

Terms of reference

Crab fishery working group

Background

The Queensland Government is committed to ensuring fisheries resources are managed in a sustainable and responsible manner that recognises the interests of all Queenslanders. An important part of fisheries management is stakeholder engagement through working groups.

Working groups provide advice within the scope of this terms of reference, which is considered alongside advice, information and requirements from Fisheries Queensland, the Sustainable Fisheries Expert Panel and other government agencies, as well as feedback from public consultation. Collectively, this informs decisions on the management of our fisheries.

Queensland crab fishery

Queensland's crab fishery is an iconic fishery easily accessible by commercial, recreational, charter and traditional fishing sectors. The crab fishery encompasses the harvest of both mud and blue swimmer crabs in Queensland waters. Mud crabs are harvested throughout the state's coastal waters, including the Gulf of Carpentaria and Queensland's eastern coastline. Harvest of blue swimmer crabs is traditionally focused around both the inshore and offshore waters of Moreton Bay, the Sunshine Coast and Hervey Bay.

Targeted harvest of mud crabs and blue swimmer crabs occurs using baited crab pots or collapsible pots. Trawlers are also able to retain limited quantities of blue swimmer crabs if caught.

The commercial crab fishery is a limited entry commercial fishery, with 410 licences (C1 symbols) attached to 343 separate commercial fishing boat licences and significant recreational take. Licence holders are bound by compulsory reporting arrangements, tracking systems, special management zones, minimum size limits and no take of female crabs. Additional fishing effort limits are placed on licence holders via vessel size and number of apparatus that can be used at one time.

While both species have protections for female and undersized crabs, there are ongoing concerns about overcapacity in the fishery, competition between sectors and black-marketing due to the high value of products from this fishery. The high prices obtained for crabs continue to present risks of

black-marketing, which undermines the sustainability of crab stocks and economic viability of the commercial fishery.

The Queensland crab fishery is transitioning towards three management units to manage the take of mud and blue swimmer crabs. Management of the fishery is governed by the mud crab and blue swimmer crab harvest strategies, which will commence on 1 September 2021.

Purpose of the working group

The working group will provide advice on the operational aspects of the management of fishing in the crab fishery.

Objectives

1. To assist with implementation of mud crab and blue swimmer crab harvest strategies, including advice on management options and fishing rules, consistent with the *Queensland harvest strategy policy* and the *Fisheries Act 1994*.
2. To provide general advice to Fisheries Queensland on any operational matters, emerging issues and general management of Queensland's crab fishery.

Working group roles

The role of **working group members** is to:

- provide operational advice to Fisheries Queensland on particular fisheries, management and fishing methods
- assist with the implementation of harvest strategies
- consider information and provide advice on fishery performance (e.g. catch rates, fishing power)
- assist with identifying ways to best manage broader ecosystem impacts of fishing
- provide advice on emerging issues (e.g. compliance, data, legislation, research) and meeting Wildlife Trade Operation approval conditions under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
- disseminate factual information back to a broad range of other stakeholders in the fishery and provide other stakeholders' feedback to the working group for discussion.

The role of **Fisheries Queensland** is to:

- provide direction for working groups in the form of a work program
- arrange meeting times and provide logistical support for meetings
- prepare and distribute meeting materials to support the effective operation of the working group
- provide information and data to support the work of the working group

- provide a point of communication between the working group, other working groups and the Sustainable Fisheries Expert Panel in accordance with each terms of reference
- maintain communication with the working group members at least every three months.

Obligations and responsibilities of members

Being a working group member has important obligations and responsibilities. In accepting the appointment, members must be prepared to:

1. contribute knowledge of, and experience in, Queensland's fisheries
2. consult with stakeholder peers through port-level or regional associations and networks, representative bodies and other avenues as necessary to ensure as many stakeholder views as possible are considered as part of working group discussions – members will be asked to report on broader views, not just their view as a member, including how the feedback was gathered and who it represents
3. constructively participate in discussions to achieve acceptable outcomes
4. respect the views expressed by other members
5. act in the best interests of the fishery as a whole, rather than as an advocate for any particular individual, organisation, interest group or regional interest
6. avoid pursuing personal agendas or self-interest, and participate in discussion in an objective and impartial manner
7. promptly advise the Chair in writing (or announce at the start of a meeting) of any conflict-of-interest issues that arise, including those that may be perceived by others or have the potential be a conflict, subsequent to appointment
8. conduct themselves in a manner that is consistent with the Queensland community's expectations for reasonable conduct at all times – this requires a commitment to honest, fair and respectful engagement, including showing respect towards all persons involved in working group business.

Unreasonable behaviour will not be accepted. An appointed member may be removed from a meeting or in the case of serious and/or repetitive conduct removed from a working group if their conduct is contrary to the role, obligations or responsibilities as a working group member.

In either circumstance, the appointed Chair will provide a verbal warning if unreasonable behaviour is displayed at a meeting. Following this, the Chair has discretion to remove a person from the meeting. A record should be made in the meeting notes. If the unreasonable behaviour is displayed at a number of meetings and/or associated with working group business outside a meeting, the appointed Chair will write to the member to provide an opportunity to remedy the behaviour. If there is no

change in behaviour or remedy, the Chair will refer the matter to the Executive Director, Fisheries Queensland, for formal review of the member's membership.

What is unreasonable behaviour?

Unreasonable behaviour includes abusive, threatening and other behaviours that may also become 'unreasonable' when, because of its nature or frequency it raises health, safety, resource or equity issues for those participating in the working group or others engaging with working group business.

Abusive behaviour is defined as directed at the individual, including foul, racist, sexist or demeaning language. Aggressive behaviour includes angry outbursts, which although not directly or explicitly threatening, are in an intimidating tone and intensity. Threatening behaviour is specific or explicit statements that a reasonable person would interpret as a real and serious communication of an intent to inflict harm on the person receiving the call or another person, or employees of the organisation in general, or to inflict damage or take other hostile action against departmental or meeting location property.

Other actions or behaviours which may, depending on the circumstances, be considered unreasonable conduct include unrelenting/repetitive contact (excessive contact, refusing to accept an outcome, lodging the same claim over again), demanding conduct (demanding a different outcome, demanding impossible, impractical disproportionate outcomes), unreasonable lack of cooperation (withholding or providing incomplete information, intentionally providing overwhelming volumes of information) and unreasonable arguments (argumentative or irrational conduct, conspiracy allegations, making vexatious complaints).

Meeting administration

Operation

The operation of the working group will consist of regular meetings via online meeting platforms (i.e. Microsoft Teams) or in person where resources allow.

Fisheries Queensland will prepare the agenda, including an opportunity at the start of each meeting for members to raise concerns, and supporting documents 14 days ahead of each meeting. Review of these documents will be required prior to the meeting in order to participate effectively.

The appointed Chair will manage the meeting according to the agenda, review status of action items from previous meetings, ensure a summary and actions for each agenda item are recorded and a communique for the meeting is prepared. The Chair will also address any conflicts of interest and manage the conduct of all members and observers present at the meeting.

Fisheries Queensland will publish the conline within three days of the meeting and notify other stakeholders of its publication. Within 14 days of the meeting, Fisheries Queensland will prepare meeting notes and circulate them to members, allowing 14 days for member comments before being finalised. Where required, action items will be followed up by Fisheries Queensland to seek to resolve them and any operational issues tabled by the working group ahead of the following meeting.

Sensitive information and non-disclosure

Some information that is sensitive in nature is provided to working group members to enable them to provide the best advice to Fisheries Queensland on the specific fishery. Given this, members may be asked to:

- exercise tact and discretion when dealing with sensitive issues – if a member is unsure or concerned about the disclosure to non-members, the member must seek advice from the Chair
- act honestly and exercise care and diligence in the discharge of their duties at all times and not make improper use of working group information – improper use would be if a member gains an advantage either directly or indirectly (financial or otherwise) over another person or causes detriment to the working group's work or to another person
- not publish or communicate to any person, that they are not authorised to publish or communicate, any information that comes to their knowledge or possession because they are a member of the working group.

If sensitive information is used as part of a working group meeting, Fisheries Queensland will advise working group members to help them comply with these requirements.

Conflict of interest

A conflict of interest occurs when private interests interfere, or appear to interfere, with the performance of official duties. All members must perform their role/contribute in a fair and unbiased way, ensuring that decisions made are not impacted by self-interest, private affiliations, or the likelihood of gain or loss for them or others. Private interests include personal, professional or business interests, as well as the interests of individuals that you associate with, such as family, dependants and friends.

Conflicts of interest fall into three categories – actual (there is a direct conflict between your current duties and your existing private interests), potential (your role and private interests could conflict in the future) and perceived (it could appear that your private interests could improperly influence the performance of your role). Conflicts of interest can be pecuniary (if there is a reasonable likelihood of financial loss or gain) or non-pecuniary (if there is no financial component, but may involve self-interest, personal or family relationships or other affiliations).

All conflicts of interest (actual, potential and perceived) must first be identified and declared to the Chair. Steps can then be taken to appropriately manage and resolve the matter in the public interest. Having a conflict of interest alone is not considered misconduct. However, it is important that members are open about the conflict of interest, how the conflict of interest is managed and ensuring a conflict of interest is resolved in the public interest. Once reported, the Chair will then make an assessment about what action, if any, is required to manage the conflict of interest. Members must actively participate in the process to manage or resolve conflicts of interest in the public interest and adhere to all agreed resolution strategies. If the circumstances of a member change, they should consider whether this brings about any new conflicts of interest, or changes to an existing conflict of interest.

Sitting fees

Participation on the working group is on a voluntary basis – no sitting fees will be paid.

Travel costs

Members are eligible to be reimbursed for reasonable out-of-pocket expenses, including domestic travel and accommodation costs.

Membership of the working group

Fisheries Queensland appoints members to working groups. Unless notified and agreed, membership will be refreshed every two years to allow for rotation of different representatives and development of new industry leaders.

The current appointed members of the working group are:

	Name	Representative	Sector
1	TBA	Chair	Management
2	TBA	Principal Fishery Manager (Fisheries Queensland)	
3	TBA	Fishery Manager (Fisheries Queensland)	
4	TBA	Fisheries Scientist (Fisheries Queensland or Animal Science Queensland)	
5	TBA	Director, Management and Reform (Fisheries Queensland)	
6	TBA	Great Barrier Reef Marine Park Authority	
7	TBA	Queensland Boating and Fisheries Patrol	
8	TBA	Commercial fisher	Harvest
9	TBA	Commercial fisher	
10	TBA	Commercial fisher	
11	TBA	Commercial fisher	
12	TBA	Charter fishing business operator	
13	TBA	Recreational fisher	
14	TBA	Recreational fisher	
15	TBA	Recreational fisher	
16	TBA	Recreational fisher	
17	TBA	Conservation	Conservation
18	TBA	Indigenous representative	Aboriginal and Torres Strait Islander communities
19	TBA	Indigenous representative	Aboriginal and Torres Strait Islander

	Name	Representative	Sector
			communities
20	TBA	Seafood processor or wholesaler	Post-harvest
As required	TBA	Monitoring and Assessment staff (Fisheries Queensland)	Monitoring
As required	TBA	External researcher or scientist	Research