



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 N Mitchenson (Assistant Committee Secretary)

PUBLIC BRIEFING—EXAMINATION OF SUBORDINATE LEGISLATION

TRANSCRIPT OF PROCEEDINGS

MONDAY, 23 JULY 2018

Brisbane

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The committee met at 12.02 pm.

CHAIR: Good afternoon. I declare open the public briefing on subordinate legislation Nos. 23, 24 and 37. The State Development, Natural Resources and Agricultural Industry Development Committee resolved to hold a public departmental briefing to seek additional information in regard to the following subordinate legislation: No. 23—Vegetation Management (Regional Ecosystems) Amendment Regulation 2018; No. 24—Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018; and No. 37—Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018 for our consideration. Thank you for your attendance here today.

I am Chris Whiting, member for Bancroft and chair of the committee. The other committee members here with me today are: Mr Pat Weir, deputy chair and member for Condamine; Mr David Batt, member for Bundaberg; Mr Jim Madden, member for Ipswich West; Mr Brent Mickelberg, member for Buderim; and Ms Jess Pugh, 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. Witnesses should be guided by schedules 3 and 8 of the standing orders and note that their responsibility is to provide factual and technical background to government legislation and administration.

Those here today should note that these proceedings are being broadcast to the web and transcribed by Hansard. Media may be present so you may also be filmed or photographed. Before we commence, could you please switch off your mobile devices or put them on silent. I now welcome officers from the Department of Natural Resources, Mines and Energy.

HINRICHSEN, Mr Lyall, Executive Director, Land Policy, Department of Natural Resources, Mines and Energy

LAZZARINI, Mr Peter, Director, Vegetation, Operations Support, Department of Natural Resources, Mines and Energy

CHAIR: Who would like to make an opening statement?

Mr Hinrichsen: That would be me. Before I start I might seek some direction from you as to whether there is anything you would particularly like me to focus on in this opening address or just open fire.

CHAIR: Can you provide a detailed explanation of the regulations, as obviously they are quite lengthy, in terms of the regional ecosystems and also the clearing codes? A lengthy explanation on that would be welcome.

Mr Hinrichsen: Thank you. Thank you, committee chair and members, for this opportunity to brief the committee on these two regulations, the Vegetation Management (Regional Ecosystems) Amendment Regulation 2018 and the Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018. I will start with the Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation. The objective of that regulation was to do four things: to replace five pre-existing codes that relate to managing thickened vegetation with a statewide code; to replace the pre-existing managing fodder harvesting code; to replace the managing category C regrowth code; and to give effect to amended state development assessment provisions in relation to the planning act.

As you are aware, the Vegetation Management and Other Legislation Amendment Bill was introduced to the Legislative Assembly on 8 March and these two regulations were made to coincide with the introduction of that bill. The objective of the bill was, of course, to deliver on the government's election commitment to end broadscale clearing in Queensland and to provide further protection for remnant vegetation and for high-value regrowth vegetation. To minimise the risk of pre-emptive clearing following the introduction of the bill, the bill included retrospective provisions which applied from the date of the introduction. These retrospective provisions included amendment to the high-value regrowth definition to include freehold land, Indigenous land and land subject to an occupational licence under the Land Act. The retrospective provisions also included that managing

category C regrowth vegetation would apply to high-value regrowth on these tenures in the way that it would apply to leasehold land for grazing or agricultural purposes. To minimise pre-emptive broadscale clearing of the proposed high-value regrowth areas while the bill was before the parliament, the Minister for Natural Resources, Mines and Energy remade the category C code to remove the pre-existing ability to clear for grazing and agricultural purposes. This interim code is in place while the code is subsequently reviewed and replaced following obviously the passage of the bill which has now occurred, of course.

In relation to the remaining codes, in 2015 the department commissioned an independent review of the accepted development codes, otherwise known as self-assessable codes, and that focused on basically whether the existing codes advanced the purpose of the act. That review found that all the codes had some deficiencies but the managing thickened vegetation and the fodder harvesting codes were the codes that were identified as having the more significant deficiencies. As a result the department prepared new draft managing thickened vegetation and fodder harvesting codes. The amendments included setting an area limit per notification, requiring a self-audit of clearing already undertaken before an applicant could lodge subsequent notifications and a number of other amendments to ensure that the clearing under the code was confined to activities that were low ecological risk, such as removing all endangered regional ecosystems from the managing thickened vegetation code and clearing under the code was consistent with the purpose of the act, such as modifying the maximum strip width and retention areas in the fodder harvesting code.

The department consulted with stakeholders on remaking the codes for managing thickened vegetation and fodder harvesting. Peak groups were briefed and provided with electronic versions for distribution to their members. The codes were also made publicly available between July and September 2016 and draft codes were available on the Queensland government Get Involved website.

Following this consultation amendments were made to the codes, including incorporation of the Queensland Herbarium's ecological advice. The 2017 government election commitment policy document included a commitment to maintain the codes where they are providing appropriate protection and to amend them in line with relevant scientific literature and advice from the Queensland Herbarium where required. Consistent with that election commitment the two draft codes, managing thickened vegetation and fodder harvesting, were assessed by the Queensland Herbarium. The Queensland Herbarium's advice was then, if you like, peer reviewed by the CSIRO. The CSIRO specifically recommended that the Queensland Herbarium's advice in relation to the fodder code be accepted and while the Queensland Herbarium's recommendations were an improvement for managing thickened vegetation—this is the advice of the CSIRO—the required self-assessments were not low risk and therefore the CSIRO recommended that the code should be removed.

At the time the Vegetation Management Act included provisions that required the minister to have a code for a number of different clearing purposes. As a result, until the legislation came into effect it was not possible to revoke the managing thickened vegetation code. As a consequence, the minister made an interim managing thickened vegetation accepted development code which was based on the advice from the Queensland Herbarium. Once the legislation came into effect the managing thickened vegetation code was revoked. That was through a further regulation, subordinate legislation No. 56, which was made on 17 May 2018.

The objective of the Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation was to give effect to the interim category C regrowth code, the interim managing thickened vegetation code and the managing fodder accepted development code and it also brought into effect a new version of the state development assessment provisions. Amendments to the state development assessment provisions were required to ensure that these provisions aligned with the practices in the remade managing thickened vegetation and managing fodder harvesting accepted development codes. On Governor in Council approval of the amendment regulation, the Department of Natural Resources, Mines and Energy advised 1,154 landholders, who had previously notified under the previous repeal codes, about the release of the new codes.

In relation to the second regulation, the Vegetation Management (Regional Ecosystems) Amendment Regulation, I am advised that the regulation supports the Vegetation Management Act by declaring each regional ecosystem to be either an endangered regional ecosystem, an of concern regional ecosystem or a least concern regional ecosystem. There are three categories of regional ecosystems. The Vegetation Management Act sets out specific criteria for declaring a regional ecosystem to be one of those three categories. The criteria are based on the area of remnant regional ecosystem in terms of the percentage of that regional ecosystem's pre-clearing extent and whether the total area of the remnant regional ecosystem is less than 10,000 hectares.

The objective of the Vegetation Management (Regional Ecosystems) Amendment Regulation 2018 was to give effect to updated science and improved mapping as to the extent of each regional ecosystem across the state. The Queensland Herbarium—and I am fortunate to be joined today by the director of the Queensland Herbarium, Dr Gordon Guymmer—has a program of continual mapping and surveying of Queensland's regional ecosystems. This mapping process results in regular reviews to regional ecosystem descriptions and classes and results in mapping updates. The Queensland Herbarium's regional ecosystem mapping is based on field survey, analysis of aerial photographs, satellite imagery and assessment of other data such as geology and soil mapping. The Queensland Herbarium follows a published survey and mapping methodology to classify and map vegetation and regional ecosystems and collect its site data. It also has guidelines on the process for defining a new regional ecosystem or vegetation community. This process is overseen by 14 bioregional technical reference panels who review and update regional ecosystem definitions, proposed classifications and review the mapping. These panels comprise of government and non-government experts.

In 2017 the Queensland Herbarium completed its survey of vegetation and regional ecosystems across the entire state. Prior to that there was approximately 8½ million hectares of Queensland that did not have completed regional ecosystem mapping. As a result of the completion of the regional ecosystem coverage across the state, the new version, which is known as version 10 regional ecosystem mapping, resulted in new regional ecosystems being defined and numerous regional ecosystems for which a change in the classification is proposed. In January 2018 the Queensland Herbarium provided the Department of Natural Resources, Mines and Energy with a list of the new regional ecosystems and proposed class changes resulting from its latest version 10 regional ecosystem mapping.

The department reviewed that information to ensure each regional ecosystem had been assigned the correct conservation class. Once this was completed the Minister for Natural Resources, Mines and Energy considered the information and was satisfied that the class assigned to each regional ecosystem was correct as required under the Vegetation Management Act. The Vegetation Management (Regional Ecosystems) Amendment Regulation updates the regional ecosystems that are declared in schedules 1 to 5 of the Vegetation Management Regulation 2012 and, in summary, result in the declaration of 156 new regional ecosystems; removal of 84 regional ecosystems from that regulation; 24 regional ecosystems had changed to a higher conservation class—for example, from least concern to of concern; and 17 regional ecosystems had changed to a lower conservation class schedule i.e. from of concern to least concern.

An update to the vegetation management supporting map was made at the time to reflect the regional ecosystems declared under the amended regulation. That is the end of my detailed brief of the provisions of those two amendment regulations. My colleague and I are happy to take any questions that you and other committee members have.

CHAIR: Thank you, Mr Hinrichsen. From this briefing it is clear that these codes, especially the one with the regional ecosystem, are based on years of research and work from the Queensland Herbarium and you have also described a panel of government and non-government experts. Can you talk a bit more about the robustness of this process that has occurred over many years, including the updated mapping and the updated information on the ecosystems?

Mr Lazzarini: The regional ecosystem mapping program has been going—I have to get the exact date from Gordon—since the 1990s, I believe. It has undergone continual improvement in the mapping over time. As Lyall said in his opening statement, it follows a publicly available published survey methodology that the Herbarium has been applying across the state. The version 10 mapping released in March was the first time that there was complete coverage across all of Queensland of that regional ecosystem mapping. Years of work going on through the Herbarium culminated in the whole state having now, at least as a minimum, 1:100,000 scale regional ecosystem mapping across the state. If you need any further detail, we would have to take that on notice and get some advice from the Herbarium.

CHAIR: Thank you very much for that.

Mr WEIR: Staying on the same subject, obviously there have been a lot of changes. Some are being added and some are taken out and some are of higher concern. What sort of trigger would take it from least concern to a higher concern? Is there any appeal process, if somebody suddenly finds a significant area of their property falls under this?

Mr Lazzarini: Yes. First of all, with the classification, it is basically a mathematical calculation of how much of that regional ecosystem is left compared to what was there originally. If it meets the threshold criteria outlined in the Vegetation Management Act, it gets mapped as either the endangered, of concern or of least concern category. In terms of appeal mechanisms, the long

established PMAV or property map of assessable vegetation process is the appeal mechanism that is available to landholders if they want to challenge the mapping. They can make an application to the department. If they do not agree with that mapping, they can have that internally reviewed by another officer. If they still do not agree, they can go to QCAT to appeal it.

Mr WEIR: During the vegetation management legislation process, some question marks were raised about the mapping. It was recommended that the mapping be improved. How often would this be reviewed? When will the next review process take place?

Mr Lazzarini: The Herbarium has a continual program, basically. As they get imagery or have a particular focus on a particular area, they improve the mapping in that location. I would have to check with Gordon about whether it is a yearly or twice yearly cycle, but I understand the Herbarium is continuing to work on improving the mapping.

CHAIR: Did you want to call up any of your colleagues to give any further information on that?

Mr Hinrichsen: If the committee would like, but prior to this release the mapping had not been updated for several years. As mentioned, a significant part of Queensland did not previously have regional ecosystem mapping. This was a significant exercise in updating and ensuring that the regulated regional ecosystem mapping was based on absolute best available science. The previous version was dated 2013, so five years worth of science had not been recorded in the regulated regional ecosystem mapping.

CHAIR: Can you take on notice what the future projected time frames for further updates will be?

Mr Hinrichsen: We can certainly do that.

CHAIR: Are you happy with that?

Mr WEIR: Yes.

CHAIR: That will be a question on notice that we will follow through on.

Ms PUGH: Thank you for coming in at such short notice to appear before the committee. I want to inquire about the fodder harvesting code. You mentioned in the review you picked up on a couple of areas that had deficiencies and you covered off quite well on the steps that you took once you detected those deficiencies. I am interested to hear more about what the particular deficiencies were in the fodder harvesting code and why you took the steps that you did?

Mr Lazzarini: It was largely around whether the purposes of the Vegetation Management Act were being achieved. Some of the aspects that were changed to ensure that it was included changing the area limits and also the scale of harvesting that can occur. As an example, the previous code allowed clearing of up to 135 metre strips for fodder harvesting. The current code has reduced that to 50 metres to reduce impacts on regional ecosystems. The other thing was to introduce a self-audit process into the code. That allows landholders to have a check, take a check, ensure they are doing the right thing and then they can continue fodder harvesting. There is no limit on the number of notifications you can make. You can continue to do that after every 500 hectares, whereas previously there was no area limit on the notification. They were the main changes with the code.

Ms PUGH: On your first point, you mentioned that you limited the strip size. I do not want to put words into your mouth, but would it be correct to say that the reason you did that was because, under the current fodder harvesting code, you were finding it was having a more significant impact on the regional ecosystems than you would originally have hoped?

Mr Lazzarini: Yes, the intent is to reduce the impact on regional ecosystems to ensure that connectivity remains through the regional ecosystem.

Mr BATT: Mr Lazzarini, to follow up on that, the notes state that there was an error in the code that needed to be fixed. Is that what you are taking about there or is that a different error?

Mr Lazzarini: No, that was a different error. There was an error in that the initial fodder harvesting code that was released had a clearing limit for strips of 50 metres wide whereas there was a diagram in the code that showed the strips being 100 metres wide. In May, when the managing thickened vegetation code was revoked, the fodder code was updated to correct that diagram to make it consistent and avoid confusion. Anyone who had previously notified under the original code did not have to re-notify under the new release of the code.

Mr MADDEN: I have a short follow-up question with regard to mulga and fodder crops. It is self-assessable. Is there a fee payable by the landholder?

Mr Lazzarini: No, there is no fee. It is an online notification process. You enter your details online. As soon as you get your email acknowledgement, you can continue harvesting.

Mr MADDEN: It is relatively straightforward?

Mr Lazzarini: Yes.

Mr MADDEN: This is a major change with regard to the regional ecosystem mapping. When will landholders first become aware of that with their PMAVs? Can you give some examples of how they will see the effect of the new regional mapping?

Mr Lazzarini: First of all, when the maps were changed we emailed about 13,000 people who had previously downloaded maps from our online system. We emailed all of those clients to let them know that the map had changed and they could download a new map.

Mr MADDEN: Was that about March?

Mr Lazzarini: Yes, that was March when it was released. In some cases, where that category had changed, the landholders would see that on their maps, if something changed from endangered to of concern or vice versa. They would see that.

Mr MADDEN: On the practicalities of that, do you send them a new PMAV or do you advise them that the PMAV has changed?

Mr Lazzarini: It only relates where they do not already have a PMAV locked in. Where they have locked in their category X on a PMAV, it does not affect that.

Mr MADDEN: So if it is previously locked in, the new mapping does not change that?

Mr Lazzarini: That is correct.

Mr MADDEN: We mention this quite often: about how much of Queensland is actually covered by PMAVs? Is it 50 or 60 per cent?

Mr Lazzarini: It is about 22 million hectares out of about 32 million hectares of category X.

Mr MADDEN: Thank you very much for coming in today, gentlemen. It is always very informative when you come before us.

Mr Hinrichsen: It is always a pleasure.

Mr MICKELBERG: The managing fodder harvesting code, the amended code, talks about harvested vegetation being required to stay where it falls, except if required for essential or routine management. Would mustering be considered essential or routine management?

Mr Hinrichsen: It could be, if there was a pathway that was required to bring the stock from one property to another. Things such as tracks or fence lines are all legitimate purposes for that essential property management. However, it is fair to avoid the, say, stick raking and putting all of that fallen timber in a pile for, say, burning. However, if the essential management is about getting livestock, vehicles and equipment from point A to point B, for a firebreak, for a fence line, they are all within the scope of what that provision allows.

Mr MICKELBERG: Say I push a patch of timber. It thickens up, as in the fallen timber lays on the ground and the cattle hide in there. I cannot then rake that in order to open up that country to clean it out when I muster.

Mr Hinrichsen: It is not about stick raking a 500 hectare area, no.

Mr MICKELBERG: I have further questions if we have time.

CHAIR: We will have a little more time. We will have a question from me and then we will go to another question from opposition members. One of the things we have heard in the briefing today is that there has been extensive consultation in terms of the regulation and the subordinate legislation. You talked about 1,154 stakeholders being informed on this. Can you give us some more detail around the effort you have put into the consultation and what you have achieved with the consultation on these particular regulations?

Mr Hinrichsen: The 1,154 were landholders who had previously notified under the revoked codes. Obviously there were direct implications for those landholders. In many cases, where they wanted to keep undertaking these activities—either fodder harvesting or clearing in category C areas—they were then given the opportunity to renotify. Peter, I think you had some statistics around the renotifications that we have had subsequently.

Mr Lazzarini: From 8 March to 30 June there have been 124 notifications under the new fodder harvesting code covering about 57,000 hectares. There were 47 notifications under the interim managing thickened vegetation code from 8 March to when it was revoked in May covering about 13,000 hectares. There have been 57 notifications for the category C regrowth code covering about 6,000 hectares.

Mr Hinrichsen: That was in relation to those landholders most directly affected, but we have also had a significant information campaign from emails through to social media. Probably one of the more successful mechanisms has been our regional vegetation management staff participating in various field days around the state where landholders can sit down and talk to people about what that means and what changes there might need to be in terms of the management activities on their property or simply to take away the mystique or any sort of fear factor associated with getting online, doing a notification, doing a self-audit. The feedback we have had in that space has been very positive.

CHAIR: The question was more so about those field days and the other activities the department has undertaken regarding these regulations.

Mr Lazzarini: There is also the vegetation management hub which takes the majority of phone calls across the state. It is located at Charleville. They have been taking about 180 calls a week on average since the legislation changed. They also provide a service where they explain how the codes work or how the mapping works—all of those issues associated with the vegetation management law changes.

Mr WEIR: With all of the changes to the regional ecosystems, I was wondering what land mass was affected under the old mapping as compared to the new mapping?

Mr Hinrichsen: We can get you a lot of statistics on all of that. Every part of Queensland is within a regional ecosystem. That reflects areas with specific vegetation types on particular geologies. It is just a question of how detailed you would like those statistics to be.

Mr WEIR: What areas are going to be significantly impacted or what practices are going to be significantly impacted when you compare the old mapping with the proposed new mapping?

Mr Hinrichsen: It really depends on what activities you are planning to undertake. The classification is relevant to things like any environmental offsets that might be required if you are undertaking assessable development in those particular areas. Equally, the classification is relevant to the activities that can be undertaken under the accepted development codes as well. It really does come down to the type of activities. As I mentioned earlier, with the better mapping regional ecosystems have gone both ways—some now have higher classifications and equally many now have lower classifications.

Mr WEIR: You would have those figures because you need to monitor the activity on all these areas?

Mr Hinrichsen: Absolutely.

Mr WEIR: Would you be able to provide those for us?

CHAIR: It sounds like a question on notice. It is specifically about what, member for Condamine?

Mr WEIR: I refer to changes from the original mapping in 2013 to today and what the impacts are going to be.

Mr Hinrichsen: It will be an extensive list.

CHAIR: That will be a second question on notice.

Mr MADDEN: I notice that this code replaces the managing thickened vegetation and mulga lands code. Is thickening in mulga a problem? If it is, is that dealt with with the self-assessable codes? In other words, do we differentiate between problem areas and areas that have previously been harvested?

Mr Hinrichsen: Thickening occurs in mulga certainly. It is a species that in the right conditions does regenerate significantly. Obviously with the legislation having been passed there is no longer a thickened vegetation code. I guess the pathway to be able to manage thickened vegetation in any regional ecosystem will be a development approval under the Planning Act.

Harvesting mulga is not really about the thickness or otherwise it is about feeding stock obviously. If a landholder had mulga that had thickened and they were not looking to feed it to stock then we would be looking at a development approval application as opposed to being able to harvest that under the accepted development code, irrespective of whether it had thickened or otherwise, through the fodder harvesting accepted development code.

Mr MADDEN: I would imagine thickened areas and open areas could be treated the same as far as self-assessment goes?

Mr Hinrichsen: There is no longer a code for managing thickened vegetation. It is no longer a self-assessable process. Most landholders with mulga would certainly be seeing the mulga as an asset to conserve for a period when their stock are hungry as opposed to just clearing it for the sake of it.

Mr MICKELBERG: You spoke of the consultation and analysis conducted by the Herbarium and the peer review by the CSIRO into the scientific basis of the changes to the codes. I am curious to know what analysis was done in relation to the impact on agricultural production as a consequence of the changes to the codes?

Mr Hinrichsen: The analysis was as per the bill. It was simply delivering on the election commitment of the government. There was no further economic analysis in terms of those impacts.

Mr MICKELBERG: Is there any intention to?

Mr Hinrichsen: No.

CHAIR: I think we have heard that question before. I think we have heard the answer before as well. The time allocated for the briefing has now expired. There are questions on the notice. The committee would appreciate if the answers to any questions on notice could be provided by 10 am next Monday, 30 July. Thank you very much.

Mr Hinrichsen: Thank you very much, Mr Chair and committee members.

ANDERSON, Ms Claire, Executive Director, Fisheries Queensland, Department of Agriculture and Fisheries

FOSTER, Ms Kimberley, Director, Management and Reform, Fisheries Queensland, Department of Agriculture and Fisheries

SPENCER, Mr Scott, Deputy Director General, Fisheries and Forestry, Department of Agriculture and Fisheries

CHAIR: I now welcome officers from the Department of Agriculture and Fisheries. Thank you very much for appearing today. Who would like to start with an opening statement?

Mr Spencer: I will start. We are not actually sure what the committee wants so I thought I would give a quick rundown on quota management.

CHAIR: We asked you here with regard to the subordinate legislation that has been tabled. We would like a detailed briefing on that particular subordinate legislation.

Mr Spencer: Is it okay if I start with a general description of quota management of fisheries?

CHAIR: Yes.

Mr Spencer: Quota management of fisheries is probably the highest level of fisheries management in the world. It is generally recognised as the best way to manage fisheries. The two fisheries before the committee—the coral trout fishery, or, as we call it, the coral reef fishery, and the spanner crab fishery—have been managed by quotas for a considerable period. The spanner crab fishery has been managed by quotas since 1999 and the coral reef fishery since 2004.

In a general situation what happens in a quota managed fishery is that a total allowable catch is set based on the best available science and other information. That is then divided amongst the fishers and they fish that quota up to that limit. Each year it is then assessed using the latest science and can move up and down depending on the state of the resource. That is effectively what has happened in both of these fisheries. In this particular case, unlike in some other fisheries, it is the chief executive or, in this case, me as delegate who makes that annual decision. That came in in about 2013 or 2014 when the then minister agreed that it should be managed by the chief executive making that quota decision. In each fishery we have established decision rules. They are established and published and well known in the fishery.

In the case of the coral trout fishery the total allowable catch or TAC, as we call it—we have a lot of acronyms in DAF—was established using a scientific stock assessment. Our stock modellers decided on the available take. We then established that as a tonnage. Then it is distributed among the fisheries.

Several years ago we reduced that quota based on the fact that the decision rules, which is the formula based on catch per unit effort—the catch rate—had fallen greatly. To protect the stock we reduced the quota. I did that by declaration. That becomes subordinate legislation and hence it comes before the committee.

The following year there was no change because the data was still showing that the stock had not improved. In the last two years we have been able to increase the quota. It was 50 tonnes in the previous year and for this year it is 200 tonnes. That is based exclusively on the fact that we have decision rules that calculate the amount the quota can move.

It is a precautionary process because the actual science showed we could have increased it by over 300 tonnes. As they are fishing the Great Barrier Reef for this particular fishery we took a precautionary approach. The maximum we can move a quota up or down is 200 tonnes per annum. That is there to make sure that we do not overshoot and we are precautionary in the way we approach the fishery.

The spanner crab fishery, which I think is Queensland's oldest quota managed fishery, operates effectively from Bundaberg to the Gold Coast. It is fairly heavily concentrated these days particularly in Mooloolaba. There is a fleet there. There is a fleet that runs out of the Gold Coast. A small fleet runs out of Bundaberg-Hervey Bay.

Spanner crabs are caught by trays. The situation is similar. The quota has been set using scientific methods. We have been watching the spanner crab fishery for some time and we have not been able to get agreement with the industry. There have been signals that there is a problem with

the resource. Every second year these days—we may have to move it to every year—we undertake an independent study of the fishery where we ask scientists from Agri-Science Queensland to go out on our boat and do their sampling of the resource. There is science that the resource is under a fair bit of stress.

We do not know the actual reason. Crabs are a difficult animal to deal with. We cannot age crabs. As a result our stock assessments suffer from that particular problem. The only levers we have is Fisheries' effort. This year we looked at it and we faced the real possibility of this fishery collapsing in a couple of years if we did not do something. We took the step to reduce the nominal quota by nearly 50 per cent this year. It is a 10 per cent reduction on last year's production. We have set the rules aside and are now working with industry. We have a rules expert in Dr Cathy Dichmont working with us to reset those rules for the fishery.

There were a number of decisions made—they are legacy decisions, which we all deal with—that allowed bigger boats in the fishery and more pots. As a result, the quota itself was not effective in managing the fishery. We are going to reset that over the next 12 months with the assistance of industry. I do have to say to the committee that not everyone in the industry is happy with that decision. As you can imagine, a 50 per cent reduction in quota is quite significant, although it is only 10 per cent down on last year's catch. The majority of industry accept that there is something wrong with the resource and we need to do something to reset the parameters so the industry can continue. We do not want to be in a situation where the biomass gets so low that we have to shut the fishery. That is what would have to happen if it fell in normal terms below 20 per cent of biomass. We have taken an early step to try to get the fishery back on track.

With coral trout we went the other way. We were able to increase the quota. The process that we go through is that each year in the case of coral trout we have a formal reef working group. They meet. They provide me advice. The scientists provide me advice. My colleagues here provide me advice. Then I make the decision whether to move up or down. We are guided by these published rules so everyone knows 12 months in advance what the rules are. We have a similar process with spanner crabs where we meet with industry and consult before we do anything. I might leave it at that. It is probably easier if the committee asks questions, unless my colleagues have anything to add.

CHAIR: As you would have heard in our previous briefing, we talked about monitoring and scientific survey. I would say that this resource has a higher level of survey and monitoring than anywhere else in Queensland. To implement these regulations we need a very high level of monitoring and survey. Can you describe some of the methods you use to implement these regulations?

Mr Spencer: If I can talk about the coral trout fishery, every five years we do a full stock assessment. That stock assessment involves getting all the latest scientific data. People dive the reef to physically count the fish. In some reefs there is sampling. We have underwater video of those fish. Our stock modellers then develop a stock model which tells us the range of the resource. We are very lucky in Queensland with coral trout in that the Great Barrier Reef has a number of green zones. We estimate that something like 40 per cent of the biomass is protected by the green zones where there is no fishing. We are relatively confident that that biomass is well protected.

Then each year we gather information from commercial fishers. They are required to submit logbooks and they are also required to report. Every time they come into port they put in a prior report notice. They are independently audited then by the boating patrol on a random basis. The patrol is waiting for them when they come in. They count the number of fish they have. This fishery has grown dramatically. It is probably our second or third most valuable fishery based on the export trade of live fish. They come in with their tanks full. The patrol is able to validate the number of fish they have on board. That takes place.

In the case of the spanner crab fishery, we have a similar reporting system. There are a small number of processors of spanner crab, so it is a relatively easy place to visit and capture the product that is delivered. We also do our pre-season monitoring where our colleagues from Agri-Science Queensland use the departmental research vessel to go out and independently assess what is on the ground. We have both fisheries dependent data, which is coming from the commercial fishers, and fisheries independent data, which is coming from our scientists.

Ms Anderson: It is probably also worth mentioning that we collect quite a lot of data from recreational fishers. While we are talking about the quota for the commercial sector today, part of the information that feeds into that monitoring is around recreational catch. We do a statewide telephone survey every three years. We are going to do one starting this financial year again. We also do boat

ramp surveys. We collect data on the number of fish people catch as they are coming into boat ramps and we measure their catch as well. That is at 47 boat ramps across Queensland. All of that data feeds into the stock assessment modelling as well so that we have a really good robust picture of how much stock is out there in the water.

CHAIR: We will not nominate which of those 47 boat ramps are used.

Mr WEIR: That triggers a question. This quota is specifically for commercial, is it, both with coral trout and spanner crabs? Obviously there would be a reasonable take in coral trout by recreational fishermen, charters and so forth. The take in spanner crabs, I understand, is almost solely commercial.

Mr Spencer: Correct.

Mr WEIR: You are increasing the take for coral trout to 200 tonnes. What about the recreational fishing? What is their take?

Mr Spencer: We are talking about trout, as you say. The recreational fishing is governed by bag limit. We have not adjusted the bag limit. The quota has solely been focused on commercial fishing. However, under the government's Sustainable Fisheries Strategy, we will be taking that all into account. In future—I do not know whether the committee will like this or not—you are probably going to see more of these sorts of decisions as we move towards harvest strategies for each fishery where the predesigned rules will allow the chief executive to move quotas up and down. In that case it may be, depending on the nature of the stock, that we would have to reduce the bag limit or increase the bag limit as the rules provide for. The department does not do that. It is approved by the minister as part of the harvest strategy. At the moment though the quota is purely focused on the commercial coral trout and what we call the OS fishery—the other species. That is things like red emperor and so forth. We have not adjusted that one. At this stage it is focused mainly on trout.

Mr WEIR: You monitor the take of coral trout in tonnes. Do you also monitor the numbers? How many fish it takes to reach that weight? Are we talking larger fish or smaller fish? Is there any monitoring of that at all?

Mr Spencer: No. It is by weight. What happens is that each fisher gets a number of quota units. It might start with one quota unit. When we reduce it, we might reduce that to 0.9. There is quite a bit of trading of quota to make sure that individual fishers have enough quota to suit their business.

Ms Anderson: The other monitoring that we do is looking at the age and size of fish. We go to commercial fishing processors and collect a subsample of the fish frames that they have there. We actually take the ear bone out of the fish and use that to age fish. It is like tree rings. You can age fish that way. You get to understand how old a fish is. What we want to see is a diversity of age classes in the fishery so that we are not just seeing all small fish, otherwise we are not seeing the older fish come through and reproduce.

Mr MADDEN: I am always interested in what is happening with white spot. I am curious about whether spanner crabs are susceptible to white spot.

Mr Spencer: That is a good question. It is probably not one that I can directly answer. It is probably more for the Biosecurity people. All crustaceans basically could be affected by it. There is no sign of it in spanner crabs at this stage.

Mr MADDEN: That is fantastic.

Ms Foster: Where you find spanner crabs is not really within that primary white spot control area. They are the fisheries outside that space.

Mr MADDEN: Yes, it is thankfully only in Moreton Bay.

Mr Spencer: At this stage.

Mr MADDEN: We are here today to talk about coral trout and spanner crabs with the adjustment of the quota. Can I presume then that all of the other quotas are working well, such as for mud crabs and things like that?

Mr Spencer: We have not yet got a mud crab quota. One of the things that the Sustainable Fisheries Strategy will allow us to do is move into all of those fisheries. We have a limited number of quota managed fisheries. These are the two main ones that I can think of. There are the harvest strategy fisheries such as tropical rock lobster and so forth. Tropical rock lobster is going very well. You will know by the price you pay. We do need to bring these sorts of controls into other fisheries where it is appropriate to do. We are not saying we are going to put quotas in every fishery. In some of the small fisheries it is too expensive because it is quite a complex system and in other fisheries the data is not there. It is horses for courses. The strategy says look at quotas first, and we are doing that as we speak.

CHAIR: Member for Bundaberg, I know this impacts on your area.

Mr BATT: Some of it does—at the top end anyway. In relation to spanner crabs, it is based on the numbers caught. I have had a look at some of the licences. From 2016-17 there were 13 fewer licences out there. Do you look at it from the view that there may be fewer spanner crabs caught because there were fewer people out there catching them?

Ms Foster: That is taken into consideration with the data we use to apply the decision rules. It is not just how much catch; it is how much is being caught by the number of people. All of those components fall into the decision rules before we decide on a recommendation around what the tonnage should be.

Mr Spencer: They may not have left the fishery permanently either. They may have gone line fishing or gone after sand crabs.

Ms PUGH: In the policy objectives you have noted that with the spanner crabs you have tried to strike a balance between the ecological impact and the economic impact. As you get even better with your data collection and your ability to pinpoint not just spanner crabs and coral trout but other fish as well and as that data becomes more and more finally tuned, we are probably going to have more instances like this throughout the fisheries stock where we may need to stop people. From an economic standpoint, what work can we do to help fishers diversify so in a year where you cannot allow them to fish that particular stock they have other options so it is not necessarily a choice between the ecology and the economy?

Mr Spencer: We do allow fishers to have multiple endorsements. They may be endorsed for line, crab and net, and occasionally even trawl. They can move between fisheries. There is a question of whether those people choose to specialise. In the past because those endorsements are tradeable they have sold them on. They can go and buy or, more importantly, lease both quota and other endorsements to move into other fisheries. It is quite flexible and they can move to various parts of the state. Of course their vessel needs to be big enough to do that et cetera. They do have some options. Once quota becomes more of a way to manage fisheries we would expect the trade in those entitlements to increase as people make their business suit their prevailing circumstances.

Ms Anderson: The other thing to mention is that what we would like to see in future is smaller adjustments over time rather than having to take really drastic action which we have had to do in the past—taking small quota changes rather than allowing the stock to decline to a point where you have to close half the fishery or close the entire fishery to recover because that is going to have a much bigger economic impact. We have certainly seen that in the scallop fishery where we have had to reduce the catch there significantly. People lose export markets and it is very difficult to get that back. What we would like to see in future is those smaller adjustments over time, keeping it on trend.

Mr MICKELBERG: Can you provide some details—this is particularly as it relates to the spanner crab fishery—as to when the last quota was released? Presumably it is sold into the market. Is that the way it works?

Mr Spencer: The quota was first issued back in 1999 and the individual holdings do not change, unless they sell it. We give them that number—as I said, one for one unit of quota. The quota is adjusted by saying, 'It is now 50 per cent of that.' They have to have twice as much quota to get the same catch. Their quota holdings do not change unless they have sold it. I could sell mine to you or part of mine to you. I could lease some of yours. They have that flexibility. We have not changed the quota holdings since they were originally allocated. The same goes for coral trout.

Mr MICKELBERG: I note that it is an ongoing monitoring process, but is there a reason there was not an incremental shift last year or the year prior?

Mr Spencer: That is a very good question. The fisheries have generally been managed by a consensus process and we could not reach consensus. The signs were not as clear as they were this year. Last year I do not think we ran an independent monitoring survey but this year we did. We looked at the results and we said, 'It has gone too far.' We had to step in before it completely collapsed. It is a combination of the fact that we work with industry to try to agree on a process, particularly with spanner crab where, as Mr Weir said, it is virtually all commercial fishing. Even within that industry the structure is different. We have small players and big players, and they have quite a bit of difficulty agreeing whether we should move. We got the scientific evidence this year and said, 'We have to deal with it.' I think begrudgingly industry agrees, and when I say 'begrudgingly' I mean that it hurts them. If you reduce a quota, it does hurt.

CHAIR: The member for Condamine has a question about scallops and how they compare.

Mr WEIR: Yes, I am interested because the member for Ipswich West and I were on the committee last term when the scallop industry was mentioned. I was wondering what the science is showing. Has there been an increase in scallops, because you are talking about the same geographical regions?

Mr Spencer: At our Trawl Fishery Working Group on Thursday and Friday our scientists gave a presentation so this is the latest information. We have not yet got all the logbook data in, but there was a very good catch of scallops off Fraser Island and Noosa—the so-called Noosa shell. The catch certainly improved this year. The commercial fishers are reporting a lot of small shell on the grounds at the moment, but once we do our scientific analysis—we have what is called a standardisation process where we take out all the noise of a whole range of things—it is still relatively low. We will have the results of the full stock assessment towards the end of this year or early next year. While there were good catches this year, we know a lot of it was relatively small. There is a fair bit in store at the moment. We are hopeful that the measures we have put in place are having some impact, but most of the improved catch was from this ground that is starting to develop off Fraser and Noosa. Whether it is water temperature related or not, we do not know.

CHAIR: That was some information we did not think we would get today so that is good. I appreciate that.

The time allocated for today's briefing has expired. Thank you for your advice today. There are no questions on notice. Thank you for your attendance on subordinate legislation briefings on Nos 23, 24 and 37. I thank the departmental officers who attended today, our Hansard reporters and secretariat staff. The transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare the briefing closed.

The committee adjourned at 1.02 pm.