

# Fisheries Quota Declaration 2019

Explanatory notes for SL 2019 No. 77

made under the

*Fisheries Act 1994*

## General Outline

### Short title

*Fisheries Quota Declaration 2019*

### Authorising law

Sections 33 and 37 of the *Fisheries Act 1994*

### Policy objectives and the reasons for them

The Queensland Government released the *Sustainable Fisheries Strategy 2017-2027* (the Strategy) in June 2017. The Strategy committed to delivering a more responsive, evidence-based approach to fisheries management and strengthening compliance powers to better align with the approaches used in other Australian jurisdictions.

The main policy objective of the subordinate legislation is to transition the existing Quota Declarations into a single Quota Declaration as a consequence of the *Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019* (Amendment Act). Having one Quota Declaration will support the new fisheries management framework for responsive decision making through harvest strategies that is established by the Amendment Act and in line with commitments outlined in the Strategy.

The subordinate legislation will ensure the continuation of all existing quota and total allowable commercial catch declarations.

### Achievement of policy objectives

The subordinate legislation will achieve its objective by declaring in a single Quota Declaration all the existing total allowable commercial catch for:

- each calendar year in the Commercial trawl fishery (fin fish) to limit the taking of:
  - goatfish to 100t;
  - prescribed whiting under section 609A of the Fisheries Regulation 2008 (the Regulation) to 1106t; and
  - yellowtail scad to 100t;
- each line year in the Reef line commercial fishery to limit the taking of:
  - regulated coral trout to 1163t;

- redthroat emperor to 610.88t;
- regulated coral reef fin fish to 955.597t;
- each Individual Transferable Quota (ITQ) year in the Commercial spanner crab fishery (managed area A) to limit the taking of spanner crabs to 847t.

The new Quota Declaration makes no substantive policy change to existing fishery management arrangements and its creation represents only a structural legislative change.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main objectives of the *Fisheries Act 1994* (Fisheries 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 subordinate legislation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There is no alternative way to achieve the policy objectives as the Fisheries Act provides for the declaration of fisheries quotas.

## **Benefits and costs of implementation**

The benefit of the subordinate legislation is that it sets sustainable catch limits so that these fisheries remain commercially and ecologically sustainable and profitable for the commercial sector.

The subordinate legislation also supports the aims of the Strategy to create a more modern and responsive approach to fisheries management. It will do this by enabling changes to Declarations to be made more promptly and ensuring decision-making is more responsive to emerging fisheries issues. No costs are anticipated with the transition to Chief Executive made Fisheries Declarations. The new Fisheries Declaration will simply consolidate into one instrument the current Quota Declarations already contained in fisheries legislation

## **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992* (LSA).

## **Consultation**

The quotas were established through previous consultation with the commercial fishing industry. There is no change to the quota as part of this new declaration instrument.

Consultation was undertaken as part of the *Discussion Paper on Proposed Amendments to the Fisheries Act* in 2018. This provided the community with an opportunity to comment on the proposed changes to the Act, which included changes to the manner in which Fisheries Declarations are made. 240 submissions were received as part of this consultation, with the majority indicating widespread support for the proposed changes to fisheries legislation.

Fisheries Queensland will notify all operators in the three fisheries of the commencement of the new Declaration instrument.

The subordinate legislation has been assessed by the Department of Agriculture and Fisheries in accordance with The *Queensland Government Guide to Better Regulation*, as being machinery in nature as it makes no substantial change to policy and consists of provisions that are merely declaratory. Therefore, assessment by the Office of Best Practice Regulation within the Queensland Productivity Commission was not required.