



Queensland Treasury

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Mr Dallas D'Silva
Executive Director
Fisheries Queensland
BRISBANE

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Dear Mr D'Silva

Advice request – Ombudsman's action item

Thank you for your enquiry of 29 September 2022 regarding the Ombudsman action item – amendments to the *Fisheries Regulation 2008* (vessel tracking).

We note that the Department of Agriculture and Fisheries (the Department) has agreed to respond to questions from the Ombudsman, including providing further information on the basis for its original Preliminary Impact Assessment for vessel tracking. Several of the Ombudsman's questions also ask whether this additional information would have affected the original Office of Best Practice Regulation (OBPR) advice (of 9 October 2018) not to require a Regulatory Impact Statement (RIS) had it been made available to the OBPR at the time of its assessment.

The OBPR notes that its original advice to the Department recognised the strong concerns of the commercial fishing industry regarding the vessel tracking proposal. While not requiring a formal RIS due to the level of consultation already completed, the OBPR recommended the Department undertake further analysis, including an assessment of costs and the impact on industry to inform direct consultation with stakeholders and advice to decision makers.

While the OBPR understands the concerns raised by the Ombudsman in relation to the original regulatory impact analysis, the Post Implementation Review (PIR) of the regulation (currently underway) is the best mechanism to incorporate relevant further analysis. The role of the OBPR, as set out in the guidelines, does not provide for retrospective advice on the quality of an agency's regulatory analysis.

If you require any further information, please contact Christine Tozer, Manager, Office of Best Practice Regulation, Queensland Treasury, at christine.tozer@treasury.qld.gov.au or on (07) 3035 3473 who will be pleased to assist.

Yours sincerely

Dr Karen Hooper
Productivity Commissioner

2 /11/ 2022