

“Please note, when implementing this policy you must consider whether any human rights are engaged under the *Human Rights Act 2019* and whether any limitations on human rights are reasonable and justifiable. If you engage a human right you should conduct a proportionality assessment under the Act. Additionally, this policy has been reviewed on 02/07/21 to ensure actions and decisions under this policy can be made in a way that is compatible with human rights.”

### 1 Policy Statement

The purpose of this Policy is to outline and clarify when recreational fishing on a commercial fishing operation can occur and what reporting requirements may be associated with recreational fishing on a commercial fishing operation. This Policy will outline:

- how the fishery symbol attached to a Primary Commercial Fishing Licence (PCFL) influences the policy for recreational fishing on a commercial operation
- how quota unit entitlement and quota balance associated with a PCFL influences the policy for recreational fishing on a commercial operation
- what reporting requirements must be adhered to for recreationally caught and landed fish.

### 2 Background and Context

The Policy pursues the objectives of the *Fisheries Act 1994* (the Act) and the Sustainable Fisheries Strategy 2017-2027 (the Strategy).

Harvest strategies were developed from the Strategy which provide pre-determined management action plans to achieve the agreed ecological, economic and social management objectives of specific fisheries. Harvest strategies utilise catch triggers for individual species and set commercial catch quotas restricting the take of certain species to ensure the sustainability of fisheries resources within Queensland.

There are two types of quota allocation methods depending on the species:

1. Individual transferable quota (ITQ) - eligible commercial fishers are assigned a quota unit allocation and should not fish over this allocation for commercial purposes. Fishers must report their commercial take to Fisheries Queensland to ensure the commercial catch limit is not exceeded.
2. Competitive Prescribed Commercial Catch – (PCC) (also known as total allowable commercial catch (TACC)) - a competitive catch quota is set for all commercial fishers. Fishers must report their commercial take to Fisheries Queensland. Once the PCC is exhausted, commercial fishing for the species is no longer allowed.

Misreporting or excessive recreational take may lead to overfishing of the stock, an inappropriate quota limit being set for the fishery, or reduced ability to detect trends in the harvest and catch rates of those species.

Clear policy surrounding recreational fishing and associated reporting requirements on a commercial operation is necessary to ensure the sustainability of fish species and ensure extra catch is not being landed and sold illegally. Ensuring recreational catch is required to be recorded will increase compliance with quota limits and no take species regulation whilst reducing black marketing of species.

### **3 Scope**

#### **3.1 In-Scope**

The Scope of this Policy includes recreational fishing activities allowed on commercial operations in line with the Act including:

- outlining in which situations commercial fishers can take and land recreationally caught fish
- stating the reporting requirements for recreationally caught fish
- outlining relevant symbol and quota information to determine ability to take, land and report recreationally caught fish.

#### **3.2 Out-of-Scope**

The following are out of scope for this Policy:

- commercial fishing rules and reporting requirements that fall outside of the scenarios posed in this policy
- setting commercial catch limits
- determining which species can be taken
- recreational fishing rules relating to fishing areas, gear restrictions and bag and size limits
- a solely recreational fishing operation or charter fishing trip conducted on an authorised boat for a PCFL when a pre-trip notice has been given. All recreational rules and limits apply.

## 4 Abbreviations, Acronyms and Definitions

Term, acronym	Definition
AIVR	Automated Interactive Voice Response
CDR	Catch Disposal Record
ITQ	Individual Transferable Quota
PCC	Prescribed Commercial Catch
PCFL	Primary Commercial Fishing Licence
QBFP	Queensland Boating and Fisheries Patrol
Competitive TACC	Total Allowable Commercial Catch (also referred to as Prescribed Commercial Catch)
The Act	The <i>Fisheries Act 1994</i>
The Strategy	The Sustainable Fisheries Strategy 2017-2027

## 5 Consistency with Relevant Legislation and Overarching Policy Directives

The Policy is in line with the Act and the objectives of the Strategy. Section 6 of the Act outlines recreational fishing activities and enables recreational fishing on a commercial operation.

The Policy is consistent with, and should be read in conjunction with, recreational regulated fish declarations (possession and size limits) prescribed in schedule 2 of the Fisheries Declaration 2019.

## 6 Key Principles

### 6.1 Ecological Sustainability

Ecological sustainability of fisheries resources and the ecosystems on which they depend is paramount. Maintaining the sustainability of fisheries resources is the highest priority for Fisheries Queensland.

### 6.2 Consistent Approach

It is also important that there is a consistent and transparent approach to recreational fishing activities allowed on commercial fishing operations.

## 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 fail to give proper consideration to a human rights relevant to the decision.

The Policy engages section 25 Right to Privacy and reputation and section 28 Cultural rights - Aboriginal peoples and Torres Strait Islander peoples. These sections are engaged but not limited by the Policy and are integral to Fisheries Queensland achieving the Strategy.

A comprehensive human rights proportionality assessment has been conducted for this Policy and can be made available upon request.

## 8 Assessing Recreational Take

Recreational fishing is permitted on commercial fishing operations in line with the Act, as long as recreational fishing rules are followed. For a fish taken to be considered recreational catch, it must:

- not be sold; and
- be caught using permitted recreational fishing apparatus as outlined in chapter 4 of the Fisheries Declaration 2019; and
- comply with relevant size, possession and form limits for that species, as outlined in Schedule 2 of the Fisheries Declaration 2019.

Fish species taken recreationally while on a commercial operation fall under one of three quota systems:

- ITQ
- Competitive PCC
- No quota

A fisher's ability to take recreationally caught fish depends on the fisheries quota status and symbols held by the fisher.

### 8.1 ITQ Fisheries

#### 8.1.1 Commercial Operation with Relevant Symbol, Quota Unit Entitlement and Sufficient Available Quota Balance

A commercial operation acting under a PCFL with an associated symbol and quota unit entitlement may take recreational fishing limits of ITQ species if the fisher has a sufficient available quota unit entitlement. Any recreational catch will be deducted against the fisher's individual quota account. Any fish taken recreationally must be recorded in the relevant fishery logbook, included in the prior notice and weight notice through the Automated Interactive Voice Response (AIVR) and reported in the catch disposal record (CDR). Once the fisher's full ITQ entitlement of the relevant species has been fished, recreational take is not allowed. Standard recreational fishing rules apply in relation to apparatus and size, possession and form limits for that species.

### **8.1.2 Commercial Operation with Relevant Symbol and Quota Unit Entitlement But Insufficient Quota**

A commercial operation acting under a PCFL with an associated symbol and quota unit entitlement but with insufficient ITQ available is not allowed to take recreationally caught fish of the relevant ITQ species.

### **8.1.3 Commercial Operation with Relevant Symbol But No Quota Unit Entitlement**

A commercial operation acting under a PCFL with an associated relevant symbol but no ITQ can fish recreationally within the standard recreational fishing rules. This includes fishers who hold a relevant symbol through temporary transfer. Recreationally caught fish must be recorded in the logbook comments section but no AIVR submission is required.

### **8.1.4 Commercial Operation Without Relevant Symbol and No Quota Unit Entitlement**

A commercial operation acting under a PCFL without associated symbol or quota unit entitlement can fish recreationally within the standard recreational fishing rules. Recreationally caught fish must be recorded in the logbook comments section but no AIVR submission is required.

## **8.2 Competitive PCC (TACC) Species**

### **8.2.1 Commercial Operation With Relevant Symbol**

If the species has a PCC quota assigned and the PCC has not been reached, recreational fishing of that species is permissible on a commercial fishing operation. Any fish taken recreationally must be recorded in the relevant fishery logbook, must be included in the prior notice and weight notice through AIVR and be recorded in a CDR. Once the PCC has been reached, recreational take of the species on a commercial operation is not allowed. Standard recreational fishing rules apply.

### **8.2.2 Commercial Operation Without Relevant Symbol**

A commercial operation without the associated symbol is allowed to take recreationally caught fish of the relevant PCC species within the standard recreational fishing rules. Recreationally caught fish must be recorded in the logbook comments section but no AIVR submission is required.

## **8.3 Non Quota Fisheries**

### **8.3.1 Commercial Operation in a Non-Quota Fishery**

A commercial operation acting under a PCFL in a non-quota fishery can fish recreationally within the standard recreational fishing rules. Recreationally caught fish must be recorded in the comments section of the logbook but no AIVR submission is required.

## 9 Related and Reference Documents

- *Fisheries Act 1994*
- Fisheries Declaration 2019
- Fisheries (General) Regulation 2019
- Fisheries (Commercial) Regulation 2019
- *Human Rights Act 2019*
- Customer Service Centre – 13 25 23

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