

## Terms of reference

Post implementation review of vessel tracking requirements under Section 80 of the *Fisheries Act 1994*

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### Introduction

Vessel tracking technology was mandated for all major commercial fisheries across 2019 and 2020 as an action of the *Queensland Sustainable Fisheries Strategy: 2017–2027*. The ongoing use of vessel tracking technology will continue to enhance compliance capabilities, provide data for more informed and responsive management and help ensure the sustainability of Queensland's fisheries, which will benefit the marine resources upon which many operators and regional communities are dependent.

The Department of Agriculture and Fisheries (DAF) has been using vessel tracking since 1996 as part of ongoing management of several fisheries within Queensland, including the east coast trawl fleet and beche-de-mer fishery, as well as some net fisheries. The roll out of vessel tracking to the remaining net, line, crab, harvest and trawl fisheries was staged across 2019 and 2020, and has now been completed for all major commercial fisheries in Queensland.

The department committed to commissioning a Post Implementation Review (PIR) of vessel tracking following the recommendations of the State Development, Natural Resources and Agricultural Industry Development Committee's examination of the Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018. Following numerous complaints from commercial fishers in 2019, an investigation on the implementation and administration of vessel tracking in Queensland, was undertaken by the Queensland Ombudsman. In response to this review, the department has committed to expanding the PIR to address the Ombudsman's preliminary observations.

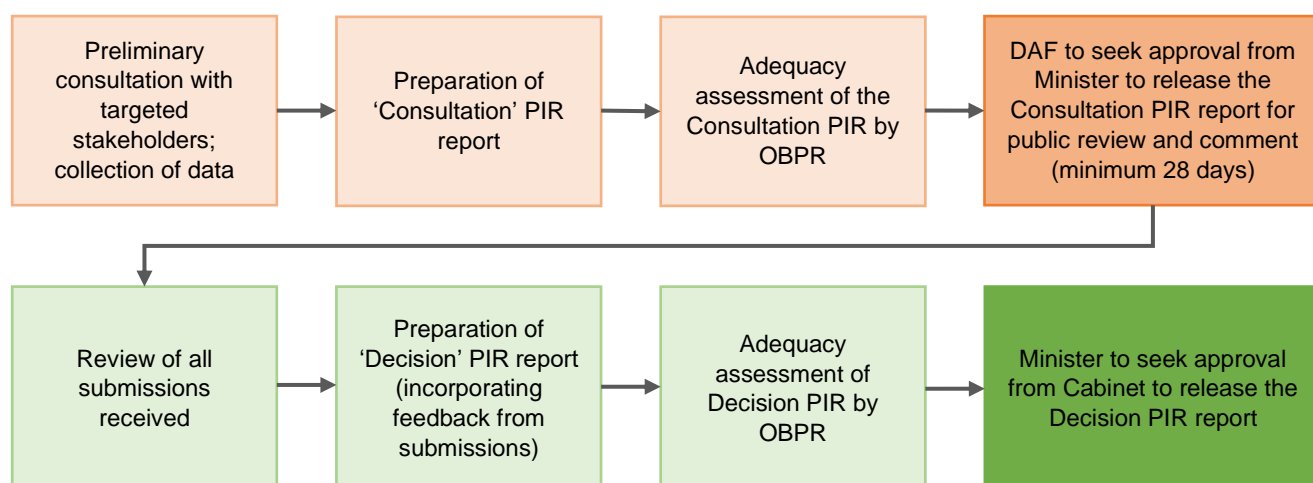
The PIR will be undertaken by the department in consultation with the Office of Best Practice Regulation (OBPR), in accordance with the Queensland Government Guide to Better Regulation.

### Scope

The PIR scope is as outlined in the [Queensland Government Guide to Better Regulation](#) and the [OBPR's PIR Guidance Note](#). Additionally, the PIR is expanded to include the Queensland Ombudsman's proposed actions in the appendix.

## PIR process

The following diagram shows the steps in completing a PIR.



## Consultation

The department has established the following consultation arrangements to assist in the PIR:

- An engagement hub to publish updates of the review and online surveys
- The Vessel Tracking Working Group to provide operational advice and recommendations to support the review
- An engagement mailbox ([vtengagement@daf.qld.gov.au](mailto:vtengagement@daf.qld.gov.au))

The Vessel Tracking Working Group comprising industry members, departmental staff and other government entities is the primary stakeholder group to provide feedback during preliminary consultation to assist the department in preparing the Consultation PIR report.

The Consultation PIR report will be released for public comment for a minimum of 28 days. Feedback received will be incorporated in the Decision PIR report.

## Actions

The department will:

- project manage the review
- identify and engage with key stakeholders (commercial fishers and other government agencies)
- collect data through engagement with stakeholders and information from stakeholders
- analyse data
- develop recommended actions as a result of the review.

## Timeframes

The key deliverables and anticipated timeframes are:

- Publish the final terms of reference – June 2021
- Release the Consultation PIR Report – January 2022
- Release the Decision PIR Report – June 2022

## Appendix

In addition to the standard scope of a PIR per the Queensland Government Guide to Better Regulation and the OBPR's PIR Guidance Note, the PIR will include the following Queensland Ombudsman's proposed actions to examine whether the then proposed vessel tracking requirements were progressed through a reasonable regulatory impact analysis:

- Provide details of the department's vessel tracking supplier and unit framework to the OBPR. Seek its advice about whether this alters its previous endorsement of the Preliminary Impact Assessment (PIA), raises implications for anti-competitive arrangements, or a Regulatory Impact Statement (RIS).
- Review the financial information made available to the industry before the department decided on the approved vessel tracking units and suppliers. Seek advice from OBPR about the adequacy of the details included in consultation and provided to OBPR about the likely financial costs for fishers, including whether on reflection a RIS was required.
- Review the actual costs realised since vessel tracking implementation against the PIA estimates to determine whether these were reasonably addressed. Seek advice from OBPR about whether this alters its previous endorsement of the PIA, or whether on reflection a RIS would have been required. The following costs shall be considered:
  - the 'hidden' charges (e.g. polling contract standby charges, purchase of additional units as backup units, costs associated with unit failure, full costs to lessees, costs of installing additional power sources for vessel tracking units etc.)
  - the impacts of changes in cost for units and polling contracts since implementation
  - the full life cycle costs of vessel tracking units (including replacement of units – be they faulty or reached their end of life).
- Review the economic data identified in the PIA (i.e. that for mud crab) to determine whether this is appropriate and representative of the industry in its entirety.
- Demonstrate that the use of the department's average mud crab price (\$60/kg), is appropriate and representative of the Queensland commercial mud crab fishing industry.
- Review and analyse the uptake of the Vessel Tracking Rebate Scheme by the industry.