

Fisheries Amendment Regulation (No. 2) 2016

Explanatory notes for SL 2016 No. 178

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries Amendment Regulation (No. 2) 2016.

Authorising law

Section 223 of the *Fisheries Act 1994*

Policy objectives and the reasons for them

The objective of this amendment regulation is to declare two new Fish Habitat Areas (FHAs) at Leekes Creek, Great Keppel Island and Calliope River, Gladstone, and expand the existing Fitzroy River declared FHA.

The Central Queensland Declared FHA Investigations Program investigated the potential for the declaration of two new FHAs and expansion of the existing Fitzroy River declared FHA. The findings from this investigation showed that the areas have important, high-quality fish habitats that contribute to the sustainability of local and regional fisheries and strong support from the community.

Achievement of policy objectives

To achieve its objectives, the amendment regulation will amend Schedule 3 of the *Fisheries Regulation 2008* to include two new FHAs at Leekes Creek, Great Keppel Island and Calliope River, Gladstone and to expand the existing Fitzroy River declared Fish Habitat Area.

Declaration of the Leekes Creek and Calliope River FHAs and amendment of the Fitzroy River declared FHA is implemented by the addition and amendment of the plan number and specific land parcels listed for inclusion and exclusion in the *Fisheries Regulation 2008*.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Fisheries Act 1994*.

The main purpose of the *Fisheries Act 1994* 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’.

Declaration and management of FHAs, which protect all fish habitats within their boundaries from the impacts of development is one way in which the objectives of the Act are met.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation will not result in the need for additional government resources.

The declarations of these areas as FHAs will protect all fish habitats within their boundaries from the impacts of coastal development to ensure the long-term sustainability of fisheries resources. Community use is still allowed and encouraged within these areas, including community access, boating and commercial, recreational and traditional fishing.

The Fitzroy River expansion is a ‘management A area’, providing the highest level of protection from development impacts. Leekes Creek is a ‘management A area’ with small areas of ‘management B area’ to allow for limited access structures for the Traditional Owners. The Calliope River is a ‘management B area’ to allow for limited access structures for riverfront property owners.

These declarations will add almost 50,000 hectares to Queensland’s declared FHA network.

Consistency with fundamental legislative principles

The amendment regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Two rounds of consultation sought submissions from adjacent landholders, local, state and federal Government agencies, Traditional Owners, conservation groups and non-government agencies, businesses and the general public.

Stakeholders were notified of the consultation rounds by direct mail, email, public notices, public information days (first consultation round only), media articles, webpages on the

Department of National Parks, Sport and Racing and Get Involved websites, and through school newsletters.

There were 45 submissions to the first round of consultation. Of these, 10 related to all three proposals, 21 related directly to the Leekes Creek proposal, 13 related directly to the Calliope River proposal and one related directly to the Fitzroy River expansion proposal. The level of support was high amongst the submissions, with those that did have some concerns still expressing their general support for the expansion of the FHA network.

As a result of the first consultation round, the Leekes Creek proposal was expanded from 278 hectares to 875 hectares. The upstream boundary of the Calliope River proposal was moved approximately 2.5 kilometres further downstream and a mid-stream boundary was put in place for a further 3 kilometres downstream. This was to accommodate for the future development aspirations of an adjacent landholder and reduced the area from 375 hectares to 313 hectares. Important juvenile barramundi habitats were retained in the boundary realignment. Consultation with the Traditional Owners of the Keppel Islands and Calliope River resulted in the use of Indigenous names for these FHA proposals. The Fitzroy River expansion proposal was increased to incorporate all of Balaclava Island and additional wetlands, increasing the size of the expansion from approximately 16,000 hectares to approximately 48,604 hectares.

The revised proposals were taken to a second round of consultation, from which 494 submissions were received. Of these, 12 related to all three proposals and one specific submission related to each of the Leekes Creek and Calliope River proposals. The remaining 480 submissions related to the Fitzroy River expansion proposal. There was a high level of support for all three proposals; specifically, submissions relating to the Fitzroy River expansion strongly supported keeping the expanded boundary as proposed.

The Queensland Productivity Commission was consulted regarding the Regulatory Impact Statement (RIS) process. The Queensland Productivity Commission advised that a RIS is not necessary for this amendment regulation and that no further action is required regarding the RIS process.