

Fisheries (Effort Caps) Amendment Declaration 2025

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, Anthony Perrett MP, Minister for Primary Industries, provide this human rights certificate with respect to the Fisheries (Effort Caps) Amendment Declaration 2025 made under the *Fisheries Act 1994*.

In my opinion, the Fisheries (Effort Caps) Amendment Declaration 2025, 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

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.

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 are developed through extensive stakeholder consultation and include key objectives of the fishery, performance indicators and reference points, and 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.

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 cap, to adjust for increases in fishing power over time. It is intended to continue this regime of applying a 1% decrease per year.

Accordingly, GBRWHA effort caps are prescribed for the effort years from 2026 to the expiry of the Declaration in 2029 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.

Human Rights Issues

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

The Amendment Declaration has been considered with regards to the HR Act and it has been determined that no human rights are engaged by the Amendment Declaration.

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. 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.

Conclusion

I consider that the Fisheries (Effort Caps) Amendment Declaration 2025 is compatible with the *Human Rights Act 2019* because it does not limit human rights.



Tony Perrett MP
MINISTER FOR PRIMARY INDUSTRIES

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