

# **Fisheries Legislation Amendment Regulation (No. 1) 2013**

Explanatory Notes for SL 2013 No. 270

made under the

*Fisheries Act 1994*

## **General Outline**

### **Short title**

*Fisheries Legislation Amendment Regulation (No. 1) 2013*

### **Authorising law**

Sections 32 and 223 of the *Fisheries Act 1994*

### **Policy objectives and the reasons for them**

The policy objectives for the subordinate legislation are to implement a number of minor amendments emanating from Fisheries Queensland's annual review of its subordinate legislation. The subordinate legislation provides for amendments to the:

- *Fisheries Regulation 2008* (the Regulation);
- *Fisheries (Coral Reef Fin Fish) Management Plan 2003* (the Coral Reef Management Plan); and
- *Fisheries (East Coast Trawl) Management Plan 2010* (the East Coast Management Plan).

The amendments aim to ensure consistency in the legislation, to better reflect the original policy intent and to make minor corrections.

### **Achievement of policy objectives**

The subordinate legislation will achieve its objectives by making the required amendments to a number of sections in the legislation. The amendments to the Regulation include:

- Updating the list of prescribed persons who may possess and use a net to take a fish in the Trinity Bay regulated waters.

- Allowing an assistant fisher to possess fishing apparatus outside a boat. Currently an assistant fisher is allowed to purchase commercial fishing apparatus and possess commercial fishing apparatus only whilst on a boat which presents the unforeseen problem of situations where the assistant fisher buys the apparatus and carries the apparatus outside a boat.
- Making amendments to ensure persons holding a carrier boat licence or another relevant authority can carry mud crabs over certain distances.
- Making amendments to ensure consistency with the use of the term ‘in possession limit’.
- Updating the Regulation to add manta ray as a protected species.
- Amend the provision relating to a general fisheries permit to enable the chief executive to issue such a permit not based on strict criteria as is currently the case, but based on the merits of each application.

The Management Plans are to be amended to the extent necessary to correct the reference relating to the Great Barrier Reef Marine Park. An additional amendment is being made to the East Coast Management Plan to remove the use of radio as an acceptable mode of communication for certain trawl vessels.

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

The subordinate legislation is consistent with the main policy objectives of the *Fisheries Act 1994*.

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

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The State Government will not incur any additional costs in the implementation of this subordinate legislation.

## **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

## **Consultation**

Given that the proposals were developed at different times, the Regulatory Reform Branch (Queensland Treasury) and Office of Best Practice Regulation (Queensland Competition Authority) have been consulted in regard to the Regulatory Impact Statement (RIS) requirements for the amendments. The Regulatory Reform Branch and Office of Best Practice Regulation both advised that a RIS was not required for any of the amendments.