

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Primary Industries
Name of the proposal	Implementation of the <i>Saucer Scallop Rebuilding Strategy 2025-2030</i> to the East Coast Otter Trawl Fishery
Submission type (Summary IAS / Consultation IAS / Decision IAS)	Summary Impact Analysis Statement
Title of related legislative or regulatory instrument	<i>Fisheries Legislation (Saucer Scallops) Amendment Regulation 2026</i> (amendment of the <i>Fisheries (Commercial Fisheries) Regulation 2019</i> and the <i>Fisheries Declaration 2019</i>)
Date of issue	26 February 2026

Proposal type	Details
Minor and machinery in nature	<u>Saucer Scallop Fishery</u> This proposal is machinery in nature as it does not involve substantive regulatory or policy change. The <i>Queensland harvest strategy policy</i> (FIS/2020/5464) (https://www.dpi.qld.gov.au/business-priorities/fisheries/manage/harvest-strategies) provides for the development of rebuilding strategies for stocks that are the subject of sustainability concerns. The proposal is consistent with the approved breakout rules for the take of saucer scallops in relevant trawl fishery harvest strategies and is specifically to accommodate the management changes proposed in the <i>Saucer Scallop Rebuilding Strategy 2025-2030</i> (the rebuilding strategy), published on 15 January 2026. Extensive restrictions were previously implemented in the saucer scallop fishery due to concerns about stock sustainability. The purpose of the rebuilding strategy was to investigate options for opening the commercial saucer scallop fishery on a precautionary basis, informed by recent scientific assessments. The proposal: - removes an existing regulatory restriction so as to allow the reopening of the saucer scallop fishery in the Central Trawl region, - includes a range of measures to protect the long term viability of the saucer scallop fishery, to support this reopening on a sustainable basis, and to ensure continued access to export markets. The proposal is supported by the commercial saucer scallop fishing sector because it allows for an increase in commercial fishing opportunities and, importantly, will ensure the fishery operates in compliance with the conditions of Commonwealth export approvals, thus ensuring continuity of access to export markets. This is consistent with similar recent proposals including the <i>Fisheries Legislation (sea cucumbers) Amendment Regulation 2025</i> (https://www.publications.qld.gov.au/dataset/impact-analysis-statements/resource/95ed6f27-4431-44e8-8eca-38b8ded0147d)

	To give effect to the management arrangements within the rebuilding strategy which have been consulted on, amendments to the <i>Fisheries (Commercial Fisheries) Regulation 2019</i> and <i>Fisheries Declaration 2019</i> are required. The proposed regulation amendments will be implemented and managed within existing resources. No additional budget is required. <u>Correction of L8 Fishery Symbol typographical error</u> This proposal is minor and machinery, as it corrects a typographical error and will impose no costs on persons, business and the community, so no further impact analysis is required under the Better Regulation Policy. Currently, Schedule 2 of the <i>Fisheries Declaration 2019</i> incorrectly includes "L8" in the list of fishery symbols under which barramundi may be taken. Schedule 3, Section 31 of the <i>Fisheries (Commercial Fisheries) Regulation 2019</i> states that "fin fish, other than barramundi" may be taken under the L8 fishery symbol. Section 42 of the <i>Fisheries Act 1994</i> states that if there is an inconsistency between a regulation and a declaration, the regulation prevails to the extent of the inconsistency. Therefore, the error has no practical impact on fisheries management. However, it is preferable to correct the mistake now that it has been detected. This proposal does not involve substantive regulatory or policy change. The proposal to correct a typographical error in the <i>Fisheries Declaration 2019</i> is minor and has zero regulatory costs. The amendment pertains only to removing the incorrect reference to the L8 fishery symbol in Schedule 2, Part 2 of the <i>Fisheries Declaration 2019</i>, for the take of barramundi. The proposal will remove the conflict between the <i>Fisheries Declaration 2019</i> and Part 4, Division 2 of the <i>Fisheries (Commercial Fisheries) Regulation 2019</i> that expressly prohibits the take of barramundi under the L8 Fishery Symbol. No fishers are currently taking barramundi under the L8 Fishery Symbol.
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*Refer to *The Queensland Government Better Regulation Policy* for regulatory proposals not requiring regulatory impact analysis (for example, public sector management, changes to existing criminal laws, taxation).

What is the nature, size and scope of the problem? What are the objectives of government action?

Saucer Scallop

Identification of the problem

The Department of Primary Industries (the department) committed to re-open the saucer scallop (*Ylistrum balloti*) fishery under a precautionary and adaptive management approach to maintain the fishery's export approval, boost productivity and increase viability in industry, which aligns closely with the *Primary Industries Prosper 2050* initiative. The *Saucer Scallop Rebuilding Strategy* outlines the department's commitment to a science driven approach to restore and maintain stocks to sustainable levels for long term economic viability.

The department has identified that current legislation does not provide the flexibility required for effectively managing the harvest of saucer scallop under an adaptive management approach proposed in the Rebuilding Strategy. The department is seeking to implement adaptive management, informed through yearly surveys conducted with industry, to determine abundance of the resource and set sustainable catch limits.

There are currently no mechanisms within Queensland fisheries legislation to set yearly catch quotas for saucer scallop, or to set safeguards to maintain the integrity of a potential output-controlled system. The

department is seeking amendments to the Fisheries (Commercial Fisheries) Regulation 2019 and Fisheries Declaration 2019 to give effect to the new proposed management arrangements, with comparatively small implementation costs, which will result in long term benefits for industry.

Background

The East Coast Otter Trawl Fishery (ECOTF) is a multi-species fishery that has historically targeted saucer scallops as a key species. Current management of the fishery includes trawl regions with allocated annual effort units and harvest strategies. These harvest strategies have been developed at a regional level to help with the separate management of the take of saucer scallops as either a target or secondary species.

These harvest strategies are designed to ensure ecological sustainability of the stocks and are guided by stock assessments that measure the performance of the populations through time. Stock assessments estimate the relative biomass compared to when the fishery was unfished, and act as a health-check to ensure management of the fishery prevents stocks being depleted (limit reference point) and promotes harvest towards long-term sustainable levels (target reference point).

For saucer scallops within the ECOTF, the limit reference point is 20% and interim target reference point is 40% of unfished biomass. The most recent stock assessment (French 2023) involving saucer scallops from southern inshore and southern offshore trawl regions estimated the stock level to be at 15% of unfished biomass in 2021 (with confidence of the level ranging between 10% and 25%). The southern inshore and central trawl region have been closed to scallop harvest since September 2021 due to these sustainability concerns, and to help rebuild the stock.

Of significant importance to this fishery is access to export markets that are estimated to be valued at \$40 million gross production value for important species such as prawns, Moreton Bay bugs and saucer scallop. Entry to export markets is regulated by the Commonwealth government through meeting conditions recognising an approved Wildlife Trade Operation (WTO) accreditation for the fishery.

The prohibition of the take of saucer scallop has had significant economic impact to livelihoods of Queensland commercial trawl fishers. Combined with increased operating costs, reduced skipper and crew availability, and a reduced market share in a competitive prawn market, the ECOTF is already facing significant hardship. This potentially could be further exacerbated should the WTO export condition requiring the implementation of a *Saucer Scallop Rebuilding Strategy* not be met, leading to export approvals for the fishery being revoked. Further, the inability to retain some saucer scallop has led to gaps in commercial catch rate fisheries data, which informs modelling assessments and fisheries management.

Current management arrangements

Current management arrangements for the trawl fishery are delivered through the *Fisheries Act 1994* and subordinate legislation and allow for access through a primary commercial fishing licence, relevant fishery symbol (T1, T2, M1 & M2), and holding relevant regional trawl units within the fishery total allowable effort unit system. The effort unit system arrangement is not effective for low abundance species, such as saucer scallop, as fishing effort can remain too high. This may suppress the recovery of the stock when targeting abundance species such as prawns and Moreton Bay Bugs.

The *Fisheries Act 1994* and subordinate legislation provide mechanisms for allowing access, a system for regulating effort, a variety of temporal closures, and restrictions on gear type and size. Harvest strategies are published frameworks to guide management of fisheries resources, in line with the objectives of the Fisheries Act. Harvest strategies set pre-determined rules to manage fishing effort, balancing ecological, economic, and social goals.

Changing the management arrangement to control harvest of saucer scallop through reportable total allowable commercial catch (TACC) limits, in conjunction with effort unit system, has been identified as the best practice to mitigate the risk of overfishing to the stock.

Wildlife Trade Operation (WTO) conditions

The ECOTF was assessed by the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW), and was declared an approved wildlife trade operation (WTO) under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) Act until 17 December 2027. The WTO approval is contingent on 11 conditions being met during the term of the approval. The ECOTF was also accredited under Part 13 of the EPBC Act, with the approval contingent on 2 conditions.

Condition 5* of the WTO approval states:

By 15 January 2026, the Queensland Department of Primary Industries must:

- a. review the strategies in place for recovery of the identified depleted stock of saucer scallops (*Ylistrum balloti*) that occurs south of latitude 22 degrees south; and
- b. publish and implement a formal rebuilding strategy for this identified depleted stock in accordance with the Queensland harvest strategy policy and ensure there are mechanisms to monitor and manage the ongoing performance of the strategy to facilitate recovery of the depleted stock.

*On 24 November 2025, the department applied to amend Condition 5 to extend the deadline of 1 December 2025, to 15 January 2026. The extension was granted as the DCCEEW recognised the work associated with the condition had been undertaken and was waiting for approval to release and publish the *Saucer Scallop Rebuilding Strategy*. This condition has been met through the publishing of the *Saucer Scallop Rebuilding Strategy (2025 – 2030)* on 15 January 2026.

Condition 6 of the WTO approval states:

- The Queensland Department of Primary Industries must not allow the harvest of saucer scallops (*Ylistrum balloti*) from any area of the East Coast Otter Trawl Fishery other than the Southern Offshore Trawl Management Region unless evidence is provided to demonstrate the stock(s) can support a level of take that will not contribute to overfishing and depletion of the saucer scallop stock(s).

The Saucer Scallop Rebuilding Strategy

The *Saucer Scallop Rebuilding Strategy* was developed following extensive consultation with the ECOTF working group, regional harvest strategy workshops, and scallop-specific workshops. Non-industry stakeholders included DCCEEW, the Great Barrier Reef Marine Park Authority, and the conservation sector represented by the Australian Marine Conservation Society. This consultation informed a discussion paper canvassing the options for the rebuilding of the stock and future harvest arrangements, which allows for tighter controlled seasonal adjustments to fishing pressure as new information or difficulties come to light.

Proposed management changes requiring legislative change

The proposed management arrangements to enact the *Saucer Scallop Rebuilding Strategy* are captured as:

1. Total Allowable Commercial Catch controls
 - Implementing a regional competitive TACC system to enable equitable access to the resource, with the ability to control excess fishing harvest by making the species no-take when limits reached or the season has closed.
 - Maximising economic opportunities to fishers by allowing processing of scallop to half shell, while maintaining the integrity of a quota based TACC system, a practice that has occurred in this fishery historically.
 - Removing ability to shuck to meat at-sea, which enables compliance with minimum legal size and TACC system.

- Removing redundant legislation as a result the proposed amendments.
- 2. Temporal fishing closures
 - Prioritising the protection of critical spawning and larval-settlement periods by restricting the take of scallop to short, scientifically informed seasons.
- 3. Fishing effort limitation
 - Limiting fishing to one region per trip when taking saucer scallop to support the TACC system and reduce the risk of pulse-fishing caused by concentrated fishing pressure.
 - Further restricting the take of saucer scallop in central trawl region using an in-possession (trip) limit to reduce effort shift risk of the industry which may occur from keeping southern inshore trawl region closed.
- 4. Enhanced monitoring and information sharing
 - Enabling the additional reporting of saucer scallop from all regions through a quota reporting system (Automated Integrated Voice Recognition) when vessels land product, to inform timely and accurate TACC usage and reduce overharvesting of the resource.

The *Saucer Scallop Rebuilding Strategy* is to be implemented over a 5-year period to ensure the long-term sustainability of the fishery. The above changes pertain to the immediate management actions that are expected for the first 2 years.

The objective of government intervention pertains to enacting the *Saucer Scallop Rebuilding Strategy* through amendments to the regulatory environment. This will ensure the ECOTF is managed in accordance with the WTO Condition 5. Implementing the *Saucer Scallop Rebuilding Strategy* within the ECOTF will provide the greatest net benefit to Queensland as it supports continued WTO export approval and allows for conservative take of saucer scallop under a management regime that supports rebuilding the stock.

What options were considered?

Saucer Scallop Fishery

Option 1: Maintain the status quo

Maintaining the status quo for the saucer scallop fishery under the current legislative regime will see the southern inshore and central trawl regions remaining closed, with southern offshore trawl region the only region open. This option deprives commercial fishers who may be able to access an abundant resource which has been informed by science. This deprivation will further exacerbate impacts to industry's livelihoods through rising costs and dwindling prices for their product.

Option 2: Amending the Fisheries (Commercial Fisheries) Regulation 2019 and Fisheries Declaration 2019

To enact the *Saucer Scallop Rebuilding Strategy*, amendments to the *Fisheries (Commercial Fisheries) Regulation 2019* and *Fisheries Declaration 2019* are required to align the legislative environment with the strategy. This will ensure the management arrangements within the rebuilding strategy, including moving the fishery to a TACC system, will take effect and are enforceable. The rebuilding strategy aims to ensure long-term sustainable commercial catch of saucer scallop in the ECOTF and meets conditions made by the commonwealth government relating to export.

The following amendments are proposed to Fisheries (Commercial Fisheries) Regulation 2019.

- a. Removing the list of areas approved for shucking areas for saucer scallop to meat.
- b. Allowing the processing (to half-shell) of saucer scallops on a commercial fishing boat, applying to T1, T2, M1 & M2.
- c. Defining 'processing of saucer scallops' to enable the removal of one shell from the scallop.
- d. Removing inconsistencies between the regulation and declaration to allow the processing of saucer scallops in waters on a commercial fishing boat.

The following management arrangements are to be made under the Fisheries Declaration 2019:

- a. Opening and closing all relevant trawl regions at the same time, beginning on 1 March.
- b. Limiting the take of saucer scallops to two months in all relevant trawl regions, concluding on 1 May
- c. Implementing a TACC of saucer scallop for each relevant trawl region each year.
- d. Implementing a trip limit for the central trawl region.
- e. Changing the form requirements to remove shucking to meat (i.e. processing to remove both shells at sea and retaining the meat) for all trawl regions.
- f. Limiting the take of saucer scallop from one trawl region (for all trawl regions) per trip, applying to T1, T2, M1 & M2.

Note: relevant trawl regions applies to central and southern offshore trawl region A & B only.

What are the impacts?

The potential impacts to fishers, as a result of the proposed legislative amendments, are:

- a. Extra reporting requirements when landing saucer scallops in order to adhere to regional TACC limits in the relevant trawl regions only.
- b. Adhering to a competitive catch TACC limit in southern offshore trawl region A & B and a TACC and trip limit in central regions.
- c. Smaller season of two months to harvest saucer scallop in southern offshore trawl regions A & B.
- d. Removal of shucking areas and the ability to shuck saucer scallops to meat at sea for all T1, T2, M1 & M2.
- e. Inability to take saucer scallops in more than one trawl region at a time until the product is removed from the boat

Requiring commercial fishers possessing saucer scallop in the relevant trawl region to be within port limits by 6 am on 2 May, or 36 hours once the prescribed commercial catch has been reached.

Who was consulted?

Prior to publishing the *Saucer Scallop Rebuilding Strategy* and harvest strategy discussion paper, the department consulted with stakeholders through the ECOTF working group, harvest strategy workshops and dedicated scallop workshops. Non-industry stakeholders included DCCEEW, the Great Barrier Reef Marine Park Authority, and the conservation sector represented by the Australian Marine Conservation Society.

Targeted and public consultation largely supported changes to the management of the fishery to support rebuilding of the Southern saucer scallop stock and to enable some small, sustainable harvest of saucer scallops in all regions (where appropriate) to support the industry.

What is the recommended option and why?

The recommended option is Option 2 as it meets the policy intent of the *Saucer Scallop Rebuilding Strategy*, which aids to ensure the long-term sustainability of saucer scallop, while maintaining valuable export markets. The *Saucer Scallop Rebuilding Strategy* was developed in line with consultation which supports the commercial take of saucer scallops, while ensuring that the fishery is sustainable and operates to meet the objectives of the *Fisheries Act 1994*.

Re-opening the saucer scallop fishery in the central trawl region under a precautionary management approach, and implementing the necessary provisions to ensure sustainability of the saucer scallop fishery such as catch limits, will help maintain the fishery's export approvals, boost productivity and viability in the commercial sector, and expand market opportunities for the seafood retail industry and broader community.

Changing the management arrangement to control harvest of saucer scallops through reportable TACC limits, in conjunction with the effort unit system, has been identified as the best practice to mitigate the risk of overfishing to the stock.

Collaborating with industry to conduct real time surveys and assessments of saucer scallop abundance that can then inform appropriate harvest levels for the season is best practice. Enabling some harvest of saucer scallop (even with added reporting requirements) will immediately reduce financial pressure and increase viability of the industry.

Impact assessment

All proposals – complete [do not delete]:

	First full year	First 10 years**
Direct costs – Compliance costs*	N/A	N/A
Direct costs – Government costs	N/A	N/A

* The *direct costs calculator tool* (available at gpc.qld.gov.au/best-practice-regulation) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. **Agency to note where a longer or different timeframe may be more appropriate.

Signed


Graeme Bolton
Director-General

Date: 13/02/2026


Anthony Perrett MP
Minister for Primary Industries

Date: 16/02/2026