



Queensland

# Marine Parks (Zoning Plans) Amendment Zoning Plan (No. 1) 2011

## Explanatory Notes for SL 2011 No. 257

made under the

*Marine Parks Act 2004*

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## General outline

### Short title

*Marine Parks (Zoning Plans) Amendment Zoning Plan (No. 1) 2011.*

### Authorising law

Section 25 of the *Marine Parks Act 2004*

### Policy objectives and the reasons for them

The objective of the Amendment Zoning Plan is to amend the Great Barrier Reef Coast Marine Park, Great Sandy Marine Park and Moreton Bay Marine Park zoning plans to clarify what is considered a bait net and to specify the type of fish species that cannot be taken by commercial bait netters in marine park conservation park zones.

In March 2009 the Honourable Anna Bligh MP, the Premier, made a commitment to stop the take of fish for human consumption by commercial bait nets in conservation park zones. The commitment was made to clarify the use of commercial bait nets in conservation park zones in marine parks while also addressing community concerns over the amount of 'table' fish species being caught in these zones and sold for human consumption.

The purpose of a conservation park zone is to conserve the marine environment while providing opportunities for reasonable use and enjoyment, including limited extractive activities. The use of nets by commercial fishers in conservation park zones has historically been restricted to bait nets, which are limited to a shorter length and smaller mesh size than “general purpose” nets used by commercial fishers to take table fish for sale to the public. The intent of limiting commercial fishers to bait nets was to enable ongoing collection of bait fish species for personal use by commercial fishers or sale to the general public.

Feedback from marine park users suggested that commercial fishers have been increasingly using bait nets in conservation park zones to catch table fish species for human consumption (as opposed to the bait fish species). The increasing use of bait nets by commercial fishers to catch table fish is not consistent with the purpose of the zone which excludes general purpose nets used for the capture of food fish species.

### **Achievement of policy objectives**

The policy objective will be achieved by amending the marine park zoning plans to clarify that commercial bait netters are not permitted to take key table fish species (bream, flathead and whiting) while netting in a conservation park zone. Using a bait net for all other species is permitted. Clarifying the types of fish that cannot be taken ensures that commercial bait netting remains a limited extractive use in a conservation park zone which is consistent with the objective of the zone.

### **Consistency with policy objectives of authorising law**

This Amendment Zoning Plan is consistent with the main purpose of the *Marine Parks Act 2004*, which is to provide for the conservation of the marine environment, and is consistent with other tools used to manage fishing in the zoning plans.

### **Inconsistency with policy objectives of other legislation**

This subordinate legislation is consistent with the policy objectives of other legislation. The requirements for the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* will commence on 1 February 2012 to coincide

with complementary Commonwealth Great Barrier Reef Marine Park provisions.

### **Benefits and costs of implementation**

This Amendment Zoning Plan clarifies the type of species that cannot be taken by commercial bait netters in conservation park zones. This approach will support reducing the amount of table fish being taken in bait nets in conservation park zones ensuring consistency with the zone objective and addressing the Premier's commitment and public concerns.

Implementation will occur within current departmental budgets. The Department of Environment and Resource Management (DERM) will work with the Queensland Seafood Industry Association to ensure commercial netters are aware of the changes.

### **Consistency with fundamental legislative principles**

The subordinate legislation does not raise any potential fundamental legislative principle issues.

### **Consultation**

The Premier's commitment on the use of bait nets in conservation park zones is based on community concerns regarding the activity and recommendation by the former Queensland Fisheries Service Management Advisory Committee (MAC) for the East Coast Fin Fish Fishery.

To progress the commitment a discussion paper and frequently asked questions fact sheet on the proposed amendments were released. Submissions on the discussion paper were sought over an eight week period. Details were also included on the DERM website.

Given that the amendments directly relate to the use of bait nets, all Queensland commercial fishing boat licensees were sent a copy of the discussion paper and frequently asked questions. Meetings were also held with the Queensland Seafood Industry Association and Sunfish Queensland to discuss the proposals.

Nineteen submissions were received on the discussion paper. Submissions from recreational fishers sought greater restrictions while those from commercial fishers supported the proposals in the discussion paper. The

final amendments are consistent with the original recommendation of the MAC which is to restrict the take of bream, whiting and flathead by commercial bait netters in conservation park zones.

Section 25 of the Marine Parks Act provides that an amendment to a zoning plan can be made following public consultation and consideration of submissions received. With the release of the discussion paper, website information, stakeholder meetings and mail-out to commercial fishers there has been adequate consultation about the amendments.

Queensland Treasury and the Department of the Premier and Cabinet were consulted and are both supportive of the proposed legislation.

The Resource and Economic Development Branch, Queensland Treasury, has advised that the proposals are excluded from the Regulatory Assessment Statement system on the grounds that the amendments will not impose significant impacts on the commercial fishing community, and there has been public and targeted stakeholder consultation on the proposed amendments.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.

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