

Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities provide this human rights certificate with respect to the *Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2024* made under the *Fisheries Act 1994*.

In my opinion, the *Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2024*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2024* amends the *Fisheries (Quota) Declaration 2019* to set the total allowable commercial catch (TACC) for the spanner crab fishery in managed area A to 797 tonnes for the 2024–25 fishing season.

Background

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 (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.

The spanner crab fishery is a single species fishery dominated by the commercial sector. The fishery extends across all tidal waters off Queensland and consists of two management areas (managed area A, south of latitude 23° south, and managed area B, all other waters). Most of the catch from the fishery is taken in managed area A, where the fishery is managed using TACC and ITQ.

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), 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.

The Spanner Crab Fishery Harvest Strategy was developed to rebuild the spanner crab stocks to levels previously considered sustainable. The performance indicators for the spanner crab fishery (commercial catch rates and a fishery independent survey) have declined over recent fishing seasons. As a result of the decline, in 2018 the spanner crab stock was listed as ‘depleting’ under the Status of Australian Fish Stocks (SAFS) assessment framework. The Spanner Crab Fishery Harvest Strategy was developed to rebuild the spanner crab stocks to levels previously considered sustainable and in 2020 the stock was listed as ‘sustainable’ under the SAFS assessment framework.

The Spanner Crab Fishery Harvest Strategy informs decision-making through clear fishery objectives, performance indicators, triggers for management action and appropriate management responses based on the status of Queensland’s spanner crab stock. The decision rules under the Spanner Crab Fishery Harvest Strategy are designed to set commercial and recreational catch at levels appropriate for rebuilding to the 60% biomass target and minimise the risk of a full fishery closure.

The Spanner Crab Fishery Harvest Strategy uses standardised commercial (standardised catch per unit effort, or sCPUE) and fishery independent survey (sFIS) catch rates from the past two years, compared against target reference points, to calculate the recommended TACC for subsequent fishing seasons.

The current TACC for spanner crab managed area A for the 2023-24 fishing year is set at 847 tonnes in the *Fisheries (Quota) Declaration 2019*.

Amendments to TACC for the fishing season commencing 1 July 2024

The ‘Total allowable commercial catch review for Queensland spanner crab (*Ranina ranina*), with data to December 2023’ report (the Report) details the commercial fishing data, fishery independent data, effort data, environmental data and modelling methods used to calculate the pooled index.

Following the harvest strategy decision rules, the Report’s recommendation for the spanner crab fishery to remain open with a reduction to the current TACC is based on the following indicators:

- (a) The pooled index reduced from 0.584 kg per dilly lift in 2021-22 to 0.556 kg per dilly lift in 2022-23, which means no increase in TACC for the 2023-24 season.
- (b) The 2022-23 pooled index was the third year of a three-year consecutive decline in the pooled index, triggering decision rule 5.1, which means a 50 tonne TACC decrease.
- (c) The 2022-23 average sCPUE is above 0.5 kg per dilly lift, which means the spanner crab managed area A should remain open.
- (d) Catch did not exceed 20 tonnes in the spanner crab managed area B, which means management action is not required in this region.

Under these conditions, the Report recommended following the Spanner Crab Fishery Harvest Strategy decision rules to reduce the TACC for managed area A to 797 tonnes.

This reduction to the prescribed TACC for spanner crab managed area A must be implemented in the *Fisheries (Quota) Declaration 2019* to ensure the sustainable take of spanner crab and commercial harvest levels remain consistent with the Spanner Crab Fishery Harvest Strategy and Sustainable Fisheries Strategy.

The amendment to the TACC will only affect the commercial sector and will not impact other sectors such as recreational and traditional fishing.

Aboriginal Peoples and Torres Strait Islanders traditional fishing rights are protected under native title legislation and relate to harvest for domestic, communal, and non-commercial purposes.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Section 24 Property rights

Quota has property-like characteristics, such that in cases where quota is reduced, quota holders' property rights may be engaged. This Spanner Crab Fishery Harvest Strategy decision rule outcome does not limit a person from owning or trading quota, however it will change their quota allocation where they hold C2-ITQ quota units. In this circumstance, a person's right to own property alone or in association with others is not being limited, and no person is being arbitrarily deprived of their property.

Conclusion

I consider that the *Fisheries Quota (Spanner Crab Fishery) Amendment Declaration 2024* is compatible with the *Human Rights Act 2019* because it raises human rights issues but does not limit human rights.

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MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES
MINISTER FOR RURAL COMMUNITIES