

Fisheries Legislation Amendment Regulation (No. 1) 2014

Explanatory Notes for SL 2014 No. 69

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries Legislation Amendment Regulation (No. 1) 2014

Authorising law

Sections 42, 44 and 223 of the *Fisheries Act 1994* (the Act).

Policy objectives and the reasons for them

The policy objectives of this amendment regulation are to provide for a number of minor amendments to the following instruments:

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

The amendments aim is to provide for more consistency in the legislation, amend sections where unforeseen and undesired outcomes were identified and make consequential amendments to fisheries legislation.

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 include:

- Limiting the application of the Australian bass closed season to tidal waters only.
- Amendment of the regulated periods for coral reef fin fishery and tropical rocklobster closures.
- Clarification of the net restrictions for waters south of Baffle Creek to include mesh and seine nets.
- Removal of the provision for the prescribed annual quota for spanner crabs, with future quotas to be declared by the chief executive under section 44 of the Act.

- Amendment of a number of descriptions of regulated waters adjacent to waterway barriers.
- Combining of the entries in the regulated fish declarations for all the species of rainbowfish, provide for further species of rainbowfish that have currently been omitted and provide that no more than 20 of each of the regulated rainbowfish species may be possessed at any time.
- Including a N11 fishery symbol for a number of regulated fish declarations such as grey reef shark, guitarfish, mantra ray and shovelnose ray.
- Allowing commercial fishers to possess and use up to 100 crab apparatus provided they have two 'C1' fishery symbols on their commercial fishing boat licence.
- Amendment of the *Fisheries (Coral Reef Fin Fish) Management Plan 2003* to remove the prescribed quota provision, with future quotas to be declared by the chief executive under section 44 of the Act.
- Amendment of the *Fisheries (East Coast Trawl) Management Plan 2010* to allow vessels to transit the Southern Regional Regulated Waters.

The subordinate legislation also provides for a number of minor amendments to correct grammatical errors and clarify the scientific names for certain fish species.

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.

The costs to commercial fishers will be reduced as they will not have to hold a second licence to use more than 50 crab apparatus.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

The Freshwater Working Group, comprising of recreational fishers, stocking groups, aquarium collectors, aquaculture farmers and environmental representatives, was consulted about and supported the amendments to rainbow fish limits and closures around waterway barriers.

The Minister for Agriculture, Fisheries and Forestry discussed the proposed change in use and possession in the number of crab apparatus for C1 fishery symbol holders with representatives from the commercial fishing industry and advised industry stakeholders that approval for the change would be progressed.

The Office of Best Practice Regulation (OBPR) of the Queensland Competition Authority was consulted as to whether the amendments qualified for an exclusion from the Regulatory Impact Statement (RIS) system. The OBPR advised that a RIS is not required for the amendments as they are either excluded from the RIS System or are unlikely to result in significant impacts.

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