

Queensland Government response to State Development, Natural Resources and Agricultural Industry Development Committee Report No. 17

Examination of the - *Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018*

Introduction

In June 2017, the Queensland Government released the *Queensland Sustainable Fisheries Strategy 2017-2027* (the Strategy). The Strategy commits to delivering a more responsive, evidence-based approach to fisheries management. The *Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018* (the Bill) will give effect to the principles and commitments in the Strategy.

The Bill outlines amendments to the *Fisheries Act 1994* that are intended to:

1. modernise the objectives of the *Fisheries Act 1994* and recognise the interests of key stakeholder groups;
2. clarify the roles of the Minister responsible for fisheries and the chief executive in the management of the State's fisheries;
3. strengthen enforcement powers and penalties to address serious fisheries offences such as black-marketing;
4. reduce complexity and remove redundant provisions.

The Bill will deliver upon the Government's election commitment to "Review the *Fisheries Act 1994* and *Fisheries Regulation 2008* to create a legislative framework for recreational and commercial fishers that is contemporary, simple to understand and reflective of community expectations".

Responses to Recommendations

Recommendation 1

The Committee recommends the *Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018* be passed.

Government Response: Noted

The Government thanks the Committee for its consideration of the Bill and notes the Committee's recommendation that the Bill be passed.

Recommendation 2

The Committee recommends the Minister for Agricultural Industry Development and Fisheries review the definition of 'commercial quantity' as it relates to the offence of trafficking in priority fish to a threshold that is significantly lower than five times the recreational limit or weight equivalent.

Government Response: Noted

The Government notes the Committee's recommendations in relation to the definition of 'commercial quantity' as it relates to the offence of trafficking in priority fish. However, given the

severity of the penalty associated with trafficking in priority fish, the Government is of the opinion that the current threshold, that is five times the in-possession limit, is appropriate and in line with the seriousness of the offence.

The Government will undertake a review of the effectiveness of the provisions of the Bill at combating the black marketing of Queensland's fisheries resources in three years time. Should this review determine that a reduction in what constitutes a 'commercial quantity' is warranted the Government will seek to amend the *Fisheries Act 1994* accordingly.

Recommendation 3

The Committee recommends the Bill be amended so that there are comparable penalties for offences relating to the installation and use of Vessel Monitoring Systems (under proposed section 80) and for offences relating to the use and disclosure of confidential information by public servants and third parties (under proposed section 217B of the Bill).

Government Response: Noted

The Bill provides an offence for disclosing confidential information obtained in the administration or performance of a function under the *Fisheries Act 1994*. The Government is of the opinion that the introduction of such an offence is justified as it provides an additional safeguard to a person's confidential information beyond those provided by the *Information Privacy Act 2009*.

The Government notes the Committee's recommendation for comparable penalties. The penalty for the inappropriate use or release of information offence, 50 penalty units, is consistent with the penalties for similar offences in Queensland legislation. For example, section 493 of the *Biosecurity Act 2014*. Any significant increase to this penalty, particularly to a level commensurate with those which apply to offences relating to the installation and use of Vessel Monitoring Systems (under proposed section 80), would represent a significant departure from established Government policy. As such, the Government does not support the recommendation of the Committee in relation to this issue.

In recognition of the concerns expressed by members of the commercial fishing industry and the recommendations of the Committee, the Government commits to reviewing the appropriateness of the provisions of the Bill relating to information security in three years. Should this review determine that there is an unacceptable risk that could best be addressed by increasing the penalty for the inappropriate use or release of information, the Government will seek to amend the *Fisheries Act 1994* accordingly.

Recommendation 4

The Committee recommends the Minister for Agricultural Industry Development and Fisheries, in his second reading speech, clarify the nature of the indemnity provisions contained in contracts between fishers and third party providers of Vessel Monitoring Systems.

Government Response: Agreed

The Minister for Agricultural Industry Development and Fisheries will undertake to clarify the nature of the indemnity provisions contained in contracts between fishers and third party providers of

Vessel Monitoring Systems in the second reading speech on the *Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018*.

Recommendation 5

The Committee recommends the Department of Agriculture and Fisheries provides the Committee with an update on the implementation of Vessel Monitoring Systems 18 months after the Bill is passed.

Government Response: Agreed

The Department of Agriculture and Fisheries will provide the Committee with an update on the implementation of vessel tracking in Queensland's fisheries 18 months after the assent of the Bill.

Queensland Legislative Assembly

Number: 5619T290



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Tabled ☐

By Leave ☐

MP: Hon. Furner

Clerk's Signature: [Signature]