



Queensland

Fisheries Amendment Regulation (No. 2) 2011

Explanatory Notes for SL 2011 No. 140

made under the

Fisheries Act 1994

General outline

Short title

Fisheries Amendment Regulation (No. 2) 2011.

Authorising law

Sections 42, 43, 45 and 223 of the *Fisheries Act 1994* (the Act).

Policy objectives and the reasons for them

The objective of this subordinate legislation is to amend the *Fisheries Regulation 2008* (the Regulation) to incorporate the management arrangements developed through the review of the Rocky Reef Fin Fish Fishery, notably to remove the seasonal closure that was implemented in 2011 to reduce the fishing pressure directed at Rocky Reef Fin Fish species whilst the review of the Fishery was being undertaken.

A Regulatory Impact Statement (RIS) outlining possible options for future management of the Rocky Reef Fin Fish Fishery was released for public comment on 14 December 2010.

As an interim measure, the Regulation was amended to introduce a provision declaring prohibited activities during a regulated period (effectively a six week closure) between 15 February and 31 March each year, commencing 2011, to reduce the fishing pressure directed at Rocky Reef Fin Fish species (pearl perch, snapper and teraglin). The intention was that this closure would remain in place until more permanent arrangements could be developed.

The review of the Rocky Reef Fin Fish Fishery has now concluded and, as a result, the following management arrangements are to be implemented, with effect from 1 September 2011:

- the "in possession" limit that applies to recreational fishers for snapper is to be reduced from five to four; and
- of the four snapper that recreational fishers are permitted to possess, no more than one can be greater than 70cm in length.

The current minimum size limit for snapper of 35 cm will remain unchanged.

Furthermore, as revised management arrangements have now been developed for the Rocky Reef Fin Fish Fishery, the closure prohibiting the take of snapper between 15 February and 31 March each year established under sections 45A and 45B of the Regulation can now be removed. With the conclusion of the review and the subsequent development of more permanent arrangements, this annual closure provision is no longer required.

Achievement of policy objectives

The policy objective will be achieved by amending the Regulation to:

(1) amend Schedule 2 of the Regulation, which deals with regulated fish declarations, to:

- reduce the "in possession" limit that applies to recreational fishers for snapper from five to four, and
- provide that, of the four snapper that recreational fishers are permitted to possess, no more than one can be greater than 70cm in length.

(2) repeal sections 45A and 45B of the Regulation to remove the seasonal closure provisions for the three currently specified Rocky Reef Fin Fish species.

These amendments will commence on 1 September 2011.

Consistency with policy objectives of authorising law

This subordinate legislation is consistent with the main purpose of the Act, as outlined in section 3, which is to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to-

- (a) apply and balance the principles of ecologically sustainable development; and
- (b) promote ecologically sustainable development.

Inconsistency with policy objectives of other legislation

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

Benefits and costs of implementation

The proposed amendments are minor and will not impose any impacts/costs on relevant stakeholders.

Consistency with fundamental legislative principles

The subordinate legislation does not raise any potential fundamental legislative principle issues.

Consultation

Queensland Treasury and the Department of the Premier and Cabinet were consulted and are both supportive of the proposed legislation.

A request was made to the Queensland Office for Regulatory Efficiency (QORE) for confirmation that a Regulatory Assessment Statement (RAS) for these amendments is not required on the grounds that the amendments

to the legislation will not impose an appreciable burden on any sector of the fishing community and that there has been extensive public and targeted stakeholder consultation during the review exercise following the release of the RIS.

A Regulatory Principles Checklist (RPC) and a Preliminary Impact Assessment (PIA) on the proposed amendments have been developed. QORE has confirmed that a RAS is not required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Employment, Economic Development and Innovation.

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