Proposed amendments to modernise the Fisheries Act 1994: consultation results

June 2018
Summary

The Discussion paper: Proposed amendments to modernise the Fisheries Act 1994 (the discussion paper) was released for public consultation in 2018. The discussion paper outlined the proposed changes to be made to the Fisheries Act 1994 (Fisheries Act) to give effect to the Queensland Sustainable Fisheries Strategy 2017-2017 (the Strategy).

Generally, most respondents support the proposed changes to the Fisheries Act.

More than 90% of respondents agreed that the enforcement powers of fisheries inspectors and penalties to address serious fisheries offences such as black marketing should be strengthened, 80% agreed that the objective of the Fisheries Act should be modernised and the interests of key stakeholder groups be recognised and 84% of respondents agreed that a reduction in the complexity and removal of redundant provisions were required.

More than 55% of respondents agreed respondents agreed that the roles of the Minister responsible for fisheries and the chief executive in managing Queensland’s fisheries be clarified; and that more responsive decision-making through the use of harvest strategies be allowed for. Some people expressed concern about how possession limits might change and it is important to understand that the proposal is for Fisheries Queensland to be able to adjust possession limits if it is outlined in a pre-agreed harvest strategy that has been approved by the Minister following public consultation on a draft. Any other changes to possession limits would be a matter for the Government to consider with the Minister having the option, similar to a call-in power, to direct Fisheries Queensland to make a different decision.

The detailed results of the consultation are provided in this report.

Feedback on the discussion paper will be considered by the Queensland Government when drafting a Bill to amend the Fisheries Act 1994, which is scheduled for Parliamentary consideration later in 2018.

Background

In June 2017, the Queensland Government released the Queensland Sustainable Fisheries Strategy 2017–2027 (the Strategy) paving the way for a world-class fisheries management system for Queensland.

To deliver upon the commitments made under the strategy, changes to Queensland’s fisheries legislation will be required. These changes will involve amending the Fisheries Act to:

1. Modernise the objectives and recognise the interests of key stakeholder groups.
2. Clarify the roles of the Minister responsible for fisheries and the chief executive in the management of the State’s fisheries and to allow for more responsive decision-making through the use of harvest strategies.
3. Strengthen the enforcement powers of fisheries inspectors and penalties under the Fisheries Act to address serious fisheries offences such as black marketing.
4. Make a number of administrative amendments to the Fisheries Act to reduce complexity and remove redundant provisions.
To provide members of the public an opportunity to consider and provide comment on the proposed changes, the Queensland Government released a discussion paper detailing the changes proposed.

**Purpose of this report**

The purpose of this report is to provide an overview of the discussion paper consultation and summarise the feedback received on the proposed legislative changes. It does not contain any final government position on the proposals.

**Public consultation process**

**Communication and meetings**

Public consultation on the discussion paper took place over a nine week period from the 16 March to 20 May 2018 and consisted of:

- Ministerial media releases (picked up by local newspapers and radio)
- Email notification to key stakeholder groups, working group members and the Sustainable Fisheries Expert Panel
- Online discussion paper and survey
- Social media posts and polls
- Online Q&A session
- Face to Face meetings with fishery managers, on appointment, with stakeholders in small groups or individually
- Telephone meetings and attendance at stakeholder-led meetings by appointment.

The discussion paper was available on the Department of Agriculture and Fisheries website with hard copies available upon request. Individual or small group meetings were arranged in regional locations along the Queensland coast.

**Making a submission**

The public were able to have their say on the discussion paper by completing an online survey or sending a written submission via post or email. A number of social media polls were also
Consultation statistics summary

Responses received

A total of 233 responses were received, including 7 written submissions, 233 responses to the online survey. A total of 340 people met with fishery managers at meetings across Queensland.

The Facebook post to release the discussion paper reached 15,983 people. The social media response included 32 comments, 63 ‘likes’ and 31 post ‘shares’. A Facebook poll conducted on the 17 May 2018 reached a further 2678 individuals with 145 choosing to respond to the poll.

Submission analysis

Analysis method and presentation

There were four types of responses to the discussion paper:

- Answers to questions in the online survey (‘strongly agree’, ‘agree’, ‘neutral’, ‘disagree’, ‘strongly disagree’).
- Comments provided in a written submission or in the comments field of the online surveys
- Answers to the social media polls (‘yes’, ‘no’)
- Qualitative feedback through meetings

The responses to the online survey questions are presented graphically.

Feedback received in response to the discussion paper presented a wide range of views both individually or through representative bodies. All comments on the proposed changes to the Fisheries Act have been categorised into common themes and presented graphically by sector.

General feedback

There was general support for the proposed changes to the Fisheries Act.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Overall response</th>
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<tbody>
<tr>
<td>1. Updating the objectives of the Fisheries Act to reflect the visions of the Sustainable Fisheries Strategy and recognise the different interest groups (i.e. commercial, recreational, charter and Aboriginal and Torres Strait Islander).</td>
<td>Largely supported&lt;br&gt;The majority of respondents support the proposal to update the objectives of the Fisheries Act as proposed. Particular value was seen in recognising the interests of the different sectors which will flow through to harvest strategies.</td>
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<tr>
<td>2. The Minister for Fisheries being responsible for approving harvest strategies and any re-allocation between sectors and the chief executive being responsible for the day-to-day management of Queensland’s</td>
<td>Mixed feedback&lt;br&gt;Overall the most respondents supported this proposal. However the feedback indicates that the views of stakeholders vary greatly in regards to how fisheries management decisions should be made and the respective roles of the Minister and the chief executive.</td>
</tr>
</tbody>
</table>
| 3. Increasing the enforcement powers of fisheries inspectors and strengthening penalties to address serious fisheries offences such as black marketing. | Strongly supported  
The proposal to increase and strengthen enforcement powers and penalties was strongly supported. Comments provided by respondents indicate widespread support for stronger penalties for fisheries offences generally. |
| 4. Simplifying the Fisheries Act by removing redundant provisions. | Largely supported  
Simplification of the Fisheries Act and the removal of redundant provisions was supported. |

### Responses to online survey by individual

The following is a summary of responses from all individuals who completed the online survey.

**Question 1: Do you agree or disagree that the objectives of the Fisheries Act should be updated to reflect the vision of the Sustainable Fisheries Strategy (e.g. modern, responsive, and consultative) and recognise the different interest groups (commercial, recreational, charter, Aboriginal and Torres Strait Islander)?**

![Figure 1: Summary of responses to online survey Question 1.](image)

**Key feedback**

- The majority of respondents supported the proposal to update the objectives of the Fisheries Act should be updated to reflect the vision of the Sustainable Fisheries Strategy (e.g. modern, responsive, consultative) and recognise the different interest groups (commercial, recreational, charter, Aboriginal and Torres Strait Islander).

- A number of recreational fishers and recreational fishing groups suggested that the proposed changes to the objectives of the Fisheries Act were a step towards greater recognition of their sector and more equitable treatment of all sectors generally. A desire for more equitable
treatment of each of the major interest groups was also reflected in the comments from several commercial fishers.

- Comments received from the conservation sector highlighted a need to recognise the interests of non-extractive users of Queensland’s fisheries resources (e.g. tourists, divers etc.) those who benefited from marine ecosystems generally.
- A desire for greater stakeholder engagement in fisheries decision-making processes was a common theme in the comments from all sectors in response to this proposal.

**Question 2:** Do you agree or disagree that the Minister should be responsible for approving harvest strategies and any reallocation between sectors and the chief executive should be responsible for day to day management in accordance with harvest strategies (e.g. increasing or decreasing quota and bag limits based on the status of the fish stock)?

![Figure 2: Summary of responses to online survey Question 2.](image)

**Key feedback**

- The majority of respondents supported the proposed division of responsibilities between the Minister and the chief executive; with Minister responsible for approving harvest strategies and any re-allocation of access between sectors; and the chief executive being responsible for day-to-day management of Queensland’s fisheries in accordance with harvest strategies approved by the Minister.
- A number of recreational fishers expressed a desire for the Minister to play a greater role in fisheries management decisions making processes. The motives for adopting such an approach varied between respondents however, common themes included; a perception that the Minister would be more accountable than the chief executive. It was also perceived that the Minister would be more open to appeals against unpopular management decisions.
- A number of respondents were opposed to a greater involvement of the Minister in fisheries decision making processes on the basis that such decisions have the potential to be politicised, resulting in decisions being made for the benefit of one group at the expense of another.
• While not directly related to the question posed through the online survey, numerous comments were received from individuals from all sectors highlighting the importance of basing fisheries management decisions on reliable data and the best available science.

• A desire for greater stakeholder engagement in fisheries decision-making processes was a common theme in the comments from all sectors in response to this proposal.

Question 3: Do you agree or disagree that enforcement powers of fisheries inspectors should be strengthened and penalties increased to address serious fisheries offences such as black marketing?

![Figure 3: Summary of responses to online survey Question 3.](image)

Key feedback

• The majority of respondents to the online survey supported the proposal to strengthen the enforcement powers of fisheries inspectors and increase penalties to address serious fisheries offences such as black marketing. The high level of support for this proposal was also reflected in the comments received in response to the online survey and written submissions.

• A poll conducted by Fisheries Queensland through Facebook on the 17th of May 2018 sought feedback on the proposal to increase penalties to address serious fisheries offences such as black marketing. The poll reportedly reached 2,678 individuals with 145 choosing to respond to the survey. Of the 145 respondents, 96% (139) supported the proposal to increase penalties. 4% (6) respondents were opposed to this proposal.

• Comments received in response to the online survey suggest there is widespread support among recreational fishers for a general increase in the resources available to Queensland Boating and Fisheries Patrol and an increase in to the number of on water patrols.

• A number of comments received from respondents from all sectors expressed concern over the impact/extent black market for fisheries resources.
Question 4: Do you agree or disagree that the Fisheries Act should be simplified and redundant provisions removed?

Figure 4: Summary of responses to online survey Question 4.

Key feedback

- The majority of respondents supported the proposal to simplify the Fisheries Act and remove redundant provisions. There was also support from respondents from all sectors to simplify Queensland’s fisheries legislation generally.

- A number respondents expressed a desire for additional stakeholder engagement steps throughout the legislative reform process.

Question 5: Do you have any other comments on the proposed changes to the Fisheries Act?

103 of the respondents to the online survey chose to provide additional comments. Of the comments provided that related directly to the proposed changes to the Fisheries Act, respondents reiterated their support for:

- The proposal to strengthen the enforcement powers of fisheries inspectors and increase penalties to address serious fisheries offences such as black marketing

- The proposal to simplify the Fisheries Act and remove redundant provisions.

Numerous comments were provided that did not relate directly to the proposed changes to the Fisheries Act. These comments included:

- Recommended change(s) to size and/or in-possession limit for particular species.

- Expressed support for further reductions or the introduction of further restrictions to Queensland’s commercial net fishery in a particular geographical area.

- Expressed an opinion that none of the proposed changes to the Fisheries Act would serve to enhance the recreational fishing experience for Queensland anglers.

- Did not support further restrictions being applied to the recreational fishing sector.

- Expressed a belief that there needs to be greater stakeholder engagement in fisheries management decision making processes.
• Supported the adoption of a recreational fishing licence in Queensland.
• Expressed an opinion that zoning arrangements should be adopted in a particular fishery or area.
• Support fisheries management decisions being based upon the best available information and science.
• Suggested that a greater emphasis needs to be placed upon ensuring the sustainability of Queensland’s fisheries.
• Expressed a belief that Queensland Boating and Fisheries Patrol should be allocated additional resources to increase the frequency of patrols and investigate/prosecute fisheries offences.

Responses to online survey questions by sector

The following is a summation of the responses to the online survey questions from individuals who identified with each interest group option. Noting that some individuals identified with multiple interest groups and their responses are included against each category the respondent identified with (i.e. some responses are duplicated across a number of sectors). None of the respondents identified as being an Aboriginal or Torres Strait Islander.

Question 1: Do you agree or disagree that the objectives of the Fisheries Act should be updated to reflect the vision of the Sustainable Fisheries Strategy (e.g. modern, responsive, and consultative) and recognise the different interest groups (commercial, recreational, charter, Aboriginal and Torres Strait Islander)?
Responses from recreational fishers
Q1. Support for updating the objectives of the Fisheries Act to reflect the vision of the Sustainable Fisheries Strategy and recognising the different interest groups.

Responses from seafood marketers
Q1. Support for updating the objectives of the Fisheries Act to reflect the vision of the Sustainable Fisheries Strategy and recognising the different interest groups.

Responses from conservation sector
Q1. Support for updating the objectives of the Fisheries Act to reflect the vision of the Sustainable Fisheries Strategy and recognising the different interest groups.
Responses from charter fishers
Q1. Support for updating the objectives of the Fisheries Act to reflect the vision of the Sustainable Fisheries Strategy and recognising the different interest groups.

Responses from general members of the public
Q1. Support for updating the objectives of the Fisheries Act to reflect the vision of the Sustainable Fisheries Strategy and recognising the different interest groups.

Responses from other individuals/groups
Q1. Support for updating the objectives of the Fisheries Act to reflect the vision of the Sustainable Fisheries Strategy and recognising the different interest groups.
Question 2: Do you agree or disagree that the Minister should be responsible for approving harvest strategies and any reallocation between sectors and the chief executive should be responsible for day to day management in accordance with harvest strategies (e.g. increasing or decreasing quota and bag limits based on the status of the fish stock)?
Responses from conservation sector
Q2. Support for the Minister being responsible for approving harvest strategies and any reallocation decisions and the chief executive being responsible for day to day fisheries management.

Responses from charter fishers
Q2. Support for the Minister being responsible for approving harvest strategies and any reallocation decisions and the chief executive being responsible for day to day fisheries management.

Responses from general members of the public
Q2. Support for the Minister being responsible for approving harvest strategies and any reallocation decisions and the chief executive being responsible for day to day fisheries management.
Question 3: Do you agree or disagree that enforcement powers of fisheries inspectors should be strengthened and penalties increased to address serious fisheries offences such as black marketing?

Responses from other individuals/groups
Q2. Support for the Minister being responsible for approving harvest strategies and any reallocation decisions and the chief executive being responsible for day to day fisheries management.

Responses from commercial fishers
Q3. Support for strengthening the enforcement powers of fisheries inspectors and increasing penalties to address serious fisheries offences such as black marketing.

Responses from recreational fishers
Q3. Support for strengthening the enforcement powers of fisheries inspectors and increasing penalties to address serious fisheries offences such as black marketing.
Q3. Support for strengthening the enforcement powers of fisheries inspectors and increasing penalties to address serious fisheries offences such as black marketing.

Responses from seafood marketers

Responses from conservation sector

Responses from charter fishers
Question 4: Do you agree or disagree that the Fisheries Act should be simplified and redundant provisions removed?
Responses from recreational fishers
Q4. Support for simplifying the Fisheries Act and removing redundant provisions.

Responses from seafood marketers
Q4. Support for simplifying the Fisheries Act and removing redundant provisions.

Responses from conservation sector
Q4. Support for simplifying the Fisheries Act and removing redundant provisions.
Responses to online social media polls

The following is a summary of responses to the online social media poll relating to question 3 of the online survey (Do you agree or disagree that enforcement powers of fisheries inspectors should be strengthened and penalties increased to address serious fisheries offences such as black marketing?)
17 May

Have you had your say on Queensland’s fisheries? Surveys are still coming through but 89% of survey respondents so far support the increasing of penalties to address serious fisheries offences such as black marketing. Do you agree? YES or NO.

145 votes
Yes: 96% (139)
No: 4% (6)

Reach: 2678
Reactions: 6
Comments: 11
Shares: 4
Link clicks: 8

Feedback

"Why are you going off a survey and not scientific facts? And why do recs get so much say in things they know nothing about. It’s really backwards."

"I would like to see ignorance to become it’s own offence. Eg: Speaking in a foreign language to evade penalties and failure to keep up to date with the rules and regulations"

Responses provided through face to face meetings

The following is a summary of the key points of feedback relating to the proposed amendments to the Fisheries Act obtained through a range of meetings. Noting that the meetings covered content across all discussion papers that were out for consultation (Reform of the East Coast Inshore, Trawl & Crab fisheries along with a Management Review of the Coral Reef Line fishery).

- All most all stakeholder supported modernising the objectives of the Fisheries Act and moving to embed the Sustainable Fisheries Strategy in legislation. A number of charter fishers were supportive of their sector being recognised separately from commercial and recreational fishing.

- A number of stakeholders sought clarification on the proposed decision making under a harvest strategy outlined in the discussion paper. The proposed changes to the Fisheries Act would allow Fisheries Queensland to adjust catch (through quota or possession limits for example), only if it is outlined in a pre-agreed harvest strategy that has been approved by the Minister after public consultation on a draft. Any changes would have to be based on science and changes in biomass or other sustainability indicators. The possession limits could go up and
down depending on the performance of the stock (a bit like commercial quota). Once clarified that Fisheries Queensland would not be able to make random decisions outside of a harvest strategy and responsible Minister would also have the option under the proposed Act amendments to direct Fisheries Queensland to make a different decision most stakeholders were comfortable with the proposal.

- Most stakeholders supported strengthening the enforcement powers of fisheries inspectors and penalties to address serious fisheries offences such as black marketing. Most stakeholders expressed that they felt this was an issue that needed to be addressed as part of the Strategy.

- Most stakeholder supported reducing the complexity of the legislation and cited difficulties understanding some of the current rules and keeping up to date with changes. All stakeholders recommended that more be done to communicate the fishing rules to the different sectors.

Concluding Remarks

A wide range of views were provided from all sectors on the proposed changes to the Fisheries Act. On balance the majority of respondents supported the proposed changes. This feedback will be presented to the Queensland Government and taken into consideration throughout the fisheries legislation reform process.