



RIS Ref: DAF1098-0519

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29 May 2019

[REDACTED]
Senior Policy Officer
Department of Agriculture and Fisheries
41 George Street
BRISBANE QLD 4000

Dear [REDACTED]

Discussion paper—proposed amendments to the *Fisheries Regulation 2008*

Thank you for meeting with officers of the Queensland Productivity Commission (the Commission) on 10 May and 24 May 2019 to discuss proposed amendments to the *Fisheries Regulation 2008* (the Regulation).

Background

The Department of Agriculture and Fisheries (the department) advises that Queensland's current fisheries management arrangements are complex, inefficient and do not effectively control fishing effort and/or catch in most Queensland fisheries. A number of fish stocks are considered depleted or overfished and there are concerns about fishing impacts on protected species and bycatch.

In response to these challenges, the department has been developing a new fisheries management framework in an iterative process informed by stakeholder consultation. Key stages have included:

- the *Green Paper on Fisheries Management Reform in Queensland 2016* (Green Paper)—set out the need for reform and outlined high level proposals to ensure sustainability of fisheries including limiting total catch and fishing effort
- the *Queensland Sustainable Fisheries Strategy 2017-2027* (Strategy)—set out key targets for Queensland fisheries including that no fisheries should be overfished by 2027
- development, in consultation with stakeholder working groups, of management reform options for the East Coast Inshore Fishery, the East Coast Trawl Fishery and the Queensland Crab Fisheries (priority fisheries)
- the *Government direction on fisheries reform* (Direction Paper, January 2019)—set out the department's preferred management options for priority fisheries, including dividing into management units and allocating individual transferable commercial quotas and effort units
- three discussion papers (March 2019) on detailed allocation strategies for priority fisheries. The department notes that several changes were made to the allocation approaches based on feedback from fishers.

The department has consulted with stakeholders throughout the above steps and published the stakeholder feedback. It also established 11 fisheries stakeholder working groups (whose membership includes commercial and recreational fishers, charter operators, seafood marketers and processors and conservation experts) to assist in delivery of the Strategy.



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Proposed amendments to the Regulation

The department proposes 102 amendments to the Regulation. Key amendments include:

- establishing sustainable catch limits for the priority fisheries including dividing fisheries into management regions and allocating individual transferable commercial quotas on priority species
- amendments to reduce bycatch and protected species interactions.

The department plans to release a discussion paper on the proposed amendments in mid-2019, for six weeks consultation. The discussion paper includes a high-level assessment of benefits and impacts of the proposed amendments. The department advises that a summary of the stakeholder feedback on the discussion paper will be published.

The department submits that the analysis and consultation undertaken thus far, including the proposed discussion paper and its impact statement, when combined are equivalent to the regulatory impact analysis requirements of the Queensland Government Guide to Better Regulation (the guidelines).

Assessment

As the proposed amendments may result in significant adverse impacts, they require further analysis under the guidelines. The Queensland Productivity Commission (the Commission) notes the substantial consultation undertaken by the department as part of its development of the Strategy. Notwithstanding this consultation, the Commission does not consider the analysis and process, including the proposed discussion paper and impact statement, to be equivalent to requirements under the guidelines.

For example, the guidelines set out requirements for systematic analysis and assessment of the costs and benefits of the amendments (including the cumulative impacts) compared with alternative options for addressing the policy problem. This should include an analysis of direct and indirect environment, competition and consumer/community impacts to provide sufficient evidence to decision-makers that any recommended regulation delivers the greatest net benefit to the Queensland community.

Given this, further analysis and consultation in the form of a Consultation RIS is required under the guidelines.

Please contact Dominic O'Neill, Senior Analyst on (07) 3015 5164 if you require any additional information or guidance in relation to the above comments or the guidelines in general.

Yours sincerely



Christine Tozer
Team Leader

Scott Kompo-Harms

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, 29 May 2019 5:19 PM
To: Christine Tozer; [REDACTED]
Cc: Dominic O'neill; [REDACTED]
Subject: RE: Amendments to the Fisheries Regulation 2008
Attachments: DAF1098 Letter of advice - amendments to the Fisheries Regulation 2008.pdf

Hi Christine

Thank you for the email and in particular your time discussing implementation of the fisheries reforms.

Given Fisheries Queensland has not yet submitted any documentation for formal assessment against the guidelines, I assume that your advice is preliminary in nature.

Once we finalise the proposals to be taken forward we will be in touch.

Regards,



**Queensland
Government**

[REDACTED]
Director (Management & Reform), Fisheries Queensland
Department of Agriculture and Fisheries

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From: Christine Tozer [mailto:christine.tozer@qpc.qld.gov.au]
Sent: Wednesday, 29 May 2019 4:19 PM
To: [REDACTED]
Cc: Dominic O'neill <Dominic.Oneill@qpc.qld.gov.au>
Subject: Amendments to the Fisheries Regulation 2008

Good afternoon [REDACTED]

Thank you for meeting with us recently regarding proposed amendments to the *Fisheries Regulation 2008*. I have attached a letter of advice in response to these discussions.

While noting the substantial consultation undertaken by the department, the Commission does not consider the analysis and process to date to be equivalent to the regulatory impact analysis requirements of the Queensland

Government Guide to Better Regulation – further analysis and consultation in the form of a Consultation RIS is required under the guidelines.

I tried to call both [REDACTED] this afternoon to discuss, but unfortunately you were not available.

If it would be helpful to you, the team here would welcome the opportunity to work with your officers in developing the consultation RIS.

Please don't hesitate to be in touch if you would like to discuss the way forward.

Thank you again.

Kind regards

Christine



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