

Fisheries (Effort Caps) Amendment Declaration 2025

Explanatory notes for SL 2025 No. 4

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries (Effort Caps) Amendment Declaration 2025.

Authorising law

Section 33 of the *Fisheries Act 1994* (the Act) gives the Chief Executive, or delegate, the powers to make fisheries declarations.

Policy objectives and the reasons for them

A minor amendment is required to adjust certain effort caps in the trawl fishery in accordance with the relevant fisheries harvest strategies.

Queensland's east coast trawl fishery is the state's largest commercial fishery, a significant portion of which operates within the Great Barrier Reef World Heritage Area (GBRWHA). The fishery contributes significantly to Queensland's gross value of seafood production and export. The target species of the fishery are prawns, scallops and bugs.

Note that trawl nets are a different type of gear to gillnets and the trawl fishery is unaffected by any of the recent changes to gillnetting symbols in either the Great Barrier Reef Marine Park or the Great Sandy Marine Park.

Northern and Central Trawl Regions

The East Coast otter trawl fishery is divided into 6 trawl regions, set out in Schedule 2, Part 4, of the Fisheries (Commercial Fisheries) Regulation 2019:

- Northern trawl region (section 138)
- Central trawl region (section 139)

- Southern inshore trawl region (section 140)
- Southern offshore trawl region A (section 141)
- Southern offshore trawl region B (section 142)
- Moreton Bay trawl region (section 143).

These regions are managed primarily under harvest strategies through input controls such as regional effort caps, strip closures, fishing limits, and regulated periods.

The regional effort caps are prescribed under Chapter 2, Part 12 of the Fisheries Declaration 2019 (Fisheries Declaration).

Harvest strategies represent best practice fisheries management and are developed through extensive stakeholder consultation and include key objectives, performance indicators and reference points, as well as decision rules outlining management responses.

The management controls in the harvest strategies provide clear instruction across multiple stakeholder interests, ensure the sustainable distribution of fishing effort, and provide for the ongoing evidence-based review and development of the trawl fishery's sustainability.

The regional effort caps for the ECT fishery are prescribed under Chapter 2, Part 12 of the Fisheries Declaration 2019 (Fisheries Declaration).

The regional effort caps are reviewed at scheduled intervals based on available stock assessment reports for target species to achieve a target biomass of 60 per cent of unfished levels, as per the Queensland harvest strategy policy.

Stock assessments provide an evaluation of the abundance (health) of fish stocks in the form of an estimation of the stock's biomass relative to unfished levels. In addition, stock assessment provides information about the potential production of the stock and options for harvest and effort levels. The appropriate management response, after stock assessment, is guided by the decision rules in the harvest strategy.

Stock assessments using data from the first year of available catch data to December 2021 were completed in 2023 for the tier 1 target species tiger prawns (*Penaeus esculentus* and *Penaeus semisulcatus*), plus endeavour prawns (*Metapenaeus endeavouri* and *Metapenaeus ensis*), red spot king prawns (*Melicertus longistylus*) and Moreton Bay bugs (*Thenus australiensis* and *Thenus parindicus*). These species are caught in the northern and central trawl regions. The assessments were published online (<https://era.dpi.qld.gov.au/view/subjects/SH201.html>).

The prawn and bug stock assessments provide a comprehensive evaluation of the biological stock of multiple species and considered a range of data including mandatory daily commercial logbook data (such as commercial catch and effort), historic voluntary logbook data, the former Queensland Fish Board data, historic commercial catch records, survey and logbook gear data and high-resolution vessel tracking data collected by Fisheries Queensland, lunar data, and licence numbers (for Moreton Bay bugs).

The outputs of the stock assessments indicated that in the period from 1958–1997, tiger prawn and endeavour prawn stocks declined to reach 31% and 34% of unfished biomass respectively. The biomass has been steadily rising since this time, and in 2021 the stock levels for tiger prawn and endeavour prawn were estimated to be 79% and 69% of unfished biomass

respectively. The sand bug stock experienced a decline in the period 1968 to 2000 to reach 67% of unfished biomass. The biomass has been generally increasing since, and in 2021 the stock level was estimated to be 78% of the unfished biomass. The status of the mud bug stock is undefined, however the general trajectory shows the biomass experienced a decline from the period of 1968 until the mid-1980s, then slowly recovered since that time.

Under both the Trawl Fishery (northern region) Harvest Strategy: 2021-2026 and Trawl Fishery (central region) Harvest Strategy: 2021-2026, decision rules 1 and 4 apply for the management of tiger prawns (the target species), and secondary species (e.g. endeavour prawns, Moreton Bay bugs) respectively for both regions.

Decision rule 1.1 was triggered when biomass estimates became available from a stock assessment for tiger prawns published in 2023.

Decision rule 4.3 was triggered when stock assessments for endeavour prawns and Moreton Bay bugs became available through publications in 2023.

The decision rules require a review of the effort caps when more information becomes available.

A key issue is that the stock assessments were completed for multiple species, but the effort cap must be a single figure applied at the level of a multi-species fishery. There is no one clear, determined method for converting a biological assessment of multiple species into a single effort cap for a fishery when there is fishing pressure applied to multiple species.

The Fisheries Science business unit conducted extensive work to investigate how to calculate multi-species effort caps for trawl regions within the ECT Fishery.

A separate report (“An investigation into methods to calculate effort controls in a multi-species fishery: northern and central Queensland otter trawl case study using data from 2017 to 2021” (‘effort controls report’) examined how to combine a range of species potential-harvests, with and without stock assessments, into a single management output (effort cap) for the northern and central regions of the ECT fishery. This report was published online (<https://era.dpi.qld.gov.au/id/eprint/14415/>).

Firstly, the recommended biological catch (RBC) for various species were calculated using outputs from available stock assessments from 2023. Where no stock assessments were available, RBC were calculated as average harvests based on logbook data between 2017 and 2021.

Effort caps are based on the number of trawl effort units required to harvest the recommended biological catch for the fishery.

The development of methods to calculate effort controls included feedback from industry representatives and advice from the Sustainable Fisheries Strategy Expert Panel who provided general support. Targeted consultation was conducted with industry members during the multispecies effort calculation work, including through a Trawl Working Group forum.

The report detailed eight different calculation methods that were developed and applied to eight different species combination. This resulted in 64 effort unit calculations options for the northern and central region.

Subsequently, an internal review process was conducted to select the most defensible effort unit calculation option based on the robustness of assumptions and scientific merit. Considerations included utilisation of best available stock assessment information for all species, not placing undue emphasis on secondary species, the method behaving the same across both regions, and repeatability (i.e. can be utilised in subsequent years).

The most defensible calculation option (identified as Base Case 2 in the report) was presented to industry at a harvest strategy workshop and a follow up meeting and industry participants were invited to provide feedback on the selection of the calculation method.

The calculation method recommended to increase the effort caps for the northern and central trawl regions, and this was presented at the combined northern and central harvest strategy workshop.

Participants of the combined harvest strategy workshop and follow-up meeting provided an expected mixed response of support, and some issues were raised, including the how catch reported as mixed prawn was considered. Some members were comfortable with and supported the recommendation while others wanted higher effort caps inconsistent with target biomass levels. Fisheries Queensland is confident in the robust nature of its methodology for determining the recommended effort caps and is confident that the recommended option is the most defensible.

In accordance with the decision rules under the harvest strategies, and following consultation with industry representatives, it was recommended to increase the effort caps for the northern and central trawl regions to 258 885 (3.5 per cent increase) and 353 133 (11 per cent increase).

Great Barrier Reef World Heritage Area

In addition to effort caps for each of the six trawl regions, a supplementary effort cap is provided specifically for trawling within the GBRWHA. This is intended to place an upper limit on trawl effort, regardless of effort unit amendments that result from applying harvest strategy decision rules. The supplementary effort cap for the Great Barrier Reef is important in maintaining the wildlife trade operation (WTO) for this fishery, administered by the Commonwealth government, which allows product from a fishery to be exported.

Section 92 of the Fisheries Declaration provides for the total entitlements (effort cap), expressed as effort units, for the effort years commencing 1 January 2021, 2022, and 2023. Prohibitions on the possession and use of trawl nets apply in the GBRWHA waters once the effort cap for a particular effort year is reached.

Note that the GBRWHA effort cap is substantially larger than the effort caps for the individual regions within the GBRWHA. Therefore for the last several years including the years 2024 and 2025 the combined effort from relevant individual regions has remained below the GBRWHA cap.

Since 2012, the effort cap for the GBRWHA has been set by progressively reducing the cap by 1% per year relative to the previous effort year's effort cap, to adjust for increases in fishing power over time.

Accordingly, GBRWHA effort caps are prescribed for the effort years from 2026 to 2029 in accordance with the existing regime for GBRWHA effort caps, by applying a reduction by 1% per year.

Achievement of policy objectives

Effort caps for the northern and central trawl regions

The policy objective will be achieved by amending sections 86D and 86E of the Fisheries Declaration to increase the effort cap for the northern trawl region from 250,178 to 258,885, and to increase the effort cap for the central trawl region from 318,584 to 353,133.

These regional effort caps must be in place before the start of the trawl fishing season on 1 March 2026.

Effort cap for the Great Barrier Reef World Heritage Area

The policy objective will be achieved by amending section 92 of the Fisheries Declaration to prescribe effort caps for the GBRWHA for the effort years from 2026 to the expiry of the Declaration in 2029. The effort caps are prescribed as follows:

- for the effort year starting at midday on 1 January 2026 – 1,959,596
- for the effort year starting at midday on 1 January 2027 – 1,940,000
- for the effort year starting at midday on 1 January 2028 – 1,920,600
- for the effort year starting at midday on 1 January 2029 – 1,901,394.

Consistency with policy objectives of authorising law

The amendment declaration is consistent with the main purpose of the Act 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 any other legislation.

Alternative ways of achieving policy objectives

Maintaining the status quo to keep the northern and central trawl region effort caps at their current values was considered. However, it is a more restrictive option and would result in adverse impacts on fishers, particularly the commercial sector.

The status quo would also not realise the core objectives the harvest strategy and the Sustainable Fisheries Strategy, the main objective of the Act, and the Queensland Government's responsibility to ensure public fisheries resources are managed in a responsible and sustainable manner.

Benefits and costs of implementation

The amendment declaration benefits Queensland's community, environment and economy by supporting the sustainable management of stocks of fisheries resources in the trawl fishery, which supports ongoing industry access.

The Queensland Government will not incur any additional costs in the implementation of this amendment declaration. Ongoing monitoring and enforcement of regulated periods and areas will be undertaken within existing resources.

The changes to the effort caps in the northern and central trawl regions increase the total number of effort units available to primary commercial fishing licence holders to use in each region. Supporting the sustainable management of the trawl fishery and its stocks supports commercial fishers to continue accessing the trawl fishery now and into the future. Effort caps in the trawl fishery are set to help achieve target biomass objectives for the respective regional stocks, consistent with the policy objectives of the harvest strategies for the trawl fishery's management regions.

The effort cap within the GBRWHA will decrease by a small amount, however this is merely a continuation of the effort cap setting regime that has been in place since 2012. It is necessary to continue the 1% annual decrease of GBRWHA effort caps in order to provide certainty to Commonwealth environmental agencies and to comply with the conditions of the WTO for the fishery. Currently, the GBRWHA effort caps exceed the effort caps that are applied on a regional basis, which means the GBRWHA effort caps will have no material effect on fishing effort at this stage.

These amendments will ensure the fisheries can maximise their performances to meet environmental, social and economic management objectives.

Consistency with fundamental legislative principles

The amendment declaration has been developed with regard to the fundamental legislative principles (FLPs) as defined by section 4 of the *Legislative Standards Act 1992* (LSA Act).

The amendment declaration potentially engages the FLP that legislation should have sufficient regard to the rights and liberties of individuals, including the right to conduct business without interference, because it may interfere with trawling activities in the trawl fishery by changing the effort caps and therefore total effort units that may be used by licence holders with effort unit quota authorities in the northern and central regions. This FLP is potentially engaged because the use of effort units to participate in the trawl fishery may be considered an ordinary commercial activity.

Periodically reviewing and amending the effort caps is necessary to ensure the sustainability and economic viability of the trawl fishery and to remain consistent with the harvest strategies and the Sustainable Fisheries Strategy. Commercial fishers in the trawl fishery are aware that the maximum effort unit entitlements for each fishing year are based on assessments of the fishery's performance in accordance with the harvest strategy rules and that the maximum effort unit entitlements are subject to change.

However, in this instance the regional effort caps are increasing slightly. Implementing increased effort caps in the northern and central trawl regions will mean that licence holders with effort unit quota authorities will be afforded a greater capability to participate in these regions compared to the current operating environment.

The effort cap within the GBRWHA will decrease by a small amount, however this is merely a continuation of the effort cap setting regime that has been in place since 2012. It is necessary to continue the 1% annual decrease of GBRWHA effort caps in order to provide certainty to Commonwealth environmental agencies and to comply with the conditions of the WTO for the fishery. Currently, the GBRWHA effort caps exceed the effort caps that are applied on a regional basis, which means the GBRWHA effort caps will have no material effect on fishing effort at this stage.

The potential engagement is therefore not considered to be a breach of FLPs.

Consultation

Consultation on the changes to the trawl effort units for the 2026 fishing year was undertaken with a combined harvest strategy workshop and a follow up meeting with industry stakeholders for the northern and central trawl regions during the harvest strategy workshop in Cairns on 19–21 August 2024, and follow up meeting in Townsville on 17 September 2024. Workshop summaries are available online (<https://www.daf.qld.gov.au/business-priorities/fisheries/engagement/working-groups>).

GBRMPA were consulted on GBRWHA effort caps and agreed to maintaining the existing rationale of 1% annual reductions.

Regulatory Impact Analysis

A Summary Impact Analysis Statement (IAS) for the Amendment Declaration has been prepared. The key findings of the IAS were that the amendments do not result in new impacts on business, government or the community.