Queensland Government

Queensland Treasury

RIA Ref: DAF0379-0920
File Ref: 03714-2022

Ms Yoon Kok
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Dear Ms Kok

Consultation Post Implementation Review – Vessel Monitoring System

Thank you for your enquiry of 16 August 2022, and further information to 14 September, requesting a letter of advice on the adequacy of the consultation Post Implementation Review (PIR) on the vessel monitoring system.

Background

The Queensland Government manages access to Queensland's fishery resources in order to balance their use, conservation and enhancement. Key elements in that management are set out in the *Sustainable Fisheries Strategy 2017-2027*, which includes an action to require the installation of vessel monitoring systems (VMS) on all commercial boats by 2020.

Prior, and limited, requirements for VMS were significantly expanded from 1 January 2019, to include commercial net, line and crab fisheries, and from 1 January 2020, for all remaining commercial harvest and inshore trawl fisheries (apart from some low risk fisheries that are exempt from the requirements). VMS, or vessel tracking, involves real time location logging for the complete duration of a fishing trip (using approved equipment and data logging services). That information is directly used for monitoring and research purposes, and feeds into enforcement and fisheries management activities. The Department of Agriculture and Fisheries (the department) indicates that there are currently just over 1,400 VMS units operating in Queensland.

Proposal

Following recommendations from the parliamentary State Development, Natural Resources and Agricultural Industry Development Committee, the department committed to undertake a PIR on the VMS requirements.

The PIR sets out the department's assessment of the evidence on the problem the regulation seeks to address, the effectiveness of the regulation in addressing that problem and the costs, benefits and unintended impacts of the regulation.

The PIR recommends that the VMS requirements should be retained, but with several improvements: an exemption system to allow fishing to continue in the event of technology failures, continual review of VMS unit requirements and lists, and a review of data use and ownership arrangements.

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Consultation

The information on industry impacts in the PIR is primarily based on consultation with the Vessel Tracking Working Group (including individual industry members).

Assessment

The Office of Best Practice Regulation (the OBPR) notes that adequacy criteria for a PIR are based on those for a Regulatory Impact Statement - as set out in the Queensland Government Guide to Better Regulation (the guidelines) - but viewed from a post implementation perspective, including:

- whether a problem (requiring regulation) still exists
- the actual (rather than expected) impacts of a proposal
- whether there were any unintended consequences from the regulation's implementation
- whether the regulation should continue, including whether it is superior to alternatives and whether any amendments should be made.

Based on these criteria, the OBPR considers that the PIR presents a range of information and evidence on the performance of the regulation to support stakeholder consultation and is adequate to meet the requirements under the guidelines. Stakeholder consultation and feedback should help inform the decision PIR.

Consistent with the guidelines, once a consultation PIR has been approved for release it is published on the OPBR's website along with this letter. After consultation has concluded, a decision PIR incorporating the consideration of public comments should be provided to the OBPR for assessment before the matter is finally referred to Cabinet for decision.

Please contact Brian Johnson, Senior Economist, on (07) 3035 3471 if you require any additional information or guidance concerning the assessment or the guidelines in general.

Please note that in accordance with Cabinet Handbook requirements, this letter of advice should be attached to relevant Cabinet submissions.

Yours sincerely



Dr Karen Hooper
Productivity Commissioner

15 September 2022