

Queensland's fisheries legislation: October 2016 changes

This document provides a brief overview of the important changes made to Queensland's fisheries legislation that came into effect on 28 October 2016.

Marking requirements for commercial fishing boats

To remove ambiguity in the requirements for marking commercial fishing boats, there have been two changes to legislation.

Boat marks must not be removed from the boat's hull or replaced with another boat mark on the boat's hull during a fishing trip. Boat marks must also now be 'attached to' a boat rather than 'placed on', with the exception of tender boats.

Standardisation of the minimum distance a set mesh net can be used near a jetty or wharf

The legislation has previously prescribed the various minimum distances a set mesh net can be used near a wharf or jetty, with that distance depending on location.

Now all jetty and wharf distance restrictions for all net fisheries in Queensland are standardised at 400m. This approach will remove any ambiguity or confusion.

Maximum allowable primary vessel length in the East Coast Tropical Rock Lobster Fishery

Previously, the maximum allowable primary vessel length in the East Coast Tropical Rock Lobster Fishery (ECTRLF) was 20 m.

To increase efficiency the maximum allowable primary vessel length is now 25 m. The fishery is controlled by quota which limits the commercial catch.

Tropical Rock Lobster may not be taken by commercial mesh nets

The commercial take of tropical rock lobster was intended to be limited to the holders of an 'R' fishery symbol and quota to harvest the species. It has become apparent that some fishers employing commercial mesh nets may be taking this species. This practice has the potential to undermine the management arrangements established for this species and potentially threaten its sustainability.

The legislation has been clarified to ensure commercial mesh nets may not be used for taking this species.

Standardisation of prior notice deadlines

In some Queensland commercial fisheries, fishers are required to provide a notice (a prior notice) before they arrive in port to allow compliance officers to be at that location to inspect the catch at the time of landing. The deadlines for prior notices (and retained fish notice) for different fisheries has previously varied between 1 hour and 24 hours (depending on the area and day that the notice is being provided).

The current reporting requirements for north of Rattlesnake Point (latitude 15°50.30' south) are unchanged at at least 6 hours prior to landing due to the remoteness of those areas. For South of Rattlesnake Point, prior notices must now be lodged at least one hour prior to landing.

Alternative ways to provide prior notices or unloaded fish notices

Previously the prior notices or unloaded fish notices could only be provided through the automated interactive voice response system (AIVR system). There is no other avenue to provide these notices by any other means. Alternative technological methods could provide easier avenues of providing the same information.

Notices may now be given by the use of other methods if approved by the Department of Agriculture and Fisheries. Currently there are no other methods approved, but industry will be advised if other approved methods are made available.

Information requirements for wholesale sale of fisheries resources

There is an obligation on the seller to give the buyer a sale docket with particular details and on the buyer to obtain from the seller a sale docket with particular details. However, the seller may allow the buyer to complete the docket.

The legislation now clarifies that even if the seller chooses to get the buyer to complete the docket, the seller remains liable to ensure that all details are correct and to sign the docket.

Broadening of definition of manta ray species

Manta rays are listed under the Convention on International Trade in Endangered Species (CITES) and while the legislation previously provided protection for *Manta birostris*, other species of manta rays were inadvertently excluded. To ensure all species are protected in line with all other jurisdictions, the legislation has been amended to include all manta species.

Four new stocked impoundments excluded from the barramundi closure

Four new impoundments have been added to the list of stocked impoundments that are exempt from the seasonal barramundi closure: Aplins Weir, Ben Anderson Barrage, Lake Morris (Copperlode Falls Dam) and Lake Gregory (Isis Balancing Storage).

A seasonal closure is in place from midday on 1 November to midday on 1 February along the East coast of Queensland to protect barramundi from fishing pressure during the months they aggregate to spawn. Barramundi stocked in impoundments cannot spawn due to impediments such as dams or weirs, which prevent their migration downstream to suitable estuarine spawning areas. Consequently, these stocked impoundments are excluded from the barramundi seasonal closure. Fishers in these waters can take no more than 1 barramundi from these impoundments during the period of the seasonal closure.

Recreational fishers no longer required to remove or hole-punch lobster tails

Previously, recreational fishers were required to remove or hole punch lobster tails. The requirement proved to be largely ineffective and was considered to be an unnecessary burden upon recreational fishers. This obligation has been removed, and enforcement will rely upon the size and in-possession limits for the species.

Recreational fishers may no longer use shell dredges

The use of shell dredges is extremely limited because people prefer to hand pick their shells to avoid damage. Further, their use can have a significant impact on the seafloor and any shells cannot be taken for trade or commerce. As a result of these issues, recreational fishers will no longer be permitted to use shell dredges.