

12 May 2005

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
**BRISBANE QLD 4000**

Dear Mr Laurie

I refer to your letters of 24 February 2005 and 9 March 2005 to the Honourable Stephen Robertson MP, Minister for Natural Resources and Mines, concerning a petition received by the House seeking a prohibition on commercial fishing in Deception Bay and the adjacent ocean beach of Bribie Island, as far as Woorim. As this matter falls within my ministerial responsibilities, your letter has been forwarded to my office for direct reply.

I have also responded directly to the Principal Petitioner, Mr Tom Veivers of Bongaree. I have enclosed a copy of my letter to Mr Veivers for your information.

Should you require any further assistance, please do not hesitate to contact my office.

Yours sincerely

Henry Palaszczuk MP  
**Minister for Primary Industries  
and Fisheries**

Enc

12 May 2005

Mr Tom Veivers  
8 Camellia Drive  
**BONGAREE QLD 4507**

Dear Mr Veivers

I refer to a petition received by the Clerk of the Parliament seeking a prohibition on commercial fishing in Deception Bay and the adjacent ocean beach of Bribie Island, as far as Woorim.

As this matter falls within my ministerial responsibilities, I am responding to you as the principal petitioner. I understand that you have also met with Mrs Carryn Sullivan MP, Member for Pumicestone about this issue. Mrs Sullivan has made representation to me on your behalf.

Significant fisheries management arrangements have been introduced over the last five years, which have resulted in substantial changes to regulations for both recreational and commercial fishers. These fisheries management changes have been compounded by the introduction of Marine Protected Areas by both the Queensland and Commonwealth Governments.

The Honourable Peter Beattie MP, Premier and Minister for Trade and I have agreed that this year will be a period of consolidation in fisheries management. This period marks an opportunity for all fisheries stakeholders to grow accustomed to fisheries management arrangements in a stable environment and to develop a shared commitment to the future management needs of our fisheries. I note that this concept has been supported by both the Queensland Seafood Industry Association Inc. and Sunfish Queensland Inc.

I have noted the concerns raised in your petition and have undertaken to consider the matter further at the conclusion of the consolidation period outlined above. I have also arranged to discuss the matter further with Mrs Sullivan

As I am sure you would understand, the allocation of fisheries resources between competing users is one of the most difficult tasks facing fisheries managers as it requires a balance between the recreational enjoyment and leisure of one group and the economic activity of another. The complexities in comparing these values, as well as the wider community benefits of each sector are extremely onerous.

The DPI&F has developed a “Fisheries Resource Allocation Policy” as a tool to assist in the consideration of proposals such as that advocated in your petition. I have enclosed a copy of the policy for your information and I advise that further consideration of your proposal will occur pursuant to the policy when fisheries management arrangements are next reviewed.

If you require any further information regarding this matter, please do not hesitate to contact my office.

Yours sincerely

Henry Palaszczuk MP  
**Minister for Primary Industries  
and Fisheries**

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# Fisheries Resource Allocation Policy

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## PURPOSE AND MAIN ELEMENTS OF POLICY

The purpose of this policy is to provide a structured way of addressing specific requests for significant reallocations of access, within and between fisheries resource user groups, through a transparent decision-making process. It recognises that the current allocation of access to fisheries resources between different user groups may not remain optimal and may require revision from time to time to reflect changing community expectations and values as well as the recognition of new rights. It allows for flexibility of change and seeks outcomes that recognise different sectoral needs and aspirations.

The main elements of the policy are a set of guiding principles, a statement of other factors to be considered, a process for considering proposals, the use of the Management Advisory Committees to resolve disputes wherever possible and an independent body to act as a tie-breaker if the MAC process does not achieve resolution. It also includes guidelines for the preparation of reallocation proposals and a clear statement of each user sector's needs and aspirations.

Decisions will be made on a case-by-case basis with a view to achieving outcomes that best meet the objectives of the fisheries legislation, suit the particular circumstances and strike a sensible balance between competing priorities and interests.

The policy recognises the need to ensure ecological sustainability of fisheries resources and the ecosystems on which they depend and seeks to achieve a balance of:

- ## an economically efficient commercial fishery,
- ## fisheries that provide a quality recreational fishing experience,
- ## a comprehensive system of no-take areas,
- ## partnerships with Traditional Owners and Indigenous communities which recognise their special need for development opportunities,
- ## further development of a world-class fishing tourism industry, and
- ## ecologically sustainable development of aquaculture.

### Definitions

It is necessary to define what is meant by the terms access and allocation.

- ## Access is the opportunity to take or use fisheries resources.
- ## Allocation is the level of access or amount of fish stocks shared between and/or within user sectors.

### Scope

The policy applies to all resource allocations, whether arising from specific proposals, the fisheries management planning process or government agencies. It is intended to operate as an important element of the fisheries management process and to provide a similar level of transparency and consultation about decision-making for the different user groups. The policy applies to all uses of fisheries resources including the following:

- ## commercial fishing,
- ## Indigenous commercial fishing,
- ## aquaculture,
- ## recreational fishing,
- ## charter fishing tourism,
- ## traditional fishing,
- ## purchase of seafood by consumers,
- ## conservation,
- ## tourism.

It is not intended to impede normal management interventions such as changes to size limits and seasonal closures which may result in small shifts in allocation, but where those interventions are major or cumulative and are likely to result in significant changes in the sharing of fisheries resources between users, the principles and processes set out in this policy will apply. Such circumstances may include the development of new Management Plans.

### **Process for considering proposals**

A process for DPI&F to use when considering proposals is set out in **Appendix A**. The appendix provides a description of the flow of information and recommendations in the decision-making process and includes a summary in the form of a flow chart.

### **Information requirements for proposals**

Guidelines on information requirements to assist in the preparation of proposals for reallocation of access are set out in **Appendix B**.

The guidelines indicate the information that DPI&F will require in order to assess a proposal and its likely effects. The requirements are not inflexible however, because it is not possible to foresee all circumstances. In some cases particular information may not be required or additional information may be necessary.

The provision of relevant and accurate information will improve the efficiency of assessments by reducing the possibility of proposals being returned because of insufficient information.

### **Needs and aspirations of each sector**

Each of the uses and user groups have significantly different needs and aspirations and these must be taken into account in making allocation decisions. There are, of course, common requirements such as consultation, involvement in the management planning process, transparency and objectivity in decision-making and fair treatment. A summary of the needs and aspirations of each sector is set out in **Appendix C**.

## PRINCIPLES

The following eight guiding principles form the basis of the policy.

### **Principle 1: Ecological sustainability**

**The ecological sustainability of fisheries resources and the ecosystems on which they depend is paramount.**

The policy attempts to separate the objectives of allocation and sustainability in the strict ecological sense. Sustainability is largely a biological and ecological issue, whereas resource allocation is primarily a socio-economic issue. As far as possible the two issues should be dealt with separately and measures designed to conserve fish stocks and protect habitat should be clearly distinguished from those designed to achieve resource allocation objectives.

### **Principle 2: Information basis for decisions**

**Allocation decisions should be based on the best available ecological, economic and social information.**

The requirement of having good information on current resource status and use is obviously important when determining reallocation. However, it must be accepted that some decisions may need to be made on the basis of uncertain or incomplete information.

Information should include ecological, social and economic information as well as third party and cumulative impacts including those of water quality and coastal development. Information on catch levels should include an estimate of the mortality associated with catch and release fishing and bycatch. Where allocation changes are made, appropriate monitoring may be implemented to allow review of the effectiveness of the changes and management methods used.

### **Principle 3: Community benefits and involvement**

**Any allocation changes should aim to maximise the benefits to the Queensland community. In doing this, the decision-making process needs to involve the community and seek wide-ranging opinions in recognition of the fact that fisheries resources are owned by the community.**

A wide consultative process is a strong component of this policy recognising community ownership of resources and the Ecologically Sustainable Development objectives of the *Fisheries Act 1994*. Allocation decisions must take into account the aspirations, needs and values of all sectors of the community (set out in Appendix C). A transparent process for determining allocation arrangements should also instil confidence in the way in which resources are managed.



## **Principle 4: Explicit allocations reflecting sectoral values and management objectives**

**Allocation arrangements should be explicitly stated in terms of the sectors involved, the percentages of the total catch allocated to each and the allocation methods. Such arrangements should reflect sectoral values and the management objectives for the fisheries resources concerned.**

Mechanisms used to allocate access will depend on management objectives and sectoral values. In some circumstances it may be desirable to have separately stated allocations for recreational and charter fishing tourism. Sharing arrangements should not compromise sustainability through fixed catch levels that do not allow for natural annual variations.

Allocation decisions require an explicit communications strategy. Information about changes to management arrangements and the logic behind decisions should be widely distributed to increase community understanding and compliance.

## **Principle 5: Allocation within a sector**

**Allocation within a fishery sector should seek to avoid adverse changes to the relative positions of existing operators.**

As far as possible new management arrangements should reflect historical use levels and changes should not result in windfall gains for one group at the expense of another. Where practical, a group obtaining additional access should provide adequate compensation either through monetary payments or compensating changes in other access arrangements.

This should not mean, however, that opportunities for profitable new activities should be impeded unnecessarily simply because their development may have some effect on existing activities.

Funding for structural adjustment to help implement allocation changes may be considered depending on the circumstances and the perceived public benefits to be achieved from the changes. The need to avoid transfer of fishing effort to other areas or fisheries may often be a factor in determining the nature and scope of any structural adjustment program, market based solution or sunset arrangement associated with a change in access.

## **Principle 6: Use of market forces**

**Where adjustments to fisheries resource access are required, market forces should be used to achieve this wherever practical.**

A market-based system should, in theory, provide the most economically efficient outcomes in the use of available fish resources for the community. It should also reduce the need for government intervention and funding. Such market-based systems are also the preferred mechanisms under National Competition Policy principles.

In practical terms, the use of market forces could include the purchase of commercial catch quotas by other groups, recreational fishing fees funding buy-out of commercial operators or trade-offs between different user groups for access to specific areas, species or fishing methods.

### **Principle 7: Access to over-used resources**

**If a fisheries resource is over-used and an overall reduction in access is required to ensure sustainability, either all extractive user groups should share equally in that reduction of access or a specific reallocation proposal should be made.**

This principle recognises the need for an appropriate management response where sustainability is of concern, but it identifies the point at which the resource allocation process diverges from the normal fisheries management planning process.

Factors that should be considered in deciding how to proceed include the extent to which one sector's activities have led to the over use of the resource and whether this is due to changes in usage patterns or community pressures that are likely to persist in the longer term, or to deficiencies in the methods used to allocate existing shares between sectors.

### **Principle 8: Appropriate transparency and time frame**

**Resource allocation adjustments should be open to scrutiny and should have a time frame sufficient for implementation of change.**

Proposed changes in resource allocation arrangements should be discussed in detail with stakeholders to allow appropriate timeframes for implementation and adjustment of business activities. Frequent changes should be avoided unless there are highly compelling reasons.

## **OTHER FACTORS TO BE CONSIDERED**

These factors should be taken into consideration when determining whether a change in allocation arrangements is warranted. Other factors may also be relevant depending on the particular circumstances.

The purpose of this section is to ensure that the interpretation of the policy principles is accurate, that there is a proper decision-making process and that all appropriate factors are taken into account. In most cases, the relevant MAC, or MACs, the Independent Allocation Assessment Panel (IAAP) and DPI&F will use this section.

This is a working document, allowing for changes over time, in recognition of evolving needs and requirements. The decision-making processes may also require adjustment after assessment of the success of the policy and processes, or where modification may produce a more satisfactory outcome. The intention is to allow for flexibility in recognition of the wide variety of proposals that may be anticipated.

Below are a number of key issues that need to be considered in allocation decisions. The points raised with each of the policy principles are also an integral part of the consideration process.

### **Social and economic valuation**

Comparison of different fishing activities, that is comparing a commercial industry with non-market based leisure activities, presents a complex and controversial problem. For this reason, when considering the relative economic values of different fishing activities, decision-makers should seek to obtain independent and expert advice. Similar advice should be sought in regard to the social value of fisheries resource use.

### **Third party impacts**

Allocation issues may arise as a result of third party impacts such as regional population growth and urban creep, both of which cause term changes in fish stocks, habitats and water quality. The impacts of these changes should be taken into account in considering proposals.

These impacts do not necessarily justify reallocation of access unless there are factors such as significant shifts in the relative popularity of particular activities. They may simply require clearer separation of different activities in areas where competition occurs. Increasing populations may be expected to result in smaller recreational fishing catches and reduced availability of commercial seafood for each individual in the community.

Agriculture and land based industry can affect the quality and availability of marine resources through nutrient and silt run off, reduced water quality, algal blooms and degradation of coral and seagrass. While this can increase the level of competition between user sectors and should be taken into account, it does not necessarily justify reallocation of access.

## **Separation of user groups**

Spatial and temporal separation of user groups may be considered as an option when determining allocation arrangements and may provide an appropriate avenue for reducing local conflict and allocating resources between sectors. Much of the contention over fisheries resource allocation in the past has resulted from competition between different user groups. Separation may be an appropriate mechanism for allocating access to achieve conservation objectives, to resolve user conflicts or to permit the development of inshore aquaculture.

Examples of spatial and temporal separations may include areas set aside for recreational only use, weekend closures to commercial fishing, longer-term temporal separation to allow a strong seasonal charter fishing industry and allocation of traditional fishing areas to Indigenous peoples throughout the year or during culturally important periods.

## **Integration**

The Government recognises the role of Local, State and Commonwealth Government agencies and other groups such as Indigenous Land Councils in the decision-making process.

The benefits of integration at regional level in regard to the local social, economic and environmental impacts of any reallocation should be recognised. This is reflected in the *Integrated Planning Act 1997*. The inclusion of members of regional communities and Traditional Owners as well as agencies such as the EPA and the GBRMPA in the decision-making process would help to minimise any adverse impacts as well as provide a source of knowledge perhaps otherwise unavailable.

## **Other issues affecting allocation**

There are many other government policies and issues that need to be taken into account when determining allocation arrangements. For example, policy on industry restructuring, cost recovery, latent effort and transfer of effort to other fisheries as a result of new management arrangements are all highly relevant to allocation decisions. In some cases there may be no clearly stated policy on a particular issue.

Other agencies place restrictions on access to fisheries resources. For example, zoning arrangements in the Great Barrier Reef Marine Park, or State Marine Parks, may restrict the areas available. Consultation will be required with relevant agencies to resolve such issues.

## **APPENDIX A Process for considering proposals**

The process described below and summarised in the flow chart outlines the flow of information and recommendations in the decision-making process for the allocation policy. This process will be triggered by the submission of a proposal, either internal or external of the Government.

It should be noted that advice from an Independent Allocation Assessment Panel and the Management Advisory Committees creates an objective and fair process that also takes into account the views of the wider community through extensive consultation. It is recognised that this is a new process and that some adaptation and refinement may be necessary after a period of operation.

Given that a wide variety of proposals may need to be considered, the process has been developed with flexibility in mind. Rather than stringent steps in a process, the information below provides a general guide on how proposals could be progressed through to decision-making.

The specific process employed will be determined on a case-by-case basis by the Chief Executive based on the nature and origin of any proposal.

It is important to note that the Chief Executive, when determining the specific process, may apply broad timeframes to the steps in the process. This should help avoid delays at specific points in the process. This may mean providing clearly defined time constraints for each separate stage in the process. While the timeframes may be somewhat flexible to account for different circumstances, they should attempt to constrain decision-makers within reasonable bounds.

### **DPI&F checks proposal for conformity with guidelines**

It is anticipated that proposals may be submitted by a variety of sources. These may include:

- |                               |                                       |
|-------------------------------|---------------------------------------|
| • MACs                        | • Fisheries managers                  |
| • Individuals                 | • Local Government                    |
| • Groups and/or organisations | • Business and tourism associations   |
|                               | • Other resource management agencies. |

In the first instance, any proposal that calls for a change to allocation, whether it has been submitted to the MAC or not, will need to be provided to DPI&F to trigger the initiation of the process described below. This may exclude some proposals for small changes to existing arrangements, such as size and bag limits.

On receipt of a proposal for allocation changes, the Department of Primary Industries and Fisheries (DPI&F) may assess the information contained in the proposal to ensure it meets the proposal guidelines. Where information pertinent to the proposal is omitted, DPI&F may request further details from the proponent.

DPI&F may play an anticipatory role in determining what further information the Management Advisory Committee (MAC) or Independent Allocation Assessment Panel may require. This may make the process more time efficient, avoiding repeated requests to the proponent for information.

At this point, DPI&F may analyse the proposal to determine whether sustainability of the fisheries in question is of concern. It is anticipated that some proposals would be multi-faceted (i.e. social, economic and ecological rationale) and may require dual consideration under two separate processes, namely the resource allocation policy and the normal management planning process.

Where concern over sustainability is the primary justification for reallocation, the proposal may be provided to the MAC with clear instructions to initially advise on the justification of the sustainability rationale (as opposed to considering allocation issues). Where concern over sustainability can be dealt with through equal reduction in access across the sectors, the normal management planning processes may take effect. Namely, the MAC may provide advice on tightening management controls or closing areas to all extractive users.

On the other hand, where one user group's activities have demonstrably led to the over-use of fisheries resources, equal reduction may not be appropriate and a much more comprehensive consideration of the issue may be required which could well result in some form of reallocation. Where this is the case, the MAC must use the principles and processes outlined in this policy.

Under circumstances where sustainability is a concern to a fisheries manager and some form of management change is required that may affect one sector more than another, this policy's process would be triggered. This may represent one of the few circumstances in which government would initiate the reallocation process.

### **Option for dispute resolution**

DPI&F would broadly examine the background of the proposal to determine whether the use of the dispute resolution process could assist in resolving a particular local conflict. This may be suitable for proposals for areas that have a history of inter-sectoral competition.

Determining whether the dispute resolution process is suitable under particular circumstances would be based on standard operational criteria (e.g. number of commercial vessels, history of competition, size of proposed area). The result of this process would most likely be community agreements on allocation issues as opposed to a regulatory approach. This process may also result in local market-based solutions to some problems.

In the event that community members or proponents do not agree to commit to the process, it would not normally be pursued. Successful outcomes from dispute resolution are predominantly a result of commitment to resolution and willingness to compromise.

### **Consideration by MACs**

Once sufficient information is compiled in a suitable format, and the option for dispute resolution is dismissed, the proposal may be passed from DPI&F to one or more MACs for advice and recommendations.

DPI&F would compile a brief to be used by the MAC. The brief may include policy documents outlining the process to be followed, the overarching principles that need to be adhered to and details of matters that need to be taken into consideration. The brief may also include any other information that is relevant to the proposal. The brief may ask the MAC to provide its views on the proposal as is, and/or provide its views on alternative options under the proposal.

The wide range of proposals that can be anticipated requires a degree of flexibility in the process. This flexibility should be retained at the MAC stage, encouraging negotiation and the efficient use of time and money. In situations where a proposal is complex and likely to have wide-ranging effects, a number of MACs may need to consider the proposal. This may mean providing a summary of comments from those MACs to a meeting of the relevant MAC Chairs, coordinated by Senior DPI&F staff. The MAC/s may establish working groups, which could include external representatives, to consider the proposal and seek to reach an agreed resolution.

These options may be modified by the Chief Executive if circumstances warrant this. It may be appropriate to use other forums that are already established, such as the Queensland Fisheries Advisory Board (QFAB), to consider the issues and attempt to negotiate an agreed resolution.

Once an agreed resolution is reached, details of it would be reported by the body concerned to the Chief Executive. The MAC/s or other forum should be made aware that the report to the Chief Executive may be made available to the public.

### **Independent Allocation Assessment Panel**

Should the MACs or other forum be unable to reach a resolution and make a recommendation to the Chief Executive, an Independent Allocation Assessment Panel may be established to consider the proposal independently. This approach is cost and time efficient and recognises that the MACs are well equipped to deal with the majority of allocation issues.

The purpose of the IAAP is to, initially, double check the broad issue of whether the proposal is sustainability or socio-economically based. Where sustainability is not in question, the IAAP would analyse the socio-economic details of the proposal for merit and validity against the guiding principles and other factors. The IAAP would be provided with the same brief as the MAC/s.

It is proposed that the IAAP be composed in a similar way to the Independent Assessment Advisory Committee that was used in the development of new management arrangements for the Queensland Commercial Spanner Crab Fishery. The IAAP Terms of Reference are outlined below. These may vary depending on the circumstances surrounding specific proposals.

#### **Establishment:**

The Independent Allocation Assessment Panel (IAAP) may be established on a case-by-case basis when a Management Advisory Committee or Committees are unable to reach a definitive resolution in relation to an allocation proposal that is being processed under the Fisheries Resource Allocation Policy.

#### **Role:**

The role of the IAAP is to provide advice to the Chief Executive of the Department of Primary Industries and Fisheries by (specify date) on:

- €# The merit of a specific allocation proposal.
- €# The appropriate method of progressing any change in allocation.

In undertaking this, the IAAP is required to:

- €# Consider the application in accordance with the policy principles and other circumstances relevant to the proposal.
- €# Take into account the stakeholder advice provided through the Management Advisory Committee/s and other relevant advisory bodies (e.g. QFAB)

- ⌘ Verify any information contained in the proposal through consultation with stakeholders and relevant parties and any person/s or organisations with appropriate knowledge or experience.
- ⌘ Maintain full records of all activities undertaken by the IAAP.

The IAAP may request further information from the proponent, external sources and/or DPI&F, and may also request verification of technical details. In addition, it may contact community members who have supported the proposal in order to verify their position. Once the IAAP is satisfied it has sufficient information, an assessment should be made, based on the principles and other factors set out in this policy.

#### **Composition:**

The IAAP should be made up of four members such as:

- ⌘ A retired judge or qualified member of legal profession preferably with experience in administrative or fisheries law (Chair).
- ⌘ An economist preferably with experience in fisheries.
- ⌘ A sociologist preferably with experience in restructuring and equity issues.
- ⌘ A fisheries manager from another jurisdiction preferably with allocation experience.

#### **Support:**

DPI&F will provide administrative and secretarial support for the IAAP. To enable the IAAP to consider the issue of allocation, DPI&F will provide supporting information. In addition, it will provide any additional information requested by the IAAP. The initial brief will include, but not be limited to:

- ⌘ The Fisheries Resource Allocation Policy.
- ⌘ Other factors relating to the policy.
- ⌘ The information guidelines used by proponents.
- ⌘ Other relevant policy papers.
- ⌘ Information relating to the fishery/s in question, including ecological, economic and social.
- ⌘ Any other information that may be relevant to the proposal.

#### **Reporting:**

The DPI&F and IAAP will agree on an appropriate timeframe for finalisation of a recommendation. The IAAP will provide a detailed report to the Chief Executive explaining its recommendation and its justification. The report will be in the public domain.

### **Decision on whether to proceed to consultation**

Depending on the recommendations made by the MAC and (potentially) the IAAP, the Chief Executive may, at this point, reject the proposal based on insufficient merit. Conversely, at this point, the Chief Executive may initiate a wider consultation process by providing this advice to key stakeholder bodies for comment (eg Queensland Seafood Industry Association, Sunfish, Queensland Conservation Council, Traditional Owners) and/or producing a discussion paper for wider public consideration. The level of public consultation at this stage would depend on the amount and results of local consultation undertaken by the proponent and the anticipated level of conflict and the wider implications arising from the proposal. DPI&F would make a recommendation to the Chief Executive, taking into account the results of public consultation.



## **Decision and implementation**

Should the Chief Executive accept the recommendations by the MAC, the IAAP and DPI&F and considers that the process used has been appropriate, he/she may make a recommendation to the Minister for the necessary amendments to the fisheries legislation.

The Chief Executive would ensure that the principles of natural justice have been observed throughout the process. An important element of natural justice is transparency in decision-making. Where a proposal is rejected or accepted with modifications, the proponent would be provided with a statement explaining the decision and the reasons for it. This would be particularly important in terms of transparency if a final decision differs from that advocated in stakeholder or independent advice.

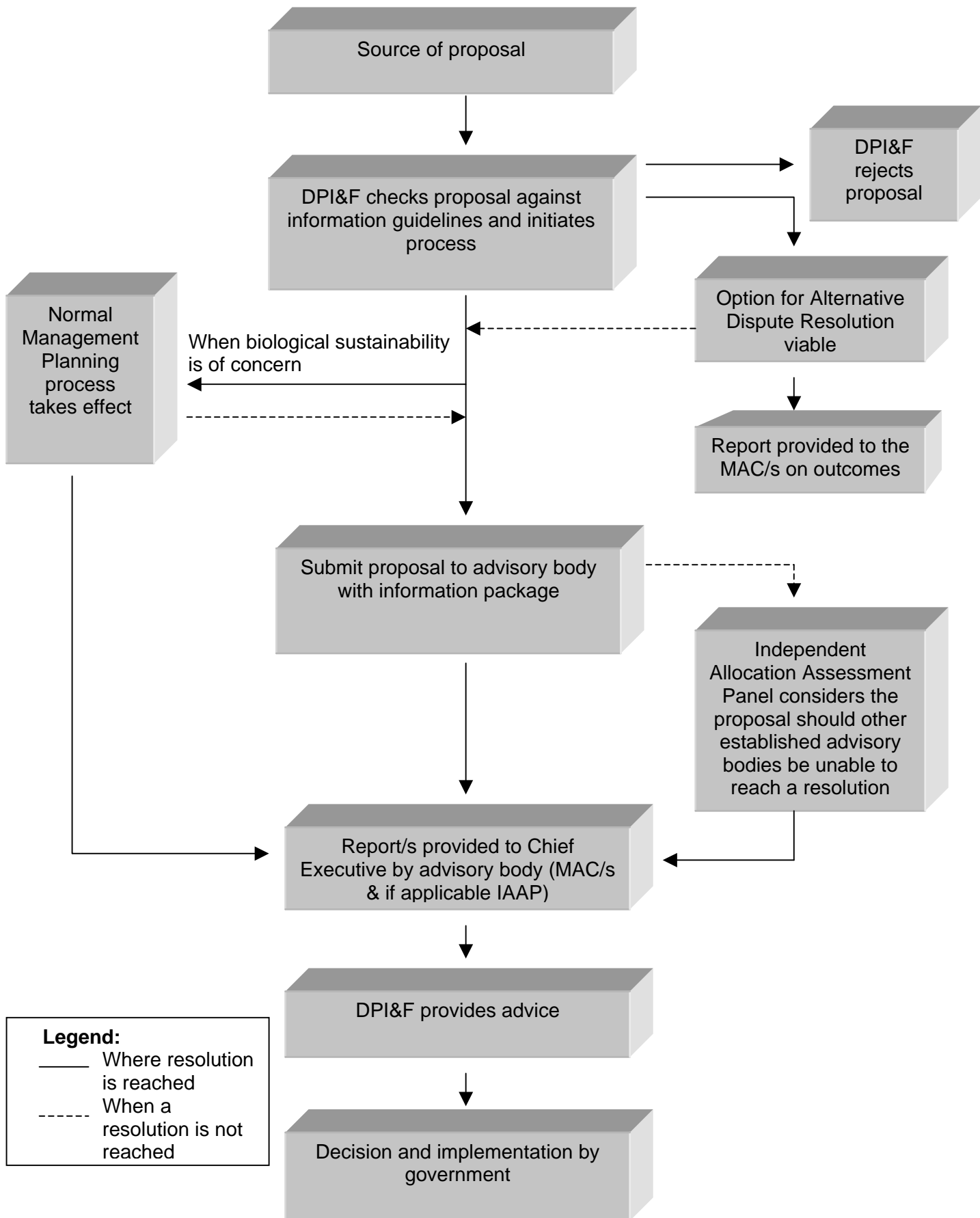
On acceptance and support by the Minister, a Regulatory Impact Statement would be prepared when required and made public. Analysis of the comments would be undertaken by DPI&F.

The details of the proposed reallocation would then be submitted to Cabinet. A non-regulatory approach would basically follow the process detailed above. However, rather than the proposal being referred to the Minister and subsequently to Cabinet, the Chief Executive may endorse a Code of Conduct or Environmental Management Plan applicable to all sectors in the area.

### **Flow chart**

The following flow chart shows the process to be used to consider and decide on proposals.

# FLOW CHART OF THE DECISION MAKING PROCESS FOR REALLOCATION PROPOSALS



Note: This flow diagram should be read in conjunction with the process description (Appendix A)

## **APPENDIX B Information requirements for proposals**

These guidelines set out information requirements for proponents to assist in the preparation of reallocation proposals. They indicate the type of information that DPI&F will require in order to properly assess any proposal and its likely effects. The guidelines are not intended to be totally inflexible. Because it is not possible to foresee all possible circumstances, in some cases particular types of information may not be required or additional information may be appropriate.

The provision of relevant and accurate information will improve the efficiency of assessments, by reducing the possibility of proposals being returned on the grounds of insufficient information.

A proposal advocating reallocation of access to fisheries resources could, if successful, represent a significant shift in the balance of allocation to, on most occasions, the specific fishery sector. Therefore, the onus of providing information to support such a proposal should fall upon the proponent who, or the group that, would gain benefit from reallocation of access. In the case of a proposal from a Fishery Manager, DPI&F will undertake that task. The information provided by the proponent should support the proposed changes in allocation, while also ensuring information is comprehensive enough to encompass all foreseeable impacts, both positive and negative, environmental, cultural, social and economic.

### **Basic information on allocation proposal**

Proponents will be required to provide a general synopsis of the location and type of allocation change followed by a more detailed description of the reasoning behind the proposal. As well, the overlap with other agencies (such as the Great Barrier Reef Marine Park Authority and the Environmental Protection Agency etc) will need to be considered.

- ⌘ Details of the type of allocation, for example, species or area or seasonal closures or gear type allocation.
- ⌘ Precise details of proposed allocation changes (including boundaries in the form of latitude/longitude and a map of the area).
- ⌘ Physical attributes of the area, including habitat types.
- ⌘ General synopsis of the main reasoning behind the proposal (eg socio-economic benefits to the community).
- ⌘ Details of any current jurisdictional issues with other government agencies (who has responsibility) within the proposed area or in close vicinity (eg Dugong Protected Areas (Environmental Protection Agency/Qld National Parks & Wildlife Service/ Great Barrier Reef Marine Park Authority) etc).
- ⌘ Details of any future use proposals in the area, or within close vicinity (eg proposed marine parks and/or zoning changes etc).

### **Fisheries sustainability**

Where sustainability is cited as the primary reason for allocation changes, the proposal will be referred to the Management Planning process for advice separate from the Fisheries Resource Allocation process. For fisheries resources where ecological sustainability is not a problem, this section will not apply.

Should proponents aspire to have the ecological sustainability determined prior to allocation arrangements being made, they will need to provide evidence of high harvest rates, localised stock depletion or other problems. Information required could include:

- ≠# List of species found in the area and/or time (common names are sufficient), both common and unique. Detail any potential differences in vulnerability in time and space (eg spawning aggregations in the local area etc).
- ≠# Details of the areas or species of concern, as perceived by the proponent. This should be supported by descriptions of gross impacts and the potential causes of the problem/s. Where possible, local information should be provided as evidence. For example:
  - Commercial, recreational, charter fishing tourism and indigenous catch and effort.
  - Evidence of high harvest rates.
  - Evidence of localised stock depletion around urban centres.
- ≠# Other information that might be relevant may include for example particular bycatch or release mortality issues.

### **Habitat conditions**

A description of the local habitats, including any unique impacts, endangered or vulnerable species relying on the habitat and an indication of the status of the habitat would be required. The proponent should suggest any impacts that may arise from the change in allocation. Impacts should be supported by documented or published evidence where possible.

- ≠# Describe the state of the habitats in the area under the proposal (eg seagrass, reef etc).
- ≠# Describe any unique local impacts (eg effects of flooding on seagrass, local waste disposal into the marine environment etc).
- ≠# List any endangered or vulnerable species listed in the area or migratory species that rely on the marine habitat (eg green turtle, dugong etc).
- ≠# Outline any potential effects on habitat from proposed changes, for example:
  - Increased fish waste/litter, anchor damage to substrate, increase wash on shoreline, boat strikes on marine animals and oil slicks/petrol waste from increased number of recreational fishing boats.
  - Increased damage to marine substrate, decreased biodiversity as a result of high bycatch rates and impacts on nursery habitat from specific gear types from increased commercial fishing.

### **Social and economic impacts of different sectoral uses**

The proponent would be required to give a description of the social and economic impacts of various fisheries sectors including commercial, recreational, charter tourism, Indigenous and non-consumptive users. The impacts should be described, and as far as possible quantified, in terms of the magnitude of the fishery, the types of activities undertaken, the support industries associated, the current infrastructure, the dependence of the community on fisheries activities and any associated amenity issues.

This section outlines possible examples of socio-economic impacts on each fishing sector. These examples are not exhaustive and any other relevant information should be provided.

### **Description of the commercial fishery**

- Magnitude: an estimate of the number of commercial vessels, the number of commercial businesses in the region.
- Type of activity: the different gear types used throughout the year, the distribution of particularly important commercial species.
- Support industry: the extent of processors, manufacturers, marketers etc in the region.
- Infrastructure: the number and condition of harbours/wharfs, transport infrastructure, specialist vessel design.
- Dependence of the community: the number of local seafood shops, employment levels etc.
- Amenity: noise, bycatch issues, on water conflicts etc.

### **Description of the recreational fishery**

- Magnitude: the number of people in the area involved in recreational fishing, tourist component.
- Type of activity: popular recreational species, times of year available, distance offshore etc.
- Support industry: bait and tackle, boat, petrol.
- Infrastructure: boat ramps, buoys, parking, disabled access, cleaning stations.
- Dependence of the community: amount of money and employment directly attributed to recreational fishing, tourism impacts.
- Amenity: increase in number of fishers, pollution issues, ability to catch a fish.

### **Description of charter fishing tourism**

- Magnitude: different types of fishing tourism, different area fishing needs, number of vessels, number of people involved with fishing tourism.
- Type of activity: fishing activities (including fishing eco experiences), fish species sought.
- Support Industry: marinas, repair and maintenance, specialist vessel design, fuel, catering, bait and tackle.
- Infrastructure: department of transport regulations, Fisheries Permit and logbook requirements, public liability, marinas, and parking.
- Dependence of the community: amount of money and employment directly attributed to Charter Fishing Tourism, accommodation, travel agents, transport etc.
- Amenities: as with recreational fisheries and also increase in inter and intra state tourism, increase in international inbound tourism, meeting international tourism agreements etc.

### **Description of the indigenous fishery**

- Magnitude: number of indigenous people and communities involved.
- Type of activity: fishing methods used, species taken, whether boat or shore based etc.
- Support Industry: repair and maintenance, fuel supplies etc.
- Infrastructure: boat ramps, cold storage facilities etc.
- Dependence of the community: tourism associated with fishing, other related commercial ventures, subsistence requirements etc.
- Amenity: cultural / traditional aspects of fishing, species / areas of special significance etc.

### **Description of other activities**

- Magnitude: number of people/boats involved in eco-tourism, diving and other similar industries
- Type of activity: distribution of use through time (eg whale watching spring, diving in summer), distribution of use in area (eg diving on reef habitat).
- Support industry: dive equipment suppliers, specialist boat builders, tourism marketing organisations, information centres.
- Infrastructure: marinas, boardwalks, disabled access, toilet facilities.
- Dependence of the community: for example, tourism impacts, seasonal nature of employment.
- Amenity: number of vessels in peak seasons, noise of large vessels, existence value associated with no take.

### **Establishment of local public consultation process**

An important element of any allocation proposal is the initiation of local public consultation. This will provide an indication of the extent of local support or potential conflict areas. It will also clarify the possibility that dispute resolution processes could be used as an alternative.

Proponents should attempt to consult with as many local groups as possible, including recreational fishers, commercial fishers, sport and recreation bodies, tourism groups, charter groups, local business associations, local government, environmental groups and any other stakeholder groups. Proponents should also consult with the Traditional Owners of the area.

This process may also provide a description of the extent of local financial support. The application of local market based solutions to facilitate changes in allocation arrangements should be investigated by the proponent. This may involve negotiation with other fisheries resource users over possible separation of user groups through time or space and potential ways of meeting the costs of restructuring schemes.

⌘ Examples of the groups in the area to be approached:

- Recreational fisheries.
- Commercial fisheries.
- Sport and recreation.
- Charter Fishing Tourism.
- Aquaculture industry.
- Tourism groups.
- Indigenous groups and Traditional Owners.
- Environmental organisations and conservation groups.
- Local business groups.
- Local Government.
- Service organisations (eg Lions, Rotary etc).
- Any other stakeholder groups in the area.

⌘ An attempt should be made to document discussion of the proposed allocation of fisheries resources with these groups.

⌘ Describe the progress of any discussions that have taken part with these stakeholder groups. This may include any documented conclusions or outcomes that have been agreed upon.

⌘ Try to identify any conflict issues that will be significant.

⌘ Describe where possible the degree of local support for the proposed allocation (eg infrastructure, buy-backs etc). Where possible, letters of support should be provided.

⌘ Investigate the possibility of local market based solutions to facilitate changes in allocation arrangements. This may involve negotiation with other fisheries resource users over possible separation of user groups through time or space and potential ways of meeting costs of buy-outs or restructures.

### **Additional information**

- €# Describe any foreseeable expansion of effort as a result of reallocation or of any significant changes in fisheries.
- €# Suggest any management measures that would address issues outlined in the proposal. This may also include a review of the history of management in the area and any outcomes that have yet to be followed up.
- €# Any other relevant information.

## **APPENDIX C Needs and aspirations of each sector**

The unique characteristics and requirements of each major sector are discussed below. Where possible, and in most cases, sectoral groups have been consulted on these statements.

### **Commercial fishing**

#### **Security of access and business certainty**

The commercial sector requires a degree of certainty in access and allocation arrangements in order to implement sensible business plans and ensure adequate economic returns. Investment in licences and capital requires long-term planning. Financial institutions lending money for investment often require guaranteed security of access to fisheries resources.

#### **Recognition of community value**

The commercial fishing industry aspires to gain recognition as a significant provider of seafood to the Queensland consumer. This provides a value to the community in terms of the availability of locally caught, affordable, quality seafood.

#### **Flexibility**

Flexibility in any business is important, and allows for diversification in a competitive industry. Imposing undue restrictions on the commercial sector can reduce the economic viability of businesses, particularly when operators target seasonally available species.

#### **Compensation**

It is a reasonable expectation that where changes in allocation displace businesses, they will receive some form of recompense. The majority of commercial operators have invested significantly in licences, boats, infrastructure, gear and staff training. Industry highlights this point and supports change where adverse impacts on operators are minimised.

### **Recreational fishing**

#### **Opportunity for access**

Recreational fishers generally expect a fair and adequate level of access to fisheries resources. The need for access will depend on the characteristics of individual areas, but will be higher near population centres. Similarly, areas of high tourism value (for angling) will require higher access levels (eg rivers in the Gulf used for barramundi tourism). Access requirements also depend on the species available in the area and the species targeted by different anglers.

#### **Diversity of experience**

Queensland's fisheries are diverse, with a wide range of marine habitats supporting various types of fisheries (eg estuarine, rocky reef, coral reef, beach etc). This diversity provides for wide-ranging experiences for local, interstate and international recreational fishers. They aspire to retain this diversity of experience.

#### **Some reasonable expectation of catching a fish**

Recreational fishers have an expectation that when they go fishing, they will have a reasonable chance of catching a fish. They therefore require allocation decisions to take into account effects on the catchability of fish. This may be based on fish concentration in the environment and the skills required to catch certain species. Consideration should be given to higher fish abundance and/or greater fish size in key recreational fishing areas.



## **Equity**

The recreational sector expects that fisheries resources will be managed in a manner that allows future generations of anglers to enjoy the resource to the same degree. The erosion of access rights to recreational fishers may undermine this intergenerational equity. Regional equity is also an element of value to the recreational sector. Consistent catch sharing arrangements across different regions is a requirement of any allocation decision. However, differences will certainly exist between regions, especially between highly populated centres and relatively remote regional areas. Nevertheless, there is a State wide expectation of access to reasonable fishing.

## **Recognition of benefits**

Economic valuations should include consideration that there may be different benefits accruing to the Queensland community through different types of fishing activities, including commercial export, commercial domestic, interstate and overseas recreational/charter and local recreational.

## **Charter fishing tourism**

### **Recognition distinct from the recreational sector**

The charter fishing tourism industry aspires for recognition distinct from the recreational fishing sector. This is based on the business-oriented nature of the industry and its requirements for licensing, insurance and other business needs. Consequently, it requires an allocation separate from the recreational sector, established at the outset.

Separate treatment may allow for use of different management tools to constrain users to their allocations. For example, charter operators may accept a reduced bag limit, given the high proportion of interstate and international visitors using the charter industry for the experience. However, there may be a need for negotiation on bag limits for extended charters.

### **Sustainability of the industry**

The charter fishing tourism industry seeks recognition independent of the recreational sector in order to bolster the reputation of the industry and encourage efficient and professional business. This fundamental change in perception may play an important role in the sustainability and growth of the industry.

### **Regional equity**

The fair treatment of regional charter operators across the State is a strong requirement in considering any allocation decision. Different management measures imposed on operators will have an impact on business and competition. For example, different bag limits in different regions may be inappropriate in terms of national competition policy and may encourage a transfer of clients to regions with higher bag limits.

## **Seafood consumers**

### **Recognition as a user group**

The availability of locally caught, high quality, affordable seafood is of value to the community. It contributes to tourism and local economies and has an inherent social value.

### **Expectation of availability, affordability and quality**

Allocation should recognise that seafood can be derived from a number of different sources, including commercial fisheries and aquaculture, as well as from recreational fishing for food. It is reasonable for seafood consumers to expect that allocation decisions will not adversely affect the availability, price or quality of seafood significantly.

## **Aboriginal and Torres Strait Islanders**

### **Recognition of diversity**

Aboriginal people and Torres Strait Islanders require recognition that they contribute in a diverse way to fisheries resource use. This can range from traditional use, subsistence fishing activities to larger scale commercial fishing. The range of uses and their future development needs to be taken into account when considering allocation arrangements.

### **Traditional use**

Allocation decisions should recognise the cultural and social value of traditional fisheries.

### **Indigenous commercial fishing**

Indigenous people have special needs for development opportunities, particularly in remote areas of Queensland. This is recognised as a high priority by the Government and various programs have been put into place to help achieve it. This separate category recognises that Indigenous fishing may take place as fully commercial operations similar to those of the existing fishing industry, or as small-scale commercial activity close to Indigenous communities, particularly in the Cape York region.

## **Aquaculture**

### **Access requirements**

The aquaculture industry needs access to areas allocated specifically to fish farming. The innovation and growth of the industry depends on access not only to areas but also to fisheries resources such as broodstock and grow out stock. However, with further innovation, the use of areas shared with other users may be appropriate. For example, sea scallop farming may allow for mutual use by recreational anglers in the future.

### **Recognition of reliance on other sectors for source food**

The industry requires that allocation decisions to take into account whether other sectors contribute products for aquaculture. For example, commercial fisheries may contribute product for fish food used in aquaculture.

## **Conservation**

The conservation sector wishes to ensure that fisheries resources are managed in accordance with the principles of ecologically sustainable development and that the impact of fishing activities on the broader ecosystem is taken into account when allocating access to them. It also aspires to the setting aside of areas for non-extractive activities and the development of a comprehensive network of no take zones. It is recognised that this can also occur through various agencies and methods.

## **Tourism/ecotourism**

The tourism industry aspires to the development of world-class tourism activities within the marine environment. This may require in some instances allocation of specific areas that provide unique, high value tourism. The requirements of security of access, business certainty and sustainability are also relevant.

## **Other users**

Other users include all community members who aspire to having the knowledge that Queensland's fisheries resources are managed in an ecologically sustainable and fair way.