

Queensland



Fisheries Act 1994

FISHERIES (EAST COAST TRAWL) MANAGEMENT PLAN 1999

**Reprinted as in force on 1 April 2003
(includes commenced amendments up to 2003 SL No. 54)**

Reprint No. 2F revised edition

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Editor's notes—

1 Schedule 6—

(1) Section 2(1), third dot point, '152°5.66'—

omit, insert—

'152°55.66'.

(2) Section 7, third dot point, 'long latitude 19°1'—

omit, insert—

'along latitude 19°11.91'.

(3) Section 8, fourth dot point, 'long'—

omit, insert—

'along'.

(4) Section 9, fourth dot point, '146°1.07'—

omit, insert—

'146°41.07'.

2 Schedule 7, part 2, section 29, 14th dot point, 'latitude 25°48.68 south'—

omit, insert—

'latitude 25°48.68' south'.

Information about this reprint

This plan is reprinted as at 1 April 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.

Queensland



FISHERIES (EAST COAST TRAWL) MANAGEMENT PLAN 1999

TABLE OF PROVISIONS

Section		Page
	CHAPTER 1—PRELIMINARY	
	PART 1—INTRODUCTION	
1	Short title	23
2	Commencement	23
3	The fishery—sch 1	23
	PART 2—OBJECTIVES OF PLAN AND THEIR ACHIEVEMENT	
4	Objectives	24
5	How objectives are to be achieved—sch 2	25
	PART 3—INTERPRETATION	
	<i>Division 1—Interpretation aids and dictionary</i>	
6	Aids to interpretation and definitions—sch 7	25
	<i>Division 2—Key definitions</i>	
7	What is a “principal fish”	26
8	What is a “permitted fish”	26
	CHAPTER 2—CLOSED WATERS AND REGULATED FISH DECLARATIONS	
	PART 1—CLOSED WATERS	
	<i>Division 1—Closures for all the fishery’s waters</i>	
9	Closure to using or possessing nets without relevant authority	27
10	Closure for VMS equipment and manual reporting conditions	27
	<i>Division 2—Specific closures</i>	
	<i>Subdivision 1—Annual southern and northern closures</i>	
11	Annual southern closures—sch 3, pt 1, div 1	27
12	Annual northern closures—sch 3, pt 1, div 2	28

12A	Sit-out notices	29
12B	Sit-out applications	29
13	Prohibited activities	30
	<i>Subdivision 2—Scallop replenishment closures</i>	
14	Closures—sch 3, pt 2	30
15	Prohibited activities	30
	<i>Subdivision 3—Other specific closures</i>	
15A	Closed waters—reef world heritage area	31
16	Other specific closures—sch 3, pt 3	32
	<i>Division 3—Exemptions from prohibited activities</i>	
17	Operation of div 3	32
18	Possession of fish taken outside closed waters	33
19	Beam trawl net stowed and secured	33
20	Otter trawl net stowed and secured	33
21	Fishing apparatus testing	34
	PART 2—REGULATED FISH	
	<i>Division 1—Fish other than permitted fish</i>	
22	Non-permitted fish regulated	34
	<i>Division 2—Permitted fish</i>	
	<i>Subdivision 1—Permitted fish other than saucer scallops</i>	
23	Regulated fish—sch 4	35
24	Fish regulated by number or volume—sch 4, pts 1 and 2	35
25	Fish regulated by gender—sch 4, pt 3	35
26	Fish regulated by size—sch 4, pt 4	35
	<i>Subdivision 2—Saucer scallops</i>	
28	Saucer scallops—regulated by area and time	36
29	Saucer scallops—regulated by size, time and amount	36
29A	Saucer scallops in scallop replenishment closure	37
	<i>Division 3—Fish taken from closed waters</i>	
30	Fish taken from closed waters	37

**CHAPTER 3—GENERAL PROVISIONS FOR LICENCES AND
FISHERY SYMBOLS**

PART 1—LICENCES AND FISHERY SYMBOLS

Division 1—General provisions

31	Licences and fishery symbols for the fishery	37
32	Who may fish	38
33	Assistant fishers and persons acting under a crew licence	38

Division 2—Obtaining an ‘M1’ or ‘M2’ fishery symbol

34	Applying for ‘M1’ or ‘M2’ fishery symbol.	39
35	Deciding application	39
36	Steps after making decision.	40

Division 3—Restrictions on writing fishery symbols on licences

37	Restrictions	40
----	------------------------	----

PART 2—FISH THAT MAY BE TAKEN

38	Condition that only permitted fish may be taken	41
39	Condition applies to everyone acting under licence	41

PART 3—USE OF BRDS

Division 1—Preliminary

40	Application and purpose of pt 3	42
41	Purpose of BRD	42

Division 2—BRD use condition

42	Requirement to achieve purpose	42
----	--	----

Division 3—Compliance with BRD use condition

Subdivision 1—General

43	How to comply	43
----	-------------------------	----

Subdivision 2—Recognised BRDs

44	Square mesh cod end.	43
45	Square mesh panel.	43
46	Fisheye.	43
47	Bigeye	44
48	Radial escape section	44

Subdivision 3—BRD guidelines

49	Chief executive may make guidelines.	45
----	--	----

50	Compliance with BRD use condition from BRD guidelines	45
PART 4—USE OF TEDS		
<i>Division 1—Preliminary</i>		
51	Application and purpose of pt 4	46
52	Purpose of TED	46
<i>Division 2—TED use condition</i>		
53	Requirement to achieve purpose	46
<i>Division 3—Compliance with TED use condition</i>		
54	Compliance with TED use condition	46
55	Requirements for a recognised TED	47
PART 4A—COMMUNICATION CONDITIONS		
57A	Purpose and application of pt 4A	47
57B	Obligation to nominate communication mode for boat	47
57C	Obligation to ensure communication with person in control	48
PART 5—VMS EQUIPMENT AND MANUAL REPORTING CONDITIONS		
<i>Division 1—Preliminary</i>		
58	Purpose and application of pt 5	49
<i>Division 2—VMS equipment obligations</i>		
59	Obligation to install and register VMS equipment	49
60	Obligation to maintain and use VMS equipment	49
61	Obligation to modify or replace installed VMS if required	50
<i>Division 3—Obligations if VMS equipment malfunctions</i>		
<i>Subdivision 1—Preliminary</i>		
62	Application and purpose of div 3	51
63	Meaning of “malfunction” for div 3	51
64	When person is taken to be aware of malfunction	51
<i>Subdivision 2—Obligations</i>		
65	Obligation to give notice of malfunction	51
66	Manual reporting obligation	52
67	Further obligations for malfunction in major scallop area	52
68	Further obligations for malfunction outside major scallop area	53

	<i>Subdivision 3—Manual reporting guidelines</i>	
69	Chief executive may make guidelines	54
70	Compliance with manual reporting obligation	54
	<i>Division 4—Notice guidelines</i>	
71	Chief executive may make guidelines	54
72	Compliance with notice guidelines	54
	PART 6—EFFORT UNITS	
	<i>Division 1—Introduction</i>	
73	Simplified outline of pt 6.	55
	<i>Division 2—General provisions about effort units</i>	
74	Nature of an effort unit	55
75	General condition for issue of effort units.	56
76	When effort unit is “issued”	56
	<i>Division 3—Initial effort units</i>	
	<i>Subdivision 1—General provisions</i>	
77	Obligation to issue.	56
78	Effort unit formula.	56
	<i>Subdivision 2—Allocated days</i>	
79	Purpose of sdiv 2	57
80	Deciding recorded fishing days.	57
81	Making allocation decision	58
	<i>Subdivision 3—Provisions for giving effect to appeal decisions</i>	
81A	Application of sdiv 3	59
81B	Effect of new recorded fishing days decision	60
81C	Adjustment to allocation decision formula	60
	<i>Division 4—Further effort units issued on basis of supplementary days</i>	
	<i>Subdivision 1—Preliminary</i>	
82	Purpose of div 4.	61
83	Meaning of “small operator” for div 4	61
	<i>Subdivision 2—Applications for effort units</i>	
84	Requirements for application	61
85	Deciding application	62

86	Grounds for issuing effort units.	62
88	Priority of deciding effort unit applications	63
89	Steps after making decision.	63
	<i>Subdivision 3—Further effort units for small operators</i>	
89A	Restriction on granting application by small operator	64
90	Effort unit formula.	64
91	Working out supplementary days	64
	<i>Subdivision 4—Further effort units on other grounds</i>	
92	Effort unit formula.	65
93	Working out supplementary days	66
	<i>Division 5—Additional effort units</i>	
94	Decision to issue for ‘T2’ licences	67
95	Decision to issue additional effort units for all eligible licences	68
96	Issue of effort units	69
	<i>Division 5A—Limit on effort units</i>	
96A	Application of div 5A	69
96B	Automatic rateable effort unit cancellations	70
96C	Notice and taking of effect of cancellation	70
	<i>Division 6—Effort unit entitlement and use</i>	
97	Meaning of “entitlement” of effort unit holder	71
98	When effort unit entitlement is “used” for an effort year	71
99	Provisions for working out use of entitlement	72
100	No carrying forward of unused entitlement	73
101	Effort unit certificates	73
	<i>Division 7—Evidentiary aids for use of entitlement</i>	
	<i>Subdivision 1—Evidentiary aids for when a fishing or steaming day is used</i>	
102	VMS detection or manual reporting	74
102A	Absence of VMS detection or reporting	74
	<i>Subdivision 2—Exceptions</i>	
103	Exception—movement only at travelling speed	75
104	Exception—minimum boat movement	75
105	Exception—moving boat without fishing	75

106	Exception—fishing exclusively under fishery symbol for another fishery . . .	77
107	Exception—VMS detection in certain closed waters	78
108	Notices to chief executive under sdiv 2	79
	<i>Division 8—Transfer conditions for effort units</i>	
111	Purpose of div 8.	80
112	No transfer applications before first effort year	80
113	Only whole effort units may be transferred.	80
114	Special condition for effort units for ‘T2’ licence.	80
115	Application for effort unit certificate changes required	80
116	Required minimum number of fishing days after transfer	81
117	Effort unit surrender requirement if licence transferred	81
118	Effort unit surrender requirement if licence not transferred	82
	<i>Division 9—Entitlement of transferee under transferred effort units</i>	
119	Entitlement	83
	<i>Division 10—Miscellaneous provisions</i>	
120	Notice of decision about effort units	83
	PART 7—GENERAL PROVISIONS ABOUT GUIDELINES	
	<i>Division 1—Publication and inspection</i>	
121	Operation of div 1	84
122	Notification	84
123	Publication.	84
124	Inspection	84
	<i>Division 2—Use of guidelines in proceedings</i>	
125	Operation of div 2	85
126	BRD guidelines	85
128	Manual reporting guidelines	85
129	Notice guidelines.	85
	PART 8—BOAT MODIFICATION AND REPLACEMENT	
	<i>Division 1—Boat modification conditions</i>	
130	Condition for ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licences	86
131	Condition for other licences	86

	<i>Division 2—Restrictions on amending licence to modify or replace boat</i>	
132	Restrictions for ‘M1’, ‘T1’ or ‘T2’ licences	86
133	Surrender requirement for ‘M2’ licences	87
134	Length restriction for other licences	87
	CHAPTER 4—SPECIFIC LICENCE CONDITIONS	
	PART 1—‘M1’ AND ‘M2’ LICENCES	
	<i>Division 1—Preliminary</i>	
135	Purpose and application of pt 1	88
136	Area for ‘M1’ and ‘M2’ fishery symbols	88
	<i>Division 2—Requirements for fishing</i>	
	<i>Subdivision 1—General</i>	
137	How permitted fish may be taken	88
138	Maximum net length	89
139	Minimum and maximum net mesh size	89
140	Maximum length of sweeps of net	89
141	Covering net	89
142	Use of chains for net	89
143	Use of more than 1 net	90
	<i>Subdivision 2—Use of primary boats</i>	
144	Maximum boat length	90
	<i>Subdivision 3—BRDs and TEDs</i>	
145	Requirement to use BRD	90
146	Requirement to use TED	90
	PART 2—‘T1’ AND ‘T3’ LICENCES	
	<i>Division 1—Preliminary</i>	
147	Purpose and application of pt 2	90
148	Area for ‘T1’ and ‘T3’ fishery symbols	91
	<i>Division 2—Requirements for fishing</i>	
	<i>Subdivision 1—General</i>	
149	How permitted fish may be taken	91
150	Maximum net length	91
151	Minimum and maximum net mesh size	92

Fisheries (East Coast Trawl) Management Plan 1999

152	Maximum length of sweeps of net	93
153	Covering net	93
154	Use of chains for net	93
155	Use of more than 1 net	94
156	Requirement to secure nets north of Cape Gloucester	94
	<i>Subdivision 2—Use of primary boats</i>	
157	Maximum boat length	94
	<i>Subdivision 3—BRDs and TEDs</i>	
158	Requirement to use BRD.	94
159	Requirement to use TED.	94
	PART 3—‘T2’ LICENCES	
	<i>Division 1—Preliminary</i>	
160	Purpose and application of pt 3.	95
161	Area for ‘T2’ fishery symbol.	95
	<i>Division 2—Requirements for fishing</i>	
	<i>Subdivision 1—General</i>	
162	How permitted fish may be taken	95
163	Maximum net length	95
164	Minimum and maximum net mesh size	96
165	Maximum length of sweeps of net	96
166	Covering net	96
167	Use of chains for net	96
168	Use of more than 1 net	97
	<i>Subdivision 2—Use of primary boats</i>	
169	Maximum boat length	97
	<i>Subdivision 3—BRDs and TEDs</i>	
170	Requirement to use BRD.	97
171	Requirement to use TED.	97
	PART 4—‘T5’ LICENCES	
	<i>Division 1—Preliminary</i>	
172	Purpose and application of pt 4.	98
173	Area for ‘T5’ fishery symbol.	98

Division 2—Requirements for fishing***Subdivision 1—General***

174	How permitted fish may be taken	98
175	Maximum net length	99
176	Minimum and maximum net mesh size	99
177	Covering net	99
178	Use of more than 1 net	99

Subdivision 2—Use of primary boats

179	Maximum boat length	100
-----	-------------------------------	-----

Subdivision 3—BRDs and TEDs

180	Requirement to use BRD.	100
181	Requirement to use TED in Laguna Bay area.	100

PART 5—‘T6’ LICENCES***Division 1—Preliminary***

182	Purpose and application of pt 5.	100
183	Area for ‘T6’ fishery symbol.	101

Division 2—Requirements for fishing***Subdivision 1—General***

184	How permitted fish may be taken	101
185	Maximum net length	101
186	Minimum and maximum net mesh size	101
187	Covering net	102
188	Use of more than 1 net	102

Subdivision 2—Use of primary boats

189	Maximum boat length	102
-----	-------------------------------	-----

Subdivision 3—BRDs and TEDs

190	Requirement to use BRD.	102
191	Requirement to use TED other than in river or creek	102

PART 6—‘T7’ LICENCES***Division 1—Preliminary***

192	Purpose and application of pt 6.	103
193	Area for ‘T7’ fishery symbol.	103

Division 2—Requirements for fishing***Subdivision 1—General***

194	How permitted fish may be taken	103
195	Maximum net length	103
196	Minimum and maximum net mesh size	103
197	Covering net	104
198	Use of more than 1 net	104

Subdivision 2—Use of primary boats

199	Maximum boat length	104
-----	-------------------------------	-----

Subdivision 3—BRDs

200	Requirement to use BRD.	104
-----	---------------------------------	-----

Division 3—Miscellaneous

201	Only named commercial fisher may use boat	104
202	Prohibition on transfer of ‘T7’ licences	105

PART 7—‘T8’ LICENCES***Division 1—Preliminary***

203	Purpose and application of pt 7.	105
204	Area for ‘T8’ fishery symbol.	105

Division 2—Requirements for fishing***Subdivision 1—General***

205	How permitted fish may be taken	106
206	Maximum net length	106
207	Minimum and maximum net mesh size	106
208	Covering net	107
209	Use of more than 1 net	107

Subdivision 2—Use of primary boats

210	Maximum boat length	107
-----	-------------------------------	-----

Subdivision 3—BRDs and TEDs

211	Requirement to use BRD.	107
212	Requirement to use TED other than in river or creek	107

PART 8—‘T9’ LICENCES*Division 1—Preliminary*

213	Purpose and application of pt 8	108
214	Area for ‘T9’ fishery symbol	108

*Division 2—Requirements for fishing**Subdivision 1—General*

215	How permitted fish may be taken	108
216	Maximum net length	109
217	Minimum and maximum net mesh size	109
218	Covering net	109
219	Use of more than 1 net	109

Subdivision 2—Use of primary boats

220	Maximum boat length	109
-----	-------------------------------	-----

Subdivision 3—BRDs and TEDs

221	Requirement to use BRD	110
222	Requirement to use TED other than in river or creek	110

CHAPTER 5—MISCELLANEOUS PROVISIONS**PART 1—THRESHOLD PERCENTAGE FOR DECLARED FISHERIES RESOURCES**

223	Purpose of pt 1	111
224	Saucer scallops	111
225	Other declared fisheries resources	111

PART 2—REVIEW, AMENDMENT OR REPEAL OF PLAN*Division 1—Reviews*

227	General fishing effort review	112
229	General review	112

Division 2—Consultation requirements for reviews

230	Consultation requirements	112
-----	-------------------------------------	-----

Division 3—Amendment or repeal

231	How plan may be amended	113
-----	-----------------------------------	-----

PART 3—OFFENCES AND SUSPENSION CRITERIA*Division 1—Additional offences under plan*

232	Restrictions on possessing bugs	114
-----	---	-----

233	Restrictions on processing scallops on commercial fishing boat	114
234	Interfering with approved VMS seals	115
	<i>Division 2—Prescribed serious fisheries offences</i>	
235	Serious fisheries offences	115
	<i>Division 3—Prescribed suspension criteria</i>	
236	Purpose and application of div 3	116
237	Criteria for suspending commercial fisher licence	116
238	Criteria for suspending commercial fishing boat licence	117
238A	Criteria for suspending effort units	118
	SCHEDULE 1	
	THE FISHERY	
	PART 1—DESCRIPTION	
1	Area	119
2	Major species taken	119
3	Nature of fishery and required fishery symbols	120
4	Restrictions on apparatus and other controls	121
5	Aborigines and Torres Strait Islanders	121
	PART 2—KNOWN STATUS	
6	General	122
7	Logbook program	122
8	Markets	122
9	Aborigines' and Torres Strait Islanders' fishery	123
10	Catch levels—tables 1–3	123
	SCHEDULE 2	
	HOW THE OBJECTIVES ARE TO BE ACHIEVED	
	PART 1—MANAGING THE FISHERY IN A WAY THAT GIVES OPTIMAL, BUT SUSTAINABLE, COMMUNITY BENEFIT	
1	Definition for pt 1	127
2	How objective is to be achieved	127
3	How achievement is to be measured	127
4	Review events	127

PART 2—ENSURING FISHERIES RESOURCES TAKEN IN THE FISHERY ARE TAKEN IN AN ECOLOGICALLY SUSTAINABLE WAY		
5	Definition for pt 2	128
6	How objective is to be achieved	128
7	How achievement is to be measured	128
8	Review events	129
PART 3—ENSURING THE SUSTAINABILITY OF THE FISHERY’S ECOLOGICAL SYSTEMS		
9	Definition for pt 3	130
10	How objective is to be achieved	130
11	How achievement is to be measured	131
12	Review events	131
PART 4—PROVIDING AN ECONOMICALLY VIABLE, BUT ECOLOGICALLY SUSTAINABLE, TRAWL FISHERY		
13	Definition for pt 4	132
14	How objective is to be achieved	132
15	How achievement is to be measured	133
16	Review events	133
PART 5—ENSURING FAIR ACCESS TO FISHERIES RESOURCES ON A SUSTAINABLE BASIS		
17	Definition for pt 5	133
18	How objective is to be achieved	134
19	How achievement is to be measured	134
20	Review events	134
SCHEDULE 3		
SPECIFIC CLOSED WATERS		
PART 1—ANNUAL SOUTHERN AND NORTHERN CLOSURES		
<i>Division 1—Southern closure area</i>		
1	Southern closure area	135
<i>Division 2—Northern closure areas</i>		
2	Swain Reefs and Hydrographers Passage	136
3	Major northern closure area	137

PART 2—SCALLOP REPLENISHMENT AREAS*Division 1—Hervey Bay*

5	Hervey Bay scallop replenishment area A	139
6	Hervey Bay scallop replenishment area B	140
7	Hervey Bay scallop replenishment area C	140
8	Hervey Bay scallop replenishment area D	141

Division 2—Bustard Head

10	Bustard Head scallop replenishment area A	141
11	Bustard Head scallop replenishment area B	142
12	Bustard Head scallop replenishment area C	142
13	Bustard Head scallop replenishment area D	143

Division 3—Yeppoon region

15	Yeppoon scallop replenishment area A	143
16	Yeppoon scallop replenishment area B	144

PART 3—OTHER SPECIFIC CLOSURES

17	Lakes and lagoons south of Endeavour River and east of longitude 142°31.88' east	144
18	Near the New South Wales border to Point Lookout on North Stradbroke Island	144
19	Currumbin Beach	145
20	Currumbin Creek	146
21	Tallebudgera Creek	146
22	Tallebudgera Creek to Burleigh	146
23	Southern part of the Broadwater and the Nerang River	146
24	Gold Coast Seaway	147
25	Broadwater—central part	147
26	Broadwater—western part	148
27	Coomabah Lake and Coombabah Creek	148
28	Coomabah Creek, Oyster Lake and Saltwater Creek	148
29	Coomera River	149
30	Swan Bay, North Stradbroke Island	149
31	Moreton Bay	149
32	Moreton Bay, including The Broadwater	149

33	Dunwich	149
34	Southern Moreton Bay area.	149
35	Amity Bight and the South Passage	151
36	Manly Boat Harbour	151
37	Wynnum and Manly	152
38	Boggy Creek, Pinkenba.	152
39	Brisbane River mouth area	152
40	Brisbane Airport floodway channel to the Pine River.	152
41	Sandgate Pier.	153
42	South Pine River and North Pine River.	153
43	Northern section of Moreton Bay	153
44	Pumicestone Strait.	154
45	Bribie Island's eastern shore and the sand spit at Kings Beach	155
46	Caloundra Head.	155
47	Caloundra—Kings Beach to Shelly Beach	155
48	Currimundi Lake and Currimundi Creek near Caloundra.	156
49	Warana Beach at Kawana Waters	156
50	Mooloolah River	156
51	South Maroochy River and the North Maroochy River	156
52	Maroochy River and ocean foreshores	156
53	Lakes Doonella and Weyba.	157
54	Noosa River and Lakes Cooroibah and Cootharaba	157
55	Laguna Bay area	157
56	Weyba Creek	157
57	Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba	158
58	Noosa River—ocean foreshore north of its northern bank	158
59	Waterways south of Double Island Point	158
60	Rainbow Beach	158
61	Wide Bay Bar	159
62	Hook Point to Taleerba Creek, Fraser Island	159
63	Taleerba Creek to Indian Head, Fraser Island.	159
64	Fraser Island—Indian Head to Waddy Point.	160

65	Fraser Island—Hook point to northern tip	160
66	Snapper Creek near Tin Can Bay	160
67	Mary River.	161
68	Hervey Bay seasonal night-time closure	161
69	Hervey Bay—other closures	161
70	Skyringville Creek.	162
71	Hervey Bay	162
72	Southern Hervey Bay	163
73	Theodolite Creek.	164
74	Coonar Creek.	164
75	Burnett River.	164
76	Sandy Cape	164
77	Northern Fraser Island and north of Fraser Island	165
78	Round Hill Creek	165
79	Eurimbula Creek	166
80	Rodds Harbour	166
81	Wild Cattle Creek	166
82	Boyne River and part of South Trees Inlet	166
83	Tannum Sands	167
84	Calliope River	167
85	The Narrows near Curtis Island.	167
86	Fitzroy River and waters near its mouth	167
87	Gladstone offshore area.	168
88	Keppel Bay near Middle Island Observatory	168
89	Yeppoon offshore area.	168
90	Point Vernon to Cape Manifold.	169
91	Cawarral Creek	169
92	Causeway Lake, Shoal Bay	169
93	Water Park Creek.	169
94	Shoalwater Bay	169
95	Broadsound to Dunk Island.	170
96	St. Lawrence Creek to Endeavour River	171

97	Swain Reefs	171
98	Rocky Dam Creek	172
99	Grasstree Island area	173
100	Louisa Creek	173
101	Pioneer River upstream of Pioneer Bridge	173
102	Pioneer River	173
103	Pioneer River mouth	173
104	Reliance Creek, west of Eimeo	174
105	Constant Creek	174
106	Egremont Pass Closure	174
107	Seaforth Creek	174
108	Refuge Bay on Scawfell Island	174
109	Victor Creek	175
110	O'Connell River	175
111	Proserpine River	175
112	Pioneer Bay	175
113	Merinda Creek	175
114	Hayman Island to Cape Abbot	176
115	Bowen Harbour and Magazine Island	176
116	Bowen to Cairns offshore area	177
117	Hook Island	178
118	Groper Creek, Yellow Gin Creek and the Burdekin River	178
119	Burdekin River	179
120	Plantation Creek and Seaforth Creek	179
121	Haughton River and the Short Cut	179
122	Barramundi Creek	179
123	Townsville Harbour and Cleveland Bay	179
124	Townsville to Cape York offshore area	180
125	Etty Bay area	181
126	Rollingstone Creek, Halifax Bay	182
127	Herbert River	182
128	Yanks Jetty area at Orpheus Island	182

Fisheries (East Coast Trawl) Management Plan 1999

129	Hinchinbrook Channel	182
130	Meunga Creek	183
131	Murray River	183
132	Mission Beach	183
133	Mission Beach night time closure	183
134	Johnstone River	184
135	Russell River, Mulgrave River and Mutchero Inlet	184
136	Fitzroy Island and High Island, near Cairns	184
137	Trinity Bay	185
138	Centenary Lakes, Cairns	185
139	Barron River	185
140	Mission Bay	185
141	Yorkeys Knob to Simpson Point	186
142	Cook Bay	186
143	Island Point to the Daintree River	186
144	Daintree River	187
145	Bloomfield River	187
146	Annan River	187
147	Endeavour River	187
148	North of latitude 15°30.00' south	187
149	Grave Point to Indian Head	188
150	Cape Bedford to Murray Reefs	188
150A	Cape Flattery to Lookout Point	188
150B	Lookout Point to Baron Reef	189
151	Cape Flattery to near Barrow Point	189
152	Barrow Point to Bizant River	190
153	Bizant River, Princess Charlotte Bay	191
154	Marrett River to Rocky River	191
155	Rocky River to latitude 13°08.91' south	191
156	Latitude 13°08.91' south to Thorpe Point	192
157	Round Point to Fly Point near Cape York	193
158	Tip of Cape York	194

	SCHEDULE 4	195
	REGULATED FISH	
	SCHEDULE 5	197
	EFFORT UNIT CONVERSION FACTOR FOR BOATS	
	REQUIRED EFFORT UNIT SURRENDERS FOR BOAT MODIFICATION OR REPLACEMENT	
	EFFORT UNIT NUMBER FOR SECTION 118	
	SCHEDULE 6	200
	WATERS WHERE SCALLOPS MAY BE PROCESSED ON A BOAT	
1	Tin Can Bay public wharf area	200
2	Parts of Hervey Bay	200
3	Burnett River from near Bundaberg to near Millaquin Sugar Mill	201
4	Area near Gladstone	201
5	Area near Yeppoon	201
6	Area near Bowen	201
7	Area west of Cape Cleveland	202
8	Area west of Magnetic Island	202
9	Part of North East Bay (Great Palm Island)	202
10	Lucinda Services Jetty area	203
	SCHEDULE 7	204
	AIDS TO INTERPRETATION AND DEFINITIONS	
	PART 1—AIDS TO INTERPRETATION	
	<i>Division 1—Geographical references</i>	
1	References to latitudes and longitudes	204
2	References to boundaries, lines, shores and other points	204
3	References to waterways	205
4	References to banks of waterway	205
	<i>Division 2—Time periods</i>	
5	Start and end of time periods	205
	<i>Division 3—Names and measurement of fish</i>	
6	Scientific names of fish	206
7	Scientific classification	207
8	Measurement of size of fish	208

8A	Measurement of volume of fish.	208
----	--	-----

Division 4—Miscellaneous

9	Fishing under certain licences for fishery includes tender licence	209
10	References to possession of fish	209

PART 2—EXTENDED DEFINITIONS FOR AREAS

Division 1—General area definitions

11	Meaning of “Brisbane River mouth area—north”.	210
12	Meaning of “Brisbane River mouth area—south”	210
13	Meaning of “Brisbane River–Victoria Bridge to Juno Point area”	211
14	Meaning of “Cleveland Bay area”.	211
15	Meaning of “Comboyuro Point to Caloundra Head area”	211
16	Meaning of “deep water net area”.	211
17	Meaning of “Facing Island area”.	214
18	Meaning of “Fisherman Islands area”.	215
19	Meaning of “Fitzroy River mouth area”	215
20	Meaning of “Great Sandy Strait area”.	216
21	Meaning of “Hervey Bay area”.	216
22	Meaning of “Keppel Bay area”.	216
23	Meaning of “Laguna Bay area”.	217
24	Meaning of “Llewellyn Bay area”.	217
25	Meaning of “ ‘M1’ and ‘M2’ area”.	217
26	Meaning of “Moreton Bay”.	221
27	Meaning of “Repulse Bay area”	221
28	Meaning of “Sinclair Bay area”	222
29	Meaning of “ ‘T1’ and ‘T3’ area”.	222
30	Meaning of “ ‘T2’ area”	227
31	Meaning of “waters north of Cape Gloucester”	228
32	Meaning of “waters south of Cape Gloucester”	228

Division 2—Defined port areas

33	Meaning of “defined port area”.	228
----	---	-----

PART 3—OTHER EXTENDED DEFINITIONS

34	Working out “hull units” for a boat.	233
----	--	-----

35	Meaning of “beam” of a boat	233
36	Meaning of “depth” of a boat	234
37	Meaning of “length” of a boat	234
38	Meaning of “length” of a net	235
39	Working out an engine’s “maximum continuous brake kW”	235
40	Meaning of “mesh size” of a net	236
41	Meaning of “sweep” of a net	236
42	When a boat is “detected by VMS” at a place	236

PART 4—DICTIONARY

ENDNOTES

1	Index to endnotes	245
2	Date to which amendments incorporated.	245
3	Key	246
4	Table of reprints	246
5	Tables in earlier reprints.	246
6	List of legislation	246
7	List of annotations	248
8	Table of renumbered provisions.	273

FISHERIES (EAST COAST TRAWL) MANAGEMENT PLAN 1999

[as amended by all amendments that commenced on or before 1 April 2003]

CHAPTER 1—PRELIMINARY

PART 1—INTRODUCTION

1 Short title

This management plan may be cited as the *Fisheries (East Coast Trawl) Management Plan 1999*.

2 Commencement

(1) Section 11 commences on 1 January 2000.

(2) Section 28(2)(b) commences on 2 January 2000.

(3) Section 159(2)(b) and (c) commences on 1 March 2000.

(4) Sections 142, 154 and 167 commence on 1 July 2000.¹

(5) The remaining provisions of this plan commence on the notification day.

3 The fishery—sch 1

(1) This plan applies in relation to the east coast trawl fishery (the “fishery”).

(2) This plan applies only to—

1 Sections 11 (Annual southern closures—sch 3, pt 1, div 1), 28 (Saucer scallops—regulated by time), 159 (Requirement to use TED) and 142, 154 and 167 (Use of ground chains for net)

- (a) fishing for trade or commerce in the fishery by the use of trawl nets (“**trawling**”); or
 - (b) the possession of permitted fish taken under this plan from the fishery.
- (3) The fishery is described in schedule 1, part 1.
- (4) Unless otherwise stated in schedule 1, part 1, the description is as the fishery was immediately before the notification day.
- (5) The fishery’s known status, as at 31 December 1997, is stated in schedule 1, part 2.

PART 2—OBJECTIVES OF PLAN AND THEIR ACHIEVEMENT

4 Objectives

The objectives of this plan are to—

- (a) manage the fishery in a way that gives optimal, but sustainable, community benefit; and
- (b) ensure fisheries resources taken in the fishery are taken in an ecologically sustainable way; and
- (c) ensure the sustainability of the fishery’s ecological systems; and
- (d) provide for an economically viable, but ecologically sustainable, trawl fishery; and
- (e) ensure fair access to fisheries resources taken in the fishery, on a sustainable basis, among the following groups and persons in the groups—
 - (i) commercial fishers;
 - (ii) recreational fishers;

- (iii) Aboriginal and Torres Strait Islander fishers;²
- (iv) other users of the fisheries resources.

Example of 'other users'—

Divers who view or photograph fish, but do not take them.

5 How objectives are to be achieved—sch 2

- (1) Schedule 2 states how the objectives are to be achieved.
- (2) The achievement of each objective must be—
 - (a) measured only in the way stated in schedule 2; and
 - (b) reviewed by the chief executive under section 230³ if a review event stated in schedule 2 for the objective happens.

PART 3—INTERPRETATION

Division 1—Interpretation aids and dictionary

6 Aids to interpretation and definitions—sch 7

(1) Schedule 7, part 1 contains provisions that aid the interpretation of this plan.

(2) Schedule 7, parts 2 and 3 and the dictionary in schedule 7, part 4 define particular words used in this plan.

2 For the right of Aborigines or Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

For the exercise or enjoyment of native title rights and interests in relation to land or waters under the *Native Title Act 1993* (Cwlth), see section 211 (Preservation of certain native title rights and interests).

3 Section 230 (Consultation requirements)

*Division 2—Key definitions***7 What is a “principal fish”**

A **“principal fish”** means any of the following fish—

- (a) prawns;
- (b) scallops;
- (c) bugs;
- (d) squid.

8 What is a “permitted fish”

A **“permitted fish”** means a principal fish or any of the following fish—

- (a) Balmain bugs;
- (b) barking crayfish;
- (c) blue swimmer crabs;
- (d) cuttlefish;
- (e) mantis shrimp;
- (f) octopuses;
- (g) pinkies;
- (h) pipefish;
- (i) red spot crabs (three spot crabs).

CHAPTER 2—CLOSED WATERS AND REGULATED FISH DECLARATIONS

PART 1—CLOSED WATERS

Division 1—Closures for all the fishery's waters

9 Closure to using or possessing nets without relevant authority

(1) For this section, all waters in the fishery are closed waters.

(2) The waters are closed every year, all year.

(3) Using or possessing any trawl net is prohibited in the closed waters unless the net is used or possessed under a fishery symbol that allows the use of the net in the waters.⁴

10 Closure for VMS equipment and manual reporting conditions

(1) For this section, all waters in the fishery are closed waters.

(2) The waters are closed every year, all year.

(3) The possession or use of a boat under a 'T1', 'T2' or 'T3' fishery symbol is prohibited in the closed waters unless the conditions of the licence for the boat under chapter 3, part 5⁵ have been complied with.

Division 2—Specific closures

Subdivision 1—Annual southern and northern closures

11 Annual southern closures—sch 3, pt 1, div 1

(1) The waters mentioned in schedule 3, section 1 are closed waters.

4 See chapter 4 (Specific licence conditions) for the relevant fishery symbols for particular waters in the fishery.

5 Chapter 3, part 5 (VMS equipment and manual reporting conditions)

(2) The waters are closed to the use of a boat under a fishery symbol from midday on 20 September to midday on 1 November (“**first closure period**”).

(3) Also, the waters are closed to the use of a boat under a fishery symbol from midday on 1 November to midday on 12 December (“**second closure period**”) unless—

- (a) the boat is used under a ‘T5’, ‘T6’, ‘T7’ or ‘T8’ fishery symbol; or
- (b) the boat was not used for trawling during the preceding first closure period and the chief executive has—
 - (i) received notice under section 12A that the boat would not be used for trawling during the period; or
 - (ii) granted an application under section 12B relating to the period.

12 Annual northern closures—sch 3, pt 1, div 2

(1) The waters mentioned in schedule 3, sections 2 and 3⁶ are closed waters.

(2) The waters are closed to the use of a boat under a fishery symbol from midday on 15 December to midday on 1 March (“**first closure period**”).

(3) Also, the waters mentioned in schedule 3, section 3 are closed to the use of a boat under a fishery symbol from midday on 1 March to midday on 14 May (“**second closure period**”) unless—

- (a) the boat is used under a ‘T8’ or ‘T9’ fishery symbol; or
- (b) the boat was not used for trawling during the preceding first closure period and the chief executive has—
 - (i) received notice under section 12A that the boat would not be used for trawling during the period; or
 - (ii) granted an application under section 12B relating to the period.

6 Schedule 3, sections 2 (Swains Reef and Hydrographers Passage) and 3 (Major northern closure area)

12A Sit-out notices

(1) Notice mentioned in section 11(3)(b)(i) or 12(3)(b)(i) (“**sit-out notice**”) may be given only—

- (a) by or for the holder of the relevant licence; and
- (b) before the start of the day on which the relevant first closure period starts.

(2) The holder may, by notice to the chief executive (“**withdrawal notice**”), withdraw the sit-out notice.

(3) A sit-out or withdrawal notice may be given by telephone to a telecommunications service provider for the chief executive appointed by gazette notice.

(4) However, the withdrawal does not take effect until the withdrawal notice is received by the chief executive.

12B Sit-out applications

(1) The holder of an ‘M1’, ‘T1’, ‘T2’ or ‘T3’ licence may apply for a decision by the chief executive that the boat identified in the licence was not, or was not up to the time the decision is made, used for trawling during a stated first closure period under section 11 or 12.

(2) The application must be in writing and supported by enough information to enable the chief executive to decide the application.

(3) The chief executive may, by notice, require the applicant to give the chief executive a stated document or information that is relevant to the application.

(4) The chief executive must consider and either grant or refuse the application promptly after the last of the following events to happen—

- (a) the making of the application;
- (b) the chief executive’s receipt of all necessary information to decide the application;
- (c) if, under subsection (3), the chief executive has required the applicant to give a document or information—the giving of the required document or information.

(5) The chief executive may grant the application only if the chief executive is reasonably satisfied the boat was not, before the deciding of the application, used for trawling during the first closure period.

(6) Evidence under chapter 3, part 6, division 7 that the boat was used on a fishing or steaming day during the first closure period is evidence that the boat was used for trawling during the period.

(7) The chief executive must, as soon as practicable after making the decision, give the applicant—

- (a) if the decision is to grant the application—notice of the decision; or
- (b) if the decision is to refuse the application—an information notice about the decision.

13 Prohibited activities

Using or possessing a trawl net is prohibited in closed waters under this subdivision.

Subdivision 2—Scallop replenishment closures

14 Closures—sch 3, pt 2

- (1) The waters mentioned in schedule 3, part 2 are closed waters.
- (2) The waters are closed for the periods stated in the schedule.

15 Prohibited activities

(1) Using or possessing any trawl net is prohibited in closed waters under this subdivision.

(2) Also, unless the conditions mentioned in section 106(2)⁷ have been complied with, using or possessing a boat in the waters is prohibited if the licence on which the boat is identified is a ‘T1’ or ‘T2’ licence.

⁷ Section 106 (Exception—fishing exclusively under fishery symbol for another fishery symbol)

Subdivision 3—Other specific closures

15A Closed waters—reef world heritage area

(1) This section applies if, in the reef world heritage area during an effort year as follows, all of the fishing and steaming days are used for the following total number of notional effort units for the year—

- (a) for 2001—2 264 471;
- (b) for 2002—2 193 731;
- (c) for 2003—2 125 113.

(2) The waters of the reef world heritage area are closed from midday on the day that is 5 clear days after the day on which the fishing and steaming days are used until midday on 1 January in the next year.

Example for subsection (2)—

If the fishing and steaming days are used on a Monday, the waters are closed from midday on the next Sunday until midday on 1 January in the next year.

(3) Immediately after the fishing and steaming days are used, the chief executive or an inspector must give each holder of a ‘T1’ licence and each person in control of a boat identified in a ‘T1’ licence notice of—

- (a) the date the fishing and steaming days were used; and
- (b) the date the waters become closed waters under subsection (2).

(4) The notice to each holder of a ‘T1’ licence must be given in writing.

(5) The notice to each person in control of a boat may be given—

- (a) in writing or orally in person; or
- (b) by a nominated communication mode for the boat.

(6) The following activities are prohibited in the closed waters—

- (a) using or possessing a trawl net under a ‘T1’ fishery symbol;
- (b) possessing fish taken by the use of a trawl net under a ‘T1’ fishery symbol.

(7) In this section—

“**notional effort units**”, for an effort year, means effort units that would have been worked out under section 78 for each eligible licence had the number of allocated days for the licences been increased by 4.

“reef world heritage area” means the area within the following boundary—

- from the northern tip of Cape York Peninsula at low water mark to latitude 10°40.91' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 17°29.91' south, longitude 147°00.06' east
- to latitude 20°59.91' south, longitude 152°55.06' east
- to latitude 24°29.90' south, longitude 154°00.06' east
- to the mainland shore at its intersection with latitude 24°29.91' south at low water mark
- along the shore at low water mark to the northern tip of Cape York Peninsula at low water mark.

16 Other specific closures—sch 3, pt 3

(1) The waters mentioned in schedule 3, part 3 are closed waters.

(2) The waters are closed every year, all year, unless otherwise stated in schedule 3, part 3.

(3) Using or possessing any trawl net is prohibited in the waters unless otherwise stated in schedule 3, part 3.

Division 3—Exemptions from prohibited activities

17 Operation of div 3

(1) Sections 18 to 21 each provide an exemption for an activity prohibited under this part.

(2) The *Justices Act 1886*, section 76,⁸ applies to each exemption.

(3) This section does not limit another provision of this part that creates an exemption to which the *Justices Act 1886*, section 76 applies.

8 *Justices Act 1886*, section 76 (Proof of negative etc.)

18 Possession of fish taken outside closed waters

If the prohibited activity is the possession of fish, it is an exemption for a person to possess fish taken from outside the closed waters to which the prohibition relates.

19 Beam trawl net stowed and secured

If the prohibited activity is the possession of a beam trawl net, it is an exemption for a person to possess the net if the net and any other fishing apparatus normally used with it are stored inboard a boat.

Examples of 'other fishing apparatus' normally used with a beam trawl net—

- the net's bar or beam
- any ground chains or ropes.

20 Otter trawl net stowed and secured

(1) If the prohibited activity is the possession of an otter trawl net, other than possession prohibited under division 2, subdivision 2,⁹ it is an exemption for a person to possess the net if the net and any other fishing apparatus normally used with it are stowed and secured.

Examples of 'other fishing apparatus' normally used with an otter trawl net—

- the net's otter boards
- any ground chains or ropes.

(2) For subsection (1), the net and other fishing apparatus are stowed and secured—

- (a) during the daytime only if—
 - (i) they are drawn up to a boat and are visible from an aircraft or another boat; and
 - (ii) the net's cod ends are open; and
 - (iii) the net's lazy lines are on the blocks; and
- (b) at night only if—
 - (i) the boat carrying them is at anchor in an area marked as an anchorage or boat harbour on a navigational chart; or

9 Division 2, subdivision 2 (Scallop replenishment closures)

- (ii) they are inboard a boat and are stored or suspended from a mast or boom.

21 Fishing apparatus testing

(1) If the prohibited activity is using or possessing a trawl net, it is an exemption for a person to use or possess the net if—

- (a) the use or possession is only for testing the net or other fishing apparatus normally used with the net; and
- (b) the person in control of the boat used for the testing has given the nearest Queensland Boating and Fisheries Patrol oral or written notice of the testing under subsection (2); and
- (c) the net's cod ends are open; and
- (d) no fish are taken during the test.

(2) The notice must—

- (a) be given at least 24 hours before the testing starts; and
- (b) state—
 - (i) an area of no more than 1 square n mile where the testing is to happen; and
 - (ii) when the testing is to start and end.

PART 2—REGULATED FISH¹⁰

Division 1—Fish other than permitted fish

22 Non-permitted fish regulated

(1) Any fish that is not a permitted fish is a regulated fish.

(2) Taking or possessing a fish that is not a permitted fish is prohibited.

¹⁰ See however, section 12(a) and (b) (When Act does not apply) of the Act, for when the Act does not apply to the taking or possessing of regulated fish.

Division 2—Permitted fish***Subdivision 1—Permitted fish other than saucer scallops*****23 Regulated fish—sch 4**

Fish mentioned in schedule 4 are regulated fish.

24 Fish regulated by number or volume—sch 4, pts 1 and 2

(1) Fish mentioned in schedule 4, part 1 are regulated by the number stated opposite the name of the fish in schedule 4, part 1.

(2) Fish mentioned in schedule 4, part 2 are regulated by the total volume stated opposite the name of the fish in schedule 4, part 2.¹¹

(3) However, only fish in excess of the number or total volume stated for each of the fish are regulated.

(4) Taking or possessing fish regulated by number or volume is prohibited.

(5) However, a person may possess fish regulated by number or volume if the person did not take the fish.

25 Fish regulated by gender—sch 4, pt 3

Taking or possessing fish of the gender of the species mentioned in schedule 4, part 3 is prohibited.

26 Fish regulated by size—sch 4, pt 4

Taking or possessing fish of the size stated after the name of each of the species mentioned in schedule 4, part 4 is prohibited.

11 For measurement of volume of fish, see schedule 7, section 8A (Measurement of volume of fish)

Subdivision 2—Saucer scallops**28 Saucer scallops—regulated by area and time**

(1) Saucer scallops are regulated fish in waters south of a line from latitude 17°45.84' south, longitude 155°02.38' east to latitude 20°19.58' south, longitude 148°26.92' east.

(2) Taking saucer scallops in the waters is prohibited in the following periods—

- (a) midday on 20 September to midday on 1 November;
- (b) midday on 20 December to midday on 1 January.

(3) Possessing saucer scallops in the waters is prohibited in the following periods—

- (a) 6 p.m. on 20 September to midday on 1 November;
- (b) 6 p.m. on 20 December to midday on 1 January.

29 Saucer scallops—regulated by size, time and amount

(1) Saucer scallops are regulated fish.

(2) Taking, possessing or selling more saucer scallops than the percentage stated in this section is prohibited.

(3) From 8 a.m. on 1 January to 8 a.m. on 1 May, the percentage is 7% of saucer scallops that are less than 9 cm.

(4) From 8 a.m. on 1 May to 8 a.m. on 1 January, the percentage is 10% of saucer scallops that are less than 9.5 cm.

(6) For a period mentioned in this section, the percentage must be worked out by—

- (a) counting all of the saucer scallops of the relevant size and expressing the number of saucer scallops of the size as a percentage of the saucer scallops taken or possessed; or
- (b) statistical sampling and testing as follows—
 - (i) statistical sampling of all of the saucer scallops taken or possessed;

Example of 'statistical sampling'—

Random sampling.

- (ii) expressing from the sample the number of saucer scallops of the relevant size as a percentage (the “**sample percentage**”) of the saucer scallops taken or possessed from the sample;
- (iii) using statistical tests to work out from the sample percentage the total percentage of the saucer scallops taken or possessed of the stated size.

29A Saucer scallops in scallop replenishment closure

(1) A saucer scallop is a regulated fish if it is in closed waters under section 14 and schedule 3, part 2.

(2) Possessing the saucer scallop in the waters is prohibited.

Division 3—Fish taken from closed waters

30 Fish taken from closed waters

(1) A fish is a regulated fish if it has been taken from closed waters in contravention of part 1.

(2) Possessing the fish is prohibited.

CHAPTER 3—GENERAL PROVISIONS FOR LICENCES AND FISHERY SYMBOLS

PART 1—LICENCES AND FISHERY SYMBOLS

Division 1—General provisions

31 Licences and fishery symbols for the fishery

(1) The licences for the fishery are the ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T3’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’ licences.

(2) The fishery symbols for the fishery are the ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T3’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’ fishery symbols.¹²

32 Who may fish

(1) A person may take fish in the fishery by trawling or possess fish taken from the fishery only if—

- (a) either—
 - (i) the person holds a licence for the fishery; or
 - (ii) the holder of a licence for the fishery has allowed the person to take or possess fish under the licence; and
- (b) the person is a commercial or assistant fisher or is acting under a crew licence.

(2) Also, a person may fish under a ‘T1’ or ‘T2’ licence in an effort year only if the holder of the licence holds unused effort units for the licence for the year.¹³

33 Assistant fishers and persons acting under a crew licence

(1) A crew member may, under this plan, use or possess commercial fishing apparatus and take fish for trade or commerce only if the crew member and a commercial fisher are—

- (a) on the same boat; or
- (b) on different boats but the crew member is on a tender boat that is not a trawler.

(2) In this section—

“**crew member**” means an assistant fisher or a person acting under a crew licence.

12 For relevant general provisions of the regulation about fishery symbols, see part 7, division 4 (Fishery symbols on authorities) of the regulation.

13 See section 98 (When effort unit entitlement is “used” for an effort year).

Division 2—Obtaining an ‘M1’ or ‘M2’ fishery symbol**34 Applying for ‘M1’ or ‘M2’ fishery symbol**

(1) An eligible person who holds a ‘T1’ licence may apply to the chief executive for an ‘M1’ or ‘M2’ fishery symbol to be written on the licence.

(2) However, the application must be written and may be made only on or before 1 March 2001.

35 Deciding application

(1) On or before 1 April 2001, the chief executive must consider and decide to grant or refuse an application for an ‘M1’ or ‘M2’ fishery symbol.

(2) The chief executive must not grant the application unless the chief executive is satisfied a boat identified on any of the following was used under a ‘T1’ fishery symbol in the Moreton Bay logbook area from 1 January 1988 to 30 November 2000—

- (a) the licence the subject of the application (the “**subject licence**”);
- (b) a former licence for the subject licence;
- (c) a surrendered former licence for the subject licence.

(3) Also, if the application is for an ‘M2’ fishery symbol, the chief executive—

- (a) must not grant it unless the applicant gives the chief executive notice that the applicant surrenders—
 - (i) the ‘T1’ fishery symbol written on the subject licence; and
 - (ii) all effort units for the subject licence; and
- (b) must refuse it if—
 - (i) the applicant has ever transferred effort units for the subject licence; or

- (ii) the boat identified in the subject licence has, since 1 January 2001, been replaced or been modified in a way mentioned in section 132(2)(a).¹⁴

(4) In this section—

“**Moreton Bay logbook area**” means waters within the following boundary—

- from latitude 27° south, longitude 153° east to latitude 28° south, longitude 153° east
- to latitude 28° south, longitude 153°30' east
- to latitude 27° south, longitude 153°30' east
- to latitude 27° south, longitude 153° east.

36 Steps after making decision

(1) If an application for an ‘M1’ or ‘M2’ fishery symbol is granted, the chief executive must—

- (a) write the symbol applied for on the licence; and
- (b) if the application was for an ‘M2’ fishery symbol—remove the ‘T1’ fishery symbol from the licence the subject of the application.

(2) If the chief executive decides to refuse the application, the chief executive must, as soon as practicable after making the decision, give the applicant an information notice about the decision.

Division 3—Restrictions on writing fishery symbols on licences

37 Restrictions

(1) The chief executive may write a fishery symbol on a primary licence only if—

- (a) for an ‘M1’, ‘M2’ fishery symbol—the symbol is written under section 36(1); or

14 Section 132 (Restrictions for ‘M1’, ‘T1’ or ‘T2’ licences)

See also section 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) of the regulation.

- (b) for a 'T5', 'T6', 'T7', 'T8' or 'T9' licence—the symbol is written under a written approval by the chief executive for it to be written on the licence; or
- (c) the licence is a replacement licence; or
- (d) the chief executive renews the licence.

(2) However, the chief executive must not write a symbol as follows on a primary licence if it has the following written on it—

- (a) for an 'M1' fishery symbol—a 'T2' fishery symbol;
- (b) for an 'M2' fishery symbol—an 'M1', 'T1' or 'T2' fishery symbol;
- (c) for a 'T1' fishery symbol—an 'M2' or 'T2' fishery symbol;
- (d) for a 'T2' fishery symbol—a 'T1' fishery symbol.

(3) Also, the chief executive must not write an 'M1' fishery symbol on a primary licence unless it already has a 'T1' fishery symbol written on it.

PART 2—FISH THAT MAY BE TAKEN

38 Condition that only permitted fish may be taken

Each licence for the fishery is subject to a condition that only permitted fish may be taken under the licence.

39 Condition applies to everyone acting under licence

The condition under section 38 also applies to anyone acting under a licence for the fishery.

PART 3—USE OF BRDs

Division 1—Preliminary

40 Application and purpose of pt 3

This part—

- (a) applies if, under chapter 4, a BRD must be used with a net used under a provision of that chapter; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

41 Purpose of BRD

The purpose of a BRD is to reduce the level of bycatch taken by the use of the net to the lowest level that allows the economically viable use of the net, having regard to the sustainability of the fishery's ecological systems.

Division 2—BRD use condition

42 Requirement to achieve purpose

(1) The licence under which the net is used is subject to a condition (the “**BRD use condition**”) that the use of the net must achieve the purpose of a BRD.

(2) The BRD use condition also applies to anyone acting under the licence.

Division 3—Compliance with BRD use condition***Subdivision 1—General*****43 How to comply**

(1) The BRD use condition is taken to have been complied with if a device that complies with subdivision 2 (a “**recognised BRD**”) is used with the net.

(2) The condition may also be complied with by using another device with the net if the use achieves the purpose of a BRD.

Subdivision 2—Recognised BRDs**44 Square mesh cod end**

The net’s cod end is a recognised BRD if—

- (a) at least half the cod end’s circumference is square mesh of at least 45 mm; and
- (b) the square mesh is at least 75 meshes long; and
- (c) nothing covers any of the square meshes during trawling.

45 Square mesh panel

A panel of the net is a recognised BRD if—

- (a) the panel—
 - (i) is square mesh of at least 10.1 cm; and
 - (ii) is at least 40 cm wide and 60 cm long; and
 - (iii) is no more than 120 meshes from the cod end drawstrings of the net; and
- (b) nothing covers any of the square meshes during trawling.

46 Fisheye

An opening in the net is a recognised BRD if—

- (a) the opening—
 - (i) is held open by a rigid frame; and
 - (ii) is at least 35 cm wide and 15 cm long; and
 - (iii) is no more than 120 meshes from the cod end drawstrings of the net; and
- (b) nothing covers any part of the opening during trawling.

47 Bigeye

An opening in the net is a recognised BRD if—

- (a) the opening—
 - (i) is in the top of the net no further forward than the mid point between the centre of the headline and the start of the net's cod end; and
 - (ii) is at least 1 m across the width of the net; and
- (b) the opening has, during trawling, a weighted forward section and a buoyed rear section; and
- (c) the edges of the opening do not overlap by more than 28.5 cm; and
- (d) nothing covers any part of the opening during trawling.

48 Radial escape section

(1) A combination of a funnel, hoops and openings in the net are a recognised BRD if—

- (a) they comply with subsections (2) to (4); and
- (b) nothing covers any part of the openings during trawling.

(2) The funnel must—

- (a) be attached to the net for all of the funnel's front edge circumference; and
- (b) have a number of meshes in its rear edge circumference of no more than 60% of the number of meshes in the circumference of the net at its rear edge.

(3) The net must have—

- (a) either—
 - (i) a hoop attached to it at the funnel’s front edge that keeps the funnel fully open; or
 - (ii) a TED within 90 cm of the funnel’s front edge; and
 - (b) a hoop (the **“rear hoop”**) no more than 115 meshes from the drawstrings of the net’s cod end with a diameter of at least 65 cm.
- (4) The openings must comply with the following—
- (a) they must be forward of the rear hoop;
 - (b) the rear edge of the rear opening must be within 5 meshes of the rear hoop;
 - (c) they must extend for at least 35 cm and cover at least half the net’s circumference;
 - (d) they must be at least 10.1 cm in each of their dimensions;
 - (e) they must be no more than—
 - (i) 50 cm forward of the funnel’s rear edge; and
 - (ii) 120 meshes from the drawstrings of the net’s cod end.

Subdivision 3—BRD guidelines

49 Chief executive may make guidelines

The chief executive may make guidelines (**“BRD guidelines”**) for devices, other than recognised BRDs, that may be used with a trawl net to achieve the purpose of a BRD.

50 Compliance with BRD use condition from BRD guidelines

A person to whom the BRD use condition applies is taken to have complied with the condition if, to the extent they are relevant, the BRD guidelines are complied with.

PART 4—USE OF TEDs

Division 1—Preliminary

51 Application and purpose of pt 4

This part—

- (a) applies if, under chapter 4, a TED must be used with a net used under a provision of that chapter; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

52 Purpose of TED

The purpose of a TED is to allow turtles to escape immediately after being taken in the net.

Division 2—TED use condition

53 Requirement to achieve purpose

(1) The licence under which the net is used is subject to a condition (the “**TED use condition**”) that the use of the net must achieve the purpose of a TED.

(2) The TED use condition also applies to anyone acting under the licence.

Division 3—Compliance with TED use condition

54 Compliance with TED use condition

The TED use condition is taken to have been complied with if a device that complies with section 55 (a “**recognised TED**”) is used with the net.

55 Requirements for a recognised TED

(1) A recognised TED must consist of a barrier and an opening that allows turtles to escape immediately after being taken in the net.

(2) The barrier must consist of a rigid or semirigid inclined barrier of bars attached to the net's circumference that acts to steer turtles through the opening.

(3) The bars must be no more than 12 cm apart.

(4) The opening must—

- (a) be immediately forward of the edge of the barrier that is closest to the cod-end of the net; and
- (b) have a minimum taut measurement across the widest part of the net of—
 - (i) for a net that is used in a beam trawl net no longer than 5 m—50 cm; or
 - (ii) for another net—60 cm; and
- (c) have a minimum taut measurement across any other part of the net of 50 cm; and
- (d) have at least 1 taut measurement of at least 76 cm.

PART 4A—COMMUNICATION CONDITIONS**57A Purpose and application of pt 4A**

This part prescribes additional conditions to which an 'M1', 'M2', 'T1', 'T2' or 'T3' licence is subject.

57B Obligation to nominate communication mode for boat

(1) The holder of the licence must, by notice to the chief executive, nominate a mode by which the chief executive or an inspector may communicate with the person in control of the boat identified in the licence whenever the person is on the boat.

(2) The mode—

Fisheries (East Coast Trawl) Management Plan 1999

- (a) can not be by the use of VMS equipment; and
- (b) must be able to be received on the boat instantaneously after the communication is sent by the chief executive or inspector.

Examples of ways that may be nominated—

- A radio on the boat, tuned to a stated radio frequency.
- The number for a facsimile, mobile phone, radiophone or satellite phone on the boat.

(3) More than 1 mode may be nominated.

(4) The nomination may be changed by notice to the chief executive.

57C Obligation to ensure communication with person in control

The holder of the licence and the person in control of the boat identified in the licence must take all reasonable steps to ensure the chief executive or an inspector is, whenever the person is on the boat, able to communicate with the person by using a nominated communication mode for the boat.

Example of 'all reasonable steps' for section—

The only nominated communication mode for the boat is a radio on the boat, at a stated radio frequency. The holder and the person in control must, when the person is on the boat, ensure the radio is—

- (a) on the boat; and
- (b) in working condition; and
- (c) connected to an appropriate power source and turned on; and
- (d) tuned to the stated frequency; and
- (e) set at a volume that allows the person in control to receive communications from the chief executive or an inspector.

PART 5—VMS EQUIPMENT AND MANUAL REPORTING CONDITIONS

Division 1—Preliminary

58 Purpose and application of pt 5

(1) This part prescribes additional conditions to which an ‘M1’, ‘T1’, ‘T2’ or ‘T3’ licence is subject.

(2) If this part imposes an obligation on the person in control, it is a condition of the licence that the obligation must be complied with.

Division 2—VMS equipment obligations

59 Obligation to install and register VMS equipment

(1) The holder of the licence must have an approved person install approved VMS equipment on the boat identified in the licence.

(2) The equipment and the installer must be included in the particulars about the licence in the register of authorities the chief executive keeps under section 73 of the Act.

60 Obligation to maintain and use VMS equipment

(1) The person in control of the boat identified in the licence must ensure VMS equipment installed on the boat is—

- (a) maintained in a condition that allows it to perform the functions of VMS equipment; and
- (b) used in a way that, at all times, allows the boat to be detected by VMS wherever the boat is located.

(2) However, the obligations do not apply during a period if—

- (a) the boat is not used for fishing during the period; and
- (b) before the period started the chief executive received notice from the holder of the licence that the boat would not be used for fishing during the period because, during the whole of the period—

- (i) the boat will be incapable of being used for fishing; or

Examples for subparagraph (i)—

During the whole of the period, the boat will not be carrying a trawl net or will be in dry dock or on a slip.

- (ii) the VMS equipment will be disconnected from its power source because of a stated maintenance reason.

(3) However, if the notice is given because of a maintenance reason, the period can not be more than 6 hours.

(4) The notice may be given to the chief executive by—

- (a) telephone to a telecommunications service provider for the chief executive appointed by gazette notice; or
- (b) using VMS equipment in a way that ensures—
- (i) the notice is given to, and received by, the chief executive instantaneously; and
- (ii) the chief executive can readily access the information in the notice.

61 Obligation to modify or replace installed VMS if required

(1) The chief executive may, by notice, require the holder of the licence to modify or replace VMS equipment installed on the boat identified in the licence.

(2) The notice must—

- (a) identify the holder, the licence and the boat; and
- (b) state the required modification or replacement; and
- (c) state a reasonable period of at least 3 months for the holder to comply with the notice; and
- (d) be accompanied by, or include, an information notice about the decision to make the requirement.

(3) The holder must, within the stated period, make the required modification or replacement.

Division 3—Obligations if VMS equipment malfunctions***Subdivision 1—Preliminary*****62 Application and purpose of div 3**

This division—

- (a) applies if VMS equipment installed on the boat identified in the licence malfunctions; and
- (b) imposes obligations on the person in control of the boat when the person becomes aware of the malfunction.

63 Meaning of “malfunction” for div 3

In this division, “**malfunction**”, for VMS equipment, means a failure to work at all and a failure to work in a way so as to perform the functions of VMS equipment.¹⁵

64 When person is taken to be aware of malfunction

(1) A person in control is taken to be aware of the malfunction if the person receives notice from the chief executive or an inspector that the equipment is malfunctioning.

(2) The notice may be given—

- (a) orally in person; or
- (b) by a nominated communication mode for the boat.

Subdivision 2—Obligations**65 Obligation to give notice of malfunction**

(1) The person in control must immediately notify the chief executive of the malfunction, unless the person has a reasonable excuse.

¹⁵ Under section 4 (Definitions) of the Act, definition “VMS equipment”, VMS equipment means ‘equipment used as part of a system that monitors the position and operation of a vessel’.

- (2) The notice may be given to the chief executive by—
- (a) telephone to a telecommunications service provider for the chief executive appointed by gazette notice; or
 - (b) using VMS equipment in a way that ensures—
 - (i) the notice is given to, and received by, the chief executive instantaneously; and
 - (ii) the chief executive can readily access the information in the notice.

66 Manual reporting obligation

(1) The person in control must notify the boat's position and operation to the chief executive by radio, telephone or another form of instantaneous electronic communication at intervals that, in all the circumstances, reasonably acts as a substitute for VMS equipment.

(2) The obligation under subsection (1) is called the “**manual reporting obligation**”.

(3) The manual reporting obligation continues to apply to the person in control until the VMS maintenance and use obligations are complied with for the boat.

(4) If notice is given about a boat under the manual reporting obligation the boat is “**manually reported**”.

67 Further obligations for malfunction in major scallop area

(1) This section applies, as well as the manual reporting obligation, if the malfunction happened inside the area within the following boundary (the “**major scallop area**”)—

- from latitude 22°10.80' south, longitude 149°48' east to latitude 22°13.20' south, longitude 152° east
- to latitude 24°13.80' south, longitude 153°33' east
- to latitude 24°42' south, longitude 153°16.20' east
- to latitude 25°06' south, longitude 153°12' east
- to latitude 25°18' south, longitude 152°43.20' east
- to latitude 22°10.80' south, longitude 149°48' east.

(2) The person in control must—

- (a) stop the use of fishing apparatus from the boat; and
- (b) immediately cause the boat to travel as soon as practicable to the defined port area nearest the boat, unless the person has a reasonable excuse.

(3) If the person in control starts to comply with the VMS maintenance and use obligations for the boat, the obligations under subsection (2)—

- (a) continue to apply; but
- (b) cease to apply if the chief executive or an inspector gives the person notice that the obligations need not be complied with.

(4) Notice under subsection (3)(b) may be given—

- (a) orally in person; or
- (b) by a nominated communication mode for the boat.

(5) If the boat travels to a port, the person in control must not cause or allow the boat to be used for fishing unless an approved person gives the chief executive or an inspector notice that VMS equipment installed on the boat is in a condition that allows it to perform the functions of VMS equipment.

68 Further obligations for malfunction outside major scallop area

(1) This section applies, as well as the manual reporting obligation, if the malfunction happened outside the major scallop area.

(2) The person in control must cause the boat to travel to a defined port area within 5 days, unless the person has a reasonable excuse.

(3) However, if the boat moves into the major scallop area, the person in control must—

- (a) stop the use of fishing apparatus from the boat; and
- (b) immediately cause the boat to travel as soon as practicable to the defined port area nearest the boat, unless the person has a reasonable excuse.

(4) If the person in control starts to comply with the VMS maintenance and use obligations for the boat, the obligations under subsections (2) and (3)—

- (a) cease to apply; but

(b) resume if the chief executive or an inspector gives the person notice that the obligations must be complied with.

(5) Notice under subsection (4)(b) may be given—

(a) orally in person; or

(b) by a nominated communication mode for the boat.

(6) If the boat travels to a port, the person in control must not cause or allow the boat to be used for fishing unless an approved person gives the chief executive or an inspector notice that VMS equipment installed on the boat is in a condition that allows it to perform the functions of VMS equipment.

Subdivision 3—Manual reporting guidelines

69 Chief executive may make guidelines

The chief executive may make guidelines (“**manual reporting guidelines**”) for compliance with the manual reporting obligation.

70 Compliance with manual reporting obligation

A person to whom the manual obligation applies is taken to have complied with the obligation if, to the extent they are relevant, the manual reporting guidelines are complied with.

Division 4—Notice guidelines

71 Chief executive may make guidelines

The chief executive may make guidelines (“**notice guidelines**”) about how to give a notice to the chief executive under this part.

72 Compliance with notice guidelines

A person is taken to have given a notice under this part if, to the extent they are relevant, the notice guidelines are complied with.

PART 6—EFFORT UNITS

Division 1—Introduction

73 Simplified outline of pt 6

(1) This part provides for the issue of effort units, their entitlement and for conditions for their transfer.

(2) Effort units must be issued as follows for each licence that is, or is a replacement or renewal of, a ‘T1’ or ‘T2’ licence in force at midday on 15 December 2000 (an “**eligible licence**”)—

- (a) under division 3, by an issue on or before 1 January 2001, based on allocated days;
- (b) under division 4, by an issue on or before 1 August 2001, based on supplementary days decided under that division.¹⁶

(3) Under divisions 3 and 4, the total of all allocated and supplementary days can not be more than 102 929.

(4) Division 5 allows the chief executive to make a rateable issue of additional effort units for ‘T1’ or ‘T2’ fishery symbols if the total mentioned in subsection (3) is not exceeded.

(5) Divisions 6 and 7 provide for the entitlement of effort units and for working out when they are used.

(6) Divisions 8 and 9 prescribe conditions for the transfer of effort units and provide for the entitlement under transferred effort units.

Division 2—General provisions about effort units

74 Nature of an effort unit

Each effort unit is—

- (a) an authority, the entitlement for which is provided for under division 6; and
- (b) a quota for the fishery.

¹⁶ See section 81(2) and (3) (Making allocation decision).

75 General condition for issue of effort units

An effort unit may be issued only under this part.

76 When effort unit is “issued”

An effort unit is “issued” when—

- (a) an effort unit certificate that includes the unit is issued; or
- (b) an effort unit certificate is amended under this part to include the unit.

*Division 3—Initial effort units**Subdivision 1—General provisions***77 Obligation to issue**

On or before 1 January 2001 the chief executive must—

- (a) work out, under this division, the number of effort units that must be issued for each eligible licence; and
- (b) issue an effort unit certificate for the units for the first effort year.

78 Effort unit formula

(1) To work out the number of effort units that must be issued for each eligible licence under this division, the chief executive must apply the following formula—

$$\text{EU} = \text{EUCF} \times \text{AD}$$

where—

“EU” means the number of effort units worked out by applying the formula.

“EUCF” means the effort unit conversion factor for—

- (a) the boat identified in the eligible licence; or
- (b) if no boat is identified in the eligible licence—the boat last identified in the licence.

“AD” means the number of allocated days for the eligible licence.

(2) If after applying the formula the number of effort units worked out is not a whole number, the number of effort units that must be issued for the eligible licence is the nearest whole number to the amount worked out, rounded up.

Subdivision 2—Allocated days

79 Purpose of sdiv 2

This subdivision provides for how the chief executive must decide the number of allocated days for each eligible licence (the “**allocation decision**”).

80 Deciding recorded fishing days

(1) The chief executive must decide the higher of the following number of days for each eligible licence for each year from 1988 to 1998—

- (a) the number of days on which a boat as follows (a “**relevant boat**”) was used, other than under a surrendered former licence—
 - (i) a boat identified in the eligible licence;
 - (ii) a boat identified in a former licence for the eligible licence;
- (b) if a relevant boat was, in the year, used under a surrendered former licence—an adjusted number of days on which a relevant boat was used in the year under the surrendered former licence worked out by applying the following formula—

$$\text{AD} = \frac{(\text{FD} \times \text{EUCF } 1)}{\text{EUCF } 2}$$

where—

“AD” means the adjusted number of recorded fishing days worked out by applying the formula.

“FD” means the number of days on which relevant boats were used in the year under the surrendered former licence.

“EUCF 1” means the effort unit conversion factor for the boat identified in the surrendered former licence.

“**EUCF 2**” means the effort unit conversion factor for—

- (a) the boat identified in the eligible licence; or
- (b) if no boat is identified in the eligible licence—the boat last identified in the licence.

(2) The higher number of days for a year decided under subsection (1) is called the “**recorded fishing days**” for the year.

(3) In making the decision, the chief executive must consider—

- (a) any relevant logbook returns given before 1 May 1999; and
- (b) records held by the chief executive about the returns.

(4) In this section—

“**day**”, for the use of a relevant boat, means any period 24 hours from when the use started, whether or not the period is included in more than 1 of the 7 named days of the week.

Example—

A relevant boat is used from 7 p.m. on a Sunday to 6 a.m. on the following Monday and again on the Monday from 5 p.m. to 6 p.m. For this section, the boat is only used for 1 day.

“**use**”, a relevant boat, means use a trawl net from the boat under a ‘T1’ or ‘T2’ licence.

81 Making allocation decision

(1) This section provides for formulae to make the allocation decision, after deciding recorded fishing days.

(2) For a ‘T1’ licence, the formula is—

$$AD = \frac{(\text{HRD}_1 + \text{HRD}_2 + \text{HRD}_3 + \text{HRD}_4)/4}{(\Sigma \text{HRD}_1 + \Sigma \text{HRD}_2 + \Sigma \text{HRD}_3 + \Sigma \text{HRD}_4)/4} \times 94\,080$$

(3) For a ‘T2’ licence, the formula is—

$$AD = \frac{(\text{HRD}_1 + \text{HRD}_2 + \text{HRD}_3 + \text{HRD}_4)/4}{(\Sigma \text{HRD}_1 + \Sigma \text{HRD}_2 + \Sigma \text{HRD}_3 + \Sigma \text{HRD}_4)/4} \times 1\,920$$

(4) In the formulae—

“**AD**” means the number of allocated days.

“**HRD₁**” means the highest number of recorded fishing days in any year from 1988 to 1998 for the eligible licence.

“**HRD₂**” means the second highest number of recorded fishing days in any year from 1988 to 1998 for the eligible licence.

“**HRD₃**” means the third highest number of recorded fishing days in any year from 1988 to 1998 for the eligible licence.

“**HRD₄**” means the fourth highest number of recorded fishing days in any year from 1988 to 1998 for the eligible licence.

“**²HRD₁**” means the sum of the highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

“**²HRD₂**” means the sum of the second highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

“**²HRD₃**” means the sum of the third highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

“**²HRD₄**” means the sum of the fourth highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

Subdivision 3—Provisions for giving effect to appeal decisions

81A Application of sdiv 3

This subdivision applies if the following events happen—

- (a) an eligible licence holder appeals to the tribunal against the allocation decision for the licence;
- (b) recorded fishing days for 1 or more years used to make the allocation decision are, or must be, changed because the tribunal decides to set aside that decision and—
 - (i) substitute another decision; or
 - (ii) return the matter to the chief executive with directions;

- (c) the substituted decision, or a decision by the chief executive made under the directions, (the **“new recorded fishing days decision”**) will require the reapplication of the formula under section 81 (the **“allocation decision formula”**) to remake the allocation decision;
- (d) the total fishing days for all eligible licences are less than 102 929.

81B Effect of new recorded fishing days decision

Subject to any decision or direction by the tribunal, the making of the new recorded fishing days decision does not—

- (a) require the reapplication of the allocation decision formula for an eligible licence holder other than the appellant; or
- (b) invalidate or otherwise affect effort units issued to another eligible licence holder.

81C Adjustment to allocation decision formula

(1) The chief executive may, instead of reapplying section 81, remake the allocation decision by reapplying the allocation decision formula using—

- (a) the same denominators that were used for the allocation decision appealed against; and
- (b) the numerators used for the decision, as changed by the new recorded fishing days decision.

(2) If, under subsection (1), the chief executive remakes the decision, the chief executive must—

- (a) work out whether any further effort units must be issued to the appellant by applying the effort unit formula under section 78, using the allocated days worked out by reapplying the allocation decision formula under subsection (1); and
- (b) issue the further effort units; and
- (c) take steps to amend the relevant effort unit certificate to include the further effort units and the fishing days for which they were issued.

Division 4—Further effort units issued on basis of supplementary days***Subdivision 1—Preliminary*****82 Purpose of div 4**

The purpose of this division is to allow further effort units to be issued to eligible persons to attempt to remedy hardship or disadvantage because of the allocation decision.

83 Meaning of “small operator” for div 4

For this division, a “**small operator**” means an eligible person who—

- (a) holds only 1 ‘T1’ or ‘T2’ licence; and
- (b) owns the boat identified in the licence; and
- (c) is a person as follows—
 - (i) the person who usually is the person in control of the boat when it is used for trawling (the “**usual person in control**”);
 - (ii) a close relative of the usual person in control;
 - (iii) a corporation, a director or shareholder of which is, or is a close relative of, the usual person in control; and
- (d) in the 2 financial years immediately before the application was made, derived at least 80% of the person’s gross income from fishing under the licence by trawling; and
- (e) received less than 123 allocated days.

Subdivision 2—Applications for effort units**84 Requirements for application**

(1) An eligible person may, on or before 31 March 2001, apply to the chief executive to be issued with further effort units for the person’s eligible licence (an “**effort unit application**”).

(2) The application must—

- (a) be made to the chief executive, in the approved form; and
- (b) include, or be accompanied by, all documents or information on which the applicant relies to support the application.

85 Deciding application

Subject to sections 88 and 89A, the chief executive must decide each effort unit application on or before 1 August 2001.

86 Grounds for issuing effort units

(1) The chief executive may, under subdivision 3, work out a number of effort units to be issued to an effort unit applicant if the applicant has reasonably satisfied the chief executive that the applicant is a small operator.

(2) The chief executive may, under subdivision 4, work out a number of effort units to be issued to an effort unit applicant if the applicant has reasonably satisfied the chief executive that the applicant is not a small operator and that—

- (a) logbook returns show that from 1988 to 1998 a trawl net was used from a boat identified in a licence as follows (a “**relevant licence**”) on a day other than a recorded fishing day—
 - (i) the eligible licence the subject of the application;
 - (ii) a former licence or surrendered former licence for the eligible licence; or
- (b) because of an exceptional circumstance mentioned in subsection (4), the 4 highest years used, under section 81, to make the allocation decision for the applicant do not reflect the applicant’s representative level of participation in the fishery.

(3) However, if an applicant is issued effort units worked out under subdivision 3, the chief executive must not issue the applicant effort units worked out under subdivision 4.

(4) For subsection (2)(b), the exceptional circumstances are each of the following—

- (a) the applicant first acquired, or obtained an approval from a former fisheries agency for, a relevant licence between 1 January 1995 and 13 November 1998;

- (b) the applicant acquired the eligible licence the subject of the application after 13 November 1998 and, when it was acquired, the applicant—
 - (i) had no actual or constructive knowledge of the Queensland Fisheries Management Authority media release called ‘Investment Advice for Queensland East Coast Trawl Fishery’, published on 13 November 1998; or
 - (ii) did not understand the nature or significance of the media release, after having taken all reasonable steps in the circumstances to understand it;
- (c) the applicant did not hold a relevant licence for the whole of the period from 1988 to 1998 and during the period that the applicant held a relevant licence—
 - (i) the applicant or a close relative of the applicant suffered illness or injury; or
 - (ii) the boat identified in the licence could not be used for trawling.

88 Priority of deciding effort unit applications

In deciding effort unit applications, the chief executive must, as much as practicable, give priority to applicants who—

- (a) claim to be small operators; or
- (b) hold the fewest effort units.

89 Steps after making decision

(1) If effort units are worked out for an effort unit applicant under subdivision 3 or 4, the chief executive must, as soon as practicable, take steps to amend the applicant’s effort unit certificate to include the effort units and the fishing days for which they were issued.

(2) The effort units take effect when the amendment is made.

Subdivision 3—Further effort units for small operators**89A Restriction on granting application by small operator**

The chief executive must refuse an effort unit application if—

- (a) the chief executive is satisfied the applicant is a small operator; and
- (b) the total of supplementary days already worked out for small operators exceeds 5 000.

90 Effort unit formula

(1) This section provides for how the chief executive must decide the number of effort units if the chief executive is satisfied the applicant is a small operator.

(2) To work out the number of effort units, the chief executive must apply the following formula—

$$\text{EU} = \text{EUCF} \times \text{SD}$$

where—

“EU” means the number of effort units worked out by applying the formula.

“EUCF” means the effort unit conversion factor for—

- (a) the boat identified in the eligible licence; or
- (b) if no boat is identified in the eligible licence—the boat last identified in the licence.

“SD” means the number of supplementary days for the eligible licence, worked out under section 91.

91 Working out supplementary days

(1) For section 90(2), the supplementary days are worked out by applying the following formula—

$$\text{SD} = \frac{\text{HD}_1 + \text{HD}_2 + \text{HD}_3 + \text{HD}_4}{4} - \text{AD}$$

(2) In the formula—

“SD” means the number of supplementary days.

“HD₁” means the highest number of any recorded and logbook days in any year from 1988 to 1998 for the eligible licence.

“HD₂” means the second highest number of any recorded and logbook days in any year from 1988 to 1998 for the eligible licence.

“HD₃” means the third highest number of any recorded and logbook days in any year from 1988 to 1998 for the eligible licence.

“HD₄” means the fourth highest number of any recorded and logbook days in any year from 1988 to 1998 for the eligible licence.

“AD” means the number of allocated days for the eligible licence.

(3) If the total of the supplementary days worked out by applying the formula and all other supplementary days already out worked under this section for small operators would, other than this subsection, exceed 5 000, the number of supplementary days for the eligible licence is the difference between 5000 and the other supplementary days.

(4) In this section—

“logbook days”, for a year, means the days, other than recorded fishing days, shown in logbook returns on which a trawl net was used from a boat identified in—

- (a) the eligible licence; or
- (b) a former licence or surrendered former licence for the eligible licence.

Subdivision 4—Further effort units on other grounds

92 Effort unit formula

(1) This section provides for how the chief executive must decide the number of effort units other than on the ground that the applicant is a small operator.

(2) To work out the number of effort units, the chief executive must apply the following formula—

$$\mathbf{EU = EUCF \times SD}$$

where—

“EU” means the number of effort units worked out by applying the formula.

“EUCF” means the effort unit conversion factor for—

- (a) the boat identified in the eligible licence; or
- (b) if no boat is identified in the eligible licence—the boat last identified in the licence.

“SD” means the number of supplementary days for the eligible licence, worked out under section 93.

93 Working out supplementary days

(1) This section provides for formulae to work out the number of supplementary days for section 92(2).

(2) For a ‘T1’ licence, the formula is—

$$SD = \left(\frac{(HD_1 + HD_2 + HD_3 + HD_4)/4}{(\sum HD_1 + \sum HD_2 + \sum HD_3 + \sum HD_4)/4} \times 94\,080 \right) - AD$$

(3) For a ‘T2’ licence, the formula is—

$$SD = \left(\frac{(HD_1 + HD_2 + HD_3 + HD_4)/4}{(\sum HD_1 + \sum HD_2 + \sum HD_3 + \sum HD_4)/4} \times 1\,920 \right) - AD$$

(4) In the formulae—

“AD” means the number of allocated days for the eligible licence.

“SD” means the number of supplementary days.

“HD₁” means the highest number of any recorded days and the extra days in any year from 1988 to 1998 for the eligible licence.

“HD₂” means the second highest number of any recorded days and the extra days in any year from 1988 to 1998 for the eligible licence.

“HD₃” means the third highest number of any recorded days and the extra days in any year from 1988 to 1998 for the eligible licence.

“HD₄” means the fourth highest number of any recorded days and the extra days in any year from 1988 to 1998 for the eligible licence.

“**HRD₁**” means the sum of the highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

“**HRD₂**” means the sum of the second highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

“**HRD₃**” means the sum of the third highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

“**HRD₄**” means the sum of the fourth highest number of recorded fishing days in any year from 1988 to 1998 for each eligible licence of the same type as the eligible licence.

(5) For subsection (4), the extra days for a year are—

- (a) all days for the year shown in logbook returns under section 86(2)(a);¹⁷ and
- (b) a number of other days the chief executive decides that best achieves the purpose of this part.

(6) For subsection (5)(b), the chief executive must not decide a number that places the applicant in a position as if the applicant had more than an average annual participation in the fishery.

Division 5—Additional effort units

94 Decision to issue for ‘T2’ licences

(1) This section applies if the total allocated and supplementary days for all eligible licences is less than 102 929.

(2) Subject to division 5A, the chief executive must, on or before 24 August 2001, issue additional effort units to each holder of a ‘T2’ licence who has not been issued effort units under division 4, subdivision 3.

17 Section 86 (Grounds for issuing effort units)

(3) The number of additional effort units that must be issued to each holder is worked out by applying the following formula—

$$\text{AEU} = ((\text{AD} + \text{SD}) \times 0.330729167) \times \text{EUCF}$$

where—

“AEU” means the number of additional effort units worked out by applying the formula.

“AD” means the number of allocated days for the licence.

“SD” means the number of supplementary days for the licence.

“EUCF” means the effort unit conversion factor for—

- (a) the boat identified in the licence; or
- (b) if no boat is identified in the licence—the boat last identified in the licence.

(4) If after applying the formula, the number of effort units to be issued is not a whole number, the number of effort units that must be issued is the nearest whole number, rounded up.

95 Decision to issue additional effort units for all eligible licences

(1) This section applies if, after all additional effort units have been issued under section 94, the total fishing days for all effort units is still less than 102 929.

(2) The chief executive may issue further additional effort units to each eligible licence holder.

(3) However, the chief executive must not issue the additional units before—

- (a) the end of the period to appeal against all decisions about effort unit applications (“**effort unit appeals**”); and
- (b) all effort unit appeals are ended or finally decided; and
- (c) if, in deciding an effort unit appeal, the tribunal gave the chief executive directions—the directions have been complied with.

(4) The number of effort units that must be issued is worked out by applying the following formula—

where—

$$\text{EU} = \text{EUCF} \times \left(\frac{\text{RD}}{\text{TEL}} \right)$$

“EU” means the number of effort units worked out by applying the formula.

“EUCF” means the effort unit conversion factor for—

- (a) the boat identified in the eligible licence; or
- (b) if no boat is identified in the eligible licence—the boat last identified in the licence.

“RD” means 102 929, less the total number of fishing days for all effort units when each of the effort units were issued.

“TEL” means the total number of eligible licences.

(5) If after applying the formula the number of effort units worked out is not a whole number, the number of effort units that must be issued for the eligible licence is the nearest whole number to the amount worked out, rounded down.

96 Issue of effort units

(1) As soon as practicable after working out, under section 94, the number of effort units to be issued, the chief executive must take steps to amend the relevant effort unit certificates to include the effort units and the days for which they were issued.

(2) The effort units take effect when the amendment is made.

Division 5A—Limit on effort units

96A Application of div 5A

This division applies if—

- (a) after all effort unit applications have been decided, the total allocated and supplementary days for all eligible licences, would, other than for this division, be more than 102 929; or

- (b) additional effort units must be issued under section 94(2) and, because of the additional effort unit issue, the fishing days for all effort units when each of the effort units were issued, other than for this division, be more than 102 929.

96B Automatic rateable effort unit cancellations

(1) The number of effort units for each eligible licence is, by cancellation, reduced by applying the following formula—

$$\text{REU} = \text{EU} \times (\text{EFD} / \text{TFD})$$

where—

“**REU**” means the number of effort units for the licence by which the total number of effort units for the licence must be reduced, worked out by applying the formula.

“**EU**” means the existing number of effort units for the eligible licence.

“**EFD**” means the number of fishing days that, other than for this section, would have exceeded 102 929.

“**TFD**” means the total number of fishing days for all effort units.

(2) If after applying the formula, the number of effort units to be cancelled for the licence is not a whole number, the number of effort units that must be cancelled is the nearest whole number, rounded up.

96C Notice and taking of effect of cancellation

(1) The chief executive must, as soon as practicable after the cancellation of effort units and reduction of fishing days under section 96B, give each eligible licence holder a replacement effort unit certificate that reflects the cancellation and reduction.

(2) The cancellation for the holder takes effect when the holder is given the replacement effort unit certificate.

Division 6—Effort unit entitlement and use**97 Meaning of “entitlement” of effort unit holder**

(1) The effort units held by a person authorise the holder, in an effort year to use the boat identified in the holder’s effort unit certificate for the year for the number of whole fishing days for the units—

- (a) if the units relate to a ‘T1’ licence—
 - (i) generally—the ‘T1’ and ‘T3’ area; and
 - (ii) if the licence also has an ‘M1’ fishery symbol written on it—the ‘M1’ and ‘M2’ area; or
- (b) if the units relate to a ‘T2’ licence—the ‘T2’ area.

(2) Also, if the boat is used for the number of fishing days for the year, the holder is also authorised to use the boat for 4 additional days (“steaming days”).

(3) If the boat is, under this section, used on an allocated or steaming day, the holder has “used” the boat for the allocated or steaming day.

(4) The authorisation under this section is subject to division 9.¹⁸

(5) The authorisation under this section for an effort year is the holder’s “entitlement” under the holder’s effort units for the year.

(6) However, the entitlement applies only while the person holds a ‘T1’ or ‘T2’ licence.

98 When effort unit entitlement is “used” for an effort year

(1) The entitlement of the effort units held by a person is “used” for an effort year—

- (a) when the unit holder has, in that year, used the boat for—
 - (i) the number of whole fishing days for the units; and
 - (ii) 14 steaming days; or
- (b) if section 100(2) applies.

18 Division 9 (Entitlement of transferee under transferred effort units)

(2) The “**unused entitlement**” of a person’s effort units for an effort year is the number of whole fishing and steaming days for the units for the year, for which the boat has not been used.

99 Provisions for working out use of entitlement

(1) This section provides for rules to work out whether the boat identified in an effort unit certificate has been used on a fishing or steaming day to decide whether the entitlement of an effort unit holder has been used.

(2) The period of each fishing and steaming day for the effort units is from midday to midday.

(3) However, if the holder has given the chief executive notice of 24 hours or more that the period of the days is to be—

- (a) from midnight to midnight—the period is from midnight to midnight; or
- (b) from 6 p.m. to 6 p.m.—the period from 6 p.m. to 6 p.m.

(4) Subsection (3)(b) applies only if the eligible licence is also an ‘M1’ licence.

(5) If the holder uses the boat in any part of a fishing or steaming day, the holder is taken to have used the boat for the whole of the day.

(6) Despite subsections (3) to (5)—

- (a) the use of the boat for the whole or part of the first 12 hours of an effort year is not included in the working out of whether the boat has been used on a fishing or steaming day if—
 - (i) under subsection (3)(a), the period of the fishing or steaming day is from midnight to midnight; and
 - (ii) the boat has, in the preceding 12 hours, been used under a fishery symbol; and
- (b) the use of the boat for the whole or part of the first 6 hours of an effort year is not included in the working out of whether the boat has been used on a fishing or steaming day if—
 - (i) under subsection (3)(b), the period of the fishing or steaming day is from 6 p.m. to 6 p.m.; and
 - (ii) the boat has, in the preceding 18 hours, been used under a fishery symbol.

(7) In this section—

“**notice**” includes a notice given by facsimile, radio or telephone.

100 No carrying forward of unused entitlement

(1) This section applies if, in an effort year, an effort unit holder fishes on fewer days than the total entitlements under the effort units held by the holder.

(2) The holder is taken, at the end of the effort year, to have used all the entitlements under the effort units held by the holder for the year.

101 Effort unit certificates

(1) The chief executive must, for each effort year, issue a single certificate (an “**effort unit certificate**”) for all effort units for each eligible licence.

(2) The certificate must state the following—

- (a) the holder’s name;
- (b) the following details about the boat identified in the licence—
 - (i) its mark under section 103 of the regulation;
 - (ii) its hull units;
 - (iii) its beam, depth and length;
 - (iv) its effort unit conversion factor;
 - (v) its main engine power in maximum continuous brake kW;
- (c) the effort year to which the certificate applies;
- (d) how many effort units the holder has;
- (e) the number of whole fishing days for the effort units;
- (f) if the chief executive has imposed conditions on the effort units—the conditions.

Division 7—Evidentiary aids for use of entitlement***Subdivision 1—Evidentiary aids for when a fishing or steaming day is used*****102 VMS detection or manual reporting**

(1) This section applies if the boat identified in an effort unit certificate is detected by VMS or manually reported at any time during a day (the “**relevant day**”) within the area stated in section 97(1)¹⁹ for the effort units.

(2) The detection or manual report is evidence that the holder of the units has used the boat for a whole fishing or steaming day for the units.

(3) However, subsection (2) does not apply if—

- (a) an exception for this section stated in subdivision 2 applies for the relevant day; or
- (b) the holder satisfies the chief executive the boat was not used on the relevant day.

102A Absence of VMS detection or reporting

(1) This section applies if at any time during a day (the “**relevant time**”)—

- (a) the VMS maintenance and use obligations applied to a person in control of a boat identified in a ‘T1’ or ‘T2’ licence; and
- (b) the boat is not detected by VMS anywhere; and
- (c) at that time the manual reporting obligation—
 - (i) applied to the person in control of the boat; and
 - (ii) was not being complied with for the boat.

(2) The absence of the detection is evidence that the boat was used for a whole fishing or steaming day in the area stated in section 97(1) for the effort units for the licence.

19 Section 97 (Meaning of “entitlement” of effort unit holder)

(3) However, subsection (2) does not apply if the holder of the effort units satisfies the chief executive that the boat was not being used at the relevant time.

Subdivision 2—Exceptions

103 Exception—movement only at travelling speed

(1) It is an exception for section 102 if, during the whole of the day, the boat is detected by VMS or manually reported as—

- (a) not having moved; or
- (b) having moved at a speed of no less than 5 knots.

(2) For subsection (1)(b), if a boat is detected by VMS or manually reported as having moved continuously during a period, the first or last time the boat is detected or manually reported during the period must be disregarded if, at the time, the boat is detected or manually reported as moving at a speed of less than 5 knots.

(3) This section does not limit sections 105 and 106.

104 Exception—minimum boat movement

(1) It is an exception for section 102 if, during the whole of the day, the boat is detected by VMS or manually reported as—

- (a) not having moved; or
- (b) having moved no more than the following distance from where the boat was first detected on the day—
 - (i) if the boat is detected or manually reported as being in the deep water net area during any part of the day—1000 m;
 - (ii) otherwise—250 m.

(2) This section does not limit sections 105 and 106.

105 Exception—moving boat without fishing

(1) It is an exception for section 102 if—

- (a) the boat is detected by VMS or manually reported as having moved during a day; and

(b) the conditions mentioned in subsection (2) have been complied with.

(2) For subsection (1)(b), the conditions are as follows—

- (a) the movement is, or is part of, any of the following journeys—
 - (i) from a defined port area to another defined port area;
 - (ii) a defined port area to a place outside the fishery;
 - (iii) a place outside the fishery to a defined port area;
 - (iv) a place outside the fishery to another place outside the fishery;
- (b) the holder or person in control of the boat gave the chief executive notice of the following about the journey before it started—
 - (i) the date and time it will start;
 - (ii) the place it will start;
 - (iii) the proposed destination;
 - (iv) the estimated date and time of arrival at the destination;
 - (v) if the movement involves entering or leaving the fishery's area—each entry or leaving;
 - (vi) the reason for the journey;
- (c) if any fish taken outside the fishery's area are on board the boat—the holder or person in control of the boat gave the chief executive notice of the number or weight of each species of permitted fish before the fish were brought into the area;
- (d) the journey complies, or substantially complies, with the journey stated in the notice;
- (e) during the whole of the journey—
 - (i) no fish taken by the use of a trawl net in the fishery's area are on board the boat; and
 - (ii) the VMS maintenance and use obligations or the manual reporting obligation are complied with for the boat; and
 - (iii) all trawl nets on board the boat are stored inboard the boat and are not suspended from a mast or boom.

(3) However, the trawl nets may be suspended from a mast or boom if the journey is from a defined port area to the nearest northerly or southerly defined port area.

(4) The holder or person in control may, during the journey, by notice to the chief executive (“**amendment notice**”), amend a detail given under subsection (2)(b)(iii), (iv) or (v).

(5) From the giving of the amendment notice, the condition mentioned in subsection (2)(d) is complied with if the rest of the journey complies, or substantially complies with, the notice given under subsection (2)(b), as amended under the amendment notice.

106 Exception—fishing exclusively under fishery symbol for another fishery

(1) It is an exception for section 102 if—

- (a) the boat is detected by VMS or manually reported as having moved during a day; and
- (b) the conditions mentioned in subsection (2) have been complied with.

(2) For subsection (1)(b), the conditions are as follows—

- (a) the movement is, or is part of, a fishing trip that started from a defined port area;
- (b) the holder or person in control of the boat gave the chief executive notice of the following about the fishing trip before it started—
 - (i) the date and time it will start;
 - (ii) where it will start;
 - (iii) the proposed destination;
 - (iv) the estimated date and time of arrival at the destination;
 - (v) each fishery symbol, other than a fishery symbol for the fishery, under which the boat will be used to take fish during the trip;
 - (vi) the date and time the use of the boat to take fish under a fishery symbol mentioned in subparagraph (v) will stop;

- (c) the fishing trip complies, or substantially complies, with the fishing trip stated in the notice;
- (d) during the whole of the fishing trip—
 - (i) there are no trawl nets on board the boat; and
 - (ii) no fish taken by the use of a trawl net in the fishery's area are on board the boat; and
 - (iii) the VMS maintenance and use obligations or the manual reporting obligation are complied with for the boat.

(3) The holder or person in control may, during the fishing trip, by notice to the chief executive (“**amendment notice**”), amend a detail given under subsection (2)(b)(iii) to (vi).

(4) From the giving of the amendment notice, the condition mentioned in subsection (2)(c) is complied with if the rest of the fishing trip complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.

107 Exception—VMS detection in certain closed waters

It is an exception for section 102 if the detection by VMS or manually reporting is within 1 or more of closed waters under the following—

- (a) the first closure periods under sections 11 and 12 and schedule 3, part 1;
- (b) a provision of schedule 3 as follows—
 - section 19
 - section 31
 - section 52
 - section 55
 - section 60 to 62
 - section 71
 - section 87 to 89
 - section 94
 - section 97
 - section 99

- section 103
- section 106
- section 108
- section 112
- section 116
- section 117
- sections 123 to 129
- section 132
- section 136
- section 137
- section 140
- section 141
- section 143
- sections 149 to 152
- sections 154 to 158.

108 Notices to chief executive under sdiv 2

(1) This section applies for a notice to the chief executive under this subdivision.

(2) The notice may relate to a continuous period of more than 1 day.

(3) The notice may be given to the chief executive by—

- (a) telephone to a telecommunications service provider for the chief executive appointed by gazette notice; or
- (b) using VMS equipment in a way that ensures—
 - (i) the notice is given to, and received by, the chief executive instantaneously; and
 - (ii) the chief executive can readily access the information in the notice.

(4) The chief executive may make guidelines for how to give the notice under subsection (3)(b).

(5) The notice is taken to have been given under subsection (3)(b) if, to the extent they are relevant, the guidelines are complied with.

Division 8—Transfer conditions for effort units

111 Purpose of div 8

This division prescribes, for section 65(4)(a)²⁰ of the Act, conditions for the granting, by the chief executive, of an application to transfer effort units.

112 No transfer applications before first effort year

The application must not be granted if it was made before the start of the first effort year.

113 Only whole effort units may be transferred

A part of an effort unit can not be transferred.

114 Special condition for effort units for ‘T2’ licence

The chief executive may approve a transfer to a ‘T1’ licence of half the effort units for a ‘T2’ licence only if the transferor gives the chief executive notice that the transferor surrenders—

- (a) the ‘T2’ licence; and
- (b) the other half of the transferor’s effort units for the ‘T2’ licence.

115 Application for effort unit certificate changes required

(1) The proposed transferor and proposed transferee must apply to the chief executive for effort unit certificate changes that reflect the proposed transfer of the effort units, and their entitlement, to the transferee.

(2) In this section—

²⁰ Section 65 (Transfer of authority (other than permit)) of the Act

“effort unit certificate changes” means amending, cancelling or issuing effort unit certificates.

116 Required minimum number of fishing days after transfer

(1) The chief executive must not approve the application if, were the transfer to be made, the fishing days for effort units for all eligible licences held by the transferor after the transfer would be less than 50.

(2) However, the chief executive may approve the application if—

- (a) the application is to transfer all effort units for all eligible licences held by the transferor; and
- (b) the transferor has applied to amend the transferor’s licence to which the effort units relate to remove all ‘M1’, ‘T1’ and ‘T2’ fishery symbols from the licence.

117 Effort unit surrender requirement if licence transferred

(1) This section applies if—

- (a) the chief executive has received an application to transfer to the transferee the transferor’s licence to which the effort units to be transferred relate; and
- (b) the transfer is not to give effect to a distribution in the estate of a deceased person.

(2) For subsection (1), a transfer is taken to give effect to a distribution in an estate if the transferor and a beneficiary of the estate are—

- (a) close relatives of each other; or
- (b) related entities of each other under the Corporations Law.

(3) The chief executive must not approve the application unless an effort unit holder gives the chief executive notice that, on the granting of the application, the holder surrenders at least the following number of effort units—

- (a) the number that equals 5% of the number of effort units to be transferred (the **“5% number”**);
- (b) if the 5% number is not a whole number—the nearest whole number to the 5% number, rounded up.

(4) A notice can not be given under subsection (3) for an effort unit if notice of the surrender of the unit has already been given for an application to transfer effort units.

118 Effort unit surrender requirement if licence not transferred

(1) This section applies if—

- (a) the chief executive has not received an application to transfer to the transferee the transferor's licence to which the effort units to be transferred relate; and
- (b) the transfer is not made under section 114.²¹

(2) However, this section does not apply if—

- (a) the boat identified in the transferee's licence to which the effort units are to be transferred has been replaced under section 132;²² and
- (b) the number of effort units for the transferee's licence before the effort unit transfer (the "**licence number**") is no more than the number of effort units stated for this section in schedule 5 for the number of hull units for the boat (the "**schedule number**").

(3) The chief executive must not approve the application unless an effort unit holder gives the chief executive notice that, on the granting of the application, the holder surrenders at least the following number of effort units—

- (a) if the boat identified in the transferee's licence to which the effort units are to be transferred has been replaced under section 132, the higher of the following—
 - (i) the number that equals 10% of the difference between the licence number and the schedule number;
 - (ii) if the 10% of the difference is not a whole number—the nearest whole number to the 10% of the difference, rounded up.
- (b) otherwise, the higher of the following—

21 Section 114 (Transferee must hold licence of same type)

22 Section 132 (Restrictions for 'M1', 'T1' or 'T2' licences)

- (i) the number that equals 10% of the number of effort units to be transferred (the “**10% number**”);
- (ii) if the 10% number is not a whole number—the nearest whole number to the 10% number, rounded up.

(4) A notice can not be given under subsection (3) for an effort unit if notice of the surrender of the unit has already been given for an application to transfer effort units.

Division 9—Entitlement of transferee under transferred effort units

119 Entitlement

(1) The entitlement of the transferee under transferred effort units is the unused entitlement of the transferor under the units immediately before the chief executive approved the transfer.

(2) However, the transferred entitlement only includes an entitlement of the transferor to use a boat on a steaming day if the transferor’s former licence to which the effort units related was also transferred to the transferee.

(3) Subsection (2) does not affect the transferee’s entitlement to use a boat on a steaming day under other effort units.

Division 10—Miscellaneous provisions

120 Notice of decision about effort units

As soon as practicable after making a decision under this part, the chief executive must give each person to whom the decision relates an information notice about the decision.

PART 7—GENERAL PROVISIONS ABOUT GUIDELINES

Division 1—Publication and inspection

121 Operation of div 1

(1) This division imposes obligations if the chief executive makes a guideline under this chapter.

(2) The obligations must be complied with as soon as practicable after the guideline is made.

122 Notification

(1) The chief executive must notify the guideline in the gazette.

(2) The Minister must, within 14 sitting days after the gazettal, table the guideline in the Legislative Assembly as if it were subordinate legislation.

(3) The *Statutory Instruments Act 1992*, part 6,²³ applies to the guideline as if it were subordinate legislation.

123 Publication

(1) If the guideline is a manual reporting or notice guideline, the chief executive must ensure a copy of it is given to each person who holds a 'T1', 'T2' or 'T3' licence.

(2) If the guideline is a BRD or TED guideline, the chief executive must ensure a copy of it is given to each person who holds a licence for the fishery.

124 Inspection

The chief executive must ensure a copy of the guideline is available for inspection at the department's head office, free of charge, by members of the public during office hours on business days.

23 *Statutory Instruments Act 1992*, part 6 (Procedures after making of subordinate legislation)

Division 2—Use of guidelines in proceedings**125 Operation of div 2**

(1) This division provides for the admissibility of a guideline made under this chapter in certain offence proceedings.

(2) However, the guideline is not admissible in evidence against a person unless either of the following happened before the act or omission that is alleged to form the offence—

- (a) the guideline was gazetted and tabled in the Legislative Assembly;
- (b) a copy of the guideline was given to the person.

126 BRD guidelines

The BRD guidelines are admissible in evidence in a proceeding relating to a contravention of the BRD use condition.

128 Manual reporting guidelines

The manual reporting guidelines are admissible in evidence in a proceeding relating to a contravention of the manual reporting obligation.

129 Notice guidelines

The notice guidelines are admissible in evidence in a proceeding relating to a contravention of an obligation under part 5, division 3.²⁴

24 Part 5, division 3 (Obligations if VMS equipment malfunctions)

PART 8—BOAT MODIFICATION AND REPLACEMENT

Division 1—Boat modification conditions

130 Condition for ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licences

(1) This section prescribes additional conditions to which an ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licence is subject.

(2) Subject to section 132, the holder of the licence may modify the boat identified on the licence only if the modification does not change the hull units for the boat.

(3) A modification made under subsection (2) is prescribed as a change in circumstances for section 73(3)²⁵ of the Act if it changes the details about the boat, as recorded in the register.

131 Condition for other licences

A ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence is subject to an additional condition that the holder of the licence may modify the boat identified in the licence only if—

- (a) the modification does not change the boat’s main engine power or its length; or
- (b) the details of the boat recorded on the licence are amended to reflect the modification.

Division 2—Restrictions on amending licence to modify or replace boat

132 Restrictions for ‘M1’, ‘T1’ or ‘T2’ licences

(1) The chief executive may amend or replace an ‘M1’, ‘T1’ or ‘T2’ licence to allow a modification or replacement of the boat identified in the licence only if the conditions in subsections (2) and (3) are complied with.

²⁵ Section 73 (Registers of authorities) of the Act

(2) If the amendment is for a replacement of the boat or a modification of the boat that will, if the modification were to be made, change the number of hull units for the boat—

- (a) the holder of the licence must surrender the number of effort units stated in schedule 5 for the number of hull units for the replaced or modified boat; and
- (b) the holder must apply to the chief executive to amend the effort unit certificate for the licence in a way that reflects the replacement or modification of the boat and the effort unit surrender.

(3) A modification or replacement of the boat must not result in—

- (a) the hull units for the boat being more than 70; and
- (b) the boat's main engine power being more than 300 maximum continuous brake kW.²⁶

133 Surrender requirement for 'M2' licences

The chief executive may amend or replace an 'M2' licence to allow the following only if the holder of the licence surrenders another 'M2' licence—

- (a) a modification of the boat that will, if were the modification to be made, change the number of hull units for the boat;
- (b) a replacement of the boat identified in the licence.

134 Length restriction for other licences

The chief executive may amend or replace a 'T5', 'T6', 'T7', 'T8' or 'T9' licence only if—

- (a) the primary boat identified in the licence is no longer than 14 m; and
- (b) the modification or replacement of the boat will not result in the boat's main engine power being more than 300 maximum continuous brake kW.

²⁶ See schedule 7, sections 34 (Working out "hull units" for a boat) and 39 (Working out an engine's "maximum continuous brake kW").

CHAPTER 4—SPECIFIC LICENCE CONDITIONS

PART 1—‘M1’ AND ‘M2’ LICENCES

Division 1—Preliminary

135 Purpose and application of pt 1

(1) This part—

- (a) prescribes additional conditions to which an ‘M1’ or ‘M2’ licence is subject; and
- (b) applies to a person acting under a licence that has the fishery symbol ‘M1’ or ‘M2’ written on it.

(2) If this part imposes an obligation on the person in control, it is a condition of the licence that the obligation must be complied with.

136 Area for ‘M1’ and ‘M2’ fishery symbols

The area for the ‘M1’ and ‘M2’ fishery symbols consists of the ‘M1’ and ‘M2’ area.²⁷

Division 2—Requirements for fishing

Subdivision 1—General

137 How permitted fish may be taken

(1) Permitted fish may be taken only by using beam trawl nets or otter trawl nets.

(2) A net must not be used unless the net and its use complies with this division.

²⁷ See schedule 7, section 25 (Meaning of “ ‘M1’ and ‘M2’ area”).

138 Maximum net length

- (1) A net must be no longer than—
- (a) for a beam trawl net—10 m; or
 - (b) for an otter trawl net—32.5 m.

139 Minimum and maximum net mesh size

The mesh size of a net must not be less than 38 mm or more than 60 mm.

140 Maximum length of sweeps of net

Each sweep used on a net must be no longer than 3 m.

141 Covering net

(1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38 mm and no more than 60 mm.

(2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

142 Use of chains for net

(1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.

(2) The links of the ground chain must not have a diameter of more than 10 mm.

(3) The links of the tickler chain must not have a diameter of more than—

- (a) if a ground chain is used—6 mm; or
- (b) if something else is attached at 1 or more points to the bottom rope of an otter trawl net so that it is suspended below the bottom rope when the net is in use—10 mm.

(4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

143 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 138.

*Subdivision 2—Use of primary boats***144 Maximum boat length**

A primary boat longer than 14 m must not be used.

*Subdivision 3—BRDs and TEDs***145 Requirement to use BRD**

A BRD must be used with a net used under this part.

146 Requirement to use TED

A TED must be used with a net, other than a try net, used under this part.

PART 2—‘T1’ AND ‘T3’ LICENCES*Division 1—Preliminary***147 Purpose and application of pt 2**

This part—

- (a) prescribes additional conditions to which a ‘T1’ or ‘T3’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T1’ or ‘T3’ fishery symbol written on it.

148 Area for ‘T1’ and ‘T3’ fishery symbols

The area for the ‘T1’ and ‘T3’ fishery symbols consists of the ‘T1’ and ‘T3’ area.²⁸

Division 2—Requirements for fishing***Subdivision 1—General*****149 How permitted fish may be taken**

(1) Permitted fish may be taken only by using—

- (a) for a ‘T1’ licence—beam trawl nets or otter trawl nets; or
- (b) for a ‘T3’ licence—beam trawl nets.

(2) However, scallops may be taken only by using otter trawl nets.

(3) A net must not be used unless—

- (a) the net and its use complies with this division; and
- (b) its primary purpose is to take principal fish.

(4) However, a net may be used for the primary purpose of taking scallops only if it is no longer than 109 m and has a mesh size of at least 75 mm.

150 Maximum net length

(1) In the following areas a beam trawl net used must be no longer than 10 m and an otter trawl net used must be no longer than 32.5 m—

- (a) the Comboyuro Point and Caloundra Head area;
- (b) the Hervey Bay area;
- (c) the Facing Island area;
- (d) the Keppel Bay area;
- (e) the Repulse Bay area;
- (f) the Cleveland Bay area.

28 See schedule 7, section 29 (Meaning of “ ‘T1’ and ‘T3’ area”).

(2) A net used in the Laguna Bay area must be no longer than 18.6 m and have a head rope no longer than 8 m.

(3) A net used in waters within the following boundary must be no longer than 39 m—

- from latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton), along the mainland shore to latitude 16°28.93' south, longitude 145°28.00' east (Island Head Point)
- to latitude 16°43.75' south, longitude 145°40.71' east (Double Island)
- to latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton).

(4) A net used in the deep water net area must be no longer than 184 m.

(5) A net used in any other waters must be no longer than—

- (a) for a beam trawl net—40 m; or
- (b) for an otter trawl net—88 m.

151 Minimum and maximum net mesh size

(1) A net used in the following areas must have a mesh size of at least 38 mm but no more than 60 mm—

- (a) the Comboyuro Point and Caloundra Head area;
- (b) the Hervey Bay area;
- (c) the Facing Island area;
- (d) the Keppel Bay area;
- (e) the Repulse Bay area;
- (f) the Cleveland Bay area;
- (g) the deep water net area;
- (h) waters south of Cape Gloucester.

(2) A net used in the Laguna Bay area must have a mesh size of at least 28 mm.

(3) A net used in waters north of Cape Gloucester must have—

- (a) a mesh size of at least 45 mm but no more than 60 mm; and

- (b) a cod end with a mesh size of at least 38 mm and no more than 150 rows of mesh from the drawstring.

152 Maximum length of sweeps of net

- (1) This section does not apply to the Laguna Bay area.
- (2) Each sweep used on a net must be no longer than—
 - (a) if the net is used in the Hervey Bay area—3 m; or
 - (b) if the net is used in any other waters—10 m.

153 Covering net

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38 mm and no more than 60 mm.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

154 Use of chains for net

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than—
 - (a) if the net is used in the deep water net area—12 mm; or
 - (b) if the net is used in any other waters—10 mm.
- (3) The links of the tickler chain must not have a diameter of more than—
 - (a) if a ground chain is used—6 mm; or
 - (b) if something else is attached at 1 or more points to the bottom rope of the net so that the thing is suspended below the bottom rope when the net is in use—10 mm.
- (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

155 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 150.

156 Requirement to secure nets north of Cape Gloucester

(1) This section does not apply to a net that may be used north of Cape Gloucester.

(2) A beam trawl net on board a boat north of Cape Gloucester must be removed from the gallows or booms and secured.

(3) An otter trawl net on board a boat north of Cape Gloucester must be removed from the gallows or booms, detached from the otter boards and secured.

*Subdivision 2—Use of primary boats***157 Maximum boat length**

A primary boat longer than 20 m must not be used.

*Subdivision 3—BRDs and TEDs***158 Requirement to use BRD**

A BRD must be used with a net used under this part, other than a try net.

159 Requirement to use TED

A TED must be used with a net used under this part, other than a try net.

PART 3—‘T2’ LICENCES

Division 1—Preliminary

160 Purpose and application of pt 3

This part—

- (a) prescribes additional conditions to which a ‘T2’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T2’ fishery symbol written on it.

161 Area for ‘T2’ fishery symbol

The area for the ‘T2’ fishery symbols consists of the ‘T2’ area.²⁹

Division 2—Requirements for fishing

Subdivision 1—General

162 How permitted fish may be taken

- (1) Permitted fish may be taken only by using otter trawl nets.
- (2) A net must not be used unless the net and its use complies with this division.

163 Maximum net length

- (1) A net must not be used for the primary purpose of taking permitted fish, other than scallops, if it is—
 - (a) longer than 88 m; or
 - (b) used only in the deep water net area and it is longer than 184 m.

²⁹ See schedule 7, section 30 (Meaning of “ ‘T2’ area”).

(2) A net must not be used for the primary purpose of taking permitted fish, other than prawns, if it is longer than 109 m.

164 Minimum and maximum net mesh size

(1) A net must not be used for the primary purpose of taking permitted fish, other than scallops, if its mesh size is less than 38 mm or more than 60 mm.

(2) A net must not be used for the primary purpose of taking permitted fish, other than prawns if its mesh size is less than 75 mm.

165 Maximum length of sweeps of net

Each sweep used on a net must be no longer than 10 m.

166 Covering net

(1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—

- (a) if the net is used for the primary purpose of taking permitted fish, other than scallops—more than 38 mm, but no more than 60 mm; or
- (b) if the net is used for the primary purpose of taking permitted fish, other than prawns—more than 75 mm.

(2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

167 Use of chains for net

(1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.

(2) The links of the ground chain must not have a diameter of more than—

- (a) if the net is used in the deep water net area—12 mm; or
- (b) if the net is used in any other waters—10 mm.

(3) The links of the tickler chain must not have a diameter of more than—

- (a) if a ground chain is used—6 mm; or
- (b) if something else is attached at 1 or more points to the bottom rope of the net so that the thing is suspended below the bottom rope when the net is in use—10 mm.

(4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

168 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 163 for a net.

Subdivision 2—Use of primary boats

169 Maximum boat length

A primary boat longer than 20 m must not be used.

Subdivision 3—BRDs and TEDs

170 Requirement to use BRD

A BRD must be used with a net, other than a try net, used under this part.

171 Requirement to use TED

A TED must be used with a net, other than a try net, used under this part.

PART 4—‘T5’ LICENCES

Division 1—Preliminary

172 Purpose and application of pt 4

This part—

- (a) prescribes additional conditions to which a ‘T5’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T5’ fishery symbol written on it.

173 Area for ‘T5’ fishery symbol

The area for the ‘T5’ fishery symbol consists of all tidal waters of the following—

- (a) the Brisbane River–Victoria Bridge to Juno Point area;
- (b) the Brisbane River mouth area–north;
- (c) the Brisbane River mouth area–south;
- (d) the Noosa River and lakes connected to the Noosa River;
- (e) the Laguna Bay area;
- (f) a river or creek south of Double Island Point.

Division 2—Requirements for fishing

Subdivision 1—General

174 How permitted fish may be taken

- (1) Permitted fish may be taken only by using—
- (a) in the Laguna Bay area—otter trawl nets; or
 - (b) in any other waters—beam trawl nets.

(2) A net must not be used unless the net and its use complies with this division.

175 Maximum net length

(1) In the following a beam trawl net used must be no longer than 5 m—

- (a) the Brisbane River–Victoria Bridge to Juno Point area;
- (b) the Brisbane River mouth area–north;
- (c) the Brisbane River mouth area–south;
- (d) the Noosa River and lakes connected to it;
- (e) a river or creek.

(2) A net used in the Laguna Bay area must be no longer than 18.6 m and have a head rope no longer than 8 m.

176 Minimum and maximum net mesh size

(1) A net must have a mesh size of at least 28 mm.

(2) A net, other than a net used in the Noosa River and lakes connected to it or in Laguna Bay, must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

177 Covering net

(1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28 mm.

(2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

178 Use of more than 1 net

(1) More than 1 beam trawl net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 175.

(2) More than 1 otter trawl net must not be used from the same boat unless—

- (a) the combined length of the nets is no longer than 18.6 m; and
- (b) the combined head rope length is no longer than 8 m.

Subdivision 2—Use of primary boats

179 Maximum boat length

A primary boat longer than 9 m must not be used.

Subdivision 3—BRDs and TEDs

180 Requirement to use BRD

A BRD must be used with a net used under this part.

181 Requirement to use TED in Laguna Bay area

From midday on 1 January 2002, a TED must be used with a net used under this part in the Laguna Bay area.

PART 5—‘T6’ LICENCES

Division 1—Preliminary

182 Purpose and application of pt 5

This part—

- (a) prescribes additional conditions to which a ‘T6’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T6’ fishery symbol written on it.

183 Area for 'T6' fishery symbol

The area for the 'T6' fishery symbol consists of all tidal waters of the following—

- (a) the Great Sandy Strait area;
- (b) the Hervey Bay area;
- (c) rivers and creeks between Double Island Point and the northern bank of the Burrum River.

Division 2—Requirements for fishing***Subdivision 1—General*****184 How permitted fish may be taken**

(1) Permitted fish may be taken only by using beam trawl nets.

(2) A net must not be used unless the net and its use complies with this division.

185 Maximum net length

(1) A net used in the Great Sandy Strait area or a river or creek must be no longer than 5 m.

(2) A net used in the Hervey Bay area must be no longer than 10 m.

186 Minimum and maximum net mesh size

(1) A net used in the Great Sandy Strait area or a river or creek must have a mesh size of at least 28 mm.

(2) A net used in the Hervey Bay area must have a mesh size of at least 38 mm but no more than 60 mm.

(3) A net, other than a net used in the Hervey Bay area, must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

187 Covering net

(1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—

- (a) if the net is used in the Great Sandy Strait area or a river or creek—at least 28 mm; or
- (b) if the net is used in the Hervey Bay area—at least 38 mm but no more than 60 mm.

(2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

188 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 185 for a net.

*Subdivision 2—Use of primary boats***189 Maximum boat length**

A primary boat longer than 9 m must not be used.

*Subdivision 3—BRDs and TEDs***190 Requirement to use BRD**

A BRD must be used with a net used under this part.

191 Requirement to use TED other than in river or creek

From midday on 1 January 2002, a TED must be used with a net used under this part other than in a river or creek.

PART 6—‘T7’ LICENCES

Division 1—Preliminary

192 Purpose and application of pt 6

This part—

- (a) prescribes additional conditions to which a ‘T7’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T7’ fishery symbol written on it.

193 Area for ‘T7’ fishery symbol

The area for the ‘T7’ fishery symbol consists of all tidal waters of rivers and creeks between the northern bank of the Burrum River and Richards Point (Rodds Peninsula).

Division 2—Requirements for fishing

Subdivision 1—General

194 How permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) A net must not be used unless the net and its use complies with this division.

195 Maximum net length

A net must be no longer than 5 m.

196 Minimum and maximum net mesh size

- (1) A net must have a mesh size of at least 28 mm.

(2) A net must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

197 Covering net

(1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28 mm.

(2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

198 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than 5 m.

Subdivision 2—Use of primary boats

199 Maximum boat length

A primary boat longer than 9 m must not be used.

Subdivision 3—BRDs

200 Requirement to use BRD

A BRD must be used with a net used under this part.

Division 3—Miscellaneous

201 Only named commercial fisher may use boat

(1) It is a condition of a 'T7' licence that the effect of any 'T7' fishery symbol written on the licence ends if—

- (a) a condition of the licence states that only a named commercial fisher may use the boat identified in the licence under the 'T7' fishery symbol to take or possess permitted fish; and

- (b) the holder of the licence or a person acting under the licence is convicted of an offence involving a contravention of the condition.³⁰

(2) If subsection (1) applies, it is also a condition of the licence that, if the licence is renewed, the chief executive must not write the symbol on the licence.

202 Prohibition on transfer of ‘T7’ licences

(1) The chief executive must not transfer a ‘T7’ licence that only has a ‘T7’ fishery symbol written on it.

(2) It is a condition of a licence that has a ‘T7’ fishery symbol and any other fishery symbol written on it that the licence may be transferred only if the chief executive removes the ‘T7’ fishery symbol from the licence.

PART 7—‘T8’ LICENCES

Division 1—Preliminary

203 Purpose and application of pt 7

This part—

- (a) prescribes additional conditions to which a ‘T8’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T8’ fishery symbol written on it.

204 Area for ‘T8’ fishery symbol

The area for the ‘T8’ fishery symbol consists of all tidal waters of the following—

³⁰ For the offences, see section 219 (Holder of authority responsible for ensuring Act complied with) of the Act and section 85 (Contravening a condition of an authority) of the regulation.

- (a) the Facing Island area;
- (b) the Keppel Bay area;
- (c) the Fitzroy River mouth area;
- (d) rivers and creeks between Richards Point (Rodds Peninsula) and Reef Point, south of Townshend Island.

Division 2—Requirements for fishing

Subdivision 1—General

205 How permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) A net must not be used unless the net and its use complies with this division.

206 Maximum net length

- (1) A net used in the Fitzroy River mouth area or a river or creek must be no longer than 5 m.
- (2) A net used in the Facing Island area or the Keppel Bay area must be no longer than 10 m.

207 Minimum and maximum net mesh size

- (1) A net used in a river or creek must have a mesh size of at least 28 mm.
- (2) A net used in the Fitzroy River mouth area must have a mesh size of at least 31 mm.
- (3) A net used in the Facing Island area or the Keppel Bay area must have a mesh size of at least 38 mm but no more than 60 mm.
- (4) A net used in a river or creek must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

208 Covering net

(1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—

- (a) if the net is used in a river or creek—at least 28 mm; or
- (b) if the net is used in the Fitzroy River mouth area—at least 31 mm; or
- (c) if the net is used in the Facing Island area or the Keppel Bay area—at least 38 mm but no more than 60 mm.

(2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

209 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 206 for a net.

*Subdivision 2—Use of primary boats***210 Maximum boat length**

A primary boat longer than 9 m must not be used.

*Subdivision 3—BRDs and TEDs***211 Requirement to use BRD**

A BRD must be used with a net used under this part.

212 Requirement to use TED other than in river or creek

From midday on 1 January 2002, a TED must be used with a net used under this part other than in a river or creek.

PART 8—‘T9’ LICENCES

Division 1—Preliminary

213 Purpose and application of pt 8

This part—

- (a) prescribes additional conditions to which a ‘T9’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T9’ fishery symbol written on it.

214 Area for ‘T9’ fishery symbol

The area for the ‘T9’ fishery symbol consists of all tidal waters of the following—

- (a) the Llewellyn Bay area;
- (b) the Repulse Bay area;
- (c) the Sinclair Bay area;
- (d) the Cleveland Bay area;
- (e) rivers and creeks between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.

Division 2—Requirements for fishing

Subdivision 1—General

215 How permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) A net must not be used unless the net and its use complies with this division.

216 Maximum net length

- (1) A net used in a river or creek must be no longer than 5 m.
- (2) A net used other than in a river or creek must be no longer than 10 m.

217 Minimum and maximum net mesh size

- (1) A net used in a river or creek must have a mesh size of at least 28 mm.
- (2) A net used other than in a river or creek must have a mesh size of at least 38 mm but no more than 60 mm.
- (3) A net used in a river or creek must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

218 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
 - (a) if the net is used in a river or creek—at least 28 mm; or
 - (b) if the net is used other than in a river or creek—at least 38 mm but no more than 60 mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

219 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 216 for a net.

Subdivision 2—Use of primary boats**220 Maximum boat length**

A primary boat longer than 9 m must not be used.

Subdivision 3—BRDs and TEDs**221 Requirement to use BRD**

A BRD must be used with a net used under this part.

222 Requirement to use TED other than in river or creek

(1) A TED must be used with a net used under this part, other than in a river or creek.

(2) However, a net used under this part may be used without a TED if—

- (a) the boat from which the net is used—
 - (i) is no longer than 6.7 m; and
 - (ii) has an outboard engine with no more than 90 kW of power; and
- (b) the net—
 - (i) is used in water shallower than 3 m; and
 - (ii) remains in the water for no more than 25 minutes; and
 - (iii) is used only by hand, without any equipment to assist in its use.

CHAPTER 5—MISCELLANEOUS PROVISIONS

PART 1—THRESHOLD PERCENTAGE FOR DECLARED FISHERIES RESOURCES

223 Purpose of pt 1

This part prescribes for the fishery the threshold percentage for declared fisheries resources under section 154³¹ of the Act.

224 Saucer scallops

The threshold percentage for saucer scallops is as follows—

- (a) from 8 a.m. on 1 January to 8 a.m. on 1 May—7% of saucer scallops that are less than 9 cm;
- (b) from 8 a.m. on 1 May to 8 a.m. on 20 September—10% of saucer scallops that are less than 9.5 cm;
- (c) from midday on 20 September to midday on 1 November—nil;
- (d) from midday on 1 November to midday on 20 December—10% of saucer scallops that are less than 9.5 cm;
- (e) from midday on 20 December to midday on 1 January—nil.

225 Other declared fisheries resources

The threshold percentage for declared fisheries resources, other than saucer scallops, is 5%.

31 Section 154 (Seizure of fisheries resources in heap etc.) of the Act. Under section 100 (Declared fisheries resources) of the regulation, fish of a species of regulated fish are “declared fisheries resources” for section 154(1) of the Act.

PART 2—REVIEW, AMENDMENT OR REPEAL OF PLAN

Division 1—Reviews

227 General fishing effort review

(1) Before 2004, the chief executive must review this plan to decide whether fishing effort in the fishery is ecologically sustainable.

(2) If the review shows fishing effort in the fishery is not ecologically sustainable, the chief executive must amend this plan before 2006 to reduce fishing effort to—

- (a) achieve ecological sustainability of the fishery; and
- (b) reduce the fishery's impact on the environment.

229 General review

(1) The chief executive must review this plan to decide whether its provisions remain appropriate.

(2) The review must start not before 5 years, but no more than 7 years, after the notification day.

Division 2—Consultation requirements for reviews

230 Consultation requirements

(1) In conducting a review under this part, the chief executive must take reasonable steps to engage in consultation about this plan.

(2) When the review starts the chief executive must give notice of the following—

- (a) that this plan is being reviewed;
- (b) that a plan review paper is available for comment;
- (c) where the paper can be obtained;
- (d) that a person may make written comments to the chief executive on the paper;

- (e) the address to which the comments may be made;
- (f) the period (the “**comment period**”) during which any comments must be made to the chief executive.

(3) The comment period must end at least 28 days after the notice is given.

(4) After considering any comments made in the comment period, the chief executive must give notice of where the results of the review can be obtained.

(5) A notice under this section may be given only by publication in the gazette and a newspaper circulating generally throughout the State.

Division 3—Amendment or repeal

231 How plan may be amended

- (1) The chief executive may amend this plan only if—
 - (a) the chief executive has conducted a review under this part and the result of the review included a proposal to make the amendment;
or
 - (b) the required process under subsection (2) for the amendment has been completed.
- (2) For subsection (1)(b), the required process is—
 - (a) if the amendment is to be made because the chief executive is satisfied urgent action is needed to meet a significant threat to the fishery or because of another emergency—a media release by the chief executive stating the effect of the proposed amendment; or
 - (b) if the amendment is to make a change that is not a change of substance—gazettal and publication of a notice about the proposed amendment; or
 - (c) for any other amendment—the notification and publication processes under section 13 of the regulation.
- (3) A notice under subsection (2)(b) must—
 - (a) be published in a newspaper likely to be read by people particularly affected by the proposed amendment; and

- (b) state the proposed amendment or where a copy of it may be obtained or inspected.

(4) In this section—

“**amend**” includes repeal.

PART 3—OFFENCES AND SUSPENSION CRITERIA

Division 1—Additional offences under plan

232 Restrictions on possessing bugs

A person must not possess a bug on a commercial fishing boat if—

- (a) the bug’s carapace has been damaged or removed; or
- (b) the bug is female and eggs have been removed from it.³²

Maximum penalty—300 penalty units.

233 Restrictions on processing scallops on commercial fishing boat

A person (the “**processor**”) must not process a scallop on a commercial fishing boat unless—

- (a) the processing takes place in waters mentioned in schedule 6; and
- (b) the licence for the boat is a ‘T1’ licence; and
- (c) the person in control of the boat is a commercial fisher; and
- (d) the processor is any of the following—
 - (i) a commercial or assistant fisher;
 - (ii) the holder of the ‘T1’ licence;
 - (iii) acting under a crew licence;

32 Possession of berried female bugs is also prohibited. See section 25 (Fish regulated by gender—sch 4, pt 3) and schedule 4, part 3 (Fish regulated by gender).

- (iv) the holder under the regulation of a class A buyer licence that applies to the boat and the waters.

Maximum penalty—300 penalty units.

234 Interfering with approved VMS seals

(1) A person must not interfere with an approved seal on VMS equipment installed on a boat unless the person has a reasonable excuse for interfering with it.

Maximum penalty—500 penalty units.

(2) In this section—

“**interfere with**” includes damage, destroy, mark and remove.

Division 2—Prescribed serious fisheries offences

235 Serious fisheries offences

For the definition “serious fisheries offence” in section 4 of the Act, an offence constituted by any of the following is a serious fisheries offence³³—

- (a) contravening a closed waters declaration under chapter 2, part 1;³⁴
- (b) possessing a regulated fish in contravention of section 29A or 30;³⁵
- (c) contravening the *Marine Parks Act 1982*;
- (d) trawling in a Great Barrier Reef Marine Park zone under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), other than under the zoning plan for the zone under that Act;
- (e) contravening section 182³⁶ of the Act;

33 Section 108 (Serious fisheries offences) of the regulation, also prescribes offences under this plan as serious fisheries offences.

34 See section 77 (Closed season and closed waters offences) of the Act.

35 Section 29A (Saucer scallops in scallop replenishment closure) or 30 (Fish taken from closed waters). See section 78 (Prohibited acts about regulated fish) of the Act.

36 Section 182 (Obstruction etc. of inspector) of the Act

- (f) contravening a condition of a licence imposed under chapter 3, part 5;³⁷
- (g) contravening section 234;
- (h) the holder of a licence failing to ensure another person acting under the licence complies with the Act if the non-compliance constitutes a serious fisheries offence mentioned in paragraphs (a) to (g).³⁸

Division 3—Prescribed suspension criteria

236 Purpose and application of div 3

(1) This division prescribes criteria under section 67(2)(b)(i)³⁹ of the Act for suspending a commercial fisher licence, commercial fishing boat licence or effort units.

(2) The prescribed criteria apply only if—

- (a) the licence holder has been convicted (“**conviction**”) of a serious fisheries offence mentioned in section 235; and
- (b) the conviction is not a spent conviction.

(3) In this section—

“**spent conviction**” means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

237 Criteria for suspending commercial fisher licence

(1) This section applies for a commercial fisher licence.

37 Chapter 3, part 5 (VMS equipment and manual reporting conditions)

38 See section 219(2) (Holder of authority responsible for ensuring Act complied with) of the Act.

39 Section 67 (Suspension or cancellation of authorities) of the Act

(2) Subsection (3) applies if the conviction is constituted by any of the following (a “**serious scallop offence**”)—

- (a) contravening a closed waters declaration under chapter 2, part 1 and the waters are waters mentioned in schedule 3, part 2;
- (b) possessing a regulated fish in contravention of section 29A;
- (c) the holder of a licence failing to ensure another person acting under the licence complies with the Act if the non-compliance constituted a serious scallop offence mentioned in paragraph (a) or (b).

(3) For a serious scallop offence, the prescribed criteria are, for the licence holder’s—

- (a) first conviction—6 months to 1 year’s suspension; or
- (b) second conviction—2 to 4 years suspension; or
- (c) third or subsequent conviction—5 years suspension.

(4) Otherwise, the prescribed criteria are, for the licence holder’s—

- (a) first conviction—3 months to 6 months suspension; or
- (b) second conviction—1 to 2 years suspension; or
- (c) third or subsequent conviction—5 years suspension.

238 Criteria for suspending commercial fishing boat licence

(1) This section applies for a commercial fishing boat licence.

(2) For a serious scallop offence, the prescribed criteria are, for the licence holder’s—

- (a) first conviction—1 month to 3 months suspension; or
- (b) second conviction—1 to 2 years suspension; or
- (c) third or subsequent conviction—5 years suspension.

(3) Otherwise, the prescribed criteria are, for the licence holder’s—

- (a) second conviction—1 month to 3 months suspension; or
- (b) third conviction—1 to 2 years suspension; or
- (c) fourth or subsequent conviction—5 years suspension.

238A Criteria for suspending effort units

(1) This section applies—

(a) for effort units relating to; and

(2) The prescribed criteria is, for each conviction of the person mentioned in section 238, suspension of a number of the effort units that reduces the person's total entitlement under the effort units in a way that, as nearly as practicable, corresponds with the criteria under section 238(2) or (3).

Example for subsection (2)—

A holds a commercial fishing boat licence and effort units for the licence. A is convicted of a serious scallop offence. It is A's first conviction. The prescribed criteria is suspension of a number of the effort units that entitles A to use the boat identified in A's effort unit certificate for the licence for 1 to 3 months.

SCHEDULE 1

THE FISHERY

section 3(3) to (5)

PART 1—DESCRIPTION

1 Area

The fishery's area consists of tidal waters east of longitude 142°31.89' east.

2 Major species taken

The common names of the major trawl species taken in the fishery are as follows—

- (a) banana prawn;
- (b) barking crayfish;
- (c) bay prawn (greasy);
- (d) black tiger prawn;
- (e) blue endeavour prawn;
- (f) blueleg king prawn;
- (g) blue swimmer crab;
- (h) brown tiger prawn;
- (i) bug;
- (j) cuttlefish;
- (k) eastern king prawn;
- (l) false endeavour prawn;
- (m) grooved tiger prawn;
- (n) karuma prawn;
- (o) mantis shrimp;

SCHEDULE 1, part 1—Fishery description (continued)

- (p) octopus;
- (q) redspot king prawn;
- (r) saucer scallop;
- (s) school prawn;
- (t) squid;
- (u) three spot crab;
- (v) winter whiting.

3 Nature of fishery and required fishery symbols

(1) The fishery is a commercial fishery.⁴⁰

(2) To take fish for trade or commerce in the fishery, a person must operate under a primary licence with at least 1 fishery symbol written on it.

(3) On 23 March 1999, the fishery symbol numbers were as follows—

- (a) ‘T1’ fishery symbols—775;
- (b) ‘T2’ fishery symbols—33;
- (c) ‘T3’ fishery symbols—1;
- (d) ‘T5’ fishery symbols—62;
- (e) ‘T6’ fishery symbols—16;
- (f) ‘T7’ fishery symbols—10;
- (g) ‘T8’ fishery symbols—34;
- (h) ‘T9’ fishery symbols—41.

(4) A licence with a fishery symbol written on it may also have other symbols written on it that, under the regulation or another management plan, allow the boat to be used in other commercial fisheries.

40 Certain provisions of the regulation apply to commercial fisheries under a management plan. See generally parts 7 (Authorities) and 8 (Fisheries offences) and schedule 17, definition “commercial fishery” of the regulation.

SCHEDULE 1, part 1—Fishery description (continued)

4 Restrictions on apparatus and other controls

(1) Only beam trawl nets and otter trawl nets may be used to take fish for trade or commerce in the fishery.

(2) The types of net that may be used under each fishery symbol are as follows—

- (a) for a ‘T1’ fishery symbol—beam trawl nets and otter trawl nets;
- (b) for a ‘T2’ fishery symbol—otter trawl nets;
- (c) for a ‘T3’ fishery symbol—beam trawl nets;
- (d) for a ‘T5’ fishery symbol—beam trawl nets and otter trawl nets;
- (e) for a ‘T6’ fishery symbol—beam trawl nets;
- (f) for a ‘T7’ fishery symbol—beam trawl nets;
- (g) for a ‘T8’ fishery symbol—beam trawl nets;
- (h) for a ‘T9’ fishery symbol—beam trawl nets.

(3) To control fishing effort, limits on the maximum amount of net that may be used have been placed on commercial fishers.

(4) To address the potential unwanted capture of small or large organisms the following restrictions apply—

- (a) minimum and maximum mesh sizes for nets used in the fishery;
- (b) ways in which nets must be used.

(5) General controls including, for example, minimum fish sizes, apply to the taking of fish for trade or commerce in the fishery.

5 Aborigines and Torres Strait Islanders

(1) Traditional fishing for fish taken in the fishery is undertaken by Aborigines.⁴¹

(2) Aboriginal fishers take fish using nets, lines and, in some cases, stone traps.

41 For the right of Aborigines and Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines’ and Torres Strait Islanders’ rights to take fisheries resources etc.) of the Act.

SCHEDULE 1, part 1—Fishery description (continued)

(3) It is not known whether customary fishing for fish in the fishery is undertaken by Torres Strait Islanders.

PART 2—KNOWN STATUS**6 General**

(1) The fishery is Queensland's largest commercial fishery, based on the number of participants and the amount and value of fish taken.

(2) The annual catch of fish for trade or commerce in the fishery is about 12 500 t.

7 Logbook program

(1) Information from the commercial logbook program for the fishery program is the primary basis for working out the fishery's current status.

(2) The program records—

- (a) actual, but not potential, fishing effort; and
- (b) the location of fishing effort.

(3) The program aids the estimation of—

- (a) fluctuations in catch over seasons and between locations; and
- (b) changes in CPUE.

8 Markets

(1) Most of the fish species taken in the fishery by trawling are for export.

(2) Some fish species taken in the fishery by trawling are sold on the domestic market.

SCHEDULE 1, part 2—Known status (continued)

9 **Aborigines' and Torres Strait Islanders' fishery**

The chief executive does not have reliable information about the taking or use of fish species in the fishery by Aboriginal or Torres Strait Island fishers for tradition or custom.

10 **Catch levels—tables 1–3**

The tables at the end of this part state best estimates of the total of the following data reported by trawler operators fishing in the fishery from 1994 to 1997 under the logbook program for all species and certain stated species—

- (a) in table 1—the total catch in tonnes;
- (b) in table 2—the total number of days worked from trawlers;
- (c) in table 3—the total number of holders of a licence with a fishery symbol written on it who fished in the fishery.

SCHEDULE 1, part 2—Known status (continued)
TABLES

TABLE 1**TOTAL CATCH (T)**

schedule 1, section 10(a)

Species	1994	1995	1996	1997
All fish	11 694	13 658	13 247	11 848
Prawns (all species)	6 669	8 282	9 281	7 703
Banana Prawn	565	352	713	822
Endeavour Prawn	1 457	1 557	1 542	1 357
King Prawn	2 224	3 034	3 401	2 734
Tiger Prawn	1 835	2 527	2 685	1 999
Scallops	1 187	1 542	592	987
Bugs	604	728	664	752
Winter Whiting	61	62	68	70
Blue Swimmer Crab	275	327	230	273

SCHEDULE 1, part 2—Known status (continued)
TABLES (continued)

TABLE 2

**TOTAL NUMBER OF DAYS WORKED FROM OTTER
AND BEAM TRAWLERS**

schedule 1, section 10(b)

Species	1994	1995	1996	1997
All fish	96 046	102 632	109 879	115 015
Prawns (all species)	84 136	82 151	97 772	97 820
Banana Prawn	8 489	5 729	9 476	11 724
Endeavour Prawn	35 544	31 490	36 024	37 584
King Prawn	40 631	44 941	55 148	52 610
Tiger Prawn	44 386	41 061	46 240	45 143
Scallops	14 657	21 900	14 395	22 445
Bugs	36 775	41 468	43 811	48 572
Winter Whiting	3 812	3 560	4 062	4 851
Blue Swimmer Crab	15 504	18 502	17 699	20 373

SCHEDULE 1, part 2—Known status (continued)
TABLES (continued)

TABLE 3**LICENCE HOLDERS WHO FISHED**

schedule 1, section 10(c)

Species	1994	1995	1996	1997
All fish	896	868	898	909
Prawns (all species)	876	836	888	896
Banana Prawn	438	316	456	445
Endeavour Prawn	551	517	560	562
King Prawn	670	665	732	717
Tiger Prawn	616	588	637	629
Scallops	345	379	349	391
Bugs	577	591	639	653
Winter Whiting	155	151	155	145
Blue Swimmer Crab	400	466	463	478

SCHEDULE 2

HOW THE OBJECTIVES ARE TO BE ACHIEVED

section 5

PART 1—MANAGING THE FISHERY IN A WAY THAT GIVES OPTIMAL, BUT SUSTAINABLE, COMMUNITY BENEFIT

1 Definition for pt 1

In this part—

“**objective**” means the objective of managing the fishery in a way that gives optimal, but sustainable, community benefit.

2 How objective is to be achieved

The objective is to be achieved by providing fair fishing opportunities for commercial and recreational fishers and Aborigines and Torres Strait Islanders.

3 How achievement is to be measured

Achievement of the objective may be measured only by—

- (a) surveys, accepted by the chief executive, of fishing for fisheries resources taken in the fishery by commercial and recreational fishers and Aborigines and Torres Strait Islanders; and
- (b) commercial fishing catch and effort data for the fishery received by the chief executive.

4 Review events

The review events for the achievement of the objective are—

- (a) a survey mentioned in section 3(a) shows a significant decline in the catch of principal fish; or

SCHEDULE 2, part 1—Managing the fishery (continued)

- (b) data mentioned in section 3(b) shows a significant decline in the commercial catch of principal fish.

**PART 2—ENSURING FISHERIES RESOURCES TAKEN
IN THE FISHERY ARE TAKEN IN AN ECOLOGICALLY
SUSTAINABLE WAY****5 Definition for pt 2**

In this part—

“**objective**” means the objective of ensuring fisheries resources taken in the fishery are taken in an ecologically sustainable way.

6 How objective is to be achieved

The objective is to be achieved by the following—

- (a) the provisions of this plan about effort units;
- (b) the closed waters declarations under this plan;
- (c) the regulated fish declarations under this plan;
- (d) limiting, under chapters 3 and 4, the commercial fishing apparatus that may be used under this plan;
- (e) the boat modification and replacement restrictions under chapter 3, part 8;
- (f) the main engine power restrictions under chapter 3, part 8, division 2 for boat modification or replacement.⁴²

7 How achievement is to be measured

Achievement of the objective may be measured only by the following—

⁴² Chapter 3, part 8, division 2 (Restrictions on amending licence to modify or replace boat)

SCHEDULE 2, part 2—Resources taken in ecologically sustainable way
(continued)

- (a) the level of compliance with this plan;
- (b) catch and effort data received by the chief executive for principal fish;
- (c) the abundance of principal fish;
- (d) how many effort units are surrendered under sections 117, 118 and 132(2);
- (e) studies or surveys accepted by the chief executive on the average size, or the main engine power, of boats in the fishery.

8 Review events

Each of the following is a review event for the achievement of the objective—

- (a) CPUE for the following principal fish in the following periods is less than 70% of the average CPUE for principal fish from 1988 to 1997—
 - (i) for bay prawns (greasy prawns)—1 November to the end of February;
 - (ii) for eastern king prawns—1 November to the end of February and 1 May to 31 August;
 - (iii) for bugs—1 November to the end of February or 1 May to 31 October;
 - (iv) for red spot king prawns—1 June to 30 September;
 - (v) for saucer scallops—1 November to the end of February;
 - (vi) for tiger prawns—1 March to 30 June and 1 September to 31 December;
- (b) the chief executive accepts a study of catch and effort data that shows a significant decline in a principal fish species;
- (c) the chief executive accepts a scientific study that shows a significant decline in the abundance of a principal fish species;
- (d) more than 5% of boats in the fishery in 2000 or a subsequent year are used to commit an offence under this plan;

SCHEDULE 2, part 2—Resources taken in ecologically sustainable way
(continued)

- (e) the number of effort units has not decreased by—
 - (i) 13% or more in the first effort year; or
 - (ii) 1% or more in any subsequent effort year; or
 - (iii) 2% or more during 2 consecutive effort years for any licence;
- (f) the chief executive accepts a study or survey that shows—
 - (i) a significant change in the relative distribution of boat hull units in the fishery; or
 - (ii) average main engine power for boats in the fishery is increasing.

PART 3—ENSURING THE SUSTAINABILITY OF THE FISHERY’S ECOLOGICAL SYSTEMS

9 Definition for pt 3

In this part—

“objective” means the objective of ensuring the sustainability of the fishery’s ecological systems.

10 How objective is to be achieved

The objective is to be achieved by—

- (a) the closed waters declarations under this plan; and
- (b) limiting, under chapters 3 and 4, the commercial fishing apparatus that may be used under this plan; and
- (c) the requirements under this plan for using a BRD or TED.

SCHEDULE 2, part 3—Sustainability of ecological systems
(continued)

11 How achievement is to be measured

Achievement of the objective may be measured only by surveys or studies, accepted by the chief executive, of commercial fishing for principal fish by trawling in the fishery.

12 Review events

(1) Each of the following is a review event for the achievement of the objective—

- (a) a scientific study, showing levels accepted by the chief executive, shows the amount for any of the following is not, by 1 January 2005, reduced by the following percentage compared with an amount reported in a scientific study showing the levels before the notification day—
 - (i) benthos—25%;
 - (ii) the amount of fish taken other than principal fish—40%;
- (b) more than 5% of boats in the fishery in 2000 or a subsequent year are used to commit an offence under this plan;
- (c) turtle capture or mortality for any of the following species is in any year more than 5% of the average level of turtle capture or mortality for the species in the Robins report—
 - (i) flatback turtle;
 - (ii) green turtle;
 - (iii) hawksbill turtle;
 - (iv) leatherback turtle;
 - (v) loggerhead turtle;
 - (vi) olive ridley turtle;
- (d) the chief executive receives a logbook return for the fishery that shows trawling has happened in an area represented on a grid stated in the logbook where trawling has not previously been recorded in a logbook return;

SCHEDULE 2, part 3—Sustainability of ecological systems
(continued)

- (e) the chief executive accepts a scientific study or survey that shows the level of winter whiting by-catch between 1 April and 1 June has not significantly declined in the area mentioned in schedule 3, section 72(1),⁴³ before 2003.

(2) In this section—

“Robins report” means Robins, J.B. 1995, ‘Estimated catch and mortality of sea turtles from the East Coast Otter Trawl Fishery of Queensland, Australia’, ‘Biological Conservation’, vol 74, pp 157–67.⁴⁴

**PART 4—PROVIDING AN ECONOMICALLY VIABLE,
BUT ECOLOGICALLY SUSTAINABLE, TRAWL
FISHERY**

13 Definition for pt 4

In this part—

“objective” means the objective of providing an economically viable, but ecologically sustainable, trawl fishery.

14 How objective is to be achieved

The objective is to be achieved by—

- (a) providing commercial fishers with fair access to permitted fish in the fishery; and
- (b) minimising restrictions, on a sustainable basis, on trawling; and
- (c) the provisions of this plan about effort units.

⁴³ Schedule 3, section 72 (Southern Hervey Bay)

⁴⁴ The Robins report can be inspected during business hours at the department’s office at 80 Ann Street, Brisbane.

SCHEDULE 2, part 4—Economically viable, but ecologically sustainable etc. (continued)

15 How achievement is to be measured

Achievement of the objective may be measured only by—

- (a) studies or surveys accepted by the chief executive on economic aspects of the fishery; and
- (b) how many effort units are surrendered under sections 117, 118 and 132(2).

16 Review events

Each of the following is a review event for the achievement of the objective—

- (a) the chief executive's acceptance of an economic study of the fishery that shows a significant decline in the fishery's economic efficiency;
- (b) the number of effort units decreases by—
 - (i) 4% or more in each of 3 consecutive effort years; or
 - (ii) 5% or more in each of 2 consecutive effort years; or
 - (iii) 6% or more in an effort year after the second effort year;
- (c) the chief executive's acceptance of a study that shows effort units consistently can not be obtained by transfer;
- (d) the chief executive accepts a study or survey that shows a total of more than 15 000 fishing days under 'M1' and 'M2' licences in a year.

PART 5—ENSURING FAIR ACCESS TO FISHERIES RESOURCES ON A SUSTAINABLE BASIS

17 Definition for pt 5

In this part—

SCHEDULE 2, part 5—Ensuring fair access on a sustainable basis
(continued)

“objective” means the objective of ensuring fair access to fisheries resources taken in the fishery, on a sustainable basis, among the following groups and persons in the groups—

- (a) commercial fishers;
- (b) recreational fishers;
- (c) Aboriginal and Torres Strait Islander fishers;
- (d) other users of the fisheries resources.

18 How objective is to be achieved

The objective is to be achieved by regulating commercial fishers to ensure fair access to and use of fisheries resources taken in the fishery by persons other than commercial fishers.

19 How achievement is to be measured

Achievement of the objective may be measured only by—

- (a) surveys, accepted by the chief executive, of fishing for fisheries resources taken in the fishery by commercial and recreational fishers and Aborigines and Torres Strait Islanders; and
- (b) commercial fishing catch and effort data for the fishery received by the chief executive.

20 Review events

It is a review event for the achievement of the objective if—

- (a) a survey mentioned in section 19(a) shows a significant decline in the catch of principal fish; or
- (b) data mentioned in section 19(b) shows a significant decline in the commercial catch of principal fish.

SCHEDULE 3

SPECIFIC CLOSED WATERS

sections 11, 12, 14, 16 and 107

PART 1—ANNUAL SOUTHERN AND NORTHERN CLOSURES

Division 1—Southern closure area

1 Southern closure area

Waters within the following boundary—

- from the intersection of latitude 28°09.88' south with the mainland shore at high water mark (at the State's border with New South Wales, approximately latitude 28°09.88' south, longitude 153°33.10' east) along the shore to latitude 22°00.00' south (approximately at latitude 22°00.00' south, longitude 149°29.68' east)
- to latitude 22°00.00' south, longitude 152°56.58' east
- to latitude 22°19.18' south, longitude 153°00.32' east
- to latitude 22°38.63' south, longitude 152°43.43' east
- to latitude 22°44.90' south, longitude 152°10.56' east
- to latitude 22°34.40' south, longitude 151°56.06' east
- to latitude 23°11.13' south, longitude 151°54.16' east (the light on north reef)
- to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
- to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
- to latitude 24°21.05' south, longitude 153°08.83' east (the Breaksea spit light off the northern tip of Fraser Island)

SCHEDULE 3, part 1—Annual Southern and Northern closures
(continued)

- to latitude 24°29.90' south, longitude 153°20.06' east
- to latitude 24°59.90' south, longitude 153°35.06' east
- to latitude 26°09.90' south, longitude 153°50.06' east
- to latitude 26°19.90' south, longitude 153°40.76' east
- to latitude 26°29.90' south, longitude 153°34.06' east
- to latitude 26°40.90' south, longitude 153°31.06' east
- to latitude 27°01.90' south, longitude 153°31.26' east
- to latitude 27°25.90' south, longitude 153°39.06' east
- to latitude 28°03.48' south, longitude 153°47.06' east
- to the intersection of latitude 28°09.88' south with the mainland shore at high water mark.

Division 2—Northern closure areas

2 Swain Reefs and Hydrographers Passage

Waters within the following boundary—

- from latitude 22°00.00' south, longitude 150°45.06' east to latitude 21°30.41' south, longitude 150°19.06' east
- to latitude 20°46.71' south, longitude 149°39.56' east
- to latitude 20°14.11' south, longitude 149°12.06' east
- to latitude 19°39.91' south, longitude 149°29.66' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°59.91' south, longitude 150°30.06' east
- to latitude 19°49.08' south, longitude 150°30.06' east
- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 20°04.61' south, longitude 150°48.61' east
- to latitude 20°18.86' south, longitude 150°58.23' east
- to latitude 20°26.54' south, longitude 151°04.02' east

SCHEDULE 3, part 1—Annual Southern and Northern closures
(continued)

- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°46.78' south, longitude 151°29.13' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°51.91' south, longitude 151°57.41' east
- to latitude 20°52.31' south, longitude 152°02.46' east
- to latitude 20°54.97' south, longitude 152°15.39' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°36.68' south, longitude 152°51.62' east
- to latitude 22°00.00' south, longitude 152°56.58' east
- to latitude 22°00.00' south, longitude 150°45.06' east.

3 Major northern closure area

Waters within the following boundary—

- from the intersection of latitude 22°00.00' with the mainland shore at high water mark (approximately latitude 22°00.00' south, longitude 149°29.68' east) along the shore to longitude 142°31.83' east (the northern tip of Cape York, approximately latitude 10°41.25' south, longitude 142°31.83' east)
- to latitude 10°40.91' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.07' east
- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 17°29.91' south, longitude 147°00.07' east

SCHEDULE 3, part 1—Annual Southern and Northern closures
(continued)

- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 15°59.91' south, longitude 145°50.57' east
- to latitude 16°09.91' south, longitude 145°56.07' east
- to latitude 16°15.91' south, longitude 146°01.07' east
- to latitude 16°24.41' south, longitude 146°05.07' east
- to latitude 16°43.41' south, longitude 146°20.07' east
- to latitude 16°55.91' south, longitude 146°30.07' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 17°45.36' south, longitude 146°48.82' east
- to latitude 17°50.67' south, longitude 146°50.97' east
- to latitude 18°02.84' south, longitude 147°01.90' east
- to latitude 18°09.91' south, longitude 147°10.86' east
- to latitude 18°11.41' south, longitude 147°15.07' east
- to latitude 18°14.91' south, longitude 147°24.27' east
- to latitude 18°19.31' south, longitude 147°24.77' east
- to latitude 18°21.41' south, longitude 147°37.76' east
- to latitude 18°29.24' south, longitude 147°49.77' east
- to latitude 18°37.98' south, longitude 147°58.24' east
- to latitude 18°42.97' south, longitude 148°05.16' east
- to latitude 18°45.64' south, longitude 148°09.21' east

SCHEDULE 3, part 1—Annual Southern and Northern closures
(continued)

- to latitude 18°50.19' south, longitude 148°22.26' east
- to latitude 18°59.14' south, longitude 148°50.22' east
- to latitude 19°17.66' south, longitude 149°34.06' east
- to latitude 19°29.91' south, longitude 149°57.42' east
- to latitude 19°29.91' south, longitude 149°49.06' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°39.91' south, longitude 149°29.66' east
- to latitude 20°14.11' south, longitude 149°12.06' east
- to latitude 20°46.71' south, longitude 149°39.56' east
- to latitude 21°30.41' south, longitude 150°19.06' east
- to latitude 22°00.00' south, longitude 150°45.06' east
- to the intersection of latitude 22°00.00' with the mainland shore at high water mark.

PART 2—SCALLOP REPLENISHMENT AREAS

Division 1—Hervey Bay

5 Hervey Bay scallop replenishment area A

(1) Waters within the following boundary—

- from latitude 24°40.00' south, longitude 152°40.00' east to latitude 24°40.00' south, longitude 152°45.00' east
- to latitude 24°30.00' south, longitude 152°45.00' east
- to latitude 24°30.00' south, longitude 152°40.00' east
- to latitude 24°40.00' south, longitude 152°40.00' east.

(2) The waters are closed during the following periods—

SCHEDULE 3, part 2—Scallop replenishment areas (continued)

- (a) midday on 1 February 2001 to midday on 1 January 2002;
 - (b) midday on 20 September 2003 to midday on 1 January 2005;
 - (c) midday on 20 September 2006 to midday on 1 January 2008.
- (3) This section expires on 1 January 2008.

6 Hervey Bay scallop replenishment area B

- (1) Waters within the following boundary—
- from latitude 24°40.00' south, longitude 152°45.00' east to latitude 24°40.00' south, longitude 152°50' east
 - to latitude 24°30.00' south, longitude 152°50.00' east
 - to latitude 24°30.00' south, longitude 152°45.00' east
 - to latitude 24°40.00' south, longitude 152°45.00' east.
- (2) The waters are closed during the following periods—
- (a) midday on 1 February 2001 to midday on 1 January 2003;
 - (b) midday on 20 September 2003 to midday on 1 January 2006;
 - (c) midday on 20 September 2006 to midday on 1 January 2009.
- (3) This section expires on 1 January 2009.

7 Hervey Bay scallop replenishment area C

- (1) Waters within the following boundary—
- from latitude 24°40.00' south, longitude 152°50.00' east to latitude 24°40.00' south, longitude 152°55.00' east
 - to latitude 24°30.00' south, longitude 152°55.00' east
 - to latitude 24°30.00' south, longitude 152°50.00' east
 - to latitude 24°40.00' south, longitude 152°50.00' east.
- (2) The waters are closed during the following periods—
- (a) midday on 20 September 2001 to midday on 1 January 2004;

SCHEDULE 3, part 2—Scallop replenishment areas (continued)

- (b) midday on 20 September 2004 to midday on 1 January 2007;
- (c) from midday on 20 September 2007 until this plan expires.

8 Hervey Bay scallop replenishment area D**(1)** Waters within the following boundary—

- from latitude 24°40.00' south, longitude 152°55.00' east to latitude 24°40.00' south, longitude 153°00.00' east
- to latitude 24°30.00' south, longitude 153°00.00' east
- to latitude 24°30.00' south, longitude 152°55.00' east
- to latitude 24°40.00' south, longitude 152°55.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 20 September 2002 to midday on 1 January 2004;
- (b) midday on 20 September 2005 to midday on 1 January 2007;
- (c) from midday on 20 September 2008 until this plan expires.

*Division 2—Bustard Head***10 Bustard Head scallop replenishment area A****(1)** Waters within the following boundary—

- from latitude 23°55.00' south, longitude 151°40.00' east to latitude 23°55.00' south, longitude 151°45.00' east
- to latitude 23°45.00' south, longitude 151°45.00' east
- to latitude 23°45.00' south, longitude 151°40.00' east
- to latitude 23°55.00' south, longitude 151°40.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 1 February 2001 to midday on 1 January 2002;
- (b) midday on 20 September 2003 to midday on 1 January 2005;

SCHEDULE 3, part 2—Scallop replenishment areas (continued)

(c) midday on 20 September 2006 to midday on 1 January 2008.

(3) This section expires on 1 January 2008.

11 Bustard Head scallop replenishment area B

(1) Waters within the following boundary—

- from latitude 23°55.00' south, longitude 151°45.00' east to latitude 23°55.00' south, longitude 151°50.00' east
- to latitude 23°45.00' south, longitude 151°50.00' east
- to latitude 23°45.00' south, longitude 151°45.00' east
- to latitude 23°55.00' south, longitude 151°45.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 1 February 2001 to midday on 1 January 2003;
- (b) midday on 20 September 2003 to midday on 1 January 2006;
- (c) midday on 20 September 2006 to midday on 1 January 2009.

(3) This section expires on 1 January 2009.

12 Bustard Head scallop replenishment area C

(1) Waters within the following boundary—

- from latitude 23°55.00' south, longitude 151°50.00' east to latitude 23°55.00' south, longitude 151°55.00' east
- to latitude 23°45.00' south, longitude 151°55.00' east
- to latitude 23°45.00' south, longitude 151°50.00' east
- to latitude 23°55.00' south, longitude 151°50.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 20 September 2001 to midday on 1 January 2004;
- (b) midday on 20 September 2004 to midday on 1 January 2007;
- (c) from midday on 20 September 2007 until this plan expires.

SCHEDULE 3, part 2—Scallop replenishment areas (continued)

13 Bustard Head scallop replenishment area D

(1) Waters within the following boundary—

- from latitude 23°55.00' south, longitude 151°55.00' east to latitude 23°55.00' south, longitude 152°00.00' east
- to latitude 23°45.00' south, longitude 152°00.00' east
- to latitude 23°45.00' south, longitude 151°55.00' east
- to latitude 23°55.00' south, longitude 151°55.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 20 September 2002 to midday on 1 January 2004;
- (b) midday on 20 September 2005 to midday on 1 January 2007;
- (c) from midday on 20 September 2008 until this plan expires.

*Division 3—Yeppoon region***15 Yeppoon scallop replenishment area A**

(1) Waters within the following boundary—

- from latitude 22°45.00' south, longitude 151°03.00' east to latitude 22°45.00' south, longitude 151°13.00' east
- to latitude 22°35.00' south, longitude 151°05.00' east
- to latitude 22°35.00' south, longitude 150°55.00' east
- to latitude 22°45.00' south, longitude 151°03.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 20 September 2001 to midday on 1 January 2003;
- (b) midday on 20 September 2003 to midday on 1 January 2005;
- (c) midday on 20 September 2005 to midday on 1 January 2007;
- (d) midday on 20 September 2007 to midday on 1 January 2009.

(3) This section expires on 1 January 2009.

SCHEDULE 3, part 2—Scallop replenishment areas (continued)

16 Yeppoon scallop replenishment area B

(1) Waters within the following boundary—

- from latitude 23°00.00' south, longitude 151°10.00' east to latitude 23°00.00' south, longitude 151°20.00' east
- to latitude 22°50.00' south, longitude 151°20.00' east
- to latitude 22°50.00' south, longitude 151°10.00' east
- to latitude 23°00.00' south, longitude 151°10.00' east.

(2) The waters are closed during the following periods—

- (a) midday on 1 February 2001 to midday on 1 January 2002;
- (b) midday on 20 September 2002 to midday on 1 January 2004;
- (c) midday on 20 September 2004 to midday on 1 January 2006;
- (d) midday on 20 September 2006 to midday on 1 January 2008;
- (e) midday on 20 September 2008 until this plan expires.

PART 3—OTHER SPECIFIC CLOSURES**17 Lakes and lagoons south of Endeavour River and east of longitude 142°31.88' east**

(1) Waters of all lakes and lagoons south of the northern bank of the Endeavour River and east of longitude 142°31.88' east.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

18 Near the New South Wales border to Point Lookout on North Stradbroke Island

(1) Waters within the following boundary—

- from latitude 28°09.90' south on the territorial sea base line (approximately latitude 28°09.90' south, longitude 153°33.09' east) along the territorial sea baseline to

SCHEDULE 3, part 3—Other specific closures (continued)

latitude 27°26.06' south (Point Lookout, North Stradbroke Island, approximately latitude 27°26.06' south, longitude 153°32.78')

- to latitude 27°26.10' south, longitude 153°34.66' east
- to latitude 27°29.90' south, longitude 153°32.66' east
- to latitude 27°33.70' south, longitude 153°31.26' east
- to latitude 27°36.30' south, longitude 153°30.47' east
- to latitude 27°43.50' south, longitude 153°29.27' east
- to latitude 27°48.10' south, longitude 153°28.26' east
- to latitude 27°52.90' south, longitude 153°27.66' east
- to latitude 27°55.10' south, longitude 153°27.47' east
- to latitude 27°56.30' south, longitude 153°27.86' east
- to latitude 27°59.90' south, longitude 153°27.86' east
- to latitude 28°04.30' south, longitude 153°29.06' east
- to latitude 28°05.90' south, longitude 153°30.06' east
- to latitude 28°06.50' south, longitude 153°30.47' east
- to latitude 28°06.70' south, longitude 153°30.86' east
- to latitude 28°08.10' south, longitude 153°31.86' east
- to latitude 28°08.10' south, longitude 153°33.47' east
- to latitude 28°08.50' south, longitude 153°34.07' east
- to latitude 28°09.10' south, longitude 153°34.86' east
- to latitude 28°09.90' south on the territorial sea base line.

(2) The waters are closed from 1 October to 31 March.

19 Currumbin Beach

Foreshore waters and waters within the following boundary—

- from latitude 28°08.00' south on the mainland shore (the northern tip of Elephant Rock approximately latitude 28°08.00' south, longitude 153°29.40' east) to latitude 28°07.85' south, longitude 153°29.57' (400 m offshore from Elephant Rock)

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 28°07.49' south, longitude 153°29.29' east (400 m offshore from Currumbin Rock)
- to longitude 153°29.12' east on the mainland shore (Currumbin Rock approximately latitude 28°07.64' south, longitude 153°29.12' east)
- along the shoreline to latitude 28°08.00' south on the mainland shore.

20 Currumbin Creek

Waters of Currumbin Creek and waterways joining it.

21 Tallebudgera Creek

Waters of Tallebudgera Creek and waterways joining it.

22 Tallebudgera Creek to Burleigh

(1) Foreshore waters and waters within 400 m out to sea from the shore at low water, between the southern bank of Tallebudgera Creek and a point on the shore in line with the northern edge of First Avenue, Burleigh Heads.

(2) The waters are closed from 1 September to 30 April.

23 Southern part of the Broadwater and the Nerang River

Waters of—

- (a) the Nerang River and waterways joining it; and
- (b) the part of The Broadwater upstream of a line between—
 - (i) a point on the shore of The Broadwater in line with the northern edge of Stevens Street, Southport; and
 - (ii) an F[↑]B sign on the shore of The Spit near the floating helipad near Seaworld.

SCHEDULE 3, part 3—Other specific closures (continued)

24 Gold Coast Seaway

Waters of the Gold Coast Seaway within the following boundary—

- from an F[↑]B sign west of the Seaway Tower on the northern shore of The Spit to an F[↑]B sign on South Stradbroke Island west of the island's southern tip
- along the island's southern shore to the seaward end of the Seaway's northern breakwater wall
- to the seaward end of the Seaway's southern breakwater wall at Nerang Head on The Spit
- along The Spit's northern shore to the F[↑]B sign west of the Seaway Tower on The Spit's northern shore.

25 Broadwater—central part

(1) Waters of The Broadwater within the following boundary—

- from an F[↑]B sign on the opposite side of The Broadwater's western navigation channel from a point on the shore in line with the northern edge of Stevens Street, Southport, along the eastern edge of the channel to the flashing green beacon nearest to the northern tip of Carters Bank
- to the southern tip of Crab Island
- to an F[↑]B sign on South Stradbroke Island westerly of the island's southern tip
- to an F[↑]B sign westerly of the Seaway Tower on The Spit's northern shore
- along The Spit's shore by the shortest route to an F[↑]B sign near the floating helipad near Seaworld
- to the F[↑]B sign on the opposite side of The Broadwater's western navigation channel from a point on the shore in line with the northern edge of Stevens Street, Southport.

(2) The waters are closed from 1 August to the end of February.

(3) However, from 1 September to 30 November the waters are not closed from 6 p.m. to 6 a.m. on Sunday to Friday.

SCHEDULE 3, part 3—Other specific closures (continued)

26 Broadwater—western part

Waters of The Broadwater within the following boundary—

- from a point on the shore in line with the northern edge of Stevens Street, Southport, along the shore to an F↑B sign near the southern bank of the southern branch of the Coomera River
- towards the north-western tip of the northernmost island of the Sovereign Islands for 140 m
- along a line parallel to, and 140 m from, Sovereign Island's western shore, to a line from an F↑B sign at the corner of the Esplanade and Nankeen Avenue, Paradise Point to the northern tip of Ephraim Island
- to the northern tip of Ephraim Island
- to the southern tip of Ephraim Island
- to the northern tip of Crab Island
- to the southern tip of Crab Island
- to the flashing green beacon marking the eastern edge of the western navigation channel, nearest to Carters Bank
- along the channel's eastern edge to an F↑B sign in line with the northern edge of Stevens Street, Southport
- to the point on the shore in line with the northern edge of Stevens Street, Southport.

27 Coombabah Lake and Coombabah Creek

Waters of Coombabah Lake, and tidal waters of Coombabah Creek upstream from the lake.

28 Coombabah Creek, Oyster Lake and Saltwater Creek

Waters of Saltwater Creek and Coombabah Creek (including Oyster Lake), downstream from Coombabah Lake.

SCHEDULE 3, part 3—Other specific closures (continued)

29 Coomera River

Waters of the southern branch of the Coomera River downstream of F↑B signs on opposite sides of the southern branch at its junction with the river's northern branch.

30 Swan Bay, North Stradbroke Island

Waters of Swan Bay, and tidal waters of the unnamed creek joining the bay's northern end.

31 Moreton Bay

Waters of Moreton Bay outside the 'M1' and 'M2' area.

32 Moreton Bay, including The Broadwater

(1) Waters of the following and waterways joining them—

- (a) Moreton Bay;
- (b) the Fisherman Islands area.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

33 Dunwich

(1) North Stradbroke Island foreshore waters between F↑B signs about 800 m either side of the Harold Walker Jetty at Dunwich.

(2) The waters are closed from 1 August to 30 April.

34 Southern Moreton Bay area

(1) Waters within the following boundary—

- from latitude 27°26.93' south, longitude 153°14.70' east (the A S Huybers flashing red light beacon off King Island, near Wellington Point) to latitude 27°30.30' south, longitude 153°19.35' east (the flashing green light beacon off the western tip of Peel Island)

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 27°32.48' south, longitude 153°20.20' east (the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank)
- to latitude 27°35.20' south, longitude 153°22.83' east (the green light beacon on the south-western side of the Pelican Banks)
- to latitude 27°35.65' south, longitude 153°24.27' east (the special mark flashing yellow light beacon at the southern tip of the Pelican Banks)
- to latitude 27°34.70' south, longitude 153°24.27' east (the flashing red light beacon on the eastern side of the Pelican Banks)
- to latitude 27°34.20' south, longitude 153°24.37' east (the flashing green light beacon off the western shore of North Stradbroke Island)
- to latitude 27°32.17' south, longitude 153°24.07' east (the flashing green light beacon off Wallen Wallen)
- to latitude 27°31.14' south, longitude 153°23.07' east (the special mark flashing yellow light beacon at the southern tip of Goat Island)
- to latitude 27°30.20' south, longitude 153°23.99' east (the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island)
- along the southern side of Harold Walker Jetty to latitude 27°30.14' south on North Stradbroke Island's western shore (approximately latitude 27°30.14' south, longitude 153°24.08' east)
- along North Stradbroke Island's western shore to latitude 27°29.60' south, longitude 153°24.15' east (the jetty at One Mile Anchorage)
- along the southern side of the jetty at One Mile Anchorage to latitude 27°29.58' south, longitude 153°24.13' east (the western end of the jetty)
- to latitude 27°29.51' south, longitude 153°22.89' east (the south cardinal light beacon known as Douglas Light)

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 27°27.25' south, longitude 153°19.98' east (the flashing green light beacon every six seconds off Maroom Bank)
- to latitude 27°25.99' south, longitude 153°17.41' east (the isolated danger beacon on Hope Banks)
- to latitude 27°26.93' south, longitude 153°14.70' east.

(2) The waters are closed from midnight on 30 June to midnight on 30 September each year.

35 Amity Bight and the South Passage

(1) Waters within the following boundary—

- from latitude 27°26.06' south on North Stradbroke Island's north-eastern shore (Point Lookout approximately latitude 27°26.06' south, longitude 153°32.78' east), north and west along the shore of North Stradbroke Island to latitude 27°23.64' south (Amity Point approximately latitude 27°23.64' south, longitude 153°26.40' east)
- to longitude 153°25.68' east on Moreton Island's southern shore (Reeders Point approximately latitude 27°21.82' south, longitude 153°25.68' east)
- along Moreton Island's eastern shore to latitude 27°17.40' south (approximately latitude 27°17.40' south, longitude 153°25.27')
- to latitude 27°17.40' south, longitude 153°28.56' east
- to latitude 27°20.40' south, longitude 153°30.06' east
- to latitude 27°26.10' south, longitude 153°34.66' east
- to latitude 27°26.06' south on North Stradbroke Island's north-eastern shore.

(2) The waters are closed from 6 p.m. to 6 a.m. from 1 October to 1 March.

36 Manly Boat Harbour

Waters of the Manly Boat Harbour and its foreshores, up to a line between the seaward ends of the harbour's breakwaters.

SCHEDULE 3, part 3—Other specific closures (continued)

37 Wynnum and Manly

Foreshore waters between the northern breakwater of Manly Boat Harbour and the southern bank of Wynnum Creek.

38 Boggy Creek, Pinkenba

(1) Waters of Boggy Creek upstream of a line—

- from Luggage Point to the oil tanker berth
- along the oil pipeline viaduct to the start of the viaduct on Bulwer Island.

(2) The waters are closed from midday on 1 November to midday on 30 April.

39 Brisbane River mouth area

(1) Waters within the following boundary—

- from latitude 27°19.70' south, longitude 153°08.91' east to latitude 27°18.40' south, longitude 153°08.91' east
- to latitude 27°18.40' south, longitude 153°11.16' east
- to latitude 27°19.95' south, longitude 153°11.16' east
- to latitude 27°19.70' south, longitude 153°08.91' east.

(2) The waters are closed from midnight on 30 June to midnight on 30 September each year.

40 Brisbane Airport floodway channel to the Pine River

The following waters—

- (a) waterways flowing into Moreton Bay between the southern bank of the Brisbane Airport floodway channel and the southern tip of the Houghton Highway;
- (b) waterways joining the waterways described in paragraph (a);
- (c) Moreton Bay foreshore waters between the southern bank of the Brisbane Airport floodway channel and the southern tip of the Houghton Highway;

SCHEDULE 3, part 3—Other specific closures (continued)

- (d) Jacksons Creek, which joins the floodway channel near the channel's banks.

41 Sandgate Pier

Waters of Bramble Bay under, and within 200 m of, the Sandgate Pier.

42 South Pine River and North Pine River

The following waters—

- (a) the South Pine River upstream of F↑B signs on opposite sides of the river, about 1.5 km upstream from its junction with the North Pine River, at a place commonly known as Stones Corner;
- (b) the North Pine River upstream of F↑B signs on opposite sides of the river about 2.5 km upstream from the northbound bridge across the river near the start of the Bruce Highway.

43 Northern section of Moreton Bay

(1) Waters within the following boundary—

- from latitude 27°04.93' south on Bribie Island's western shore (approximately latitude 27°04.93' south, longitude 153°09.48' east) to 27°09.19' south, longitude 153°03.91' east (the special mark yellow flashing light beacon off the Caboolture River)
- to latitude 27°11.46' south, longitude 153°05.63' east (the special mark flashing yellow light beacon No. 1 at the entrance to the Scarborough Boat harbour)
- to latitude 27°10.95' south, longitude 153°06.77' east (north of Castlereagh Point)
- to latitude 27°09.20' south, longitude 153°06.77' east
- to latitude 27°09.20' south, longitude 153°11.46' east
- to latitude 27°12.12' south, longitude 153°17.23' east (the flashing red beacon M8 off Four Fathom bank)
- to latitude 27°12.03' south, longitude 153°18.71' east (the flashing red beacon MB2 off Middle Bank)

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 27°08.36' south, longitude 153°20.75' east (the east cardinal beacon M7 west of Cowan Cowan Point on Moreton Island)
- to latitude 27°07.35' south, longitude 153°20.47' east (the flashing yellow beacon M5 west of Cowan Cowan township on Moreton Island)
- to latitude 27°05.24' south, longitude 153°18.90' east (the flashing red beacon M4 off Yule Bank)
- to latitude 27°03.48' south, longitude 153°18.78' east (the flashing red beacon M2 off Salamander Bank)
- to latitude 27°02.75' south, longitude 153°16.22' east (the flashing yellow beacon S1 in Spitfire Channel)
- to latitude 27°02.27' south, longitude 153°15.45' east (the west cardinal beacon NW12 in Spitfire Channel)
- to latitude 27°00.03' south, longitude 153°14.52' east (the southernmost flashing red beacon NW10 in North-West Channel)
- to latitude 27°01.80' south on Bribie Island's eastern shore (approximately latitude 27°01.80' south, longitude 153°10.89' east)
- along Bribie Island's eastern, southern and western shores to latitude 27°04.93' south on Bribie Island's western shore.

(2) The waters are closed from midnight on 30 June to midnight on 30 September.

44 Pumicestone Strait

Waters within the following boundary and waterways that join the waters—

- from the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra to the F↑B sign at the northern tip of Bribie Island
- along Bribie Island's western shore to the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- to the F↑B sign at the south-eastern tip of Toorbul Point

SCHEDULE 3, part 3—Other specific closures (continued)

- along the shore to the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra.

45 Bribie Island's eastern shore and the sand spit at Kings Beach

The following waters—

- eastern foreshore waters of Bribie Island between an F↑B sign at latitude 26°50.05' south, longitude 153°07.78' east on the island's shore and an F↑B sign at latitude 26°48.92' south, longitude 153°07.89' east at the island's northern tip;
- foreshore waters at Caloundra between latitude 26°48.38' south, longitude 153°08.36' east (the groyne at the southern end of Kings Beach) and latitude 26°48.47' south, longitude 153°08.00' east (the western tip of Bulcock Beach).

46 Caloundra Head

(1) Waters within the following boundary—

- from latitude 26°44.90' south on the mainland shore (north of Caloundra Head at approximately latitude 26°44.90' south, longitude 153°08.17' east) to latitude 26°44.90' south, longitude 153°12.56' east
- to latitude 26°51.90' south, longitude 153°12.56' east
- to latitude 26°51.90' south on the western shore of Pumicestone Strait (approximately latitude 26°51.90' south, longitude 153°06.75' east)
- along the mainland shore to latitude 26°44.90' south.

(2) The waters are closed from 6 p.m. to 6 a.m. from 1 October to 31 December.

47 Caloundra—Kings Beach to Shelly Beach

(1) Foreshore waters and waters within 400 m out to sea from the shore at low water, between the following lines—

- a line running south-east from the southern end of the sand spit between Kings Beach and Bulcock Beach, Caloundra;

SCHEDULE 3, part 3—Other specific closures (continued)

- (b) a line running east-north-east out to sea from an F↑B sign at the southern end of Shelly Beach, Caloundra.

(2) The waters are closed from 1 January to the end of February and from 1 August to 31 December.

48 Currimundi Lake and Currimundi Creek near Caloundra

Waters of Currimundi Lake, Currimundi Creek, and waterways joining the lake and creek.

49 Warana Beach at Kawana Waters

Waters within the following boundary—

- from latitude 26°43.80' south, longitude 153°08.10' east to latitude 26°43.81' south, longitude 153°08.73' east
- to latitude 26°43.92' south, longitude 153°08.73' east
- to latitude 26°43.91' south, longitude 153°08.10' east
- to latitude 26°43.80' south, longitude 153°08.10' east.

50 Mooloolah River

Waters of the Mooloolah River and waterways joining it, upstream of a line between the seaward ends of the breakwaters at its banks.

51 South Maroochy River and the North Maroochy River

Waters of the Maroochy River upstream of the junction between its northern and southern branches.

52 Maroochy River and ocean foreshores

The following waters—

- (a) the Maroochy River and waterways joining it, downstream of a line between—

SCHEDULE 3, part 3—Other specific closures (continued)

- latitude 26°38.53' south, longitude 153°03.59' east (an F↑B sign on the river's southern side near the public boat ramp at the place commonly known as the Cod Hole); and
 - latitude 26°38.32' south, longitude 153°03.72' east (an F↑B sign on the opposite side of the river);
- (b) waters within the following boundary—
- from the point on the mainland shore at latitude 26°39.34' south, longitude 153°06.23' east to latitude 26°38.57' south, longitude 153°06.10' east
 - to latitude 26°38.57' south, longitude 153°06.34' east
 - to latitude 26°39.34' south, longitude 153°06.47' east
 - to the point on the mainland shore at latitude 26°39.34' south, longitude 153°06.23' east.

53 Lakes Doonella and Weyba

Waters of Lakes Doonella and Weyba.

54 Noosa River and Lakes Cooroibah and Cootharaba

(1) Waters of the Noosa River and Lakes Cooroibah and Cootharaba.

(2) The waters are closed from 7 p.m. to 6 a.m.

55 Laguna Bay area

(1) Waters within the Laguna Bay area.

(2) The waters are not closed waters to the use of an otter trawl net under a 'T1' or 'T5' fishery symbol.

56 Weyba Creek

Waters of Weyba Creek and waterways joining it, downstream of Lake Weyba.

SCHEDULE 3, part 3—Other specific closures (continued)

57 Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba

Waters of Lake Como, Kin Kin Creek, the Noosa River and the part of Lake Cootharaba north of the following line—

- from an F[↑]B sign on Lake Cootharaba's north-western shore to an F[↑]B sign on the southern tip of the peninsula on the eastern side of Shark Bay, which is part of the lake
- to an F[↑]B sign at the southern tip of Kinaba Island
- to an F[↑]B sign on Lake Cootharaba's eastern shore.

58 Noosa River—ocean foreshore north of its northern bank

(1) Foreshore waters for 400 m (measured along the shore) north of the northern bank of the Noosa River and waters within 400 m out to sea from that part of the shore at low water.

(2) The waters are closed from 1 May to 31 August.

59 Waterways south of Double Island Point

(1) Waters of waterways south of Double Island Point and waterways joining them.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

60 Rainbow Beach

Waters within the following boundary—

- from an F[↑]B sign at latitude 25°55.45' south, longitude 153°06.60' east (about 3 km south of Eight Mile Rocks at Rainbow Beach), along the shore to an F[↑]B sign at latitude 25°53.64' south, longitude 153°05.28' east (about 1 km north of Eight Mile Rocks at Rainbow Beach)
- to latitude 25°53.41' south, longitude 153°05.62' east (approximately 400 m offshore at low water)
- to latitude 25°55.17' south, longitude 153°06.96' east (approximately 400 m offshore at low water)

SCHEDULE 3, part 3—Other specific closures (continued)

- to an F \uparrow B sign at latitude 25°55.45' south, longitude 153°06.60' east.

61 Wide Bay Bar

Waters within the following boundary—

- from an F \uparrow B sign at latitude 25°48.62' south, longitude 153°03.89' east (Inskip Point near the flashing white navigation lead on the shore) west for about 1.3 km to an F \uparrow B sign at latitude 25°48.55' south, longitude 153°03.29' east
- to an F \uparrow B sign at latitude 25°47.77' south, longitude 153°03.05' east (on the southern shore of Fraser Island about 3 km west of Hook Point)
- to an F \uparrow B sign at latitude 25°47.52' south, longitude 153°04.62' east (Hook Point near the south-eastern tip of Fraser Island)
- to an F \uparrow B sign at latitude 25°48.62' south, longitude 153°03.89' east (Inskip Point near the flashing white navigation lead on the shore).

62 Hook Point to Taleerba Creek, Fraser Island

Waters within the following boundary—

- from latitude 25°47.00' south on Fraser Island's eastern shore, (at approximately latitude 25°47.00' south, longitude 153°04.86' east) north along Fraser Island's eastern shore to latitude 25°37.00' south (at approximately latitude 25°37.00' south, longitude 153°05.36' east)
- to latitude 25°37.20' south, longitude 153°06.96' east
- to latitude 25°47.70' south, longitude 153°07.26' east
- to latitude 25°47.00' south on Fraser Island's eastern shore.

63 Taleerba Creek to Indian Head, Fraser Island

(1) Waters within the following boundary—

SCHEDULE 3, part 3—Other specific closures (continued)

- from latitude 25°37.00' south on Fraser Island's eastern shore, (at approximately latitude 25°37.00' south, longitude 153°05.36' east) to latitude 25°00.50' south on Fraser Island's eastern shore, (at approximately latitude 25°00.50' south, longitude 153°21.56' east)
- to latitude 25°00.70' south, longitude 153°22.66' east
- to latitude 25°29.38' south, longitude 153°09.38' east
- to latitude 25°37.20' south, longitude 153°06.96' east
- to latitude 25°37.00' south on Fraser Island's eastern shore.

(2) The waters are closed from midday on 1 August to midday on 1 April.

64 Fraser Island—Indian Head to Waddy Point

(1) Eastern foreshore waters of Fraser Island and waters within 400 m out to sea from the eastern shore at low water, between 400 m north of Waddy Point and 400 m south of Indian Head.

(2) The waters are closed from midday on 1 September to midday on 30 September.

65 Fraser Island—Hook point to northern tip

(1) Fraser Island's eastern foreshore waters and waters within 200 m out to sea from the shore at low water, between an F↑B sign at Hook Point and the northern tip of Fraser Island.

(2) The waters are closed from midday on 1 September to midday on 1 April.

66 Snapper Creek near Tin Can Bay

Waters of Snapper Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

SCHEDULE 3, part 3—Other specific closures (continued)

67 Mary River

Waters of the Mary River between lines between the following places marked by F↑B signs—

- longitude 152°46.73' east on the northern bank of the river and longitude 152°46.89' east on its southern bank
- longitude 152°51.80' east on the northern bank of the river near 'Tandora', and longitude 152°51.77' east on the shore of Crab Island (Meteor Point)
- longitude 152°51.68' east on the shore of Crab Island and longitude 152°52.01' east on the southern bank of the river.

68 Hervey Bay seasonal night-time closure

(1) Waters of Hervey Bay within the following boundary—

- from longitude 152°48.82' east on the mainland shore (near Point Vernon, approximately latitude 25°14.67' south, longitude 152°48.82' east) to latitude 25°15.28' south, longitude 152°45.06' east
- to latitude 25°13.34' south, longitude 152°40.19' east
- to latitude 25°08.90' south, longitude 152°39.06' east
- to latitude 25°07.38' south, longitude 152°35.13' east
- to latitude 25°07.38' south, longitude 152°37.06' east
- to latitude 25°04.90' south, longitude 152°37.06' east
- to latitude 25°04.90' south on the mainland shore (approximately latitude 25°04.90' south, longitude 152°33.22' east)
- along the shore to longitude 152°48.82' east on the mainland shore.

(2) The waters are closed from 1 March to 1 May from 6 p.m. to 6 a.m.

69 Hervey Bay—other closures

(1) Waters of Hervey Bay within the following boundary—

SCHEDULE 3, part 3—Other specific closures (continued)

- from longitude 152°48.82' east on the mainland shore (near Point Vernon, approximately latitude 25°14.67' south, longitude 152°48.82' east) to latitude 25°13.34' south, longitude 152°40.19' east
- to latitude 25°08.90' south, longitude 152°39.06' east
- to latitude 25°07.38' south, longitude 152°37.06' east
- to latitude 25°04.90' south, longitude 152°37.06' east
- to latitude 25°04.90' south on the mainland shore (approximately latitude 25°04.90' south, longitude 152°33.22' east)
- along the shore to longitude 152°48.82' east on the mainland shore.

(2) The waters are closed—

- (a) from 2 May to the end of February; and
- (b) from 1 March to 1 May, from 6 a.m. to 6 p.m.

70 Skyringville Creek

(1) The following waters—

- (a) the creek commonly known as Skyringville Creek—
 - (i) upstream of a line running south-east from the north-western tip of Barubbra Island; and
 - (ii) downstream of a line between F↑B signs on opposite sides of the creek about 800 m from its banks;
- (b) waterways joining the parts of the creek described in paragraph (a).

(2) The waters described in subsection (1)(a)(i) are closed from 1 August to 30 November.

71 Hervey Bay

The following waters of Hervey Bay—

- (a) waters within the following boundary—

SCHEDULE 3, part 3—Other specific closures (continued)

- from longitude 152°49.40' east on the mainland shore (the eastern tip of Point Vernon, approximately latitude 25°14.72' south, longitude 152°49.40' east) to latitude 25°16.63' south, longitude 152°54.74' east (the seaward end of the public jetty at Scarness)
 - to latitude 25°17.66' south, longitude 152°54.97' east (the seaward end of the Urangan jetty)
 - to latitude 25°17.74' south, longitude 152°54.96' east (the seaward end of the southern rock wall of the Urangan Boat Harbour)
 - to longitude 152°49.40' east on the mainland shore;
- (b) foreshore waters of the bay between Sixth Avenue, Woodgate and Second Avenue, Woodgate.

72 Southern Hervey Bay**(1) Waters within the following boundary—**

- from longitude 152°38.12' east on the mainland shore (Burrum Point, approximately latitude 25°09.18' south, longitude 152°38.12' east) to latitude 25°08.69' south, longitude 152°49.93' east (the Fairway Buoy, Hervey Bay)
- to latitude 25°13.50' south on the western shore of Fraser Island (Moon Point, approximately latitude 25°13.50' south, longitude 152°59.50' east)
- to longitude 152°49.21' east on the mainland shore (Point Vernon, approximately latitude 25°14.47' south, longitude 152°49.21' east)
- along the shore to longitude 152°38.12' east on the mainland shore.

(2) The waters are closed from midnight on 30 June to midnight on 31 October.

SCHEDULE 3, part 3—Other specific closures (continued)

73 Theodolite Creek

Waters of Theodolite Creek and waterways joining it upstream of a line between F↑B signs near its banks.

74 Coonar Creek

Waters of Coonar Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

75 Burnett River

(1) Waters of the Burnett River and waterways joining it.

(2) The following part of the Burnett River is closed every year, all year—

- (a) upstream of a line between F↑B signs on opposite sides of the river near its junction with Bundaberg Creek;
- (b) downstream of a line between F↑B signs on opposite sides of the river near the western tip of Harriett Island.

(3) The waters, other than the waters mentioned in subsection (2), are closed from 1 August to 30 November.

76 Sandy Cape

(1) Waters within the following boundary—

- from latitude 24°41.83' south, longitude 153°16.00' east (Sandy Cape) to latitude 24°38.90' south, longitude 153°16.00' east
- to latitude 24°44.90' south, longitude 153°06.06' east
- to latitude 24°47.90' south, longitude 153°06.06' east
- to latitude 24°48.94' south, longitude 153°07.26' east (Rooney Point)
- to latitude 24°41.83' south, longitude 153°16.00' east.

(2) The waters are closed from midday 20 September to midday 1 February.

SCHEDULE 3, part 3—Other specific closures (continued)

77 Northern Fraser Island and north of Fraser Island

(1) Waters within the following boundary—

- from latitude 24°59.90' south, longitude 152°45.98' east to latitude 24°43.40' south, longitude 152°30.06' east
- to latitude 24°01.40' south, longitude 151°49.06' east
- to latitude 23°10.83' south, longitude 150°59.56' east (the light on Great Keppel Island)
- to latitude 22°59.90' south, longitude 151°00.06' east
- to latitude 21°59.90' south, longitude 150°42.56' east
- to latitude 21°59.90' south, longitude 152°00.06' east
- to latitude 22°05.60' south, longitude 152°14.57' east (the western tip of Herald No. 1 in the Swain Reefs)
- to latitude 23°11.13' south, longitude 151°54.16' east (the light on North Reef)
- to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
- to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
- to latitude 24°41.83' south, longitude 153°16.00' east (Sandy Cape, Fraser Island)
- to latitude 24°48.94' south, longitude 153°07.26' east (Rooney Point)
- along Fraser Island's western shore to latitude 24°59.90' south, longitude 153°13.23' east
- to latitude 24°59.90' south, longitude 152°45.98' east.

(2) The waters are closed from 8 a.m. to 6 p.m.

78 Round Hill Creek

Waters of Round Hill Creek and waterways joining it, upstream of a line between F↑B signs at the creek's northern bank and the northern tip of the Miriam Vale Shire Council Caravan Park at the Town of Seventeen-Seventy.

SCHEDULE 3, part 3—Other specific closures (continued)

79 Eurimbula Creek

Waters of Eurimbula Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

80 Rodds Harbour

Waters of Rodds Harbour and waterways joining it, within the following boundary—

- from the eastern tip of Blackney Point to the eastern tip of Bird Island
- to the western bank of Mort Creek, Rodds Peninsula
- along the shore to Blackney Point.

81 Wild Cattle Creek

(1) Waters of Wild Cattle Creek (also known as Red Cliff Creek) between the following lines—

- (a) a line from an F↑B sign at the creek's northern bank to the F↑B sign at the northern tip of Wild Cattle Island;
- (b) a line from an F↑B sign about 1.6 km (measured along the bank) upstream from the F↑B sign at the northern tip of Wild Cattle Island to an F↑B sign on the opposite bank of Wild Cattle Creek.

(2) The waters are closed from 1 September to 30 April.

82 Boyne River and part of South Trees Inlet

(1) Waters of the Boyne River and waterways joining it, upstream from a line between F↑B signs near its banks.

(2) South Trees Inlet between the northern edge of the bridge over the inlet on Boyne Island Road and the inlet's junction with the Boyne River.

(3) The waters described in this section are closed from 1 September to 30 April.

SCHEDULE 3, part 3—Other specific closures (continued)

83 Tannum Sands

(1) Foreshore waters between F↑B signs near the southern bank of the Boyne River and the northern bank of Wild Cattle Creek (also known as Red Cliff Creek).

(2) The waters are closed from 1 September to 30 April.

84 Calliope River

Waters of the Calliope River and waterways joining it, upstream of a line passing through F↑B signs on opposite sides of the river near the south-western tip of Farmers Island.

85 The Narrows near Curtis Island

(1) The waters between a line from an F↑B sign near the southern bank of the Boyne River to Gatcombe Head, Facing Island, and a line from Sea Hill Point, Curtis Island, to Cardigan Point, Balaclava Island.

(2) For subsection (1), the boundary of The Narrows between Facing Island and Curtis Island is a line from North Point, Facing Island, to SouthEnd, Curtis Island.

(3) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

86 Fitzroy River and waters near its mouth

(1) Waters near the banks of the Fitzroy River within the following boundary—

- from Cardigan Point, Balaclava Island, to Cattle Point
- to Sea Hill Point, Curtis Island
- to Cardigan Point, Balaclava Island.

(2) Waters of the Fitzroy River and waterways joining it, between the Fitzroy River Barrage and the shortest line across the river at the southern bank of Gavial Creek.

(3) The waters described in subsection (1) are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

SCHEDULE 3, part 3—Other specific closures (continued)

87 Gladstone offshore area

Waters within the following boundary—

- from latitude 23°44.90' south, longitude 153°30.06' east to latitude 24°29.90' south, longitude 153°30.06' east
- to latitude 24°29.90' south, longitude 154°00.06' east
- to latitude 23°38.54' south, longitude 153°44.16' east
- to latitude 23°44.90' south, longitude 153°30.06' east.

88 Keppel Bay near Middle Island Observatory

Waters within the following boundary—

- from latitude 23°10.21' south, longitude 150°55.26' east to latitude 23°10.23' south, longitude 150°55.32' east
- to latitude 23°10.29' south, longitude 150°55.35' east
- to latitude 23°10.35' south, longitude 150°55.32' east
- to latitude 23°10.37' south, longitude 150°55.26' east
- to latitude 23°10.35' south, longitude 150°55.20' east
- to latitude 23°10.29' south, longitude 150°55.17' east
- to latitude 23°10.23' south, longitude 150°55.20' east
- to latitude 23°10.21' south, longitude 150°55.26' east.

89 Yeppoon offshore area

Waters within the following boundary—

- from latitude 22°59.90' south, longitude 153°00.06' east to latitude 23°29.90' south, longitude 153°00.06' east
- to latitude 23°16.72' south, longitude 153°37.41' east
- to latitude 22°59.90' south, longitude 153°32.21' east
- to latitude 22°59.90' south, longitude 153°00.06' east.

SCHEDULE 3, part 3—Other specific closures (continued)

90 Point Vernon to Cape Manifold

(1) Waterways flowing into the ocean between Point Vernon and Cape Manifold, other than the following waters—

- (a) the Fitzroy River and Casuarina Creek between a line from Cattle Point on the mainland to Cardigan Point, Balaclava Island, and electricity transmission lines across the Fitzroy River at the Lakes Creek Meatworks;
- (b) waterways joining waters described in paragraph (a), other than Connor Creek, Kamiash Passage, Inkerman Creek and Raglan Creek.

(2) Waterways joining the waters in described in subsection (1).

(3) The waters described in this section are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

91 Cawarral Creek

Waters of Cawarral Creek and waterways joining it, upstream of the line between F↑B signs near its banks.

92 Causeway Lake, Shoal Bay

Waters of Causeway Lake and waterways joining it, upstream of the Shoal Bay Causeway on the Yeppoon-Emu Park Road.

93 Water Park Creek

Waters of Water Park Creek, flowing into Corio Bay, and waterways joining it, upstream of the shortest line across the creek at the place commonly known as Kelly's Landing, about 2.6 km from the creek's banks.

94 Shoalwater Bay

Waters within the following boundary—

- from latitude 21°29.91' south, longitude 149°38.06' east to latitude 22°23.02' south on the mainland shore near Charon Point

SCHEDULE 3, part 3—Other specific closures (continued)

(approximately latitude 22°23.02' south, longitude 149°48.51' east)

- east along the shore to latitude 22°18.86' south on the mainland shore near Reef Point (approximately latitude 22°18.86' south, longitude 150°33.99' east)
- to latitude 22°17.75' south on the mainland shore (approximately latitude 22°17.75' south, longitude 150°33.69' east)
- north to Townshend Island
- north along the shore of Townshend Island to longitude 150°30.06' east (approximately latitude 22°12.78' south, longitude 150°30.06' east)^o
- to latitude 22°05.41' south, longitude 150°40.56' east
- to latitude 21°59.91' south, longitude 151°00.06' east
- to latitude 21°29.91' south, longitude 150°45.06' east
- to latitude 21°29.91' south, longitude 149°38.06' east.

95 Broadsound to Dunk Island

(1) Waters within the following boundary—

- from latitude 21°59.90' south, longitude 150°42.56' east to latitude 20°14.91' south, longitude 149°10.07' east
- to latitude 19°59.91' south, longitude 149°00.06' east
- to latitude 19°58.91' south, longitude 148°27.06' east
- to latitude 19°50.91' south, longitude 148°05.06' east
- to latitude 19°14.91' south, longitude 147°30.07' east
- to latitude 18°45.74' south, longitude 146°43.07' east
- to latitude 17°51.74' south, longitude 146°12.73' east
- to latitude 17°51.74' south, longitude 147°35.61' east
- to latitude 19°39.55' south, longitude 150°35.06' east
- to latitude 20°09.91' south, longitude 150°20.06' east
- to latitude 20°59.90' south, longitude 151°30.06' east

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 21°59.90' south, longitude 152°00.06' east
- to latitude 21°59.90' south, longitude 150°42.56' east.

(2) The waters are closed from 8 a.m. to 6 p.m. every day.

96 St. Lawrence Creek to Endeavour River

(1) Waterways between the northern bank of St. Lawrence Creek and the northern bank of the Endeavour River.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

97 Swain Reefs

Waters within the following boundary—

- from latitude 19°49.08' south, longitude 150°30.06' east to latitude 20°18.91' south, longitude 150°30.06' east
- to latitude 20°18.91' south, longitude 150°33.06' east
- to latitude 20°29.91' south, longitude 150°33.06' east
- to latitude 20°29.91' south, longitude 151°00.06' east
- to latitude 20°59.91' south, longitude 151°00.06' east
- to latitude 20°59.91' south, longitude 151°30.06' east
- to latitude 21°29.91' south, longitude 151°30.06' east
- to latitude 21°29.90' south, longitude 152°30.06' east
- to latitude 21°59.90' south, longitude 152°30.06' east
- to latitude 21°59.90' south, longitude 152°40.06' east
- to latitude 22°21.90' south, longitude 152°40.06' east
- to latitude 22°29.90' south, longitude 152°35.06' east
- to latitude 21°59.90' south, longitude 151°43.56' east
- to latitude 21°59.91' south, longitude 151°30.06' east
- to latitude 22°18.40' south, longitude 151°30.06' east
- to latitude 22°34.40' south, longitude 151°56.06' east

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 22°44.90' south, longitude 152°10.56' east
- to latitude 22°38.63' south, longitude 152°43.43' east
- to latitude 22°19.18' south, longitude 153°00.32' east
- to latitude 22°00.00' south, longitude 152°56.58' east
- to latitude 21°36.68' south, longitude 152°51.62' east
- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 20°54.97' south, longitude 152°15.39' east
- to latitude 20°52.31' south, longitude 152°02.46' east
- to latitude 20°51.91' south, longitude 151°57.41' east
- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°46.78' south, longitude 151°29.13' east
- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°26.54' south, longitude 151°04.02' east
- to latitude 20°18.86' south, longitude 150°58.23' east
- to latitude 20°04.61' south, longitude 150°48.61' east
- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 19°49.08' south, longitude 150°30.06' east.

98 Rocky Dam Creek

Waters of Rocky Dam Creek flowing into Llewellyn Bay, and waterways joining it, upstream of a line between F↑B signs in the following locations—

SCHEDULE 3, part 3—Other specific closures (continued)

- latitude 21°31.85' south, longitude 149°18.10' east (on the southern side of the creek about 100 m upstream of the creek's junction with Cherry Tree Creek)
- latitude 21°31.74' south, longitude 149°17.97' east (on the northern side of the creek about 100 m upstream of the creek's junction with Cherry Tree Creek).

99 Grasstree Island area

Waters within the following boundary—

- from latitude 21°17.60' south, longitude 149°18.12' east to latitude 21°19.31' south, longitude 149°19.47' east
- to latitude 21°22.09' south, longitude 149°19.16' east
- west along the shore to latitude 21°17.60' south, longitude 149°18.12' east.

100 Louisa Creek

Waters of Louisa Creek, flowing into Dalrymple Bay, and waterways joining it, upstream of a line between F↑B signs near its banks.

101 Pioneer River upstream of Pioneer Bridge

Waters of the Pioneer River and waterways joining it, upstream of the Pioneer Bridge at Mackay.

102 Pioneer River

Waters of the Pioneer River and waterways joining it, between F↑B signs near its banks and the western edge of the Pioneer Bridge at Mackay.

103 Pioneer River mouth

Waters within the following boundary—

SCHEDULE 3, part 3—Other specific closures (continued)

- from latitude 21°10.09' south, longitude 149°12.43' east to latitude 21°10.85' south, longitude 149°15.95' east
- to latitude 21°10.30' south, longitude 149°16.24' east
- to latitude 21°06.10' south, longitude 149°15.35' east
- to latitude 21°03.88' south, longitude 149°13.43' east
- to latitude 21°10.09' south, longitude 149°12.43' east.

104 Reliance Creek, west of Eimeo

Waters of Reliance Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

105 Constant Creek

Waters of Constant Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

106 Egremont Pass Closure

Waters within the following boundary—

- from latitude 20°56.92' south, longitude 149°25.55' east to latitude 20°55.60' south, longitude 149°24.35' east
- to latitude 20°53.94' south, longitude 149°24.72' east
- to latitude 20°54.12' south, longitude 149°26.34' east
- to latitude 20°56.94' south, longitude 149°25.56' east.

107 Seaforth Creek

Waters of Seaforth Creek, north of Mackay.

108 Refuge Bay on Scawfell Island

Waters within the following boundary—

- from latitude 20°51.84' south, longitude 149°34.98' east to latitude 20°51.12' south, longitude 149°36.18' east

SCHEDULE 3, part 3—Other specific closures (continued)

- along the shore of Refuge Bay to latitude 20°51.80' south, longitude 149°34.99' east.

109 Victor Creek

Waters of Victor Creek.

110 O'Connell River

Waters of the O'Connell River and waterways joining it, upstream of a line between F↑B signs near its banks.

111 Proserpine River

Waters of the Proserpine River and waterways joining it, upstream of a line between F↑B signs near its banks.

112 Pioneer Bay

Waters of Pioneer Bay south of the following line—

- from an F↑B sign at latitude 20°15.09' south, longitude 148°44.08' east (at Mandalay Point) to an F↑B sign at latitude 20°15.67' south, longitude 148°42.95' east (near the intersection of Broadwater Avenue and Ocean View Avenue, Airlie Beach)
- to an F↑B sign at latitude 20°15.79' south, longitude 148°41.77' east (at the eastern tip of Pigeon Island)
- to an F↑B sign at latitude 20°15.12' south, longitude 148°40.67' east (on the mainland shore about 2 km south from Bluff Point).

113 Merinda Creek

Waters of Merinda Creek (also known as Meatworks Creek) and waterways joining it, upstream of a line between F↑B signs near its banks.

SCHEDULE 3, part 3—Other specific closures (continued)

114 Hayman Island to Cape Abbot

(1) Waters within the following boundary—

- from latitude 20°03.30' south, longitude 148°52.75' east (the western tip of Hayman Island) to longitude 148°45.11' east on the mainland shore (the northern tip of Pioneer Point, approximately latitude 20°14.02' south, longitude 148°45.11' east)
- to latitude 20°05.88' south on the south-western shore of Gumbrell Island (the islands south-western tip, approximately latitude 20°05.88' south, longitude 148°36.20' east)
- along Gumbrell Island's western shore to latitude 20°05.55' south (the islands south-western tip, approximately latitude 20°05.55' south, longitude 148°36.46' east)
- to latitude 19°58.33' south, longitude 148°27.02' east (the northern tip of Gloucester Head, Gloucester Island)
- to latitude 19°58.90' south, longitude 148°21.87' east (the northern tip of Middle Island)
- to latitude 19°58.59' south, longitude 148°15.55' east (Cape Edgecumbe)
- to latitude 19°51.49' south, longitude 148°05.12' east (the seaward end of the jetty at Abbot Point)
- to latitude 19°50.78' south, longitude 147°54.23' east (the northern tip of Camp Island)
- to latitude 19°43.90' south, longitude 147°50.19' east
- to latitude 19°43.64' south, longitude 148°21.61' east (the light on Holbourne Island)
- to latitude 20°03.30' south, longitude 148°52.75' east.

(2) The waters are closed from 8 a.m. to 6 p.m. from 1 April to 31 October.

115 Bowen Harbour and Magazine Island

Foreshore waters of Bowen Harbour, between the southern bank of Doughty Creek and the eastern tip of the harbour's entrance.

SCHEDULE 3, part 3—Other specific closures (continued)

116 Bowen to Cairns offshore area

Waters within the following boundary—

- from latitude 16°55.91' south, longitude 146°30.07' east to latitude 17°29.91' south, longitude 146°30.07' east
- to latitude 18°29.91' south, longitude 147°00.07' east
- to latitude 18°29.91' south, longitude 147°11.07' east
- to latitude 18°23.91' south, longitude 147°09.07' east
- to latitude 18°22.41' south, longitude 147°12.57' east
- to latitude 18°23.91' south, longitude 147°20.06' east
- to latitude 18°29.91' south, longitude 147°22.57' east
- to latitude 18°29.91' south, longitude 147°30.07' east
- to latitude 18°39.91' south, longitude 147°30.07' east
- to latitude 18°39.91' south, longitude 147°42.06' east
- to latitude 18°59.91' south, longitude 148°00.06' east
- to latitude 19°29.91' south, longitude 149°00.06' east
- to latitude 19°29.91' south, longitude 149°57.42' east
- to latitude 19°17.66' south, longitude 149°34.06' east
- to latitude 18°59.14' south, longitude 148°50.22' east
- to latitude 18°50.19' south, longitude 148°22.26' east
- to latitude 18°45.64' south, longitude 148°09.21' east
- to latitude 18°42.97' south, longitude 148°05.16' east
- to latitude 18°37.98' south, longitude 147°58.24' east
- to latitude 18°29.24' south, longitude 147°49.77' east
- to latitude 18°21.41' south, longitude 147°37.76' east
- to latitude 18°19.31' south, longitude 147°24.77' east
- to latitude 18°14.91' south, longitude 147°24.27' east
- to latitude 18°11.41' south, longitude 147°15.07' east
- to latitude 18°09.91' south, longitude 147°10.86' east

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 18°02.84' south, longitude 147°01.90' east
- to latitude 17°50.67' south, longitude 146°50.97' east
- to latitude 17°45.36' south, longitude 146°48.82' east
- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 16°55.91' south, longitude 146°30.07' east.

117 Hook Island

Waters within the following boundary—

- from latitude 20°09.58' south, longitude 148°56.78' east to latitude 20°09.57' south, longitude 148°56.82' east
- to latitude 20°09.58' south, longitude 148°56.86' east
- to latitude 20°09.62' south, longitude 148°56.88' east
- to latitude 20°09.65' south, longitude 148°56.86' east
- to latitude 20°09.67' south, longitude 148°56.82' east
- to latitude 20°09.65' south, longitude 148°56.78' east
- to latitude 20°09.62' south, longitude 148°56.76' east
- to latitude 20°09.58' south, longitude 148°56.78' east.

118 Groper Creek, Yellow Gin Creek and the Burdekin River

The following waters—

- (a) Groper Creek and Yellow Gin Creek upstream of a line between an F↑B sign on the shore north-easterly of Beach Hill and an F↑B sign at the southern tip of Peters Island;
- (b) the Burdekin River upstream of a line between an F↑B sign near the southern tip of Rita Island and an F↑B sign at the eastern tip of Peter's Island;
- (c) waterways joining the waters described in this section.

SCHEDULE 3, part 3—Other specific closures (continued)

119 Burdekin River

Waters of the Burdekin River Anabranch and waterways joining it, upstream of a line between an F↑B sign near the anabranch's northern bank and an F↑B sign at its opposite bank near the north-eastern tip of Rita Island.

120 Plantation Creek and Seaforth Creek

Waters of Plantation Creek and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek at the downstream side of its junction with Seaforth Creek.

121 Haughton River and the Short Cut

The following waters—

- (a) the Haughton River and waterways joining it, upstream of a line between an F↑B sign near the river's eastern bank, near BigBeach, and an F↑B sign on the opposite side of the river near the north-western tip of Connors Island;
- (b) the channel commonly known as the Short Cut, between the Haughton River and Barramundi Creek.

122 Barramundi Creek

Waters of Barramundi Creek and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek near its junction with the channel commonly known as the Short Cut.

123 Townsville Harbour and Cleveland Bay

(1) Townsville Harbour between the following lines—

- (a) a line between an F↑B sign at latitude 19°15.19' south, longitude 146°50.05' east (near the landward end of the oil tanker berth) and an F↑B sign at latitude 19°15.01' south, longitude 146°49.74' east (the landward end of the harbour's western breakwater);

SCHEDULE 3, part 3—Other specific closures (continued)

- (b) a line between latitude 19°14.57' south, longitude 146°50.13' east (the seaward tip of the harbour's eastern breakwater) and latitude 19°14.62' south, longitude 146°50.00' east (the northern tip of the rocks at the north-eastern end of the western breakwater).
- (2) Cleveland Bay, outside Townsville Harbour, within 400 m of the mainland shore at low water and between the following lines—
- (a) a line running north-east from the point on the shore, near the landward end of the oil tanker berth, where the eastern breakwater of Townsville Harbour meets the rock seawall at the breakwater's landward end;
- (b) a line running north-east from Kissing Point.
- (3) For subsection (2), the mainland shore—
- (a) at the harbour entrance, is taken to be a line from the seaward tip of the eastern breakwater to the northern tip of the rocks at the north-eastern end of the western breakwater; and
- (b) is taken to extend to the seaward tip of any artificial structure on the shore.

124 Townsville to Cape York offshore area

Waters within the following boundary—

- from latitude 10°40.91' south, longitude 143°55.07' east to latitude 10°59.91' south, longitude 144°00.07' east
- to latitude 11°17.91' south, longitude 144°00.07' east
- to latitude 11°17.91' south, longitude 143°30.07' east
- to latitude 11°59.91' south, longitude 143°30.07' east
- to latitude 11°59.91' south, longitude 143°45.07' east
- to latitude 12°59.91' south, longitude 143°45.07' east
- to latitude 13°04.91' south, longitude 143°55.07' east
- to latitude 13°29.91' south, longitude 144°00.07' east
- to latitude 13°29.91' south, longitude 144°03.07' east
- to latitude 13°56.41' south, longitude 144°22.07' east

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 13°59.91' south, longitude 144°30.07' east
- to latitude 14°26.41' south, longitude 145°30.07' east
- to latitude 14°59.91' south, longitude 145°30.07' east
- to latitude 14°59.91' south, longitude 145°32.07' east
- to latitude 15°34.91' south, longitude 145°32.07' east
- to latitude 15°34.91' south, longitude 145°48.07' east
- to latitude 15°59.91' south, longitude 145°48.07' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east
- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 17°29.91' south, longitude 147°00.07' east
- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 12°59.91' south, longitude 145°00.07' east
- to latitude 10°40.91' south, longitude 145°00.06' east
- to latitude 10°40.91' south, longitude 143°55.07' east.

125 Etty Bay area

Waters within the following boundary—

- from latitude 17°33.33' south, longitude 146°05.42' east
- along the shore of Etty Bay to latitude 17°33.72' south, longitude 146°05.61' east
- to latitude 17°33.72' south, longitude 146°05.85' east
- to latitude 17°33.33' south, longitude 146°05.76' east
- to latitude 17°33.33' south, longitude 146°05.42' east.

SCHEDULE 3, part 3—Other specific closures (continued)

126 Rollingsstone Creek, Halifax Bay

Waters within the following boundary—

- from latitude 19°00.13' south, longitude 146°24.02' east to latitude 19°00.05' south, longitude 146°24.30' east
- to latitude 19°00.18' south, longitude 146°24.62' east
- to latitude 19°00.56' south, longitude 146°24.73' east
- to latitude 19°00.82' south, longitude 146°24.56' east
- along the shore to latitude 19°00.13' south, longitude 146°24.02' east.

127 Herbert River

Waters of the Herbert River and waterways joining it, upstream of the bridge across the river on the Ingham to Halifax-Bemerside Road.

128 Yanks Jetty area at Orpheus Island

Waters within the following boundary—

- from latitude 18°39.02' south, longitude 146°29.27' east to latitude 18°39.02' south, longitude 146°29.10' east
- to latitude 18°39.27' south, longitude 146°29.10' east
- to latitude 18°39.27' south, longitude 146°29.27' east
- to latitude 18°39.02' south, longitude 146°29.27' east.

129 Hinchinbrook Channel

Waters of Hinchinbrook Channel and waterways joining it between the following lines—

- a line from latitude 18°31.57' south, longitude 146°20.23' east (Lucinda Point) to latitude 18°29.09' south, longitude 146°19.61' east (George Point)
- a line from latitude 18°14.82' south, longitude 146°04.20' east (Hecate Point) to latitude 18°13.94' south, longitude 146°01.08' east (the northern bank of Meunga Creek).

SCHEDULE 3, part 3—Other specific closures (continued)

130 Meunga Creek

Waters of Meunga Creek and waterways joining it upstream of a line between F↑B signs near its banks.

131 Murray River

Waters of the Murray River and waterways joining it upstream of a line running west across the river through the northern tip of the island at the banks of Bedford Creek.

132 Mission Beach

Waters within the following boundary—

- from latitude 18°02.09' south, longitude 146°03.15' east to latitude 18°02.09' south, longitude 146°03.53' east
- to latitude 17°59.94' south, longitude 146°04.43' east
- to latitude 17°58.91' south, longitude 146°06.07' east
- to latitude 17°54.49' south, longitude 146°05.92' east
- to latitude 17°54.09' south, longitude 146°06.53' east
- to latitude 17°51.49' south, longitude 146°07.23' east
- to latitude 17°51.11' south, longitude 146°06.53' east
- to latitude 17°49.35' south, longitude 146°06.35' east
- south along the shore to latitude 18°02.09' south, longitude 146°03.15' east.

133 Mission Beach night time closure

(1) Waters within the following boundary—

- from latitude 17°51.49' south, longitude 146°07.23' east to latitude 17°55.50' south, longitude 146°08.11' east
- to latitude 17°58.05' south, longitude 146°06.07' east

SCHEDULE 3, part 3—Other specific closures (continued)

- north along the shore to latitude 17°51.49' south, longitude 146°07.23' east.

(2) The waters are closed from 8 p.m. to 6 a.m.

134 Johnstone River

Waters of the Johnstone River and waterways joining it upstream of a line across the river, passing through the western tip of Banana Island and the western tip of the island commonly known as Bergin Island.

135 Russell River, Mulgrave River and Mutchero Inlet

(1) Waters of the Russell River, the Mulgrave River and the Mutchero Inlet.

(2) Waterways joining the rivers and inlet, upstream of a line between F↑B signs at Flirt Point and Constantine Point.

136 Fitzroy Island and High Island, near Cairns

The following waters—

- (a) Waters around Fitzroy Island within the following boundary—
- from latitude 16°55.72' south, longitude 145°59.07' east to latitude 16°56.03' south, longitude 145°58.76' east
 - to latitude 16°56.32' south, longitude 145°58.76' east
 - to latitude 16°56.81' south, longitude 145°59.30' east
 - to latitude 16°56.40' south, longitude 146°00.08' east
 - to latitude 16°55.93' south, longitude 146°00.39' east
 - to latitude 16°55.70' south, longitude 146°00.38' east
 - to latitude 16°55.26' south, longitude 146°00.68' east
 - to latitude 16°55.06' south, longitude 146°00.35' east
 - to latitude 16°55.24' south, longitude 145°59.43' east
 - to latitude 16°55.72' south, longitude 145°59.07' east;

SCHEDULE 3, part 3—Other specific closures (continued)

- (b) Waters around High Island within the following boundary—
- from latitude 17°10.25' south, longitude 146°00.50' east to latitude 17°10.31' south, longitude 146°00.89' east
 - to latitude 17°10.04' south, longitude 146°00.98' east
 - to latitude 17°09.73' south, longitude 146°00.92' east
 - to latitude 17°09.24' south, longitude 146°01.39' east
 - to latitude 17°08.77' south, longitude 146°00.44' east
 - to latitude 17°09.17' south, longitude 145°59.93' east
 - to latitude 17°10.25' south, longitude 146°00.50' east.

137 Trinity Bay

Waters of Trinity Bay and waterways joining it west of a line from latitude 16°52.34' south, longitude 145°50.90' east (False Cape) to latitude 16°46.48' south, longitude 145°41.72' east (Taylor Point).

138 Centenary Lakes, Cairns

Waters of Saltwater Creek, Lily Creek and lakes joining the creeks, between Greenslopes Street and Collins Avenue, Cairns.

139 Barron River

Waters of the Barron River, at the place commonly known as Barron Waters, between F[↑]B signs on opposite sides of the river near its junction with Stony Creek and near its junction with Camp Oven Creek.

140 Mission Bay

Waters of Mission Bay south of a line between latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton) and latitude 16°52.27' south, longitude 145°50.89' east (False Cape), and waters flowing into that part of the bay.

SCHEDULE 3, part 3—Other specific closures (continued)

141 Yorkeys Knob to Simpson Point

Waters within the following boundary—

- from latitude 16°47.96' south on the mainland shore (Yorkeys Knob, approximately latitude 16°47.96' south, longitude 145°43.30' east) along the shore to longitude 145°37.82' east (Simpson Point, approximately latitude 16°42.31' south, longitude 145°37.82' east)
- to latitude 16°43.51' south on the western shore of Double Island (approximately latitude 16°43.51' south, longitude 145°40.66' east)
- to latitude 16°45.60' south, longitude 145°41.40' east
- to latitude 16°46.61' south, longitude 145°42.22' east
- to latitude 16°46.70' south, longitude 145°42.55' east
- to latitude 16°47.96' south on the mainland shore.

142 Cook Bay

(1) Waters of Cook Bay within the following boundary—

- from latitude 16°43.51' south on the western shore of Double Island (approximately latitude 16°43.51' south, longitude 145°40.66' east) to latitude 16°45.60' south, longitude 145°41.40' east
- to latitude 16°46.61' south, longitude 145°42.22' east
- to latitude 16°46.70' south, longitude 145°42.46' east
- to latitude 16°43.51' south on the western shore of Double Island.

(2) The waters are closed from 6 a.m. to 6 p.m.

143 Island Point to the Daintree River

Waters within the following boundary—

- from latitude 16°28.73' south on the mainland shore (the light beacon at Island Point, near Port Douglas approximately latitude 16°28.73' south, longitude 145°27.85' east), along the shore to longitude 145°27.56' east (near the northern bank of the

SCHEDULE 3, part 3—Other specific closures (continued)

Daintree River, approximately latitude 16°17.21' south, longitude 145°27.56' east)

- to latitude 16°28.73' south on the mainland shore.

144 Daintree River

Waters of the Daintree River and waterways joining it upstream of a line between F↑B signs near its banks.

145 Bloomfield River

Waters of the Bloomfield River and waterways joining it upstream of a line between F↑B signs near its banks.

146 Annan River

Waters of the Annan River and waterways joining it upstream of a line between F↑B signs on opposite sides of the river about 800 m downstream from the bridge across the river on the Cooktown Developmental Road.

147 Endeavour River

Waters of the Endeavour River and waterways joining it upstream of a line between F↑B signs—

- about 400 m downstream of the No. 1 Public Wharf at Cooktown; and
- on Sachs Spit about 400 m north of Point Saunders, commonly known as St. Patrick's Point.

148 North of latitude 15°30.00' south

- (1) Waters north of latitude 15°30.00' south.⁴⁵
- (2) The waters are closed from 8 a.m. to 6 p.m.

⁴⁵ Latitude 15°30.00' south is approximately the latitude of Cooktown.

SCHEDULE 3, part 3—Other specific closures (continued)

149 Grave Point to Indian Head

Waters within the following boundary—

- from longitude 145°18.27' east on the mainland shore (Grave Point approximately latitude 15°33.15' south, longitude 145°18.27' east) along the shore to latitude 15°22.51' south (Indian Head approximately latitude 15°22.51' south, longitude 145°17.30' east)
- to latitude 15°29.66' south on the mainland shore (Monkhouse Point approximately latitude 15°29.66' south, longitude 145°17.02' east)
- to longitude 145°18.27' east on the mainland shore.

150 Cape Bedford to Murray Reefs

Waters within the following boundary—

- from latitude 15°13.56' south on the mainland shore (Cape Bedford approximately latitude 15°13.56' south, longitude 145°20.26' east) along the shore to longitude 145°15.65' east (approximately latitude 15°05.58' south, longitude 145°15.65' east)
- to latitude 15°05.58' south, longitude 145°15.90' east (the northern tip of the Murray Reefs)
- to latitude 15°13.56' south on the mainland shore.

150A Cape Flattery to Lookout Point

Waters within the following boundary—

- from latitude 14°56.96' south, longitude 145°20.81' east (Cape Flattery) along the mainland shore to latitude 14°50.09' south, longitude 145°13.88' east (eastern tip of Lookout Point)
- to latitude 14°56.96' south, longitude 145°20.81' east (Cape Flattery).

SCHEDULE 3, part 3—Other specific closures (continued)

150B Lookout Point to Baron Reef

Waters within the following boundary—

- from latitude 14°50.09' south, longitude 145°13.88' east (eastern tip of Lookout Point), along the mainland shore to latitude 14°26.16' south (at approximately latitude 14°26.16' south, longitude 144°37.15' east)
- to latitude 14°28.27' south, longitude 144°41.92' east (northern tip of Baron Reef)
- to latitude 14°30.05' south, longitude 144°45.93' east (northern tip of Noble Island)
- to latitude 14°33.06' south, longitude 144°54.26' east (northern tip of Morris Island)
- to latitude 14°43.88' south, longitude 145°06.07' east (the navigational light on Pethebridge Islets)
- to latitude 14°42.14' south, longitude 145°12.16' east (northern tip of the north most island of the Turtle Island Group)
- to latitude 14°50.09' south, longitude 145°13.88' east (eastern tip of Lookout Point).

151 Cape Flattery to near Barrow Point

Waters within the following boundary—

- from latitude 14°57.41' south, longitude 145°18.56' east (the sand stockpile jetty west of Cape Flattery) along the shore to latitude 14°26.16' south (approximately latitude 14°26.16' south, longitude 144°37.15' east)
- to latitude 14°28.27' south, longitude 144°41.92' east (the northern tip of Baron Reef)
- to latitude 14°30.05' south, longitude 144°45.93' east (the northern tip of Noble Island)
- to latitude 14°33.06' south, longitude 144°54.26' east (the northern tip of Morris Island)
- to latitude 14°43.88' south, longitude 145°06.07' east (the navigation light on Pethebridge Islets)

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 14°42.14' south, longitude 145°12.16' east (the northern tip of the northernmost island of the Turtle Island Group)
- to latitude 14°50.09' south, longitude 145°13.88' east (the eastern tip of Lookout Point)
- along the shore to latitude 14°50.91' south (approximately latitude 14°50.91' south, longitude 145°13.48' east)
- to latitude 14°57.41' south, longitude 145°18.56' east.

152 Barrow Point to Bizant River

Waters within the following boundary—

- from latitude 14°21.48' south on the mainland shore (Barrow Point approximately latitude 14°21.48' south, longitude 144°39.05' east), along the shore to longitude 144°01.53' east (the western bank of the Bizant River approximately latitude 14°29.05' south, longitude 144°01.53' east)
- to latitude 14°15.70' south, longitude 144°11.69' east (the western tip of Bathurst Head)
- to latitude 14°13.26' south on the western shore of Denham Island (approximately latitude 14°13.26' south, longitude 144°14.66' east)
- along the island's southern shore to latitude 14°14.34' south (approximately latitude 14°14.34' south, longitude 144°16.19' east)
- to latitude 14°08.40' south, longitude 144°28.97' east (the northern tip of the Channel Rocks)
- to latitude 14°09.41' south, longitude 144°30.07' east
- to latitude 14°09.41' south, longitude 144°31.57' east
- to latitude 14°14.91' south, longitude 144°36.07' east
- to latitude 14°20.76' south, longitude 144°39.16' east (the navigation light on Barrow Island)
- to latitude 14°21.48' south on the mainland shore.

SCHEDULE 3, part 3—Other specific closures (continued)

153 Bizant River, Princess Charlotte Bay

Waters of German Bar Lagoon, and the Bizant River from the road crossing commonly known as German Bar downstream for 2 km.

154 Marrett River to Rocky River

Waters within the following boundary—

- from latitude 14°22.73' south on the mainland shore (the northern bank of the Marrett River approximately latitude 14°22.73' south, longitude 144°10.15' east) along the shore to latitude 13°46.41' south (the northern bank of the Rocky River approximately latitude 13°46.41' south, longitude 143°32.16' east)
- to latitude 13°46.41' south, longitude 143°38.16' east (the western tip of Wilkie Island)
- to latitude 14°13.45' south, longitude 143°47.67' east (the easternmost point of the easternmost island of the Cliff Islands)
- to latitude 14°22.73' south on the mainland shore.

155 Rocky River to latitude 13°08.91' south

Waters within the following boundary—

- from latitude 13°46.41' south on the mainland shore (the northern bank of the Rocky River approximately latitude 13°46.41' south, longitude 143°32.16' east), along the shore to latitude 13°08.91' south (approximately latitude 13°08.91' south, longitude 143°30.54' east)
- to latitude 13°08.91' south, longitude 143°33.56' east
- to latitude 13°10.80' south, longitude 143°34.43' east
- to latitude 13°16.83' south, longitude 143°34.53' east
- to latitude 13°24.11' south, longitude 143°39.27' east
- to latitude 13°32.11' south, longitude 143°38.63' east
- to latitude 13°46.41' south, longitude 143°38.16' east
- to latitude 13°46.41' south on the mainland shore.

SCHEDULE 3, part 3—Other specific closures (continued)

156 Latitude 13°08.91' south to Thorpe Point

Waters within the following boundary—

- from latitude 13°08.91' south on the mainland shore (approximately latitude 13°08.91' south, longitude 143°30.50' east) along the shore to latitude 11°55.21' south (the eastern tip of Thorpe Point approximately latitude 11°55.21' south, longitude 143°08.78')
- to latitude 11°57.87' south, longitude 143°15.51' east (500 m north-west of the northern tip of Harvey Island)
- to latitude 11°56.68' south, longitude 143°16.00' east (500 m north of the northern tip of Nob Island)
- to latitude 11°58.29' south, longitude 143°17.67' east (500 m east of the eastern tip of Clerke Island)
- to latitude 11°58.71' south, longitude 143°17.25' east (500 m south of the southern tip of Clerke Island)
- to latitude 11°59.73' south, longitude 143°16.16' east (500 m south of the southern tip of Hicks Island)
- to latitude 12°00.05' south, longitude 143°14.63' east (500 m south of the southern tip of Orton Island)
- to latitude 11°59.91' south, longitude 143°13.07' east
- to latitude 12°04.91' south, longitude 143°10.07' east
- to latitude 12°08.91' south, longitude 143°07.57' east
- to latitude 12°11.83' south, longitude 143°07.59' east (500 m east of the eastern tip of Tyrrel Reefs)
- to latitude 12°12.17' south, longitude 143°06.53' east
- to latitude 12°12.17' south, longitude 143°05.97' east
- to latitude 12°15.19' south, longitude 143°05.85' east
- to latitude 12°16.79' south, longitude 143°07.62' east (500 m north of the northern tip of Ada Reef)
- to latitude 12°18.45' south, longitude 143°11.13' east (500 m east of the eastern tip of Lion Reef)

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 12°18.40' south, longitude 143°11.84' east (500 m north of the northern tip of Daniell Reef)
- to latitude 12°21.53' south, longitude 143°14.71' east (the eastern tip of Andrew Reef)
- to latitude 12°24.91' south, longitude 143°18.07' east
- to latitude 12°29.91' south, longitude 143°18.07' east
- to latitude 12°33.41' south, longitude 143°21.26' east
- to latitude 12°35.31' south, longitude 143°24.97' east (the northern tip of Rocky Island)
- to latitude 12°36.85' south, longitude 143°26.83' east (the northern tip of Restoration Island)
- to latitude 12°37.91' south, longitude 143°26.87' east
- to latitude 12°45.34' south, longitude 143°24.46' east (500 m east of the eastern tip of Lloyd Island)
- to latitude 12°47.24' south, longitude 143°25.40' east
- to latitude 12°48.12' south, longitude 143°26.71' east (500 m north of the northern tip of Waight Bank)
- to latitude 12°48.30' south, longitude 143°33.49' east (500 m north-east of the north-eastern tip of Landsdown Reef)
- to latitude 12°53.08' south, longitude 143°33.42' east (500 m east of the eastern tip of Rocky Islet)
- to latitude 12°53.84' south, longitude 143°34.29' east (500 m east of the eastern tip of Ashton Rock Reef)
- to latitude 12°56.41' south, longitude 143°33.38' east (500 m east of the eastern tip of Hammond Reef)
- to latitude 13°08.91' south, longitude 143°33.56' east
- to latitude 13°08.91' south on the mainland shore.

157 Round Point to Fly Point near Cape York

Waters within the following boundary—

SCHEDULE 3, part 3—Other specific closures (continued)

- from longitude 143°05.74' east on the mainland shore (the northern tip of Round Point approximately latitude 11°53.44' south, longitude 143°05.74' east) to latitude 11°48.21' south, longitude 142°58.76' east (the eastern tip of Nigger Head Reef)
- to latitude 11°35.60' south, longitude 142°54.14' east (the eastern tip of Pirie Islet)
- to latitude 11°15.38' south, longitude 142°52.93' east (500 m east of the eastern tip of Bushy Island Reef)
- to latitude 10°59.39' south, longitude 142°46.04' east (500 m east of the eastern tip of Tern Island Reef)
- to latitude 10°52.91' south, longitude 142°42.06' east (500 m east of the eastern tip of Turtle Island Reef)
- to latitude 10°46.28' south, longitude 142°38.14' east (500 m east of the eastern tip of Ariel Bank)
- to latitude 10°45.02' south on the mainland shore (the eastern tip of Fly Point approximately latitude 10°45.02' south, longitude 142°36.59' east)
- along the shore to longitude 143°05.74' east.

158 Tip of Cape York

Waters south of latitude 10°41.19' south, within the following boundary—

- from longitude 142°31.83' east on the mainland shore (the northern tip of Cape York approximately latitude 10°41.25' south, longitude 142°31.83' east) to latitude 10°40.93' south, longitude 142°32.14' east (the eastern tip of Eborac Island)
- to longitude 142°34.95' east on the mainland shore (the northern tip of Osnaburg Point approximately latitude 10°43.53' south, longitude 142°34.95' east)
- along the shore to longitude 142°31.83'.

SCHEDULE 4**REGULATED FISH**

sections 23 to 27

PART 1—FISH REGULATED BY NUMBER

	Regulated fish	Number
1.	Blue swimmer crabs taken—	
	(a) in Moreton Bay and waterways joining it	100
	(b) elsewhere	500
2.	Pipefish	50

PART 2—FISH REGULATED BY VOLUME

	Regulated fish	Volume
3.	Cuttlefish—	
	(a) if frozen	0.0612 m ³
	(b) otherwise	66 L
4.	Mantis shrimp taken in Moreton Bay or waterways joining it—	
	(a) if frozen	0.0153 m ³
	(b) otherwise	15 L
5.	Octopuses—	
	(a) if frozen	0.0612 m ³
	(b) otherwise	66 L
6.	Pinkies—	
	(a) if frozen	0.1989 m ³
	(b) otherwise	198 L

SCHEDULE 4—Regulated fish (continued)

PART 3—FISH REGULATED BY GENDER

7. Egg bearing females of the following fish—
 - (a) Balmain bugs;
 - (b) barking crayfish;
 - (c) bugs.
8. Female blue swimmer crabs.
9. Female red spot crabs (three spot crabs).

PART 4—FISH REGULATED BY SIZE

10. Balmain bugs with a carapace less than 10 cm.
11. Blue swimmer crabs with—
 - (a) a carapace less than 15 cm; or
 - (b) a body less than 3.7 cm.
12. Bugs with a carapace less than 7.5 cm.
13. Red spot crabs (three spot crabs) with a carapace less than 10 cm.

SCHEDULE 5**EFFORT UNIT CONVERSION FACTOR FOR BOATS****REQUIRED EFFORT UNIT SURRENDERS FOR BOAT
MODIFICATION OR REPLACEMENT****EFFORT UNIT NUMBER FOR SECTION 118**

sections 118, 32(2)(a) and 241(d) and schedule 7, part 4,
definition “**effort unit conversion factor**”

Number of hull units for boat	Effort unit conversion factor for boat	Number of effort units to be surrendered for modification or replacement	Effort unit number for s 118
1	3	67	394
2	5	125	735
3	6	162	952
4	7	198	1164
5	9	265	1558
6	10	305	1794
7	11	345	2029
8	12	384	2258
9	13	425	2500
10	114	467	2747
11	15	508	2988
12	16	553	3252
13	17	596	3505
14	18	637	3747
15	19	682	4011
16	20	725	4264

SCHEDULE 5—(continued)

Number of hull units for boat	Effort unit conversion factor for boat	Number of effort units to be surrendered for modification or replacement	Effort unit number for s 118
17	21	772	4541
18	22	816	4800
19	23	861	5064
20	24	906	5329
21	25	952	5600
22	26	999	5876
23	27	1047	6158
24	28	1095	6441
25	28	1100	6470
26	29	1149	6758
27	30	1194	7023
28	31	1244	7317
29	32	1295	7617
30	33	1341	7888
31	33	1347	7923
32	34	1399	8229
33	35	1446	8505
34	36	1494	8788
35	37	1548	9105
36	37	1554	9141
37	38	1603	9429
38	39	1651	9711
39	40	1707	10041
40	40	1714	10082
41	41	1764	10376
42	42	1814	10670
43	43	1865	10970
44	43	1872	11011

SCHEDULE 5—(continued)

Number of hull units for boat	Effort unit conversion factor for boat	Number of effort units to be surrendered for modification or replacement	Effort unit number for s 118
45	44	1923	11311
46	45	1974	11611
47	46	2026	11917
48	46	2034	11964
49	47	2086	12270
50	48	2138	12576
51	49	2191	12888
52	49	2200	12941
53	50	2253	13252
54	51	2307	13570
55	51	2315	13617
56	52	2361	13888
57	53	2415	14205
58	54	2470	14529
59	54	2479	14582
60	55	2534	14905
61	56	2590	15235
62	56	2610	15352
63	57	2646	15564
64	58	2702	15894
65	58	2712	15952
66	59	2759	16229
67	60	2816	16564
68	60	2826	16623
69	61	2883	16958
70 or more	62	2931	17241

SCHEDULE 6**WATERS WHERE SCALLOPS MAY BE PROCESSED ON
A BOAT**

section 233(a)

1 Tin Can Bay public wharf area

Tin Can Inlet within a 1 n mile radius of the public wharf at Tin Can Bay township.

2 Parts of Hervey Bay

(1) Waters of Hervey Bay within the following boundary—

- from latitude 25°19'.00 south, longitude 152°55.00' east then eastward along latitude 25°19'.00 south to the intersection with the western shore of Big Woody Island
- north along the western shore of Big Woody Island to the northern tip of Big Woody Island
- to latitude 25°17.49' south, longitude 152°5.66' east
- to latitude 25°18.10' south, longitude 152°55.66' east
- to latitude 25°18.10' south, longitude 152°55.00' east
- to latitude 25°19'.00 south, longitude 152°55.00' east.

(2) Waters of Hervey Bay within the following boundary—

- from the special mark known as EU1 to the south cardinal mark known as S6
- to the special mark known as S4
- to the special mark known as EU1.

SCHEDULE 6—Waters where scallops may be processed on boat
(continued)

3 Burnett River from near Bundaberg to near Millaquin Sugar Mill

The Burnett River, Bundaberg between the railway bridge and the shortest straight line across the river from the pump station at the Millaquin Sugar Mill.

4 Area near Gladstone

The area near Gladstone within the following boundary—

- from the green beacon near the northern shore at the mouth of Auckland Inlet to the rear lead at Targinie Channel, Middle Bank
- to Permain Point on the southern tip of Picnic Island
- along the western shore of Picnic Island to its northern tip
- to the northern tip of Clinton Coal Wharf
- to the shore on the northern side of the wharf
- to the green beacon near the northern shore at the mouth of Auckland Inlet.

5 Area near Yeppoon

Waters near Double Head, near Yeppoon, within the following boundary—

- from latitude 23°0.40' south, on the mainland near Bluff Point, along the latitude to longitude 150°48.56' east
- along longitude 150°48.56' east, to latitude 23°09.65' south
- to Double Head
- to Wreck Point
- along the shore to latitude 23°10.40' south.

6 Area near Bowen

Waters west of Stone Island, near Bowen, within the following boundary—

SCHEDULE 6—Waters where scallops may be processed on boat
(continued)

- from Dalrymple Point to the western side of South Head, Stone Island
- along the western shore of Stone Island to the tip of the sand spit at the island's south-western tip
- to the lead known as M5
- to Dalrymple Point.

7 Area west of Cape Cleveland

Waters west of Cape Cleveland within the following boundary—

- from Cape Cleveland along the shore to longitude 147°00.07' east
- along longitude 147°00.07' east, to latitude 19°11.91' south
- long latitude 19°1' south, to the shore
- along the shore to Cape Cleveland.

8 Area west of Magnetic Island

Waters west of Magnetic Island within the following boundary—

- from latitude 19°07.91' south, on the western shore of Magnetic Island, along the latitude to longitude 146°46.07' east
- along longitude 146°46.08' east to latitude 19°08.91' south
- along latitude 19°08.91' south, to the shore of Magnetic Island
- long the shore to latitude 19°07.91' south.

9 Part of North East Bay (Great Palm Island)

North East Bay (Great Palm Island) within the following boundary—

- from longitude 146°41.07' east, on the northern shore of Great Palm Island, along the longitude to latitude 18°42.91' south
- along latitude 18°42.91' south, to longitude 146°40.07' east

SCHEDULE 6—Waters where scallops may be processed on boat
(continued)

- along longitude 146°40.07' east, to the shore of Great Palm Island
- along the shore to longitude 146°1.07' east.

10 Lucinda Services Jetty area

Waters within a 1 km radius of the seaward end of the Lucinda Services Jetty, Lucinda.

SCHEDULE 7

AIDS TO INTERPRETATION AND DEFINITIONS

section 6

PART 1—AIDS TO INTERPRETATION

Division 1—Geographical references

1 References to latitudes and longitudes

(1) Latitudes and longitudes mentioned in this management plan are worked out using the system called the ‘World Geodetic System 1984’ or ‘WGS 84’.

(2) Under the system, the earth is taken to be spheroid with the following characteristics—

- (a) an equatorial (major) radius of 6, 378, 137 m;
- (b) a relationship between its equatorial radius and its polar radius or ‘flattening’ of 298.257223563.

2 References to boundaries, lines, shores and other points

Unless otherwise stated in this plan, the following apply—

- (a) a boundary or line along a shore follows high water mark;
- (b) a boundary or line along a shore intersected by a waterway crosses the waterway by the shortest line between its banks;
- (c) other boundaries and lines run from point to point in a straight line;
- (d) a reference to a shore is a reference to the shore at high water mark;
- (e) reference to a point, the tip of an island or other geographical feature, is a reference to the feature on the shore at high water mark.

SCHEDULE 7, part 1—Aids to interpretation (continued)

3 References to waterways

Unless otherwise stated in this plan, a reference to a waterway is a reference to—

- (a) the waterway upstream of the shortest line between its banks at their junction, at low water, with the body of water into which the waterway finally flows; and
- (b) the foreshores of the waterway.

4 References to banks of waterway

Unless otherwise stated in this plan, a reference to a bank of a waterway is a reference to the bank at its junction, at high water, with the body of water into which it finally flows.

*Division 2—Time periods***5 Start and end of time periods**

Periods of time fixed by a provision of this plan start at the first time, day or month stated in the provision and end at the end of the second time, day or month, whether in the same, or a different, day, week, month or year.

Examples—

1. The period from midday on 20 September to midday on 1 November is a period of 2 months starting at midday on 20 September and ending at midday on 1 November.
2. The period from 6 p.m. to 6 a.m. is a period of 12 hours starting at 6 p.m. and ending at 6 a.m.

SCHEDULE 7, part 1—Aids to interpretation (continued)

Division 3—Names and measurement of fish**6 Scientific names of fish**

The scientific names of fish mentioned in this plan are as follows—

Common name	Scientific name
Balmain bug	<i>Ibacus</i> spp.
barking crayfish	<i>Linuparus trigonus</i>
bay prawn (greasy prawn)	<i>Metapenaeus bennettiae</i>
blue swimmer crab	<i>Portunus pelagicus</i>
bug	<i>Thenus orientalis</i> , <i>Thenus indicus</i>
cuttlefish	<i>Metasepia</i> sp., <i>Sepia</i> spp.
eastern king prawn	<i>Penaeus plebejus</i>
mantis shrimp	<i>Oratosquilla</i> sp., <i>Squilla</i> sp.
octopus	<i>Octopus</i> spp.
pinky	Family Nemipteridae
pipefish	<i>Solegnathus dunckeri</i> , <i>Solegnathus hardwickii</i>
prawn	Family Penaeidae
red spot crab (three spot crab)	<i>Portunus sanguinolentus</i>
red spot king prawn	<i>Penaeus longistylus</i>
saucer scallop	<i>Amusium japonicum balloti</i>
scallop	Family Pectinidae
squid	<i>Loliolus</i> sp., <i>Nototodarus</i> , <i>Photololigo</i> , <i>Sepioteuthis</i> spp.

SCHEDULE 7, part 1—Aids to interpretation (continued)

Common name	Scientific name
tiger prawn	<i>Penaeus esculentus</i> , <i>Penaeus semisulcatus</i>
winter whiting	<i>Sillago maculata</i> .

7 Scientific classification

(1) This section gives references for the scientific names for fish mentioned in this plan.

(2) Holthuis, L.B. 1991, F.A.O. Species Catalogue V. 13. 'Marine Lobsters of the World', F.A.O., Rome is the reference for the following—

- Balmain bugs
- barking crayfish
- bugs.

(3) Grey, L.G., Dall, W. and Baker, A. 1983, 'A Guide to the Australian Penaeid Prawns', A. B. Caudell, Government Printer of the Northern Territory, Darwin, Northern Territory is the reference for the following—

- prawns
- bay prawn (greasy prawn)
- tiger prawns
- eastern king prawns
- red spot king prawns.

(4) Allen, Gerald R. 1997, 'Marine Fishes of Tropical Australia and South-East Asia', 3rd revised edition, Western Australian Museum, Perth, Western Australia is the reference for the following—

- pinkies
- pipefish.

(5) Grant, E.M. 1985, 'Guide to Fishes', (5th edition reprint), E.M. Grant Pty Ltd, 19 Australia Court, Scarborough, Queensland is the reference for the following—

- red spot crabs (three spot crabs)

SCHEDULE 7, part 1—Aids to interpretation (continued)

- winter whiting.

(6) For, cuttlefish, octopuses and squid, the reference is Carpenter, K.E. and Volker, H.N. 1998, 'The Living Marine Resources of the Western Central Pacific'. Vol 2. Cephalopods, Crustaceans, Holothurians and Sharks. F.A.O., Rome.

(7) For mantis shrimp, the reference is Mather, P. and Bennett, I. 1978, 'A Coral Reef Handbook', The Great Barrier Reef Committee, GBRC Handbook Series No. 1, Brisbane.

(8) For scallops, the reference is Waller, T. R. 1991, 'Evolutionary Relationships among Commercial Scallops (Mollusca: Bivalvia: Pectinidae)', in Shumway, S.E. 1991, *Scallops: Biology, Ecology and Aquaculture*, Elsevier Science Publishers, Amsterdam, Holland.

(9) For saucer scallops, the reference is Habe, T. 1964, 'Notes on the Species of the Genus *Amusium* (Mollusca)', *Bulletin of the National Scientific Museum of Tokyo* 7, 1–5.

8 Measurement of size of fish

(1) The size of a blue swimmer crab is decided by measuring—

- (a) the widest part of its carapace; or
- (b) if its carapace is damaged or missing—the underside of its body on 1 side, from the notch at the junction of the claw with the body to the notch at the junction of the last leg with the body.

(2) The size of a Balmain bug, bug or red spot crab (three spot crab) is decided by measuring the widest part of its carapace.

(3) The size of a saucer scallop is decided by measuring the widest part of its shell, whether or not the shell is broken or chipped.

(4) The size of other fish is decided by measuring the distance between the front and end tips of the fish.

8A Measurement of volume of fish

(1) This section provides for how the total volume of fish is measured.

SCHEDULE 7, part 1—Aids to interpretation (continued)

(2) The volume of any fish that are in a container (“**contained fish**”) must be measured by reference to the volume of the container when it is empty.⁴⁶

(3) For subsection (2), a fish is not a contained fish if any part of it protrudes above the top of the container.

(4) The volume of any of fish that are not contained fish (“**uncontained fish**”) must be measured by—

- (a) placing them in a container or containers so that no part of any of the fish protrudes above the top of the container or containers; and
- (b) measuring the volume of each container when it is empty; and
- (c) reference to the volume of the container or containers.

(5) The total volume is worked out by adding together the volume of all of the contained and uncontained fish.

*Division 4—Miscellaneous***9 Fishing under certain licences for fishery includes tender licence**

(1) This section applies to a reference in this plan to a person fishing under a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence (the “**primary licence**”).

(2) The reference includes a reference to a person fishing under a tender licence for a tender boat for the primary boat identified in the primary licence.

10 References to possession of fish

(1) This section applies if a provision of this plan prohibits possession of a fish.

⁴⁶ An empty container that has internal dimensions of 571 mm x 381 mm x 305 mm, commonly called a ‘lug basket’, has a capacity of approximately 66 L. An empty container that has internal dimensions of 605 mm x 280 mm x 90 mm, commonly called a ‘prawn carton’, has a capacity of approximately 0.0153 m³.

SCHEDULE 7, part 1—Aids to interpretation (continued)

(2) To remove any doubt, it is declared that the reference to possession in the provision is a reference to possession wherever it takes place.

PART 2—EXTENDED DEFINITIONS FOR AREAS*Division 1—General area definitions***11 Meaning of “Brisbane River mouth area—north”**

“**Brisbane River mouth area—north**” means waters within the following boundary—

- from latitude 27°21.74' south on the mainland shore (Juno Point approximately latitude 27°21.74' south, longitude 153°09.27' east) to latitude 27°20.54' south, longitude 153°10.13' east (the second green beacon marking the Koopa Channel)
- to latitude 27°20.00' south, longitude 153°11.50' east (the West Coffee Pot beacon)
- to latitude 27°21.57' south, longitude 153°10.40' east (the West Inner Bar beacon)
- to longitude 153°09.60' east on the mainland shore (Luggage Point approximately latitude 27°22.69' south, longitude 153°09.60' east)
- to latitude 27°21.74' south on the mainland shore.

12 Meaning of “Brisbane River mouth area—south”

“**Brisbane River mouth area—south**” means waters within the following boundary—

- from latitude 27°21.63' south, longitude 153°10.53' east (the Eastern Inner Bar Beacon) to latitude 27°20.07' south, longitude 153°11.63' east (the Eastern Coffee Pot Beacon)
- to latitude 27°20.01' south, longitude 153°11.75' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 27°21.44' south, longitude 153°10.83' east
- to latitude 27°21.63' south, longitude 153°10.53' east.

13 Meaning of “Brisbane River–Victoria Bridge to Juno Point area”

“**Brisbane River–Victoria Bridge to Juno Point area**” means waters of the Brisbane River between the Victoria Bridge and a line from the F↑B sign at Juno Point to the eastern bank of the river.

14 Meaning of “Cleveland Bay area”

“**Cleveland Bay area**” means waters of Cleveland Bay, near Townsville, south of a line from Cape Pallarenda to Cape Cleveland.

15 Meaning of “Comboyuro Point to Caloundra Head area”

“**Comboyuro Point to Caloundra Head area**” means waters within the following boundary—

- from Comboyuro Point, Moreton Island, to the NW2 special mark beacon at the entrance to the North West Channel near Caloundra
- to Caloundra Head
- along the shore to the F↑B sign at southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- to the F↑B sign at the northern tip of Bribie Island
- along the eastern shore of Bribie Island to Skirmish Point
- to Comboyuro Point.

16 Meaning of “deep water net area”

The “**deep water net area**” means waters within the following boundary—

- from latitude 28°03.48' south, longitude 153°47.06' east to latitude 27°25.90' south, longitude 153°39.06' east
- to latitude 27°01.90' south, longitude 153°31.26' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 26°40.90' south, longitude 153°31.06' east
- to latitude 26°29.90' south, longitude 153°34.06' east
- to latitude 26°19.90' south, longitude 153°40.76' east
- to latitude 26°09.90' south, longitude 153°50.06' east
- to latitude 24°59.90' south, longitude 153°35.06' east
- to latitude 24°29.90' south, longitude 153°20.06' east
- to latitude 24°21.05' south, longitude 153°08.83' east (the Breaksea Spit light, off the northern tip of Fraser Island)
- to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
- to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
- to latitude 23°11.13' south, longitude 151°54.16' east (the light on North Reef)
- to latitude 22°34.40' south, longitude 151°56.06' east
- to latitude 22°44.90' south, longitude 152°10.56' east
- to latitude 22°38.63' south, longitude 152°43.43' east
- to latitude 22°19.28' south, longitude 153°00.26' east
- to latitude 22°00.00' south, longitude 152°56.52' east
- to latitude 21°36.68' south, longitude 152°51.62' east
- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 20°54.97' south, longitude 152°5.39' east
- to latitude 20°52.31' south, longitude 152°02.46' east
- to latitude 20°51.91' south, longitude 151°57.41' east
- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°46.78' south, longitude 151°29.13' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°26.54' south, longitude 151°04.02' east
- to latitude 20°18.86' south, longitude 150°58.23' east
- to latitude 20°04.61' south, longitude 150°48.61' east
- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 19°49.08' south, longitude 150°30.06' east
- to latitude 19°59.91' south, longitude 150°30.06' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°29.91' south, longitude 149°49.06' east
- to latitude 19°29.91' south, longitude 149°57.42' east
- to latitude 19°17.66' south, longitude 149°34.06' east
- to latitude 18°59.14' south, longitude 148°50.22' east
- to latitude 18°50.19' south, longitude 148°22.26' east
- to latitude 18°45.64' south, longitude 148°09.21' east
- to latitude 18°42.97' south, longitude 148°05.16' east
- to latitude 18°37.98' south, longitude 147°58.24' east
- to latitude 18°29.24' south, longitude 147°49.77' east
- to latitude 18°21.41' south, longitude 147°37.76' east
- to latitude 18°19.31' south, longitude 147°24.77' east
- to latitude 18°14.91' south, longitude 147°24.27' east
- to latitude 18°11.41' south, longitude 147°15.07' east
- to latitude 18°09.91' south, longitude 147°10.86' east
- to latitude 18°02.84' south, longitude 147°01.90' east
- to latitude 17°50.67' south, longitude 146°50.97' east
- to latitude 17°45.36' south, longitude 146°48.82' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 16°55.91' south, longitude 146°30.07' east
- to latitude 16°43.41' south, longitude 146°20.07' east
- to latitude 16°24.41' south, longitude 146°05.07' east
- to latitude 16°15.91' south, longitude 146°01.07' east
- to latitude 16°09.91' south, longitude 145°56.07' east
- to latitude 15°59.91' south, longitude 145°50.57' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east
- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 17°29.91' south, longitude 147°00.07' east
- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 18°19.91' south, longitude 148°20.06' east
- to latitude 18°44.91' south, longitude 152°35.06' east
- to latitude 22°14.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°22.06' east
- to latitude 27°57.90' south, longitude 154°00.06' east
- to latitude 28°03.48' south, longitude 153°47.06' east.

17 Meaning of “Facing Island area”

“Facing Island area” means waters within the following boundary—

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- from latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point) to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- to latitude 23°45.25' south, longitude 151°19.93' east (North Point, Facing Island)
- along the western shore to latitude 23°52.85' south, longitude 151°22.44' east (Gatcombe Head)
- to latitude 23°53.33' south, longitude 151°30.88' east (Fairway Bouy (Wild Cattle Cutting))
- to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east.

18 Meaning of “Fisherman Islands area”

“Fisherman Islands area” means—

- (a) waters upstream of a line between—
 - (i) the northern tip of the northernmost wharf on Fisherman Islands; and
 - (ii) the mainland, passing through the rear (seaward) lead of the Lytton Rocks Reach about 900 m downstream from Luggage Point; and
- (b) waterways joining the waters described in paragraph (a), other than the part of the Boat Passage east of the bridge between Whyte Island and Fisherman Islands.

19 Meaning of “Fitzroy River mouth area”

“Fitzroy River mouth area” means waters of Keppel Bay and rivers and creeks joining it south and west of the following line—

- from Cattle Point to an unnamed point on the shore of Curtis Island about 1.25 n miles north of Maria Inlet
- along the western shore of Curtis Island to the southern bank of Barker Creek

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- across The Narrows to the southern bank of Deception Creek at Division Point.

20 Meaning of “Great Sandy Strait area”

“**Great Sandy Strait area**” means waters in the Great Sandy Strait between the following lines—

- a line from the F↑B sign at the mouth of Pulgul Creek to the F↑B sign at the southern tip of Big Woody Island, and then to the F↑B sign at Blackfellow Point, Fraser Island
- a line from the F↑B sign at North Head, Mary River to the F↑B sign at North White Cliffs, Fraser Island.

21 Meaning of “Hervey Bay area”

“**Hervey Bay area**” means waters of Hervey Bay between latitude 25°04.90 south and a line—

- from longitude 152°49.40' east on the mainland shore (the eastern tip of Point Vernon, approximately latitude 25°14.72' south, longitude 152°49.40' east)
- to latitude 25°13.05' south, longitude 152°59.05' east (Sandy Point, Fraser Island).

22 Meaning of “Keppel Bay area”

“**Keppel Bay area**” means waters of Keppel Bay within the following boundary—

- from latitude 23°30.90' south, longitude 150°59.64' east (an unnamed point on the shore of Curtis Island about 1.25 nm north of Maria Inlet) along the shore to latitude 23°28.76' south, longitude 150°59.48' east (Warner Point)
- to latitude 23°24.97' south, longitude 150°51.15' east (Quartz Rock)
- to latitude 23°25.98' south, longitude 150°49.80' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 23°28.77' south, longitude 150°52.38' east (Cattle Point)
- to latitude 23°30.90' south, longitude 150°59.64' east.

23 Meaning of “Laguna Bay area”

“Laguna Bay area” means waters within the following boundary—

- from latitude 26°15.90' south on the mainland shore (near Teewah at approximately latitude 26°15.90' south, longitude 153°04.20' east) to latitude 26°22.54' south, longitude 153°06.98' east (the eastern tip of Noosa Head)
- to an F[↑]B sign at latitude 26°22.78' south, longitude 153°06.04' east (Boiling Pot)
- to latitude 26°22.84' south, longitude 153°04.85' east (the eastern tip of the rock wall on the southern bank of the Noosa River)
- to an F[↑]B sign at latitude 26°22.55' south, longitude 153°04.50' east (on the shore 400 m north of the northern bank of the Noosa River)
- north along the shore to latitude 26°15.90'.

24 Meaning of “Llewellyn Bay area”

“Llewellyn Bay area” means waters of Llewellyn Bay, near Sarina, west of a line—

- from longitude 149°20.20' east on the mainland shore at Freshwater Point (approximately latitude 21°25.91' south, longitude 149°20.20' east)
- to longitude 149°20.53' east on the mainland shore at Allom Point (approximately latitude 21°28.42' south, longitude 149°20.53' east).

25 Meaning of “‘M1’ and ‘M2’ area”

The “‘M1’ and ‘M2’ area” means the waters of Moreton Bay within the following boundary—

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- from latitude 27°04.93' south on Bribie Island's western shore (approximately latitude 27°04.93' south, longitude 153°09.48' east) to 27°09.19' south, longitude 153°03.91' east (the special mark flashing yellow light beacon off the Caboolture River)
- to latitude 27°11.46' south, longitude 153°05.63' east (the special mark yellow light beacon No. 1 at the entrance to the Scarborough Boat Harbour)
- to latitude 27°11.03' south, longitude 153°07.97' east (the North Reef flashing green light beacon)
- to latitude 27°14.51' south, longitude 153°07.40' east (the Garnet Rock flashing green light beacon off Margate)
- to latitude 27°16.51' south, longitude 153°06.75' east (the Otter Rock flashing green light beacon off Woody Point)
- to latitude 27°15.99' south, longitude 153°06.12' east (the seaward end of the Woody Point Jetty)
- to latitude 27°19.44' south, longitude 153°06.44' east (the special mark flashing yellow light beacon off the banks of Cabbage Tree Creek)
- to latitude 27°20.00' south, longitude 153°11.50' east (the West Coffee Pot flashing green light beacon near the banks of the Brisbane River, marking the main shipping channel)
- to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°20.07' south, longitude 153°11.62' east (the East Coffee Pot flashing red light beacon)
- to latitude 27°21.64' south, longitude 153°10.53' east (the east inner bar flashing red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°21.21' south, longitude 153°14.14' east (the red beacon northerly of St. Helena Island)

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 27°24.34' south, longitude 153°14.50' east (the south cardinal light beacon south-east of St. Helena Island)
- to latitude 27°24.86' south, longitude 153°14.56' east (the red light beacon north-east of Green Island)
- to latitude 27°26.93' south, longitude 153°14.70' east (the A S Huybers flashing red light beacon off King Island, near Wellington Point)
- to latitude 27°30.30' south, longitude 153°19.35' east (the flashing green light beacon off the western tip of Peel Island)
- to latitude 27°32.48' south, longitude 153°20.20' east (the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank)
- to latitude 27°35.20' south, longitude 153°22.83' east (the green light beacon on the south-western side of the Pelican Banks)
- to latitude 27°35.65' south, longitude 153°23.83' east (the special mark flashing yellow light beacon at the southern tip of the Pelican Banks)
- to latitude 27°34.70' south, longitude 153°24.27' east (the flashing red light beacon on the eastern side of the Pelican Banks)
- to latitude 27°34.20' south, longitude 153°24.37' east (the flashing green light beacon off the western shore of North Stradbroke Island)
- to latitude 27°32.17' south, longitude 153°24.07' east (the flashing green light beacon off Wallen Wallen)
- to latitude 27°31.14' south, longitude 153°23.07' east (the special mark flashing yellow light beacon at the southern tip of Goat Island)
- to latitude 27°30.20' south, longitude 153°23.99' east (the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island)
- along the southern side of Harold Walker Jetty to latitude 27°30.14' south on North Stradbroke Island's western

SCHEDULE 7, part 2—Extended definitions for areas (continued)

shore (approximately latitude 27°30.14' south,
longitude 153°24.08' east)

- along North Stradbroke Island's western shore to latitude 27°29.60' south, longitude 153°24.15' east (the jetty at One Mile Anchorage)
- along the southern side of the jetty at One Mile Anchorage to latitude 27°29.58' south, longitude 153°24.13' east (the western end of the jetty at One Mile Anchorage)
- to latitude 27°29.51' south, longitude 153°22.89' east (the south cardinal light beacon known as Douglas Light)
- to latitude 27°27.25' south, longitude 153°19.98' east (the flashing green light beacon every 6 seconds off Maroom Bank)
- to latitude 27°25.99' south, longitude 153°17.41' east (the isolated danger beacon on Hope Banks)
- to latitude 27°25.31' south, longitude 153°18.26' east (the flashing green light beacon north of Chain Banks)
- to latitude 27°24.22' south, longitude 153°20.10' east (the northernmost red lateral beacon at the entrance to Rous Channel)
- to latitude 27°18.70' south, longitude 153°23.10' east (the northernmost green lateral beacon at the entrance to Fraser's Gutter)
- to latitude 27°15.90' south, longitude 153°23.06' east
- east along latitude 27°15.90' to latitude 27°15.90' south, longitude 153°23.61' east (Moreton Island's western shore)
- along Moreton Island's western shore to latitude 27°03.68' south, (Comboyuro Point approximately latitude 27°03.68' south, longitude 153°21.71' east)
- to latitude 27°05.08' south on Bribie Island's eastern shore (Skirmish Point approximately latitude 27°05.08' south, longitude 153°12.43' east)
- along Bribie Island's eastern, southern and western shores to latitude 27°04.93' south on Bribie Island's western shore.

SCHEDULE 7, part 2—Extended definitions for areas (continued)

26 Meaning of “Moreton Bay”

“**Moreton Bay**” means waters within the following boundary, other than waters in the Fisherman Islands area—

- from the F[↑]B sign at the south-eastern tip of Toorbul Point to the F[↑]B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island’s western and southern shores to Skirmish Point
- to Comboyuro Point, Moreton Island
- along Moreton Island’s western shore to Reeder’s Point
- to Amity Point, North Stradbroke Island
- along North Stradbroke Island’s western and southern shores to its south-eastern tip
- to the north-eastern tip of South Stradbroke Island
- along South Stradbroke Island’s northern, western and southern shores to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- to the seaward tip of the southern breakwater wall of the Gold Coast Seaway at Nerang Head on The Spit
- along the shore of The Spit to the Gold Coast Highway bridge over the Nerang River near Waterways Drive, Main Beach
- along the eastern side of the Gold Coast Highway bridge to the mainland shore
- along the shore to the F[↑]B sign at the south-eastern tip of Toorbul Point.

27 Meaning of “Repulse Bay area”

“**Repulse Bay area**” means waters of Repulse Bay, near Proserpine, within the following boundary—

- from Rocky Point along the shore to the northern bank of the O’Connell River

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- east for 2 n miles
- to Rocky Point.

28 Meaning of “Sinclair Bay area”

“**Sinclair Bay area**” means waters of Sinclair Bay, near Bowen, within the following boundary—

- from latitude 20°09.54' south, longitude 148°25.36' east on the shore to latitude 20°06.80' south, longitude 148°26.81' east on the shore
- along the shore to latitude 20°09.54' south, longitude 148°25.36' east.

29 Meaning of “ ‘T1’ and ‘T3’ area”

The “ **‘T1’ and ‘T3’ area**” means the waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State’s border with New South Wales at high water mark)
- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke to latitude 27°23.64' south, longitude 153°26.40' east (Amity Point)
- to latitude 27°21.82' south, longitude 153°25.68' east (Reeders Point)
- along the eastern shore of Moreton Island to latitude 27°03.68' south, longitude 153°21.71' east (Comboyuro Point)

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 27°05.08' south, longitude 153°12.43' east (Skirmish Point)
- along the eastern shore of Bribie Island to latitude 26°50.05' south, longitude 153°07.78' east
- to latitude 26°48.38' south, longitude 153°08.36' east (southern end of Kings Beach)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (Southern breakwall of Mooloolaba Harbour)
- to latitude 26°40.80' south, longitude 153°07.93' east (Northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.68' south, longitude 153°03.89' east (F↑B) at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B at Hook Point)
- along the eastern shore of Fraser Island to latitude 25°13.50' south, longitude 152°59.50' east (Sandy Point)
- to latitude 25°14.47' south, longitude 152°49.21' east (Point Vernon)
- along the shore to latitude 24°45.45' south, longitude 152°24.76' east (South Head)
- to latitude 24°44.83' south, longitude 152°23.84' east
- along the shore to latitude 24°00.15' south, longitude 151°44.50' east (Chews Point)
- to latitude 24°01.31' south, longitude 151°43.65' east (Pancake Point)
- along the shore to latitude 24°00.50' south, longitude 151°36.22' east (Spit end)
- to latitude 24°03.30' south, longitude 151°37.90' east (Blackney Point)
- along the shore to latitude 24°02.22' south, longitude 151°33.87' east (Innes Head)

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 24°01.98' south, longitude 151°32.75' east (Norton Point)
- along shore to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- to latitude 23°59.38' south, longitude 151°25.67' east
- along the shore to latitude 23°56.23' south, longitude 151°21.42' east
- to latitude 23°56.13' south, longitude 151°21.26' east (near Boyne Island)
- along the shore to latitude 23°51.12' south, longitude 151°18.70' east (South Trees Wharf)
- to latitude 23°51.22' south, longitude 151°17.77' east (Parsons Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)
- to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- along the eastern shore of Curtis Island to latitude 23°30.90' south, longitude 150°59.64' east (unnamed point on the shore of Curtis Island about 1.25 nm north of Maria Inlet)
- to latitude 23°28.77' south, longitude 150°52.38' east
- along the shore and breakwall to latitude 23°09.52' south, longitude 150°47.33' east (Southern tip of Rosslyn Bay Breakwall)
- to latitude 23°09.52' south, longitude 150°47.10' east (Northern end of Rosslyn Bay breakwall)
- along the breakwall and shore to latitude 22°57.85' south, longitude 150°46.65' east (Sandy Point)
- to latitude 22°56.62' south, longitude 150°47.64' east
- along the shore to latitude 22°32.18' south, longitude 150°47.36' east (Cape Clinton)
- to latitude 22°28.21' south, longitude 150°45.42' east (Northeast Point)

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- along the shore to latitude 22°20.67' south, longitude 149°54.78' east
- to latitude 22°23.01' south, longitude 149°48.55 (Charon Point)
- along the shore to latitude 22 20.90' south, longitude 149°41.53' east
- to latitude 22°00.00' south, longitude 149°29.68' east
- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point)
- to latitude 21°25.91' south, longitude 149°20.20' (Freshwater Point)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' south (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay Outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east
- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east
- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
- to latitude 16°55.07' south, longitude 145°46.92' east (Northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (Northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (Tip of Cape York)
- to latitude 10°41.25' south, longitude 145°00.06' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 18°19.91' south, longitude 148°20.04' east
- to latitude 18°44.90' south, longitude 152°35.04' east
- to latitude 22°14.90' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.

30 Meaning of “‘T2’ area”

The “‘T2’ area” means the waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State's border with New South Wales at high water mark)
- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke to latitude 27°26.06' south, longitude 153°32.78' east (Point Lookout)
- to latitude 27°01.67' south, longitude 153°28.09' east (Cape Moreton)
- to latitude 26°48.15' south, longitude 153°09.03' east (Caloundra Head)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (Southern breakwall of Mooloolaba Harbour)

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 26°40.80' south, longitude 153°07.93' east (Northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.62' south, longitude 153°03.89' east (F[↑]B at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F[↑]B at Hook Point)
- along the eastern shore of Fraser Island to latitude 24°41.83' south, 153°16' east (Sandy Cape)
- to latitude 24°44.83' south, longitude 152°23.84' east (Burnett Head)
- along the shore to latitude 24°21.40' south, longitude 151°58.66' east
- to latitude 24°21.40' south., longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.

31 Meaning of “waters north of Cape Gloucester”

“**Waters north of Cape Gloucester**” means waters north of Cape Gloucester, near Bowen, other than waters in an area mentioned in this part.

32 Meaning of “waters south of Cape Gloucester”

“**Waters south of Cape Gloucester**” means waters south of Cape Gloucester, near Bowen, other than waters in an area mentioned in this part.

*Division 2—Defined port areas***33 Meaning of “defined port area”**

- (1) A “**defined port area**” means any of the following—

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- the Southport port area
- the Brisbane port area
- the Mooloolaba port area
- the Tin Can Bay port area
- the Urangan port area
- the Bundaberg port area
- the Gladstone port area
- the Rosslyn Bay port area
- the Mackay port area
- the Bowen port area
- the Townsville port area
- the Lucinda port area
- the Mourilyan port area
- the Innisfail port area
- the Cairns port area
- the Port Douglas port area
- the Cooktown port area.

(2) In this section—

“**Bowen port area**” means the area within the following boundary—

- from latitude 20°01.18' south, longitude 148°16.32' east to latitude 20°01.70' south, longitude 148°15.76' east
- to latitude 20°01.46' south, longitude 148°14.81' east
- to latitude 20°00.75' south, longitude 148°14.75' east
- to latitude 20°01.18' south, longitude 148°16.32' east.

“**Brisbane port area**” means the area within the following boundary—

- from latitude 27°30.00' south, longitude 153°00.00' east to latitude 27°00.00' south, longitude 153° east
- to latitude 27°00.00' south, longitude 153°12.00' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 27°30.00' south, longitude 153°12.00' east
- to latitude 27°30.00' south, longitude 153°00.00' east.

“Bundaberg port area” means the area within the following boundary—

- from latitude 24°45.15' south, longitude 152°19.83' east to latitude 24°45.15' south, longitude 152°25.68' east
- to latitude 24°52.49' south, longitude 152°25.68' east
- to latitude 24°52.49' south, longitude 152°19.83' east
- to latitude 24°45.15' south, longitude 152°19.83' east.

“Cairns port area” means the area within the following boundary—

- from latitude 16°54.00' south, longitude 145°44.50' east to latitude 17°00.00' south, longitude 145°44.50' east
- to latitude 17°00.00' south, longitude 145°48.75' east
- to latitude 16°54.00' south, longitude 145°48.75' east
- to latitude 16°54' south, longitude 145°44.50' east.

“Cooktown port area” means the area within the following boundary—

- from latitude 15°26.00' south, longitude 145°10.75' east to latitude 15°28.00' south longitude 145°10.75' east
- to latitude 15°28.00' south, longitude 145°15.50'
- to latitude 15°26.00' south longitude 145°15.50' east
- to latitude 15°26.00' south, longitude 145°10.75' east.

“Gladstone port area” means the area within the following boundary—

- from latitude 23°49.67' south, longitude 151°14.24' east to latitude 23°49.67' south, longitude 151°15.24' east
- to latitude 23°50.29' south, longitude 151°15.24' east
- to latitude 23°50.29' south, longitude 151°14.24' east
- to latitude 23°49.67' south, longitude 151°14.24' east.

“Innisfail port area” means the area within the following boundary—

- from latitude 17°30.00' south longitude 146°00.75' east to latitude 17°32.00' south, longitude 146°00.75' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 17°32.00' south, longitude 146°04.75' east
- to latitude 17°30.00' south, longitude 146°04.75' east
- to latitude 17°30.00' south longitude 146°00.75' east.

“Lucinda port area” means the area within the following boundary—

- from latitude 18°29.72' south, longitude 146°19.09' east to latitude 18°32.89' south, longitude 146°19.28' east
- to latitude 18°33.76' south, longitude 146°16.72' east
- to latitude 18°29.80' south, longitude 146°14.95' east
- to latitude 18°29.72' south, longitude 146°19.09' east.

“Mackay port area” means the area within the following boundary—

- from latitude 21°06.91' south, longitude 149°11.53' east to latitude 21°08.54' south, longitude 149°10.92' east
- to latitude 21°09.01' south, longitude 149°13.38' east
- to latitude 21°05.94' south, longitude 149°13.62' east
- to latitude 21°06.91' south, longitude 149°11.53' east.

“Mooloolaba port area” means the area within the following boundary—

- from latitude 26°42.72' south, longitude 153°07.06' east to latitude 26°40.86' south, longitude 153°08.28' east
- to latitude 26°40.54' south, longitude 153°06.27' east
- to latitude 26°38.03' south, longitude 153°06.13' east
- to latitude 26°38.07' south, longitude 153°03.68' east
- to latitude 26°42.72' south, longitude 153°07.06' east.

“Mourilyan port area” means the area within the following boundary—

- from latitude 17°35.76' south, longitude 146°06.25' east to latitude 17°37.36' south, longitude 146°06.84' east
- to latitude 17°36.34' south, longitude 146°08.07' east
- to latitude 17°35.51' south, longitude 146°07.63' east
- to latitude 17°35.76' south, longitude 146°06.25' east.

SCHEDULE 7, part 2—Extended definitions for areas (continued)

“Port Douglas port area” means the area within the following boundary—

- from latitude 16°28.50' south, longitude 145°27.00' east to latitude 16°29.50' south longitude 145°27.00' east
- to latitude 16°29.50' south, longitude 145°28.00' east
- to latitude 16°28.50' south, longitude 145°28.00' east
- to latitude 16°28.50' south, longitude 145°27.00' east.

“Rosslyn Bay port area” means the area within the following boundary—

- from latitude 23°09.54' south, longitude 150°47.00' east to latitude 23°09.54' south, longitude 150°47.44' east
- to latitude 23°09.87' south, longitude 150°47.44' east
- to latitude 23°09.87' south, longitude 150°47.00' east
- to latitude 23°09.54' south, longitude 150°47.00' east.

“Southport port area” means the area within the following boundary—

- from latitude 27°55.73' south, longitude 153°23.53' east to latitude 27°55.73' south, longitude 153°26.01' east
- to latitude 27°59.47' south, longitude 153°26.01' east
- to latitude 27°59.47' south, longitude 153°23.53' east
- to latitude 27°55.73' south, longitude 153°23.53' east.

“Tin Can Bay port area” means the area within the following boundary—

- from latitude 25°49.60' south, longitude 152°57.80' east to latitude 25°49.60' south, longitude 153°04.24' east
- to latitude 25°59.89' south, longitude 153°04.24' east
- to latitude 25°59.89' south, longitude 152°57.80' east
- to latitude 25°49.60' south, longitude 152°57.80' east.

“Townsville port area” means the area within the following boundary—

- from latitude 19°14.13' south, longitude 146°48.00' east to latitude 19°18.12' south, longitude 146°47.78' east
- to latitude 19°16.63' south, longitude 146°50.55' east
- to latitude 19°14.41' south, longitude 146°50.15' east

SCHEDULE 7, part 2—Extended definitions for areas (continued)

- to latitude 19°14.13' south, longitude 146°48.00' east.

“**Urangan port area**” means the area within the following boundary—

- from latitude 25°17.59' south, longitude 152°54.70' east to latitude 25°17.62' south, longitude 152°55.09' east
- to latitude 25°18.02' south, longitude 152°54.91' east
- to latitude 25°18.00' south, longitude 152°54.50' east
- to latitude 25°17.59' south, longitude 152°54.70' east.

PART 3—OTHER EXTENDED DEFINITIONS**34 Working out “hull units” for a boat**

The “**hull units**”, for a boat, must be worked out by applying the following formula—

$$\text{HU} = \frac{\text{L} \times \text{B} \times \text{D} \times 0.6}{2.83}$$

where—

HU means the number of hull units for the boat;

L means the length of the boat;

B means the beam of the boat;

D means the depth of the boat.⁴⁷

35 Meaning of “beam” of a boat

The “**beam**”, of a boat, means the maximum breadth, in metres, amidships between—

- (a) if the boat has a metal shell—the moulded lines of its frame; or

⁴⁷ The figure of 0.6 represents a block coefficient to standardise variations in boat design and the figure of 2.83 represents a constant which converts cubic metres to units of 100 cubic feet.

SCHEDULE 7, part 3—Other extended definitions (continued)

- (b) if the boat does not have a metal shell—the outer surfaces of its hull, excluding sponsons, fenders and rubbing strips.

36 Meaning of “depth” of a boat

(1) The **“depth”**, of the boat, means the vertical distance, measured in metres, from its keel datum to—

- (a) if the boat is, after 15 December 2000, modified or replaced under chapter 3, part 8—a point amidships that is level with the highest point of its uppermost continuous deck; or
- (b) otherwise—
 - (i) for a boat with a stepped uppermost continuous deck the raised part of which extends over amidships—a line of reference extending from the lower part of the deck along a parallel line to the raised part; or
 - (ii) if subparagraph (i) does not apply—the underside of its uppermost continuous deck at the side amidships.

(2) In this section—

“amidships”, of a boat, means the vertical plane at the middle of its length at a right angle to its centre-line plane.

“keel datum” means—

- (a) for a composite or wooden boat—the lower edge of its keel rabbet; or
- (b) for a boat in which the form at the lower part of midship section is of a hollow nature or if thick or horizontal garboards are fitted—the point where the line of the hull bottom shell continued inwards cuts the boat’s centre-line; or
- (c) if, because of the boat’s shape, the keel datum can not be worked out under paragraph (a) or (b)—the tangent providing the greatest depth measurement.

37 Meaning of “length” of a boat

(1) The **“length”**, of a boat, means the distance between the front and end tips of the boat.

SCHEDULE 7, part 3—Other extended definitions (continued)

(2) However, the length does not include anything that does not increase the boat's effective length.

Examples of things that do not increase a boat's 'effective length'—

- an anchor rail.
- a bowsprit.

Example of things that do increase a boat's 'effective length'—

Additions to the boat's hull, whether fixed temporarily or permanently, that increase the boat's deck area.

38 Meaning of “length” of a net

(1) The “**length**”, of a beam trawl net, means the distance the net is capable of extending across the beam or pole used to open it.

(2) The “**length**”, of an otter trawl net, means the combined length, in metres, of the head rope and bottom rope when taut between the outermost points of the meshes attached to the head rope and bottom rope.

39 Working out an engine's “maximum continuous brake kW”

(1) An engine's “maximum continuous brake kW” must be worked out from the manufacturer's recommended maximum continuous brake kW for its engine type.

(2) The engine must be identified by the following—

- (a) make;
- (b) model;
- (c) year of manufacture;
- (d) serial number;
- (e) cylinder block;
- (f) aspiration and cooling systems.

(3) The following aspects of the recommendation must be considered—

- (a) ambient water temperature in the range 25°C to 27°C or the temperature mentioned in the recommendation closest to the range;

SCHEDULE 7, part 3—Other extended definitions (continued)

(b) fuel injectors consistent with the recommended maximum continuous brake kW of the engine type.

(4) If the manufacturer revises the recommendation for the engine type, the revised rating is taken to apply to all new engines of that type installed on boats from the day the revised rating took effect.

(5) The following must be disregarded—

(a) variation from the standard power output, including, for example, engine deratings;

(b) different gear boxes or transmission trains associated with individual engines.

(6) In this section—

“**engine type**” means the type of main propulsion engine or engines installed on the boat.

40 Meaning of “mesh size” of a net

(1) The “**mesh size**”, of a knotted trawl net, is the average distance, when the net is taut, between the inner edges of 2 diagonally opposite knots of each of 10 meshes at least 30 cm from each other.

(2) The “**mesh size**”, of a knotless trawl net, is the average distance, when the net is taut, between the inner edges of 2 diagonally opposite corners of each of 10 meshes at least 30 cm from each other.

41 Meaning of “sweep” of a net

(1) The “**sweep**”, of a net, includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the point on the head rope or bottom rope of a net where the outermost meshes are attached.

(2) If fittings mentioned in subsection (1) are joined to make a single fitting, the single fitting is 1 sweep.

42 When a boat is “detected by VMS” at a place

A boat is “**detected by VMS**” at or in a place if a signal has come from VMS equipment for the boat at or in the place.

SCHEDULE 7—Interpretation and definitions (continued)

PART 4—DICTIONARY

“allocated days”, for an eligible licence, means the allocated days for the licence worked out under chapter 3, part 6, division 3, subdivision 2.

“allocation decision” see section 79.

“allocation decision formula” see section 81A(c).

“approved” means approved by the chief executive.

“assistant fisher” means a person who holds an assistant fisher licence issued under section 30 of the regulation.

“beam”, of a boat, see section 35 of this schedule.

“beam trawl net” means a trawl net with its mouth attached to a beam or pole to keep the net open.

“BRD” means bycatch reduction device.

“BRD guidelines” see section 49.

“BRD use condition” see section 42(1).

“Brisbane River mouth area—north” see section 11 of this schedule.

“Brisbane River mouth area—south” see section 12 of this schedule.

“Brisbane River—Victoria Bridge to Juno Point area” see section 13 of this schedule.

“buyer” means a person who holds a buyer licence.

“buyer licence” means a buyer licence issued under section 30 of the regulation.

“Cleveland Bay area” see section 14 of this schedule.

“close relative”, of a person, means the following relatives of the person—

- (a) a child, including a step-child;
- (b) a brother or sister, including a step brother or sister;
- (c) a parent, including a step parent;
- (d) a spouse.

“Comboyuro Point to Caloundra Head area” see section 15 of this schedule.

SCHEDULE 7, part 4—Dictionary (continued)

“**commercial fisher**” means a person who holds a commercial fisher licence.

“**commercial fisher licence**” means a commercial fisher licence issued under section 30 of the regulation.

“**commercial fishing apparatus**” means fishing apparatus other than fishing apparatus that may be used or possessed by a recreational fisher under the regulation or another management plan.

“**commercial fishing boat**” means a primary or tender boat.

“**commercial fishing boat licence**” means a commercial fishing boat licence issued under section 30 of the regulation.

“**conviction**”, for chapter 5, part 3, division 3, see section 236(2)(a).

“**CPUE**” means a ratio that expresses the amount of permitted fish caught by a person compared with the amount of effort applied by the person to catch the fish.

“**crew licence**” means a crew licence issued under section 30 of the regulation.

“**deep water net area**” see section 16 of this schedule.

“**defined port area**” see section 33 of this schedule.

“**depth**”, of a boat, see section 36 of this schedule.

“**detected by VMS**” see section 42 of this schedule.

“**effort unit**” means an effort unit issued under chapter 3, part 6.

“**effort unit application**” see section 84(1).

“**effort unit certificate**” see section 101(1).

“**effort unit conversion factor**”, for a boat, means the effort unit conversion factor for the boat stated in schedule 5 opposite the number of hull units for the boat.

“**effort year**”—

1. An “effort year” means the period from midday on 1 January to midday on 1 January in the next year.
2. However, the first effort year does not start until midday on 1 January 2001.

SCHEDULE 7, part 4—Dictionary (continued)

“**eligible licence**” see section 73(2).

“**eligible person**” means a person who holds an eligible licence.

“**entitlement**”, for an effort unit, see section 97(5).

“**Facing Island area**” see section 17 of this schedule.

“**F↑B sign**” means a sign with the marking F↑B on it, erected or displayed by the chief executive.

“**fisher**” means a person who holds a fisher licence issued under section 30 of the regulation.

“**Fisherman Islands area**” see section 18 of this schedule.

“**fishery**”, when used as a noun, see section 3(1) of this plan.

“**fishery’s area**” means the area mentioned in section 2 of this schedule.

“**fishery symbol**” means a fishery symbol mentioned in section 31(2) of this plan.

“**fishing days**”, for effort units, means the number of days worked out by dividing the total number of the units by the effort unit conversion factor for the boat identified in the effort unit certificate for the units.

“**fitted**”, to a net, includes attached to and built into the net.

“**Fitzroy River mouth area**” see section 19 of this schedule.

“**former fisheries authority**” means—

- (a) the former Queensland Fisheries Management Authority under the Act; or
- (b) the Queensland Fish Management Authority under the repealed Act.

“**former licence**”, for a licence (the “**current licence**”), means a licence that—

- (a) replaced or renewed the current licence; or
- (b) expired before the current licence was issued that—
 - (i) authorised the same, or substantially the same, things that are authorised under the current licence; and
 - (ii) was issued to the same person as the holder of the current licence when it was issued or transferred to the person; or

SCHEDULE 7, part 4—Dictionary (continued)

- (c) was replaced or renewed by a licence mentioned in paragraph (a) or (b); or
- (d) expired before the issue of a licence (the “later licence”) mentioned in paragraph (a), (b) or (c) that—
 - (i) authorised the same, or substantially the same, things that are authorised under the current licence; and
 - (ii) was issued to the same person as the holder of the later licence when it was issued or transferred to the person; or
- (e) was surrendered in exchange for the issue or amendment of the current licence or a former licence under paragraphs (b), (c) or (d) to allow the boat identified in that licence to be modified or replaced.

“**Great Sandy Strait area**” see section 20 of this schedule.

“**ground chain**” means a chain attached at 1 or more points to the bottom rope of an otter trawl net so that the chain is suspended below the bottom rope when the net is in use.

“**Hervey Bay area**” see section 21 of this schedule.

“**hull units**”, for a boat, see section 34 of this schedule.

“**information notice**”, about a decision, means a notice stating—

- (a) the decision, and the reasons for it; and
- (b) that the person may appeal against the decision to the tribunal within 28 days after the person receives the notice; and
- (c) how to appeal.

“**install**”, for VMS equipment, includes fit an approved seal on the equipment.

“**issued**”, for an effort unit, see section 76.

“**Keppel Bay area**” see section 22 of this schedule.

“**Laguna Bay area**” see section 23 of this schedule.

“**length**” of—

- (a) a commercial fishing boat—see section 37 of this schedule; or
- (b) a beam trawl net—see section 38(1) of this schedule; or

SCHEDULE 7, part 4—Dictionary (continued)

(c) an otter trawl net—see section 38(2) of this schedule.

“licence”, for the fishery, means a licence for the fishery under section 31(1) of this plan.

“Llewellyn Bay area” see section 24 of this schedule.

“logbook returns” means statistical returns—

(a) in the form of a logbook given under the Act or the repealed Act; and

(b) received by the chief executive or a former fisheries authority.

“‘M1’ licence” means a primary licence with an ‘M1’ fishery symbol written on it.

“‘M1’ and ‘M2’ area” see section 25 of this schedule.

“‘M2’ licence” means a primary licence with an ‘M2’ fishery symbol written on it.

“major scallop area” see section 67(1).

“malfunction”, for chapter 3, part 5, division 3, see section 63.

“manually reported”, for a boat, see section 66(4).

“manual reporting guidelines” see section 69.

“manual reporting obligation” see section 66(2).

“maximum continuous brake kW” see section 39 of this schedule.

“mesh size”, of a net, see section 40 of this schedule.

“Moreton Bay” see section 26 of this schedule.

“new recorded fishing days decision” see section 81A(c).

“n mile” means nautical mile.

“nominated communication mode”, for a boat, means a mode nominated for the person in control of the boat under section 57B.

“notice” means a written notice.

“notice guidelines” see section 71.

“notification day” means the day this plan is gazetted.

“otter trawl net” means a trawl net with its mouth kept open by otter boards and the force of water.

SCHEDULE 7, part 4—Dictionary (continued)

“**permitted fish**” see section 8 of this plan.

“**plan**” means management plan.

“**primary boat**” means the commercial fishing boat identified on a primary boat licence.

“**primary licence**” means a commercial fishing boat licence issued under section 30 of the regulation.

“**principal fish**” see section 7 of this plan.

“**process**”, for fish, includes freeze, pack, refrigerate, sort and thaw.

“**recognised BRD**”, for chapter 3, part 3, see section 43(1).

“**recognised TED**”, for chapter 3, part 4, see section 54(1).

“**recorded fishing days**” see section 80(2).

“**recreational fisher**” means a person, including a fisher, who takes or possesses fish, other than—

- (a) for trade or commerce; or
- (b) in the exercise or enjoyment of native title rights and interests in relation to land or waters under the Native Title Act 1993 (Cwlth).

“**regulation**” means the Fisheries Regulation 1995.

“**repealed Act**” means the repealed Fishing Industry Organisation and Marketing Act 1982.

“**replacement licence**” means—

- (a) a replacement licence issued under section 71 of the Act to replace a licence that has been lost, damaged or destroyed; or
- (b) a licence for a boat to replace another boat licensed to operate in the fishery.

“**Repulse Bay area**” see section 27 of this schedule.

“**serious scallop offence**” see section 237(2).

“**Sinclair Bay area**” see section 28 of this schedule.

“**small operator**”, for chapter 3, part 6, division 4, see section 83.

“**steaming day**” see section 97(2).

SCHEDULE 7, part 4—Dictionary (continued)

“**square mesh**” means netting material orientated so the direction of the mesh twine is longitudinal and transverse to the length of the cod end.

“**supplementary days**”, for an eligible licence, means the supplementary days for the licence under chapter 3, part 6, division 4.

“**surrendered former licence**”, for a licence (the “**current licence**”), means—

- (a) a former licence surrendered in exchange for the issue or amendment of the current licence; or
- (b) a previous licence surrendered in exchange for the issue or amendment of the licence mentioned in paragraph (a).

“**sweep**”, of a net, see section 41 of this schedule.

“**‘T1’ and ‘T3’ area**” see section 29 of this schedule.

“**‘T2’ area**” see section 30 of this schedule.

“**‘T1’ licence**” means a primary licence with a ‘T1’ fishery symbol written on it.

“**‘T2’ licence**” means a primary licence with a ‘T2’ fishery symbol written on it.

“**‘T3’ licence**” means a primary licence with a ‘T3’ fishery symbol written on it.

“**‘T5’ licence**” means a primary licence with a ‘T5’ fishery symbol written on it.

“**‘T6’ licence**” means a primary licence with a ‘T6’ fishery symbol written on it.

“**‘T7’ licence**” means a primary licence with a ‘T7’ fishery symbol written on it.

“**‘T8’ licence**” means a primary licence with a ‘T8’ fishery symbol written on it.

“**‘T9’ licence**” means a primary licence with a ‘T9’ fishery symbol written on it.

“**TED**” means turtle excluder device.

“**TED use condition**” see section 53(1).

SCHEDULE 7, part 4—Dictionary (continued)

“**tender boat**” means a commercial fishing boat identified in a tender licence.

“**tender licence**” means a tender commercial fishing boat licence issued under section 30 of the regulation.

“**territorial sea baseline**” has the meaning given under the Seas and Submerged Lands Act 1973 (Cwlth) by proclamation in Gazette No. S 29 (Cwlth) of 9 February 1983 at pages 2 to 14.

“**tickler chain**” means a chain attached to a trawl net or the otter boards of an otter trawl net that is in front of the mouth of the net when the net is in use.

“**trawling**” see section 3(2)(a).

“**trawl net**” means any beam trawl net or otter trawl net described in chapter 4 and any other fishing apparatus normally used with it.

Example of ‘other fishing apparatus’—

- ground chains or ropes.

“**try net**” means an otter or beam trawl net of the following lengths, used for no longer than 25 minutes at a time, for sampling or testing or to work out the abundance or presence of principal fish—

- (a) for an otter trawl net—no longer than 10 m;
- (b) for a beam trawl net—no longer than 2.5 m.

“**unused entitlement**”, for effort units, see section 98(2).

“**used**” for—

- (a) a boat, for an allocated or steaming day, see section 97(3); or
- (b) effort units, see section 98(1).

“**VMS maintenance and use obligations**” means the obligations under section 60(1).

“**waters north of Cape Gloucester**” see section 31 of this schedule.

“**waters south of Cape Gloucester**” see section 32 of this schedule.

“**waterway**” does not include non-tidal waters.

ENDNOTES**1 Index to endnotes**

	Page
2 Date to which amendments incorporated	245
3 Key	246
4 Table of reprints	246
5 Tables in earlier reprints	246
6 List of legislation	246
7 List of annotations	248
8 Table of renumbered provisions	273

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 April 2003. Future amendments of the Fisheries (East Coast Trawl) Management Plan 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Renumbered provisions	2

6 List of legislation

Fisheries (East Coast Trawl) Management Plan 1999 SL No. 289

made by the Governor in Council on 18 November 1999

notfd gaz 19 November 1999 pp 1149–52

ss 1–2 commenced on date of notification

s 11 commenced 1 January 2000 (see s 2(1))

s 29(2)(b) commenced 2 January 2000 (see s 2(2))

s 102(2)(b)–(c) commenced 1 March 2000 (see s 2(3))

ss 85, 97 and 110 commenced 1 July 2000 (see s 2(4))
 remaining provisions commenced on date of notification (see s 2(5))
exp 1 September 2010 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared amending legislation—

Primary Industries and Natural Resources Legislation Consequential Amendment Management Plan (No. 1) 2000 SL No. 211 pts 1–2

notfd gaz 11 August 2000 pp 1322–3
 commenced on date of notification

Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2000 SL No. 360

notfd gaz 21 December 2000 pp 1496A–1496B
 commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2001 SL No. 81

notfd gaz 22 June 2001 pp 706–8
 ss 1–2 commenced on date of notification
 s 12 commenced 12 August 2001 (see s 2(2))
 ss 26–27 commenced 21 December 2000 (see s 2(1))
 remaining provisions commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Fisheries (East Coast Trawl) Amendment Management Plan (No. 2) 2001 SL No. 209

notfd gaz 16 November 2001 pp 982–5
 commenced on date of notification

Fisheries (East Coast Trawl) Amendment Management Plan (No. 3) 2001 SL No. 298

notfd gaz 21 December 2001 pp 1482–8
 commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Fisheries Management Plans Amendment Management Plan (No. 1) 2002 SL No. 338 pts 1–2

notfd gaz 6 December 2002 pp 1162–66
 commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 2) 2002 SL No. 340 pts 1–2

notfd gaz 6 December 2002 pp 1162–66
 commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54 ss 1–3 sch

notfd gaz 28 March 2003 pp 1125–9
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 April 2003 (see s 2)

7 List of annotations

This plan has been renumbered—see table of renumbered provisions in endnote 8.

The fishery—sch 1

s 3 amd 2001 SL No. 81 s 4

How objectives are to be achieved—sch 2

s 5 amd 2000 SL No. 211 s 3

What is a “permitted fish”

s 8 prev (2)–(3) exp 31 October 2000 (see prev s 8(3))
 amd 2000 SL No. 360 s 3; 2001 SL No. 298 ss 3, 2 sch

CHAPTER 2—CLOSED WATERS AND REGULATED FISH DECLARATIONS

PART 1—CLOSED WATERS

Annual southern closures—sch 3, pt 1, div 1

s 11 amd 2000 SL No. 211 s 3; 2000 SL No. 360 s 4; 2001 SL No. 81 s 5

Annual northern closures—sch 3, pt 1, div 2

s 12 amd 2000 SL No. 211 s 3; 2000 SL No. 360 s 5; 2001 SL No. 81 s 6

Sit-out notices

s 12A ins 2001 SL No. 81 s 7

Sit-out applications

s 12B ins 2001 SL No. 81 s 7

Subdivision 2—Scallop replenishment closures

sdiv hdg sub 2000 SL No. 360 s 6

Closures—sch 3, pt 2

s 14 sub 2000 SL No. 360 s 6

Prohibited activities

s 15 sub 2000 SL No. 360 s 6

Closed waters—reef world heritage area

s 15A ins 2001 SL No. 209 s 3
 amd 2001 SL No. 298 s 4

Other specific closures—sch 3, pt 3

s 16 prev s 16 om 2000 SL No. 360 s 6
 pres s 16 amd 2001 SL No. 81 s 8

Operation of div 3

s 17 amd 2000 SL No. 360 s 7

Otter trawl net stowed and secured

s 20 amd 2000 SL No. 360 s 8

Fishing apparatus testing

s 21 amd 2000 SL No. 211 s 4

Fish regulated by number or volume—sch 4, pts 1 and 2**prov hdg** sub 2001 SL No. 298 s 5(1)**s 24** amd 2001 SL No. 298 ss 5, 2 sch (amdt could not be given effect); 2002 SL No. 24; 2002 SL No. 340 s 3**Fish regulated by gender—sch 4, pt 3****s 25** amd 2001 SL No. 298 s 2 sch**Fish regulated by size sch 4, pt 4****s 26** amd 2001 SL No. 298 s 2 sch**Fish regulated by size and time—sch 4, pt 4****s 27** om 2001 SL No. 298 s 9**Saucer scallops—regulated by area and time****s 28** sub 2000 SL No. 360 s 9

amd 2001 SL No. 81 s 9

Saucer scallops—regulated by size, time and amount**s 29** amd 2002 SL No. 340 s 4**Saucer scallops in scallop replenishment closure****s 29A** ins 2001 SL No. 81 s 10**CHAPTER 3—GENERAL PROVISIONS FOR LICENCES AND FISHERY SYMBOLS****PART 1—LICENCES AND FISHERY SYMBOLS****Division 1—General provisions****div hdg** ins 2000 SL No. 320 s 10**Licences and fishery symbols for the fishery****s 31** amd 2000 SL No. 320 s 11; 2001 SL No. 209 s 4**Who may fish****s 32** amd 2000 SL No. 320 s 12; 2001 SL No. 81 s 11**Division 2—Obtaining an ‘M1’ or ‘M2’ fishery symbol****div hdg** ins 2000 SL No. 360 s 13**Applying for ‘M1’ or ‘M2’ fishery symbol****s 34** amd 2000 SL No. 211 s 3

sub 2000 SL No. 360 s 13

Deciding application**s 35** ins 2000 SL No. 360 s 13**Steps after making decision****s 36** ins 2000 SL No. 360 s 13**Division 3—Restrictions on writing fishery symbols on licences****div 3 (s 37)** ins 2000 SL No. 360 s 13**Chief executive may make guidelines****prov hdg** amd 2000 SL No. 211 s 5**s 49** amd 2000 SL No. 211 s 3

Division 3—Compliance with TED use condition**div hdg** sub 2002 SL No. 340 s 5**Subdivision 1—General****sdiv hdg** om 2002 SL No. 340 s 5**Compliance with TED use condition****s 54** sub 2002 SL No. 340 s 5**Requirements for a recognised TED****s 55** sub 2002 SL No. 340 s 5**Subdivision 2—TED guidelines****sdiv hdg** om 2002 SL No. 340 s 5**Chief executive may make guidelines****prov hdg** amd 2000 SL No. 211 s 5**s 56** amd 2000 SL No. 211 s 3
om 2002 SL No. 340 s 5**Compliance with TED use condition from TED guidelines****s 57** om 2002 SL No. 340 s 5**PART 4A—COMMUNICATION CONDITIONS****pt hdg** ins 2001 SL No. 81 s 12**Purpose and application of pt 4A****s 57A** ins 2001 SL No. 81 s 12**Obligation to nominate communication mode for boat****s 57B** ins 2001 SL No. 81 s 12**Obligation to ensure communication with person in control****s 57C** ins 2001 SL No. 81 s 12**Purpose and application of pt 5****s 58** amd 2000 SL No. 360 s 14
(3)–(4) exp 31 March 2001 (see s 58(4))**Obligation to install and register VMS equipment****s 59** amd 2000 SL No. 211 s 3; 2001 SL No. 81 s 13**Obligation to maintain and use VMS equipment****s 60** amd 2000 SL No. 211 s 3
sub 2000 SL No. 360 s 15**Obligation to modify or replace installed VMS if required****s 61** ins 2000 SL No. 360 s 15**When person is taken to be aware of malfunction****s 64** amd 2000 SL No. 211 s 3; 2000 SL No. 360 s 16; 2001 SL No. 81 s 14**Obligation to give notice of malfunction****s 65** amd 2000 SL No. 211 s 3; 2000 SL No. 360 s 17**Manual reporting obligation****s 66** amd 2000 SL No. 211 s 3; 2000 SL No. 360 s 18

Further obligations for malfunction in major scallop area

s 67 ins 2000 SL No. 360 s 19
amd 2001 SL No. 81 s 15

Further obligations for malfunction outside major scallop area

s 68 ins 2000 SL No. 360 s 19
amd 2001 SL No. 81 s 16

Chief executive may make guidelines

prov hdg amd 2000 SL No. 211 s 5
s 69 amd 2000 SL No. 211 s 3

Compliance with manual reporting obligation

s 70 amd 2000 SL No. 360 s 20

Division 4—Notice guidelines

div hdg ins 2000 SL No. 360 s 21

Chief executive may make guidelines

s 71 ins 2000 SL No. 360 s 21

Compliance with notice guidelines

s 72 ins 2000 SL No. 360 s 21

PART 6—EFFORT UNITS

pt hdg ins 2000 SL No. 360 s 22

Division 1—Introduction

div hdg ins 2000 SL No. 360 s 22

Simplified outline of pt 6

s 73 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 17

Division 2—General provisions about effort units

div 2 (ss 74–76) ins 2000 SL No. 360 s 22

Division 3—Initial effort units

div hdg ins 2000 SL No. 360 s 22

Subdivision 1—General provisions

sdiv hdg ins 2000 SL No. 360 s 22

Obligation to issue

s 77 ins 2000 SL No. 360 s 22

Effort unit formula

s 78 ins 2000 SL No. 360 s 22

Subdivision 2—Allocated days

sdiv hdg ins 2000 SL No. 360 s 22

Purpose of sdiv 2

s 79 ins 2000 SL No. 360 s 22

Deciding recorded fishing days

s 80 ins 2000 SL No. 360 s 22
and 2001 SL No. 81 s 18

Making allocation decision

s 81 ins 2000 SL No. 360 s 22

Subdivision 3—Provisions for giving effect to appeal decisions

sdiv hdg ins 2001 SL No. 81 s 19

Application of sdiv 3

s 81A ins 2001 SL No. 81 s 19

Effect of new recorded fishing days decision

s 81B ins 2001 SL No. 81 s 19

Adjustment to allocation decision formula

s 81C ins 2001 SL No. 81 s 19

Division 4—Further effort units issued on basis of supplementary days

div hdg ins 2000 SL No. 360 s 22

Subdivision 1—Preliminary

sdiv hdg ins 2000 SL No. 360 s 22

Purpose of div 4

s 82 ins 2000 SL No. 360 s 22

Meaning of “small operator” for div 4

s 83 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 ss 11, 20

Subdivision 2—Applications for effort units

sdiv hdg ins 2000 SL No. 360 s 22

Requirements for application

s 84 ins 2000 SL No. 360 s 22

Deciding application

s 85 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 21

Grounds for issuing effort units

s 86 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 20

Restrictions on number of supplementary days

s 87 ins 2000 SL No. 360 s 22
om 2001 SL No. 81 s 22

Priority of deciding effort unit applications

s 88 ins 2000 SL No. 360 s 22

Steps after making decision

s 89 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 23

Subdivision 3—Further effort units for small operators

sdiv hdg ins 2000 SL No. 360 s 22

Restriction on granting application by small operator

s 89A ins 2001 SL No. 81 s 24

Effort unit formula

s 90 ins 2000 SL No. 360 s 22

Working out supplementary days

s 91 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 25

Subdivision 4—Further effort units on other grounds

div hdg ins 2000 SL No. 360 s 22

Effort unit formula

s 92 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 26 (retro)

Working out supplementary days

s 93 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 27 (retro)

Division 5—Additional effort units

div hdg ins 2000 SL No. 360 s 22
sub 2001 SL No. 81 s 28

Decision to issue for ‘T2’ licences

s 94 ins 2000 SL No. 360 s 22
sub 2001 SL No. 81 s 29

Decision to issue additional effort units for all eligible licences

prov hdg sub 2001 SL No. 81 s 30(1)
s 95 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 30

Issue of effort units

s 96 ins 2000 SL No. 360 s 22

Division 5A—Limit on effort units

div hdg ins 2001 SL No. 81 s 31

Application of div 5A

s 96A ins 2001 SL No. 81 s 31

Automatic rateable effort unit cancellations

s 96B ins 2001 SL No. 81 s 31

Notice and taking of effect of cancellation

s 96C ins 2001 SL No. 81 s 31

Division 6—Effort unit entitlement and use

div hdg ins 2000 SL No. 360 s 22

Meaning of “entitlement” of effort unit holder

s 97 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 32; 2001 SL No. 298 s 4

When effort unit entitlement is “used” for an effort year

s 98 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 33

Provisions for working out use of entitlement

s 99 ins 2000 SL No. 360 s 22

No carrying forward of unused entitlement

s 100 ins 2000 SL No. 360 s 22

Effort unit certificates

s 101 prev s 101(2), (5) exp 31 December 1999 (see s 101(5))
 prev s 101(3), (6) exp 29 February 2000 (see s 101(6))
 pres s 101 ins 2000 SL No. 360 s 22
 amd 2001 SL No. 81 s 34

Division 7—Evidentiary aids for use of entitlement

div hdg ins 2000 SL No. 360 s 22

Subdivision 1—Evidentiary aids for when a fishing or steaming day is used

sdiv hdg ins 2000 SL No. 360 s 22

VMS detection or manual reporting

s 102 prev s 102(3)–(4) exp 1 March 2000 (see s 102(4))
 pres s 102 ins 2000 SL No. 360 s 22
 sub 2001 SL No. 81 s 35

Absence of VMS detection or reporting

s 102A ins 2001 SL No. 81 s 35

Subdivision 2—Exceptions

sdiv hdg ins 2001 SL No. 81 s 35

Exception—movement only at travelling speed

s 103 ins 2000 SL No. 360 s 22
 amd 2001 SL No. 81 s 36; 2001 SL No. 298 s 6

Exception—minimum boat movement

s 104 ins 2000 SL No. 360 s 22

Exception—moving boat without fishing

s 105 ins 2000 SL No. 360 s 22
 amd 2001 SL No. 81 s 37

Exception—fishing exclusively under fishery symbol for another fishery

s 106 ins 2000 SL No. 360 s 22
 amd 2001 SL No. 81 s 38

Exception—VMS detection in certain closed waters

s 107 ins 2000 SL No. 360 s 22

Notices to chief executive under sdiv 2

prov hdg amd 2001 SL No. 81 s 39
 s 108 ins 2000 SL No. 360 s 22

Subdivision 2—Evidentiary aids for where boat is used

sdiv 2 (s 109) ins 2000 SL No. 360 s 22
 om 2001 SL No. 81 s 40

Subdivision 3—Other evidentiary aids

sdiv 3 (s 110) ins 2000 SL No. 360 s 22
om 2001 SL No. 81 s 40

Division 8—Transfer conditions for effort units

div hdg ins 2000 SL No. 360 s 22

Purpose of div 8

s 111 ins 2000 SL No. 360 s 22

No transfer applications before first effort year

s 112 ins 2000 SL No. 360 s 22

Only whole effort units may be transferred

s 113 prev s 113(2), (5) exp 31 December 1999 (see s 113(5))
prev s 113(3), (6) exp 29 February 2000 (see s 113(6))
pres s 113 ins 2000 SL No. 360 s 22

Special condition for effort units for ‘T2’ licence

prov hdg amd 2001 SL No. 81 s 41(1)

s 114 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 41(2)–(4)
sub 2001 SL No. 209 s 5

Application for effort unit certificate changes required

s 115 ins 2000 SL No. 360 s 22
sub 2001 SL No. 81 s 42

Required minimum number of fishing days after transfer

s 116 ins 2000 SL No. 360 s 22

Effort unit surrender requirement if licence transferred

s 117 ins 2000 SL No. 360 s 22
amd 2001 SL No. 81 s 43

Effort unit surrender requirement if licence not transferred

s 118 ins 2000 SL No. 360 s 22
amd 2001 SL No. 209 s 6

Division 9—Entitlement of transferee under transferred effort units

div 9 (s 119) ins 2000 SL No. 360 s 22

Division 10—Miscellaneous provisions

div 10 (s 120) ins 2000 SL No. 360 s 22

Operation of div 1

s 121 amd 2000 SL No. 211 s 3

Notification

s 122 amd 2000 SL No. 211 s 3; 2000 SL No. 360 s 23

Publication

s 123 amd 2000 SL No. 211 s 6; 2000 SL No. 360 s 24

Inspection

s 124 amd 2000 SL No. 211 s 7

TED guidelines

s 127 om 2002 SL No. 340 s 6

Notice guidelines

s 129 ins 2000 SL No. 360 s 25

PART 8—BOAT MODIFICATION AND REPLACEMENT

pt hdg ins 2000 SL No. 360 s 26

Division 1—Boat modification conditions

div hdg ins 2000 SL No. 360 s 26

Condition for ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licencess 130 ins 2000 SL No. 360 s 26
amd 2001 SL No. 81 s 44**Condition for other licences**s 131 amd 2000 SL No. 211 s 3
sub 2000 SL No. 360 s 26**Division 2—Restrictions on amending licence to modify or replace boat**

div hdg ins 2000 SL No. 360 s 26

Restrictions for ‘M1’, ‘T1’ or ‘T2’ licencess 132 amd 2000 SL No. 211 s 3
sub 2000 SL No. 360 s 26
amd 2001 SL No. 81 s 45**Surrender requirement for ‘M2’ licences**s 133 amd 2000 SL No. 211 s 3
sub 2000 SL No. 360 s 26**Length restriction for other licences**

s 134 ins 2000 SL No. 360 s 26

CHAPTER 4—SPECIFIC LICENCE CONDITIONS**PART 1—‘M1’ AND ‘M2’ LICENCES**

pt hdg amd 2000 SL No. 360 s 27

Purpose and application of pt 1

s 135 amd 2000 SL No. 360 s 28

Area for ‘M1’ and ‘M2’ fishery symbols

s 136 sub 2000 SL No. 360 s 29

Use of chains for net

s 142 sub 2000 SL No. 360 s 30

Use of more than 1 net

s 143 amd 2000 SL No. 360 s 31

Requirement to use BRD

s 145 amd 2002 SL No. 340 s 7

PART 2—‘T1’ AND ‘T3’ LICENCES**Area for ‘T1’ and ‘T3’ fishery symbols**

s 148 sub 2000 SL No. 360 s 32

Maximum net length

s 150 amd 2000 SL No. 360 s 33; 2002 SL No. 340 s 8

Minimum and maximum net mesh size

s 151 amd 2000 SL No. 360 s 34

Use of chains for net

s 154 sub 2000 SL No. 360 s 35

Use of more than 1 net

s 155 amd 2000 SL No. 360 s 36

Requirement to use BRD

s 158 sub 2000 SL No. 360 s 37
(2)–(3) exp 1 July 2001 (see s 158(3))

Requirement to use TED

s 159 sub 2000 SL No. 360 s 37
(2) and (4) exp 1 July 2001 (see s 159(4))
(3) and (5) exp 1 January 2002 (see s 159(5))

PART 3—‘T2’ LICENCES**Area for ‘T2’ fishery symbol**

s 161 sub 2000 SL No. 360 s 38

Use of chains for net

s 167 sub 2000 SL No. 360 s 39

Use of more than 1 net

s 168 amd 2000 SL No. 360 s 40

Requirement to use BRD

s 170 sub 2000 SL No. 360 s 41
(2)–(3) exp 1 July 2001 (see s 170(3))

Requirement to use TED

s 171 sub 2000 SL No. 360 s 41
(2)–(3) exp 1 January 2002 (see s 171(3))

Numbering and renumbering of plan

s 175A om R2 (see RA s 37)

PART 4—‘T5’ LICENCES**Division 2—Requirements for fishing****Use of more than 1 net**

s 178 amd 2000 SL No. 360 s 42

Subdivision 3—BRDs AND TEDs

sdiv hdg sub 2000 SL No. 360 s 43

Requirement to use TED in Laguna Bay area

s 181 ins 2000 SL No. 360 s 44

PART 5—‘T6’ LICENCES**Division 2—Requirements for fishing****Use of more than 1 net**

s 188 amd 2000 SL No. 360 s 45

Subdivision 3—BRDs and TEDs**sdiv hdg** sub 2000 SL No. 360 s 46**Requirement to use TED other than in river or creek****s 191** ins 2000 SL No. 360 s 47**PART 6—‘T7’ LICENCES****Only named commercial fisher may use boat****s 201** amd 2000 SL No. 211 s 3**Prohibition on transfer of ‘T7’ licences****s 202** amd 2000 SL No. 211 s 3**PART 7—‘T8’ LICENCES****Division 2—Requirements for fishing****Use of more than 1 net****s 209** amd 2000 SL No. 360 s 48**Subdivision 3—BRDs and TEDs****sdiv hdg** sub 2000 SL No. 360 s 49**Requirement to use TED other than in river or creek****s 212** ins 2000 SL No. 360 s 50**PART 8—‘T9’ LICENCES****Division 2—Requirements for fishing****Use of more than 1 net****s 219** amd 2000 SL No. 360 s 51**Subdivision 3—BRDs and TEDs****sdiv hdg** sub 2000 SL No. 360 s 52**Requirement to use TED other than in river or creek****s 222** ins 2000 SL No. 360 s 53

sub 2002 SL No. 340 s 9

CHAPTER 5—MISCELLANEOUS PROVISIONS**Review of permitted fish, other than principal fish****s 226** amd 2000 SL No. 211 s 3

om 2001 SL No. 298 s 9

General fishing effort review**prov hdg** sub 2001 SL No. 81 s 46**s 227** ins 2000 SL No. 360 s 54**Ecological sustainability action for reef world heritage area****s 227A** ins 2001 SL No. 81 s 47

om 2001 SL No. 209 s 7

Steaming day review**s 228** ins 2000 SL No. 360 s 54

amd 2001 SL No. 81 s 20

om 2001 SL No. 298 s 9

General review**s 229** amd 2000 SL No. 211 s 3

Consultation requirements

s 230 amd 2000 SL No. 211 s 3

How plan may be amended

s 231 amd 2000 SL No. 211 ss 3, 8

Interfering with approved VMS seals

s 234 amd 2001 SL No. 81 s 48

Serious fisheries offences

s 235 amd 2001 SL No. 81 s 49

Purpose and application of div 3

s 236 amd 2000 SL No. 360 s 55; 2001 SL No. 81 s 50; 2002 SL No. 338 s 3

Criteria for suspending commercial fisher licence

s 237 sub 2001 SL No. 81 s 51

Criteria for suspending commercial fishing boat licence

s 238 sub 2001 SL No. 81 s 51

Criteria for suspending effort units

s 238A ins 2001 SL No. 81 s 51

PART 4—SAVINGS AND TRANSITIONAL PROVISIONS

pt hdg exp 1 January 2002 (see s 244)

Existing licences and approvals for the fishery symbol

prov hdg amd 2000 SL No. 360 s 57

s 239 amd 2000 SL No. 211 s 3
exp 1 January 2002 (see s 244)

‘M1’ fishery symbol for certain ‘T1’ licences

s 239A ins 2001 SL No. 81 s 52
exp 1 January 2002 (see s 244)

Transitional provision for boats being built

s 240 ins 2000 SL No. 360 s 58
exp 1 January 2002 (see s 244)

Existing boat replacement approvals

s 241 ins 2000 SL No. 360 s 58
amd 2001 SL No. 81 s 53
exp 1 January 2002 (see s 244)

Replacement of certain damaged or sunken boats

prov hdg amd 2000 SL No. 360 s 59(1)
s 242 amd 2000 SL No. 360 s 59(2)
sub 2001 SL No. 81 s 54
exp 1 January 2002 (see s 244)

Licence transfer applications made before s 117 commenced

s 243 prev s 243 ins 2000 SL No. 360 s 60
exp 1 April 2001 (see s 243(7))
pres 243 ins 2001 SL No. 81 s 54
exp 1 January 2002 (see s 244)

Exclusion of s 117 for certain licence

s 244 ins 2001 SL No. 81 s 54
exp 1 January 2002 (see s 244)

Expiry of pt 4

s 244 amd 2000 SL No. 360 s 61
exp 1 January 2002 (see s 244)

SCHEDULE 1—THE FISHERY**Area**

s 1 amd 2000 SL No. 360 s 62(1)

Logbook program

s 7 amd 2000 SL No. 211 s 9(1)

Markets

s 8 amd 2001 SL No. 81 s 11

Aborigines' and Torres Strait Islanders' fishery

s 9 amd 2000 SL No. 211 s 9(2)

Catch levels—tables 1–3

s 10 amd 2000 SL No. 211 s 9(3); 2000 SL No. 360 s 62(2)

TABLE 2—TOTAL NUMBER OF DAYS WORKED FROM OTTER AND BEAM TRAWLERS

hdg amd 2000 SL No. 360 s 62(3)

SCHEDULE 2—HOW THE OBJECTIVES ARE TO BE ACHIEVED**How achievement is to be measured**

s 3 amd 2000 SL No. 211 s 10(1)

How objective is to be achieved

s 6 sub 2000 SL No. 360 s 63(1)

How achievement is to be measured

s 7 amd 2000 SL No. 211 s 10(1)
sub 2000 SL No. 360 s 63(1)

Review events

s 8 amd 2000 SL No. 211 s 10(1); 2000 SL No. 360 s 63(2); 2001 SL No. 81 s 55

How achievement is to be measured

s 11 amd 2000 SL No. 211 s 10(1); 2001 SL No. 81 s 11

Review events

s 12 amd 2000 SL No. 211 s 10(1)–(2); 2000 SL No. 360 s 63(3)–(4)

How objective is to be achieved

s 14 amd 2000 SL No. 360 s 63(5)

How achievement is to be measured

s 15 amd 2000 SL No. 211 s 10(1)
sub 2000 SL No. 360 s 63(6)

Bustard Head scallop replenishment area B

s 11 sub 2000 SL No. 360 s 64
exp 1 January 2009 (see s 11(3))

Bustard Head scallop replenishment area C

s 12 sub 2000 SL No. 360 s 64

Bustard Head scallop replenishment area D

s 13 sub 2000 SL No. 360 s 64

Division 3—Yeppoon region

div hdg sub 2000 SL No. 360 s 64

General closure until midday on 1 February 2001

s 14 sub 2000 SL No. 360 s 64
 exp 1 February 2001 (see s 14(3))

Yeppoon scallop replenishment area A

s 15 sub 2000 SL No. 360 s 64
exp 1 January 2009 (see s 15(3))

Yeppoon scallop replenishment area B

s 16 sub 2000 SL No. 360 s 64

PART 3—OTHER SPECIFIC CLOSURES

pt hdg sub 2000 SL No. 360 s 64

Lakes and lagoons south of Endeavour River and east of longitude 142°31.88'

s 17 sub 2000 SL No. 360 s 64

Near the New South Wales border to Point Lookout on North Stradbroke Island

s 18 sub 2000 SL No. 360 s 64
 amd 2001 SL No. 81 s 56(1)

Currumbin Beach

s 19 sub 2000 SL No. 360 s 64

Currumbin Creek

s 20 sub 2000 SL No. 360 s 64

Tallebudgera Creek

s 21 sub 2000 SL No. 360 s 64

Tallebudgera Creek to Burleigh

s 22 sub 2000 SL No. 360 s 64

Southern part of the Broadwater and the Nerang River

s 23 sub 2000 SL No. 360 s 64

Gold Coast Seaway

s 24 sub 2000 SL No. 360 s 64

Broadwater—central part

s 25 sub 2000 SL No. 360 s 64

Broadwater—western part

s 26 sub 2000 SL No. 360 s 64

Coomabah Lake and Coombabah Creek

s 27 sub 2000 SL No. 360 s 64

Coomabah Creek, Oyster Lake and Saltwater Creek

s 28 sub 2000 SL No. 360 s 64

Coomera River

s 29 sub 2000 SL No. 360 s 64

Swan Bay, North Stradbroke Island

s 30 sub 2000 SL No. 360 s 64

Moreton Bay

s 31 sub 2000 SL No. 360 s 64

Moreton Bay, including The Broadwater

s 32 sub 2000 SL No. 360 s 64

Dunwich

s 33 sub 2000 SL No. 360 s 64

Southern Moreton Bay area

s 34 sub 2000 SL No. 360 s 64

Amity Bight and the South Passage

s 35 sub 2000 SL No. 360 s 64

Manly Boat Harbour

s 36 sub 2000 SL No. 360 s 64

Wynnum and Manly

s 37 sub 2000 SL No. 360 s 64

Boggy Creek, Pinkenba

s 38 sub 2000 SL No. 360 s 64

Brisbane River mouth area

s 39 sub 2000 SL No. 360 s 64

Brisbane Airport floodway channel to the Pine River

s 40 sub 2000 SL No. 360 s 64

Sandgate Pier

s 41 sub 2000 SL No. 360 s 64

South Pine River and North Pine River

s 42 sub 2000 SL No. 360 s 64

Northern section of Moreton Bay

s 43 sub 2000 SL No. 360 s 64

Pumicestone Strait

s 44 sub 2000 SL No. 360 s 64

Bribie Island's eastern shore and the sand spit at Kings Beach

s 45 sub 2000 SL No. 360 s 64

Caloundra Head

s 46 sub 2000 SL No. 360 s 64

Caloundra—Kings Beach to Shelly Beach

s 47 sub 2000 SL No. 360 s 64

Currimundi Lake and Currimundi Creek near Caloundra

s 48 sub 2000 SL No. 360 s 64

Warana Beach at Kawana Waters

s 49 sub 2000 SL No. 360 s 64

Mooloolah River

s 50 sub 2000 SL No. 360 s 64

South Maroochy River and the North Maroochy River

s 51 sub 2000 SL No. 360 s 64

Maroochy River and ocean foreshores

s 52 sub 2000 SL No. 360 s 64

Lakes Doonella and Weyba

s 53 sub 2000 SL No. 360 s 64

Noosa River and Lakes Cooroibah and Cootharaba

s 54 sub 2000 SL No. 360 s 64

Laguna Bay area

s 55 sub 2000 SL No. 360 s 64; 2001 SL No. 81 s 56(2)

Weyba Creek

s 56 sub 2000 SL No. 360 s 64

Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba

s 57 sub 2000 SL No. 360 s 64

Noosa River—ocean foreshore north of its northern bank

s 58 sub 2000 SL No. 360 s 64

Waterways south of Double Island Point

s 59 sub 2000 SL No. 360 s 64

Rainbow Beach

s 60 sub 2000 SL No. 360 s 64

Wide Bay Bar

s 61 sub 2000 SL No. 360 s 64

Hook Point to Taleerba Creek, Fraser Island

s 62 sub 2000 SL No. 360 s 64

Taleerba Creek to Indian Head, Fraser Island

s 63 sub 2000 SL No. 360 s 64

Fraser Island—Indian Head to Waddy Points

s 64 sub 2000 SL No. 360 s 64

Fraser Island—Hook point to northern tip

s 65 sub 2000 SL No. 360 s 64

Snapper Creek near Tin Can Bay

s 66 sub 2000 SL No. 360 s 64

Mary River

s 67 sub 2000 SL No. 360 s 64

Hervey Bay seasonal night-time closure

s 68 sub 2000 SL No. 360 s 64

Hervey Bay—other closures

s 69 sub 2000 SL No. 360 s 64

Skyringville Creek

s 70 sub 2000 SL No. 360 s 64

Hervey Bay

s 71 sub 2000 SL No. 360 s 64

Southern Hervey Bay

s 72 sub 2000 SL No. 360 s 64

Theodolite Creek

s 73 sub 2000 SL No. 360 s 64

Coonar Creek

s 74 sub 2000 SL No. 360 s 64

Burnett River

s 75 sub 2000 SL No. 360 s 64

Sandy Cape

s 76 sub 2000 SL No. 360 s 64

Northern Fraser Island and north of Fraser Island

s 77 sub 2000 SL No. 360 s 64

Round Hill Creek

s 78 sub 2000 SL No. 360 s 64

Eurimbula Creek

s 79 sub 2000 SL No. 360 s 64

Rodds Harbour

s 80 sub 2000 SL No. 360 s 64

Wild Cattle Creek

s 81 sub 2000 SL No. 360 s 64

Boyne River and part of South Trees Inlet

s 82 sub 2000 SL No. 360 s 64

Tannum Sands

s 83 sub 2000 SL No. 360 s 64

Calliope River

s 84 sub 2000 SL No. 360 s 64

The Narrows near Curtis Island

s 85 sub 2000 SL No. 360 s 64

Fitzroy River and waters near its mouth

s 86 sub 2000 SL No. 360 s 64

Gladstone offshore area

s 87 sub 2000 SL No. 360 s 64

Keppel Bay near Middle Island Observatory

s 88 sub 2000 SL No. 360 s 64

Yeppoon offshore area

s 89 sub 2000 SL No. 360 s 64

Point Vernon to Cape Manifold

s 90 sub 2000 SL No. 360 s 64

Cawarral Creek

s 91 sub 2000 SL No. 360 s 64

Causeway Lake, Shoal Bay

s 92 sub 2000 SL No. 360 s 64

Water Park Creek

s 93 sub 2000 SL No. 360 s 64

Shoalwater Bay

s 94 sub 2000 SL No. 360 s 64

Broadsound to Dunk Island

s 95 sub 2000 SL No. 360 s 64

St. Lawrence Creek to Endeavour River

s 96 sub 2000 SL No. 360 s 64

Swain Reefs

s 97 sub 2000 SL No. 360 s 64

Rocky Dam Creek

s 98 sub 2000 SL No. 360 s 64

Grasstree Island area

s 99 sub 2000 SL No. 360 s 64

Louisa Creek

s 100 sub 2000 SL No. 360 s 64

Pioneer River upstream of Pioneer Bridge

s 101 sub 2000 SL No. 360 s 64

Pioneer River

s 102 sub 2000 SL No. 360 s 64

Pioneer River mouth

s 103 sub 2000 SL No. 360 s 64

Reliance Creek, west of Eimeo

s 104 sub 2000 SL No. 360 s 64

Constant Creek

s 105 sub 2000 SL No. 360 s 64

Egremont Pass Closure

s 106 sub 2000 SL No. 360 s 64

Seaforth Creek

s 107 sub 2000 SL No. 360 s 64

Refuge Bay on Scawfell Island

s 108 sub 2000 SL No. 360 s 64

Victor Creek

s 109 sub 2000 SL No. 360 s 64

O'Connell River

s 110 sub 2000 SL No. 360 s 64

Proserpine River

s 111 sub 2000 SL No. 360 s 64

Pioneer Bay

s 112 sub 2000 SL No. 360 s 64

Merinda Creek

s 113 sub 2000 SL No. 360 s 64

Hayman Island to Cape Abbot

s 114 sub 2000 SL No. 360 s 64

Bowen Harbour and Magazine Island

s 115 sub 2000 SL No. 360 s 64

Bowen to Cairns offshore area

s 116 sub 2000 SL No. 360 s 64

Hook Island

s 117 sub 2000 SL No. 360 s 64

Groper Creek, Yellow Gin Creek and the Burdekin River

s 118 sub 2000 SL No. 360 s 64

Burdekin River

s 119 sub 2000 SL No. 360 s 64

Plantation Creek and Seaforth Creek

s 120 sub 2000 SL No. 360 s 64

Haughton River and the Short Cut

s 121 sub 2000 SL No. 360 s 64

Barramundi Creek

s 122 sub 2000 SL No. 360 s 64

Townsville Harbour and Cleveland Bay

s 123 sub 2000 SL No. 360 s 64

Townsville to Cape York offshore area

s 124 sub 2000 SL No. 360 s 64

Etty Bay area

s 125 sub 2000 SL No. 360 s 64

amd 2001 SL No. 81 s 56(3)–(4)

Rollingstone Creek, Halifax Bay

s 126 sub 2000 SL No. 360 s 64

Herbert River

s 127 sub 2000 SL No. 360 s 64

Yanks Jetty area at Orpheus Island

s 128 sub 2000 SL No. 360 s 64

Hinchinbrook Channel

s 129 sub 2000 SL No. 360 s 64

Meunga Creek

s 130 sub 2000 SL No. 360 s 64

Murray River

s 131 sub 2000 SL No. 360 s 64

Mission Beach

s 132 sub 2000 SL No. 360 s 64

amd 2001 SL No. 81 s 56(5)

Mission Beach night time closure

s 133 sub 2000 SL No. 360 s 64

amd 2001 SL No. 81 s 56(6)

Johnstone River

s 134 sub 2000 SL No. 360 s 64

Russell River, Mulgrave River and Mutchero Inlet

s 135 sub 2000 SL No. 360 s 64

Fitzroy Island and High Island, near Cairns

s 136 sub 2000 SL No. 360 s 64

Trinity Bay

s 137 sub 2000 SL No. 360 s 64

Centenary Lakes, Cairns

s 138 sub 2000 SL No. 360 s 64

Barron River

s 139 sub 2000 SL No. 360 s 64

Mission Bay

s 140 sub 2000 SL No. 360 s 64

Yorkeys Knob to Simpson Point

s 141 sub 2000 SL No. 360 s 64

Cook Bay

s 142 sub 2000 SL No. 360 s 64

Island Point to the Daintree River

s 143 sub 2000 SL No. 360 s 64

Daintree River

s 144 sub 2000 SL No. 360 s 64

Bloomfield River

s 145 sub 2000 SL No. 360 s 64

Annan River

s 146 sub 2000 SL No. 360 s 64

Endeavour River

s 147 sub 2000 SL No. 360 s 64

North of latitude 15°30.00' south

s 148 sub 2000 SL No. 360 s 64

Grave Point to Indian Head

s 149 sub 2000 SL No. 360 s 64

Cape Bedford to Murray Reefs

s 150 sub 2000 SL No. 360 s 64

Cape Flattery to Lookout Point

s 150A ins 2002 SL No. 340 s 10

Lookout Point to Baron Reef

s 150B ins 2002 SL No. 340 s 10

Cape Flattery to near Barrow Point

s 151 sub 2000 SL No. 360 s 64

Barrow Point to Bizant River

s 152 sub 2000 SL No. 360 s 64

Bizant River, Princess Charlotte Bay

s 153 sub 2000 SL No. 360 s 64

Marrett River to Rocky River

s 154 sub 2000 SL No. 360 s 64

Rocky River to latitude 13°08.91' south

s 155 sub 2000 SL No. 360 s 64

Latitude 13°08.91' south to Thorpe Point

s 156 sub 2000 SL No. 360 s 64

Round Point to Fly Point near Cape York

s 157 sub 2000 SL No. 360 s 64

Tip of Cape York

s 158 sub 2000 SL No. 360 s 64

SCHEDULE 4—REGULATED FISH

sub 2001 SL No. 298 s 7

SCHEDULE 5—EFFORT UNIT CONVERSION FACTOR FOR BOATS

sch hdg amd 2001 SL No. 81 s 57

ins 2000 SL No. 360 s 65

SCHEDULE 6—WATERS WHERE SCALLOPS MAY BE PROCESSED ON A BOAT

sub 2000 SL No. 360 s 66

SCHEDULE 7—AIDS TO INTERPRETATION AND DEFINITIONS**PART 1—AIDS TO INTERPRETATION****Division 1—Geographical references**

div hdg sub 2000 SL No. 360 s 67(1)

References to latitudes and longitudes

s 1 ins 2000 SL No. 360 s 67(1)

amd 2001 SL No. 81 s 58(1)

Scientific names of fish

s 6 amd 2000 SL No. 360 s 67(2)–(3); 2001 SL No. 298 s 8(1)–(3)

Scientific classification

s 7 amd 2000 SL No. 211 s 11(1); 2000 SL No. 360 s 67(4)–(5); 2001 SL No. 298 ss 8(4), 2 sch

Measurement of fish size

s 8 amd 2001 SL No. 298 s 8(5)

Measurement of volume of fish

s 8A ins 2001 SL No. 298 s 8(6)

PART 2—EXTENDED DEFINITIONS FOR AREAS**Division 1—General area definitions**

div hdg ins 2000 SL No. 360 s 67(6)

Meaning of “Brisbane River mouth area—north”

s 11 sub 2000 SL No. 360 s 67(6)

Meaning of “Brisbane River mouth area—south”

s 12 sub 2000 SL No. 360 s 67(6)

Meaning of “deep water net area”

s 16 sub 2000 SL No. 360 s 67(7)

Meaning of “Facing Island area”

s 17 sub 2000 SL No. 360 s 67(7)

Meaning of “Hervey Bay area”

s 21 sub 2000 SL No. 360 s 67(8)

Meaning of “Keppel Bay area”

s 22 sub 2000 SL No. 360 s 67(8)

Meaning of “Laguna Bay area”

s 23 sub 2000 SL No. 360 s 67(8); 2001 SL No. 81 s 58(2)

Meaning of “Llewellyn Bay area”

s 24 sub 2000 SL No. 360 s 67(8)

Meaning of “M1” an”M2” area”s 25 sub 2000 SL No. 360 s 67(8)
amd 2001 SL No. 81 s 58(3)**Meaning of “Sinclair Bay area”**

s 28 sub 2000 SL No. 360 s 67(9)

Meaning of “T1” and “T3” area”

s 29 ins 2000 SL No. 360 s 67(9)

Meaning of “T2” area”

s 30 ins 2000 SL No. 360 s 67(9)

Division 2—Defined port areas

div 2 (s 33) ins 2000 SL No. 360 s 67(10)

Working out “hull units” for a boat

s 34 amd 2000 SL No. 360 s 67(11)

Meaning of “beam” of a boat

s 35 ins 2000 SL No. 360 s 67(12)

Meaning of “depth” of a boat

s 36 ins 2000 SL No. 360 s 67(12)

When a boat is “detected by VMS” at a place

s 42 ins 2000 SL No. 360 s 67(13)

PART 4—DICTIONARYdef “**allocation days**” ins 2000 SL No. 360 s 67(15)def “**allocation decision**” ins 2000 SL No. 360 s 67(15)def “**allocation decision formula**” ins 2001 SL No. 81 s 58(5)def “**approved**” ins 2001 SL No. 81 s 58(5)def “**assistant fisher**” amd 2000 SL No. 211 s 11(2)def “**beam**” ins 2000 SL No. 360 s 67(15)def “**buyer licence**” amd 2000 SL No. 211 s 11(2)def “**close relative**” ins 2000 SL No. 360 s 67(15)

amd 2003 SL No. 54 s 3 sch

def “**commercial fisher licence**” amd 2000 SL No. 211 s 11(2)def “**commercial fishing boat licence**” amd 2000 SL No. 211 s 11(2)def “**crew licence**” amd 2000 SL No. 211 s 11(2)def “**defined port area**” ins 2000 SL No. 360 s 67(15)def “**depth**” ins 2000 SL No. 360 s 67(15)def “**detected by VMS**” ins 2000 SL No. 360 s 67(15)def “**effort unit**” ins 2000 SL No. 360 s 67(15)def “**effort unit application**” ins 2000 SL No. 360 s 67(15)

- def “**effort unit certificate**” ins 2000 SL No. 360 s 67(15)
- def “**effort unit conversion factor**” ins 2000 SL No. 360 s 67(15)
- def “**effort year**” ins 2000 SL No. 360 s 67(15)
- def “**eligible licence**” ins 2000 SL No. 360 s 67(15)
- def “**eligible person**” ins 2000 SL No. 360 s 67(15)
- def “**entitlement**” ins 2000 SL No. 360 s 67(15)
- def “**F[↑]B sign**” amd 2000 SL No. 211 s 11(3)
- def “**fisher**” amd 2000 SL No. 211 s 11(2)
- def “**fishery’s area**” ins 2000 SL No. 360 s 67(15)
- def “**fishing days**” ins 2000 SL No. 360 s 67(15)
 - sub 2001 SL No. 81 s 58(4)–(5)
- def “**former fisheries authority**” ins 2000 SL No. 360 s 67(15)
- def “**former licence**” ins 2000 SL No. 360 s 67(15)
- def “**ground chain**” ins 2000 SL No. 360 s 67(15)
- def “**information notice**” ins 2000 SL No. 360 s 67(15)
- def “**install**” ins 2001 SL No. 81 s 58(5)
- def “**issued**” ins 2000 SL No. 360 s 67(15)
- def “**logbook returns**” ins 2000 SL No. 360 s 67(15)
- def “**‘M1’ and ‘M2’ area**” ins 2000 SL No. 360 s 67(15)
- def “**‘M2’ licence**” ins 2000 SL No. 360 s 67(15)
- def “**major scallop area**” ins 2000 SL No. 360 s 67(15)
- def “**manually reported**” ins 2000 SL No. 360 s 67(15)
- def “**manual reporting obligation**” amd 2000 SL No. 360 s 67(16)
- def “**new recorded fishing days decision**” ins 2001 SL No. 81 s 58(5)
- def “**nominated communication mode**” ins 2001 SL No. 81 s 58(5)
- def “**notice guidelines**” ins 2000 SL No. 360 s 67(15)
- def “**primary licence**” amd 2000 SL No. 211 s 11(2)
- def “**recorded fishing days**” ins 2000 SL No. 360 s 67(15)
- def “**repealed Act**” ins 2000 SL No. 360 s 67(15)
- def “**serious scallop offence**” ins 2001 SL No. 81 s 58(5)
- def “**small operator**” ins 2000 SL No. 360 s 67(15)
- def “**steaming day**” ins 2000 SL No. 360 s 67(15)
- def “**supplementary days**” ins 2000 SL No. 360 s 67(15)
- def “**surrendered former licence**” ins 2000 SL No. 360 s 67(15)
- def “**‘T1’ and ‘T3’ area**” ins 2000 SL No. 360 s 67(15)
- def “**‘T2’ area**” ins 2000 SL No. 360 s 67(15)
- def “**TED guidelines**” om 2002 SL No. 340 s 11
- def “**tender licence**” amd 2000 SL No. 211 s 11(2)
- def “**tickler chain**” ins 2000 SL No. 360 s 67(15)
- def “**trawling**” ins 2001 SL No. 81 s 58(5)
- def “**trawl net**” sub 2000 SL No. 360 s 67(14)–(15)
- def “**unused entitlement**” ins 2000 SL No. 360 s 67(15)
- def “**used**” ins 2000 SL No. 360 s 67(15)
- def “**VMS maintenance and use obligations**” ins 2000 SL No. 360 s 67(15)

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS [Reprint No. 2]
 under the Reprints Act 1992 s 43 as required by the Fisheries (East Coast Trawl)
 Management Plan 1999 s 175A

Previous	Renumbered as
8(ga).....	8(h)
8(h).....	8(i)
8(i).....	8(j)
8(j).....	8(k)
17.....	16
18.....	17
19.....	18
20.....	19
21.....	20
23.....	22
24.....	23
25.....	24
26.....	25
27.....	26
28.....	27
29.....	28
30.....	29
31.....	30
32.....	31
33.....	32
34.....	33
35.....	34
35A.....	35
35B.....	36
35C.....	37
36.....	38
37.....	39
38.....	40
39.....	41
40.....	42
41.....	43
42.....	44
43.....	45
44.....	46
45.....	47
46.....	48
47.....	49
48.....	50
49.....	51
50.....	52
51.....	53

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
52.....	.54
53.....	.55
54.....	.56
55.....	.57
56.....	.58
57.....	.59
58.....	.60
58A.....	.61
59.....	.62
60.....	.63
61.....	.64
62.....	.65
63.....	.66
63(2).....	.66(1)
63(3).....	.66(2)
63(4).....	.66(3)
63(5).....	.66
63A.....	.67
63B.....	.68
64.....	.69
65.....	.70
65A.....	.71
65B.....	.72
pt 5A hdg.....	.pt 6 hdg
65C.....	.73
65D.....	.74
65E.....	.75
65F.....	.76
65G.....	.77
65H.....	.78
65I.....	.79
65J.....	.80
65K.....	.81
65L.....	.82
65M.....	.83
65N.....	.84
65O.....	.85
65P.....	.86
65Q.....	.87
65R.....	.88
65S.....	.89
65T.....	.90
65U.....	.91
65V.....	.92
65W.....	.93
65X.....	.94
65Y.....	.95
65Z.....	.96

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
65ZA	97
65ZB	98
65ZC	99
65ZD	100
65ZE	101
65ZF	102
65ZG	103
65XH	104
65ZI	105
65ZJ	106
65ZK	107
65ZL	108
65ZM	109
65ZN	110
65ZO	111
65ZP	112
65ZQ	113
65ZR	114
65ZS	115
65ZT	116
65ZU	117
65ZV	118
65ZW	119
65ZX	120
pt 6 hdg	pt 7 hdg
66	121
67	122
68	123
69	124
70	125
71	126
72	127
73	128
73A	129
pt 7 hdg	pt 8 hdg
74	130
75	131
76	132
77	133
77A	134
78	135
79	136
80	137
81	138
82	139
83	140
84	141
85	142

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
86.....	143
87.....	144
88.....	145
89.....	146
90.....	147
91.....	148
92.....	149
93.....	150
150(1)(f).....	150(1)(e)
150(1)(h).....	150(1)(f)
94.....	151
95.....	152
96.....	153
97.....	154
98.....	155
99.....	156
100.....	157
101.....	158
102.....	159
103.....	160
104.....	161
105.....	162
106.....	163
107.....	164
108.....	165
109.....	166
110.....	167
111.....	168
112.....	169
113.....	170
114.....	171
115.....	172
116.....	173
117.....	174
118.....	175
119.....	176
120.....	177
121.....	178
122.....	179
123.....	180
123A.....	181
124.....	182
125.....	183
126.....	184
127.....	185
128.....	186
129.....	187
130.....	188

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
131.....	189
132.....	190
132A	191
133.....	192
134.....	193
135.....	194
136.....	195
137.....	196
138.....	197
139.....	198
140.....	199
141.....	200
142.....	201
143.....	202
144.....	203
145.....	204
146.....	205
147.....	206
148.....	207
149.....	208
150.....	209
151.....	210
152.....	211
152A	212
153.....	213
154.....	214
155.....	215
156.....	216
157.....	217
158.....	218
159.....	219
160.....	220
161.....	221
161A	222
162.....	223
163.....	224
164.....	225
165.....	226
165A	227
165B	228
166.....	229
167.....	230
168.....	231
169.....	232
170.....	233
171.....	234
172.....	235
173.....	236

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
174.....	237
175.....	238
176.....	239
176A.....	240
176B.....	241
177.....	242
177A.....	243
178.....	244
sch 3.....	sch 3
pt 2.....	pt 2
6A.....	7
6B.....	8
6C.....	9
6D.....	10
6E.....	11
6F.....	12
6G.....	13
6H.....	14
6I.....	15
6J.....	16
7.....	17
8.....	18
9.....	19
10.....	20
11.....	21
12.....	22
13.....	23
14.....	24
15.....	25
16.....	26
17.....	27
18.....	28
19.....	29
20.....	30
21.....	31
22.....	32
23.....	33
24.....	34
25.....	35
26.....	36
27.....	37
28.....	38
29.....	39
30.....	40
31.....	41
32.....	42
33.....	43
34.....	44

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
35.....	.45
36.....	.46
37.....	.47
38.....	.48
39.....	.49
40.....	.50
41.....	.51
42.....	.52
43.....	.53
44.....	.54
45.....	.55
46.....	.56
47.....	.57
48.....	.58
49.....	.59
50.....	.60
51.....	.61
52.....	.62
53.....	.63
54.....	.64
55.....	.65
56.....	.66
58.....	.67
59.....	.68
60.....	.69
61.....	.70
62.....	.71
63.....	.72
64.....	.73
65.....	.74
66.....	.75
67.....	.76
68.....	.77
69.....	.78
70.....	.79
71.....	.80
72.....	.81
73.....	.82
74.....	.83
75.....	.84
76.....	.85
77.....	.86
77A.....	.87
78.....	.88
78A.....	.89
79.....	.90
80.....	.91
81.....	.92

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
82.....	93
83.....	95
84.....	96
84A.....	97
85.....	98
85A.....	99
86.....	100
87.....	101
88.....	102
88A.....	103
89.....	104
90.....	105
90A.....	106
91.....	107
91A.....	108
92.....	109
93.....	110
94.....	111
95.....	112
96.....	113
97.....	114
98.....	115
98A.....	116
99.....	117
100.....	118
101.....	119
102.....	120
103.....	121
104.....	122
105.....	123
105A.....	124
106.....	125
107.....	126
108.....	127
109.....	128
110.....	129
111.....	130
112.....	131
112A.....	132
112B.....	133
113.....	134
114.....	135
115.....	136
116.....	137
117.....	138
118.....	139
119.....	140
120.....	141

Fisheries (East Coast Trawl) Management Plan 1999

Previous	Renumbered as
121.....	142
122.....	143
123.....	144
124.....	145
125.....	146
126.....	147
127.....	148
128.....	149
129.....	150
130.....	151
131.....	152
132.....	153
133.....	154
134.....	155
135.....	156
136.....	157
137.....	158
sch 4A.....	sch 5
sch 5.....	sch 6
sch 6.....	sch 7
1AA.....	1
1.....	2
2.....	3
3.....	4
4.....	5
5.....	6
6.....	7
7.....	8
8.....	9
9.....	10
10.....	11
11.....	12
12.....	13
13.....	14
14.....	15
15.....	16
16.....	17
17.....	18
18.....	19
19.....	20
20.....	21
21.....	22
22.....	23
23.....	24
23A.....	25
24.....	26
25.....	27
26.....	28

Previous	Renumbered as
26A	29
26B	30
27	31
28	32
28A	33
29	34
29A	35
29B	36
30	37
31	38
32	39
33	40
34	41
34A	42