

# Legislation clarification and corrections

## Commercial fishing rules in Queensland

The Fisheries Legislation Amendment Regulation 2021 was made on 14 April 2021, to clarify fishing rules and provide consistency across fisheries legislation. Following a number of regulatory changes in 2019 and 2020 that allowed the fisheries reforms outlined in the *Queensland Sustainable Fisheries Strategy: 2017–2027* to be implemented, a number of minor amendments were required to facilitate the intent of the original changes.

### Changes to commercial fishing rules

**Please note:** Some amendments clarified changes to fisheries regulations that will commence on 1 September 2021 and therefore have not yet been implemented. This means that the regulations have been corrected before commencement.

#### Quota allocation

Change	Why?
Correct the 'catch eligibility date' within the quota allocation provisions for the commercial net fisheries and commercial crab fisheries	Allows for timely, accurate and transparent quota allocation of net/line, crab and trawl units
Insert an 'eligible person date' within the quota allocation process for parts of the east coast trawl fishery and establish a T1 and T2 (trawl fishery) effort unit transfer freeze	
Correct to whom the adjustment of effort units applies as part of the quota allocation process, if a person is issued more effort units than his or her original T1 holding	
Correct the allocation of extra fishing days within the quota allocation process	

#### East coast inshore fishery

Change	Why?
Correct the net fishery ply ratings and mesh size in the commercial net fisheries	Provides consistency across all net apparatus in all commercial fisheries
Clarify that licences with only harvest fishery symbols are unable to take fish to use as bait within the N11 fishery	Reflects historical fishery management arrangements
Clarify the definition of 'trunked' in relation to shark and ray form requirements	To ensure fins are retained on all landed sharks to aid in their identification

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## Crab fishery

Change	Why?
Clarify how escape vents in crab pots can be installed	To ensure escape vents operate as intended
Correct the 'Hervey Bay crab area'	To accurately reflect the intended fishery area

## Reef line fishery

Change	Why?
Correct the form requirements for Spanish mackerel in the Spanish mackerel commercial fishery	To address increased compliance risks associated with identifying filleted product

## Trawl fishery

Change	Why?
Remove the maximum size limit for cover nets for trawl cod ends	Enables industry to self-regulate upper cover net dimensions
Clarify the southern offshore trawl region trawling hours	Permits efficient fishing in areas where risks to scallop populations are considered extremely low
Clarify the effort unit conversion factor (EUCF) for particular vessels within the east coast trawl fishery	Maintains the EUCF that currently applies to those vessels

## Harvest fisheries

Change	Why?
Exclude the aquarium fish fishery (A1 symbol) from the south-east gastropod closures and 'net-free zone' provisions	Allows the continued collection of fish and invertebrates for ornamental purposes in these areas
Clarify when a fishing trip starts and ends for the commercial worm and marine yabby fisheries	Reflects historical fishing practices, whereby a single boat is used to transport multiple worm and yabby fisher licence holders to and from local fishing grounds

## General

Change	Why?
Clarify the fisheries in which the number of tender boats must be identified on licence	Reflects historical tender trading arrangements within some fisheries
Clarify when tender boats are able to be used as primary boats	Allows the use of tender boats as primaries even though a primary may not be identified on a licence
Clarify when empty mollusc shells may be taken	Prevents the take of empty trumpet shells and helmet shells, which are both no-take species under the Fisheries Declaration 2019
Remove provisions that incorrectly allow for the movement of product between commercial vessels in certain Queensland waters without a carrier boat licence or where transshipment is not permitted	To clarify the instances in which transshipment of product is allowed at a fishery level
Clarify the commercial fishing reporting requirements	For better alignment with future electronic reporting options