

# Sustainable Fisheries Strategy

## 2017–2027

## Discussion paper: Proposed amendments to the Fisheries Regulation 2008

### Message from the Minister

Queensland is renowned for its fisheries. Whether heading out for a weekend or drawing a living as a commercial or charter fisher, every Queenslanders has an interest in the effective and sustainable management of this precious and finite public resource.

Over the last five years, Queensland's fisheries have undergone a series of management changes. Our goal is to create a framework for sustainable management of our fish stocks for our children and grandchildren to enjoy.

In June 2017, the Queensland Government released the *Sustainable Fisheries Strategy 2017–2027*, paving the way for Queensland to have a world-class fisheries management system. It outlines 33 actions to be delivered across 10 reform areas. The proposed amendments would deliver on a number of 2020 targets outlined in the strategy.

The necessary tools, like sustainable catch limits, harvest strategies and rules to minimise concerns about bycatch and protected species interactions are not in place to manage our fisheries sustainably into the future or to the standards expected by Queenslanders. Doing nothing is not an option.

I recognise the important contribution commercial fishers make to our regional communities and economies. We want a professional industry supplying sustainable seafood products.

I also recognise the importance of fishing to Aboriginal and Torres Strait Islander communities and recreational fishers, for traditional custom, tourism and regional economies. We want fishing to be sustainable and available for future generations to enjoy.

As the managers of our fisheries resources, we also want a more responsive fisheries management system that avoids drastic and urgent changes. These changes are needed if we are to achieve all of these outcomes.

While reforming these fisheries means significant change, there are benefits. Ecologically, fishing will be less of a risk to our ecosystems and our fish stocks will be healthier, more resilient and able to better support a range of commercial, recreational and cultural pursuits.

Commercial fishers will gain a range of social and economic benefits through increased certainty of access, reduced competition for the resource, continued access to export markets by maintaining Wildlife Trade Operation accreditation and a more positive investment environment as investment warnings that have been in place for some time are removed.

Aboriginal and Torres Strait Islander communities and recreational fishers will gain from greater fishing satisfaction and participation in management of our fisheries.

Queenslanders will benefit from continued supply of fresh, sustainable seafood products and greater confidence that our fisheries are sustainably managed.

I encourage all stakeholders to have their say on the proposed amendments. Your feedback will be considered when finalising the changes to the Fisheries Regulation 2008, which are expected to occur by September 2019.

The Hon. Mark Furner MP  
**Minister for Agricultural Industry Development and Fisheries**

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## Process to date

In January 2019, the Queensland Government released a directions paper on fisheries reforms. This paper outlined the proposed direction for reforming some of the state’s most important fisheries—the trawl, crab and east coast inshore fisheries.

Extensive consultation has occurred over the last 18 months on options and allocation approaches. Detailed consultation reports are available online at [fisheries.qld.gov.au](http://fisheries.qld.gov.au).



All feedback has been considered by the relevant working groups and the Sustainable Fisheries Expert Panel, and a number of changes have been made as a result of the feedback. **This is now the final round of public consultation on proposed changes to implement the fisheries reforms in legislation.** Harvest strategies will be released for public consultation, separate to the legislation changes, later in 2019.

## The need for reform

The proposed amendments to the Fisheries Regulation 2008 will contribute to a modern and responsive system of fisheries management that is transparent, consultative and based on the best available information. The result will be more sustainable fisheries, a better recreational fishing experience, a profitable commercial fishing sector and improved stakeholder engagement.

The need for fisheries reform in Queensland was driven by a number of reviews, starting with the MRAG review in 2014 followed by a green paper in 2016, which received more than 11 000 submissions. The overwhelming message was that all stakeholders wanted the management of fisheries to be reformed. Most stakeholders agreed that doing nothing is not an option.

The current management arrangements are complex, inefficient and do not effectively control fishing effort and/or catch in most of Queensland’s fisheries. They have resulted from many years of ad hoc actions, rather than strategic management. The necessary tools—like sustainable catch limits and indicators to inform performance through harvest strategies—are not in place to manage our fisheries

sustainably or to the standards expected by the community. A number of our fish stocks are also considered depleted or overfished according to the national Status of Australian Fish Stocks (snapper, pearl perch and scallops) and action is needed to recover these stocks.

There are also ongoing concerns about fishing impacts on protected species (e.g. turtles, dugong, dolphins and other protected fish) and bycatch. Without reform, it will be increasingly difficult to demonstrate sustainability and that fishing is a low risk to iconic species, particularly in the Great Barrier Reef.

## Proposed regulatory amendments

The proposed amendments focus on the following key areas:



1. Implementing the fisheries reforms—essential for long-term sustainability and profitability



2. Urgent sustainability actions—taking the pressure off snapper and pearl perch



3. Standardising fishing rules and supporting compliance



4. Reducing red tape and removing unnecessary restrictions

### Summary of key proposed changes for all sectors

- Increase the king threadfin minimum size limit from 60 cm to 65 cm.
- Introduce a seasonal closure for snapper and pearl perch in July each year.
- Increase the pearl perch minimum size limit from 35 cm to 38 cm.

### Summary of key proposed changes for commercial fishers

- Divide the trawl, crab and east coast inshore fisheries into smaller management units based on management of key species.
- Set sustainable catch limits for crab, east coast inshore, trawl, snapper and pearl perch.
- Establish criteria for allocating quota and effort units.
- Introduce a requirement to hold a commercial fishing licence and symbol to hold quota for east coast inshore and mud and blue swimmer crab fisheries.
- Introduce a minimum quota holding for mud and blue swimmer crab.
- Introduce tagging of commercially caught mud crabs.
- Establish a requirement and process for adding approved bycatch reduction devices.
- Establish a framework for individual accountability for protected species mortalities and escalation process.

- Increase the spanner crab dilly limit from 45 to 75
- Standardise reporting requirements across fisheries and removing the need for 1-hour prior reporting, now that vessel tracking is in place.
- Standardise boat size and permitting arrangements.
- Reduce unnecessary restrictions.

### Summary of key proposed changes for recreational and charter fishers

- Introduce a general in-possession limit of 20 for fish where there is no species in-possession limit
- Introduce an in-possession limit of 50 for certain bait species
- Reduce the in-possession limit for mud crab to 7 (down from 10)
- Reduce in-possession from 5 to 4 for pearl perch
- Introduce a new possession limit of 20 for blue swimmer crab
- Reduce the in-possession limit for all molluscs and gastropods (e.g. pipi) from 50 to 30
- Introduce boat limits based on two times the in-possession limit for priority black-market species
- Prohibit use of lightweight crab pots
- Changes to protect Murray and Mary River cods (align closed seasons, same size limits)
- Requirement for inshore charter operators to register (free)
- Remove the extended in-possession limit for snapper and pearl perch for charter

### Regulatory impact

Refer to the impact statement available at [fisheries.qld.gov.au](http://fisheries.qld.gov.au).

### How to provide feedback

This discussion paper is designed to provide all stakeholders with the opportunity to have their say about the proposed amendments to the Fisheries Regulation. Once feedback has been received, Fisheries Queensland will collate all responses for consideration by government.

You can provide feedback by completing the online survey or submitting your feedback by email or post:

Online: [fisheries.qld.gov.au](http://fisheries.qld.gov.au)

Email: [fisheriesmanagers@daf.qld.gov.au](mailto:fisheriesmanagers@daf.qld.gov.au)

Mail: Proposed amendments to the Fisheries Regulation 2019  
 Department of Agriculture and Fisheries  
 GPO Box 46  
 Brisbane Qld 4001

**Submissions close 5 pm, Friday 19 July 2019.**

For more information, visit [fisheries.qld.gov.au](http://fisheries.qld.gov.au) or call 13 25 23.

# Implementing the fisheries reforms—essential for long-term sustainability and profitability

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## 1. Implementing the fisheries reforms—essential for long-term sustainability and profitability

In January 2019, the Queensland Government released a directions paper on fisheries reforms that outlined the proposed direction for reforming some of the state's most important fisheries, the trawl, crab and east coast inshore fisheries. The following proposed amendments are consistent with this direction.

### Proposed changes that apply to all sectors

#### 1. Amend the king threadfin minimum legal size limit.

It is proposed to increase the minimum legal size limit for king threadfin from 60 cm to 65 cm to allow more fish to mature on the east coast. This is consistent with the best available science on biological size at maturity for this species. This change would apply to both recreational and commercial fishers on the east coast, but would not apply in the Gulf of Carpentaria as it is a different stock.

### Proposed commercial fishing changes that apply across multiple fisheries

#### 2. Requirement for a Commercial Fishing Boat Licence and relevant fishery symbol to hold new individual transferable quota units.

It is proposed that for the new quota-managed fisheries (east coast inshore, mud crab and blue swimmer crab fisheries), a Commercial Fishing Boat Licence and the relevant fishery symbol must be held to buy, lease or sell quota. This is in response to commercial fishers' concerns about fisheries becoming dominated by one or two fishing operations. It would not apply to existing quota-managed fisheries (e.g. coral trout, tropical rock lobster and spanner crab).

#### 3. Requirement for bycatch reduction devices to be used in line with best practice.

It is proposed that bycatch reduction devices (BRDs) would be used in commercial fisheries in Queensland to reduce the impact of fishing on the broader ecosystem. Commercial fishers would be required to fit and use BRDs relevant to the fishery or gear type they are operating. A list of prescribed BRDs would be established based on existing science, which could be updated from time to time through a prescribed process. Proposed BRDs for initial implementation include:

- a. escape vents for mud crab (based on the study conducted by the Northern Territory Government: MA Grubert and HS Lee, *Improving gear selectivity in Australian mud crab fisheries*, project no. 2010/042). The proposed dimensions are
  - minimum 2 x 120 mm x 50 mm (width x height) escape vents
  - minimum 2 x 90 mm diameter rings
- b. no change to trawl BRDs (other than clarifying weighting of bigeye)
- c. bycatch reduction grids for tunnel netting apparatus.

**4. Allow issue of a general fisheries permit to trial new and alternative gear types to support innovation within the commercial fishing industry.**

It is proposed that a General Fisheries Permit would be issued, at no cost and under certain conditions, to trial bycatch reduction devices, turtle excluder devices and alternative gear types that could help minimise the impact of fishing on the broader ecosystem. Similar to a Developmental Fishery Permit, a trial of gear and a decision to implement new gear types would need to be determined within three years of the General Fisheries Permit being issued.

**5. Amend provisions relating to the processing of sharks at sea by commercial fishers.**

It is proposed that commercial fishers, on both the east coast and the Gulf of Carpentaria, would be required to land sharks taken in the fishery with their fins naturally attached. This requirement would still allow for other common forms of processing at sea (i.e. head and guts removed) to continue. However, filleting of sharks at sea would no longer be permitted. This amendment would meet conditions of the [Wildlife Trade Operation accreditation](#) issued under the federal *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed commercial fishing changes to Queensland crab fisheries**

**6. Divide the existing Queensland Commercial Crab Fishery (C1) into three management areas and establish a separate total allowable commercial catch (TACC) based on sustainable catch limits for each management area.**

The TACC would be adjusted up and down in accordance with a harvest strategy:

- a. Mud Crab Gulf of Carpentaria (GC1)
- b. Mud Crab East Coast (EC1)
- c. Blue Swimmer Crab all waters (BC1).

Fishers who hold a C1 fishery symbol would be able to access all management areas, as they currently can. However, they would only be able to fish for, and retain, crab species if they hold individual transferable quota units for the relevant management area.

**7. Allocate individual transferable quota (ITQ) for mud crab and blue swimmer crab for the Queensland Commercial Crab Fishery (C1).**

It is proposed that mud crab and blue swimmer crab ITQ units would be allocated to eligible fishers. Allocation would be based on the following:

- a. Each licence's annual catch history for the six (6) best years from the seven (7) year allocation period between 2011 and 2017.

$$\text{Allocated units} = \frac{(\text{Sum of licences reported catch for best 6 years} \div 6) \times \text{fishery units}}{\text{Whole fishery sum of catch for best 6 years}}$$

- b. ITQ would be issued to eligible Commercial Fishing Boat Licences that have a C1 symbol written on it at close of business (5 pm) on the date of allocation. The date of allocation would be a future date set by the Fisheries Regulation
- c. Only logbook history up to a maximum annual cap of 6 tonnes would be used to calculate allocation for licences with one C1 symbol. For any years that a licence had two C1 symbols written on it (from 23 May 2014), logbook history up to a maximum cap of 12 tonnes would be used for quota allocation. To be eligible for the 12 tonne cap for any of the annual catch years, there must be two C1 symbols written on the licence on the date of allocation. There is no maximum annual cap for blue swimmer crab.

**Note:** Fishers are reminded that an [investment warning](#) is in place for all Queensland fisheries.

Each ITQ unit would entitle the holder to take a share of the TACC in the relevant management unit. The annual ITQ unit administration fee for mud crab GC1 would be approximately \$7.76 per unit (or 20c per crab), for EC1 \$4.86 per unit (or 20c per crab), and for BC1 \$6.96 per unit (or 15c per crab).

To be eligible to fish, a minimum holding of ITQ units or equivalent to 1.2 tonnes for GC1 and EC1 would be required. As long as the minimum holding is maintained in a licence holders quota account (fished plus non-fished) they would be eligible to undertake fishing activities.

The TACC and quota-managed fishing would commence on 1 March 2020. The first year would be a 10-month fishing season and be based on an annual calendar year of fishing after that. The TACC would be adjusted over time through a harvest strategy.

**8. Introduce tagging of commercially caught mud crabs.**

To support the new ITQ system and help combat the black-marketing of this species, it is proposed that all commercially caught mud crabs that are presented for sale without a tag would be considered to have been taken illegally. The cost of tags would be covered by the ITQ unit fee. Commercial fishers would be required to attach a tag to all retained crabs in a manner prescribed by the Chief Executive prior to leaving the water. An operational guideline, similar to vessel tracking, would be released for consultation at the end of 2019. Tagging would commence on 1 March 2020 to coincide with the commencement of the new quota management system.

**9. Increase the number of pots allowed in offshore waters in the blue swimmer crab fishery.**

It is proposed that commercial fishers would be permitted to use up to 150 pots in the offshore blue swimmer crab fishery if they have three C1 fishery symbols on their licence. Blue swimmer crab ITQ units would be required to fish. Offshore waters would be defined as:

- outside the existing Moreton Bay trawl area (M2) (i.e. outside a line from Skirmish Point, Bribie Island, to Comboyuro Point and Moreton Island)
- outside a line from Burrum Point to the fairway buoy and across to Moon Point on Fraser Island
- all other waters beyond 3 nautical miles of the mainland shore, or the shore of an island.

**10. Clarify the take period for blue swimmer crab caught in the East Coast Trawl Fishery (Moreton Bay).**

Clarify the take of crabs by Trawl in Moreton Bay (M1, M2 or T5) to a day limit of 100 crabs for each continuous period of fishing of 24 hours, or part of 24 hours. The existing trip limit of 500 for each continuous period of fishing of 7 days would remain for all other trawl operations (i.e. T1, T2, T6, T7, T8 or T9). These limits cap the trawl harvest of blue swimmer crabs to approximately 10% of the total blue swimmer harvest. As the TACC for blue swimmer crab adjusts over time in line with the harvest strategy, these trip limits would also be adjusted.

**11. Prohibit the use of net apparatus to take crab.**

Currently, crabs can be retained if incidentally caught when using netting apparatus. It is proposed to only permit the take of crab by pot for mud crabs, dilly for spanner crabs, or pot and trawl gear for blue swimmer crab. These measures are being introduced as crabs have a high survival rate when released, and to support the implementation of the quota system for these species.

## 12. Amend the commercial spanner crab dilly limit.

It is proposed to amend the existing spanner crab commercial dilly limit from 45 to 75 and to remove General Fisheries Permits for additional apparatus. Fishers operating more than 45 dillies (i.e. 46 to 75 dillies) would be required to have at least two people on board to appropriately handle undersized crabs. This change would commence on 1 January 2020 and is consistent with the draft harvest strategy to rebuild stocks.

## Proposed commercial fishing changes to the East Coast Trawl Fishery

### 13. Divide the existing East Coast Otter Trawl Fishery (T1, T2) into four management areas and establish a separate total allowable commercial effort (TACE) based on sustainable catch limits for each management area.

The TACE would be adjusted up and down in accordance with a harvest strategy:

- northern (tiger prawns) trawl area—Cape York to Northern tip of Dunk Island at approximately 17°55.6'
- central (multi-species) trawl area—between Northern tip of Dunk Island at approximately 17°55.6' and south to approximately 22°, excluding the Swain Reefs and Hydrographers Passage
- southern offshore (eastern king prawns) trawl area—offshore waters from 22° to the Queensland–New South Wales border, including Swain Reefs and Hydrographers Passage and excluding the inshore scallop fishery
- southern inshore (scallops) trawl area—inshore waters from 22° to the southern end of Hervey Bay, excluding the offshore fishery near Fraser Island.

Fishers who hold a T1 or T2 fishery symbol would be able to access all management areas, as they currently can. However, they would only be able to fish for, and retain, permitted trawl species if they hold effort units for that management area.

### 14. Allocate existing trawl effort units to the new management areas.

It is proposed to allocate all existing effort units (T1/T2) to the new management areas. Allocation would be based on the following:

- a. Each licence holder's effort unit and vessel tracking history over the 10-year allocation period from 2008 to 2017.
- b. 'Used' effort units would be allocated to the management area in which they were used. For T2 effort units, the existing area of operation restrictions (i.e. South of Sandy Cape) would continue to apply, and when converting to T1 effort units 50% would be surrendered along with the T2 symbol.
- c. 'Unused' effort units would be allocated based on a nomination process. Effort unit holders would be provided 6 weeks to nominate which management area (including Moreton Bay) their 'unused' effort units would be allocated to. If no nomination was received, the allocation would default to the regional percentages (36% southern offshore, 21% southern inshore, 21% central, 22% northern and 0% Moreton Bay), which are based on a value halfway between an equal split to each region and the existing fleet usage percentage for each management region. 'Unused' T2 units would be allocated into the southern offshore region, as this is the only area they are able to fish.

**Note:** Fishers are reminded that an [investment warning](#) is in place for all Queensland fisheries.



Each effort unit would entitle the holder to fish in the relevant management area until the TACE is reached. There is no change to the annual effort unit administration fee (currently \$0.3934 per unit) for the East Coast Otter Trawl Fishery.

The TACE and reallocation of effort unit would commence on 1 January 2020, with the existing fishing season arrangements to continue. The TACE would be adjusted over time through a harvest strategy.

**15. Transition Moreton Bay (M2) fishers to an effort unit system similar to the rest of the trawl fishery and establish a separate total allowable commercial effort (TACE) for Moreton Bay (applying to M1/T1 and M2 fishers).**

The TACE would be adjusted up and down in accordance with a harvest strategy:

- a. It is proposed that the defined area of the M1/M2 fishery be expanded to include the restricted T1 waters in the Comboyuro Point to Caloundra Head area. This expansion is intended to create a single management area where the current 32.5 metre net length restriction would apply. The existing M1/M2 plus the Comboyuro Point to Caloundra Head area would be the Moreton Bay Management Area.
- b. Establish a new 'Moreton Bay effort unit' for M1/M2 fishers and limit the allocation to a maximum of 8,535 units (based on 80% of the current MSY estimate) to minimise the risk of 'unused effort units' as the fishery moves to MEY in the future.
- c. Allocate 50% of the effort units (4,267 units) to M2 licence holders based on an equal split. Each M2 holder would receive approximately 178 nights which is above the current level of fishing but recognises that upgrades to boats would drive down the number of nights available given the hull unit conversion factor.
- d. Allocate effort units to M1/T1 fishers based on a base allocation of 50 nights plus proportional history in Moreton Bay. The amount of Moreton Bay effort units allocated would not be greater than an individual's East Coast Effort Unit (ECEU) holdings (i.e. if a fisher holds 100 ECEU the maximum allocation would be 100 Moreton Bay Effort Units based on the sum of the base allocation and their history). The average allocation for M1 holders is 90 nights and aligns with their historical reliance on this area to fish.
- e. Establish an effort cap (TACE) for Moreton Bay that would apply to both M1 and M2 fishers who fish in Moreton Bay. The Moreton Bay Harvest Strategy Workshop recommended the TACE be set based on MSY initially, as the allocation is below MSY a conversion factor of approximately 0.8 would apply.

**Note:** Fishers are reminded that an [investment warning](#) is in place for all Queensland fisheries.

The existing annual effort unit administration fee for the East Coast Otter Trawl Fishery of \$0.3934 per unit would apply to the new effort units for Moreton Bay (M2). The TACE and new effort unit management would commence on 1 March 2020. The first year would be a 10-month fishing season and would be based on an annual calendar year of fishing after that.

**16. Implement small prawn strip closures in the Southern Offshore Trawl Management Region.**

Introduce small prawn closures from October to last quarter moon in March to prevent targeting of small prawns in the southern offshore region. This includes the following strip closures, which are being mapped in consultation with industry:

- Tweed to Point Lookout
- East of Cape Moreton 36 fathom north past Flinders to northern point Flinders Reef, then west/north-west to a point east of Currimundi Lakes
- Old Woman Island north to Noosa Headland
- Area north of Sandy Cape.

**17. Change the existing southern closure.** The closure would apply to the southern offshore and southern inshore regions and would be amended to 20 September to 20 October each year as well as all of February each year. Hydrographers Passage would also be closed in February. This would effectively see off all the east coast closed (except Moreton Bay) in February. It is also proposed to remove the eastern king prawn trigger (24 nights a month) for the southern offshore region given the additional closures and the effort cap which would be in place.

**18. Introduce management arrangements to support the recovery of scallops.** A number of changes are proposed to further rebuild scallop stocks which are still considered depleted. This includes shifting the existing no take closure period to 1 June to 30 November and introducing a specific effort cap for scallop within the southern inshore region. If the scallop cap is reached prior to 1 June this would result in scallop becoming a no take species earlier. Fishers could continue to fish for other species (eg prawns and bugs) once the scallop cap has been reached or the no take period has commenced.

### Proposed commercial fishing changes to the East Coast Inshore Fishery

**19. Divide the existing East Coast Inshore Fishery into six management areas and establish a separate total allowable commercial catch (TACC) based on sustainable catch limits for each management area (MA 1–6).**

The TACC would be adjusted up and down in accordance with a harvest strategy:

- Management Area 1 Far North—10°30'S north of Cape York to 15°00'S, just north of Cooktown
- Management Area 2 North—15°00'S, just north of Cooktown to 18°00'S, near Tully Heads
- Management Area 3 Northern Central—18°00'S, near Tully Heads to 20°30'S, near Cape Conway
- Management Area 4 Central—20°30'S, near Cape Conway to 22°00'S, near Corio Bay
- Management Area 5 Southern Central—23°00'S, near Corio Bay to 24°30'S, Baffle Creek
- Management Area 6 South—24°30'S, Baffle Creek to the Queensland–New South Wales border.

In response to feedback from stakeholders, some of the boundaries have changed since the last consultation.

Commercial fishers who hold a N1, N2, N4, N10, N11, K1-K8, L1, L2 or L3 fishery symbol would be able to access all management areas as they currently can. However, they would only be able to retain inshore finfish ITQ species if they hold ITQ units for that management area.

**20. Allocate individual transferable quota (ITQ) for tier 1 inshore species, barramundi, king threadfin, grey mackerel, school mackerel and whiting in the East Coast Inshore Fishery.**

It is proposed to allocate barramundi, king threadfin, grey mackerel, school mackerel and whiting ITQ units to eligible fishers (note: school mackerel and whiting ITQ would only apply to 'management area 6'). Allocation would be based on:

- a. Each licence's annual catch history for the six (6) best years from the seven (7) year allocation period between 2011 and 2017.

$$\text{Allocated units} = \frac{(\text{Sum of licences reported catch for best 6 years} \div 6) \times \text{allocation factor}}{\text{Whole fishery sum of catch for best 6 years}}$$

- b. ITQ would be issued to eligible Commercial Fishing Boat Licences that have an N2 or L1 symbol for barramundi or an N1, N2, N4, N10, N11, K1-K8, L1, L2 or L3 symbol for the other ITQ species on the date of allocation. The date of allocation would be a future date set by the Fisheries Regulation.

**Note:** Fishers are reminded that an [investment warning](#) is in place for all Queensland fisheries.

Each ITQ unit would entitle the holder to take a share of the TACC in the relevant management area. The annual ITQ unit administration fee for inshore species would be approximately \$0.1965 per unit.

The TACC and quota-managed fishing would commence on 1 March 2020. The first year would be a 10-month fishing season and be based on an annual calendar year of fishing after that. The TACC would be adjusted over time through a harvest strategy.

**21. Establish total allowable commercial catch (TACC) limits for tier 2 inshore species in the East Coast Inshore Fishery.**

It is proposed that sea mullet (MA6 only), shark (including hammerhead shark), ray, yellowfin bream (MA6 only), flathead (MA6 only), tailor, spotted mackerel and black jewfish would be managed through a competitive TACC. While these would not be individually allocated (like ITQ species), standardised quota/TACC reporting would apply. The TACCs would be adjusted over time through a harvest strategy.

**22. Establish best management practice accreditation of commercial fishing operators.**

It is proposed to establish a regulatory system for accrediting 'best management practice' programs for commercial netting in Queensland. It would take time to develop a program, but it is proposed that this would be reflected in the Fisheries Regulation for future implementation.

**23. Introduce individual fisher accountability for protected species interactions.**

It is proposed to establish a limit of one to two mortalities per year across dolphin, sawfish (except narrow sawfish) and dugong. After the first incident, a fisher could not return fishing without being an accredited best management practice fisher or undertaking specific training. If a second incident occurred, a fisher would be restricted in the use of netting apparatus (e.g. a reduced length of net of 200 m). If a third incident occurred, a fisher would not be permitted to use netting apparatus for a specified period, but could continue other forms (e.g. line fishing, if they hold a relevant symbol).

**24. Permit the commercial use of lift nets under the N11 symbol.**

It is proposed that fishers with an N11 fishery symbol be allowed to use lift nets, to allow fishers to target species such as yellow tail scad more effectively.

## **25. Amend the use of river set nets under the N2 fishery symbol.**

It is proposed to amend the netting requirements for river set nets under the N2 fishery symbol to reduce some restrictions (number of nets), enabling an overall reduction in the length of net in the water and helping to reduce the number of species of conservation interest interactions in this part of the fishery:

- reduce the total head rope length that can be used in nearshore waters and rivers and creeks to 600 m overall; and
- allow up to four nets to be used in rivers and creeks (an increase of one) with a total head rope length of 240 m (a reduction of 120 m), and simultaneously use three foreshore nets up to 360 m (a reduction of 240 m).

## **26. Amend the maximum mesh size under the N1 and N2 fishery symbols.**

It is proposed to amend the maximum allowable mesh size used to 178 mm (7 inches), or less where currently regulated, to minimise the risk of protected species interactions.

## **27. Implement a maximum ply rating for use in nearshore and offshore (N1, N2 and N4) net fisheries.**

It is proposed to regulate the ply rating of mesh nets in both nearshore and offshore net fisheries to minimise the risk to protected species.

## **28. Amend the incidental shark catch limits for commercial line fishers.**

To minimise discarding sharks incidentally caught by commercial line fishers, it is proposed to amend the incidental catch limits (excluding hammerhead sharks) for commercial fishers without an 'S' fishery symbol from 4 to 10 sharks per trip.

## **Proposed changes to charter fishing**

### **29. Introduce new arrangements for charter fishing operators.**

In 2018, the Queensland Government released the *Charter fishing action plan 2018–2021*, which outlined a number of actions to support growing the charter fishing sector. To implement actions under the plan, the following amendments are proposed:

- a. introduce a new 'restricted charter fishing' authority to require
  - charter operations restricted to fishing in smooth or partially smooth waters, freshwater and stocked impoundments
  - charter operators to register with the Department of Agriculture and Fisheries (and receive a 'restricted charter fishing' authority at no cost)
  - charter operators to provide data on their fishing activities either through logbooks or a fishing app
- b. amend the existing licensed charter 'unrestricted charter fishing' authority to require
  - charter operations allowed in any waters including offshore (i.e. unrestricted)
  - charter operators to provide data on their fishing activities either through logbooks or a fishing app
  - charter operators to fit and maintain vessel tracking equipment to their vessels

There would be no change to the existing annual fees for the 'unrestricted charter fishing' authority (\$327.65).

**30. Allow offshore charter fishers to use trot lines in the spanner crab fishery.**

Charter operators are currently not permitted to use trot lines to target spanner crabs. However, some charter operators have been issued General Fisheries Permits to allow for this activity. It is proposed to allow unrestricted charter operators (existing licensed charter operators) to deploy trot lines of dillies to target spanner crabs.

**31. Allow offshore charter fishers to fish during the coral reef fin fish spawning closure.**

It is proposed that eligible charter operators, who can demonstrate reliance on extended charter operations in the past three years (by providing evidence of a least 36 extended trips of greater than 72 hours duration), would be exempt from the coral reef fin fish spawning closures. The exemption would apply to the operator and would not be transferable. Those operators that allocated the exemption would have a note placed on their Licenced Charter Fishing Authority. This proposed amendment replaces a number of General Fisheries Permits that have been issued.

**Proposed changes to recreational tidal fishing**

**32. Amend certain species in-possession limits.**

In-possession limits help ensure recreational fishing pressure remains within sustainable limits. The following in-possession limit changes are proposed:

- Change the in-possession limit of mud crab from 10 to 7.
- Introduce an in-possession limit for blue swimmer crab of 20.
- Change the in-possession limit for molluscs and gastropods (including pipi's) from 50 to 30, excluding Moreton Bay where harvesting (with the exception of pipi's) is prohibited.
- Introduce an in-possession limit of 50 for certain bait species—mullet (excluding diamond scale, sea and freshwater mullet), squid and cuttlefish (excluding tiger squid).
- Oysters to be defined to include all species of oyster except pearl oysters.
- Align the existing northern and southern tropical rock lobster in-possession limits to establish a single rule for Queensland. The southern limit of 5 would apply, increasing the northern in-possession limit from 3 to 5.

**33. Prohibit the recreational take of hammerhead sharks.**

In recognition of the conservation-dependant status of hammerhead sharks under the federal *Environment Protection and Biodiversity Conservation Act 1999*, it is proposed that the recreational take of hammerhead sharks be prohibited.

**34. Prohibit the recreational take of white teatfish.**

Due to the high commercial value of white teatfish, the importance of these species to local ecosystems and their susceptibility to overfishing, it is proposed that the recreational take of white teatfish be prohibited.

**35. Introduce a general recreational in-possession limit.**

To ensure all species are subject to an appropriate and sustainable limit, it is proposed that a general in-possession limit of 20 be introduced for all species that are not subject to a species-specific in-possession limit. This aligns with the existing total in-possession limit for freshwater fishing in Queensland.

**Note:** The general recreational in-possession limit would not apply to commercial fishers operating under the A1 fishery symbols.

**36. Exclude certain ‘bait’ species from the general in-possession limit.**

It is proposed that common bait species are excluded from the proposed general in-possession limit. There would be no limit on herring, hardyhead, pilchards, anchovies, silver biddies, saltwater yabbies, soldier crabs and non-regulated worms (e.g. mangrove worms).

**37. Introduce a recreational boat limit for high-value black-market species.**

To provide additional protection for high-value black-market species, it is proposed that a recreational boat limit of two times the individual in-possession limit be introduced for mud crab, tropical rock lobster, shark, barramundi, Spanish mackerel, sea cucumber, prawns, snapper and black jewfish (note: tropical rock lobster already has a boat limit and this existing requirement would be moved into a single requirement). An exemption for charter operators (licensed and registered) would be provided for.

**Note:** The recreational boat limit would not apply to commercial fishers operating under the A1 fishery symbols.

**38. Prohibit the use of lightweight recreational potting apparatus.**

To minimise the broader ecological risks from lightweight pots being lost in large tides and strong currents (known as ghost pots), it is proposed to prohibit the use of lightweight pots for recreational fishing in Queensland. Minimum apparatus standards would be prescribed as follows:

- a. Collapsible round pots would only be permitted with a diameter between 800 mm and 1200 mm, a steel wire ring of 8 mm or more and a mesh size of 50 mm or more.
- b. Square, rectangle or wire traps must not exceed 1 m in length, height or width and have a maximum of four openings.

**39. Amend the tropical rock lobster closed waters for recreational fishers.**

It is proposed to permit the recreational take of tropical rock lobster during the northern spawning closure if lobster loops are used that allow berried females to be returned safely. The possession of live lobster and the use of spear guns would not be permitted.

**Proposed changes to recreational freshwater fishing**

**40. Allow the recreational take of Mary River cod in stocked impoundments.**

It is proposed to expand the list of impoundments that stock Mary River cod for recreational fishing to include Wyaralong Dam, Ewen Maddock Dam, Caboolture River Weir, Robina Lakes, Lake Kurwongbah, Enoggera Reservoir and Lake Manchester. This would allow recreational take of Mary River cod all year round in the stocked impoundments.

**41. Amend the regulated waters for Mary River cod.**

In recognition of the ‘endangered’ status of Mary River cod under the federal *Environment Protection and Biodiversity Conservation Act 1999*, it is proposed to also close the following waters to all forms of fishing to protect and allow the species to recover:

- Tinana Creek and its tributaries upstream of Teddington Weir wall
- Obi Obi Creek from where it meets the Mary River upstream to Baroon Pocket Dam wall.

**42. Amend and align the seasonal closures for Mary River cod and Murray cod.**

Given their ‘endangered’ status, it is proposed to align the seasonal closures for Murray cod and Mary River cod to 1 August to 31 October each year. Recent research has shown that both of these species actually commence spawning in August, so this closure would provide good protection during the spawning season.

#### **43. Introduce new closed waters to protect Mary River cod.**

It is proposed that no line fishing (or possession of a fishing line) would be allowed from 1 August to 31 October in the following locations to help protect Mary River cod:

- the Mary River and tributaries upstream from the junction of Six Mile Creek and Mary River, excluding Baroon Pocket Dam and Borumba Dam (from dam walls to full supply level for each)
- the Coomera River and tributaries upstream from the junction of Guanaba Creek and Coomera River (near Birds Road, Guanaba)
- the Stanley River and tributaries upstream from the point of the Somerset Dam Full Supply Level
- Christmas Creek and its tributaries (top of the Logan River Catchment)
- Running Creek and tributaries (top of the Logan River Catchment)
- the Albert River and tributaries upstream from the junction of Canungra Creek and Albert River (includes Canungra Creek).

#### **44. Clarify the in-possession rules for Mary River cod in stocked impoundments.**

It is proposed to clarify that the existing requirement for the take of Mary River cod in the waters upstream of the full supply level of certain impoundments allows recreational take within stocked impoundments only.

#### **45. Establish a single minimum legal size limit for Mary River cod and Murray cod.**

It is proposed that the size limit for Mary River cod be aligned with Murray cod. The Fisheries Regulation would be amended to establish a single minimum legal size limit of 60 cm for both species and remove the existing maximum size limit of 110 cm for Murray cod. Recent research has shown that Mary River cod have similar spawning sizes and rapid growth within stocked impoundments to Murray cod. This research has also shown that cod of this size are rare within Queensland rivers and are likely to have little input to recruitment, while those caught within impoundments often die several days after capture

## Urgent management action to take the pressure off snapper and pearl perch



### 2. Urgent sustainability actions—taking the pressure off snapper and pearl perch

Snapper and pearl perch are classified as depleted in Queensland. When fish stocks are considered depleted, it is of significant concern and warrants government response.

The most recent **snapper** stock assessment estimated spawning biomass to be between 10% and 45% of unfished levels. Models using line catch rate data estimated spawning biomass in 2016 to be as low as 10% to 23%, suggesting there had been no rebuilding of snapper stocks in Queensland, despite management changes put in place in 2011. See the [full report](#).

**Pearl perch** biomass was estimated to be between 15% and 40% of unfished levels in 2014. The most likely model scenarios estimate biomass to be below 20% of unfished levels. See the [full report](#).

Snapper and pearl perch are caught by both the commercial and recreational sectors. For snapper, recreational catch is higher than commercial catch. The stock assessment suggested a 30% reduction in catch from all sectors was needed to help rebuild snapper.

Reforms to the Rocky Reef Fishery are underway but will likely take longer to implement, therefore it is critical that urgent management action be progressed for snapper and pearl perch. The objectives of the urgent management action (for snapper in particular) are to immediately limit and reduce fishing pressure to halt any further stock declines, protect the spawning stock, be consistent with a rebuilding strategy and apply the strategy to all sectors based on their catch share. A number of urgent short-term measures have been identified to reduce fishing pressure and help the rebuilding strategy.

#### **46. Introduce a seasonal closure for snapper and pearl perch.**

In Queensland, snapper are known to spawn in aggregations over several months (approximately June to September) and across many locations, and synchronise spawning on the lunar cycle. The timing and duration of spawning varies depending on water temperature and other environmental conditions. Snapper are vulnerable to being caught during this time and are subject to high fishing pressure during the winter months. It is proposed that a 1-month fishing closure be implemented in July each year (starting from July 2020) to protect snapper at the start of its spawning season to maximise the opportunity for successful reproduction and recruitment. A minimum of 1 month in a high-catch period is required to reduce fishing pressure to a level that could allow stocks to rebuild. While there is limited information on the spawning behaviour of pearl perch, they are included in the closure as they are commonly caught with snapper.

#### **47. Establish a total allowable commercial catch (TACC) for snapper and pearl perch.**

In order to allow these stocks to rebuild, it is proposed that a TACC limit of 42 tonnes for snapper and 15 tonnes for pearl perch be introduced to support the recovery of these species.

#### **48. Prohibit the use of net apparatus to take snapper.**

Snapper can currently be taken commercially using line and net apparatus. In some inshore locations, schooling snapper can be targeted by net fishers. It is proposed to only allow the take of snapper by line to remove the incentive to target inshore snapper aggregations, particularly undersize snapper.



**49. Remove extended charter limit for snapper and pearl perch.**

It is proposed to remove the extended in-possession limit for charter operators on extended trips (greater than 48 hours) to retain twice the in-possession limit of snapper and pearl perch. Although this rule does not represent a significant proportion of charter harvest, it would remove this additional level of fishing mortality on these two depleted stocks.

**50. Change size (commercial and recreational) and in-possession limit (recreational) for pearl perch.**

To support the recovery of pearl perch stocks in Queensland waters, it is proposed that the commercial and recreational minimum size limit for this species be increased from 35 cm to 38 cm. The recreational in-possession limit would also be reduced from 5 to 4.

## Standardising fishing rules and supporting compliance



### 3. Standardising fishing rules and supporting compliance

#### **51. Strengthen management of black jewfish to support compliance.**

Black jewfish is now the highest value fisheries resource in Queensland. Following urgent management action in April 2019, it is proposed:

- a. to prohibit all fishing for all sectors 200 m from the Hay Point and Dalrymple Bay Coal Terminals to protect black jewfish at these known aggregation sites—it is estimated that approximately 98 000 kg of the reported commercial catch of black jewfish has come from this single area
- b. to clarify all jewfish species are to be reported at the species level
- c. all jewfish species and mullet are to be landed whole by all sectors until a swim bladder tagging system is operational in Queensland
- d. a swim bladder tagging system be introduced for black jewfish from 1 July 2020
- e. black jewfish are a no-take species for all sectors once the total allowable commercial catch (TACC) is reached.

#### **52. Clarify Commercial Fishing Boat Licence requirements.**

Clarify that a tender vessel must be nominated against the commercial fishing boat licence as the primary vessel before it can be used (i.e. tender operating solely) in any fishery.

#### **53. Amend and clarify Commercial Harvest Fishing Licence requirements.**

It is proposed to align the rules with Commercial Fishing Boat Licence requirements. This would require only one boat mark to be allocated to one Commercial Harvest Fishing Licence (CHFL) only. Licence holders wishing to fish multiple CHFLs on the one fishing trip would need to combine fishing symbols onto the same CHFL. Additional reporting requirements would apply in such circumstances.

#### **54. Replace the existing nominee requirements for Commercial Harvest Fishing Licences with the requirements for Commercial Fisher Licences.**

To standardise requirements across fisheries, it is proposed to replace the existing nominee requirements with the requirements for the Commercial Fisher License (CFL). To facilitate the change, existing CHFL holders would be given until 1 July 2010 to apply and the CFL would be issued at no cost for the first 12 months.

#### **55. Amend the Commercial Fisher Licence requirement and reintroduce fisher training.**

It is proposed to clarify the existing Commercial Fisher Licence requirement, bring the legislation in line with standard Queensland Government proof of identify requirements, and move towards the issue of a digital identification card in 2021. To complement these requirements, it is proposed to reintroduce commercial fisher training—particularly around legislation and reporting requirements, and the avoidance and release of species of conservation interest. Commencement of the training requirements would be subject to the development of training packages.

## **56. Standardise reporting requirements.**

It is proposed to consolidate, clarify and enhance the existing requirements for existing quota species (i.e. coral trout, spanner crab, Spanish mackerel) along with the new quota and TACC species. It is proposed that the Fisheries Regulation be amended to:

- standardise logbook requirements for all commercial fisheries
- introduce pre-trip commitment requirements
- standardise reporting requirements
  - consolidate all existing quota reporting requirements (C2, RQ, SM and T4)
  - amend reporting terminology and clarify requirements generally
- implement and standardise reporting requirements for all quota and TACC species, at the species level—commercial fishers would be required to
  - report before landing through a ‘catch notice’ (replaces the existing ‘prior notice’) the total number of pieces/cartons/bins for each species by product form
  - report after landing, accurate numbers and weights through a ‘weight notice’ at the end of a trip (replaces the existing ‘unload notice’ and ‘estimate of weights’)
  - report the disposal of all product through a catch disposal record
- prescribe that fishing trip information (i.e. all catch, effort and disposal information) can be completed using electronic applications
- remove the existing reporting requirements for fishers to wait 1 hour before landing product.
- In 2021, the proposal is to move to electronic reporting. This would require that all commercial fishers would need to report accurate weights of all species and report catch and effort information using prescribed electronic applications.

## **57. Expand the sales docket requirements.**

To differentiate between legitimate catch from an appropriately authorised commercial fisher and illegal or black-marketed products, it is proposed to require dockets to be kept for all transactions of the sale of fisheries resources. Sales dockets would need to be kept for all sales from the commercial fisher through to the final retail sale point. Additionally, docket requirements would also apply to businesses involved in the processing and storage of fisheries resources. Retail customers would not be required to retain a docket for the purchase of seafood products.

## **58. Amend how vessels are measured to align with marine safety legislation.**

It is proposed to apply the vessel dimensions outlined on the Certificate of Operation and/or Certificate of Survey issued by the Australian Maritime Safety Authority (AMSA) to minimise confusion about measuring of vessels. For trawl vessels, the AMSA information would be used to calculate the vessels hull units. This would align fisheries legislation with the National Standards for Commercial Vessels and simplify the evidence required to licence a vessel to operate in Queensland fisheries.

## **59. Amend the payment of commercial fishing fees from ‘in arrears’ to ‘in advance’.**

It is proposed that all fees would be charged in advance, similar to car and boat registrations and licences. To transition to ‘payment in advance’ the final ‘in arrears’ invoice would be issued on 1 January 2020 for the period 1 July 2019 to 31 December 2019. On 1 July 2020 all fees would be invoiced for 12 months in advance. Similar to boat registration, a 6-monthly payment option would

be available with the payment of an additional administration fee. There would be no change to the fees as part of this proposal.

**60. Clarify existing General Fisheries Permit requirements.**

It is proposed that the Fisheries Regulation be amended to clarify the circumstances in which the chief executive can issue a General Fisheries Permit (GFP), that a GFP cannot contravene existing fisheries legislation, and that the period of any GFP cannot be more than 3 years. GFPs are intended to allow research, fish salvage, trialling alternative gears and supporting education displays. This would remove loopholes and ensure that our fisheries are managed consistently and accessed in the most equitable way.

**61. Remove carrier boat licences and allow transshipment under certain conditions.**

There are currently a number of inconsistencies between Queensland's fisheries in relation to the use of carrier boats. To provide for greater consistency, it is proposed to allow transshipment at sea under certain circumstances, if both primary vessels are operating out of the same quota account. Additional reporting requirements would apply in such circumstances. The existing carrier boat licence would be removed.

**62. Restrict the filleting of quota and TACC species, and align the existing Filleting Permit requirements with General Fisheries Permits.**

It is proposed to prohibit filleting of ITQ and TACC species. The difficulties associated with identifying filleted fish pose the real risk of undermining the effective enforcement of management measures introduced, including the quota system, size limits and no-take provisions. Filleting is currently allowed in the Coral Reef Line Fishery under a Filleting Permit. This arrangement would continue; however, the requirements for issuing a permit (process for applying, length of time for the permits and fees) would be aligned with General Fisheries Permits. Filleting is currently a standard practice in the East Coast Spanish Mackerel Fishery and it is proposed to allow this to continue through a Filleting Permit, similar to the Coral Reef Line Fishery.

**63. Amend marking requirements for recreational crab apparatus.**

It is currently a requirement for recreational fishers to mark their pots with the owner's name. This makes it difficult to easily identify the person who is **using** the apparatus and enforce the current four crab pots per person limit. To address this, a new requirement would be introduced that requires recreational fishers to mark their pots with the name of the person **using** the apparatus.

**64. Adjust the existing Spanner Crab Fishery quota year.**

The quota year for the Spanner Crab Fishery currently runs from 1 June to 31 May. All other quota fisheries in Queensland run from 1 July to 30 June. It is proposed that the Spanner Crab Fishery quota year be amended to run from 1 July to 30 June each year to better align with Queensland's other quota-managed fisheries.

**65. Standardise quota administration in the harvest fisheries.**

It is proposed to align Queensland's harvest fisheries with the quota management systems that apply in fisheries. This means that many of the quota conditions currently on each individual's Commercial Fishing Harvest Licence (CFHL) would be moved to quota certificates (amount of quota each client holds), legislation (fishing season, rules and reporting) and fisheries declarations (total allowable commercial catch). There is no proposed changes to the TACC or fishing seasons for any harvest fishery.

**66. Limit the number of C2 fishery symbols.**

The C2 fishery symbol (Spanner Crab Fishery), is the only fishery symbol that is issued to licence holders on transfer of a C2 quota unit. This system was initially set up to make quota the entry

entitlement to the fishery, rather than the symbol. It is proposed to establish a limited entry policy that is consistent across fisheries, which would require updating the Fisheries Regulation to limit the issue of new C2 fishery symbols.

**67. Clarify the limited entry nature of commercial fisheries.**

It is proposed the Fisheries Regulation be amended to provide that new commercial fishing authorities (e.g. C1, T1, N2, L8, W1) cannot be issued. This would clarify that Queensland's commercial fisheries are 'limited entry', which is important for sustainability. Access would be achieved by buying or leasing an existing authority. Restricting the number of fishery symbols that provide access to a fishery limits the potential number of platforms and helps prevent profits being distributed between too many fishers.

**68. Consolidate and clarify 'primary' and 'tender' vessel requirements.**

There are currently a range of different requirements across our fisheries, so it is proposed to consolidate, streamline and clarify the requirements for 'primary' and 'tender' vessels. It is proposed that the Fisheries Regulation would be amended as follows:

- Provide that the maximum size of a 'primary' vessel is 25 m (with the exception of effort-based fisheries in which the maximum size for the East Coast trawl Fishery would remain at 20 m and the N3 fishery in the Gulf of Carpentaria fisheries would remain at 14 m).
- Limit the number of 'tender' vessels that can be operated under a Commercial Fishing Boat Licence and a Commercial Fishing Harvest Licence to seven with the following exceptions:
  - a. Marine Aquarium Fish Fishery—1
  - b. Coral Fishery—1
  - c. Sea Cucumber Fishery—4
  - d. Tropical Rock Lobster Fishery—8.
- Limit the maximum length of tender vessels to 7 m in length (with the exception of the harvest fisheries in which tenders would be allowed up to 8 m in length to provide a safe diving platform).
- In the Coral Reef Line Fishery, allow for the trading of existing tender vessels listed on RQ/L2 authorities up to a maximum of seven tenders per licence (i.e. cannot create new tenders but can trade amongst the existing pool).
- Remove the distance restrictions that currently apply to tender vessels in all fisheries (as a result of the introduction of vessel tracking requirements). Australian Maritime Safety Authority requirements would still apply.

**69. Clarify the requirements for 'to-take' in the commercial harvest fisheries.**

It is proposed to clarify the definition of 'to-take' for hand-collectable harvest fisheries to provide that the maximum number of persons harvesting only applies to the physical activity (i.e. divers, snorkelers) taking the resource from the environment. It is proposed to remove existing requirements from licence conditions and amend the Fisheries Regulation to limit the number of harvesters as follows:

- a. Marine Aquarium Fish Fishery and Coral Fishery—3
- b. Sea Cucumber Fishery—6
- c. Trochus Fishery—10

- d. Tropical Rock Lobster Fishery and Eel Fishery—1
- e. All other harvest fisheries (juvenile eel, oyster, pearl, shell etc.)—2
- f. Shell Grit Fishery and Star Sand Fishery—only the licence holder.

**70. Clarify the sea cucumber regulated waters.**

The take of sea cucumber is currently prohibited for recreational fishers in some Queensland waters. The current description of the regulated waters is unclear. The intention of the closure is to encompass two bodies of water—firstly along the east coast, south of Bowen, and secondly waters west of the tip of Queensland. It is proposed that the two locations be listed independently of each other to avoid confusion and confirm that the intended no-take waters for recreational sea cucumber are maintained.

**71. Introduce a spawning closure for certain Coral species.**

To take the pressure of commercial harvesting of *Scolymia spp* which is a high value species that is limited in its distribution, it is proposed to introduce a spawning closure from 1 October to 31 December annually which would apply to all commercial D fishery symbol holders. This would prohibit the take of this species during this period. All other species of coral would still be open to harvesting.

**72. Clarify the T4 Stout Whiting fishery area.**

It is proposed to amend the T4 Stout Whiting Fishery area definition by referring to points of latitude and longitude rather than depth contours. This would provide greater clarity around the existing defined fishery area.

**73. Clarify the T9 Beam Trawl Fishery area Northern Regional Regulated Water closure.**

The closure applies from 15 December to 1 March. The original intent was that T9 symbol beam trawlers would be permitted to operate in Llewelyn Bay and Sinclair Bay but not Repulse Bay or Cleveland Bay during the closure, as rivers and creeks remain open to the T9 fishery during the closure. The current drafting does not adequately reflect this intent, and it is proposed to amend it to allow T9 fishers to access Llewelyn Bay and Sinclair Bay during the closure.

**74. Clarify weighting requirements for the bigeye bycatch reduction device.**

Anecdotal evidence suggests some fishers are not weighting their bigeye bycatch reduction devices with sufficient weight to allow the devices to function effectively. It is proposed that minimum weighting requirements be established to clarify the minimum requirements for the use of bigeye bycatch reduction devices.

**75. Amend vessel tracking requirements to apply to all commercial fishing vessels from 1 January 2020.**

This applies the existing requirement to all remaining commercial vessels (i.e. Moreton Bay Trawl Fishery, Beam Trawl and Commercial Harvest Fisheries).

**76. Amend vessel tracking requirements to apply to all charter fishing vessels from 1 July 2020.**

It is proposed to amend the Fisheries Regulation to require 'unrestricted' charter vessels to be fitted with vessel tracking equipment from 1 July 2020. No other changes are proposed.

**77. Introduce provisions that enable the recovery of abandoned crab pots.**

It is proposed to introduce new rules to allow Fisheries Inspectors to remove apparatus if they reasonably suspect it is abandoned. A crab pot would be considered to be abandoned if:

- vessel tracking data indicates the owner has not been in the area for a period of 7 days
- the pot has not contained bait for a period of time
- dead crabs and other marine life are found in the pot
- the pot is in very poor condition (e.g. buried in sediment, barnacles on rope, located above Highest Astronomical Tide).

To discourage fishers leaving pots in the water unused and abandoned, it is proposed that an offence also be created for persons who leave or abandon crab apparatus.

**78. Introduce an offence to purchase fish from someone who does not hold an authority.**

It is currently an offence to take fish and sell it without an authority. However, there is no offence for the person buying fish from an unlicensed seller. To help combat black-marketing of seafood in Queensland, it is proposed that the buyer of seafood would be required to ensure the seller is the holder of an authority—it would be an offence if a buyer of seafood buys from someone without an authority.

**79. Clarify that obstruction of persons operating under an authority is an offence.**

It is proposed that existing requirements for netting activities be applied more generally and provide a penalty for any individual who obstructs a commercial fishing boat or Commercial Harvest Fishing Licence holder when taking fish using authorised apparatus without a reasonable excuse.

**80. Clarify the handling of seagrass while taking bloodworms.**

It is proposed to clarify the intent of existing requirements for any disturbed seagrass to be returned in an upright position at the original location from which it was dug. The proposed amendments would provide that when harvesting bloodworms, fishers must put back any disturbed seagrass from the place it was removed.

**81. Requirement to display authority details adjacent to land-based collection point.**

A number of commercial fishing activities can be conducted from shore. It is proposed that all commercial fishers are required to display the details of their Commercial Fishing Boat Licence or Commercial Harvest Fishing Licence on a sign adjacent to their land-based commercial fishing operation.

**82. Requirement for commercial fishers to return apparatus unintentionally trawled.**

To prevent any fishing apparatus that may be interacted with by trawlers from being dumped at sea and posing an environmental hazard, it is proposed that fishers are required to return the apparatus to a Queensland Boating and Fisheries Patrol office within 7 days of returning to port.

**83. Clarify the measuring fish (interdorsal length) requirements.**

The Fisheries Regulation provides for the interdorsal measurement of sharks and rays. However, this measurement is not appropriate for certain species of rays due to the rounder profile of the animal. It is therefore proposed that the Fisheries Regulation be amended to clarify when interdorsal length can be used.

#### **84. Clarifying the term manipulation in the context of measuring fin fish.**

The Fisheries Regulation outlines how fin fish are to be measured 'without manipulating the fish'. To provide greater clarity about these requirements, it is proposed that the Fisheries Regulation be amended to clarify what constitutes 'manipulation' in this context.

#### **85. Standardising fishery closure provisions.**

Many Queensland fisheries are subject to seasonal closures, applying to either the recreational sector or commercial sector, and in some cases both. Even though all closures are a little different in nature (timing, location etc.), the wording used to describe the times the closure starts and finishes should be consistent. Currently, closures are described within the Fisheries Regulation in a variety of different ways, some stating midnight, midday or staying silent and only stating the dates of the closure. It is proposed that all fisheries closures are listed in the Fisheries Regulation using only the closed and open dates.

#### **86. Clarify the definition of aquaculture.**

Under the *Fisheries Act 1994*, aquaculture is defined as 'the cultivation of live fisheries resources for sale other than in circumstances prescribed under a regulation'. This definition creates a degree of ambiguity as to what activities fall within the realm of 'cultivation'. To address this ambiguity, it is proposed that greater clarification be provided in the Fisheries Regulation. To achieve this, the following will be **excluded** from the definition of aquaculture:

1. holding and maintaining fisheries resources collected under a commercial fishing or harvest licence (as defined under the Fisheries Act) prior to sale, **unless** the activity involves the breeding of the collected fisheries resource or promotion or improvement of the fisheries resource to enhance production
2. cultivation of marine aquarium fish collected under a Queensland Aquarium Fish Fishery (A1, A2) licence (as defined under the Fisheries Act) that is held by the licence holder prior to sale, **unless** the activity involves any breeding of the collected fish
3. cultivation of coral collected under a Queensland Coral Fishery (D) licence (as defined under the Fisheries Act) that is held by the licence holder prior to sale, **unless** the activity involves any propagation of the collected coral, including sexual and asexual reproduction (propagation by asexual reproduction includes the practice of fragging, whereby a coral is cut and/or trimmed and subsequently placed on a base, which may include ceramic or cementitious material)
4. holding fisheries resources in a pet shop or retail outlet for sale, or in an aquarium for exhibition (including an aquarium operated commercially).

These exclusions would not apply to any activities involving placement of cultivated fisheries resources in marine/tidal waters. Such activities would continue to require approvals, whether the purpose is for sale or other than for sale, in order to address disease/biosecurity issues and allocation of areas.

#### **87. Standardise the process for addition or removal of impoundments to or from the Stocked Impoundment Scheme.**

It is proposed to provide a standard process to add or remove impoundments to or from the Stock Impoundment Permit scheme. This would clarify the minimum requirements and the consultation required to be undertaken before an impoundment is added and fishers are required to obtain a permit to fish.



**88. Clarify the definition of river mouth.**

The current definition of 'river mouth' in the Fisheries Regulation is ambiguous and hinders effective compliance. It is proposed to move to points of latitude and longitude to define these boundaries within the Fisheries Regulation. This is consistent with the approach used to define the boundaries of certain regulated waters. This would be implemented over time as areas are defined in consultation with the Queensland Boating and Fisheries Patrol.

**89. Clarify size limit for giant queenfish in the Gulf of Carpentaria.**

As part of the Gulf of Carpentaria Inshore Finfish Fishery review undertaken in 2010, efforts were made to standardise the size and in-possession limits that apply to giant queenfish in all Queensland waters. It has recently become apparent that these amendments inadvertently had the effect of only applying the size limit to recreational fishers. It is therefore proposed to amend the Fisheries Regulation to ensure that the size limit for this species applies to all fishers.

## Reducing red tape and removing unnecessary restrictions



### 4. Reducing red tape and removing unnecessary restrictions

#### **90. Amend legislation to enable online licensing transactions.**

In the coming years, Fisheries Queensland will be providing authority holders with the capacity to perform more licensing functions online. To aid in this process, certain provisions of the Fisheries Regulation would need to be amended to allow basic licensing transactions (such as temporary transfers) to be made automatically rather than be subject to approval by the chief executive.

#### **91. Remove the existing 70 hull unit restriction and extend the existing effort unit conversion factor to 120 hull units.**

The number of effort units deducted for a night's fishing is based on a formula, known as the effort unit conversion factor, which takes into account each trawl vessel's dimensions. The resulting factor is referred to as hull units, which is currently restricted to 70 hull units. It is proposed to remove any hull unit restriction on vessels. The existing 20 m maximum vessel length would be retained. The effort unit conversion factor displayed in legislation would be extended for vessels up to 120 hull units. Vessels larger than this would be advised of their conversion factor upon application.

#### **92. Remove the existing 300 Kw main engine restriction.**

It is proposed to remove the existing 300 Kw main engine restriction. Fishing power would be collected through gear sheets and logbooks, and incorporated into revised stock assessments for each of the proposed management regions.

#### **93. Remove the existing two-for-one boat replacement requirements for Moreton Bay trawlers (M2).**

It is proposed to remove the existing requirement to surrender an M2 fishery symbol to replace a boat in the Moreton Bay trawl area. Effort in this management region would be managed through the new effort unit system, total allowable catch effort and harvest strategy.

#### **94. Amend provisions relating to unloading coral reef fin fish during the spawning closure.**

Under current arrangements, all vessels participating in the Coral Reef Fin Fish Fishery must be at their unloading place before the start of the spawning closure. This requirement leads to bottlenecks at ports along the coast as fishing vessels compete for access to unloading facilities. To ease this congestion and ensure the quality of live fish, it is proposed that vessels would be allowed to anchor within a defined area (e.g. within 5 nautical miles of a port) prior to the start of the closure until they are able to unload.

#### **95. Amend the provisions for the possession of crab and lobster meat.**

The rules around the possession of crab and lobster meat are very strict, as the processing of animals provides a means of undermining size limits and the prohibition on taking female crabs. However, to provide some flexibility for commercial operators who process on land, it is proposed to allow possession of crab meat if:

- the person is a commercial fisher with C1, C2, C3 or R fishery symbols, or a relevant commercial fishing business (seafood processors, seafood wholesalers and seafood retailers)
- the person can provide evidence they have Safe Food Queensland accreditation for a land-based processing facility.

**96. Allow fishing in multiple crab fisheries at the same time.**

Currently, commercial fishers can only operate in one fishery during a single trip. With the proposal to split the Mud and Blue Swimmer Crab Fishery and transition to a quota management system, it is proposed that fishers would be allowed to operate in mud crab, blue swimmer crab and spanner crab fisheries during a single trip.

**97. Allow fishing in the Coral Fishery and Marine Aquarium Fish Fishery at the same time.**

Currently, commercial fishers can only operate in one fishery during a single trip. It is proposed to clarify the Fisheries Regulation to allow fishers to operate in both these fisheries during a single trip.

**98. Amend the T7 Beam Trawl Fishery area.**

Fisheries Queensland, in partnership with the commercial fishing industry, established a management trial to temporarily expand the area of the T7 fishery to provide access to an area north of the Burnett River. No issues have been raised as part of the trial, so it is proposed to include the area of the trial and extend the existing area of the T7 fishery.

**99. Amend the T5 Beam Trawl Fishery area.**

It is proposed that the defined area of the T5 fishery be expanded to include the river channel area out to the entrance beacons. This expansion is intended to offset impacts on the fishery associated with the expansion of the cruise terminal.

**100. Allow trawlers to transit through scallop ranching areas under certain conditions.**

It is proposed that trawlers (T1, T2) be allowed to transit through the existing scallop ranching areas, provided they maintain a minimum speed of 5 knots and all fishing apparatus remains stowed and secured while transiting these areas. Fifteen-minute vessel tracking polling in these areas would help ensure that fishing is not occurring while vessels transit these areas.

**101. Amend the existing Sea Cucumber Fishery area.**

Ashmore and Boot Reefs have historically been accessed by the commercial Sea Cucumber Fishery through a General Fisheries Permit; however, these areas have never been part of the defined area of the fishery. To remove the need for industry to apply for permits to access these areas, it is proposed that Ashmore and Boot Reefs be included in the defined area of the Sea Cucumber Fishery.

**102. Amend the use of nets that are neither fixed nor hauled in offshore waters of Keppel Bay.**

Currently, the use of nets that are neither fixed nor hauled in offshore waters of Keppel Bay is permitted. However, these nets are limited to a maximum length of 200 m. It is proposed that the 200 m length restriction be removed, with the default net length restriction for the N1 fishery (600 m) to apply. When the Rockhampton Net Free Zone was established, it covered almost all of the area where the restriction applied. The remaining area is very small and its non-regular shape makes compliance and enforcement difficult. The species targeted in the area would be subject to individual transferable quota (grey mackerel) or a total allowable commercial catch (shark).