



Queensland

Fisheries Act 1994

Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999

Reprinted as in force on 25 June 2004

Reprint No. 2

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Also see endnotes for information about—

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

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[as amended by all amendments that commenced on or before 25 June 2004]

Part 1 Preliminary

1 Short title

This management plan may be cited as the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999*.

2 Commencement

Section 19 and schedule 3, section 2 commence on 29 January 2000.¹

3 The fishery

- (1) This plan applies in relation to the Gulf of Carpentaria inshore fin fish fishery (*the fishery*).
- (2) The fishery, as at 4 February 1998, is described in schedule 1, part 1.
- (3) Its known status, as at 31 December 1996, is stated in schedule 1, part 2.

4 Objectives of plan and their achievement

- (1) The objectives of this plan are to—
 - (a) maintain inshore fin fish stocks at sustainable levels; and
 - (b) protect spawning target species; and

¹ Section 19 ('Catch and release' declaration for part of Pine River Bay) and schedule 3, section 2 (Pine River Bay area)

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- (c) minimise unintended adverse effects of fishing on protected wildlife; and
 - (d) provide a viable commercial fin fish net fishery that gives economic and social benefits to the local, regional and State economies; and
 - (e) provide a recreational fishery that gives economic and social benefits to the local and regional economies; and
 - (f) satisfy the traditional or customary fishing needs of Aborigines and Torres Strait Islanders.
- (2) Schedule 2 states how the objectives are to be achieved.
- (3) The achievement of each objective—
- (a) may be measured only in the way stated in schedule 2; and
 - (b) may be reviewed by the chief executive if a review event stated in schedule 2 for the objective happens.

5 Aids to interpretation and definitions—sch 4

- (1) Schedule 4, part 1 contains provisions that aid the interpretation of this plan.
- (2) Schedule 4, part 2 and the dictionary in schedule 4, part 3 define particular words used in this plan.

Part 2 Closed season declarations

6 Closed seasons for barramundi

- (1) The following periods are closed seasons for barramundi—
 - (a) 3 October 2003 to 28 January 2004;
 - (b) 7 October 2004 to 1 February 2005.
- (2) Each period starts and ends at midday.

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- (3) A person must not take or possess a barramundi during a closed season.

7 Exemptions

It is not unlawful for a person to—

- (a) take barramundi unintentionally during a closed season if the barramundi is not intentionally or recklessly injured or damaged and is immediately put back; or
- (b) possess barramundi not taken during a closed season.

Part 3 Closed waters declarations

8 South Mitchell River closed to everybody

- (1) This section applies to everybody.
- (2) The waters of the South Mitchell River and waterways joining it, between F↑B signs near the river's banks and F↑B signs near its junction with Surprise Creek are closed waters.
- (3) The waters are closed every year, all year.
- (4) A person must not take or possess a fin fish taken from the waters.

9 Closures for trade or commerce—sch 3

- (1) This section applies only to a person taking fin fish for trade or commerce.
- (2) The waters mentioned in schedule 3 are closed waters.
- (3) The waters are closed every year, all year.
- (4) The following activities are prohibited—
 - (a) using or possessing any net to take fin fish from the waters mentioned in schedule 3, part 1;

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- (b) using or possessing a set mesh net to take fin fish from the waters mentioned in schedule 3, part 2;
- (c) possessing in the waters fin fish taken in contravention of paragraph (a) or (b).

10 Closure for 'N9' waters

- (1) This section applies only to a person taking fin fish under part 5, division 6.²
- (2) 'N9' waters are closed waters.
- (3) The waters are closed every year, all year.
- (4) The following activities are prohibited—
 - (a) using or possessing any net to take fin fish from the waters unless—
 - (i) the person taking the fin fish is acting under a primary licence that has the fishery symbol 'N9' written on it; and
 - (ii) the conditions under part 5, division 6, subdivision 3³ have been complied with;
 - (b) possessing in the waters fin fish taken in contravention of paragraph (a).

11 Exemptions—general

It is not unlawful for a person in closed waters under this part to possess—

- (a) fin fish taken from outside the closed waters; or
- (b) fishing apparatus if it is stowed and secured.

2 Part 5, division 6 (Fishery for licences with 'N9' symbol (Net Fishery (Gulf of Carpentaria No. 2)))

3 Part 5, division 6, subdivision 3 (Additional licence conditions)

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11A Exemptions—Wellesley Islands Protected Wildlife Area

- (1) This section applies to the Wellesley Island Protected Wildlife Area.
- (2) It is not unlawful for a person to use or possess a set mesh net to take fin fish from the offshore waters of the area if—
 - (a) the net is made from a continuous filament or strand of synthetic fibre, joined, knitted or woven into meshes; and
 - (b) the net is no longer than 400m and has a mesh size of at least 162.5mm but no more than 245mm; and
 - (c) the line thickness of the net is no more than 1.04mm; and
 - (d) the net's drop is no more than 50 meshes; and
 - (e) the water in which the net is being used is not shallower than the net's drop; and
 - (f) the person using the net is within 100m of it; and
 - (g) no more than 400m of net is on the boat being used to take the fish.
- (3) It is not unlawful for a person to use or possess a set mesh net to take fin fish from the foreshore of the area if—
 - (a) the net is no longer than 100m and has a mesh size of at least 162.5mm but no more than 245mm; and
 - (b) the net's drop is no more than 33 meshes; and
 - (c) no more than one-third of the net's length extends past the low-water mark; and
 - (d) no more than 600m of net is on the boat being used to take the fish.
- (4) In this section—

Wellesley Island Protected Wildlife Area means the area mentioned in schedule 3, part 2, section 21.

Part 4 Regulated fish declarations⁴

Division 1 Declarations that apply to everybody

12 Application of div 1

This division applies to everybody.

13 Fin fish taken from closed waters

- (1) A fin fish is a regulated fish if the fish has been taken from closed waters in contravention of part 3.
- (2) Possessing the fin fish is prohibited.

14 Fin fish regulated by size

- (1) The following fin fish of the size stated are regulated fish—
 - (a) barramundi—less than 60cm or more than 120cm;
 - (b) black jewfish—less than 60cm or more than 120cm;
 - (c) blue salmon—less than 40cm;
 - (d) giant trevally—less than 35cm;
 - (e) grey mackerel—less than 50cm;
 - (f) jewel fish—less than 45cm;
 - (g) king salmon—less than 60cm;
 - (h) large-scale sea perch—less than 35cm;
 - (i) mangrove jack—less than 35cm;
 - (j) pikey bream—less than 23cm;
 - (k) queenfish—less than 45cm;
 - (l) Queensland school mackerel—less than 50cm;

⁴ See however, section 12(a) and (b) (When Act does not apply) of the Act, for when the Act does not apply to the taking or possessing of regulated fish.

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- (m) silver jewfish—less than 45cm;
 - (n) spotted grunter bream—less than 40cm;
 - (o) spotted mackerel—less than 50cm;
 - (p) yellow-finned bream—less than 23cm.
- (2) Size of a fin fish is decided by measuring the distance between the front and end tips of the fish.
- (3) Taking or possessing a fin fish regulated by size is prohibited.

15 Mangrove jack regulated by number

- (1) More than 5 mangrove jack are fish regulated by number.
- (2) Taking or possessing fish regulated by number is prohibited.
- (3) However, a person may possess fish regulated by number if the person did not take the fish.

Division 2 Declarations that apply only to recreational fishers

16 Application of div 2

This division applies only to a recreational fisher.

17 Fin fish regulated by number

- (1) More than the following number of fin fish are fish regulated by number—
 - (a) barramundi—5;
 - (b) blue salmon—20;
 - (c) grey mackerel—10;
 - (d) king salmon—5;
 - (e) Queensland school mackerel—10;
 - (f) spotted grunter bream—10 whole fish or 20 fillets;
 - (g) spotted mackerel—10.

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- (2) Taking or possessing fish regulated by number is prohibited.
- (3) However, a person may possess fish regulated by number if the person did not take the fish.

18 Black jewfish regulated by number and size

- (1) More than 5 black jewfish are fish regulated by number.
- (2) More than 2 black jewfish of a size more than 100cm are fish regulated by number and size.
- (3) Taking or possessing fish regulated by number or fish regulated by number and size is prohibited.
- (4) However, a person may possess fish regulated by number or fish regulated by number and size if the person did not take the fish.

19 'Catch and release' declaration for part of Pine River Bay

- (1) Possessing a fin fish taken from the following waters is prohibited—
 - (a) the waters of Pine River Bay east of a line between the F↑B sign on the northern shore of the bay and the F↑B sign on the southern shore of the bay;
 - (b) waterways that join the waters mentioned in paragraph (a).
- (2) However, it is not unlawful for a person to possess a fin fish mentioned in subsection (1) if the fish is not intentionally or recklessly injured or damaged and is immediately put back.

Part 5 Commercial fisheries

Division 1 General

20 Application of pt 5

This part applies to the taking or possession of fin fish for trade or commerce.

21 Who may fish for trade or commerce

A person may take or possess a fin fish only if—

- (a) either—
 - (i) the person holds a primary licence with an ‘N3’, ‘N6’, ‘N7’, or ‘N9’ fishery symbol written on it; or
 - (ii) the holder of the primary licence has allowed the person to take or possess fin fish under the licence; and
- (b) the primary boat identified in the licence is used to take the fish; and
- (c) the person is a commercial or assistant fisher or is acting under a crew licence.

Division 2 Authorities

22 Restrictions on writing fishery symbols on authorities

- (1) The chief executive may write an ‘N3’, ‘N6’, ‘N7’, or ‘N9’ fishery symbol on a primary licence only—
 - (a) if the licence is a replacement licence; or
 - (b) if the chief executive renews a licence; or
 - (c) under a written approval by the chief executive for the symbol to be written on the licence.

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- (2) The chief executive may write an 'N9' fishery symbol on a primary licence only if—
- (a) the holder of the licence holds more than 1 primary licence with the 'N3' fishery symbol written on each of them and applies to the chief executive in writing to amend 2 or more of the licences by—
 - (i) writing all of the types of fishery symbols written on 2 or more of the licences (other than the 'N3' fishery symbol) on 1 of the licences (the *stated licence*); and
 - (ii) taking all the fishery symbols off the licences to which the application relates, other than the stated licence; and
 - (iii) writing the 'N9' fishery symbol on the stated licence; or
 - (b) the licence is a replacement licence; or
 - (c) the chief executive renews the licence.
- (3) However, the chief executive must not write the fishery symbol 'N3' and the fishery symbol 'N9' on the same licence.
- (4) In this section—
- replacement licence*** means—
- (a) a replacement licence issued under section 71 of the Act to replace a licence that has been lost, damaged or destroyed; or
 - (b) a licence for a boat to replace another boat licensed to operate in the fishery.

**Division 3 Fishery for licences with ‘N3’
symbol (Net Fishery (Gulf of
Carpentaria No. 1))**

Subdivision 1 Preliminary

23 Application of div 3

This division applies if a person is acting under a primary licence that has the fishery symbol ‘N3’ written on it.

24 Area for ‘N3’ symbol

The area for the ‘N3’ fishery symbol consists of the tidal waters—

- (a) in the Gulf of Carpentaria south of the intersection of longitude 142°9' east with the mainland shore that are within 7n miles of—
 - (i) the mainland shore; or
 - (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).

Subdivision 2 General

25 Where fin fish may be taken

- (1) Fin fish may be taken only in the area mentioned in section 24.
- (2) However, a net must not be used to take fin fish in a part of the area unless the net is permitted to be used in the part.

26 What fin fish may be taken

Only the following fin fish may be taken—

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- (a) barramundi;
- (b) black jewfish;
- (c) blue salmon;
- (d) jewel fish;
- (e) king salmon;
- (f) queenfish;
- (g) spotted grunter bream;
- (h) other fin fish taken while taking fish mentioned in paragraphs (a) to (g).

27 Permitted ways of taking fin fish—set mesh nets

- (1) Fin fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with the net.

28 Prohibitions on use of set mesh nets

- (1) A set mesh net must not be used—
 - (a) in a marked navigation channel; or
 - (b) within 400m of a jetty or wharf; or
 - (c) across a waterway or navigation channel so that—
 - (i) its ropes make the waterway or navigation channel impassable to a boat; or
 - (ii) the net extends to more than one-half of the width of the waterway or navigation channel where the net is used.
- (2) A reference in subsection (1) to using a set mesh net across a waterway or navigation channel includes using more than 1 set mesh net in a line across the waterway or navigation channel, regardless of the distance between the nets.
- (3) A set mesh net must not be used within 100m of any other net that is in use.

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- (4) Despite subsection (3), a person using more than 1 set mesh net other than in a river or creek may set the nets within 100m of each other.
- (5) If a set mesh net is used in a river or creek, no other net may be used at the same time other than in a river or creek.

29 Time quota

A set mesh net must not be used during a closed season for barramundi.⁵

Subdivision 3 Use and marking of set mesh nets

30 Use in a river or creek

- (1) A set mesh net may be used in a river or creek only if it is no longer than 120m and has a mesh size of at least 162.5mm but no more than 245mm.
- (2) The net's drop must not be more than 50 meshes.
- (3) Up to 6 nets may be set if their combined length is no longer than 360m and the distance between the first and last net is no longer than 5n miles.
- (4) A person using a net must not be more than 5n miles from any net the person is using.
- (5) If a power assisted device is on a boat, no more than 360m of the net may be attached to the device.
- (6) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

31 Use on a foreshore

- (1) This section applies to the use of a set mesh net on a foreshore, other than a foreshore of a river or creek.

⁵ For the closed season, see section 6 (Closed seasons for barramundi).

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- (2) A set mesh net may be used only if it is no longer than 600m and has a mesh size of at least 162.5mm but no more than 245mm.
- (3) Despite subsection (2), no more than one-third of the net's length may extend out to sea beyond low water.
- (4) Up to 6 nets may be set if their combined length is no longer than 600m and the distance between the first and last net is no longer than 6n miles.
- (5) A person using a net must not be more than 6n miles from any net the person is using.
- (6) If a power assisted device is on a boat, no more than 600m of the net may be attached to the device.
- (7) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

32 Use in offshore waters

- (1) A set mesh net may be used in offshore waters only if the net is no longer than 600m and has a mesh size of at least 162.5mm but no more than 245mm.
- (2) The net's drop must not be more than 50 meshes.
- (3) A person using the net must be within 100m of it.
- (4) If a power assisted device is on a boat, no more than 600m of the net may be attached to the device.
- (5) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

33 Marking nets

- (1) A set mesh net that is being used must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float with the primary boat mark written on it at the end of the net that is the farthest from the shore.

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- (2) The white float must be at least 15cm in each of its dimensions.
- (3) If the net is being used at night, it must also be marked by—
 - (a) if the combined length of the net and equipment used to set it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions, at its end farthest from the shore; and
 - (ii) a reflectorised float, at least 15cm in each of its dimensions, at its end nearest the shore; or
 - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction, at both ends of the net.
- (4) Also, if the net is being used in offshore waters, it must be marked by—
 - (a) 6 floats along its length, each not less than 15cm in each of their dimensions; and
 - (b) a pole with an orange flag on it at least 2m above the water attached to its end farthest from the shore.

Subdivision 4 Use of primary boats

34 Use of primary boats

A primary boat longer than 14m must not be used.⁶

35 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 5n miles.⁷

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

7 For the requirement for an assistant fisher to be under direction, see section 49 (Assistant fisher licence) of the regulation.

Division 4 Fishery for licences with ‘N6’ symbol (Net Fishery (Bait No. 1))

Subdivision 1 Preliminary

36 Application of div 4

This division applies if a person is acting under a primary licence that has the fishery symbol ‘N6’ written on it.

37 Area for ‘N6’ symbol

The area for the ‘N6’ fishery symbol consists of the tidal waters—

- (a) in the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore that are between the 25n mile line and—
 - (i) the mainland shore; or
 - (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).⁸

Subdivision 2 General

38 Where fin fish may be taken

- (1) Fin fish may be taken only in the area mentioned in section 37.
- (2) However, a net must not be used to take fin fish in a part of the area unless the net is permitted to be used in the part.

⁸ The ‘N6’ fishery symbol also applies to other areas outside the fishery. See schedule 13, sections 1 (Fishery symbol) and 2 (Fishery area) of the regulation.

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39 What fin fish may be taken

Only the following fin fish may be taken—

- (a) garfish;
- (b) mullet;
- (c) other fin fish, other than barramundi, taken while taking garfish or mullet.

40 Permitted ways of taking fin fish

Fin fish may be taken only by using cast, mesh, scoop or seine nets.

41 Prohibited ways of taking fin fish

- (1) A person using a net must not be more than 100m from the net.
- (2) No more than 1 end of a net may be fixed while the net is in use.
- (3) A power assisted device must not be used with a net.

Subdivision 3 Use of nets

42 Cast net

A cast net may be used only if it has a drop of no more than 3m and a mesh size of no more than 28mm.

43 Scoop net

- (1) A scoop net must not be more than 2m in each of its dimensions.
- (2) The net must have a mesh size of at least 25mm and a handle or shaft no longer than 2.5m.

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44 Mesh net on a foreshore or in a river or creek

A mesh net may be used on a foreshore or in a river or creek only if it—

- (a) is no longer than 200m; and
- (b) has a mesh size of at least 25mm but no more than 45mm.

45 Mesh net in offshore waters

A mesh net may be used in offshore waters only if it—

- (a) is no longer than 400m; and
- (b) has a mesh size of at least 25mm but no more than 45mm.

Subdivision 4 Miscellaneous

46 Use of primary boats

A primary boat longer than 20m must not be used.⁹

47 Use of tender boats

A tender boat must not be used more than 6n miles from its primary boat.

48 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 6n miles.¹⁰

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

10 For the requirement for an assistant fisher to be under direction, see section 49 (Assistant fisher licence) of the regulation.

Division 5 Licences with ‘N7’ symbol (Net Fishery (Bait No. 2))

Subdivision 1 Preliminary

49 Application of div 5

This division applies if a person is acting under a primary licence that has the fishery symbol ‘N7’ written on it.

50 Area for ‘N7’ symbol

The area for the ‘N7’ fishery symbol consists of the tidal waters—

- (a) in the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore that are between the 25n mile line and—
 - (i) the mainland shore; or
 - (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).¹¹

Subdivision 2 General

51 Where fin fish may be taken

- (1) Fin fish may be taken only in the area described in section 50.
- (2) However, a net must not be used to take fin fish in a part of the area unless the net is permitted to be used in the part.

52 What fin fish may be taken

Only the following fin fish may be taken—

¹¹ The ‘N7’ fishery symbol also applies to other areas outside the fishery. See schedule 13, sections 10 (Fishery symbol) and 11 (Fishery area) of the regulation.

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- (a) black jewfish;
- (b) blue salmon;
- (c) jewel fish;
- (d) king salmon;
- (e) queenfish;
- (f) spotted grunter bream;
- (g) other fin fish, other than barramundi, taken while taking fish mentioned in paragraphs (a) to (f).

53 Permitted ways of taking fin fish

Fin fish may be taken only by using mesh or seine nets.

54 Prohibited ways of taking fin fish

- (1) A person using a net must not be more than 100m from the net.
- (2) No more than 1 end of a net may be fixed while the net is in use.
- (3) A net that is not fixed and not hauled must not be used in water shallower than its drop.
- (4) A power assisted device must not be used with a net.

55 Time quota

A net must not be used during a closed season for barramundi.¹²

¹² For the closed season, see section 6 (Closed seasons for barramundi).

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Subdivision 3 Use of nets

56 Use of nets

- (1) A net may be used only if it is no longer than 400m and has a mesh size of at least 50mm.
- (2) A net must not be used as a ring net.

Subdivision 4 Miscellaneous

57 Use of primary boats

A primary boat longer than 14m must not be used.¹³

58 Use of tender boats

A tender boat must not be used more than 800m from its primary boat.

59 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 800m.¹⁴

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

14 For the requirement for an assistant fisher to be under direction, see section 49 (Assistant fisher licence) of the regulation.

**Division 6 Fishery for licences with ‘N9’
symbol (Net Fishery (Gulf of
Carpentaria No. 2))**

Subdivision 1 Preliminary

60 Application of div 6

This division applies if a person is acting under a primary licence that has the fishery symbol ‘N9’ written on it.

61 Meaning of *authorised length* for div 6

In this division, *authorised length*, of a net, means—

- (a) if 2 ‘N3’ fishery symbols have been taken off the licences, other than the stated licence, mentioned in section 22(2)(a)¹⁵—1200m; or
- (b) if 3 or more ‘N3’ fishery symbols have been taken off the licences, other than the stated licence, mentioned in section 22(2)(a)—1800m.

62 Area for ‘N9’ symbol

- (1) The area for the ‘N9’ fishery symbol consists of the tidal waters in the Gulf of Carpentaria south of the intersection of longitude 142°09’ east with the mainland shore that are between the 25n mile line and the 7n mile line.
- (2) However, the area does not include tidal waters that are within 7n miles of an island.

15 Section 22 (Restrictions on writing fishery symbols on authorities)

Subdivision 2 General

63 Where fin fish may be taken

- (1) Fin fish may be taken only in the area mentioned in section 62.
- (2) However, a net must not be used to take fin fish in a part of the area unless the net is permitted to be used in the part.

64 What fin fish may be taken

Only the following fin fish may be taken—

- (a) black jewfish;
- (b) blue salmon;
- (c) jewel fish;
- (d) king salmon;
- (e) queenfish;
- (f) spotted grunter bream;
- (g) other fin fish, other than barramundi, taken while taking fish mentioned in paragraphs (a) to (f).

65 Permitted ways of taking fin fish

- (1) Fin fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with a net only if—
 - (a) no more than the authorised length of the net is attached to the device; and
 - (b) all other nets on board a boat from which the net is being used are stowed and secured.

66 Time quota

A net must not be used during a closed season for barramundi.¹⁶

Subdivision 3 Additional licence conditions

67 Purpose of sdiv 3

This subdivision prescribes additional conditions to which the primary licence is subject.

68 VMS equipment conditions—installation and registration

- (1) The holder of the primary licence must have an approved person install approved VMS equipment on—
 - (a) the primary boat identified in the licence; or
 - (b) a substitute primary boat.
- (2) The primary boat must be included in the register of authorities that the chief executive must keep under section 73 of the Act.
- (3) The equipment and the installer must be included in the information about the primary boat in the register.
- (4) In this section—

approved means approved by the chief executive.

install approved VMS equipment, includes fit an approved seal on the equipment.

substitute primary boat means any tender boat that, under section 56(4)¹⁷ of the regulation, is being used as the primary boat.

¹⁶ For the closed season, see section 6 (Closed seasons for barramundi).

¹⁷ Section 56 (Tender commercial fishing boat licence) of the regulation

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69 VMS equipment conditions—maintenance and use

- (1) This section applies if, under section 68, VMS equipment is installed on the primary boat identified in the primary licence or on a substitute primary boat.
- (2) The person in control of the boat must ensure the equipment is—
 - (a) maintained in working condition; and
 - (b) used at all times.
- (3) If the equipment fails to work, the person in control of the boat must stop the use of fishing apparatus from the boat immediately after becoming aware of the failure.
- (4) Also, the person in control must, unless the person has a reasonable excuse—
 - (a) notify the chief executive of the failure; and
 - (b) if the boat is not in port—
 - (i) notify the chief executive that the boat will return to the nearest port or to another stated port; and
 - (ii) cause the boat to travel promptly to the port.
- (5) However, the licence is not subject to the conditions in subsections (2)(b), (3) and (4) during a period if—
 - (a) before the period began the holder of the licence gave notice to the chief executive that, for a stated reason, the boat would not be used for fishing during the period; and
 - (b) the boat is not used for fishing during the period.
- (6) For subsections (3) and (4), the person in control is taken to be aware of the failure if the person receives notice from the chief executive that the equipment is not working.
- (7) A notice under subsection (4) or (6) may be given by radio, telephone or another form of instantaneous electronic communication.

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70 Notice of entry to 'N3' waters from 'N9' waters

- (1) Before the primary boat identified in the primary licence enters 'N3' waters from 'N9' waters, the person in control of the boat must notify the chief executive or an inspector, by facsimile, radio or telephone, that the boat is entering 'N3' waters.
- (2) The notice or notification must state—
 - (a) the purpose of the entry; and
 - (b) the destination of the boat in the 'N3' waters; and
 - (c) how long the person in control proposes to have the boat in the 'N3' waters.
- (3) In this section—

'N3' waters means the waters mentioned in section 24.

Subdivision 4 Use and marking of nets

71 Use of nets

- (1) A net may be used only if—
 - (a) it is no longer than its authorised length and has a mesh size of at least 162.5mm but no more than 245mm; and
 - (b) the net's drop is no more than 85 meshes; and
 - (c) one end of the net is anchored or fixed to a place; and
 - (d) the other end of the net is fixed to a boat.
- (2) The line thickness of a net must not be less than 0.9mm.
- (3) A person using a net must be within 100m of it.

72 Marking nets

- (1) A net that is being used must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and

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- (b) a white float with the primary boat mark written on it at the end of the net that is the farthest from the primary boat.
- (2) The white float must be at least 15cm in each of its dimensions and must have a radar reflector attached to it.

Subdivision 5 Miscellaneous

73 Use of primary boats

A primary boat longer than 20m must not be used.¹⁸

74 Use of tender boats

A tender boat must not be used more than 6n miles from its primary boat.

75 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction is 6n miles.¹⁹

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

19 For the requirement for an assistant fisher to be under direction, see section 49 (Assistant fisher licence) of the regulation.

Part 6 Recreational fishery

Division 1 Preliminary

76 Application of pt 6

This part applies to the taking or possession of fin fish by recreational fishers.

Division 2 How fin fish may be taken

Subdivision 1 General

77 Recreational fishing apparatus

A recreational fisher may use or possess a fishing apparatus only if it is a fishing apparatus as follows (*recreational fishing apparatus*)—

- (a) a hand held fishing line;
- (b) a fishing rod with a line and a hand-operated reel;
- (c) a cast, scoop or seine net;
- (d) a spear or spear gun.

78 Permitted area

Recreational fishing apparatus may be used or possessed in any waters in the fishery.²⁰

79 What fish may be taken

- (1) Any fin fish may be taken with recreational fishing apparatus.

²⁰ However, parts 2 (Closed season declarations), 3 (Closed waters declarations) and 4 (Regulated fish declarations) impose restrictions on the taking and possession of fin fish by recreational fishers.

- (2) However, a recreational fishing apparatus may be used only if the apparatus and its use complies with subdivision 2.

Subdivision 2 Requirements for recreational fishing apparatus and their use

80 Fishing lines—number of hooks

A fishing line must not have more than 6 hooks attached to it.

81 Cast nets

A cast net must not be more than 6m in diameter and must have a mesh size of no more than 28mm.

82 Scoop nets

- (1) A scoop net must not be more than 2m in each of its dimensions.
- (2) The net must have a mesh size of at least 25mm and a handle or shaft no longer than 2.5m.

83 Seine nets

- (1) A seine net must not be longer than 16m and must have a mesh size of no more than 28mm.
- (2) The net's drop must not be more than 3m.
- (3) The net must not contain a pocket or be fixed.
- (4) A person under 15 years of age may use a seine net only if the person is supervised by someone else who is at least 15 years of age.

Division 3 Use of boats

84 Obligation of person in control about number of fishing lines used

The person in control of a boat from which fin fish are being taken with fishing lines must ensure a person does not use more than 3 fishing lines from the boat at a time.

Maximum penalty—100 penalty units.

85 Using commercial fishing boats for recreational fishing

A person using a commercial fishing boat for recreational fishing must cover or remove the boat mark for the boat.

Maximum penalty—100 penalty units.

Division 4 Prohibitions to allow identification or counting of fin fish

86 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.

- (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 3cm.

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

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Maximum penalty—100 penalty units.

(5) In this section—

extended commercial fishing tour means a tour or fishing trip—

- (a) conducted in trade or commerce for taking fin fish other than for a trade or commerce and carrying passengers for gain; and
- (b) of an uninterrupted period of at least 48 hours.

Examples of tours or fishing trips conducted under paragraph (a)—

- 1 game fishing, reef fishing, spear fishing, or tag and release fishing tours
- 2 guided fishing tours

87 Prohibitions for spotted grunter bream

(1) This section—

- (a) applies to a recreational fisher who possesses a spotted grunter bream; and
- (b) is in addition to section 86.

(2) If the recreational fisher possesses a spotted grunter bream on a boat, the recreational fisher must not fillet it or remove its head or tail until it is brought ashore.

Maximum penalty—100 penalty units.

(3) If the recreational fisher brings a spotted grunter bream ashore and fillets it or removes its head or tail, the recreational fisher must not return it to the boat.

Maximum penalty—100 penalty units.

Part 7 Aborigines' and Torres Strait Islanders' fishery

88 Aboriginal and Torres Strait Islander rights not affected

This plan does not limit an Aboriginal's or Torres Strait Islander's right to take, use or keep fin fish under Aboriginal tradition or Island custom.²¹

Part 8 Review, amendment or repeal

89 Review of plan

- (1) The chief executive must review this plan to decide whether its provisions remain appropriate.
- (2) The review must start not before 5 years, but no longer than 9 years, after this plan commences.

90 Consultation requirements for review

- (1) In conducting the review, the chief executive must take reasonable steps to engage in consultation about this plan.
- (2) When the review starts the chief executive must give notice of the following—
 - (a) that this plan is being reviewed;
 - (b) that a plan review paper is available for comment;
 - (c) where the paper can be obtained;
 - (d) that a person may make written comments to the chief executive on the paper;
 - (e) the address to which the comments may be made;

²¹ For the right of Aborigines or Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

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- (f) the period, of at least 2 months after the notice is given, during which any comments must be made to the chief executive.
- (3) After considering any comments made in the 2 month period, the chief executive must give notice of where the results of the review can be obtained.
- (4) A notice required to be given by the chief executive under this section must be given by publication in the gazette and a newspaper circulating generally throughout the State.

91 How plan may be amended

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

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- (4) In this section—
amend includes repeal.

Part 9 Miscellaneous

92 Serious fisheries offences

For the definition *serious fisheries offence* in section 4 of the Act, an offence against fisheries legislation about each of the following under this plan is a serious fisheries offence²²—

- (a) contravening a closed season declaration for barramundi under section 6;²³
- (b) contravening a closed waters declaration under part 3;²⁴
- (c) possessing a fish taken from closed waters under section 13;²⁵
- (d) unlawfully using or possessing fishing apparatus in the fishery;²⁶
- (e) contravening section 28;²⁷
- (f) using or possessing more net on a power assisted device than permitted;²⁸

22 Section 108 (Serious fisheries offences) of the regulation, also prescribes offences under this plan as serious fisheries offences.

23 Section 6 (Closed seasons for barramundi)
See section 77 (Closed season and closed waters offences) of the Act.

24 See section 77 (Closed season and closed waters offences) of the Act.

25 Section 13 (Fin fish taken from closed waters)

26 See section 84 (Prohibited fishing apparatus) of the Act.

27 Section 28 (Prohibitions on use of set mesh nets)
See also section 80 (Fish not to be taken in prohibited way) of the Act.

28 See section 84 (Prohibited fishing apparatus) of the Act.

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- (g) failing to give the chief executive a return for fin fish taken in the fishery;²⁹
- (h) obstructing, hindering or resisting an inspector exercising a power in relation to the fishery.³⁰

93 Criteria for suspension of licences

- (1) This section applies to a commercial fisher licence or commercial fishing boat licence if the licence holder has been convicted (**conviction**) of a serious fisheries offence mentioned in section 92.
- (2) However, this section does not apply if the conviction is a spent conviction.
- (3) For section 68B(4)(b)(i)³¹ of the Act, the criteria prescribed for a court suspending the licence are for the holder's—
 - (a) first conviction—3 to 9 months suspension; or
 - (b) second conviction—9 months to 5 years suspension; or
 - (c) third or subsequent conviction—5 years suspension.
- (4) In this section—

spent conviction means a conviction—

 - (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
 - (b) that is not revived as prescribed by section 11 of that Act.

29 See section 118 (Statistical returns to be kept) of the Act and section 109 (Statistical returns to be kept—general) of the regulation.

30 See section 182 (Obstruction etc. of inspector) of the Act.

31 Section 68B (Suspension or cancellation of authority by court) of the Act

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94 Interfering with approved VMS seals

- (1) A person must not interfere with an approved seal on installed VMS equipment under section 68(1),³² unless the person has a reasonable excuse for interfering with it.

Maximum penalty—20 penalty units.

- (2) In this section—

interfere with includes damage, destroy, mark and remove.

32 Section 68 (VMS equipment conditions—installation and registration)

Schedule 1 The fishery

section 3(2) and (3)

Part 1 Description

1 Area

The fishery's area consists of tidal waters—

- (a) west of longitude 142°09' east; and
- (b) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore.

2 Major fin fish species taken

The common and scientific names of the major species of fin fish (*target species*) taken in the fishery are as follows—

Common name	Scientific name
barramundi	<i>Lates calcarifer</i>
black jewfish	<i>Protonibea diacanthus</i>
blue salmon	<i>Eleutheronema tetradactylum</i>
grey mackerel	<i>Scomberomorus semifasciatus</i>
jewel fish	<i>Nibea squamosa</i>
king salmon	<i>Polydactylus sheridani</i>
large-scale sea perch	<i>Lutjanus johnii</i>
mangrove jack	<i>Lutjanus argentimaculatus</i>
pikey bream	<i>Acanthopagrus berda</i>
queenfish	<i>Scomberoides</i> spp.

Schedule 1 (continued)

Common name	Scientific name
Queensland school mackerel	<i>Scomberomorus queenslandicus</i>
shark	<i>Carcharhinus</i> spp.
silver jewfish	<i>Nibea soldado</i>
snub-nosed dart	<i>Trachinotus</i> spp.
spotted grunter bream	<i>Pomadasyds kaakan</i>
spotted mackerel	<i>Scomberomorus munroi</i>
yellow-finned bream	<i>Acanthopagrus australis</i>

3 Fishing for trade or commerce—fishery symbols required

- (1) To take fin fish for trade or commerce in the fishery, a person must operate under a primary licence with at least 1 of the fishery symbols 'N3', 'N6', 'N7' or 'N9' written on it.
- (2) On 4 February 1998, the number of each of the symbols written on licences was as follows—
 - (a) 'N3'—109;
 - (b) 'N6'—1911;
 - (c) 'N7'—7;
 - (d) 'N9'—0.
- (3) A licence with any of the fishery symbols written on it may also have other fishery symbols written on it that allows the boat to be used in other commercial fisheries.

4 Commercial fishery

- (1) Only nets may be used to take fin fish for trade or commerce in the fishery.
- (2) The types of net that may be used under each fishery symbol are as follows—

Schedule 1 (continued)

- (a) 'N3'—mesh, seine or set mesh nets;
 - (b) 'N6'—cast, mesh or seine nets;
 - (c) 'N7'—mesh or seine nets;
 - (d) 'N9'—set mesh nets.
- (3) To control fishing effort, limits on the maximum amount of net that may be used have been placed on commercial fishers.
- (4) To address the potential capture of regulated fin fish the following apply—
- (a) minimum and maximum mesh sizes for nets used in the fishery;
 - (b) ways in which nets must be used.
- (5) General controls, for example, minimum and maximum fin fish sizes, apply to the taking of fin fish for trade or commerce in the fishery.

5 Recreational fishery

- (1) Fishing apparatus that may be used by recreational fishers to take fin fish in the fishery include the following—
- (a) cast nets;
 - (b) a bait net;
 - (c) spears and spear guns;
 - (d) hand lines and rods and lines.
- (2) However, some restrictions apply to line and net fishing, including the following—
- (a) a maximum number of hooks that can be used with a fishing line;
 - (b) a maximum number of fishing apparatus a person may use from a boat;
 - (c) net dimension and mesh size restrictions.

Schedule 1 (continued)

- (3) General controls, for example maximum and minimum fin fish sizes and bag limits,³³ apply to the taking or possession of fin fish in the fishery by recreational fishers.

6 Aborigines' and Torres Strait Islanders' fishery

- (1) Traditional fishing for fin fish is undertaken in the fishery by Aborigines.³⁴
- (2) Aboriginal fishers take fin fish using nets, lines and, in some cases, stone traps.
- (3) It is not known whether customary fishing for fin fish in the fishery is undertaken by Torres Strait Islanders.

Part 2 Known status

Division 1 Commercial fishery

7 General

- (1) Fin fish stocks support significant fishing for trade or commerce along the eastern and southern coastline of the Gulf of Carpentaria.
- (2) The taking of fin fish for trade or commerce in the fishery produces an annual catch of about 1100t and is worth more than \$5.7m each year.
- (3) The barramundi part of the annual catch is about 350t, which is worth about \$3.8m each year.

33 A 'bag limit' is the common description for a regulated fish declaration by a limit placed on the number of fish that may be taken or possessed.

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

Schedule 1 (continued)

8 Logbook program

- (1) Information from the commercial logbook program for the fishery is the primary basis for working out the fishery's current status.
- (2) The program records the following—
 - (a) actual, but not potential, fishing effort;
 - (b) the location of fishing effort;
 - (c) fluctuations in catch over seasons and between locations;
 - (d) changes in CPUE.

9 Catch levels

- (1) The total demand on fin fish in the fishery is unknown.
- (2) Total annual commercial landings in the fishery increased, from a reported 800t in 1989 to 1 360t in 1996.
- (3) The increase has accompanied a change in the fishery's catch composition.
- (4) In 1989 the total net catch for the fishery was made up as follows—
 - (a) barramundi—about 60% (480t);
 - (b) king salmon—about 26% (208t);
 - (c) blue salmon—about 4% (32t);
 - (d) for all 'other' fin fish species—about 10% (80t).
- (5) Since 1989 the 'other' fin fish species component of the catch has increased by about 5% each year.
- (6) In 1996 the catch was made up as follows—
 - (a) barramundi—about 36% (490t);
 - (b) king salmon—about 14% (190t);
 - (c) blue salmon—about 5% (68t);
 - (d) for all 'other' fin fish species—about 45% (612t).

Schedule 1 (continued)

- (7) The major increases in the catch of 'other' fin fish species were grey mackerel and shark.
- (8) Grey mackerel increased from 0.6% (5t) of the catch in 1989 to 18% (245t) in 1996.
- (9) Shark increased from 4% (32t) of the catch in 1989 to 15% (204t) in 1996.
- (10) The chief executive does not have enough information about Gulf of Carpentaria fin fish stocks to decide whether present harvest levels of target species are sustainable.
- (11) Because of the diversity of species involved and their seasonal variability (typical of tropical fin fish stocks) the sustainable harvest levels are unlikely to be identified for many years.

10 Markets

- (1) Most of the fin fish species caught commercially in the fishery are sold on the domestic market.
- (2) The export market does offer an alternative for some fin fish species, particularly when supply is high.

Division 2 Recreational fishery

11 Recreational fishery

- (1) The quantity of fin fish taken by recreational fishers in the fishery is unknown.
- (2) However, tropical fin fish stocks support growing recreational fishing, greatly boosting local and regional economies.
- (3) The fishery provides sport and a fresh fin fish catch each year to about 100000 participants, who come from all around Australia.

Schedule 1 (continued)

Division 3 **Aborigines' and Torres Strait
Islanders' fishery**

12 **Aborigines' and Torres Strait Islanders' fishery**

The chief executive does not have reliable information about the taking or use of inshore fin fish by Aboriginal or Torres Strait Island fishers for tradition or custom.³⁵

³⁵ For the right of Aboriginal or Torres Strait islander fishers to take fisheries resources see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

Schedule 2 How the objectives are to be achieved

section 4(2) and (3)

Part 1 Maintaining inshore fin fish stocks at sustainable levels

1 Definitions for pt 1

In this part—

maximum sustainable yield means the highest yield of inshore fin fish that can be taken each year without impairing the capacity of inshore fin fish resources to renew themselves.

objective means the objective of maintaining inshore fin fish stocks at sustainable levels.

2 How objective is to be achieved

The objective is to be achieved by the following—

- (a) limiting harvest of the target species to their maximum sustainable yield;
- (b) monitoring the stock status of target species through regular stock assessments;
- (c) regulating fin fish under part 4 of this plan and minimising the catch of non-target species;
- (d) controlling fishing by commercial, recreational and Aboriginal and Torres Strait Island fishers;
- (e) reviewing the effectiveness and appropriateness of the closed waters declarations under part 3 of this plan;

Schedule 2 (continued)

- (f) the chief executive assisting the commercial fishing industry in developing marketing initiatives to reduce waste of species that are not target species.

3 How achievement is to be measured

Achievement of the objective may be measured only by the following—

- (a) scientifically established maximum sustainable yields applied by the chief executive in restrictions on fishing activity for target species, using best available information;
- (b) reporting to the chief executive by all sectors of the fishery on catch and effort information;
- (c) any fishery status reports given to the chief executive by the department at the end of every second fishing year;
- (d) relevant information given to the chief executive by anyone about routine stock assessments for target species;
- (e) regional mean fin fish catch size distributions remaining stable compared with 1997 figures;
- (f) levels of compliance with this plan by fishers;
- (g) CPUE (standardised in the same way) for any sector of the fishery.

4 Review event

Each of the following is a review event for the achievement of the objective—

- (a) relevant catch and effort data for commercial, recreational or Aboriginal or Torres Strait Island fishing not being available to the chief executive to help decide appropriate maximum sustainable yields;
- (b) commercial fishing effort is more than 12000 days in which boats fished in any period of 12 months;

Schedule 2 (continued)

- (c) a significant decline in mean fin fish catch size distributions in any part of the fishery;
- (d) a significant decline in CPUE (standardised in the same way) for a target species in any sector of the fishery over 3 consecutive years;
- (e) a significant change in the area in which a particular commercial fishing activity happens.

Part 2 Protecting spawning target species

5 Definition for pt 2

In this part—

objective means the objective of protecting spawning target species.

6 How objective is to be achieved

The objective is to be achieved by—

- (a) the closed season, closed waters and regulated fish declarations under parts 2, 3 and 4 of this plan; and
- (b) the other management arrangements under this plan introduced to maintain adequate spawning target species.

7 How achievement is to be measured

Achievement of the objective may be measured only by the abundance of juvenile target species.

Schedule 2 (continued)

8 Review event

The review event for the achievement of the objective is a significant decline in the abundance of juvenile target species.

Part 3 Minimising unintended adverse effects of fishing on protected wildlife

9 Definition for pt 3

In this part—

objective means the objective of minimising unintended adverse effects of fishing on protected wildlife.

10 How objective is to be achieved

The objective is to be achieved by—

- (a) the requirements under this plan for attending certain types of net; and
- (b) putting into effect closed waters declarations under part 3 of this plan in areas identified by the chief executive as being important for the species; and
- (c) the requirements under this plan for minimum and maximum mesh sizes for nets.

11 How achievement is to be measured

Achievement of the objective may be measured only by—

- (a) implementation by the chief executive of recording of the incidental catch of protected wildlife; and
- (b) compliance with net attendance requirements and closed water declarations under this plan; and

Schedule 2 (continued)

- (c) compliance with the requirements under this plan for minimum and maximum mesh sizes for nets.

12 Review event

It is a review event for the achievement of the objective if—

- (a) the recorded incidental catch of protected wildlife significantly increases; or
- (b) compliance with the attendance requirements and closed water declarations under this plan significantly declines; or
- (c) compliance with the requirements under this plan for minimum and maximum mesh sizes for nets significantly declines.

Part 4

Providing a viable commercial fin fish net fishery that gives economic and social benefits to the local, regional and state economies

13 Definition for pt 4

In this part—

objective means the objective of providing a viable commercial fin fish net fishery that gives economic and social benefits to the local, regional and State economies.

14 How objective is to be achieved

The objective is to be achieved by—

Schedule 2 (continued)

- (a) providing for adequate sustainable access to fisheries resources by commercial fishers; and
- (b) combining fishery symbols.

15 How achievement is to be measured

Achievement of the objective may be measured only by—

- (a) participation in combining fishery symbols under this plan; and
- (b) fishery economic studies undertaken or accepted by the chief executive; and
- (c) annual commercial catches.

16 Review event

It is a review event for the achievement of the objective if—

- (a) combining fishery symbols does not happen to a significant level; or
- (b) the chief executive accepts an economic study that shows a significant decline in viability within the commercial net fishery; or
- (c) commercial catches over 3 consecutive years significantly decline.

Part 5 Providing a recreational fishery that gives economic and social benefits to the local and regional economies

17 Definition for pt 5

In this part—

Schedule 2 (continued)

objective means the objective of providing a recreational fishery that gives economic and social benefits to the local and regional economies.

18 How objective is to be achieved

The objective is to be achieved by—

- (a) providing for adequate sustainable access to fin fish by recreational fishers; and
- (b) the regulated fish declarations under part 4 of this plan.

19 How achievement is to be measured

Achievement of the objective may be measured only by—

- (a) surveys undertaken or accepted by the chief executive of participation in recreational fishing; and
- (b) compliance with the provisions of this plan relating to recreational fishing.

20 Review event

It is a review event for the achievement of the objective if—

- (a) the chief executive accepts a survey of recreational fishing that shows a significant decline in catches or participation; or
- (b) the chief executive becomes aware of a progressive and significant decline in compliance with the recreational fishing provisions of this plan.

Schedule 2 (continued)

Part 6 **Satisfying the traditional or
customary fishing needs of
Aborigines and Torres Strait
Islanders**

21 **Definition for pt 6**

In this part—

objective means the objective of satisfying the traditional or customary fishing needs of Aborigines and Torres Strait Islanders.

22 **How objective is to be achieved**

- (1) The objective is to be achieved by the measures under this plan that regulate commercial and recreational access to fin fish.
- (2) The measures also ensure adequate access to fin fish under Aboriginal tradition or Island custom.

23 **How achievement is to be measured**

Achievement of the objective may be measured only by—

- (a) surveys accepted by the chief executive of participation in traditional or customary fishing; and
- (b) the chief executive having an agreed consultation process in place with Aboriginal and Torres Strait Islander communities by 2002; and
- (c) maintaining access to, and catch of, fin fish under tradition or custom.

24 **Review event**

The review event for the achievement of the objective is the chief executive's acceptance of a survey of participation in

Schedule 2 (continued)

traditional or customary fishing that shows a significant decline in catches or participation.

Schedule 3 Waters closed to taking fin fish for trade or commerce

section 9

Part 1 Waters closed for all nets

2 Pine River Bay area

- (1) The waters of Pine River Bay east of a line between the F[↑]B sign on the northern shore of the bay and the F[↑]B sign on the southern shore of the bay.
- (2) Waterways that join the waters mentioned in subsection (1).

3 Mission River, Embley River and Hey River

Mission, Embley and Hey Rivers and waterways joining them, upstream of a line from an F[↑]B sign at Andoomajettie Point to F[↑]B signs at Kerr Point and Urquhart Point.

4 Watson River

Watson River and waterways joining it, upstream of the following line—

- from the river's southern bank to the eastern tip of Long Island
- along Long Island's eastern shore to the island's north-eastern tip
- north along the shore to a point in line with the public boat ramp at Aurukun
- to the public boat ramp at Aurukun.

4A Kirke River

Waters of Kirke River, and waterways joining it, east of longitude 141°32' east.

Schedule 3 (continued)

5 Moonkan Creek

Moonkan Creek and waterways joining it.

6 Chapman River

Chapman River and waterways joining it.

7 Chapman River to Moonkan Creek

Foreshore waters and waters within 1km out to sea from low water between an F↑B sign about 1km south of the banks of the Chapman River and an F↑B sign about 1km north of the banks of Moonkan Creek.

8 Mitchell River

Mitchell River and waterways joining it, upstream of a line between F↑B signs on opposite sides of the river near the banks of West Mottle Creek.

9 Staaten River

Staaten River and waterways joining it, upstream of the road crossing between Picnic Waterhole and Bayswater Waterhole, near Gailbraith.

10 Gilbert River

Gilbert River and waterways joining it, upstream of the road crossing near Goose Lagoon and Mosquito Waterhole.

11 Bronco's Creek

Bronco's Creek.

Schedule 3 (continued)

12 Norman River—downstream area and particular adjoining waters

- (1) The part, and waterways adjoining the part, of the Norman River downstream of where the Normanton to Karumba water pipeline crosses the river.
- (2) The waters, joining the Norman River, within the following boundary—
 - from the northern bank of Bronco's Creek to the Fairway Beacon³⁶
 - to the eastern bank of the Bynoe River
 - along the mainland shore to the northern bank of Bronco's Creek.

12A Norman River—upstream area

The part, and waterways adjoining the part, of the Norman River upstream of the bridge across the river on the Normanton to Karumba Road.

13 Bynoe River and Little Bynoe River

- (1) Bynoe River and waterways joining it upstream of a line running north from the eastern bank of the Little Bynoe River.
- (2) Little Bynoe River and waterways joining it.

14 Flinders River and Armstrong Creek

- (1) Flinders River and waterways joining it upstream of a line running east from the northern bank of Armstrong Creek.
- (2) Armstrong Creek and waterways joining it.

³⁶ The Fairway Beacon is at approximately latitude 17°25.50' south, longitude 140°43.10' east.

Schedule 3 (continued)

15 Albert River

Albert River and waterways joining it upstream of a line running east and west from the western bank of Saltwater Arm.

16 Nicholson River

Nicholson River and waterways joining it, upstream of the shortest line across the river from its eastern bank at the northern mouth of Gaynor Creek.

17 Gin Arm Creek

Gin Arm Creek and waterways joining it, upstream of the shortest line across the creek from its northern bank at the northern mouth of Wild Horse Creek.

18 Elizabeth River on Mornington Island

Elizabeth River and waterways joining it.

19 Sandalwood Place River on Mornington Island

Sandalwood Place River and waterways joining it.

**Part 2 Waters closed for set mesh
nets**

20 Port Musgrave and Wenlock River

Foreshores and waters within 1km of the western shore of Port Musgrave and the Wenlock River at low water mark between latitude 12°05.92' south and latitude 11°57.96' south.

Schedule 3 (continued)

21 Wellesley Islands Protected Wildlife Area

Waters within the following boundary—

- from the intersection of longitude 139° east with the mainland shore to latitude 16°15' south, longitude 139° east
- to latitude 16°15' south, longitude 140° east
- to the intersection of longitude 140° east with the mainland shore
- along the shore to longitude 139° east.

Schedule 4 Aids to interpretation and definitions

section 5

Part 1 Provisions aiding interpretation

Division 1 Working out boundaries

1 References to boundaries, lines, shores and other points

- (1) Unless otherwise stated in this plan—
 - (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 plan—
 - (a) a reference to a shore is a reference to the shore at high water mark; and
 - (b) a reference to the tip of an island or other geographical feature, is a reference to the tip or point on the shore at high water mark.

2 References to waterways

Unless otherwise stated in this plan, a reference to a waterway is a reference to—

- (a) the waterway upstream of the shortest line between its banks at their junction, at low water, with the body of water into which the waterway finally flows; and
- (b) the foreshores of the waterway.

Schedule 4 (continued)

3 References to banks of waterways

Unless otherwise stated in this plan, a reference to a bank of a waterway is a reference to the bank at its junction, at high water, with the body of water into which it finally flows.

Division 2 Miscellaneous

4 Fishing under primary licence includes tender licence

A reference to a person fishing under a primary licence in the fishery includes a reference to a person fishing under a tender licence for a tender boat for the primary boat identified in the primary licence.

5 References to possession of fish

- (1) This section applies if a provision of this plan prohibits possession of a fish.
- (2) To remove any doubt, it is declared that the reference to possession in the provision is a reference to possession wherever it takes place.

6 References to distances between nets

A reference 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.

7 References to drops and number of meshes

A reference 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

Schedule 4 (continued)

- (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.

8 Scientific names of fish

- (1) The scientific names of fish mentioned in this plan, other than giant trevally—
 - (a) are stated in schedule 16 of the regulation; and
 - (b) follow the reference stated, for the fish, in section 10(2) of the regulation.
- (2) The scientific name of giant trevally—
 - (a) is *Caranx ignobilis*; and
 - (b) follows Randall, J E, Allen, G R and Steene, R 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.

Part 2 Extended definitions

9 Meaning of *fin fish*

- (1) A *fin fish* is a fish that has a fin at any stage of its life cycle, other than a coral reef fin fish.
- (2) In this section—
coral reef fin fish has the meaning given under the regulation.

10 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.

Schedule 4 (continued)

- (2) However, the length does not include anything that does not increase the boat's effective length.

Examples of things that do not increase a boat's effective length—

- 1 an anchor rail
- 2 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

11 **Meaning of *length* of a net**

Length, of a net, means the distance between the outer ends of its mesh measured along the head or bottom rope, whichever rope is longer when taut.

12 **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 30cm 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 30cm from each other.

13 **Meaning of a net that is *not hauled***

A net that is *not hauled* means a net that is not used as a ring net or seine net.

14 **Meaning of *stowed and secured***

Fishing apparatus is *stowed and secured* if the apparatus is stored inboard the boat.

Schedule 4 (continued)

15 **Meaning of *under direction* for an assistant fisher**

An assistant fisher is *under direction* if the assistant fisher and a commercial fisher are engaged in the same fishing operation and the assistant fisher and commercial fisher—

- (a) are at the same place, in the same vehicle or on the same commercial fishing boat; or
- (b) 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 this plan for an assistant fisher to be under direction; and
 - (ii) the assistant fisher is following the commercial fisher's instructions.

Part 3 **Dictionary**

assistant fisher means a person who holds an assistant fisher licence.

authorised length, of a net, for part 5, division 6, see section 61.

boat mark, for a boat, means a boat mark for the boat required by the chief executive under section 103³⁷ of the regulation.

commercial fisher means a person who holds a commercial fisher licence.

commercial fisher licence means a commercial fisher licence issued under section 30³⁸ of the regulation.

37 Section 103 (Placing mark on boat) of the regulation

38 Section 30 (Licences chief executive may issue) of the regulation

Schedule 4 (continued)

commercial fishery means a fishery described in part 5, divisions 3 to 6.

commercial fishing boat means a primary boat or a tender boat.

commercial fishing boat licence means a commercial fishing boat licence issued under section 30 of the regulation.

CPUE means a ratio that expresses the amount of fin fish caught by a person compared with the amount of effort applied by the person to catch the fish.

Example of effort—

the number of days over which the person fished

F[↑]B sign means a sign with the marking F[↑]B on it, erected or displayed by the chief executive.

fin fish see section 9 of this schedule.

fishery symbol, for a commercial fishery, means a symbol stated in this plan as the fishery symbol for the fishery.

fishing line means a fishing apparatus consisting of 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.

length, of a—

- (a) commercial fishing boat, see section 10 of this schedule;
or
- (b) net, see section 11 of this schedule.

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 12 of this schedule.

n mile means nautical mile.

'N9' waters means the waters mentioned in section 62.

notice means notice in writing.

offshore waters means waters that are at least 2m deep and are not in a waterway or on a foreshore.

Schedule 4 (continued)

plan means management plan.

power assisted device means an electrical or mechanical device for setting or retrieving fishing apparatus.

primary boat means the commercial fishing boat identified in a primary licence.

primary boat mark, for a net, means the boat mark written on the primary boat under which the net is being used.

primary licence means a primary commercial fishing boat licence.

protected wildlife see the *Nature Conservation Act 1992*, schedule.³⁹

recreational fisher means a person who takes or possesses fin fish other than for trade or commerce.

recreational fishing apparatus see section 77.

regulation means the *Fisheries Regulation 1995*.

ring net means a net shot to encircle fin fish by hauling 1 end around the other to make a figure '6'.

river or creek includes a foreshore of the river or creek.

seine net means a beach seine net or a 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 fin fish by anchoring or fixing it to a place.

shoot, a net, means place or spread the net, or part of it, in a way that it can trap fish.

spear gun includes a bow for propelling a spear.

stowed and secured see section 14 of this schedule.

target species see schedule 1, section 2.

³⁹ *Nature Conservation Act 1992*, schedule (Dictionary)

Schedule 4 (continued)

tender boat means a commercial fishing boat identified in a tender licence.

tender licence means a tender commercial fishing boat licence.

territorial sea baseline means the baseline adjacent to the coast of the State as for the time being decided under the *Seas and Submerged Lands Act 1973* (Cwlth), section 7(2)(b).⁴⁰

the fishery see section 3(1) of this plan.⁴¹

the 7 n mile line means a line parallel to the territorial sea baseline and 7n miles out to sea.

the 25 n mile line means a line parallel to the territorial sea baseline and 25n miles out to sea.

under direction, for an assistant fisher, see section 15 of this schedule.

use a net, includes set and shoot the net.

40 *Seas and Submerged Lands Act 1973* (Cwlth), section 7 (Limits of territorial sea)

41 The fishery is described in schedule 1, part 1 (Description).

Endnotes

1 Index to 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 25 June 2004. Future amendments of the Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

*Fisheries (Gulf of Carpentaria Inshore Fin Fish)
Management Plan 1999*

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.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 April 1999	7 May 1999
1A	2000 SL No. 211	11 August 2000	6 September 2000

Reprint No.	Amendments included	Effective	Notes
1B	2002 SL No. 338 2002 SL No. 340	6 December 2002	
1C	2003 SL No. 212 2003 SL No. 215	12 September 2003	
1D	2003 SL No. 261	31 October 2003	
1E	2004 SL No. 111	25 June 2004	R1E withdrawn, see R2
2	—	25 June 2004	

5 List of legislation

Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999 SL No. 55

made by the Queensland Fisheries Management Authority on 31 March 1999

notfd gaz 1 April 1999 pp 1534–6

s 19, sch 3 s 2 commenced 29 January 2000 (see s 2)

remaining provisions commenced on date of notification

exp 1 September 2009 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

Primary Industries and Natural Resources Legislation Consequential Amendment Management Plan (No. 1) 2000 SL No. 211 pts 1, 4

notfd gaz 11 August 2000 pp 1322–3

commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 1) 2002 SL No. 338 pts 1, 4

notfd gaz 6 December 2002 pp 1162–66

commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 2) 2002 SL No. 340 pts 1, 3

notfd gaz 6 December 2002 pp 1162–66

*Fisheries (Gulf of Carpentaria Inshore Fin Fish)
Management Plan 1999*

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Fisheries (Coral Reef Fin Fish) Management Plan 2003 SL No. 212 s 1, ch 7

notfd gaz 12 September 2003 pp 128–31

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Fisheries Management Plans Amendment Management Plan (No. 2) 2003 SL No. 215 s 1, pt 4

notfd gaz 12 September 2003 pp 128–31

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Note—A regulatory impact statement and explanatory note were prepared

Fisheries Management Plans Amendment Management Plan (No. 3) 2003 SL No. 261 pts 1, 4

notfd gaz 31 October 2003 pp 691–4

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Fisheries Management Plans Amendment Management Plan (No. 1) 2004 SL No. 111 s 1, pt 5

notfd gaz 25 June 2004 pp 573–81

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Note—A regulatory impact statement and explanatory note were prepared

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