

Developmental fishing policy

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Queensland
Government

Please note, when implementing this policy you must consider whether any human rights are engaged under the *Human Rights Act 2019* and whether any limitations on human rights are reasonable and justifiable. If you engage a human right you should conduct a proportionality assessment under the Act. Additionally, this policy has been reviewed on 09/04/21 to ensure actions and decisions under this policy can be made in a way that is compatible with human rights.

Business Area Owner

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2.00	May 2012	Update to reflect the departmental name change to Fisheries Queensland, as a service of the Department of Agriculture, Fisheries and Forestry (DAFF).
3.00	December 2013	Minor updates
4.00	May 2015	Minor updates and departmental name change to Department of Agriculture and Fisheries.
5.00	09/04/2021	Major revision to take into account the objectives of the Sustainable Fisheries Strategy 2017- 2027

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1 Policy statement

This policy pursues the objectives of the *Fisheries Act 1994* (the Act) of a modern, responsive and consultative approach to fisheries management that ensures fishing is low risk and optimises benefits to the Queensland community.

The policy outlines a flexible process associated with applying for, assessing and permitting preliminary, exploratory and developmental commercial fishing (herein referred to as developmental) activities, the process associated with transitioning between developmental phases, and transitioning from developmental fishing to a formally regulated commercial fishing activity.

Developmental fishing enables fishers to investigate the viability of new commercial fishing activities, including, but not limited to:

- targeting of new, unallocated or currently non-commercial species;
- use of a different or modified type of fishing apparatus;
- exploration of new areas for fisheries resources.

This policy recognises there are risks and costs associated with developmental fishing and aims to balance, these through a phased approach to developmental fishing.

Like any commercial fishing activity, any proposal for developmental fishing must demonstrate the activity will mitigate the potential for environmental impacts on sensitive habitats, communities and species. Developmental fishing applicants must also demonstrate the activity will be economically viable and socially acceptable.

All costs associated with a developmental fishing proposal or activity are borne by the proponent, and fishing must be undertaken in a manner that will allow Fisheries Queensland to make an informed decision about whether an activity should be allowed to continue beyond the developmental fishing phase.

2 Background and context

The intent of this policy is to allow for innovations in fishing practices to be explored more thoroughly, or to provide opportunities for new fisheries to be canvassed. The process allows fishers to explore the practicality of their ideas at their own cost, while providing Fisheries Queensland with sufficient information to determine whether the fishing activity it is likely to be ecologically sustainable, economically viable and socially acceptable in the long term.

A developmental fishing policy was published in 2015. Since then, the legislative framework and best practice fisheries management principles have been reviewed and updated, which triggered the need for policy review. The current policy provides a clearer and more flexible pathway for interested parties to explore, test the viability of, and develop new fisheries.

3 Purpose of this policy

To allow fishers to explore a developmental fishing opportunity, this policy:

- outlines the application information requirements for a party wishing to apply to undertake a developmental fishing activity
- establishes a process for Fisheries Queensland to consider an application and determine the appropriate policy process for an applicant to follow, including:
 - ensures applicants consider the concerns and roles of other government agencies, and that approvals required from other government agencies are obtained prior to a permit being issued
 - requires a formal assessment of all information gathered through a developmental fishing activity to determine whether the operation could be ecologically sustainable, economically viable and socially acceptable in the long term
 - establishes a process to allow Fisheries Queensland to assess the social considerations associated with a developmental fishing activity and determine whether the activity is socially acceptable, including a consideration of the Resource Reallocation Policy
 - establishes the grounds by which Fisheries Queensland can refuse an application, direct that a developmental fishing activity be ceased, or consider that a developmental fishing activity should not progress
- allows Fisheries Queensland to determine appropriate conditions under which an approved developmental fishing activity will be required to operate
- allows Fisheries Queensland to establish an appropriate data collection and monitoring regime, at the cost of the proponent, that will allow assessment of the ecological sustainability and economic viability of a developmental fishing activity
- establishes a review process to assess whether a developmental fishing operation is complying with established conditions and is operating in a sustainable fashion
- outlines the process to consider whether to formalise a developmental fishing activity as a new commercial fishery, including interim arrangements while long term management arrangements are developed.

4 Scope

4.1 In scope

The scope of this policy includes developmental commercial fishing activities within Queensland consistent with the Act and managed by Fisheries Queensland. This includes:

- development of a new or under-exploited fishery.
- fishing activities that are sufficiently different from those allowed under existing fishery symbols that they would require a new fishery symbol. For example:
 - targeting a species that has not previously been targeted - new, unallocated or currently non-commercial species
 - exploration of new areas such as the Gulf instead of the east coast.
 - targeting an existing fishery species using a type of fishing gear not currently approved for this species.

4.2 Out of scope

The following are out of scope of this policy:

- fishing for stocks/species outside of Queensland's jurisdiction. For example, fishing for a species not managed by Queensland under Offshore Constitutional Settlement Agreement, or fishing in an adjacent jurisdiction's waters. The policy does not apply in the Torres Strait Protected Zone waters.
- activities carried out for any of the following purposes
 - aquaculture operations
 - education (refer to General fisheries permit policy)
 - research (refer to General fisheries permit policy)
 - environmental protection (refer to General fisheries permit policy)
 - public health or safety (refer to General fisheries permit policy)
 - traditional fishing (refer to Indigenous fishing policy - in development)
 - fish salvage (refer to Policy for fish stocking in Queensland)
 - fish stocking (refer to Policy for fish stocking in Queensland)
 - broodstock or culture stock collection (refer to Broodstock and culture stock collection policy)
 - taking or possessing of maray or Australian sardines for trade or commerce¹
 - taking or possessing of freshwater fish for trade or commerce²
 - trialling of bycatch reduction devices or modifications to existing gear (refer to General fisheries permit policy)

¹ See section 47 of the Fisheries (General) Regulation 2019 for more information and exemptions.

² See section 48 of the Fisheries (General) Regulation 2019 for more information and exemptions.

- A regulated activity that is able to be carried out under another type of authority or commercial stocks/species that are already accessible under existing management arrangements. For example, an applicant who wishes to fish commercially in a limited entry fishery (that is, commercial fishing authorities have been established) but is unable to purchase an existing authority.

This policy does not apply to existing commercial fisheries in Queensland waters. Existing commercial fisheries are limited entry and Fisheries Queensland does not issue new commercial fishing boat licences. Aboriginal Peoples and Torres Strait Islander peoples, along with Aboriginal and Torres Strait Islander communities, are able to access existing commercial fisheries under a temporary Indigenous fishing permit (refer to the Fisheries Queensland website for more information on the Indigenous fishing permit).

A developmental fishing permit cannot authorise the use of a set mesh net in Gulf of Carpentaria waters or the use of a purse seine net in any Queensland waters, as outlined at section 46 and 49 of the Fisheries (General) Regulation 2019.

5 Principles

The following key principles guide this policy.

5.1 Ecological sustainability

Ecological sustainability of fisheries resources and the ecosystems on which they depend is paramount.

Regardless of any benefits that may be derived from allowing an activity to occur, maintaining the sustainability of fisheries resources and the ecosystems on which they depend is Fisheries Queensland's highest priority. The applicant must demonstrate that an activity will be, or is being, undertaken in a sustainable manner in line with the principles of ecological sustainable development. In accordance with the precautionary principle, Fisheries Queensland may not issue a permit for a developmental fishing activity or, in cases where a permit has been issued, may decide to revoke the permit or amend conditions if there is scientific uncertainty or reasonable doubt that the activity is having adverse ecological impacts.

5.2 Particular emphasis on flow of benefits to local communities

Most of the opportunities for sustainable fishing within Queensland waters have already been established as regulated commercial fisheries. Proposals for developmental fisheries may place additional pressure on the sustainability of Queensland fisheries resources. Therefore, applications for developmental fisheries will need a greater emphasis on socio-economic outcomes in order to meet the *Fisheries Act 1994's* objective to achieve triple bottom line outcomes.

Developmental fishery proposals should explore all possible opportunities to ensure flow of benefits to local communities. In particular, building capability and economic development opportunities in Aboriginal and Torres Strait Islander communities is a key objective for the Queensland Government.

5.3 Costs are to be met by the permit holder

All costs associated with the developmental fishery are met by the permit holder.

Any application for a permit to undertake a developmental fishing activity must be accompanied by the relevant fee (see Schedule 6 of the Fisheries (General) Regulation 2019). The purpose of this fee is to cover costs associated with the initial assessment of an application for a permit.

Regardless of whether an application is approved all fees are non-refundable.

In addition to the costs associated with preparing an application and assessment fees, if a permit is issued for a developmental fishing activity the holder will be responsible for costs associated with the fishing activity. This may include cost associated with annual reviews; the collection and analysis of information; observer and monitoring requirements; and control and surveillance activities. There may also be costs associated with obtaining relevant government approvals from other State and Commonwealth Government departments.

Applicants will need to demonstrate that they have the necessary resources/capital to undertake the proposed developmental fishing activity, including all associated costs.

Fisheries Queensland will endeavour to provide estimates of these costs in advance to fishers wherever possible. An indicative summary of some of the likely costs associated with a developmental fishing application and activity are at Appendix C.

5.4 The onus is on the applicant

It is the responsibility of the applicant to provide the information required for an application to be considered and continued.

Under this policy, an applicant seeking to undertake a developmental fishing activity will have to carry out the necessary investigative work to support the proposal themselves. All costs associated with gathering the required information for the application, submitting the application, monitoring and assessment of fishing activities and any associated consultation are to be met by the applicant.

Unless the applicant can adequately provide information required to demonstrate that an activity will be ecologically sustainable and not result in undue conflict with other resource users, Fisheries Queensland will not issue a permit, or at the expiry of the permit, will not allow the activity to continue. Obtaining any relevant approvals or permits from other government agencies is also the responsibility of the applicant.

5.5 One at a time access for developmental fishing activities

Fisheries Queensland will only issue one permit for a particular developmental fishing activity or species group at a time.

Once an application for a particular developmental fishing activity has been received, Fisheries Queensland will not consider any other applications for similar activities until the initial application has been assessed. In some instances, however, it may be beneficial to have more than one, or several fishers participating in the developmental fishing activity to help explore the viability of a developmental fishery. In these circumstances a Developmental Fishing Advisory Panel (see [6.3.1](#)), in consultation with the original applicant, may consider inviting additional applicants to participate in the developmental activity.

If any other applications are considered and permits subsequently issued, these permits will have the same expiry date and conditions as the permit issued to the initial applicant. This is to facilitate a timely decision on future arrangements for any developmental fishing activity.

Persons considering submitting a developmental fishing application should contact Fisheries Queensland before doing so in order to ascertain whether applications are under consideration or have been issued for the developmental fishing activity previously.

5.6 Economic viability must be demonstrated

The economic viability of a developmental fishing activity must be demonstrated.

Applicants are required to provide information to Fisheries Queensland to demonstrate the long-term economic viability of a developmental fishing activity in order for it to be considered for establishment as a formally regulated fishing activity.

5.7 Undue stakeholder conflict is to be avoided

Any proposal for a developmental fishing activity that is likely to significantly affect the enjoyment of a fisheries resource or ecosystem by other stakeholder groups may not be supported.

The Queensland Government advocates the enjoyment of the fisheries resources and ecosystems by all Queenslanders. Any application for a developmental fishing activity that may adversely impact upon the use of these resources by other stakeholders (including commercial, recreational and Indigenous fishers) must include consideration of the Resource Reallocation Policy and may not be supported. Fisheries Queensland may also cease a developmental activity if significant stakeholder conflict is identified during developmental fishing.

6 Policy process

Developmental fishing may occur via three developmental phases. Following an initial inquiry from an applicant, Fisheries Queensland will advise on the appropriate steps to follow to apply for developmental fishing, including if a fishery should not be developed. Decisions on which phase is appropriate for a potential developmental fishery are based on the environmental, economic and social information available on the fishery/resource. The three phases are:

- **Preliminary fishing**—This phase may be required to allow for a limited number of fishing trips to explore a resource where there is very little or no information available about the resource or possible bycatch. This may be done before exploratory fishing to establish minimum information on resources, bycatch and viability of an activity, to assist in developing an exploratory or developmental fishing application.
- **Exploratory fishing**—This phase (up to one year) may also be required and can be performed prior to longer-term developmental fishing to allow for appropriate information to be gathered to determine opportunities for sustainable commercial exploitation of a resource, as well as to collect sufficient data to complete an ecological risk assessment. Precautionary catch limits/triggers and data collection requirements are likely to apply.

- **Developmental fishing**—This longer-term phase (up to three years) may be required to assess the stocks' size and resilience to fishing over time, and to demonstrate that it is economically viable, socially acceptable and ecologically sustainable. At the conclusion of this phase, Fisheries Queensland will assess if sufficient information has been collected to consider formally establishing a new commercial fishery.

Developmental fishing may be required to start at any of the above phases, as advised by Fisheries Queensland. The steps taken throughout the developmental policy process are outlined below.

6.1 Initial inquiries regarding developmental fishing activity

Applicants considering pursuing a developmental fishing activity are advised to contact Fisheries Queensland as an initial step. Fisheries Queensland will be able to inform potential applicants if the resources are managed or fully exploited; if they fall within Fisheries Queensland's jurisdiction; and if the activity is, or already has been, subject to developmental fishing. Fisheries Queensland will also explain the policy process, which developmental phase may be appropriate, the associated fees and direct the applicants to any relevant materials. At this stage, an application pre-lodgement meeting may be recommended by Fisheries Queensland.

6.2 Application

For an application to be considered "properly made", applicants are required to submit a completed developmental fishing permit application form, address the information requirements relevant for the phase, and pay the relevant non-refundable assessment fee to Fisheries Queensland.

Once a properly made application has been received, Fisheries Queensland will not consider any other applications for similar activities until this application has been assessed. This will be Fisheries Queensland's default approach unless otherwise recommended by the Developmental Fishing Advisory Panel (see 6.3.1).

The application will then be reviewed by Fisheries Queensland to ensure the minimum information requirements have been provided to allow for assessment at the relevant phase. If information has not been provided, an information request will be prepared by Fisheries Queensland detailing additional information required from the applicant.

Appendix B outlines the minimum requirements that must be outlined in an application, depending on which phase is recommended by Fisheries Queensland.

6.3 Assessment of an application

Following receipt of an application and any additional information provided through an information request, Fisheries Queensland will confirm the activity qualifies for the **preliminary** fishing phase, or if it should proceed to either of the **exploratory** or **developmental** fishing phases. Fisheries Queensland may decline the application if it determines that:

- the applicant has not provided the minimum information requirements in the application
- the risk to the stock or environment is too great
- the applicant is unable to comply with environmental or management requirements
- the impact or conflict from the fishing activity to existing resource users and other stakeholders outweigh the benefits of the activity to the Queensland community
- any other relevant reason.

Once an application has met the minimum information requirements it will be assessed in detail. To assess an application, Fisheries Queensland will establish a Developmental Fishing Advisory Panel (see [6.3.1](#)) to consider the:

- short-term and long-term sustainability of the resource
- impacts of the proposed activity on bycatch species, including listed threatened, endangered or protected species
- impacts of the proposed activity on marine habitats and ecosystems
- the nature and scale of the proposal
- other existing uses and/or restrictions of the relevant area
- short and long-term community benefit
- prospects for the proposal to be economically and commercially viable
- management costs
- mandatory referrals for specially protected areas, such as marine parks and Commonwealth Wildlife Trade Operations
- native title considerations
- any other relevant criteria.

Where Fisheries Queensland has advised an applicant that a developmental fishery has been previously trialled, and an applicant wishes to undertake the same or a similar activity, the applicant must submit sufficient evidence to demonstrate how they will overcome any issues that prohibited commercialisation of previous applications.

Applicants should be aware that the developmental fishing application and assessment process may involve extended timeframes. The process may take several months, due to the time needed to arrange appropriate resourcing and to allow for consideration or assessment of relevant information. Timeframes may also be impacted by application and assessment of activities required by other government departments, which are described further below.

6.3.1 Developmental Fishing Advisory Panel

Fisheries Queensland will convene a Developmental Fishing Advisory Panel, to provide advice and recommendations, at any stage from initial application through to the final stages of establishing a fishery.

The Panel will primarily consist of internal Fisheries Queensland staff, including representatives from biological monitoring, stock assessment and reporting business areas, and the Queensland Boating and Fisheries Patrol to provide advice on compliance related issues, but may also include external scientific, industry, economic, recreational, and Indigenous members, to provide additional advice or recommendations, as required.

The role of the Panel is to consider the developmental fishing application or activity to determine whether it is likely to:

- have low ecological risk
- be economically viable
- be socially acceptable (i.e. unlikely to cause undue conflict with other fisheries resource stakeholders and has community support).

If the applicant can demonstrate this to the satisfaction of the Panel, the Panel will develop a set of preliminary conditions, which may include, but not be limited to:

- limits on the take of certain species
- restrictions on the area in which an activity may be undertaken
- conditions on the type of fishing apparatus that may be employed as part of a developmental fishing operation
- data collection, monitoring and catch reporting requirements
- any relevant compliance measures that will apply (including, but not limited to, vessel monitoring system requirements, fisheries observers, bycatch reduction measures, reporting requirements)
- restrictions on the times during which an activity may be undertaken
- economic information requirements (including information on the costs associated with an operation and the price received for the sale of product taken as part of this operation).

The Panel will make recommendations to Fisheries Queensland, including any preliminary conditions which would likely apply if the application is to be approved. Fisheries Queensland may also seek input from key stakeholders, including fishery working groups, prior to deciding whether to approve the application for the proposed activity.

Preliminary approval, and associated conditions, are provided as a guideline for applicants. They do not authorise the applicant to undertake the fishing activity, nor do they guarantee that a permit will be issued. The preliminary conditions are provided for consideration by the applicant, and other relevant government agencies (see [6.4](#)), to clarify the conditions that would be required when conducting the developmental fishing activity, to allow them to make an informed decision about whether to continue to pursue and invest in the activity.

6.3.2 Human Rights

In accordance with section 58 of the *Human Rights Act 2019* it is unlawful for any public servant to act or make a decision in a way that is not compatible with human rights or fail to give proper consideration to a human right relevant to the decision.

For every application received, Fisheries Queensland will undertake a human rights compatibility analysis to determine if any human rights are engaged or limited by the application request and the results of this analysis are to be taken into consideration as part of the assessment process.

6.4 Approvals from other relevant government agencies

Before a developmental fishing activity can be undertaken, it may be necessary for the applicant to obtain certain additional approvals or accreditations from other State or Commonwealth Government agencies, separate from, and prior to, approval under the Act.

Certain waters off Queensland are subject to management arrangements designed to offer some level of protection to biodiversity, marine habitats and ecosystems. Many of these areas do not allow for commercial fishing activities, and those that do may impose certain restrictions. As these areas are administered by a number of State and Commonwealth agencies separate from Fisheries Queensland, it may be necessary for an applicant to obtain any relevant approvals prior to a developmental permit being issued for these areas and fishing activities commencing. Relevant government agencies may include, but are not limited to:

- Queensland Department of Environment and Science
- Great Barrier Reef Marine Park Authority, if operating within the Great Barrier Reef Marine Park; and
- Commonwealth Department of Agriculture, Water and the Environment.

If a developmental permit is issued prior to an applicant obtaining other necessary State and Commonwealth agencies approvals, the activity is not lawful until these approvals are obtained. This is the responsibility of the applicant/developmental permit holder. Other government agencies regulate the handling of fisheries products post-harvest. Applicants may also require approvals or accreditations before fisheries products can be sold or exported. These may include, but are not limited to:

- the Commonwealth Department of Agriculture, Water and the Environment; and
- Safe Food Production Queensland.

Any conditions imposed by other agencies on a proposed developmental fishing activity that require Fisheries Queensland to perform a task (such as the provision of an annual report, and others) will be at the expense of the applicant. It should be noted that, unless the relevant approvals are obtained from these agencies, Fisheries Queensland may not issue a permit for a proposed activity.

6.4.1 Assessments under the *Environment Protection and Biodiversity Conservation Act 1999*

If the proposed developmental fishing activity interacts with, or is likely to interact with, threatened species, migratory species, cetaceans and/or listed marine species in Commonwealth areas (for example, outside of state waters at 3 nm, or in the Great Barrier Reef Marine Park) assessment and approval is required under Parts 10 and 13, and, if exporting catch, Part 13A, of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). Approval under the EPBC Act is required at the exploratory and developmental fishing phases prior to a permit for a proposed activity being issued.

As part of this approval, the Commonwealth Department of Agriculture, Water and the Environment may stipulate certain recommendations or conditions under which a developmental fishing activity is to be conducted. These recommendations and conditions will be included in the management arrangements for the proposed activity should a permit be issued by Fisheries Queensland.

It is the responsibility of the applicant to obtain any approvals required under the EPBC Act and undertake any reporting that is required.

Further information on the EPBC Act and the assessments undertaken by the Department of Agriculture, Water and the Environment relevant to fishing activities can be found on their website at: www.environment.gov.au or by contacting the Commonwealth department directly.

6.5 Public notification and consultation period

All exploratory and developmental phase applications must undergo a period (minimum 28 days) of public notification and stakeholder consultation prior to the formal assessment. The purpose of this process is to gain public and stakeholder comment on the proposed fishing activities. This will require the applicant, in addition to Fisheries Queensland's consultation requirements, to undertake consultation on the impact of the proposed developmental fishing.

Future act notifications to Native Title holders

This must include native title assessment and notification under the Commonwealth *Native Title Act 1993*.

Additional Aboriginal and Torres Strait Islander community consultation

Native Title requires consideration of both traditional owner interests and cultural heritage. For example, Traditional Use of Marine Resources Agreements are community-based plans in place in the Great Barrier Reef region to manage traditional use activities on their sea country in partnership with government agencies. The Great Barrier Reef Marine Park Authority will consider traditional owner interests and cultural heritage matters for proposals that may operate in the Great Barrier Reef Marine Park

General Consultation

Fisheries Queensland will advise the applicant of the other stakeholders who should be consulted. This would likely include other impacted traditional owners, commercial and recreational fishers. Fisheries Queensland may undertake separate consultation to ensure accurate assessment and consideration of concerns. This may include targeted consultation through fishery working groups, potentially affected holders of fishing authorities and relevant representative stakeholder bodies as appropriate.

Public Notification

Public notices will be developed by Fisheries Queensland in consultation with the applicant and must contain sufficient information about the proposal to facilitate informed responses and comments from interested parties. During the public notification period, members of the public may submit written comments to Fisheries Queensland in relation to the application. Fisheries Queensland may distribute copies of the application or supporting material upon request, however, details of a commercial-in-confidence nature will not be released.

At the conclusion of the public notification period, Fisheries Queensland will consider and review all submissions. If any of the submissions raise issues that are not dealt with sufficiently in the application or supporting documentation, then the further information may be requested. Any responses from native title parties will be considered by Fisheries Queensland prior to making a final decision to issue permit for a developmental fishing activity.

6.6 Second assessment of proposed developmental fishing activity

Once the applicant believes they have obtained all relevant approvals and accreditations from other government agencies, this information must then be provided to Fisheries Queensland for further assessment. Fisheries Queensland will assess the restrictions, recommendations or conditions that have been provided by other government agencies and determine whether a permit will be issued for the proposed developmental fishing activity. Any restrictions, recommendations or conditions placed upon the proposed activity by these agencies will be included in the management arrangements for the proposed activity, should a permit be issued.

6.7 Preliminary, exploratory and developmental fishing phases

Following the relevant steps outlined above, Fisheries Queensland may issue a permit under section 25 of the Fisheries (General) Regulation 2019 for a developmental fishing activity. Applicants must not commence fishing activities until a permit has been issued. This permit will stipulate the conditions under which a developmental fishing activity must be conducted, including any reporting and monitoring requirements. Developmental Fishing Permits are issued for specific periods and cannot be extended.

The permit holder will be responsible for all costs associated with meeting the permit conditions, including monitoring and data collection, and any conditions imposed by other agencies. Failure to comply fully with the conditions of a permit may result in compliance action and/or revocation of the permit.

At the conclusion of a phase, Fisheries Queensland will undertake a review of the activities (see section [6.8](#)). Following this review, Fisheries Queensland may decide to conclude the developmental fishing, recommend the applicant apply for the next phase, or consider transitioning the developmental fishery to a formally regulated activity.

Anyone wishing to progress to the next developmental phase must follow the application process. Participants in the exploratory phase will have priority to continue their participation, should they choose to do so. Ongoing opportunities to carry out developmental fishing activities are not guaranteed.

6.8 Review of information collected on a developmental fishing activity

Fisheries Queensland will monitor and review information collected through a development fishing activity regularly and will, where appropriate, undertake a review of all information provided through the activity annually. The information to be provided and the level of analysis required will be specified as a condition of the permit.

The purpose of these reviews is to ensure compliance with the conditions of the permit and determine whether the activities conducted under the permit are posing significant threats to the sustainability of fisheries resources, or the ecosystems upon which they depend. The annual review will also consider social and economic consequences of the activity.

Depending upon the outcomes of any review, it may be necessary for Fisheries Queensland to revise conditions of the permit. If the review indicates that the operation is having significant adverse impacts upon the sustainability of a fisheries resource or ecosystem, or it is affecting the enjoyment of a fisheries resource or ecosystem by other stakeholder groups, Fisheries Queensland may decide to amend permit conditions to address these concerns, or revoke the permit, and/or decline any subsequent applications for the same activity.

Fisheries Queensland can revoke any permit issued for developmental fishing activities at any time. There are a range of reasons why this could occur, including:

- lack of operator effort or interest
- non-compliance with permit conditions or other government agency approvals
- risks to target or bycatch species or the environment
- significant environmental change to an ecosystem (including natural disasters)
- the activity is not economically viable
- interests or conflicts with other users of the resource or other resources.

Given circumstances in a fishery may change in the future, Fisheries Queensland may consider allowing fishing to recommence, through a new application, subject to new evidence being provided which indicates the relevant reason for revocation is no longer valid. Applicants may need to present a case for allowing fishing to be recommenced.

6.9 Expiry of permits for developmental fishing activities

Following the expiry of a permit, Fisheries Queensland will undertake a review of all available information that has been gathered during the life of the permit. This will allow Fisheries Queensland to determine whether to:

- continue the activity to allow for the collection of more information (requiring a new application and permit process)
- progress to the next phase (requiring a new application and permit process)
- consider formalising the proposed activity
- bring the activity to an end.

For the information gathered during a developmental fishing activity to be given appropriate consideration, it may be necessary to have further analysis of this information (for example, ecological risk assessment and stock assessments). If this is the case, Fisheries Queensland will discuss the appropriate steps for undertaking such an analysis with the applicant. The cost of any

analysis will be at the expense of the applicant and may take some time to complete.

6.10 Transition from developmental fishing activity to formally regulated activity

The issuance of a permit for a developmental fishing activity does not constitute a commitment to establish formal arrangements that provide access to a fisheries resource, or allow for an activity to be undertaken, in the future. Following the end of the developmental fishing period, the Queensland Government will decide if the activity should progress to a formally regulated activity, following the appropriate consultation. Future management options include management under a new or existing fishery's harvest strategy, or cessation of fishing, temporarily or permanently. Future management arrangements are subject to:

1. participants being willing and able to pay for their development
2. no serious or irreversible impacts on ecological sustainability of the environment being likely to occur.

Should a decision be made to progress a developmental fishing activity to a formally regulated activity, it will be necessary for Fisheries Queensland to undertake a formal public consultation process. This will include the development of a discussion paper on proposed future management arrangements for the fishery and a regulatory impact assessment statement.

The discussion paper will be open for public comment for at least 28 days and outcomes of the consultation will be considered prior to Fisheries Queensland making a decision on a fishery's future. The discussion paper will include information about harvest levels that will be permitted in the fishery, consistent with the *Sustainable Fisheries Strategy 2017–2027* and the Fisheries Queensland Harvest strategy policy and guidelines, as well as any other conditions relating to ecological sustainability, economic and social considerations.

In cases where a developmental fishing activity is to be progressed to a formally regulated activity, the Queensland Government will conduct a tender process to allocate access to the fishery. Although this will be open to all interested parties, the Queensland Government will consider the commitment, investment and performance of the party/s that pioneered the activity through the developmental fishery process.

Interim fishing arrangements

Prior to the implementation of agreed long term management arrangements for a fishery, Fisheries Queensland may implement interim fishing arrangements, allowing previous participants in the fishery to continue to fish until ongoing management arrangements are implemented. Fishing activity during this interim fishing period will not be taken into account in the final allocation of fishing access arrangements.

7 Acronyms and definitions

Term, acronym	Definition
Act	<i>Fisheries Act 1994</i>
Fisheries Queensland	Fisheries Queensland is a business unit within the Department of Agriculture and Fisheries
Developmental Fishing	Developmental fishing is the final stage of the developmental fishing policy process and is performed to determine the size and resilience of a potential fishery stock over time, the economic viability of the fishery, whether it is socially acceptable and any other environmental impacts.
Developmental Fishing Advisory Panel	The Developmental Fishing Advisory Panel (the Panel) is an internal panel established by Fisheries Queensland that is responsible for considering and reviewing all aspects of applications for and operations conducted under permits for developmental fishing activities. Persons who possess relevant expertise from outside of Government may also be invited to provide input into discussions relevant to developmental fishing activities. The role of the Panel is discussed further in Section 6 of this policy.
Developmental Fishing Permit	A Developmental Fishing Permit is a class of permit issued by Fisheries Queensland that is intended to allow, subject to conditions, the permit holder to perform preliminary fishing, exploratory fishing or developmental fishing activities.
ERA	Ecological risk assessment
Ecologically sustainable development (ESD)	<p>Ecologically sustainable development means using, conserving and enhancing the community's fisheries resources and fish habitats so that:</p> <ul style="list-style-type: none"> a) the ecological processes on which life depends are maintained b) the total quality of life, both now and in the future, can be improved.
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (Cwth)
Exploratory fishing	Exploratory fishing may be performed prior to longer-term developmental fishing to determine the presence of a stock and enable data collection for Ecological Risk Assessment.
The Policy	Developmental Fishing Policy
Precautionary principle	Precautionary principle means the principle that, if there is a threat of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason to postpone measures to

Term, acronym	Definition
Preliminary Fishing	<p>prevent environment degradation, or possible environmental degradation, because of the threat.</p> <p>Preliminary Fishing means fishing in situations where very little information is available about resources or possible bycatch. This may be done before Exploratory fishing to assist in the development of a full developmental fishing application.</p>

8 Related and reference documents

This policy is to be read and applied in conjunction with all other relevant policies of Fisheries Queensland and the Queensland Government.

Relevant legislation

Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)

Fisheries Act 1994 - Available at: <https://www.legislation.qld.gov.au/>

Fisheries (Commercial Fisheries) Regulation 2019 - Available at: <https://www.legislation.qld.gov.au/>

Fisheries Declaration 2019 - Available at: <https://www.legislation.qld.gov.au/>

Fisheries (General) Regulation 2019 - Available at: <https://www.legislation.qld.gov.au/>

Human Rights Act 2019 - Available at: <https://www.legislation.qld.gov.au/>

Nature Conservation Act 1992 - Available at: <https://www.legislation.qld.gov.au/>

Native Title Act 1993 (Cwlth)

Relevant policy

Broodstock and culture stock collection policy

General fishing permit policy

Guidelines for the Ecologically Sustainable Management of Fisheries' (CWlth)

Indigenous fishing permit policy

Limited entry policy

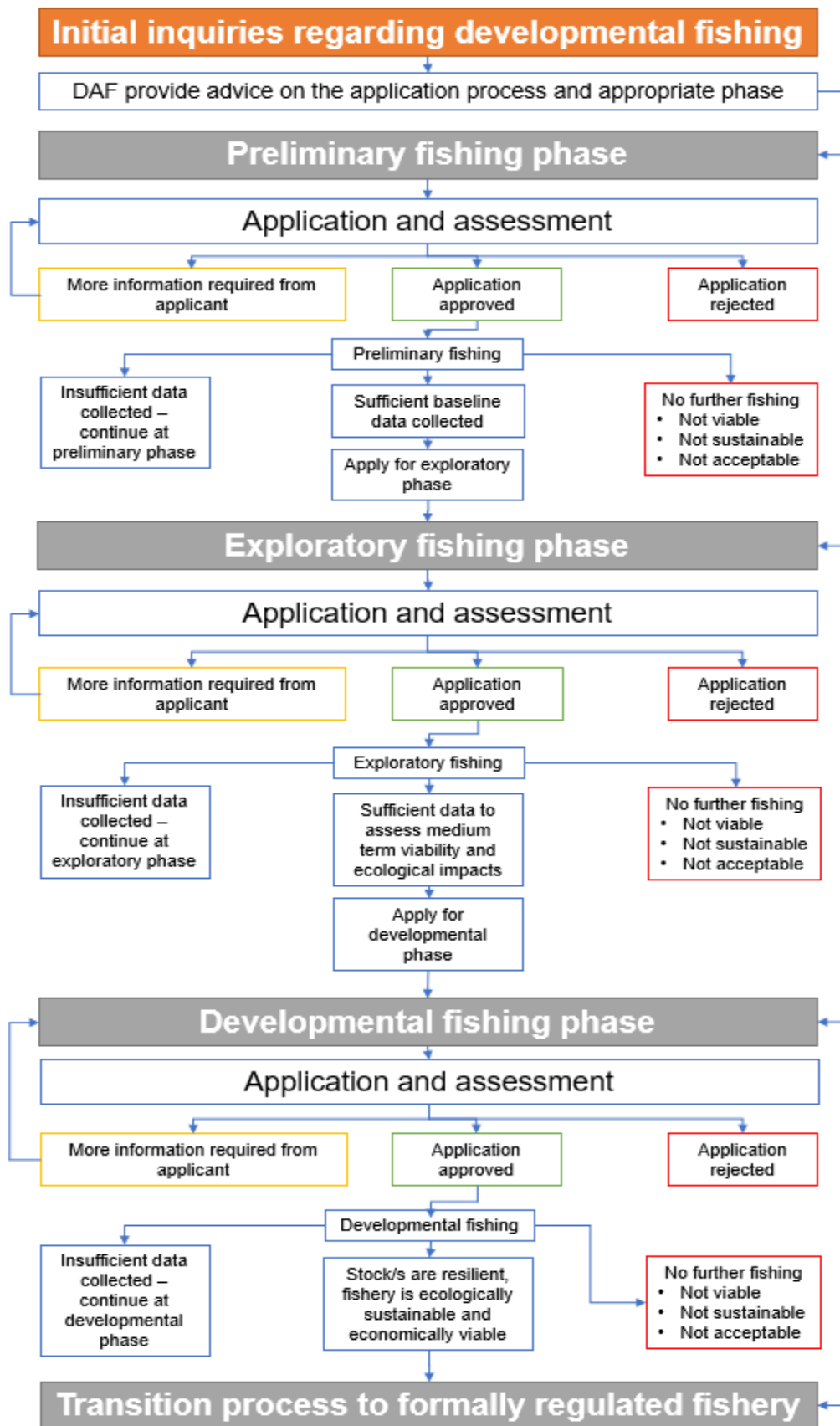
Policy for fish stocking in Queensland

Queensland harvest strategy policy and guidelines

Resource reallocation Policy

Sustainable fisheries strategy 2017-2027

Appendix A: Overview of developmental fishing policy process



Appendix B: Application information requirements

Application information requirements

Fisheries Queensland requires sufficient information about a resource and proposed fishing activities to assess if the proposed activity will be ecologically sustainable, economically viable and socially acceptable, and that the applicant has the capacity to undertake the proposed developmental fishing activity.

Depending on the phase of developmental fishing, applicants must include an appropriate level of information within their application to allow proper consideration by Fisheries Queensland. The key information requirements for an application are outlined below under three categories:

- ecological sustainability
- economic considerations
- social considerations.

A *preliminary fishing application* must provide detailed information of the proposed developmental fishing activity and demonstrate consideration of the requirements under each category to the extent that information is available.

An *exploratory fishing application* will need to provide a more in-depth consideration of these aspects, noting the aim of the activity is to collect sufficient data to demonstrate the proposed activity will be ecologically sustainable and socially acceptable.

A *developmental fishing application* will need to comprehensively consider all information requirements below.

Fisheries Queensland can reject applications that do not provide sufficient information.

Ecological sustainability

Applicants are required to demonstrate that the proposed fishing activity will be undertaken in an ecologically sustainable way. Applicants are to include the following information for the proposed activity to assist in considering if the activity is ecologically sustainable.

1. Details of the proposed developmental fishing activity

- Include objectives of the proposed activity (for example, investigate viability of new species or new fishing area).
- Clearly explain the differences between the proposed activity and activities that are currently authorised, including if there is any previous fishing history for that species, or for any local or similar species in similar environments in other Australian States.
- Provide list of species expected to be taken, including all anticipated byproduct and bycatch species.
- Include amounts of the species that the applicant wishes to take under the permit (if known).
- Include the area in which the proposed activity is to occur, referring to points of latitude and longitude.
- Include times when activity is proposed to occur and the frequency of occurrence.

- If applicable, include details of commercial fishing licence the permit will be associated with.

2. Details of harvest method for the proposed developmental fishing activity

- Include details of the fishing apparatus (using diagrams) to be used for the proposed activity, including dimensions and materials of the gear. Specific technical details are required, including if there is any variation of the proposed apparatus from industry standards.
- Include details on the number of apparatus required for the proposed activity (if applicable).
- Include details of bycatch mitigation devices (if applicable)
- Include details of the vessel(s) that will be used in association with the developmental fishing activity, including boat mark, boat name, length, beam and tonnage.

3. Information demonstrating that fisheries resources can sustain the impacts associated with the proposed activity

- Include a science-based consideration of:
 - the potential impacts on target species, including population dynamics if available, other species and habitats, and communities, from the proposed activity
 - potential interactions with other species including those protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Any other known sources of anthropogenic mortality on the stock(s).
- Any measures that will be used to minimise the impact of the activity on bycatch, byproduct, and habitats and communities, such as using bycatch reduction devices or changes to fishing practices (for example, avoiding certain areas).
- A proposed monitoring regime to ensure sufficient information is captured during fishing operations.
- The national 'Guidelines for the Ecologically Sustainable Management of Fisheries'³ provides a useful reporting/information framework to demonstrate that a fishing operation will not impact the viability of the stock and the environment. Applications will need to adequately address the outlined principles and objectives of this guideline, particularly if further assessment under the EPBC Act is required.

³ <http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html>

Economic considerations

Applicants are required to submit a business plan for the proposed activity. It is important that the applicant demonstrates a capacity to undertake the proposed developmental fishing activities and that there is a real economic potential for a managed fishery to come from the developmental fishery process. The business plan should provide information for each of the following sections.

1. Statement of skills and previous experience in the relevant field

- Include relevant fishery skills and previous experience in the fishing industry.
- Include any business references and qualifications.

2. Product and market analysis—your chosen market and your position in the market

- Describe the products that you will provide, your estimated target market, your market share and how you plan to achieve it.
- Include any product information and consumer research data.
- Include if you intend to export the product (note EPBC Act export requirements apply).

3. Marketing plan—your strategies to attract and keep clients

- Include any marketing strategies, product decisions, market segmentation, pricing policies and methods of payment, distribution, advertising and promotions.
- Explain how your proposed supply or value chain will work.

4. Operating plan—how the business works

- Summarise your equipment, labour and technology, and how your fishing business would operate.
- Include details of capacity to undertake proposed developmental fishing activities.
- Include anticipated number of full-time and part-time staff.

5. Finance plan—your investment, expected turnover, estimated profit and cash flow projections

- Include basic expected establishment costs, expected sales, profit and loss, and cash flow projections.
- Explain the assumptions on which projected sales and cash flows are based (that is, catch and sales prices).
- Indicate how you intend to fund the developmental fishing activity, including sources of funds and proof of financing for the project.

6. Risk management plan

- Undertake sensitivity analysis and identify potential impacts on your business (both positive and negative), such as a greater market demand or a depressed economy. Describe contingency plans that you would follow to minimise losses or to maximise opportunities.

Social considerations

In addition to any information request made by Fisheries Queensland, the applicant must also provide additional information on the social aspects of the proposed operation. The following detailed information is considered the minimum amount of information that must be provided to have a permit application for a developmental fishing activity considered.

Applicants are required to demonstrate that the proposed developmental fishing activity will not adversely impact upon the use of the fisheries resource and ecosystems by other stakeholders. Applicants will also need to demonstrate that the proposed developmental fishery has community support and explain how they engaged with the community in relation to their proposed fishery. Applicants should outline:

- details of how the applicant will minimise conflict with other fisheries resource stakeholders
- details and outcomes of any industry/community consultation, including commercial and recreational fishers and local traditional owners. Note Fisheries Queensland can assist with this.
- any letters of support from industry or community groups.

Examples of potentially affected stakeholders include commercial fishers, recreational fishers, boaters, traditional owners, tourists, marine-related industries and environmental groups.

Licensing requirements

Fisheries Queensland requires that persons applying for a permit for a developmental fishing activity hold a Queensland commercial fishing boat licence and commercial fisher licence. Any permit issued for a developmental fishing activity will be associated with the Queensland commercial fishing boat licence nominated by the applicant.

Persons in charge of a developmental fishing operation will also be required to hold any relevant licences or qualifications required by Queensland or Commonwealth legislation associated with being in charge of a commercial fishing operation (that is, commercial fisher licence, appropriate vessel master qualifications etc).

An application should include the details of the relevant licences and qualifications held, or an applicant's intention to gain these licences or qualifications.

Appendix C: Indicative cost considerations

The amount of assessment required to develop a fishery varies depending on the complexity and nature of the application. The following activities are likely to be required before a decision on a developmental permit application can be made. Where Fisheries Queensland is engaged to undertake this work, it will be on a cost recovery basis, using an hourly rate. Fisheries Queensland will endeavour to provide estimates of these costs to applicants in advance wherever possible, based on hourly rates at the time of the application. Applicants may decide to engage external consultants, researchers or scientists to provide some of the activities outlined below.

Table 1: Activity and costs for developmental fishing

Activity	Comment and costs
Application fee	<p>Applicants are required to pay the relevant application fee for the assessment when submitting their application.</p> <p>The application fee is non-refundable.</p>
Fishery management costs	<p>Prior to the commencement of developmental fishing, applicants will be provided estimates of ongoing fishery management costs that must be agreed in advance of the issuing of a developmental permit. Ongoing fishery management fees may include:</p> <ul style="list-style-type: none"> • coordination of business groups • consultation with stakeholders (meetings, letters notification) • data analysis • annual review • internal reporting and briefings. <p>Payment for reviews during each fishing phase will also be the responsibility of the developmental permit holder.</p>
EPBC Act accreditation	<p>Depending on the complexity of the fishing activity, it is estimated 30 to 50 hours of assessment time may be required.</p>
Ecological risk assessment	<p>Depending on the complexity of the fishing activity, it is estimated 100 to 200 hours of assessment time may be required, plus any other service expenses (for example, workshops, scientific expertise).</p>
Stock assessment	<p>The cost of stock assessment varies considerably depending on the type of assessment, the fishery and the information available. An estimate of time required would need to be provided on a case-by-case basis.</p>
Compliance costs	<p>The cost of for non-routine Queensland Boating and Fisheries Patrols, plus any other service expenses (for example, travel or overtime).</p>

Activity	Comment and costs
Monitoring	<p>Vessel tracking is compulsory on all Queensland commercial fishing vessels.</p> <p>Operators will be responsible for the costs of vessel tracking, any observers or electronic monitoring systems which are required on their boats.</p>
Logbooks, Threatened and Endangered Species (TEPs) Logbooks and quota/catch limit monitoring	<p>Operators will be required to cover any cost of establishing new logbook and TEPs requirements, including the design of the catch and effort logbook;, any data entry or IT system compatibility changes for electronic logbooks; and ongoing maintenance of the logbook requirements.</p> <p>Operators may also need to cover the costs associated with setting up and monitoring of an automated interactive voice response (AIVR) system or equivalent quota/catch limit monitoring system, if this is a specific requirement for the activity.</p>
Data analysis	<p>Data team costs are associated with data and mapping requests, as well as development and maintenance of Fisheries Queensland applications.</p> <p>The cost of data analysis varies considerably depending on the type of assessment, the fishery and information available. An estimate of time and cost would need to be provided on a case-by-case basis.</p>
Biological monitoring and research	<p>The cost of biological and ecological monitoring and research to determine information about species or stock biology (composition, reproduction, age, growth, stock structure, among other things) and productivity/abundance (that is, a depletion exercise) would be the responsibility of the operator.</p> <p>Biological monitoring and research vary considerably, depending on the fishery. For example, because of gear types required to evaluate the selectivity or spatial distribution of effort. An estimate of time and costs would need to be provided on a case-by-case basis.</p>

** Note: all costs quoted are indicative only and subject either the Fisheries Act 1994, quotation by Fisheries Queensland at the time of the application, or as advised by other government agencies.*

Appendix D: Terms of reference for the Developmental Fishing Advisory Panel

Background

The Developmental Fishing Policy (the Policy) establishes an avenue through which interested parties can explore the potential viability of developmental fishing activities.

The process used in determining whether a permit will be issued to allow such an activity is outlined in the Policy. The Fisheries Queensland body responsible for assessing applications for developmental fishing activities referred to in the Policy is the Developmental Fishing Advisory Panel (the Panel). This document outlines the terms of reference for the Panel.

Objectives

The objectives of the Panel are to:

- determine whether a proposed developmental fishing activity is likely to be ecologically sustainable, commercially viable and socially acceptable, based upon the information provided in the initial application
- develop suitable management arrangements for developmental fishing activities and develop appropriate conditions for any permit issued under this policy
- ensure that any developmental fishing activity is undertaken in accordance with the objectives and the intention of Queensland fisheries legislation and policies
- at the conclusion of a developmental fishing activity, determine whether the activity in question should be progressed to the next phase or towards becoming a formally regulated activity.

Above all else, the ecological sustainability of fisheries resources and the ecosystems upon which they depend is paramount. Where the Panel determines that the level of uncertainty in regard to a developmental fishing activity is considered unacceptable, the Panel will not recommend for the activity in question to be undertaken.

Desired outcome/outputs

In considering applications seeking to undertake developmental fishing activities, the role of the Panel is to determine whether the proposed activity is likely to be:

- ecologically sustainable
- economically viable
- socially acceptable.

If a proposed activity is considered likely to be ecologically sustainable, economically viable and socially acceptable the role of the Panel is to:

- develop suitable management arrangements for proposed developmental fishing activity and develop appropriate conditions for any permit issued under this policy.
- conduct an annual review of activities conducted under any permit issued
- determine whether the developmental fishing activity should become a formally regulated activity.

Note: the deliberations of the Panel should be documented as these will likely form the basis for any decisions made in relation to developmental fishing activities.

People involved

Fisheries Queensland will convene an internal Panel to consider applications for developmental fishing activities.

A representative from the Queensland Boating and Fisheries Patrol will also be invited to participate as a member of the Panel to provide advice on compliance related issues.

Depending upon the application being considered, additional persons, including scientific, industry, economic, recreational, and Indigenous members, who can provide expertise in a relevant area may be invited to participate as part of this panel.

Timeframes

The Panel, once established, will meet as soon as is practicable following the receipt of a suitable application for a developmental fishing activity.

As the process of assessing the developmental fishing activity application progresses, the Panel may reconvene as appropriate to consider new information received in relation to the application.

If a Developmental Fishing Permit has been issued, the Panel may be asked to convene annually to review the activities conducted under the permit.

Prior to the expiry of a permit issued for a developmental fishing activity, the Panel may convene in order to assess and provide recommendations to Fisheries Queensland on whether to:

- continue the activity to allow for the collection of more information (requiring a new application and permit process)
- progress to the next phase (requiring a new application and permit process)
- consider formalising the proposed activity
- bring the activity to an end.

Reporting guidelines

The Panel may coordinate any necessary reporting required to fulfil Fisheries Queensland's obligations.