



# ***STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE***

**Members present:**

Mr CG Whiting MP—Chair  
Mr MJ Hart MP  
Mr RI Katter MP (virtual)  
Mr JJ McDonald MP  
Mr LP Power MP  
Mr TJ Smith MP

**Staff present:**

Ms S Galbraith—Committee Secretary  
Mr B Smith—Assistant Committee Secretary

## **PUBLIC BRIEFING—FISHERIES LEGISLATION AMENDMENT DECLARATION (NO. 2) 2021**

### **TRANSCRIPT OF PROCEEDINGS**

**TUESDAY, 22 MARCH 2022**

**Brisbane**

## TUESDAY, 22 MARCH 2022

---

**The committee met at 3.16 pm.**

**CHAIR:** Good afternoon. I declare open this public briefing for the committee's inquiry into the Fisheries Legislation Amendment Declaration (No. 2) 2021. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me today are: Jim McDonald, the member for Lockyer and deputy chair; Michael Hart, the member for Burleigh; Linus Power, the member for Logan sitting in for Jim Madden who is the member for Ipswich West; and Tom Smith, the member for Bundaberg.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's directions at all times. 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 you to turn your mobile phones off or put them on silent mode. I now welcome representatives from the Department of Agriculture and Fisheries.

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

**D'SILVA, Mr Dallas, Executive Director, Fisheries Queensland, Department of Agriculture and Fisheries**

**CHAIR:** I invite you both to brief the committee on this issue, after which committee members may have some questions for you.

**Mr Bolton:** Thank you, Chair. I too would like to acknowledge the traditional owners of the lands and waters on which we meet today and pay my respects to elders past, present and emerging. I would also like to acknowledge traditional owners as the original custodians of the fisheries that we are here to talk about today.

Thank you for the opportunity to make an opening statement about the Fisheries Legislation Amendment Declarations. The Sustainable Fisheries Strategy 2017 to 2027 sets out the government's reform agenda to create a world-class fisheries management system. It is the biggest fisheries reform in Queensland's history and seeks to ensure we have healthy fish stocks that support thousands of Queensland jobs in the recreational and commercial fishing sectors. Until recently, Queensland did not have commercial catch limits for many of our iconic species such as barramundi and mud crab. By introducing catch limits for these fish, we can help ensure that there will be fish for the future.

Significant legislative changes for commercial fisheries were announced in September 2020 and commenced in September 2021. In addition to these legislative changes, 13 harbour strategies have been implemented to guide the management of key fisheries. These harvest strategies set decision rules for each fishery based on the health of its population or biomass and provide a transparent decision-making framework for fishers, the community and other stakeholders. These harvest strategies also help inform catch limits for each fishery. Without commercial catch limits, overfishing may occur, which could result in the depletion of fish stocks, impact the sustainability of the species and compromise the long-term financial viability of the fishery.

Restricting commercial catch to sustainable levels helps ensure that Queensland fisheries will not be overexploited. The majority of commercial catch limits have been set to rebuild or maintain fish stocks at 60 per cent of its original population size or biomass. This is also a proxy for maximum

economic yield, meaning that at this level fishers will be able to maximise their economic return for time, effort and costs. Building and maintaining fish stocks for maximum economic yield also provides resilience to the fishery and enables a fast recovery from adverse environmental conditions.

Public consultation was undertaken between September 2020 and January 2021 on draft harvest strategies and a detailed rationale for the setting of commercial catch limits. Two fishery legislation amendment declarations have since been made to amend or establish commercial catch limits, based on the relevant harvest strategy. Consistent with best practice fisheries management, once these commercial catch limits have been reached, the commercial fishing for lease species stops and recommences at the beginning of the next fishing season. Apart from black jewfish, which has its own special management arrangements, recreational fishing for these species can still continue.

The first amendment declaration, the Fisheries Legislation Amendment Declaration 2021, sets new commercial catch limits through individual transferable quota for: barramundi, king threadfin, grey mackerel, spotted mackerel, whiting, mud crab and blue swimmer crab. This amendment declaration also establishes new or revised Total Allowable Commercial Catch limits, known as 'competitive catch limits', for: yellowfin bream, dusky flathead, sea mullet, tailor, black jewfish, shark and ray, hammerhead shark, sea cucumber, coral, shell grit, trochus and commercial crayfish or tropical rock lobster.

The second amendment declaration, the Fisheries Legislation Amendment Declaration (No. 2) 2021 sets catch limits for trawl for the East Coast Trawl Fishery, with new regional effort caps that limit the number of nights that can be fished in each region; and for the Commercial Trawl (Fin Fish) Fishery, also known as the Stout Whiting Fishery, which adjusts the existing Total Allowable Commercial Catch by increasing the commercial catch limit for stout whiting by 89 tonnes for the 2022 season. It is interesting that the change to the commercial catch limit or the increase of that catch limit for stout whiting represents approximately \$400,000 of additional gross value to the fishery. It is a good example of the benefits of harvest strategies and sustainable fisheries management.

I would like to thank the committee. We welcome any questions.

**CHAIR:** Thank you very much, Mr Bolton. We are, as you know, conducting an inquiry into a private member's bill at the moment. There has been discussion on the issue of the management of the fisheries, and this also applies to the regulation we are looking at today. Fishers have said that they are okay with sharing data into the methodologies for calculation, but they want to see the data that is put out at the other end. My understanding is that they do get that data. Are they not happy with that data? Can you give a further explanation on that?

**Mr Bolton:** Absolutely. When we undertake a stock assessment, we have a number of pieces of data that go into that, which includes commercial catch data and records. Some of that data is of a fine-grain nature where it can individually identify fishers. That breaches a number of information privacy acts and also agreements that we have with commercial fishers. We do not provide them with the raw data, but we do provide them with the aggregated data. It is important to note that, with each stock assessment that we prepare, we have it independently examined by an external specialist. They go through the data, they go through the model and they go through our analysis of that and make recommendations to us.

**CHAIR:** We have been briefed about the use of the new methods previously. Are you saying that they are reviewed by people external to the department? How that is conducted and the information that is produced at the end is reviewed by an expert in looking at these things who is external to the department; have I got that correct?

**Mr Bolton:** That is absolutely correct. The most recent one we had reviewed by a former CSIRO scientist who specialises in these types of fishery assessments.

**Mr McDONALD:** Thank you, Mr Bolton and Mr D'Silva, for being here. I appreciate you being able to give the committee another briefing on this issue. When I read the declaration and I was comparing the Commercial Trawl (Fin Fish) Fishery and the East Coast Trawl Fishery, I was alarmed—which is why I asked to have a briefing—at the variance in what has happened. Through the inquiry, we have discovered that there were quite alarming differences from very small inputs that we were told about. I can go into more detail on that in a minute. I am really interested to understand this methodology more. From my information, there is soundness to the methodology as long as the input is right.

The extra information that I was going to share is in relation to two family members who used to chase blue salmon up in the Gulf but are not doing it anymore. The catch numbers in your data have gone down, showing a five per cent biomass, which is not the case based on the evidence of fishers that we have heard. I need more information to have confidence about the inputs.

**Mr Bolton:** We have variety of catch data that goes into there and that includes looking at what they call 'catch per unit effort'. If a fisher is out there targeting a particular species, we look at what the average time is over a linear period for them to catch that type of fish. We also look at age and length data so that you can start to get a profile of the fish population and show whether or not you still have healthy numbers right through the size class. In terms of some of the data that goes into the modelling, we do make some assumptions but we also test that with our commercial fishers through the working groups. We are improving on that daily. We are now getting them involved much earlier when we build these models so that they can give us some more advice about how we might interpret some of the data.

**Mr McDONALD:** In terms of the measurement of the effort, I am informed that it is recorded from the vessel monitoring system. The same effort applies to different species while that fisherman is doing their job.

**Mr Bolton:** Certainly, that is part of the data that we analyse. The vessel monitoring system gives us the time that they are out fishing. We can use some of that intelligence to show when they might be fishing or when they might be moving. We can start to pull out the times that they are not being productive. There is some consideration or allowance made for fishers who fish multiple species. For example, you might be a reef fisherman and you might be targeting coral trout, but you also might take other species like red throat emperor or other reef species.

**Mr McDONALD:** In terms of the effort units outlined in the declaration, it states, '500,711 or more effort units for the central trawl region'—and the rest of the list is there. How does that compare to three years ago? Do you have data that we can see in terms of those effort units?

**Mr Bolton:** With the trawl effort units, we went through an allocation process last year where there was an allocation made on their five-year historical use. Depending on where they fished for that five years, they get an average allocation. A number of fishers had additional effort units or nights that they could then be allocated in addition to that. Then they nominate to us where they would like those to be allocated to.

**Mr McDONALD:** In terms of the assumptions that are going into the data, I am informed that the calculation is very sensitive to the information that is going in. I am informed that the assumptions that are being made are very conservative by the department.

**Mr Bolton:** I cannot necessarily talk to that because I would have to talk to the guys who built the model. My understanding is that we consult with commercial fishers and then we look to take their advice as to how that data is considered through the modelling process.

**Mr McDONALD:** In terms of the consultation that you do through the working group, my information is that the working group is being told what is going to happen; they are not being consulted in regards to the actual outcomes?

**Mr Bolton:** No, that is not quite correct. We will advise them that we are going to undertake a stock assessment, for example. We will then come up with a draft stock assessment. At that point in time we will present those results to the working group. Then we provide the stock assessment, the model and our report on that to an independent assessor who then goes through and reviews that. They then come back and provide the results to us. We then make some changes or we may not make some changes to our stock assessment. We present that final result through to the working group. We publish all three documents to the website.

From there, we have conversations with the working group about what management action might need to be taken. For example, if the biomass is declining and it hits certain trigger points within the harvest strategy, we might need to look at taking action to try and rebuild it. In the case of stout whiting, it was a very healthy stock assessment so we were able to actually increase, in a positive way, the management action so we could allow the commercial sector to take more fish.

**Mr McDONALD:** How many fishermen were operating up the Queensland coast? It says in the report that it is 280 now, but how many were operating 10 years ago?

**Mr Bolton:** I would have to take that question on notice, if I can.

**Mr McDONALD:** I am informed that it was over 1,100 only a number of years ago. These fishermen have purchased effort units and the reduction in the amount of effort units now is actually a cheap way of buying back some of the effort units they have bought.

**Mr Bolton:** If you like, I can take that on notice and then we can provide a table with all the data and the effort units, and where they have been broken down into the management regions and some of that historical background about some of the changes in the commercial fishing numbers.

**Mr McDONALD:** Earlier you said that the aggregated data is provided to all or any fishermen who ask; is that right?

**Mr Bolton:** Yes, we can make that available but, again, the discussions with industry to date are that they want more detail in the data. We have entered into an agreement with third parties where we can enter into a confidentiality agreement where they can get a greater level of access, but we cannot give that freely. It has to be in a very controlled environment so that we are protecting the privacy of individual fishers.

**Mr McDONALD:** Is there a technical body of that working group that could have the data shared to?

**Mr Bolton:** Not as per se. We have 13 working groups that are specific to each fishery. There are not any specific technical working groups. Overarching all of that, we have a sustainable fisheries strategy expert panel. That is made up of leading experts, mainly academia, who come through and basically peer review and provide advice on the work we are doing. In limited circumstances, when there is a bit of controversy or conjecture about our stock assessments, we have provided that to the sustainable fisheries expert panel and it has provided advice on that, as well as a fourth option almost.

**Mr McDONALD:** A fisherman would not have to go through a right-to-information process to get the data?

**Mr Bolton:** To an aggregated level we can certainly provide that, but to an individual level we cannot.

**Mr SMITH:** Gentlemen, thank you both for being here. My understanding is that some species are assigned to effort units and others to a catch quota; is that correct?

**Mr Bolton:** Yes. There are three types of quota or management that we use for various species. The first one is individual transferable quota. There are about eight or nine species that are underneath that. They are basically a large shareholding. If you own that quota, you can lease, sell or trade that. That gives you the right to fish for that particular species. The second is a total allowable commercial catch. That is where we set a limit for an entire species. Basically anyone who has the right to access that fishery can go off and fish in that fishery. Once that limit is set, the season closes for the year and restarts at the start of the next year. The third is within the trawl sector where they have effort units. That is basically trawl nights. Each region now has a set number of effort units or trawl nights. As fishers go out to sea, that gets deducted off that total. Once that total is reached, the trawl season in that region stops for that year and it recommences at the beginning of the next fishing season.

**Mr SMITH:** If I could just clarify on the effort unit: is the effort when the trawl line is actually out, or is it for the length of time that the trawler is not docked? How is the effort assigned?

**Mr Bolton:** I am not too sure. I think it is basically when they are out to sea. When they leave port and, from memory, it is when they then return to port.

**Mr SMITH:** They might not actually be fishing or doing the act of fishing in that time; it is just the time that they are not docked?

**Mr Bolton:** That is correct. We can make allowances in certain circumstances for breakdowns and that sort of thing. They can then contact us and we have reporting arrangements, but generally we take it up in 24-hour periods for when they are out at sea.

**Mr SMITH:** Moving on to Spanish mackerel and the stock synthesis assessment there, obviously there is some conjecture from different elements—department, fisheries and so forth. I understand that that model was formulated through the National Oceanic and Atmospheric Administration, NOAA. That is what has been put to me. Is that correct? Was that formulated through NOAA?

**Mr Bolton:** I do not think it was formulated through NOAA, but NOAA certainly uses it as does CSIRO. There is some conjecture about why the results from the stock assessment have varied from previous stock assessments, particularly within Spanish mackerel. The way that I would give an analogy to that is that, if you look at depth sounders or fish finders within fishing, over the years they have improved in technology, whereas once upon a time it was just simply a line on the bottom to represent the depth. Over time they got improvements where you could start to see the bottom shape and then you could start to see fish. With today's technology you can actually see fish swimming and you can actually see them take your lure. The stock assessments and the models that have been used in stock assessments are very similar to that. The technology and the modelling that underpins them have improved over time. The stock synthesis model is basically the latest model available on the market at this point in time.

**Mr SMITH:** You said before that some models are being reviewed by CSIRO. Has consideration ever been given to having a representative from NOAA come in and do a review, particularly on the Spanish mackerel assessment?

**Mr Bolton:** We have not considered NOAA specifically and we do not always use CSIRO. We basically use someone who is appropriately qualified and experienced. I would have to take that on notice and see whether or not we could even engage NOAA.

**CHAIR:** The question is about engaging experts who authored this, whether or not it was NOAA.

**Mr SMITH:** Yes. That probably goes to my final question anyway, which is about the discrepancy where the fishers provide the data, the department analyses the data and then, at the end of that, the department says, 'Here are your results from the data,' and then the fishers are disputing the data. Maybe that is where an alternative third party, as you are saying, comes in to do a review. Is it worth putting out to the fishers on the working group: 'Which body would you like to see do a review?' Has that ever been put to the fishers about whether they would like to see a non-Australian body come in and do a review of the assessment?

**Mr Bolton:** We have not put that question to them, but we would not oppose it if they wanted to bring forward someone else alternatively who was appropriately qualified and experienced to undertake an independent assessment of the model. We would welcome that. In terms of the third party assessments, in this case we did take the Spanish mackerel off to an ex-CSIRO scientist who did the peer review. They provided the results. We then provided that to the sustainable fisheries expert panel, which has also a member who is an acknowledged expert within fisheries modelling. They found that the department's findings and approach were sound and supported the department's recommendations in terms of continuing on with the stock assessment.

**Mr HART:** You mentioned that this assessment group is 'appropriately qualified' and then I think you said that it is mostly academia; is that correct?

**Mr Bolton:** Yes, that is correct.

**Mr HART:** Are there any fishermen involved in this process?

**Mr Bolton:** The expert panel is almost like a higher order overarching body that we use to make sure that we are following what we would call best practice. The input from fishers comes through each of the working groups that we consult with. On the working groups we have commercial fishers, recreational fishers, Indigenous representatives, NGOs and some scientists to provide some advice there. It is a well-balanced working group generally.

**Mr HART:** How do you find the historical data, and how far back does it go?

**Mr Bolton:** I would have to take that on notice. I did not necessarily prepare for Spanish mackerel in particular, but I can certainly take that on notice and give you all the facts around the Spanish mackerel.

**Mr HART:** Or grey mackerel.

**Mr Bolton:** Yes.

**CHAIR:** We will not need that for this report that we are doing.

**Mr HART:** No, but for our interest later.

**Mr Bolton:** It does vary from species to species so that you are aware, member. Mackerel is one of our older species. For some of the more recent species we have less time-based data.

**Mr HART:** The effort units have been set now. How will they be changed in the future? Will that be by regulation?

**Mr Bolton:** Yes, by a declaration, which is the effect of subordinate legislation.

**Mr HART:** Will it be a policy position on what is done there or will it be scientific?

**Mr Bolton:** Very much scientific and it is guided through the harvest strategies. There are 13 harvest strategies that have been developed and implemented. They contain the decision rules based on stock assessments. Depending on the health of the stock, the decision rules then dictate what action should be taken.

**Mr HART:** How does the department ground truth what their figures are?

**Mr Bolton:** As I mentioned before, everything we do we get peer reviewed. All the stock assessments are peer reviewed. The 13 harvest strategies that are now implemented were out on consultation to the broader community and public.

**Mr HART:** In terms of ground truthing, do you go and look in the water to see how many fish are there?

**Mr Bolton:** We have a range of data. Each time we do a stock assessment, we build on the data we had before. We add all the latest catch reporting and logbook reporting for the commercial fishers. We have recreational surveys that feed into that. We have biological data where we measure the length of the fish, look at the age of the fish and other biological information, and that builds with each success of stock assessment.

**Mr HART:** Where does that information come from?

**Mr Bolton:** That comes from a variety of areas. We have staff who go out and survey recreational fishers. We collect fish frames from processors. We collect the logbook records from the commercial fishers and charter fishers. All that gets compiled and inputted into the day model.

**Mr HART:** When these quotas are reached, what happens to the fish that are accidentally caught while someone is fishing or something else?

**Mr Bolton:** They would be classed as discards. They should be returned to the water. I acknowledge that in some circumstances they are not always returned alive. Part of what we are doing is that we work with fishers to educate them on sound management practices. We have a number of other programs. We try and divert effort away from species we want not targeted. For example, in the recreational sector, through the closed snapper season we promote fishing on the FADs, the fish tracking devices or fish aggregating devices, for other species like mahi-mahi.

**Mr HART:** Has there been any consideration then to allow the fishermen to keep that particular fish under some other arrangement that takes it off something else they have? It seems to me a bit silly to throw back a dead fish.

**Mr Bolton:** It does. Unfortunately it can drive perverse behaviours—not from everyone but from a small minority—where they actually go out, target them and say, ‘Oh, accidentally caught them.’ We have examined other models. Other jurisdictions in overseas countries do use other models. We have examined those. What we have come up, we believe, is best practice internationally about how we should be managing our fisheries.

**Mr McDONALD:** I did not want you to get the wrong impression from my earlier questions. In talking to fishermen, it was unanimous among all we spoke to about the sustainability of their fishery. At the moment they want to be champions of their industry but they are not being allowed to be champions because of an adversarial approach from the department, or a perception of that.

**Mr Bolton:** We want to move towards a co-management model. That is part of the strategy behind working groups where we actually work with them to look at how we can collectively or collaboratively manage a fishery. We understand that there is a bit of history there. We are trying to rebuild those relationships and work with them. Some of the things that we are doing include working with the trawl working group, for example. An example where we worked very well collaboratively is they wanted to introduce some small-area closures to protect the juvenile prawns. That worked really well. That is where we want to head. We are looking for a collaborative way of managing the fisheries.

**Mr McDONALD:** Wouldn't it make sense to give data to the industry under a non-disclosure agreement?

**Mr Bolton:** The data that we have identifies individual fishers. We simply cannot give them the raw data per se.

**Mr McDONALD:** I asked before about a technical working group that sits under the working group, or beside it. I am concerned that there is not the right level of information getting to the fishermen. They are employing their own personal marine biologists to challenge the restrictions that are being put in place. It is a very serious matter. Could you think about how to approach that in the future?

**Mr Bolton:** Absolutely, we can certainly take that into consideration.

**Mr McDONALD:** To ask further about the release of information, is that a decision that the department has made for the privacy of others or have you sought advice from the fisherman to ask if they agree to the release of this information?

**Mr Bolton:** Both. The advice from the majority of commercial fishers is that they do not want their information shared.

**Mr McDONALD:** I gather that information would come down to their own IP of where they fish and so on. I understand them being protective of that information, but surely the amount of catch that they are getting might be something that they would be willing to disclose so that you get the calculations right?

**Mr Bolton:** They are willing to share an aggregated collection of that data. That way it does not identify how much they catch, because that can give some insights into their business operations. It is a fairly small industry. Some of these fisheries might only have two or three fishers who are active; others might have a couple of hundred. We are dealing with a wide ranging number of stakeholders.

**Mr McDONALD:** Are the effort units that are outlined in the declaration higher or lower than they were five years ago?

**Mr Bolton:** There has been no reduction. The effort units in circulation right now have not changed.

**Mr McDONALD:** Since when?

**Mr Bolton:** Five years—probably longer. I would have to take that on notice. But certainly within the last five years there has been no change.

**CHAIR:** We can chase that up.

**Mr Bolton:** If I might make one last comment: there is a need to manage these fisheries sustainably and we want to work collaboratively with the commercial sector; it is not just us trying to impose a draconian way of working with them. A lot of our fisheries are subject to export approvals and the export approvals have a range of conditions that are putting obligations on us to place onto the fishers. If we do not comply with those, we will lose export approvals. For a trawl fishery, which exports quite a bit of product and high-value product, it is really important that we work with them to try to understand what the Commonwealth is putting on us and how we can work collectively for that. It is in everyone's interests that we work collaboratively on this.

**CHAIR:** That is another part of the puzzle. That concludes the briefing today. Thank you to everyone who has participated. Thank you to our Hansard reporters and our secretariat. A transcript of these proceedings will be available on our webpage in due course. We have questions taken on notice, but the most important one from the deputy chair was: how many fishers were there 10 years ago in those regions? That is the historical data. We have a disallowance date of 31 March, so we will need to get any questions taken on notice answered by Friday, essentially. Is that information that you need for this report on the East Coast fisheries?

**Mr McDONALD:** No, that is fine.

**Mr SMITH:** Do you mean licences or vessels?

**CHAIR:** How many fishers?

**Mr McDONALD:** Licences, I guess.

**CHAIR:** How many fishers were there 10 years ago in the regions.

**Mr McDONALD:** You are right: it is more about the licences.

**CHAIR:** There is: consideration of Spanish mackerel; engagement of the expert who authored the model; Spanish mackerel historical data. What did you need to know on that, member for Burleigh?

**Mr HART:** I wanted to know where the data came from.

**CHAIR:** The source of that historical data and the change in effort levels from 10 years ago, from the deputy chair.

**Mr HART:** And how old it was.

**CHAIR:** That is on the effort levels. We will be in contact with you with the specifics of those questions. If we could have that information by 8 April, that would be great.

**Mr Bolton:** Shall do.

**CHAIR:** I very much thank everyone involved and declare this public hearing closed.

**The committee adjourned at 3.49 pm.**