



Policy for the allocation of N15 net fishery symbols (no. 15)

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Under the *Human Rights Act 2019* a decision maker has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this policy, to give proper consideration to human rights.

Owner Fisheries Management

Endorsed by Director (Management)

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Contents

1	Purpose.....	4
2	Scope	4
3	Background and context	4
3.1	N15 (net fishery no.15)	4
3.2	N10 (tunnel net) and K (ocean beach)	4
4	Acronyms and definitions	5
5	Consistency with relevant legislative and overarching policy objectives	5
6	Key principles	5
6.1	Ecological sustainability.....	5
6.2	Transparent and consistent approach	5
7	Human rights.....	6
8	Policy provisions	6
8.1	Category 1: Eligibility criteria for automatic N15 allocation	6
8.2	Category 2: Eligibility criteria for N15 applications (reported catch in GSMP)	7
9	Additional considerations and special circumstances.....	7
10	Related and referenced documents.....	8

1 Purpose

The purpose of this policy is to help achieve the main purpose of the *Fisheries Act 1994* (the Act) through management of the Queensland east coast net fisheries. The policy will achieve its purpose by establishing criteria and a decision-making process for the allocation of the new fishery symbol N15 (net fishery no. 15) to eligible primary commercial fishing licences (PCFL).

The policy provisions aim to protect the future sustainability of inshore fin fish and other animals (including threatened, endangered and protected species) by limiting the number of fishers taking particular species or using particular fishing gear.

2 Scope

The scope of this policy is to establish criteria and a decision-making process for the allocation of the new fishery symbol N15 (net fishery no. 15) as detailed under Part 9A of the Fisheries (Commercial Fisheries) Regulation 2019. This policy does not provide criteria for, or specific fishing rules in relation to any other fishery symbols, licences, permits or authorities.

3 Background and context

The Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023 was notified on 8 December 2023. This amendment subordinate legislation retires all N1, N2 and N4 commercial fishing symbols on 1 January 2024. The subordinate legislation introduces 2 new limited fishery symbols – the N15 and NX. This policy deals with the eligibility and allocation of N15 fishery symbols only.

3.1 N15 (net fishery no.15)

The N15 is the replacement fishery symbol that authorises commercial net fishing in management region 5, impacted by the retirement of N1, N2 and N4 symbols. It was established to allow net fishing to continue on the east coast of Queensland south of the Great Barrier Reef Marine Park. It is not a new fishery symbol designed to be issued to new applicants. It will be issued to existing licence holders with demonstrated commercial fishing history in the N1, N2 or N4 fisheries within management region 5.

The associated rules and regulations authorised by the N15 symbol are similar to the N1 symbol being retired on 1 January 2024, with the inclusion of barramundi as a permitted species. The N15 symbol is limited in area and can only be used in east coast inshore management region 5 as identified in Schedule 4, Part 9A, s153C of the Fisheries (Commercial Fisheries) Regulation 2019. Current holders of N1, N2 and N4 symbols are eligible to apply for a payment from the Queensland Rural and Industry Development Authority (QRIDA) to offset the loss of their fishing symbols.

Considering the rezoning and other management changes in the Great Sandy Marine Park (GSMP) that are expected to take effect in the second quarter of 2024 under a new zoning plan, it is appropriate that the overall number of N15 symbols issued are sustainable and commercially viable – not competing for reduced fishing grounds, shifting impacts elsewhere (such as Moreton Bay) or causing localised depletion in areas of high ecological value and recreational amenity.

3.2 N10 (tunnel net) and K (ocean beach)

N10 and K symbol holders will automatically receive access to the N15 fishery 'as of right', as it is automatically granted by the Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023 from 1 January 2024. No application is required as no fishery symbols need to be issued. Holders of N10 and K symbols are eligible to apply for a payment from QRIDA to offset the loss of potential fishing area under the 'as of right' entitlement.

4 Acronyms and definitions

Term / acronym	Definition
The Act	<i>The Fisheries Act 1994</i>
The policy	<i>This Policy for the allocation of N15 fishery symbols (no. 15)</i>
PCFL	Primary commercial fishing licence
Structural adjustment	The structural adjustment for the Great Barrier Reef and Great Sandy Marine Park rezoning
N15	Fishery symbol 'N15'
NX	Fishery symbol 'NX'
The department	Department of Agriculture and Fisheries, represented by Fisheries Queensland
QRIDA	Queensland Rural and Industry Development Authority
GSMP	Great Sandy Marine Park
Applicant	A PCFL holder applying for the N15 symbol (net fishery no. 15)
Relevant PCFL	A PCFL that meets the application criteria for an N15 symbol
Relevant period	1 September 2021 to 30 June 2023

5 Consistency with relevant legislative and overarching policy objectives

The policy is in line with the Act and the objectives of the fisheries structural adjustment.

6 Key principles

6.1 Ecological sustainability

All applicants for the N15 symbol must:

- adhere, and be committed, to the ongoing ecological sustainability of commercial fisheries resources in line with the principles of ecological sustainable development
- ensure impacts to threatened, endangered and protected species are minimised and accurately reported
- use the symbol in accordance with any relevant fisheries, marine park or other relevant legislation and policies.

When issuing an N15 fishery symbol, the chief executive must ensure the objectives in section 3 of the Act are met.

6.2 Transparent and consistent approach

This policy will establish transparent criteria and a decision-making process for the allocation of the new N15 fishery symbol to an eligible PCFL.

7 Human rights

In accordance with section 58 of the *Human Rights Act 2019*, it is unlawful for any public servant to act or make a decision in a way that is not compatible with human rights or fails to give proper consideration to a human right relevant to the decision.

The policy may engage section 24, Property Rights, and section 28, Cultural rights – Aboriginal peoples and Torres Strait Islander peoples, of the *Human Rights Act 2019*. These impacts have been clearly identified in the Human Rights Certificate issued under The Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023.

8 Policy provisions

The department will refer to this policy to guide their assessment of applications against the eligibility criteria when issuing N15 fishery symbols. To expedite the process of allocation and allow net fishing to commence as soon as practicable in early 2024, the allocation process has been divided into 2 categories (below). This policy will cease to apply after 1 July 2024, after which time no further N15 symbols can be issued under the Fisheries (Commercial Fisheries) Regulation 2019.

8.1 Category 1: Eligibility criteria for automatic N15 allocation

To expedite the process of allocation and allow fishing to commence on 1 January 2024, holders of eligible PCFLs that meet the criteria below will be issued with a N15 fishery symbol automatically on 1 January 2024. No application is required. These licence holders will be notified by letter, and the N15 will be written on their licence before 1 January 2024.

All the following criteria must be met – the PCFL holder must:

1. hold a relevant PCFL with the N1, N2 or N4 symbol written on it on 22 December 2023 **and**
2. have recorded and submitted catch and effort logbooks in the Queensland east coast net fishery, or shark and ray logbooks (EN, NC, SR and SRE), under the N1, N2 or N4 fishery symbol in management region 5 between 1 September 2021 and 30 June 2023 (the relevant period) **and**
3. have reported catch during the relevant period that is equal to, or above, 1 kilogram per year, with the logbooks having been correctly submitted and received by the chief executive before 15 July 2023 **and**
4. not have reported catch in a grid site within the GSMP where the use of large mesh gill nets is affected by zoning or management changes under the new GSMP zoning plan **OR** have reported catch under stripe netting/set pocket netting with 'species: prawn – banana' **and**
5. not have had their PCFL revoked, cancelled or surrendered by a court or the chief executive during the relevant period **and**
6. not have made an application with QRIDA for an entire PCFL buyback under the structural adjustment process, to which the relevant fishery symbol (N1, N2 or N4) with catch history relates.

8.2 Category 2: Eligibility criteria for N15 applications (reported catch in GSMP)

PCFL holders with catch history who are impacted by zoning or management changes under the new zoning plan for the Great Sandy Marine Park (GSMP) **have to apply for the N15 symbol.**

This is because recipients of the N15 may not be eligible for any future QRIDA schemes or grants to support their structural adjustment or exit from net fishing. These additional payments may include, but not be limited to, net buybacks, retraining and vessel refits, and impacted crew and skipper payments.

However, because there is a period of time between the N15 coming into effect and the new zoning plan, this policy enables PCFL holders to continue to net fish in the GSMP until the new zoning plan comes into effect – before then deciding to exit net fishing and becoming eligible for the remainder of the adjustment payments. The future QRIDA scheme may stipulate that to be eligible for additional exit payments, PCFL holders must surrender any N15 symbol they were granted for the period from 1 January 2024 to when the GSMP zoning plan comes into effect.

All of the following criteria must be met – the applicant must:

1. submit an application in writing (with all sections completed and signed by all holders under the relevant PCFL) to Fisheries Queensland by 31 March 2024 **and**
2. hold a relevant PCFL with the N1, N2 or N4 symbol written on it on 22 December 2023 **and** have recorded and submitted catch and effort logbooks in the Queensland east coast net fishery, or shark and ray logbooks (EN, NC, SR and SRE), under the N1, N2 or N4 fishery symbol within management region 5 between 1 September 2021 and 30 June 2023 (the relevant period) **and**
3. have reported catch during the relevant period that is equal to, or above, 1 kilogram per year with catch and effort logbooks having been correctly submitted and received by the chief executive before 15 July 2023 **and**
4. not have had their PCFL revoked, cancelled or surrendered by a court or the chief executive during the relevant period **and**
5. have reported catch equal to, or above, 1 kilogram per year under the N1, N2 or N4 fishery symbol in the rezoned GSMP site grids **and**
6. not have made an application with QRIDA for an entire PCFL buyback under the structural adjustment process, to which the relevant fishery symbol (N1, N2 or N4) with catch history relates.

9 Additional considerations and special circumstances

Special consideration will be given to operators who can demonstrate a medical reason or extenuating circumstance (with supporting evidence) as to why they cannot meet the requirement for the minimum harvest of 1 kilogram per annum in management region 5 when applying for the N15 symbol.

When assessing applications, a decision-maker may request further information from the licence holder to appropriately determine whether a special circumstance exists.

If satisfied, the decision-maker may pro-rata the minimum of 1 kilogram per year harvest during the relevant period in order to issue an N15 symbol only.

10 Related and referenced documents

Fisheries Act 1994

Fisheries (General) Regulation 2019

Fisheries (Commercial Fisheries) Regulation 2019

Fisheries Declaration 2019

Fisheries Quota Declaration 2019

Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023

Human Rights Act 2019