

# Policy

FIS/2021/9999

## Policy for adding or removing seasonal closure exemptions for catadromous fish – consultation draft

Version: 0.01

Under the *Human Rights Act 2019* a decision maker has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this policy, to give proper consideration to human rights.

### 1 Policy statement

Seasonal closures will be maintained unless there is strong evidence that the population is not contributing to the spawning biomass.

Where there is any reasonable prospect of upstream and downstream fish migration occurring, seasonal closures will be maintained to protect the spawning biomass.

Where it can be demonstrated that existing infrastructure prevents bidirectional fish migration, or allows migration only in very large flow events, a closure exemption may be considered (see Appendix 1).

While exempt locations will normally be fully reliant on stocking to maintain catadromous fish populations, the stocking alone is not an argument for an exemption to be granted. Stocking is not an acceptable substitute for natural recruitment and best practice fisheries management.

### 2 Background and context

Seasonal closures for migratory fish are important to maintain their wild stocks during their critical movement and spawning window, and this is particularly the case for catadromous species.

Development of waterways over the past 200 years have left a series of disconnected river segments which prevent catadromous fish from completing their lifecycles.

In more recent times, improvements in waterway barrier construction and the use of fishways have greatly enhanced the ability of fish to traverse barriers. This in turn creates an ongoing need to reassess closure exemptions to ensure they are delivering on the policy intent.

The species most affected by seasonal closures is Barramundi. Barramundi have a complex lifecycle and will normally migrate from freshwater to salt water to spawn. Juvenile Barramundi spend the first part of their life (up to a year) in brackish estuarine environments before migrating into coastal waters then returning upstream as sub-adults at the beginning of the dry season. Some Barramundi remain in estuarine systems their whole life.

Barramundi are particularly vulnerable to fishing during their spawning run and can have their spawning cycle disrupted if they are caught during the lead-up to a spawning event. For this reason closures extend to targeted catch-and-release fishing.

Several impoundments and river systems are exempt from the seasonal closures under section 22 (2) of the Fisheries Declaration 2019 and are known as prescribed barramundi waterways. River systems in Queensland that are exempt from closed seasons generally have limited or no bi-directional connectivity for fish populations to the estuarine waters. Since migration is not possible and spawning cannot occur for catadromous species, these waterbodies are often stocked for recreational fishing. Exemptions from closures for such river systems do not impact wild populations. Historically no closed seasons have been made exempt where there is an operational fishway that allows movement into spawning areas for barramundi.

Where migration is not possible, allowing fishing in these stocked waterways during seasonal closures provides a sustainable alternative to wild fisheries, which may improve compliance outcomes and brings economic and social benefits for regional communities.

### 3 Scope

This policy applies to seasonal closures to protect the spawning biomass of species such as barramundi which must navigate between tidal and non-tidal waters to complete their life cycles.

This policy does not apply to other seasonal closure types (i.e. to protect nesting cod species).

### 4 Abbreviations, acronyms and definitions

Term, acronym	Definition
Catadromous	Species that migrate from freshwater to salt water to spawn
Barramundi	<i>Lates calcarifer</i>
Waterway	Includes a river, creek, stream, watercourse or inlet of the sea (see <i>Fisheries Act 1994</i> )
Waterway barrier	Means a dam, weir or other barrier across a waterway if the barrier limits fish stock access and movement along a waterway (see <i>Fisheries Act 1994</i> )
Seasonal Closure	Periodic closures to protect the spawning biomass
Prescribed barramundi waterway	Waterways defined by declaration to be exempt from the barramundi seasonal closure (See Fisheries Declaration 2019)

### 5 Consistency with relevant legislation and overarching policy directives

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:

1. apply and balance the principles of ecologically sustainable development; and
2. promote ecologically sustainable development.

This policy is consistent with the *Fisheries Act 1994* through the application of appropriate seasonal closures to manage and protect the spawning biomass of certain species. It balances the principals of ecologically sustainable development by allowing take of fisheries resources:

1. before and after the critical movement and spawning window; and
2. in areas where fish are unlikely to contribute to the spawning biomass.

This policy is also consistent with the East Coast Inshore Harvest Strategy's aim to maintain 60% of preharvest spawning biomass for barramundi.

## **6 Key principles**

Reviews of a waterway's status may be triggered either at the request of the community, local government, impoundment/river operator or as a result of the modification or installation of a waterway barrier that impacts on the ability to pass the target species (either positively or negatively).

Proceeding with a review is at the discretion of Fisheries Queensland. Reviews will only be undertaken where significant new information is presented to support a potential change in status.

Requests for a review by third parties must be accompanied by the necessary scientific evidence to support the proposal to the satisfaction of Fisheries Queensland. This may include fishway monitoring, population monitoring and/or population modelling including residency and natal origin data.

Fisheries Queensland will review the new evidence and make a recommendation to the Freshwater Fisheries Working Group for review. Fisheries Queensland may also seek the advice of impoundment operators and/or other relevant experts in forming a view on the proposal.

Should the research and monitoring results, along with expert opinion, support a change in status as per the requirements outline in the policy statement, Fisheries Queensland will proceed to undertake public consultation on the proposed change.

Queensland Government legislative processes, including requirements for public consultation, will apply to all amendments to the lists of closure exemptions.

## **7 Responsibilities and accountabilities**

The Fisheries Manager (Freshwater) is responsible for receiving, reviewing, processing and prioritising requests for a review of seasonal closure exemptions. The Fisheries Manager (Freshwater) is responsible for presenting the findings of reviews to the Freshwater Fisheries Working Group.

The Freshwater Fisheries Working Group is responsible for providing advice to Fisheries Queensland under their terms of reference.

The Executive Director, Fisheries Queensland is responsible for deciding whether to proceed with public consultation to potentially amend the Fisheries Declaration.

Final decision making is at the discretion of the Queensland Government.

## **8 Source documentation**

*Fisheries Act 1994*

**Owner** Title: **Management and Reform**

---

**Endorsed by** Title: a/Director Management and Reform

---

**Approved by** Title: Executive Director Fisheries Queensland

---

**Issue/approval date** 05/06/2023

**Revision history**

<b>Version no.</b>	<b>Approval date</b>	<b>Comments</b>
0.01	05/06/2023	Consultation Draft

**Keywords**

## Appendix 1 – Simplified Decision Tree

