key management tool outlined in the Strategy to achieve this goal is the use of harvest strategies.

The Reef line fishery harvest strategy 2020–2025 (Harvest Strategy) is used to manage all the coral reef fin fish species in Queensland as part of the Line (Coral Reef Finfish) Fishery (the Reef Line Fishery). The Reef Line Fishery is a line-only fishery, which operates predominately within the Great Barrier Reef Marine Park.

Coral trout is the primary group of species that is targeted in the Reef Line Fishery. Under the *Fisheries (General) Regulation 2019* 'regulated coral trout' is defined to include barcheek coral trout (*plectropomus maculatus*), bluespotted coral trout (*plectropomus laevis*), common coral trout (*plectropomus leopardus*), coral trout (*plectropomus* spp. and *variola* spp.), passionfruit coral trout (*plectropomus areolatus*), vermicular cod (*plectropomus oligacanthus*), white-edge coronation trout (*variola albimarginata*), and yellowedged coronation trout (*ariola louti*).

The approach taken to ensure the sustainability of regulated coral trout in the Reef Line Fishery is to restrict the amount of regulated coral trout, in weight, that can be taken by commercial fishers each year. The weight restriction is achieved through the mechanism of a total quota entitlement declared in the *Fisheries Quota Declaration 2019* (Quota Declaration).

The biomass of the regulated coral trout stocks in the Reef Line Fishery is assessed at scheduled intervals. The assessments recommend for the amount of fish permitted to be taken in a commercial fishery to be increased or decreased depending upon the stock status of the species.

The 2022 *Stock assessment of Queensland east coast common coral trout (Plectropomus leopardus)* (Stock Assessment) concluded that a small reduction in the current total quota entitlement is required. This is to assist in maintaining the target spawning biomass level that aims to maximise economic yield for the Reef Line Fishery (60 per cent of unfished spawning biomass), with a small amount of rebuilding of stock required to safeguard against uncertainty.

The policy objectives of the *Fisheries Quota (Regulated Coral Trout) Amendment Declaration 2023* (Amendment Declaration) are therefore to ensure the sustainability of the Reef Line Fishery and to safeguard against uncertainty by reducing the total allowable commercial catch for regulated coral trout by 51 tonnes in time for the 2023-24 fishing season.

## **Achievement of policy objectives**

The policy objectives are achieved by amending schedule 1, part 1 of the Quota Declaration to reduce the total quota entitlement for regulated coral trout from '963' tonnes to '912' tonnes.

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

The Amendment Declaration is consistent with the policy objectives of the *Fisheries Act 1994* to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to:

- apply and balance the principles of ecologically sustainable development; and
- promote ecologically sustainable development.

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

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

## **Alternative ways of achieving policy objectives**

Maintaining the *status quo* in the Reef Line Fishery is not supported as this would be inconsistent with the decision rules set out in the Harvest Strategy. These rules aim to set sustainable catch limits to achieve and maintain maximum economic yield for the Reef Line Fishery by achieving and maintaining target fish stock levels at 60 per cent of unfished spawning biomass.

Amending the *Fisheries Quota Declaration 2019* is the only way to achieve these policy objectives. Non-legislative options would not be able to effectively regulate fisheries and are not considered an appropriate, or effective option for sustainable management of the fisheries resources.

## **Benefits and costs of implementation**

The Amendment Declaration benefits Queensland's community, environment, and economy by supporting the sustainable management of regulated coral trout stocks.

The Government will not incur any additional costs in the implementation of this Amendment Declaration. Ongoing monitoring of the fisheries will be undertaken within existing resources.

Although reducing the total quota entitlement for regulated coral trout may have financial impacts for commercial fishers, the reduction will support the sustainability of regulated coral trout stocks and long-term resilience of the Reef Line Fishery thereby benefiting the Queensland's community, environment, and economy.

## **Consistency with fundamental legislative principles**

The Amendment Declaration has been drafted with regard to, and is generally consistent with, the fundamental legislative principles (FLPs) defined in section 4 of the *Legislative Standards Act 1992* (LSA). However, the Amendment Declaration may potentially infringe upon the FLP that legislation should have sufficient regard to the rights and liberties of individuals, including the right to conduct business without interference (section 4(2)(a) of the LSA).

### **Legislation should have sufficient regard to the rights and liberties of individuals - LSA, section 4(2)(a)**

Clause 4 (Amendment of sch 1 (Total quota entitlements)) of the Amendment Declaration prescribes the total quota entitlement for regulated coral trout for the Reef Line Fishery.

The FLP is potentially infringed because limiting the amount of fisheries resources that can be taken by commercial fishers in the Reef Line Fishery may unduly restrict a person's right to conduct a commercial fishing business without interference. However, the potential infringement is justified as maintaining sustainable stocks of fisheries resources is critical to ensure the long-term viability of the commercial fishing industry. The potential infringement ensures that business can be conducted in the long-term. It also operates to avoid the need for more significant future management action, such as if a stock collapsed.

## **Consultation**

The Department of Agriculture and Fisheries undertook consultation with the Reef Line Fishery Working Group (Working Group) on 17–18 March 2022 and presented the findings of the 2022 Stock Assessment to the Working Group.

Members of the Working Group reported ongoing impacts of Novel Coronavirus (COVID-19) on export, inflation, and increases quota lease prices. In response to these concerns,

and noting the uncaught quota for the 2021-22 season, management action aimed at providing a safeguard to protect fish stocks was delayed until the 2023-24 fishing season.

## **Regulatory Impact Analysis**

The Amendment Declaration has been self-assessed by the department in accordance with the *Queensland Government Guide to Better Regulation*. The department assessed that the Amendment Declaration is excluded from undertaking further regulatory impact analysis on the basis of 'Category (g) – Regulatory proposals that are of a machinery nature' as it makes no substantial change to policy and consists of provisions that are merely declaratory in accordance with the decision rules of the Harvest Strategy.

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