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## **Submission by Sunfish Queensland on the Discussion Paper “Commercial bait netting in conservation park (yellow) zones in State marine parks” by the Department of Environment and Resource Management (11 February 2011).**

### **Background**

This submission is in response to the DERM Discussion Paper of 2010 in relation to commercial bait netting in marine park yellow zones in all Queensland marine parks. It has been prepared by Sunfish Queensland in collaboration with Sunfish member organisations and Regional Branches comprising a membership of some 45,000 Queensland residents.

### **Important issues and information**

There are several factors that need careful consideration:

1. Sunfish has consistently requested that “bait nets” used under the fisheries legislation should only be used by commercial fishers to catch bait. Commercial net fishers have taken advantage of the “loop-hole” (being that “bait fish” are not defined under the fisheries legislation) in order to use commercial net apparatus to take not only bait fish but also a wide range of food fish. Sunfish has re-stated these comments in its submissions on marine park zoning, seeking that only bait fish should be taken by commercial net fishers in yellow zones.

2. Recently Fisheries Queensland and the Government altered the fisheries regulations which specify the dimensions and naming of commercial bait nets. Commercial bait nets are no longer defined under the fisheries legislation. Other recent regulatory changes include amendments to the commercial net fishing endorsement symbols and the types of nets that can be used under these endorsements. “Commercial bait netting”, both in terms of the commercial nets that may be used and the species that may be taken remain undefined under the fisheries legislation and hence are open to unintended use/outcomes in terms of commercial net fishing activities. **Sunfish strongly supports a clear legal definition of commercial bait netting in marine park yellow zones so that all current loop-holes are removed. It is important that both the types of nets that may be used to take bait fish in yellow zones and the species that may be taken as bait fish in yellow zones are clearly defined by marine park legislation.**

3. It is the understanding of Sunfish that the current legal loop-hole enables “bait fish” (undefined species) to be **taken in yellow zones** by commercial fishers under the following commercial fishing endorsements and with the following nets:

- ◇ **N1.** General purpose nets, 150 endorsements (gill nets and hauling nets with mesh down to 50mm)
- ◇ **N10.** Tunnel nets (30 endorsements) up to 1700m in length, and endorsee can also use N1 nets
- ◇ **N11.** Small mesh nets, 350 endorsements. Mesh of 45mm and smaller.
- ◇ **K1 to K8.** Ocean beach netting endorsements (40 endorsements). Can use N1 nets
- ◇ **All other licenced commercial fishers (eg commercial crab fishers and commercial line fishers) can take bait fish in large/long small mesh nets for personal use but not for sale.**

4. The proposed definition of bait fish in the Discussion Paper would exclude bream, whiting and flathead. **This maintains many loop-holes for commercial netters to exploit.** The intention of the yellow zones, supported

by Sunfish, is that only bait fish can be taken in such zones. In addition, the range of commercial nets listed in 3 above is specifically designed to take large quantities of food fish – NOT bait fish.

5. The bait nets that can be used by recreational fishers as specified in the Fisheries Regulations are:

“187A Cast nets

A recreational fisher may use a cast net only if the net—

- (a) is no longer than 3.7m; and
- (b) has a mesh size of no more than 28mm.

187B Scoop nets

A recreational fisher may use a scoop net only if the net—

- (a) is no more than 2m in any dimension; and
- (b) has a mesh size of at least 25mm and a handle or shaft no longer than 2.5m.

187C Seine nets

A recreational fisher may use a seine net only if—

- (a) the net—
  - (i) is no longer than 16m; and
  - (ii) has a mesh size of no more than 28mm; and
  - (iii) does not contain a pocket; and
  - (iv) is not fixed; and
- (b) the net’s drop is no more than 3m.”

## Submission by Sunfish

6. Sunfish strongly supports that the only form of net fishing in all Queensland marine park yellow zones should be bait netting, both commercial and recreational – subject to the limitations given in 7, 8 and 9 below.

7. On the definition of nets that commercial (and recreational) fishers may use in marine park yellow zones, Sunfish supports that ALL fishers, both commercial and recreational be limited to the use of the nets specified in Fisheries Regulations 187 A, B and C above in point 5. Sunfish strongly objects to the current loop-hole which allows ALL nets to be used by commercial fishers to catch “bait fish” in marine park yellow zones.

**Note.** Outside the marine park yellow zones (in the general use zones) commercial fishers may use any prescribed net to catch fish, including fish for bait. Sunfish does not seek to alter this very generous arrangement for commercial netters via marine park zoning.

8. Sunfish is very apprehensive about the DERM proposal of defining bait fish as all fish except bream, whiting and flathead. Our preferred approach is to define the bait fish species as we have already suggested in our submission to the East Coast Finfish Fishery review. Bait fish, for the purpose of the marine park yellow zones should be limited to:

pilchards, gar, hardiheads, herrings, anchovies, yellowtail pike, biddies, and all mullet except *Mugil cephalus*.

The food fish that may be taken on the pretext of bait fish by commercial fishers in marine park yellow zones are not limited to bream, whiting and flathead – BUT also include all the coral reef and rocky reef species (eg snapper, emperors, sweetlips, sea perches, coral trout, etc.) and many inshore fin fish (eg. dart, trevally, cods, barramundi, threadfins, grunter, queenfish, luderick, tailor and mulloway as well as bream, whiting and flathead.). If DERM wishes to define the food fish which cannot be taken as bait in the yellow zones, then **ALL the relevant food species should be included – not just bream, whiting and flathead.**

9. Sunfish requests that NO by-catch of food fish be allowed in association with commercial bait netting in the yellow zones.

**CONCLUSION.** It is important to clearly define in legislation “commercial bait netting” in yellow zones. Both the types of nets and the fish species must be carefully defined to eliminate existing and potential loop-holes for commercial netters to exploit.

**Additional comments on the special yellow zone area in Great Sandy Strait which allows general commercial net fishing**

Sunfish notes that the special yellow zone in Great Sandy Strait is not being considered in the current discussion paper. It is the view of Sunfish that having this special concession for commercial net fishing within this yellow zone is inconsistent with approved uses in all other yellow zones in all other Queensland marine parks. It is the view of Sunfish that the only form of net fishing that should be allowed in ALL yellow zones is bait netting. The marine park regulations which define bait netting (both the apparatus and the species) should be consistent in ALL yellow zones including the special yellow zone in Great Sandy Strait.

*This submission is valid until 31 July 2011. Sunfish reserves the right to amend any statements in this document should circumstances change or new information be forthcoming.*