Fisheries (Coral Reef Fin Fish) Quota Amendment Declaration 2017

Explanatory Notes for SL 2017 No. 56

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries (Coral Reef Fin Fish) Quota Amendment Declaration 2017

Authorising law

Section 44 of the Fisheries Act 1994 (the Act).

Policy objectives and the reasons for them

The Coral Reef Fin Fish Fishery is managed under a quota based management system which sets out the annual quota of fish that may be taken under all "line units" in the fishery. Under this system, individual commercial fishing boat licence holders also hold "line unit" which entitle the holder to take a portion of the annual quota which has been determined for that species during the season.

The policy objective behind the change to the annual quota of regulated coral trout in the Queensland Coral Reef Fin Fish Fishery affected by this declaration is to ensure the fishery remains ecologically and commercially sustainable. From season to season, the annual quota may increase or decrease to achieve these outcomes. The quota for the 2017-18 season for regulated coral trout is increased by 46 tonne from 917 tonne to 963 tonne. The quota is ongoing but will initially apply for the 'line year', which is the period from 1 July to the date of 30 June in the next year.

The annual quota for the 2017-18 season was calculated by using established quota setting decision rules and an analysis of catch and effort levels based on data from the fishery. The current quota decision rules were established in consultation with a previous Line Working Group for the fishery. The current working group, the Coral Reef Fin Fish Fishery Working Group (CRFFFWG), was established to consider the application of the decision rules and make recommendations on the annual quota as well as provide advice on operational issues in the fishery to the Department of Agriculture and Fisheries (the Department) before declaring the quota each season.
There are two ‘Decision Rules’ in place for determining the annual quota of regulated coral trout:

- ‘Rule 1’ uses catch and effort data to calculate quota by working out the ratio of the difference between average catch rate and the limit catch rate as well as the difference between the target catch rate and the limit catch rate. This ratio is then applied to the target catch to calculate the quota.
- ‘Rule 2’ prevents small or excessive changes to the quota in any one year that could unfairly impact business planning of individual fishers. The rule limits changes in quota to a minimum of 50 tonnes and a maximum of 200 tonnes, unless exceptional circumstances apply.

The application of Decision Rule 1 results in a 46 tonne increase to the quota of regulated coral trout. However, application of Decision Rule 2 would lead to no change in quota as the proposed quota change did not meet the minimum 50 tonne threshold required to change the quota. Nevertheless, the CRFFFWG recommended to the Department to set aside ‘Rule 2’ as a 46 tonne increase would not pose a risk to sustainability of coral trout and would demonstrate to industry that the annual quota can increase under a quota management system where the biomass is increasing.

No changes to the annual quota for redthroat emperor and other species were recommended as there are no decision rules in place for adjusting quota for these species. The annual take of these species is relatively low in relation to the respective quotas.

**Achievement of policy objectives**

The subordinate legislation will achieve its objectives by amending the annual quota for regulated coral trout in the Queensland Coral Reef Fin Fish Fishery. The quota is to be ongoing but the revised quota will initially apply for the fishing year which starts on 1 July 2017 and expires on 30 June 2018.

**Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main policy objectives of the *Fisheries Act 1994*, which is 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 subordinate legislation is not inconsistent with the policy objectives of other legislation.

**Benefits and costs of implementation**

The Queensland Government will not incur any additional costs in the implementation of this subordinate legislation.

**Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.
Consultation

In accordance with the statutory obligations on the setting of quota declarations under section 44 of the *Fisheries Act 1994*, the chief executive engaged in consultation before declaring the quota. The CRFFFWG was established to review the commercial quota and provide external advice on current issues in the line fisheries to the Department. The CRFFFWG provided the Department with a recommendation after analysing the 2015 and 2016 coral trout catch and effort information which was considered by the chief executive.

The chief executive also noted some concern amongst the commercial fishing sector about the efficacy of the current quota decision rules and ideas to improve the commercial viability of the fishery. It is also noted that there is some misunderstanding about how quota management systems work, and how fishing businesses need to plan and adapt to a dynamic quota that is responsive to fishery conditions. It is proposed to engage fishers more in sustainable fisheries management practices and decision making to enhance understanding.

Given interest from stakeholders within the fishery, it was agreed that a review of the decision rules would be undertaken ahead of the 2018-19 quota declaration. The review will look at each component of the decision rules to ensure:

- the responsiveness of the decision rules to allow the fishery to respond quickly enough to current trends or issues;
- the target reference points are justified and valid;
- additional information (such as economic data) is considered that could improve the effectiveness of the decision rules.

The CRFFFWG will also be asked to consider other improvements to the fishery and suggestions already made by industry (e.g. dory rules, primary vessel size, management of other species etc.) to continue to improve its sustainability and economic efficiency. This work will feed into the development of a harvest strategy.

The Department self-assessed the quota change against the *Queensland Guide to Better Regulation* agency-assessed categories. The assessment concluded that the proposed changes were machinery in nature and thus were consistent with exclusion category (g) and did not require further Regulatory Impact Assessment.