



# ***STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE***

**Members present:**

Mr CG Whiting MP (Chair)  
Mr DJ Batt MP  
Mr JE Madden MP  
Mr BA Mickelberg MP  
Ms JC Pugh MP  
Mr PT Weir MP

**Staff present:**

Dr J Dewar (Committee Secretary)  
Ms M Salisbury (Assistant Committee Secretary)

## **PUBLIC BRIEFING—CONSIDERATION OF SUBORDINATE LEGISLATION: FISHERIES (SUSTAINABLE FISHERIES STRATEGY) AMENDMENT ACT 2019**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 16 SEPTEMBER 2019**

**Brisbane**

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### **The committee met at 10.31 am.**

**CHAIR:** Good morning. I declare open this public briefing on the Fisheries (Sustainable Fisheries Strategy) Amendment Regulation 2019 and the suite of regulations as a result of the Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019. I would like to acknowledge the traditional owners of the land on which we meet. Thank you for your attendance here today.

My name is Chris Whiting MP, the member for Bancroft and chair of the committee. The other committee members here with me today are: Mr Pat Weir, the deputy chair and member for Condamine; Mr David Batt, the member for Bundaberg; Mr Jim Madden, the member for Ipswich West; Mr Brent Mickelberg, the member for Buderim; and Ms Jess Pugh, the member for Mount Ommaney.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. They are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobiles phones off or to silent mode.

The purpose of the briefing today is to inform the committee about the subordinate legislation resulting from the Fisheries (Sustainable Fisheries Strategy) Amendment Act 2019. We note that these regulations implement the amendment act and the Sustainable Fisheries Strategy 2011-17. These changes are significant and therefore the committee seeks to have a full explanation of the regulatory framework.

I remind committee members that officers appearing today are here to provide factual or technical information. Any questions about government or opposition policy should be directed to the responsible minister or shadow minister or left to debate on the floor of the House.

**ANDERSEN, Ms Claire, Executive Director, Fisheries Queensland, Department of Agriculture and Fisheries**

**BOLTON, Mr Graeme, Deputy Director-General, Fisheries and Forestry, Department of Agriculture and Fisheries**

**FOSTER, Ms Kimberly, Director, Fisheries Queensland, Department of Agriculture and Fisheries**

**CHAIR:** I welcome officers from the Department of Agriculture and Fisheries. Thank you for the briefing paper you have provided today. I will move that we accept and publish that. There being no objection, that is so ordered. Who would like to make an opening statement, after which committee members may have some questions for you?

**Mr Bolton:** I would like to firstly thank honourable members for allowing us to present today. I would also like to acknowledge the traditional owners of the land on which we meet today and acknowledge the elders past, present and emerging.

In a minute I am going to hand over to Claire Andersen, the Executive Director of Fisheries Queensland, to give you a detailed overview. At a very high level, what we are looking to present to you today is not only the regulation that was considered by the parliament in May of this year but also to put into context the broader reform program. We understand that there is quite a bit happening in this space, so we will try to give you a bit of context about how it all fits together.

**Ms Andersen:** Thank you once again for having us at the parliamentary committee hearing. We are pleased to talk to you about some of the fisheries legislation that we have progressed this year. We have provided a PowerPoint presentation. I was proposing to talk you through that so that you have a good understanding of the different legislation that has been progressed in 2019.

There has been a sequence of changes to fisheries legislation this year that commenced with the bill that was before parliament and passed earlier this year. The bill set up a number of changes to the act that had consequential, necessary amendments to the regulations. For example, the bill provided for a more responsive decision-making process, particularly through harvest strategies. To make that operational we needed to make some changes to the fisheries regulation. There was a lot of focus in the bill, as you would recall, around strengthening compliance powers and introducing heavier penalties. There are a number of offence provisions that have to sit in the regulation to complement that work well.

The bill was passed this year. The regulation was restructured at the same time. The amendments that you have before you at the moment commenced in May this year. That was the second stage we went through. The changes to the regulation were primarily structural changes. Previously we had the fisheries regulation and management plans. The management plans were no longer provided for in the act. The trawl management plan that used to contain all of the information on the east coast trawl fisheries was subsumed into the fisheries regulation. That is why you see in the explanatory notes quite a bit of discussion about the trawl fishery. All of those changes that were previously in the trawl management plan are now sitting in the regulation.

The other thing that it did was set up declarations under the act. Rather than having to make regulation changes to give effect to fisheries management rules in a more responsive way, the act now provides for declarations to be made by the chief executive. That includes things like size and possession limits, quotas for fisheries and area quotas—things like that all sit in the declaration now. Effectively what that did was take a lot of things that were in the regulation and put them into the declarations. In the 20 May 2019 regulation changes there were no changes to the fishing rules—things that would affect commercial, recreational or charter fishers. It was effectively a restructure and modernisation of the regulation.

There are changes that commenced on 1 September that did change the fishing rules. We will talk to you in a little more detail around that. Given our fisheries regulation expired on 31 August we needed to remake the regulation. To give effect to a number of the reforms and the amendments that we had been proposing over the last 12 months there are a number of changes that commenced from 1 September to commercial, recreation and charter fishing rules. I will talk to you a bit about each of those as we go through.

We still expect that there will be another round of regulation changes, potentially before the end of this year, to finalise the fisheries reform packages, particularly for some of the more complex commercial fishing rules that were in a discussion paper that went out mid this year. Here we are looking at splitting fisheries into regions and allocating quotas. Those proposals have not yet been implemented in the regulation, but we expect that that will be considered before the end of the year. We are trying to piece together the sequence of events in terms of the regulatory changes that have happened so far.

I will go now to the third slide. The reason we are modernising our fisheries legislation is obviously as a result of the Sustainable Fisheries Statutory that has been in place since 2017, which is the government's reform agenda for fisheries. This is about delivering more monitoring, stronger compliance and a more responsive decision-making process so that we are making regular adjustments to fisheries management rules and avoiding more drastic changes down the track.

As you will see when we talk about the 1 September changes that came in, we have a number of fish stocks that are below the 20 per cent biomass limit, which is a nationally recommended level that you do not want your fish stocks to fall below, and require rebuilding strategies. A number of the changes for 1 September were about recovering scallops, snapper and pearl perch, which were all below that 20 per cent level.

We can now go to the fourth slide which is about the amendments to the Fisheries Act. These were passed in March this year. As you would recall, there were a number of changes, particularly around recognising the different sectors under the act, developing harvest strategies to manage our fish stocks going forward, the use of declarations instead of regulations so that we can make that more responsive decision-making, and quite a lot around compliance powers and penalties.

You will recall that the new trafficking offence has a three-year jail term and \$400,000 fine now. There are other changes that came in around repeat offenders, the offence provisions for not having a vessel tracking unit and some criminal history information as well. These were considered by the committee last year and passed by parliament earlier this year.

That then created a requirement for us to amend the fisheries regulation to give effect to some of those changes in the bill. As I mentioned, this included bringing the east coast trawl management plan into the regulation. There are some changes around non-Indigenous fisheries resources and

setting up the fisheries declarations so that there are a range of declarations that can now be made by the chief executive. The regulation also prescribed what commercial quantity of fish were for trafficking purposes, so we needed to do that. It also identified the list of priority black market species that the trafficking offence applied to. There were some other drafting changes in terms of modernising the regulation, which is 11 years old. Other than that, there were no changes to actual fishing rules that affect commercial, recreational and charter fishers.

The following slide gives you an idea of the structure of our fisheries legislation as of May this year. We had the act, the fisheries regulation 2018 and then two declarations. One declaration had regulated fish, waters, species and gear, and the other was for the quotas for each of our fish stocks each year.

The following slide talks about the discussion paper that was released in June-July this year. This was the final round of consultation that we had undertaken around the amendments to the regulation. This was on the back of around two years worth of consultation on the various options for reforming some of our priority fisheries—the net fishery, the crab fishery and the trawl fishery. There were around 102 proposed amendments to the fisheries regulation. That was consistent with the directions paper that the government put out in January this year.

The implementation of those amendments is being undertaken in two stages. The first stage was for the 1 September remake of the regulation. They were the things that we could implement and draft in the period of time that was available. Then there are the remaining proposals that will be considered before the end of the year.

The remake of the regulation that has just occurred for 1 September 2019 splits the fisheries regulation into two components. The first component is the Fisheries (General) Regulation 2019. This includes a lot of the generic provisions, definitions, some of the concepts in terms of interpreting the legislation, how authorities are issued under the act, some of the fish habitat area legislation, the offence provisions under the regulations and other matters.

The second regulation that has been created is the Fisheries (Commercial Fishing) Regulation 2019. That outlines the specific rules for individual fisheries. If you want to learn about the Spanish mackerel fishery you can go to that commercial fishing regulation and it will talk about the fishery area, the symbol that is required, the gear that is required and things like that.

The new structure from September 2019 looks quite different to previously. We still have the Fisheries Act but below that we have two regulations, as I mention. We have two declarations as well. The declarations have stayed consistent with what was in May. One of them covers regulated species, waters and gear, and the other covers quota declarations.

That is the structure of the legislation that will be continued going forward. The fisheries regulation had had its 10-year expiry. We had a one-year extension, and this is the remake of the fisheries regulation now. The changes that came in on 1 September included a number of changes to fishing rules. For the commercial fishery sector, there was a new seasonal closure for snapper and pearl perch, which runs from 15 July to 15 August each year. There is a new total allowable commercial catch limit of 42 tonnes for snapper and 15 tonnes for pearl perch. Currently, there is no limit at all on those species in the commercial sector.

We also have made a number of changes to further rebuild the scallop stock, which is a trawl-caught species. We have extended the winter closure by one month, so this year it will open on 1 December rather than 1 November. That will give scallop more of an opportunity to spawn before fisheries open. There is also a requirement for the remaining fisheries to have vessel tracking from 1 January 2020. That includes Moreton Bay trawl, beam trawl and some of our harvest fisheries. There are not too many remaining fisheries to have vessel tracking. The proposal for the charter sector is that will not occur until July next year. There are no changes in terms of charter vessel tracking in this tranche. There are also a number of small area closures to protect juvenile prawns in South-East Queensland. These proposals were generated from industry to try to protect areas where there is a prevalence of small prawns, so that those prawns have an opportunity to grow more and create more value a little later in the season and in other areas offshore.

There are a number of changes to the recreational fishing rules in the 1 September tranche of changes as well. The seasonal closure for snapper and pearl perch applies to both the commercial and recreational sector, as well as the charter sector, so that is mid-July to mid-August. The original proposal was for all of July to be closed. Based on the feedback that we got, that was adjusted to avoid the school holidays in June and July to minimise the impact and still have the same level of benefit.

There are a number of other changes as well. New boat limits have been introduced for priority black market species. This is aimed at addressing some of the issues around black marketing of some of our high-value species. The boat limits will apply to mud crab, prawns, snapper, black jewfish, barramundi, Spanish mackerel, shark, tropical rock lobster and sea cucumber. They will be two times the individual in-possession limit. For example, with mud crab the limit is seven and the boat limit will be 14 for anybody with more than two people on a boat. The boat limit, just so you are aware, does not apply to charter vessels either.

There has also been a general possession limit of 20 fish introduced. For species that currently have no limit at all under the legislation, they will have a limit of 20. A good example to give would be something like butter bream. There is no limit at all under the legislation. People can take unlimited quantities of that. Under the new legislation, the limit on that species will be 20. That is consistent with freshwater, for in freshwater any species that does not have a limit has a limit of 20. There has also been a reduction in the mud crab bag limit from 10 to seven. The tropical rock lobster limit has been increased to five, so it is now consistent across the whole east coast.

A range of other changes came in to recreational fishing rules and other things, as well. I have just given a snapshot of those. There is a fact sheet that we have produced and I am happy to circulate that to the secretariat as well, if you would like to publish that.

**CHAIR:** Thank you.

**Ms Andersen:** It is also available on our website. The Queensland Boating and Fisheries Patrol is not immediately issuing fines for some of the rules that have recently come in. The focus is certainly on providing education and awareness initially and getting people used to some of the new rules, particularly the recreational sector. Our recreational fishing app has been updated, along with our website and little flyers have been prepared and are being handed out to recreational fishers by our monitoring staff and by our compliance staff at boat ramps and on the water.

I flag that there are a couple of other things still to be considered. As I mentioned, the discussion paper that was put out in June/July this year had 102 proposed amendments. Not quite half of those have been incorporated into the 1 September changes, so we expect there will be some further changes considered by the government before the end of the year, particularly around dividing some of our commercial fisheries into regions, namely, the net fishery, the trawl fishery and also crab. It is setting some catch limits for those species, particularly in crab—in-shore and trawl. That would be a quota on seven species and splitting the trawl fishery into regions to better manage the prawn stocks.

There are also other changes proposed around tagging of commercially caught mud crabs to try to address black marketing. There is the introduction of bio-catch reduction devices in a number of our fisheries, particularly the net fishery and in crab. There is also a prohibition on lightweight pots that recreational fishers use, which are easily lost in the environment. There are a number of other changes to standardise some of the reporting requirements for commercial fishers. We are also looking at some changes to remove unnecessary restrictions for our fisheries as we move to quota in some of those fisheries. We are happy to take any questions.

**CHAIR:** We did see some media coverage of the new techniques or increased enforcement activity happening in recent times. Can you give us an outline of the increased enforcement and the change in enforcement activities that have happened in the last few months, since we discussed this previously? Is there anything that stands out?

**Mr Bolton:** With the change in the regulation, there has been a greater focus put on to investigation based compliance, particularly targeting black marketing and unlawful fishing or illegal fishing in certain areas. To help combat and help enable the QBFP officers to do that, we have rolled out drones across 10 of the regional areas across the state. We also rolled out a whole heap of other technology to support our surveillance activities, including infra-red or heat-type cameras, night-vision goggles and image-stabilising goggles so that they can monitor vessels while they are at sea. Also, as you may have seen in the *Courier-Mail* on the weekend, things such as ghillie suits enable our officers to go into covert surveillance operations and observe fishers while they are undertaking those operations, collect evidence and, going forward, later on take a brief to court. We also have a number of vans and other vehicles that we use for covert surveillance. It is not just about the offences committed on water. We are looking at what are those black market networks that operate on land through either social networks or existing commercial activities, such as fish wholesalers, restaurants or fish and chip shops—those sorts of things.

**Ms Andersen:** I might also add that the new powers now under the act for our compliance officers are certainly being put to good use. The fact that they can go into premises where there are seafood products being sold has allowed them to uncover a number of illegal operations and black-

market activities. We are seeing those powers being put to good use at the moment. Those investigations are still ongoing, but I think we will certainly see some really good outcomes as a result of the changes made to the act earlier this year.

**CHAIR:** Has there been an active use of those new onshore powers since they were introduced?

**Ms Andersen:** Yes.

**CHAIR:** I refer to the changes to decision-making that can be made at a much more suitable pace, shall we say. Will one of the features of these regulations be the ability to be nimble, to make decisions fast and to implement decisions on fishery stocks?

**Ms Andersen:** That is certainly the case and was one of the major objectives of the changes to the act earlier this year. That will set up the use of harvest strategies into the future, which is a consistent approach taken around Australia by other fisheries agencies, as well. You set out very clearly what your objectives for the fishery are, what your targets are in terms of achieving a certain level of biomass or certain indicators and what your limits are. As you hit triggers, you step in and make small adjustments over time. You may adjust a quota each year or look at seasonal changes and opening and closing times for seasons to commence, so that you can respond to the performance of a fishery much more quickly and avoid more significant declines in stock over time. There will always be the capacity for the minister to step in. That was something that was very important in the act, to ensure that we can do more through declarations that the chief executive can make consistent with a harvest strategy, but the minister has the opportunity to step in if he or she wants to make an alternative decision and document a series of reasons for that.

The other thing that is really important to note is that harvest strategies will go out for public consultation. We are currently drafting those harvest strategies. We expect that they will be released over the next six months. There will be an opportunity for all of our stakeholders to have a look at what those pre-agreed rules are and what the decision-making process would be into the future. There is a required consultation process with that before the minister endorses a harvest strategy.

**Mr Bolton:** I would add that the management framework that has been established is really looking at trying to co-manage our fishery resources. We have 10 working groups that have been established in the key fishery areas and the harvest strategies are developed in accordance with or in collaboration with those working groups. The working groups comprise commercial fishers, recreational fishers and representatives from the environmental group. They look at aspects around the stock assessment. We have a lot of scientific background that underpins a stock assessment about what is the level or health of the particular species that we are looking at managing. Off the back of that science, we then start to make recommendations with the working group about what the harvest strategy should be in terms of the overall take and then what is the appropriate size, bag limits and that sort of thing that might apply to the recreation sector, as well as the commercial sector. The ability to have those declarations will make it much more responsive to changing conditions, which could be environmental or it could be fishing pressure. The other key thing to note is that those declarations are also subject to disallowance motions.

**Mr WEIR:** In terms of sustainable limits, is there a set biomass around the state? Do Victoria, New South Wales and South Australia align with the recognised biomass figures in Queensland or are they different?

**Ms Andersen:** It varies a little bit across jurisdictions, but generally the national approach is that anything below a 20 per cent biomass is cause for concern. A lot of jurisdictions would close their fishery at that point. We have seen that occur in Western Australia. Places like South Australia are proposing to close their snapper fishery for three years. At what we call a limit reference point—at that bottom point that you do not want to get to—is a very standard measure that all states and the Commonwealth use. It is that 20 per cent level. Where you want the fishery to be is somewhere around maximum sustainable yield, which is generally between 40 and 50 per cent biomass. That is what you can continue to sustainably harvest over time. Most states have that as their objective.

A number of jurisdictions also aim higher than that to aim for maximum economic yield, so having greater profitability and getting the best benefit and value out of a public resource. That is generally considered around 60 per cent biomass. The Commonwealth, for example, has objectives around meeting a 60 per cent biomass target. What we have in the fisheries strategy in Queensland is short-term targets that we will aim to get to 40 to 50 per cent biomass and, over time, get to 60 per cent biomass. For some of our fish stocks that are below 20 per cent, we want to get to a sustainable level initially. That is where you have a rebuilding strategy to get it up over the 20 per cent market.

**Mr WEIR:** I do not think anybody would disagree with that. I am certainly getting some feedback that certain parts of the industry do not feel as if their input carries a lot of weight. I know when the legislation came in that this committee made certain recommendations that were not taken up. They were what we heard during our committee process. Were the set weights the recommendation of the Productivity Commission?

**Ms Andersen:** The Productivity Commission that did the review nationally, about two years ago?

**Mr WEIR:** Yes.

**Ms Andersen:** I do not think they made a specific recommendation around those target levels. They certainly did make recommendations around moving towards quotas wherever possible. They did make some recommendations around using output based controls, the use of vessel tracking and things like that.

**Mr WEIR:** Basically, all of the recommendations come from the department's research and they were not peer reviewed by anybody else? There are no risk impact statements or anything?

**Mr Bolton:** They are certainly peer reviewed. In addition to the 10 working groups we also have an expert panel formed of the key thinkers and leaders within the space, including academics from the University of Queensland and other areas. We also had members of the New South Wales Department of Primary Industries give us their input. The overall strategy and framework has been peer reviewed by that particular group. Each of the stock assessments is also peer reviewed by them, and also the harbour strategies.

**Mr WEIR:** One thing piqued my interest. You were talking about the trawl industry. I heard 'efforts' mentioned and I did not pretend to fully understand what that meant. I understand there is a capacity to remove efforts if a trawler is believed to have entered into a green zone. How exactly do those efforts work? I understand a financial penalty, but this looks like it removes a right as well.

**Ms Andersen:** The way the trawl fishery is managed at the moment is that they have an allocation of the number of effort units they can expend each year, and that is effectively the number of nights they can fish. Instead of saying you have 50 nights, you get 10,000 effort units. The effort units are related to the size of your vessel. If you have a larger vessel and the hull units are larger, then it takes more effort units to have a night fished. It is about making sure that, when we are managing a fishery based on the amount of effort that is going into fishing, we are doing that based on the power of the vessel and how effective they are at fishing. An effort unit effectively just gets turned into a night that you are allowed to fish. When your vessel tracking unit is going, if you go fishing you are automatically deducted a night regardless of where you are. It does not relate to green zones or anything like that.

**Mr WEIR:** There are no penalties on efforts? They are not removed for any—

**Ms Andersen:** No.

**Mr Bolton:** There are penalties, but not on efforts. If you fish unlawfully within a green zone, then either the QBFP or even the Great Barrier Reef Marine Park Authority can take compliance action against the fisher for that. That might even involve a court case where they may be fined or potentially there could be other sanctions against them.

**Ms Andersen:** You are not allowed to trawl unless you have effort units on your licence. It is an offence if you are trawling without an appropriate amount of effort units. It is like not going fishing if you do not have a quota.

**Mr WEIR:** Does that reflect your quota?

**Ms Andersen:** There are two ways you can manage fisheries: one is by input controls. The amount of efforts that you are putting into fishing, so the number of nights, length of nets or things like that are input controls. Output controls are how much you are taking out of the fishery. It is effectively a harvest level such as kilograms or tonnes or number of fish. Most of our fisheries are moving towards output based controls like quotas, where you are given a certain allocation for the number of kilograms that you can take per year. That does not work particularly well in a trawl fishery. If you think about prawns in particular, they are very much driven by environmental drivers. If you have a wet year you have a really large catch of prawns. It goes up and down a lot. It does not really work very well for an output based fisheries management tool, but it does work quite well for effort units. Other fisheries around Australia, trawl fisheries in particular, are managed generally on the number of days or nights they can fish.

**Mr Bolton:** The reason why it is broken down into an effort unit is because it gives the industry flexibility to size up or down within their boats. For example, you get a 10,000 effort unit but the boat I am currently using might be worth 100 effort units every time I go out to sea. If I find that is too big and I want to downsize, I can go out and my next boat may be 50 effort units. I still get the same overall effort units, but how I choose to try and catch those prawns can change depending on the size of the boat I am using at the time.

**Mr WEIR:** Are they capped across the industry?

**Ms Andersen:** At the moment there is a maximum number of hull units that a boat can have, and 70 hull units is the current maximum. There is a proposal to look at removing that to give people more flexibility in the size and shape of boat they build so that, particularly for safety at sea, people can build a boat that is stable, safe and comfortable. There is also a limit on the number of effort units that have been issued in Queensland, and there is a cap on the number of effort units that can be used in the Great Barrier Reef marine park.

One of the proposals as part of the reforms is to split people's effort units into regions. At the moment an effort unit that you hold applies to the whole east coast, so you can fish down here for king prawn, up north for tiger prawns or in Hervey Bay for scallops. What we are proposing to do is split those effort units up based on people's historical fishing activities. If they have primarily fished for tiger prawns up north, they will get the northern effort units. If they primarily fished for king prawns in the south, they would primarily get those southern offshore effort units. That will allow us to manage those stocks more effectively. Because if you look at the scallop stock, pretty much anybody on the east coast can go and fish for scallops at the moment, and that has been what has caused a lot of pressure on that stock. It makes it very difficult for us to manage how we do that into the future.

One of the things that did come in on 1 September was an effort cap specifically for scallops. In that area around Hervey Bay-Bundaberg there are a certain number of effort units that can be used. There are 118,000 effort units that can be applied to scallops, and once that is reached people can no longer fish for scallops at that point. It will allow us to manage those fish stocks better rather than try and do the whole east coast.

**Mr MADDEN:** My question relates to something that you mentioned, Ms Andersen, about changes to catch limits on freshwater species. Can you outline any other ways the Sustainable Fishing Strategy will affect either freshwater fisheries or freshwater species? What are the concerns the department has with regard to freshwater fisheries? I am now talking about dams and empowerments and things like this. What are the issues of concern to the department and how are we addressing those concerns?

**Ms Andersen:** There are a number of changes that came in on 1 September that apply to freshwater which have primarily been driven out of a number of consultation processes over a period of years and working with the freshwater stocking groups in particular, which do an amazing job in volunteering across Queensland and stocking fish into our stocked empowerments. There are a number of changes I will just run through. They are in the fact sheet we have provided.

The size limit for Mary River cod and Murray cod have changed so they are more consistent with one another. The minimum size limit will now be 60 centimetres for both of those, and the Murray cod maximum size limit of 110 centimetres has been removed. The Australian bass possession limit in stocked empowerments has increased from two to five. For those areas where we stock bass we want to give fishers more of an opportunity to take home some of those fish, particularly because we are stocking quite a lot of those. There is also now a possession limit of one for Mary River cod in a number of stocked empowerments. That has been expanded to include Wyaralong Dam, Ewen Maddock Dam, Caboolture River weir, Robina Lakes, Lake Kurwongbah, Enoggera Reserve and Lake Manchester. People will be able to retain one Mary River cod there. We stock Mary River cod into those empowerments.

There are also a number of changes in terms of closures around freshwater. Tinana Creek and its tributaries upstream of Teddington weir will be closed to all forms of fishing. The Murray cod seasonal closure has been changed from 1 August to 31 October each year and there are a number of additional freshwater fishing closures in the Coomera River, Albert River, Running Creek, Christmas Creek, Stanley River and Mary River. They are primarily the changes to the freshwater fishing rules.

**Mr MADDEN:** I am aware of a prosecution with regard to red claw and the Somerset Dam. Are there any changes in the regulations to deal with that problem, if I can call it a problem?



**Ms Andersen:** There are already limits on red claw crayfish in freshwater. The focus for us is really on ensuring that we undertake adequate compliance around those areas. As you mentioned, there have been a number of prosecutions over the last couple of years around the black marketing of red claw, including one earlier this year where the boat was forfeited to the state and we crushed it to send a message to people around illegal fishing and black marketing. There is another one coming up in court in which red claw was significant. We are expecting the final decision over the next month or two.

**Mr MADDEN:** Is that the substitution one? The farmers allegedly substituted wild caught—

**Ms Andersen:** The aquaculture one, yes. We expect the outcome over the next two months, and we expect it will be significant.

**Mr MADDEN:** Thank you for that update. It is something I am very much interested in.

**Mr Bolton:** In particular, the trafficking offences have been boosted up as part of the last lot of regulation changes. We now have 3,000 penalty units or three years. On the Somerset offence, where there has been a finding of guilt, we are just waiting for the sentence. The prosecution was conducted under the previous act—not under the current legislation—but we are expecting a fairly sizeable penalty to be imposed. If that was to be detected today, we would be looking to take that forward under the new trafficking offences and we would be seeking significant fines for that.

**Mr MADDEN:** That is a significant change.

**Mr BATT:** You mentioned boat limits. It is only for the nine priority species, so for any other species if there are five in the boat you can have 20 times five?

**Ms Andersen:** Yes, it only applies to the priority black market species that we have identified and no other ones apart from that. A normal in-possession limit will apply per person to other species.

**Mr BATT:** For priority species, you mentioned prawns. What is the new limit for prawns per person?

**Ms Andersen:** The current individual in-possession limit is a bucket, 10 litres. The boat limit will be two buckets.

**Mr BATT:** Two buckets?

**Ms Andersen:** Yes.

**Mr BATT:** That has not changed.

**Ms Andersen:** No. The normal in-possession limit will remain the same, but the boat limit will be two times that. This is really trying to address some of the issues we see around cast netting and significant quantities of prawns being taken and sold on the black market.

**Mr BATT:** You said there were 102 amendments that you took to public consultation. Were there any changes at all after public consultation, and if so approximately how much was changed?

**Ms Andersen:** Yes, there were a number of changes, particularly around the snapper closure, as I mentioned, trying to avoid school holidays while still achieving the objective of protecting spawning snapper and pearl perch at that time. In terms of boat limits, originally the proposal was to include coral trout as part of that because it is on the list of priority black market species. That was removed after quite a bit of feedback from recreational fishers. People, particularly up north, get together as a group and go offshore for longer trips. Given that we already have a total coral reef finfish limit of 20, some protection was already afforded to coral trout through that. So we removed coral trout from the list of species that the boat limit would apply to.

**Mr Bolton:** We spoke to some of the Obi Obi Creek landholders along there, particularly about the changes we were looking to bring in to protect the Mary River cod. A number of them have camp grounds they commercially hire out to the public, and they had concerns about the impact that would have on their business. We workshopped with them about what other options there might be, and we ended up with a closed season to protect the Mary River cod while they spawn through that sensitive period, but not close it to fishing entirely, which was what was originally proposed.

**Ms Andersen:** There were also a number of changes around trawl that came as a result of feedback from trawl fishers around the scallop closure and whether that applied north of the 22-degree line around Bundaberg. We had quite a bit of discussion about the effort cap for scallops with trawl fishers, and where we landed with the 118,000 effort units was consistent with what industry recommended.

**Ms PUGH:** I have my restaurant manager hat on, thinking about making sure you have a consistent supply. I think in the Townsville sitting of parliament the Premier made an announcement about Tassal opening a new facility in Queensland. We always used to joke that farmed barramundi

was muddy barramundi. It did not have the same lovely taste as the fresh stuff. With the improvements in farming techniques for fish, I feel that gap is closing and therefore the demand might be shifting a little bit. Would you be able to shed any light on farmed versus fresh and what that actually looks like in terms of demand from consumers, and whether that plays a role at all?

**Mr Bolton:** Absolutely. One of the key things to note is that the world population is growing significantly and our current level through the wild-caught fisheries will not be enough to support the need for protein moving forward. The key response to that will have to be aquaculture. It is not about one over the expense of the other; they are both needed and they both will be required moving forward.

As you mentioned, there has been quite a lot of changes and advancements brought forward in technology around aquaculture. I had an opportunity to visit the Spring Creek Barramundi farm a couple of weeks ago. They have just won a national award against all forms of fisheries, including wild and farmed. They won the award for the quality of the fish being caught. That is an example of a Townsville-based hatchery or aquaculture facility that is winning national awards based on the quality of the fish being eaten.

**Ms PUGH:** Do you have any idea what the production level coming out of that would be? How many fish would they be producing?

**Mr Bolton:** I would have to take that on notice, if I can? I can get back to you with the details on that.

**Ms PUGH:** That is alright. I can check, thank you.

**Ms Foster:** There is an actual production return on our website. If you look up the 'aquaculture production return' everything is in there.

**Ms PUGH:** Thank you.

**Mr MICKELBERG:** We have heard concerns from industry with respect to some of the changes not being justified by the science. You touched on that in your opening statement. I want to zero in on the barramundi fishery. When was the most recent stock assessment done in relation to barramundi?

**Ms Andersen:** The most recent stock assessment was completed this year and should be published shortly on our website. The barramundi fishery is an interesting one. There are five stocks of barramundi along the east coast. We need to make sure we are managing them all appropriately. That is about making sure we have regional catch limits in place to manage that going forward. The stock assessment does suggest that the current level of harvest is about sustainable, which is great news. Our objective is to keep it there and, if things happen in future, we can adjust that as necessary. For a lot of our fisheries, we are really pleased that they are at currently sustainable levels and we want to make sure we are maintaining them there. That means putting in place limits on harvest because a number of those species have no limit at all. For example, neither mud crab nor barramundi species in Queensland have a limit at all, currently.

**Mr MICKELBERG:** Noting that, you said that the fishery stock was largely sustainable as it is now without those proposed limits. We have heard concern that particularly barramundi are increasingly being sourced out of state, from the territory, and there are concerns from industry that more fishers will exit the industry as a consequence of some of the proposed changes or some of the changes that have already come in. How do the NT fisheries' regulations in relation to barramundi compare to Queensland?

**Ms Andersen:** I would have to double-check, but I am pretty sure that they have quota in place for their net fishery in the Northern Territory, which applies to barramundi, grey mackerel and others, which is very similar to what is being proposed for the east coast net fishery in Queensland.

**Ms Foster:** It is also a much smaller fishery, so the number of fishers would be much less than what we have. We probably have about 80-odd inshore net fishers in Queensland, up and down the coast, whereas they would not have that number. I suspect they would be around 30 or maybe 40 fishers. They have much smaller commercial fishing numbers.

**Mr MICKELBERG:** You mentioned earlier that there were five separate barramundi fisheries. Is a particular one of those under greater pressure? For example, I do not know what the fisheries are, but presumably there is a Cape York fishery, a west coast, an east coast? Is there less pressure in some of the less populated areas and more in areas that are more populated?

**Ms Andersen:** Yes. You will see different biomass levels, depending on the amount of fishing pressure in those regions. That fishing pressure does not just come from the commercial sector; it also comes from the recreational sector. Particularly in places like the Mackay and Townsville regions, Brisbane

you see quite a significant level of harvest out of those areas for barramundi, compared to somewhere like north of Cooktown where there is very limited commercial or recreational fishing up there. We are trying to make sure we are managing to that and ensuring that those regional stocks are not being depleted over time.

**Mr MICKELBERG:** The statewide catch limit and the changes to the inshore fishery—the net fishery—do they adequately take into account those regional differences with respect to fisheries?

**Ms Andersen:** Yes. That is part of the reason that we are proposing to split the east coast net fishery into five or six regions. That has been the discussion with industry and stakeholders to date. That is designed to manage to the stock levels. We have five genetic stocks of barramundi, we have two stocks of grey mackerel and we have two stocks of spotted mackerel. We are trying to align the regional boundaries with where the stock boundaries are, so that we can manage that into the future and set those appropriate catch limits. In a lot of cases, the catch limits will be very similar to the current catch level. We do not expect that there should be really significant impacts as a result of that to either commercial or recreational fishers at this stage, certainly not as much as some of the stocks that we were talking about earlier around scallops, snapper and pearl perch where we need to rebuild those stocks. You need to reduce fishing pressure for a period of time to rebuild. With some of the other stocks that we are talking about—mud crab, barramundi, grey mackerel, et cetera—we expect that the catch limits will be fairly similar to what they are catching currently.

The other point I wanted to make was that it is not just about the target species that we are trying to manage. We are also trying to manage interactions with protected species, by-catch issues, conflict on the water, and interaction between commercial and recreational fishers. There are a number of different objectives to the reform and a number of different proposals aimed at addressing those.

**Mr MICKELBERG:** You articulated some logic around coral trout and the fact that people go offshore for a week or so. I would contend that the same logic applies in Cape York where people might go fishing for a week or two for barramundi and mud crabs; the same logic that you articulated around coral trout probably applies in that situation, too. Is that something that came up in the consultation? If so, does the department have a view or a response with respect to that issue?

**Ms Andersen:** It did not come up so much with Cape York. It probably was raised a little bit in terms of the Gulf of Carpentaria, where you probably get more grey nomads going for longer trips. We also have quite a lot of compliance issues there, where people do take significantly more than their possession limits and freeze them or take them home or sell them. We do have some issues that we need to manage in some of those areas, given the influx of people that you see during the year.

**CHAIR:** We have time for two questions, one from either side. We touched on the issue of the season for pearl perch and snapper, being 15 July to 15 August. That comes in next year. How is that going to look? Will there be assessments about how that is worked afterwards? If we need to extend that, for example, if the stock is well below the 20 per cent and we need to take further action, what are we looking at? What are some scenarios that may happen next year?

**Mr Bolton:** The current seasonal closure was based on the current modelling. The team sat down and looked at what would be the impact if we did a forward closure over certain periods. They adjusted that up and down and shifted it around. They worked out that a four-week period between June and July would give us the best opportunity to allow more fish to spawn and take the pressure off during that period of time.

Moving forward we will continue with our stock assessments, based off the commercial and recreational harvests over the next couple of years and then monitor that biomass. As that biomass recovers, we can then start to look at what the changes to that might be. If we are finding it is not reacting the way that we would want, we might then look at other measures to restrict further impact on the stocks, to help that biomass improve. Hopefully we do not get to the point as in South Australia at the moment where they are currently considering a closure to their snapper fishery out to 2023, as they have not been able to get the level of recovery that they would have hoped otherwise.

**CHAIR:** It seems to have been relatively well-supported across the board about the future actions we may well take with snapper and pearl perch, especially snapper.

**Ms Andersen:** Yes. Snapper and pearl perch are quite slow-growing species, so we know it will take some time for them to recover. It is not going to be something like scallops where it is a fairly fast-growing species. It only lives two or three years and you see a quicker recovery. Snapper and pearl perch can live for a very long time, so it takes many years for us to see that improvement in the

stock biomass. You are right: there has been quite a positive response to the closure and quite a bit of support from the community around doing that. I think it certainly resonates with people, because it is consistent with the coral trout spawning closure we have up north, the barramundi spawning closure, and making sure that we are protecting fish when they are at their most vulnerable during the year.

**Mr Bolton:** The other thing to point out is that we are in a sense going to have an impact on fishers. We have a million dollars allocated for the rollout of fish aggregating devices, which will then attract pelagic species such as mahi-mahi, tuna, mackerel—those sort of species—so that when you have a seasonal closure for snapper and pearl perch, there will be these other opportunities to still go out and catch a feed of fish.

**Mr WEIR:** Along the same lines, when you put your hook down, you do not know what is going to get on that hook. The season might be closed or it might be in the middle of that process. If a snapper comes up, a snapper comes up. You were talking about by-catch before. If they come up from deep water, a lot of them do not make it back down. That also comes into your limit of 20 fish, which is other types of fish. It is particularly those smaller fish. If you are in the shallow reefs it is fine, but if you are in deeper reefs I have often heard that those fish are wasted. Why can't they be used? They are not going to survive. How do you address that?

**Ms Andersen:** We looked specifically at the snapper and pearl perch stock assessments to see what the impact of discard mortality would be.

**Mr WEIR:** Are there figures?

**Ms Andersen:** There are figures around it. We ran a number of different scenarios, whether it was 10, 20, 30 per cent discard mortality or higher. The modelling suggested that, even with discard mortality, the closure and the change in the size limit for pearl perch would still have a significant benefit overall. It does outweigh the issues around discard mortality and will still help rebuild those stocks.

**Ms Foster:** I might add, Claire, that next year we will start doing a lot more education around catch-and-release methods, particularly with the recreational sector, because this is important to all of our stocks. You will start seeing our education ramp up. There are some options around using weights for some of the more deep-water species. We will be updating people with some newer and some better education material in that space going forward.

**Mr Bolton:** The other thing that often gets raised at the same time around discard mortality is predation, particularly from sharks and also dolphins, potentially. We are looking at starting a research project next year with the FRDC, looking at predation mortality as a result of those sort of things. That will also feed into future stock assessments.

**Mr WEIR:** Do we have any figures around shark predation?

**Mr Bolton:** No.

**Mr WEIR:** As someone who goes out and does that fishing, I know it is very high.

**Ms Andersen:** Yes. There are a lot of anecdotal reports about it at the moment. It is a really big issue that is raised by both commercial and recreational fishers along the coast. What we want to do with that research project is really quantify what the problem is, what the behaviour of sharks is, are there any particular areas there where it is more of an issue than others, and what is really driving that, so we can start to understand that and manage that into the future.

**Mr Bolton:** We do not know whether it is learned behaviour, whether or not they hear the boat and they associate food with the boat, or whether there are more sharks.

**Mr WEIR:** There are all sorts of theories on that.

**CHAIR:** We are looking forward to being briefed on that project. That will be good.

**Mr MICKELBERG:** With respect to VMS data, is the department considering the recommendations of the State Coroner in relation to the sharing of that data with police and search-and-rescue situations?

**Mr Bolton:** The department is currently considering the recommendations handed down by the Coroner and we will certainly be providing a response back to the Coroner on that. Notwithstanding that, the department has been provided for a number of years with the VMS feed into Maritime Safety Queensland. We have also previously made offers to make that information available both to the Australian Maritime Safety Authority and also the Queensland Police Service.

**Mr MICKELBERG:** Thank you.

**CHAIR:** The time allocated has now expired. Thank you for appearing to assist the committee today. We do not have any questions on notice. That concludes the briefing. Thank you for the information you have provided today. Thank you to the Hansard reporters. Thank you to the committee staff, as well. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare this public briefing closed.

**The committee adjourned at 11.29am.**