Queensland

Fisheries Act 1994

FISHERIES REGULATION 1995

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Queensland

FISHERIES REGULATION 1995

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FISHERIES REGULATION 1995

[as amended by all amendments that commenced on or before 2 December 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Fisheries Regulation 1995*.

PART 2—INTERPRETATION

Division 1—Words and phrases

2 Definitions

Schedule 17 defines particular words used in this regulation.

Division 2—Working out boundaries

2A References to latitudes and longitudes

(1) Latitudes and longitudes mentioned in this regulation, other than schedule 2, section 193A, and schedule 5B,[1] or a management plan are worked out using the 'Australian Geodetic Datum 1966', commonly called 'AGD66', notified in the Commonwealth Government Gazette No. 84 on 6 October 1966, at page 4984.

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1 Schedule 2 (Closed waters—Commercial fishing), section 193A (Hervey Bay scallop ranching areas) and schedule 5B (Special provisions for spanish mackerel commercial fishery)

(2) Latitudes and longitudes mentioned in schedule 2, section 193A, are worked out using the 'Geocentric Datum of Australia 1994', commonly called 'GDA94', notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

(3) Latitudes and longitudes mentioned in schedule 5B are worked out using the 'World Geodetic System 1984', commonly called 'WGS 84', defined in the technical report titled 'Department of Defense—World Geodetic System 1984—Its Definition and Relationships with Local Geodetic Systems', third edition, published by the (US) National Imagery and Mapping Agency.[2]

(4) However, subsection (1) does not apply for a management plan if it provides for another system for working out latitudes and longitudes.

3 References to boundaries, lines, shores and other points

(1) Unless otherwise stated in this regulation—

(a) a boundary or line along a shore follows high water mark; and

(b) a boundary or line along a shore intersected by a waterway crosses the waterway by the shortest line between its banks; and

(c) other boundaries and lines run from point to point in a straight line.

(2) Unless otherwise stated in this regulation—

(a) a reference to a shore is a reference to the shore at high water mark; and

(b) a reference to the tip of a cape, island or another geographical feature, or a point on the tip, is a reference to the tip or point on the shore at high water mark.

Example of subsection (2)(b)—

If a boundary point is described as the southern tip of an island, the point is at the island's southernmost tip at high water mark.

2 The technical report may be accessed on the Internet at the website of Geoscience Australia at www.ga.gov.au. At the commencement of subsection (3) of this section, the report could be accessed at (www.ga.gov.au/nmd/geodesy/datums/wgs.jsp.).

4 References to waterways

Unless otherwise stated in this regulation, a reference to a waterway is a reference to 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.

5 References to banks of waterways

Unless otherwise stated in this regulation, 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 3—Other provisions aiding interpretation

6 References to aids to navigation

A reference in this regulation to a beacon, buoy, lead, light or mark is a reference to an aid to navigation.

7 References to certain commercial fishing boats

A reference in this regulation to—

(a) a primary commercial fishing boat's tender commercial fishing boat is a reference to a tender commercial fishing boat with a derivative of the primary commercial fishing boat's marking on it; and

(b) a tender commercial fishing boat's primary commercial fishing boat is a reference to a primary commercial fishing boat with the tender commercial fishing boat's alphabetical marking on it.

Example—

If the primary commercial fishing boat has the marking ABC on it, its tender commercial fishing boats have the marking ABC-1, ABC-2 etc.

8 References to distances between nets

A reference in this regulation to a distance between nets is a reference to—

(a) for nets set in a waterway—the distance between the nets measured along the centre line of the waterway; and

(b) for nets set on a foreshore—the distance between the nets measured along the shore.

9 References to drops and number of meshes

A reference in this regulation to—

(a) a net's drop is a reference to the distance between the top and the bottom of the net when its meshes are taut; and

(b) a number of meshes in a net's drop is a reference to the number of rows of mesh between the top and bottom of the net.

10 Scientific names of fish

(1) The scientific names of fish mentioned in this regulation are in schedules 16 and 16A.

(2) The scientific names follow—

(a) for nonindigenous fish—Axelrod H R, Burgess W E, Pronek N and Walls J G (1989), 'Dr Axelrod's Atlas of Freshwater Aquarium Fishes', (3rd edition), T.F.H. (Australia) Pty Ltd, Box 149, Brookvale, New South Wales; and

(b) for regulated fish (other than coral reef fin fish, great white shark, grey nurse shark, small spotted grunter bream or spotted grunter bream (grunter))—

(i) Grant E M (1982), 'Guide to Fishes', (5th edition), E M Grant Pty Limited, 19 Australia Court, Scarborough, Queensland; and

(ii) Kailola P J, Williams M J, Stewart P C, Reichelt R E, McNee A, Grieve C (1993), 'Fisheries Resources', Bureau of Resource Sciences, Department of Primary Industries and Energy and the Fisheries Research and Development Corporation, Canberra, Australian Capital Territory; and

(c) for maray—Hutchins B and Swainston R (1996), 'Sea Fishes of South Australia', (2nd edition), Swainston Publishing, Perth, Western Australia; and

(d) for pilchards—Yearsley GK, Last PR and Ward PR (eds) (1999), 'Australian Seafood Handbook, Domestic Species', CSIRO Marine Research, Melbourne, Victoria; and

(e) for small spotted grunter bream and spotted grunter bream (grunter)—Grant EM (1993), 'Grant's Guide to Fishes', (6th edition), EM Grant Pty Ltd, 19 Australia Court, Scarborough, Queensland; and

(f) for great white shark or grey nurse shark—Last PR and Stevens JD (1994), 'Sharks and Rays of Australia', CSIRO Division of Fisheries, Australia; and

(g) for noxious fisheries resources, other than electric eel, tigerfish (African) or tigerfish (South American) or trahira—Eschmeyer, W.N. 1998, Catalog of fishes, California Academy of Sciences, San Francisco;[3] and

(h) for electric eel—Nelson, J.S. 1984, Fishes of the world, John Wiley & Sons, New York; and

(i) for tigerfish (African) or tigerfish (South American) or trahira—Gery, J. 1977, Characoids of the world, TFH Publications, Neptune City, New York and Nelson, J.S. 1984, Fishes of the world, John Wiley & Sons, New York; and

(j) for bar rockcod, crimson seaperch (small mouth nannygai), goldband snapper, hapuku and saddletail seaperch (large mouth nannygai)—Yearsley, G.K., Last, P.R. and Ward, R.D. (eds), 1999, *Australian Seafood Handbook, Domestic Species*, CSIRO Marine Research, Melbourne, Victoria; and

(k) for eight-bar grouper—Heemstra, P.C. and Randall, J.E., 1993, FAO Species Catalogue, volume 16, *Groupers of the world (family Serranidae, subfamily Ephinephelidae), an annotated and illustrated catalogue of the grouper, rockcod, hind, coral grouper and lyretail species known to date,* FAO Fish. Synop., (125) 16:382 p; and

(l) for coral reef fin fish not mentioned in paragraph (j) or (k)—Randall, John E., Allen, Gerald R. and Steene, Roger C., 1997, *The Complete Divers and Fishermen's Guide to Fishes of the Great Barrier Reef and Coral Sea,* 2nd revised ed, University of Hawaii Press, United States of America.

3 The catalog is also available at www.calacademy.org/research/ichthyology/catalog/.

11 Time periods

Periods of time fixed by a provision of this regulation start at the first time, day or month stated in the provision and end at the second time, day or month, whether in the same, or a different, day, week, month or year.

Examples—

- The period from midday on 1 November to midday on 1 February is a period of 3 months starting at midday on 1 November and ending at midday on 1 February
- The period from 4.00 p.m. to 4.00 a.m. is a period of 12 hours starting at 4.00 p.m. and ending at 4.00 a.m.

PART 3—MANAGEMENT PLANS

13 Publication of draft management plans

(1) The chief executive must notify the preparation of a draft management plan in the gazette and a newspaper circulating generally throughout the State.

(3) The notice must state the following—

(a) briefly, the policy objectives sought to be achieved by the draft management plan;

(b) where copies of the draft plan may be obtained or inspected;

(c) that anyone may comment on the draft plan;

(d) how and when comments may be made;

(e) how consultation about the draft plan will take place.

(4) The notice must allow at least 28 days from its publication for the making of comments.

(5) A copy of the draft management plan must be available free, or on payment of a reasonable price, at the place, or each of the places, stated in the notice.

PART 4—CLOSED SEASONS AND CLOSED WATERS

Division 1—Closed season

14 Closed season for barramundi

The period from midday on 1 November to midday on 1 February is a closed season for Barramundi, other than in waters—

(a) west of longitude 142º09' east; and

(b) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142º09' east with the mainland shore.

14A Closed season for Australian bass

The period from 1 June to 31 August is a closed season for Australian bass for all tidal waters.[4]

14AA Closed season for tropical spiny rock lobster

The period from midnight on 1 October to midnight on 31 January is a closed season for tropical spiny rock lobster.

14B Prohibited activities

The following activities are prohibited—

(a) taking fish to which a closed season under this division applies during the closed season;

(b) possessing fish taken in contravention of paragraph (a).

14C General exemption

It is not unlawful for a person during a closed season under this division to unintentionally take fish to which the closed season applies if—

4 Note there is also a closed season declaration for Australian bass under the *Fisheries (Freshwater) Management Plan 1999*, section 6.

(a) the fish is not unintentionally or recklessly injured or damaged; and

(b) is immediately put back.

15 Exemption for barramundi

The closed season for barramundi does not apply to a recreational fisher who possesses barramundi outside the Lake Awoonga area or the Lake Tinaroo area if the barramundi—

(a) was taken in either area; and

(b) is tagged in the required way.

Division 2—Closed waters

16 Closed waters

(1) The waters described in schedules 2 and 3 are closed waters.[5]

(2) Unless otherwise stated in the schedules, the waters are closed every year all year.

(3) Each schedule states the activities that are prohibited in the waters described in it.

(4) It is not unlawful for a person in closed waters—

(a) if taking fish is prohibited—to take the fish unintentionally if the fish are not intentionally or recklessly injured or damaged and are immediately put back; or

(b) if possessing fish is prohibited—to possess the fish if the fish were taken from outside the closed waters; or

(c) if possessing fishing apparatus is prohibited—to possess the fishing apparatus if—

(i) for fishing apparatus other than an otter trawl net—it is stored inboard a boat; or

(ii) for an otter trawl net—it is stowed and secured.

---

5 Schedules 2 (Closed waters—commercial fishing) and 3 (Closed waters—recreational fishing)

(5) For subsection (4)(c), an otter trawl net is stowed and secured only if—

(a) during the daytime—

(i) the net and any other fishing apparatus normally used with it 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—

(i) the boat carrying the net and any other fishing apparatus normally used with it is at anchor in an area marked as an anchorage or boat harbour on a navigational chart; or

(ii) the net and other fishing apparatus are inboard a boat and are stored or suspended from a mast or boom.

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

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

17 Application of schs 2 and 3

(1) Schedule 2 applies only to persons taking fish for trade or commerce.

(2) Schedule 3 applies only to recreational fishers.

PART 5—REGULATED FISH

Division 1—Regulated fish, other than prawns

Subdivision 1—Regulated fish declarations

18 Regulated fish

(1) Fish in schedule 4 are regulated fish.

(2) However, if fish are regulated by number, only fish in excess of the number are regulated fish.

(3) If a regulated fish declaration under this regulation and a management plan or a regulated fish declaration under 1 or more management plans prohibits the taking or possession of a fish in excess of the same number, the total number of fish that may be taken or possessed is that number.

Example—

Under each of the following the number of barramundi that may be taken or possessed by a recreational fisher is 5—

(a) schedule 4, part 2, division 1 of this regulation;

(b) the *Fisheries (Freshwater) Management Plan 1999,* section 18(1) and schedule 4, section 1;

(c) the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999,* section 17.

The effect of subsection (3) is that the total number of barramundi that may be taken or possessed in the State by a recreational fisher is 5.

19 Application of sch 4 (Regulated fish)

Schedule 4 applies to the following persons—

(a) for part 1—persons taking fish for trade or commerce;

(b) for part 2—recreational fishers;

(c) for part 3—everybody.

Subdivision 2—Measurement of fish to decide if they are regulated

21 Measurement of size of fish

(1) The size of a mud or blue swimmer crab is decided by measuring—

(a) if its carapace is not damaged or missing—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 trochus is decided by measuring the widest part of the base of its shell.

(3) The size of a pearl oyster is decided by measuring from the edge of its butt or hinge to the opposite edge of its shell, whether or not the shell is broken or chipped.

(4) The size of a painted crayfish is decided by measuring, in a straight line—

(a) if its carapace is not damaged or missing—from the anterior mid-dorsal margin to the posterior mid-dorsal margin of the cephalothorax; or

(b) if its carapace is damaged or missing—along the dorsal surface from the anterior margin of the first abdominal somite to the posterior margin of the sixth abdominal somite, when the tail is laid flat on a horizontal surface.

(5) The size of a fin fish is decided by measuring, with the fish in the required position—

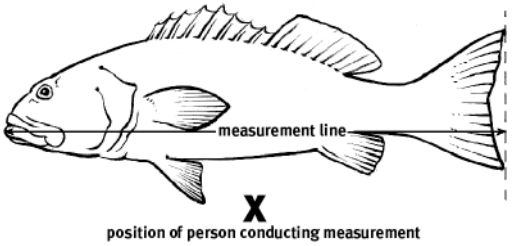
(a) for bar-tailed flathead, mud flathead or sand flathead—the distance along a straight line along the centre of the fish's underside from the fish's mouth to the end of its tail; or

(b) for a fin fish not mentioned in paragraph (a)—the distance along a horizontal line (the **"measurement line"**) along the fish's side from its mouth to—

(i) the point on the measurement line where the fish's tail ends; or

(ii) if part of the tail extends further than the point on the measurement line where the fish's tail ends—the point on the measurement line corresponding in length with the end of the longest part of the fish's tail.

(6) The following figure is an illustration of the operation of subsections 5(b) and (8), definition "required position", in diagrammatic form—



(7) For subsection (5), the size of the fish must be measured without stroking or otherwise physically manipulating the fish, other than to the extent reasonably necessary to allow the fish to be measured as required under the subsection.

(8) In this section—

"required position" means—

(a) for a fish mentioned in subsection (5)(a)—lying on its underside; or

(b) for a fish mentioned in subsection (5)(b)—lying on its side with the dorsal fin facing outward and its mouth closed.

22 Measurement of weight of green snails

The weight of a green snail is its empty shell weight.

Subdivision 3—Exemptions

23 Exemption for recreational fishers about barramundi size limit

The maximum size limit for barramundi stated in schedule 4 does not apply to a recreational fisher who possesses barramundi outside the Lake Awoonga area or the Lake Tinaroo area if the barramundi—

(a) was taken in either area; and

(b) is tagged in the required way.

24 Exemption for recreational fishers about certain regulated reef fish

(1) This section does not apply to maori wrasse, potato cod or Queensland groper.

(2) Despite section 18(2), if reef fish are regulated by number, a recreational fisher may—

(a) take not more than twice the number of the reef fish during an extended commercial fishing tour; or

(b) possess not more than twice the number of the reef fish if they were taken during an extended commercial fishing tour.

(3) However, subsection (1) applies only if the recreational fisher ensures a square area (each side of which is at least 3 cm) of the skin of each reef fish is kept on it.

25 Other exemptions

(1) This section applies despite section 18 or the provisions of any management plan about possessing or selling regulated fish.

(2) A person may possess regulated fish in the form of cleaned and preserved molluscs in a genuine shell collection.

(3) A person may—

(a) possess a regulated fish if the fish is an aquarium display fish bred by the person for aquarium display; or

(b) possess or sell a regulated fish if an inspector is reasonably satisfied the person has obtained the fish from—

(i) the holder of an authority allowing the holder to sell the fish; or

(ii) another person who has obtained the fish from a holder mentioned in subparagraph (i).

Division 2—Prawns regulated for recreational fishers

25A Prawns regulated by volume

(1) This section applies only—

(a) to a recreational fisher; and

(b) to prawns taken by the recreational fisher or another recreational fisher.

(2) More than a total of 10 L of prawns is regulated.

(3) Taking or possessing more than a total of 10 L of prawns is prohibited.

25B Measurement of volume of prawns

(1) This section provides for how a total volume of prawns is measured.

(2) The volume of any of the prawns that are in a container (**"contained prawns"**) must be measured by reference to the volume of the container when it is empty.

(3) For subsection (2), a prawn is not a contained prawn if any part of it protrudes above the top of the container.

(4) The volume of any of the prawns that are not contained prawns (**"uncontained prawns"**) must be measured by—

(a) placing them in a container or containers so that no part of any of the prawns 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 prawns.

(6) In this section—

"prawn" includes part of a prawn.[6]

6 See however section 98A (Prohibition for prawns taken by recreational fishers).

PART 5A—DECLARED DISEASES

25C Declared diseases—Act, s 94

Each bacteria, fungus, parasite, pest or virus in schedule 5 is declared to be a declared disease for the Act.

PART 5B—NOXIOUS FISHERIES RESOURCES

25D Noxious fisheries resources

The species of fish stated in schedule 5A, or a hybrid of the species with another species of fish, are noxious fisheries resources.

PART 6—QUOTAS

26 Quotas for commercial fisheries

(1) A quota stated in a fishery provision for a commercial fishery is the quota for the fishery.

(2) The quota stated in section 29A may apply to tailor taken in a commercial fishery.

(3) The quota stated in section 29B may apply to spotted mackerel taken in a commercial fishery.

27 Notice of filling of certain quotas

(1) When the chief executive becomes aware that a quota (other than a daily or time quota) has been, or is likely to be, filled on or by a particular day, the chief executive must immediately notify a relevant authority holder, in writing, that the quota has been, or is likely to be, filled by a stated day.

(2) The authority holder must immediately tell persons acting under the authority that the quota has been, or is likely to be, filled on or by the stated day.

(3) A person given notice under subsection (1) or (2) must not take fish to which the notice relates after the day stated in the notice or, if the stated day has passed, the day after the notice is received.

(4) In this section—

"relevant authority holder" means an authority holder to whom the quota applies.

28 Daily quota

(1) A person fishing in a commercial fishery must not take more fish than allowed by the daily quota stated in a fishery provision for the fishery.

(2) However, it is not unlawful for a person to unintentionally take more fish than allowed by the daily quota if the fish are not intentionally or recklessly injured or damaged and are immediately put back.

29 Time quota

If a fishery provision for a commercial fishery states a period (**"time quota"**) during which certain fishing apparatus may be used or certain fish may be taken, a person fishing in the commercial fishery must not use the apparatus or take the fish other than during the time quota.

29A Annual quota for tailor

(**1**) This section applies to tailor taken under an authority allowing the authority holder to take tailor in Queensland waters for trade or commerce.

(**2**) The annual quota of tailor that may be taken is 120 tonnes.

(**3**) Subsection (2) does not apply to the taking of less than 100 kg of tailor in any 24 hour period.

(**4**) In this section—

"annual" means the period from 1 May to 30 April.

29B Annual quota for spotted mackerel

(1) This section applies to spotted mackerel taken on or after 1 July 2003 under an authority allowing the authority holder to take spotted mackerel in Queensland waters for trade or commerce.

(2) The annual quota of spotted mackerel that may be taken is 140 tonnes.

(3) Subsection (2) does not apply to the taking of 15 or less spotted mackerel in any 24 hour period.

(4) In this section—

"annual" means the period from 1 July to 30 June.

PART 7—AUTHORITIES

Division 1—Licences

30 Licences chief executive may issue

(1) The chief executive may issue the following types of licences—

- aquaculture licences
- boat licences
- buyer licences
- coral limestone licences
- crew licences
- fisher licences
- storage licences.

(2) The chief executive may issue each of the following types of licences in a category stated for the licence—

(a) buyer licences—class A or B;

(b) boat licences—primary commercial fishing, tender commercial fishing or carrier;

(c) fisher licences—assistant or commercial.

(3) The chief executive may issue an aquaculture licence only for cultivating fisheries resources or occupying an area for aquaculture.

(4) The chief executive may issue a coral limestone licence as an exclusive licence allowing only the holder to take coral limestone in the area identified in the licence.

(5) However, the chief executive must not issue a licence if the issuing of the licence contravenes a management plan.

32 Restriction on issue of crew licences

(1) The chief executive may issue a crew licence only to a commercial fisher or commercial fishing boat licence holder.

(2) The chief executive may issue only 1 crew licence to a commercial fisher.

(3) The chief executive may issue only 1 crew licence to a commercial fishing boat licence holder for each primary commercial fishing boat licence held by the holder.

32A Restriction on issue of primary commercial fishing boat licences

The chief executive may only issue a primary commercial fishing boat licence for a boat if a primary commercial fishing boat licence is not in force for the boat.

33 Restriction on issue of tender commercial fishing boat licences

(1) The chief executive may issue a tender commercial fishing boat licence for a boat only if its length is not more than 7 m.

(2) However, the chief executive may renew a tender commercial fishing boat licence in force immediately before the commencement for a boat longer than 7 m.

Division 2—Permits

34 Permits chief executive may issue

The chief executive may issue the following types of permits—

- general fisheries permits
- aquaculture permits
- fisheries resources permits
- fish habitat area permits
- fish way permits
- marine plant permits.

35 Restrictions on issue of general fisheries permits

(1) The chief executive may issue a general fisheries permit only for 1 of the following purposes or activities if the purpose or activity is otherwise unlawful under this regulation or a management plan—

- assessing the commercial viability of a fishing activity, fishing apparatus or a boat
- being on board a commercial fishing boat
- buying, taking, possessing, processing or selling regulated fish
- collecting broodstock for aquaculture
- conducting an educational activity involving fish, fishing apparatus or boats
- conducting commercial fishing competitions
- conducting commercial fishing tours
- conducting developmental or exploratory fishing
- conducting research or training about fish, fishing apparatus or boats
- releasing fish
- taking, buying, possessing, processing or selling fish

- taking or possessing fish in closed waters
- taking, possessing or selling fish in a closed season
- using, buying or possessing fishing apparatus.

(2) However, the chief executive must not issue a general fisheries permit allowing—

(a) an activity as follows—

(i) using a purse seine net to take fish;

(ii) possessing fish taken in contravention of subparagraph (i);

(iii) possessing a purse seine net;[7] or

(b) the taking or possession of maray or pilchards for trade or commerce.

(3) Subsection (2)(b) does not apply if—

(a) the permit allows the taking or possession of maray or pilchards for only 1 of the following—

(i) to use as bait for fishing under a primary commercial fishing boat licence or commercial fisher licence held by the person applying for the permit;

(ii) to use as food for display fish;

(iii) for research; or

(b) the permit is a replacement permit issued under section 71 of the Act; or

(c) immediately before the commencement of this section, the person applying for the permit held a general fisheries permit (the **"earlier permit"**) allowing the taking or possession of maray or pilchards for trade or commerce and—

(i) the earlier permit has been cancelled or has expired; and

(ii) the application is made within 6 months after the cancellation or expiry; and

(iii) the permit applied for is, other than for its term, the same, or substantially the same, as the earlier permit.

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7 See also schedule 2, part 7 (Using or possessing purse seine nets) and schedule 3, part 7 (Using or possessing purse seine nets).

(4) Subsection (3)(c)(iii) does not prevent the chief executive issuing a permit that is not the same, or substantially the same, as the earlier permit.

36 Restrictions on issue of aquaculture permits

The chief executive may issue an aquaculture permit only for the following purposes—

(a) placing fisheries resources in Queensland waters;

(b) keeping fish for stocking waters;

(c) possessing regulated fish or nonindigenous fisheries resources for aquaculture purposes;

(d) using a boat, aquaculture furniture or fishing apparatus for aquaculture purposes.

37 Restrictions on issue of fisheries resources permits

The chief executive may issue a fisheries resources permit only for—

(a) research about an activity related to something for which the chief executive may issue an authority; or

(b) diseased fisheries resources.

38 Restrictions on issue of fish habitat area permits

(1) The chief executive may issue a fish habitat area permit only for the performance of works or related activity in a declared fish habitat area.

(2) However, the chief executive may issue the permit only if the chief executive is satisfied the works or activity is—

(a) to maintain an existing facility; or

(b) to restore the habitat or natural processes in it; or

(c) for the management, use or enjoyment of the area; or

(d) for community infrastructure; or

(e) for an educational or research purpose; or

(f) for public health or safety reasons.

(3) Further, the chief executive may issue a fish habitat area permit for community infrastructure works or an educational or research purpose only if the chief executive is satisfied—

(a) the works or purpose will have minimal impact on the area and natural processes in it; and

(b) any disturbance to the area will be temporary and the area disturbed will be satisfactorily restored.

39 Restriction on issue of marine plant permits

The chief executive may issue a marine plant permit only for 1 of the following purposes—

(a) collecting marine plants for trade or commerce;

(b) displaying marine plants;

(c) removing, destroying or damaging marine plants;

(d) removing marine plants from an area and placing them somewhere else.

Division 3—Other authorities

40 Other authorities the chief executive may issue

(1) The chief executive may issue an authority for taking fish for trade or commerce in a commercial fishery.

(2) The chief executive may issue an authority for taking coral, shell grit or star sand for trade or commerce as an exclusive coral, shell grit or star sand authority allowing only the holder to take the fish in the area identified in the authority.

Division 4—Fishery symbols on authorities

41 Fishery symbols to be written on authorities

(1) If an authority (other than a tender commercial fishing boat licence) allows a person to do something in a commercial fishery, the chief

executive must write the fishery symbol for the commercial fishery on the authority.

Example—

If the authority allows fishing for trade or commerce in the net fishery (East Coast No. 2), the chief executive must write 'N8' on the authority.

(2) Also, the chief executive may write a fishery symbol on a tender commercial fishing boat licence.

(3) However, the chief executive may write the fishery symbol 'L7' on an authority only if the boat identified in the authority can be used to take fish for trade or commerce under New South Wales law.[8]

(4) Despite subsection (1), the chief executive need not write the fishery symbol for a following commercial fishery on a crew or fisher licence under which a crew member or fisher may take fish in the fishery—

(a) line fishery (multiple hook—Queensland Fisheries Joint Authority);

(b) line fishery (Queensland Fisheries Joint Authority No. 1);

(c) line fishery (Queensland Fisheries Joint Authority No. 2).

41A Restrictions on writing fishery symbol 'SM'

The chief executive may write the fishery symbol 'SM' on an authority only—

(a) under schedule 5B, part 2;[9] or

(b) if—

(i) the authority replaces an authority on which the symbol was written under schedule 5B, part 2; or

(ii) the chief executive renews an authority on which the symbol was written under schedule 5B, part 2.

8 For the fishery symbol 'L7' see schedule 12, part 7 (Line fishery (South Queensland)).

9 Schedule 5B (Special provisions for spanish mackerel commercial fishery), part 2 (Obtaining fishery symbol 'SM')

42 Restrictions on writing fishery symbols on authorities allowing the use of boats in commercial fisheries

(1) If a licence for a primary commercial fishing boat has a fishery symbol for the line fishery (reef) on it, the chief executive may write the fishery symbol on licences for not more than the following number of its tender commercial fishing boats—

(a) for a primary commercial fishing boat licence with the fishery symbol 'L2' on it—4;

(b) for a primary commercial fishing boat licence with the fishery symbol 'L3' on it—1.

(2) However, the chief executive may renew a tender commercial fishing boat licence allowing the use of a boat in the line fishery (reef), if the licence was in force immediately before the commencement and has the fishery symbol 'L2' or 'L3' on it.

(3) Also, the chief executive may issue a tender commercial fishing boat licence with the fishery symbol 'L2' or 'L3' on it, allowing the use of a boat in the line fishery (reef), but only if—

(a) the boat is a replacement for a boat identified in another tender commercial fishing boat licence; and

(b) the other tender commercial fishing boat licence was in force immediately before the commencement and has the fishery symbol on it.

(4) Subject to the provisions of a management plan, the chief executive must not write more than 1 of the same fishery symbol on an authority.

43 Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries

(1) The chief executive may write a fishery symbol on an authority allowing the use of a boat in a commercial fishery only if the boat is not longer than the length permitted under a fishery provision for the fishery.

(2) However, the chief executive may renew an authority allowing the use of a boat in a commercial fishery even though the boat is longer than the length permitted under a fishery provision for the fishery, if the authority—

(a) was in force immediately before the commencement; and

(b) has a fishery symbol for the fishery on it.

(3) Also, the chief executive may issue an authority with a fishery symbol on it allowing the use of a boat in a commercial fishery even though the boat is longer than the length stated in a fishery provision relating to the boat's use in the fishery, but only if—

(a) the boat is a replacement for a boat identified in another authority; and

(b) the other authority was in force immediately before the commencement and has the fishery symbol on it.

44 Things authorised by fishery symbol

(1) A person acting under an authority with a fishery symbol on it may take fish only in—

(a) the commercial fishery identified by the symbol; or

(b) if an area is stated on the authority—the stated area.[10]

(2) If a fishery provision for the commercial fishery states that only particular fish may be taken, the person may take only the stated fish.

(3) Also, the person may take fish in the commercial fishery only by using fishing apparatus—

(a) permitted by a fishery provision for the fishery; and

(b) in accordance with a fishery provision for the fishery.

(4) If a fishery provision for the commercial fishery does not state how many of a particular type of fishing apparatus a person may use, the person may use only 1 of each type at a time.

(5) Subsection (4) applies even if more than 1 person is acting under the authority.

45 Restriction on things authorised by an authority with more than 1 fishery symbol on it

(1) If an authority has more than 1 fishery symbol on it, persons acting under the authority can not take fish in more than 1 commercial fishery at a time.

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10 See however the fisheries offences in part 5, division 4 of the Act and part 8 of this regulation.

(2) However, if 1 of the fishery symbols is for the crab fishery, the persons may take crabs in that fishery and fish in 1 other commercial fishery at the same time.

(3) Also, the persons may take the following fish at the same time—

(a) coral reef fin fish under fishery symbol 'RQ';

(b) fin fish, other than coral reef fin fish, under fishery symbol 'L1', 'L2', 'L3', 'L6', 'L7' or 'L8'.

46 Fishery symbol does not authorise taking fish in certain Joint Authority fisheries

This division does not allow a person, in a Joint Authority fishery managed under Queensland law, and acting under an authority, to take fish to which the Joint Authority fishery applies unless—

(a) the Joint Authority endorses the authority to extend its operation to activities over which the Joint Authority has powers under the Act; and

(b) taking the fish is an activity over which the Joint Authority has powers under the Act.

47 When effect of certain fishery symbols end

(1) The effect of the fishery symbol 'L7' written on an authority ends if the boat identified in the authority can not be used to take fish for trade or commerce under New South Wales law.[11]

(2) In addition, the effect of a fishery symbol for any of the following commercial fisheries written on an authority ends when the authority is transferred—

(a) line fishery (multiple hook—East Coast);

(b) line fishery (multiple hook—Queensland Fisheries Joint Authority);

(c) net fishery (bait no. 2).

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11 For the fishery symbol 'L7' see schedule 12, part 7 (Line fishery (South Queensland)).

(3) Further, if the effect of the fishery symbol for the net fishery (bait no. 2) written on an authority ends, the effect of a fishery symbol for the net fishery (bait no. 1) written on the authority also ends.

(4) Nothing in subsection (1) prevents the chief executive issuing an authority (a **"new authority"**) with a fishery symbol on it for a fishery mentioned in the subsection if—

(a) the new authority is for a boat replacing the boat identified in an existing authority to which the subsection applies; and

(b) the existing authority holder and the new authority holder are the same person.

Division 5—Things authorised by, and conditions of, authorities

48 Aquaculture licence

(1) An aquaculture licence holder may buy fisheries resources stated in the licence, cultivate the fisheries resources in the area stated in the licence, process and sell fisheries resources cultivated under the licence.

(2) The licence is subject to the following conditions, in addition to any other conditions stated on the licence—

(a) the holder must mark the area covered by the licence in the way stated on the licence;

(b) for aquaculture on unallocated State land—

(i) the holder must keep the area and posts marking it in good condition and free from waste material and debris; and

(ii) if the licence expires, is cancelled or surrendered—the person who held the licence immediately before it expired, was cancelled or surrendered (the **"former holder"**) must, as soon as practicable, remove and dispose of anything used for the aquaculture activity in the way the chief executive reasonably considers is satisfactory.

(3) Subsection (2)(b)(ii) does not apply if the former holder has applied for another aquaculture licence for the same land, unless the application is refused.

(4) If the former holder does not comply with subsection (2)(b)(ii), the chief executive may remove and dispose of anything used for the aquaculture activity.

(5) The chief executive may recover costs reasonably incurred under subsection (4) as a debt payable to the State.

49 Assistant fisher licence

An assistant fisher may use or possess commercial fishing apparatus and take fish for trade or commerce only—

(a) if the assistant fisher may, under the East Coast Trawl Plan use or possess commercial fishing apparatus and take fish for trade or commerce; or

(b) while acting under direction under this regulation.

50 Buyer licence

(1) A class A buyer may do the following—

(a) buy fisheries resources from a person who holds an authority allowing the person to sell the fisheries resources;

(b) sell fisheries resources;

(c) process fisheries resources for trade or commerce, but only at a place stated in the buyer licence.

(2) A class B buyer may do the things mentioned in subsection (1), but only in relation to fisheries resources not intended for human consumption.

51 Carrier boat licence

A carrier boat licence holder may use the boat identified in the licence, or allow it to be used, to carry fish taken for trade or commerce by—

(a) a fisher; or

(b) the holder of another authority who may take fish for trade or commerce under the authority.

52 Commercial fisher licence

A commercial fisher may do the following—

(a) use or possess commercial fishing apparatus;

(b) take fish for trade or commerce, but only while using a commercial fishing boat;

(c) possess fish lawfully taken for trade or commerce while using a commercial fishing boat;

(d) sell fish lawfully taken for trade or commerce while using a commercial fishing boat to a buyer or someone else who may buy the fish under an authority.

53 Crew licence

(1) A commercial fisher who holds a crew licence[12] may engage crew members to act under the licence.

(2) A commercial fishing boat licence holder who holds a crew licence may engage crew members to work on a commercial fishing boat identified in a commercial fishing boat licence held by the holder.

(3) A crew member engaged under a crew licence, and acting under the licence, is taken to hold an assistant fisher licence.

(4) A crew member may be in control of a commercial fishing boat, but only if a commercial fisher is on the boat and the crew member is under direction.

(5) A crew licence is subject to the condition that not more than 4 crew members may be engaged under it.

54 Primary commercial fishing boat licence

(1) A primary commercial fishing boat licence holder may use, or allow someone else to use, the boat identified in the licence (the **"primary boat"**) to take fish for trade or commerce.

(2) However, the following conditions apply to the licence—

(a) a commercial fisher or an assistant fisher under direction must be in control of the primary boat;

(b) the primary boat may be used in a commercial fishery only if the fishery symbol for the fishery is written on the licence.

12 See however section 32 (Restriction on issue of crew licences).

(3) A primary commercial fishing boat licence holder may sell fish taken while using the primary boat or its tender commercial fishing boat to a buyer or the holder of another authority who may buy the fish under the authority.

55 Storage licence

A storage licence holder may use only the place identified in the licence, or allow it to be used, for storing fish for trade or commerce.

56 Tender commercial fishing boat licence

(1) A tender commercial fishing boat licence holder may use, or allow someone else to use, the boat identified in the licence (the **"tender boat"**) to take fish for trade or commerce.

(2) However, it is a condition of the licence that a commercial fisher or an assistant fisher under direction must be in control of the tender boat.

(3) Also, it is a condition of the licence that the tender boat may be used in a commercial fishery only if its primary commercial fishing boat may be used in the fishery and is not being used in another commercial fishery (other than the crab fishery).

(4) A tender commercial fishing boat licence holder may use the tender boat as a primary commercial fishing boat if—

(a) its primary commercial fishing boat is not also being used to take fish for trade or commerce; and

(b) the primary commercial fishing boat licence is kept on board the tender boat while it is used as the primary commercial fishing boat.

(5) While a tender commercial fishing boat is used as a primary commercial fishing boat, it is taken to be the primary commercial fishing boat.

(6) Despite subsection (5), a tender commercial fishing boat licence holder using a tender commercial fishing boat as a primary commercial fishing boat is not required to comply with a VMS equipment or manual reporting condition for the tender commercial fishing boat if—

(a) the VMS equipment or manual reporting condition for the primary commercial fishing boat is complied with; and

(b) during the whole period the tender commercial fishing boat is being used as a primary commercial fishing boat, no trawl net, or fish taken by the use of a trawl net, is on or attached to the tender commercial fishing boat.

(7) In this section—

"take fish", for subsection (4), does not include merely having fishing apparatus or fish on board the primary commercial fishing boat.

"VMS equipment or manual reporting condition" means a condition imposed under the East Coast Trawl Plan, chapter 3, part 5.[13]

57 Fish habitat area permit

A fish habitat area permit holder may perform the works or related activity stated in the permit in a fish habitat area stated in the permit.

58 Authority allowing sale of fisheries resources

(1) The holder of an authority allowing the holder to sell fisheries resources may sell them—

(a) if the authority has a fishery symbol on it—in the way stated in a fishery provision for the commercial fishery identified by the fishery symbol; or

(b) if the authority does not have a fishery symbol on it—in the way stated in the authority or, if no way is stated, in any way.

(2) This section does not limit another provision of this regulation applying to the sale of fisheries resources by the authority holder.

Division 6—Transfer of authorities

59 Authorities that are not transferable

Each of the following authorities is not transferable—

(a) a crew licence;

13 East Coast Trawl Plan, chapter 3, part 5 (VMS Equipment and manual reporting conditions)

(b) a fisher licence;

(c) an authority with a fishery symbol for any of the following fisheries on it—

- bêche-de-mer fishery (Torres Strait)
- pearl fishery
- trochus fishery (Torres Strait).

60 Conditions of transfer of aquaculture licence for unallocated State land

The chief executive may transfer an aquaculture licence for unallocated State land only if the chief executive is reasonably satisfied the area mentioned in the licence is free from waste material and debris.

Division 7—Other matters about authorities

Subdivision 1—General provisions

61 Authority holder only needs 1 authority for an activity

A holder of an authority allowing an activity for which another authority may be issued under this regulation or a management plan does not also need the other authority for the activity.

62 Particulars to be contained in register of authorities

The register of authorities the chief executive must keep must contain the following particulars about each authority the chief executive issues—

(a) authority type, category and number;

(b) fishery symbols written on it;

(c) holder's full name;

(d) holder's locality;

(e) other details, decided by the chief executive, about a boat identified in the authority;

(f) a third party interest notified to the chief executive;

(g) if the authority is an ITQ unit under the *Fisheries (Spanner Crab) Management Plan 1999*, the following particulars, recorded together for all ITQ units held by the same person—

(i) the holder's name;

(ii) the primary boat identified in the holder's 'C2' licence under the management plan for which the ITQ units were issued or held;

(iii) how many ITQ units the person holds;

(iv) if the chief executive has imposed conditions on any of the ITQ units—the conditions;

(h) for a buyer licence—details of any premises used by the holder to keep spanner crabs;

(i) for a 'T1' or 'T2' licence under the East Coast Trawl Plan—the particulars recorded in the effort unit certificate for the licence under the plan;

(j) for an 'M2' licence under the East Coast Trawl Plan—its mark under section 103 and the following details under the plan about the boat identified in the licence—

(i) its hull units;

(ii) its beam, depth and length;

(iii) its main engine power in maximum continuous brake kW;

(k) for a line unit under the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, the following particulars, recorded together for all line units held by a person in relation to an authority (the **"RQ authority"**) with the fishery symbol 'RQ' written on it—

(i) the holder's name;

(ii) the number of the line unit certificate issued under the plan to the holder for the line units;

(iii) the licence number of the RQ authority;

(iv) the boat mark of the primary boat identified on the RQ authority;

(v) how many CT line units, RTE line units and OS line units the person holds;

(vi) if the chief executive has suspended any of the line units—the number of line units suspended and the period of the suspension;

(l) for an SM unit, the following particulars, recorded together for all SM units held by a person in relation to an SM fishery licence—

(i) the holder's name;

(ii) the number of the SM unit certificate issued to the holder for the SM units;

(iii) the licence number of the licence;

(iv) the boat mark of the primary commercial fishing boat identified on the licence;

(v) how many SM units the person holds;

(vi) if the chief executive has suspended any of the SM units—the number of SM units suspended and the period of the suspension.

63 Holder to notify chief executive of certain changes

An authority holder must give the chief executive written particulars of a change in any of the following[14]—

(a) the holder's name or address;

(b) if the holder is a corporation—the corporation's directorship or nominees;

(c) third party interests notified to the chief executive;

(d) details contained in the register about a boat identified in the authority.

64 Authorities inspectors may have an interest in

An inspector may hold or have an interest in an authority for—

(a) conducting research or training about fisheries resources, fishing apparatus or commercial fishing boats; or

14 See section 73(3) (Registers of authorities) of the Act.

(b) taking or possessing fish for stocking waters; or

(c) releasing fish; or

(d) taking fish from a stocked impoundment by using a fishing line or a set line under the *Fisheries (Freshwater) Management Plan 1999*.

Subdivision 2—Fishing priority

64A Definitions for sdiv 2

In this subdivision—

"prescribed area" means an area within the boundary, identified by reference to 2 prescribed flags, formed by the following lines—

(a) the line that—

(i) is perpendicular to the line between the 2 prescribed flags; and

(ii) runs from the point that is 500 m seaward of 1 prescribed flag (the **"first flag"**) to the point that is 500 m landward of the first flag;

(b) the line that—

(i) is perpendicular to the line mentioned in paragraph (a); and

(ii) runs from the point that is 500 m landward of the first flag to the point that is 500 m landward of the other prescribed flag (the **"second flag"**);

(c) the line that—

(i) is perpendicular to the line mentioned in paragraph (b); and

(ii) runs from the point that is 500 m landward of the second flag to the point that is 500 m seaward of the second flag;

(d) the line that—

(i) is perpendicular to the line mentioned in paragraph (c); and

(ii) runs from the point that is 500 m seaward of the second flag to the point that is 500 m seaward of the first flag.

"prescribed flag", in relation to a prescribed area, means a flag that—

(a) is orange; and

(b) has an area of no less than 1 m^2; and

(c) has the following written on it—

(i) the boat mark of the boat being used to take fish in the prescribed area; and

(ii) the words 'fishing priority'.

64B Meaning of "ready to fish"

A commercial fisher is **"ready to fish"** with a net in an area of a commercial fishery if—

(a) the fisher has, in the area—

(i) a commercial fishing boat licensed to take fish in the area; and

(ii) at least the minimum number of crew required to take fish in the area; and

(b) there is, on the boat, a net permitted to be used to take fish in the area.

64C Fishing priority

(1) Commercial fishers have the right to use nets under an authority in an area of a commercial fishery, for which the authority is issued, in the order in which the fishers are ready to fish with the nets in the area.

(2) If 2 or more commercial fishers jointly use nets, they are taken to be 1 commercial fisher.

(3) A right under subsection (1) lasts—

(a) for not more than 6 hours from when the fisher is ready to fish with a net in the area; and

(b) only while the fisher is ready to fish with a net in the area.

(4) Also, a right under subsection (1) only applies—

(a) for an ocean beach fishery—

(i) if the fisher holds a licence with a symbol 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on it; and

(ii) to the prescribed area identified by reference to the 2 prescribed flags placed by the fisher, no more than 1 km apart, along the water's edge as near as possible to the water's edge; or

(b) for another fishery—to an area around the boat with a radius equal to the length of a net the fisher is permitted to use in the fishery.

64D Interfering with prescribed flag

(1) A person must not interfere with a prescribed flag placed for section 64C(4)(a)(ii).

Maximum penalty—100 penalty units.

(2) In this section—

"interfere with", in relation to a prescribed flag, includes to remove the flag.

Subdivision 3—Changing fishery symbol 'SM' to another authority

64E Definition for sdiv 3

In this subdivision—

"eligible authority" see section 64F.

64F Application to change fishery symbol 'SM' to another primary commercial fishing boat licence of holder

A person who holds a licence on which the fishery symbol 'SM' was written under schedule 5B, part 2[15] may apply to the chief executive for the fishery symbol 'SM' to be written on—

(a) another primary commercial fishing boat licence (the **"eligible authority"**) held by the person on which a prescribed fishery symbol is written; and

15 Schedule 5B (Special provisions for spanish mackerel commercial fishery), part 2 (Obtaining fishery symbol 'SM')

(b) any tender commercial fishing boat licence identifying a tender commercial fishing boat of the primary commercial fishing boat identified on the eligible authority.

64G How chief executive must deal with application

(1) The chief executive must approve an application made under section 64F if it is accompanied by each of the following—

(a) notice of the surrender of the person's SM fishery licence, as required under section 72 of the Act;

(b) the SM fishery licence;

(c) the eligible authority;

(d) any tender commercial fishing boat licence identifying a tender commercial fishing boat of the primary commercial fishing boat identified on the eligible authority.

(2) The chief executive can not approve the application if it is not accompanied by the documents mentioned in subsection (1).

(3) If the chief executive approves the application, the chief executive must, as soon as practicable after approving the application—

(a) amend the eligible authority, and any tender commercial fishing boat licence identifying a tender commercial fishing boat of the primary commercial fishing boat identified on the eligible authority, by writing the fishery symbol 'SM' on the licence or licences; and

(b) replace the SM unit certificate issued to the holder for the SM year in which the application is made to reflect the surrender of the SM fishery licence and the amendment of the eligible authority; and

(c) send the amended authorities and the replacement SM unit certificate to the holder.

PART 8—FISHERIES OFFENCES

Division 1—Prohibited acts about fish

65 Prohibition on taking, possessing or selling regulated fish

(1) Taking, possessing or selling regulated fish is prohibited.[16]

(2) However, subsection (1) does not apply to the following persons—

(a) a person who takes, possesses or sells a regulated fish under an authority allowing the person to take, possess or sell the fish;

(b) a person who takes or possesses a shark under a shark fishing contract;

(c) a person who possesses or sells a shark fin if—

(i) the person also possesses the body of the shark from which the fin was taken; or

(ii) the person is not on a boat.

(3) Also, a person may possess fish regulated by number if the person did not take the fish.

(4) In this section—

"shark" means a great white shark or grey nurse shark.

"shark fishing contract" means an agreement between any person and the State for the taking, tagging, or disposal of sharks.

66 Prohibited ways of taking fish

Unless otherwise allowed under this regulation or a management plan, the following ways of taking fish are prohibited—

(a) jagging;

(b) using underwater breathing apparatus (other than a snorkel);

16 See also section 78 of the Act (Prohibited acts about regulated fish) and part 5, division 1, subdivision 3 (Exemptions) of this regulation.

(c) using fishing apparatus across a waterway or navigation channel in a way that makes more than one-half of its width impassable to a boat or fish;

(d) using a crab hook;

(e) a way that contravenes a fishery provision.[17]

Division 2—Acts only an authority holder may do

67 Purpose of division

This division prescribes the acts that must be done only by the holder of a relevant authority.[18]

68 Using, buying or possessing commercial fishing apparatus

(1) A person may use commercial fishing apparatus only if the person holds an authority allowing the person to use commercial fishing apparatus.

(2) A person may buy commercial fishing apparatus only if the person holds an authority allowing the person to use or possess the apparatus.

(3) A person may possess commercial fishing apparatus only if the person holds an authority allowing the person to possess the apparatus.[19]

69 Using boats

(1) A person may use a boat to take fish for trade or commerce only if the person holds a commercial fishing boat licence for the boat or another authority under which the boat may be used for taking fish for trade or commerce.

(2) A person may be in control of a boat while it is used for taking fish for trade or commerce only if the person—

(a) is a commercial fisher; or

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17 See also section 80 (Fish not to be taken in prohibited way) of the Act.

18 See also section 82 (Offence to do prescribed act) of the Act.

19 See also section 85 (Sale etc. of commercial fishing apparatus prohibited in certain circumstances) of the Act.

(b) is an assistant fisher under direction; or

(c) holds another authority allowing the boat's use for taking fish for trade or commerce.

70 Conducting commercial fishing tours

(1) A person may conduct a commercial fishing tour only if the person holds a general fisheries permit for the commercial fishing tour.

(2) Also, a person who may conduct a commercial fishing tour may use 2 or more boats longer than 7 m only if the person holds a permit for each boat.

(3) A person who holds a general fisheries permit to conduct a commercial fishing tour may take maray or pilchards under the permit only if—

(a) they are taken to use as bait for fishing during a commercial fishing tour; and

(b) the taking complies with schedule 8, part 3.[20]

70A Conducting commercial fishing competitions

(1) A person may conduct a commercial fishing competition only if—

(a) the person holds a general fisheries permit for the commercial fishing competition; and

(b) each person fishing in the competition has paid the fee payable under schedule 10, part 2.

(2) A person who holds a general fisheries permit to conduct a commercial fishing competition may take maray or pilchards under the permit only if—

(a) they are taken to use as bait by persons fishing in a commercial fishing competition; and

(b) the taking complies with schedule 8, part 3.

20 Schedule 8 (Recreational fishing—use of fishing apparatus), part 3 (Nets)

71 Taking fish

(1) A person may take fish for trade or commerce only if the person—

(a) is a commercial fisher; or

(b) is an assistant fisher under direction; or

(c) holds another authority allowing the person to take fish for trade or commerce.

(2) Also, a person may take fish for trade or commerce in a commercial fishery only if the person holds an authority allowing the person to take fish in the fishery.

72 Carrying fish

(1) A person may use a boat, or allow it to be used, to carry fish taken for trade or commerce only if the person holds a carrier boat licence or another authority allowing the boat's use for carrying fish.

(2) However, subsection (1) does not apply to a person who carries prescribed fish north of latitude 17º52' south[21] on—

(a) a commercial fishing boat; or

(b) a boat registered as a commercial ship under the *Transport Operations (Marine Safety) Act 1994*.

(3) Also, subsection (1) does not apply to a person who uses a commercial fishing boat to carry fish, but only if the fish are lawfully taken in a commercial fishery under the commercial fishing boat licence—

(a) on which the commercial fishing boat is identified; or

(b) on which the primary boat, or a tender boat, of the commercial fishing boat is identified.

(4) In this section—

"prescribed fish" means—

(a) for subsection (2)(a)—fish other than—

(i) coral reef fin fish; or

(ii) fish not mentioned in subparagraph (i) intended to be sold live; and

21 This is approximately the latitude of Clump Point (Mission Beach).

(b) for subsection (2)(b)—fish other than—

(i) live coral reef fin fish; or

(ii) fish not mentioned in subparagraph (i) intended to be sold live.

73 Processing fisheries resources

(1) A person may process fisheries resources for trade or commerce only if—

(a) the person holds a buyer licence or another authority that allows the processing; or

(b) the East Coast Trawl Plan, section 233(a) to (d) is complied with.[22]

(2) A person may use a place or boat for processing fisheries resources only if the person holds an authority allowing processing at the place or on the boat.

(3) This section does not apply to—

(a) a person who buys the fisheries resources by wholesale and processes them for sale by retail; or

(b) a fisher or commercial fishing boat licence holder, in relation to freezing, refrigerating, cleaning, filleting, sorting, preserving or cooking fisheries resources lawfully taken by the person, but only if the processing is done—

(i) on a commercial fishing boat; or

(ii) at a place permitted under a commercial fisher, or the commercial fishing boat, licence.

74 Storing fish

A person may store fish for trade or commerce at a place only if the person holds an authority allowing the person to store the fish at the place.

22 East Coast Trawl Plan, section 233 (Restrictions on processing scallops on commercial fishing boat)

75 Selling fisheries resources

(1) A person may sell fisheries resources by wholesale only if the person holds an authority allowing the person to sell the fisheries resources.[23]

(2) Despite subsection (1), a person may sell fish for bait without an authority, but only if the person reasonably expects the person's annual gross income from the sale of fish for bait will not be more than $7 500.

76 Buying fisheries resources

(1) A person may buy fisheries resources by wholesale only if the person holds an authority allowing the person to buy the fisheries resources.[24]

(2) However, a person may buy fish by wholesale without an authority if the person—

(a) buys the fish from someone else who may sell them by wholesale (other than a commercial fisher or a commercial fishing boat licence holder); and

(b) sells them by retail.

77 Aquaculture

(1) A person may engage in aquaculture only if the person holds an aquaculture authority.

(2) However, subsection (1) does not apply to a person engaged in the cultivation of fish for sale by retail as live fish only.

(3) A person may take fisheries resources for aquaculture only if the person holds an authority allowing the person to take the fisheries resources.

(4) A person may sell aquaculture fisheries resources only if the person holds an aquaculture authority allowing the person to sell the fisheries resources.

(5) However, subsection (4) does not apply to a person selling live aquaculture fish by retail.

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23 See also section 86 (Dockets for wholesale sale of fisheries resources etc.) of the Act.

24 See also section 86 (Dockets for wholesale sale of fisheries resources etc.) of the Act.

(6) A person may release aquaculture fisheries resources into Queensland waters only if the person—

(a) holds an authority allowing the person to release the fisheries resources into the waters; or

(b) may release the resources under a management plan.

78 Fisheries resources cultivated other than for sale

(1) This section applies to fisheries resources cultivated other than for sale.

(2) A person may put fisheries resources taken from an area (whether in Queensland or elsewhere) in another area in Queensland only if the person holds an authority for the purpose.

79 Marine plants

(1) A person may remove, destroy or damage a marine plant only if the person holds an authority to remove, destroy or damage the plant.

(2) Subsection (1) does not apply to a person who removes, damages or destroys a marine plant that the chief executive is reasonably satisfied is or may be a danger to public health or safety.

80 Nonindigenous fisheries resources

(1) A person may do the following things involving nonindigenous fisheries resources only if the person holds an authority for the purpose or if the person may do the things under a management plan—

(a) bring them or cause them to be brought into Queensland;

(b) possess, rear, sell or buy them;

(c) release them, or cause them to be released, into Queensland waters.

(2) Subsections (1)(a) and (b) do not apply to nonindigenous fisheries resources mentioned in schedule 6 if the fisheries resources are released into waters other than waters on unallocated State land and are kept in a way preventing their escape into other waters.

81 Noxious fisheries resources

A person may do the following things involving noxious fisheries resources only if the person holds an authority for the purpose—

(a) bring them or cause them to be brought into Queensland;

(b) possess, rear, sell or buy them;

(c) release them, or cause them to be released, into Queensland waters.

Division 3—Miscellaneous

82 Allowing persons on board a commercial fishing boat

(1) The holder of a commercial fishing boat licence, or a commercial fisher on board the boat identified in the licence, must not allow someone else to be on the boat while it is used to take fish for trade or commerce, unless the other person is a fisher or may be on board the boat under an authority.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to the spouse or a child of the licence holder or commercial fisher, but only if the spouse or child does not help take fish.

(3) Also, subsection (1) does not apply to a crew member not actually engaged in taking fish.

Examples of crew member in subsection (3)—

- a cook
- an engineer.

83 Aquaculture authority holder creating hazard on unallocated State land

(1) The holder of an aquaculture authority for unallocated State land must not place or allow anything (the **"hazardous thing"**) to be placed in the area mentioned in the authority in a way that endangers or is likely to endanger a person, a person's property or the environment.

Maximum penalty—100 penalty units.

(2) If the chief executive reasonably believes a contravention of subsection (1) has happened, the chief executive must, by written notice, direct the authority holder to remove and dispose of the hazardous thing.

(3) The notice must state—

(a) the nature of the hazard; and

(b) the reasons the chief executive believes it is hazardous; and

(c) that the holder must comply with the notice within a stated reasonable time.

(4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—100 penalty units.

(5) If the holder does not comply with the notice, the chief executive may remove and dispose of the hazardous thing.

(6) The chief executive may recover costs reasonably incurred under subsection (5) as a debt payable to the State.

84 Aquaculture area offences

(1) This section applies to a tidal area on which aquaculture fisheries resources are growing under an aquaculture authority (**"aquaculture area"**).

(2) This section is for ensuring—

(a) aquaculture authority holders are protected from acts that may not immediately interfere with aquaculture fisheries resources, but may interfere with them over time; and

(b) individuals on aquaculture areas are protected from risks associated with aquaculture activities on the area.

(3) A person must not enter or take fisheries resources from the aquaculture area, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(4) Despite subsection (3), the aquaculture authority holder or someone else acting under the authority may enter the aquaculture area and take fisheries resources cultivated under the authority.

85 Contravening a condition of an authority

A person acting under an authority must not contravene a condition of the authority.

Maximum penalty—100 penalty units.

86 Contravening certain fishery provisions

(1) A person must not contravene a fishery provision.

Maximum penalty—100 penalty units.

(2) This section does not apply to a fishery provision about a quota or a way of taking fish.[25]

87 Fish habitat area offences

(1) A person must not take molluscs in a fish habitat area.

Maximum penalty—100 penalty units.

(2) A person must not take bait by using a digging implement (other than a hand pump for taking yabbies) in a fish habitat area.

Maximum penalty—100 penalty units.

88 Interfering with official signs

A person must not interfere with an official sign, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

89 Leaving fish in fishing apparatus

(1) A person using fishing apparatus must not allow a part of the apparatus containing fish to be out of the water other than to immediately remove the fish from the apparatus.

Maximum penalty—100 penalty units.

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25 See also sections 79 (Quota offences) and 80 (Fish not to be taken in prohibited way) of the Act.

(2) A person taking fish with fishing apparatus must immediately release regulated fish, or fish the person did not intend to take, into water deep enough to allow the fish to escape.

Maximum penalty—100 penalty units.

(3) Subsections (1) and (2) do not apply if the person has a reasonable excuse.

90 Obstructing persons fishing under an authority

(1) A person must not obstruct a fisher, or someone else acting under an authority, who is using a net to take fish, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(2) A person must not obstruct a commercial fisher in exercising a fishing priority under section 64A, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(3) A person must not disturb fish to prevent a fisher or someone else acting under an authority from taking them.

Maximum penalty—100 penalty units.

91 Possessing certain crabs or crab meat

(1) A person must not possess a mud or blue swimmer crab with its carapace missing, or crab meat, (the **"crab"**) unless the person—

(a) is a buyer or fish retailer; or

(b) may possess the crab under another authority.

Maximum penalty—100 penalty units.

(2) This section does not apply if the crab is bought by retail or the person possesses it for immediate consumption.

91A Possession or sale of crab claws by fishers

(1) A fisher who takes a crab under an authority must not possess or sell the crab's claws unless—

(a) the fisher possesses or sells—

(i) if the crab was taken with 1 claw—the claw; or

(ii) if the crab was taken with 2 claws—both claws; and

(b) the fisher possesses or sells the crab's body.

Maximum penalty—100 penalty units.

(2) In this section—

"crab body" means a crab body that has its carapace attached to it.

92 Taking and possessing oysters

(1) A person must not take an oyster from the place where it is growing, unless the person eats the oyster where it is taken.

Maximum penalty—50 penalty units.

(2) A person must not possess an oyster the person took from the place where it was growing, other than at the place from which it was taken.

Maximum penalty—50 penalty units.

(3) This section does not apply to oysters grown under an authority or bought by the person.[26]

92A Dividing shark

A person who possesses a shark must not divide it into portions other than in a way that allows an inspector to easily count the number of sharks possessed by the person.

Maximum penalty—100 penalty units.

93 Using nets

(1) A person must not do any of the following things about nets—

(a) join 2 or more nets;

(b) allow nets to overlap;

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26 See also section 87 (Interference etc. with aquaculture activity or fishing apparatus) of the Act.

(c) set nets less than 1 m apart;

(d) put or do anything between 2 nets to stop fish escaping.

Maximum penalty—100 penalty units.

(2) However, subsection (1) does not apply if the activity is otherwise allowed under this regulation or a management plan.

(3) A person using a net in a commercial fishery must not do anything that effectively reduces the net's mesh size below the minimum size stated for the net in a fishery provision for the fishery, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

Examples of anything that effectively reduces a net's mesh size in subsection (3)—

- overlapping nets
- covering a net.

(4) Subsection (3) does not apply to anything the person may do under another provision of this regulation or a management plan.

PART 9—PROTECTION AND CONSERVATION OF FISH HABITATS

94 Fish habitat areas

(1) Each area described in, or shown on a plan mentioned in, schedule 7 is a fish habitat area.

(2) Each fish habitat area in schedule 7, part 1 includes tidal land of lagoons, lakes and waterways joining the area described as, or shown on the plan for, the area, even though it is outside the area described or shown.

(2A) Each fish habitat area in schedule 7, part 2 includes tidal land of lagoons, lakes and waterways that—

(a) is unallocated State land or national park land; and

(b) adjoins the area within the outer boundary shown on the plan.

(3) Each fish habitat area does not include the following—

(a) an area the plan states is not included;

(b) an area schedule 7, parts 1 or 2 state is not included;

(c) the area of a channel marked by aids to navigation;

(d) for a fish habitat area in schedule 7, part 2—land that is not unallocated State land within the outer boundary shown on the plan unless schedule 7, part 2 states it is included.

(4) Anything indicated on a plan about the boundary of a fish habitat area has effect for deciding the location of the boundary.

(5) However, a line or hatching on a plan of a fish habitat area may not indicate the current position of a boundary, but merely indicates—

(a) what forms the boundary; and

(b) the area is on the hatched side of the boundary.

(6) If a boundary shown on a plan of a fish habitat area has a gap in it, the boundary continues in a straight line across the gap to the nearest point of the boundary on the other side of the gap.

(7) The plans mentioned in schedule 7 are held by the chief executive.[27]

PART 10—ENFORCEMENT

95 Persons who may be appointed inspectors

For section 140(1)(d) of the Act, the following persons may be appointed inspectors under the Act—

(a) a local government employee or officer;

(b) a person with relevant knowledge of fisheries resources or fish habitat in a particular area;

(c) a person appointed to enforce Commonwealth or State fisheries legislation.

Example of person with relevant knowledge in paragraph (b)—

A member of a fish stocking group.

27 Copies of the plans are available for inspection at the department's office at 80 Ann Street, Brisbane on business days during office hours.

95A Evidence of person taking fish

If, in a proceeding for an offence against the Act or other fisheries legislation, it is relevant to establish a person took fish, evidence that the person possessed the fish at any time is evidence that the person took the fish.

PART 11—RECREATIONAL FISHING

Division 1—General

96 Things recreational fishers may do—tidal waters

(1) This section applies only to tidal waters.[28]

(2) A recreational fisher may use or possess only fishing apparatus permitted under schedule 8 or a management plan.

(3) A recreational fisher may use the apparatus only if the apparatus and its use complies with schedule 8 or a management plan.

97 Using commercial fishing boats for recreational fishing

A person using a commercial fishing boat for recreational fishing must not cover or remove a mark placed on the boat under section 103.

Maximum penalty—100 penalty units.

Division 2—Prohibitions to allow identification or measurement of fish

98 General prohibitions

(1) A recreational fisher who possesses fin fish on a boat must not remove the skin from the fish until it is brought ashore.

Maximum penalty—100 penalty units.

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28 For waters that are not tidal, see the *Fisheries (Freshwater) Management Plan 1999*.

(2) If a recreational fisher brings a fin fish ashore and removes its skin, the recreational fisher must not return the fish to the boat.

Maximum penalty—100 penalty units.

(3) Despite subsection (1), a recreational fisher who is on a boat during an extended commercial fishing tour may remove the skin from a fin fish (other than a square area of the skin, each side of which is at least 3 cm).

(4) A recreational fisher who possesses a fish must not divide it into portions other than in a way that allows an inspector to easily count the number of fish possessed by the recreational fisher.

Maximum penalty—100 penalty units.

98A Prohibition for prawns taken by recreational fishers

(1) This section applies only to a recreational fisher for prawns taken by the recreational fisher or another recreational fisher.

(2) The recreational fisher must not possess the prawns if more than 10 of the prawns have had their heads or any other part removed, unless the removal was to process the prawns for immediate consumption.

Maximum penalty for subsection (2)—100 penalty units.

PART 12—MISCELLANEOUS

Division 1—General

99 Amounts payable into Fisheries Research Fund

Fees paid to the chief executive under the Act must be paid into the Fisheries Research Fund.

99AA Chief executive's power to enter into agreements or arrangements—Act, s 20A(1)(g)

For section 20A(1)(g) of the Act, the chief executive may enter into an agreement or arrangement with the Great Barrier Reef Marine Park Authority[29] for the management, use, development or protection of fisheries resources.

99A Prescribed entity—chief executive's power under s 20A(1)(h) of the Act for delegation or subdelegation

(1) For section 21(1)(a) of the Act, the chief executive may delegate—

(a) the chief executive's power, under section 20A(1)(h) of the Act, to formulate and operate arrangements, including funding, for adjusting the use of fisheries resources to the Queensland Rural Adjustment Authority; and

(b) the chief executive's power, under the *Fisheries (Freshwater) Management Plan 1999*, section 44,[30] to issue a permit to fish in a stocked impoundment to—

(i) a government entity under the *Public Service Act 1996*;[31] or

(ii) a fish stocking group that is a body corporate; or

(iii) a person who owns or manages a—

(A) bait or tackle shop, kiosk, service station or other retail business; or

(B) tourist information centre.

(2) However, the delegate under subsection (1) must be an appropriately qualified person.

(3) The delegate under subsection (1) may subdelegate the power to an employee, member or officer of the delegate under subsection (1) only if the subdelegate is an appropriately qualified person.

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29 For the Authority's establishment, see the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 6.

30 *Fisheries (Freshwater) Management Plan 1999*, section 44 (Permit to fish with fishing line or set line in stocked impoundment)

31 See the *Public Service Act 1996*, section 21 (What is a "government entity") for definition.

(4) For section 21(1)(a) of the Act, the chief executive may also delegate the chief executive's power to make a decision under the East Coast Trawl Plan, chapter 3, part 6, about effort units to the independent review committee, as constituted from time to time, established by the chief executive for matters relating to the administration of the plan.

(5) In this section—

"appropriately qualified" includes having the qualifications, experience or standing appropriate to exercise the power.

"Queensland Rural Adjustment Authority" means the Queensland Rural Adjustment Authority established under the *Rural Adjustment Authority Act 1994*.

100 Declared fisheries resources

Fish of a species of regulated fish are fisheries resources to which section 154[32] of the Act applies.

101 Expenses prescribed for definition of "net proceeds of sale" in the Act

For the definition of "net proceeds of sale" of seized fisheries resources, the following expenses are prescribed—

(a) expenses incurred in performing any necessary processing of the fisheries resources;

(b) expenses reasonably incurred in keeping the fisheries resources in the best possible saleable condition.

102 Forfeiture offences

An offence about taking, possessing or selling a regulated fish is a forfeiture offence to which section 154 of the Act applies.[33]

32 Section 154 (Seizure of fisheries resources in heap etc.) of the Act

33 See also section 78 (Prohibited acts about regulated fish) of the Act.

103 Placing mark on boat

(1) This section applies if the chief executive has issued a person an authority allowing the use of a boat and—

(a) the authority has, stated on it, a sequence of letters and numbers relevant for this section; or

(b) the chief executive has given the person a notice stating a sequence of letters and numbers relevant for this section.

(2) The authority holder must place a mark that complies with subsection (3) on each side of the boat's hull and—

(a) if the boat has a deck or shelter at the front of the boat—on the deck or shelter or an enclosed cabin or wheelhouse on the deck; or

(b) if the boat does not have a deck or shelter at the front of the boat—on a flat surface on the boat.

Maximum penalty—100 penalty units.

(3) For subsection (2), the mark must—

(a) have a yellow background; and

(b) have, written on it in the prescribed way, the sequence of letters or numbers stated in the authority or notice; and

(c) be clearly visible—

(i) for a mark on the side of the boat's hull—for a person on another boat; or

(ii) for another mark—for a person above the boat.

(4) A person in control of a boat must not, unless the person has a reasonable excuse, use a boat, or allow the boat to be used, to take fish for trade or commerce unless the boat is marked in the way required under subsection (2).

Maximum penalty—100 penalty units.

(5) In this section—

"prescribed way", for a sequence of letters or numbers, means each letter or number in the sequence—

(a) is written in black; and

(b) has the following dimensions—

(i) for a sequence to be written on a boat with a length of less than 10 m—a height of at least 20 cm, and a width of no less than 2 cm and no more than 2.5 cm;

(ii) for a sequence to be written on a boat with a length of 10 m or more but less than 25 m—a height of at least 30 cm, and a width of no less than 3.5 cm and no more than 4 cm;

(iii) for a sequence to be written on a boat with a length of 25 m or more—a height of at least 45 cm, and a width of no less than 6 cm and no more than 6.5 cm.

103A Removing mark placed on boat

(1) This section applies if—

(a) an authority holder has placed, or caused to have placed, a mark on a boat under section 103, whether or not the mark complies with all the requirements of that section; and

(b) the boat is replaced or the authority under which the boat is used is cancelled, surrendered or has expired.

(2) The authority holder or, if the authority is cancelled, surrendered or has expired, the former authority holder, must remove the mark from the boat.

Maximum penalty—100 penalty units.

104 Nonindigenous fisheries resources that need not be destroyed etc. under the Act

For section 92(2)[34] of the Act, nonindigenous fisheries resources are stated in schedule 6.

105 Prescribed authorities—Act, s 70C

The following authorities are prescribed for the Act, section 70C[35]—

(a) aquaculture licence;

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34 Section 92 (Duty of person who takes or possesses noxious or nonindigenous fisheries resources) of the Act

35 Section 70C (Continuance of particular authorities) of the Act

(b) buyer or storage licence;

(c) commercial fishing boat licence;

(d) authority issued under section 40(1);

(e) effort unit issued under the East Coast Trawl Plan, chapter 3, part 6;[36]

(f) ITQ unit issued under the *Fisheries (Spanner Crab) Management Plan 1999*, section 23 and part 10, division 1;[37]

(g) line unit issued under the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, chapter 3, part 2, division 3;[38]

(h) an SM unit.

106 Particulars to be contained on dockets for wholesale sale of fisheries resources etc.

A docket under section 86 of the Act must contain the following particulars—

(a) the seller's name, usual address and authority number;

(b) the buyer's name, usual address and authority number (if any);

(c) if the seller is a fish stocking entity incorporated under the *Associations Incorporation Act 1981*—its certificate of incorporation number;

(d) the date of the sale to which the docket relates;

(e) the species of fish sold and the estimated quantity (by weight or number) of each species;

(f) the estimated total quantity (by weight or number) of all fish sold;

(g) how the fish are sold.

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36 East Coast Trawl Plan, chapter 3 (General provisions for licences and fishery symbols), part 6 (Effort units)

37 *Fisheries (Spanner Crab) Management Plan 1999*, section 23 (Issue of ITQ units) or part 10 (Savings and transitional), division 1 (Issue of ITQ units)

38 *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, chapter 3 (Commercial fishery), part 2 (Line units), division 3 (Issue of line units)

Examples of paragraph (g)—

- live
- whole, or in fillets.

107 Particulars to be legible, visible and in English

(1) A person required under this regulation or a management plan to write or mark particulars in or on anything must write or mark the particulars in or on the thing legibly, visibly and in English.

Examples—

- markings on floats attached to fishing apparatus
- markings on boats
- particulars to be contained on a docket for the wholesale sale of fisheries resources.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not prevent a person writing or marking the particulars in another language as well as in English.

108 Serious fisheries offences

Each of the following is a serious fisheries offence—

(a) a forfeiture offence for which an inspector may seize fisheries resources in a heap;[39]

(b) an offence against fisheries legislation about any of the following—

(i) contravening a closed season or closed waters declaration;

(ii) buying or selling fish;

(iii) obstructing, hindering or resisting an inspector;

(iv) removal, destruction or damage of a marine plant;

(v) unlawfully performing works or related activity, or causing to be performed works or related activity, in a declared fish habitat area;

(vi) using or possessing fishing apparatus.

39 See section 154 (Seizure of fisheries resources in heap etc.) of the Act.

109 Statistical records to be kept

(1) The following persons must keep and give to the chief executive the returns required by the chief executive—

(a) primary commercial fishing boat licence holders;

(b) holders of an authority to take, possess or sell fish;

(c) commercial fishing tour operators;

(d) buyers;

(e) aquaculture authority holders;

(f) marine plant permit holders.

(2) A primary commercial fishing boat licence holder is taken to have complied with subsection (1) if the commercial fisher who used the boat during the period of the returns keeps and gives the required returns for the licence holder.

109A Statistical records and information about spotted mackerel or tailor

(1) The following persons must keep and give to the chief executive the returns required by the chief executive—

(a) a commercial fisher who takes more than the following in a 24 hour period—

(i) 15 spotted mackerel;

(ii) 100 kg of tailor;

(b) a buyer who buys any amount of spotted mackerel or tailor.

(2) A commercial fisher who sells spotted mackerel or tailor to any person must keep and give to the chief executive the person's name and other identifying details, as required by the chief executive.

110 Threshold percentage for declared fisheries resources

(1) The threshold percentage for declared fisheries resources under section 154[40] of the Act is 5%.

40 Section 154 (Seizure of fisheries resources in heap etc.) of the Act

(2) This section does not apply to fisheries resources to which the East Coast Trawl Plan applies.[41]

110A Prescribed matters and equipment for certificates—Act, s 184

(1) For section 184(4)(g)[42] of the Act, the following are prescribed—

(a) information, or a summary of information, from returns—

(i) given to the chief executive under section 109 or 109A; or

(ii) held by the chief executive that were given to—

(A) the former Queensland Fisheries Management Authority under section 109; or

(B) the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982*;

(b) the hull units for a boat, worked out under the East Coast Trawl Plan.

(2) Any equipment used as part of a system that monitors the position and operation of a boat is prescribed for the Act, section 184(5).

110B Review relating to spanish mackerel

(1) The chief executive must conduct reviews about the level of commercial and recreational fishing for spanish mackerel.

(2) A review under subsection (1) must—

(a) be conducted every second year after 2004; and

(b) end before 1 March in the year of the review.

(3) However, the chief executive may conduct a review at an earlier time as the chief executive considers appropriate.

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41 For the threshold percentage for fish to which the East Coast Trawl Plan applies, see chapter 5, part 1 (Threshold percentage for declared fisheries resources) of that plan.

42 Section 184 (Evidentiary provisions) of the Act

Division 2—Fees

111 Witness fees for persons appearing before the Tribunal

Amounts payable as witness fees to a person required to appear as a witness before the Tribunal are—

(a) amounts payable as attendance fees under the *Uniform Civil Procedure Rules 1999* to a person appearing as a witness before a court; and

(b) amounts payable as travelling allowances under a directive issued under the *Public Service Act 1996* to an officer of the public service travelling on official duty.

112 Other fees

(1) The fees payable under the Act and this regulation are in schedule 10.

(2) Unless otherwise stated in the schedule, a licence, permit or other authority fee is an annual fee.

(3) A fee for an ITQ unit under the *Fisheries (Spanner Crab) Management Plan 1999* for a quota year is payable within 90 days after the unit holder is issued an ITQ certificate under the plan for the ITQ unit for the quota year.

113 Chief executive may refund or waive a fee

(1) This section does not apply to fees for crew and fisher licences.

(2) The chief executive may refund or waive part of the fee for an authority.

(3) However, the chief executive must not—

(a) for a surrendered authority—refund more than one-twelfth of the fees (other than an assessment fee) for each remaining whole month of its term; or

(b) for an authority issued for part of a year or for a term that includes part of a year—waive more than one-twelfth of the fees (other than an assessment fee) for each whole month the part is less than a year.

Example of operation of subsection (3)(b)—

For a particular licence, the fees (which are annual fees) are $1 200. If the licence is issued for a term of 1½ years, the annual fees are payable for 2 years (i.e. $2 400) but the chief executive may waive not more than six-twelfths of the 2nd year's annual fee (i.e. $600).

(4) Also, the chief executive must not refund a fee for a surrendered authority if the amount to be refunded is less than $20.

SCHEDULE 2

CLOSED WATERS—COMMERCIAL FISHING

sections 16(1) and 17(1)

PART 1—TAKING OR POSSESSING ANY FISH

1 Prohibited activities

Taking or possessing any fish in waters described in this part is prohibited.

15 Coombabah Lake and Coombabah Creek

Coombabah Lake, and tidal waters of Coombabah Creek upstream from the lake.

16 Swan Bay, North Stradbroke Island

Swan Bay, and tidal waters of the unnamed creek joining the bay's northern end.

18 Pumicestone Strait

Pumicestone Strait.

21 Fraser Island between Indian Head and 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 August to midday on 30 September.

SCHEDULE 2 (continued)

30 Keppel Bay near Middle Island Observatory

Keppel Bay within a 150 m radius of the Middle Island Underwater Observatory.

33 Hook Island

Waters within a 100 m radius of the Hook Island Observatory.

33A Yanks Jetty at Orpheus Island

Waters under or within 100 m of Yanks Jetty at Orpheus Island.

35 Centenary Lakes, Cairns

Saltwater Creek, Lily Creek and lakes joining the creeks, between Greenslopes Street and Collins Avenue, Cairns.

36 Barron River

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.

37 Mission Bay

Mission Bay south of a line between Cape Grafton and False Cape, and waters flowing into that part of the bay.

38 Bizant River, Princess Charlotte Bay

German Bar Lagoon, and the Bizant River from the road crossing commonly known as German Bar downstream for 2 km.

40 Torres Strait near Hammond Island

Waters within the following boundary—

- from Turtle Head, Hammond Island, to Hammond Rock

SCHEDULE 2 (continued)

- to 1 n mile east of Menmuir Point, Hammond Island
- to the northern tip of Kapuda Island
- to Bruce Point, Hammond Island
- along the eastern shore of Hammond Island to Turtle Head.

PART 2—TAKING OR POSSESSING CERTAIN FISH

41 Prohibited activities

The following activities are prohibited in waters described in this division—

(a) taking a stated fish in waters described in this part;

(b) possessing fish taken in contravention of paragraph (a).

42 Platypus Bay

(1) Platypus Bay, Fraser Island, and waterways joining the bay, east of a line between F↑B signs at Rooney Point and Coongul Point, Fraser Island.

(2) Subsection (1) applies only to the following fish—

(a) barracuda;

(b) black king-fish;

(c) catfish of the family Aariidae;

(d) narrow-barred or spanish mackerel;

(e) queenfish;

(f) slender barracuda;

(g) yellowtail king-fish.

SCHEDULE 2 (continued)

43 Eurimbula Creek (north of Round Hill Creek)

(1) Eurimbula Creek and waterways joining it.

(2) Subsection (1) applies only to mud crabs.

44 South of latitude 20º south (near Bowen) or west of longitude 143º east

(1) Waters south of latitude 20º south or waters west of longitude 143º east.

(2) Subsection (1) applies only to bêche-de-mer.

45 Fitzroy Island and High Island (near Cairns)

(1) Foreshore waters of Fitzroy Island and High Island and waters within 400 m out to sea from the shore of each island at low water.

(2) Subsection (1) does not apply to fin fish.

46 Darnley Island, Torres Strait

(1) Darnley Island foreshore waters west of longitude 143º46'4" east.

(2) Subsection (1) applies only to pearl oysters.

46A Waters adjacent to north Cape York

(1) Waters within the following boundary—

- from where latitude 10º44.97' south intersects the mainland shore at Fly Point to where longitude 142º37.26' east intersects the southern tip of Albany Island
- along the southern and western shore of Albany Island to where latitude 10º42.96' south intersects the shore at the Island's north-western tip
- to the navigational light on Eborac Island, approximately at latitude 10º40.95' south and longitude 142º31.96' east
- to where longitude 142º24.40' east intersects the northern tip of Possession Island

SCHEDULE 2 (continued)

- along the northern and eastern shores of Possession Island to where longitude 142º23.16' east intersects the shore at the Island's southern tip
- to the intersection of latitude 10º52.87' south with the eastern shore of Woody Wallis Island
- to where longitude 142º06.56' east intersects the northern shore of Crab Island
- along the western shore of Crab Island to where longitude 142º06.46' east intersects the shore at the Island's southern tip
- to where latitude 10º59.84' south intersects the mainland shore south of Slade Point
- along the mainland shore in a northerly and easterly direction to where latitude 10º44.97' south intersects the mainland shore at Fly Point.

(2) Subsection (1) applies only to black jewfish.

46B Particular foreshores of Wynnum

(1) The following foreshore waters of Wynnum—

(a) the foreshore waters adjacent to the Esplanade between its intersection with the southern side of Cedar Street and its intersection with the northern side of Charlotte Street;

(b) the foreshore waters within 100 m of high water mark between the northern bank of Lota Creek and the rock groine extending seawards near the northern end of Wynnum North Esplanade.

(2) Subsection (1) applies only to worms belonging to the class *Polychaeta*.

SCHEDULE 2 (continued)

PART 3—TAKING OR POSSESSING SOME FISH AND USING OR POSSESSING SOME APPARATUS

Division 1—Fish other than fin fish

47 Prohibited activities

(1) The following activities are prohibited in waters described in this division—

(a) taking fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing commercial fishing apparatus.

(2) Subsection (1) does not apply to fin fish taken with a fishing rod or line or possession of a fishing rod or line.

48 Michaelmas Cay

Michaelmas Cay foreshore waters and waters within 400 m out to sea from the shore at low water.

49 Upolu Cay

Upolu Cay foreshore waters and waters within 400 m out to sea from the shore at low water.

Division 2—Narrow-barred mackerel

50 Prohibited activities

The following activities are prohibited in waters described in this division—

(a) using commercial fishing nets to take narrow-barred mackerel;

(b) possessing narrow-barred mackerel taken in contravention of paragraph (a).

SCHEDULE 2 (continued)

51 Waters east of longitude 142º09' east

Waters east of longitude 142º09' east.

Division 3—Spotted mackerel

51A Prohibited activities

The following activities are prohibited in waters described in this division—

(a) using commercial fishing nets to take spotted mackerel;

(b) possessing spotted mackerel taken in contravention of paragraph (a).

51B All waters

All Queensland waters.

Division 4—Tailor

51C Prohibited activities

The following activities are prohibited in waters described in this division—

(a) using commercial fishing nets to take tailor;

(b) possessing tailor taken in contravention of paragraph (a).

51D Fraser Island

The following waters of Fraser Island—

(a) eastern foreshore waters and waters within 200 m from the shore at low water, between Hook Point and Sandy Cape; and

(b) western foreshore waters and waters within 200 m from the shore at low water, between Sandy Cape and Sandy Point.

SCHEDULE 2 (continued)

PART 4—TAKING OR POSSESSING ANY FISH AND USING OR POSSESSING CERTAIN FISHING APPARATUS

Division 1—Fishing with commercial fishing nets

52 Prohibited activities

The following activities are prohibited in waters described in this division—

(a) using a net to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a net.

53 Lakes and lagoons south of Endeavour River and east of longitude 142º31'49" east

(1) All lakes and lagoons south of the northern bank of the Endeavour River and east of longitude 142º31'49" east.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday if they are not otherwise closed during the period.

54 Currumbin Beach

Foreshore waters and waters within 400 m out to sea from the shore at low water, between the northern tip of Elephant Rock and the shore's intersection with the shortest line from the northern tip of Currumbin Rock to the shore.

55 Currumbin Creek

Currumbin Creek and waterways joining it.

56 Tallebudgera Creek

Tallebudgera Creek and waterways joining it.

SCHEDULE 2 (continued)

57 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.

58 The Broadwater (southern part) and the Nerang River

The following waters—

(a) the Nerang River and waterways joining it;

(b) the part of The Broadwater upstream of a line between a point on the shore of The Broadwater in line with the northern edge of Stevens Street, Southport and an F↑B sign on the shore of The Spit near the floating helipad near Seaworld.

59 Gold Coast Seaway

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.

60 The Broadwater (central part)

(1) 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

SCHEDULE 2 (continued)

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. Sunday to Friday.

61 The Broadwater (western part)

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

SCHEDULE 2 (continued)

- 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.

62 Coombabah Creek, Oyster Lake and Saltwater Creek

Saltwater Creek and Coombabah Creek (including Oyster Lake), downstream from Coombabah Lake.

63 Coomera River

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.

64 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.

65 Manly Boat Harbour

Manly Boat Harbour and its foreshores, up to a line between the seaward ends of the harbour's breakwaters.

66 Wynnum and Manly

Foreshore waters between the northern breakwater of Manly Boat Harbour and the southern bank of Wynnum Creek.

67 Brisbane River

The following waters—

SCHEDULE 2 (continued)

(a) the Brisbane River, upstream of a line between the northern tip of the northernmost wharf on Fisherman Islands and the mainland passing through the rear (seaward) lead of the Lytton Rocks Reach about 900 m downstream from Luggage Point;

(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).

68 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;

(d) Jacksons Creek (which joins the floodway channel near the channel's banks).

69 Sandgate Pier

Bramble Bay under, and within 200 m of, the Sandgate Pier.

70 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.

SCHEDULE 2 (continued)

71 Moreton Bay (including The Broadwater)

(1) Moreton Bay and waterways joining it.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday if they are not otherwise closed during the period.

71A North Stradbroke Island—northern beaches

(1) Waters within 200 m from the shore at low water between North Gorge[43] and Adder Rock.

(2) The waters are closed from 20 September to 1 April.

72 Bribie Island's eastern shore and the sand spit at Kings Beach

The following waters—

(a) eastern foreshore waters of Bribie Island between an F↑B sign at latitude 26º50.06' south on the island's shore and an F↑B sign at the island's northern tip;

(b) foreshore waters at Caloundra between the groyne at the southern end of Kings Beach and the western tip of Bulcock Beach.

73 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) a line running south-east from the southern end of the sand spit between Kings Beach and Bulcock Beach, Caloundra;

(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.

43 North Gorge is at the southern end of Frenchman's Beach.

SCHEDULE 2 (continued)

74 Currimundi Lake and Currimundi Creek near Caloundra

Currimundi Lake, Currimundi Creek, and waterways joining the lake and creek.

75 Mooloolah River

The Mooloolah River and waterways joining it, upstream of a line between the seaward ends of the breakwaters at its banks.

76 South Maroochy River and the North Maroochy River

The Maroochy River upstream of the junction between its northern and southern branches.

77 Maroochy River and ocean foreshores

The following waters—

(a) the Maroochy River and waterways joining it, downstream of a line between 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 an F↑B sign on the opposite side of the river;

(b) ocean foreshore waters for 400 m (measured along the shore) from each bank of the Maroochy River;

(c) waters within 400 m out to sea from the part of the shore described in paragraph (b) at low water.

78 Noosa River and Noosa's main beach

The following waters—

(a) the Noosa River downstream of a line between an F↑B sign on the river's southern side near Thomas Street, Noosaville and an F↑B sign on the opposite side of the river;

(b) foreshore waters of Noosa's main beach between First Point and the southern bank of the Noosa River.

SCHEDULE 2 (continued)

79 Weyba Creek

Weyba Creek and waterways joining it, downstream of Lake Weyba.

80 Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba

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.

81 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.

82 Waterways south of Double Island Point

(1) 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 if they are not otherwise closed during the period.

83 Rainbow Beach

Wide Bay foreshore waters and waters within 400 m from the shore at low water, between F↑B signs about 3 km south, and 1 km north, of Eight Mile Rocks at Rainbow Beach.

SCHEDULE 2 (continued)

84 Wide Bay Bar

Waters within the following boundary—

- from an F↑B sign at Inskip Point near the flashing white navigation lead on the shore, west for about 1.3 km to an F↑B sign
- to an F↑B sign on the southern shore of Fraser Island about 3 km west of Hook Point
- to an F↑B sign at Hook Point near the south-eastern tip of Fraser Island
- to the F↑B sign at Inskip Point near the flashing white navigation lead.

85 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.

85A Fraser Island—Tooloora Creek to Ngkala Rocks

(1) Fraser Island's eastern foreshore waters and waters within 200 m from the shore at low water, between Tooloora Creek and the Northern end of North Ngkala Rocks.

(2) The waters are closed from midday on 1 April to midday on 1 September.

86 Snapper Creek near Tin Can Bay

Snapper Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

SCHEDULE 2 (continued)

87 Great Sandy Strait

(1) Great Sandy Strait, Tin Can Inlet and waterways joining the strait and inlet, between the following lines—

(a) a line from the eastern tip of Point Vernon to Sandy Point, Fraser Island;

(b) a line between F↑B signs at Inskip Point and Hook Point, Fraser Island.

(2) The waters are closed—

(a) from 2 p.m. Friday to 2 p.m. Sunday from 1 February to 30 November; and

(b) from 6 p.m. Friday to 6 p.m. Sunday from 1 December to 31 January.

88 Hervey Bay

The following waters of Hervey Bay—

(a) waters west of the following line—

- from the eastern tip of Point Vernon to the seaward end of the public jetty at Scarness
- to the seaward end of the Urangan jetty
- to the seaward end of the southern rock wall of the Urangan Boat Harbour;

(b) foreshore waters of the bay between Sixth and Second Avenues, Woodgate.

89 Theodolite Creek

Theodolite Creek and waterways joining it upstream of a line between F↑B signs near its banks.

90 Coonar Creek

Coonar Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

SCHEDULE 2 (continued)

91 Burnett River

The Burnett River—

(a) upstream of a line between F↑B signs on opposite sides of the river near its junction with Bundaberg Creek; and

(b) downstream of a line between F↑B signs on opposite sides of the river near the western tip of Harriett Island.

92 Round Hill Creek

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.

93 Eurimbula Creek

Eurimbula Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

94 Rodds Harbour

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.

95 Wild Cattle Creek

(1) 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 1 600 m (measured along the bank) upstream from the F↑B sign at the northern tip of Wild

SCHEDULE 2 (continued)

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.

96 Boyne River and part of South Trees Inlet

(1) 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.

97 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.

98 Calliope River

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.

99 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) The waters are closed from 6 p.m. Friday to 6 p.m. Sunday.

(3) For subsection (1), the boundary of the Narrows between Facing Island and Curtis Island is a line from North Point, Facing Island, to South End, Curtis Island.

SCHEDULE 2 (continued)

100 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) The Fitzroy River and waterways joining it, upstream of a line[44]—

- from the intersection between longitude 150º40.14' east and the northern bank of the river;[45]
- to the intersection between longitude 150º40.34' east and the southern bank of the river.[46]

(3) The waters described in subsection (1) are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

101 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 (other than Connor Creek, Kamiesh Passage, Inkerman Creek and Raglan Creek) joining waters described in paragraph (a).

(2) Waterways joining the closed waters in subsection (1).

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44 Note, the line runs across the Fitzroy River at the part of the river commonly known as the cut through.

45 The intersection between longitude 150º40.14' east and the northern bank of the Fitzroy River is approximately at latitude 23º30.19' south, longitude 150º40.14' east.

46 The intersection between longitude 150º40.34' east and the southern bank of the Fitzroy River is approximately at latitude 23º30.39' south, longitude 150º40.34' east.

SCHEDULE 2 (continued)

(3) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday if they are not otherwise closed during the period.

102 Cawarral Creek

Cawarral Creek and waterways joining it, upstream of the line between F↑B signs near its banks.

103 Causeway Lake, Shoal Bay

Causeway Lake and waterways joining it, upstream of the Shoal Bay Causeway on the Yeppoon–Emu Park Road.

104 Water Park Creek

Water Park Creek (which flows 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).

105 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 if they are not otherwise closed during the period.

106 Rocky Dam Creek

Rocky Dam Creek (which flows into Llewellyn Bay) and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek about 100 m upstream of the creek's junction with Cherry Tree Creek.

107 Louisa Creek

Louisa Creek (which flows into Dalrymple Bay) and waterways joining it, upstream of a line between F↑B signs near its banks.

SCHEDULE 2 (continued)

108 Pioneer River

The Pioneer River and waterways joining it, upstream of the Pioneer Bridge at Mackay.

109 Reliance Creek, west of Eimio

Reliance Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

110 Constant Creek

Constant Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

111 Seaforth Creek

Seaforth Creek (which is north of Mackay).

112 Victor Creek

Victor Creek.

113 Proserpine River

The Proserpine River and waterways joining it, upstream of a line between F↑B signs near its banks.

114 Pioneer Bay

Pioneer Bay south of the following line—

- from an F↑B sign at Mandalay Point to an F↑B sign near the intersection of Broadwater Avenue and Ocean View Avenue, Airlie Beach
- to an F↑B sign at the eastern tip of Pigeon Island
- to an F↑B sign on the mainland shore about 2 km south from Bluff Point.

SCHEDULE 2 (continued)

115 Merinda Creek

Merinda Creek (also known as Meatworks Creek) and waterways joining it, upstream of a line between F↑B signs near its banks.

116 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.

117 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 paragraphs (a) and (b).

118 Burdekin River

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.

119 Plantation Creek and Seaforth Creek

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.

120 Haughton River and the Short Cut

The following waters—

SCHEDULE 2 (continued)

(a) the Haughton River and waterways joining it, upstream of a line between an F↑B sign near the river's eastern bank (near Big Beach) 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.

121 Barramundi Creek

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.

122 Townsville Harbour and Cleveland Bay

(1) Townsville Harbour between the following lines—

(a) a line between an F↑B sign near the landward end of the oil tanker berth and an F↑B sign at the landward end of the harbour's western breakwater;

(b) a line between the seaward tip of the harbour's eastern breakwater and 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.

SCHEDULE 2 (continued)

123 Rollingstone Creek

Waters within an 800 m radius of the F↑B sign near the southern bank of Rollingstone Creek (which flows into Halifax Bay).

124 Herbert River

The Herbert River and waterways joining it, upstream of the bridge across the river on the Ingham to Halifax-Bemerside Road.

125 Hinchinbrook Channel

(1) Hinchinbrook Channel and waterways joining it, between a line from Lucinda Point to George Point, Hinchinbrook Island, and a line from Hecate Point, Hinchinbrook Island, to the northern bank of Meunga Creek.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

126 Meunga Creek

Meunga Creek (which flows into Rockingham Bay) and waterways joining it, upstream of a line between F↑B signs near its banks.

127 Murray River

The Murray River (which flows into Rockingham Bay) 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.

128 Johnstone River

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.

SCHEDULE 2 (continued)

129 Russell River, Mulgrave River and Mutchero Inlet

The Russell River, the Mulgrave River, Mutchero Inlet, and waterways joining the rivers and inlet, upstream of a line between F↑B signs at Flirt Point and Constantine Point.

130 Trinity Inlet

Trinity Inlet and waterways joining it, upstream of a line between Stafford Point and the southern landward end of Marlin Jetty at the entrance to the inlet.

131 Bloomfield River

The Bloomfield River and waterways joining it, upstream of a line between F↑B signs near its banks.

132 Annan River

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.

133 Endeavour River

The Endeavour River and waterways joining it, upstream of a line between an F↑B sign about 400 m downstream of the No. 1 Public Wharf at Cooktown and an F↑B sign on Sachs Spit about 400 m north of Point Saunders (commonly known as St. Patrick's Point).

Division 2—Fishing with certain commercial fishing nets

177 Prohibited activities

The following activities are prohibited in waters described in this division—

(a) using commercial fishing nets mentioned in this division to take fish;

SCHEDULE 2 (continued)

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing commercial fishing nets mentioned in this division.

179 River and creek foreshores

(1) All river and creek foreshores.

(2) This section applies only to tunnel nets described in schedule 13, sections 38 and 81.

180 Rivers and creeks east of longitude 142º09' east

(1) Rivers and creeks east of longitude 142º09' east.

(2) This section applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

181 Rivers and creeks south of Burnett River

(1) Rivers and creeks south of the northern bank of the Burnett River.

(2) This section applies only to nets described in schedule 13, section 7(1).

182 Rivers and creeks south of Baffle Creek

(1) Rivers and creeks south of the northern bank of Baffle Creek.

(2) This section applies only to mesh or seine nets described in schedule 13, sections 27 and 73.

183 South of North Stradbroke Island

(1) Waters south of the southern tip of North Stradbroke Island.

(2) This section applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

184 Moreton Bay

(1) Moreton Bay.

SCHEDULE 2 (continued)

(2) Moreton Bay north of the southern tip of North Stradbroke Island and south of a line—

- from Victoria Point to Pott's Point, Macleay Island
- to Blakesleys Camp, North Stradbroke Island.

(3) Subsection (1) applies only to nets described in schedule 13, section 7(1).

(4) Subsection (2) applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

185 Cassim and King Islands (Moreton Bay)

(1) The western foreshore of Cassim Island and the southern foreshore of King Island.

(2) This section applies only to tunnel nets described in schedule 13, section 38.

188 Moreton Island to Double Island Point

(1) Waters within the following boundary—

- from Double Island Point to North Point, Moreton Island
- to Skirmish Point, Bribie Island
- along the island's eastern shore to the F↑B sign at its northern tip
- to the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- along the shore to Double Island Point.

(2) This section applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

193 Great Sandy Strait and Hervey Bay

(1) Waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines—

- a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island

SCHEDULE 2 (continued)

- a line from Hook Point, Fraser Island to the eastern tip of Inskip Point.

(2) This section applies only to nets described in schedule 13, section 7(1).

193A Hervey Bay scallop ranching areas

(1) Waters of Hervey Bay—

(a) within the following boundary—

- from latitude 24º57.00' south, longitude 153º05.00' east to latitude 24º57.00' south, longitude 153º08.50' east
- to latitude 25º00.00' south, longitude 153º08.50' east
- to latitude 25º00.00' south, longitude 153º05.00' east
- to latitude 24º57.00' south, longitude 153º05.00' east; and

(b) within the following boundary—

- from latitude 24º54.00' south, longitude 152º37.00' east to latitude 24º54.00' south, longitude 152º41.00' east
- to latitude 24º57.00' south, longitude 152º41.00' east
- to latitude 24º57.00' south, longitude 152º37.00' east
- to latitude 24º54.00' south, longitude 152º37.00' east.

(2) This section applies only to a trawl net.

194 Hervey Bay

(1) Waters of Hervey Bay—

(a) within the following boundary—

- from the northern bank of Baffle Creek towards Rooney Point, Fraser Island, to longitude 153º east
- along longitude 153º east to Fraser Island's western shore near Sandy Point
- to Dayman Point
- along the shore to the northern bank of Baffle Creek; and

SCHEDULE 2 (continued)

(b) within the following boundary—

- from the southern bank of Baffle Creek to longitude 153º east
- along longitude 153º east to Fraser Island's western shore near Sandy Point
- to Dayman Point
- along the shore to the southern bank of Baffle Creek.

(2) Subsection (1)(a) applies only to mesh or seine nets described in schedule 13, sections 27 and 73.

(3) Subsection (1)(b) applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

196 Rivers and creeks on Fraser Island

(1) Rivers and creeks on Fraser Island and flowing into Great Sandy Strait.

(2) This section applies only to set mesh nets described in schedule 13, sections 32 and 100.

199 Rivers and creeks between Burnett River and Baffle Creek

(1) River and creek foreshores between the northern bank of the Burnett River and the northern bank of Baffle Creek.

(2) This section applies only to set mesh nets described in schedule 13, sections 34 and 80.

200 Rivers and creeks north of Burnett River

(1) Rivers and creeks north of the northern bank of the Burnett River.

(2) This section applies only to nets described in schedule 13, section 7(2).

SCHEDULE 2 (continued)

201 River and creek foreshores between Baffle Creek and Cape Flattery

(1) Foreshores of a river or creek upstream of a straight line between its banks, between the northern bank of Baffle Creek and Cape Flattery.

(2) This section applies only to set mesh nets described in schedule 13, section 99.

202 Rivers and creeks north of Baffle Creek

(1) Rivers and creeks north of the northern bank of Baffle Creek.

(2) This section applies only to mesh or seine nets (other than a net which is not fixed or hauled or a ring net) described in schedule 13, sections 16 and 28.

204 Keppel Bay

(1) Keppel Bay west of a line from Water Park Point to Cape Capricorn.

(2) This section applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

205 Shoalwater Bay

(1) Waters of Shoalwater Bay within the following boundary—

- from Macdonald Point to Cape Townshend, Townshend Island
- along the island's western and southern shores to the island's eastern tip
- to Reef Point
- along the shore to Macdonald Point.

(2) This section applies only to a set mesh net.

207 Pioneer River

(1) The Pioneer River and waterways joining it, between F↑B signs near its banks and the western edge of the Pioneer Bridge at Mackay.

SCHEDULE 2 (continued)

(2) This section applies to all commercial fishing nets.

(3) Despite subsection (2), a mesh or seine net described in schedule 13, sections 7(3), 16, 28 and 31 may be used.

(4) However, a net described in schedule 13, section 16 or 28 must not be used as a ring net or a net that is not fixed or hauled.

208 O'Connell River

(1) The O'Connell River and waterways joining it, upstream of a line between F↑B signs near its banks.

(2) This section applies to all commercial fishing nets.

(3) Despite subsection (2), a mesh or seine net described in schedule 13, sections 7(3), 16, 28 and 31 may be used.

(4) However, a net described in schedule 13, section 16 or 28 must not be used as a ring net or a net that is not fixed or hauled.

211 Queens Bay

(1) Queens Bay west of a line from Cape Edgecumbe to the northern bank of the Don River.

(2) This section applies only to set mesh nets and nets that are not fixed or hauled described in schedule 13, sections 30, 36, 48, 74 and 77.

213 Hinchinbrook Channel

(1) Hinchinbrook Channel between the following lines—

- a line from Lucinda Point to George Point
- a line from Hecate Point to the northern bank of Meunga Creek.

(2) Hinchinbrook Channel and waterways joining it, within the following boundary—

SCHEDULE 2 (continued)

- from an F↑B sign east of Round Hill near the north bank of the unnamed waterway that joins Hinchinbrook Channel[47]
- to an F↑B sign on Hinchinbrook Island near latitude 18º18.76' south, longitude 146º08.77' east
- along the shore to an F↑B sign at Fisherman Point
- to an F↑B sign at the eastern bank of Neames Creek (also known as Neames Inlet)
- along the shore to the F↑B sign at the base of Round Hill.

(3) Subsection (1) applies only to nets described in schedule 13, section 7(2).

(4) Subsection (2) applies only to commercial fishing nets other than a set mesh net described in schedule 13, section 101.

215 Daintree River

(1) The Daintree River and waterways joining it, upstream of a line between F↑B signs near its banks.

(2) This section applies to all commercial fishing nets.

(3) Despite subsection (2), a seine net may be used in the Daintree River downstream of the place commonly called Bailey's Creek barge crossing if the net—

(a) is not longer than 400 m; and

(b) has a mesh size of at least 50 mm but not more than 100 mm; and

(c) is made of not more than 210/12 ply.

216 River and creek foreshores north of Cape Flattery

(1) River and creek foreshores north of Cape Flattery.

(2) This section applies only to set mesh nets described in schedule 13, section 103.

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47 The north bank of the unnamed waterway is near latitude 18º21.79' south, longitude 146º07.55' east.

SCHEDULE 2 (continued)

Division 3—Foreshore set mesh nets

218 Prohibited activities

The following activities are prohibited in waters described in this division—

(a) using a set mesh net that may be used on a foreshore to take fish;

(b) using a set mesh net that may be used in offshore waters to take fish and has a monofilament diameter of more than 1.06 mm;

(c) possessing fish taken in contravention of paragraph (a) or (b);

(d) possessing a net described in paragraph (a) or (b).

219 When waters are closed

The waters in this division are closed during the closed season for barramundi.

220 Bundaberg, Gladstone and Rockhampton regions

The following waterways in the Bundaberg, Gladstone and Rockhampton regions—

- Deepwater Creek
- Jenny Lind Creek
- Boyne River
- Auckland Creek
- Middle Creek (The Narrows)
- Boat Creek (The Narrows)
- Montecristo Creek
- Munduran Creek
- Badger Creek
- Mosquito Creek
- Barker Creek

SCHEDULE 2 (continued)

- Maria Creek
- Seahill (Pacific) Creek
- Causeway Creek
- West Water Creek
- Island Head Creek
- East Creek
- Head Creek
- Mistake Creek
- Georges Creek
- Shoalwater Creek
- Styx River.

221 Mackay region

The following waterways in the Mackay region—

- Carmilla Creek
- Louisa Creek
- Pioneer River
- Seaforth Creek
- Victor Creek
- Blackrock Creek
- Hervey Creek
- Dempster Creek
- O'Connell River
- Repulse Creek
- Dingo Creek
- Inlet Creek.

SCHEDULE 2 (continued)

222 Burdekin, Townsville and Ingham regions

The following waterways in the Burdekin, Townsville and Ingham regions—

- Elliott River
- Rocky Pond Creek
- Groper Creek
- Yellow Gin Creek
- Haughton River
- Crocodile Creek
- Alligator Creek
- Ross Creek
- Ross River
- Bohle River
- Cattle Creek
- Palm Creek
- Damper Creek.

223 Innisfail region

The following waterways in the Innisfail region—

- Meunga Creek
- Wreck Creek
- Dallachy Creek
- Murray River
- Tully River
- Hull River
- Moresby River.

SCHEDULE 2 (continued)

224 Cairns and Port Douglas regions

The following waterways in the Cairns and Port Douglas regions—

- Mulgrave River
- Russell River
- Mutchero Inlet
- Daintree River
- Annan River.

225 Middle Head to Norton Point

Waters within 1 km out to sea from the mainland shore between F↑B signs east of Middle Head and west of Norton Point.

226 South Trees Inlet

Waters within 1 km out to sea from the mainland shore between F↑B signs east and west of South Trees Inlet.

227 Calliope River

Waters within 1 km out to sea from the mainland shore between F↑B signs east and west of the Calliope River.

228 Waters off Curtis Island

Waters within 1 km out to sea from the shore of Curtis Island between F↑B signs at the following places—

(a) north and south of Graham Creek;

(b) east and west of the creek commonly known as First Lagoon Creek;

(c) east and west of the creek commonly known as Second Lagoon Creek.

SCHEDULE 2 (continued)

229 Cattle Point to Cardigan Point

Waters within a boundary from Cattle Point, along the shore to Cardigan Point, then in a straight line to Cattle Point.

230 South Bluff to Coconut Point

Waters within a boundary from South Bluff, along the shore to Coconut Point, then in a straight line to South Bluff.

231 Island Bluff to Charon Point

Waters within a boundary from Island Bluff, along the shore to Charon Point, then in a straight line to Island Bluff.

232 Little Cape Creek to Shag Creek

Waters within a boundary from the northern bank of Little Cape Creek, along the shore to the northern bank of Shag Creek, then in a straight line to the northern bank of Little Cape Creek.

233 Constant Creek

Waters within 1 km out to sea from the mainland shore between F↑B signs on the shore near the banks of Constant Creek.

234 Nobbies Inlet

Nobbies Inlet and waterways joining it, east of a line running north from a point 200 m north-east of the northern bank of Sandy Creek to the northern bank of Nobbies Inlet.

235 Burdekin River Anabranch area

Waters within 1 km out to sea from the mainland shore between a point 1 km north along the shore from the anabranch's northern bank and a point 500 m south along the shore from the southern bank of the Burdekin River Anabranch.

SCHEDULE 2 (continued)

236 Sheep Station Creek to Barratta Creek

Waters within a boundary from the northern bank of Sheep Station Creek, along the shore to the western bank of Barratta Creek, then in a straight line to the northern bank of Sheep Station Creek.

237 Victoria Creek

Waters within a boundary—

- from the northern tip of the sand spit at the southern bank of Victoria Creek, along the shore to a line running north from the northern tip of the sand spit at the creek's southern bank
- in a straight line to the northern tip of the sand spit at the southern bank of Victoria Creek.

238 Gentle Annie Creek

Waters within 1 km out to sea from the mainland shore between the northern bank of Gentle Annie Creek and a point 1 km south along the shore from the creek's southern bank.

239 Hinchinbrook Channel

Waters within the following boundary—

- from an F↑B sign at Neames Creek's eastern bank at its eastern entrance, along the shore to the eastern bank of Seaforth Channel
- north to the shore of Hinchinbrook Island
- along Hinchinbrook Island's shore to an F↑B sign at Fisherman Point
- to the F↑B sign at Neames Creek's eastern bank at its eastern entrance.

240 Macushla Point to Forkey's Creek on Hinchinbrook Island

Waters within the following boundary—

SCHEDULE 2 (continued)

- from the point commonly known as Macushla Point, Hinchinbrook Island, along the shore to latitude 18º16'50" south, (about 1 km west of the western bank of the creek commonly known as Forkey's Creek)
- in a straight line to Macushla Point.

241 Thompson Point to Flying Fish Point

Waters within a boundary from Thompson Point, along the shore to Flying Fish Point (Johnstone River), then in a straight line to Thompson Point.

243 Barron River area

Waters within 500 m out to sea from the shore between a point 1 km north along the shore from the northern bank of the Barron River and a point 1 km along the shore from the river's southern bank.

244 Port Douglas

Waters within the following boundary—

- from the northern tip of Four Mile Beach (south of Port Douglas) along the shore to latitude 16º29' south
- to the eastern tip of Magazine Islet
- along the eastern shore of the islet to its northern tip
- to 1 km north of the islet's northern tip
- east to a line running parallel to, and 1 km from, the mainland shore
- along the line to a line running east from the northern tip of Four Mile Beach
- to the northern tip of Four Mile Beach.

SCHEDULE 2 (continued)

245 Mossman River area

Waters within 500 m out to sea from the shore between a point 1 km north along the shore from the Mossman River's northern bank and a point 1 km south along the shore from the river's southern bank.

246 Endeavour River area

Waters within a boundary from an F↑B sign north of Point Saunders, along the shore to the northern tip of Grassy Hill, then in a straight line to the F↑B sign north of Point Saunders.

Division 4—Shell dredges

247 Prohibited activities

The following activities are prohibited in waters described in this part—

(a) using a shell dredge to take fish;

(b) possessing fish taken in contravention of paragraph (a).

248 All waterways, lakes and lagoons

All waterways, lakes and lagoons.

249 Moreton Bay

Moreton Bay.

250 Hervey Bay and Great Sandy Strait

Waters between the following lines—

(a) a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island;

(b) a line from an F↑B sign at Inskip point near the flashing white navigation lead on the shore to an F↑B sign at Hook Point near the south-east tip of Fraser Island.

SCHEDULE 2 (continued)

251 Hinchinbrook Channel

Hinchinbrook Channel between the following lines—

(a) a line from Lucinda Point to George Point, Hinchinbrook Island;

(b) a line from the northern bank of Meunga Creek to Hecate Point, Hinchinbrook Island.

PART 5—USING NETS IN DUGONG PROTECTION AREAS

Division 1—Zone A

257 Hervey Bay–Tin Can Bay

(1) This section applies to waters within the following boundary and the adjoining waterways—

- from latitude 25º01'01" south, where it intersects the mainland shore to latitude 25º01'01" south, longitude 153º east
- to latitude 25º12'29" south where it intersects the shore of Fraser Island
- westerly and southerly along the shore of Fraser Island to longitude 153º04' east where it intersects the shore
- to longitude 153º04' east where it intersects the mainland shore at Inskip Point
- westerly and southerly along the shore to the north bank of Myers Creek
- to the south bank of Teebar Creek
- along the mainland shore to latitude 25º01'01" south where it intersects the mainland shore.

(2) A set mesh net may only be used in offshore waters if—

(a) the net is made of monofilament no more than 0.65 mm in diameter; and

SCHEDULE 2 (continued)

(b) the net is no longer than 600 m; and

(c) the net has a mesh size of at least 88 mm and is no more than 33 meshes deep; and

(d) the net is used by at least 2 persons; and

(e) each person using the net is within 100 m of it; and

(f) the net is not used as a drift net; and

(g) the net is fixed in a way that—

(i) prevents it from drifting; and

(ii) ensures it is taut when it is being used.

(3) Also, a set mesh net must not be used in waters—

(a) within the following boundary and the adjoining waterways—

- from latitude 25º10'24" south where it intersects the mainland shore near Burrum River to latitude 25º10'24" south, longitude 152º39'06" east
- to latitude 25º13'24" south, longitude 152º40'12" east
- along latitude 25º13'24" east to where it intersects the mainland shore
- along the mainland shore to latitude 25º10'24" south; and

(b) of Hervey Bay within the following boundary and the adjoining waterways between 3.00 p.m. and 5.00 a.m. from 1 July to 31 October—

- from the southern bank of Theodolite Creek east to longitude 152º40' east
- to the southern bank of O'Regan Creek
- along the mainland shore to the southern bank of Theodolite Creek.

(4) A person may use up to 3 set mesh nets in a river or creek between the north bank of Kauri Creek and latitude 25º01'01" south where it intersects the mainland shore only if—

(a) each net is no longer than 50 m; and

SCHEDULE 2 (continued)

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

(c) each net has a drop of no more than 50 meshes; and

(d) the nets are no more than 800 m apart; and

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not set downstream of the banks of the river or creek.[48]

(5) Despite subsection (4), a person may use up to 3 set mesh nets if each net is no longer than 120 m, in the Mary River—

(a) upstream of a line from the western tip of Brothers Islands running northwest across the river; and

(b) upstream of a line from the western tip of Brothers Islands running southeast across the river.

(6) A person must not use a set mesh net in a part of the Mary River or Burrum River that is less than 3 km upstream of a line between the banks of the river.

258 Port Clinton (Reef Point–Cape Clinton)

(1) This section applies to waters within the following boundary and the adjoining waterways—

- from Reef Point to the eastern tip of Townshend Island
- to latitude 22º19'41" south, longitude 150º39'32" east
- to latitude 22º21'36" south, longitude 150º41'10" east
- to latitude 22º22'26" south, longitude 150º41'28" east
- to latitude 22º24'58" south, longitude 150º43'12" east
- to latitude 22º27' south, longitude 150º45'22" east

48 See section 3 (References to boundaries, lines, shores and other points) of the regulation.

SCHEDULE 2 (continued)

- to latitude 22º31'59" south, longitude 150º47'17" east
- to the eastern tip of Cape Clinton
- along the mainland shore to Reef Point.

(2) Using the following is prohibited—

(a) a set mesh net on a foreshore;

(b) a set mesh net in offshore waters;

(c) a mesh net that is not fixed or hauled.

(3) However, a mesh, ring or seine net may be used if—

(a) the net is not fixed at any time; and

(b) the net has a mesh size of at least 50 mm but no more than 115 mm.

(3A) However, subsection (3) does not apply to nets used under the fishery symbol 'N6'.

(4) A person may use up to 3 set mesh nets in the areas shown on plan no. DPA1 held by the chief executive[49] only if—

(a) each net is no longer than 50 m; and

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

(c) each net has a drop of no more than 50 meshes; and

(d) the nets are no more than 800 m apart; and

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets.

259 Shoalwater Bay

A person must not use or possess a net, other than a cast net in waters within the following boundary and the adjoining waterways—

49 Copies of the plan are available for inspection at the department's office at 80 Ann Street, Brisbane on business days during office hours.

SCHEDULE 2 (continued)

- from MacDonald Point to Cape Townshend, Townshend Island
- along the western and southern shores of Townshend Island to the island's eastern tip
- to Reef Point
- along the mainland shore to MacDonald Point.

260 Ince Bay (Cape Palmerston–Allom Point)

(1) This section applies to waters within the following boundary and the adjoining waterways—

- from the north-eastern tip of Allom Point to latitude 21º29'13" south, longitude 149º24' east
- to latitude 21º30'40" south, longitude 149º28'55" east
- to the northern tip of Cape Palmerston
- along the mainland shore to the north-eastern tip of Allom Point.

(2) Using the following is prohibited—

(a) a set mesh net on a foreshore;

(b) a set mesh net in offshore waters;

(c) a mesh net that is not fixed or is not hauled.

(3) However, a mesh, ring or seine net may be used if—

(a) the net is not fixed at any time; and

(b) the net has a mesh size of at least 50 mm but no more than 115 mm.

(3A) However, subsection (3) does not apply to nets used under the fishery symbol 'N6'.

(4) A person may use up to 3 set mesh nets in a river or creek only if—

(a) each net is no longer than 50 m; and

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

(c) each net has a drop of no more than 50 meshes; and

(d) the nets are no more than 800 m apart; and

SCHEDULE 2 (continued)

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not set downstream of a line between the banks of the river or creek.

261 Stewart Peninsula–Newry Islands–Ball Bay

(1) This section applies to waters within the following boundary and the adjoining waterways—

- from latitude 20º45' south where it intersects the mainland shore to latitude 20º45' south, longitude 148º50'42" east
- to latitude 20º52'01" south, longitude 148º59'45" east
- south along longitude 148º59'45" east where it intersects the mainland shore
- along the mainland shore to latitude 20º45' south where it intersects the mainland shore.

(2) Using the following is prohibited—

(a) a set mesh net on a foreshore;

(b) a set mesh net;

(c) a mesh net that is not fixed or is not hauled.

(3) However, a mesh, ring or seine net may be used if—

(a) the net is not fixed at any time; and

(b) the net has a mesh size of at least 50 mm but no more than 115 mm.

(3A) However, subsection (3) does not apply to nets used under the fishery symbol 'N6'.

(4) A person may use up to 3 set mesh nets in a river or creek only if—

(a) each net is no longer than 50 m; and

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

SCHEDULE 2 (continued)

(c) each net has a drop of no more than 50 meshes; and

(d) the nets are no more than 800 m apart; and

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not set downstream of a line between the banks of the river or creek.

262 Upstart Bay

(1) This section applies to waters within the following boundary and the adjoining waterways—

- from latitude 19º43'37" south where it intersects the mainland shore near Beach Hill to the western tip of Cape Upstart
- along the mainland shore to latitude 19º43'37" south where it intersects the mainland shore near Beach Hill.

(2) Using the following is prohibited—

(a) a set mesh net in offshore waters;

(b) a mesh net that is not fixed or is not hauled.

(3) However, a mesh, ring or seine net may be used if—

(a) the net is not fixed at any time; and

(b) the net has a mesh size of at least 50 mm but no more than 115 mm.

(3A) However, subsection (3) does not apply to nets used under the fishery symbol 'N6'.

(4) A person may use up to 3 set mesh nets in a river or creek only if—

(a) each net is no longer than 50 m; and

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

(c) each net has a drop of no more than 50 meshes; and

(d) the nets are no more than 800 m apart; and

SCHEDULE 2 (continued)

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not set downstream of a line between the banks of the river or creek.

(5) A person must not use a set mesh net on a foreshore, other than in waters within the following boundary and the adjoining waterways—

- from latitude 19º43'37" south where it intersects the mainland shore
- east along latitude 19º43'37" south to 200 m seaward from high water mark
- south parallel to the mainland shore 200 m seaward from high water mark to where it intersects latitude 19º48' south
- west along latitude 19º48' south to the mainland shore at high water mark
- along the mainland shore to 19º43'37" south.

(6) A person may use up to 3 set mesh nets on a foreshore only if—

(a) each net is no longer than 200 m; and

(b) each net has a mesh size of at least 100 mm but no more than 215 mm; and

(c) the distance between the first and last net is no more than 1 km; and

(e) the nets are no more than 800 m apart; and

(f) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(g) the nets are not joined; and

(h) the nets are set more than 200 m from a jetty or wharf.

(7) A set mesh net must not be set on a foreshore during the closed season for barramundi.

SCHEDULE 2 (continued)

263 Cleveland Bay–Magnetic Island

(1) This section applies to waters within the following boundary and adjoining waterways—

- from longitude 146º39' east where it intersects the mainland shore to latitude 19º07.87' south where it intersects the coastal 500 m line around Magnetic Island
- along the coastal 500 m line around Magnetic Island to where it intersects longitude 146º49.98' east
- to the intersection of the coastal 500 m line around Magnetic Island with longitude 146º51.70' east
- along the coastal 500 m line around Magnetic Island in a south-easterly direction to latitude 19º06.97' south
- to the northern tip of Cape Cleveland
- along the mainland shore to longitude 146º39' east.

(2) Using the following is prohibited—

(a) a set mesh net on a foreshore;

(b) a set mesh net in offshore waters;

(c) a mesh net that is not fixed or is not hauled.

(3) However, a mesh, ring or seine net may be used if—

(a) the net is not fixed at any time; and

(b) the net has a mesh size of at least 50 mm but no more than 115 mm.

(3A) However, subsection (3) does not apply to nets used under the fishery symbol 'N6'.

(4) A person may use up to 3 set mesh nets in a river or creek only if—

(a) each net is no longer than 50 m; and

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

(c) each net has a drop of no more than 50 meshes; and

(d) the nets are no more than 800 m apart; and

(e) any person using the nets is—

SCHEDULE 2 (continued)

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not set downstream of a line between the banks of the river or creek.

264 Hinchinbrook Island area

(1) This section applies to waters within the following boundary and the adjoining waterways—

- from latitude 18º12'54" south where it intersects the mainland shore to latitude 18º08'35" south, longitude 146º09'50" east
- to latitude 18º08'31" south where it intersects the coastal 500 m line around the Brook Islands
- along the coastal 500 m line around the Brook Islands to its intersection with longitude 146º18'14" east
- to longitude 146º19'05" east where it intersects the coastal 500 m line around Eva Island
- along that coastal 500 m line around Eva Island to its intersection with longitude 146º19'37" east
- to the eastern tip of Hillock Point, Hinchinbrook Island
- south easterly to the seaward end of the jetty at Lucinda Point
- to the western end of the jetty along its northern side where it intersects the mainland shore
- along the mainland shore to latitude 18º12'54" south where it intersects the mainland shore.

(2) Using the following is prohibited—

(a) a set mesh net in a river or creek;

(b) a set mesh net on a foreshore;

(c) a set mesh net in offshore waters;

(d) a mesh net that is not fixed or is not hauled.

(3) However, a mesh, ring or seine net may be used if—

(a) the net is not fixed at any time; and

SCHEDULE 2 (continued)

(b) the net has a mesh size of at least 50 mm but no more than 115 mm.

(3A) However, subsection (3) does not apply to nets used under the fishery symbol 'N6'.

Division 2—Zone B

Subdivision 1—Areas in zone B

265 Application of div 2

This division applies to waters described in sections 266 to 273 and the adjoining waterways.

266 Port of Gladstone–Rodds Bay

Waters within the following boundary—

- from the eastern tip of Friend Point of the Narrows to the western tip of Laird Point Curtis Island
- along the western and southern shores of Point Curtis Island to the eastern tip of Southend on Curtis Island
- to northern tip of North Point on Facing Island
- along the western, southern, south-eastern shore of Facing Island to the eastern tip of East Point
- to the northern tip of Flora Point Rodds Peninsula
- along the mainland shore to the eastern tip of Friend Point of the Narrows.

267 Clairview Bluff–Carmilla Creek

Waters within the following boundary—

- from longitude 148º59'45" east where it intersects the mainland shore at Ball Bay to latitude 20º52'01" south, longitude 148º59'45" east

SCHEDULE 2 (continued)

- to latitude 21º57'54" south, longitude 149º35'45" east
- to latitude 22º01'45" south, longitude 149º35'45" east
- to latitude 22º10'34" south, longitude 149º36'43" east
- to the eastern tip of Clairview Bluff
- along the mainland shore to latitude 21º54'25" south where it intersects the mainland shore near Carmilla Creek.

268 Llewellyn Bay

Waters within the following boundary—

- from the northern tip of Freshwater Point to latitude 21º27'07" south, longitude 149º27'42" east
- to latitude 21º30'40" south, longitude 149º28'55" east
- to latitude 21º29'13" south, longitude 149º24' east
- to the north-eastern tip of Allom Point
- along the mainland shore to the northern tip of Freshwater Point.

269 Ball Bay–Sand Bay

Waters within the following boundary—

- from longitude 148º59'45" east where it intersects the mainland shore at Ball Bay to latitude 20º52'01" south, longitude 48º59'45" east
- to latitude 20º56'49" south, longitude 149º06'47" east
- to longitude 149º05'42" east where it intersects the shore of Sand Bay
- along the mainland shore to longitude 148º59'45" east where it intersects the mainland shore at Ball Bay.

270 Repulse Bay

Waters within the following boundary—

SCHEDULE 2 (continued)

- from the southern tip of Rocky Point to latitude 20º30'14" south, longitude 148º45'47" east
- east to longitude 148º49'44" east
- north along longitude 148º49'44" east to the mainland shore
- along the mainland shore to the southern tip of Rocky Point.

271 Edgecumbe Bay–Bowen

Waters within the following boundary—

- from longitude 148º11'10" east where it intersects the mainland shore to the northern tip of Gloucester Head, Gloucester Island
- along the western shore of Gloucester Island to longitude 148º27'22" east where it intersects the shore of the island
- to the northern tip of Cape Gloucester
- along the mainland shore to longitude 148º11'10" east where it intersects the mainland shore.

272 Bowling Green Bay

Waters within the following boundary—

- from the northern tip of Cape Cleveland to the northern tip of Cape Bowling Green
- along the shore to the northern tip of Cape Cleveland.

273 Lucinda to Allingham–Halifax Bay

Waters within the following boundary—

- from the western end of the jetty where it intersects the shore of Lucinda Point along the northern side of the jetty to its seaward end
- to latitude 18º33'32" south, longitude 146º23'28" east
- to latitude 18º37'41" south, longitude 146º23'02" east
- to latitude 18º42'29" south, longitude 146º21'04" east

SCHEDULE 2 (continued)

- along latitude 18º42'29" south where it intersects the mainland shore near Allingham
- along the mainland shore to the northern side of the western end of the jetty where it intersects the mainland shore of Lucinda Point.

Subdivision 2—Restrictions on using nets

274 Use of mesh nets in offshore waters

(1) A set mesh net or a net not fixed or hauled may only be used in offshore waters if—

(a) the net is no longer than 600 m; and

(b) the net has a mesh size of at least 150 mm but no more than 245 mm; and

(c) the person using the net is within 100 m of it.

(2) If a net is used within 2 km of the high water mark—

(a) the meshes of the net must not touch the seabed; and

(b) the net must have attached to it enough floats to ensure the net is able to take fish from the surface of the water.

(3) Two nets may only be joined and used as a single net if—

(a) they are used in waters deeper than 20 m; and

(b) the combined length of the nets is no more than 1 200 m.

275 Use of set mesh nets on a foreshore

(1) A person may use up to 3 set mesh nets on a foreshore only if—

(a) each net is no longer than 200 m; and

(b) each net has a mesh size of at least 100 mm but no more than 215 mm; and

(c) the distance between the first and last net is no more than 1 km; and

SCHEDULE 2 (continued)

(d) the nets are no more than 800 m apart; and

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not joined; and

(g) the nets are set more than 200 m from a jetty or wharf.

(2) A set mesh net must not be set on a foreshore during the closed season for barramundi.

276 Use of set mesh nets on a headland

(1) A person may use up to 3 set mesh nets on a headland only if—

(a) each net is no longer than 50 m; and

(b) each net has a mesh size of at least 100 mm but no more than 215 mm; and

(c) the distance between the first and last net is no more than 1 km; and

(d) the nets are no more than 800 m apart; and

(e) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets; and

(f) the nets are not joined; and

(g) the nets are set more than 200 m from a jetty or wharf; and

(h) one end of each net is anchored above the low water mark.

(2) A set mesh net must not be set on a headland during the closed season for barramundi.

277 Use of set mesh nets in rivers or creeks

(1) A person may use up to 3 set mesh nets in a river or creek only if—

(a) each net is no longer than 120 m; and

SCHEDULE 2 (continued)

(b) each net has a mesh size of at least 150 mm but no more than 215 mm; and

(c) each net has a drop of no more than 50 meshes; and

(d) the combined lengths of the nets is no more than 360 m; and

(e) the nets are no more than 800 m apart; and

(f) the distance between the first and last net is no more than 1 n mile; and

(g) any person using the nets is—

(i) between the first and the last net; and

(ii) no more than 800 m from any of the nets.

(2) A set mesh net must not be used during the closed season for barramundi.

278 Using a mesh, ring or seine net

(1) A mesh, ring or seine net may be used if only 1 end of the net is fixed when the net is being shot.

(2) However, a ring net may only be used in a river or creek if it—

(a) has a mesh size of at least 50 mm but no more than 115 mm; and

(b) is no longer than 400 m.

(3) A mesh net that is not fixed or not hauled may not be used in foreshore waters.

PART 6—USING NETS IN TRINITY BAY AND WATERWAYS JOINING TRINITY BAY

279 Closed waters

Trinity Bay and waterways joining it, other than Trinity Inlet, between the following lines—

SCHEDULE 2 (continued)

(a) a line from Stafford Point to the southern landward end of Marlin Jetty at the entrance to Trinity Inlet;

(b) a line from False Cape to Taylor Point.

280 Prohibited activities

The following activities are prohibited in the closed waters under this part—

(a) using a net to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a net.

281 Exemption

(1) This section applies to—

(a) each of the following persons who, on the commencement of this part, is the holder of the commercial fisher licence stated opposite the person's name—

(i) Brent Robert Batch—QMM02643C;

(ii) Bruce Robert Batch—QMM00911C;

(iii) Wayne Chadwick—QMM03259J;

(iv) George Holman—QMM02946G;

(v) Leonard Henry Parsons—QMM01065K;

(vi) Richard Murray Tanswell—QMM02987D;

(vii) Joseph Tati—QMM03352I; and

(b) an assistant fisher who takes fish under direction of a person mentioned in paragraph (a).

(2) Despite section 280, a person mentioned in subsection (1) may take fish in the closed waters under this part if the person takes the fish—

(a) under the fishery symbol 'N1', 'N2', 'N6' or 'N7'; and

(b) between 6 p.m. on Sunday and 6 p.m. on Friday.

SCHEDULE 2 (continued)

PART 7—USING OR POSSESSING PURSE SEINE NETS

282 Prohibited activities

The following activities are prohibited in Queensland waters—

(a) using a purse seine net to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a purse seine net.

SCHEDULE 3

CLOSED WATERS—RECREATIONAL FISHING

sections 16(1) and 17(2)

PART 1—TAKING OR POSSESSING ANY FISH

1 Prohibited activities

Taking or possessing any fish in waters described in this part is prohibited.

15 Coombabah Lake and Coombabah Creek

Coombabah Lake, and tidal waters of Coombabah Creek upstream from the lake.

16 Swan Bay, North Stradbroke Island

Swan Bay, and tidal waters of the unnamed creek joining the Bay's northern end.

20 Fraser Island between Indian Head and 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 August to midday on 30 September.

29 Keppel Bay near Middle Island Observatory

Keppel Bay within a 150 m radius of the Middle Island Underwater Observatory.

SCHEDULE 3 (continued)

32 Hook Island

Waters within a 100 m radius of the Hook Island Observatory.

33A Yanks Jetty at Orpheus Island

Waters under or within 100 m of Yanks Jetty at Orpheus Island.

34 Centenary Lakes, Cairns

Saltwater Creek, Lily Creek and lakes joining the creeks, between Greenslopes Street and Collins Avenue, Cairns.

35 Barron River

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.

36 Mission Bay

Mission Bay south of a line between Cape Grafton and False Cape and waters flowing into that part of the bay.

37 Bizant River, Princess Charlotte Bay

German Bar Lagoon, and the Bizant River from the road crossing commonly known as German Bar downstream for 2 km.

38 South Mitchell River

The South Mitchell River and waterways joining it, between F↑B signs near opposite banks of the river and F↑B signs where it joins Surprise Creek.

39 Torres Strait near Hammond Island

Waters within the following boundary—

SCHEDULE 3 (continued)

- from Turtle Head, Hammond Island, to Hammond Rock
- to 1 n mile east of Menmuir Point, Hammond Island
- to the northern tip of Kapuda Island
- to Bruce Point, Hammond Island
- along the eastern shore of Hammond Island to Turtle Head.

PART 2—TAKING OR POSSESSING CERTAIN FISH

40 Prohibited activities

The following activities are prohibited in waters described in this part—

(a) taking a stated fish in waters described in this part;

(b) possessing fish taken in contravention of paragraph (a).

41 Platypus Bay

(1) Platypus Bay, Fraser Island, and waterways joining the bay, east of a line between F↑B signs at Rooney Point and Coongul Point, Fraser Island.

(2) Subsection (1) applies only to narrow-barred mackerel, slender barracuda and fish with the scientific name *Agrioposphyraena barracuda*.

42 Eurimbula Creek (north of Round Hill Creek)

(1) Eurimbula Creek and waterways joining it.

(2) Subsection (1) only applies to mud crabs.

43 South of latitude 20º south (near Bowen) or west of longitude 143º east

(1) Waters south of latitude 20º south or waters west of longitude 143º east.

(2) Subsection (1) applies only to bêche-de-mer.

SCHEDULE 3 (continued)

44 Fitzroy Island and High Island (near Cairns)

(1) The foreshore waters of Fitzroy Island and High Island and waters within 400 m out to sea from the shore of each island at low water.

(2) Subsection (1) does not apply to fin fish.

45 Darnley Island, Torres Strait

(1) Darnley Island foreshore waters west of longitude 143º46'4" east.

(2) Subsection (1) applies only to pearl oysters.

45AA Waters adjacent to north Cape York

(1) Waters within the following boundary—

- from where latitude 10º44.97' south intersects the mainland shore at Fly Point to where longitude 142º37.26' east intersects the southern tip of Albany Island
- along the southern and western shore of Albany Island to where latitude 10º42.96' south intersects the shore at the Island's north-western tip
- to the navigational light on Eborac Island, approximately at latitude 10º40.95' south and longitude 142º31.96' east
- to where longitude 142º24.40' east intersects the northern tip of Possession Island
- along the northern and eastern shores of Possession Island to where longitude 142º23.16' east intersects the shore at the Island's southern tip
- to the intersection of latitude 10º52.87' south with the eastern shore of Woody Wallis Island
- to where longitude 142º06.56' east intersects the northern shore of Crab Island
- along the western shore of Crab Island to where longitude 142º06.46' east intersects the shore at the Island's southern tip
- to where latitude 10º59.84' south intersects the mainland shore south of Slade Point

SCHEDULE 3 (continued)

- along the mainland shore in a northerly and easterly direction to where latitude 10º44.97' south intersects the mainland shore at Fly Point.

(2) Subsection (1) applies only to black jewfish.

45AB Particular foreshores of Wynnum

(1) The following foreshore waters of Wynnum—

(a) the foreshore waters adjacent to the Esplanade between its intersection with the southern side of Cedar Street and its intersection with the northern side of Charlotte Street;

(b) the foreshore waters within 100 m of high water mark between the northern bank of Lota Creek and the rock groine extending seawards near the northern end of Wynnum North Esplanade.

(2) Subsection (1) applies only to worms belonging to the class *Polychaeta*.

PART 2A—WATERS WHERE FISHING LINES AND RODS CAN NOT BE USED

45A Prohibited activities

The following activities are prohibited in waters described in this part—

(a) using hand held fishing lines or fishing rods with hand operated reels and lines to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing hand held fishing lines or fishing rods with hand operated reels and lines.

45B Obi Obi Creek

Obi Obi Creek between the Baroon Pocket Dam wall and the shortest line across the creek at the southern bank of Skenes Creek.

SCHEDULE 3 (continued)

PART 3—WATERS WHERE NETS CAN NOT BE USED

46 Prohibited activities

The following activities are prohibited in waters described in this part—

(a) using a net to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a net.

47 Burnett River

The Burnett River—

(a) upstream of a line between F↑B signs on opposite sides of the river at the western bank of Bundaberg Creek; and

(b) downstream of a line between F↑B signs on opposite sides of the river near the western tip of Harriett Island.

48 Hervey Bay

Waters of Hervey Bay west of the following line—

- from the eastern tip of Point Vernon to the seaward end of the public jetty at Scarness
- to the seaward end of the Urangan jetty
- to the seaward end of the southern rock wall of the Urangan boat harbour.

49 Rodds Harbour

Waters 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 on Rodds Peninsula
- along the shore to Blackney Point.

SCHEDULE 3 (continued)

50 Water Park Creek

Water Park Creek 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 mouth).

51 Michaelmas Cay

(1) Michaelmas Cay foreshore waters, and waters within 400 m out to sea from the shore at low water.

(2) The closure does not apply to fin fish taken with a fishing rod or line.

52 Upolu Cay

(1) Upolu Cay foreshore waters, and waters within 400 m out to sea from the shore at low water.

(2) The closure does not apply to fin fish taken with a fishing rod or line.

PART 4—WATERS WHERE NETS (OTHER THAN SCOOP NETS) CAN NOT BE USED

53 Prohibited activities

The following activities are prohibited in waters described in this part—

(a) using a net (other than a scoop net) to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a net (other than a scoop net).

54 Skyringville Creek at its mouth

The creek commonly known as Skyringville Creek and waterways joining it, downstream of a line between F↑B signs on opposite sides of the creek about 800 m from its banks.

SCHEDULE 3 (continued)

PART 5—WATERS WHERE SPEAR FISHING IS NOT ALLOWED

55 Prohibited activities

The following activities are prohibited in waters described in this part—

(a) using a spear or spear gun to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a spear or spear gun.

56 Tallebudgera Creek

Tallebudgera Creek upstream of a line between SF↑B signs at the eastern tip of Burleigh Head and the seaward end of the rock groyne near its southern bank.

57 Southern Moreton Bay (including The Broadwater)

Moreton Bay south of latitude 27º42' south, other than waters between the following lines—

(a) a line from an SF↑B sign at The Bedroom, South Stradbroke Island, to an SF↑B sign on the north-eastern shore of Woogoompah Island;

(b) a line from an SF↑B sign at Currigee, South Stradbroke Island, to an SF↑B sign on the shore at Hollywell.

58 Artificial reef area off Moreton Island

Waters within the following boundary—

- from an SF↑B sign on the western shore of Moreton Island about 200 m north of the Bulwer Wrecks to the lit buoy NE1 about 700 m off Bulwer
- to the lit buoy about 700 m off Cowan Cowan Point
- to the lit buoy E1 about 3 000 m off Tangalooma Jetty

SCHEDULE 3 (continued)

- to an SF↑B sign on the shore of Moreton Island about 600 m south of the Tangalooma Jetty
- along the shore to the SF↑B sign about 200 m north of the Bulwer Wrecks.

59 Pumicestone Strait

Pumicestone Strait—

(a) between the following lines—

(i) a line from an SF↑B sign at the southern bank of Elimbah Creek to an SF↑B sign at Gallagher Point, Bribie Island;

(ii) a line from an SF↑B sign at the northern bank of Ningi Creek to an SF↑B sign at the northern bank of Dux Creek, Bribie Island; and

(b) north of a line from an SF↑B sign near the southern bank of Bells Creek to an SF↑B sign at the northern tip of the northernmost island of a group of islands in the strait (easterly of Bells Creek), then easterly to an SF↑B sign on Bribie Island's western shore.

60 Mooloolah River

The Mooloolah River from a line between SF↑B signs near its banks, to the bridge joining the Nicklin Way and Brisbane Road.

61 Maroochy River

The Maroochy River and waterways joining it, downstream of a line from an SF↑B sign on the southern side of the river near the Cod Hole to an SF↑B sign on the northern side of the river near the Cod Hole.

62 Noosa River

Lake Weyba, the Noosa River and waterways joining the lake and river, downstream of a line from an SF↑B sign on Parkyn's Jetty near the entrance to Doonella Lake to an SF↑B sign on the shore at the western tip of Goat Island.

SCHEDULE 3 (continued)

63 Jetties in, or south of, the Noosa River

Waters under, or within 100 m of, any public jetty in or south of the Noosa River.

64 Artificial reef area off North Sandy Strait

Waters within the following boundary—

- from South Point on Woody Island to the flashing green beacon S11 on Middle Bank (the southernmost beacon on the bank) to the flashing green beacon S9 on the bank
- to the flashing green beacon S7 on the bank
- to the flashing green beacon S5 on the bank
- to the flashing red beacon S8 on the southern tip of Moon Point Bank
- to Datum Point on Woody Island
- along the Woody Island's eastern shore to South Point.

65 Artificial reef area in Hervey Bay off Woodgate

Waters within the following boundary—

- from an SF↑B sign near the public boat ramp on the Esplanade at Woodgate seaward to a navigation buoy marked SF↑B sign No. 1
- south to a navigation buoy marked SF↑B sign No. 2
- to the SF↑B sign near Sixth Avenue, Woodgate
- along the mainland shore to an SF↑B sign near the public boat ramp on the Esplanade, Woodgate.

66 Bargara Beach north of Bundaberg

Waters within 100 m out to sea from the shore between SF↑B signs at Bargara Beach.

SCHEDULE 3 (continued)

67 Great Keppel Island

Great Keppel Island's western and southern foreshore waters and waters within 400 m out to sea from the island's shore at low water, between SF↑B signs at the point (commonly known as Little Peninsula) on the island's north-western foreshore and Monkey Point (commonly known as Coconut Point) at the island's south-western tip.

68 North Keppel Island

North Keppel Island's western and southern foreshore waters and waters within 400 m out to sea from the island's shore at low water, between SF↑B signs at the island's northern and south-eastern tips.

69 Brampton Island, Pelican Island and Carlisle Island

Waters within the following boundary—

- from an SF↑B sign at Sword Fish Point, Brampton Island to an SF↑B sign on the north-western tip of Carlisle Island
- along the western and southern shores of Carlisle Island to an SF↑B sign at its south-eastern tip
- to an SF↑B sign at the headland at the northern end of Turtle Bay, Brampton Island
- along Brampton Island's shore to the SF↑B sign at Sword Fish Point.

70 Lindeman Island

Lindeman Island's southern and western foreshore waters and waters within 400 m out to sea from the island's shore at low water, between SF↑B signs at Dalwood Point, near the island's western tip, and Boat Point (commonly known as Thumb Point).

71 Seaforth Island

Seaforth Island's foreshore waters and waters within 400 m out to sea from the island's shore at low water.

SCHEDULE 3 (continued)

72 Long Island

Long Island's western foreshore waters and waters within 400 m out to sea from the island's western shore at low water, between SF↑B signs at Fire Point and Base Point.

73 Molle Island

(1) The following waters south of a line between Deedes Point, Molle Island (commonly known as South Molle Island) and the southern tip of Mid Molle Island—

(a) Paddle Bay (the bay just north of Ker Point on the western shore of Molle Island);

(b) Bauer (Moonlight) Bay (the bay on the island's northern shore).

(2) Waters on the western foreshore of the Causeway between an SF↑B sign at the southern tip of Molle Island and an SF↑B sign at Ker Point, Molle Island, and waters within 400 m out to sea from that part of the island's shore at low water.

74 West Molle Island

Foreshore waters of West Molle Island (commonly known as Daydream Island) and waters within 400 m out to sea from the island's shore at low water.

75 Hook Island

Hook Island's eastern and southern foreshore waters and waters within 400 m out to sea from the eastern and southern shores at low water, between—

(a) an SF↑B sign about 800 m north of the headland at the northern end of Hook Passage between Hook Island and Whitsunday Island; and

(b) an SF↑B sign at the western headland of Nara Inlet.

SCHEDULE 3 (continued)

76 Hayman Island

Hayman Island's southern and western foreshore waters and waters within 400 m out to sea from the island's southern and western shores at low water, between SF↑B signs at Groper Point and the headland at the southern end of Blue Pearl Bay.

76A Main wharf at Port Denison, Bowen

Waters under or within 100 m of—

(a) the main wharf at Port Denison, Bowen; and

(b) a structure attached to the wharf.

77 Cape Edgecumbe

Mainland foreshore waters and waters within 50 m out to sea from the mainland shore at low water, between the public boat ramp at the bay commonly known as Greys Bay and the headland at the eastern end of Horseshoe Bay.

78 Jetties at Dungeness and Lucinda Point

Waters under, or within 100 m of, each of the public jetties at Dungeness and Lucinda Point.

79 Dunk Island

Dunk Island's western foreshore waters, and waters within 400 m out to sea from the island's shore at low water, between SF↑B signs at Tappa-ana near the island's south-western tip and Kar-tee at the island's northern tip.

80 Richards Island

Richards Island's (commonly known as Bedarra Island) western and northern foreshore waters and waters within 400 m out to sea from the island's shore at low water, between an SF↑B sign at the point commonly known as Twin Monks Rock on the island's west coast, and an SF↑B sign

SCHEDULE 3 (continued)

at the area commonly known as Three Sister Rocks at the island's northern tip.

81 Cooktown wharf and nearby pontoons

Waters under, or within 100 m of, the main wharf at Cooktown and any of the pontoons located just upstream of the wharf.

PART 6—WATERS WHERE SHELL DREDGES CAN NOT BE USED

82 Prohibited activities

The following activities are prohibited in waters described in this part—

(a) using a shell dredge to take fish;

(b) possessing fish taken in contravention of paragraph (a).

83 All waterways, lakes and lagoons

All waterways, lakes and lagoons.

84 Moreton Bay

Moreton Bay.

85 Hervey Bay and Great Sandy Strait

Waters between the following lines—

(a) a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island;

(b) a line from an F↑B sign at Inskip point near the flashing white navigation lead on the shore to an F↑B sign at Hook Point near the south-east tip of Fraser Island.

SCHEDULE 3 (continued)

86 Hinchinbrook Channel

Hinchinbrook Channel between the following lines—

(a) a line from Lucinda Point to George Point, Hinchinbrook Island;

(b) a line from the northern bank of Meunga Creek to Hecate Point, Hinchinbrook Island.

PART 7—USING OR POSSESSING PURSE SEINE NETS

87 Prohibited activities

The following activities are prohibited in Queensland waters—

(a) using a purse seine net to take fish;

(b) possessing fish taken in contravention of paragraph (a);

(c) possessing a purse seine net.

SCHEDULE 4

REGULATED FISH

sections 18(1) and 19

PART 1—FISH TAKEN FOR TRADE OR COMMERCE

Division 1—Fish regulated by number

Subdivision 1—Fish taken under any fishery symbol

albacore tuna	10
bigeye tuna	2
fanfish	10
longtail tuna	10
pomfret	10
skipjack tuna	10
spotted mackerel	150
yellowfin tuna	2
any combination of albacore tuna, fanfish, longtail tuna, pomfret and skipjack tuna	10
combination of bigeye and yellowfin tuna	2

SCHEDULE 4 (continued)

Subdivision 2—Fish taken under fishery symbol T1, T2, T3, T5, T6, T7, T8, or T9

blue swimmer crabs taken—	
• in Moreton Bay or adjoining waters	100
• elsewhere	600

Division 2—Fish regulated by species

Subdivision 1—Fish taken under any fishery symbol

billfish

northern bluefin tuna

southern bluefin tuna

Subdivision 2—Fish taken under fishery symbol T1, T2, T3, T5, T6, T7, T8, or T9

black jewfish

black king-fish

black-spot tusk-fish

broad-barred or grey mackerel

coral trout

estuary cod

large-mouthed nannygai

large-scale sea perch

maori wrasse

mulloway

SCHEDULE 4 (continued)

narrow-barred or spanish mackerel
pearl perch
potato cod
purple tusk-fish
Queensland groper
Queensland school mackerel
red emperor
red throat emperor
rosy job fish
small-mouthed nannygai
snapper
spangled emperor
spotted mackerel
teraglin jew
tropical spiny rock lobster
venus tusk-fish
wahoo

PART 2—FISH TAKEN BY RECREATIONAL FISHERS

Division 1—Fish regulated by number

Reef fish

black jewfish	10
black kingfish	10
black-spot tusk-fish	10

SCHEDULE 4 (continued)

broad-barred or grey mackerel	10
coral trout	10
estuary cod	10
large-mouthed nannygai	10
large-scale sea perch	10
Maori wrasse	1
mulloway	10
narrow-barred or spanish mackerel	10
pearl perch	5
potato cod	1
purple tusk-fish	10
Queensland groper	1
Queensland school mackerel	30
red emperor	10
red throat emperor	10
rosy job-fish	10
small-mouthed nannygai	10
snapper	5
spangled emperor	10
spotted mackerel	5
teraglin jew	5
venus tusk-fish	10
wahoo	10
combination of any species in this division	30

Other fish

barramundi	5
beachworm or part of a beachworm	30

SCHEDULE 4 (continued)

bêche-de-mer, other than black teatfish	5
bloodworm or part of a bloodworm	50
gastropod or bivalve mollusc (other than oysters)	50
mud crab	10
mud flathead	5

Division 2—Fish regulated by number and area

Tropical spiny rock lobster

tropical spiny rock lobster taken—

- in waters north of latitude 14º south or in waters within the Gulf of Carpentaria and adjoining waterways between the 25 n mile line and the shore south of latitude 10º48' south—

each individual	3
each boat	6

- elsewhere in the State

each individual	5
each boat	10

SCHEDULE 4 (continued)

Tailor

tailor taken—

- within 400 m from the shore of Fraser Island if an inspector is reasonably satisfied the tailor were taken by a recreational fisher staying on Fraser Island for an uninterrupted period of at least 72 hours 30
- within 400 m from the shore of Fraser Island if an inspector is reasonably satisfied the tailor were taken by a recreational fisher during any other period 20
- elsewhere in the State 20

Division 3—Fish regulated by species

black teatfish

PART 3—FISH TAKEN FOR TRADE OR COMMERCE OR BY RECREATIONAL FISHERS

Division 1—Fish regulated by area

Deception Bay, Nudgee Beach or Wynnum area

gastropod or bivalve mollusc

Division 2—Fish regulated by gender

egg bearing or tar spot tropical spiny rock lobster

egg bearing slipper lobster

SCHEDULE 4 (continued)

female blue swimmer crab
female mud crab

Division 3—Fish regulated by number

Australian bass	2

Division 4—Fish regulated by size

Reef fish

barramundi cod—less than 40 cm
black jewfish—less than 45 cm
black king-fish—less than 75 cm
black-spot tusk-fish—less than 30 cm
broad-barred or grey mackerel—less than 50 cm
coral trout—less than 38 cm
dolphin-fish—less than 45 cm
estuary cod—less than 35 cm or more than 120 cm
grass sweetlip—less than 30 cm
hussar—less than 25 cm
large-mouthed nannygai—less than 40 cm
large-scale sea perch—less than 35 cm
mangrove jack—less than 35 cm
Maori wrasse—less than 75 cm
Moses perch—less than 25 cm
mulloway—less than 45 cm
narrow-barred or spanish mackerel—less than 75 cm
painted crayfish—carapace less than 90 mm, tail less than 115 mm

SCHEDULE 4 (continued)

pearl perch—less than 35 cm
potato cod—less than 35 cm or more than 120 cm
purple tusk-fish—less than 30 cm
Queensland groper—less than 35 cm or more than 120 cm
Queensland school mackerel—less than 50 cm
red emperor—less than 45 cm
red throat emperor—less than 35 cm
rosy job-fish—less than 30 cm
shark mackerel—less than 50 cm
silver jewfish—less than 45 cm
silver teraglin—less than 30 cm
small-mouthed nannygai—less than 40 cm
snapper—less than 35 cm
spangled emperor—less than 40 cm
spotted mackerel—less than 60 cm
stripey—less than 25 cm
teraglin jew—less than 45 cm
venus tusk-fish—less than 30 cm
wahoo—less than 75 cm
yellowtail king-fish—less than 50 cm

Other fish

Australian bass—less than 30 cm
barramundi—less than 58 cm or more than 120 cm
bar-tailed flathead—less than 30 cm
black lipped pearl oyster—less than 9 cm
blue swimmer crab—carapace less than 15 cm, body less than 3.7 cm
burnett salmon—less than 40 cm

SCHEDULE 4 (continued)

Cooktown salmon—less than 40 cm
freshwater cod—less than 50 cm
freshwater eel—less than 30 cm
golden lined whiting—less than 23 cm
gold lipped pearl oyster—less than 13 cm or more than 23 cm
grunter—see spotted grunter bream
luderick—less than 23 cm
mud crab—carapace less than 15 cm, body less than 4.6 cm
mud flathead—less than 40 cm or more than 70 cm
pikey bream—less than 23 cm
sand flathead—less than 30 cm
sand whiting—less than 23 cm
sea mullet—less than 30 cm
small spotted grunter bream—less than 30 cm
spotted grunter bream (grunter)—less than 30 cm
tailor—less than 30 cm
tarwhine—less than 23 cm
trochus—less than 8 cm or more than 12.5 cm
yellow-finned bream—less than 23 cm

Division 5—Fish regulated by size and area

Gulf of Carpentaria

spotted grunter bream (grunter)—less than 40 cm

SCHEDULE 4 (continued)

Division 6—Fish regulated by species

clam
great white shark
grey nurse shark
helmet shell
trumpet shell

Division 7—Fish regulated by weight

green snail—less than 280 g

Division 8—Other regulated fish

shark fin

SCHEDULE 5

DECLARED DISEASES

section 25C

PART 1—BACTERIA

bacterial kidney disease (*Renibacterium salmoninarum*)
enteric redmouth disease (*Yersinia ruckeri* serovar I and II)
enteric septicaemia of catfish (*Edwardsiella ictaluri*)
furunculosis (*Aeromonas salmonicida* subsp *salmonicida*)
piscirickettsiosis (*Piscirikettsia salmonis*)

PART 2—FUNGI

crayfish plague (*Aphanomyces astaci*)

PART 3—PARASITES

bonamiosis (*Bonamia ostrea*)
bonamiosis (*Bonamia sp*.)
gyrodactylosis (*Gyrodactylus salaris*)
haplosporidiosis (*Haplosporidium costale*)
haplosporidiosis (*Haplosporidium nelsoni*)
marteliosis (*Marteilia refringens*)

SCHEDULE 5 (continued)

mikrocytosis (*Mikrocytos mackini*)
mikrocytosis (*Mikrocytos roughleyi*)
perkinsosis (*Perkinsus marinus*)
perkinsosis (*Perkinsus olseni*)
whirling disease (*Myxobolus cerebralis*)

PART 4—PESTS

Asian green mussel (*Perna viridis*)

PART 5—VIRUSES

baculoviral midgut gland necrosis virus
Baculovirus penaei
channel catfish virus disease (CCVD)
epizootic haematopoietic necrosis virus (EHN)
infectious haematopoietic necrosis virus (IHN)
infectious hypodermal and hematopoietic necrosis virus (IHHNV)
infectious pancreatic necrosis virus (IPN)
infectious salmon anaemia virus (ISA)
iridovirosis
Oncorhynchus masou virus (OMV)
spring viraemia of carp virus (SVC)
taura syndrome virus

SCHEDULE 5 (continued)

viral haemorrhagic septicaemia virus (VHS)

white spot syndrome virus

yellowhead disease virus

SCHEDULE 5A

NOXIOUS FISHERIES RESOURCES

section 25D

airbreathing or walking catfish

bluegill

candiru or parasitic or pencil catfish

carp

Chinese weatherfish (weatherloach)

climbing perch

electric eel

fish of the family Serrasalmidae or Characidae, other than *Metynnis* spp. and *Myleus rubripinnis*

gambusia or mosquitofish

grass carp

largemouth bass

Nile perch (live)

pike cichlid

snakehead

tiger catfish

tigerfish (African)

tigerfish (South American) or trahira

tilapia

SCHEDULE 5B

SPECIAL PROVISIONS FOR SPANISH MACKEREL COMMERCIAL FISHERY

sections 1 and 41A

PART 1—PRELIMINARY

Division 1—Interpretation

1 Definitions for sch 5B

In this schedule—

"catch-per-unit-effort special circumstance" see section 2 of this schedule.

"close relative", for an individual, means—

(a) a spouse, parent or child, including a step-parent or step-child, of the individual; or

(b) a parent or child, including a step-parent or step-child, of the individual's spouse.

"decision notice", about a decision mentioned in section 24, 26 or 49 of this schedule, means a notice stating each of the following—

(a) the decision and the reasons for it;

(b) that the person may appeal against the decision to the tribunal within 28 days after the person receives the notice;

(c) how to appeal.

"director" has the meaning given under the Corporations Act, section 9.[50]

"event", for an event-based special circumstance, means an event, or a combination of events, mentioned in section 3(c) of this schedule.

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50 Corporations Act, section 9 (Dictionary)

SCHEDULE 5B (continued)

"event-based qualifying period", for an event-based special circumstance, see—

(a) if the event period for the event-based special circumstance was happening on 31 December 1997—section 12 of this schedule; or

(b) if the event period for the event-based special circumstance happened wholly within the qualifying period—section 13 of this schedule; or

(c) if the event period for the event-based special circumstance was happening on 31 December 2002—section 14 of this schedule.

"event-based special circumstance" see section 3 of this schedule.

"event period", for an event-based special circumstance, see section 3(a) of this schedule.

"first-recent-entrant special circumstance" see section 4(1) of this schedule.

"first SM year" means the period starting on 1 July 2004 and ending on 30 June 2005.

"former Authority" means—

(a) the former Queensland Fisheries Management Authority under the Act; or

(b) the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982*.

"member" of a corporation includes a member within the meaning of the Corporations Act, section 231.[51]

"notional amount" see section 9(1) of this schedule.

"personal history special circumstance"—

(a) for an individual—see section 5 of this schedule; or

(b) for a corporation—see section 6 of this schedule.

51 Corporations Act, section 231 (Membership of a company)

SCHEDULE 5B (continued)

"prescribed waters" means waters east of longitude 142º30.00' east and between latitude 10º41.00' south and latitude 28º30.00' south.[52]

"qualifying period" means the period starting on 1 January 1998 and ending on 31 December 2002.

"relevant licence" see section 17 of this schedule.

"relevant logbook information" means logbook information —

(a) received by the chief executive or a former Authority on or before 16 May 2003; and

(b) relating to the prescribed waters.

"relevant person", for a holder of a licence, means—

(a) if the holder of the licence is an individual—a holder or a close relative of the holder; or

(b) if the holder of the licence is a corporation—a director or member of the corporation, or a close relative of the director or member.

"second-recent-entrant special circumstance" see section 4(2) of this schedule.

"special circumstance", for the holder of a licence, means—

(a) for part 2 of this schedule—any of the following—

(i) catch-per-unit-effort special circumstance;

(ii) event-based special circumstance;

(iii) first-recent-entrant special circumstance;

(iv) second-recent-entrant special circumstance;

(v) personal history special circumstance; or

(b) for part 3 of this schedule—any of the following—

(i) event-based special circumstance;

(ii) first-recent-entrant special circumstance;

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52 Longitude 142º30' east is at the tip of Cape York. The waters between latitude 10º41' south and latitude 28º30' south are approximately south of the tip of Cape York and north of the NSW Border respectively.

SCHEDULE 5B (continued)

(iii) second-recent-entrant special circumstance.

(iv) third-recent-entrant special circumstance.

(v) personal history special circumstance.

"third-recent-entrant special circumstance" see section 4(3) of this schedule.

"unidentified mackerel", in relation to a licence, means fish—

(a) taken under the licence in a year in the qualifying period; and

(b) identified in relevant logbook information as mackerel; and

(c) not identified in the logbook information as spanish mackerel.

"unplaced spanish mackerel", in relation to a licence, means spanish mackerel—

(a) taken under the licence in a year in the qualifying period; and

(b) identified in relevant logbook information as spanish mackerel; and

(c) for which the location from where the spanish mackerel was taken is not stated in the logbook information.

"yearly average", for (whole weight) spanish mackerel taken in a year, means—

(a) for the year starting on 1 January 1998—1159.874 kg; or

(b) for the year starting on 1 January 1999—1437.452 kg; or

(c) for the year starting on 1 January 2000—1144.592 kg; or

(d) for the year starting on 1 January 2001—1202.759 kg; or

(e) for the year starting on 1 January 2002—1329.686 kg.

2 Meaning of "catch-per-unit-effort special circumstance"

A **"catch-per-unit-effort special circumstance"** exists for a holder of a licence if relevant logbook information shows that in any 2 years within the qualifying period—

(a) the holder lawfully took 375 kg or more of spanish mackerel under the licence; and

SCHEDULE 5B (continued)

(b) the spanish mackerel could have been taken only from the following waters within the prescribed waters—

(i) waters between latitude 12º30'00" south and latitude 16º29'59" south;[53]

(ii) waters between latitude 17º00'00" south and latitude 17º59'59" south;[54]

(iii) waters between latitude 20º00'00" south and latitude 22º29'59" south;[55]

(iv) waters between latitude 23º00'00" south and latitude 23º29'59" south;[56]

(v) waters between latitude 25º00'00" south and latitude 28º29'59" south.[57]

3 Meaning of "event-based special circumstance"

An **"event-based special circumstance"** exists for a holder of a licence if—

(a) for an uninterrupted period (the **"event period"**) of at least 6 months during the qualifying period—

(i) fish were not taken under any fishery symbol written on the licence; and

(ii) either—

(A) the boat identified on the licence was not used for taking fish under any fishery symbol; or

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53 The waters between latitude 12º30' south and latitude 16º29'59" south are approximately south of Weymouth Bay and north of Port Douglas.

54 The waters between latitude 17º south and latitude 17º59'59" south are approximately south of Cairns and north of Hull Heads.

55 The waters between latitude 20º south and latitude 22º29'59" south are approximately south of Bowen and north of Cape Clinton.

56 The waters between latitude 23º south and latitude 23º29'59" south are approximately south of Corio Bay and north of Cape Capricorn (Curtis Island).

57 The waters between latitude 25º south and latitude 28º29'59" south are approximately south of Indian Head (Fraser Island) and north of the NSW border.

SCHEDULE 5B (continued)

(B) there was no boat identified on the licence; and

(b) the event period—

(i) was happening at the start of the event period; or

(ii) happened wholly within the qualifying period; or

(iii) was happening at the end of the qualifying period; and

(c) fish were not taken during the event period because of any of the following (each an **"event"**)—

(i) a relevant person was affected by illness or injury;

(ii) the death of a relevant person other than the holder;

(iii) the boat identified on the licence—

(A) was destroyed, or made unusable as a commercial fishing boat, by an unforeseeable and uncontrollable event; and

(B) was not replaced or made usable during the period; and

(d) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence throughout the event period.

4 Meaning of "recent-entrant special circumstances"

(1) A **"first-recent-entrant special circumstance"** exists for a holder of a licence if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 22 February 2002 and 21 February 2003, both dates inclusive.

(2) A **"second-recent-entrant special circumstance"** exists for a holder of a licence if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 1 January 2001 and 21 February 2002, both dates inclusive.

(3) A **"third-recent-entrant special circumstance"** exists for a holder of a licence if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 2 January 1998 and 31 December 2000, both dates inclusive.

(4) However, a first-recent-entrant, second-recent-entrant or third-recent-entrant special circumstance does not exist for the holder if—

SCHEDULE 5B (continued)

(a) there is more than 1 holder of the licence; and

(b) any of the holders held the licence on or before—

(i) for a first-recent-entrant special circumstance—22 February 2002; or

(ii) for a second-recent-entrant special circumstance—1 January 2001

(iii) for a third-recent-entrant special circumstance—2 January 1998.

5 Meaning of "personal history special circumstance" for individuals

A **"personal history special circumstance"** exists for a holder of a licence who is an individual if—

(a) the holder holds 1 or more relevant licences; and

(b) during the qualifying period spanish mackerel was taken under 2 or more relevant licences (the **"prescribed licences"**); and

(c) the holder or the holder's close relative was the usual person in control of the boat from which the spanish mackerel was taken; and

(d) the prescribed licences were held by the holder or by a corporation for which the holder is a director or member; and

(e) the holder or the corporation held at least 1 of the prescribed licences for the entire qualifying period; and

(f) during the qualifying period fish were not taken under a prescribed fishery symbol written on the prescribed licences at the same time.

6 Meaning of "personal history special circumstance" for corporations

A **"personal history special circumstance"** exists for a holder of a licence that is a corporation if—

(a) the holder holds 1 or more relevant licences; and

SCHEDULE 5B (continued)

(b) during the qualifying period spanish mackerel was taken under 2 or more relevant licences (the **"prescribed licences"**); and

(c) a director or member of the corporation, or a close relative of the director or member, was the usual person in control of the boat from which the spanish mackerel was taken; and

(d) the prescribed licences were held by the corporation or the director or member mentioned in paragraph (c); and

(e) the corporation or director or member held at least 1 of the relevant licences for the entire qualifying period; and

(f) during the qualifying period fish were not taken under a prescribed fishery symbol written on the prescribed licences at the same time.

Division 2—Provisions for special circumstances

Subdivision 1—General provision

7 Effect of transfer of licence to corporation for a special circumstance

(1) For sections 2 to 6 of this schedule—

(a) an individual who transfers a licence to a corporation does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—

(i) the individual;

(ii) a close relative of the individual; and

(b) a corporation that transfers a licence to an individual does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—

(i) the individual;

(ii) a close relative of the individual.

SCHEDULE 5B (continued)

Subdivision 2—Provisions for recent-entrant special circumstances

8 Definitions for sdiv 2

In this subdivision—

"area 1" means the area between latitude 10º41'00" south and latitude 24º29'59" south.

"area 2" means the area between latitude 24º30'00" south and latitude 28º30'00" south.

"monthly proportion", for spanish mackerel taken by a holder for a month in a year, means—

(a) if the holder took spanish mackerel from prescribed waters within area 1 for more days in the year than the holder took spanish mackerel from prescribed waters within area 2—

(i) for January—2.67%; or

(ii) for February—2.70%; or

(iii) for March—4.43%; or

(iv) for April—4.54%; or

(v) for May—7.12%; or

(vi) for June—7.54%; or

(vii) for July—10.65%; or

(viii) for August—10.40%; or

(ix) for September—10.20%; or

(x) for October—18.52%; or

(xi) for November—15.49%; or

(xii) for December—5.75%; or

(b) if the holder took spanish mackerel from prescribed waters within area 2 for more days in the year than the holder took spanish mackerel from prescribed waters within area 1—

(i) for January—6.76%; or

(ii) for February—10.28%; or

SCHEDULE 5B (continued)

(iii) for March—16.04%; or

(iv) for April—14.46%; or

(v) for May—12.69%; or

(vi) for June—13.11%; or

(vii) for July—7.33%; or

(viii) for August—5.85%; or

(ix) for September—2.35%; or

(x) for October—0.96%; or

(xi) for November—3.36%; or

(xii) for December—6.81%.

"whole month amounts", in relation to (whole weight) spanish mackerel taken by a holder, means the amounts of (whole weight) spanish mackerel taken by the holder for each month in which the holder held the licence for the whole month.

9 Working out amount of spanish mackerel taken for a year if the person did not hold licence for the whole of the year

(1) This section provides for working out, the amount (the **"notional amount"**) of (whole weight) spanish mackerel a person has taken under a licence for a year in which the person held the licence for more than 1 whole month but less than 12 whole months of the year.

(2) The notional amount of (whole weight) spanish mackerel the holder has taken in the year is the amount worked out by taking the whole month amounts of (whole weight) spanish mackerel taken by the holder as monthly proportions of the (whole weight) spanish mackerel the holder would have taken in the year if the holder had taken spanish mackerel for every whole month in the year.

10 Working out amount of spanish mackerel taken for a year if the person did not hold the licence

(1) This section provides for working out, for section 29, 30, 52, 53 or 54 of this schedule, the amount of (whole weight) spanish mackerel a person has taken under a licence for a year in which the person—

SCHEDULE 5B (continued)

(a) did not hold the licence for any part of the year; or

(b) held the licence for less than 1 whole month of the year.

(2) The amount of (whole weight) spanish mackerel taken by the person for the year is—

(a) if the representative amount of (whole weight) spanish mackerel taken by the person under the licence is lower than the amount of (whole weight) spanish mackerel taken under the licence in the year—the amount taken under the licence in the year; or

(b) if the representative amount of (whole weight) spanish mackerel taken by the person under the licence is higher than the amount of (whole weight) spanish mackerel taken under the licence in the year—the representative amount.

(3) For subsection (2), the amount of (whole weight) spanish mackerel taken under the licence in a year is the sum of—

(a) the amount of (whole weight) spanish mackerel taken, under the licence in the year, by the person; and

(b) the amount of (whole weight) spanish mackerel taken, under the licence in the year, by a previous holder of the licence.

(4) In this section—

"representative amount", in relation to the amount of (whole weight) spanish mackerel taken by a holder under a licence, means the average of the following for each year the holder held the licence for more than 1 month of the year—

(a) for a year for which the holder held the licence for the whole year—the amount of (whole weight) spanish mackerel taken by the holder in the year;

(b) for a year for which the holder held the licence for more than 1 whole month but less than 12 whole months of the year—the notional amount of (whole weight) spanish mackerel taken by the holder in the year.

SCHEDULE 5B (continued)

Subdivision 3—Provisions for event-based special circumstance

11 Definition for sdiv 3

In this subdivision—

"prescribed period" means—

(a) for section 12 of this schedule—a period, starting no earlier than 1 January 1994—

(i) that has the same number of whole months as the number of whole or part months in the event period; and

(ii) during which the event period was not happening; and

(iii) that starts on 1 January and ends on the last day of the month that is the same calendar month, but in a previous year, as the month in which the event period ended; or

(b) for section 13 or 14 of this schedule—a period, starting no earlier than 1 January 1994, that—

(i) has the same number of whole months as the number of whole or part months in the event period; and

(ii) ends on 31 December 1997.

12 Event-based qualifying period if event period happening on 31 December 1997

(1) This section applies if an event period for an event-based special circumstance was happening on 31 December 1997.

(2) The event-based qualifying period for the event-based special circumstance is the sum of the following—

(a) the sum of the prescribed period and the period—

(i) starting on the first day of the month after the event period ended; and

(ii) ending on 31 December of the year in which the event period ended;

(b) the period—

SCHEDULE 5B (continued)

(i) starting on 1 January of the year immediately following the year in which the event period ended; and

(ii) ending on 31 December 2002.

13 Event-based qualifying period if event period happened wholly within qualifying period

(1) This section applies if an event period for an event-based special circumstance happened wholly within the qualifying period.

(2) The event-based qualifying period for the event-based special circumstance is the sum of the following—

(a) the period—

(i) starting on 1 January of the year in which the prescribed period started; and

(ii) ending on 31 December in the year immediately before the year in which the event period started;

(b) the period that is the sum of the following—

(i) the period—

(A) starting on 1 January in the year in which the event period started; and

(B) ending on last day of the month immediately before the event period started;

(ii) the period—

(A) starting on the first day of the month (the **"anniversary month"**) that is the prescribed anniversary of the month in which the event period started; and

(B) ending on 31 December in the year in which the anniversary month falls;

(c) if the anniversary month falls in a year before 2002—the period—

(i) starting on 1 January in the year immediately following the year in which the anniversary month falls; and

(ii) ending on 31 December 2002.

SCHEDULE 5B (continued)

(3) In this section—

"prescribed anniversary", in relation to an event period for an event-based special circumstance, means the anniversary first occurring after the event period ends.

14 Event-based qualifying period if event period happening on 31 December 2002

(1) This section applies if an event period for an event-based special circumstance was happening on 31 December 2002.

(2) The event-based qualifying period for the event-based special circumstance is the sum of the following—

(a) the period—

(i) starting on 1 January of the year after the year in which the prescribed period started; and

(ii) ending on 31 December of the year before the year in which the event period started;

(b) the period that is the sum of the following—

(i) the period—

(A) starting on 1 January of the year in which the event period started; and

(B) ending on the last day of the month immediately before the month in which the event period started;

(ii) the period—

(A) starting on the first day of the month that is the same calendar month as the month in which the event period started but in the year in which the prescribed period started; and

(B) ending on 31 December of the year in which the prescribed period started.

SCHEDULE 5B (continued)

PART 2—OBTAINING FISHERY SYMBOL 'SM'

Division 1—Preliminary

15 Simplified outline of pt 2

In outline, this part—

(a) states, in division 2—

(i) the commercial fishing boat licences to which this part applies; and

(ii) the criteria that must be met for the chief executive to be required to write the fishery symbol 'SM' on the licences; and

(b) limits, in division 3, the information the chief executive may use when considering whether a licence meets the criteria; and

(c) provides, in division 4—

(i) for the chief executive to give the holder a preliminary notice if the chief executive is not reasonably satisfied the licence meets the criteria; and

(ii) for the grounds on which the holder may ask the chief executive to reconsider whether the licence meets the criteria; and

(d) states, in division 5, how the criteria are applied or adjusted for a reconsideration; and

(e) provides, in division 6, for the chief executive to give the holder an amendment notice if the chief executive is reasonably satisfied the licence meets the criteria or adjusted criteria; and

(f) requires, in division 7, the chief executive to give priority to applications for reconsideration relating to a catch-per-unit-effort special circumstance.

16 Definitions for pt 2

In this part—

SCHEDULE 5B (continued)

"adjusted criteria", in relation to a reason for reconsideration that a special circumstance exists for a holder, means—

(a) for a catch-per-unit-effort special circumstance—the criteria for a relevant licence under section 18 of this schedule, adjusted under section 27 of this schedule; or

(b) for an event-based special circumstance—the criteria for a relevant licence under section 18 of this schedule, adjusted under section 28 of this schedule; or

(c) for a first-recent-entrant special circumstance—the criteria for a relevant licence under section 18 of this schedule, having regard to the matters stated in section 29 of this schedule; or

(d) for a second-recent-entrant special circumstance—the criteria for a relevant licence under section 18 of this schedule, having regard to the matters stated in section 30 of this schedule; or

(e) for a personal history special circumstance—the criteria for a relevant licence under section 18 of this schedule, having regard to the matters stated in section 31 of this schedule.

"amendment notice" means an amendment notice given to a licence holder under division 6.

"disregarded spanish mackerel" means spanish mackerel—

(a) recorded in relevant logbook information; and

(b) disregarded by the chief executive under section 20(3) of this schedule.

"former licence", for a commercial fishing boat licence (the **"current licence"**) means a licence that—

(a) was replaced or renewed by the current licence; or

(b) expired before the current licence was issued and—

(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

(c) was replaced or renewed by a licence mentioned in paragraph (a) or (b); or

SCHEDULE 5B (continued)

(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 on the licence to be modified or replaced.

"preliminary notice" means a preliminary notice given to a licence holder under division 4.

"reason for reconsideration" see section 22(d) of this schedule.

"reconsideration notice" see section 23(2) of this schedule.

Division 2—Relevant licences and criteria

17 Application of pt 2 to relevant licences

This part applies to a primary commercial fishing boat licence (a **"relevant licence"**)—

(a) that, on the day this section commences—

(i) is in force; or

(ii) has expired, if the holder has applied to the chief executive for the licence's renewal and the chief executive has not decided the application; and

(b) on which 1 or more prescribed fishery symbols is written on the day this section commences.

18 Criteria to be met for relevant licence

(1) Subsection (2) prescribes the criteria to be used by the chief executive to decide whether the fishery symbol 'SM' must be written on a relevant licence.

SCHEDULE 5B (continued)

(2) At least 500 kg of (whole weight) spanish mackerel must have been taken lawfully—

(a) in at least 2 of the years within the qualifying period; and

(b) under a prescribed fishery symbol written on the relevant licence or any former licence for the relevant licence.

Division 3—First consideration by chief executive and preliminary notice requirements

19 First consideration of relevant licences by chief executive

(1) Within 3 months after the commencement of this section, the chief executive must decide whether the criteria for each relevant licence are met.

(2) For subsection (1), the chief executive must consider only relevant logbook information for the qualifying period.

(3) This section is subject to section 20.

20 Interpretation of unlawful, ambiguous or incomplete logbook information

(1) If relevant logbook information considered by the chief executive under section 19 of this schedule is ambiguous or incomplete, the chief executive may—

(a) disregard the information; or

(b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

The logbook information does not identify the species of the fish.

(2) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.

(3) The chief executive must disregard relevant logbook information considered under section 19 if the chief executive reasonably believes

SCHEDULE 5B (continued)

spanish mackerel recorded in the relevant logbook information were not taken or were taken unlawfully.

(4) For subsection (3), the chief executive may use any documents or information held or obtained by the chief executive to decide whether spanish mackerel in the relevant logbook information were not taken or were taken unlawfully.

Division 4—Preliminary notice and application for reconsideration

21 Chief executive to give preliminary notice

(1) The chief executive must give the holder of a relevant licence a preliminary notice if the chief executive is not reasonably satisfied, under division 3, the criteria for the licence are met.

(2) The chief executive must give the notice as soon as practicable after making the decision.

22 Requirements for preliminary notice

A preliminary notice must state, in writing, each of the following—

(a) that the chief executive is not reasonably satisfied the criteria for the licence are met;

(b) from the relevant logbook information considered by the chief executive—

(i) the amount of (whole weight) spanish mackerel taken under the licence from the prescribed waters; and

(ii) the amount of (whole weight) unidentified mackerel taken under the licence interpreted by the chief executive, under section 20 of this schedule, as mackerel other than spanish mackerel; and

(iii) the amount of (whole weight) unplaced spanish mackerel taken under the licence interpreted by the chief executive, under section 20 of this schedule, as having been taken from waters other than the prescribed waters; and

SCHEDULE 5B (continued)

(iv) the amount of (whole weight) disregarded spanish mackerel;

(c) if there is an amount of disregarded spanish mackerel—the documents or information used by the chief executive to decide whether the spanish mackerel were not taken or were taken unlawfully;

(d) that the holder may, by written notice, ask the chief executive to reconsider the decision only if the holder can establish any of the following (a **"reason for reconsideration"**)—

(i) an amount of spanish mackerel recorded in the relevant logbook information, other than an amount of disregarded spanish mackerel, was not used by the chief executive in deciding whether the criteria are met;

(ii) the relevant logbook information, or other documents in the possession of the holder, identify any unidentified mackerel as spanish mackerel or any unplaced spanish mackerel as having been taken from the prescribed waters;

(iii) disregarded spanish mackerel were taken and were not taken unlawfully;

(iv) a special circumstance exists for the holder;

(e) that a reconsideration notice must be given within 6 weeks after the preliminary notice is given to the holder;

(f) that if the holder does not give the chief executive a reconsideration notice under section 23 of this schedule—

(i) the preliminary notice is taken to be final notice of the chief executive's decision; and

(ii) the holder may appeal against the decision to the tribunal within 28 days after the end of the 6 week period mentioned in paragraph (e); and

(iii) how to appeal.

23 Applying for reconsideration

(1) The holder of a relevant licence may, by written notice, ask the chief executive to reconsider the chief executive's decision under division 3.

SCHEDULE 5B (continued)

(2) The notice (the **"reconsideration notice"**) must—

(a) be given to the chief executive within 6 weeks after the preliminary notice is given to the holder; and

(b) state the reason for reconsideration; and

(c) if the reason for reconsideration is that disregarded spanish mackerel were taken and were not taken unlawfully or that special circumstances exists for the holder—

(i) be accompanied by all documents or information on which the holder relies to establish the reason for reconsideration; and

(ii) if the reason for consideration is that a personal history special circumstance exists for the holder—state the relevant licence for which the application for reconsideration is made.

24 Chief executive to decide whether reason for reconsideration established

(1) As soon as practicable after receiving a reconsideration notice, the chief executive must, using only the information stated in section 25 of this schedule, consider whether the reason for reconsideration stated in the notice is established.

(2) If the chief executive is not reasonably satisfied the reason for reconsideration is established, the chief executive must give the holder a decision notice about the decision.

25 Information chief executive may consider in deciding whether reason for reconsideration is established

(1) For section 24(1) of this schedule, the information is—

(a) the relevant logbook information; and

(b) documents or information accompanying the notice; and

(c) any further information or evidence given to the chief executive within the stated period under subsection (2); and

SCHEDULE 5B (continued)

(d) if the reason for reconsideration is that disregarded spanish mackerel were taken and were not taken unlawfully—

(i) the documents or information used by the chief executive under section 20(4) of this schedule; and

(ii) any further information or evidence obtained by the chief executive under subsection (4) and any response from the holder received by the chief executive within the stated period under subsection (5).

(2) The chief executive may ask the holder to give, within a stated period of at least 14 days, any further relevant information or evidence the chief executive requires to decide whether—

(a) disregarded spanish mackerel were not taken or were taken unlawfully; or

(b) a special circumstance exists for the holder.

(3) The holder must give the chief executive the further information or evidence requested.

(4) Also, the chief executive may obtain, other than from the holder, further information or evidence the chief executive requires to decide whether disregarded spanish mackerel were not taken or were taken unlawfully.

(5) If the chief executive obtains information or evidence under subsection (4), the chief executive must, before deciding whether the reason for reconsideration is established, give the holder a notice stating—

(a) the information or evidence obtained; and

(b) that the holder may respond, in writing, to the information or evidence within the period stated by the chief executive of at least 14 days after the notice is given to the holder.

(6) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—

(a) disregard the information; or

(b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

SCHEDULE 5B (continued)

(7) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.

(8) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes spanish mackerel recorded in the relevant logbook information were not taken or were taken unlawfully.

Division 5—Reconsideration and adjustment of criteria

26 Criteria reapplied if reason for reconsideration established

(1) If the chief executive is reasonably satisfied a reason for reconsideration is established for the holder of a relevant licence, the chief executive must consider whether the following criteria are met—

(a) if the reason for reconsideration is that a special circumstance exists for the holder—the adjusted criteria;

(b) for another reason for reconsideration—the criteria stated in section 18 of this schedule.

(2) In considering whether the criteria are met, the chief executive must use only—

(a) the relevant logbook information; and

(b) any further information or evidence given to the chief executive within the stated period under section 25(2) of this schedule; and

(c) if the reason for reconsideration is that disregarded spanish mackerel were taken and were not taken unlawfully—the documents or information mentioned in section 25(1)(d).

(3) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—

(a) disregard the information; or

(b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

SCHEDULE 5B (continued)

(4) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.

(5) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes spanish mackerel recorded in the relevant logbook information were not taken or were taken unlawfully.

(6) The chief executive must give the licence holder the following notice—

(a) if the chief executive is reasonably satisfied the criteria or adjusted criteria are met for the licence—an amendment notice;

(b) if paragraph (a) does not apply—a decision notice about the decision.

27 Adjusted criteria for catch-per-unit-effort special circumstance

(1) This section applies, for section 26(1)(a), if a catch-per-unit-effort special circumstance exists for a holder of a relevant licence.

(2) The amount of (whole weight) spanish mackerel that must be taken under the relevant licence, or a former licence, in at least 2 years of the qualifying period, is 375 kg.

28 Adjusted criteria for event-based special circumstance

(1) This section applies, for section 26(1)(a), if an event-based special circumstance exists for a holder of a relevant licence.

(2) The qualifying period for section 18 of this schedule is the event-based qualifying period for the event-based special circumstance.

29 Adjusted criteria for first-recent-entrant special circumstance

(1) This section applies, for section 26(1)(a), if a first-recent-entrant special circumstance exists for a holder of a relevant licence.

(2) For working out whether the criteria are met, the amount of (whole weight) spanish mackerel taken by a holder under the relevant licence, or a

SCHEDULE 5B (continued)

former licence for the relevant licence, in each year of the qualifying period is as follows—

(a) for 2002—the notional amount of (whole weight) spanish mackerel taken by the holder in the year;

(b) for another year in the qualifying period—the amount worked out under section 10 of this schedule.

(3) However, if the holder did not take any spanish mackerel under the licence in 2002 and the chief executive is satisfied the holder intended to take spanish mackerel under the licence in 2002, the amount of (whole weight) spanish mackerel taken by the holder in each year in the qualifying period is the higher of the following—

(a) the amount of (whole weight) spanish mackerel taken under the licence in the year;

(b) the yearly average of spanish mackerel taken for the year.

Examples, for subsection (3), of reasons the chief executive may be satisfied—

1. The person took spanish mackerel under another licence in the qualifying period.
2. The person had a boat built specifically to take spanish mackerel.

30 Adjusted criteria for second-recent-entrant special circumstance

(1) This section applies, for section 26(1)(a), if a second-recent-entrant special circumstance exists for a holder of a relevant licence.

(2) For working out whether the criteria are met, the amount of (whole weight) spanish mackerel taken by a holder under the relevant licence, or a former licence for the relevant licence, in each year of the qualifying period is as follows—

(a) for a year for which the holder held the licence for the whole year—the amount of (whole weight) spanish mackerel taken in the year;

(b) for a year for which the holder held the licence for at least 1 whole month of the year—the higher of the following—

(i) the notional amount of (whole weight) spanish mackerel taken by the holder in the year;

SCHEDULE 5B (continued)

(ii) the amount of (whole weight) spanish mackerel taken under the licence in the year;

(c) for a year for which the holder did not hold the licence or held the licence for less than 1 whole month—the amount worked out under section 10 of this schedule.

31 Adjusted criteria for personal history special circumstance

(1) This section applies, for section 26(1)(a), if a personal history special circumstance exists for a holder of a relevant licence.

(2) For working out whether the criteria are met, the amount of (whole weight) spanish mackerel taken under the holder's nominated licence in each year in the qualifying period is the sum of the (whole weight) spanish mackerel taken under all the prescribed licences for the holder.

(3) In this section—

"nominated licence", for a holder, means the relevant licence stated in the reconsideration notice, given by the holder, as the licence for which the application for reconsideration is made.

"prescribed licences", for a holder—

(a) if the holder is an individual—see section 5(b) of this schedule; or

(b) if the holder is a corporation—see section 6(b) of this schedule.

Division 6—Amendment notice and amendment of licences

32 Chief executive to amend licences and give amendment notice

(1) This section applies if the chief executive is reasonably satisfied—

(a) under division 3 or 5, that the criteria for a relevant licence are met; or

(b) under division 5, that the adjusted criteria are met.

(2) As soon as practicable after making the decision, the chief executive must—

SCHEDULE 5B (continued)

(a) amend the licence, and any tender commercial fishing boat licence identifying a tender commercial fishing boat of the primary commercial fishing boat identified on the relevant licence, by writing the fishery symbol 'SM' on the licence or licences; and

(b) give the holder an amendment notice.

33 Requirements for amendment notice

An amendment notice must state, in writing, each of the following—

(a) that the chief executive is reasonably satisfied the criteria, or the adjusted criteria, for the relevant licence are met;

(b) how the licence has been amended;

(c) that the amendment takes effect when the holder receives the amendment notice;

(d) that, until both of the following happens, a person taking or possessing spanish mackerel under the fishery symbol 'SM' must have the amendment notice available for immediate inspection while the person is taking or possessing the spanish mackerel—

(i) the chief executive writes the fishery symbol 'SM' on the licence;

(ii) the amended licence is returned to the holder;

(e) that the holder may appeal against the decision to the tribunal within 28 days after the holder receives the amendment notice;

(f) how to appeal.

34 Taking or possessing spanish mackerel under amended licence

(1) During the period stated in subsection (2), a relevant licence amended under this division is subject to the condition that a person taking or possessing spanish mackerel under the fishery symbol 'SM' must have the amendment notice available for immediate inspection while the person is taking or possessing the spanish mackerel.

(2) For subsection (1), the period—

(a) starts on the day the holder receives the amendment notice; and

SCHEDULE 5B (continued)

(b) ends on the day the amended licence is returned to the holder with the fishery symbol 'SM' written on it.

Division 7—Priority of reconsiderations of applications relating to fishery symbol 'SM'

35 Priority of applications for reconsiderations

The chief executive must make reasonable efforts to consider first applications for reconsideration relating to a relevant licence that did not meet the criteria for a fishery symbol 'SM' for which the reason for reconsideration is that a catch-per-unit-effort special circumstance exists for the holder of the licence.

PART 3—ISSUE OF SM UNITS

Division 1—General

36 Simplified outline of pt 3

(1) This part provides for the issue of SM units.

(2) The holder of a licence on which the fishery symbol 'SM' was written under part 2 (an **"eligible holder"**) may apply to the chief executive for the issue of SM units in relation to the licence.

(3) Division 3, subdivision 1 states how the chief executive must decide the number of SM units to be issued to an applicant in relation to an SM fishery licence.

(4) Division 3, subdivision 3 states the application process for the issue of SM units.

(5) Division 4 provides for a reduction of the weight equivalent, in kilograms, of (whole weight) spanish mackerel, under each SM unit if, after all SM units have been issued, the total SM units issued is more than 619 520.

SCHEDULE 5B (continued)

37 Definitions for pt 3

In this part—

"adjusted allocation provisions" see section 50 of this schedule.

"disregarded spanish mackerel" means spanish mackerel—

(a) recorded in relevant logbook information; and

(b) disregarded by the chief executive under section 45(3) of this schedule.

"eligible holder" see section 36(2) of this schedule**.**

"issued" for an SM unit see section 39 of this schedule.

"reason for adjusted allocation" see section 47(e) of this schedule.

"SM factor" means the SM factor worked out under section 44 of this schedule.

Division 2—General provisions about SM units

38 General condition for issue of SM units

An SM unit may be issued only under this part.

39 When SM unit is "issued"

An SM unit is **"issued"** when—

(a) an SM unit certificate that includes the unit is issued; or

(b) an SM unit certificate is amended under this part to include the unit.

SCHEDULE 5B (continued)

Division 3—Issue of SM units

Subdivision 1—Number of SM units to be issued to eligible holders

40 Purpose of sdiv 1

(1) This division provides for how the chief executive must work out the number of SM units to be issued for an eligible holder, in relation to an SM fishery licence, if the holder applies for the issue of SM units under subdivision 3.

(2) This division is subject to division 4.

41 Definition for sdiv 1

In this division—

"prescribed number", for an SM fishery licence, means—

(a) if the fishery symbol 'SM' was written on the licence on the basis of a catch-per-unit-effort special circumstance—375; or

(b) otherwise—500.

42 Number of SM units to be issued to eligible holders

The number of SM units the chief executive must issue to an eligible holder, in relation to an SM fishery licence, is—

(a) the prescribed number; or

(b) if the SM factor of the licence is greater than the prescribed number—the sum of the prescribed number and the additional units worked out by the chief executive under section 43 of this schedule.

SCHEDULE 5B (continued)

43 Working out number of additional SM units

For section 42(b) of this schedule, the number of additional SM units is the number, rounded up to the nearest whole number, worked out by using the following formula—

$$\mathbf{AU} = \left(\frac{\mathbf{D}}{\mathbf{440776.4669}}\right) \times \mathbf{436200}$$

where—

"AU" is the number of additional SM units that must be issued.

"D" is the difference between the SM factor of the licence and the prescribed number.

44 Working out SM factor

(1) The SM factor, of an eligible holder's SM fishery licence, for SM units, is the factor worked out by using the following formula—

$$\mathbf{SMF} = \left(\frac{\mathbf{AC}}{\mathbf{563200.4288}}\right) \times \mathbf{563200}$$

where—

"SMF" is the SM factor.

"AC" is the average number of kilograms of (whole weight) spanish mackerel taken lawfully, under the licence, for the years in the qualifying period.

(2) Subject to section 45 of this schedule, in deciding the average number of kilograms of (whole weight) spanish mackerel taken under the licence for the years in the qualifying period, the chief executive must consider only relevant logbook information for the years.

45 Interpretation of unlawful, ambiguous or incomplete relevant logbook information

(1) If relevant logbook information for a year in the qualifying period is ambiguous or incomplete, the chief executive may—

(a) disregard the information; or

SCHEDULE 5B (continued)

(b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

The logbook information does not identify the species of the fish.

(2) However, if there is more than 1 interpretation of the information that the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.

(3) The chief executive must disregard relevant logbook information for a year in the qualifying period if the chief executive reasonably believes spanish mackerel recorded in the relevant logbook information were not taken or were taken unlawfully.

(4) For subsection (3), the chief executive may use any documents or information held or obtained by the chief executive to decide whether spanish mackerel recorded in the relevant logbook information were not taken or were taken unlawfully.

Subdivision 2—Catch history notice

46 Chief executive to give catch history notice

(1) The chief executive must give an eligible holder a catch history notice.

(2) The catch history notice must accompany the amendment notice given to the holder under part 2, division 6.

47 Requirements for catch history notice

A catch history notice must state, in writing, each of the following—

(a) that the holder of an SM fishery licence may apply, under part 3, for the issue of SM units in relation to the licence held by the holder;

(b) from relevant logbook information for each year in the qualifying period—

SCHEDULE 5B (continued)

(i) the amount of (whole weight) spanish mackerel taken under the licence from the prescribed waters for each year in the qualifying period; and

(ii) the amount of (whole weight) unidentified mackerel interpreted by the chief executive as an amount of mackerel other than spanish mackerel; and

(iii) the amount of (whole weight) unplaced spanish mackerel taken under the licence interpreted by the chief executive as having been taken from waters other than the prescribed waters; and

(iv) the amount of (whole weight) disregarded spanish mackerel;

(c) if there is an amount of disregarded spanish mackerel—the documents or information used by the chief executive to decide whether spanish mackerel were not taken or were taken unlawfully;

(d) that the holder may, when applying for the issue of SM units, ask the chief executive to decide the number of SM units to be issued to the holder using the adjusted allocation provisions if the holder can establish any of the following (a **"reason for adjusted allocation"**)—

(i) the relevant logbook information or copies of dockets identify, as spanish mackerel, unidentified mackerel interpreted by the chief executive as mackerel other than spanish mackerel;

(ii) the relevant logbook information or copies of dockets identify unplaced spanish mackerel interpreted by the chief executive as having been taken from waters other than the prescribed waters as spanish mackerel having been taken from the prescribed waters;

(iii) disregarded spanish mackerel were taken and were not taken unlawfully;

(iv) a special circumstance for the holder exists;

(e) that an application for SM units must be received by the chief executive on or after 2 February 2004 but before 15 March 2004.

SCHEDULE 5B (continued)

Subdivision 3—Application for issue of SM units

48 Application for issue of SM units

(1) An eligible holder may, by written notice, apply to the chief executive for the issue of SM units under this part.

(2) The application must—

(a) be received by the chief executive on or after 2 February 2004 but before 15 March 2004; and

(b) if the holder wishes the chief executive to decide the number of SM units to be issued to the holder using the adjusted allocation provisions—

(i) state the reason for adjusted allocation; and

(ii) be accompanied by all documents or information on which the holder relies to establish the reasons for adjusted allocation.

(3) Despite subsection (2)(a), the chief executive may consider an application received after 15 March 2004 if the chief executive is reasonably satisfied the holder was prevented from giving the application to the chief executive by 15 March 2004 because of reasons beyond the holder's control.

49 Deciding application for issue of SM units

(1) The chief executive must, as soon as practicable after receiving an application for SM units from an eligible holder, decide the number of SM units to be issued to the holder.

(2) If the application states a reason for adjusted allocation exists, the chief executive must decide whether the reason for adjusted allocation is established using only the following—

(a) the relevant logbook information;

(b) any copies of dockets accompanying the application;

(c) any further information or evidence given to the chief executive within the stated period under subsection (3);

SCHEDULE 5B (continued)

(d) if the reason for adjusted allocation is that disregarded spanish mackerel were taken and were not taken unlawfully—

(i) the documents or information used by the chief executive under section 45(4) of this schedule; and

(ii) the documents or information accompanying the application; and

(iii) any further information or evidence obtained by the chief executive under subsection (5) and any response from the holder received by the chief executive within the stated period under subsection (6).

(3) The chief executive may ask the applicant to give, within the period stated by the chief executive of at least 14 days, further relevant information or evidence the chief executive requires to whether a reason for adjusted allocation exists.

(4) The applicant must give the chief executive the further information or evidence requested.

(5) Also, the chief executive may obtain, other than from the holder, further information or evidence the chief executive requires to decide whether disregarded spanish mackerel were not taken or were taken unlawfully.

(6) If the chief executive obtains information or evidence under subsection (5), the chief executive must, before deciding the application, give the holder a notice stating—

(a) the information or evidence obtained; and

(b) that the holder may respond, in writing, to the information or evidence within the period stated by the chief executive of at least 14 days after the notice is given to the holder.

(7) In deciding the number of SM units to be issued to the holder, the chief executive must use only the information mentioned in subsection (2)(a) to (d).

(8) As soon as practicable after deciding the application, the chief executive must—

(a) issue to the holder—

SCHEDULE 5B (continued)

(i) an SM unit certificate for the SM units for the first SM year; and

(ii) a 4-digit identity number (a **"notice identity number"**) for the SM units; and

(iii) tags for use by the holder during the first SM year; and

(b) give the holder a decision notice for the decision.

50 Allocation provisions to be applied if reason for adjusted allocation is established

If the chief executive is reasonably satisfied a reason for adjusted allocation is established for an eligible holder, the chief executive must decide the number of SM units to be issued to the holder using the following provisions (the **"adjusted allocation provisions"**)—

(a) if a special circumstance exists for a holder—sections 41 to 45 of this schedule, having regard to sections 51 to 55 of this schedule;

(b) otherwise—sections 41 to 45 of this schedule.

51 Adjusted allocation provision for event-based special circumstance

(1) This section applies if an event-based special circumstance exists for an eligible holder.

(2) For working out the SM factor, the qualifying period is the event-based qualifying period for the event-based special circumstance.

52 Adjusted allocation provision for first-recent-entrant special circumstance

(1) This section applies if a first-recent-entrant special circumstance exists for an eligible holder.

(2) For working out the SM factor, the amount, in kilograms, of (whole weight) spanish mackerel taken under the licence by the holder for each year of the qualifying period is as follows—

(a) for 2002—the notional amount of (whole weight) spanish mackerel taken by the holder in the year;

SCHEDULE 5B (continued)

(b) for another year in the qualifying period—the amount worked out under section 10 of this schedule.

(3) However, if the holder did not take any spanish mackerel under the licence in 2002 and the chief executive is satisfied the holder intended to take spanish mackerel under the licence in 2002, the amount of (whole weight) spanish mackerel taken by the holder in each year in the qualifying period is the higher of the following—

(a) the amount of (whole weight) spanish mackerel taken under the licence in the year;

(b) the yearly average of spanish mackerel taken for the year.

Examples, for subsection (3), of reasons the chief executive may be satisfied—

1. The person took spanish mackerel under another licence in the qualifying period.
2. The person had a boat built specifically to take spanish mackerel.

53 Adjusted allocation provision for second-recent-entrant special circumstance

(1) This section applies if a second-recent-entrant special circumstance exists for an eligible holder.

(2) For working out the SM factor, the amount, in kilograms of (whole weight) spanish mackerel taken under the licence by the holder for each year of the qualifying period is as follows—

(a) for a year for which the holder held the licence for the whole year—the amount of (whole weight) spanish mackerel taken in the year;

(b) for a year for which the holder held the licence for at least 1 whole month of the year—the higher of the following—

(i) the notional amount of (whole weight) spanish mackerel taken by the holder in the year;

(ii) the amount of (whole weight) spanish mackerel taken under the licence in the year;

(c) for a year for which the holder did not hold the licence or held the licence for less than 1 whole month—the amount worked out under section 10 of this schedule.

SCHEDULE 5B (continued)

54 Adjusted allocation provision for third-recent-entrant special circumstance

(1) This section applies if a third-recent-entrant special circumstance exists for an eligible holder.

(2) For working out the SM factor, the amount, in kilograms, of (whole weight) spanish mackerel taken under the licence by the holder for each year of the qualifying period is as follows—

(a) for a year for which the holder held the licence for the whole year—the amount of (whole weight) spanish mackerel taken in the year;

(b) for another year—the amount worked out under section 10 of this schedule.

55 Adjusted allocation provision for personal history special circumstance

(1) This section applies if a personal history special circumstance exists for an eligible holder.

(2) For working out the SM factor, the amount, in kilograms of (whole weight) spanish mackerel taken under the holder's nominated licence in each year in the qualifying period is the sum of the (whole weight) spanish mackerel taken under all the prescribed licences for the holder.

(3) In this section—

"nominated licence", for an eligible holder, means the relevant licence stated in the reconsideration notice, given by the holder, as the licence for which the application for reconsideration is made.

"prescribed licences"—

(a) if the holder is an individual—see section 5(b) of this schedule; or

(b) if the holder is a corporation—see section 6(b) of this schedule.

SCHEDULE 5B (continued)

56 Particular applications for SM units must be decided before start of first SM year

(1) The chief executive must decide all on time applications for SM units before the first SM year starts.

(2) In this section—

"on time application", for SM units, means an application for SM units received by the chief executive before 15 March 2004.

Division 4—Reduction in weight equivalent of SM units

57 Application of div 4

(1) This division applies if, on the relevant day, the total SM units issued is more than 619 520.

(2) In this section—

"relevant day" means the earliest day on which—

(a) the period for each eligible holder to apply for the issue of SM units has ended; and

(b) the period to appeal against all decisions about the issue of SM units or amending a licence by writing the fishery symbol 'SM' on it has ended; and

(c) all appeals mentioned in paragraph (b) are ended or fully decided; and

(d) if, in deciding an appeal, the tribunal gave the chief executive directions—the directions have been complied with.

58 Adjusted weight equivalent of SM unit

(1) The weight equivalent, in kilograms, of (whole weight) spanish mackerel, for each SM unit, is the amount worked out by using the following formula—

$$\mathbf{WWE} = \frac{\mathbf{619520}}{\mathbf{NSM}}$$

SCHEDULE 5B (continued)

where—

"WWE" is the adjusted weight equivalent, in kilograms, of (whole weight) spanish mackerel for each SM unit.

"NSM" is the number of SM units issued by the chief executive.

(2) As soon as practicable after the adjusted weight equivalent is able to be worked out under subsection (1), the chief executive must give each SM unit holder a replacement SM unit certificate that reflects the adjusted weight equivalent.

PART 4—EXPIRY

59 Expiry of sch 5B

This schedule expires 3 years after it commences.

SCHEDULE 6

NONINDIGENOUS FISHERIES RESOURCES

sections 80(2) and 104

African mono
angel fish
archer fish
Argentine bloodfin (tetra)
armoured (cory) catfish
asoka barb
auratus
banded barb
banded leporinus
betta
big-spot rasbora
bitterling
black-banded headstander
black-banded osteochilus
black-finned rummy-nose
black ghost knife fish
black-line silver hatchet fish
black phantom tetra
black ruby barb
black shark
black-spot filament barb
black-spotted upsidedown catfish
black tetra

SCHEDULE 6 (continued)

blind cave tetra
blue acara
blue gourami
blue line rasbora
brichardi
bumblebee fish
butterfly fish
cardinal tetra
celebes rainbow
chalinochromis
checkerboard barb
cherry barb
Chinese algae eater
chocolate gourami
clown barb
clown loach
Cochu's blue tetra
common brochis
Congo tetra
copper striped rasbora
croaking gourami
Cumming's barb
discus
duboisi
dusky krib
dwarf cichlid
dwarf flag cichlid
dwarf gourami

SCHEDULE 6 (continued)

dwarf lattice cichlid
dwarf loach
elegant rasbora
elephantnose
elephantnose (Peter's)
emperor tetra
false magnificant rasbora
flag cichlid
flagtail porthole catfish
flying fox
freshwater flounder
Frideric's leporinus
giant danio
glass barb
glass bloodfin
glass catfish
glass fish
gold-cheek krib
gold line rasbora
golden dwarf cichlid
goldfish
guppy
hard lipped barb
harlequin rasbora
hatchetfish
headstander
hi-spot rasbora
honey dwarf gourami

SCHEDULE 6 (continued)

Indian hatchetfish
Javanese rice fish
julie
Kerr's danio
keyhole cichlid
killie fish
kissing gourami
kooli barb
kuhli loach
latticed cichlid
leopard danio
lipstick leporinus
little giant gourami
long-band rasbora
longfin barb
long-finned african tetra
Malayan flying barb
Malayan halfbeak
medaka
melanochromis
microbrycon
mono
moonlight gourami
moorii
multi-banded leporinus
Myers's hillstream loach
neon tetra
orange-finned rasbora

SCHEDULE 6 (continued)

ornate pimelodus
oscar
panchax
paradise fish (males)
pearl danio
pearl gourami
pencil fish
penguin fish
platy
platy variatus
poorman's glass catfish
pristella
pygmy gourami
rainbow fish
rainbow shark
ram
red-finned black shark
red-finned shark
red line rasbora
red-striped barb
rosy barb
saddled hillstream loach
sailfin mollie
sarawak rasbora
scissortail rasbora
Siamese flying fox
silver prochilodus
silver rasbora

SCHEDULE 6 (continued)

sphenops mollie
spiny eel
spot-tailed leporinus
spot-tailed rasbora
spotted danio
spotted leporinus
spotted rasbora
striped barb
striped kribensis
striped leporinus
sucker catfish
Swegle's tetra
swordtail
tetra
thick-lipped gourami
thin-banded barb
tic-tac-toe barb
tiger barb
tricolor shark
twig catfish
variegated shark
whiptail catfish
white cloud mountain minnow
yellow tail rasbora
Yucatan mollie
zebra danio

SCHEDULE 7

FISH HABITAT AREAS

section 94

PART 1—AREAS SHOWN BY HATCHED PLANS

1 Beelbi

The Beelbi fish habitat area (at Toogoom, Hervey Bay) is shown on plan no. 015–047A.

2 Boyne Creek

(1) The Boyne Creek fish habitat area (at Hummock Hill Island) is shown on plan no. 033–007A.

(2) However, the area does not include the tidal area within 50 m of the shore between the points marked 'A' and 'B' on the plan.

3 Broad Sound

(1) The Broad Sound fish habitat area (near St. Lawrence) is shown on plan no. 015–045A.

(2) The words 'Exclusion of access corridor 10 m wide' on the plan mean the area, within 5 m either side of the shortest line between the lots marked 13 and 15 at the ends of the corridor, is not part of the area.

4 Burrum–Isis

(1) The Burrum–Isis fish habitat area (at the Burrum River) is shown on plan no. 015–046A.

(2) However, the area does not include the tidal area within 100 m of the shore of the Burrum River—

(a) for 500 m either side of the north-eastern corner of portion 77, County of Cook, Parish of Isis; and

SCHEDULE 7 (continued)

(b) between a continuation into the river of—

(i) the part of the boundary of the Burrum Coast National Park between the north-eastern corner of portion 13, County of Cook, Parish of Hercules and the river; and

(ii) that portion's western boundary.

(3) Along the frontage of the Town of Burrum Heads on the Burrum River, the area's boundary runs—

(a) from its south-eastern tip at low water along low water to a line running parallel to, and 100 m from, the shore; and

(b) then along that line to a point in line with the eastern edge of Riverview Drive.

5 Burrum–Toogoom

(1) The Burrum–Toogoom fish habitat area (at Hervey Bay) is shown on plan no. 033–028A.

(2) Along the frontage of the town of Burrum Heads on the Burrum River, the area's boundary runs from the boundary's western tip along a line parallel to, and 100 m from, the river's shore to low water.

6 Bustard

(1) The Bustard fish habitat area (at Middle Island near Rodds Peninsula) is shown on plan no. 015–025A.

(2) However the area does not include the tidal area within 50 m of the shore along the 700 m of the shore (near Pancake Point) shown on the plan by arrows.

7 Cape Palmerston

The Cape Palmerston fish habitat area (south of Sarina) is shown on plan no. 015–043A.

SCHEDULE 7 (continued)

8 Carmila

The Carmila fish habitat area (near Carmila Beach, south of Sarina) is shown on plan no. 033–025A.

9 Cattle Creek

The Cattle Creek fish habitat area (at Halifax Bay) is shown on plan no. 033–020A.

10 Cherwell–Burrum

The Cherwell–Burrum fish habitat area is shown on plan no. 033–027A.

11 Colosseum

(1) The Colosseum fish habitat area (at Colosseum Inlet) is shown on plan no. 015–028A.

(2) However, the area does not include the area within 50 m of the shore between the points marked 'A' and 'B', 'C' and 'D' or 'E' and 'F' on the plan.

12 Corio Bay

The Corio Bay fish habitat area (near Yeppoon) is shown on plan no. 015–017A.

13 Eight Mile Creek

The Eight Mile Creek fish habitat area (near the Northern Territory border) is shown on plan no. 015–051A.

14 Escape River

The Escape River fish habitat area (near Cape York) is shown on plan no. 015–037A.

SCHEDULE 7 (continued)

15 Eurimbula

The Eurimbula fish habitat area (at Bustard Bay near the Town of Seventeen Seventy) is shown on plan no. 015–040A.

16 Fraser Island

The Fraser Island fish habitat area is shown on plan no. 033–009A.

17 Gregory

The Gregory fish habitat area (near the Burrum River) is shown on plan no. 033–026A.

18 Halifax

(1) The Halifax fish habitat area is shown on plan no. 033–018A.

(2) However, the area does not include the area of 210 ha, the southern boundary of which is the line of the existing causeway, marked on the plan with different hatching.

19 Innes

(1) The Innes fish habitat area (at Seven Mile Creek, Rodds Peninsula) is shown on plan no. 015–027A.

(2) However, the area does not include the tidal area between the points marked ‘A’ and ‘B’ on the plan.

20 Kauri Creek

The Kauri Creek fish habitat area (at Tin Can Inlet) is shown on plan no. 015–022A.

21 Maaroom

(1) The Maaroom fish habitat area (at Great Sandy Strait, Fraser Island) is shown on plan no. 015–021A.

SCHEDULE 7 (continued)

(2) However, the area does not include the tidal area within 100 m of the shore for 2 km northerly along the shore from the northern bank of Maaroom Creek.

22 Marion

The Marion fish habitat area (near Notch Point, south of Sarina) is shown on plan no. 033–024A.

23 Morning Inlet–Bynoe River

(1) The Morning Inlet–Bynoe River fish habitat area (at the Gulf of Carpentaria near Karumba) is shown on plan no. 015–052A.

(2) A boundary for the Bynoe or Flinders River shown on the plan as a point is the shortest line across the river at the point.

(3) A distance in metres at a point on the plan is measured for half the distance along the shore on either side of the point.

24 Nassau River

The Nassau River fish habitat area (at the Gulf of Carpentaria) is shown on plan no. 015–054A.

25 Palm Creek

The Palm Creek fish habitat area (at Halifax Bay) is shown on plan no. 033–019A.

26 Princess Charlotte Bay

The Princess Charlotte Bay fish habitat area is shown on plan no. 015–035A.

27 Rocky Dam

The Rocky Dam fish habitat area (near Armstrong Beach, south of Sarina) is shown on plan no. 033–023A.

SCHEDULE 7 (continued)

28 Rodds Harbour

(1) The Rodds Harbour fish habitat area is shown on plan no. 015–026A.

(2) However, the area does not include the tidal area within 50 m of the shore between the points marked 'A' and 'B' or 'C' and 'D' on the plan.

29 Silver Plains

The Silver Plains fish habitat area (near Princess Charlotte Bay) is shown on plan no. 015–034A.

30 Staaten–Gilbert

(1) The Staaten–Gilbert fish habitat area (at the Gulf of Carpentaria) is shown on plan no. 015–053A.

(2) A boundary for the Staaten River or Vanrook Creek shown on the plan as a point is the shortest line across the river or creek at the point.

(3) A distance in metres at a point on the plan is measured for half the distance along the shore on either side of the point.

31 Susan River

(1) The Susan River fish habitat area (at Great Sandy Strait) is shown on plan no. 015–048A.

(2) However, the area does not include the tidal area from the shore to the midstream line of the Susan River between points on the shore 100 m either side of lot 59 on RP 145808 County of March, Parish of Bingham.

(3) In the Mary River, the area's boundary runs parallel to, and 100 m to the north of, the centre-line of the navigation channel.

32 Temple Bay

The Temple Bay fish habitat area is shown on plan no. 015–038A.

33 Tin Can Inlet

The Tin Can Inlet fish habitat area is shown on plan no. 015–023A.

SCHEDULE 7 (continued)

34 Turkey

(1) The Turkey fish habitat area (at Turkey Beach, Rodds Harbour) is shown on plan no. 033–006A.

(2) However, the area does not include the tidal area within 50 m of the shore between the points marked 'A' and 'B' on the plan.

35 West Hill

The West Hill fish habitat area (near Carmila Beach, south of Sarina) is shown on plan no. 015–044A.

36 Wild Cattle

(1) The Wild Cattle fish habitat area (near Tannum Sands) is shown on plan no. 033–008A.

(2) However, the area does not include the tidal area within 50 m of the shore between the points marked 'A' and 'B' on the plan.

PART 2—AREAS WITHIN OUTER BOUNDARIES SHOWN ON PLANS

37 Baffle Creek

(1) The Baffle Creek fish habitat area is shown on plan FHA–031.

(2) The area includes the tidal land within conservation parks on lot 511 on plan NPW 571 and lot 154 on plan FD 752;

(3) However, the area does not include the following—

(a) lot 73 on plan FD 391;

(b) lot 46 on plan FD 268;

(c) lot 85 on plan FD 963;

(d) lot 87 on plan FD 963;

(e) lot 114 on plan FD 1124;

SCHEDULE 7 (continued)

(f) lot 115 on plan FD 1124;

(g) the area 50 m either side of the line that links the closest points of lot 3 on RP 90442 and lot 81 on plan FD 485;

(h) the area 50 m upstream and 50 m downstream from the line joining the centres of Ferry Road and Boat Ramp Road across Baffle Creek;

(i) the area 50 m upstream and 50 m downstream from the middle of the existing bridge on Hills Road that crosses Oyster Creek;

(j) the area 50 m upstream and 50 m downstream from the middle of the existing causeway on Taunton Road that crosses Oyster Creek.

38 Barr Creek

(1) The Barr Creek fish habitat area is shown on plan FHA–035.

(2) Also, the area includes the following—

- lot 147 on plan NR 4789
- lot 15 on plan USL 9633
- lot 49 on plan N 157300.

39 Bassett Basin

(1) The Bassett Basin fish habitat area (at Mackay) is shown on plan FHA–044.

(2) However, the area does not include—

(a) the area of a waterway between lines drawn parallel to, and 20 m either side of, a road across the waterway; or

(b) an area within 20 m of railway land; or

(c) the following lots—

- lots 593 and 594 on plan CI 3002
- lot 265 on plan CI 3220
- lots 607 and 608 on plan CI 4312

SCHEDULE 7 (continued)

- lot 1 on RP 736461.

(3) The area includes lot 102 on RP 735461.

40 Bohle River

(1) The Bohle River fish habitat area is shown on plan FHA–027.

(2) The area includes the tidal land on—

(a) lot 69 on plan EP 2023; and

(b) lot 474 on plan OL 357; and

(c) the part of lot 505 on plan NPW 529 that is within the outer boundary shown on the plan.

41 Bowling Green Bay

(1) The Bowling Green Bay fish habitat area (south of Townsville) is shown on plan FHA–007.

(2) However, the area does not include nontidal land on the following lots—

- lot 2 on plan VCL 38596 (Bray Islet)
- lot 3 on plan VCL 38596 (Bare Islet)
- lots 4 to 7 on plan VCL 38596 (Bald Islet)
- lot 1 on plan VCL 38321 (Sand Island).

42 Burdekin

(1) The Burdekin fish habitat area is shown on plan FHA–005, consisting of 2 sheets.

(2) However, the area does not include the areas under or within 50 m of the following—

(a) the boat ramp on the northern side of Ocean Creek;

(b) the boat ramp on the northern side of Plantation Creek;

(c) the boat ramp on the northern side of Hell Hole Creek;

SCHEDULE 7 (continued)

(d) the boat ramp on the southern side of Groper Creek;

(e) the boat ramp on the eastern side of Yellow Gin Creek;

(f) the boat ramp at Wallace's Landing on the western side of Yellow Gin Creek;

(g) the boat ramp on the eastern side of Molongle Creek.

(3) The area includes the part of lot 2727 on plan PH 1250 that is within the outer boundary shown on the plan.

43 Cawarral Creek

(1) The Cawarral Creek fish habitat area (at Keppel Bay) is shown on plan no. 015–056.

(2) However, the area does not include—

(a) the area within 30 m of the centre-line of the Keppel Sands trunk water main; or

(b) the area within 10 m of the centre-line of the vehicular track from Savages Road to portion 2277, County of Livingstone; or

(c) the area under, or within 50 m of, the boat ramp on the northern side of Cawarral Creek; or

(d) the area under, or within 50 m of, the boat ramp on the southern side of Cawarral Creek; or

(e) an area within 20 m, on the downstream side, of a road across a waterway; or

(f) if a road is interrupted by a waterway—an area, on the downstream side, within 20 m of an imaginary line across the waterway connecting the downstream sides of the road; or

(g) portions 1548 and 2277, County of Livingstone; or

(h) the area held under miners' homestead lease no. 31.

44 Coombabah

The Coombabah fish habitat area is shown on plan FHA–016.

SCHEDULE 7 (continued)

45 Coomera

(1) The Coomera fish habitat area is shown on plan FHA–023.

(2) The area includes—

(a) the part of lot 91 on plan WD 3199 that is within the outer boundary shown on the plan; and

(b) the tidal land on the part of lot 84 on plan WD 814529 that is within the outer boundary shown on the plan.

46 Currumbin Creek

(1) The Currumbin Creek fish habitat area is shown on plan FHA–020.

(2) The area includes lots 260 and 261 on plan WD 5078.

47 Dallachy Creek

(1) The Dallachy Creek fish habitat area is shown on plan FHA–042.

(2) Also, the area includes the tidal lands on the part of lot 771 on plan NPW 437 within the outer boundary shown on the plan.

48 Deception Bay

The Deception Bay fish habitat area is shown on plan FHA–013.

49 Half Moon Creek

(1) The Half Moon Creek fish habitat area is shown on plan FHA–033.

(2) The area includes the following—

(a) lots 2 and 3 on plan USL 9661;

(b) lot 27 on plan USL 9569;

(c) lot 34 on SP 113641;

(d) the part of lot 50 on plan USL 9567 that is within the outer boundary shown on the plan.

SCHEDULE 7 (continued)

50 Hay's Inlet

(1) The Hay's Inlet fish habitat area is shown on plan FHA–012.

(2) However, the area does not include—

(a) the area of Hay's Inlet between the prolongation across the inlet of the northern and southern boundaries of lot 23 on RP 210075; or

(b) the area within 20 m of the area mentioned in paragraph (a).

51 Hinchinbrook

(1) The Hinchinbrook fish habitat area is shown on plan FHA–028.

(2) The area includes the following—

(a) lot 1 on plan CWL 1111;

(b) lot 165 on plan CWL 3150;

(c) the part of lot 18 on plan NPW 529 within the outer boundary shown on the plan.

52 Hull River

(1) The Hull River fish habitat area is shown on plan FHA–046.

(2) The area includes the tidal lands of Hull River National Park on lot 113 on plan NPW 631 within the outer boundary.

53 Jumpinpin–Broadwater

(1) The Jumpinpin–Broadwater fish habitat area is shown on plan FHA–021.

(2) The area includes the following—

(a) the esplanade surrounding lot 4 on plan WD 2140;

(b) the part of lot 91 on plan WD 3199 that is within the outer boundary shown on the plan;

(c) the tidal land on lot 2 on plan WD 814530;

(d) the following lots—

SCHEDULE 7 (continued)

- lot 17 on plan SL 8399
- lot 165 on plan W 31350
- lots 273 to 275 on plan WD 131
- lots 264 and 266 on plan WD 132
- lot 6 on plan WD 2107
- lot 4 on plan WD 2140
- lot 10 on plan WD 3007
- lot 105 on plan WD 3150
- lot 109 on plan WD 3510
- lot 271 on plan WD 3598
- lot 1 on plan WD 814528.

54 Kinkuna

(1) The Kinkuna fish habitat area (near Woodgate) is shown on plan FHA–002.

(2) The area includes tidal land that is—

(a) national park land; and

(b) within the outer boundary shown on the plan.

55 Kippa-Ring

The Kippa-Ring fish habitat area is shown on plan FHA–014.

56 Kolan River

(1) The Kolan River fish habitat area is shown on plan FHA–032.

(2) However, the area does not include the area shown on the plan at the junction of the North Coast Railway and the Kolan River from 20 m downstream of the North Coast Railway and road reserve to a point 20 m upstream of the road reserve that is adjacent to lot 43 on RP 908180.

(3) The area includes the following—

SCHEDULE 7 (continued)

(a) the tidal lands of those parts of lot 49 on CP 844223 within the outer boundary;

(b) the following lots—

- lots 9 and 10 on plan USL 43090
- lots 11 and 12 on plan USL 43099
- lot 22 on plan USL 38977
- lots 54 and 58 on plan USL 43100
- lot 189 on plan CK 3500;

(c) the tidal lands only of the following lots—

- lot 10 on plan USL 43099
- lot 12 on plan USL 43095
- lots 17, 19, 20 and 26 on plan USL 38977
- lot 27 on plan USL 43085
- lot 59 on CP 892216
- lot 66 on plan CK 2294
- lot 90 on plan C 37415.

57 Maroochy

(1) The Maroochy fish habitat area is shown on plan FHA–008.

(2) The area includes the following—

(a) the parts of lot 509 on plan NPW 562 that are—

(i) on the northern side of the Maroochy River; and

(ii) within the outer boundary shown on the plan;

(b) the parts of the road and esplanade that are—

(i) adjacent to the areas mentioned in paragraph (a); and

(ii) within the outer boundary shown on the plan;

SCHEDULE 7 (continued)

(c) the parts of lot 509 on plan NPW 562 known as Channel Island and Goat Island;

(d) the tidal land on lot 721 on plan CG 5072 (Chambers Island).

58 Meunga Creek

(1) The Meunga Creek fish habitat area is shown on plan FHA–040.

(2) The area includes lot 14 on plan USL 38639.

59 Midge

(1) The Midge fish habitat area (near Midge Point, Repulse Bay) is shown on plan FHA–001.

(2) However, the area does not include nontidal land on Gould Island, Midge Island, Cave Island and Pigeon Island.

60 Moreton Banks

The Moreton Banks fish habitat area is shown on plan FHA–015.

61 Murray River

(1) The Murray River fish habitat area is shown on plan FHA–009.

(2) The area includes the following—

(a) the part of lot 771 on NPW 437 on the southern bank of the Murray River within the outer boundary shown on the plan;

(b) lots 3, 14 and 15 on plan USL 38662.

62 Myora–Amity Banks

(1) The Myora–Amity Banks fish habitat area is shown on plan FHA–017.

(2) The area includes lot 152 on plan SL 806436.

SCHEDULE 7 (continued)

63 Noosa River

(1) The Noosa River fish habitat area is shown on plan FHA–051.

(2) However, the area does not include lots 55 and 386 on plan MCH 1667.

(3) The area includes—

(a) tidal land only on the following—

- lot 3 on plan USL 30873
- the part of lot 21 on plan NPW 473 within the outer boundary
- lot 29 on plan USL 33802
- lot 35 on plan MCH 4795
- lots 140 and 144 to 148 on plan MCH 4796
- lot 168 on CP 849516
- lot 307 on plan MCH 4551; and

(b) lot 35 on plan MCH 5214.

64 Peel Island

(1) The Peel Island fish habitat area (in Moreton Bay) is shown on plan FHA–010.

(2) However, the area does not include nontidal land within lot 12 on plan VCL 32998.

65 Pimpama

(1) The Pimpama fish habitat area is shown on plan FHA–022.

(2) The area includes lots 88 and 89 on plan WD 6507.

66 Pumicestone Channel

(1) The Pumicestone Channel fish habitat area (including Bribie Island and the Pumicestone Strait) is shown on plan FHA–011.

SCHEDULE 7 (continued)

(2) The area includes tidal land that is—

(a) national park land; and

(b) within the outer boundary shown on the plan.

(3) The area does not include—

(a) the area at Ningi within 50 m of the outer boundary, between the eastern boundary of lot 9 on RP 161631 and the outer boundary shown on the plan as '208º abt880m'; or

(b) the area at Toorbul within 50 m of the outer boundary, between the northern prolongation of the western side of Freeman Road and the eastern prolongation of the southern side of Karissma Drive; or

(c) the area at Donnybrook within 50 m of the outer boundary, between a prolongation of the eastern boundary of lot 39 on plan C 31845 and a prolongation of the northern-most boundary of lot 3 on RP 132579; or

(d) the area at Roys within the low water mark and the outer boundary, between 2 lines drawn parallel to and 500 m either side of a prolongation of the western boundary of lot 2 on RP 98188.

67 Repulse

(1) The Repulse fish habitat area (north of Mackay) is shown on plan FHA–004.

(**2)** The area includes tidal land that is—

(a) national park land; and

(b) within the outer boundary shown on the plan.

(3) However, the area does not include tidal land—

(a) within 200 m of the outer boundary, between 200 m north and 200 m south of the main building of the Newry Island Resort on Newry Island; or

(b) within the area between—

SCHEDULE 7 (continued)

(i) the outer boundary and the midstream line of Victor Creek; and

(ii) points 200 m either side of the boat ramp (near Seaforth) marked 'A' on the plan; or

(c) within 200 m of an imaginary line that runs north-west from the northernmost point of Skull Knob to the nearest point of the outer boundary then along the outer boundary at St. Helens Beach to a point 1 km west of Carpet Snake Point.

68 Sand Bay

The Sand Bay fish habitat area (near Cape Hillsborough) is shown on plan FHA–006.

69 Seventeen Seventy–Round Hill

The Seventeen Seventy–Round Hill fish habitat area is shown on plan FHA–018.

70 Tallebudgera Creek

(1) The Tallebudgera Creek fish habitat area is shown on plan FHA–019.

(2) Also, the area includes lot 94 on plan WD 6256.

71 Trinity Inlet

(1) The Trinity Inlet fish habitat area (near Cairns) is shown on plan FHA–003.

(2) However, the area does not include—

(a) the area within 10 m of the centre-line of the vehicular track that traverses lot 151 on plan NR 4172 to Swallows Landing; or

(b) the area within 10 m of the centre-line of the vehicular track from Airport Avenue to the sand stockpile area on lot 1 on RP 736304; or

(c) the sand stockpile area on lot 1 on RP 736304.

SCHEDULE 7 (continued)

(3) The area includes the following—

- the part of lot 1 on RP 736304 within the outer boundary shown on the plan
- lots 1 to 4 on plan C 19823
- the part of lot 40 on CP 856768 within the outer boundary shown on the plan
- lot 51 on plan NR 3159
- lot 92 on plan NR 3051
- the part of lot 146 on plan NR 7874 within the outer boundary shown on the plan
- lot 151 on plan NR 4172.

72 Tully River

(1) The Tully River fish habitat area is shown on plan FHA–045.

(2) The area includes—

(a) lot 116 on plan CWL 2112; and

(b) that part of lot 234 on plan CWL 1830 within the outer boundary.

73 Wreck Creek

(1) The Wreck Creek fish habitat area is shown on plan FHA–041.

(2) The area includes the tidal lands on lot 771 on plan NPW 437 within the outer boundary shown on the plan.

74 Yorkey's Creek

(1) The Yorkey's Creek fish habitat area is shown on plan FHA–034.

(2) The area includes the following—

- lots 15 and 16 on USL 9615
- lot 105 on USL 9612
- lot 139 on NR 3818.

SCHEDULE 8

RECREATIONAL FISHING—USE OF FISHING APPARATUS

section 96

PART 1—CRAB POTS, COLLAPSIBLE TRAPS, DILLIES AND INVERTED DILLIES

1 Permitted area

The permitted area comprises all tidal waters.

2 What fish may be taken

Only crabs, other than spanner crabs,[58] may be taken.

3 Permitted ways of taking crabs

(1) Crabs may only be taken by using crab pots, collapsible traps, dillies or inverted dillies.

(2) Not more than 4 crab pots, collapsible traps, dillies or inverted dillies alone or in a combination may be used at a time.

4 General condition of taking crabs

A person under 15 must not use a crab pot, collapsible trap, dilly or inverted dilly.

58 For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

SCHEDULE 8 (continued)

5 Marking of fishing apparatus

(1) A crab pot, collapsible trap, dilly or inverted dilly (**"crab apparatus"**) used to take crabs must have a tag with the owner's surname and address written on it.

(2) Also, if the crab apparatus is not fixed to something while it is in use, the apparatus must have a light coloured float attached to it.

(3) The float must be at least 15 cm in any dimension and have the owner's name written on it.

PART 2—FISHING LINES AND RODS

6 Permitted area

The permitted area comprises all tidal waters.

7 What fish may be taken

(1) Any fish may be taken.

(2) However, subsection (1) does not apply to the taking or possession of fin fish in the tidal waters—

(a) west of longitude 142º09' east; and

(b) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142º09' east with the mainland shore.[59]

8 Permitted ways of taking fish

(1) Fish may only be taken by using hand held fishing lines or fishing rods with hand operated reels and lines.

(2) A fishing line must not have more than 6 hooks attached to it.

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59 For the taking or possession of fin fish in the waters mentioned in subsection (2), see the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999.*

SCHEDULE 8 (continued)

9 General condition of taking fish

The person in control of a boat from which the fish are taken must ensure a person does not use more than 3 fishing apparatus from the boat at a time.

PART 3—NETS

10 Permitted area

The permitted area comprises all tidal waters.

11 What fish may be taken

(1) Any fish may be taken.

(2) However, subsection (1) does not apply to the taking or possession of fin fish in the tidal waters—

(a) west of longitude 142º09' east; and

(b) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142º09' east with the mainland shore.[60]

12 Permitted ways of taking fish

(1) Fish may only be taken by using cast, scoop or seine nets.

(2) A cast net must not have a length of more than 3.7 m and must have a mesh size of not more than 28 mm.

(3) A scoop net must not be more than 2 m in any dimension and must have a mesh size of at least 25 mm and a handle or shaft not longer than 2.5 m.

(4) A seine net must not be longer than 16 m and must have a mesh size of not more than 28 mm.

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60 For the taking or possession of fin fish in the waters mentioned in subsection (2), see the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999.*

SCHEDULE 8 (continued)

(5) A seine net's drop must not be more than 3 m.

(6) A seine net must not contain a pocket or be fixed.

13 General condition of taking fish

A person under 15 may use a seine net only if the person is supervised by someone else who is at least 15 years old.

PART 4—OTHER FISHING APPARATUS

14 Permitted area

The permitted area comprises all tidal waters and foreshores.

15 What fish may be taken

Only the following fish may be taken—

(a) if a fork is used—worms;

(b) if a hand pump is used—yabbies;

(c) if a shell dredge is used—molluscs (other than oysters, pearl oysters, trochus, green snails or scallops);

(d) if a spear or spear gun is used—any fish.

16 Permitted ways of taking fish

(1) Fish may only be taken by using hand held forks, hand pumps, shell dredges, spears or spear guns.

(2) A shell dredge must not have a mouth wider than 0.6 m or teeth, prongs or tines longer than 75 mm.

17 General condition of taking fish

A person under 15 must not use a shell dredge.

SCHEDULE 10

FEES

section 112

PART 1—LICENCES

		$
Aquaculture licences		
1.	Cultivating fisheries resources (other than pearl oysters) on tidal land—	
	(a) assessment fee	104.00
	(b) licence fee	the greater amount of— (i) 259.00; or (ii) 47.00 for each hectare or part of a hectare; or (iii) 47.00 for each 200 m or part of 200 m of foreshore with oyster bearing rock
	(c) transfer—	
	(i) assessment fee	104.00
	(ii) transfer fee	52.00
2.	Cultivating pearl oysters on tidal land—	
	(a) assessment fee	104.00

SCHEDULE 10 (continued)

		$
(b)	licence fee	the greater amount of— (i) 1 018.00; or (ii) 7.25 for each hectare or part of a hectare
(c)	transfer—	
	(i) assessment fee	104.00
	(ii) transfer fee	52.00
3.	Cultivating fisheries resources on non-tidal land—	
(a)	assessment fee	51.50
(b)	licence fee	the greater amount (but not more than 1 000.00) of— (i) 96.00; or (ii) 5.20 for each hectare or part of a hectare of ponded area
(c)	transfer—	
	(i) assessment fee	51.50
	(ii) transfer fee	52.00
Boat licences		
4.	Carrier boat—	
(a)	assessment fee	62.70
(b)	licence fee—	
	(i) for 1st year	1 367.20
	(ii) for each subsequent year	93.10
(c)	transfer fee	75.90

SCHEDULE 10 (continued)

		$
5.	Primary boat—	
(a)	assessment fee—	
(i)	for licence with the pearl fishery symbol on it	46.50
(ii)	for licence with a fishery symbol other than the pearl fishery symbol on it	62.70
(b)	licence fee—	
(i)	for licence with the pearl fishery symbol on it—	
(A)	for each tonne or part of a tonne over 10 t	5.00
(B)	maximum fee	281.30
(ii)	for 'M2', 'T1' or 'T2' licence under the East Coast Trawl Plan—	
(A)	for 1st year—	
	• under 10 m long	185.10
	• 10 m to under 11 m long	260.00
	• 11 m to under 12 m long	275.20
	• 12 m to under 13 m long	307.60
	• 13 m to under 14 m long	331.90
	• 14 m to under 15 m long	472.60
	• 15 m to under 16 m long	560.60
	• 16 m to under 17 m long	701.30
	• 17 m to under 18 m long	792.30
	• 18 m to under 19 m long	880.40
	• 19 m or more long	1 075.70
(B)	for each subsequent year—	
	• under 10 m long	127.50
	• 10 m to under 11 m long	202.40
	• 11 m to under 12 m long	217.50
	• 12 m to under 13 m long	249.90
	• 13 m to under 14 m long	274.20
	• 14 m to under 15 m long	414.90
	• 15 m to under 16 m long	502.90

SCHEDULE 10 (continued)

		$
	• 16 m to under 17 m long	643.60
	• 17 m to under 18 m long	734.70
	• 18 m to under 19 m long	823.70
	• 19 m or more long	1 018.00
(iii)	for licence other than a licence mentioned in subparagraph (i) or (ii)—	
	(A) for 1st year—	
	• under 10 m long.	162.90
	• 10 m to under 14 m long	188.20
	• 14 m to under 16 m long	215.50
	• 16 m to under 19 m long	268.10
	• 19 m or more long	374.40
	(B) for each subsequent year—	
	• under 10 m long.	105.20
	• 10 m to under 14 m long	130.50
	• 14 m to under 16 m long	157.80
	• 16 m to under 19 m long	210.40
	• 19 m or more long	316.70
(c)	fishery symbol fee—	
(i)	for a primary commercial fishing boat licence with the fishery symbol 'C2' written on it	200.00
(ii)	for a primary commercial fishing boat licence with the fishery symbol 'C3' written on it	150.00
(iii)	line fishery (multiple hook—east coast) .	346.10
(iv)	line fishery (multiple hook— Queensland Fisheries Joint Authority)	346.10
(v)	line fishery (Queensland Fisheries Joint Authority No. 1).	209.40

SCHEDULE 10 (continued)

		$
(vi)	net fishery (Gulf of Carpentaria No. 1) under the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999* (the **"gulf plan"**)	869.30, payable on issue or renewal plus $1 000, payable on 30 June each year
(vii)	net fishery (Gulf of Carpentaria No. 2) under the gulf plan	869.30 plus $10 for each metre of authorised length of net the holder may use under part 5, division 6 of the gulf plan, payable on issue or renewal
(viii)	net fishery (ocean beach)	86.00
(ix)	net fishery (east coast No. 3)	256.00
(x)	trawl fishery (fin fish).	5 624.60
(xi)	other fishery excluding the pearl fishery (first symbol)	77.90
(xii)	other fishery excluding the pearl fishery (other than first symbol).	61.70
(d)	transfer fee—	
(i)	for 'M2', 'T1' or 'T2' licence under the East Coast Trawl Plan—for each hull unit under the management plan for the primary boat identified on the licence . . .	35.40
(ii)	for licence other than a licence mentioned in subparagraph (i).	256.00
(iii)	for a transfer of ITQ units under the *Fisheries (Spanner Crab) Management Plan 1999*.	100.00

SCHEDULE 10 (continued)

		$
	(iv) for a transfer of effort units under the East Coast Trawl Plan	375.00
	(v) for a transfer of SM units under an SM fishery licence	130.00
6.	Tender boat—	
	(a) assessment fee	62.70
	(b) licence fee	20.20
	(c) fishery symbol fee—	
	(i) line fishery (other than Great Barrier Reef region)	18.20
	(ii) line fishery (Queensland Fisheries Joint Authority No. 1)	18.20
	(iii) line fishery (Queensland Fisheries Joint Authority No. 2)	18.20
	(iv) line fishery (reef)	18.20
	(v) line fishery (south Queensland)	18.20
	(d) transfer fee—	
	(i) licence with fishery symbol mentioned in paragraph (c) on it	114.30
	(ii) licence without fishery symbol mentioned in paragraph (c) on it	78.90
Buyer licences		
7.	Class A—	
	(a) assessment fee	62.70
	(b) licence fee if operating from premises mentioned in the licence—	
	(i) for first year	2 869.80
	(ii) for each subsequent year	494.70
	(c) licence fee if operating from premises not mentioned in the licence—	
	(i) for first year	2 116.00
	(ii) for each subsequent year	292.40
	(d) transfer fee	75.90

SCHEDULE 10 (continued)

			$
8.	Class B—		
	(a)	assessment fee	62.70
	(b)	licence fee if operating from premises mentioned in the licence—	
		(i) for first year	869.10
		(ii) for each subsequent year	317.70
	(c)	licence fee if operating from premises not mentioned in the licence	115.30
	(d)	transfer fee	75.90
Crew licences			
9.	(a)	assessment fee	62.70
	(b)	licence fee for 1st crew member	13.10
	(c)	licence fee for each additional crew member .	75.80
Fisher licences			
10.	Assistant fisher—		
	(a)	assessment fee	62.70
	(b)	licence fee—	
		(i) trainee commercial fisher.	60.70
		(ii) other than trainee commercial fisher	13.10
11.	Commercial fisher—		
	(a)	assessment fee	62.70
	(b)	licence fee for 1st year.	393.60
	(c)	licence fee for each subsequent year	74.80
Storage licences			
12.	(a)	assessment fee	62.70
	(b)	licence fee for first year	691.10
	(c)	licence fee for each subsequent year	139.60
	(d)	transfer fee	75.90

SCHEDULE 10 (continued)

PART 2—PERMITS

			$
Aquaculture permits			
13.	(a)	assessment fee	51.50
	(b)	permit fee	104.50
Fisheries resources permits			
14.	(a)	assessment fee	51.50
	(b)	permit fee	104.50
Fish habitat area permits			
15.	(a)	assessment fee	at reasonable cost but not more than actual cost
	(b)	permit fee	147.00
Fish way permits			
16.	(a)	assessment fee	51.50
	(b)	permit fee	104.50
Marine plant permits			
17.	(a)	assessment fee	at reasonable cost but not more than actual cost
	(b)	permit fee	147.00
General fisheries permits			
18.	Conducting research about fish, fishing apparatus or boats—		
	(a)	assessment fee	62.70
	(b)	permit fee for 1st year	—
	(c)	permit fee for each subsequent year	62.70
19.	Conducting developmental or exploratory fishing—		
	(a)	for Queensland Fisheries Joint Authority—	
		(i) assessment fee	104.20

SCHEDULE 10 (continued)

		$
	(ii) permit fee	1 575.60
(b)	other than for Queensland Fisheries Joint Authority—	
	(i) assessment fee	1 050.40
	(ii) permit fee for 1st year	—
	(iii) permit fee for each subsequent year	1 050.40
20.	Conducting a commercial fishing competition—	
(a)	assessment fee	at reasonable cost but not more than actual cost
(b)	permit fee for each competition	250.00
(c)	additional fee payable by person conducting commercial fishing competition for each person fishing in the competition	10.00
21.	Conducting commercial fishing tours—	
(a)	assessment fee	62.70
(b)	permit fee for 1st year	146.70
(c)	permit fee for each subsequent year	209.40
(d)	fee for—	
	(i) offshore or reef waters tour	51.60
	(ii) inshore tidal waters tour	51.60
	(iii) non-tidal waters tour	51.60
22.	Other general fisheries permits—	
(a)	assessment fee	62.70
(b)	permit fee for 1st year	51.60
(c)	permit fee for each subsequent year	114.30

Stocked impoundment permits

23.	For a stocked impoundment permit under the *Fisheries (Freshwater) Management Plan 1999*—	
(a)	permit fee for 1 week	7.00
(b)	permit fee for 1 year for a person (an **"eligible person"**) who holds any of the following—	

SCHEDULE 10 (continued)

			$
	(i)	a Queensland Government seniors card;	
	(ii)	a pensioner concession card;	
	(iii)	a current Health Care Card;	
	(iv)	a Repatriation health card—for all conditions (gold card)	31.50
(c)		permit fee for 1 year for a person other than an eligible person	35.00

PART 3—OTHER AUTHORITIES

			$
Authority with coral, shell grit or star sand fishery symbol on it			
24.	(a)	assessment fee	62.70
	(b)	exclusive authority fee	230.70
	(c)	non-exclusive authority fee	91.00
	(d)	boat fee for a boat longer than 4 m—	
		(i) unpowered	33.30
		(ii) powered and not over 10 m long	129.50
		(iii) powered and over 10 m but not over 15 m long	135.60
		(iv) powered and over 15 m but not over 20 m long	160.90
		(v) powered and over 20 m long	282.30
	(e)	transfer fee	26.30
Authority with fishery symbol for a trochus fishery (east coast) on it			
25.	(a)	assessment fee	62.00
	(b)	authority fee, for each tonne or part of a tonne of the stated quota	284.00

SCHEDULE 10 (continued)

			$
	(c)	transfer fee, for each tonne or part of a tonne of the stated quota	10.00
Authority with fishery symbol for a trochus fishery (Torres Strait) on it			
26.	(a)	assessment fee	62.70
	(b)	authority fee	461.40
Authority with fishery symbol for a fishery other than a coral, shell, grit, star sand or trochus fishery on it			
27.	(a)	assessment fee	62.70
	(b)	authority fee	51.60
Individual transferable quotas			
28.		For each quota year for each ITQ unit held under the *Fisheries (Spanner Crab) Management Plan 1999*	3.00

PART 4—MISCELLANEOUS

			$
Certificates about authorities			
29.		Certificate fee	51.50
Amending or replacing authorities			
30.		Amendment or replacement fee	23.70
Register fees			
31.	(a)	for inspecting the register	at reasonable cost but not more than actual cost

SCHEDULE 10 (continued)

		$
	(b) for a copy of details in the register	at reasonable cost but not more than actual cost
Survey fees		
32.	Survey fee for a licence, permit or approval mentioned in this part	at reasonable cost but not more than actual cost
Approval to build waterway barrier works		
33.	(a) assessment fee	at reasonable cost but not more than actual cost
	(b) approval fee	100.00
Fee for appeal to tribunal		
34.	Fee for appeal to tribunal	57.00

SCHEDULE 11

COMMERCIAL CRAB FISHERY

schedule 17 definitions "commercial fishery" and "fishery schedule"

1 Fishery symbol

The fishery symbol is 'C1'.

2 Fishery area

The fishery area comprises all tidal waters in the following areas—

(a) east of longitude 142º31'49" east;

(b) north of latitude 10º48' south and between longitude 141º20' east and longitude 142º31'49" east;

(c) in the Gulf of Carpentaria between the 25 n mile line and the shore, south of latitude 10º48' south.

3 What fish may be taken

Only crabs, other than spanner crabs,[61] may be taken.

4 Permitted ways of taking crabs

(1) Crabs may only be taken by using crab pots, dillies or inverted dillies.

(2) Not more than 50 crab pots, dillies or inverted dillies alone or in a combination may be used at a time.

5 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

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61 For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

SCHEDULE 11 (continued)

6 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

7 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

8 Marking of fishing apparatus

(1) A crab pot, dilly or inverted dilly (**"crab apparatus"**) used to take crabs must have a tag with the owner's name written on it or be marked with the owner's primary commercial fishing boat marking.

(2) Also, if the crab apparatus is not fixed to something while it is in use, the apparatus must have a light coloured float attached to it.

(3) The float must be at least 15 cm in any dimension and have the owner's primary commercial fishing boat marking on it.

SCHEDULE 12

LINE FISHERIES (COMMERCIAL)

schedule 17, definitions "commercial fishery" and "fishery schedule"

PART 1—LINE FISHERY (MULTIPLE HOOK—EAST COAST)

1 Fishery symbol

The fishery symbol is 'L8'.

2 Fishery area

The fishery area comprises all tidal waters deeper than 200 m that are east of longitude 142º31'49" east and the 200 m bathometric line.

3 What fish may be taken

Any fin fish (other than barramundi, coral trout, red emperor and snapper) may be taken.

4 Permitted ways of taking fin fish

(1) Fin fish may only be taken by using bottom set lines or drop lines.

(2) A person must be within 100 m of a line or group of lines while they are in use.

(3) A bottom set line and a drop line must not be used at the same time.

5 Use of drop lines

(1) A drop line must not have more than 50 hooks attached to it.

(2) Not more than 6 drop lines may be used at a time.

(3) Each drop line must have a light coloured float, at least 30 cm in any dimension, attached to it.

SCHEDULE 12 (continued)

6 Use of bottom set lines

(1) A bottom set line must not have more than 300 hooks attached to it.

(2) Not more than 3 bottom set lines may be used at a time.

(3) However, if more than 1 bottom set line is used, the combined number of hooks on the lines must not be more than 300.

(4) Each end of a bottom set line must have a light coloured float, at least 30 cm in any dimension, attached to it.

7 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

8 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

9 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is 800 m.

PART 2—LINE FISHERY (MULTIPLE HOOK—QUEENSLAND FISHERIES JOINT AUTHORITY)

10 Fishery symbol

The fishery symbol is ‘L9’.

SCHEDULE 12 (continued)

11 Fishery area

The fishery area comprises all tidal waters deeper than 20 m in the Gulf of Carpentaria between the 25 n mile line and the shore, south of latitude 10º48' south.

12 What fish may be taken

Any fin fish (other than the following fish) may be taken—

(a) barramundi;

(b) black jewfish;

(c) blue salmon;

(d) coral trout;

(e) grey mackerel;

(f) jewel fish;

(g) king salmon;

(h) queenfish;

(i) red emperor;

(j) snapper;

(k) spotted grunter bream (grunter).

13 Permitted ways of taking fin fish

(1) Fin fish may only be taken by using bottom set lines or drop lines.

(2) A person must be within 100 m of a line or group of lines while they are in use.

(3) A bottom set line must not be used at the same time as a drop line.

14 Use of drop lines

(1) A drop line must not have more than 50 hooks attached to it.

(2) Not more than 6 drop lines may be used at a time.

SCHEDULE 12 (continued)

(3) Each drop line must have a light coloured float, at least 30 cm in any dimension, attached to it.

15 Use of bottom set lines

(1) A bottom set line must not have more than 300 hooks attached to it.

(2) Not more than 3 bottom set lines may be used at a time.

(3) However, if more than 1 bottom set line is used, the combined number of hooks on the lines must not be more than 300.

(4) Each end of a bottom set line must have a light coloured float, at least 30 cm in any dimension, attached to it.

16 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

17 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

18 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is 800 m.

PART 3—LINE FISHERY (OTHER THAN GREAT BARRIER REEF REGION)

19 Fishery symbol

The fishery symbol is ‘L1’.

SCHEDULE 12 (continued)

20 Fishery area

The fishery area comprises the following tidal waters—

(a) waters north of latitude 10º41' south, and east of longitude 142º31'49" east;

(b) waters north of latitude 10º48' south and between longitude 141º20' east and longitude 142º31'49" east;

(c) waters within the following boundary—

- from latitude 24º30' south on the east coast shore, along the latitude to longitude 154º20' east
- to latitude 27º15' south, longitude 154º20' east
- to latitude 27º30' south, longitude 154º40' east
- along longitude 154º40' east to latitude 27º47'25.29" south
- to latitude 27º48' south, longitude 154º22' east
- to latitude 27º58' south, longitude 154º east
- to the shore at the State's border with New South Wales
- along the shore to latitude 24º30' south.

21 What fish may be taken

The following fish may be taken—

(a) in waters east of longitude 142º31'49" east—any fin fish;

(b) in waters west of longitude 142º31'49" east—

(i) black jewfish;

(ii) blue salmon;

(iii) grey mackerel;

(iv) jewel fish;

(v) king salmon;

(vi) queenfish;

(vii) spotted grunter bream (grunter);

SCHEDULE 12 (continued)

(viii)other fin fish (other than barramundi) taken while taking fish mentioned in paragraphs (i) to (vii).

22 Permitted ways of taking fin fish

(1) Fin fish may only be taken by using hand held fishing lines or fishing rods with hand or mechanically operated reels and lines.

(2) Each fishing line must have not more than 6 hooks attached to it.

(3) A fishing line may have lures attached to it.

(4) The person in control of a boat must ensure that a person does not use more than 3 fishing apparatus from the boat at a time.

23 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

24 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used in waters mentioned in section 20(a) further than 5 n miles from its primary commercial fishing boat or, if the primary commercial fishing boat is located at a reef, the reef where the primary commercial fishing boat is located.

(2) A tender commercial fishing boat must not be used in the waters mentioned in section 20(b) further than 5 n miles from its primary commercial fishing boat.

(3) The tender commercial fishing boat licence must have the fishery symbol on it.

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

(a) the tender commercial fishing boat is only used to carry fish taken by its primary commercial fishing boat or fishing apparatus used from its primary commercial fishing boat; and

(b) the tender commercial fishing boat and its primary commercial fishing boat are both within 2 km of the mainland shore.

SCHEDULE 12 (continued)

25 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is—

(a) in waters mentioned in section 20(a)—5 n miles, or if the commercial fisher is fishing on a reef, 5 n miles from the reef; or

(b) in waters mentioned in section 20(b)—5 n miles.

PART 4—LINE FISHERY (QUEENSLAND FISHERIES JOINT AUTHORITY No. 1)

26 Fishery symbol

The fishery symbol is 'L4'.

27 Fishery area

The fishery area comprises all tidal waters in the Gulf of Carpentaria and adjoining waterways, between the 25 n mile line and the shore, south of latitude 10º48' south.

28 What fish may be taken

Any fin fish (other than the following fish) may be taken—

(a) barramundi;

(b) black jewfish;

(c) blue salmon;

(d) jewel fish;

(e) king salmon;

(f) queenfish;

(g) spotted grunter bream (grunter).

SCHEDULE 12 (continued)

29 Permitted ways of taking fin fish

(1) Fish may only be taken by using hand held fishing lines and fishing rods with hand or mechanically operated reels and lines.

(2) Each fishing line must have not more than 6 hooks attached to it.

(3) A fishing line may have lures attached to it.

(4) The person in control of a boat must ensure that a person does not use more than 3 fishing apparatus from the boat at a time.

30 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

31 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used more than 10 n miles from its primary commercial fishing boat.

(2) The tender commercial fishing boat licence must have the fishery symbol on it.

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

(a) the tender commercial fishing boat is only used to carry fish taken by its primary commercial fishing boat or fishing apparatus used from its primary commercial fishing boat; and

(b) the tender commercial fishing boat and its primary commercial fishing boat are both within 2 km of the mainland shore.

32 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is 10 n miles.

SCHEDULE 12 (continued)

PART 5—LINE FISHERY (QUEENSLAND FISHERIES JOINT AUTHORITY No. 2)

33 Fishery symbol

The fishery symbol is 'L5'.

34 Fishery area

The fishery area comprises all tidal waters in the Gulf of Carpentaria and adjoining waterways, between the 3 n mile line and the shore, south of latitude 10º48' south.

35 What fish may be taken

Any fin fish (other than the following fish) may be taken—

(a) barramundi;

(b) black jewfish;

(c) blue salmon;

(d) jewel fish;

(e) king salmon;

(f) queenfish;

(g) spotted grunter bream (grunter).

36 Permitted ways of taking fin fish

(1) Fish may only be taken by using hand held fishing lines and fishing rods with hand or mechanically operated reels and lines.

(2) Each fishing line must have not more than 6 hooks attached to it.

(3) A fishing line may have lures attached to it.

(4) The person in control of a boat must ensure that a person does not use more than 3 fishing apparatus from the boat at a time.

SCHEDULE 12 (continued)

37 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

38 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used more than 10 n miles from its primary commercial fishing boat.

(2) The tender commercial fishing boat licence must have the fishery symbol on it.

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

(a) the tender commercial fishing boat is only used to carry fish taken by its primary commercial fishing boat or fishing apparatus used from its primary commercial fishing boat; and

(b) the tender commercial fishing boat and its primary commercial fishing boat are both within 2 km of the mainland shore.

39 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is 10 n miles.

PART 6—LINE FISHERY (REEF)

40 Fishery symbol

The fishery symbol is ‘L2’ or ‘L3’.

41 Fishery area

The fishery area comprises all tidal waters within the following boundary—

SCHEDULE 12 (continued)

- from the northern tip of Cape York along latitude 10º41' south, to longitude 145º east
- to latitude 13º south, longitude 145º east
- to latitude 15º south, longitude 146º east
- to latitude 17º30' south, longitude 147º east
- to latitude 21º south, longitude 152º55' east
- to latitude 24º30' south, longitude 154º east
- along latitude 24º30' south to the mainland shore
- along the shore to the northern tip of Cape York at latitude 10º41' south.

42 What fish may be taken

Any fin fish (other than barramundi) may be taken.

43 Permitted ways of taking fin fish

(1) Fin fish may only be taken by using hand held fishing lines and fishing rods with hand or mechanically operated reels and lines.

(2) Each fishing line must not have more than 6 hooks attached to it.

(3) A fishing line may have lures attached to it.

(4) The person in control of a boat must ensure that a person does not use more than 3 fishing apparatus from the boat at a time.

44 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

45 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used further than 5 n miles from its primary commercial fishing boat or, if the primary commercial fishing boat is located at a reef, the reef where the primary commercial fishing boat is located.

SCHEDULE 12 (continued)

(2) The tender commercial fishing boat licence must have the fishery symbol on it.

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

(a) the tender commercial fishing boat is only used to carry fish taken by its primary commercial fishing boat or fishing apparatus used from its primary commercial fishing boat; and

(b) the tender commercial fishing boat and its primary commercial fishing boat are both within 2 km of the mainland shore.

(4) For tender commercial fishing boats identified in licences with the fishery symbol on it, not more than the number of tender commercial fishing boats authorised by the chief executive for the fishery may be used at a time.

46 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is 5 n miles, or if the commercial fisher is fishing on a reef, 5 n miles from the reef.

PART 7—LINE FISHERY (SOUTH QUEENSLAND)

47 Fishery symbol

The fishery symbol is ‘L6’ or ‘L7’.

48 Fishery area

The fishery area comprises all tidal waters east of the territorial sea baseline and south of latitude 25º south.

49 What fish may be taken

Any fin fish (other than barramundi) may be taken.

SCHEDULE 12 (continued)

50 Permitted ways of taking fin fish

(1) Fin fish may only be taken by using hand held fishing lines or fishing rods with hand or mechanically operated reels and lines.

(2) Each fishing line must have not more than 6 hooks attached to it.

(3) A fishing line may have lures attached to it.

(4) The person in control of a boat must ensure that a person does not use more than 3 fishing apparatus from the boat at a time.

51 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

52 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used more than 5 n miles from its primary commercial fishing boat.

(2) The tender commercial fishing boat licence must have the fishery symbol on it.

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

(a) the tender commercial fishing boat is only used to carry fish taken by its primary commercial fishing boat or fishing apparatus used from its primary commercial fishing boat; and

(b) the tender commercial fishing boat and its primary commercial fishing boat are both within 2 km of the mainland shore.

53 Permitted distance for an assistant fisher to be under direction

If a commercial and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is 5 n miles.

SCHEDULE 13

NET FISHERIES (COMMERCIAL)

schedule 17, definitions "commercial fishery" and "fishery schedule"

PART 1—NET FISHERY (BAIT No. 1)

1 Fishery symbol

The fishery symbol is 'N6'.

2 Fishery area

The fishery area consists of tidal waters east of longitude 142º09' east.

3 What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

4 Permitted ways of taking fish

(1) Fish may only be taken by using cast, mesh or seine nets.

(2) A person using the net must be within 100 m of it.

(3) Only 1 end of a net may be fixed while it is in use.

(4) However, both ends of a net that may be used from the northern bank of St Lawrence Creek to Cape Gloucester may be fixed for not more than 1 hour.

5 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

SCHEDULE 13 (continued)

6 Use of cast nets

A cast net may be used in the fishery area only if it is not more than 6 m in diameter and has a mesh size of not more than 28 mm.

7 Use of mesh or seine nets

(1) A mesh or seine net may be used in waters south of the following lines only if it is not longer than 600 m and has a mesh size of at least 12 mm but not more than 45 mm—

(a) a line from the northern bank of the Burnett River to Sandy Cape, Fraser Island;

(b) a line from Sandy Cape, Fraser Island to the limit of Queensland waters east of Sandy Cape.

(2) A mesh or seine net may be used in the following waters only if it is not longer than 400 m and has a mesh size of at least 12 mm but not more than 45 mm—

(a) Moreton Bay;

(b) waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines—

- a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island
- a line from the eastern tip of Inskip Point to Hook Point, Fraser Island;

(c) waters that are east of longitude 142º31'49" east and north of the northern bank of the Burnett River.

(3) A mesh or seine net may be used in rivers and creeks only if it is not longer than 200 m and has a mesh size of at least 25 mm but not more than 45 mm.

(4) If a back net is used with a net that may be used in waters mentioned in subsection (2) south of the northern bank of Baffle Creek, its length must not be more than one-quarter of the total length of net in use.

SCHEDULE 13 (continued)

(5) From 1 April to 31 August a mesh or seine net may be used in the area of an ocean beach fishery only if it is not longer than 200 m and has a mesh size of at least 12 mm but not more than 25 mm.

8 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

9 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 2—NET FISHERY (BAIT No. 2)

10 Fishery symbol

The fishery symbol is 'N7'.

11 Fishery area

The fishery area consists of tidal waters east of longitude 142º09' east.

12 What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

13 Permitted ways of taking fish

(1) Fish may only be taken by using mesh or seine nets.

(2) Only 1 end of a net may be fixed while it is in use.

(3) However, both ends of a net may be fixed for not more than 1 hour if it is used between Cape Manifold and Cape Gloucester and its mesh size is not more than 88 mm.

SCHEDULE 13 (continued)

(4) A person using a net must be within 100 m of it.

(5) A net that is not fixed or hauled may only be used in water deeper than its drop.

14 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

15 Use of nets south of Baffle Creek

(1) A net may be used in waters south of the northern bank of Baffle Creek only if the net is not longer than 800 m and has a mesh size of at least 50 mm.

(2) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

16 Use of nets north of Baffle Creek

(1) A net may be used in waters north of the northern bank of Baffle Creek only if the net is not longer than 400 m and has a mesh size of at least 50 mm.

(2) A ring net must not be used north of the southern bank of the Endeavour River.

(3) During the closed season for barramundi, a net may be used in a river or creek downstream of the shortest line across its banks.

(4) A net may be used during the closed season for barramundi only if it has a mesh size of at least 50 mm but not more than 115 mm.

17 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

SCHEDULE 13 (continued)

18 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 3—NET FISHERY (EAST COAST No. 1)

Division 1—Preliminary

19 Fishery symbol

The fishery symbol is 'N1'.

20 Fishery area

The fishery area comprises all tidal waters east of longitude 142º09' east, but does not include waterways flowing into the Gulf of Carpentaria west of longitude 142º09' east.

21 What fish may be taken

Unless otherwise stated, the following fish may be taken—

(a) in waters east of longitude 142º31'49" east—any fish other than barramundi or spotted mackerel; and

(b) in waters west of longitude 142º31'49" east—

(i) black jewfish;

(ii) blue salmon;

(iii) grey mackerel;

(iv) jewel fish;

(v) king salmon;

(vi) queenfish;

(vii) spotted grunter bream (grunter);

SCHEDULE 13 (continued)

(viii)other fish, other than barramundi or spotted mackerel, taken while taking fish mentioned in paragraphs (i) to (vii).

22 Permitted ways of taking fish

(1) Fish may only be taken by using mesh, seine, set mesh, set pocket or tunnel nets.

(2) Unless otherwise stated, a net that is not fixed or hauled and is used in offshore waters must not be used, and a set mesh net must not be set—

(a) in a marked navigation channel; or

(b) within—

(i) 400 m of a jetty or wharf; or

(ii) 100 m of another net that is in use.

(3) Despite subsection (2)(b)(ii), a person using more than 1 set mesh net (other than in a river or creek) may set the nets within 100 m of each other.

(4) Unless otherwise stated—

(a) only 1 end of a mesh or seine net may be fixed while it is being used; and

(b) a person using a net must be within 100 m of it.

Division 2—Use of mesh or seine nets

23 Use of seine nets in Lake Weyba

(1) A seine net may be used in Lake Weyba only if it is not longer than 25 m and has a mesh size of at least 25 mm.

(2) The net may only be used to take prawns.

24 Use of mesh nets in Lakes Cootharaba, Cooroibah and Weyba

A ring net may be used in Lake Cootharaba, Cooroibah or Weyba only if it is not longer than 1 500 m and has a mesh size of at least 50 mm.

SCHEDULE 13 (continued)

25 Use of seine nets north of the Mary River

(1) A seine net may be used in waters north of the northern bank of the Mary River only if it is not longer than 100 m and has—

(a) a pocket extending over not more than one-quarter of the length of the net; and

(b) a mesh size of at least 31 mm in the pocket and at least 45 mm in the rest of the net.

(2) The net may only be used to take prawns.

26 Use of mesh nets in and near Hervey Bay

(1) A net that is not fixed or hauled may be used in offshore waters of Hervey Bay within the following boundary—

- from the southern bank of Baffle Creek east to longitude 153º east
- along longitude 153º east to Fraser Island near Sandy Point
- to Dayman Point
- along the shore to the southern bank of Baffle Creek.

(2) The net must not be longer than 600 m and must have a mesh size of at least 88 mm.

(3) If the net is used south of a line from the southern bank of the Elliott River east to longitude 153º east, it must be made of monofilament not more than 0.65 mm in diameter and must not be more than 33 meshes deep.

(4) The net must not be used in waters of Hervey Bay within the following boundary between 4.00 p.m. and 4.00 a.m. from 1 July to 31 October—

- from the southern bank of Theodolite Creek east to longitude 152º40' east
- to the southern bank of O'Regan Creek
- along the shore to the southern bank of Theodolite Creek.

(5) A person using a net north of a line from the southern bank of the Elliott River east to longitude 153º east need not be within 100 m of the net.

SCHEDULE 13 (continued)

27 Use of mesh or seine nets south of Baffle Creek

(1) A mesh or seine net may be used in waters south of the northern bank of Baffle Creek only if it is not longer than 800 m and has a mesh size of at least 50 mm.

(2) A net that is not fixed or hauled may only be used in water deeper than its drop.

(3) If a back net is used below low water, its length must not be more than one-quarter of the total length of net in use.

(4) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

28 Use of mesh or seine nets north of Baffle Creek

(1) A mesh or seine net may be used north of the northern bank of Baffle Creek only if it is not longer than 400 m and has a mesh size of at least 50 mm.

(2) A ring net must not be used north of the southern bank of the Endeavour River.

(3) During the closed season for barramundi, a net must not be used in the Gulf of Carpentaria or waterways flowing into the Gulf, but may be used in another waterway downstream of the shortest line across its banks.

(4) A net may be used during the closed season for barramundi only if it has a mesh size of at least 50 mm but not more than 115 mm.

(5) A net that is not fixed or hauled may only be used in water deeper than its drop.

(6) Both ends of a net may be fixed for up to 1 hour if it is used between Cape Manifold and Cape Gloucester and has a mesh size is not more than 88 mm.

29 Use of mesh nets in offshore waters of Keppel Bay

A net that is not fixed or hauled may be used in offshore waters of Keppel Bay west of a line from Cape Capricorn to Water Park Point only if the net is not longer than 200 m and has a mesh size of at least 150 mm but not more than 245 mm.

SCHEDULE 13 (continued)

30 Use of mesh nets in offshore waters

(1) A net that is not fixed or hauled may be used in offshore waters only if the net is not longer than 600 m and has a mesh size of at least 150 mm but not more than 245 mm.

(2) Two nets may be joined and used as a single net in waters deeper than 20 m north of Cape Moreton if the combined length of the nets is not more than 1 200 m.

(3) The net must not be used in waters north of Cape Flattery during the closed season for barramundi.

(4) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

31 Use of mesh or seine nets in rivers and creeks

(1) A ring or seine net, or a net that is not fixed or hauled, may be used in rivers and creeks only if the net has a mesh size of at least 50 mm and is not longer than—

(a) for a ring net or a net that is not fixed or hauled—400 m; and

(b) for a seine net—200 m.

(2) During the closed season for barramundi, a net must not be used in the Gulf of Carpentaria or waterways flowing into the Gulf, but may be used in another waterway downstream of the shortest line across its banks.

(3) A net used during the closed season for barramundi must have a mesh size of at least 50 mm but not more than 115 mm.

(4) A net that is not fixed or hauled may only be used in water deeper than its drop.

(5) A ring net must not be used north of the southern bank of the Endeavour River or in the Gulf of Carpentaria and adjoining waterways.

(6) Both ends of a net may be fixed for up to 1 hour if it is used in rivers or creeks between Cape Gloucester and the northern bank of St Lawrence Creek and its mesh size is not more than 75 mm.

SCHEDULE 13 (continued)

Division 3—Use of set mesh nets

32 Use of set mesh nets in rivers and creeks between Kauri and Baffle Creeks

(1) A set mesh net may be used in a river or creek between Kauri and Baffle Creeks, upstream of the shortest line across its banks, only if the net is not longer than 120 m and has—

(a) a mesh size of at least 150 mm but not more than 215 mm; and

(b) a drop of not more than 50 meshes.

(2) Not more than 3 nets may be set if their combined length is not more than 360 m and the distance between the first and last net is not more than 1 n mile.

(3) A person using a net must not be more than 800 m from it, or if more than 1 net is set, the first or last net.

33 Use of set mesh nets in and near Hervey Bay

(1) A set mesh net may be used in offshore waters of Hervey Bay within the following boundary—

- from the southern bank of Baffle Creek east to longitude 153º east
- along longitude 153º east to Fraser Island near Sandy Point
- to Dayman Point
- along the shore to the southern bank of Baffle Creek.

(2) The net must not be longer than 600 m and must have a mesh size of at least 88 mm.

(3) A net used south of a line from the southern bank of the Elliott River east to longitude 153º east, must be made of monofilament not more than 0.65 mm in diameter and must not be more than 33 meshes deep.

(4) A net must not be used in waters of Hervey Bay within the following boundary between 4.00 p.m. and 4.00 a.m. from 1 July to 31 October—

- from the southern bank of Theodolite Creek east to longitude 152º40' east

SCHEDULE 13 (continued)

- to the southern bank of O'Regan Creek
- along the shore to the southern bank of Theodolite Creek.

(5) A person using a net must be within 100 m of it, unless it is used north of a line from the southern bank of the Elliott River east to longitude 153º east.

34 Use of set mesh nets on foreshores between the Burnett River and Baffle Creek

(1) A set mesh net may be used on foreshores between the northern bank of the Burnett River and the northern bank of Baffle Creek.

(2) The net must be not longer than 120 m and must have—

(a) a mesh size of at least 100 mm but not more than 245 mm; and

(b) a drop of not more than 50 meshes.

(3) The net must not be used between midday on 1 September and midday on 1 February.

(4) The net must not be set within 200 m of a jetty or wharf.

(5) Despite subsection (1), not more than one-third of the net's length may extend out to sea beyond low water.

(6) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

35 Use of set mesh nets in Keppel Bay

An offshore set mesh net may be used in offshore waters of Keppel Bay west of a line from Water Park Point to Cape Capricorn only if the net is not longer than 200 m and has a mesh size of at least 150 mm but not more than 245 mm.

36 Use of set mesh nets in offshore waters

(1) A set mesh net may be used in offshore waters only if the net is not longer than 600 m and has a mesh size of at least 150 mm but not more than 245 mm.

SCHEDULE 13 (continued)

(2) Two nets may be joined and used as a single net in waters deeper than 20 m north of Cape Moreton if the combined length of the nets is not more than 1 200 m.

(3) The net must not be used in waters north of Cape Flattery during the closed season for barramundi.

(4) A person using the net does not need to be within 100 m of it.

(5) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

Division 4—Use of set pocket nets

37 Use of set pocket nets in rivers

(1) A set pocket net may be used in the following waters only if it is not longer than 10 m and has a mesh size of at least 25 mm—

(a) the Fitzroy, Kolan, Burnett, Albert and Logan rivers;

(b) the following waters of the Mary River—

(i) waters between longitude 152º46.22' east and the Old Bruce Highway Bridge;

(ii) waters between lines between the following places marked by F↑B signs—

- longitude 152º46.67' east on the northern bank and longitude 152º46.83' east on the southern bank
- longitude 152º51.74' east on the northern bank (near 'Tandora') and longitude 152º51.71' east on the shore of Crab Island (Meteor Point)
- longitude 152º51.62' east on the shore of Crab Island and longitude 152º51.95' east on the southern bank.

(2) The net may only be used to take prawns.

(3) The net must not be set within 20 m of a jetty or wharf or 100 m of another net that is in use.

(4) Only 1 head rope may be used.

SCHEDULE 13 (continued)

(5) More than 1 net may be attached to the head rope if the combined length of the nets is not more than 10 m.

(6) The closed end of the pocket must be marked on the surface of the water by a yellow float at least 8 cm in any dimension.

(7) A person using the net does not need to be within 100 m of it.

(8) Anything used to set the net must be removed from the water after the net is taken from the water.

(9) Subsection (8) does not apply to waters mentioned in subsection (1)(b).

Division 5—Use of tunnel nets

38 Use of tunnel nets

(1) A tunnel net may be used in the following waters—

(a) Moreton Bay mainland foreshores between F↑B signs at the following places—

- Little Rocky Point, and about 800 m south of Point Talburpin
- about 800 m either side of Moogurrapum Creek, Redland Bay
- Point Halloran and about 700 m south of Oyster Point
- about 800 m south of the southern bank of Hilliards Creek, and about 1 km south of Wellington Point
- the eastern shore of Fisherman Islands, and about 800 m north of Wynnum Creek (including the Boat Passage foreshore but not the Brisbane River foreshore)
- Juno Point, and the northern bank of Serpentine Creek
- the western end of Sunnyside Road, Scarborough, and about 100 m south of the seaward end of Seaview Parade, Deception Bay

SCHEDULE 13 (continued)

- the boat ramp at the department's Fisheries Research Laboratory at Deception Bay, and the southern bank of the Caboolture River
- about 1 600 m north of Beachmere, and the south-eastern tip of Toorbul Point;

(b) Moreton Bay island foreshores north of a line—

- from Little Rocky Point to the southern tip of Russell Island
- to the nearest point on the western shore of North Stradbroke Island;

(c) Tin Can Inlet, Pelican Bay and Tin Can Bay between the following lines—

- a line from the northern bank of Snapper Creek to the southern bank of Carlo Creek
- a line from the southern bank of Kauri Creek to Inskip Point;

(d) Great Sandy Strait and Wide Bay Harbour between the following lines—

- a line from the northern bank of Kauri Creek to Hook Point
- a line from the northern bank of Pulgul Creek (also known as Arangarandin Creek) to the southern tip of Big Woody Island, to McKenzie's Jetty, Fraser Island.

(2) The net must not be longer than 1 700 m (excluding its tunnel length).

(3) The net must have—

(a) a tunnel length of not more than 200 m; and

(b) a tunnel entrance width of between 1.5 m and 4 m; and

(c) a mesh size—

(i) for the tunnel—of not more than 50 mm; and

(ii) for not more than 400 m adjacent to each side of the tunnel—of at least 25 mm; and

(iii) for the rest of the net—at least 44 mm; and

SCHEDULE 13 (continued)

(d) if the net is being used in an area described in subsection (1)(c) or (d)—the net (other than its tunnel) is made of monofilament no more than 0.65 mm in diameter, or multi filament no more than 9 ply.

(4) The tunnel must extend out to sea beyond low water for at least 30 m in water at least 30 cm deep.

(5) A commercial fisher and at least 1 other fisher must be within 100 m of the net while it is in use.

39 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

40 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

(2) However, if more than 1 net is used, a tender commercial fishing boat may be used within 800 m of the first or last net or between the nets.

(3) Subsection (2) only applies if the primary commercial fishing boat is also within 800 m of the first or last net or between the nets.

(4) If a primary commercial fishing boat and its tender commercial fishing boat are used to set a tunnel net, the tender commercial fishing boat may be used within 1 700 m of its primary commercial fishing boat.

41 Permitted distance for an assistant fisher to be under direction

(1) The permitted distance for an assistant fisher to be under direction is 800 m or, if the fishers are setting a tunnel net, 1 700 m.

(2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the assistant fisher is within 800 m of the first or last net or between the nets.

(3) Subsection (2) only applies if the commercial fisher is also within 800 m of the first or last net or between the nets.

SCHEDULE 13 (continued)

42 Marking nets

(1) A set mesh net used during the day must be marked by—

(a) light coloured floats not more than 20 m apart along its length; and

(b) a white float, at least 15 cm in any dimension, with the person's name written on it at its end farthest from the shore.

(2) A set mesh net used at night must also be marked by—

(a) if the combined length of the net and equipment used in setting it is not more than 50 m—

(i) a white light, visible at least 400 m in all directions from the light, at its end farthest from the shore; and

(ii) a reflectorised float, at least 15 cm in any dimension, at its end nearest the shore; and

(b) if the combined length of the net and equipment used to set it is more than 50 m—a white light, visible at least 400 m in any direction from the light, at both ends of the net.

(3) In addition, a set mesh net used in offshore waters must be marked by—

(a) 6 floats along its length, each not less than 15 cm in any dimension; and

(b) a pole with an orange flag on it at least 2 m above the water attached to its end farthest from the shore.

(4) A net that is not fixed or hauled and is used in offshore waters must be marked in the way stated in subsection (3).

SCHEDULE 13 (continued)

PART 4—NET FISHERY (EAST COAST No. 2)

Division 1—Preliminary

43 Fishery symbol

The fishery symbol is 'N8'.

44 Fishery area

(1) The fishery area comprises all tidal waters that are east of longitude 142º09' east and out to sea from the 3 n mile line.

(2) The area does not include waters within 3 n miles of low water on an island.

45 What fish may be taken

Unless otherwise stated, the following fish may be taken—

(a) in waters east of longitude 142º31'49" east—any fish other than barramundi or spotted mackerel;

(b) in waters west of longitude 142º31'49" east—

(i) black jewfish;

(ii) blue salmon;

(iii) grey mackerel;

(iv) jewel fish;

(v) king salmon;

(vi) queenfish;

(vii) spotted grunter bream (grunter);

(viii) other fish, other than barramundi or spotted mackerel, taken while taking fish mentioned in paragraphs (i) to (vii).

SCHEDULE 13 (continued)

46 Permitted ways of taking fish

(1) A person may only take fish by using mesh or set mesh nets.

(2) Unless otherwise stated, a net that is not fixed or hauled and is used in offshore waters must not be used, and a set mesh net must not be set—

(a) in a marked navigation channel; or

(b) within—

(i) 400 m of a jetty or wharf; or

(ii) 100 m of another net that is in use.

(3) Despite subsection (2)(b)(ii), a person using more than 1 set mesh net may set the nets within 100 m of each other.

(4) Unless otherwise stated, a person using a net must be within 100 m of it.

Division 2—Use of nets

47 Use of nets in offshore waters in and near Hervey Bay

(1) A net may be used in offshore waters—

(a) south of a line from the southern bank of Baffle Creek east to longitude 153º east; and

(b) west of longitude 153º east; and

(c) north of the Burnett River.

(2) The net must not be longer than 600 m and must have a mesh size of at least 88 mm.

(3) A net used south of a line from the southern bank of the Elliott River east to longitude 153º east must be made of monofilament not more than 0.65 mm in diameter and must not be more than 33 meshes deep.

(4) A net must not be used in waters of Hervey Bay within the following boundary between 4.00 p.m. and 4.00 a.m. from 1 July to 31 October—

- from the southern bank of Theodolite Creek east to longitude 152º40' east

SCHEDULE 13 (continued)

- to the southern bank of O'Regan Creek
- along the shore to the southern bank of Theodolite Creek.

48 Use of nets in other offshore waters

(1) A net that is not fixed or hauled may be used in offshore waters only if the net is not longer than 600 m and has a mesh size of at least 150 mm but not more than 245 mm.

(2) Two nets may be joined and used as a single net in waters deeper than 20 m north of Cape Moreton if the combined length of the nets is not more than 1 200 m.

(3) The net must not be used in waters north of Cape Flattery during the closed season for barramundi.

49 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

50 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

51 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

52 Marking nets

(1) A set mesh net used during the day must be marked by—

(a) light coloured floats not more than 20 m apart along its length; and

(b) a white float, at least 15 cm in any dimension, with the person's name written on it at its end farthest from the shore.

(2) A set mesh net used at night must also be marked by—

SCHEDULE 13 (continued)

(a) if the combined length of the net and equipment used in setting it is not more than 50 m—

(i) a white light, visible at least 400 m in all directions from the light, at its end farthest from the shore; and

(ii) a reflectorised float, at least 15 cm in any dimension, at its end nearest the shore; and

(b) if the combined length of the net and equipment used to set it is more than 50 m—a white light, visible at least 400 m in any direction from the light, at both ends of the net.

(3) In addition, a set mesh net used in offshore waters must be marked by—

(a) 6 floats along its length, each not less than 15 cm in any dimension; and

(b) a pole with an orange flag on it at least 2 m above the water attached to its end farthest from the shore.

(4) A net that is not fixed or hauled and is used in offshore waters must be marked in the way stated in subsection (3).

PART 5—NET FISHERY (BAFFLE CREEK TO KAURI CREEK)

Division 1—Preliminary

69 Fishery symbol

The fishery symbol is 'N5'.

70 Fishery area

The fishery area comprises all tidal waters between the northern bank of Baffle Creek and the southern bank of Kauri Creek.

SCHEDULE 13 (continued)

71 What fish may be taken

Any fish, other than spotted mackerel, may be taken.

72 Permitted ways of taking fish

(1) Fish may only be taken by using mesh, seine, set mesh or tunnel nets.

(2) Unless otherwise stated, a net that is not fixed or hauled and is used in offshore waters must not be used, and a net used as a set mesh net must not be set—

(a) in a marked navigation channel; or

(b) within—

(i) 400 m of a jetty or wharf; or

(ii) 100 m of another net that is in use.

(3) Despite subsection (2)(b)(ii), a person using more than 1 set mesh net (other than in a river or creek) may set the nets within 100 m of each other.

(4) Unless otherwise stated—

(a) only 1 end of a mesh or seine net may be fixed while it is being used; and

(b) a person using a net must be within 100 m of it.

Division 2—Use of mesh or seine nets

73 Use of mesh or seine nets in the fishery area

(1) A mesh or seine net may be used in the fishery area only if it is not longer than 800 m and has a mesh size of at least 50 mm.

(2) A net that is not fixed or hauled may only be used in water deeper than its drop.

(3) If a back net is used below low water its length must not be more than one-quarter of the total length of net in use.

(4) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

SCHEDULE 13 (continued)

74 Use of mesh nets in offshore waters

(1) A net that is not fixed or hauled may be used in offshore waters only if the net is not longer than 600 m and has a mesh size of at least 150 mm but not more than 245 mm.

(2) Two nets may be joined and used as a single net in waters deeper than 20 m north of Cape Moreton if the combined length of the nets is not more than 1 200 m.

(3) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

75 Use of mesh or seine nets in rivers and creeks

(1) A ring or seine net, or a net that is not fixed or hauled, may be used in rivers and creeks only if the net has a mesh size of at least 50 mm and is not longer than—

(a) for a ring net or a net that is not fixed or hauled—400 m; and

(b) for a seine net—200 m.

(2) A net that is not fixed or hauled may only be used in water deeper than its drop.

(3) A net used during the closed season for barramundi must have a mesh size of at least 50 mm but not more than 115 mm.

76 Use of mesh nets in and near Hervey Bay

(1) A net that is not fixed or hauled may be used in offshore waters of Hervey Bay within the following boundary—

- from the southern bank of Baffle Creek east to longitude 153º east
- along longitude 153º east to Fraser Island near Sandy Point
- to Dayman Point
- along the shore to the southern bank of Baffle Creek.

(2) The net must not be longer than 600 m and must have a mesh size of at least 88 mm.

SCHEDULE 13 (continued)

(3) A net used south of a line from the southern bank of the Elliott River east to longitude 153º east must be made of monofilament not more than 0.65 mm in diameter and must not be more than 33 meshes deep.

(4) The net must not be used in waters of Hervey Bay within the following boundary between 4.00 p.m. and 4.00 a.m. from 1 July to 31 October—

- from the southern bank of Theodolite Creek east to longitude 152º40' east
- to the southern bank of O'Regan Creek
- along the shore to the southern bank of Theodolite Creek.

(5) A person using a net north of a line from the southern bank of the Elliott River east to longitude 153º east need not be within 100 m of the net.

Division 3—Use of set mesh nets

77 Use of set mesh nets in offshore waters

(1) A set mesh net may be used in offshore waters in the fishery area only if the net is not longer than 600 m and has a mesh size of at least 150 mm but not more than 245 mm.

(2) Two nets may be joined and used as a single net in waters deeper than 20 m north of Cape Moreton if the combined length of the nets is not more than 1 200 m.

(3) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

78 Use of set mesh nets in rivers and creeks

(1) A set mesh net may be used in a river or creek, upstream of the shortest line across its banks, only if the net is not longer than 120 m and has—

(a) a mesh size of at least 150 mm but not more than 215 mm; and

(b) a drop of not more than 50 meshes.

SCHEDULE 13 (continued)

(2) Not more than 3 nets may be set if their combined length is not more than 360 m and the distance between the first and last net is not more than 1 n mile.

(3) A person using a net must not be more than 800 m from it, or if more than 1 net is set, the first or last net.

(4) A net may be set in a marked navigation channel or within 400 m of a jetty or wharf or 100 m of another net that is in use.

79 Use of set mesh nets in and near Hervey Bay

(1) A set mesh net may be used in offshore waters of Hervey Bay within the following boundary—

- from the southern bank of Baffle Creek east to longitude 153º east
- along longitude 153º east to Fraser Island near Sandy Point
- to Dayman Point
- along the shore to the southern bank of Baffle Creek.

(2) The net must not be longer than 600 m and must have a mesh size of at least 88 mm.

(3) A net used south of a line from the southern bank of the Elliott River east to longitude 153º east must be made of monofilament not more than 0.65 mm in diameter and must not be more than 33 meshes deep.

(4) The net must not be used in waters of Hervey Bay within the following boundary between 4.00 p.m. and 4.00 a.m. from 1 July to 31 October—

- from the southern bank of Theodolite Creek east to longitude 152º40' east
- to the southern bank of O'Regan Creek
- along the shore to the southern bank of Theodolite Creek.

(5) A person using a net north of a line from the southern bank of the Elliott River east to longitude 153º east need not be within 100 m of the net.

SCHEDULE 13 (continued)

80 Use of set mesh nets on foreshores between the Burnett River and Baffle Creek

(1) A set mesh net may be used on foreshores between the northern bank of the Burnett River and the northern bank of Baffle Creek.

(2) The net must be not longer than 120 m and must have—

(a) a mesh size of at least 100 mm but not more than 215 mm; and

(b) a drop of not more than 50 meshes.

(3) The net must not be used between midday on 1 September and midday on 1 February.

(4) The net must not be set within 200 m of a jetty or wharf.

(5) Despite subsection (1), not more than one-third of the net's length may extend out to sea beyond low water.

(6) A net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

Division 4—Use of tunnel nets

81 Use of tunnel nets

(1) A tunnel net may be used on foreshores of Great Sandy Strait and Wide Bay Harbour between the following lines—

- a line from the northern bank of Kauri Creek to Hook Point
- a line from the northern bank of Pulgul Creek (also known as Arangarandin Creek) to the southern tip of Big Woody Island, and then to McKenzie's Jetty, Fraser Island.

(2) The net must not be longer than 1 700 m (excluding its tunnel length) and must have—

(a) a tunnel length of not more than 200 m; and

(b) a tunnel entrance width of between 1.5 m and 4 m; and

(c) a mesh size of—

(i) for the tunnel—not more than 50 mm; and

SCHEDULE 13 (continued)

(ii) for not more than 400 m adjacent to each side of the tunnel—at least 25 mm; and

(iii) for the rest of the net—at least 44 mm.

(3) The tunnel must extend out to sea beyond low water for 30 m in water at least 30 cm deep.

(4) A commercial fisher and at least 1 other fisher must be within 100 m of the net while it is in use.

Division 5—Miscellaneous

82 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

83 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

(2) However, if more than 1 net is used, a tender commercial fishing boat may be used within 800 m of the first or last net or between the nets.

(3) Subsection (2) only applies if the primary commercial fishing boat is also within 800 m of the first or last net or between the nets.

(4) If a primary commercial fishing boat and its tender commercial fishing boat are used to set a tunnel net, the tender commercial fishing boat may be used within 1 700 m of its primary commercial fishing boat.

84 Permitted distance for an assistant fisher to be under direction

(1) The permitted distance for an assistant fisher to be under direction is 800 m or, if the fishers are setting a tunnel net, 1 700 m.

(2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the assistant fisher is within 800 m of the first or last net or between the nets.

(3) Subsection (2) only applies if the commercial fisher is also within 800 m of the first or last net or between the nets.

SCHEDULE 13 (continued)

85 Marking nets

(1) A set mesh net used during the day must be marked by—

(a) light coloured floats not more than 20 m apart along its length; and

(b) a white float, at least 15 cm in any dimension, with the person's name written on it at its end farthest from the shore.

(2) A set mesh net used at night must also be marked by—

(a) if the combined length of the net and equipment used in setting it is not more than 50 m—

(i) a white light, visible at least 400 m in all directions from the light, at its end farthest from the shore; and

(ii) a reflectorised float, at least 15 cm in any dimension, at its end nearest the shore; and

(b) if the combined length of the net and equipment used to set it is more than 50 m—a white light, visible at least 400 m in any direction from the light, at both ends of the net.

(3) In addition, a set mesh net used in offshore waters must be marked by—

(a) 6 floats along its length, each not less than 15 cm in any dimension; and

(b) a pole with an orange flag on it at least 2 m above the water attached to its end farthest from the shore.

(4) A net that is not fixed or hauled and is used in offshore waters must be marked in the way stated in subsection (3).

PART 6—NET FISHERY (OCEAN BEACH–AREA 1)

86 Fishery symbol

The fishery symbol is 'K1'.

SCHEDULE 13 (continued)

87 Fishery area

The fishery area comprises all tidal waters within 400 m of a line—

- from a point on the shore at the State's border with New South Wales along the shore to the seaward tip of the southern breakwater wall of the Gold Coast Seaway
- to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- along South Stradbroke Island's eastern shore to 1 km north of the northern breakwater wall of the Gold Coast Seaway on South Stradbroke Island.

88 What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

89 Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

SCHEDULE 13 (continued)

90 Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

91 Time quota

Fish may only be taken from 1 April to 31 August.

92 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

93 Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 7—NET FISHERY (OCEAN BEACH–AREA 2)

94A Fishery symbol

The fishery symbol is 'K2'.

94B Fishery area

The fishery area comprises all tidal waters within 400 m of a line—

SCHEDULE 13 (continued)

- from a point on the shore 1 km south of the southern breakwater wall of the Gold Coast Seaway along the shore to the seaward tip of the breakwater wall
- to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- along South Stradbroke Island's eastern shore to the island's north eastern tip.

94C What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

94D Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

SCHEDULE 13 (continued)

94E Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

94F Time quota

Fish may only be taken from 1 April to 31 August.

94G Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

94H Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94I Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 8—NET FISHERY (OCEAN BEACH–AREA 3)

94J Fishery symbol

The fishery symbol is 'K3'.

94K Fishery area

The fishery area comprises all tidal waters within 400 m of a line—

- from North Stradbroke Island's south eastern tip

SCHEDULE 13 (continued)

- along North Stradbroke Island's eastern and northern shores to the island's north western tip.

94L What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

94M Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

94N Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

SCHEDULE 13 (continued)

94O Time quota

Fish may only be taken from 1 April to 31 August.

94P Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

94Q Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94R Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 9—NET FISHERY (OCEAN BEACH–AREA 4)

94S Fishery symbol

The fishery symbol is 'K4'.

94T Fishery area

The fishery area comprises all tidal waters within 400 m of a line from the southern tip of Moreton Island along the island's eastern and northern shores to Comboyuro Point.

94U What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

SCHEDULE 13 (continued)

94V Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

94W Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

94X Time quota

Fish may only be taken from 1 April to 31 August.

94Y Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

SCHEDULE 13 (continued)

94Z Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94ZA Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 10—NET FISHERY (OCEAN BEACH–AREA 5)

94ZB Fishery symbol

The fishery symbol is 'K5'.

94ZC Fishery area

The fishery area comprises all tidal waters within 400 m of a line—

- from the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island's western, southern and eastern shores to the F↑B sign at the Island's northern tip.

94ZD What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

94ZE Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

SCHEDULE 13 (continued)

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

94ZF Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

94ZG Time quota

Fish may only be taken from 1 April to 31 August.

94ZH Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

94ZI Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

SCHEDULE 13 (continued)

94ZJ Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 11—NET FISHERY (OCEAN BEACH–AREA 6)

94ZK Fishery symbol

The fishery symbol is 'K6'.

94ZL Fishery area

The fishery area comprises all tidal waters within 400 m of a line—

- from the F↑B sign at the southern tip of the sand spit between Kings Beach and Bullcock Beach, Caloundra
- along the shore to the eastern tip of Point Cartwright.

94ZM What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

94ZN Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

SCHEDULE 13 (continued)

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

94ZO Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

94ZP Time quota

Fish may only be taken from 1 April to 31 August.

94ZQ Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

94ZR Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94ZS Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

SCHEDULE 13 (continued)

PART 12—NET FISHERY (OCEAN BEACH–AREA 7)

94ZT Fishery symbol

The fishery symbol is 'K7'.

94ZU Fishery area

The fishery area comprises all tidal waters within 400 m of a line from the eastern tip of Point Cartwright along the shore to the eastern tip of Noosa Heads.

94ZV What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

94ZW Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

SCHEDULE 13 (continued)

94ZX Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

94ZY Time quota

Fish may only be taken from 1 April to 31 August.

94ZZ Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

94ZAA Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94ZAB Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 13—NET FISHERY (OCEAN BEACH–AREA 8)

94ZAC Fishery symbol

The fishery symbol is ‘K8’.

94ZAD Fishery area

The fishery area comprises all tidal waters within 400 m of—

(a) a line from—

SCHEDULE 13 (continued)

- the eastern tip of Noosa Heads along the shore to the eastern tip of Inskip Point
- to the southern tip of Fraser Island
- along Fraser Island's eastern shore to the island's northern tip; and

(b) the shore of Breaksea Spit.

94ZAE What fish may be taken

Any fish, other than barramundi or spotted mackerel, may be taken.

94ZAF Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

(2) Fish may only be taken with the use of a crew (including the commercial fisher) of at least 3, but not more than 5, fishers.

(3) However, subsection (4) applies if—

(a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary commercial fishing boats and seine nets; and

(b) each commercial fisher holds a commercial fisher licence with the fishery symbol for the fishery written on it; and

(c) each primary commercial fishing boat may be used in the fishery under a primary commercial fishing boat licence.

(4) Fish may be taken with the use of a crew, including the commercial fishers, of at least 3, but for each commercial fisher using the boat and net, not more than 5, fishers.

Example for subsection (4)—

Two commercial fishers jointly use a primary commercial fishing boat and seine net in the fishery. They may use a crew of—

(a) at least 3 fishers, including the 2 commercial fishers; but

(b) not more than 10 fishers, including the 2 commercial fishers.

SCHEDULE 13 (continued)

94ZAG Use of seine nets in the fishery area

(1) A seine net may be used in the fishery area only if it is no longer than 500 m.

(2) A net must have a mesh size of at least 12 mm but not more than 70 mm and a drop of at least 150 meshes for at least one-half of its length.

94ZAH Time quota

Fish may only be taken from 1 April to 31 August.

94ZAI Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

94ZAJ Use of tender commercial fishing boats

A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

94ZAK Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800 m.

PART 14—(EAST COAST No. 3)

95 Fishery symbol

The fishery symbol is ‘N2’.

96 Fishery area

The fishery area comprises all tidal waters east of longitude 142º09' east, but does not include waterways flowing into the Gulf of Carpentaria west of longitude 142º09' east.

SCHEDULE 13 (continued)

97 What fish may be taken

The following fish may be taken—

(a) in waters east of longitude 142º31'49" east—any fish other than spotted mackerel;

(b) in waters west of longitude 142º31'49" east—

(i) barramundi;

(ii) black jewfish;

(iii) blue salmon;

(iv) grey mackerel;

(v) jewel fish;

(vi) king salmon;

(vii) queenfish;

(viii) spotted grunter bream (grunter);

(ix) other fish, other than spotted mackerel, taken while taking fish mentioned in paragraphs (i) to (viii).

98 Permitted ways of taking fish

(1) Fish may only be taken by using set mesh nets.

(2) Unless otherwise stated, a set mesh net must not be set within—

(a) 400 m of a jetty or wharf; or

(b) 100 m of another net that is in use.

(3) Despite subsection (2)(b), a person using more than 1 set mesh net (other than in a river or creek) may set the nets within 100 m of each other.

(4) Unless otherwise stated, a person using the net must not be more than 800 m from it or, if more than 1 net is set, the first or last net.

99 Use of set mesh nets on foreshores between Baffle Creek and Cape Flattery

(1) A set mesh net may be used on foreshores between the northern bank of Baffle Creek and Cape Flattery.

SCHEDULE 13 (continued)

(2) A set mesh net may also be used not more than 1 km from the shore of Girt Island at low water.

(3) The net must be not longer than 600 m and must have a mesh size of at least 100 mm but not more than 215 mm.

(4) However, during the closed season for barramundi, on foreshores north of the northern bank of St Lawrence Creek, the net's mesh size must not be more than 115 mm.

(5) Not more than one-third of the net's length may extend out to sea beyond low water if it is used in an area other than the area mentioned in subsection (2).

(6) Not more than 3 nets may be set if their combined length is not more than 600 m and the distance between the first and last net is not more than 1 n mile.

(7) A net must not be set within 200 m of a jetty, wharf or another net that is in use.

100 Use of set mesh nets in rivers and creeks between Kauri Creek and Cape Flattery

(1) A set mesh net may be used in rivers and creeks between the southern bank of Kauri Creek and Cape Flattery only if it is not longer than 120 m and has a mesh size of at least 150 mm but not more than 215 mm and a drop of not more than 50 meshes.

(2) Not more than 3 nets may be set if their combined length is not more than 360 m and the distance between the first and last net is not more than 1 n mile.

(3) A net must not be used in the closed season for barramundi in waters north of the northern bank of Baffle Creek.

101 Use of mesh nets in offshore waters between Baffle Creek and Cape Flattery

(1) A mesh net that is not fixed or hauled may only be used in offshore waters between the northern bank of Baffle Creek and Cape Flattery if the net—

(a) is no longer than 600 m; and

SCHEDULE 13 (continued)

(b) has a mesh size of at least 150 mm but no more than 245 mm.

(2) Two nets may only be joined and used as a single net if—

(a) they are used in waters deeper than 20 m; and

(b) the combined length of the nets is no more than 1 200 m.

(3) A net must not be used—

(a) in a marked navigational channel; or

(b) within 400 m of a jetty or wharf; or

(c) within 100 m of another net.

(4) A net must not be used in the closed season for barramundi.

(5) A person using a net must be within 100 m of it.

101A Use of set mesh nets in offshore waters between Baffle Creek and Cape Flattery

(1) A set mesh net may only be used in offshore waters between the northern bank of Baffle Creek and Cape Flattery if the net—

(a) is no longer than 600 m; and

(b) has a mesh size of at least 150 mm but no more than 245 mm.

(2) Two nets may only be joined and used as a single net if—

(a) they are used in waters deeper than 20 m; and

(b) the combined length of the nets is no more than 1 200 m.

(3) A net must not be set—

(a) in a marked navigational channel; or

(b) within 400 m from a jetty or wharf; or

(c) within 100 m from another net.

(4) A net must not be set in the closed season for barramundi.

(5) A person using a net must be within 100 m of it.

SCHEDULE 13 (continued)

102 Use of set mesh nets in rivers and creeks north of Cape Flattery

(1) A set mesh net may be used in rivers and creeks north of Cape Flattery only if it is not longer than 120 m and has a mesh size of at least 150 mm but not more than 215 mm and a drop of not more than 50 meshes.

(2) Not more than 6 nets may be set if their combined length is not more than 360 m and the distance between the first and last net is not more than 1 n mile.

(3) A net must not be used in the closed season for barramundi.

103 Use of set mesh nets on foreshores north of Cape Flattery

(1) A set mesh net may be used on foreshores north of Cape Flattery only if it is not longer than 600 m and has a mesh size of at least 150 mm but not more than 215 mm.

(2) Despite subsection (1), not more than one-third of the net's length may extend out to sea beyond low water.

(3) Not more than 6 nets may be set if their combined length is not more than 600 m and the distance between the first and last net is not more than 1 n mile.

(4) A net must not be used during the closed season for barramundi.

104 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 14 m.

105 Use of tender commercial fishing boats

(1) A tender commercial fishing boat must not be used more than 800 m from its primary commercial fishing boat.

(2) However, if more than 1 net is used, a tender commercial fishing boat may be used within 800 m of the first or last net or between the nets.

(3) Subsection (2) only applies if the primary commercial fishing boat is also within 800 m of the first or last net or between the nets.

SCHEDULE 13 (continued)

106 Permitted distance for an assistant fisher to be under direction

(1) The permitted distance for an assistant fisher to be under direction is 800 m.

(2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the assistant fisher is within 800 m of the first or last net or between the nets.

(3) Subsection (2) only applies if the commercial fisher is also within 800 m of the first or last net or between the nets.

107 Marking nets

(1) A set mesh net used during the day must be marked by—

(a) light coloured floats not more than 20 m apart along its length; and

(b) a white float, at least 15 cm in any dimension, with the person's name written on it at its end farthest from the shore.

(2) A set mesh net used at night must also be marked by—

(a) if the combined length of the net and equipment used in setting it is not more than 50 m—

(i) a white light, visible at least 400 m in all directions from the light, at its end farthest from the shore; and

(ii) a reflectorised float, at least 15 cm in any dimension, at its end nearest the shore; and

(b) if the combined length of the net and equipment used to set it is more than 50 m—a white light, visible at least 400 m in any direction from the light, at both ends of the net.

SCHEDULE 14

TRAWL FISHERY (FIN FISH)

schedule 17, definitions "commercial fishery" and "fishery schedule"[62]

1 Fishery symbol

The fishery symbol is 'T4'.

2 Fishery area

The fishery area comprises all tidal waters within the following boundary—

- from the 20 fathom depth contour east of Caloundra Head, east to the 50 fathom depth contour
- along the 50 fathom depth contour to east of Sandy Cape, Fraser Island
- west to the 20 fathom depth contour
- along the 20 fathom depth contour to east of Caloundra Head.

3 What fish may be taken

Only red spot or stout whiting may be taken.

4 Permitted ways of taking whiting

(1) Red spot or stout whiting may only be taken by using otter trawl nets.

(2) A net must not be longer than 88 m and must have a mesh size of at least 38 mm but not more than 60 mm.

(3) For subsection (2), the **"length"**, of a net, means the combined length of the following ropes when taut—

(a) the head and bottom ropes;

62 For other commercial trawl fisheries, see the East Coast Trawl Plan.

SCHEDULE 14 (continued)

(b) the rope fixing the net's opening size;

(c) the ropes to which the net's mesh is attached;

(d) the part of another rope, other than a lazy line or log rope, to which a wing net is attached.

(4) A net's sweeps must not be longer than 128 m each.

(5) For subsection (3), a net's sweeps includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the net.

(6) However, if fittings mentioned in subsection (1) are joined to make a single fitting, the single fitting is 1 sweep.

(7) A net must not be used from a boat longer than 20 m.

5 Time quota

Red spot or stout whiting may only be taken between 1 April and 31 December.

SCHEDULE 15

OTHER FISHERIES (COMMERCIAL)

schedule 17, definitions "commercial fishery" and "fishery schedule"

PART 1—AQUARIUM FISH FISHERY

1 Fishery symbol

The fishery symbols are 'A1' and 'A2'.

2 Fishery area

The fishery area comprises all tidal waters south of latitude 10º41' south and east of longitude 142º31'49" east.

3 What fish may be taken

(1) Fish other than the following fish may be taken—

(a) barramundi;

(b) bêche-de-mer;

(c) shell grit;

(d) star sand;

(e) any species of coral, oyster, pearl shell or trochus.

(2) In this section—

"bêche-de-mer" does not include fish of the following species—

(a) *Bohadschia graeffei*;

(b) *Calachrius crassus*;

(c) *Cucmaria miniata*;

(d) *Euapta godeffroyi*;

(e) *Holothuria hilla*;

SCHEDULE 15 (continued)

(f) *Holothuria edulis*;

(g) *Opheodesoma spp*;

(h) *Pentacta anceps*;

(i) *Pentacta lutea*;

(j) *Pseudocolchirus violaceus*;

(k) *Stichopus noctivagus;*

(l) *Synapta maculata.*

4 Permitted ways of taking fish

(1) Fish may only be taken by hand or by using fishing lines or cast, scoop or seine nets.

(2) Underwater breathing apparatus may also be used when taking fish.

(3) A herding device (for example, a rod) may be used when taking fish.

5 General conditions of taking fish under authority with 'A1' or 'A2' fishery symbol

(1) No more than 3 persons may take fish at the same time under the authority.

(2) Only the boat identified in the authority and 1 other boat may be used to take fish in the same location.

(3) Fish must not be taken for human consumption.

5A Additional conditions—'A1' fishery symbol

(1) This section applies only to an authority with an 'A1' fishery symbol written on it.

(2) Fish may be taken only—

(a) by the authority holder or a person nominated by the authority holder (a **"nominee"**); and

SCHEDULE 15 (continued)

(b) from the fishery area or an area stated in the authority.[63]

(3) Despite subsection (2)(b), the authority holder or nominee may take fish from any of the following areas of the fishery area only if the area is stated in the authority—

(a) waters within the Moreton Bay Marine Park;

(b) waters north of Cape Moreton and south of latitude 26º18' south, other than waters within the Moreton Bay Marine Park;

(c) waters west of longitude 151º08' east and between latitude 23º15' south and latitude 23º south;

(d) waters within the area described as area 1 in the Whitsundays Plan of Management, schedule 1;[64]

(e) waters within the following boundary—

- from the intersection of latitude 17º08' south with the mainland shore to latitude 17º08' south, longitude 146º12' east
- to latitude 16º51' south, longitude 146º28' east
- to latitude 15º55' south, longitude 145º51' east
- along latitude 15º55' south to the mainland shore
- along the mainland shore to latitude 17º08' south.

(4) The authority holder—

(a) can not nominate more than 3 persons as nominees; and

(b) must give written notice to the chief executive of each nominee.

(5) In this section—

"Moreton Bay Marine Park" means the area set apart and declared as the Moreton Bay Marine Park under the *Marine Parks Regulation 1990*, part 1A.[65]

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63 See section 88 (Holder of authority to have it available for immediate inspection etc.) of the Act for the obligations of authority holders and other persons in relation to doing anything under the authority.

64 *Whitsundays Plan of Management 1998*, schedule 1 (The Planning Area)

65 *Marine Parks Regulation 1990*, part 1A (Declaration of Marine Parks)

SCHEDULE 15 (continued)

"Whitsundays Plan of Management" means the *Whitsundays Plan of Management 1998* prepared under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD.[66]

5B Additional conditions—'A2' fishery symbol

(1) This section applies only to an authority with an 'A2' fishery symbol written on it.

(2) The authority holder must be present when the fish are taken.

(3) Fish may be taken only in the fishery area or an area stated in the authority.

(4) The authority holder must not take or possess—

(a) more than 10 fish; or

(b) more than 2 fish of the same species.

6 Use of fishing lines

A fishing line may be used only if it is has a single barbless hook.

7 Use of cast nets

A cast net may be used only if it is not more than 6 m in diameter and has a mesh size of not more than 28 mm.

8 Use of scoop nets

A scoop net may be used only if it is not more than 2 m in any dimension and has a mesh size of not more than 25 mm and a handle or shaft not longer than 2.5 m.

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66 *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD (Preparation of plan of management)

The *Whitsundays Plan of Management 1998* can be accessed on the internet at www.gbrmpa.gov.au.

SCHEDULE 15 (continued)

9 Use of seine nets

(1) A seine net may be used only if it is not longer than 16 m and has a mesh size must of not more than 28 mm and a drop of not more than 3 m.

(2) A person using the net under an authority must be within 100 m of it.

10 Selling fish—authority holder

The authority holder may sell fish taken under the authority only if the fish are to be used for—

(a) display as aquarium fish; or

(b) broodstock; or

(c) a purpose related to a purpose mentioned in paragraph (a) or (b).

10A Selling fish—nominee

(1) An authority holder of an authority with an 'A1' fishery symbol may nominate a person (a **"nominee"**) to sell fish taken under the authority.

(2) A nominee may sell fish only for a purpose mentioned in section 10, paragraphs (a) to (c).[67]

(3) The authority holder—

(a) can not nominate more than 3 persons as nominees; and

(b) give written notice to the chief executive of each nominee.

67 See section 88 (Holder of authority to have it available for immediate inspection etc.) of the Act for the obligations of authority holders and other persons in relation to doing anything under the authority.

SCHEDULE 15 (continued)

PART 2—BÊCHE-DE-MER FISHERY (EAST COAST)

Division 1—General provisions

11 Fishery symbol

The fishery symbol is 'B1'.

12 Fishery area

The fishery area comprises all tidal waters east of longitude 142º31'49" east between latitude 10º41' south and latitude 26º south.

13 What fish may be taken

Only bêche-de-mer may be taken.

14 Permitted ways of taking bêche-de-mer

(1) Bêche-de-mer may only be taken by hand.

(2) Underwater breathing apparatus may also be used when taking bêche-de-mer.

15 General conditions of taking bêche-de-mer

(1) Bêche-de-mer may be taken only by the authority holder, or a person nominated by the authority holder (a **"nominee"**), and only in the fishery area or area stated in the authority.[68]

(2) The authority holder—

(a) can not nominate more than 3 persons as nominees; and

(b) must give written notice to the chief executive of each nominee.

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68 See section 88 (Holder of authority to have it available for immediate inspection etc.) of the Act for the obligations of authority holders and other persons in relation to doing anything under the authority.

SCHEDULE 15 (continued)

(3) The boat identified in the authority and 4 other boats may be used to take bêche-de-mer in the same location.

(4) A boat (other than the boat identified in the authority) must not be longer than 7 m.

(5) No more than 10 persons may take bêche-de-mer at the same time under the authority.

16 Annual quota

The annual quota of bêche-de-mer that may be taken under an authority with the fishery symbol on it is the quota stated on it.

17 Selling bêche-de-mer

(1) The authority holder, or a person nominated by the authority holder (a **"nominee"**), may sell bêche-de-mer taken under the authority only to a buyer or the holder of another authority allowing the holder to buy the bêche-de-mer.[69]

(2) The authority holder—

(a) can not nominate more than 3 persons as nominees; and

(b) must give written notice to the chief executive of each nominee.

Division 2—VMS equipment and manual reporting conditions

Subdivision 1—VMS equipment obligations

17A Obligation to install and register VMS equipment

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

69 See section 88 (Holder of authority to have it available for immediate inspection etc.) of the Act for the obligations of authority holders and other persons in relation to doing anything under the authority.

SCHEDULE 15 (continued)

(2) The equipment and the installer must be included in the particulars about the authority in the register.

(3) In this section—

"install", for VMS equipment, includes fit an approved seal on the equipment.[70]

17B Obligation to maintain and use VMS equipment

(1) The person in control of the boat identified in the authority 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 authority holder 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 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—

70 Under section 4 (Definitions) of the Act—

"VMS equipment" means equipment used as part of a system that monitors the position and operation of a vessel.

SCHEDULE 15 (continued)

(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.

(5) For subsection (1)(b), 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.

17C Obligation to modify or replace installed VMS if required

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

(2) The notice must—

(a) identify the authority holder, the authority and the boat; and

(b) state the required modification or replacement; and

(c) state a reasonable period of at least 3 months for the authority 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 authority holder must, within the stated period, make the required modification or replacement.

Subdivision 2—Obligations if VMS equipment malfunctions

17D Application of subdiv 2

This subdivision applies if the VMS equipment installed on a boat identified in the authority malfunctions.

SCHEDULE 15 (continued)

17E Definition for subdiv 2

In this subdivision—

"malfunction", for VMS equipment, means a failure to perform the functions of VMS equipment.

17F Obligation to give notice of malfunction

(1) Immediately after a person in control of the boat becomes aware of the malfunction, the person must notify the chief executive of the malfunction, unless the person has a reasonable excuse.

(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.

(3) A person 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.

(4) The notice may be given—

(a) orally in person; or

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

17G 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"**.

SCHEDULE 15 (continued)

(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"**.

Subdivision 3—Guidelines for this division

17H Chief executive may make guidelines

The chief executive may make guidelines—

(a) about how to give notice to the chief executive under this division (**"notice guidelines"**); or

(b) for compliance with the manual reporting obligation (**"manual reporting guidelines"**).

17I Effect of complying 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.

17J Effect of complying with manual reporting guidelines

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.

PART 3—BÊCHE-DE-MER FISHERY (TORRES STRAIT)

18 Fishery symbol

The fishery symbol is 'B2'.

SCHEDULE 15 (continued)

19 Fishery area

The fishery area comprises tidal waters within—

(a) the Torres Strait Protected Zone; and

(b) the area declared under the *Torres Strait Fisheries Act 1984* (Cwlth) to be outside but near the protected zone for commercial fishing for pearl shell.[71]

20 What fish may be taken

Only bêche-de-mer may be taken.

21 Permitted ways of taking bêche-de-mer

(1) Bêche-de-mer may only be taken by hand.

(2) Underwater breathing apparatus may also be used to take bêche-de-mer.

22 Selling bêche-de-mer

The authority holder may sell bêche-de-mer taken under the authority only to a buyer or the holder of another authority allowing the holder to buy the bêche-de-mer.

PART 4—CORAL FISHERY

23 Fishery symbol

The fishery symbol is 'D'.

71 See the proclamation published in the Commonwealth of Australia Gazette No. S41 of 14 February 1985.

SCHEDULE 15 (continued)

24 Fishery area

The fishery area comprises all tidal waters and foreshores south of latitude 10º41' south and east of longitude 142º31'49" east.

25 What fish may be taken

Only the following fish may be taken—

(a) coral of the class Anthozoa (including its uncompacted skeletons);

(b) coral sand which is comprised of finely broken up remnants of coral.

26 Permitted ways of taking coral

(1) Coral may only be taken by hand or by using hand held non-mechanical implements.

(2) Underwater breathing apparatus may also be used when taking coral.

27 General conditions of taking coral

Coral may be taken only in the area stated in the authority under which it is taken.

28 Annual quota

The annual quota of coral that may be taken under an authority with the fishery symbol on it is the quota stated on it.

29 Selling coral

The authority holder may sell coral taken under the authority.

SCHEDULE 15 (continued)

PART 5—CRAYFISH AND ROCK LOBSTER FISHERY

30 Fishery symbol

The fishery symbol is 'R'.

31 Fishery area

The fishery area comprises the following tidal waters—

(a) waters east of longitude 142º31'49" east, and north of latitude 14º south;

(b) the Gulf of Carpentaria and adjoining waterways, between the 25 n mile line and the shore, south of latitude 10º48' south.

32 What fish may be taken

Only crayfish or rock lobsters may be taken.

33 Permitted ways of taking crayfish and rock lobsters

(1) Crayfish or rock lobsters may only be taken—

(a) by hand or by using hand held non-mechanical implements; or

(b) by using spears or spear guns.

(2) Underwater breathing apparatus may also be used when taking crayfish or rock lobsters.

(3) Only the following boats may be used to take crayfish or rock lobsters—

(a) a primary commercial fishing boat;

(b) if there is a tender commercial fishing boat for the primary commercial fishing boat and the primary commercial fishing boat is not being used to take crayfish or rock lobsters—the tender commercial fishing boat.

(4) No more than 1 person may take crayfish or rock lobsters from the primary or tender commercial fishing boat at the same time.

SCHEDULE 15 (continued)

34 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

35 Use of tender commercial fishing boats

(1) A tender commercial fishing boat licence must have the fishery symbol on it.

(2) Not more than the number of tender commercial fishing boats authorised by the chief executive for the fishery may be used at a time.

(3) A tender commercial fishing boat must not be used further than 5 n miles from its primary commercial fishing boat or, if the primary commercial fishing boat is located at a reef, the reef where the primary commercial fishing boat is located.

36 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 5 n miles, or if the commercial fisher is fishing on a reef, 5 n miles from the reef.

PART 6—PEARL FISHERY

43 Fishery symbol

The fishery symbol is 'P'.

44 Fishery area

The fishery area comprises tidal waters south of latitude 10º41' south and east of longitude 142º31'49" east.

45 What fish may be taken

Only live pearl oysters may be taken.

SCHEDULE 15 (continued)

46 Permitted ways of taking live pearl oysters

(1) Live pearl oysters may only be taken by hand or by using hand held implements.

(2) Underwater breathing apparatus may also be used when taking live pearl oysters.

47 Selling live pearl oysters

The authority holder may sell live pearl oysters taken under the authority only to an aquaculture authority holder who may buy and cultivate live pearl oysters.

PART 7—SHELL FISHERY

48 Fishery symbol

The fishery symbol is 'F'.

49 Fishery area

The fishery area comprises all tidal waters and foreshores.

50 What fish may be taken

Only molluscs (other than oysters, pearl oysters, tridacnid clams, trochus, green snails and scallops) may be taken.

51 Permitted ways of taking molluscs

Molluscs may only be taken—

(a) for broken remnants of molluscs—

(i) by hand or hand held non-mechanical implements; or

(ii) if stated on the authority, mechanical equipment; or

SCHEDULE 15 (continued)

(b) for other molluscs—

(i) by hand, without using digging or sieving implements; or

(ii) if stated on the authority, shell dredges.

52 Use of primary commercial fishing boats

A primary commercial fishing boat must not be longer than 20 m.

53 General conditions of taking molluscs

(1) The authority holder must be present when the molluscs are taken.

(2) Molluscs may only be taken in the fishery area or area stated in the authority.

54 Annual quota

The annual quota of molluscs that may be taken under an authority with the fishery symbol on it is the quota stated on the authority.

55 Use of shell dredges

A shell dredge must not have a mouth wider than 1.2 m or teeth or prongs longer than 75 mm.

56 Selling molluscs

(1) The holder of a commercial fishing boat licence allowing the holder to take molluscs may sell them only to a buyer.

(2) The holder of another authority allowing the holder to take molluscs may sell them to anyone.

SCHEDULE 15 (continued)

PART 8—SHELL GRIT FISHERY

57 Fishery symbol

The fishery symbol is 'G'.

58 Fishery area

The fishery area comprises all tidal waters and foreshores south of latitude 10º41' south, and east of longitude 142º31'49" east.

59 What fish may be taken

Only shell grit may be taken.

60 Permitted ways of taking shell grit

Shell grit may be taken in any way.

61 General conditions of taking shell grit

(1) A person may only take shell grit in an area stated on the authority.

(2) The person must replace the total volume of shell grit removed from the area with an equal volume of lawfully obtained sand.

62 Selling shell grit

The authority holder may sell shell grit taken under the authority.

PART 9—STAR SAND FISHERY

63 Fishery symbol

The fishery symbol is 'H'.

SCHEDULE 15 (continued)

64 Fishery area

The fishery area comprises all tidal waters and foreshores south of latitude 10º41' south, and east of longitude 142º31'49" east.

65 What fish may be taken

Only star sand composed of the calcareous skeletons of unicellular animals known as Foraminifera may be taken.

66 Permitted ways of taking star sand

Star sand may only be taken by hand or by using hand held non-mechanical implements.

67 General conditions of taking star sand

Star sand may only be taken in the area stated in the authority under which it is taken.

68 Selling star sand

The authority holder may sell star sand taken under the authority.

PART 10—TROCHUS FISHERY (EAST COAST)

69 Fishery symbol

The fishery symbol is ‘J1’.

70 Fishery area

The fishery area comprises all tidal waters south of latitude 10º41' south, and east of longitude 142º31'49" east.

SCHEDULE 15 (continued)

71 What fish may be taken

Only trochus may be taken.

72 Permitted ways of taking trochus

(1) Trochus may only be taken by hand or by using hand held non-mechanical implements.

(2) A person may use underwater breathing apparatus when taking trochus.

73 General conditions of taking trochus

(1) The authority holder or a person approved by the chief executive must be present when trochus are taken.

(2) Trochus may only be taken in the fishery area or area stated in the authority.

(3) The boat identified in the authority and 4 other boats may be used to take trochus in the same location.

(4) A boat (other than the boat identified in the authority) must not be longer than 7 m.

(5) Not more than the number of persons stated on the authority may, at the same time, dive for or gather trochus.

74 Annual quota

The annual quota of trochus for the fishery is 300 tonnes.

75 Selling trochus

The authority holder may sell trochus taken under the authority only to a buyer or the holder of another authority allowing the holder to buy trochus.

SCHEDULE 15 (continued)

PART 11—TROCHUS FISHERY (TORRES STRAIT)

76 Fishery symbol

The fishery symbol is 'J2'.

77 Fishery area

The fishery area comprises tidal waters within—

(a) the Torres Strait Protected Zone; and

(b) the area declared under the *Torres Strait Fisheries Act 1984* (Cwlth) to be outside but near the protected zone for commercial fishing for pearl shell.[72]

78 What fish may be taken

Only trochus may be taken.

79 Permitted ways of taking trochus

(1) Trochus may only be taken by hand or by using hand held non-mechanical implements.

(2) A person may use underwater breathing apparatus when taking trochus.

80 Annual quota

The annual quota of trochus for the fishery is 150 tonnes.

81 Selling trochus

The authority holder may sell trochus taken under the authority only to a buyer or the holder of another authority allowing the holder to buy trochus.

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72 See the proclamation published in the Commonwealth of Australia Gazette No. S41 of 14 February 1985.

SCHEDULE 15 (continued)

PART 12—WORM FISHERY (BEACHWORM)

82 Fishery symbol

The fishery symbol is ‘W1’.

83 Fishery area

The fishery area comprises all foreshores south of latitude 10º41' south, and east of longitude 142º31'49" east.

84 What fish may be taken

Only beachworms may be taken.

85 Permitted ways of taking beachworms

Beachworms may only be taken by hand.

86 General conditions of taking beachworms

Beachworms may only be taken by the authority holder and in the area stated on the authority.

87 Selling beachworms

The authority holder may sell beachworms taken under the authority only to a buyer.

PART 13—WORM FISHERY (BLOODWORM)

88 Fishery symbol

The fishery symbol is ‘W2’.

SCHEDULE 15 (continued)

89 Fishery area

(1) The fishery area comprises all foreshores south of latitude 10º41' south, and east of longitude 142º31'49" east.

(2) However, the fishery area does not include the foreshores of Moreton Bay, other than the foreshores designated as a commercial bloodworm gathering area under the *Marine Parks (Moreton Bay) Zoning Plan 1997*, section 33.[73]

90 What fish may be taken

Only bloodworms may be taken.

91 Permitted ways of taking bloodworms

Bloodworms may only be taken by hand or by using hand held forks.

92 General conditions of taking bloodworms

(1) Bloodworms may only be taken by the authority holder and in the area stated on the authority.

(2) If the holder digs up an area to take bloodworms, the holder must put seagrass disturbed or removed by the digging back in an upright position immediately after the worms are taken.

93 Selling bloodworms

The authority holder may sell bloodworms taken under the authority only to a buyer.

73 *Marine Parks (Moreton Bay) Zoning Plan 1997,* section 33 (Designated areas)

SCHEDULE 15 (continued)

PART 14—YABBY FISHERY

94 Fishery symbol

The fishery symbol is 'Y'.

95 Fishery area

The fishery area comprises all foreshores south of latitude 10º41' south, and east of longitude 142º31'49" east.

96 What fish may be taken

Only yabbies may be taken.

97 Permitted ways of taking yabbies

Yabbies may only be taken by using hand pumps or, if stated on the authority, mechanical pumps.

98 General conditions of taking yabbies

Yabbies may only be taken by the authority holder and in the area stated on the authority.

99 Selling yabbies

The authority holder may sell yabbies taken under the authority only to a buyer.

SCHEDULE 16

GLOSSARY OF SCIENTIFIC NAMES USED FOR FISH OTHER THAN CORAL REEF FIN FISH

section 10

Common name	**Scientific name**
African mono	*Monodactylus sebae*
airbreathing or walking catfish	Family Clariidae
albacore tuna	*Thunnus alalunga*
angel fish	*Pterophyllum* spp.
archer fish	*Toxotes jaculatrix*
Argentine bloodfin (tetra)	*Aphyocharax anisitsi*
armoured (cory) catfish	*Corydoras* spp.
asoka barb	*Puntius asoka*
auratus	*Melanochromis auratus*
Australian bass	*Macquaria novemaculeata*
banded barb	*Barbodes pentazona*
banded leporinus	*Leporinus fasciatus*
barking crayfish	*Linuparus trigonus*
barracuda	*Agrioposphyraena barracuda*
barramundi	*Lates calcarifer*
bar-tailed flathead	*Platycephalus indicus*
betta	*Betta* spp.
bigeye tuna	*Thunnus obesus*

SCHEDULE 16 (continued)

big-spot rasbora	*Rasbora kalochroma*
billfish	families Istiophoridae and Xiphiidae
bitterling	*Rhodeus amarus* and *Rhodeus sericeus*
black-banded headstander	*Chilodus punctatus*
black-banded osteochilus	*Osteochilus vittatus*
black-finned rummy-nose	*Petitella georgiae*
black ghost knife fish	*Apteronotus albifrons*
black jewfish	*Protonibea diacanthus*
black king-fish	*Rachycentron canadus*
black-line silver hatchet fish	*Gasteropelecus* spp.
black lipped pearl oyster	*Pinctada margaritifera*
black phantom tetra	*Megalamphodus megalopterus*
black ruby barb	*Puntius nigrofasciatus*
black shark	*Morulius chrysophekadion*
black-spot filament barb	*Puntius filamentosus*
black-spotted upsidedown catfish	*Synodontis nigriventris*
black teatfish	*Holothuria nobilis*
black tetra	*Gymnocorymbus ternetzi*
blind cave tetra	*Astyanax mexicanus*
blue acara	*Aequidens pulcher*
bluegill	*Lepomis* spp.
blue gourami	*Trichogaster trichopterus*
blue line rasbora	*Rasbora taeniata*

SCHEDULE 16 (continued)

blue salmon	*Eleutheronema tetradactylum*
blue swimmer crab[a]	*Portunus pelagicus*
brichardi	*Lamprologus brichardi*
broad-barred or grey mackerel	*Scomberomorus semifasciatus*
bumblebee fish	*Brachygobius* spp.
Burnett salmon	*Polydactylus sheridani*
butterfly fish	*Pantodon buchholzi*
candiru or parasitic or pencil catfish	Family Trichomycteridae
cardinal tetra	*Paracheirodon axelrodi*
carp	*Cyprinus carpio*
celebes rainbow	*Telmatherina ladigesi*
chalinochromis	*Chalinochromis* spp.
checkerboard barb	*Capoeta oligolepis*
cherry barb	*Capoeta titteya*
Chinese algae eater	*Gyrinocheilos aymonieri*
Chinese weatherfish (weatherloach)	*Misgurnus anguillicaudatus*
chocolate gourami	*Sphaerichthys osphromenoides*
clam	family Tridacnidae
climbing perch	*Anabas testudineus*
clown barb	*Barbodes everetti*
clown loach	*Botia macracantha*
Cochu's blue tetra	*Boehlkea fredcochui*

SCHEDULE 16 (continued)

common brochis	*Brochis splendens*
Congo tetra	*Phenacogrammus interruptu*s
Cooktown salmon	*Eleutheronema tetradactylum*
copper striped rasbora	*Rasbora leptosoma*
croaking gourami	*Trichopsis vittatus*
Cumming's barb	*Puntius cummingi*
cuttlefish	*Metasepia* sp. and *Sepia* spp.
deepwater redfish	Actinopyga echinites
discus	*Symphysodon* spp.
dolphin-fish	*Coryphaena* spp.
duboisi	*Tropheus duboi*si
dusky krib	*Pelvicachromis pulcher*
dwarf cichlid	*Apistogramma* spp.
dwarf flag cichlid	*Aequidens curviceps*
dwarf gourami	*Colisa lalia*
dwarf lattice cichlid	*Nannacara* sp.
dwarf loach	*Botia sidthimunki*
electric eel	*Electrophorus electricus*
elegant rasbora	*Rasbora elegans*
elephantnose	*Gnathonemus macrolepidotus*
elephantnose (Peter's)	*Gnathonemus petersii*
emperor tetra	*Nematobrycon palmeri*
estuary cod	*Epinephelus* sp.
European carp	*Cyprinus carpio*

SCHEDULE 16 (continued)

false magnificant rasbora	*Rasbora borapetensis*
fanfish	family Bramidae
flag cichlid	*Cichlasoma festivum*
flagtail porthole catfish	*Dianema urostriata*
flying fox	*Epalzeorhynchus kalopterus*
freshwater cod	*Maccullochella* spp.
freshwater eel	*Anguilla* spp.
freshwater flounder	*Trinectes maculatus*
Frideric's leporinus	*Leporinus friderici*
gambusia or mosquitofish	*Gambusia* spp.
giant danio	*Danio aequipinnatus*
giant helmet shell	*Cassis cornuta*
glass barb	*Puntius puellus*
glass bloodfin	*Prionobrama filigera*
glass catfish	*Kryptopterus bicirrhis*
glass fish	*Chanda* spp.
gold-cheek krib	*Pelvicachromis subocellatus*
golden dwarf cichlid	*Nannacara anomala*
golden gourami	*Trichogaster trichopterus*
golden lined whiting	*Sillago analis*
goldfish	*Carassius auratus*
gold line rasbora	*Rasbora steineri*
gold lipped pearl oyster	*Pinctada maxima*
grass carp	*Ctenopharyngodon idella*

SCHEDULE 16 (continued)

grass sweetlip	*Lethrinus fletus*
great white shark	*Carcharodon carcharias*
green snail	*Turbo marmoratus*
grey mackerel	*Scomberomorus semifasciatus*
grey nurse shark	*Carcharias taurus* and *Odontaspis ferox*
grunter—see spotted grunter bream (grunter)	
guppy	*Poecilia reticulata*
hard lipped barb	*Osteochilus hasseltii*
harlequin rasbora	*Rasbora heteromorpha*
hatchetfish	*Carnegiella* and *Thoracocharax* spp.
headstander	*Abramites hypselonotus* and *Anostomus* spp.
helmet shell	*Cassis cornuta*
hi-spot rasbora	*Rasbora dorsiocellata*
honey dwarf gourami	*Colisa chuna*
Indian hatchetfish	*Chela laubuca*
Javanese rice fish	*Oryzias javanicus*
jewel fish	*Nibea squamosa*
julie	*Julidochromis* spp.
Kerr's danio	*Brachydanio kerri*
keyhole cichlid	*Aequidens maroni*
killie fish	*Aphyosemion* spp.
king salmon	*Polydactylus sheridani*

SCHEDULE 16 (continued)

kissing gourami	*Helostoma temmincki*
kooli barb	*Puntius vittatus*
kuhli loach	*Acanthophthalmus kuhli*
largemouth bass	*Micropterus salmoides*
large-scale sea perch	*Lutjanus johni*
latticed cichlid	*Limnotilapia dardennii*
leopard danio	*Brachydanio frankei*
lipstick leporinus	*Leporinus arcus*
little giant gourami	*Colisa fasciata*
lollyfish	*Holothuria atra*
long-band rasbora	*Rasbora einthoveni*
longfin barb	*Capoeta arulius*
long-finned African tetra	*Brycinus longipinnis*
luderick	*Girella tricuspidata*
Malayan flying barb	*Esomus malayensis*
Malayan halfbeak	*Dermogenys pusillus*
mangrove jack	*Lutjanus argentimaculatus*
maray	*Etremeus teres*
medaka	*Oryzias latipes*
melanochromis	*Melanochromis similis*
microbrycon	*Microbrycon fredcochui*
mono	*Monodactylus argenteus*
moonlight gourami	*Trichogaster microlepis*
moorii	*Tropheus moorii*

SCHEDULE 16 (continued)

mud crab	*Scylla* spp.
mud flathead	*Platycephalus fuscus*
mulloway	*Argyrosomus hololepidotus*
multi-banded leporinus	*Leporinus multifasciatu*s
Myers's hillstream loach	*Pseudogastromyzon myersi*
narrow-barred or spanish mackerel	*Scomberomorus commerson*
neon tetra	*Paracheirodon innesi*
Nile perch	*Lates niloticus*
northern bluefin tuna	*Thunnus thynnus*
octopus	*Octopus* spp.
opaline gourami	*Trichogaster trichopterus*
orange-finned rasbora	*Rasbora vaterifloris*
ornate pimelodus	*Pimelodus ornatus*
oscar	*Astronotus ocellatus*
painted crayfish	*Panulirus ornatus*
panchax	*Aplocheilus* and *Epiplatys* spp.
paradise fish	*Macropodus opercularis*
pearl danio	*Brachydanio albolineatus*
pearl gourami	*Trichogaster leeri*
pearl perch	*Glaucosoma scapulare*
pencil fish	*Nannostomus* and *Poecilobrycon* spp.
penguin fish	*Thayeria* spp.
pike cichlid	*Crenicichla* spp.
pikey bream	*Acanthopagrus berda*

SCHEDULE 16 (continued)

pilchards	*Sardinops neopilchardus* or *Sardinops Sagax*
platy	*Xiphophorus maculatus*
platy variatus	*Xiphophorus variatus*
pomfret	family Bramidae
poorman's glass catfish	*Kryptopterus macrocephalus*
prawn	family Penaeidae
prickly redfish	*Thelenota ananus*
pristella	*Pristella maxillaris*
pygmy gourami	*Trichopsis pumilus*
queenfish	*Scomberoides* spp.
Queensland school mackerel	*Scomberomorus queenslandicus*
rainbow fish	*Glossolepsis, Chilatherina, Melanotaenia* spp.
rainbow shark	*Labeo erythrurus*
ram	*Microgeophagus ramirezi*
red-finned black shark	*Labeo bicolor*
red-finned shark	*Labeo frenatus*
red line rasbora	*Rasbora pauciperforata*
red-striped barb	*Puntius bimaculatus*
rosy barb	*Puntius conchonius*
saddled hillstream loach	*Homaloptera orthogoniata*
sailfin molly	*Poecilia latipinna*
sandfish	*Holothuria scabra*

SCHEDULE 16 (continued)

sand flathead	*Platycephalus arenarius*
sand whiting	*Sillago ciliata*
sarawak rasbora	*Rasbora sarawakensis*
scissortail rasbora	*Rasbora trilineata*
sea mullet	*Mugil cephalus*
shark	*Carcharhinus* spp.
shark mackerel	*Grammatorcynus bicarinatu*s
Siamese flying fox	*Epalzeorhynchus siamensis*
silver jewfish	*Nibea soldado*
silver prochilodus	*Prochilodus insignis*
silver rasbora	*Rasbora argyrotaenia*
silver teraglin	*Otolithes ruber*
skipjack tuna	*Katsuwonis pelamis*
slender barracuda	*Sphyraena jello*
slipper lobster	family Scyllaridae
small spotted grunter bream	*Pomadasys agenteus*
snakehead	*Channa* spp.
snapper	*Pagrus auratu*s
snub-nosed dart	*Trachinotus* spp.
southern bluefin tuna	*Thunnus maccoyii*
spanner crab	*Ranina ranina*
sphenops mollie	*Poecilia sphenops*
spiny eel	*Macrognathus aculeatus*
spot-tailed leporinus	*Leporinus melanopleura*

SCHEDULE 16 (continued)

spot-tailed rasbora	*Rasbora caudimaculata*
spotted danio	*Brachydanio nigrofascicatus*
spotted grunter bream (grunter)	*Pomadasys kaakan*
spotted leporinus	*Leporinus maculatus*
spotted mackerel	*Scomberomorus munroi*
spotted rasbora	*Rasbora maculata*
squid	*Loliolus* sp., and *Nototodarus*, *Photololigo* and *Sepioteuthis* spp.
striped barb	*Puntius lineatus*
striped kribensis	*Pelvicachromis taeniatus*
striped leporinus	*Leporinus striatus*
sucker catfish	*Otocinclus arnoldi*
Swegle's tetra	*Megalamphodus sweglesi*
swordtail	*Xiphophorus helleri*
tailor	*Pomatomus saltatrix*
tarwhine	*Rhabdosargus sarba*
teraglin jew	*Atractoscion aequidens*
tetra	*Hemigrammus, Hyphessobrycon* and *Moenkhausia* spp.
thick-lipped gourami	*Colisa labios*a
thin–banded barb	*Capoeta semifasciolatus*
three spot crab	*Portunus sanguinolentus*
tic-tac-toe barb	*Puntius ticto*
tiger barb	*Capoeta tetrazona*

SCHEDULE 16 (continued)

tiger catfish	*Pseudoplatystoma fasciatum*
tigerfish	family Hydrocyninae or Erythrinidae
tigerfish (African)	*Hydrocynus* spp., subfamilies Hydrocinae and Alestinae
tigerfish (South American) or trahira	*Erythinus, Hopleythrinus* and *Hoplias* spp.
tiger shovelnose catfish	*Pseudoplatystoma fasciatum*
tilapia	*Tilapia*, *Oreochromis* or *Sarotherodon* spp.
tricolor shark	*Balantiocheilos melanopterus*
trochus	*Trochus niloticus*
tropical spiny rock lobster	*Panulirus* spp.
trumpet shell	*Charonia tritonis*
twig catfish	*Farlowella acus*
variegated shark	*Labeo variegatus*
wahoo	*Acanthocybium solandr*i
whiptail catfish	*Loricaria filamentosa*
white cloud mountain minnow	*Tanichthys albonubes*
white teatfish	*Holothuria fuscogilva*
winter whiting	*Sillago maculata*
yellow-finned bream	*Acanthopagrus australis*
yellowfin tuna	*Thunnus albacares*
yellowtail king-fish	*Seriola lalandi*
yellow tail rasbora	*Rasbora dusonensis*

SCHEDULE 16 (continued)

Yucatan mollie	*Poecilia velifera*
zebra danio	*Brachydanio rerio*

a Blue swimmer crabs previously had the common name ‘sand crabs’.

SCHEDULE 16A

GLOSSARY OF SCIENTIFIC NAMES OF CORAL REEF FIN FISH

section 10(1), schedule 17, definitions "species of cod or groper", "species of coral trout", "species of emperor", "species of parrotfish, surgeonfish or sweetlips" and "species of wrasse"

Common name	Scientific name
cods and gropers	
areolate rockcod	*Epinephelus areolatus*
barramundi cod	*Cromileptes altivelis*
bar rockcod	*Epinephelus ergastularius*
blacksaddle rockcod	*Epinephelus howlandi*
black-tipped rockcod	*Epinephelus fasciatus*
blue-lined rockcod	*Cephalopholis formosa*
blue Maori	*Epinephelus cyanopodus*
blue-spotted rockcod	*Cephalopholis cyanostigma*
brown-barred rockcod	*Cephalopholis boenak*
camouflage rockcod	*Epinephelus polyphekadion*
chinaman rockcod	*Epinephelus rivulatus*
comet grouper	*Epinephelus morrhua*
coral cod	*Cephalopholis miniata*
coral rockcod	*Epinephelus corallicola*
dothead rockcod	*Cephalopholis microprion*

SCHEDULE 16A (continued)

Common name	Scientific name
dwarf spotted rockcod (wire netting rockcod)	*Epinephelus merra*
eight bar grouper	*Epinephelus octofasciatus*
flagtail rockcod	*Cephalopholis urodeta*
flowery cod	*Epinephelus fuscoguttatus*
four-saddle rockcod	*Epinephelus spilotoceps*
greasy rockcod	*Epinephelus tauvina*
hapuku	*Polyprion americanus* and *Polyprion oxygeneios*
hexagon rockcod	*Epinephelus hexagonatus*
leopard rockcod	*Cephalopholis leopardus*
longfin rockcod (honeycomb rockcod)	*Epinephelus quoyanus*
Maori cod	*Epinephelus undulatostriatus*
oblique-banded grouper	*Epinephelus radiatus*
peacock rockcod	*Cephalopholis argus*
potato cod	*Epinephelus tukula*
Queensland grouper	*Epinephelus lanceolatus*
redmouth rockcod	*Aethaloperca rogaa*
six bar rockcod	*Epinephelus sexfasciatus*
six spot rockcod	*Cephalopholis sexmaculata*
snubnose rockcod	*Epinephelus macrospilos*
speckled-fin rockcod	*Epinephelus ongus*
speckled grouper	*Epinephelus magniscuttis*

SCHEDULE 16A (continued)

Common name	Scientific name
strawberry rockcod	*Cephalopholis spiloparaea*
thinspine rockcod	*Gracila albomarginata*
tomato rockcod	*Cephalopholis sonnerati*
trout cod	*Epinephelus maculatus*
white-lined rockcod	*Anyperodon leucogrammicus*
white-spotted rockcod	*Epinephelus caeruleopunctatus*
coral trout	
barred-cheek coral trout	*Plectropomus maculatus*
chinese footballer (blue spot trout)	*Plectropomus laevis*
coral trout (leopard trout)	*Plectropomus leopardus*
coronation trout	*Variola louti*
highfin coral trout	*Plectropomus oligacanthus*
lyretail trout	*Variola albimarginata*
squaretail coral trout (passionfruit trout)	*Plectropomus areolatus*
emperors	
big-eye bream	*Monotaxis grandoculis*
collared sea bream	*Gymnocranius audleyi*
gold-lined sea bream	*Gnathodentex aureolineatus*
Japanese sea bream	*Gymnocranius euanus*
lancer	*Lethrinus genivittatus*
long-nosed emperor	*Lethrinus olivaceus*

SCHEDULE 16A (continued)

Common name	Scientific name
Mozambique large-eye bream	*Wattsia mosambica*
orange-striped emperor	*Lethrinus obsoletus*
pink-eared emperor	*Lethrinus lentjan*
red-eared emperor	*Lethrinus rubrioperculatus*
Robinson's sea bream	*Gymnocranius grandoculis*
spangled emperor	*Lethrinus nebulosus*
spotted sea bream	*Gymnocranius* sp.
sweetlip emperor (red-throat emperor)	*Lethrinus miniatus*
thumbprint emperor	*Lethrinus harak*
variegated emperor	*Lethrinus variegatus*
yellowlip emperor	*Lethrinus xanthochilus*
yellow-spotted emperor	*Lethrinus erythracanthus*
yellow-striped emperor	*Lethrinus ornatus*
yellow-tailed emperor	*Lethrinus atkinsoni*
fusiliers	
fusiliers	*Caesio* spp. / *Pterocaesio* spp.
parrotfishes	
bicolour parrotfish	*Cetoscarus bicolor*
bumphead parrotfish	*Bolbometapon muricatum*
miscellaneous parrotfish	*Scarus* spp.

SCHEDULE 16A (continued)

Common name	Scientific name
surgeonfishes	
surgeonfishes	*Acanthurus* spp.
unicornfish	*Naso* spp.
sweetlips	
miscellaneous sweetlips	*Plectorhinchus* spp.
painted sweetlips (slaty bream)	*Diagramma* spp.
tropical snappers and sea perches	
bigeye seaperch	*Lutjanus lutjanus*
black and white seaperch	*Macolor niger*
black-spot snapper	*Lutjanus fulviflamma*
bluestripe seaperch	*Lutjanus kasmira*
brownstripe seaperch (brown hussar)	*Lutjanus vitta*
chinamanfish	*Symphorus nematophorus*
crimson jobfish (rosy jobfish)	*Pristipomoides filamentosus*
crimson seaperch (small mouth nannygai)	*Lutjanus erythropterus*
dark-tailed seaperch	*Lutjanus lemniscatus*
five-lined seaperch	*Lutjanus quinquelineatus*
flame snapper	*Etelis coruscans*
goldband snapper	*Pristipomoides multidens* and *Pristipomoides* typus

SCHEDULE 16A (continued)

Common name	Scientific name
green jobfish	*Aprion virescens*
hussar (pink hussar)	*Lutjanus adetii*
lavender jobfish	*Pristipomoides sieboldii*
Maori seaperch	*Lutjanus rivulatus*
midnight seaperch	*Macolor macularis*
moses perch	*Lutjanus russelli*
onespot seaperch	*Lutjanus monostigma*
paddletail	*Lutjanus gibbus*
red bass	*Lutjanus bohar*
red emperor	*Lutjanus sebae*
ruby snapper	*Etelis carbunculus*
saddletail seaperch (large mouth nannygai)	*Lutjanus malabaricus*
sailfin snapper	*Symphorichthys spilurus*
small-toothed jobfish	*Aphareus furca*
spanish flag (stripey)	*Lutjanus carponotatus*
yellow-margined seaperch	*Lutjanus fulvus*
wrasses	
anchor tuskfish	*Choerodon anchorago*
blackspot tuskfish	*Choerodon schoenleinii*
blue tuskfish	*Choerodon cyanodus*
grass tuskfish (purple tuskfish)	*Choerodon cephalotes*

SCHEDULE 16A (continued)

Common name	Scientific name
hogfish	*Bodianus* spp.
humphead Maori wrasse	*Cheilinus undulatus*
redbreasted Maori wrasse	*Cheilinus fasciatus*
tripletail Maori wrasse	*Cheilinus trilobatus*
venus tuskfish	*Choerodon venustus*

SCHEDULE 17

DEFINITIONS

section 2

PART 1—EXTENDED DEFINITIONS

1 Meaning of "Deception Bay area" for fish regulated by area

(1) For fish regulated by area, **"Deception Bay area"** means the Deception Bay foreshore between the public boat ramp at Emerald Avenue, Deception Bay and the seaward end of Reef Point Esplanade, Castlereagh Point, Scarborough.

(2) The area does not include a waterway upstream of a line between its banks.

2 Meaning of "Lake Awoonga area"

"Lake Awoonga area" means—

(a) Lake Awoonga; or

(b) the area within the following boundary—

- from the F↑B sign near the end of Scenic Drive at the Shore of Lake Awoonga, along Scenic Drive to Lookout Road
- along Lookout Road to the shore of Lake Awoonga
- along the shore of Lake Awoonga to the F↑B sign near the end of Scenic Drive at the Shore of Lake Awoonga, along Scenic Drive to Lookout Road.

3 Meaning of "Lake Tinaroo area"

"Lake Tinaroo area" means the area of, and within, the following boundary—

- from Danbulla Forest Drive at the northern end of the Tinaroo Dam wall along the drive to Boar Pocket Road

SCHEDULE 17 (continued)

- along Boar Pocket Road to Gillies Road (Gordonvale-Atherton Road)
- along Gillies Road to Marks Lane
- along Marks Lane to Tinaroo Falls Dam Road
- along Tinaroo Falls Dam Road to Danbulla Forest Drive.

4 Meaning of "length" of a commercial fishing boat

(1) "Length", of a commercial fishing boat, means the distance between the front and end tips of the boat.

(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.

5 Meaning of "length" of a net other than an otter trawl net

(1) "Length", of a cast net, means the greater of the distances between the point where the net's cord or rope is attached to the rest of the net and the following—

(a) the net's lead line;

(b) the bottom of the net's lowest pocket.

(2) "Length", of a net (other than a otter trawl net or a cast net), means the distance between the outer ends of its mesh measured along the head or bottom rope, whichever rope is longer when taut.

(3) "Length", of a net used with a separate back net, means the total length of the net and the back net in use.

SCHEDULE 17 (continued)

6 Meaning of "mesh size" of a net

(1) "Mesh size", of a knotted mesh 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) "Mesh size", of a knotless mesh 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.

7 Meaning of "Moreton Bay"

"Moreton Bay" means waters within the following boundary—

- 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 Reeders 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.

SCHEDULE 17 (continued)

9 Meaning of "Nudgee Beach area" for fish regulated by area

(1) For fish regulated by area, **"Nudgee Beach area"** means the Bramble Bay foreshore at Nudgee Beach between the eastern bank of the main channel of Nudgee Creek and the western bank of the main channel of the Kedron Brook floodway.

(2) The area does not include the foreshores of Nudgee Creek upstream of a straight line between its banks or Kedron Brook floodway upstream of a straight line between its banks.

10 Meaning of "Pumicestone Strait"

"Pumicestone Strait" means waters and adjoining waterways, within the following boundary—

- 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
- along the shore to the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra.

12 Meaning of "under direction" for an assistant fisher

(1) This section states when an assistant fisher is **"under direction"** in a fishery under this regulation or a management plan, other than the East Coast Trawl Plan.[74]

(2) The assistant fisher is **"under direction"** if the assistant fisher and a commercial fisher are engaged in the same fishing operation or different fishing operations, 1 of which is in the crab fishery, and—

(a) the assistant fisher and commercial fisher are at the same place, in the same vehicle or on the same commercial fishing boat; or

74 See the East Coast Trawl Plan, section 33 (Assistant fishers and persons acting under a crew licence).

SCHEDULE 17 (continued)

(b) the assistant fisher and commercial fisher are not at the same place, in the same vehicle or on the same commercial fishing boat but—

(i) are no further apart than the distance permitted under a fishery provision for the fishery in which the boats are operating; and

(ii) the assistant fisher is following the commercial fisher's instructions.

(3) However, in the trawl fishery (fin fish) an assistant fisher is **"under direction"** only if the assistant fisher and a commercial fisher are—

(a) on the same boat; or

(b) on different boats but the assistant fisher is on a tender commercial fishing boat that is not a trawler.

13 Meaning of "Wynnum area" for fish regulated by area

(1) For fish regulated by area, **"Wynnum area"** means the foreshores of Moreton Bay and the Boat Passage, between the south-eastern tip of Fisherman Islands and the northern breakwater of the Manly boat harbour.

(2) The area does not include foreshores west of the road bridge over the Boat Passage or upstream of a line between the banks of a waterway.

14 Meaning of "whole weight" of spanish mackerel

(1) The whole weight of spanish mackerel that is filleted, gilled and gutted or trunked is the amount worked out using the following formula—

$$\mathbf{WW = W \times CF}$$

where—

"WW" is the whole weight, in kilograms, of the spanish mackerel.

"W" is the weight, in kilograms, of the spanish mackerel.

"CF" is—

(a) for gilled and gutted spanish mackerel—1.05; or

(b) for trunked spanish mackerel—1.18; or

SCHEDULE 17 (continued)

(c) for filleted spanish mackerel—1.61.

(2) The whole weight of a number of spanish mackerel is the amount worked out by using the following formula—

$$\mathbf{WW = N \times 7.25}$$

where—

"WW" is the whole weight, in kilograms, of the spanish mackerel.

"N" is the number of spanish mackerel.

PART 2—DICTIONARY

"aid to navigation" has the meaning given under the *Transport Operations (Marine Safety) Act 1994*.

"annual", for a quota, means the period from 1 January to 31 December.

"approved" means approved by the chief executive.

"assistant fisher" means a person who holds an assistant fisher licence.

"back net" means a net, or part of a net, supported by not more than 12 stakes, used as an artificial shore during ring or seine net fishing.

"boundary sign" means an F↑B or SF↑B sign.

"buyer" means a person who holds a buyer licence.

"collapsible trap" means a trap made of rigid material, with 1 or more collapsible sides.

"commercial fisher" means a person who holds a commercial fisher licence.

"commercial fishery" means a fishery described as a commercial fishery in schedules 11 to 15 or a management plan.

"commercial fishing apparatus" means fishing apparatus other than fishing apparatus that may be used or possessed by a recreational fisher under schedule 8 or a management plan.

SCHEDULE 17 (continued)

"commercial fishing boat" means a primary or tender commercial fishing boat.

"commercial fishing competition" means a competition for taking fish held in trade or commerce.

"commercial fishing tour" means a tour or fishing trip, conducted in trade or commerce, for taking fish other than for a trade or commerce and carrying passengers for gain.

Examples of commercial fishing tours—

- game fishing, reef fishing, spear fishing, or tag and release fishing tours
- guided fishing tours
- inland safari tours.

"coral reef fin fish" means fish mentioned in schedule 16A.

"crab fishery" means the commercial crab fishery under schedule 11.

"crab pot" means fishing apparatus comprising a cage with a round opening in the top, or an elongated opening (parallel to the base) in the side, for trapping crabs.

"Deception Bay area", for fish regulated by area, see section 1 of this schedule.

"diameter", of monofilament of a net, means the average diameter of the monofilament of 10 meshes of the net, each of which is at least 30 cm from the other 9.

"dilly" means fishing apparatus comprising a frame and a net that hangs below the frame's horizontal plane when the apparatus is in use.

"docket" means a docket under section 86 of the Act.

"East Coast Trawl Plan" means the *Fisheries (East Coast Trawl) Management Plan 1999*.

"extended commercial fishing tour" means a commercial fishing tour conducted for an uninterrupted period of at least 48 hours.

"F↑B sign" means a sign with the marking F↑B on it, erected or displayed by the chief executive.

"fin fish" means a fish that has a fin at any stage of its life cycle.

"fisher" means a person who holds a fisher licence.

SCHEDULE 17 (continued)

"fishery provision", for a commercial fishery, means a provision of the relevant fishery schedule or management plan.

"fishery schedule" means schedule 11, 12, 13, 14 or 15.

"fishery symbol", for a commercial fishery, means a symbol specified in a fishery schedule or management plan as the fishery symbol for the fishery.

"fishing line" means fishing apparatus comprising a line used by hand, with or without a pole, reel or rod.

"fix", a net, includes hold the net in a way that sets the net.

"Great Barrier Reef Region" means the fishery area described in schedule 12, part 6, section 41.

"hand pump" means a hand operated pump used for taking bait.

"haul seine net" means a seine net that is hauled, without the use of a boat, to complete the taking of fish.

"hook" includes—

(a) a hook with more than 1 prong, including, for example, a treble hook; and

(b) a structure of more than 1 hook attached to a fishing line at a single point, including, for example, a gang hook.

"interfere with" includes damage, destroy, mark and remove.

"inverted dilly" means fishing apparatus comprising a frame and a net with a float attached so the net is above the frame's horizontal plane when the apparatus is in use, and includes fishing apparatus known as a suicide dilly or witch's hat.

"Lake Awoonga area" see section 2 of this schedule.

"Lake Tinaroo area" see section 3 of this schedule.

"length"—

(a) of a commercial fishing boat—see section 4 of this schedule; or

(b) of an otter trawl net—see schedule 14, section 4(3); or

(c) of a net, other than an otter trawl net—see section 5 of this schedule.

SCHEDULE 17 (continued)

"logbook information" means—

(a) information in a statistical logbook return kept in the way and form and as directed by the chief executive or a former Authority at the time the return was made; and

(b) information about the return held by the chief executive in electronic form.

"lure" means an artificial bait with 1 or more hooks attached to it.

"mesh net" means a net used as a gill net, mesh net, ring net or a net that is not fixed or hauled.

"mesh size", of a net, see section 6 of this schedule.

"monofilament net" means a net made from a continuous filament or strand of synthetic fibre, joined, knitted or woven into meshes.

"Moreton Bay" see section 7 of this schedule.

"national park land" means land dedicated as any type of national park under the *Nature Conservation Act 1992*.

"n mile" means nautical mile.

"Nudgee Beach area", for fish regulated by area, see section 9 of this schedule.

"ocean beach fishery" means a fishery described in schedule 13, parts 6 to 13.

"official sign" means a sign erected by the chief executive, and includes a boundary sign.

"offshore waters" are waters that are—

(a) at least 2 m deep; and

(b) not in a waterway or on a foreshore.

"otter trawl net" means a trawl net with its mouth kept open by otter boards and the force of water.

"pearl oyster" means a black lipped pearl oyster or a gold lipped pearl oyster.

"pocket net" means a bag shaped set net placed across a current or tide to trap fish.

SCHEDULE 17 (continued)

"post", for a boundary marking an aquaculture area, includes buoy.

"prescribed area", for part 7, division 7, subdivision 2, see section 64A.

"prescribed flag", for part 7, division 7, subdivision 2, see section 64A.

"primary commercial fishing boat" means a commercial fishing boat identified on a primary commercial fishing boat licence.

"process", for fish, includes freeze, pack, refrigerate, sort and thaw.

"Pumicestone Strait" see section 10 of this schedule.

"purse seine net" means a seine net that is used to trap fish by drawing together or pursing the lower edge of the net with a drawstring attached to the edge.

"ready to fish", for part 7, division 7, subdivision 2, see section 64B.

"reasonably" means on grounds that are reasonable in all the circumstances.

"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).

"required way", for tagging barramundi, means the way required by—

(a) an F↑B sign or advisory sign erected by the chief executive in, or at or near an entrance to, the Lake Tinaroo area or the Lake Awoonga area; or

(b) another notice given by the chief executive.

"ring net" means a net shot to encircle fish by hauling 1 end around the other to make a figure '6'.

"seine net" means a beach or haul seine net, with or without a pocket, shot in a way to partly encircle fish.

"set" a net, means fix the net or part of it in a way that it can trap fish.

"set mesh net" means a gill net used to take fish by anchoring or fixing it to a place.

SCHEDULE 17 (continued)

"SF↑B sign" means a sign with the marking SF↑B on it, erected or displayed by the chief executive.

"shoot" a net, means place or spread the net, or part of it, in a way that it can trap fish.

"SM fishery licence" means a licence with the fishery symbol 'SM' written on it.

"SM unit" means a unit issued under schedule 5B, part 3.

"spear gun" includes a bow for propelling a spear.

"species of cod or groper", for schedule 4, means a species listed under the heading cods and gropers in schedule 16A.

"species of coral trout", for schedule 4, means a species listed under the heading coral trout in schedule 16A.

"species of emperor", for schedule 4, means a species listed under the heading emperor in schedule 16A.

"species of jobfish", for schedule 4, means a following species—

(a) crimson jobfish (rosy jobfish);

(b) flame snapper;

(c) goldband snapper;

(d) green jobfish;

(e) lavender jobfish;

(f) ruby snapper;

(g) small-toothed jobfish.

"species of parrotfish, surgeonfish or sweetlips", for schedule 4, means a species listed under the heading parrotfishes, surgeonfishes or sweetlips in schedule 16A.

"species of wrasse", for schedule 4, means a species listed under the heading wrasse in schedule 16A.

"tender commercial fishing boat" means a commercial fishing boat identified in a tender commercial fishing boat licence.

SCHEDULE 17 (continued)

"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.

"the 3 n mile line" means a line parallel to the territorial sea baseline and 3 n miles out to sea.

"the 25 n mile line" means a line parallel to the territorial sea baseline and 25 n miles out to sea.

"the coastal 500 m line", around the mainland or an island, means the line worked out as follows—

(a) for any part of the mainland or island where there is a coral reef within 100 m of the mainland or island—the line every point of which is 500 m seaward from the seaward edge of the reef at low water mark;

(b) for any other part of the mainland or island—the line every point of which is 500 m seaward from the shore of the mainland or island at low water mark.

"time quota" see section 29.

"Torres Strait Protected Zone" has the meaning given by the *Torres Strait Fisheries Act 1985* (Cwlth).

"trawl fishery (fin fish)" means the fishery described in schedule 14.

"tunnel net" means a net, supported by stakes, in which there is an opening so fish trapped by the net can enter a net trough or tunnel.

"unallocated State land" has the meaning given by the *Land Act 1994*.

"under direction", for an assistant fisher, see section 12 of this schedule.

"use" a net, includes set and shoot the net.

"whole weight", for an amount of spanish mackerel recorded in logbook information, means—

(a) for an amount recorded on the basis of weight of whole spanish mackerel—the amount recorded, in kilograms; or

(b) for an amount recorded on any other basis—the amount worked out in the way stated in section 14 of this schedule.

Example of any other basis for paragraph (b)—

the weight of trunked spanish mackerel or a number of spanish mackerel

SCHEDULE 17 (continued)

"Wynnum area", for fish regulated by area, see section 13 of this schedule.

ENDNOTES

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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 2 December 2003. Future amendments of the Fisheries Regulation 1995 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.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 December 1995	22 December 1995
1A	to 1997 SL No. 16	1 February 1997	5 February 1997
1B	to 1997 SL No. 48	11 March 1997	21 March 1997
1C	to 1997 SL No. 222	18 July 1997	15 August 1997
1D	to 1997 SL No. 387	14 November 1997	21 November 1997
2	to 1998 SL No. 7	2 February 1998	6 March 1998
2A	to 1998 SL No. 232	14 August 1998	20 August 1998
2B	to 1998 SL No. 232	1 September 1998	16 October 1998
2C	to 1998 SL No. 295	6 November 1998	10 November 1998
2D	to 1998 SL No. 370	18 December 1998	11 January 1999
3	to 1999 SL No. 58	1 May 1999	5 May 1999
3A	to 1999 SL No. 58	1 June 1999	13 July 1999
3B	to 1999 SL No. 272	5 November 1999	15 November 1999
4	to 2000 SL No. 8	21 January 2000	24 January 2000
4A	to 2000 SL No. 53	24 March 2000	31 March 2000
4B	to 2000 SL No. 57	31 March 2000	5 April 2000
4C	to 2000 SL No. 184	30 June 2000	14 July 2000
4D	to 2000 SL No. 265	13 October 2000	18 October 2000
5	to 2000 SL No. 361	21 December 2000	19 January 2001
5A	to 2001 SL No. 64	1 June 2001	20 June 2001
5B	to 2001 SL No. 151	24 August 2001	31 August 2001
5C	to 2001 SL No. 170	21 September 2001	5 October 2001
5D	to 2001 SL No. 208	16 November 2001	30 November 2001
6	to 2002 SL No. 60	5 April 2002	26 April 2002
6A	to 2002 SL No. 110	17 May 2002	24 May 2002 (Column discontinued) Notes
6B	to 2002 SL No. 337	6 December 2002	
6C	to 2002 SL No. 339	9 December 2002	
6D	to 2002 SL No. 376	20 December 2002	
6E	to 2003 SL No. 30	28 February 2003	
6F	to 2003 SL No. 54	1 April 2003	R6F withdrawn, see R7
7	to 2003 SL No. 54	1 April 2003	
7A	to 2003 SL No. 54	1 September 2003	
7B	to 2003 SL No. 214	12 September 2003	
7C	to 2003 SL No. 214	20 September 2003	
7D	to 2003 SL No. 214	1 November 2003	
7E	to 2003 SL No. 214	2 December 2003	provs exp 1 December 2003

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	4

6 List of legislation

Fisheries Regulation 1995 SL No. 325
made by the Governor in Council on 30 November 1995
notfd gaz 1 December 1995 pp 1334–7
commenced on date of notification
exp 1 September 2006 (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—

Fisheries Amendment Regulation (No. 1) 1996 SL No. 233
notfd gaz 6 September 1996 pp 81–2
ss 1–2 commenced on date of notification
s 6 commenced 1 January 1997 (see s 2(1))
remaining provisions commenced 7 September 1996 (see s 2(2))

Fisheries Amendment Regulation (No. 2) 1996 SL No. 266
notfd gaz 4 October 1996 pp 450–1
ss 1–2 commenced on date of notification
s 11 commenced 1 February 1997 (see s 2(1))
remaining provisions commenced on date of notification (see s 2(2))

Fisheries Amendment Regulation (No. 3) 1996 SL No. 422
notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Fisheries Amendment Regulation (No. 4) 1996 SL No. 423
notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Fisheries Amendment Regulation (No. 5) 1996 SL No. 449
notfd gaz 20 December 1996 pp 1588–98
ss 1–2 commenced on date of notification
s 4 commenced 31 December 1996 (see s 2(1))
remaining provisions commenced 1 January 1997 (see s 2(2))

Fisheries Amendment Regulation (No. 1) 1997 SL No. 16
notfd gaz 31 January 1996 pp 376–8
commenced on date of notification

Fisheries Amendment Regulation (No. 2) 1997 SL No. 47
notfd gaz 7 March 1997 pp 909–10
commenced on date of notification

Fisheries Amendment Regulation (No. 3) 1997 SL No. 48
notfd gaz 7 March 1997 pp 909–10
ss 1–2 commenced on date of notification
remaining provisions commenced 11 March 1997 (see s 2)

Fisheries Amendment Regulation (No. 4) 1997 SL No. 94
notfd gaz 18 April 1997 pp 1621–2
commenced on date of notification

Fisheries Amendment Regulation (No. 5) 1997 SL No. 118
notfd gaz 16 May 1997 pp 242–4
commenced on date of notification

Fisheries Amendment Regulation (No. 6) 1997 SL No. 222
notfd gaz 18 July 1997 pp 1351–2
commenced on date of notification

Fisheries Amendment Regulation (No. 7) 1997 SL No. 260
notfd gaz 22 August 1997 pp 1910–11
commenced on date of notification

Fisheries Amendment Regulation (No. 8) 1997 SL No. 328
notfd gaz 3 October 1997 pp 481–2
commenced on date of notification

Fisheries Amendment Regulation (No. 9) 1997 SL No. 387
notfd gaz 14 November 1997 pp 1164–5
commenced on date of notification

Fisheries Amendment Regulation (No. 10) 1997 SL No. 476
notfd gaz 19 December 1997 pp 1770–77
commenced on date of notification

Fisheries Amendment Regulation (No. 11) 1997 SL No. 477
notfd gaz 19 December 1997 pp 1770–77
ss 1–2 commenced on date of notification
remaining provisions commenced 12 January 1998 (see s 2)

Fisheries Amendment Regulation (No. 1) 1998 SL No. 7
notfd gaz 30 January 1998 p 378
ss 1–2 commenced on date of notification
remaining provisions commenced 2 February 1998 (see s 2)

Fisheries Amendment Regulation (No. 2) 1998 SL No. 213
notfd gaz 24 July 1998 p 1491–2
commenced on date of notification

Fisheries Amendment Regulation (No. 3) 1998 SL No. 232
notfd gaz 14 August 1998 pp 1835–6
ss 9–10 commenced 1 September 1998 (see s 3)

remaining provisions commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 4) 1998 SL No. 295
notfd gaz 6 November 1998 pp 899–900
commenced on date of notification

Fisheries Amendment Regulation (No. 5) 1998 SL No. 370
notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

Fisheries Amendment Regulation (No. 1) 1999 SL No. 2
notfd gaz 29 January 1999 pp 323–4
commenced on date of notification

Fisheries Amendment Regulation (No. 2) 1999 SL No. 57
notfd gaz 1 April 1999 pp 1534–6
ss 6, 9, 15, 16(1), 17–20, 35(2)–(3), 37(1), 38(2), 41, 45(2), (4), (8) commenced 1 June 1999 (see s 2)
remaining provisions commenced on date of notification
Note—An explanatory note was prepared

Fisheries Amendment Regulation (No. 3) 1999 SL No. 58
notfd gaz 1 April 1999 pp 1534–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 May 1999 (see s 2)
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 4) 1999 SL No. 187
notfd gaz 13 August 1999 pp 2052–3
commenced on date of notification

Fisheries Amendment Regulation (No. 5) 1999 SL No. 217
notfd gaz 17 September 1999 pp 250–1
commenced on date of notification

Fisheries Amendment Regulation (No. 6) 1999 SL No. 249
notfd gaz 29 October 1999 pp 814–7
commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 7) 1999 SL No. 272
notfd gaz 5 November 1999 pp 918–21
commenced on date of notification

Fisheries Amendment Regulation (No. 8) 1999 SL No. 290
notfd gaz 19 November 1999 pp 1149–52
commenced on date of notification

Fisheries Amendment Regulation (No. 1) 2000 SL No. 8
notfd gaz 21 January 2000 pp 192–3
commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 2) 2000 SL No. 53
notfd gaz 24 March 2000 pp 1130–31
commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 3) 2000 SL No. 57
notfd gaz 31 March 2000 pp 1235–6
commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

Primary Industries and Natural Resources Legislation Consequential Amendment Regulation (No. 1) 2000 SL No. 184 pts 1–2
notfd gaz 30 June pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced at 6 p.m. on 30 June 2000 (see s 2)

Fisheries Amendment Regulation (No. 4) 2000 SL No. 265
notfd gaz 13 October 2000 pp 565–6
commenced on date of notification

Fisheries Amendment Regulation (No. 5) 2000 SL No. 361
notfd gaz 21 December 2000 pp 1496A–1496B
commenced on date of notification

Fisheries Amendment Regulation (No. 1) 2001 SL No. 64
notfd gaz 1 June 2001 pp 416–17
commenced on date of notification

Fisheries Amendment Regulation (No. 2) 2001 SL No. 151
notfd gaz 24 August 2001 pp 1526–9
commenced on date of notification

Fisheries Legislation Amendment and Repeal Regulation (No. 1) 2001 SL No. 170 pts 1–2
notfd gaz 21 September 2001 pp 230–31
commenced on date of notification

Fisheries Amendment Regulation (No. 3) 2001 SL No. 208
notfd gaz 16 November 2001 pp 982–5
commenced on date of notification

Fisheries Amendment Regulation (No. 1) 2002 SL No. 60
notfd gaz 5 April 2002 pp 1320–1
ss 1–2 commenced on date of notification
remaining provisions commenced 1 May 2002 (see s 2)
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 2) 2002 SL No. 110
notfd gaz 17 May 2002 pp 235–6
commenced on date of notification

Fisheries Amendment Regulation (No. 3) 2002 SL No. 337
notfd gaz 6 December 2002 pp 1162–66
commenced on date of notification

Fisheries Amendment Regulation (No. 4) 2002 SL No. 339
notfd gaz 6 December 2002 pp 1162–66
ss 1–2 commenced on date of notification
ss 18(1)–(4) commenced 1 September 2003 (see s 2(2))
remaining provisions commenced 9 December 2002 (see s 2(1))
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 5) 2002 SL No. 376
notfd gaz 20 December 2002 pp 1359–63
commenced on date of notification

Fisheries Amendment Regulation (No. 1) 2003 SL No. 30
notfd gaz 28 February 2003 pp 774–5
commenced on date of notification

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)

Fisheries Amendment Regulation (No. 2) 2003 SL No. 213
notfd gaz 12 September 2003 pp 128–31
ss 1–2 commenced on date of notification
ss 6, 10, 11, 13–17 commence 13 December 2003 (see s 2)
remaining provisions commenced on date of notification
Note—An explanatory note was prepared

Fisheries Amendment Regulation (No. 3) 2003 SL No. 214
notfd gaz 12 September 2003 pp 128–31
ss 1–2 commenced on date of notification
ss 5, 36 commence 13 December 2003 (see s 2(3))
ss 6–10, 13, 15–16, 21, 25, 27–32, 41(6) commence 1 July 2004 (see s 2(5))
ss 12, 39–40, 41(4)–(5) commence 1 February 2004 (see s 2(4))
ss 17, 19, 41(3) commenced 1 November 2003 (see s 2(2))
s 35(1), (5)–(6) commenced 20 September 2003 (see s 2(1))
remaining provisions commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

7 List of annotations

Definitions
s 2 sub 1999 SL No. 290 s 3

References to latitudes and longitudes
s 2A ins 2000 SL No. 361 s 3
amd 2003 SL No. 214 s 4

Scientific names of fish
s 10 amd 1996 SL No. 266 s 4; 1997 SL No. 222 s 3; 1999 SL No. 57 s 4; 2002 SL No. 110 s 3; 2002 SL No. 337 s 3; 2003 SL No. 213 s 4

Information to be contained in draft management plans
s 12 amd 2000 SL No. 184 s 4
om 2001 SL No. 208 s 3

Publication of draft management plans
s 13 amd 2000 SL No. 184 s 4; 2000 SL No. 361 s 4

PART 4—CLOSED SEASONS AND CLOSED WATERS
Division 1—Closed season
div hdg ins 1999 SL No. 57 s 5

Closed season for barramundi
s 14 sub 1999 SL No. 57 s 5
amd 2002 SL No. 337 s 4

Closed season for Australian bass
s 14A ins 2002 SL No. 337 s 5
sub 2003 SL No. 214 s 11

Closed season for tropical spiny rock lobster
s 14AA ins 2002 SL No. 339 s 4

Prohibited activities
s 14B ins 2002 SL No. 337 s 5

General exemption
s 14C ins 2002 SL No. 337 s 5

Exemption for barramundi
prov hdg sub 2002 SL No. 337 s 6
s 15 amd 1996 SL No. 266 s 3 sch
sub 1999 SL No. 57 s 5

Division 2—Closed waters
div hdg ins 1999 SL No. 57 s 5

Closed waters
s 16 amd 1996 SL No. 266 s 5; 1999 SL No. 57 s 6; 1999 SL No. 290 s 4

Closed waters—reef world heritage area
s 16A ins 2001 SL No. 151 s 3
om 2001 SL No. 208 s 3

PART 5—REGULATED FISH
Division 1—Regulated fish, other than prawns
div hdg sub 1999 SL No. 249 s 3

Subdivision 1—Regulated fish declarations
sdiv hdg ins 1999 SL No. 249 s 3

Regulated fish
s 18 amd 1999 SL No. 57 s 7; 1999 SL No. 290 s 5; 2002 SL No. 339 s 5

Possessing certain grunter regulated
s 18A ins 1996 SL No. 266 s 6
om 1999 SL No. 57 s 8

Subdivision 2—Measurement of fish to decide if they are regulated
sdiv hdg (prev div 2 hdg) amd 1999 SL No. 249 s 4; 2000 SL No. 53 s 3

Measurement of percentage of certain fish
s 20 om 1999 SL No. 290 s 7

Measurement of size of fish
s 21 amd 1999 SL No. 57 s 9; 1999 SL No. 58 s 4; 1999 SL No. 290 s 8; 2002 SL No. 339 s 6; 2003 SL No. 213 s 5

Subdivision 3—Exemptions
sdiv hdg (prev div 3 hdg) amd 1999 SL No. 249 s 4

Exemption for recreational fishers about barramundi size limit
s 23 amd 1996 SL No. 266 s 3 sch
sub 1999 SL No. 57 s 10

Exemptions for Mary River cod
s 24A ins 1996 SL No. 422 s 3
om 1999 SL No. 57 s 11

Other exemptions
s 25 amd 1996 SL No. 422 s 4; 1999 SL No. 57 s 12

Division 2—Prawns regulated for recreational fishers
div hdg prev div 2 hdg now sdiv 2 hdg
pres div 2 hdg ins 1999 SL No. 249 s 5

Prawns regulated by volume
s 25A ins 1999 SL No. 249 s 5

Measurement of volume of prawns
s 25B ins 1999 SL No. 249 s 5

PART 5A—DECLARED DISEASES
pt hdg ins 2001 SL No. 170 s 3

Declared diseases—Act, s 94
s 25C ins 2001 SL No. 170 s 3
amd 2003 SL No. 30 s 3

PART 5B—NOXIOUS FISHERIES RESOURCES
pt hdg ins 2002 SL No. 337 s 7

Noxious fisheries resources
s 25D ins 2002 SL No. 337 s 7

Quotas for commercial fisheries
s 26 amd 2002 SL No. 60 s 4; 2002 SL No. 339 s 7

Notice of filling of certain quotas
prov hdg amd 1996 SL No. 233 s 4(1)
s 27 amd 1996 SL No. 233 s 4(2); 2000 SL No. 184 s 5

Annual quota for tailor
s 29A ins 2002 SL No. 60 s 5

Annual quota for spotted mackerel
s 29B ins 2002 SL No. 339 s 8

PART 7—AUTHORITIES
Licences chief executive may issue
s 30 sub 2000 SL No. 184 s 6

Licences Authority may issue
s 31 amd 1999 SL No. 57 s 13
om 2000 SL No. 184 s 6

Restriction on issue of crew licences
s 32 amd 2000 SL No. 184 s 7

Restriction on issue of primary commercial fishing boat licences
s 32A ins 1997 SL No. 260 s 3
amd 2000 SL No. 184 s 7

Restriction on issue of tender commercial fishing boat licences
s 33 amd 2000 SL No. 184 s 7

Permits chief executive may issue
s 34 sub 2000 SL No. 184 s 8

Restrictions on issue of general fisheries permits
s 35 amd 1996 SL No. 422 s 5; 1999 SL No. 57 s 14; 1999 SL No. 217 s 3 (3)–(4) exp 10 December 1999 (see s 35(4))
amd 2000 SL No. 53 s 4
sub 2000 SL No. 184 s 8
amd 2002 SL No. 110 s 4

Other authorities the chief executive may issue
prov hdg amd 2000 SL No. 184 s 9
s 40 amd 2000 SL No. 184 s 7

Fishery symbols to be written on authorities
s 41 amd 1999 SL No. 57 s 15; 1999 SL No. 290 s 9; 2000 SL No. 184 s 1; 2001 SL No. 170 s 4

Restrictions on writing fishery symbol 'SM'
s 41A ins 2003 SL No. 214 s 11

Restrictions on writing fishery symbols on authorities allowing the use of boats in commercial fisheries
s 42 amd 1997 SL No. 260 s 4; 1997 SL No. 476 s 3; 1999 SL No. 57 s 16; 2000 SL No. 184 s 7

Combining spanner crab fishery symbols
s 42A ins 1997 SL No. 260 s 5
om 1999 SL No. 57 s 17

Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries
s 43 amd 2000 SL No. 184 s 7

Restriction on things authorised by an authority with more than 1 fishery symbol on it
s 45 amd 1999 SL No. 57 s 18; 2003 SL No. 213 s 7

When effect of certain fishery symbols end
s 47 amd 1999 SL No. 57 s 19; 1999 SL No. 290 s 10; 2000 SL No. 184 s 7

Assistant fisher licence
s 49 sub 1999 SL No. 290 s 11
amd 2000 SL No. 361 s 10(1)–(2)

Tender commercial fishing boat licence
s 56 amd 1999 SL No. 57 s 20; 2003 SL No. 214 s 14

Authorities that are not transferable
s 59 amd 1996 SL No. 449 s 4; 1999 SL No. 57 s 21; 2002 SL No. 337 s 8; 2002 SL No. 339 s 9

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Subdivision 1—General provisions
sdiv hdg ins 2003 SL No. 214 s 17

Authority holder only needs 1 authority for an activity
s 61 amd 1999 SL No. 57 s 22

Particulars to be contained in register of authorities
s 62 amd 1998 SL No. 232 s 4; 1999 SL No. 57 s 23; 1999 SL No. 290 s 12; 2000 SL No. 53 s 5; 2000 SL No. 184 s 11; 2000 SL No. 361 s 5; 2003 SL No. 213 s 8; 2003 SL No. 214 s 18

Holder to notify chief executive of certain changes
prov hdg amd 2000 SL No. 184 s 12(1)
s 63 amd 2000 SL No. 184 s 12(2)

Authorities inspectors may have an interest in
s 64 amd 1999 SL No. 57 s 24

Subdivision 2—Fishing priority
sdiv hdg ins 2003 SL No. 214 s 19

Definitions for sdiv 2
s 64A ins 1997 SL No. 260 s 6
amd 1999 SL No. 272 s 3
sub 2003 SL No. 214 s 19

PART 7A—VMS EQUIPMENT
pt hdg ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

Division 1—Preliminary
div hdg ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

Meaning of "ready to fish"
s 64B prev s 64B ins 1998 SL No. 232 s 5

om 1999 SL No. 290 s 13
pres s 64B ins 2003 SL No. 214 s 19

Fishing priority
s 64C prev s 64C ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13
pres s 64C ins 2003 SL No. 214 s 19

Division 2—Registration
div hdg ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

Interfering with prescribed flag
s 64D prev s 64D ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13
pres s 64D ins 2003 SL No. 214 s 19

Subdivision 3—Changing fishery symbol 'SM' to another authority
sdiv hdg ins 2003 SL No. 214 s 20

Definition for sdiv 3
s 64E prev s 64E ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13
pres s 64E ins 2003 SL No. 214 s 20

Application to change fishery symbol 'SM' to another primary commercial fishing boat licence of holder
s 64F prev s 64F ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13
pres s 64F ins 2003 SL No. 214 s 20

How chief executive must deal with application
s 64G prev s 64G ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13
pres s 64G ins 2003 SL No. 214 s 20

Division 3—VMS equipment conditions
div hdg ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

Additional conditions of licence
s 64H ins 1998 SL No. 232 s 5
amd 1999 SL No. 57 s 25
om 1999 SL No. 290 s 13

Maintenance and use
s 64I ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

Obligations if equipment fails
s 64J ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

Exemption
s 64K ins 1998 SL No. 232 s 5
om 1999 SL No. 290 s 13

PART 8—FISHERIES OFFENCES
Prohibition on taking, possessing or selling regulated fish
s 65 amd 1997 SL No. 222 s 4; 2002 SL No. 339 s 10

Prohibited ways of taking fish
s 66 amd 1997 SL No. 476 s 4; 1999 SL No. 57 s 26

Conducting commercial fishing tours
s 70 amd 2002 SL No. 110 s 5

Conducting commercial fishing competitions
s 70A ins 1996 SL No. 422 s 6
amd 2000 SL No. 184 s 13; 2002 SL No. 110 s 6

Carrying fish
s 72 amd 2003 SL No. 213 s 9

Processing fisheries resources
s 73 amd 1999 SL No. 290 s 14; 2000 SL No. 361 s 10(1)–(2); 1995 SL No. 325 s 114(2) (as ins 2000 SL No. 361 s 8)

Aquaculture
s 77 amd 1996 SL No. 423 s 3; 1999 SL No. 57 s 27

Marine plants
s 79 amd 1996 SL No. 422 s 7

Nonindigenous fisheries resources
s 80 amd 1999 SL No. 57 s 28

Allowing persons on board a commercial fishing boat
s 82 amd 2003 SL No. 54 s 3 sch

Interfering with official signs
s 88 amd 1998 SL No. 232 s 6

Interfering with approved VMS seals
s 88A ins 1998 SL No. 232 s 7
om 1999 SL No. 290 s 15

Obstructing persons fishing under an authority
s 90 amd 1997 SL No. 260 s 7

Possessing certain crabs or crab meat
prov hdg sub 1999 SL No. 290 s 16(1)
s 91 amd 1999 SL No. 58 s 4; 1999 SL No. 290 s 16(2)–(3)

Possession or sale of crab claws by fishers
s 91A ins 1996 SL No. 422 s 8

Dividing shark
s 92A ins 2002 SL No. 339 s 11

Fish habitat areas
s 94 amd 1998 SL No. 213 s 3(1)–(3); 2001 SL No. 170 s 5

Evidence of person taking fish
s 95A ins 2002 SL No. 339 s 12

PART 11—RECREATIONAL FISHING
Division 1—General
div hdg ins 1999 SL No. 249 s 6

Things recreational fishers may do—tidal waters
s 96 sub 1999 SL No. 57 s 29

Using commercial fishing boats for recreational fishing
s 97 amd 2000 SL No. 184 s 14; 2003 SL No. 214 s 22

Division 2—Prohibitions to allow identification or measurement of fish
div hdg ins 1999 SL No. 249 s 7

General prohibitions
s 98 prov hdg sub 1996 SL No. 266 s 7; 1999 SL No. 249 s 8

Prohibition for prawns taken by recreational fishers
s 98A prev s 98A ins 1996 SL No. 266 s 8
om 1999 SL No. 57 s 30
pres s 98A ins 1999 SL No. 249 s 9

Chief executive's power to enter into agreements or arrangements—Act, s 20A(1)(g)
s 99AA ins 2001 SL No. 170 s 6

Prescribed entity—chief executive's power under s 20A(1)(h) of the Act for delegation or subdelegation
s 99A ins 1999 SL No. 57 s 31
amd 2000 SL No. 184 s 15
sub 2000 SL No. 265 s 3
amd 2000 SL No. 361 s 6; 1995 SL No. 325 s 114(2) (as ins 2000 SL No. 361 s 8)

Placing mark on boat
s 103 amd 2000 SL No. 184 s 16
sub 2003 SL No. 214 s 23

Removing mark placed on boat
s 103A ins 2003 SL No. 214 s 23

Prescribed authorities—Act, s 70C
s 105 prev s 105 om 1999 SL No. 57 s 32
pres s 105 ins 2002 SL No. 337 s 9
amd 2002 SL No. 376 s 3; 2003 SL No. 213 s 12; 2003 SL No. 214 s 24

Particulars to be legible, visible and in English
prov hdg amd 1999 SL No. 290 s 17(1)
s 107 amd 1999 SL No. 290 s 17(2)–(3)

Serious fisheries offences
s 108 amd 1998 SL No. 232 s 8; 1999 SL No. 290 s 18; 2003 SL No. 214 s 26

Statistical records to be kept
s 109 sub 2000 SL No. 184 s 17

Statistical records and information about spotted mackerel or tailor
prov hdg amd 2002 SL No. 339 s 13(1)
s 109A ins 2002 SL No. 60 s 6
amd 2002 SL No. 339 s 13(2)–(3)

Threshold percentage for declared fisheries resources
s 110 sub 1999 SL No. 290 s 19
amd 2000 SL No. 361 s 10(1)–(2)

Prescribed matters and equipment for certificates—Act, s 184
prov hdg sub 2002 SL No. 337 s 10(1)
s 110A ins 2000 SL No. 361 s 7
amd 2002 SL No. 60 s 7; 2002 SL No. 337 s 10(2)

Review relating to spanish mackerel
s 110B ins 2003 SL No. 214 s 33

Witness fees for persons appearing before the Tribunal
s 111 amd 2001 SL No. 170 s 7

Other fees
s 112 amd 1999 SL No. 57 s 33; 1999 SL No. 272 s 4

Chief executive may refund or waive a fee
prov hdg amd 2000 SL No. 184 s 18(1)
s 113 amd 2000 SL No. 184 s 18(2)–(3); 2002 SL No. 337 s 11

PART 13—TRANSITIONAL PROVISIONS FOR FISHERIES AMENDMENT REGULATION (No. 3) 2003
pt hdg ins 2003 SL No. 214 s 34
exp 1 December 2003 (see s 115)

Requirements for marking boats for particular boats
s 114 orig s 114 om R1 (see RA s 40)
prev s 114 ins 2000 SL No. 361 s 8
exp 19 April 2001 (see s 141(3))
new s 114 ins 2003 SL No. 214 s 34
exp 1 December 2003 (see s 115)

Expiry of pt 13
s 115 prev s 115 exp 1 December 1996 (see s 115(2))
new s 115 ins 2003 SL No. 214 s 34
exp 1 December 2003 (see s 115)

SCHEDULE 1—CLOSED SEASONS
sch hdg om 1999 SL No. 57 s 34

Barramundi—Gulf of Carpentaria
s 1 sub 1996 SL No. 266 s 9; 1997 SL No. 328 s 3
om 1999 SL No. 57 s 34

Barramundi—elsewhere
s 2 sub 1997 SL No. 328 s 3
om 1999 SL No. 57 s 34

Spanner crab
s 3 ins 1997 SL No. 328 s 3
amd 1997 SL No. 476 s 5
om 1999 SL No. 57 s 34

SCHEDULE 2—CLOSED WATERS—COMMERCIAL FISHING
PART 1—TAKING OR POSSESSING ANY FISH
Severn River at Queen Mine Waterhole
s 2 om 1999 SL No. 57 s 35(1)

Dumaresq River at Bonshaw Weir
s 3 om 1999 SL No. 57 s 35(1)

Macintyre River at Goondiwindi Weir
s 4 om 1999 SL No. 57 s 35(1)

Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs
s 5 sub 1997 SL No. 118 s 3(1)
om 1999 SL No. 57 s 35(1)

Pike Creek at Glenlyon Dam
s 6 om 1999 SL No. 57 s 35(1)

Quart Pot Creek at Storm King Dam
s 7 om 1999 SL No. 57 s 35(1)

Barwon River at Mungindi Weir
s 8 om 1999 SL No. 57 s 35(1)

Condamine River at or near the Chinchilla, Loudon, Lemon Tree, Yarramalong, Cecil Plains and Reilly's Weirs
s 9 om 1999 SL No. 57 s 35(1)

Balonne River at Beardmore Dam and Jack Taylor Weir
s 10 om 1999 SL No. 57 s 35(1)

Sandy Creek at Leslie Dam
s 11 om 1999 SL No. 57 s 35(1)

Dogwood Creek at Miles Weir
s 12 amd 1997 SL No. 118 s 3(2)
om 1999 SL No. 57 s 35(1)

Burnett Creek at Maroon Dam
s 13 om 1999 SL No. 57 s 35(1)

Reynolds Creek at Moogerah Dam
s 14 om 1999 SL No. 57 s 35(1)

Brisbane River at Mt Crosby Weir
s 17 om 1999 SL No. 57 s 35(1)

Mary River at Mary River Barrage
s 19 om 1999 SL No. 57 s 35(1)

Tinana Creek at Tinana Creek Barrage
s 20 om 1999 SL No. 57 s 35(1)

Fraser Island between Indian Head and Waddy Point
s 21 amd 2002 SL No. 60 s 8

Burnett River at Burnett Barrage
s 22 om 1999 SL No. 57 s 35(1)

Kolan River at Kolan Barrage
s 23 om 1999 SL No. 57 s 35(1)

Three Moon Creek at Cania Dam
s 24 om 1999 SL No. 57 s 35(1)

Nogo River at Wuruma Dam
s 25 om 1999 SL No. 57 s 35(1)

Stuart River at Gordonbrook Dam
s 26 om 1999 SL No. 57 s 35(1)

Boyne River at Boondoomba and Awoonga Dams
s 27 om 1999 SL No. 57 s 35(1)

Dawson River at Neville Hewitt Weir
s 28 om 1999 SL No. 57 s 35(1)

Fitzroy River at Fitzroy River Barrage
s 29 om 1999 SL No. 57 s 35(1)

Fitzroy River at Eden Bann Weir
s 29A ins 1997 SL No. 118 s 3(3)
om 1999 SL No. 57 s 35(1)

Fitzroy River at Wattlebank Control Weir
s 29B ins 1997 SL No. 118 s 3(3)
om 1999 SL No. 57 s 35(1)

Nogoa River at Fairbairn Dam
s 31 om 1999 SL No. 57 s 35(1)

Pioneer River at the Marian, Mirani and Dumbleton Weirs
s 32 om 1999 SL No. 57 s 35(1)

Yanks Jetty at Orpheus Island
s 33A ins 1997 SL No. 118 s 3(4)

Burdekin River at Clare Weir
s 34 om 1999 SL No. 57 s 35(1)

South Mitchell River
s 39 om 1999 SL No. 57 s 35(1)

PART 2—TAKING OR POSSESSING CERTAIN FISH
Division 1—Fish other than spanner crabs in managed areas A or B
div hdg ins 1996 SL No. 233 s 5(1)
amd 1997 SL No. 94 s 2 sch
om 1999 SL No. 57 s 35(2)

Prohibited activities
s 41 amd 1996 SL No. 233 s 5(2); 1997 SL No. 476 s 6

Platypus Bay
s 42 amd 2002 SL No. 339 s 14(1)

Hervey Bay region
s 42A ins 1998 SL No. 7 s 4(1)
amd 1999 SL No. 2 s 3(1)
exp 1 February 2001 (see s 42A(3))

Bustard Head region
s 43A ins 1998 SL No. 7 s 4(2)
amd 1999 SL No. 2 s 3(1)
exp 1 February 2001 (see s 43A(3))

Yeppoon region
s 43B ins 1998 SL No. 7 s 4(2)
amd 1999 SL No. 2 s 3(1)
exp 1 February 2001 (see s 43B(3))

Division 2—Spanner crabs in managed areas A or B
div hdg ins 1996 SL No. 233 s 5(3)
amd 1996 SL No. 94 s 2 sch
om 1999 SL No. 57 s 35(3)

Waters adjacent to north Cape York
s 46A prev s 46A ins 1996 SL No. 233 s 5(3)
amd 1997 SL No. 94 s 2 sch; 1997 SL No. 260 s 8
sub 1997 SL No. 328 s 4
om 1999 SL No. 57 s 35(3)
pres s 46A ins 2002 SL No. 339 s 14(2)

Particular foreshores of Wynnum
s 46B prev s 46B ins 1997 SL No. 328 s 4
om 1999 SL No. 57 s 35(3)
pres s 46B ins 2002 SL No. 339 s 14(2)

Managed areas A and B
s 46C ins 1997 SL No. 328 s 4
amd 1998 SL No. 370 s 3
om 1999 SL No. 57 s 35(3)

PART 3—TAKING OR POSSESSING SOME FISH AND USING OR POSSESSING SOME APPARATUS
Division 3—Spotted mackerel
div hdg prev div 3 hdg ins 1998 SL No. 232 s 9

om 1999 SL No. 290 s 20(1)
pres div 3 hdg ins 2002 SL No. 339 s 14(3)

Prohibited activities
s 51A prev s 51A ins 1998 SL No. 232 s 9
om 1999 SL No. 290 s 20(1)
pres s 51A ins 2002 SL No. 339 s 14(3)

All waters
s 51B prev s 51B ins 1998 SL No. 232 s 9
om 1999 SL No. 290 s 20(1)
pres s 51B ins 2002 SL No. 339 s 14(3)

Division 4—Tailor
div hdg prev div hdg ins 1998 SL No. 232 s 9
om 1999 SL No. 290 s 20(1)
pres div hdg ins 2003 SL No. 214 s 35(1)

Prohibited activities
51C prev s 51C ins 1998 SL No. 232 s 9
om 1999 SL No. 290 s 20(1)
pres s 51C ins 2003 SL No. 214 s 35(1)

Fraser Island
51D prev s 51D ins 1998 SL No. 232 s 9
om 1999 SL No. 290 s 20(1)
pres s 51D ins 2003 SL No. 214 s 35(1)

PART 4—TAKING OR POSSESSING ANY FISH AND USING OR POSSESSING CERTAIN FISHING APPARATUS
Division 1—Fishing with commercial fishing nets
Lakes and lagoons south of Endeavour River and east of longitude 142º31'49" east
s 53 prov hdg amd 2001 SL No. 170 s 8(1)

North Stradbroke Island—northern beaches
s 71A ins 2003 SL No. 214 s 35(2)

Bribie Island's eastern shore and the sand spit at Kings Beach
s 72 amd 1999 SL No. 290 s 20(2)

Fraser Island—Hook Point to northern tip
prov hdg amd 2003 SL No. 214 s 35(3)
s 85 amd 1999 SL No. 290 s 20(3)

Fraser Island—Tooloora Creek to Ngkala Rocks
s 85A ins 2003 SL No. 214 s 35(4)

Fitzroy River and waters near its mouth
s 100 amd 2003 SL No. 214 s 35(5)

Trinity Inlet
s 130 sub 2000 SL No. 8 s 3(1)

Pine River
s 134 om 1999 SL No. 57 s 35(1)

Mission River, Embley River and Hey River
s 135 om 1999 SL No. 57 s 35(1)

Watson River
s 136 om 1999 SL No. 57 s 35(1)

Moonkan Creek
s 137 om 1999 SL No. 57 s 35(1)

Chapman River
s 138 om 1999 SL No. 57 s 35(1)

Chapman River to Moonkan Creek
s 139 om 1999 SL No. 57 s 35(1)

Mitchell River
s 140 om 1999 SL No. 57 s 35(1)

Staaten River
s 141 om 1999 SL No. 57 s 35(1)

Gilbert River
s 142 om 1999 SL No. 57 s 35(1)

Norman River
s 143 om 1999 SL No. 57 s 35(1)

Bynoe River
s 144 om 1999 SL No. 57 s 35(1)

Flinders River
s 145 om 1999 SL No. 57 s 35(1)

Albert River
s 146 om 1999 SL No. 57 s 35(1)

Nicholson River
s 147 om 1999 SL No. 57 s 35(1)

Gin Arm Creek
s 148 om 1999 SL No. 57 s 35(1)

Elizabeth River on Mornington Island
s 149 om 1999 SL No. 57 s 35(1)

Sandalwood Place River on Mornington Island
s 150 om 1999 SL No. 57 s 35(1)

Prohibited activities
s 151 om 1999 SL No. 290 s 20(4)

Near the New South Wales border to Point Lookout on North Stradbroke Island
s 152 amd 1999 SL No. 58 s 5(1)
om 1999 SL No. 290 s 20(4)

Moreton Bay
s 153 om 1999 SL No. 290 s 20(4)

Amity and Moreton Banks
s 153A ins 1999 SL No. 58 s 5(2)
om 1999 SL No. 290 s 20(4)

Amity Bight and the South Passage
s 154 om 1999 SL No. 290 s 20(4)

Boggy Creek, Pinkenba
s 155 om 1999 SL No. 290 s 20(4)

Northern section of Moreton Bay
s 155A ins 1999 SL No. 58 s 5(3)
om 1999 SL No. 290 s 20(4)

Caloundra Head
s 156 om 1999 SL No. 290 s 20(4)

Warana Beach at Kawana Waters
s 157 om 1999 SL No. 290 s 20(4)

Hook Point to Taleerba Creek, Fraser Island
s 158 om 1999 SL No. 290 s 20(4)

Taleerba Creek to Indian Head, Fraser Island
s 159 om 1999 SL No. 290 s 20(4)

Vernon Point to Burrum Point, Hervey Bay
s 159A ins 1999 SL No. 58 s 5(4)
om 1999 SL No. 290 s 20(4)

Northern Fraser Island and north of Fraser Island
s 160 om 1999 SL No. 290 s 20(4)

Hayman Island to Cape Abbot
s 161 om 1999 SL No. 290 s 20(4)

Etty Bay area
s 162 om 1999 SL No. 290 s 20(4)

Yorkeys Knob to Simpson Point
s 163 om 1999 SL No. 290 s 20(4)

Cook Bay
s 164 om 1999 SL No. 290 s 20(4)

Island Point to the Daintree River
s 165 om 1999 SL No. 290 s 20(4)

North of Cape Tribulation
s 166 om 1999 SL No. 290 s 20(4)

North of latitude 15°30' south
s 167 om 1999 SL No. 290 s 20(4)

Grave Point to Indian Head
s 168 om 1999 SL No. 290 s 20(4)

Cape Bedford to Murray Reefs
s 169 om 1999 SL No. 290 s 20(4)

Cape Flattery to near Barrow Point
s 170 om 1999 SL No. 290 s 20(4)

Barrow Point to Bizant River
s 171 om 1999 SL No. 290 s 20(4)

Marrett River to Rocky River
s 172 om 1999 SL No. 290 s 20(4)

Rocky River to latitude 13°09' south
s 173 om 1999 SL No. 290 s 20(4)

Latitude 13°09' south to Thorpe Point
s 174 om 1999 SL No. 290 s 20(4)

Round Point to Fly Point near Cape York
s 175 om 1999 SL No. 290 s 20(4)

Tip of Cape York
s 176 om 1999 SL No. 290 s 20(4)

Division 2—Fishing with certain commercial fishing nets
div hdg prev div 2 hdg om SL No. 290 s 20(4)
pres div 2 hdg (prev div 3 hdg) renum 2000 SL No. 53 s 6(1)

Waterways
s 178 om 1999 SL No. 290 s 20(6)

Moreton Bay
s 184 amd 1999 SL No. 290 s 20(7); 2000 SL No. 53 s 6(2)

Brisbane River mouth
s 186 om 1999 SL No. 290 s 20(6)

Comboyuro Point to Caloundra Head
s 187 om 1999 SL No. 290 s 20(6)

Lakes Doonella and Weyba
s 189 om 1999 SL No. 290 s 20(6)

Laguna Bay
s 190 om 1999 SL No. 290 s 20(6)

Noosa River and adjoining lakes
s 191 om 1999 SL No. 290 s 20(6)

Mary River
s 192 om 1999 SL No. 290 s 20(6)

Hervey Bay scallop ranching areas
s 193A ins 2003 SL No. 214 s 35(6)

Hervey Bay
s 194 amd 1999 SL No. 290 s 20(8)

Hervey Bay (southern part)
s 195 om 1999 SL No. 290 s 20(6)

Skyringville Creek
s 197 om 1999 SL No. 290 s 20(6)

Burnett River
s 198 om 1999 SL No. 290 s 20(6)

Facing Island
s 203 om 1999 SL No. 290 s 20(6)

Keppel Bay
s 204 amd 1999 SL No. 290 s 20(9)–(11)

Llewellyn Bay
s 206 om 1999 SL No. 290 s 20(6)

Repulse Bay
s 209 om 1999 SL No. 290 s 20(6)

Sinclair Bay
s 210 om 1999 SL No. 290 s 20(6)

Cleveland Bay
s 212 om 1999 SL No. 290 s 20(6)

Hinchinbrook Channel
s 213 amd 1999 SL No. 290 s 20(12); 2003 SL No. 214 s 35(7)

Trinity Bay
s 214 om 1999 SL No. 290 s 20(6)

Rivers and creeks flowing into the Gulf of Carpentaria
s 217 om 1999 SL No. 57 s 35(1)

Division 3—Foreshore set mesh nets
div hdg (prev div 4 hdg) renum 2000 SL No. 53 s 6(1)

Trinity Inlet
s 242 om 2000 SL No. 8 s 3(2)

Division 4—Shell dredges
div hdg (prev div 5 hdg) renum 2000 SL No. 53 s 6(1)

Prohibited activities
s 252 ins 1997 SL No. 48 s 4
om 1999 SL No. 290 s 20(13)

Hervey Bay region
s 253 ins 1997 SL No. 48 s 4
om 1999 SL No. 290 s 20(13)

Bustard Head region
s 254 ins 1997 SL No. 48 s 4
om 1999 SL No. 290 s 20(13)

Yeppoon region
s 255 ins 1997 SL No. 48 s 4
sub 1998 SL No. 7 s 5(1)
om 1999 SL No. 290 s 20(13)

Expiry
s 256 ins 1997 SL No. 48 s 4
amd 1998 SL No. 7 s 5(2); 1999 SL No. 2 s 3(2)
om 1999 SL No. 290 s 20(13)

PART 5—USING NETS IN DUGONG PROTECTION AREA
pt hdg prev pt 5 hdg om 1999 SL No. 290 s 20(13)
pres pt 5 hdg (prev pt 6 hdg) ins 1997 SL No. 477 s 4
renum 1999 SL No. 290 s 20(14)

Division 1—Zone A
div hdg ins 1997 SL No. 477 s 4

Hervey Bay–Tin Can Bay
s 257 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(2)–(9)

Port Clinton (Reef Point–Cape Clinton)
s 258 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(10)–(14)

Shoalwater Bay
s 259 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(15)

Ince Bay (Cape Palmerston–Allom Point)
s 260 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(11), (12), (16)–(18)

Stewart Peninsula–Newry Islands–Ball Bay
s 261 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(11), (12), (17)–(19)

Upstart Bay
s 262 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(11), (12), (17), (18), (20), (21)

Cleveland Bay–Magnetic Island
s 263 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(11), (12), (17), (18), (22)

Hinchinbrook Island area
s 264 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(11), (12), (17), (23)

Division 2—Zone B
div hdg ins 1997 SL No. 477 s 4

Subdivision 1—Areas in zone B
sdiv hdg ins 1997 SL No. 477 s 4

Application of div 2
s 265 ins 1997 SL No. 477 s 4

Port of Gladstone–Rodds Bay
s 266 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(24)

Clairview Bluff–Carmilla Creek
s 267 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(25)

Llewellyn Bay
s 268 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(26)

Ball Bay–Sand Bay
s 269 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(27)

Repulse Bay
s 270 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(28)

Edgecumbe Bay–Bowen
s 271 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(29)

Bowling Green Bay
s 272 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(30)

Lucinda to Allingham–Halifax Bay
s 273 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(31)

Subdivision 2—Restrictions on using nets
sdiv hdg ins 1997 SL No. 477 s 4

Use of mesh nets in offshore waters
s 274 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(32)–(33)

Use of set mesh nets on a foreshore
s 275 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(34)

Use of set mesh nets on a headland
s 276 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(35)

Use of set mesh nets in rivers or creeks
s 277 ins 1997 SL No. 477 s 4

Using a mesh, ring or seine net
s 278 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(36)

PART 6—USING NETS IN TRINITY BAY AND WATERWAYS JOINING TRINITY BAY
pt hdg ins 2000 SL No. 8 s 3(3)

Closed waters
s 279 prev s 279 ins 1999 SL No. 217 s 4
exp 10 December 1999 (see sch 2 s 280)
pres s 279 ins 2000 SL No. 8 s 3(3)

Prohibited activities
s 280 prev s 280 ins 1999 SL No. 217 s 4
exp 10 December 1999 (see sch 2 s 280)
pres s 280 ins 2000 SL No. 8 s 3(3)

Exemption
s 281 ins 2000 SL No. 8 s 3(3)

PART 7—USING OR POSSESSING PURSE SEINE NETS
pt hdg prev pt 7 ins 1999 SL No. 217 s 4
exp 10 December 1999 (see sch 2 s 280)
pres pt 7 ins 2000 SL No. 53 s 6(3)

Prohibited activities
s 282 ins 2000 SL No. 53 s 6(3)

SCHEDULE 3—CLOSED WATERS—RECREATIONAL FISHING
PART 1—TAKING OR POSSESSING ANY FISH
Severn River at Queen Mine Waterhole
s 2 om 1999 SL No. 57 s 36

Dumaresq River at Bonshaw Weir
s 3 om 1999 SL No. 57 s 36

Macintyre River at Goondiwindi Weir
s 4 om 1999 SL No. 57 s 36

Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs
s 5 sub 1997 SL No. 118 s 4(1)
om 1999 SL No. 57 s 36

Pike Creek at Glenlyon Dam
s 6 om 1999 SL No. 57 s 36

Quart Pot Creek at Storm King Dam
s 7 om 1999 SL No. 57 s 36

Barwon River at Mungindi Weir
s 8 om 1999 SL No. 57 s 36

Condamine River at or near the Chinchilla, Loudon, Lemon Tree, Yarramalong, Cecil Plains and Reilly's Weirs
s 9 om 1999 SL No. 57 s 36

Balonne River at Beardmore Dam and Jack Taylor Weir
s 10 om 1999 SL No. 57 s 36

Sandy Creek at Leslie Dam
s 11 om 1999 SL No. 57 s 36

Dogwood Creek at Miles Weir
s 12 amd 1997 SL No. 118 s 4(2)
om 1999 SL No. 57 s 36

Burnett Creek at Maroon Dam
s 13 om 1999 SL No. 57 s 36

Reynolds Creek at Moogerah Dam
s 14 om 1999 SL No. 57 s 36

Brisbane River at Mt Crosby Weir
s 17 om 1999 SL No. 57 s 36

Mary River at Mary River Barrage
s 18 om 1999 SL No. 57 s 36

Tinana Creek at Tinana Creek Barrage
s 19 om 1999 SL No. 57 s 36

Fraser Island between Indian Head and Waddy Point
s 20 amd 2002 SL No. 60 s 9

Burnett River at Burnett Barrage
s 21 om 1999 SL No. 57 s 36

Kolan River at Kolan Barrage
s 22 om 1999 SL No. 57 s 36

Three Moon Creek at Cania Dam
s 23 om 1999 SL No. 57 s 36

Nogoa River at Wuruma Dam
s 24 om 1999 SL No. 57 s 36

Stuart River at Gordonbrook Dam
s 25 om 1999 SL No. 57 s 36

Stuart River at Boondoomba and Awoonga Dams
s 26 om 1999 SL No. 57 s 36

Dawson River at Neville Hewitt Weir
s 27 om 1999 SL No. 57 s 36

Fitzroy River at Fitzroy River Barrage
s 28 om 1999 SL No. 57 s 36

Fitzroy River at Eden Bann Weir
s 28A ins 1997 SL No. 118 s 4(3)
om 1999 SL No. 57 s 36

Fitzroy River at Wattlebank Control Weir
s 28B ins 1997 SL No. 118 s 4(3)
om 1999 SL No. 57 s 36

Nogoa River at Fairbairn Dam
s 30 om 1999 SL No. 57 s 36

Pioneer River at the Marian, Mirani and Dumbleton Weirs
s 31 om 1999 SL No. 57 s 36

Burdekin River at Clare Weir
s 33 om 1999 SL No. 57 s 36

Yanks Jetty at Orpheus Island
s 33A ins 1997 SL No. 118 s 4(4)

Prohibited activities
s 40 amd 1997 SL No. 476 s 7

Waters adjacent to north Cape York
s 45AA ins 2002 SL No. 339 s 15

Particular foreshores of Wynnum
s 45AB ins 2002 SL No. 339 s 15

PART 2A—WATERS WHERE FISHING LINES AND RODS CAN NOT BE USED
pt hdg ins 1998 SL No. 295 s 3

Prohibited activities
s 45A ins 1998 SL No. 295 s 3

Obi Obi Creek
s 45B ins 1998 SL No. 295 s 3

Artificial reef area off Moreton Island
s 58 amd 2001 SL No. 170 s 9

Main wharf at Port Denison, Bowen
s 76A ins 1997 SL No. 118 s 4(5)

PART 7—USING OR POSSESSING PURSE SEINE NETS
pt hdg prev pt 7 ins 1999 SL No. 217 s 5
exp 10 December 1999 (see sch 3 s 88)
pres pt 7 ins 2000 SL No. 53 s 7

Prohibited activities
s 87 prev s 87 ins 1999 SL No. 217 s 5
exp 10 December 1999 (see sch 3 s 88)
pres s 87 ins 2000 SL No. 53 s 7

Expiry
s 88 ins 1999 SL No. 217 s 5
exp 10 December 1999 (see sch 3 s 88)

SCHEDULE 4—REGULATED FISH
amd 1996 SL No. 266 s 10; 1996 SL No. 422 s 9; 1997 SL No. 222 s 5; 1998 SL No. 232 s 10; 1999 SL No. 57 s 37; 1999 SL No. 58 ss 4, 6; 1999

SL No. 290 s 21; 2000 SL No. 53 s 8; 2002 SL No. 60 s 10; 2002 SL No. 337 s 12; 2002 SL No. 339 s 16

SCHEDULE 5—DECLARED DISEASES
prev sch 5 om 1999 SL No. 290 s 2
pres sch 5 ins 2001 SL No. 170 s 10
amd 2003 SL No. 30 s 4

SCHEDULE 5A—NOXIOUS FISHERIES RESOURCES
ins 2002 SL No. 337 s 13

SCHEDULE 5B—SPECIAL PROVISIONS FOR SPANISH MACKEREL COMMERCIAL FISHERY
ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

SCHEDULE 7—FISH HABITAT AREAS
sch hdg sub 2001 SL No. 170 s 11

PART 1—AREAS SHOWN BY HATCHED PLANS
pt hdg sub 2001 SL No. 170 s 11

Beelbi
s 1 sub 2001 SL No. 170 s 11

Boyne Creek
s 2 sub 2001 SL No. 170 s 11

Broad Sound
s 3 sub 2001 SL No. 170 s 11

Burrum–Isis
s 4 prev s 4 om 1999 SL No. 187 s 3(1)
pres s 4 (prev s 6) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Burrum–Toogoom
s 5 prev s 5 om 1999 SL No. 187 s 3(1)
pres s 5 (prev s 7) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Bustard
s 6 prev s 6 renum as s 4 1999 SL No. 187 s 3(13)
pres s 6 (prev s 8) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Cape Palmerston
s 7 prev s 7 renum as s 5 1999 SL No. 187 s 3(13)
pres s 7 (prev s 9) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Carmila
s 8 pres s 8 (prev s 10) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Cattle Creek
s 9 pres s 9 (prev s 17) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Cherwell–Burrum
s 10 pres s 10 (prev s 18) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Colosseum
s 11 prev s 11 om 1999 SL No. 187 s 3(1)
pres s 11 (prev s 19) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Corio Bay
s 12 prev s 12 om 1999 SL No. 187 s 3(1)
pres s 12 (prev s 20) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Eight Mile Creek
s 13 prev s 13 om 1998 SL No. 213 s 4
pres s 13 (prev s 23) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Escape River
s 14 prev s 14 om 1999 SL No. 187 s 3(1)
pres s 14 (prev s 24) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Eurimbula
s 15 prev s 15 om 1999 SL No. 187 s 3(1)
pres s 15 (prev s 25) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Fraser Island
s 16 prev s 16 om 1998 SL No. 213 s 4
pres s 16 (prev s 26) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Gregory
s 17 pres s 17 (prev s 27) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Halifax
s 18 pres s 18 (prev s 28) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Innes
s 19 pres s 19 (prev s 39) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Kauri Creel
s 20 pres s 20 (prev s 40) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Maaroom
s 21 prev s 21 om 1999 SL No. 187 s 3(1)
pres s 21 (prev s 41) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Marion
s 22 prev s 22 om 1998 SL No. 213 s 4
pres s 22 (prev s 43) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Morning Inlet–Bynoe River
s 23 pres s 23 (prev s 44) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Nassau River
s 24 pres s 24 (prev s 45) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Palm Creek
s 25 pres s 25 (prev s 47) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Princess Charlotte Bay
s 26 pres s 26 (prev s 48) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Rocky Dam
s 27 pres s 27 (prev s 49) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Rodds Harbour
s 28 pres s 28 (prev s 50) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Silver Plains
s 29 prev s 29 om 1998 SL No. 213 s 4
pres s 29 (prev s 51) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Staaten–Gilbert
s 30 prev s 30 om 1999 SL No. 187 s 3(1)
pres s 30 (prev s 52) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Susan River
s 31 prev s 31 om 1998 SL No. 213 s 4
pres s 31 (prev s 53) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Temple Bay
s 32 prev s 32 om 1998 SL No. 213 s 4
pres s 32 (prev s 54) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Tin Can Inlet
s 33 prev s 33 om 1998 SL No. 213 s 4
pres s 33 (prev s 55) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Turkey
s 34 prev s 34 om 1999 SL No. 187 s 3(1)
pres s 34 (prev s 56) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

West Hill
s 35 prev s 35 om 1998 SL No. 213 s 4
pres s 35 (prev s 57) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Wild Cattle
s 36 prev s 36 om 1998 SL No. 213 s 4
pres s 36 (prev s 58) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

PART 2—AREAS WITHIN OUTER BOUNDARIES SHOWN ON PLANS
pt hdg sub 1998 SL No. 213 s 5; sub 2001 SL No. 170 s 11

Baffle Creek
s 37 prev s 37 om 1998 SL No. 213 s 4
pres s 37 (prev s 59) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Barr Creek
s 38 prev s 38 om 1999 SL No. 187 s 3(1)
pres s 38 (prev s 60) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Bassett Basin
s 39 pres s 39 (prev s 61) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Bohle River
s 40 pres s 40 (prev s 64) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Bowling Green Bay
s 41 pres s 41 (prev s 65) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Burdekin
s 42 prev s 42 om 1999 SL No. 187 s 3(1)
pres s 42 (prev s 66) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Cawarral Creek
s 43 pres s 43 (prev s 67) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Coombabah
s 44 pres s 44 (prev s 68) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Coomera
s 45 pres s 45 (prev s 69) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Currumbin Creek
s 46 prev s 46 om 1999 SL No. 187 s 3(1)
pres s 46 (prev s 72) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Dallachy Creek
s 47 pres s 47 (prev s 73) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Deception Bay
s 48 pres s 48 (prev s 74) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Half Moon Creek
s 49 pres s 49 (prev s 75) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Hay's Inlet
s 50 pres s 50 (prev s 77) sub 1998 SL No. 213 s 5
amd 1999 SL No. 187 s 3(2)–(3)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Hinchinbrook
s 51 pres s 51 (prev s 77A) ins 1999 SL No. 187 s 3(5)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Hull River
s 52 pres s 52 (prev s 78) sub 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Jumpinpin–Broadwater
s 53 pres s 53 (prev s 78A) ins 1999 SL No. 187 s 3(6)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Kinkuna
s 54 pres s 54 (prev s 79) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Kippa–Ring
s 55 pres s 55 (prev s 80) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Kolan River
s 56 pres s 56 (prev s 80A) ins 1999 SL No. 187 s 3(7)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Maroochy
s 57 pres s 57 (prev s 80B) ins 1999 SL No. 187 s 3(7)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Meunga Creek
s 58 pres s 58 (prev s 81) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Midge
s 59 pres s 59 (prev s 82) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Moreton Banks
s 60 pres s 60 (prev s 82A) ins 1999 SL No. 187 s 3(8)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Murray River
s 61 pres s 61 (prev s 82B) ins 1999 SL No. 187 s 3(8)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Myora–Amity Banks
s 62 prev s 62 om 1998 SL No. 213 s 4
pres s 62 (prev s 83) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Noosa River
s 63 prev s 63 om 1998 SL No. 213 s 4
pres s 63 (prev s 84) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Peel Island
s 64 pres s 64 (prev s 84A) ins 1999 SL No. 187 s 3(9)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Pimpama
s 65 pres s 65 (prev s 85) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Pumicestone Channel
s 66 pres s 66 (prev s 86) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Repulse
s 67 pres s 67 (prev s 86A) ins 1999 SL No. 187 s 3(10)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Sand Bay
s 68 pres s 68 (prev s 87) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Seventeen Seventy–Round Hill
s 69 pres s 69 (prev s 87A) ins 1999 SL No. 187 s 3(11)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Tallebudgera Creek
s 70 prev s 70 om 1998 SL No. 213 s 4
pres s 70 (prev s 88) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Trinity Inlet
s 71 prev s 71 om 1998 SL No. 213 s 4
pres s 71 (prev s 89) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Tully River
s 72 pres s 72 (prev s 90) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Wreck Creek
s 73 pres s 73 (prev s 90A) ins 1999 SL No. 187 s 3(12)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Yorkey's Creek
s 74 pres s 74 (prev s 90B) ins 1999 SL No. 187 s 3(12)
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11

Trinity Inlet
s 75 pres s 75 (prev s 91) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
om 2001 SL No. 170 s 11

Myora Extension
s 76 om 1999 SL No. 187 s 3(1)

SCHEDULE 8—RECREATIONAL FISHING—USE OF FISHING APPARATUS
sch hdg sub 1999 SL No. 57 s 38(1)

PART 1—CRAB POTS, COLLAPSIBLE TRAPS, DILLIES AND INVERTED DILLIES
pt hdg sub 1999 SL No. 57 s 38(1)

What fish may be taken
s 2 amd 1999 SL No. 57 s 38(2)

Division 2—Use of fishing lines and rods
div hdg om 1999 SL No. 57 s 38(3)

PART 2—FISHING LINES AND RODS
pt hdg prev pt hdg om 1999 SL No. 57 s 38(7)
pres pt hdg ins 1999 SL No. 57 s 38(3)

What fish may be taken
s 7 amd 1999 SL No. 57 s 38(6)

Division 3—Use of nets
div hdg om 1999 SL No. 57 s 38(4)

PART 3—NETS
pt hdg ins 1999 SL No. 57 s 38(4)

What fish may be taken
s 11 amd 1999 SL No. 57 s 38(6)

Permitted ways of taking fish
s 12 amd 1999 SL No. 249 s 10

Division 4—Use of other fishing apparatus
div hdg om 1999 SL No. 57 s 38(5)

PART 4—OTHER FISHING APPARATUS
pt hdg ins 1999 SL No. 57 s 38(5)

Division 1—Use of canister traps, collapsible traps, dillies and funnel traps
div hdg (prev pt 2 div 1 hdg) om 1999 SL No. 57 s 38(7)

Permitted area
s 18 om 1999 SL No. 57 s 38(7)

What fish may be taken
s 19 om 1999 SL No. 57 s 38(7)

Permitted ways of taking fish
s 20 om 1999 SL No. 57 s 38(7)

General conditions of taking fish
s 21 om 1999 SL No. 57 s 38(7)

Marketing of fish apparatus
s 22 om 1999 SL No. 57 s 38(7)

Division 2—Use of fishing lines and rods
div hdg (prev pt 2 div 2 hdg) om 1999 SL No. 57 s 38(7)

Permitted area
s 23 om 1999 SL No. 57 s 38(7)

What fish may be taken
s 24 om 1999 SL No. 57 s 38(7)

Permitted ways of taking fish
s 25 om 1999 SL No. 57 s 38(7)

SCHEDULE 9—NOXIOUS FISHERIES RESOURCES
om 1999 SL No. 57 s 39

SCHEDULE 10—FEES
sub 1996 SL No. 422 s 10; 1997 SL No. 387 s 3
amd 1996 SL No. 449 s 5; 1997 SL No. 476 s 8; 1999 SL No. 57 s 40; 1999 SL No. 272 s 5; 1999 SL No. 290 s 23; 2000 SL No. 57 s 3
sub 2000 SL No. 184 s 19
amd 2000 SL No. 361 ss 9, 10(1)–(2); 2001 SL No. 64 s 3; 2003 SL No. 214 s 38

SCHEDULE 11—COMMERCIAL CRAB FISHERY
sch hdg sub 1999 SL No. 57 s 41(1)

PART 1—CRAB FISHERY (OTHER THAN SPANNER CRAB)
pt hdg om 1999 SL No. 57 s 41(1)

What fish may be taken
s 3 amd 1999 SL No. 57 s 41(2)

PART 2—CRAB FISHERY (SPANNER CRAB No. 1)
pt hdg om 1999 SL No. 57 s 41(3)

Fishery symbol
s 9 om 1999 SL No. 57 s 41(3)

Fishery area
s 10 om 1999 SL No. 57 s 41(3)

What fish may be taken
s 11 om 1999 SL No. 57 s 41(3)

Permitted ways of taking spanner crabs
s 12 om 1999 SL No. 57 s 41(3)

Use of primary commercial fishing boats
s 13 om 1999 SL No. 57 s 41(3)

Use of tender commercial fishing boats
s 14 om 1999 SL No. 57 s 41(3)

Permitted distance for an assistant fisher to be under direction
s 15 om 1999 SL No. 57 s 41(3)

Marking of dillies
s 16 om 1999 SL No. 57 s 41(3)

Spanner crabs may only be brought ashore at Bundaberg
s 16A ins 1997 SL No. 94 s 3(1)
om 1997 SL No. 118 s 5(1)

Where spanner crabs taken in managed area B may be brought ashore
s 17 amd 1996 SL No. 233 s 6; 1997 SL No. 94 s 2 sch
sub 1997 SL No. 260 s 9(1)
om 1999 SL No. 57 s 41(3)

Notice before moving between managed areas
s 18 amd 1997 SL No. 94 s 2 sch; 1997 SL No. 118 s 5(2)
sub 1997 SL No. 260 s 9(1)
om 1999 SL No. 57 s 41(3)

Restriction on taking spanner crabs in more than 1 managed area
s 18A ins 1997 SL No. 94 s 3(2)
sub 1997 SL No. 260 s 9(1)
om 1999 SL No. 57 s 41(3)

Annual and progressive quarterly quotas
s 18B ins 1997 SL No. 94 s 3(2)
amd 1997 SL No. 118 s 5(3)
sub 1997 SL No. 260 s 9(1)
om 1999 SL No. 57 s 41(3)

Daily quota
s 18C ins 1997 SL No. 118 s 5(4)
sub 1997 SL No. 260 s 9(1)
om 1999 SL No. 57 s 41(3)

PART 3—CRAB FISHERY (SPANNER CRAB No. 2)
pt hdg om 1999 SL No. 272 s 6

Fishery symbol
s 19 om 1999 SL No. 272 s 6

Fishery area
s 20 om 1999 SL No. 272 s 6

What fish may be taken
s 21 om 1999 SL No. 272 s 6

Permitted ways of taking spanner crabs
s 22 om 1999 SL No. 272 s 6

Use of primary commercial fishing boats
s 23 om 1999 SL No. 272 s 6

Use of tender commercial fishing boats
s 24 om 1999 SL No. 272 s 6

Permitted distance for an assistant fisher to be under direction
s 25 om 1999 SL No. 272 s 6

Marking of dillies
s 26 om 1999 SL No. 272 s 6

Where spanner crabs may be brought ashore
s 27 amd 1997 SL No. 94 s 2 sch
sub 1997 SL No. 260 s 9(2)
om 1999 SL No. 272 s 6

Daily quota
s 27A ins 1997 SL No. 260 s 9(2)
om 1999 SL No. 272 s 6

PART 4—CRAB FISHERY (SPANNER CRAB—NORTH OF INDIAN HEAD)
pt hdg om 1999 SL No. 272 s 6

Fishery symbol
s 28 om 1999 SL No. 272 s 6

Fishery area
s 29 om 1999 SL No. 272 s 6

What fish may be taken
s 30 om 1999 SL No. 272 s 6

Permitted ways of taking spanner crabs
s 31 om 1999 SL No. 272 s 6

Use of primary commercial fishing boats
s 32 om 1999 SL No. 272 s 6

Use of tender commercial fishing boats
s 33 om 1999 SL No. 272 s 6

Permitted distance for an assistant fisher to be under direction
s 34 om 1999 SL No. 272 s 6

Marking of dillies
s 35 om 1999 SL No. 272 s 6

Spanner crabs may only be brought ashore at Bundaberg
s 35A ins 1997 SL No. 94 s 3(3)
om 1997 SL No. 118 s 5(1)

Where spanner crabs taken in managed area B may be brought ashore
s 36 amd 1996 SL No. 233 s 6; 1997 SL No. 94 s 2 sch
sub 1997 SL No. 260 s 9(3)
om 1999 SL No. 272 s 6

Notice before moving between managed areas
s 37 amd 1997 SL No. 94 s 2 sch; 1997 SL No. 118 s 5(5)
sub 1997 SL No. 260 s 9(3)
om 1999 SL No. 272 s 6

Restriction on taking spanner crabs in more than 1 managed area
s 37A ins 1997 SL No. 94 s 3(4)
sub 1997 SL No. 260 s 9(3)
om 1999 SL No. 272 s 6

Annual and progressive quarterly quotas
s 37B ins 1997 SL No. 94 s 3(4)
amd 1997 SL No. 118 s 5(6)
sub 1997 SL No. 260 s 9(3)
om 1999 SL No. 272 s 6

Daily quota
s 37C ins 1997 SL No. 118 s 5(7)
sub 1997 SL No. 260 s 9(3)
om 1999 SL No. 272 s 6

PART 5—CRAB FISHERY (SPANNER CRAB—SOUTH QUEENSLAND)
pt hdg om 1999 SL No. 272 s 6

Fishery symbol
s 38 om 1999 SL No. 272 s 6

Fishery area
s 39 om 1999 SL No. 272 s 6

What fish may be taken
s 40 om 1999 SL No. 272 s 6

Permitted ways of taking spanner crabs
s 41 om 1999 SL No. 272 s 6

Use of primary commercial fishing boats
s 42 om 1999 SL No. 272 s 6

Use of tender commercial fishing boats
s 43 om 1999 SL No. 272 s 6

Permitted distance for an assistant fisher to be under direction
s 44 om 1999 SL No. 272 s 6

Marking of dillies
s 45 om 1999 SL No. 272 s 6

Spanner crabs may only be brought ashore at Bundaberg
s 45A ins 1997 SL No. 94 s 3(5)
om 1997 SL No. 118 s 5(1)

Annual and progressive quarterly quotas
s 46 amd 1996 SL No. 233 s 6; 1997 SL No. 94 s 2 sch
sub 1997 SL No. 260 s 9(4)
om 1999 SL No. 272 s 6

Daily quota
s 47 amd 1997 SL No. 94 s 2 sch
sub 1997 SL No. 260 s 9(4)
om 1999 SL No. 272 s 6

Authority holder must carry evidence of notice
s 47A ins 1997 SL No. 94 s 3(6)
om 1997 SL No. 260 s 9(4)

Authority holder may only fish on quota days
s 47B ins 1997 SL No. 94 s 3(6)
om 1997 SL No. 260 s 9(4)

Bringing ashore only at Bundaberg for 400 kg daily quota
s 47C ins 1997 SL No. 118 s 5(8)
om 1997 SL No. 260 s 9(4)

SCHEDULE 12—LINE FISHERIES (COMMERCIAL)
sch hdg amd 1999 SL No. 58 s 7

What fish may be taken
s 12 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1)

What fish may be taken
s 21 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1)

Use of tender commercial fishing boats
s 24 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1); 2003 SL No. 30 s 5

What fish may be taken
s 28 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1)–(3)

Fishery area
s 34 2002 SL No. 337 s 14(4)

What fish may be taken
s 35 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1), (5)–(6)

Fishery area
s 41 amd 1999 SL No. 58 s 8

Use of tender commercial fishing boats
s 45 amd 2000 SL No. 184 s 20; 2003 SL No. 30 s 5

SCHEDULE 13—NET FISHERIES (COMMERCIAL)
sch hdg amd 1999 SL No. 58 s 7

PART 1—NET FISHERY (BAIT No. 1)
Fishery area
s 2 amd 1999 SL No. 57 s 42(1)

What fish may be taken
s 3 amd 1996 SL No. 266 s 3 sch; 1997 SL No. 476 s 9(1)
sub 1999 SL No. 57 s 42(2)
amd 2002 SL No. 339 s 17(1)

Use of mesh or seine nets
s 7 amd 1997 SL No. 260 s 10(1)

PART 2—NET FISHERY (BAIT No. 2)
Fishery area
s 11 amd 1999 SL No. 57 s 42(1)

What fish may be taken
s 12 amd 1996 SL No. 266 s 3 sch; 1997 SL No. 476 s 9(1)

sub 1999 SL No. 57 s 42(3)
amd 2002 SL No. 339 s 17(1)

Permitted ways of taking fish
s 13 amd 1999 SL No. 57 s 42(4)–(5)

Use of nets south of Baffle Creek
s 15 amd 1997 SL No. 260 s 10(2)

Use of nets north of Baffle Creek
s 16 amd 1999 SL No. 57 s 42(6); 1999 SL No. 272 s 7(1)

PART 3—NET FISHERY (EAST COAST No. 1)
What fish may be taken
s 21 amd 1996 SL No. 266 s 3 sch; 1997 SL No. 16 s 3(1); 2002 SL No. 337 s 15; 2002 SL No. 339 s 17(2)–(3)

Use of mesh nets in and near Harvey Bay
s 26 amd 2001 SL No. 170 s 12(1)

Use of mesh or seine nets south of Baffle Creek
s 27 amd 1997 SL No. 260 s 10(3)

Use of mesh or seine nets north of Baffle Creek
s 28 amd 1999 SL No. 272 s 7(1)

Use of mesh nets in offshore waters of Keppel Bay
s 29 amd 2001 SL No. 170 s 12(2), (3)

Use of mesh nets in offshore waters
s 30 amd 1997 SL No. 260 s 10(4); 2001 SL No. 170 s 12(4)–(6)

Use of set mesh nets in and near Hervey Bay
s 33 amd 2001 SL No. 170 s 12(1)

Use of set mesh nets on foreshores between the Burnett River and Baffle Creek
s 34 amd 1997 SL No. 260 s 10(5)

Use of set mesh nets in Keppel Bay
s 35 amd 2001 SL No. 170 s 12(2), (3)

Use of set mesh nets in offshore waters
s 36 amd 1997 SL No. 260 s 10(6); 2001 SL No. 170 s 12(3)

Use of set pocket nets in rivers
s 37 amd 2002 SL No. 339 s 15(4); 2003 SL No. 30 s 6

Use of tunnel nets
s 38 amd 1997 SL No. 477 s 5(1); 2001 SL No. 170 s 12(7)

What fish may be taken
s 45 amd 1996 SL No. 266 s 3 sch; 1997 SL No. 16 s 3(2); 2002 SL No. 337 s 15; 2002 SL No. 339 s 17(2)–(3)

Permitted ways of taking fish
s 46 amd 2001 SL No. 170 s 12(8)

Use of nets in offshore waters in and near Hervey Bay
prov hdg amd 2001 SL No. 170 s 12(9)
s 47 amd 2001 SL No. 170 s 12(10), (11)

Use of nets in other offshore waters
s 48 amd 2001 SL No. 170 s 12(3)

PART 5—NET FISHERY (BAFFLE CREEK TO KAURI CREEK)
pt hdg prev pt 5 hdg amd 1997 SL No. 476 s 9(2)
om 1999 SL No. 57 s 42(7)
pres pt 5 hdg (prev pt 6 hdg) renum 1999 SL No. 57 s 42(8)

Division 1—Preliminary
div hdg om 1999 SL No. 57 s 42(7)

Fishery symbol
s 53 om 1999 SL No. 57 s 42(7)

Fishery area
s 54 om 1999 SL No. 57 s 42(7)

What fish may be taken
s 55 amd 1996 SL No. 266 s 3 sch; 1997 SL No. 476 s 9(1)
om 1999 SL No. 57 s 42(7)

Permitted ways of taking fish
s 56 amd 1996 SL No. 266 s 11(1); 1997 SL No. 476 s 9(3)
om 1999 SL No. 57 s 42(7)

Time quota
s 57 om 1999 SL No. 57 s 42(7)

Division 2—Use of mesh and seine nets
div hdg om 1999 SL No. 57 s 42(7)

Use of mesh nets in the fishery area
s 58 amd 1996 SL No. 266 s 11(2)
om 1999 SL No. 57 s 42(7)

Use of mesh nets in offshore waters
s 59 amd 1996 SL No. 266 s 11(3); 1997 SL No. 476 s 9(4)
om 1999 SL No. 57 s 42(7)

Use of seine nets in the fishery area
s 60 om 1999 SL No. 57 s 42(7)

Use of seine nets in rivers and creeks
s 61 om 1999 SL No. 57 s 42(7)

Division 3—Use of set mesh nets
div hdg om 1999 SL No. 57 s 42(7)

Use of mesh nets in rivers and creeks
s 62 amd 1996 SL No. 266 s 11(3)
om 1999 SL No. 57 s 42(7)

Use of mesh nets on foreshores
s 63 amd 1996 SL No. 266 s 11(3)
om 1999 SL No. 57 s 42(7)

Use of mesh nets in offshore waters
s 64 amd 1996 SL No. 266 s 11(3)
om 1999 SL No. 57 s 42(7)

Division 4—Miscellaneous
div hdg om 1999 SL No. 57 s 42(7)

Use of primary commercial fishing boats
s 65 om 1999 SL No. 57 s 42(7)

Use of tender commercial fishing boats
s 66 om 1999 SL No. 57 s 42(7)

Permitted distance for an assistant fisher to be under direction
s 67 om 1999 s No. 57 s 42(7)

Marking nets
s 68 om 1999 SL No. 57 s 42(7)

PART 5A—NET FISHERY (GULF OF CARPENTARIA No. 2)
pt hdg ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Division 1—Preliminary
div hdg ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Fishery symbol
s 68A ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Fishery area
s 68B ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

What fish may be taken
s 68C ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Permitted ways of taking fish
s 68D ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Time quota
s 68E ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Division 2—Use of nets
div hdg ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Use of nets in the fishery area
s 68F ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Division 3—Miscellaneous
div hdg ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Use of primary commercial fishing boats
s 68G ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Use of tender commercial fishing boats
s 68H ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

Permitted distance for an assistant fisher to be under direction
s 68I ins 1997 SL No. 476 s 10
om 1999 SL No. 57 s 42(7)

What fish may be taken
s 71 amd 2002 SL No. 339 s 17(5)

Use of mesh or seine nets in the fishery area
s 73 amd 1997 SL No. 260 s 10(7)

Use of mesh nets in offshore waters
s 74 amd 1997 SL No. 260 s 10(8); 2001 SL No. 170 s 12(3), (12), (13)

Use of mesh nets in and near Hervey Bay
s 76 amd 2001 SL No. 170 s 12(1)

Use of set mesh nets in offshore waters
s 77 amd 1997 SL No. 260 s 10(9); 2001 SL No. 170 s 12(2), (3), (14), (15)

Use of set mesh nets in and near Hervey Bay
s 79 amd 2001 SL No. 170 s 12(16)

Use of set mesh nets on foreshores between the Burnett River and Baffle Creek
s 80 amd 1997 SL No. 260 s 10(10)

PART 6—NET FISHERY (OCEAN BEACH–AREA 1)
pt hdg (prev pt 7 hdg) sub 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 86 sub 1997 SL No. 47 s 3

Fishery area
s 87 sub 1997 SL No. 47 s 3

What fish may be taken
s 88 sub 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 89 sub 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 90 sub 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 91 sub 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 92 sub 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 93 sub 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94 sub 1997 SL No. 47 s 3

PART 7—NET FISHERY (OCEAN BEACH–AREA 2)
pt hdg (prev pt 7A hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94A ins 1997 SL No. 47 s 3

Fishery area
s 94B ins 1997 SL No. 47 s 3

What fish may be taken
s 94C ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94D ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94E ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94F ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94G ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94H ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94I ins 1997 SL No. 47 s 3

PART 8—NET FISHERY (OCEAN BEACH–AREA 3)
pt hdg (prev pt 7B hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94J ins 1997 SL No. 47 s 3

Fishery area
s 94K ins 1997 SL No. 47 s 3

What fish may be taken
s 94L ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94M ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94N ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94O ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94P ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94Q ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94R ins 1997 SL No. 47 s 3

PART 9—NET FISHERY (OCEAN BEACH–AREA 4)
pt hdg (prev pt 7C hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94S ins 1997 SL No. 47 s 3

Fishery area
s 94T ins 1997 SL No. 47 s 3

What fish may be taken
s 94U ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94V ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94W ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94X ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94Y ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94Z ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94ZA ins 1997 SL No. 47 s 3

PART 10—NET FISHERY (OCEAN BEACH–AREA 5)
pt hdg (prev pt 7D hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94ZB ins 1997 SL No. 47 s 3

Fishery area
s 94ZC ins 1997 SL No. 47 s 3

What fish may be taken
s 94ZD ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94ZE ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94ZF ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94ZG ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94ZH ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94ZI ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94ZJ ins 1997 SL No. 47 s 3

PART 11—NET FISHERY (OCEAN BEACH–AREA 6)
pt hdg (prev pt 7E hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94ZK ins 1997 SL No. 47 s 3

Fishery area
s 94ZL ins 1997 SL No. 47 s 3

What fish may be taken
s 94ZM ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94ZN ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94ZO ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94ZP ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94ZQ ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94ZR ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94ZS ins 1997 SL No. 47 s 3

PART 12—NET FISHERY (OCEAN BEACH–AREA 7)
pt hdg (prev pt 7F hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94ZT ins 1997 SL No. 47 s 3

Fishery area
s 94ZU ins 1997 SL No. 47 s 3

What fish may be taken
s 94ZV ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94ZW ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94ZX ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94ZY ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94ZZ ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94ZAA ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94ZAB ins 1997 SL No. 47 s 3

PART 13—NET FISHERY (OCEAN BEACH–AREA 8)
pt hdg (prev pt 7G hdg) ins 1997 SL No. 47 s 3
renum 1999 SL No. 47 s 42(8)

Fishery symbol
s 94ZAC ins 1997 SL No. 47 s 3

Fishery area
s 94ZAD ins 1997 SL No. 47 s 3

What fish may be taken
s 94ZAE ins 1997 SL No. 47 s 3
amd 2002 SL No. 339 s 17(3)

Permitted ways of taking fish
s 94ZAF ins 1997 SL No. 47 s 3
amd 1999 SL No. 272 s 7(2)

Use of seine nets in the fishery area
s 94ZAG ins 1997 SL No. 47 s 3
amd 1997 SL No. 260 s 2 sch

Time quota
s 94ZAH ins 1997 SL No. 47 s 3

Use of primary commercial fishing boats
s 94ZAI ins 1997 SL No. 47 s 3

Use of tender commercial fishing boats
s 94ZAJ ins 1997 SL No. 47 s 3

Permitted distance for an assistant fisher to be under direction
s 94ZAK ins 1997 SL No. 47 s 3

PART 14—(EAST COAST No. 3)
pt hdg (prev pt 8 hdg) amd 1997 SL No. 477 s 5(2)
renum 1999 SL No. 47 s 42(8)

What fish may be taken
s 97 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 15; 2002 SL No. 339 s 17(5)–(6)

Use of mesh nets in offshore waters between Baffle Creek and Cape Flattery
s 101 sub 1997 SL No. 477 s 5(3)
amd 2001 SL No. 170 s 12(17)–(20)

Use of set mesh nets in offshore waters between Baffle Creek and Cape Flattery
s 101A ins 1997 SL No. 477 s 5(3)
amd 2001 SL No. 170 s 12(21)–(23)

SCHEDULE 14—TRAWL FISHERIES (FIN FISH)
sch hdg amd 1999 SL No. 58 s 7
sub 1999 SL No. 290 s 24(1)

PART 1—TRAWL FISHERIES (CONCESSIONAL ZONE)
pt hdg om 1999 SL No. 290 s 24(1)

Fishery symbol
s 1 prev s 1 om 1999 SL No. 290 s 24(1)
pres s 1 (prev s 35) renum 1999 SL No. 290 s 24 (4)

Fishery area
s 2 prev s 2 om 1999 SL No. 290 s 24(1)
pres s 2 (prev s 36) renum 1999 SL No. 290 s 24(4)

What fish may be taken
s 3 prev s 3 amd 1999 SL No. 58 s 9(1)
om 1999 SL No. 290 s 24(1)
pres s 3 (prev s 37) renum 1999 SL No. 290 s 24(4)

Permitted way of taking whiting
prov hdg amd 1999 SL No. 58 s 9(2)
s 4 prev s 4 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(1)
pres s 4 (prev s 38) amd 1999 SL No. 290 s 24(2)
renum 1999 SL No. 290 s 24(4)

Time quota
s 5 prev s 5 om 1999 SL No. 290 s 24(1)
pres s 5 (prev s 39) renum 1999 SL No. 290 s 24(4)

Use of otter trawl nets
s 6 sub 1999 SL No. 58 s 9(4)
om 1999 SL No. 290 s 24(1)

Use of turtle excluder devices
s 7 sub 1999 SL No. 58 s 9(4)
om 1999 SL No. 290 s 24(1)

Use of bycatch reduction devices
s 7A ins 1999 SL No. 58 s 9(4)
om 1999 SL No. 290 s 24(1)

PART 2—TRAWL FISHERY (EAST COAST No. 1)
pt hdg om 1999 SL No. 290 s 24(1)

Division 1—Preliminary
div hdg om 1999 SL No. 290 s 24(1)

Fishery symbol
s 8 om 1999 SL No. 290 s 24(1)

Fishery area
s 9 om 1999 SL No. 290 s 24(1)

What fish may be taken
s 10 amd 1999 SL No. 58 s 9(1)
om 1999 SL No. 290 s 24(1)

Permitted way of taking fish scallops
prov hdg amd 1999 SL No. 58 s 9(2)
s 11 amd 1999 SL No. 58 s 9(3), (5)
om 1999 SL No. 290 s 24(1)

Use of primary commercial fishing boats
s 12 om 1999 SL No. 290 s 24(1)

Division 2—Use of nets to take prawns
div hdg om 1999 SL No. 290 s 24(1)

General conditions
s 13 amd 1999 SL No. 58 s 9(6)
om 1999 SL No. 290 s 24(1)

Use of nets in Moreton Bay
s 14 om 1999 SL No. 290 s 24(1)

Use of nets between Comboyuro Point and Caloundra Head
s 15 om 1999 SL No. 290 s 24(1)

Use of nets in Laguna Bay
s 16 om 1999 SL No. 290 s 24(1)

Use of nets in Hervey Bay
s 17 om 1999 SL No. 290 s 24(1)

Use of nets near Facing Island
s 18 om 1999 SL No. 290 s 24(1)

Use of nets in Keppel Bay
s 19 om 1999 SL No. 290 s 24(1)

Use of nets in Llewellyn Bay
s 20 om 1999 SL No. 290 s 24(1)

Use of nets in Repulse Bay
s 21 om 1999 SL No. 290 s 24(1)

Use of nets south of Cape Gloucester
s 22 om 1999 SL No. 290 s 24(1)

Use of nets north of Cape Gloucester
s 23 om 1999 SL No. 290 s 24(1)

Use of nets in Sinclair Bay
s 24 om 1999 SL No. 290 s 24(1)

Use of nets in Cleveland Bay
s 25 om 1999 SL No. 290 s 24(1)

Use of nets in offshore waters
s 26 om 1999 SL No. 290 s 24(1)

Division 3—Use of nets to take saucer scallops
div hdg om 1999 SL No. 290 s 24(1)

Use of nets to take saucer scallops
s 27 sub 1999 SL No. 58 s 9(7)
om 1999 SL No. 290 s 24(1)

Division 4—Use of nets to take other fish
div hdg ins 1999 SL No. 58 s 9(7)
om 1999 SL No. 290 s 24(1)

Use of nets to take other fish
s 27A ins 1999 SL No. 58 s 9(7)
om 1999 SL No. 290 s 24(1)

Division 5—Use of turtle excluder devices and bycatch reduction devices
div hdg ins 1999 SL No. 58 s 9(7)
om 1999 SL No. 290 s 24(1)

Use of turtle excluder devices
s 27B ins 1999 SL No. 58 s 9(7)
om 1999 SL No. 290 s 24(1)

Use of bycatch reduction devices
s 27C ins 1999 SL No. 58 s 9(7)
om 1999 SL No. 290 s 24(1)

PART 3—TRAWL FISHERY (EAST COAST No. 2)
pt hdg om 1999 SL No. 290 s 24(1)

Fishery symbol
s 28 om 1999 SL No. 290 s 24(1)

Fishery area
s 29 om 1999 SL No. 290 s 24(1)

What fish may be taken
s 30 amd 1999 SL No. 58 s 9(8)
om 1999 SL No. 290 s 24(1)

Permitted ways of taking fish
prov hdg amd 1999 SL No. 58 s 9(9)
s 31 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(1)

Use of primary commercial fishing boats
s 32 om 1999 SL No. 290 s 24(1)

Use of nets south of Cape Gloucester
s 33 om 1999 SL No. 290 s 24(1)

Use of nets north of Cape Gloucester
s 34 om 1999 SL No. 290 s 24(1)

Use of turtle excluder devices
s 34A ins 1999 SL No. 58 s 9(10)
om 1999 SL No. 290 s 24(1)

Use of bycatch reduction devices
s 34B ins 1999 SL No. 58 s 9(10)
om 1999 SL No. 290 s 24(1)

PART 4—TRAWL FISHERY (FIN FISH)
pt hdg om 1999 SL No. 290 s 24(1)

PART 5—TRAWL FISHERY (RIVER AND INSHORE—AREA 1)
pt hdg om 1999 SL No. 290 s 24(5)

Fishery symbol
s 40 om 1999 SL No. 290 s 24(5)

Fishery area
s 41 om 1999 SL No. 290 s 24(5)

What fish may be taken
s 42 amd 1999 SL No. 58 s 9(8)
(2), (6) exp 31 October 2000 (see s 42(6))
om 1999 SL No. 290 s 24(5)

Permitted ways of taking fish
prov hdg amd 1999 SL No. 58 s 9(9)
s 43 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(5)

Use of primary commercial fishing boats
s 44 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in the Brisbane River
s 45 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets at or near the Brisbane River mouth
s 46 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Moreton Bay
s 47 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in the Noosa River and connected lakes
s 48 om 1999 SL No. 290 s 24(5)

Use of otter trawl nets in Laguna Bay
s 49 amd 1999 SL No. 58 s 9(11)
om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in rivers and creeks
s 50 om 1999 SL No. 290 s 24(5)

PART 6—TRAWL FISHERY (RIVER AND INSHORE—AREA 2)
pt hdg om 1999 SL No. 290 s 24(5)

Fishery symbol
s 51 om 1999 SL No. 290 s 24(5)

Fishery area
s 52 om 1999 SL No. 290 s 24(5)

What fish may be taken
s 53 amd 1999 SL No. 58 s 9(8)
(2), (6) exp 31 October 2000 (see s 53(6))
om 1999 SL No. 290 s 24(5)

Permitted ways of taking fish
prov hdg amd 1999 SL No. 58 s 9(9)
s 54 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(5)

Use of primary commercial fishing boats
s 55 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Great Sandy Strait
s 56 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Hervey Bay
s 57 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in rivers and creeks
s 58 om 1999 SL No. 290 s 24(5)

PART 7—TRAWL FISHERY (RIVER AND INSHORE—AREA 3)
pt hdg om 1999 SL No. 290 s 24(5)

Fishery symbol
s 59 om 1999 SL No. 290 s 24(5)

Fishery area
s 60 om 1999 SL No. 290 s 24(5)

What fish may be taken
s 61 amd 1999 SL No. 58 s 9(8)
(2), (6) exp 31 October 2000 (see s 61(6))
om 1999 SL No. 290 s 24(5)

Permitted ways of taking fish
prov hdg amd 1999 SL No. 58 s 9(9)
s 62 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(5)

Use of primary commercial fishing boats
s 63 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in rivers and creeks
s 64 om 1999 SL No. 290 s 24(5)

PART 8—TRAWL FISHERY (RIVER AND INSHORE—AREA 4)
pt hdg om 1999 SL No. 290 s 24(5)

Fishery symbol
s 65 om 1999 SL No. 290 s 24(5)

Fishery area
s 66 om 1999 SL No. 290 s 24(5)

What fish may be taken
s 67 amd 1999 SL No. 58 s 9(8)
(2), (6) exp 31 October 2000 (see s 67(6))
om 1999 SL No. 290 s 24(5)

Permitted ways of taking fish
prov hdg amd 1999 SL No. 58 s 9(9)
s 68 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(5)

Use of primary commercial fishing boats
s 69 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets near Facing Island
s 70 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in and near Keppel Bay
s 71 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in rivers and creeks
s 72 om 1999 SL No. 290 s 24(5)

PART 9—TRAWL FISHERY (RIVER AND INSHORE—AREA 5)
pt hdg om 1999 SL No. 290 s 24(5)

Fishery symbol
s 73 om 1999 SL No. 290 s 24(5)

Fishery area
s 74 om 1999 SL No. 290 s 24(5)

What fish may be taken
s 75 amd 1999 SL No. 58 s 9(8)
(2), (6) exp 31 October 2000 (see s 75(6))
om 1999 SL No. 290 s 24(5)

Permitted ways of taking fish
prov hdg amd 1999 SL No. 58 s 9(9)
s 76 amd 1999 SL No. 58 s 9(3)
om 1999 SL No. 290 s 24(5)

Use of primary commercial fishing boats
s 77 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Llewellyn Bay
s 78 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Repulse Bay
s 79 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Sinclair Bay
s 80 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in Cleveland Bay
s 81 om 1999 SL No. 290 s 24(5)

Use of beam trawl nets in rivers and creeks
s 82 om 1999 SL No. 290 s 24(5)

SCHEDULE 15—OTHER FISHERIES (COMMERCIAL)
sch hdg amd 1999 SL No. 58 s 7

Fishery symbol
s 1 amd 2002 SL No. 339 s 18(1)

What fish may be taken
s 3 amd 2002 SL No. 339 s 18(2)

General conditions of taking fish under authority with 'A1' or 'A2' fishery symbol
s 5 sub 2002 SL No. 339 s 18(3)

Additional conditions—'A1' fishery symbol
s 5A ins 2002 SL No. 339 s 18(3)

Additional conditions— 'A2' fishery symbol
s 5B ins 2002 SL No. 339 s 18(3)

Selling fish—authority holder
s 10 sub 2002 SL No. 339 s 18(4)

Selling fish—nominee
s 10A ins 2002 SL No. 339 s 18(4)

PART 2—BÊCHE-DE-MER FISHERY (EAST COAST)
Division 1—General provisions
div hdg ins 2002 SL No. 339 s 18(5)

General conditions of taking bêche-de-mer
s 15 amd 2002 SL No. 339 s 18(6)–(7)

Selling bêche-de-mer
s 17 sub 2002 SL No. 339 s 18(8)

Division 2—VMS equipment and manual reporting conditions
div 2 (ss 17A–17J) ins 2002 SL No. 339 s 18(9)

Permitted ways of taking crayfish and rock lobsters
s 33 amd 2002 SL No. 339 s 18(10); 2003 SL No. 30 s 7(1)

Use of tender commercial fishing boats
s 35 amd 2000 SL No. 184 s 21; 2003 SL No. 30 s 7(2)

Permitted distance for an assistant fisher to be under direction
s 36 amd 2003 SL No. 30 s 7(3)

Fishery symbol
s 37 om 1999 SL No. 57 s 43(1)

Fishery area
s 39 om 1999 SL No. 57 s 43(1)

Permitted ways of taking eels
s 40 om 1999 SL No. 57 s 43(1)

General conditions of taking eels
s 41 om 1999 SL No. 57 s 43(1)

Selling eels
s 42 om 1999 SL No. 57 s 43(1)

PART 6—PEARL FISHERY
pt hdg prev pt 6 hdg om 1999 SL No. 57 s 43(1)
pres pt 6 hdg (prev pt 7 hdg) renum 1999 SL No. 57 s 43(2)

PART 7—SHELL FISHERY
pt hdg (prev pt 8 hdg) renum 1999 SL No. 57 s 43(2)

PART 8—SHELL GRIT FISHERY
pt hdg (prev pt 9 hdg) renum 1999 SL No. 57 s 43(2)

PART 9—STAR SAND FISHERY
pt hdg (prev pt 10 hdg) renum 1999 SL No. 57 s 43(2)

Permitted ways of taking star sand
s 66 amd 2003 SL No. 30 s 7(4)

PART 10—TROCHUS FISHERY (EAST COAST)
pt hdg (prev pt 11 hdg) renum 1999 SL No. 57 s 43(2)

General conditions of taking trochus
s 73 amd 1996 SL No. 449 s 6(1); 2000 SL No. 184 s 21

Annual quota
s 74 sub 1996 SL No. 449 s 6(2)

PART 11—TROCHUS FISHERY (TORRES STRAIT)
pt hdg (prev pt 12 hdg) renum 1999 SL No. 57 s 43(2)

Annual quota
s 80 sub 1996 SL No. 449 s 7

PART 12—WORM FISHERY (BEACHWORM)
pt hdg (prev pt 13 hdg) renum 1999 SL No. 57 s 43(2)

PART 13—WORM FISHERY (BLOODWORM)
pt hdg (prev pt 14 hdg) renum 1999 SL No. 57 s 43(2)

Fishery area
s 89 amd 2002 SL No. 339 s 18(11)

PART 14—YABBY FISHERY
pt hdg (prev pt 15 hdg) renum 1999 SL No. 57 s 43(2)

SCHEDULE 16—GLOSSARY OF SCIENTIFIC NAMES USED FOR FISH OTHER THAN CORAL REEF FIN FISH
sch hdg amd 2003 SL No. 213 s 18(1)
sch 16 amd 1996 SL No. 266 s 12; 1996 SL No. 422 s 11; 1997 SL No. 222 s 6; 1999 SL No. 57 s 44; 1999 SL No. 58 s 10; 1999 SL No. 249 s 11; 1999 SL No. 290 s 25; 2002 SL No. 110 s 7; 2002 SL No. 337 s 16; 2002 SL No. 339 s 19; 2003 SL No. 213 s 18(2)–(3)

SCHEDULE 16A—GLOSSARY OF SCIENTIFIC NAMES OF CORAL REEF FIN FISH
ins 2003 SL No. 213 s 19

SCHEDULE 17—DEFINITIONS
sch hdg sub 1999 SL No. 290 s 26(1)

PART 1—EXTENDED DEFINITIONS
pt hdg sub 1999 SL No. 290 s 26(3)
pt 1 (prev pt 2) renum and reloc 1999 SL No. 290 s 26(2)

Meaning of "Lake Awoonga area"
s 2 prev s 2 om 1997 SL No. 260 s 11(2)
pres s 2 ins 1999 SL No. 57 s 45(7)

Meaning of "length" of a net other than an otter trawl net
prov hdg amd 1999 SL No. 290 s 26(5)
s 5 amd 1999 SL No. 249 s 12(2)–(4); 1999 SL No. 290 s 26(5)–(7)

Meaning of "net that is not hauled"
s 8 om 2001 SL No. 170 s 13(1)

Meaning of "tropical rock lobster area"
s 11 prev s 11 om 1999 SL No. 290 s 26(8)
pres s 11 (prev s 13) renum 1999 SL No. 290 s 26(10)
om 2002 SL No. 339 s 20

Meaning of "under direction" for an assistant fisher
s 12 prev s 12 amd 1999 SL No. 57 s 45(8)
om 1999 SL No. 290 s 26(8)
pres s 12 (prev s 14) sub 1999 SL No. 290 s 26(9)
renum 1999 SL No. 290 s 26(10)
amd 2000 SL No. 361 s 10(1)–(2)

Meaning of "Wynnum area" for fish regulated by area
s 13 (prev s 15) renum SL No. 290 s 26(10)

Meaning of "whole weight" of spanish mackerel
s 14 ins 2003 SL No. 214 s 41(1)

Meaning of "Gulf of Carpentaria" for ss 18A, 98A and schs 1 and 4
s 16 ins 1996 SL No. 266 s 13
om 1999 SL No. 57 s 45(9)

PART 2—DICTIONARY
pt hdg sub 1999 SL No. 26(11)
pt 2 (prev pt 1) renum and relocated 1999 SL No. 290 s 26(2)
def **"annual"** ins 1996 SL No. 233 s 7
sub 1999 SL No. 57 s 45(1), (3)
def **"approved"** ins 1998 SL No. 232 s 11;
amd 2000 SL No. 184 s 22(1)
def **"Authority's register"** ins 1998 SL No. 232 s 11
om 1999 SL No. 290 s 26(12)
def **"beam trawl net"** om 1999 SL No. 290 s 26(12)
def **"bycatch reduction device"** ins 1999 SL No. 58 s 11
om 1999 SL No. 290 s 26(12)
def **"commercial fishing apparatus"** sub 1999 SL No. 57 s 45(1), (3)
def **"commercial fishing competition"** ins 1996 SL No. 422 s 12
def **"coral reef fin fish"** ins 2003 SL No. 213 s 20
def **"crab fishery"** ins 1999 SL No. 57 s 45(4)
def **"cross line"** om 1999 SL No. 57 s 45(1)
def **"Deception Bay area"** ins 1999 SL No. 290 s 26(13)
def **"East Coast Trawl Plan**" ins 2000 SL No. 361 s 10(3)
def **"F↑B sign"** amd 2000 SL No. 184 s 22(2)
def **"fin fish"** ins 1999 SL No. 57 s 45(3)
def **"fishery provision"** amd 1999 SL No. 57 s 45(5)
def **"fitted"** ins 1999 SL No. 58 s 11
om 1999 SL No. 290 s 26(12)

def **"haul seine"** om 1999 SL No. 272 s 8
def **"haul seine net"** ins 1999 SL No. 272 s 8
def **"hook"** ins 2003 SL No. 213 s 20
def **"hull unit**" om 1999 SL No. 290 s 26(12)
def **"install"** ins 1998 SL No. 232 s 11
om 2002 SL No. 339 s 20
def **"interfere with"** ins 1998 SL No. 232 s 11
def **"Great Barrier Reef Region"** ins 1999 SL No. 58 s 11
def **"Lake Awoonga area"** ins 1999 SL No. 290 s 26(13)
def **"Lake Tinaroo area"** ins 1999 SL No. 290 s 26(13)
def **"length"** ins 1999 SL No. 290 s 26(13)
amd 2001 SL No. 170 s 13(2)
def **"logbook information"** ins 2003 SL No. 214 s 41(2)
def **"lure"** ins 2003 SL No. 213 s 20
def **"managed area A"** om 1999 SL No. 57 s 45(2)
def **"managed area B"** om 1999 SL No. 57 s 45(2)
def **"mesh size"** ins 1999 SL No. 290 s 26(13)
def **"Moreton Bay"** ins 1999 SL No. 290 s 26(13)
def **"national park land"** ins 1998 SL No. 213 s 6
def **"net that is not hauled"** ins 1999 SL No. 290 s 26(13)
om 2001 SL No. 170 s 13(3)
def **"Nudgee Beach area"** ins 1999 SL No. 290 s 26(13)
def **"ocean beach fishery"** ins 1997 SL No. 260 s 11(1)
amd 1999 SL No. 57 s 45(6)
def **"official sign"** 2000 SL No. 184 s 22(2)
def **"offshore waters"** ins 2001 SL No. 170 s 13(4)
def **"pearl oyster"** ins 2003 SL No. 213 s 20
def **"power assisted device"** ins 1997 SL No. 476 s 11
om 1999 SL No. 57 s 45(1)
def **"prescribed area"** ins 2003 SL No. 214 s 41(3)
def **"prescribed flag"** ins 2003 SL No. 214 s 41(3)
def **"Pumicestone Strait"** ins 1999 SL No. 290 s 26(13)
def **"purse seine net"** ins 1999 SL No. 217 s 6
def **"ready to fish"** ins 2003 SL No. 214 s 41(3)
def **"recreational fisher"** sub 1999 SL No. 249 s 12(1)
def **"recreational fishing apparatus"** om 1999 SL No. 57 s 45(1)
def **"required way"** ins 1999 SL No. 57 s 45(3)
amd 2000 SL No. 184 s 22(1)
def **"SF↑B sign"** amd 2000 SL No. 184 s 22(2)
def **"SM fishery licence"** ins 2003 SL No. 214 s 41(2)
def **"SM unit"** ins 2003 SL No. 214 s 41(2)
def **"species of cod or groper"** ins 2003 SL No. 213 s 20
def **"species of coral trout"** ins 2003 SL No. 213 s 20
def **"species of emperor"** ins 2003 SL No. 213 s 20
def **"species of jobfish"** ins 2003 SL No. 213 s 20
def **"species of parrotfish, surgeonfish or sweetlips"** ins 2003 SL No. 213 s 20
def **"species of wrasse"** ins 2003 SL No. 213 s 20
def **"the 6 n mile line"** ins 1997 SL No. 476 s 11
om 1999 SL No. 57 s 45(1)

def **"the boat"** ins 1998 SL No. 232 s 11
om 1999 SL No. 290 s 26(12)
def **"the coastal 500 m line"** ins 1997 SL No. 477 s 6
def **"the holder"** ins 1998 SL No. 232 s 11
om 1999 SL No. 290 s 26(12)
def **"time quota"** ins 1999 SL No. 290 s 26(13)
def **"trawl fishery (fish fin)"** ins 1999 SL No. 290 s 26(13)
def **"tropical rock lobster area"** ins 1999 SL No. 290 s 26(13)
om 2002 SL No. 339 s 20
def **"turtle excluder device"** ins 1999 SL No. 58 s 11
om 1999 SL No. 290 s 26(12)
def **"under direction"** ins 1999 SL No. 290 s 26(13)
def **"whole weight"** ins 2003 SL No. 214 s 41(2)
def **"Wynnum area"** ins 1999 SL No. 290 s 26(13)

SCHEDULE 18—AQUACULTURE FISHERIES RESOURCES
ins 1996 SL No. 423 s 4
om 1999 SL No. 57 s 46

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